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.

October 7, 2009

Morning Session begins at 9:00 a.m.
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 – REVEREND MARY BREDLAU, GRACE IN THE DESERT EPISCOPAL CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE OCTOBER CITIZENS OF THE MONTH
6. RECOGNITION OF KCLV CHANNEL 2 AND THE CITY OF LAS VEGAS' FIRST EMMY AWARD
7. RECOGNITION OF COMMUNITY PLANNING MONTH
8. RECOGNITION OF THE WESTERN PLANNER ASSOCIATION'S PLANNER OF THE YEAR, TOM PERRIGO
9. PRESENTATION OF THE NEVADA CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS' DISTINGUISHED SERVICE AWARD FOR SUSTAINABLE PRACTICES

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 September 2, 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 of Restated and Amended License Agreement for Construction and Agreement to Grant Easements between City Parkway V, Inc., and N.W.H. II LTD. generally located within the Las Vegas Technology Center at Tenaya Way and Cheyenne Avenue (APNs 138-15-612-012 and 138-15-612-013) - Ward 1 (Tarkanian)

13. Approval of the Interlocal Agreement between the disparate jurisdictions of the City of Las Vegas, as fiscal agent, the cities of Henderson, North Las Vegas, Mesquite and Clark County as required by the American Recovery and Reinvestment Act (ARRA) Department of Justice/Bureau of Justice Assistance/Byrne Justice Assistance Grant Local Solicitation grant award totaling $7,558,206 - All Wards

14. Approval of the Interlocal Agreement between the City of Las Vegas, as fiscal agent, and the Las Vegas Metropolitan Police Department as a sub-grantee, as required by the American Recovery and Reinvestment Act (ARRA) Department of Justice/Bureau of Justice Assistance Byrne Justice Assistance Grant Local Solicitation for a formulaic four-year stimulus grant for a total of $7,558,206 to fund justice related programs with $1,400,000 dedicated to the Las Vegas Metropolitan Police Department - All Wards

15. Approval to accept a $400,000 award from the U.S. Department of Justice, Office of Justice Programs, for the City of Las Vegas Copper Wire Theft Prevention Project – All Wards

FIELD OPERATIONS - CONSENT

16. Approval of a Second Amendment to License Agreement between the City of Las Vegas and Nextel of California, Inc., for the wireless communications equipment located at 333 North Rancho Drive, known as the Atrium Tower - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

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

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

18. Approval of a Special Event Alcoholic Beverage License for German - American Social Club of Nevada, Location: Historic 5th Street School, 401 South Forth Street, Date: October 17, 2009, Type: Special Event General, Event: Oktoberfest, Responsible Person in Charge: Eugene Gries - Ward 3 (Reese)

19. Approval of a Special Event Alcoholic Beverage License for Prom Management Group, Inc., Location: TPC Summerlin, 1700 Village Center Circle, Dates: October 12 - 18, 2009, Type: Special Event General, Event: Justin Timberlake Shriner's Open, Responsible Person in Charge: Todd Hanson - Ward 2 (Wolfson)

20. Approval of a Change of Business Name for a Beer/Wine/Cooler Off-sale and a Restricted Gaming License, 7-Eleven of Nevada, Inc., dba From: 7-Eleven Store #32826B, To: 7-Eleven Store #32826C, 920 North Buffalo Drive, Martin Kennedy, Pres, Kimberly Reilley, Vice Pres, Secy, and Harvinder S. Gill, Franchise Mgr - Ward 1 (Tarkanian)

21. Approval of a Change of Business Name, Change of Location, and Change of Ownership for a Tavern License and a new Restricted Gaming License, From: Gaggy, Inc., dba Gino's II (non-operational), Gene H. Gagliardi, Pres, Secy, Treas, 100%, To: Doc's Place, LLC, dba Doc's Place, 2202 Paradise Road, Glenn E. Hill, Mgr, 50% and James L. Hill, Mgr, 50% - Ward 3 (Reese)

22. Approval of a new Liquor Caterer License subject to the provisions of the planning and fire codes, TCB Las Vegas, LLC, dba Feelgoods, 6750 West Sahara Avenue, Daniel N. Koker II, Mgr, 100% - Ward 1 (Tarkanian)

23. Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at 7 Eleven Store #22939D, 1624 South Decatur Boulevard, Participant, Rupinderjit S. Sangha, Franchise Mgr - Ward 1 (Tarkanian)

24. Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at 7 Eleven Store #27111, 6070 West Sahara Avenue, Participant, Fast & Easy, Inc., Noorullah Karimzada, Franchise Mgr - Ward 1 (Tarkanian)

25. Approval of a Change of Location for an Auctioneer License subject to the provisions of the planning and fire codes, Gregory Harelson, dba Auction One Las Vegas, From: 6600 West Charleston Boulevard, Suite 111, To: 7472 West Sahara Avenue, Suite 102 C, Gregory Harelson, Auctioneer, 100% - Ward 1 (Tarkanian)

26. Approval of a new Massage Establishment License, Greenawalt Chiropractic, dba Greenawalt Chiropractic, 7500 West Sahara Avenue, Ronald Greenawalt, Owner, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business – Greenawalt Chiropractic]

27. Approval of a new Massage Establishment License, J Mitchell Enterprises, LLC, dba The Loft a Studio for Hair & Body, 8689 West Charleston Boulevard, Suite 111, Victoria Bayliff, Mgr, 50% and Donald Bayliff, Mgr, 50% - Ward 2 (Wolfson) [NOTE: This is an ancillary license to an existing beauty salon – The Loft a Studio for Hair & Body]

28. Approval of a Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Buy / Rite Appliances, From: 3400 West Desert Inn Road, Suite 14, To: 3400 West Desert Inn Road, Suite 9 & 45, Craig Horner, Owner, 100% - Ward 1 (Tarkanian)

29. Approval of a new Class III-A Secondhand Dealer License, Leon B. Hacker, dba Stewart Check Cashing, 4399 Stewart Avenue, Suite 150, Leon Hacker, Owner, 100% - Ward 3 (Reese)

30. Approval of a Change of Business Name and Change of Ownership for a Tavern License subject to the provisions of the fire code and Health Dept. regulations, From: Bar-Kel Corporation, dba Fast Break Lounge, To: Fastbreak Lounge, LLC, dba Fastbreak Lounge, 2245 North Decatur Boulevard, Suite A, Benjaman J. Brown, Mgr, 50% and Barry J. Kronsberg, Mgr, 50% - Ward 5 (Barlow)

31. Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Fastbreak Lounge, LLC, dba Fastbreak Lounge, 2245 North Decatur Boulevard, Suite A, Benjaman J. Brown, Mgr, 50% and Barry J. Kronsberg, Mgr, 50% - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

32. Approval of award of Agreement No. 100041-DC, Material Testing Special Inspection Services for Pavilion Pool Cover located at 101 South Pavilion Center Drive - Department of Public Works - Award recommended to: NINYO & MOORE ($79,900 - Parks and Leisure Activities Capital Projects Fund) - Ward 2 (Wolfson)

33. Approval of Modification No. 1 to Bid No. 09.1730.29-LED, Las Vegas Wash Trail, Phase 1, Owens Avenue to Stewart Avenue and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: WILLIAMS BROTHER, INC. ($450,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)

34. Approval of award of Modification No. 3 to Task Order Contract No. 080053-TB, Oracle Business Intelligence Pilot - Department of Information Technologies - Award recommended to: INNOWAVE TECHNOLOGY, LLC ($205,000 - Computer Services Internal Service Fund) - All Wards

35. 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) - All Wards

36. Approval of authorization to use the Western States Contracting Alliance (WSCA) Master Price Agreement No. B27160 for Dell Computer Equipment, Peripheral Devices and Related Services - Department of Information Technologies - Award recommended to: DELL MARKETING L.P. ($2,500,000 - Computer Services Internal Service Fund) - All Wards

37. Approval of award of Agreement No. 100065-DC, Prime Design Services Agreement for Tropical Durango Park located at the northwest corner of Tropical Parkway and Durango Drive - Department of Public Works - Award recommended to: STANLEY CONSULTANTS, INC. ($222,718 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Ross)

38. Approval of Modification No. 1 to Contract 06.1762.01-LED, Annual Requirements Contract for Concrete Replacement and Asphalt Patching – Department of Field Operations – Award recommended to: MIKON CONSTRUCTION COMPANY, INC. ($500,000 – Street Maintenance Special Revenue Fund) – All Wards

39. Approval of Modification No. 1 to Contract 09.1762.01-TRF, Annual Slurry Seal Contract – Department of Field Operations – Award recommended to: AMERICAN ASPHALT AND GRADING COMPANY ($400,000 – Street Maintenance Special Revenue Fund) – All Wards

40. Approval of Modification No. 2 to Ordering Agreement No. 070411-DK for Soil Remediation Services in connection with the Symphony Park site improvements, bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Railroad Rail Line – City Parkway V, Inc. – Award recommended to: LAS VEGAS PAVING CORPORATION ($2,900,000 – General Capital Projects Fund) – Ward 5 (Barlow)

41. Approval of revision to Purchase Order No. 248409 for Soil Transportation and Stockpile Management Services in connection with the Symphony Park site improvements, bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Railroad Rail Line – City Parkway V, Inc. – Award recommended to: LAS VEGAS PAVING CORPORATION ($400,000 – General Capital Projects Fund) – Ward 5 (Barlow)

42. Approval of award of Modification No. 2 to Contract No. 080165-DK for Oracle Payroll Enhanced Retro Pay Process Consulting Services - Department of Information Technologies - Award recommended to: ORASYS LLC ($114,400 - Computer Services Internal Service Fund) - All Wards

HUMAN RESOURCES - CONSENT

43. Approval to contract with Health Plan of Nevada for Health Maintenance Organization (HMO) services ($2,625,000 – Self-insurance Internal Service Fund)

44. Approval to extend the contract with Sierra Health and Life (SHL) for a fully-insured Preferred Provider Organization medical plan ($1,200,000 – Self-insurance Internal Service Fund)

45. Approval to extend the contract with Mines & Associates for an Employee Assistance Program ($33,343 – Self-insurance Internal Service Fund)

LEISURE SERVICES - CONSENT

46. Approval of State of Nevada Division for Aging Services Administration on Aging (AOA) Title IIIB grant monies to the Senior Citizens Law Project (SCLP) for providing legal services to rural senior citizens 60 years of age and older throughout Clark County ($72,844 Grant Revenue - Special Revenue Fund - Match Amount $12,856) - All Wards

47. Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older throughout Clark County in the area of Legal Guardianships ($45,000 Grant Revenue - Special Revenue Fund - Match Amount $6,750) - All Wards

NEIGHBORHOOD SERVICES - CONSENT

48. Approval to allocate $1,000,000 in Redevelopment 18% Set-Aside (RDA) funds for the Homeownership For Educators Program providing mortgage buy down and rental assistance for teachers with the Clark County School District - All Wards

PUBLIC WORKS - CONSENT

49. Approval of an Encroachment Request from Cardno WRG on behalf of the Consulate of Mexico, owner (northeast corner of Hoover Avenue and 6th Street) - Ward 3 (Reese)

50. Approval of an Encroachment Request from The Richardson Partnership, Incorporated, on behalf of BBH, LLC, owner (Western Avenue between Oakey Boulevard and Sahara Avenue) - Ward 3 (Reese)

51. Approval of an Encroachment Request from Studio West on behalf of Corestone, LLC, owner (northwest corner of Charleston Boulevard and Casino Center Boulevard) - Ward 3 (Reese)

52. Approval to Appraise and Purchase or Condemn right-of-way parcels located at the intersection of Sahara Avenue and Durango Drive for the Traffic Package 7A project ($25,000 Regional Transportation Commission [RTC]) - Ward 2 (Wolfson)

53. Approval for a Grant of Easement from the City of Las Vegas to NV Energy for a portion of the Northwest Quarter of the Northwest Quarter of Section 27, Township 20 South, Range 60 East, Mount Diablo Meridian, located within the Buffalo Drainage Channel, south of Vegas Drive and west of Pioneer Way, APN 138-27-196-001 - Ward 1 (Tarkanian)

54. Approval of a Grant of Easement from the City of Las Vegas, a Municipal Corporation, to FC Vegas 39 L.L.C., a New York limited liability company as to an undivided 39.775% interest; FC Vegas 20 L.L.C., a Nevada limited liability company as to an undivided 20.225%; Livework L.L.C., a Delaware limited liability company as to an undivided 40% interest, all as tenants in common for a portion of the Northwest Quarter of Section 34, Township 20 South, Range 61 East, Mount Diablo Meridian, for an easement located in the right-of-way, from the back of curb to the property line, that surrounds Block 6 of Clark's Las Vegas Townsite (Main Street on the west, Lewis Avenue on the north, 1st Street on the east and Clark Avenue on the south) - APNs 139-34-299-002, 009, 010, 012, 025, 026, 027, 028 and 029 - Ward 3 (Reese)

55. Approval to file a short term grant with the Bureau of Land Management for temporary construction (temporary Earthen Scarp) lying within a portion of the Southwest Quarter of the Northwest Quarter of Section 28, Township 19 South, Range 60 East, Mount Diablo Meridian, generally located east of Durango Drive and north of Tropical Parkway, APN 125-28-201-006 - Ward 6 (Ross)

56. Approval of a Quitclaim Deed from the City of Las Vegas to the City of North Las Vegas for portions of the Southwest Quarter of the Southeast Quarter of Section 16, Township 20 South, Range 61 East, Mount Diablo Meridian, City of North Las Vegas, Clark County, Nevada, with regard to the Martin Luther King Boulevard Improvement project, APNs 139-16-899-018 and 019 - City of North Las Vegas - (near Ward 5 - Barlow)

57. Approval of a Dedication from the City of Las Vegas for a portion of the Southeast Quarter of Section 29, Township 20 South, Range 62 East, Mount Diablo Meridian, for drainage right-of-way located on the north side of Bonanza Road, east of Marion Drive (Las Vegas Wash), APN 140-29-801-002, 005 and 140-29-896-001, 002 - Ward 3 (Reese)

58. Approval of an Interlocal Contract with Clark County Water Reclamation District for sewer services with R. Lucero and Associates, Inc., on behalf of Josephs Family, LP, owner, located on the east side of Sheridan Street between Meade Avenue and Sirius Avenue, APN 162-08-303-019 - Ward 1 (Tarkanian)

59. Approval of Interlocal Contract LLD99A09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide funding for the construction of local drainage improvements for Gilmore Avenue from Decatur Boulevard to Thom Boulevard ($839,900 - CCRFCD/$79,630 - Public Works Capital Projects Fund) - Ward 6 (Ross)

60. Approval of Interlocal Contract LAS22O09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide funding for construction of the North and South Environmental Enhancement Areas at Floyd Lamb Park located at 9200 Tule Springs Road and drainage improvements within Racel Street from Cimarron Road to El Capitan Way ($30,550,000 - CCRFCD) - Ward 6 (Ross)

61. Approval of Supplemental Interlocal Contract 470b between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to decrease project funding in the amount of $2,000,000 for roadway improvements on Summerlin Parkway between CC-215 and US-95 - Wards 1, 2 and 4 (Tarkanian, Wolfson and Anthony)

62. Approval of Supplemental Interlocal Contract 475d between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on Martin L. King Boulevard from Palomino Lane to Carey Avenue ($2,000,000 - RTC) - Ward 5 (Barlow)

63. Approval of Supplemental Interlocal Contract 543c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for the Las Vegas Boulevard, Owens Avenue to I-515 Corridor Study ($2,000 - RTC) - Ward 5 (Barlow)

64. Approval of Supplemental Interlocal Contract 535c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on the Martin L. King Boulevard - Industrial Road from Wyoming Avenue to Symphony Park Avenue project ($5,000,000-RTC) - Wards 1, 3, and 5 (Tarkanian, Reese and Barlow)

65. Approval of Supplemental Interlocal Contract 577c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on Vegas Drive between Rancho Drive and Michael Way ($3,000 - RTC) - Ward 5 (Barlow)

66. Approval of Supplemental Interlocal Contract 461f between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to include improvements on Alexander Road, Durango Drive to US-95 in the ITS Communication Infrastructure project - Ward 4 (Anthony) and County

67. Approval of Supplemental Interlocal Contract 581b between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to decrease project funding in the amount of $20,000 for the I-15/Owens Avenue Interchange Study - Ward 5 (Barlow)

68. Approval of Supplemental Interlocal Contract 548c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for improvements associated with the installation of bus turnouts for the Citizen Area Transit bus route on Lamb Boulevard and Pecos Road ($20,000 - RTC) - Ward 3 (Reese)

69. Approval of a Non Refundable Contribution in Aid of Construction Agreement between the City of Las Vegas and Nevada Energy for the relocation of power facilities for the Oakey Meadows Storm Drain located in Hinson Street from Charleston Boulevard north to Fulton Place and east to Valley View Boulevard, north to Alta Drive and east/northeast into the Meadows Detention Basin at the Springs Preserve ($39,168 - Regional Transportation Commission [RTC]) - Ward 1 (Tarkanian)

70. Approval of the Nevada Safe Routes to School Program Subrecipient's Agreement for noninfrastructure activities between the City of Las Vegas and the Nevada Department of Transportation for funding of a Safe Routes to School Program for primary and middle school children ($33,826 - Federal Highway Administration Office of Safety Funds) - All Wards

RESOLUTIONS - CONSENT

71. R-72-2009 - Approval of a Resolution directing the City Treasurer to give notice of the sale of properties subject to the lien of a delinquent assessment in Special Improvement District 505 and in certain other districts and providing other matters properly relating thereto - All Wards

72. R-73-2009 - Approval of a Resolution directing the City Treasurer to give notice of the sale of properties subject to the lien of a delinquent assessment in the Summerlin Special Improvement Districts and in certain other districts and providing other matters properly relating thereto - All Wards

73. R-74-2009 - Approval of a Resolution regarding the Cooperative Grant Agreement (Agreement) between the City of Las Vegas (City) and Nevada Development Authority, Inc., (NDA) to administer a five-year grant to ensure that Telus International (U.S.) Corp. (TELUS), a new company expanding in Las Vegas, achieves certain performance objectives ($1,500,000 – Industrial Revenue Fund) - All Wards

DISCUSSION/ACTION ITEMS

HEARINGS - DISCUSSION

74. Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building demolition located at 4617 Spring Creek Avenue in the amount of $4,651 (General Fund) and assess a maximum of $88,700 in daily civil penalties. PROPERTY OWNER: DOLORESA M. RENKIEWICZ - Ward 3 (Reese)

75. Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 1921 Sunland Avenue in the amount of $1,796.75 (General Fund) and assess a maximum of $29,850 in daily civil penalties. PROPERTY OWNER: CITIMORTGAGE INC – C/O REO DEPT – C/O CR TITLE SERV - Ward 5 (Barlow)

76. Hearing Review for the vacant or abandoned buildings located at 901 West McWilliams Avenue Units 101-104, 106, 201-202, 205-206, 301-306, 401-406, 501-505, 601-606, 701-702, 704-706, 801-803, 806, 808-810, 902-904, 906-907, 1001 West McWilliams Avenue, 840 West Bonanza Road and 920 West Bonanza Road. PROPERTY OWNER: LAS VEGAS APARTMENT LENDERS LLC - Ward 5 (Barlow)

77. Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

ADMINISTRATIVE - DISCUSSION

78. Report on the development status and financing status of the City Hall project, which is proposed to be constructed on real property bounded by Lewis Avenue, Clark Avenue, Main Street and First Street (APNs 139-34-210-007 through -013 inclusive and APNs 139-34-210-019 through -023 inclusive) – Ward 3 (Reese)

ADMINISTRATIVE SERVICES - DISCUSSION

79. Report and possible action on the status of the 2011 Federal Legislative Action Plan and municipal issues at the 111th United States Congress - All Wards

FINANCE & BUSINESS SERVICES - ADMINISTRATION DISCUSSION

80. Report on Purchasing and Contracts Bid Processes

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

81. Discussion and possible action regarding a Review of a Temporary Restricted Gaming License, Wash N Fun Laundromat, LLC, dba Wash N Fun Laundromat, 4425 Stewart Avenue, Suite 101, Sanford K. Feld, Mgr Mmbr, 100% - Ward 3 (Reese)

82. Discussion and possible action regarding a Change of Business Name and a Change of Ownership for a Pawn Broker License, a Class II Secondhand Dealer License, and a Pistol Permit subject to the provisions of the fire codes, From: Park One Properties, LLC, dba Sahara Pawn, To: Max Pawn, LLC, dba Max Pawn, 2400 South Jones Boulevard, Suite 15, Michael L. Mack, Mgr, 100% - Ward 1 (Tarkanian)

83. ABEYANCE ITEM - 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)

84. Discussion and possible action regarding a new Locksmith License, Speedy Locksmith & Key, Inc., dba Able Lock & Key, 1913 East Charleston Boulevard, Sonia I. Osbourne, Pres, Secy, Treas, 100% - Ward 3 (Reese)

PUBLIC WORKS - DISCUSSION

85. Report on Project Neon, a freeway improvement project that will address short and long term transportations needs for the I-15 corridor from Sahara Avenue to the Spaghetti Bowl interchange, presented by John Taylor, Project Manager with CH2MHill - All Wards

RESOLUTIONS - DISCUSSION

86. R-75-2009 - 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 Hennessey's Las Vegas, Inc., d/b/a Las Vegas Country Saloon (Participant) located at 425 Fremont Street (APN 139-34-610-045) 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 Redevelopment Agency Item 5 (RA-17-2009)]

BOARDS & COMMISSIONS - DISCUSSION

87. Discussion and possible action regarding amendments to the by-laws of the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

88. Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

89. Appointment of Members to the Community Development Recommending Board

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

90. 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

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.

91. 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

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.

92. Bill No. Z-2009-2 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by: M. Margo Wheeler, Director of Planning and Development

93. Bill No. 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development. (TXT-34891) Sponsored by: Councilman Stavros S. Anthony

94. Bill No. 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit. (TXT-34880) Sponsored by: Mayor Oscar B. Goodman

95. Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

96. 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.

97. EOT-35550 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC - Request for an Extension of Time of a previously approved Variance (VAR-22675) TO ALLOW A 22-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 75 FEET IS REQUIRED FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APN 140-29-510-017 and 140-29-510-018), R-3 (Medium Density Residential) Zone, Ward 3 (Reese). Staff recommends APPROVAL

98. EOT-35548 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22674) FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APN 140-29-510-017 and 140-29-510-018), R-3 (Medium Density Residential) Zone, Ward 3 (Reese). Staff recommends APPROVAL

99. EOT-35610 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Variance (VAR-6952) TO ALLOW A ZERO FOOT STEPBACK RATIO WHERE A 1:1 STEPBACK RATIO IS REQUIRED ALONG A COLLECTOR OR LARGER STREET FOR A 197-FOOT TALL BUILDING on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

100. EOT-35611 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-6947) FOR A 197-FOOT TALL BUILDING WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE AIRPORT OVERLAY ZONE on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

101. EOT-35612 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-6948) FOR A MIXED USE DEVELOPMENT on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial), Ward 5 (Barlow). Staff recommends APPROVAL

102. EOT-35613 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-6946) FOR A MIXED USE DEVELOPMENT INCLUDING TWO 16-STORY TOWERS WITH A TOTAL OF 300 RESIDENTIAL UNITS AND 12,548 SQUARE FEET OF COMMERCIAL SPACE AND WAIVERS OF THE RESIDENTIAL ADJACENCY STANDARDS AND PERIMETER LANDSCAPING REQUIREMENTS on 5.48 acres adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

103. EOT-35680 - EXTENSION OF TIME - WAIVER - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES - Request an Extension of Time of a previously approved Waiver (WVR-22255) of Title 18.12.160 TO ALLOW 210 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre), Ward 6 (Ross). Staff recommends APPROVAL

104. EOT-35681 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES, LLC - Request an Extension of Time of a previously approved Site Development Plan Review (SDR-22253) FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH ACCESS TO HALEY AVENUE INSTEAD OF DORRELL LANE on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre), Ward 6 (Ross). Staff recommends APPROVAL

105. EOT-35796 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for an Extension of Time of a previously approved Special Use Permit (SUP-15037) FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 601 Fremont Street (APN 139-34-611-018), C-2 (General Commercial) Zone, Ward 5 (Barlow). 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.

106. SUP-35049 - ABEYANCE ITEM - 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

107. RQR-34974 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES - Required Review of an approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

108. RQR-34975 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP - Required Review of an approved Special Use Permit (U-0065-92) WHICH ALLOWED A 55-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN on the west side of the Oran K. Gragson Highway (US-95), south of Vegas Drive (APN 138-27-501-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

109. RQR-35241 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER - CLEAR CHANNEL OUTDOOR - Request for a Required Review of a previously approved Variance (V-0025-88), WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2130 Highland Avenue (APN 162-04-402-001), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

110. RQR-35242 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O'ROURKE FAMILY, LP - Request for Required Review of a previously approved Variance (V-0024-88) WHICH ALLOWED A 65-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 1716 Highland Avenue (APN 162-04-301-002), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

111. RQR-35243 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC - Request for Required Review of a previously approved Variance (V-0026-88) WHICH ALLOWED A 65-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2002 Highland Avenue (APN 162-04-301-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

112. RQR-35268 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: W M C III ASSOCIATES, LLC - Required Review of a previously approved Rezoning (Z-0100-97) WHICH ALLOWED FIVE EXISTING OFF-PREMISE SIGNS on property bounded by U.S.95, I-15 and Grand Central Parkway (APNs 139-33-511-004; 139-33-511-007; 139-33-610-014; and 139-27-410-005), PD (Planned Development) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

113. GPA-34610 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

114. ZON-34611 - ABEYANCE ITEM - REZONING RELATED TO GPA-34610 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-V (CIVIC) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

115. SDR-34612 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34610 AND ZON-34611 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR AN EXISTING 321-FOOT RADIO, TV OR MICROWAVE COMMUNICATION TOWER AND THE INSTALLATION OF ONE ANTENNA AT A HEIGHT OF 300 FEET ON AN EXISTING TOWER on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), R-E (Residence Estates) Zone [PROPOSED: C-V (Civic)], Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

116. 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

117. 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

118. 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

119. 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

120. 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

121. 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

122. 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

123. 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

124. SUP-34859 - ABEYANCE ITEM - 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

125. RQR-35347 - ABEYANCE ITEM - 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

126. ZON-35382 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-M (COMMERCIAL/INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.39 acres at 500 South Main Street (APN 139-34-201-009), Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

127. ZON-35383 - REZONING - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION - Request for a Rezoning FROM: M (INDUSTRIAL) and C-M (COMMERCIAL/INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.56 acres at 400 South Main Street (APN 139-34-201-019), Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

128. SDR-35417 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-35382 AND ZON-35383 - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION - Request for a Site Development Plan Review FOR A PROPOSED 310,000 SQUARE-FOOT PARKING GARAGE WITH 675 SPACES AND 4,430 SQUARE FEET OF RETAIL WITH A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN DEVELOPMENT STANDARDS REGARDING NON-COMPATIBLE EXTERIOR WALLS on 1.95 acres at 400 and 500 South Main Street (APNs 139-34-201-009 and 019), M (INDUSTRIAL) Zone and C-M (COMMERCIAL/INDUSTRIAL) Zone [Proposed: C-2 (GENERAL COMMERCIAL) Zone], Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

129. VAR-35381 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Variance TO ALLOW 18 PARKING SPACES WHERE 26 PARKING SPACES ARE REQUIRED FOR A PROPOSED GOVERNMENT FACILITY (FIRE STATION) on a portion of 6.06 acres at the southeast corner of Stella Lake Street and Mount Mariah Drive (APN 139-21-313-016), C-PB (Planned Business Park) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

130. SDR-35380 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35381 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 7,600 SQUARE-FOOT GOVERNMENT FACILITY (FIRE STATION) on a portion of 6.06 acres at the southeast corner of Stella Lake Street and Mount Mariah Drive (APN 139-21-313-016), C-PB (Planned Business Park) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

131. SUP-35154 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC - Request for a Special Use Permit FOR A PROPOSED 3,658 SQUARE-FOOT SUPPER CLUB WITHIN A FORMER RESTAURANT at 750 Rampart Boulevard, Suite #7 (APN 138-32-312-005), PD (Planned Development) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

132. SUP-35176 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA - Request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN AN EXISTING RESTAURANT at 3641 West Sahara Avenue (APN 162-08-101-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

133. SUP-35196 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV - Request for a Special Use Permit FOR A PROPOSED 60-FOOT WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (FLAG POLE) at the northeast corner of East Charleston Boulevard and Shiloah Drive (APN 140-31-403-001), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

134. SUP-35224 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC - Request for a Special Use Permit FOR ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN A PROPOSED 2,510 SQUARE-FOOT CONVENIENCE STORE at 8053 North Durango Drive, Suite #160 (APN 125-08-806-003), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (4-1-1vote) and staff recommend APPROVAL

135. SUP-35346 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LLP - Request for a Special Use Permit FOR A PROPOSED 6,000 SQUARE-FOOT THRIFTSHOP at 4460 North Rancho Drive (APNs 138-02-601-001 & 002, 138-02-204-001), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (6-0 vote) and staff recommend APPROVAL

136. VAC-35193 - VACATION - PUBLIC HEARING - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 feet west of Bruce Street, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

137. SDR-35195 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAC-35193 - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 8,800 SQUARE-FOOT TAXICAB/LIMO YARD WITH ANCILLARY VEHICLE SERVICE AND AUTO REPAIR WITHIN 5,800 SQUARE FEET OF EXISTING BUILDINGS AND A PROPOSED 3,000 SQUARE-FOOT BUILDING WITH WAIVERS OF THE PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A ZERO-FOOT BUFFER ALONG THE WEST AND A PORTION OF THE EAST PERIMETERS WHERE EIGHT FEET IS REQUIRED, A SIX-FOOT BUFFER ALONG THE SOUTH PERIMETER WHERE 15 FEET IS REQUIRED, TO ALLOW A ZERO-FOOT SIDEWALK WHERE FIVE FEET IS REQUIRED AND TO ALLOW BARBED WIRE FENCING on 1.89 acres at 1500 Searles Avenue (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

SET DATE

138. 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

139. 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 RECOGNITION

140. 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: OCTOBER 7, 2009

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

SUBJECT:
INVOCATION – REVEREND MARY BREDLAU, GRACE IN THE DESERT EPISCOPAL CHURCH

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

SUBJECT:
PLEDGE OF ALLEGIANCE

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE OCTOBER CITIZENS OF THE MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF KCLV CHANNEL 2 AND THE CITY OF LAS VEGAS' FIRST EMMY AWARD

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF COMMUNITY PLANNING MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE WESTERN PLANNER ASSOCIATION'S PLANNER OF THE YEAR, TOM PERRIGO

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

PRESENTATION OF THE NEVADA CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS' DISTINGUISHED SERVICE AWARD FOR SUSTAINABLE PRACTICES

City of Las Vegas

Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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: OCTOBER 7, 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 September 2, 2009

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval of Restated and Amended License Agreement for Construction and Agreement to Grant Easements between City Parkway V, Inc., and N.W.H. II LTD. generally located within the Las Vegas Technology Center at Tenaya Way and Cheyenne Avenue (APNs 138-15-612-012 and 138-15-612-013) - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
On April 18, 2007 City Council approved the sale of 2.40 acres of land to McKellar Development Group, Inc., for the development of a hotel. The south property line of the parcel sold is directly contiguous to the north boundary of the developer's existing hotel property and landlocked by the remaining City Parkway V, Inc., parcel on the north and west boundaries and US 95 on the east boundary. The sale agreement provided that any necessary utility easements, public and/or private, would be issued across the remaining 8.49 acre City Parkway V, Inc., property so that the developer could move forward with the hotel project as outlined in the sale agreement. This agreement will allow that work to proceed.

RECOMMENDATION:
Approval and authorization of City Parkway V, Inc., to execute the Restated and Amended License Agreement for Construction and Agreement to Grant Easements.

BACKUP DOCUMENTATION:
Restated and Amended License Agreement for Construction and Agreement to Grant Easements

RESTATED AND AMENDED LICENSE AGREEMENT FOR CONSTRUCTION

AND AGREEMENT TO GRANT EASEMENTS

THIS RESTATED AND AMENDED LICENSE AGREEMENT (the "Agreement") is made and entered into as of the first day of _____ 2009, by and between CITY PARKWAY V, INC., a Nevada not-for-profit corporation ("Licensor") and N.W.H. II LTD, a Nevada limited liability company ("Licensee").

RECITALS

WHEREAS:

A. Licensor is the owner of certain real property (the "Property") located in the City of Las Vegas, State of Nevada, depicted on Exhibit "A" attached hereto.

B. Licensee is the owner of certain real property (the "Licensee Parcel") located in the City of Las Vegas, State of Nevada, depicted on Exhibit "B" attached hereto which is adjacent to the Property.

C. Licensor and Licensee entered into that certain License Agreement dated April 1, 2008 whereby Licensor agreed to permit Licensee to enter on to the Property for the construction of certain improvements and for construction access to the Licensee Property and the granting by Licensor of certain easements over the Property for the benefit of the Licensee Property (the "Original Agreement").

D. Licensor and Licensee desire to amend and restate the Original Agreement as set forth in this Agreement.

E. Licensor and McKellar Development Group, Inc. entered into that certain Real Property Purchase and Sale Agreement dated April 18, 2007 (the "Purchase Agreement") pursuant to which Licensor sold the Property to Licensee, as assignee of said McKellar Development Group, Inc.

F. Licensor and Licensee mutually desire to provide an extension for the commencement and completion of construction of the project required to be developed pursuant to the Purchase Agreement.

Now, therefore, Licensor and Licensee hereby agree as follows:

1. **License; Effect; Extension of Project Commencement and Completion Date**.

(a) Licensor agrees to permit Licensee to use the Property during the Term on a nonexclusive basis, and Licensee accepts the right so to use the Property, upon and subject to the terms and conditions hereinafter set forth. This Agreement grants a license to use the Property only and does not convey and property interest whatsoever.

(b) Licensor and Licensee agree that this Agreement shall supersede the Original Agreement in all respects and that the Original Agreement is null and void.

(c) Licensor and Licensee hereby agree that the dates as set forth in Section 5.c. of the Purchase Agreement for the commencement and completion of construction of the project required

pursuant to the Purchase Agreement are hereby respectively extended until October 1, 2010 and October 1, 2012. Except as provided in this paragraph (c), the Purchase Agreement shall remain in full force and effect in all respects.

2. **Term**. This Agreement shall have a term commencing on the date hereof and automatically terminating on the earlier of (i) completion of the Improvements (defined below) and (ii) October 1, 2012 (the "Term").

3. **Consideration**. Licensee shall pay no consideration and its use of the Property shall be free of charge.

4. **Use of Property**.

(a) Licensee shall use the Property for the sole purpose of (i) construction access to the Licensee Property for the construction of a limited service hotel on the Licensee Property and (ii) and the completion of certain grading improvements on the Property (the "Improvements"). Licensee agrees that all of the Improvements shall be constructed in good and workmanlike manner and in strict accordance with the following plans and specifications set forth on Exhibit "C" attached hereto (the "Plans"). Construction access shall be on that area specified on the Plans.

(b) All Improvements shall be at the sole cost and expense of Licensee and shall be paid promptly by Licensee. Licensee covenants and agrees to pay in full for all materials, if any, supplied, used, joined, or affixed to the Property by or for Licensee in connection with the Improvements and to pay in full all persons who perform labor upon the Property in connection with the Improvements and Licensee's use of the Property, and not to permit or suffer any mechanic's or materialman's lien of any kind or nature to be enforced against the Property. Licensee shall, at Licensee's sole cost and expense, take any action necessary to promptly remove any lien filed against the Property for work performed or materials delivered to the Property.

(c) Licensee is taking the Property "as-is" based entirely on its own investigations and studies and Licensor has not made any representation or warranty as to the condition of the Property or the construction of the Improvements on the Property

(d) The obligations and covenants of Licensee under this Section 4 shall survive any expiration of the Term or other termination of the Agreement.

5. **Maintenance.** Licensee shall keep and maintain the Property in good order, condition and repair, keep the Property free from waste, claims and liens. Licensee shall protect any well heads that may exist on the Property and shall be responsible for repairing and damage to any well heads resulting from Licensee's use of the Property.

6. **Utilities.** If applicable, Licensee shall pay all charges for water, electricity, gas, garbage service, telephone and all other services or utilities supplied to the Property.

7. **Insurance.** Licensee shall, prior to entering upon the Property, at its sole cost and expense, procure and maintain in full force and effect insurance in the following forms and types and in amounts not less than the following:

(a) Broad Form Commercial General Liability (to include Employer's Liability, bodily injury, Property damage and personal injury) $2,000,000 per occurrence

(b) Insurance required to be maintained by Licensee hereunder shall be in companies holding a "General policyholder's Rating" of A or better, as set forth in the most current issue of "Best's Insurance Guide." Licensee shall deliver to Licensor, prior to entering upon the Property, original certificates evidencing the existence and amounts of such insurance. No such policy shall be cancelable or subject to reduction of coverage except after thirty (30) days prior written notice to Licensor. Licensee shall, within thirty (30) days prior to the expiration, cancellation or reduction of such policy, furnish Licensor with a renewal or "binder" thereof. Licensor and the City of Las Vegas, Nevada shall be named as an additional insureds on such policy.

8. **Security.** Licensee shall be responsible for securing and/or providing security to the Property throughout the Term.

9. **Easements.** Licensor agrees to grant at no charge the following easements over the Property within the Easement Area (defined below) for the benefit of the Licensee Parcel as follows:

(a) A nonexclusive easement for the installation, operation and maintenance of a waterlines serving the Licensee Parcel in the form of Exhibit "E" attached hereto; and

(b) A standard form public utility easement for the installation, operation and maintenance of all customary public utilities needed to service the Licensee Parcel.

As used herein, the term "Easement Area" shall mean that area on the Property as described on Exhibit "F" attached hereto. Licensor shall grant the easements at such time as required to accommodate the commencement of construction by Licensee. Licensee agrees that Licensor's agreement to grant the easements is contingent upon Licensee commencing construction prior to the expiration of the Term. In the event that Licensee does not commence construction within the Term, Licensor's obligation to grant the easements shall automatically expire and be on no force and effect.

10. **Licenses, Permits.** Licensee agrees to obtain at its sole cost and expense any required licenses or permits that may be required for the use of the Property and the construction of the Improvements.

11. **Licensor's Right of Entry**. Licensor and its authorized agents and representatives may enter the Property at any time for any reasonable purpose provided that Licensor shall make reasonable efforts to minimize interference with Licensee's use of the Property as permitted by this Agreement.

12. **Assignment and Sublease.** Tenant shall have no right to assign, sublease, mortgage, pledge, or otherwise encumber this Lease and the leasehold estate created hereby, in whole or in part. Landlord shall have the right to assign this Lease, in whole or in part, subject to a written assignment mutually agreeable by the parties.

13. **Default by Licensee.** Licensee shall be in default of this Agreement in the event it fails to perform, when required, any obligation of Licensee hereunder within five (5) days after Licensee receives written notice thereof from Licensor.

14. **Termination.** Either party at its sole discretion may terminate the Term of this Agreement by giving the other party notice of date of termination at least 90 days prior to such date of termination. Upon giving of such notice, Licensee shall immediately begin vacating the Property on a schedule that will guarantee the Property will be completely vacated and the Property put into the condition required by Sections 4 and 5 herein by such date of termination. In the event of termination of the Term pursuant to this Section 14, the remaining provisions of this Agreement shall remain in full force and effect until all the duties of the Licensee are completed. In addition, Licensor and licensee agree that in the event of such termination of this Agreement pursuant to this Section 14 that they shall continue to cooperate to provide the easements described in Section 9 above.

15. **Notices.** Any and all notices and demands by or form Licensor to Licensee, or by or from Licensee to Licensor, required or desired to be given hereunder shall be in writing and shall be validly given or made if served either personally or if deposited in the United States mail, certified or registered, postage prepared, return receipt requested. If such notice or demand be served by registered or certified mail in the manner provided, service shall be conclusively deemed given tow (2) days after mailing or upon receipt, whichever is sooner.

To Licensor: City Parkway V, Inc
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
Attention: Scott Carter

To Licensee: N.W.H. II Ltd.
3340 S. Topaz, Suite 240
Las Vegas, Nevada 89121

16. **No Partnership**. Nothing contained in this Agreement, nor any acts of the parties hereto, shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association between Licensor and Licensee other than the relationship of Licensor and Licensee.

17. **Disclosure of Principals**. Pursuant to Resolution R-106-99 adopted by the Las Vegas City Council effective October 1, 1999, Licensee warrants that it has disclosed, on the form attached hereto as Exhibit "D" all principals, including, partners of Licensee, as well as all persons and entities holding more than 1% interest in Licensee and or any principal or Licensee. Throughout the term

hereof, Licensee shall notify Licensor in writing of any material change in the above disclosure within 15 days of any such change.

18. **Captions**. The captions appearing at the commencement of the sections hereof are descriptive only and for convenience in reference to this Agreement and in no way whatsoever define, limit or describe the scope or intent of the Agreement, nor in any way affect this Agreement.

19. **Governing Law**. The laws of the State of Nevada shall govern the validity, construction, performance and effect of this Agreement.

20. **Exhibits**. All Exhibits referred to above form a part of, and are incorporated in, this Agreement.

21. **Entire Agreement**. This Agreement sets forth the entire understanding and agreement between the parties hereto and supersedes all previous communications, negotiations and agreements, whether oral or written, with respect to the subject matter hereof. No addition to or modification of this Agreement shall be binding on either party unless reduced to writing and duly executed by or on behalf of the parties hereto. No representation or statement not expressly contained in this Agreement or in any written, properly executed amendment to this Agreement shall be binding upon Licensor or Licensee as a warranty or otherwise.

22. **Counterparts; Facsimile Signatures**. This Agreement may be executed in counterparts. Each of said counterparts, when so executed and delivered, shall be deemed an original and, taken together, shall constitute but one and the same instrument. This Agreement may be executed by a facsimile of the signature of any party, with the facsimile signature having the same force and effect as if this Agreement had been executed by the actual signature of any party.

23. **Indemnification**. Unless resulting from the gross negligence or willful misconduct of Licensor, Licensee shall indemnify and hold Licensor, its officers, directors, managers, employees and agents and the Property harmless from any and all claims, demands, causes of action, judgments, liabilities, losses, costs and expenses including attorneys' fees, liens, charges and encumbrances of any kind whatsoever in connection with, arising out of or by reason of the use of the Property by Licensee or in connection with any failure to comply with any provision of this Agreement, or in connection with, arising out of or by reason of any act, omission or negligence of Licensee while in, upon or in any way connected with the Property; or arising from any accident, injury or damage, howsoever caused, to any person or property whatsoever occurring upon, about or in any way connected with the Property. Licensee shall at its sole cost and expense, obtain the discharge and release of any lien, charge or encumbrance filed of record within fifteen (15) days after the filing of the same. Nothing contained herein shall prevent Licensor, at the cost and for the account of Licensee, from at anytime obtaining such discharge and release in the event Licensee shall fail or refuse to do so. Licensee's indemnity is not intended to nor shall it relieve any insurance carrier of its obligations under policies required to be obtained by Licensee pursuant to the provisions of this Agreement to the extent such policies cover the results of negligent acts of Licensee or Licensor or their respective officers, affiliates, agents, contractors or employees, or the failure of Licensee to perform any of its obligations under this Agreement. The

provisions of this Section 23 shall survive any expiration or termination of the Term of this Agreement and shall remain in full force and effect thereafter.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first set forth above.

LICENSOR

CITY PARKWAY V, INC, a Nevada corporation

By_____
Elizabeth Fretwell, President

ATTEST:

_____

_____, Title

APPROVED AS TO FORM:

_____

Date: 9-17-09

LICENSEE

N.W.H. II LTD, a Nevada limited liability company

By: _____
James A. McKellar, Jr. Manager

EXHIBIT "A"

LICENSOR PROPERTY



EXHIBIT "B"

LICENSEE PROPERTY



EXHIBIT "C"

PLANS AND SPECIFICATIONS

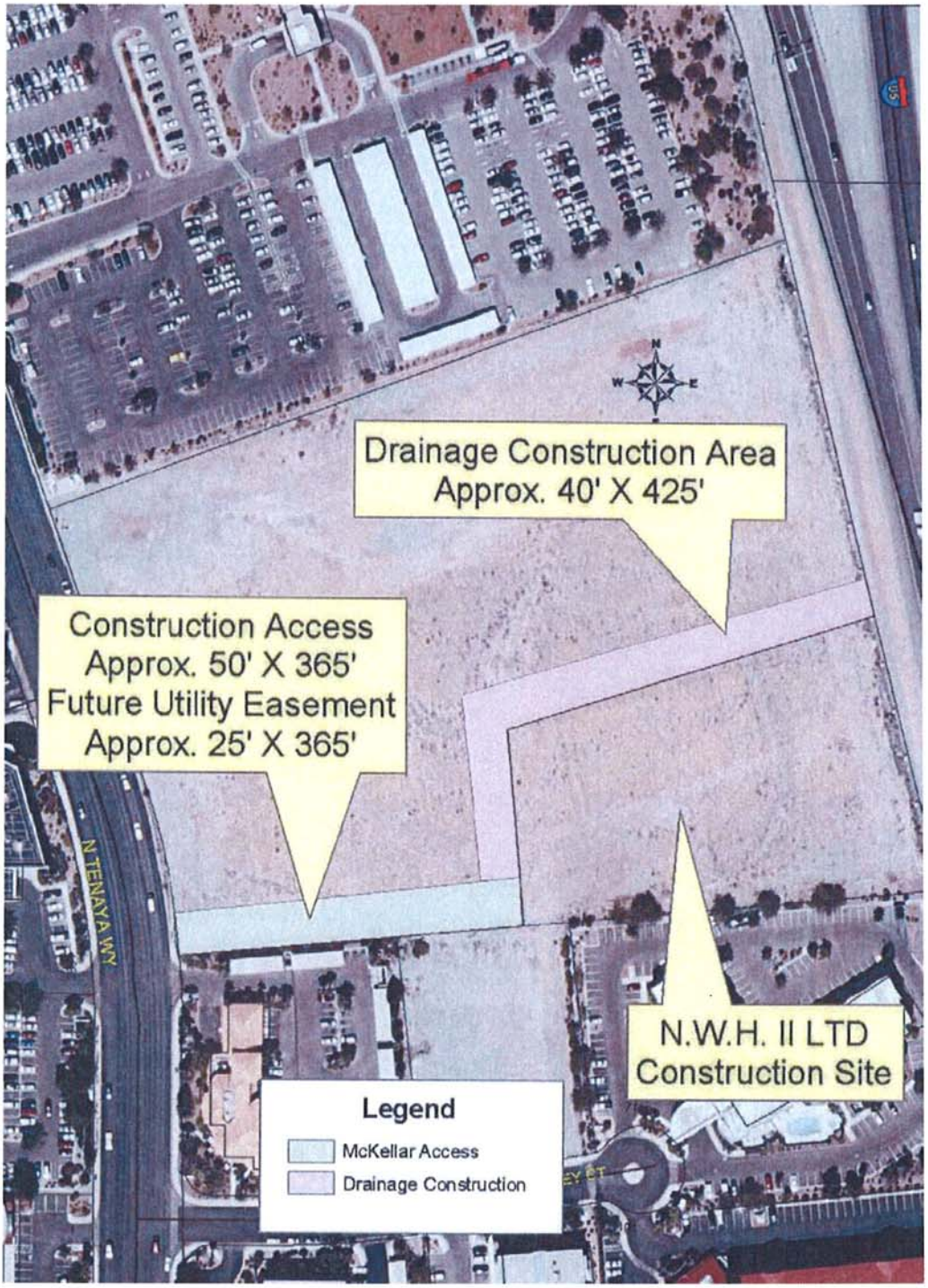


EXHIBIT D

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.

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.

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 1	**Contracting Entity**
NWH II LTD.	
Name	
Address: 3340 S. Topaz, #240, Las Vegas, NV	
Telephone: (702) 737-1312	
EIN or DUNS: 20-8884645	

Block 2	**Description**
Subject Matter of Contract/Agreement: NWH II LTD. Land Purchase Las Vegas Technology Center	
RFP #:	

Block 3 **Type of Business**

☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation

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.	James A. McKellar, Jr. - President	3340 S. Topaz, #240, Las Vegas, NV	(702) 737-1312
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: -0-

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.

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
REBECCAH ALEXANDER
No. 03-85554-1
My Appointment Expires Dec 7, 2011

James A. McKellar, Jr.
Name

August 28, 2009
Date

Subscribed and sworn to before me this _____ day of August 28, 2009

August 28, 2009.

Notary Public

EXHIBIT "E"

FORM OF WATERLINE EASEMENT

APN: 138-15-612-012

WHEN RECORDED MAIL TO:
City of Las Vegas
Office of the City Clerk
400 Stewart Avenue
Las Vegas, NV 89101

GRANT OF EASEMENT FOR
WATER UTILITY PURPOSES

THIS GRANT OF EASEMENT ("Easement") is made this _____ day of _____, 2009 ("Effective Date") by and between City Parkway V, Inc., a Nevada not for profit corporation ("Grantor"), and the N.W.H. II, Ltd, a Nevada limited liability company ("Grantee"). The Grantor and the Grantee are individually or collectively referred to herein as "Party" or "Parties."

RECITALS

WHEREAS, Grantor is the owner of that certain real property located in the City of Las Vegas, County of Clark, State of Nevada, more particularly described in Attachment A, attached hereto and incorporated herein by this reference for all purposes, and commonly known as Assessor's Parcel Number 138-15-612-012; and

WHEREAS, Grantor desires to grant to Grantee a non-exclusive easement for water utility purposes along a portion of the servient estate (the "Easement Area"), more particularly described in Attachment B, attached hereto and incorporated herein by this reference for all purposes; and

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend as follows:

1. Grantor hereby grants and conveys to Grantee a non-exclusive perpetual easement for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water pipelines and appurtenances with the right of ingress and egress, over, above, across and under Easement Area.

2. Grantor reserves the right to grant further easements under, over and on the Easement Area; provided that in no event shall any of the rights herein reserved impede the easement herein granted or the exercise of the rights of use thereunder.

3. Grantor retains, reserves and shall continue to enjoy the full use and dominion of the Easement Area for any and all purposes which do not interfere with or prevent the use by Grantee of the easement, rights and privileges granted herein, subject to all applicable laws and regulations of the State of Nevada or its political subdivisions,

including Grantee. Grantor agrees that it shall not cause or allow any act or occurrence or condition of land that disturbs the subjacent or lateral support of the area conveyed.

4. This instrument shall be binding upon the successors, assigns, legal representatives, heirs, executors, and administrators of both the Grantor and the Grantee.

5. It is expressly understood by the Parties that this Easement does not convey any right, title, or interest except those expressly stated in this easement.

6. Grantee agrees that if said Grantee, its successors or assigns should cause said easement to be vacated, the right of the Grantee in the above-described easement will be forfeited and shall immediately revert to the Grantors, their successors, and assigns in the case of such event.

IN WITNESS WHEREOF, the Parties hereto have executed this Easement as of the day and year first above written.

SIGNATURES ON NEXT PAGE

CITY PARKWAY V, INC.
"Grantor"

By: _____

Name: _____

Title: _____

Attest:

_____
Secretary

Approved as to form:

_____
Deputy City Attorney Date

ACCEPTED ON BEHALF OF:

N.W.H. II, Ltd.
"Grantee"

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENTS

STATE OF NEVADA)
)ss.
CLARK COUNTY)

On this _____day of _____, 2009, before me, the undersigned Notary Public in and for said County and State, appeared _____, as _____ of City Parkway V., Inc., known to me to be the person who executed the above and foregoing instrument, and who acknowledged to me that he did so freely and voluntarily and for the purposes therein mentioned.

_____
Notary Public

STATE OF NEVADA)
)ss.
CLARK COUNTY)

On this _____day of _____, 2009, before me, the undersigned Notary Public in and for said County and State, appeared _____, as _____ of N.W.H. II, Ltd., known to me to be the person who executed the above and foregoing instrument, and who acknowledged to me that he did so freely and voluntarily and for the purposes therein mentioned.

_____
Notary Public

ATTACHMENT A

LEGAL DESCRIPTION OF SERVIANT ESTATE

EXPLANATION:
THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF TENAYA WAY AND CASCADE VALLEY COURT.

LEGAL DESCRIPTION

BEING A PORTION OF LOT 1 OF LAS VEGAS TECHNOLOGY CENTER UNIT 2 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 62 OF PLATS, AT PAGE 44, LYING WITHIN THE EAST HALF (E ½) OF SECTION 15, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED IN A DEED RECORDED NOVEMBER 7, 2003 IN BOOK 20031107, INSTRUMENT NO. 03430, SAID PARCEL OF LAND ALSO BEING DEPICTED AS "LOT A" OF RECORD OF SURVEY, FILE 79 OF SURVEYS, PAGE 31, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF TENAYA WAY BEING MARKED BY AN ILLEGIBLE ALUMINUM CAP, SAID POINT ALSO BEING THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 901.38 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 84°52'23" EAST ; THENCE NORTHWESTERLY 233.05 FEET, ALONG SAID CURVE AND SAID RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 14°48'49"; THENCE NORTH 19°56'26" WEST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, 258.97 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND CONVEYED IN A DEED RECORDED MAY 19, 1995 IN BOOK 950519, INSTRUMENT NO. 01665, SAID PARCEL OF LAND ALSO BEING DEPICTED AS "LOT 1-1" OF RECORD OF SURVEY, FILE 73 OF SURVEYS, PAGE 01, OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE NORTH 70°03'34" EAST ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND, 823.62 FEET TO THE WESTERLY RIGHT OF WAY OF US HIGHWAY 95; THENCE SOUTH 13°40'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY, 405.16 FEET; THENCE SOUTH 72°39'59" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY, 405.50 FEET; THENCE SOUTH 05°07'37" EAST, 205.00 FEET; THENCE SOUTH 84°52'23" WEST, 363.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.49 ACRES, MORE OR LESS.

BASIS OF BEARINGS:

SOUTH 19°56'26" EAST, BEING THE BEARING OF THE CENTERLINE OF TENAYA WAY AS SHOWN ON RECORD OF SURVEY IN FILE 73 OF SURVEYS, PAGE 01, OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

END OF DESCRIPTION.

ATTACHMENT B

LEGAL DESCRIPTION AND DEPICTION OF WATERLINE EASEMENT

APN 138-15-612-012
15-FOOT EASEMENT FOR WATERLINE PURPOSES
ON CITY-OWNED PARCEL

EXPLANATION:
This legal description describes a parcel of land generally located east of Tenaya Way and north of Smoke Ranch Road, for waterline easement purposes.

LEGAL DESCRIPTION:
That portion of the Northeast Quarter (NE 1/4) of Section 15, Township 20 South, Range 60 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada,, being a portion of LOT 1 as shown on the plat of LAS VEGAS TECHNOLOGY CENTER UNIT 2, on file in Book 62 of Plats, Page 44, of Clark County, Nevada Records, also being a portion of that parcel of land conveyed to CITY PARKWAY V, INC. by GRANT, BARGAIN, SALE DEED, recorded June 7, 2005 in Book 20050607 as Instrument Number 02022 of Clark County, Nevada Records, described as follows:

That parcel of land, bounded as follows: bounded on the south by the south line of said CITY PARKWAY V, INC. parcel; bounded on the west by the west line of said CITY PARKWAY V, INC. parcel; bounded on the north by a line parallel with and lying 15.00 feet north of the south line of said CITY PARKWAY V, INC. parcel; and bounded on the east by the westerly line of that parcel of land conveyed to NWH II, Ltd. by Grant, Bargain, Sale Deed, recorded January 8, 2008 in Book 20080108 as Instrument Number 02529 of Clark County, Nevada Records, said NWH II Ltd. parcel also being Lot 1-4 as shown on that survey in File 170 of Surveys, Page 86 of Clark County, Nevada Records.

The above-described parcel of land contains an area of 5,459 square feet, or 0.125 acres, more or less.

The MAP EXHIBIT accompanying this land description is attached hereto and made a part hereof.

END OF DESCRIPTION

ATTACHMENT B

LEGAL DESCRIPTION AND DEPICTION OF WATERLINE EASEMENT

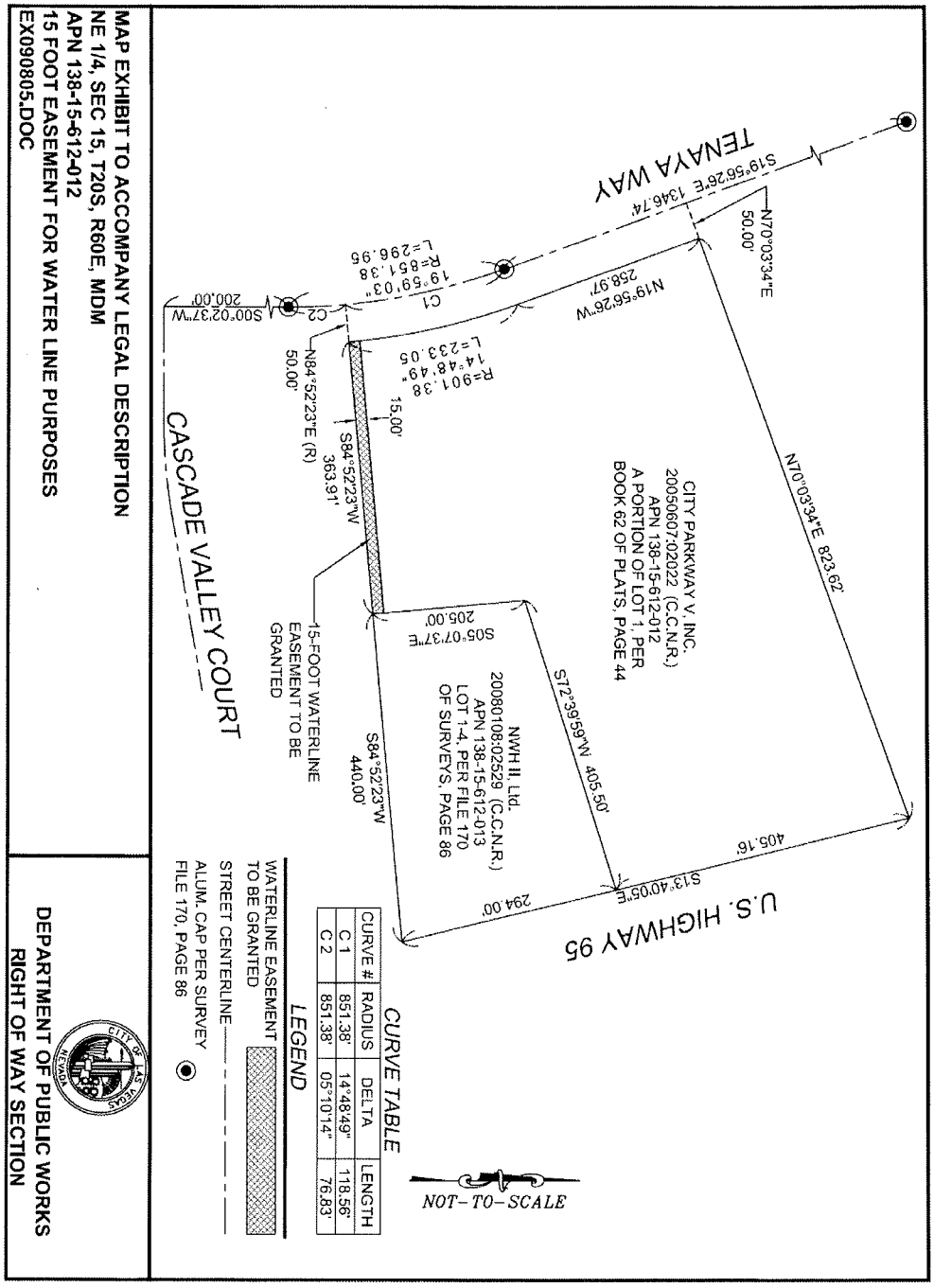


EXHIBIT "F"

EASEMENT CORRIDOR LEGAL DESCRIPTION & DEPICTION

EXPLANATION:
This legal description describes a parcel of land generally located east of Tenaya Way and north of Cascade Valley Court, for utility easement purposes.

LEGAL DESCRIPTION:
That portion of the Northeast Quarter (NE 1/4) of Section 15, Township 20 South, Range 60 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada,, being a portion of LOT 1 as shown on the plat of LAS VEGAS TECHNOLOGY CENTER UNIT 2, on file in Book 62 of Plats, Page 44, of Clark County, Nevada Records, also being a portion of that parcel of land conveyed to CITY PARKWAY V, INC. by GRANT, BARGAIN, SALE DEED, recorded June 7, 2005 in Book 20050607 as Instrument Number 02022 of Clark County, Nevada Records, described as follows:

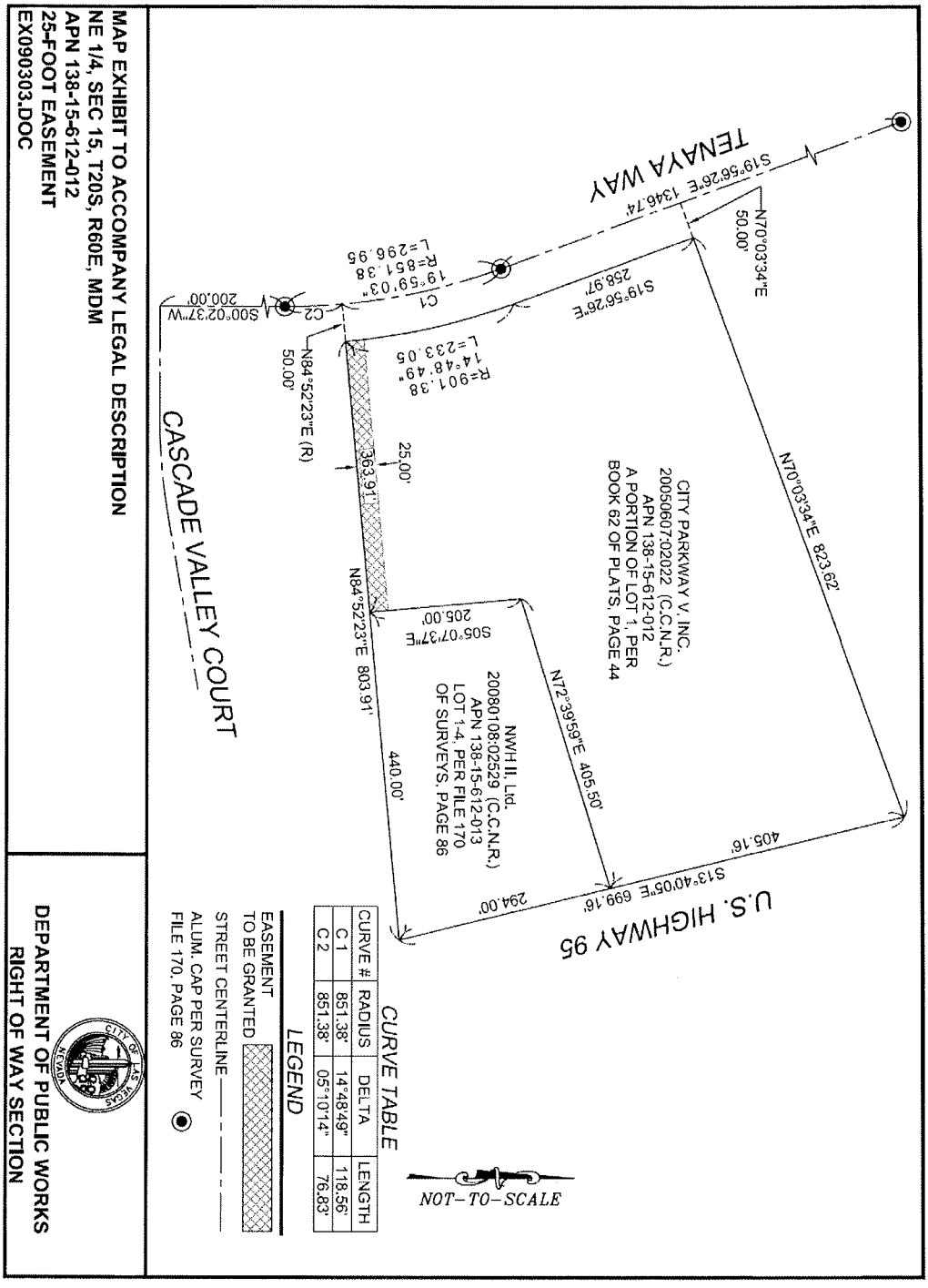
That parcel of land, bounded as follows: bounded on the south by the south line of said CITY PARKWAY V, INC. parcel; bounded on the west by the west line of said CITY PARKWAY V, INC. parcel; bounded on the north by a line parallel with and lying 25.00 feet north of the south line of said CITY PARKWAY V, INC. parcel; and bounded on the east by the westerly line of that parcel of land conveyed to NWH II, Ltd. by Grant, Bargain, Sale Deed, recorded January 8, 2008 in Book 20080108 as Instrument Number 02529 of Clark County, Nevada Records, said NWH II Ltd. parcel also being Lot 1-4 as shown on that survey in File 170 of Surveys, Page 86 of Clark County, Nevada Records.

The above-described parcel of land contains an area of 9,098 square feet, or 0.209 acres, more or less.

The MAP EXHIBIT accompanying this land description is attached hereto and made a part hereof.
END OF DESCRIPTION

EXHIBIT "F"

EASEMENT CORRIDOR LEGAL DESCRIPTION & DEPICTION



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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval of the Interlocal Agreement between the disparate jurisdictions of the City of Las Vegas, as fiscal agent, the cities of Henderson, North Las Vegas, Mesquite and Clark County as required by the American Recovery and Reinvestment Act (ARRA) Department of Justice/Bureau of Justice Assistance/Byrne Justice Assistance Grant Local Solicitation grant award totaling $7,558,206 - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source: U.S. Department of Justice, Bureau of Justice Assistance Local ARRA Grant
Dept./Division: City Manager's Office

PURPOSE/BACKGROUND:
The City of Las Vegas acting as fiscal agent for a formulaic four-year stimulus grant for a total of $7,558,206 to fund justice related programs. Of the funds allocated by the Department of Justice, the City of North Las Vegas will receive $1,139,638; the City of Henderson will receive $502,113; the City of Mesquite will receive $321,949.70; and Clark County will receive $1,220,938.85. The remaining funds are allocated to the City of Las Vegas at $4,373,566.44, of which $2,973,566.44 directly fund City of Las Vegas programs and $1,400,000 are allocated to Las Vegas Metropolitan Police Department as a sub-grantee of the City of Las Vegas.

The interlocal agreement defines the roles and responsibilities of each party, including reporting requirements that meet the American Recovery & Reinvestment Act Standards.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
1. ARRA Byrne JAG Interlocal Agreement
2. ARRA Byrne JAG Interlocal Agreement Exhibits

INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAS VEGAS, THE COUNTY OF CLARK, THE CITY OF HENDERSON, THE CITY OF NORTH LAS VEGAS AND THE CITY OF MESQUITE REGARDING THE AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS OBTAINED BY THE CITY OF LAS VEGAS THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

This Interlocal Agreement is hereby made and entered into on this _____ day of _____, 2009 by and among the cities of Las Vegas ("Las Vegas"), Henderson ("Henderson"), Mesquite ("Mesquite"), and North Las Vegas ("NLV"), and the County of Clark ("County"), each a political subdivision of the state of Nevada, collectively referred to as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, on June 9, 2009, the Parties applied as a "Disparate Jurisdiction" for a grant of funds from the Department of Justice pursuant to the Edward Byrne Memorial Justice Assistance Grant Formula Program (the "Grant Program") in the amount of $7,558,206 to assist the Parties' efforts to prevent and reduce crime and violence as required by the terms of the Grant Program.

WHEREAS, on May 5, 2009, the Parties executed a Memorandum of Understanding ("MOU") identifying Las Vegas as the Fiscal Agent of any Grant Funds allocated to the Parties by United States Department of Justice.

WHEREAS, the MOU provided that the Parties would execute an interlocal agreement among one another to provide the framework for the administration of the Grant Program and the distribution of the Grant Funds, in accordance with the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation and any other rules and regulations promulgated by the Department of Justice.

WHEREAS, the Parties have met to discuss and determine how the Grant Funds will be administered by Las Vegas, and the Parties have determined how the funds will be disseminated among the Parties over the four year term of the Grant Program.

WHEREAS, this Agreement defines the means by which the Grant Funds shall be divided and administered by Las Vegas, and specifically, how subsequent decisions regarding the payment of Grant Funds to each of the Parties by Las Vegas are to be determined, the structure for reporting, the rules and responsibilities of each Party if a Party allocates a portion of its Grant Funds to another recipient that has already been approved by Las Vegas and the consequences for a failure to adequately report to Las Vegas or a failure to follow the Program, its rules, regulations and guidelines.

WHEREAS, pursuant to NRS 277.180, the Parties are authorized to enter into an Interlocal Agreement to perform a governmental service, activity or undertaking that one of the Parties is authorized to perform. The Parties are each authorized by law to provide for justice-

related activities, and this Agreement serves to properly allocate and administrate federal grant monies for the further provision of justice-related activities among the Parties.

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants hereinafter set forth, the Parties agree as follows:

AGREEMENT

I. Definitions.

A. "Allocation" means the specific amount of dollars allocated to the Fiscal Agent or a particular Sub-Recipient over the four year term of the Grant Program.

B. "DOJ" means the Department of Justice.

C. "Fiscal Agent" is the unit of local government responsible for the administration of the Grant Funds. The Fiscal Agent for the Grant Program is Las Vegas. When this term is used in the context of approval or denial of request, the Fiscal Agent refers to Las Vegas's City Manager or designee.

D. "Grant Funds" are the monies awarded to the Parties through the Department of Justice: Edward Byrne Memorial Justice Assistance Grant Formula Program.

E. "Grant Program" is the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation.

F. "Sub-Recipient" means one of the following entities awarded an Allocation of Grant Funds: Henderson, NLV, Mesquite, and the County.

G. "Sub-Sub Recipient" means either a governmental agency or 501(c)(3) non-profit organization that is approved by the Fiscal Agent for reimbursement for a portion of a sponsoring Sub-Recipient's or Fiscal's Agent's Allocation. The four Sub-Sub Recipients approved by the Fiscal Agent and allocated a portion of the County's Allocation are: the Clark County District Attorney; Clark County Parks and Recreation Department--Southern Nevada Gang Task Force; Clark County School District--Summer School Diversion Program; and Nevada Child Seekers. The Sub-Sub recipient approved by the Fiscal Agent and allocated a portion of Las Vegas's Allocation is: the Las Vegas Metropolitan Police Department ("Metro"). Monies for reimbursement to Sub-Sub Recipients shall be allocated from the requesting Sub-Recipient's Allocation.Notwithstanding anything to the contrary in this Agreement, the responsibilities of Fiscal Agents' Sub-Sub Recipient(s) shall be the same as the responsibilities of all Sub-Recipients' Sub-Sub Recipients.

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II. Administration of Grant Funds.

A. Generally.

1. Adherence to Grant Program Guidelines. The Parties agree to adhere to the Grant Program guidelines as provided by the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation. (OMB No.1121-0323, Release Date, March 6, 2009) (the "Local Solicitation"). If this Agreement is silent on a particular issue, or there is a conflict between the terms of this Agreement and the Local Solicitation, the terms of the Local Solicitation shall prevail. If there is a conflict between this Agreement and/or the Local Solicitation and Federal policy or law, Federal policy or law shall prevail. If the Local Solicitation and/or Federal policy or law are silent on an issue that is a term of this Agreement, this Agreement shall prevail. A violation of the terms of this Agreement, the terms of the Local Solicitation or Federal policy or law as it pertains to the use of Grant Funds, reimbursement of Grant Funds or the reporting of Grant Funds is a violation of this Agreement. A copy of the Local Solicitation is attached hereto as Exhibit 1.

2. Grant Funds shall be Non-Supplanting. The Fiscal Agent, Sub-Recipients and Sub-Sub Recipients must ensure that Grant Funds shall only be used to supplement existing program activities and that Grant Funds shall not be used to supplant (replace) previously appropriated non-grant funds by the Fiscal Agent, Sub-Recipients or any Sub-Sub Recipients.

3. Grant Funds not to be Commingled. Any Grant Funds received by the Fiscal Agent, Sub-Recipients or Sub-Sub Recipients shall be kept separate and apart from any and all other monies. No commingling of Grant Funds monies shall occur.

4. Use of Grant Funds Shall Comply with Grant Program. The Local Solicitation permits Grant Funds to 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:

a. law enforcement activities;
b. prosecution and court programs;
c. prevention and education programs;
d. corrections and community corrections programs;
e. drug treatment and enforcement programs;
f. planning, evaluation and technology improvement programs; or
g. crime victim and witness programs (other than compensation).

5. Prohibited Use of Grant Funds. The Local Solicitation prohibits the use of Grant Funds as follows. "No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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 for any of the following matters unless the Bureau of Justice Assistance certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

a. vehicles (except police cruisers), vessels (except police boats) or aircraft (excluding police helicopters);
b. luxury items;
c. real estate;
d. construction projects (other than penal or correctional institutions); or
e. any similar matters.

6. Department of Justice Policy OCPS 7130.1. All expenditures of money to be reimbursed by the Grant Program shall comply with Department of Justice Policy OCPS 7130.1 regarding the use of federal funds by grantees. A copy of OCPS 7130.1 is attached hereto as Exhibit 2.

7. GAAP Required. Any entity receiving reimbursement from the Grant Program must use Generally Accepted Accounting Principles for reporting and/or reimbursement activities.

8. Office of Management and Budget (OMB) Circulars. Any entity receiving reimbursement from the Grant Program must comply with all OMB Circulars relating to federal grants.

9. Fiscal Agent Audit. In addition to any audit obligations under federal policy or law related to federal grant programs, any entity receiving reimbursement from the Grant Program hereby acknowledges and agrees to abide by the following:

a. The Sub-Recipients (on behalf of themselves and any sponsored Sub-Sub Recipients) as provided for in section II. A. 10, below, agree to maintain financial records pertaining to all matters relative to the Grant Program and retain all records and supporting documentation applicable to this Grant Program for a period of three (3) years after completion of the Grant Program. All records subject to audit findings shall be retained for three (3) years after such findings have been resolved.

b. The Sub-Recipient agrees to permit the Fiscal Agent or the Fiscal Agent's designated representatives to inspect and audit its records and books relative to this Grant Program at any time during normal business hours and under reasonable circumstances and to copy any information that the Fiscal Agent desires concerning Sub-Recipient's operation hereunder. The Sub-Recipient further understands and agrees that said inspection and audit will be exercised upon written notice to the Sub-Recipient.

c. If, at any time during the term of this Grant Program, or at any time after the expiration or termination of the Grant Program, the Fiscal Agent or the Fiscal Agent's designated representatives finds the actual monetary reimbursement by the DOJ is more than actual amount spent by a Sub-Recipient or Sub-Sub Recipient, the Sub-Recipient agrees that the difference shall be repaid immediately by the Sub-Recipient to the Fiscal Agent for disposition of the funds as directed by the DOJ.

10. Sub-Sub Recipients; Agreement Between Sub-Recipient and Sub-Sub Recipient Required. All Sub-Sub Recipients shall comply with all terms and conditions of this Agreement, the Local Solicitation and Federal policies and laws.

Any Sub-Recipient that desires to allocate a portion of its Allocation to a Sub-Sub Recipient shall enter into an agreement with that Sub-Sub Recipient that requires the Sub-Sub Recipient to comply with the terms and conditions of this Agreement (including, but not limited to, auditing, all reporting requirements and requirements for reimbursement requests), the Local Solicitation and Federal policies and laws, and such agreement shall be executed between the Sub-Recipient and the Sub-Sub Recipient prior to any request for reimbursement on behalf of the sponsored Sub-Sub Recipient.

A Sub-Recipient that sponsors a Sub-Sub Recipient hereby acknowledges and agrees that it, the Sub-Recipient, is responsible for the Sub-Sub Recipient in totality, and the Sub-Recipient shall be charged with requesting reimbursement and reporting all necessary information on behalf of its sponsored Sub-Sub Recipient. Any violations of this Agreement, the Local Solicitation and Federal policies and laws, by a sponsored Sub-Sub Recipient shall be deemed the actions of the sponsoring Sub-Recipient for purposes of the Grant Program, and any penalties or consequences shall accrue against the sponsoring Sub-Recipient.

B. Grant Fund Allocation.

1. Allocation. The Parties hereby agree that the document attached hereto as Exhibit 3 defines the Allocation to the Fiscal Agent and each of the Sub-Recipients.

2. Amendment of Allocation. Except as otherwise provided for the Fiscal Agent herein, the Parties acknowledge that the dollar amount of the Allocation is final, and such Allocation may not be amended over the term of the Grant Program without the prior written approval by Las Vegas and all Sub-Recipients and amendment of this Agreement.

C. Modification of Allocation.

While the Parties agree that the total dollar amount of an Allocation may not be increased over the term of the Grant Program, the Parties do acknowledge the need for flexibility to permit the Fiscal Agent to modify each Allocation upon request by a Sub-Recipient for either a Budget Modification or a Non-Budget Modification. Following is each term defined, the process for each type of modification, and the dollar amount at which approvals are required by either the Fiscal Agent, the DOJ or both.

1. Budget Modification. A Budget Modification is a request to modify a Sub-Recipient's Allocation in the following manner: a change to budget categories; a reduction in funding (i.e., a Sub-Sub Recipient no longer is requesting reimbursement); a change in the Sub-Recipient's overall project, or a change to the level or redeployment awarded pursuant to the Grant Program. For example, a Budget Modification is required under a circumstance where a Sub-Recipient was originally awarded three positions for a program activity, but then decides to only utilize funding for two positions. A Budget Modification shall be submitted to the Fiscal Agent as follows:

a. Procedure for Budget Modification.

i. Requestor shall submit a letter to the Fiscal Agent, c/o City of Las Vegas Office of Administrative Services, including, but not limited to, the following information:

- Sub-Recipient's Data Universal Numbering System (DUNS) number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
- a description of the proposed change to the awarded items, budget, and FTE;
- a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for changes in the award amount or project objective please include new demonstration of time savings information); and
- detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The Fiscal Agent will review the information (and submit information to the DOJ for approval, if necessary) and notify the Requestor upon notification of the approval or denial of the request by the approving authority.

2. Non-Budget Modification. A Non-Budget Modification is a request to modify an award to a Sub-Recipient for the reimbursement of particular items previously approved by the Fiscal Agent, but does not require a change in budget categories nor a reduction in funding. For example, a Sub-Recipient is awarded funding for 10 laptop computers for a particular purpose, but because of newly advantageous pricing, the Sub-Recipient is now able to purchase 12 laptop computers for the same price. A non-budget modification shall be submitted to the Fiscal Agent as follows:

a. Procedure for Non-Budget Modification.

i. Requestor shall submit a letter to the Fiscal Agent, c/o City of Las Vegas Office of Administrative Services, including, but not limited to, the following information:

- the Sub-Recipient's DUNS number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
- a description of the proposed change to the awarded items, budget, and FTE;

- a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for changes in the award amount or project objective please include new demonstration of time savings information); and
- detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The Fiscal Agent will review the information (and submit information to the DOJ for approval, if necessary) and notify the Requestor upon notification of the approval or denial of the request by the approving authority.

3. Prior Approval for Budget Modification or Non-Budget Modification Required by the Fiscal Agent and DOJ Required under Certain Circumstances. Sub-Recipients shall request prior approval for a Budget Modification or Non-Budget Modification where the change to the Allocation is in excess of ten (10) percent of the total allocation.

4. Failure to Comply. Failure to obtain prior approval of a Budget or Non-Budget Modification may result in the rejection of a reimbursement request by the Fiscal Agent and/or the DOJ for non-approved modifications.

D. Expenditure of Allocation.

Sub-Recipients and their Sub-Sub Recipients must expend their Allocation on an annual fiscal year basis, unless the Sub-Recipients or their Sub-Sub Recipients specifically notifies Las Vegas in writing a minimum of 30 calendar days prior to the end of the Sub-Recipient's fiscal year that an annual allocation cannot be expended within a fiscal year. The notification must include appropriate justification for the non-expenditure of funds. If Sub-Recipients or their Sub-Sub Recipients fails to expend its annual allocation of Grant Funds without providing the aforementioned notice and justification, any unexpended monies for that fiscal year shall revert to Las Vegas's use in its sole discretion as the original eligible recipient of the Grant Funds.

E. Reimbursement of Expenditures to the Fiscal Agent and Sub-Recipients.

In order to be repaid for expenditures, the Fiscal Agent and the Sub-Recipients must file a reimbursement request pursuant to the terms of this Agreement and the Grant Program. This section will delineate the general requirements for requesting reimbursement and the procedure by which the Fiscal Agent and each Sub-Recipient shall request reimbursement by the DOJ.

1. Generally.

a. Costs recovered on a Reimbursement Basis Only. Costs incurred shall only be recovered on a Reimbursement Basis as provided by this Agreement and the Local Solicitation.

b. Reimbursement Requests for Sub-Sub Recipients to be submitted by Sponsoring Sub-Recipient. The Fiscal Agent will only accept requests for reimbursement from Sub-

Recipients. Sub-Sub Recipients are not in privity of contract with the Fiscal Agent pursuant to this Agreement, and as such, the Fiscal Agent cannot enforce the terms of this Agreement, the Local Solicitation or Federal policies or laws upon the Sub-Sub Recipients, except by separate agreement. As such, if a Sub-Recipient chooses to allocate a portion of its Allocation to a Sub-Sub Recipient, then the sponsoring Sub-Recipient is responsible for verifying and properly submitting its sponsored Sub-Sub Recipients' reimbursement requests to the Fiscal Agent for processing.

c. Reimbursement Request Must be Accompanied by Required Reporting for Acceptance by the Fiscal Agent. The Fiscal Agent shall not accept a Sub-Recipient's reimbursement request without the accompanying required reporting for the fiscal quarter for which the Sub-Recipient is requesting reimbursement.

2. Procedure for Reimbursement.

a. Technical Assistance Available from Fiscal Agent. Throughout the term of the Grant Program, the Fiscal Agent will provide telephonic technical assistance relating to the proper reimbursement of expenses. Technical Assistance will be provided by the City of Las Vegas Department of Administrative Services until twenty (20) calendar days prior to the close of any fiscal quarter.

b. Reimbursement Requests to comply with provisions of 28 CFR 66.41. Sub-Recipients shall file reimbursement requests in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all reimbursement requests for non-construction items on Standard Form 269A. All entities requesting reimbursement shall submit such requests on Standard Form 269A. A copy of 28 CFR 66.41 is attached hereto as Exhibit 4, and Standard Form 269A is attached hereto as Exhibit 5.

c. Reimbursement Requests Must be Timely Filed and Complete for Processing.

i. Unless otherwise provided by Section II(E)(2)(e), reimbursement requests shall only be accepted by the Fiscal Agent for the fiscal quarter in which the costs were incurred;

ii. Reimbursement requests must be accompanied by all necessary reporting documents as required by the Local Solicitation, Federal Policy or law, and as delineated at Paragraph F, herein, and the reporting documents must be complete for acceptance by the Fiscal Agent; and

iii. Reimbursement Requests shall be filed with the Fiscal Agent no later than five (5) calendar days after the end of the current fiscal quarter for processing. Reimbursement requests submitted after this deadline will not be accepted for processing for that current Fiscal Quarter.

iv. Notwithstanding any default or penalty provisions herein, late or incomplete reimbursement requests shall be delayed and shall only be processed by the Fiscal Agent at the end of the next Fiscal Quarter.

Sub-recipient Due Dates:	Fiscal Agent Due Dates to the DOJ:
October 5, 2009	October 10. 2009
January 5, 2010	January 10, 2010
April 5, 2010	April 10, 2010
July 5, 2010	July 10, 2010
October 5, 2010	October 10, 2010
January 5, 2011	January 10, 2011
April 5, 2011	April 10, 2011
July 5, 2011	July 10, 2011
October 5, 2011	October 10, 2011
January 5, 2012	January 10, 2012
April 5, 2012	April 10, 2012
July 5, 2012	July 10, 2012
October 5, 2012	October 12, 2012
January 5, 2013	January 10, 2013
April 5, 2013	April 10, 2013
July 5, 2013	July 10, 2013
October 5, 2013	October 10, 2013
January 5, 2014	January 10, 2014

d. Reimbursement. The Parties acknowledge that the Fiscal Agent can only reimburse monies to the Sub-Recipients that are received from the DOJ. Reimbursement will occur no later than thirty (30) calendar days after the monies requested are received by the Fiscal Agent from the DOJ.

e. Incomplete Reimbursement Requests. The Parties acknowledge that it will be difficult to submit a complete reimbursement request for the current fiscal quarter no later than five (5) days after the close of the current fiscal quarter because delay within the Parties' accounting processes may not permit a complete reimbursement request to be filed within the five (5) day period. As such, the Fiscal Agent will accept for processing an incomplete reimbursement request, to be processed for filing with the DOJ, but only as follows:

i. Any incomplete reimbursement request for the fiscal quarter shall include all expenditures from that fiscal quarter.

ii. Any expenditures from that fiscal quarter posted subsequent to the end of that fiscal quarter shall be submitted at the end of the following fiscal quarter for reimbursement.

The Parties acknowledge that the ability to file incomplete reimbursement requests depends on the willingness of the Federal Government to accept incomplete reimbursement requests from the Fiscal Agent and reimburse for those costs incurred that are not filed with the Fiscal Agent within five (5) days after the close of the current fiscal quarter. As such, the Parties understand that the Fiscal Agent will submit such reimbursement requests as provided above, but cannot guarantee that the Federal Government will reimburse such costs.

In addition, the Parties acknowledge and understand that the DOJ has been notified of this issue, and it is the Parties understanding that changes to the "five day rule" will be forthcoming. Once amended filing deadlines are provided to the Fiscal Agent by the DOJ, the Fiscal Agent will notify the Sub-Recipients of the changes and such changes will supercede any provisions that conflict as provided by Section II(A)(1), herein.

F. Required Reporting.

The Grant Program requires reporting by the each of the entities receiving reimbursement from the Grant Program. This section will delineate the general requirements for reporting and the procedure for reporting each of the required performance reports, programmatic and fiscal, along with initial information received from the DOJ regarding the substance and form of these reports.

1. Generally.

a. Fiscal Agent Time Limit for Required Reporting to DOJ; Sub-Recipient Deadline for Required Reporting to Fiscal Agent. The Fiscal Agent must satisfy Section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on sub-awards), no later than ten (10) calendar days after the end of a fiscal quarter. As such, the Sub-Recipients must submit a complete report as provided herein no later than five (5) calendar days after the close of the current fiscal quarter.

b. Required Reporting by Sub-Sub Recipients to be Submitted by the Sponsoring Sub-Recipient. The Fiscal Agent will only accept required reports from Sub-Recipients. Sub-Sub Recipients are not in privity of contract with the Fiscal Agent pursuant to this Agreement, and as such, the Fiscal Agent cannot enforce the terms of this Agreement, the Local Solicitation or Federal policies or laws upon the Sub-Sub Recipients, except by separate agreement. As such, if a Sub-Recipient chooses to allocate a portion of its Allocation to a Sub-Sub Recipient, then the granting Sub-Recipient is responsible for verifying and properly submitting its Sub-Sub Recipients' required reports to the Fiscal Agent for processing.

c. Agreement Between a Sub-Recipient and any Sponsored Sub-Sub Recipients shall be submitted to the Fiscal Agent. If a Sub-Recipient chooses to sponsor a Sub-Sub Recipient, the agreement between the Sub-Recipient and the Sub-Sub Recipient as delineated at Section II(A)(10) of this Agreement shall be submitted with the first quarterly performance report and reimbursement request by the sponsoring Sub-Recipient. If the Sub-Recipient fails to submit such agreement to the Fiscal Agent, any and all reimbursement requests on behalf of the Sub-Sub Recipient shall be rejected by the Fiscal Agent for that current Fiscal Quarter.

d. Proof of Registration Required. The Fiscal Agent and the Sub-Recipients shall submit to the Fiscal Agent written proof that it has acquired a DUNS number and is registered with the Central Contractor Registration database prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The

Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

e. Business Licenses Required, if necessary. If necessary, the Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof that it has acquired all necessary business licenses, or is not subject to business licensing requirements, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

f. Proof of Non-Profit Status with the Internal Revenue Service. If necessary, the Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof that it or its sponsored Sub-Sub Recipients has acquired proof of non-profit status with the Internal Revenue Service, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

g. Proof of Acceptance of Award by Entity's Governing Body. Each of the Sub-Recipients, shall submit to the Fiscal Agent written proof of their governing body's acceptance of this Agreement, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. In addition, an agreement between Sub-Recipient and any Sub-Sub Recipient(s) acknowledging acceptance of this Agreement shall also be submitted pursuant to the terms of this Section. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

h. Proof of an Excluded Parties List. The Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written documentation of an Excluded Parties List for any purchases of $25,000.00 or more, prior to the submission of their reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

i. Proof of DOJ Approval of Sole Source Contracting or Explanation of a Competitive Bidding Process for Certain Purchases. The Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof of DOJ Sole Source Approval or a competitive bidding process to be utilized for any purchases or contracts for goods or services in amounts of $100,000.00 or more, prior to the submission of their reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

j. Required Reporting Must be Accompanied by Reimbursement Request for Acceptance by the Fiscal Agent. The Fiscal Agent shall not accept a Sub-Recipient's

Required Report without the accompanying reimbursement request for the fiscal quarter that the Sub-Recipient is requesting reimbursement.

2. Required Reports.

The Parties acknowledge that the DOJ has not released final rules regarding reporting requirements for entities receiving reimbursement from DOJ under the Grant Program. However, it appears that a skeletal reporting structure has been delineated, requiring the Fiscal Agent and the Sub-Recipients to submit Programmatic Reports and Financial Status Reports. Provided herein will be what information is currently known.

a. Financial Status Reports to comply with provisions of 28 CFR 66.41. The Fiscal Agent and Sub-Recipients shall submit required financial reports in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all Financial Status Reports for nonconstruction items on Standard Form 269A. When further direction is provided to the Fiscal Agent by the DOJ, the Fiscal Agent will notify each of the Sub-Recipients, in writing, within three (3) calendar days of which form is the correct form for proper reporting. A copy of 28 CFR 66.41 is attached hereto as Exhibit 4 and Standard Form 269A is attached hereto as Exhibit 5.

b. Programmatic Reports. The reporting form, nor all the information required for programmatic reporting, has not yet been delineated by the DOJ. The Fiscal Agent shall notify the Sub-Recipients within three (3) calendar days of notification by the DOJ of the correct form and programmatic information to be required. However, the Parties acknowledge that the following information will be required to be reported:

i. A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful;
ii. The reasons for slippage if established objectives were not met;
iii. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs;
iv. Copies of all invoices, purchase orders, or requisitions with the appropriate accounting codes that indicate the funds are kept in separate accounts from any other funds used by the Sub-Recipient; and
v. Copies of the Sub-Recipient's general ledger for the reporting quarter, including all payroll funds specific to the award, and reimbursement, in part or in whole, of previously spent grant funds.

c. Reporting Schedule. Each Sub-Recipient will be required to submit both a Financial Status Report and a Programmatic Report as follows:

i. Quarterly, no later than five (5) calendar days after the end of a fiscal quarter;
ii. Semi-Annually, no later than five (5) calendar days after the end of the second fiscal quarter;

iii. Annually, no later than fifteen (15) calendar days after the end of the grant year; and the

iv. Final performance report, no later than fifteen (15) calendar days after the expiration of the grant program.

The Parties acknowledge that this reporting structure is mandated by the DOJ pursuant to the Grant Program, so if the Reporting Schedule changes, the Fiscal Agent shall notify the Sub-Recipients within three (3) calendar days of any Reporting Schedule changes.

d. All Reports to be Submitted Electronically. Any and all reports submitted to the Fiscal Agent shall be submitted electronically by e-mail pursuant to the Paperwork Reduction Act of 1980 to the following e-mail address: subgranteereports@lasvegasnevada.gov. Electronic reports may be submitted in .doc, .xls or .pdf format. No handwritten or typed reports will be accepted by the Fiscal Agent.

e. Failure to Submit Required Reports; Incomplete Reports. Required reporting must accompany reimbursement requests. Reimbursement requests without the required reporting shall not be accepted for processing for that current Fiscal Quarter. Such reimbursement requests will be delayed and shall only be processed by the Fiscal Agent at the end of the next Fiscal Quarter.

G. Default; Penalties.

1. Notice of Default for Failure to Comply with this Agreement. In the event the Fiscal Agent discovers a failure to comply by a Sub-Recipient, or a Sub-Recipient's sponsored Sub-Sub Recipient, of its obligations pursuant to this Agreement, the Local Solicitation and/or Federal policies and laws regarding federal grant assistance programs, the Fiscal Agent shall provide a written notice (a "Notice of Default") of such failure to comply to the defaulting Sub-Recipient.

2. Cure; Event of Default. Within two (2) calendar days of the receipt of the Notice of Default by the defaulting Sub-Recipient, the defaulting Sub-Recipient, or in the case of a Sub-Sub Recipient, such Sub-Sub Recipient shall cure each failure to comply as described by the Notice of Default. Any such violation that remains uncured after such 48-hour period shall be a default hereunder and the Fiscal Agent may take any action permitted under the Local Solicitation and/or the Federal policies or laws relating to grant assistance programs, including, but not limited to, suspension of a Sub-Recipient's ability to receive reimbursement or termination of a Sub-Recipient's participation in the Grant Program.

3. Penalties for Failure to Comply with the Grant Program and Local Solicitation. The Parties acknowledge and understand that the DOJ has not yet finalized potential penalties for violation of the terms and provisions of the Local Solicitation and the Grant Program. The Parties agree that the Fiscal Agent is authorized to take any action or assess any penalty authorized by the DOJ for a violation of the terms of the Grant Program, Local Solicitation or Federal policy or law, as authorized by Nevada law. When the DOJ publishes penalties for violations of the terms and provisions of the Local Solicitation and the Grant Program, this

Agreement will be amended to reflect those penalties. At that time the Parties can accept the Amendment or withdraw from the Grant Program.

4. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

H. Miscellaneous.

1. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eighth Judicial District Court, County of Clark, State of Nevada.

2. Indemnification and Attorneys' Fees. Sub-Recipient, and any Sub-Sub Recipients, will protect, defend, indemnify, and save harmless Las Vegas from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including, but not limited to, claims for contribution or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Sub-Recipient, and Sub-Sub Recipients', obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph shall include any and all attorney's fees incurred by Las Vegas in the defense or handling of said suits, demands, judgments, liens, and claims and all attorneys' fees and investigation expenses incurred by Las Vegas in enforcing or obtaining compliance with the provisions of this Agreement.

3. Amendment of Agreement. No amendment of this Agreement is permitted without consent by the governing body of each Party. Those instances where this Agreement specifically delineates that the Fiscal Agent will provide further information to the Sub-Recipients regarding federal rules, policies and procedures to be followed is not considered an amendment of this Agreement, but a supplement to this Agreement specifically permitted by this Agreement.

4. Notices. All notices, demands and correspondence required or provided for under this Agreement not otherwise required to be submitted electronically by the terms of this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To Las Vegas:	City of Las Vegas 400 Stewart Avenue Las Vegas, Nevada 89101 Attention: Director, Office of Administrative Services
To Henderson	City of Henderson P.O. Box 95050 MSC 211 Henderson, NV 89009-5050

To Mesquite	City of Mesquite 10 East Mesquite Boulevard Mesquite, NV 89027 Attention: Mesquite Police Department
To North Las Vegas	City of North Las Vegas 1301 Lake Mead Boulevard North Las Vegas, Nevada 89030 Attention: Asst. Director Police Services
To Clark County:	Clark County Community Resources Management Division PO Box 551212 500 S. Grand Central Pkwy. Las Vegas, NV 89155

Any Party may change its address by giving notice in writing to the others and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

5. Entire Agreement. This Agreement constitutes 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 of any part of the subject matter hereof.

6. Headings; Exhibits; Cross References. The recitals, 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 are incorporated herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

7. Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

8. Repayment of Fiscal Agent by Sub-Recipients. Notwithstanding any other default or penalty provisions provided herein, if a Sub-Recipient or Sub-Sub Recipient fails to comply with the Grant Program, the Local Solicitation or Federal policies or laws such that the DOJ requests reimbursement from the Fiscal Agent for monies provided to a Sub-Recipient or Sub-Sub

Recipient, the Sub-Recipient agrees to repay (either on behalf of itself or its sponsored Sub-Sub Recipient) the Fiscal Agent the amount of money repaid to the DOJ based upon the DOJ's demand.

The Parties acknowledge and agree that if a DOJ demand for repayment from the Fiscal Agent results in repayment by the Fiscal Agent based upon the action or inaction of a Sponsored Sub-Sub Recipient, the Sponsoring Sub-Recipient shall repay the Fiscal Agent the funds that were repaid to the DOJ by the Fiscal Agent.

In any event, if the DOJ requests repayment of funds by the Fiscal Agent, the Fiscal Agent will immediately notify the Sub-Recipient or Sub-Sub Recipient of the demand from DOJ in writing, and the affected Sub-Recipient may elect to: 1) contact the DOJ and appeal the DOJ's finding or negotiate a settlement with the DOJ if possible; or 2) repay the DOJ directly. Las Vegas acknowledges that the Sub-Recipient should have a right to appeal such a demand, and agrees to postpone repayment of the DOJ, as long as the DOJ notifies Las Vegas, in writing, that it will postpone its demand for repayment based upon Sub Recipient appeal or otherwise.

9. Counterparts; Electronic Delivery. This Agreement may be executed in counterparts, all such counterparts will constitute the same Agreement and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year last below written.

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF LAS VEGAS

By:_____
Oscar B. Goodman, Mayor

ATTEST:

By:_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

By: John S. Ridilla
Deputy City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF HENDERSON

By:_____
Jutta G. Chambers, Chief of Police

By:_____
Andy A. Hafen, Mayor

ATTEST:

By:_____
Monica Martinez Simmons, MMC, City Clerk

APPROVED AS TO FORM:

By:_____
Elizabeth Macias Quillin, City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF MESQUITE

By:_____
Susan Holecheck, Mayor

ATTEST:

By:_____
Sheree Goessman, CMC, Deputy City Clerk

APPROVED AS TO FORM:

By:_____
City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF NORTH LAS VEGAS

By:_____
Shari L. Buck, Mayor

ATTEST:

By:_____
Karen L. Storms, CMC, City Clerk

APPROVED AS TO FORM:

By:_____
City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
Rory Reid, Chair

ATTEST:

By: _____
Diana Alba, County Clerk

APPROVED AS TO FORM ONLY:

David Roger
District Attorney

By: _____
Deputy District Attorney

EXHIBIT 1
Recovery Act: Edward Byrne Memorial
Justice Assistance Grant (JAG)
Formula Program: Local Solicitation

OMB No. 1121-0323

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

RECOVERY ACT

The U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partners to ensure this funding invests in the American workforce.

Specifically, under this solicitation, BJA will be making awards to assist local and tribal efforts to prevent or reduce crime and violence.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

Eligibility

Applicants are limited to units of local government listed in the Recovery Act JAG allocation list for JAG funds.
(See "Eligibility," page 2)

Deadline

Registration with OJP's Grants Management System is required prior to application submission.
Applicants must obtain a DUNS number from Dun and Bradstreet prior to application submission. Applicants, including those applying through GMS, must register with the Central Contractor Registration (CCR) database.
(See "Deadline: Registration," page 1)

All applications are due by 8:00 p.m. Eastern Time. on May 18, 2009.
(See "Deadline: Applications," page 2)

Important Note to Prospective Applicants

This solicitation is issued pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), which was signed into law by President Obama on February 17, 2009. As of the date this solicitation is issued, government-wide guidance is still forthcoming on various aspects of the Act.

Applicants are strongly advised to check the appropriate web site and www.ojp.usdoj.gov/recovery/solicitationrequirements.htm periodically (including before submitting an application) for updates to this solicitation and its associated requirements. Additional information may become available that could affect project proposal narratives, timelines, budget requests, certifications, and other matters related to applications.

Award recipients will be required to follow any applicable provisions of government-wide guidance that may be issued pursuant to the Recovery Act.

Contact Information

For assistance with the requirements of this solicitation, contact: BJA toll-free at 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov. This e-mail account will be checked hourly. A response will be provided within one business day. You may also contact your BJA State Policy Advisor at www.ojp.usdoj.gov/BJA/resource/stcont.htm, or Eileen M. Garry, Deputy Director for Programs, at 202–307–6226 or eileen.garry@usdoj.gov.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the GMS Support Hotline at 1–888–549–9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: www.ojp.usdoj.gov/gmscbt/.

Release date: March 6, 2009

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Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation
CDFA #16.804

Overview of the Edward Byrne Memorial Justice Assistance Grant Program

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a).

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program 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

Registering with OJP's Grants Management System (GMS)
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 immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) Obtaining a Data Universal Numbering System (DUNS) number; (2) Registering your organization with the Central Contractor Registration (CCR) database; and (3) Registering with GMS prior to applying.

The deadline to register is 8:00 p.m. Eastern Time on May 18, 2009.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering 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 receiving Federal funds. The identifier is used for

tracking purposes 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 http://fedgov.dnb.com/webform/displayHomePage.do.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

Eligibility

Applicants are limited to units of local government appearing on the Recovery Act JAG allocation list. For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; 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. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

Additional Requirements Related to the Recovery Act (including certification requirements):

Reporting on the Use of Funds. In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than **ten calendar days after the end of each calendar quarter**. Detailed information on section 1512(c) appears below, under "Accountability and Transparency under the Recovery Act." A template for the certification is included in the appendix. Applicants may expect that a standard form and/or standard reporting mechanism will be made available at a future date.

Certification regarding Infrastructure Investments. Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars. The certification must include a description of the infrastructure investment, the estimated total cost, and the amount of Recovery Act funds to be used, and must be posted on

a web site that is linked to Recovery.gov. (Refer to the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm for the text of section 1511.)

Consistent with section 1511, **all** applicants under this solicitation must complete a "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments," a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project. Applicants or recipients that intend to prepare a section 1511 certification should consult the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. If a standard form becomes available, OJP will include a notice in the appropriate section of the web page.

American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations: If a grant application is being submitted on behalf of a tribe or tribal organization, a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government entity authorizing the inclusion of the tribe or tribal organization named in the application must be included with the application.

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. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional DOJ funding.

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. Additionally, 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 grants.

NOTE: Beginning in 2009, the formula calculation for the local portion of the JAG statute has changed significantly as a result of final implementation of the JAG statute. The statute, 42 U.S.C. 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, allocations to units of local government would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations)

require that units of local government must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1998-2007) in order to be eligible. As a result of this statutory requirement, several local governments that were eligible in prior years for JAG formula funding are ineligible this year due to a lack of compliant UCR data reporting.

Award Amount
The JAG allocation list established by the Bureau of Justice Statistics (BJS), and 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/recoveryJAG/recoveryallocations.html.

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 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 a county with concurrent jurisdiction, while that 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.

JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. For a listing of disparate jurisdictions, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

★ 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/recoveryJAG/JAGrecoveryMOU.pdf.

Governing Body Review
The applicant agency (fiscal agent) must make 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.

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.

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 grant period years.

Trust Fund
Each unit of local government may draw down any or 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.

Recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in applicable reporting required by the Recovery Act. Specific information relating to this will be detailed in grant award documents.

Prohibited Uses
No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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.

Non-Supplanting
Federal funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. See the OJP Financial Guide (Part II, Chapter 3). Additional information appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Buy American
All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a "Buy American" provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected. For the text of section 1605, please refer to the ""OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Wage Rate Requirements
All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. Government-wide guidance on this provision is not yet available, but is expected.

Recovery Act: Preference for Quick-Start Activities
Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the "OJP's Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Contracts
Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Recovery Act: Limit on Funds
The Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Recovery Act: Use of Funds in Conjunction with Funds from Other Sources.
Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law. There can be no commingling of funds. (See "Accountability and Transparency under the Recovery Act," below.)

Accountability and Transparency under the Recovery Act

Separate Tracking and Reporting of Recovery Act Funds and Outcomes
Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including DOJ grant

funds from non-Recovery Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Quarterly Financial and Programmatic Reporting
Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. Receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be **due within 10 calendar days after the end of each calendar quarter**, starting July 10, 2009.

Programmatic and Financial Reporting Periods	**Due Dates**
October- December	January 10
January- March	April 10
April-June	July 10
July-September	October 10

The information from grantee reports will be posted on a public website. To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for future OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Funding recipients may expect that a standard form and/or reporting mechanism may be available. Additional instructions and guidance regarding the required reporting will be provided as they become available. For planning purposes, however, all applicants should be aware that the Recovery Act section 1512(c) provides as follows:

Recipient Reports: Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Subawards under Recovery Act Grants

Reporting; DUNS and CCR. As indicated above, quarterly reporting requirements for Recovery Act awards include reporting with respect to subawards. In order to facilitate that reporting, award recipients must work with their first-tier subawardees (if any) to ensure that, no later than the due date of the award recipient's first quarterly report after a subaward is made, the subawardee has a DUNS numbers and is registered with the Central Contractor Registration (CCR) database. See "Deadline: Registration," above, for more information on CCR and DUNS numbers.

Monitoring of subawards. All applicants should bear in mind that any recipient of an award under this solicitation will be responsible for monitoring of subawards under the grant in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide. Primary recipients will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds.

Reporting Fraud, Waste, Error, and Abuse

Each grantee or subgrantee awarded funds made available under the Recovery Act is to promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

You may report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (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 web site at www.usdoj.gov/oig/.

The Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act.

Performance Measures

To assist in fulfilling the accountability objectives of the Recovery Act, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 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. The following are **required** measures for awards made under the Recovery Act:

Objective	Performance Measures	Data the grantee provides for 3-month reporting period	Description (Plain language explanation of what exactly is being provided)
Recovery Act: Preserving jobs	Number of jobs saved (by type) due to Recovery Act funding.	a) How many jobs were prevented from being eliminated with the Recovery Act funding during this reporting period? b) How many jobs that were eliminated within the last 12 months were reinstated with Recovery Act funding?	An unduplicated number of jobs that would have been eliminated if not for the Recovery Act funding during the three-month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.
Recovery Act: Creating jobs	Number of jobs created (by type) due to Recovery Act funding.	How many jobs were created with Recovery Act funding this reporting period?	An unduplicated number of jobs created due to Recovery Act funding during the three month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.

In addition, new performance measures specific to the JAG Program have been developed by BJA with input from criminal justice members in the field (including SAAs). The performance measures 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 Support Hotline at 1–888–549–9901 from 7:00 a.m. to 9:00 p.m. Eastern Time.

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 formats: Microsoft Word (*.doc), Word Perfect (*.wpd), Microsoft Excel (*.xls), 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 that any Word documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format. Additionally, 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."

Recovery Act CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.804, titled "Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to Units of Local Territories."

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that 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.

The program narrative must include:

- Project objectives that are linked to meaningful and measurable outcomes consistent with the goals of the Recovery Act, and the likelihood of achieving such outcomes, such as job creation and preservation.
- Organization capabilities and competencies, including a description of how the organization will track all drawdowns and grant expenditures separately from other federal funding.
- Activities that can be started and completed expeditiously, and in a manner that maximizes job creation and economic benefits.
- Timeline or project plan identifying when the goals and objectives will be completed.

- Performance measures established by the organization to assess whether grant objectives are being met.

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 applicant's 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 which includes the applicant's name, title of the project, the goals of the project, a description of the strategies to be used, major deliverables, and coordination plans. The abstract must not exceed one-half page, or 400-500 words.

Certifications (Attachment 5)
See the Appendix.

Review Process

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the OJP Assistant Attorney General (AAG).

Additional Requirements

Successful applicants selected for awards under this Recovery Act solicitation 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/recovery/solicitationrequirements.htm.

- Civil Rights Compliance

- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements, includes Single Audit Act Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Recovery Act Reporting Requirements; Section 1512(c) of the Recovery Act
- Section 1511 of the Recovery Act: Certifications
- Section 1602 of the Recovery Act: Preference for Quick-Start Activities
- Section 1604 of the Recovery Act: Limit on Funds
- Section 1605 of the Recovery Act: Buy American
- Section 1606 of the Recovery Act: Wage Rate Requirements
- Section 1607 of the Recovery Act: Additional Funding Distribution and Assurance of Appropriate Use of Funds
- Section 1609 of the Recovery Act: Relating to National Environmental Policy Act

Appendix. Templates for Required Certifications

Instructions: Scan signed certifications and submit image files electronically as part of your application package.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Entity

_____
Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Government Entity

_____
Date

EXHIBIT 1
Recovery Act: Edward Byrne Memorial
Justice Assistance Grant (JAG)
Formula Program: Local Solicitation

OMB No. 1121-0323

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

RECOVERY ACT

The U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partners to ensure this funding invests in the American workforce.

Specifically, under this solicitation, BJA will be making awards to assist local and tribal efforts to prevent or reduce crime and violence.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

Eligibility

Applicants are limited to units of local government listed in the Recovery Act JAG allocation list for JAG funds.
(See "Eligibility," page 2)

Deadline

Registration with OJP's Grants Management System is required prior to application submission.
Applicants must obtain a DUNS number from Dun and Bradstreet prior to application submission. Applicants, including those applying through GMS, must register with the Central Contractor Registration (CCR) database.
(See "Deadline: Registration," page 1)

All applications are due by 8:00 p.m. Eastern Time. on May 18, 2009.
(See "Deadline: Applications," page 2)

Important Note to Prospective Applicants

This solicitation is issued pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), which was signed into law by President Obama on February 17, 2009. As of the date this solicitation is issued, government-wide guidance is still forthcoming on various aspects of the Act.

Applicants are strongly advised to check the appropriate web site and www.ojp.usdoj.gov/recovery/solicitationrequirements.htm periodically (including before submitting an application) for updates to this solicitation and its associated requirements. Additional information may become available that could affect project proposal narratives, timelines, budget requests, certifications, and other matters related to applications.

Award recipients will be required to follow any applicable provisions of government-wide guidance that may be issued pursuant to the Recovery Act.

Contact Information

For assistance with the requirements of this solicitation, contact: BJA toll-free at 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov. This e-mail account will be checked hourly. A response will be provided within one business day. You may also contact your BJA State Policy Advisor at www.ojp.usdoj.gov/BJA/resource/stcont.htm, or Eileen M. Garry, Deputy Director for Programs, at 202–307–6226 or eileen.garry@usdoj.gov.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the GMS Support Hotline at 1–888–549–9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: www.ojp.usdoj.gov/gmscbt/.

Release date: March 6, 2009

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Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation
CDFA #16.804

Overview of the Edward Byrne Memorial Justice Assistance Grant Program

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a).

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program 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

Registering with OJP's Grants Management System (GMS)
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 immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) Obtaining a Data Universal Numbering System (DUNS) number; (2) Registering your organization with the Central Contractor Registration (CCR) database; and (3) Registering with GMS prior to applying.

The deadline to register is 8:00 p.m. Eastern Time on May 18, 2009.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering 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 receiving Federal funds. The identifier is used for

tracking purposes 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 http://fedgov.dnb.com/webform/displayHomePage.do.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

Eligibility

Applicants are limited to units of local government appearing on the Recovery Act JAG allocation list. For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; 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. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

Additional Requirements Related to the Recovery Act (including certification requirements):

Reporting on the Use of Funds. In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than **ten calendar days after the end of each calendar quarter**. Detailed information on section 1512(c) appears below, under "Accountability and Transparency under the Recovery Act." A template for the certification is included in the appendix. Applicants may expect that a standard form and/or standard reporting mechanism will be made available at a future date.

Certification regarding Infrastructure Investments. Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars. The certification must include a description of the infrastructure investment, the estimated total cost, and the amount of Recovery Act funds to be used, and must be posted on

a web site that is linked to Recovery.gov. (Refer to the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm for the text of section 1511.)

Consistent with section 1511, **all** applicants under this solicitation must complete a "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments," a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project. Applicants or recipients that intend to prepare a section 1511 certification should consult the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. If a standard form becomes available, OJP will include a notice in the appropriate section of the web page.

American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations: If a grant application is being submitted on behalf of a tribe or tribal organization, a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government entity authorizing the inclusion of the tribe or tribal organization named in the application must be included with the application.

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. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional DOJ funding.

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. Additionally, 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 grants.

NOTE: Beginning in 2009, the formula calculation for the local portion of the JAG statute has changed significantly as a result of final implementation of the JAG statute. The statute, 42 U.S.C. 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, allocations to units of local government would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations)

require that units of local government must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1998-2007) in order to be eligible. As a result of this statutory requirement, several local governments that were eligible in prior years for JAG formula funding are ineligible this year due to a lack of compliant UCR data reporting.

Award Amount
The JAG allocation list established by the Bureau of Justice Statistics (BJS), and 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/recoveryJAG/recoveryallocations.html.

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 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 a county with concurrent jurisdiction, while that 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.

JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. For a listing of disparate jurisdictions, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

★ 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/recoveryJAG/JAGrecoveryMOU.pdf.

Governing Body Review
The applicant agency (fiscal agent) must make 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.

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.

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 grant period years.

Trust Fund
Each unit of local government may draw down any or 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.

Recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in applicable reporting required by the Recovery Act. Specific information relating to this will be detailed in grant award documents.

Prohibited Uses
No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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.

Non-Supplanting
Federal funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. See the OJP Financial Guide (Part II, Chapter 3). Additional information appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Buy American
All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a "Buy American" provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected. For the text of section 1605, please refer to the ""OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Wage Rate Requirements
All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. Government-wide guidance on this provision is not yet available, but is expected.

Recovery Act: Preference for Quick-Start Activities
Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the "OJP's Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Contracts
Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Recovery Act: Limit on Funds
The Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Recovery Act: Use of Funds in Conjunction with Funds from Other Sources.
Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law. There can be no commingling of funds. (See "Accountability and Transparency under the Recovery Act," below.)

Accountability and Transparency under the Recovery Act

Separate Tracking and Reporting of Recovery Act Funds and Outcomes
Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including DOJ grant

funds from non-Recovery Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Quarterly Financial and Programmatic Reporting
Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. Receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be **due within 10 calendar days after the end of each calendar quarter**, starting July 10, 2009.

Programmatic and Financial Reporting Periods	**Due Dates**
October- December	January 10
January- March	April 10
April-June	July 10
July-September	October 10

The information from grantee reports will be posted on a public website. To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for future OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Funding recipients may expect that a standard form and/or reporting mechanism may be available. Additional instructions and guidance regarding the required reporting will be provided as they become available. For planning purposes, however, all applicants should be aware that the Recovery Act section 1512(c) provides as follows:

Recipient Reports: Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Subawards under Recovery Act Grants

Reporting; DUNS and CCR. As indicated above, quarterly reporting requirements for Recovery Act awards include reporting with respect to subawards. In order to facilitate that reporting, award recipients must work with their first-tier subawardees (if any) to ensure that, no later than the due date of the award recipient's first quarterly report after a subaward is made, the subawardee has a DUNS numbers and is registered with the Central Contractor Registration (CCR) database. See "Deadline: Registration," above, for more information on CCR and DUNS numbers.

Monitoring of subawards. All applicants should bear in mind that any recipient of an award under this solicitation will be responsible for monitoring of subawards under the grant in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide. Primary recipients will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds.

Reporting Fraud, Waste, Error, and Abuse

Each grantee or subgrantee awarded funds made available under the Recovery Act is to promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

You may report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (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 web site at www.usdoj.gov/oig/.

The Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act.

Performance Measures

To assist in fulfilling the accountability objectives of the Recovery Act, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 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. The following are **required** measures for awards made under the Recovery Act:

Objective	Performance Measures	Data the grantee provides for 3-month reporting period	Description (Plain language explanation of what exactly is being provided)
Recovery Act: Preserving jobs	Number of jobs saved (by type) due to Recovery Act funding.	a) How many jobs were prevented from being eliminated with the Recovery Act funding during this reporting period? b) How many jobs that were eliminated within the last 12 months were reinstated with Recovery Act funding?	An unduplicated number of jobs that would have been eliminated if not for the Recovery Act funding during the three-month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.
Recovery Act: Creating jobs	Number of jobs created (by type) due to Recovery Act funding.	How many jobs were created with Recovery Act funding this reporting period?	An unduplicated number of jobs created due to Recovery Act funding during the three month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.

In addition, new performance measures specific to the JAG Program have been developed by BJA with input from criminal justice members in the field (including SAAs). The performance measures 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 Support Hotline at 1–888–549–9901 from 7:00 a.m. to 9:00 p.m. Eastern Time.

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 formats: Microsoft Word (*.doc), Word Perfect (*.wpd), Microsoft Excel (*.xls), 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 that any Word documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format. Additionally, 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."

Recovery Act CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.804, titled "Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to Units of Local Territories."

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that 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.

The program narrative must include:

- Project objectives that are linked to meaningful and measurable outcomes consistent with the goals of the Recovery Act, and the likelihood of achieving such outcomes, such as job creation and preservation.
- Organization capabilities and competencies, including a description of how the organization will track all drawdowns and grant expenditures separately from other federal funding.
- Activities that can be started and completed expeditiously, and in a manner that maximizes job creation and economic benefits.
- Timeline or project plan identifying when the goals and objectives will be completed.

- Performance measures established by the organization to assess whether grant objectives are being met.

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 applicant's 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 which includes the applicant's name, title of the project, the goals of the project, a description of the strategies to be used, major deliverables, and coordination plans. The abstract must not exceed one-half page, or 400-500 words.

Certifications (Attachment 5)
See the Appendix.

Review Process

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the OJP Assistant Attorney General (AAG).

Additional Requirements

Successful applicants selected for awards under this Recovery Act solicitation 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/recovery/solicitationrequirements.htm.

- Civil Rights Compliance

- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements, includes Single Audit Act Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Recovery Act Reporting Requirements; Section 1512(c) of the Recovery Act
- Section 1511 of the Recovery Act: Certifications
- Section 1602 of the Recovery Act: Preference for Quick-Start Activities
- Section 1604 of the Recovery Act: Limit on Funds
- Section 1605 of the Recovery Act: Buy American
- Section 1606 of the Recovery Act: Wage Rate Requirements
- Section 1607 of the Recovery Act: Additional Funding Distribution and Assurance of Appropriate Use of Funds
- Section 1609 of the Recovery Act: Relating to National Environmental Policy Act

Appendix. Templates for Required Certifications

Instructions: Scan signed certifications and submit image files electronically as part of your application package.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Entity

_____
Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Government Entity

_____
Date

EXHIBIT 2
OCPS 7130.1

U.S. Department of Justice

Office of Justice Programs

Office of the Comptroller

Office of the Comptroller

Washington D.C. 20531

Policy Statement

OCPS 7130.1

Subject: Use of Federal funds by grantees, contractors, and OJP Bureaus and Offices to provide food and beverages at specific events.

1. Purpose. This statement provides guidance to OJP Bureaus, Offices, grantees and contractors (not including subrecipients) that desire to provide food and/or beverages at an event. **1/** Where this policy allows for the provision of food and/or beverages, it does not require that a Bureau, Office, grantee or contractor provide food and/or beverages at these events.

2. Scope. The procedures included in this policy statement are to be followed by all grantees, contractors, and OJP Bureaus and Offices. Subrecipient requests may be reviewed and approved by the awarding agency or recipient if required by the awarding agency as defined in Chapter 3, Glossary of Terms, effective edition of the OJP Financial Guide. **1/**

3. Policy. In accordance with the provisions of the Food and Beverage Policy, a grantee or contractor may use Federal funds for food and/or beverages when associated with a training session, meeting, or conference. Bureaus and Offices may use Federal funds for food and/or beverages when associated with a training session, meeting, conference, award ceremony, or retreat. Note: Food and beverage costs for events within events may be unallowable (see OJP Financial Guide, Food and Beverage Appendix, June 1999) **2/**

1/ Revised from previous edition dated 5/5/98. Requests for approval of food and beverage costs by subrecipients are not subject to review and approval by OJP.

2/ Mandatory attendance of all participants at related events is required for allowability of food and beverage costs at all events.

4. Procedures. Effective June 1999, OJP Bureaus, Offices, grantees and contractors do not need prior approval in accordance with the Food and Beverage Policy for Grantees and Contractors, but must comply with the requirements of the Policy Statement on the Use of Funds to Provide Food and Beverages (Attachment 1).

OJP grantees/contractors should maintain adequate documentation that supports use of food or beverage purchases using Federal funds.

Cynthia J. Schwimer
Comptroller

August 13, 1999
Date

Attachments:

Attachment 1 - Policy statement on the use of funds to provide food and beverages

Policy Statement on Federal Grantees, Contractors, & OJP Bureaus and Offices Use of Funds to Provide Food and Beverages

EXECUTIVE SUMMARY

Expenses for food and beverages incurred by **Federal grantees** and **contractors**[1] may be charged to Federal funds pursuant to program guidelines provided that three tests are satisfied:

Test 1 - The food and beverages provided are incidental to a work-related event; and
Test 2 - The costs of the food and beverages are considered reasonable; and
Test 3 - Food and beverages are not directly related to amusement and/or social events.

A **Federal agency's** ability to use Federal funds to provide food or beverages is more limited. Exceptions to the general prohibition on using Federal funds for this purpose exist when:

- Funds for the food or beverages are specifically appropriated; or,
- Food or beverages are for training expenses; or,
- Food or beverages are for meeting or conference expenses; or
- Food or beverages are expenses associated with a retreat outside the employees' official duty station; or
- Food or beverages are expenses of a Federal employee award ceremony.

Food and beverage costs incurred by a **Federal agency** for Federal employees and others may be allowable when the following tests are satisfied:

Trainings:
Test 1 - The training is for the purpose of providing a program or course of instruction or education in a field which will improve individual job related performance and organizational performance and assist in achieving the agency's mission and performance goals as defined by the Government Employees Training Act at 5 U.S.C. § 4101(4); and
Test 2 - The agency determines that providing meals is necessary to achieve the objectives of the training program, that is, that the food is necessary in order for the employees to obtain the full benefit of the training. See 5 U.S.C . § 4109 (1994).

Meetings, Conferences:
Test 1 - The food or beverage is part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities. See 5 U.S.C. § 4110

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[1] Federal grantees are governed by cost principles set out in the Office of Management and Budget Circulars. Federal contractors are subject to the Federal Acquisition Regulations which have similar rules to those found in the OMB Circulars. Food and beverages must not be directly related to amusement and/or social events, and the beverages cannot include alcohol.

(1994). (An OJP meeting that focuses on day to day operations does not qualify under 5 U.S.C. 4110); and
Test 2 - The food or beverages provided are incidental to the meeting or conference; and
Test 3 - The food and beverages must be necessary to the Federal employee's full participation in the meeting or conference; and
Test 4 - The employee is not free to take his or her meals elsewhere without being absent from essential discussions, lectures, or speeches concerning the purpose of the meeting or conference.

Award ceremonies:
Test 1 - Recognition for an award is given to an employee who meets general criteria specified in the Government Employees' Incentive Awards Act, 5 U.S.C. §§ 4501-4503; and
Test 2 - The recognition is given at a formal, ceremonial function which is OJP-wide; and
Test 3 - Food and beverages will materially enhance the effectiveness of the ceremony and the cost of such food and beverages is considered reasonable.

Retreats:
Test 1 - The retreat must be held outside the official duty station as defined by this Policy, i.e., the employee(s) is outside his or her official duty station as defined under the Federal Travel Regulations, chapter 301-7, and is entitled to per diem at a temporary duty station.

NOTE: Anyone under federal per diem allowances or reimbursements who is attending any of these events at which food and beverages are provided must deduct the cost of any full meals (ie. lunch, dinner) provided from his or her per diem allowances.

1.0 Purpose

The purpose of the Policy is to provide guidance to a contractor, grantee, and OJP Bureaus and Offices that desire to provide food and/or beverages at an event. Even if this Policy allows the provision of food and beverages, it does not require that an OJP Bureau, office, contractor or grantee provide food and/or beverages at training sessions, meetings, or conferences. Furthermore, while this Policy provides guidance, the examples contained in this Policy statement are not to be viewed as definitive, but rather as illustrations. Guidance should be applied within the context of each individual fact situation.

2.0 Definitions

For the purposes of applying the applicable rules covering the use of funds for food or beverages, the following terms are defined:

"**Award ceremony**" is a ceremony where the head of an agency may pay a cash award to, and incur necessary expense for, the honorary recognition of a Federal employee who, by his suggestion, invention, superior accomplishment, or other personal effort, contributed to the efficiency, economy, or other improvement of Government operations or achieved a significant

reduction in paperwork, or performed a special act or service in the public interest relating to his official employment. See 5 U.S.C. § 4503 (1994).

"**Breaks**" are short pauses in an ongoing informational program at trainings, meetings, conferences, or retreats. Typically, an all day event may include one break during a morning session, and one break during an afternoon session. Examples of foods items which may be served at breaks include foods such as, cookies, soda, fruit, etc.

"**Conference**" or "**meeting**" is a formal event involving topical matters of general interest, (i.e., matters that will contribute to improved conduct, supervision, or management of the agency's functions or activities), to Federal agency and non-Federal agency participants, rather than a routine business meeting primarily involving day-to-day agency operations and concerns. "Meeting" includes other designations, such as a conference, congress, convention, forum, seminar, symposium, training for grantees or contractors, and workshop. See 5 U.S.C. § 4110 (1994).

"**Continental Breakfast,**" means a light breakfast that may include a selection of coffees, teas, juices, fruits, and assorted pastries. It is allowable provided several hours of substantive material directly follows the continental breakfast. Grant recipients are reminded that the least expensive of the available selections should be chosen.

"**Federal agency**" means an Executive department, an independent establishment, a Government corporation, the Library of Congress, the Government Printing Office, and the Government of the District of Columbia. See 5 U.S.C. § 4101 (1994).

"**Federal contractor**" is a person or entity that contracts with the Federal Government to provide supplies, services, or experimental, developmental, or research work. Entities may include commercial organizations, educational institutions, construction and architect-engineer companies, State and local governments, and non-profit organizations. See 48 C.F.R. §§ 31.103-105, 31.107-108 (1995).

"**Federal employees**" are those persons employed in or under an agency of the United States Federal Government or the District of Columbia. See 5 U.S.C. § 4101 (1994).

"**Federal grantee**" means the component of a State, local, or federally-recognized Indian tribal government, educational institution, hospital, or a for-profit or non-profit organization which is responsible for the performance or administration of all or some part of a federal award. See OMB Circular No. A-87, Attachment A; OMB Circular No. A-110, Attachment A.

"**Focus group,**" for purposes of this Policy, means a gathering of Federal government employees to discuss results and improvements of programs in the field. The focus group should follow a prepared agenda, be lead by an expert(s) in the subject matter, and serve to educate the Federal employees.

"**Food**" **and/or** "**beverages**" retain their common meanings. Food or beverages are considered in the context of formal meals and in the context of refreshments served at short, intermittent breaks during an activity. Beverages do not include alcoholic beverages.

"**Formal agenda,**" provides a list of all activities that shall occur during the event, using an hour by hour time line. It must specifically include the times during the event when food and beverages will be provided.

"**Incidental,**" for purposes of this Policy, means relating to a formal event where full participation by participants mandates the provision of food and beverages.

"**Reasonable,**" as it applies to cost of food or beverages means those costs which a prudent person would have incurred under the circumstances prevailing at the time the decision to incur the cost was made. Costs to consider when making judgements about reasonableness include the cost of food and beverage, total cost of the event and costs incurred relative to costs in the geographical area.

"**Reception,**" as it applies to this Policy, means an informal gathering which is not mandatory for all event participants to obtain necessary information. Indicators of a reception include a cash bar, inadequate seating for the entire group, food items from a reception menu (such as finger foods) and a longer break (than utilized throughout the day) between the substantive meetings and the reception. Receptions are expressly prohibited and are considered to be an unallowable cost with Federal funds.

"**Working dinner,**" as it relates to this Policy means a formal and mandatory dinner necessary for all participants to have full participation in the conference or event. A working dinner must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working dinner. Indicators of a working dinner include seating for all participants. A cash bar is expressly prohibited.

"**Working lunch,**" for purposes of this Policy is a formal and mandatory lunch necessary for all participants to have full participation in the conference or event. A working lunch must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working lunch (exhibits are not included). Indicators of a working lunch include seating for all participants. A cash bar is expressly prohibited.

3.0 DETERMINING ALLOWABLE COSTS OF FOOD AND BEVERAGES

There are two steps that must be taken to determine allowable costs associated with food and beverages.

Step 1: Three questions must be addressed when determining whether Federal funds can be used to provide food or beverages:

1. Who is the entity that seeks to provide the food and/or beverages?
   - Federal grantee

- Federal contractor
- Non-federal entity

2. To whom will the food and/or beverages be provided?
   - Federal agency (OJP) employees only
   - Employees of the Federal grantee or contractor
   - General public or employees of other Federal agencies
   - A mixed group consisting of OJP employees and Federal grantees, OJP employees and Federal contractors, or OJP employees and employees of other Federal agencies or the general public

3. Under what conditions will the food and beverages by provided?

Step 2: Apply the appropriate test to the situation in which funds are used to provide food and beverages:

A. Federal Grantee or Contractor

A Federal grantee or a contractor may provide food and beverages pursuant to program guidelines as long as:

1. The food and beverages provided are incidental to a work-related event; and
2. The costs of the food and beverages are considered reasonable; and
3. Food and beverages are not directly related to amusement and/or social events.

NOTES: Food and beverage costs for events within events may be unallowable. For example:

UNALLOWABLE
Event A includes 200 participants and food and beverages are requested for event B, which directly relates to event A, but includes only a subset of the 200 participants. Food and beverage costs at event B are unallowable since attendance at the event is not mandatory for all participants (200).

ALLOWABLE
If the purpose of event B is to discuss or work on topics unrelated to event A, food and beverage costs may be allowable for event B as a separate and independent event. A grantee or contractor should maintain separate documentation relating to event B.

B. Federal Agency

B.1 *For a Federal agency to provide food or beverages at a Federal*

employee training session,[2] *a Federal agency must meet the following requirements:*

1. The training must be a training program under 5 U.S.C. § 4109 as defined by the Government Employees Training Act at 5 U.S.C. § 4101(4); and
2. The agency determines that providing meals is necessary to achieve the objectives of the training program, that is, that the food is necessary in order for the employees to obtain the full benefit of the training.

B.2 *For a Federal agency to provide food or beverages at a* ***Federal meeting or conference,*** *a Federal agency must meet the following requirements:*

1. The food or beverage is part of a formal meeting or conference under 5 U.S.C. § 4110; and
2. The food and beverages provided are incidental to the meeting or conference; and
3. The food and beverages must be necessary to the Federal employee's full participation in the meeting or conference; and
4. The employee is not free to take his or her meals elsewhere without being absent from essential discussions, lectures, or speeches concerning the purpose of the meeting or conference.

B.3 *For a Federal agency to provide food or beverages at a* ***Federal employee awards ceremony,*** *a Federal agency must meet the following requirements:*

1. Recognition for the award is to an employee who meets general criteria specified in the Government Employees' Incentive Awards Act; and
2. The recognition is at some type of ceremonial function; and
3. The food and beverages will materially enhance the effectiveness of the ceremony and the cost of such items is considered reasonable.

B.4 *For a Federal agency to provide food or beverages at a* ***Federal employee retreat,*** *a Federal agency must meet the following requirement:*

The employee is in travel status, i.e., the employee is outside his or her official duty station and is entitled to per diem. The costs of full meals should be deducted from the per diem.

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[2] For training of grantees or contractors, please refer to the test for meetings or conferences.

4.0 Use of Funds for Food or Beverages

4.1 Federal Agency's Use of Funds for Food or Beverages

As a general rule, Federal agencies may not use Federal funds to provide food or beverages to Federal employees at their official duty stations. Such expenses are considered personal expenses. An employee is expected to bear these expenses from his or her salary; such expenses are not allowed under 5 U.S.C. § 5536, which prohibits an employee from receiving pay or allowances in addition to that fixed by law.

4.2 Exceptions to Federal Agency Use of Funds for Food or Beverages

A. Specifically Appropriated Funds

An agency may use funds to cover the costs of food or beverages for employees when Congress has appropriated funds specifically for such purposes. A common example of such funds is "official reception and representation" (OR&R) funds. In addition to including a specific amount of funds for OR&R in certain appropriations accounts, Congress has provided the Justice Department with general authority to use a specific amount from any of its various appropriation accounts for official reception and representation expenses. See Departments of Justice and Related Agencies Appropriation Act of 1994, Pub. L. No. 103-121, § 101, 107 Stat. 1163 (1993). Decisions to use these funds must be made by the head of the agency.

B. Statutory Exceptions

Congress has provided agencies the statutory authority to use funds not specifically appropriated for food to cover the cost of food or beverages in the following limited circumstances:

1. Training Expenses

Under the Federal Employees Training Act, 5 U.S.C. § 4109, OJP may pay for, or reimburse an employee for, food and beverages that are necessary to the achievement of the training objectives. Food and beverages may be provided to both Federal employees and non-Federal speakers who appear at the training session. See 48 Comp. Gen. 185 (1986).

There are two factors in determining whether Federal funds may be used for food or beverages under 5 U.S.C. § 4109. First, the event, meeting, seminar, symposium, etc. at which the food or beverages are offered must satisfy the definition of "training" in 5 U.S.C. § 4101(4) and as set out in this Policy, 2.0 Definitions. The fact that a Federal agency characterizes a meeting as "training" does not authorize the payment of related expenses where the event is really no more than an internal management meeting or staff working session.

Second, the Federal agency must show that the food or beverages were a necessary part of achieving the training objectives. "Necessary" food or beverages are those that the participants must be provided to further the goals of the training, such as food or beverages offered at lunches or dinners with speakers, or at breaks that are necessary to enable participants to be in attendance during all presentations of essential information. Food or beverages provided for the "pleasure" of those attending the training session are not legitimate training expenses.[3]

2. *Meeting or Conference Expenses*

Federal agencies may pay for food or beverages where Federal employees are attending meetings or conferences pursuant to 5 U.S.C. § 4110. The threshold test for determining whether an event is a "meeting or conference" is whether the food was provided at a formal event involving topical matters of general interest to Federal agency and non-Federal agency participants, rather than at a routine business meeting involving only internal management or day-to-day business concerns of the Federal agency.

When food and beverages are offered, the food or beverages must not only be ancillary to the functions or events carried on during the meal or break, but also ancillary to substantial functions taking place at the meeting or conference. These criteria are

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[3] For example, in a case involving the Pension Benefit Guaranty Corp. (PBGC), the Comptroller General found that although the PBGC was conducting a legitimate "training" session, the refreshments provided were not necessary for the employees to obtain the full benefit of the training, but rather were to maximize the time of the busy executives, to get the participants acquainted with each other, and to improve the on time attendance of the training participants. Therefore, the refreshments provided by the PBGC in conjunction with the training session were not permitted as training expenses. See Op. Comp. Gen. B-270199 (Aug. 6, 1996), 1996 WL 442084 (C.G.).

more easily met for externally organized or sponsored formal meetings or conferences than for agency sponsored meetings or conferences, where it may be difficult to distinguish between regular government matters and topical matters of general interest to non-governmental and governmental participants alike.

If the above tests are satisfied, the food and beverage expenses must also be necessary to the meeting or conference. In this context, "necessary" food or beverages are those that the participants must be provided to further the goals of the meeting or conference, as such food or beverages offered at lunches or dinners with speakers, or at breaks that are necessary to enable participants to attend all presentations of essential information. In any case, in order to use Federal funds, the food or beverages must be incidental to the meeting or conference, not vice versa.

3. *Award Ceremony Expenses*

Federal agencies may pay for food and beverages relating to Federal employee award ceremonies. Such food and beverages are considered "necessary expenses" that enhance the statutorily authorized honorary recognition of a Federal employee under the Government Employees' Incentive Awards Act, 5 U.S.C. §§ 4501-4503. If an agency determines that a reception with refreshments would materially enhance the effectiveness of its award ceremony, the cost of refreshments may be paid with Federal funds.

The basis for this exception is the statutory objective of encouraging employees to excel, and to this end, publicly recognizing their accomplishments. Therefore, food and non-alcoholic beverages that may be inappropriate in other contexts are considered appropriate as part of a ceremonial recognition of OJP employees who have qualified for awards under the criteria set out in 5 U.S.C. § 4503.

4. *Federal Agency Employee Retreat Expenses*

The Assistant Attorney General or an authorized agency official may determine that OJP employees should get away from the distractions and interruptions of their normal duty station environment to focus attention on management or programmatic issues. In such cases, food and beverages may be provided with Federal funds as long as (1) the retreat is held in a geographical location outside the employees' official duty station, and (2) the

participants' per diem allowances are reduced for the meals and incidental expenses in accordance with applicable regulations. See Op. Comp. Gen. No. B-244473 (January 13, 1992).

Retreats involve only Federal agency employees gathering for the purpose of discussing management or program issues of the agency. Because of its limited focus, a Federal agency employee retreat is not the same as a meeting or conference under 5 U.S.C. § 4110, nor is it a training as defined under 5 U.S.C. § 4101(4) and § 4109. Since a "retreat," by definition, takes place away from the official duty station, the authority to use agency appropriations for food and beverages stems from the travel statutes and the implementing Federal Travel Regulations. Therefore, the Federal agency cannot provide food or beverages to its employees during retreats within their official duty station.

5.0 Federal Grantee's Use of Funds for Food or Beverages

Once funds are in the grantee's hand, the restrictions on their use are governed by the "cost principles" of the Office of Management and Budget (OMB). Cost principles are the Federal rules that determine the reimbursibility of grantee expenses. Generally, allowable costs include reasonable costs incurred in activities designed to improve working conditions, improve employer-employee relations, improve employee morale, and improve employee performance. Costs that are not allowed by the cost principles are those directly related to the purchase of alcohol, or to entertainment, including amusement, diversions, or social activities.

Different classes of Federal grantees have different types of costs and follow different cost rules set out by the OMB. Specifically, State and local governments and their subgrantees are covered by the cost principles of OMB Circular A-87, non-profit organizations are covered by OMB Circular No. A-122, colleges and universities are covered by OMB Circular No. A-21, for-profit organizations are covered by OMB Circular No. A-110, and hospitals are covered by OMB Circular A-110 and 45 C.F.R. Part 74, App. E (1996).

The standard under which costs are considered "allowable costs" under the OMB cost principles is a "reasonable person" standard, specifically, those costs which a prudent person would have incurred under the circumstances prevailing at the time the decision to incur the cost was made. Also, considered in determining "reasonableness" is the extent to which the actions taken with respect to incurring the cost are consistent with established policies of the grantee and practices applicable to the grantee's work.

6.0 Federal Contractor's Use of Contract Funds for Food or Beverages

Federal contractors follow rules under the Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 31.000-31.703 (1995), that are analogous to those set out by the OMB for grantees. Commercial contractors are given discretion in their use of funds by being allowed to charge as

"costs," reasonable aggregate costs incurred in activities designed to improve working conditions, improve employer-employee relations, improve employee morale, and improve employee performance. Costs that are not allowed by the regulations are those directly related to the purchase of alcohol, or to entertainment, including amusement, diversions, or social activities.

NOTES:

Anyone under per diem allowances or reimbursements who is attending events at which food and beverages are provided must deduct the cost of any full meals (ie. lunch, dinner) provided from his or her per diem allowances.

Grant recipients are encouraged to accept reduced room rates from conference facilities instead of food, i.e. reception, foods, etc .

If you have any questions regarding how to interpret or apply this Policy, please contact the Office of the Comptroller Customer Service Center at 1-800-458-0786, or send inquiries via e-mail to "askoc@ojp.usdoj.gov".

Attachment A

Examples of Whether Funds May be Used to Provide Food and Beverages

CONFERENCES AND MEETINGS:

Example #1 OJP sponsors an all-day event at the L'Enfant Plaza Hotel that includes a luncheon and breaks at which food and beverages are offered. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are

necessary to enable participants to be in attendance during all presentations of essential information.

This scenario qualifies under the conference or meeting exception because the event is a formal conference or meeting consisting of several functions. Therefore, food and beverages may be provided with Federal funds.

Example #2 OJP sponsors an event for 3 hours between 11:00 a.m. and 2:00 p.m. in the OJP Ballroom during which a 30-minute working lunch is provided. The time between 11:00 a.m. and 2:00 p.m. is the only convenient meeting time for the participants. Non-Federal experts present expert opinions for the purpose of educating Federal agency employees about the ongoing successes and failures of agency programs. A formal agenda is distributed to all participants prior to the event, and participation by the Federal agency employees is required.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made, or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes - the lunch is incident to an event at which Federal agency employees are instructed by an expert on how to improve ongoing agency programs.

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or

meeting?
A = Yes

Q = If an employee does not participate in the meal, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes

This scenario qualifies under the conference or meeting exception where the event consists of a program of education and where the luncheon is incidental and necessary to the objectives of the event. Therefore, food and beverages may be provided with Federal funds.

Example #3 OJP sponsors an event for 1 hour between 12:00 p.m. and 1:00 p.m. at the L'Enfant Plaza Hotel during which a working lunch is provided. The hour between 12:00 p.m. and 1:00 p.m. is the only convenient time for the participants. Federal agency employees, as well as non-agency persons are invited, and various policy topics are discussed over lunch. An agenda is distributed to the participants prior to the event. There is no discussion before the lunch, and at the conclusion of the meal, the group disburses.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable .

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No - there is no other substantial function at this event aside from the luncheon. The employees are free to take their lunch before or after the hour long event.

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon

This scenario does not qualify under the conference or meeting exception because the meeting is essentially a "working lunch" with no additional functions, before or after the meal, at which necessary information is provided. Therefore, food and beverages cannot be provided with Federal funds.

Example #4 A Federal grantee/contractor sponsors an event at the L'Enfant Plaza Hotel to discuss policy topics. The event includes a working lunch with a speaker and breaks at which food and beverages are offered. Federal agency employees, as well as employees of the Federal grantee/contractor and non-agency persons are invited.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Federal agency employees, Federal grantee/contractor employees, and others

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = Yes

This scenario meets all components of the test; therefore, food and beverages **may** be provided with Federal grantee/contractor funds.

Example #5 A Federal grantee/contractor offers a "hospitality suite" the night before its conference at the L'Enfant Plaza Hotel. Federal agency employees, as well as employees of the Federal grantee/contractor and non-agency persons are invited.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Federal agency employees, Federal grantee/contractor employees, and others

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incident to the conference or meeting and not directly related to amusement and/or social events?
A = No

This scenario fails the test because food and beverages must not be directly related to amusement or social events. Although the conference is work-related, the hospitality suite is purely a "social event." Therefore, food and beverages **may not** be provided with Federal grantee/contractor funds.

Example #6 OJP sponsors an all-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. Time is allotted at the end of the day for a networking reception during which food and beverages are offered.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = No. Although essential information is being offered during the day, it is not being offered during the networking reception. If an employee misses the networking reception, he or she will not miss information that was essential to the conference or meeting.

This scenario <u>does not</u> qualify under the conference or meeting exception

because the employee will not miss essential information if he or she does not participate in the networking reception. Therefore, the food and beverages cannot be provided with Federal funds. NOTE: Food and beverages may be provided at other times during the conference or meeting if the proper tests are met. Please refer to Example #1.

Example #7 Federal grantee/contractor sponsors an all-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as Federal grantee/contractor employees and non-agency persons are invited, and various policy topics are discussed. Time is allotted at the end of the day for a networking reception during which food and beverages are offered.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are food and beverages incidental to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = No. Although essential information is being offered during the day, it is not being offered during the networking reception. The networking reception operates as a social function rather than a necessary work-related event.

This scenario **does not** qualify under the Federal grantee/contractor conference or meeting exception because the networking reception is essentially a social event. Therefore, the food and beverages **may not** be provided with Federal grantee/contractor funds, i.e., the refreshment expenses cannot be passed

through to the Federal grantee/contractor. The Federal grantee/contractor, however, may pay for food and beverages at the networking opportunity from its own profits. The food and beverages, in this case, raise ethical questions regarding the receipt by Federal employees of "gifts" from outside sources. Please consult your ethics manual in these situations.

Example #8 OJP sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. Registration is held on the first morning of the event at which food and beverages provided.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = No

This scenario does not qualify under the conference or meeting exception, because the employee will not miss essential information if he or she does not participate in the food and beverages provided at registration. Therefore, the food and beverages cannot be provided with Federal funds. [Please also refer to Example #8]

Example #9 A Federal grantee/contractor sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as government contractor employees and non-agency persons are invited, and various policy topics are discussed. Registration is held on the first morning of the event at which food and beverages are provided.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are food and beverages incidental to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = Yes

This scenario qualifies under the Federal grantee/contractor conference or meeting exception, because the costs are reasonable and the food and beverages are offered in conjunction with registration, which is a work-related event. Therefore, the food and beverages may be provided with Federal grantee/contractor funds.

Example #10 OJP sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. A mid-morning break with coffee and danishes is offered each morning after the conference sessions have begun.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes

This scenario qualifies under the conference or meeting exception, because the employee will miss essential information if he or she does not participate in the short morning breaks, but rather leaves the conference area to obtain food or beverages. Therefore, the morning breaks <u>may</u> be provided with Federal funds.

RETREATS:

Example #11 OJP sponsors an all-day event at the Rockwood Manner in Potomac, Maryland that includes a working lunch and breaks at which food and beverages are offered. Only OJP employees are invited, and the topic of discussion is agency strategic planning and management.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Federal employee retreat within the official duty station of the employees. This event is not a conference or meeting because only Federal agency (OJP) employees are participating and because the topic involves policy and management issues of the agency.

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee retreat.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal retreat that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the retreat and necessary to the employees' full participation in the retreat?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the retreat?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

Q = Is the retreat outside the employees' official duty station?
A = No - the Rockwood Manner is within the District of Columbia official duty station.

This retreat is held in Montgomery County, which is within the employees' official duty station. Therefore, food and beverages cannot be provided with Federal funds.

Example #12 OJP sponsors an all-day event at a location in Annapolis, Maryland. The event includes a working lunch and breaks at which food and beverages are offered. Only OJP employees are invited, and the topic of discussion is agency strategic planning and management.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Federal employee retreat within the official duty station of the employees. This event is not a conference or meeting because only Federal agency (OJP) employees are participating and because the topic involves policy and management issues of the agency.

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee retreat.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal retreat that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the retreat and necessary to the employees' full participation in the retreat?
A = Yes

Q = If an employee does not participate in the food or beverages, will

he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the retreat?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

Q = Is the retreat outside the employees' official duty station?
A = Yes - the Annapolis area is not within the District of Columbia official duty station.

Because this retreat is held in Annapolis, which is not within the employees' official duty station, food and beverages may be provided with Federal funds. Anyone receiving per diem allowance or reimbursement, however, must deduct the cost of the lunch from his or her per diem allowance or reimbursement.

TRAINING

Example #13 OJP sponsors a training session to train OJP employees at the L'Enfant Plaza Hotel. The full day training session includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Training session

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee training session.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal training session that is concerned with the functions or activities for which the appropriations is made, or that is for the purpose of providing education in a field that will improve individual and organizational performance and assist in achieving the agency's mission and performance goals?
A = Yes

Q = Are the food and beverages necessary to achieving the objectives of the training program, i.e., is the food necessary in order for the employees to obtain the full benefit of the training the employees' full participation in the training session?
A = Yes

Q = If an employee does not participate in the meal or break session, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the training?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

This scenario meets all prongs of the test, therefore, food and beverages may be provided with Federal funds. Note: when an activity can be classified as a training session rather than a retreat, the inquiry concerning "official duty station" is not necessary.

Example #14 OJP sponsors an all-day event to train OJP employees and Federal grantee/contractor employees at the L'Enfant Plaza Hotel. The event includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees and non-agency employees

Q = Under what conditions will the food and beverages be provided?
A = Meeting or conference. Note that this event is not a "training" session as defined under 5 U.S.C. § 4101. Because this is a formal event of interest to OJP and non-OJP participants, it qualifies as a meeting or conference. The meeting or conference test may be applied.

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to part of a formal meeting

or conference that is concerned with the functions or activities for which the appropriation is made, or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

This scenario meets all prongs of the test, therefore, food and beverages may be provided with Federal funds.

Example #15 A Federal grantee/contractor sponsors a training session for its own employees, Federal agency employees and non-agency participants at the L'Enfant Plaza Hotel. The training session includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A =Mixed group of grantee/contractor employees, Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Training session

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a training session.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = The food and beverages incidental to the training and not directly related to amusement and/or social events?
A = Yes

This scenario meets all components of the test, therefore, food and beverages may be provided with Federal grantee/contractor funds. Note: If some Federal agency employees are invited to attend this training, the presence of Federal employees does not prevent the Federal grantee/contractor from providing food and beverages under it's three-part test.

EXHIBIT 3
Allocation to the Fiscal Agent and each of the Sub-Recipients

ARRA BYRNE LOCAL SOLICITATION GRANT
CITY OF LAS VEGAS AS FISCAL AGENT

4 YEAR BUDGET BREAKDOWN

A. PERSONNEL

Jurisdiction Name	SALARIES Job Title	Grade or Calculation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Court Clerk PTH	$12.57*988 hrs	$12,419.16	$13,040.12	$13,692.12	$14,376.73	$53,528.13
NLVPD	Accountant (part-time)		$26,800.00	$26,800.00	$0.00	$0.00	$53,600.00
Clark County DA	Deputy District Attorney	$32.75/hr * 2100 hours/year	$68,547.58	$78,143.52	$0.00	$0.00	$146,691.10
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Safety Specialists PTH - Late Night Solutions	12*$14/hr*400hrs	$67,200.00	$69,216.00	$71,292.48	$73,431.25	$281,139.73
CC LSSNGTF	Outreach Specialists PTH - Back on Track	3*$15/hr*800hrs	$36,000.00	$37,080.00	$38,192.40	$39,338.17	$150,610.57
CC Project REAL	Project Real Executive Director	8.33% of $60,000 per year salary	$4,999.98	$5,000.00	$0.00	$0.00	$9,999.98
CC Project REAL	Project Real Program Manager	13.51% of $54,000 per year salary	$7,299.99	$7,300.00	$0.00	$0.00	$14,599.99
CC Project REAL	Project Real Executive Assistant	13.33% of $30,000 per year salary	$4,000.00	$4,000.00	$0.00	$0.00	$8,000.00
CC Project REAL	Court Tour Coordinator position	8.33% of $12,000 per year salary	$999.96	$999.96	$0.00	$0.00	$1,999.92
CC Project REAL	Teacher stipends	15 teachers * $100	$1,500.00	$1,500.00	$0.00	$0.00	$3,000.00
CC Nevada Child See	Executive Director	$58,543 salary through Dec. 31, 2009 with 5% performance increase each calendar year 30.7% Education and 19% Case Mangement	$29,085.98	$30,540.28	$32,067.29	$0.00	$91,693.54
CC Nevada Child See	Operating Officer	$43,680 salary through Dec. 31, 2009 with 5% performance increase each year. This position works 19.25% in Case Management and 19% in Education	$16,706.99	$17,542.34	$18,419.45	$0.00	$52,668.78
CC Nevada Child See	Case Manager	51.5% of $38,270 through Dec. 31, 2009 with 3% performance increase each calendar year	$19,709.51	$20,300.79	$20,909.82	$0.00	$60,920.12
CLV-MC	Office Specialist II - JET Program	CC25 - Step 2	$39,232.20	$42,370.78	$45,760.44	$49,421.27	$176,784.69
CLV-MC	Office Specialist II - JET Program	CC25 - Step 2	$39,232.20	$42,370.78	$45,760.44	$49,421.27	$176,784.69
CLV-LS	Sr. Professional - Paralegal PTE (19 hours/week)	($20/hr * 988hrs/yr) +3% CoLA for Years 2-4 HY08	$19,760.00	$20,352.80	$20,963.38	$21,592.29	$82,668.47
		Subtotal	***$393,493.55***	***$416,557.36***	***$307,057.83***	***$247,580.99***	***$1,364,689.72***

B. FRINGE BENEFITS

	JobTitle	% (Benefits)	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Court Clerk PTH	15.00%	$1,862.87	$1,956.02	$2,053.82	$2,156.51	$8,029.22
NLVPD	Accountant (part-time)	$27,388 in benefits * 50 (half-time) * 2 years	$13,694.00	$13,694.00	$0.00	$0.00	$27,388.00
Clark County DA	Deputy District Attorney	25.05% plus $10,500 per year in medical benefits	$27,671.17	$30,074.95	$0.00	$0.00	$57,746.12
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Hourly Positions - Late Night Solutions	$420/person per year (7.5% benefits) * 12 people	$5,040.00	$5,191.20	$5,346.94	$5,507.34	$21,085.48
CC LSSNGTF	Hourly Positions - Back on Track	$900/person (7.5% benefits) per year * 3 people	$2,700.00	$2,781.00	$2,864.43	$2,950.36	$11,295.79
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child See	Cell Stipend	Case Mgr & ED 100%	$900.00	$900.00	$900.00	$0.00	$2,700.00
CC Nevada Child See	Cell Stipend	Oper. Mgr.	$119.48	$0.00	$0.00	$0.00	$119.48
CC Nevada Child See	Health Care Premium	ED, Oper. Mgr. $9,600 per year Amt. Not covered by other funding sources	$1,993.00	$972.00	$972.00	$0.00	$3,937.00
CLV-MC	Office Specialist II - JET Program	61.00%	$23,931.64	$25,846.17	$27,913.87	$30,146.98	$107,838.66
CLV-MC	Office Specialist II - JET Program	61.00%	$23,931.64	$25,846.17	$27,913.87	$30,146.98	$107,838.66
CLV-LS	Sr. Professional - Paralegal PTE (19 hours/week)	15.00%	$2,964.00	$3,052.92	$3,144.51	$3,238.84	$12,400.27
		Subtotal	***$104,807.81***	***$110,314.44***	***$71,109.43***	***$74,147.01***	***$360,378.68***

C. TRAVEL (if any)

	Purpose/Location, etc.	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	Deputy District Attorney	Travel, lodging, per diem, training fees, and/or mileage for seminars on child pandering topics	$2,500.00	$2,500.00	$0.00	$0.00	$5,000.00
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Travel to Gang Training	Round trip airfare, lodging, and per diems to OJJDP gang training from Las Vegas, NV to Atlanta, GA	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$10,000.00
CC Project REAL	School bus trips from school to court for tours	$240 per round trip using CCSD busses for six trips	$1,440.00	$1,440.00	$0.00	$0.00	$2,880.00
CC Nevada Child See	Mileage	.55 per mile based on past year usage (6650 miles) for staff and volunteers to deliver programs and not covered by other funding sources.	$3,657.50	$3,657.50	$3,657.50	$0.00	$10,972.50
CC Nevada Child See	OJJDP NCMEC Training	In 2009 Reno, NV other years TBD - Round Trip Airfare, lodging and per diem for training	$500.00	$500.00	$500.00	$0.00	$1,500.00
CC Nevada Child See	radKIDS Training	Springfield Mass. Registration, airfare, lodging, and per diem for annual training	$1,200.00	$1,200.00	$0.00	$0.00	$2,400.00
CLV OAS	Required trip to DC	Roundtrip from LV to Wash. DC $808 * 3 people	$1,616.00	$1,616.00	$1,616.00	$1,616.00	$6,464.00
CLV OAS	Required trip to DC	Lodging for 2 people for 3 nights ($233/night)	$1,398.00	$1,398.00	$1,398.00	$1,398.00	$5,592.00
CLV OAS	Required trip to DC	Meals and Per Diem ($64) for 2 people for 3 days	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to DC	Ground Transportation	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to Regional Meeting	Roundtrip from LV to San Francisco, CA $808 * 3 people	$1,616.00	$1,616.00	$1,616.00	$1,616.00	$6,464.00
CLV OAS	Required trip to Regional Meeting	Lodging for 2 people for 3 nights ($233/night)	$1,398.00	$1,398.00	$1,398.00	$1,398.00	$5,592.00
CLV OAS	Required trip to Regional Meeting	Meals and Per Diem ($64) for 2 people for 3 days	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to Regional Meeting	Ground Transportation	$384.00	$384.00	$384.00	$384.00	$1,536.00
		Subtotal	***$19,361.50***	***$19,361.50***	***$14,221.50***	***$10,064.00***	***$63,008.50***

	D. EQUIPMENT	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	Magazines $75	$75 per magazine * 24 officers	$1,800.00	$0.00	$0.00	$0.00	$1,800.00
HendPD	Taser & holster $809	$809 * 24 officers	$19,416.00	$0.00	$0.00	$0.00	$19,416.00
HendPD	Taser cartridge $35	$35 * 24 officers	$840.00	$0.00	$0.00	$0.00	$840.00
HendPD	Laptop $4500	$4500 * 24 officers	$108,000.00	$0.00	$0.00	$0.00	$108,000.00
HendPD	Laptop license $4000	$4000 * 24 officers	$96,000.00	$0.00	$0.00	$0.00	$96,000.00
HendPD	Riot Helmet/shield/bag (Balistic)	$284 * 24 officers	$6,816.00	$0.00	$0.00	$0.00	$6,816.00
HendPD	Uniform/flat/hat badge	$150 * 24 officers	$3,600.00	$0.00	$0.00	$0.00	$3,600.00
HendPD	Camera/media/bag	$150 * 24 officers	$3,600.00	$0.00	$0.00	$0.00	$3,600.00
HendPD	Raid Jacket	$30 * 24 officers	$720.00	$0.00	$0.00	$0.00	$720.00
HendPD	Radio /holder $2500	$2500 * 24 officers	$60,000.00	$0.00	$0.00	$0.00	$60,000.00
HendPD	Radio fees $1800	$1800 * 24 officers	$43,200.00	$0.00	$0.00	$0.00	$43,200.00
HendPD	Ballistic Vest	$600 * 24 officers	$14,400.00	$0.00	$0.00	$0.00	$14,400.00
HendPD	Gas mask/cartridge $284	$284 * 24 officers	$6,816.00	$0.00	$0.00	$0.00	$6,816.00
HendPD	Narco Pouch Kit (ODV)	$20 * 24 officers	$480.00	$0.00	$0.00	$0.00	$480.00
HendPD	Traffic Vest	$30 * 24 officers	$720.00	$0.00	$0.00	$0.00	$720.00
HendPD	Citation Holder	$20 * 24 officers	$480.00	$0.00	$0.00	$0.00	$480.00
HendPD	Ball Cap	$15 * 15 officers	$225.00	$0.00	$0.00	$0.00	$225.00
HendPD	Laptops	$4500 * 30 officers	$135,000.00	$0.00	$0.00	$0.00	$135,000.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Smart Board for court house	1 * $3295	$2,395.00	$0.00	$0.00	$0.00	$2,395.00
MesquitePD	Flat Screen TV for courtroom	2 * $1000	$2,000.00	$0.00	$0.00	$0.00	$2,000.00
MesquitePD	DVD/VCR player for courtroom	1 * $500	$500.00	$0.00	$0.00	$0.00	$500.00
MesquitePD	Sound System for courtroom	1 * $2000	$2,000.00	$0.00	$0.00	$0.00	$2,000.00
MesquitePD	Recording System for courtroom	1 * $10000	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
MesquitePD	Courtview Software	$25000 for software plus $2000 for site licenses for each subsequent year	$25,000.00	$2,000.00	$2,000.00	$2,000.00	$31,000.00
MesquitePD	Prolaw Software	$25000 for software plus $2000 for site licenses for each subsequent year	$25,000.00	$2,000.00	$2,000.00	$2,000.00	$31,000.00
MesquitePD	Whiz-net Program	$180/monthy	$2,160.00	$2,160.00	$2,160.00	$2,160.00	$8,640.00
MesquitePD	Police vehicles	1 per year for 3 years @ $27000 each	$27,000.00	$27,000.00	$27,000.00	$0.00	$81,000.00
MesquitePD	Police vehicle police equipment	1 per year for 3 years @ $8500 each	$8,500.00	$8,500.00	$8,500.00	$0.00	$25,500.00
MesquitePD	Police uniforms and gear	1 per year for 4 years @ $1200 each	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$4,800.00

NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	Desk	Clark County Estimate	$2,915.10	$0.00	$0.00	$0.00	$2,915.10
Clark County DA	Executive Chair	Clark County Estimate	$642.50	$0.00	$0.00	$0.00	$642.50
Clark County DA	2 Side Chairs	Clark County Estimate 2*$336.20 for two chairs	$672.40	$0.00	$0.00	$0.00	$672.40
Clark County DA	Bookcase	Clark County Estimate	$1,196.45	$0.00	$0.00	$0.00	$1,196.45
Clark County DA	5/Dr Lateral File Cabinet	Clark County Estimate	$808.33	$0.00	$0.00	$0.00	$808.33
Clark County DA	HP EliteBook 2730p Notebook PC	Clark County Estimate	$1,733.00	$0.00	$0.00	$0.00	$1,733.00
Clark County DA	HP 2700 Series Ultra-Slim Expansion Base w/7mm DVD	Clark County Estimate	$246.00	$0.00	$0.00	$0.00	$246.00
Clark County DA	Dell USB 2-button Optial Mouse w/Scroll	Clark County Estimate	$14.39	$0.00	$0.00	$0.00	$14.39
Clark County DA	Dell Ultra Sharp 1908 FP Black w/Adj Stand 19"	Clark County Estimate	$187.00	$0.00	$0.00	$0.00	$187.00
Clark County DA	Enhanced Multimedia Keyboard	Clark County Estimate	$19.19	$0.00	$0.00	$0.00	$19.19
Clark County DA	Targus Neoprene Slip Case	Clark County Estimate	$19.00	$0.00	$0.00	$0.00	$19.00
Clark County DA	HP Li-Ion 6-Cell Ultra-Slim Battery for 2700 Series	Clark County Estimate	$147.00	$0.00	$0.00	$0.00	$147.00
Clark County DA	HP 1-Bay Battery Charging Station	Clark County Estimate	$130.00	$0.00	$0.00	$0.00	$130.00
Clark County DA	Printer - HP LaserJet P2035n	Clark County Estimate	$253.57	$0.00	$0.00	$0.00	$253.57
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Desktop Computer	Year 1 includes special case management software	$2,500.00	$2,073.27	$2,073.27	$0.00	$6,646.54
CLV-MC	Code Corp Barcode Reader	$500 * 27 readers	$13,500.00	$0.00	$0.00	$0.00	$13,500.00
CLV-MC	Code Corp Barcode Printers	$700 * 27 readers	$18,900.00	$0.00	$0.00	$0.00	$18,900.00
CLV-D&E	Telephone w/ 2 lines	4 * $200	$800.00	$0.00	$0.00	$0.00	$800.00
CLV-D&E	Cellular for field work	4 * $150	$600.00	$0.00	$0.00	$0.00	$600.00
CLV-D&E	Land line service	4 * $45/mo * 4yr * 12mo	$8,640.00	$8,640.00	$8,640.00	$8,640.00	$34,560.00
CLV-LS	HP color laser 4700n	$ 1259 for network printer	$1,259.00	$0.00	$0.00	$0.00	$1,259.00
CLV-LS	Fujitsu 6130 Portable Scanner to convert hard copy legal documents into .pdf and .tif electronic documents	3 Fujitsu 6130 Document Scanners ($1,111.35*3) plus tchnical support (3*368.28) plus shipping charges ($25) plus Abby Reader professional OCR software ($399)	$4,862.89	$0.00	$0.00	$0.00	$4,862.89
		Subtotal	***$667,913.82***	***$53,573.27***	***$53,573.27***	***$16,000.00***	***$791,060.36***

	E. SUPPLIES	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	VLA Office 2007 WIN	Price quote from Clark County DA IT	$245.19	$245.19	$0.00	$0.00	$490.38
Clark County DA	VLA ONENOTE License/Software Assurance	Price quote from Clark County DA IT	$63.89	$63.89	$0.00	$0.00	$127.78
Clark County DA	VLA SYSTEM Center Configuration Manager Client Management Lic	Price quote from Clark County DA IT	$34.03	$34.03	$0.00	$0.00	$68.06
Clark County DA	VLA SQL Client User WIN 32/64 Bit Lic/Software Assurance	Price quote from Clark County DA IT	$134.89	$134.89	$0.00	$0.00	$269.78
Clark County DA	VLA OFFICE Sharepoint User Client Lic/Software Assurance	Price quote from Clark County DA IT	$77.60	$77.60	$0.00	$0.00	$155.20
Clark County DA	VLA Exchange STD User Cal License/Software Assurance	Price quote from Clark County DA IT	$55.57	$55.57	$0.00	$0.00	$111.14
Clark County DA	VLA Forefront Security Exchange Server Monthly Subscription	Price quote from Clark County DA IT	$4.32	$4.32	$0.00	$0.00	$8.64
Clark County DA	VLA Windows Servier User Client Lic/Software Assurance	Price quote from Clark County DA IT	$23.99	$23.99	$0.00	$0.00	$47.98
Clark County DA	Norton Antivirus (per license - 10 minimum)	Price quote from Clark County DA IT	$38.00	$38.00	$0.00	$0.00	$76.00
Clark County DA	VLA ACROBAT 9 Pro Win Lic	Price quote from Clark County DA IT	$187.36	$187.36	$0.00	$0.00	$374.72
Clark County DA	ACROBAT 9 Pro Win DVSET Media Only	Price quote from Clark County DA IT	$25.00	$25.00	$0.00	$0.00	$50.00
Clark County DA	PAPERPORT Pro 11.0 SLA/Academic State & Local Govt. Academic	Price quote from Clark County DA IT	$152.52	$152.52	$0.00	$0.00	$305.04
Clark County DA	GOVT Reflection HP W/NSVT MS 32	Price quote from Clark County DA IT	$186.15	$186.15	$0.00	$0.00	$372.30
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00

CC LSSNGTF	Uniforms	Staff and student uniforms (polo shirts, sweatsuits, and/or jacket)	$1,075.00	$1,075.00	$1,075.00	$1,075.00	$4,300.00
CC LSSNGTF	Office Supplies	Supplies estimated at $350/year at 4 sites	$1,400.00	$1,400.00	$1,400.00	$1,400.00	$5,600.00
CC LSSNGTF	Miscellaneous Food Supplies	Healthy snacks and beverages provided for youth	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$8,800.00
CC Project REAL	printing and postage	$16,000 in printing and postage costs were incurred last year	$2,260.00	$2,260.00	$0.00	$0.00	$4,520.00
CC Project REAL	Teacher Training Materials	Training materials, including reproducible handouts for use by students	$2,500.00	$2,500.00	$0.00	$0.00	$5,000.00
CC Nevada Child See	radKIDS Equipment		$7,500.00	$6,000.00	$0.00	$0.00	$13,500.00
CC Nevada Child See	Shout Out Loud Activity Kits		$8,000.00	$7,264.36	$0.00	$0.00	$15,264.36
CC Nevada Child See	Printing/Copying		$1,414.78	$1,414.78	$1,414.80	$0.00	$4,244.36
CC Nevada Child See	Portfolios		$5,198.28	$5,198.28	$0.00	$0.00	$10,396.56
CLV-MC	Code Corp Barcode Reader Printer Labels	$250 for 12 rolls of 1100 labels each @ 12 rolls/month	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$12,000.00
CLV-LS	Copy paper, toner, classification folders, etc.	Classification folders, copy paper, toner, etc. estimated at $200/month per year for 4 years ($200*12=$2,400 per year)	$2,400.00	$2,400.00	$2,400.00	$2,400.00	$9,600.00
		Subtotal	***$38,176.57***	***$35,940.93***	***$11,489.80***	***$10,075.00***	***$95,682.30***
	F. CONSTRUCTION	**Not Applicable**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
		Subtotal	***$0.00***	***$0.00***	***$0.00***	***$0.00***	***$0.00***

	G. CONTRACTUAL	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	ISAT Project Contract for the ESRI deliverables		$500,000.00	$0.00	$0.00	$0.00	$500,000.00
LVMPD	Motorola RMS Application Software	NetRMS Tier 1 server license for 500-1000 users and NetRMS Client License per concurrent user for 500, with implementation and installation	$900,000.00	$0.00	$0.00	$0.00	$900,000.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	Citation & Crash/Collision		$539,950.00	$0.00	$0.00	$0.00	$539,950.00
NLVPD	Motorola AFIS		$0.00	$518,700.00	$0.00	$0.00	$518,700.00
Clark County DA	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Professional Services	Guest Speakers contracts and/or honorariums	$4,500.00	$3,500.00	$3,500.00	$3,500.00	$15,000.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Accounting	Grant Mgmt. and acct. not covered by other funding sources	$5,400.00	$5,400.00	$2,246.54	$0.00	$13,046.54
CC Nevada Child Seekers	radKIDS Certification	Bring Local Cert. Training to Clark County portion not covered by other sources of total $13,000	$2,964.36	$0.00	$0.00	$0.00	$2,964.36
CLV-MC	Nevsys Desktop Interface development for E-Cite project	$10,000 one time cost based on quote	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
CLV-MC	Nevsys Annual Software Maintenance for E-Cite Project	$1000/yr * 4 yrs	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$4,000.00
CLV-MC	Nevsys Desktop Interface development for Case Management System barcode and printers	$1,000 one time cost based on quote	$1,000.00	$0.00	$0.00	$0.00	$1,000.00
CLV-MC	IS/Technology Consultant	Projected cost of $150/hour for 318 hours spread over the first two years of the project	$23,850.00	$23,850.00	$0.00	$0.00	$47,700.00
CLV-MC	Bilingual Instructor	Contract @ $25,000/year	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$100,000.00
CLV-MC	Bilingual Clinician	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
CLV-MC	Bilingual Clerical Support Technician	Contract @ $20,160/year	$20,160.00	$20,160.00	$20,160.00	$20,160.00	$80,640.00
CLV LS	Senior Law - Asset Protection Attorney	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
CLV LS	Senior Law - Abuse Neglect Attorney	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
		Subtotal	***$2,183,824.36***	***$747,610.00***	***$201,906.54***	***$199,660.00***	***$3,333,000.90***

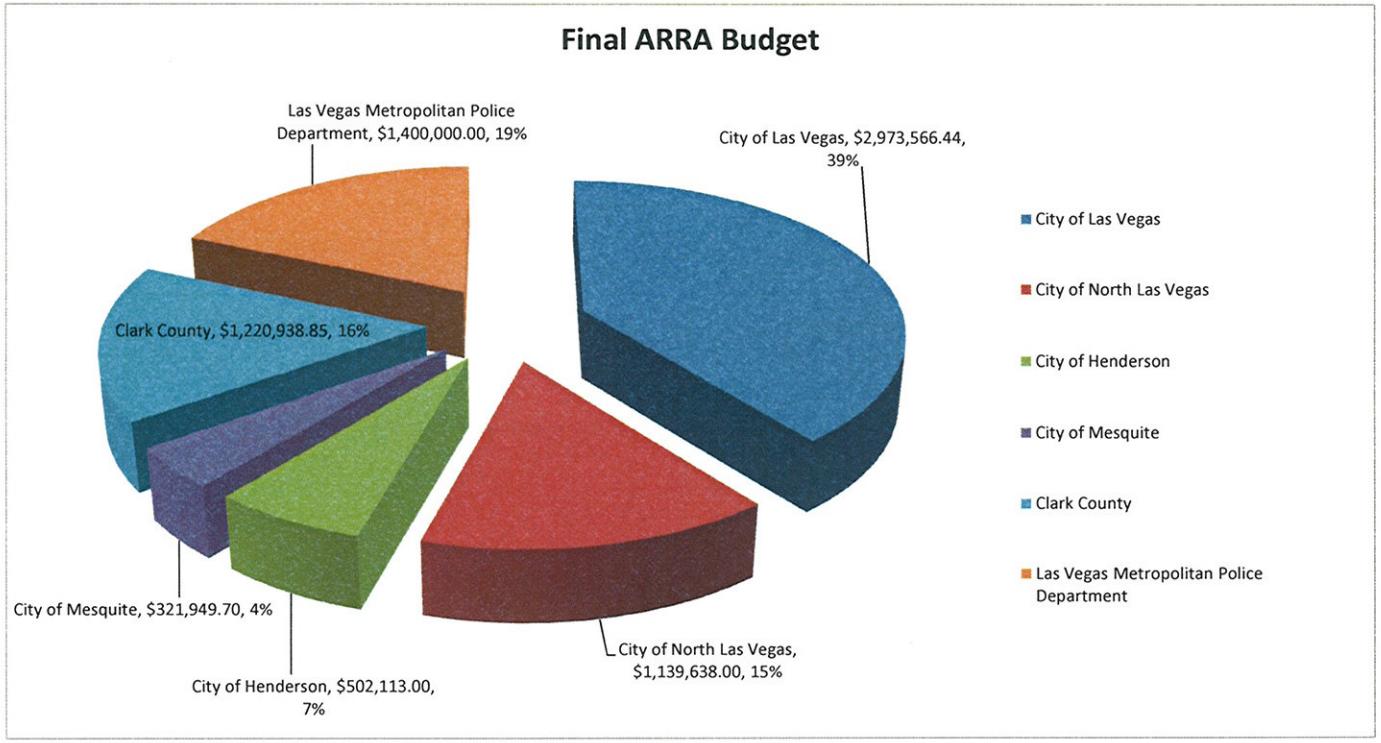
	H. OTHER COSTS	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC CCSD Summer School Diversion	credit costs for students to attend summer school	$100 per 1/2 credit * 75 half credits	$7,500.00	$7,500.00	$7,500.00	$7,500.00	$30,000.00
CC LSSNGTF	Awards and Incentives	Includes award certificates, gift cards, bus passes, etc.	$2,450.00	$2,450.00	$2,450.00	$2,450.00	$9,800.00
CC LSSNGTF	Program Activities	Costs to fund camps at Lee Canyon and 3 sites: Walnut, Cambridge, and Pearson	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$10,000.00
CC LSSNGTF	Event Entry Fees	$1,500 per site * 3 sites for field trips and other activities	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$18,000.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Utilities	Based on historic annual costs. Portion requested are costs not funded by other grants.	$8,295.08	$8,295.08	$8,295.10	$0.00	$24,885.26
CC Nevada Child Seekers	Insurance	Based on historic annual costs. Portion requested are costs not funded by other grants.	$8,039.63	$8,039.63	$8,039.64	$0.00	$24,118.90
CC Nevada Child Seekers	Rent - Office Space	Portion of 1,600 Sq. Ft. Facility not covered by other sources of funding	$10,817.18	$10,816.18	$10,817.54	$0.00	$32,450.90
CLV NS	Rental Assistance	$700/mo for 3 months X 40 participants/yr	$84,000.00	$84,000.00	$84,000.00	$84,000.00	$336,000.00
CLV NS	Utility Assistance	$400 per quarter X 10 participants/qtr	$16,000.00	$16,000.00	$16,000.00	$16,000.00	$64,000.00
CLV NS	Birth Certificates, Identification and Work Cards	($25/BC + $12/ID + $10/Health + $20/Tam) * 75/yr	$5,025.00	$5,025.00	$5,025.00	$5,025.00	$20,100.00
CLV D&E	HIV Medication combination treatments per inmate during incarceration and during gap between release and care of physician in society	Estimated at slightly over $21.61/day * 365 days * 15 inmates per day	$118,336.84	$118,336.84	$118,336.84	$118,336.84	$473,347.38
CLV - CA	Investigator Certification Supplies	Estimated at $500 per month per investigator for ammunition, range fees, etc.	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$12,000.00
CLV - CA	Witness Support (food card, bus tokens, phone cards)	Yearly estimate of $2500 in McDonald's Gift Cards plus $1500 in bus tokens plus $500 in phone cards for victims in need of assistance)	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$18,000.00
		Subtotal	***$274,963.73***	***$274,962.73***	***$274,964.12***	***$247,811.84***	***$1,072,702.44***

	I. ADMINISTRATIVE COSTS	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Grant Analyst PTH	$12.57*988 hrs	$12,419.16	$13,040.12	$13,692.12	$14,376.73	$53,528.13
MesquitePD	Grant Analyst PTH	15.00%	$1,862.87	$1,956.02	$2,053.82	$2,156.51	$8,029.22
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CLV OAS	Adobe Acrobat Professional 9.0 Upgrade	1 * $200 per upgrade	$200.00	$0.00	$0.00	$0.00	$200.00
CLV-MC	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV-MC	PTH Office Specialist - Grant Analyst	15.00%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV-LS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV-LS	PTH Office Specialist - Grant Analyst	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV OAS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV OAS	PTH Office Specialist - Grant Analyst	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV OAS/Fin	PTH Office Specialist - Accounting Tech	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV OAS/Fin	PTH Office Specialist - Accounting Tech	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV D&E/NS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV D&E/NS	PTH Office Specialist - Grant Analyst	15.00%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
		Subtotal	***$113,899.53***	***$117,396.16***	***$121,217.97***	***$125,169.43***	***$477,683.09***
		TOTAL:	**$3,796,440.87**	**$1,775,716.39**	**$1,055,540.46**	**$930,508.27**	**$7,558,205.99**

	Year 1	Year 2	Year 3	Year 4	TOTAL	
A. PERSONNEL	$393,494	$416,557	$307,057.83	$247,580.99	$1,364,689.72	
B. FRINGE BENEFITS	$104,808	$110,314	$71,109.43	$74,147.01	$360,378.68	
C. TRAVEL	$19,362	$19,362	$14,221.50	$10,064.00	$63,008.50	
D. EQUIPMENT	$667,914	$53,573	$53,573.27	$16,000.00	$791,060.36	
E. SUPPLIES	$38,177	$35,941	$11,489.80	$10,075.00	$95,682.30	
F. CONSTRUCTION	$0	$0	$0.00	$0.00	$0.00	
G. CONTRACTUAL	$2,183,824	$747,610	$201,906.54	$199,660.00	$3,333,000.90	**$7,558,206.00**
H. OTHER COSTS	$274,964	$274,963	$274,964.12	$247,811.84	$1,072,702.44	
I. ADMINISTRATIVE COSTS	$113,900	$117,396	$121,217.97	$125,169.43	$477,683.09	$7,558,205.99
	$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	**$0.01**

Agency	Department	Description	Year 1	Year 2	Year 3	Year 4	TOTAL	%
City of Las Vegas	Fiscal Agent	Various programs, including full-time, part-time, and contract employees	$772,066.92	$734,715.49	$725,554.37	$741,229.66	$2,973,566.44	39.34%
City of North Las Vegas	Police Department	Computer applications for increased community safety; maintenance of one position.	$580,444.00	$559,194.00	$0.00	$0.00	$1,139,638.00	15.08%
City of Henderson	Police Department	Equipment to be used for 24 new officers hired under the COPS grant and equipment upgrades for existing positions.	$502,113.00	$0.00	$0.00	$0.00	$502,113.00	6.64%
City of Mesquite	Police Department	Police protective equipment, computer software and equipment for the courtroom, and two part-time positions.	$134,319.07	$72,852.27	$74,351.88	$40,426.48	$321,949.70	4.26%
Clark County	Community Resource Management Office, Department of Finance	Funding for non-profit organizations that provide justice-related programs for children and youth.	$407,497.89	$408,954.63	$255,634.20	$148,852.13	$1,220,938.85	16.15%
Las Vegas Metropolitan Police Department	Sub-grantee under the City of Las Vegas	Computer software for increased community safety.	$1,400,000.00	$0.00	$0.00	$0.00	$1,400,000.00	18.52%
			$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	100.00%
						Total	$7,558,206.00	
						Difference	$0.01	

Agency	Total	Percentage
City of Las Vegas	$2,973,566.44	39.34%
City of North Las Vegas	$1,139,638.00	15.08%
City of Henderson	$502,113.00	6.64%
City of Mesquite	$321,949.70	4.26%
Clark County	$1,220,938.85	16.15%
Las Vegas Metropolitan Police Department	$1,400,000.00	18.52%
	$7,558,206	100.00%


Final ARRA Budget
Las Vegas Metropolitan Police Department, $1,400,000.00, 19%
City of Las Vegas, $2,973,566.44, 39%
Clark County, $1,220,938.85, 16%
City of Mesquite, $321,949.70, 4%
City of Henderson, $502,113.00, 7%
City of North Las Vegas, $1,139,638.00, 15%
City of Las Vegas
City of North Las Vegas
City of Henderson
City of Mesquite
Clark County
Las Vegas Metropolitan Police Department

Agency	Department	Description	Year 1	Year 2	Year 3	Year 4	TOTAL	%
City of Las Vegas	Fiscal Agent	Various programs, including full-time, part-time, and contract employees. Includes funds for LVMPD projects, with Metro as a sub-recipient.	$2,172,066.92	$734,715.49	$725,554.37	$741,229.66	$4,373,566.44	57.87%
City of North Las Vegas	Police Department	Computer applications for increased community safety; maintenance of one position.	$580,444.00	$559,194.00	$0.00	$0.00	$1,139,638.00	15.08%
City of Henderson	Police Department	Equipment to be used for 24 new officers hired under the COPS grant and equipment upgrades for existing positions.	$502,113.00	$0.00	$0.00	$0.00	$502,113.00	6.64%
City of Mesquite	Police Department	Police protective equipment, computer software and equipment for the courtroom, and two part-time positions.	$134,319.07	$72,852.27	$74,351.88	$40,426.48	$321,949.70	4.26%
Clark County	Community Resource Management Office, Department of Finance	Funding for non-profit organizations that provide justice-related programs for children and youth.	$407,497.89	$408,954.63	$255,634.20	$148,852.13	$1,220,938.85	16.15%
			$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	100.00%

EXHIBIT 4
28 CFR 66.41

must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) *Nonconstruction performance reports.* The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.

(2) Performance reports will contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established objectives were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Grantees will not be required to submit more than the original and two copies of performance reports.

(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.

(c) *Construction performance reports.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

(d) *Significant developments.* Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(e) Federal agencies may make site visits as warranted by program needs.

(f) *Waivers, extensions.* (1) Federal agencies may waive any performance report required by this part if not needed.

(2) The grantee may waive any performance report from a subgrantee when not needed. The grantee may extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.

§ 66.41 Financial reporting.

(a) *General.* (1) Except as provided in paragraphs (a) (2) and (5) of this section, grantees will use only the forms specified in paragraphs (a) through (e) of this section, and such supplementary or other forms as may from time to time be authorized by OMB, for:

(i) Submitting financial reports to Federal agencies, or

(ii) Requesting advances or reimbursements when letters of credit are not used.

(2) Grantees need not apply the forms prescribed in this section in dealing with their subgrantees. However, grantees shall not impose more burdensome requirements on subgrantees.

(3) Grantees shall follow all applicable standard and supplemental Federal agency instructions approved by OMB to the extend required under the Paperwork Reduction Act of 1980 for use in connection with forms specified in paragraphs (b) through (e) of this section. Federal agencies may issue substantive supplementary instructions only with the approval of OMB. Federal agencies may shade out or instruct the grantee to disregard any line item that the Federal agency finds unnecessary for its decisionmaking purposes.

(4) Grantees will not be required to submit more than the original and two copies of forms required under this part.

(5) Federal agencies may provide computer outputs to grantees to expedite or contribute to the accuracy of reporting. Federal agencies may accept the required information from grantees in machine usable format or computer printouts instead of prescribed forms.

(6) Federal agencies may waive any report required by this section if not needed.

(7) Federal agencies may extend the due date of any financial report upon receiving a justified request from a grantee.

(b) *Financial Status Report*—(1) *Form.* Grantees will use Standard Form 269 or 269A, Financial Status Report, to report the status of funds for all nonconstruction grants and for construction grants when required in accordance with § 66.41(e)(2)(iii).

(2) *Accounting basis.* Each grantee will report program outlays and program income on a cash or accrual basis as prescribed by the awarding agency. If the Federal agency requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee shall not be required to convert its accounting system but shall develop such accrual information through and analysis of the documentation on hand.

(3) *Frequency.* The Federal agency may prescribe the frequency of the report for each project or program. However, the report will not be required more frequently than quarterly. If the Federal agency does not specify the frequency of the report, it will be submitted annually. A final report will be required upon expiration or termination of grant support.

(4) *Due date.* When reports are required on a quarterly or semiannual basis, they will be due 30 days after the reporting period. When required on an annual basis, they will be due 90 days after the grant year. Final reports will be due 90 days after the expiration or termination of grant support.

(c) *Federal Cash Transactions Report*—(1) *Form.* (i) For grants paid by letter or credit, Treasury check advances or electronic transfer of funds, the grantee will submit the Standard Form 272, Federal Cash Transactions Report, and when necessary, its continuation sheet, Standard Form 272a, unless the terms of the award exempt the grantee from this requirement.

(ii) These reports will be used by the Federal agency to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant from grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment provided that the information to be submitted is not changed in substance.

(2) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(3) *Cash in hands of subgrantees.* When considered necessary and feasible by the Federal agency, grantees may be required to report the amount of cash advances in excess of three days' needs in the hands of their subgrantees or contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.

(4) *Frequency and due date.* Grantees must submit the report no later than 15 working days following the end of each quarter. However, where an advance either by letter of credit or electronic transfer of funds is authorized at an

annualized rate of one million dollars or more, the Federal agency may require the report to be submitted within 15 working days following the end of each month.

(d) *Request for advance or reimbursement*—(1) *Advance payments.* Requests for Treasury check advance payments will be submitted on Standard Form 270, Request for Advance or Reimbursement. (This form will not be used for drawdowns under a letter of credit, electronic funds transfer or when Treasury check advance payments are made to the grantee automatically on a predetermined basis.)

(2) *Reimbursements.* Requests for reimbursement under nonconstruction grants will also be submitted on Standard Form 270. (For reimbursement requests under construction grants, see paragraph (e)(1) of this section.)

(3) The frequency for submitting payment requests is treated in §66.41(b)(3).

(e) *Outlay report and request for reimbursement for construction programs*—(1) *Grants that support construction activities paid by reimbursement method.* (i) Requests for reimbursement under construction grants will be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Federal agencies may, however, prescribe the Request for Advance or Reimbursement form, specified in §66.41(d), instead of this form.

(ii) The frequency for submitting reimbursement requests is treated in §66.41(b)(3).

(2) *Grants that support construction activities paid by letter of credit, electronic funds transfer or Treasury check advance.* (i) When a construction grant is paid by letter of credit, electronic funds transfer or Treasury check advances, the grantee will report its outlays to the Federal agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The Federal agency will provide any necessary special instruction. However, frequency and due date shall be governed by §66.41(b)(3) and (4).

(ii) When a construction grant is paid by Treasury check advances based on periodic requests from the grantee, the advances will be requested on the form specified in §66.41(d).

(iii) The Federal agency may substitute the Financial Status Report specified in §66.41(b) for the Outlay Report and Request for Reimbursement for Construction Programs.

(3) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by §66.41(b)(2).

§66.42 Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see §66.36(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

EXHIBIT 5
OMB Financial Status Report Standard Form 269A

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. 0348-0038	Page of pages

3. Recipient Organization (Name and complete address, including ZIP code)			
4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report ☐ Yes ☐ No	7. Basis ☐ Cash Accrual

8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)

10. Transactions:	I Previously Reported	II This Period	III Cumulative
a. Total outlays			0.00
b. Recipient share of outlays			0.00
c. Federal share of outlays	0.00	0.00	0.00
d. Total unliquidated obligations			
e. Recipient share of unliquidated obligations			
f. Federal share of unliquidated obligations			
g. Total Federal share *(Sum of lines c and f)*			0.00
h. Total Federal funds authorized for this funding period			
i. Unobligated balance of Federal funds *(Line h minus line g)*			0.00

11. Indirect Expense	a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed			
	b. Rate	c. Base	d. Total Amount	e. Federal Share
	0.00%		$0.00	

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

Typed or Printed Name and Title	Telephone (Area code, number and extension)
Signature of Authorized Certifying Official	Date Report Submitted

FINANCIAL STATUS REPORT

(Short Form)

Public reporting burden for this collection of information is estimated to average 90 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0038), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award. You may also contact the Federal agency directly.

Item	Entry

1, 2 and 3. Self-explanatory.

4. Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service.

5. Space reserved for an account number or other identifying number assigned by the recipient.

6. Check *yes* only if this is the last report for the period shown in item 8.

7. Self-explanatory.

8. Unless you have received other instructions from the awarding agency, enter the beginning and ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding period."

9. Self-explanatory.

10. The purpose of columns I, II, and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report in *the same funding period*. If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation.

10a. Enter total program outlays less any rebates, refunds, or other credits. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase or decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subgrantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments.

10b. Self-explanatory.

10c. Self-explanatory.

10d. Enter the total amount of unliquidated obligations, including unliquidated obligations to subgrantees and contractors.

Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded.

Do not include any amounts on line 10d that have been included on lines 10a, b, or c.

On the final report, line 10d must be zero.

10e. f, g, h, h and i. Self-explanatory.

11a. Self-explanatory.

11b. Enter the indirect cost rate in effect during the reporting period.

11c. Enter the amount of the base against which the rate was applied.

11d. Enter the total amount of indirect costs charged during the report period.

11e. Enter the Federal share of the amount in 11d.

Note: If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods they were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

*U. S. Government Printing Office: 1993 - 342-197/81289

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval of the Interlocal Agreement between the City of Las Vegas, as fiscal agent, and the Las Vegas Metropolitan Police Department as a sub-grantee, as required by the American Recovery and Reinvestment Act (ARRA) Department of Justice/Bureau of Justice Assistance Byrne Justice Assistance Grant Local Solicitation for a formulaic four-year stimulus grant for a total of $7,558,206 to fund justice related programs with $1,400,000 dedicated to the Las Vegas Metropolitan Police Department - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source: U.S. Department of Justice, Bureau of Justice Assistance Local ARRA Grant
Dept./Division: City Manager's Office

PURPOSE/BACKGROUND:
The City of Las Vegas is the fiscal agent and will receive $4,373,566.44 of these funds, $2,973,566.44 of which are awarded directly to the City of Las Vegas and $1,400,000 that will be awarded to the Las Vegas Metropolitan Police Department as a sub-grantee of the City of Las Vegas. The remaining grant funds awarded by the Department of Justice will be allocated as follows: $1,139,638 to the City of North Las Vegas; $502,113 to the City of Henderson; $321,949.70 to the City of Mesquite; and $1,220,938.85 to Clark County.

The interlocal agreement defines the roles and responsibilities of each party, including reporting requirements that meet the American Recovery & Reinvestment Act Standards.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
1. ARRA Byrne JAG Interlocal Agreement with LVMPD
2. ARRA Byrne JAG Interlocal Agreement with LVMPD Exhibits

INTERLOCAL SUB-AWARD AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT REGARDING THE DISTRIBUTION OF THE AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS OBTAINED BY THE CITY OF LAS VEGAS THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

This Interlocal Sub-Award Agreement ("Agreement") is hereby made and entered into on this _____ day of _____, 2009 by and between the City of Las Vegas ("City" or "Fiscal Agent") and the Las Vegas Metropolitan Police Department ("LVMPD"). The City and LVMPD may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, on June 9, 2009, the City applied for grant funds on behalf of itself, the County of Clark, the cities of Henderson, North Las Vegas, and Mesquite (the "Program Recipients") as a "Disparate Jurisdiction" from the Department of Justice pursuant to the Edward Byrne Memorial Justice Assistance Grant Formula Program (the "Grant Program") in the amount of $7,558,206 to assist the their efforts to prevent and reduce crime and violence as required by the terms of the Grant Program.

WHEREAS, on May 5, 2009, the Program Recipients executed a memorandum of understanding identifying the City of Las Vegas as the Fiscal Agent for any and all Grant Funds allocated to the Program Recipients by United States Department of Justice.

WHEREAS, the Program Recipients will execute an interlocal agreement to determine how the Grant Funds will be administered by the City of Las Vegas ("Grant Program Interlocal"), to the other Program Recipients (also defined as Sub-Recipients herein and in the Grant Program Interlocal) and other approved recipients of Grant Funds, such as LVMPD, the Clark County District Attorney's Office, Clark County Parks and Recreation Department--Southern Nevada Gang Task Force; Clark County School District--Summer School Diversion Program; and Nevada Child Seekers (also defined as Sub-Sub Recipients herein and in the Grant Program Interlocal).

WHEREAS, the Grant Program Interlocal will defines means by which the Grant Funds shall be divided and administered by the City, and specifically, how subsequent decisions regarding the payment of Grant Funds to each of the Program Recipients by the City are to be determined, the structure for reporting, the rules and responsibilities of each Sub-Recipient and Sub-Sub Recipient and the consequences for a failure to adequately report to the City or a failure to follow the Program, its rules, regulations and guidelines. A copy of the Grant Program Interlocal to be executed by the Program Recipients is attached hereto as Exhibit 6. The City shall deliver to LVMPD a copy of the Grant Program Interlocal when executed by the Program Recipients.

WHEREAS, pursuant to NRS 277.180, the Parties are authorized to enter into an Interlocal Agreement to perform a governmental service, activity or undertaking that one of the Parties is authorized to perform. The Parties are each authorized by law to provide for justice-related activities, and this Agreement serves to properly allocate and administrate federal grant monies for the further provision of justice-related activities among the Parties.

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants hereinafter set forth, the Parties agree as follows:

AGREEMENT

I. Definitions.

A. "Allocation" means the specific amount of dollars allocated to LVMPD over the four year term of the Grant Program.

B. "DOJ" means the Department of Justice.

C. "Fiscal Agent" is the unit of local government responsible for the administration of the Grant Funds. The Fiscal Agent for the Grant Program is the City. When this term is used in the context of the approval or denial of a request, the Fiscal Agent refers to the City of Las Vegas City Manager or designee.

D. "Grant Funds" are the monies awarded to the Parties through the Department of Justice: Edward Byrne Memorial Justice Assistance Grant Formula Program.

E. "Grant Program" is the American Recovery and Reinvestment Act Department of Justice: Edward Byrne Memorial Justice Assistance Grant Formula Program.

F. "Sub-Recipient" means one of the following entities awarded an allocation of Grant Funds: Clark County (the "County"), the cities of Henderson ("Henderson"), the North Las Vegas ("NLV"), and Mesquite ("Mesquite").

G. "Sub-Sub Recipient" means either a governmental agency or 501(c)(3) non-profit organization that is approved by the Fiscal Agent for reimbursement for a portion of a sponsoring Sub-Recipient's allocation. Four Sub-Sub Recipients approved by the Fiscal Agent and allocated a portion of Clark County's allocation are: the Clark County District Attorney; Clark County Parks and Recreation Department--Southern Nevada Gang Task Force; Clark County School District-Summer School Diversion Program; and Nevada Child Seekers. The other Sub-Sub Recipient approved by the Fiscal Agent and allocated a portion of the City's allocation is LVMPD. Monies for reimbursement to Sub-Sub Recipients shall be allocated from the requesting Sub-Recipient's allocation.

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II. Administration of Grant Funds.

A. Generally.

1. Parties to Comply with the terms of the Grant Program Interlocal. LVMPD acknowledges its status as a Sub-Sub Recipient pursuant to the Grant Program guidelines, the Grant Program Interlocal and the Local Solicitation.

As LVMPD's sponsor, the City hereby acknowledges and agrees that it is responsible for LVMPD, and the City shall be charged with requesting reimbursement from the DOJ and reporting all necessary information on behalf of LVMPD. The City acknowledges that any violations of this Agreement, the Local Solicitation and Federal policies and laws, by LVMPD shall be deemed the actions of the City for purposes of the Grant Program.

LVMPD acknowledges that it is a Sub-Sub Recipient pursuant to the terms of the Grant Program Interlocal, and understands and agrees that it will comply with all terms and conditions of the Grant Program Interlocal.

2. Adherence to Grant Program Guidelines. The Parties agree to adhere to the Grant Program guidelines as provided by the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation. (OMB No.1121-0323, Release Date, March 6, 2009) (the "Local Solicitation"). If there is a conflict between the terms of the Grant Program Interlocal and this Agreement as it relates to the obligations of a Sub-Sub Recipient, the terms of the Grant Program Interlocal shall prevail. If the Grant Program Interlocal is silent on a particular issue, or there is a conflict between the terms of the Grant Program Interlocal and the Local Solicitation, the terms of the Local Solicitation shall prevail. If there is a conflict between the Grant Program Interlocal and/or the Local Solicitation and Federal policy or law, Federal policy or law shall prevail. If the Local Solicitation and/or Federal policy or law are silent on an issue that is term of the Grant Program Interlocal, the Grant Program Interlocal shall prevail. A violation of the terms of this Agreement, the terms of the Grant Program Interlocal, the terms of the Local Solicitation or Federal policy or law as it pertains to the use of Grant Funds, reimbursement of Grant Funds or the reporting of Grant Funds is a violation of this Agreement. A copy of the Local Solicitation is attached hereto as Exhibit 1.

2. Grant Funds shall be Non-Supplanting. LVMPD must ensure that Grant Funds shall only be used to supplement existing program activities and that Grant Funds shall not be used to supplant (replace) previously appropriated non-grant funds.

3. Grant Funds not to be Commingled. Any Grant Funds received by the Sub-Sub Recipients shall be kept separate and apart from any and all other monies. No commingling of Grant Funds monies shall occur.

4. Use of Grant Funds Shall Comply with Grant Program. The Local Solicitation permits Grant Funds to 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:

a. law enforcement activities;
b. prosecution and court programs;
c. prevention and education programs;
d. corrections and community corrections programs;
e. drug treatment and enforcement programs;
f. planning, evaluation and technology improvement programs; or
g. crime victim and witness programs (other than compensation)."

5. Prohibited Use of Grant Funds. The Local Solicitation prohibits the use of Grant Funds as follows. "No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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 for any of the following matters unless the Bureau of Justice Assistance certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

a. vehicles (except police cruisers), vessels (except police boats) or aircraft (excluding police helicopters);
b. luxury items;
c. real estate;
d. construction projects (other than penal or correctional institutions); or
e. any similar matters."

6. Department of Justice Policy OCPS 7130.1. All expenditures of money to be reimbursed by the Grant Program shall comply with Department of Justice Policy OCPS 7130.1 regarding the use of federal funds by grantees. A copy of OCPS 7130.1 is attached hereto as Exhibit 2.

7. GAAP Required. Any entity receiving reimbursement from the Grant Program must use Generally Accepted Accounting Principles for reporting and/or reimbursement activities.

8. Office of Management and Budget (OMB) Circulars. Any entity receiving reimbursement from the Grant Program must comply with all OMB Circulars relating to federal grants.

9. Fiscal Agent Audit. In addition to any audit obligations under federal policy or law related to federal grant programs, LVMPD hereby acknowledges and agrees to abide by the following:

a. LVMPD agrees to maintain financial records pertaining to all matters relative to the Grant Program and retain all records and supporting documentation applicable to this Grant Program for a period of three (3) years after completion of the Grant Program. All

records subject to audit findings shall be retained for three (3) years after such findings have been resolved.

b. LVMPD agrees to permit the Fiscal Agent or the Fiscal Agent's designated representatives to inspect and audit its records and books relative to this Grant Program at any time during normal business hours and under reasonable circumstances and to copy and/or any information that the Fiscal Agent desires concerning LVMPD's operation hereunder. LVMPD further understands and agrees that said inspection and audit will be exercised upon written notice to LVMPD.

c. If, at any time during the term of this Grant Program, or at any time after the expiration or termination of the Grant Program, the Fiscal Agent or the Fiscal Agent's designated representatives finds the actual monetary reimbursement by the DOJ is more than actual amount spent by LVMPD, LVMPD agrees that the difference shall be repaid immediately by LVMPD to the Fiscal Agent for disposition of the funds as directed by the DOJ.

B. Grant Fund Allocation

1. Allocation. The Parties hereby agree that the document attached hereto at Exhibit 3 defines the Allocation from the Fiscal Agent to LVMPD.

2. Amendment of Allocation. Except as otherwise provided for the City herein, LVMPD acknowledges that the dollar amount of the Allocation is final, and such Allocation may not be amended over the term of the Grant Program without the prior written approval by the City and all Sub-Recipients and amendment of this Agreement.

C. Modification of Allocation.

While the Parties agree that the total dollar amount of an Allocation may not be increased over the term of the Grant Program, the Parties do acknowledge the need for flexibility to permit the City to modify the Allocation upon request for either a Budget Modification or a Non-Budget Modification. Following is each term defined, the process for each type of modification, and the dollar amount at which approvals are required by either the City, the DOJ or both.

1. Budget Modification. A Budget Modification is a request to modify the Allocation in the following manner: a change to budget categories; a reduction in funding; a change in an overall project, or a change to the level or redeployment awarded pursuant to the Grant Program. For example, a Budget Modification is required under a circumstance where LVMPD was originally awarded three positions for a program activity, but then decides to only utilize funding for two positions. A budget modification shall be submitted to the City as follows:

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a. Procedure for Budget Modification.

i. LVMPD shall submit a letter to the City of Las Vegas Office of Administrative Services, including, but not limited to, the following information:

- LVMPD Data Universal Numbering System (DUNS) number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
- a description of the proposed change to the awarded items, budget, and FTE;
- a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for changes in the award amount or project objective please include new demonstration of time savings information); and
- detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The City will review the information (and submit information to the DOJ for approval, if necessary) and notify LVMPD upon notification of the approval or denial of the request.

2. Non-Budget Modification. A Non-Budget Modification is a request to modify an award to LVMPD for the reimbursement of particular items previously approved by the City, but does not require a change in budget categories nor a reduction in funding. For example, LVMPD is awarded 10 laptop computers for a particular purpose, but because of newly advantageous pricing, LVMPD is now able to purchase 12 laptop computers for the same price. A non-budget modification shall be submitted to the City as follows:

a. Procedure for Non-Budget Modification.

i. LVMPD shall submit a letter to the City Office of Administrative Services, including, but not limited to, the following information:

- the LVMPD DUNS number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
-a description of the proposed change to the awarded items, budget, and FTE;
-a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for

changes in the award amount or project objective please include new demonstration of time savings information); and
-detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The City will review the information (and submit information to the DOJ for approval, if necessary) and notify LVMPD upon notification of the approval or denial of the request.

3. Prior Approval for Budget Modification or Non-Budget Modification Required by the Fiscal Agent and DOJ Required under Certain Circumstances. LVMPD must request prior approval from the Fiscal Agent (and DOJ, if required) for Budget Modifications and Non-Budget Modifications where the change to the Allocation is in excess of ten (10) percent of the total allocation.

4. Failure to Comply. Failure to obtain prior approval of a Budget or Non-Budget Modification may result in the rejection of a reimbursement request by the City and/or the DOJ for non-approved modifications.

D. Expenditure of Allocation.

LVMPD must expend its Allocation on an annual fiscal year basis, unless LVMPD specifically notifies the City in writing a minimum of 30 calendar days prior to the end of a fiscal year that an annual allocation cannot be expended within a fiscal year. The notification must include appropriate justification for the non-expenditure of funds. If LVMPD fails to expend its annual allocation of Grant Funds without providing the aforementioned notice and justification, any unexpended monies for that fiscal year shall revert to the City's use in its sole discretion as the original eligible recipient of the Grant Funds.

E. Reimbursement of Expenditures.

In order to be repaid for expenditures, LVMPD must file a reimbursement request pursuant to the terms of this Agreement, the Grant Program Interlocal and the Grant Program. This section will delineate the general requirements for requesting reimbursement and the procedure by which the City shall request reimbursement by the DOJ.

1. Generally.

a. Costs recovered on a Reimbursement Basis Only. Costs incurred shall only be recovered on a Reimbursement Basis as provided by this Agreement, the Grant Program Interlocal and the Local Solicitation.

b. Reimbursement Requests by LVMPD to be submitted by City to DOJ. The Grant Program requires the Fiscal Agent, in this case, the City to submit all requests for reimbursement. As LVMPD is an approved Sub-Sub Recipient of the City, the City shall

be responsible for verifying and properly submitting its sponsored Sub-Sub Recipients' reimbursement requests to the Fiscal Agent for processing.

c. Reimbursement Request Must be Accompanied by Required Reporting for Acceptance by the Fiscal Agent. The City shall not accept LVMPD's reimbursement request without the accompanying required reporting for the fiscal quarter for which LVMPD is requesting reimbursement.

2. Procedure for Reimbursement.

a. Technical Assistance Available from City. Throughout the term of the Grant Program, the City will provide telephonic technical assistance relating to the proper reimbursement of expenses. Technical Assistance will be provided by the City of Las Vegas Department of Administrative Services until twenty (20) calendar days prior to the close of any fiscal quarter.

b. Reimbursement Requests to comply with provisions of 28 CFR 66.41. LVMPD shall file reimbursement requests in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all reimbursement requests for nonconstruction items on Standard Form 269A. All entities requesting reimbursement shall submit such requests on Standard Form 269A. A copy of 28 CFR 66.41 is attached hereto as Exhibit 5, and Standard Form 269A is attached hereto as Exhibit 5.

c. Reimbursement Requests Must be Timely Filed and Complete for Processing.

i. Unless otherwise provided by Section II(C)(3)(e), below, Reimbursement requests shall only be accepted by the City for the fiscal quarter in which the costs were incurred;

ii. Reimbursement requests must be accompanied by all necessary reporting documents as required by the Local Solicitation, Federal Policy or law, and as delineated at Paragraph F, herein, and the reporting documents must be complete for acceptance by the City;

iii. Reimbursement Requests shall be filed with the City no later than five (5) calendar days after the end of the current fiscal quarter for processing; and

iv. Notwithstanding any default or penalty provisions herein, late or incomplete reimbursement requests shall be delayed and shall only be processed by the City at the end of the next Fiscal Quarter, unless otherwise provided by Section II(C)(3)(e), below.

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LVMPD Due Dates:	Fiscal Agent (City) Due Dates to the DOJ:
October 5, 2009	October 10. 2009
January 5, 2010	January 10, 2010
April 5, 2010	April 10, 2010
July 5, 2010	July 10, 2010
October 5, 2010	October 10, 2010
January 5, 2011	January 10, 2011
April 5, 2011	April 10, 2011
July 5, 2011	July 10, 2011
October 5, 2011	October 10, 2011
January 5, 2012	January 10, 2012
April 5, 2012	April 10, 2012
July 5, 2012	July 10, 2012
October 5, 2012	October 12, 2012
January 5, 2013	January 10, 2013
April 5, 2013	April 10, 2013
July 5, 2013	July 10, 2013
October 5, 2013	October 10, 2013
January 5, 2014	January 10, 2014

d. Reimbursement. The Parties acknowledge that the City can only reimburse monies to the Sub-Recipients that are received from the DOJ. Reimbursement will occur no later than thirty (30) calendar days after the monies requested are received by the City from the DOJ.

e. Incomplete Reimbursement Requests. The Parties acknowledge that it will be difficult to submit a complete reimbursement request for the current fiscal quarter no later than five (5) days after the close of the current fiscal quarter because delay within the Parties' accounting processes may not permit a complete reimbursement request to be filed within the five (5) day period. As such, the City will accept for processing an incomplete reimbursement request, to be processed for filing with the DOJ, but only as follows:

i. any incomplete reimbursement request for that fiscal quarter shall include all expenditures from that fiscal quarter.

ii. any expenditures from that fiscal quarter posted subsequent to the end of that fiscal quarter shall be submitted at the end of the following fiscal quarter for reimbursement.

The Parties acknowledge that the ability to file incomplete reimbursement requests depends on the willingness of the Federal Government to accept incomplete reimbursement requests from the City and reimburse for those costs incurred that are not filed with the City within five (5) days after the close of the current fiscal quarter. As such, the Parties understand that the City will submit such reimbursement requests as

provided above, but cannot guarantee that the Federal Government will reimburse such costs.

In addition, the Parties acknowledge and understand that the DOJ has been notified of this issue, and it is the Parties understanding that changes to the "five day rule" will be forthcoming. Once amended filing deadlines are provided to the City by the DOJ, the City will notify LVMPD of the changes and such changes will supercede any provisions that conflict as provided by Section II(A)(1), herein.

F. Required Reporting.

The Grant Program requires reporting by the each of the entities receiving reimbursement from the Grant Program. This section will delineate the general requirements for reporting and the procedure for reporting each of the required performance reports, programmatic and fiscal, along with initial information received from the DOJ regarding the substance and form of these reports.

1. Generally.

a. Time Limit for Required Reporting to DOJ; LVMPD Deadline for Required Reporting to the City. The City must satisfy Section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on sub-awards), no later than ten (10) calendar days after the end of a fiscal quarter. As such, LVMPD must submit a complete report as provided herein no later than five (5) calendar days after the close of the current fiscal quarter.

b. Proof of Registration Required. LVMPD shall submit to the City written proof that it has acquired a DUNS number and is registered with the Central Contractor Registration database prior to the submission of the first quarterly performance report and reimbursement request to the City. The City shall not accept any performance report or reimbursement request without the submission of this information.

c. Proof of Acceptance of Award by LVMPD. LVMPD shall submit to the City written proof of its governing body's acceptance of the funds from the Grant Program, prior to the submission of the first quarterly performance report and reimbursement request to the City. The City shall not accept any performance report or reimbursement request without the submission of this information.

d. Proof of an Excluded Parties List. LVMPD shall submit to the City written documentation of an Excluded Parties List for any purchases of $25,000.00 or more, prior to the submission of a reimbursement request to the City. The City shall not accept any performance report or reimbursement request without the submission of this information.

e. Proof of DOJ Approval of Sole Source Contracting or Explanation of a Competitive Bidding Process for Certain Purchases. LVMPD shall submit to the City written proof of DOJ Sole Source Approval or a competitive bidding process to be

utilized for any purchases or contracts for goods or services in amounts of $100,000.00 or more, prior to the submission of a reimbursement request to the City. The City shall not accept any performance report or reimbursement request without the submission of this information.

f. Required Reporting Must be Accompanied by Reimbursement Request for Acceptance by the City. The City shall not accept LVMPD's Required Report without the accompanying reimbursement request for the fiscal quarter that the LVMPD is requesting reimbursement.

2. Required Reports.

The Parties acknowledge that the DOJ has not released final rules regarding reporting requirements for entities receiving reimbursement from DOJ under the Grant Program. However, it appears that a skeletal reporting structure has been delineated, requiring the any recipients of Grant Funds to submit Programmatic Reports and Financial Status Reports. Provided herein will be what information is currently known.

a. Financial Status Reports to comply with provisions of 28 CFR 66.41. LVMPD shall submit required financial reports in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all Financial Status Reports for nonconstruction items on Standard Form 269A. When further direction is provided to the City by the DOJ, the City will notify LVMPD, in writing, within three (3) calendar days of which form is the correct form for proper reporting. A copy of 28 CFR 66.41 is attached hereto as Exhibit 4 and Standard Form 269A is attached hereto as Exhibit 5.

b. Programmatic Reports. The reporting form, nor all the information required for programmatic reporting has not yet been delineated by the DOJ. The City shall notify the Sub-Recipients within three (3) calendar days of notification by the DOJ of the correct form and programmatic information to be required. However, the Parties acknowledge that the following information will be required to be reported:

i. A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful;
ii. The reasons for slippage if established objectives were not met;
iii. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs;
iv. Copies of all invoices, purchase orders, or requisitions with the appropriate accounting codes that indicate the funds are kept in separate accounts from any other funds used by the LVMPD; and
v. Copies of LVMPD's general ledger for the reporting quarter, including all payroll funds specific to the award, and reimbursement, in part or in whole, of previously spent Grant Funds.

c. Reporting Schedule. LVMPD will be required to submit both a Financial Status Report and a Programmatic Report as follows:

i. Quarterly, no later than five (5) calendar days after the end of a fiscal quarter;
ii. Semi-Annually, no later than five (5) calendar days after the end of the second fiscal quarter;
iii. Annually, no later than fifteen (15) calendar days after the end of the grant year; and the
iv. Final performance report, no later than fifteen (15) calendar days after the expiration of the Grant Program.

The Parties acknowledge that this reporting structure is mandated by the DOJ pursuant to City Agent shall notify LVMPD within three (3) calendar days of any Reporting Schedule changes.

d. All Reports to be Submitted Electronically. Any and all reports submitted to the Fiscal Agent shall be submitted electronically by e-mail pursuant to the Paperwork Reduction Act of 1980 to the following e-mail address: subgranteereports@lasvegasnevada.gov. Electronic reports may be submitted in .doc, .xls or .pdf format. No handwritten or typed reports will be accepted by the Fiscal Agent.

e. Failure to Submit Required Reports; Incomplete Reports. Required reporting must accompany reimbursement requests. Reimbursement requests without the required reporting shall not be accepted for processing for that current Fiscal Quarter. Such reimbursement requests will be delayed and shall only be processed by the City at the end of the next Fiscal Quarter.

G. Default; Penalties.

1. Notice of Default for Failure to Comply with this Agreement. In the event the City discovers a failure to comply by LVMPD, of its obligations pursuant to this Agreement, the Grant Program Interlocal, the Local Solicitation and/or Federal policies and laws regarding federal grant assistance programs, the City provide a written notice (a "Notice of Default") of such failure to comply to LVMPD.

2. Cure; Event of Default. Within two (2) calendar days of the receipt of the Notice of Default by LVMPD, LVMPD shall cure each failure to comply as described by the Notice of Default. Any such violation that remains uncured after such 48-hour period shall be a default hereunder and the City may take any action permitted under the Local Solicitation and/or the Federal policies or laws relating to grant assistance programs, including, but not limited to, suspension of LVMPD's ability to receive reimbursement or termination of LVMPD's participation in the Grant Program.

3. Penalties for Failure to Comply with the Grant Program and Local Solicitation. The Parties acknowledge and understand that the DOJ has not yet finalized potential penalties for violation of the terms and provisions of the Local Solicitation and the Grant Program. The Parties agree that the Fiscal Agent is authorized to take any action or assess any penalty authorized by the DOJ for a violation of the terms of the Grant Program, Local Solicitation or Federal policy or law. When the DOJ publishes penalties for violations of the terms and provisions of the Local Solicitation and the Grant Program, this Agreement will be amended to reflect those penalties. At that time LVMPD can accept the Amendment or withdraw from the Grant Program.

4. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

H. Miscellaneous.

1. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eighth Judicial District Court, County of Clark, State of Nevada.

2. Indemnification and Attorneys' Fees. Sub-Recipient and any Sub-Sub Recipients will protect, defend, indemnify, and save harmless the City from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including, but not limited to, claims for contribution or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Sub-Recipient, and Sub-Sub Recipients', obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph shall include any and all attorney's fees incurred by the City in the defense or handling of said suits, demands, judgments, liens, and claims and all attorneys' fees and investigation expenses incurred by the City in enforcing or obtaining compliance with the provisions of this Agreement.

3. Amendment of Agreement. No amendment of this Agreement is permitted without consent by the governing body of each Party. Those instances where this Agreement specifically delineates that the Fiscal Agent will provide further information to the Sub-Recipients regarding federal rules, policies and procedures to be followed is not considered an amendment of this Agreement, but a supplement to this Agreement specifically permitted by this Agreement.

4. Notices. All notices, demands and correspondence required or provided for under this Agreement not otherwise required to be submitted electronically by the terms of this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To City:	City of Las Vegas 400 Stewart Avenue Las Vegas, Nevada 89101 Attention: Director, Office of Administrative Services
To LVMPD:	Las Vegas Metropolitan Police Dept. Lori Leyba, Grant Analyst 3141 E. Sunrise Avenue Las Vegas, NV 89101

Any Party may change its address by giving notice in writing to the others and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

5. Entire Agreement. This Agreement constitutes 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 of any part of the subject matter hereof.

6. Headings; Exhibits; Cross References. The recitals, 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 are incorporated herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

7. Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

8. Repayment of City by LVMPD. Notwithstanding any other default or penalty provisions provided herein, if LVMPD fails to comply with the Grant Program, the Local Solicitation or Federal policies or laws such that the DOJ requests reimbursement from the Fiscal Agent for monies provided to LVMPD, LVMPD agrees to repay the Fiscal Agent the amount of money repaid to the DOJ based upon the DOJ's demand.

In any event, if the DOJ requests repayment of funds by the Fiscal Agent, the Fiscal Agent will immediately notify the LVMPD of the demand from DOJ in writing, and the affected Sub-

Recipient may elect to: 1) contact the DOJ and appeal the DOJ's finding or negotiate a settlement with the DOJ if possible; or 2) repay the DOJ directly. The City acknowledges that the Sub-Recipient should have a right to appeal such a demand, and agrees to postpone repayment of the DOJ, as long as the DOJ notifies the City, in writing, that it will postpone its demand for repayment based upon Sub Recipient appeal or otherwise.

9. Counterparts; Electronic Delivery. This Agreement may be executed in counterparts, all such counterparts will constitute the same Agreement and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year last below written:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF LAS VEGAS
"CITY"

By:_____
Oscar B. Goodman, Mayor

ATTEST:

By:_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

By: John S. Ridilla
Deputy City Attorney

. . .
. . .
. . .
. . .
. . .
. . .
. . .

Signature page continued:

Las Vegas Metropolitan Police Department "LVMPD"

ATTEST:

By:_____
Annamarie Robinson,
LVMPD Fiscal Affairs Committee Clerk

Date: _____

By: _____
Douglas C. Gillespie, Sheriff
Las Vegas Metropolitan Police Department

Date: _____

APPROVED AS TO FORM:

By: _____
Mary-Anne Miller, Deputy District Attorney

Date: _____

EXHIBIT 1
Recovery Act: Edward Byrne Memorial
Justice Assistance Grant (JAG)
Formula Program: Local Solicitation

OMB No. 1121-0323

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

RECOVERY ACT

The U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

On February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partners to ensure this funding invests in the American workforce.

Specifically, under this solicitation, BJA will be making awards to assist local and tribal efforts to prevent or reduce crime and violence.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

Eligibility

Applicants are limited to units of local government listed in the Recovery Act JAG allocation list for JAG funds.
(See "Eligibility," page 2)

Deadline

Registration with OJP's Grants Management System is required prior to application submission.
Applicants must obtain a DUNS number from Dun and Bradstreet prior to application submission. Applicants, including those applying through GMS, must register with the Central Contractor Registration (CCR) database.
(See "Deadline: Registration," page 1)

All applications are due by 8:00 p.m. Eastern Time. on May 18, 2009.
(See "Deadline: Applications," page 2)

Important Note to Prospective Applicants

This solicitation is issued pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), which was signed into law by President Obama on February 17, 2009. As of the date this solicitation is issued, government-wide guidance is still forthcoming on various aspects of the Act.

Applicants are strongly advised to check the appropriate web site and www.ojp.usdoj.gov/recovery/solicitationrequirements.htm periodically (including before submitting an application) for updates to this solicitation and its associated requirements. Additional information may become available that could affect project proposal narratives, timelines, budget requests, certifications, and other matters related to applications.

Award recipients will be required to follow any applicable provisions of government-wide guidance that may be issued pursuant to the Recovery Act.

Contact Information

For assistance with the requirements of this solicitation, contact: BJA toll-free at 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov. This e-mail account will be checked hourly. A response will be provided within one business day. You may also contact your BJA State Policy Advisor at www.ojp.usdoj.gov/BJA/resource/stcont.htm, or Eileen M. Garry, Deputy Director for Programs, at 202–307–6226 or eileen.garry@usdoj.gov.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the GMS Support Hotline at 1–888–549–9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: www.ojp.usdoj.gov/gmscbt/.

Release date: March 6, 2009

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Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation
CDFA #16.804

Overview of the Edward Byrne Memorial Justice Assistance Grant Program

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a).

The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program 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

Registering with OJP's Grants Management System (GMS)
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 immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) Obtaining a Data Universal Numbering System (DUNS) number; (2) Registering your organization with the Central Contractor Registration (CCR) database; and (3) Registering with GMS prior to applying.

The deadline to register is 8:00 p.m. Eastern Time on May 18, 2009.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering 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 receiving Federal funds. The identifier is used for

tracking purposes 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 http://fedgov.dnb.com/webform/displayHomePage.do.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. Eastern Time on May 18, 2009.

Eligibility

Applicants are limited to units of local government appearing on the Recovery Act JAG allocation list. For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; 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. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

Additional Requirements Related to the Recovery Act (including certification requirements):

Reporting on the Use of Funds. In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than **ten calendar days after the end of each calendar quarter**. Detailed information on section 1512(c) appears below, under "Accountability and Transparency under the Recovery Act." A template for the certification is included in the appendix. Applicants may expect that a standard form and/or standard reporting mechanism will be made available at a future date.

Certification regarding Infrastructure Investments. Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars. The certification must include a description of the infrastructure investment, the estimated total cost, and the amount of Recovery Act funds to be used, and must be posted on

a web site that is linked to Recovery.gov. (Refer to the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm for the text of section 1511.)

Consistent with section 1511, **all** applicants under this solicitation must complete a "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments," a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project. Applicants or recipients that intend to prepare a section 1511 certification should consult the OJP Recovery Act Additional Requirements web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. If a standard form becomes available, OJP will include a notice in the appropriate section of the web page.

American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations: If a grant application is being submitted on behalf of a tribe or tribal organization, a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government entity authorizing the inclusion of the tribe or tribal organization named in the application must be included with the application.

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. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional DOJ funding.

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. Additionally, 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 grants.

NOTE: Beginning in 2009, the formula calculation for the local portion of the JAG statute has changed significantly as a result of final implementation of the JAG statute. The statute, 42 U.S.C. 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, allocations to units of local government would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations)

require that units of local government must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1998-2007) in order to be eligible. As a result of this statutory requirement, several local governments that were eligible in prior years for JAG formula funding are ineligible this year due to a lack of compliant UCR data reporting.

Award Amount
The JAG allocation list established by the Bureau of Justice Statistics (BJS), and 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/recoveryJAG/recoveryallocations.html.

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 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 a county with concurrent jurisdiction, while that 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.

JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. For a listing of disparate jurisdictions, go to www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

★ 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/recoveryJAG/JAGrecoveryMOU.pdf.

Governing Body Review
The applicant agency (fiscal agent) must make 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.

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.

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 grant period years.

Trust Fund
Each unit of local government may draw down any or 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.

Recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in applicable reporting required by the Recovery Act. Specific information relating to this will be detailed in grant award documents.

Prohibited Uses
No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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.

Non-Supplanting
Federal funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. See the OJP Financial Guide (Part II, Chapter 3). Additional information appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Buy American
All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a "Buy American" provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected. For the text of section 1605, please refer to the ""OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Wage Rate Requirements
All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the "OJP Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm. Government-wide guidance on this provision is not yet available, but is expected.

Recovery Act: Preference for Quick-Start Activities
Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the "OJP's Recovery Act Additional Requirements" web page at www.ojp.usdoj.gov/recovery/solicitationrequirements.htm.

Recovery Act: Contracts
Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Recovery Act: Limit on Funds
The Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Recovery Act: Use of Funds in Conjunction with Funds from Other Sources.
Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law. There can be no commingling of funds. (See "Accountability and Transparency under the Recovery Act," below.)

Accountability and Transparency under the Recovery Act

Separate Tracking and Reporting of Recovery Act Funds and Outcomes
Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including DOJ grant

funds from non-Recovery Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Quarterly Financial and Programmatic Reporting
Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. Receipt of funds will be contingent on meeting the Recovery Act reporting requirements.

Under this Recovery Act program, quarterly financial and programmatic reporting will be required, and will be **due within 10 calendar days after the end of each calendar quarter**, starting July 10, 2009.

Programmatic and Financial Reporting Periods	**Due Dates**
October- December	January 10
January- March	April 10
April-June	July 10
July-September	October 10

The information from grantee reports will be posted on a public website. To the extent that grant funds are available to pay a grantee's administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for future OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Funding recipients may expect that a standard form and/or reporting mechanism may be available. Additional instructions and guidance regarding the required reporting will be provided as they become available. For planning purposes, however, all applicants should be aware that the Recovery Act section 1512(c) provides as follows:

Recipient Reports: Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Subawards under Recovery Act Grants

Reporting; DUNS and CCR. As indicated above, quarterly reporting requirements for Recovery Act awards include reporting with respect to subawards. In order to facilitate that reporting, award recipients must work with their first-tier subawardees (if any) to ensure that, no later than the due date of the award recipient's first quarterly report after a subaward is made, the subawardee has a DUNS numbers and is registered with the Central Contractor Registration (CCR) database. See "Deadline: Registration," above, for more information on CCR and DUNS numbers.

Monitoring of subawards. All applicants should bear in mind that any recipient of an award under this solicitation will be responsible for monitoring of subawards under the grant in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide. Primary recipients will be responsible for oversight of subawardee spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds.

Reporting Fraud, Waste, Error, and Abuse

Each grantee or subgrantee awarded funds made available under the Recovery Act is to promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

You may report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (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 web site at www.usdoj.gov/oig/.

The Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act.

Performance Measures

To assist in fulfilling the accountability objectives of the Recovery Act, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 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. The following are **required** measures for awards made under the Recovery Act:

Objective	Performance Measures	Data the grantee provides for 3-month reporting period	Description (Plain language explanation of what exactly is being provided)
Recovery Act: Preserving jobs	Number of jobs saved (by type) due to Recovery Act funding.	a) How many jobs were prevented from being eliminated with the Recovery Act funding during this reporting period? b) How many jobs that were eliminated within the last 12 months were reinstated with Recovery Act funding?	An unduplicated number of jobs that would have been eliminated if not for the Recovery Act funding during the three-month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.
Recovery Act: Creating jobs	Number of jobs created (by type) due to Recovery Act funding.	How many jobs were created with Recovery Act funding this reporting period?	An unduplicated number of jobs created due to Recovery Act funding during the three month quarter. Report this data for each position only once during the grant. A job can include full time, part time, contractual, or other employment relationship.

In addition, new performance measures specific to the JAG Program have been developed by BJA with input from criminal justice members in the field (including SAAs). The performance measures 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 Support Hotline at 1–888–549–9901 from 7:00 a.m. to 9:00 p.m. Eastern Time.

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 formats: Microsoft Word (*.doc), Word Perfect (*.wpd), Microsoft Excel (*.xls), 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 that any Word documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format. Additionally, 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."

Recovery Act CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.804, titled "Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program/Grants to Units of Local Territories."

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that 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.

The program narrative must include:

- Project objectives that are linked to meaningful and measurable outcomes consistent with the goals of the Recovery Act, and the likelihood of achieving such outcomes, such as job creation and preservation.
- Organization capabilities and competencies, including a description of how the organization will track all drawdowns and grant expenditures separately from other federal funding.
- Activities that can be started and completed expeditiously, and in a manner that maximizes job creation and economic benefits.
- Timeline or project plan identifying when the goals and objectives will be completed.

- Performance measures established by the organization to assess whether grant objectives are being met.

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 applicant's 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 which includes the applicant's name, title of the project, the goals of the project, a description of the strategies to be used, major deliverables, and coordination plans. The abstract must not exceed one-half page, or 400-500 words.

Certifications (Attachment 5)
See the Appendix.

Review Process

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the OJP Assistant Attorney General (AAG).

Additional Requirements

Successful applicants selected for awards under this Recovery Act solicitation 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/recovery/solicitationrequirements.htm.

- Civil Rights Compliance

- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements, includes Single Audit Act Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Recovery Act Reporting Requirements; Section 1512(c) of the Recovery Act
- Section 1511 of the Recovery Act: Certifications
- Section 1602 of the Recovery Act: Preference for Quick-Start Activities
- Section 1604 of the Recovery Act: Limit on Funds
- Section 1605 of the Recovery Act: Buy American
- Section 1606 of the Recovery Act: Wage Rate Requirements
- Section 1607 of the Recovery Act: Additional Funding Distribution and Assurance of Appropriate Use of Funds
- Section 1609 of the Recovery Act: Relating to National Environmental Policy Act

Appendix. Templates for Required Certifications

Instructions: Scan signed certifications and submit image files electronically as part of your application package.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Entity

_____
Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

_____ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

_____ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Full Name of Applicant Government Entity

_____
Date

EXHIBIT 2
OCPS 7130.1

U.S. Department of Justice

Office of Justice Programs

Office of the Comptroller

Office of the Comptroller

Washington D.C. 20531

Policy Statement

OCPS 7130.1

Subject: Use of Federal funds by grantees, contractors, and OJP Bureaus and Offices to provide food and beverages at specific events.

1. Purpose. This statement provides guidance to OJP Bureaus, Offices, grantees and contractors (not including subrecipients) that desire to provide food and/or beverages at an event. **1/** Where this policy allows for the provision of food and/or beverages, it does not require that a Bureau, Office, grantee or contractor provide food and/or beverages at these events.

2. Scope. The procedures included in this policy statement are to be followed by all grantees, contractors, and OJP Bureaus and Offices. Subrecipient requests may be reviewed and approved by the awarding agency or recipient if required by the awarding agency as defined in Chapter 3, Glossary of Terms, effective edition of the OJP Financial Guide. **1/**

3. Policy. In accordance with the provisions of the Food and Beverage Policy, a grantee or contractor may use Federal funds for food and/or beverages when associated with a training session, meeting, or conference. Bureaus and Offices may use Federal funds for food and/or beverages when associated with a training session, meeting, conference, award ceremony, or retreat. Note: Food and beverage costs for events within events may be unallowable (see OJP Financial Guide, Food and Beverage Appendix, June 1999) **2/**

1/ Revised from previous edition dated 5/5/98. Requests for approval of food and beverage costs by subrecipients are not subject to review and approval by OJP.

2/ Mandatory attendance of all participants at related events is required for allowability of food and beverage costs at all events.

4. Procedures. Effective June 1999, OJP Bureaus, Offices, grantees and contractors do not need prior approval in accordance with the Food and Beverage Policy for Grantees and Contractors, but must comply with the requirements of the Policy Statement on the Use of Funds to Provide Food and Beverages (Attachment 1).

OJP grantees/contractors should maintain adequate documentation that supports use of food or beverage purchases using Federal funds.

Cynthia J. Schwimer
Comptroller

August 13, 1999
Date

Attachments:

Attachment 1 - Policy statement on the use of funds to provide food and beverages

Policy Statement on Federal Grantees, Contractors, & OJP Bureaus and Offices Use of Funds to Provide Food and Beverages

EXECUTIVE SUMMARY

Expenses for food and beverages incurred by **Federal grantees** and **contractors**[1] may be charged to Federal funds pursuant to program guidelines provided that three tests are satisfied:

Test 1 - The food and beverages provided are incidental to a work-related event; and
Test 2 - The costs of the food and beverages are considered reasonable; and
Test 3 - Food and beverages are not directly related to amusement and/or social events.

A **Federal agency's** ability to use Federal funds to provide food or beverages is more limited. Exceptions to the general prohibition on using Federal funds for this purpose exist when:

- Funds for the food or beverages are specifically appropriated; or,
- Food or beverages are for training expenses; or,
- Food or beverages are for meeting or conference expenses; or
- Food or beverages are expenses associated with a retreat outside the employees' official duty station; or
- Food or beverages are expenses of a Federal employee award ceremony.

Food and beverage costs incurred by a **Federal agency** for Federal employees and others may be allowable when the following tests are satisfied:

Trainings:
Test 1 - The training is for the purpose of providing a program or course of instruction or education in a field which will improve individual job related performance and organizational performance and assist in achieving the agency's mission and performance goals as defined by the Government Employees Training Act at 5 U.S.C. § 4101(4); and
Test 2 - The agency determines that providing meals is necessary to achieve the objectives of the training program, that is, that the food is necessary in order for the employees to obtain the full benefit of the training. See 5 U.S.C . § 4109 (1994).

Meetings, Conferences:
Test 1 - The food or beverage is part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities. See 5 U.S.C. § 4110

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[1] Federal grantees are governed by cost principles set out in the Office of Management and Budget Circulars. Federal contractors are subject to the Federal Acquisition Regulations which have similar rules to those found in the OMB Circulars. Food and beverages must not be directly related to amusement and/or social events, and the beverages cannot include alcohol.

(1994). (An OJP meeting that focuses on day to day operations does not qualify under 5 U.S.C. 4110); and
Test 2 - The food or beverages provided are incidental to the meeting or conference; and
Test 3 - The food and beverages must be necessary to the Federal employee's full participation in the meeting or conference; and
Test 4 - The employee is not free to take his or her meals elsewhere without being absent from essential discussions, lectures, or speeches concerning the purpose of the meeting or conference.

Award ceremonies:
Test 1 - Recognition for an award is given to an employee who meets general criteria specified in the Government Employees' Incentive Awards Act, 5 U.S.C. §§ 4501-4503; and
Test 2 - The recognition is given at a formal, ceremonial function which is OJP-wide; and
Test 3 - Food and beverages will materially enhance the effectiveness of the ceremony and the cost of such food and beverages is considered reasonable.

Retreats:
Test 1 - The retreat must be held outside the official duty station as defined by this Policy, i.e., the employee(s) is outside his or her official duty station as defined under the Federal Travel Regulations, chapter 301-7, and is entitled to per diem at a temporary duty station.

NOTE: Anyone under federal per diem allowances or reimbursements who is attending any of these events at which food and beverages are provided must deduct the cost of any full meals (ie. lunch, dinner) provided from his or her per diem allowances.

1.0 Purpose

The purpose of the Policy is to provide guidance to a contractor, grantee, and OJP Bureaus and Offices that desire to provide food and/or beverages at an event. Even if this Policy allows the provision of food and beverages, it does not require that an OJP Bureau, office, contractor or grantee provide food and/or beverages at training sessions, meetings, or conferences. Furthermore, while this Policy provides guidance, the examples contained in this Policy statement are not to be viewed as definitive, but rather as illustrations. Guidance should be applied within the context of each individual fact situation.

2.0 Definitions

For the purposes of applying the applicable rules covering the use of funds for food or beverages, the following terms are defined:

"**Award ceremony**" is a ceremony where the head of an agency may pay a cash award to, and incur necessary expense for, the honorary recognition of a Federal employee who, by his suggestion, invention, superior accomplishment, or other personal effort, contributed to the efficiency, economy, or other improvement of Government operations or achieved a significant

reduction in paperwork, or performed a special act or service in the public interest relating to his official employment. See 5 U.S.C. § 4503 (1994).

"**Breaks**" are short pauses in an ongoing informational program at trainings, meetings, conferences, or retreats. Typically, an all day event may include one break during a morning session, and one break during an afternoon session. Examples of foods items which may be served at breaks include foods such as, cookies, soda, fruit, etc.

"**Conference**" or "**meeting**" is a formal event involving topical matters of general interest, (i.e., matters that will contribute to improved conduct, supervision, or management of the agency's functions or activities), to Federal agency and non-Federal agency participants, rather than a routine business meeting primarily involving day-to-day agency operations and concerns. "Meeting" includes other designations, such as a conference, congress, convention, forum, seminar, symposium, training for grantees or contractors, and workshop. See 5 U.S.C. § 4110 (1994).

"**Continental Breakfast,**" means a light breakfast that may include a selection of coffees, teas, juices, fruits, and assorted pastries. It is allowable provided several hours of substantive material directly follows the continental breakfast. Grant recipients are reminded that the least expensive of the available selections should be chosen.

"**Federal agency**" means an Executive department, an independent establishment, a Government corporation, the Library of Congress, the Government Printing Office, and the Government of the District of Columbia. See 5 U.S.C. § 4101 (1994).

"**Federal contractor**" is a person or entity that contracts with the Federal Government to provide supplies, services, or experimental, developmental, or research work. Entities may include commercial organizations, educational institutions, construction and architect-engineer companies, State and local governments, and non-profit organizations. See 48 C.F.R. §§ 31.103-105, 31.107-108 (1995).

"**Federal employees**" are those persons employed in or under an agency of the United States Federal Government or the District of Columbia. See 5 U.S.C. § 4101 (1994).

"**Federal grantee**" means the component of a State, local, or federally-recognized Indian tribal government, educational institution, hospital, or a for-profit or non-profit organization which is responsible for the performance or administration of all or some part of a federal award. See OMB Circular No. A-87, Attachment A; OMB Circular No. A-110, Attachment A.

"**Focus group,**" for purposes of this Policy, means a gathering of Federal government employees to discuss results and improvements of programs in the field. The focus group should follow a prepared agenda, be lead by an expert(s) in the subject matter, and serve to educate the Federal employees.

"**Food**" **and/or** "**beverages**" retain their common meanings. Food or beverages are considered in the context of formal meals and in the context of refreshments served at short, intermittent breaks during an activity. Beverages do not include alcoholic beverages.

"**Formal agenda,**" provides a list of all activities that shall occur during the event, using an hour by hour time line. It must specifically include the times during the event when food and beverages will be provided.

"**Incidental,**" for purposes of this Policy, means relating to a formal event where full participation by participants mandates the provision of food and beverages.

"**Reasonable,**" as it applies to cost of food or beverages means those costs which a prudent person would have incurred under the circumstances prevailing at the time the decision to incur the cost was made. Costs to consider when making judgements about reasonableness include the cost of food and beverage, total cost of the event and costs incurred relative to costs in the geographical area.

"**Reception,**" as it applies to this Policy, means an informal gathering which is not mandatory for all event participants to obtain necessary information. Indicators of a reception include a cash bar, inadequate seating for the entire group, food items from a reception menu (such as finger foods) and a longer break (than utilized throughout the day) between the substantive meetings and the reception. Receptions are expressly prohibited and are considered to be an unallowable cost with Federal funds.

"**Working dinner,**" as it relates to this Policy means a formal and mandatory dinner necessary for all participants to have full participation in the conference or event. A working dinner must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working dinner. Indicators of a working dinner include seating for all participants. A cash bar is expressly prohibited.

"**Working lunch,**" for purposes of this Policy is a formal and mandatory lunch necessary for all participants to have full participation in the conference or event. A working lunch must include a formal agenda including a program or speakers that will impart necessary information important for full understanding of the subject matter of the conference. There should be several hours of informative sessions providing substantive information scheduled both before and after a working lunch (exhibits are not included). Indicators of a working lunch include seating for all participants. A cash bar is expressly prohibited.

3.0 DETERMINING ALLOWABLE COSTS OF FOOD AND BEVERAGES

There are two steps that must be taken to determine allowable costs associated with food and beverages.

Step 1: Three questions must be addressed when determining whether Federal funds can be used to provide food or beverages:

1. Who is the entity that seeks to provide the food and/or beverages?
   - Federal grantee

- Federal contractor
- Non-federal entity

2. To whom will the food and/or beverages be provided?
   - Federal agency (OJP) employees only
   - Employees of the Federal grantee or contractor
   - General public or employees of other Federal agencies
   - A mixed group consisting of OJP employees and Federal grantees, OJP employees and Federal contractors, or OJP employees and employees of other Federal agencies or the general public

3. Under what conditions will the food and beverages by provided?

Step 2: Apply the appropriate test to the situation in which funds are used to provide food and beverages:

A. Federal Grantee or Contractor

A Federal grantee or a contractor may provide food and beverages pursuant to program guidelines as long as:

1. The food and beverages provided are incidental to a work-related event; and
2. The costs of the food and beverages are considered reasonable; and
3. Food and beverages are not directly related to amusement and/or social events.

NOTES: Food and beverage costs for events within events may be unallowable. For example:

UNALLOWABLE
Event A includes 200 participants and food and beverages are requested for event B, which directly relates to event A, but includes only a subset of the 200 participants. Food and beverage costs at event B are unallowable since attendance at the event is not mandatory for all participants (200).

ALLOWABLE
If the purpose of event B is to discuss or work on topics unrelated to event A, food and beverage costs may be allowable for event B as a separate and independent event. A grantee or contractor should maintain separate documentation relating to event B.

B. Federal Agency

B.1 *For a Federal agency to provide food or beverages at a Federal*

employee training session,[2] *a Federal agency must meet the following requirements:*

1. The training must be a training program under 5 U.S.C. § 4109 as defined by the Government Employees Training Act at 5 U.S.C. § 4101(4); and
2. The agency determines that providing meals is necessary to achieve the objectives of the training program, that is, that the food is necessary in order for the employees to obtain the full benefit of the training.

B.2 *For a Federal agency to provide food or beverages at a* ***Federal meeting or conference,*** *a Federal agency must meet the following requirements:*

1. The food or beverage is part of a formal meeting or conference under 5 U.S.C. § 4110; and
2. The food and beverages provided are incidental to the meeting or conference; and
3. The food and beverages must be necessary to the Federal employee's full participation in the meeting or conference; and
4. The employee is not free to take his or her meals elsewhere without being absent from essential discussions, lectures, or speeches concerning the purpose of the meeting or conference.

B.3 *For a Federal agency to provide food or beverages at a* ***Federal employee awards ceremony,*** *a Federal agency must meet the following requirements:*

1. Recognition for the award is to an employee who meets general criteria specified in the Government Employees' Incentive Awards Act; and
2. The recognition is at some type of ceremonial function; and
3. The food and beverages will materially enhance the effectiveness of the ceremony and the cost of such items is considered reasonable.

B.4 *For a Federal agency to provide food or beverages at a* ***Federal employee retreat,*** *a Federal agency must meet the following requirement:*

The employee is in travel status, i.e., the employee is outside his or her official duty station and is entitled to per diem. The costs of full meals should be deducted from the per diem.

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[2] For training of grantees or contractors, please refer to the test for meetings or conferences.

4.0 Use of Funds for Food or Beverages

4.1 Federal Agency's Use of Funds for Food or Beverages

As a general rule, Federal agencies may not use Federal funds to provide food or beverages to Federal employees at their official duty stations. Such expenses are considered personal expenses. An employee is expected to bear these expenses from his or her salary; such expenses are not allowed under 5 U.S.C. § 5536, which prohibits an employee from receiving pay or allowances in addition to that fixed by law.

4.2 Exceptions to Federal Agency Use of Funds for Food or Beverages

A. Specifically Appropriated Funds

An agency may use funds to cover the costs of food or beverages for employees when Congress has appropriated funds specifically for such purposes. A common example of such funds is "official reception and representation" (OR&R) funds. In addition to including a specific amount of funds for OR&R in certain appropriations accounts, Congress has provided the Justice Department with general authority to use a specific amount from any of its various appropriation accounts for official reception and representation expenses. See Departments of Justice and Related Agencies Appropriation Act of 1994, Pub. L. No. 103-121, § 101, 107 Stat. 1163 (1993). Decisions to use these funds must be made by the head of the agency.

B. Statutory Exceptions

Congress has provided agencies the statutory authority to use funds not specifically appropriated for food to cover the cost of food or beverages in the following limited circumstances:

1. Training Expenses

Under the Federal Employees Training Act, 5 U.S.C. § 4109, OJP may pay for, or reimburse an employee for, food and beverages that are necessary to the achievement of the training objectives. Food and beverages may be provided to both Federal employees and non-Federal speakers who appear at the training session. See 48 Comp. Gen. 185 (1986).

There are two factors in determining whether Federal funds may be used for food or beverages under 5 U.S.C. § 4109. First, the event, meeting, seminar, symposium, etc. at which the food or beverages are offered must satisfy the definition of "training" in 5 U.S.C. § 4101(4) and as set out in this Policy, 2.0 Definitions. The fact that a Federal agency characterizes a meeting as "training" does not authorize the payment of related expenses where the event is really no more than an internal management meeting or staff working session.

Second, the Federal agency must show that the food or beverages were a necessary part of achieving the training objectives. "Necessary" food or beverages are those that the participants must be provided to further the goals of the training, such as food or beverages offered at lunches or dinners with speakers, or at breaks that are necessary to enable participants to be in attendance during all presentations of essential information. Food or beverages provided for the "pleasure" of those attending the training session are not legitimate training expenses.[3]

2. *Meeting or Conference Expenses*

Federal agencies may pay for food or beverages where Federal employees are attending meetings or conferences pursuant to 5 U.S.C. § 4110. The threshold test for determining whether an event is a "meeting or conference" is whether the food was provided at a formal event involving topical matters of general interest to Federal agency and non-Federal agency participants, rather than at a routine business meeting involving only internal management or day-to-day business concerns of the Federal agency.

When food and beverages are offered, the food or beverages must not only be ancillary to the functions or events carried on during the meal or break, but also ancillary to substantial functions taking place at the meeting or conference. These criteria are

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[3] For example, in a case involving the Pension Benefit Guaranty Corp. (PBGC), the Comptroller General found that although the PBGC was conducting a legitimate "training" session, the refreshments provided were not necessary for the employees to obtain the full benefit of the training, but rather were to maximize the time of the busy executives, to get the participants acquainted with each other, and to improve the on time attendance of the training participants. Therefore, the refreshments provided by the PBGC in conjunction with the training session were not permitted as training expenses. See Op. Comp. Gen. B-270199 (Aug. 6, 1996), 1996 WL 442084 (C.G.).

more easily met for externally organized or sponsored formal meetings or conferences than for agency sponsored meetings or conferences, where it may be difficult to distinguish between regular government matters and topical matters of general interest to non-governmental and governmental participants alike.

If the above tests are satisfied, the food and beverage expenses must also be necessary to the meeting or conference. In this context, "necessary" food or beverages are those that the participants must be provided to further the goals of the meeting or conference, as such food or beverages offered at lunches or dinners with speakers, or at breaks that are necessary to enable participants to attend all presentations of essential information. In any case, in order to use Federal funds, the food or beverages must be incidental to the meeting or conference, not vice versa.

3. *Award Ceremony Expenses*

Federal agencies may pay for food and beverages relating to Federal employee award ceremonies. Such food and beverages are considered "necessary expenses" that enhance the statutorily authorized honorary recognition of a Federal employee under the Government Employees' Incentive Awards Act, 5 U.S.C. §§ 4501-4503. If an agency determines that a reception with refreshments would materially enhance the effectiveness of its award ceremony, the cost of refreshments may be paid with Federal funds.

The basis for this exception is the statutory objective of encouraging employees to excel, and to this end, publicly recognizing their accomplishments. Therefore, food and non-alcoholic beverages that may be inappropriate in other contexts are considered appropriate as part of a ceremonial recognition of OJP employees who have qualified for awards under the criteria set out in 5 U.S.C. § 4503.

4. *Federal Agency Employee Retreat Expenses*

The Assistant Attorney General or an authorized agency official may determine that OJP employees should get away from the distractions and interruptions of their normal duty station environment to focus attention on management or programmatic issues. In such cases, food and beverages may be provided with Federal funds as long as (1) the retreat is held in a geographical location outside the employees' official duty station, and (2) the

participants' per diem allowances are reduced for the meals and incidental expenses in accordance with applicable regulations. See Op. Comp. Gen. No. B-244473 (January 13, 1992).

Retreats involve only Federal agency employees gathering for the purpose of discussing management or program issues of the agency. Because of its limited focus, a Federal agency employee retreat is not the same as a meeting or conference under 5 U.S.C. § 4110, nor is it a training as defined under 5 U.S.C. § 4101(4) and § 4109. Since a "retreat," by definition, takes place away from the official duty station, the authority to use agency appropriations for food and beverages stems from the travel statutes and the implementing Federal Travel Regulations. Therefore, the Federal agency cannot provide food or beverages to its employees during retreats within their official duty station.

5.0 Federal Grantee's Use of Funds for Food or Beverages

Once funds are in the grantee's hand, the restrictions on their use are governed by the "cost principles" of the Office of Management and Budget (OMB). Cost principles are the Federal rules that determine the reimbursibility of grantee expenses. Generally, allowable costs include reasonable costs incurred in activities designed to improve working conditions, improve employer-employee relations, improve employee morale, and improve employee performance. Costs that are not allowed by the cost principles are those directly related to the purchase of alcohol, or to entertainment, including amusement, diversions, or social activities.

Different classes of Federal grantees have different types of costs and follow different cost rules set out by the OMB. Specifically, State and local governments and their subgrantees are covered by the cost principles of OMB Circular A-87, non-profit organizations are covered by OMB Circular No. A-122, colleges and universities are covered by OMB Circular No. A-21, for-profit organizations are covered by OMB Circular No. A-110, and hospitals are covered by OMB Circular A-110 and 45 C.F.R. Part 74, App. E (1996).

The standard under which costs are considered "allowable costs" under the OMB cost principles is a "reasonable person" standard, specifically, those costs which a prudent person would have incurred under the circumstances prevailing at the time the decision to incur the cost was made. Also, considered in determining "reasonableness" is the extent to which the actions taken with respect to incurring the cost are consistent with established policies of the grantee and practices applicable to the grantee's work.

6.0 Federal Contractor's Use of Contract Funds for Food or Beverages

Federal contractors follow rules under the Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 31.000-31.703 (1995), that are analogous to those set out by the OMB for grantees. Commercial contractors are given discretion in their use of funds by being allowed to charge as

"costs," reasonable aggregate costs incurred in activities designed to improve working conditions, improve employer-employee relations, improve employee morale, and improve employee performance. Costs that are not allowed by the regulations are those directly related to the purchase of alcohol, or to entertainment, including amusement, diversions, or social activities.

NOTES:

Anyone under per diem allowances or reimbursements who is attending events at which food and beverages are provided must deduct the cost of any full meals (ie. lunch, dinner) provided from his or her per diem allowances.

Grant recipients are encouraged to accept reduced room rates from conference facilities instead of food, i.e. reception, foods, etc .

If you have any questions regarding how to interpret or apply this Policy, please contact the Office of the Comptroller Customer Service Center at 1-800-458-0786, or send inquiries via e-mail to "askoc@ojp.usdoj.gov".

Attachment A

Examples of Whether Funds May be Used to Provide Food and Beverages

CONFERENCES AND MEETINGS:

Example #1 OJP sponsors an all-day event at the L'Enfant Plaza Hotel that includes a luncheon and breaks at which food and beverages are offered. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are

necessary to enable participants to be in attendance during all presentations of essential information.

This scenario qualifies under the conference or meeting exception because the event is a formal conference or meeting consisting of several functions. Therefore, food and beverages may be provided with Federal funds.

Example #2 OJP sponsors an event for 3 hours between 11:00 a.m. and 2:00 p.m. in the OJP Ballroom during which a 30-minute working lunch is provided. The time between 11:00 a.m. and 2:00 p.m. is the only convenient meeting time for the participants. Non-Federal experts present expert opinions for the purpose of educating Federal agency employees about the ongoing successes and failures of agency programs. A formal agenda is distributed to all participants prior to the event, and participation by the Federal agency employees is required.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made, or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes - the lunch is incident to an event at which Federal agency employees are instructed by an expert on how to improve ongoing agency programs.

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or

meeting?
A = Yes

Q = If an employee does not participate in the meal, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes

This scenario qualifies under the conference or meeting exception where the event consists of a program of education and where the luncheon is incidental and necessary to the objectives of the event. Therefore, food and beverages may be provided with Federal funds.

Example #3 OJP sponsors an event for 1 hour between 12:00 p.m. and 1:00 p.m. at the L'Enfant Plaza Hotel during which a working lunch is provided. The hour between 12:00 p.m. and 1:00 p.m. is the only convenient time for the participants. Federal agency employees, as well as non-agency persons are invited, and various policy topics are discussed over lunch. An agenda is distributed to the participants prior to the event. There is no discussion before the lunch, and at the conclusion of the meal, the group disburses.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable .

Q = Are the food and beverages part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No - there is no other substantial function at this event aside from the luncheon. The employees are free to take their lunch before or after the hour long event.

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon

This scenario does not qualify under the conference or meeting exception because the meeting is essentially a "working lunch" with no additional functions, before or after the meal, at which necessary information is provided. Therefore, food and beverages cannot be provided with Federal funds.

Example #4 A Federal grantee/contractor sponsors an event at the L'Enfant Plaza Hotel to discuss policy topics. The event includes a working lunch with a speaker and breaks at which food and beverages are offered. Federal agency employees, as well as employees of the Federal grantee/contractor and non-agency persons are invited.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Federal agency employees, Federal grantee/contractor employees, and others

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = Yes

This scenario meets all components of the test; therefore, food and beverages **may** be provided with Federal grantee/contractor funds.

Example #5 A Federal grantee/contractor offers a "hospitality suite" the night before its conference at the L'Enfant Plaza Hotel. Federal agency employees, as well as employees of the Federal grantee/contractor and non-agency persons are invited.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Federal agency employees, Federal grantee/contractor employees, and others

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incident to the conference or meeting and not directly related to amusement and/or social events?
A = No

This scenario fails the test because food and beverages must not be directly related to amusement or social events. Although the conference is work-related, the hospitality suite is purely a "social event." Therefore, food and beverages **may not** be provided with Federal grantee/contractor funds.

Example #6 OJP sponsors an all-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. Time is allotted at the end of the day for a networking reception during which food and beverages are offered.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = No. Although essential information is being offered during the day, it is not being offered during the networking reception. If an employee misses the networking reception, he or she will not miss information that was essential to the conference or meeting.

This scenario <u>does not</u> qualify under the conference or meeting exception

because the employee will not miss essential information if he or she does not participate in the networking reception. Therefore, the food and beverages cannot be provided with Federal funds. NOTE: Food and beverages may be provided at other times during the conference or meeting if the proper tests are met. Please refer to Example #1.

Example #7 Federal grantee/contractor sponsors an all-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as Federal grantee/contractor employees and non-agency persons are invited, and various policy topics are discussed. Time is allotted at the end of the day for a networking reception during which food and beverages are offered.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are food and beverages incidental to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = No. Although essential information is being offered during the day, it is not being offered during the networking reception. The networking reception operates as a social function rather than a necessary work-related event.

This scenario **does not** qualify under the Federal grantee/contractor conference or meeting exception because the networking reception is essentially a social event. Therefore, the food and beverages **may not** be provided with Federal grantee/contractor funds, i.e., the refreshment expenses cannot be passed

through to the Federal grantee/contractor. The Federal grantee/contractor, however, may pay for food and beverages at the networking opportunity from its own profits. The food and beverages, in this case, raise ethical questions regarding the receipt by Federal employees of "gifts" from outside sources. Please consult your ethics manual in these situations.

Example #8 OJP sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. Registration is held on the first morning of the event at which food and beverages provided.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = No

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = No

This scenario does not qualify under the conference or meeting exception, because the employee will not miss essential information if he or she does not participate in the food and beverages provided at registration. Therefore, the food and beverages cannot be provided with Federal funds. [Please also refer to Example #8]

Example #9 A Federal grantee/contractor sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as government contractor employees and non-agency persons are invited, and various policy topics are discussed. Registration is held on the first morning of the event at which food and beverages are provided.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a conference or meeting.

Q = Are food and beverages incidental to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to the conference or meeting and not directly related to amusement and/or social events?
A = Yes

This scenario qualifies under the Federal grantee/contractor conference or meeting exception, because the costs are reasonable and the food and beverages are offered in conjunction with registration, which is a work-related event. Therefore, the food and beverages may be provided with Federal grantee/contractor funds.

Example #10 OJP sponsors a three-day event at the L'Enfant Plaza Hotel. Federal agency employees as well as non-agency persons are invited, and various policy topics are discussed. A mid-morning break with coffee and danishes is offered each morning after the conference sessions have begun.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Mixed group of Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Conference or meeting

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal meeting or conference that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes

This scenario qualifies under the conference or meeting exception, because the employee will miss essential information if he or she does not participate in the short morning breaks, but rather leaves the conference area to obtain food or beverages. Therefore, the morning breaks <u>may</u> be provided with Federal funds.

RETREATS:

Example #11 OJP sponsors an all-day event at the Rockwood Manner in Potomac, Maryland that includes a working lunch and breaks at which food and beverages are offered. Only OJP employees are invited, and the topic of discussion is agency strategic planning and management.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Federal employee retreat within the official duty station of the employees. This event is not a conference or meeting because only Federal agency (OJP) employees are participating and because the topic involves policy and management issues of the agency.

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee retreat.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal retreat that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the retreat and necessary to the employees' full participation in the retreat?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the retreat?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

Q = Is the retreat outside the employees' official duty station?
A = No - the Rockwood Manner is within the District of Columbia official duty station.

This retreat is held in Montgomery County, which is within the employees' official duty station. Therefore, food and beverages cannot be provided with Federal funds.

Example #12 OJP sponsors an all-day event at a location in Annapolis, Maryland. The event includes a working lunch and breaks at which food and beverages are offered. Only OJP employees are invited, and the topic of discussion is agency strategic planning and management.

Step 1:

Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Federal employee retreat within the official duty station of the employees. This event is not a conference or meeting because only Federal agency (OJP) employees are participating and because the topic involves policy and management issues of the agency.

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee retreat.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are food and beverages incidental to part of a formal retreat that is concerned with the functions or activities for which the appropriation is made or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the retreat and necessary to the employees' full participation in the retreat?
A = Yes

Q = If an employee does not participate in the food or beverages, will

he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the retreat?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

Q = Is the retreat outside the employees' official duty station?
A = Yes - the Annapolis area is not within the District of Columbia official duty station.

Because this retreat is held in Annapolis, which is not within the employees' official duty station, food and beverages may be provided with Federal funds. Anyone receiving per diem allowance or reimbursement, however, must deduct the cost of the lunch from his or her per diem allowance or reimbursement.

TRAINING

Example #13 OJP sponsors a training session to train OJP employees at the L'Enfant Plaza Hotel. The full day training session includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees, exclusively

Q = Under what conditions will the food and beverages be provided?
A = Training session

Step 2: Apply the test for a Federal agency providing food or beverages at a Federal employee training session.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages part of a formal training session that is concerned with the functions or activities for which the appropriations is made, or that is for the purpose of providing education in a field that will improve individual and organizational performance and assist in achieving the agency's mission and performance goals?
A = Yes

Q = Are the food and beverages necessary to achieving the objectives of the training program, i.e., is the food necessary in order for the employees to obtain the full benefit of the training the employees' full participation in the training session?
A = Yes

Q = If an employee does not participate in the meal or break session, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the training?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

This scenario meets all prongs of the test, therefore, food and beverages may be provided with Federal funds. Note: when an activity can be classified as a training session rather than a retreat, the inquiry concerning "official duty station" is not necessary.

Example #14 OJP sponsors an all-day event to train OJP employees and Federal grantee/contractor employees at the L'Enfant Plaza Hotel. The event includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal agency

Q = To whom will the food and beverages be provided?
A = Federal agency employees and non-agency employees

Q = Under what conditions will the food and beverages be provided?
A = Meeting or conference. Note that this event is not a "training" session as defined under 5 U.S.C. § 4101. Because this is a formal event of interest to OJP and non-OJP participants, it qualifies as a meeting or conference. The meeting or conference test may be applied.

Step 2: Apply the test for a Federal agency providing food or beverages at a conference or meeting.

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = Are the food and beverages incidental to part of a formal meeting

or conference that is concerned with the functions or activities for which the appropriation is made, or that will contribute to improved conduct, supervision, or management of the agency's functions or activities?
A = Yes

Q = Are the food and beverages incidental to the conference or meeting and necessary to the employees' full participation in the conference or meeting?
A = Yes

Q = If an employee does not participate in the food or beverages, will he or she be absent from essential discussions, lectures, or speeches concerning the purpose of the conference or meeting?
A = Yes - where a speaker provides essential information during the luncheon, and the food and beverages offered during the breaks are necessary to enable participants to be in attendance during all presentations of essential information.

This scenario meets all prongs of the test, therefore, food and beverages may be provided with Federal funds.

Example #15 A Federal grantee/contractor sponsors a training session for its own employees, Federal agency employees and non-agency participants at the L'Enfant Plaza Hotel. The training session includes a working lunch and breaks at which food and beverages are offered.

Step 1: Q = Who is the entity providing the food and beverage?
A = Federal grantee/contractor

Q = To whom will the food and beverages be provided?
A =Mixed group of grantee/contractor employees, Federal agency employees and non-agency participants

Q = Under what conditions will the food and beverages be provided?
A = Training session

Step 2: Apply the test for a Federal grantee/contractor providing food or beverages at a training session.

Q = Are the food and beverages provided incident to a work-related event?
A = Yes

Q = Are the costs of the food and beverages reasonable?
A = We will assume the costs are reasonable

Q = The food and beverages incidental to the training and not directly related to amusement and/or social events?
A = Yes

This scenario meets all components of the test, therefore, food and beverages may be provided with Federal grantee/contractor funds. Note: If some Federal agency employees are invited to attend this training, the presence of Federal employees does not prevent the Federal grantee/contractor from providing food and beverages under it's three-part test.

EXHIBIT 3
Allocation to the Fiscal Agent and each of the Sub-Recipients

ARRA BYRNE LOCAL SOLICITATION GRANT
CITY OF LAS VEGAS AS FISCAL AGENT

4 YEAR BUDGET BREAKDOWN

A. PERSONNEL

Jurisdiction Name	SALARIES Job Title	Grade or Calculation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Court Clerk PTH	$12.57*988 hrs	$12,419.16	$13,040.12	$13,692.12	$14,376.73	$53,528.13
NLVPD	Accountant (part-time)		$26,800.00	$26,800.00	$0.00	$0.00	$53,600.00
Clark County DA	Deputy District Attorney	$32.75/hr * 2100 hours/year	$68,547.58	$78,143.52	$0.00	$0.00	$146,691.10
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Safety Specialists PTH - Late Night Solutions	12*$14/hr*400hrs	$67,200.00	$69,216.00	$71,292.48	$73,431.25	$281,139.73
CC LSSNGTF	Outreach Specialists PTH - Back on Track	3*$15/hr*800hrs	$36,000.00	$37,080.00	$38,192.40	$39,338.17	$150,610.57
CC Project REAL	Project Real Executive Director	8.33% of $60,000 per year salary	$4,999.98	$5,000.00	$0.00	$0.00	$9,999.98
CC Project REAL	Project Real Program Manager	13.51% of $54,000 per year salary	$7,299.99	$7,300.00	$0.00	$0.00	$14,599.99
CC Project REAL	Project Real Executive Assistant	13.33% of $30,000 per year salary	$4,000.00	$4,000.00	$0.00	$0.00	$8,000.00
CC Project REAL	Court Tour Coordinator position	8.33% of $12,000 per year salary	$999.96	$999.96	$0.00	$0.00	$1,999.92
CC Project REAL	Teacher stipends	15 teachers * $100	$1,500.00	$1,500.00	$0.00	$0.00	$3,000.00
CC Nevada Child See	Executive Director	$58,543 salary through Dec. 31, 2009 with 5% performance increase each calendar year 30.7% Education and 19% Case Mangement	$29,085.98	$30,540.28	$32,067.29	$0.00	$91,693.54
CC Nevada Child See	Operating Officer	$43,680 salary through Dec. 31, 2009 with 5% performance increase each year. This position works 19.25% in Case Management and 19% in Education	$16,706.99	$17,542.34	$18,419.45	$0.00	$52,668.78
CC Nevada Child See	Case Manager	51.5% of $38,270 through Dec. 31, 2009 with 3% performance increase each calendar year	$19,709.51	$20,300.79	$20,909.82	$0.00	$60,920.12
CLV-MC	Office Specialist II - JET Program	CC25 - Step 2	$39,232.20	$42,370.78	$45,760.44	$49,421.27	$176,784.69
CLV-MC	Office Specialist II - JET Program	CC25 - Step 2	$39,232.20	$42,370.78	$45,760.44	$49,421.27	$176,784.69
CLV-LS	Sr. Professional - Paralegal PTE (19 hours/week)	($20/hr * 988hrs/yr) +3% CoLA for Years 2-4 HY08	$19,760.00	$20,352.80	$20,963.38	$21,592.29	$82,668.47
		Subtotal	***$393,493.55***	***$416,557.36***	***$307,057.83***	***$247,580.99***	***$1,364,689.72***

B. FRINGE BENEFITS

	JobTitle	% (Benefits)	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Court Clerk PTH	15.00%	$1,862.87	$1,956.02	$2,053.82	$2,156.51	$8,029.22
NLVPD	Accountant (part-time)	$27,388 in benefits * 50 (half-time) * 2 years	$13,694.00	$13,694.00	$0.00	$0.00	$27,388.00
Clark County DA	Deputy District Attorney	25.05% plus $10,500 per year in medical benefits	$27,671.17	$30,074.95	$0.00	$0.00	$57,746.12
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Hourly Positions - Late Night Solutions	$420/person per year (7.5% benefits) * 12 people	$5,040.00	$5,191.20	$5,346.94	$5,507.34	$21,085.48
CC LSSNGTF	Hourly Positions - Back on Track	$900/person (7.5% benefits) per year * 3 people	$2,700.00	$2,781.00	$2,864.43	$2,950.36	$11,295.79
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child See	Cell Stipend	Case Mgr & ED 100%	$900.00	$900.00	$900.00	$0.00	$2,700.00
CC Nevada Child See	Cell Stipend	Oper. Mgr.	$119.48	$0.00	$0.00	$0.00	$119.48
CC Nevada Child See	Health Care Premium	ED, Oper. Mgr. $9,600 per year Amt. Not covered by other funding sources	$1,993.00	$972.00	$972.00	$0.00	$3,937.00
CLV-MC	Office Specialist II - JET Program	61.00%	$23,931.64	$25,846.17	$27,913.87	$30,146.98	$107,838.66
CLV-MC	Office Specialist II - JET Program	61.00%	$23,931.64	$25,846.17	$27,913.87	$30,146.98	$107,838.66
CLV-LS	Sr. Professional - Paralegal PTE (19 hours/week)	15.00%	$2,964.00	$3,052.92	$3,144.51	$3,238.84	$12,400.27
		Subtotal	***$104,807.81***	***$110,314.44***	***$71,109.43***	***$74,147.01***	***$360,378.68***

C. TRAVEL (if any)

	Purpose/Location, etc.	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	Deputy District Attorney	Travel, lodging, per diem, training fees, and/or mileage for seminars on child pandering topics	$2,500.00	$2,500.00	$0.00	$0.00	$5,000.00
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Travel to Gang Training	Round trip airfare, lodging, and per diems to OJJDP gang training from Las Vegas, NV to Atlanta, GA	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$10,000.00
CC Project REAL	School bus trips from school to court for tours	$240 per round trip using CCSD busses for six trips	$1,440.00	$1,440.00	$0.00	$0.00	$2,880.00
CC Nevada Child See	Mileage	.55 per mile based on past year usage (6650 miles) for staff and volunteers to deliver programs and not covered by other funding sources.	$3,657.50	$3,657.50	$3,657.50	$0.00	$10,972.50
CC Nevada Child See	OJJDP NCMEC Training	In 2009 Reno, NV other years TBD - Round Trip Airfare, lodging and per diem for training	$500.00	$500.00	$500.00	$0.00	$1,500.00
CC Nevada Child See	radKIDS Training	Springfield Mass. Registration, airfare, lodging, and per diem for annual training	$1,200.00	$1,200.00	$0.00	$0.00	$2,400.00
CLV OAS	Required trip to DC	Roundtrip from LV to Wash. DC $808 * 3 people	$1,616.00	$1,616.00	$1,616.00	$1,616.00	$6,464.00
CLV OAS	Required trip to DC	Lodging for 2 people for 3 nights ($233/night)	$1,398.00	$1,398.00	$1,398.00	$1,398.00	$5,592.00
CLV OAS	Required trip to DC	Meals and Per Diem ($64) for 2 people for 3 days	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to DC	Ground Transportation	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to Regional Meeting	Roundtrip from LV to San Francisco, CA $808 * 3 people	$1,616.00	$1,616.00	$1,616.00	$1,616.00	$6,464.00
CLV OAS	Required trip to Regional Meeting	Lodging for 2 people for 3 nights ($233/night)	$1,398.00	$1,398.00	$1,398.00	$1,398.00	$5,592.00
CLV OAS	Required trip to Regional Meeting	Meals and Per Diem ($64) for 2 people for 3 days	$384.00	$384.00	$384.00	$384.00	$1,536.00
CLV OAS	Required trip to Regional Meeting	Ground Transportation	$384.00	$384.00	$384.00	$384.00	$1,536.00
		Subtotal	***$19,361.50***	***$19,361.50***	***$14,221.50***	***$10,064.00***	***$63,008.50***

	D. EQUIPMENT	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	Magazines $75	$75 per magazine * 24 officers	$1,800.00	$0.00	$0.00	$0.00	$1,800.00
HendPD	Taser & holster $809	$809 * 24 officers	$19,416.00	$0.00	$0.00	$0.00	$19,416.00
HendPD	Taser cartridge $35	$35 * 24 officers	$840.00	$0.00	$0.00	$0.00	$840.00
HendPD	Laptop $4500	$4500 * 24 officers	$108,000.00	$0.00	$0.00	$0.00	$108,000.00
HendPD	Laptop license $4000	$4000 * 24 officers	$96,000.00	$0.00	$0.00	$0.00	$96,000.00
HendPD	Riot Helmet/shield/bag (Balistic)	$284 * 24 officers	$6,816.00	$0.00	$0.00	$0.00	$6,816.00
HendPD	Uniform/flat/hat badge	$150 * 24 officers	$3,600.00	$0.00	$0.00	$0.00	$3,600.00
HendPD	Camera/media/bag	$150 * 24 officers	$3,600.00	$0.00	$0.00	$0.00	$3,600.00
HendPD	Raid Jacket	$30 * 24 officers	$720.00	$0.00	$0.00	$0.00	$720.00
HendPD	Radio /holder $2500	$2500 * 24 officers	$60,000.00	$0.00	$0.00	$0.00	$60,000.00
HendPD	Radio fees $1800	$1800 * 24 officers	$43,200.00	$0.00	$0.00	$0.00	$43,200.00
HendPD	Ballistic Vest	$600 * 24 officers	$14,400.00	$0.00	$0.00	$0.00	$14,400.00
HendPD	Gas mask/cartridge $284	$284 * 24 officers	$6,816.00	$0.00	$0.00	$0.00	$6,816.00
HendPD	Narco Pouch Kit (ODV)	$20 * 24 officers	$480.00	$0.00	$0.00	$0.00	$480.00
HendPD	Traffic Vest	$30 * 24 officers	$720.00	$0.00	$0.00	$0.00	$720.00
HendPD	Citation Holder	$20 * 24 officers	$480.00	$0.00	$0.00	$0.00	$480.00
HendPD	Ball Cap	$15 * 15 officers	$225.00	$0.00	$0.00	$0.00	$225.00
HendPD	Laptops	$4500 * 30 officers	$135,000.00	$0.00	$0.00	$0.00	$135,000.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Smart Board for court house	1 * $3295	$2,395.00	$0.00	$0.00	$0.00	$2,395.00
MesquitePD	Flat Screen TV for courtroom	2 * $1000	$2,000.00	$0.00	$0.00	$0.00	$2,000.00
MesquitePD	DVD/VCR player for courtroom	1 * $500	$500.00	$0.00	$0.00	$0.00	$500.00
MesquitePD	Sound System for courtroom	1 * $2000	$2,000.00	$0.00	$0.00	$0.00	$2,000.00
MesquitePD	Recording System for courtroom	1 * $10000	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
MesquitePD	Courtview Software	$25000 for software plus $2000 for site licenses for each subsequent year	$25,000.00	$2,000.00	$2,000.00	$2,000.00	$31,000.00
MesquitePD	Prolaw Software	$25000 for software plus $2000 for site licenses for each subsequent year	$25,000.00	$2,000.00	$2,000.00	$2,000.00	$31,000.00
MesquitePD	Whiz-net Program	$180/monthy	$2,160.00	$2,160.00	$2,160.00	$2,160.00	$8,640.00
MesquitePD	Police vehicles	1 per year for 3 years @ $27000 each	$27,000.00	$27,000.00	$27,000.00	$0.00	$81,000.00
MesquitePD	Police vehicle police equipment	1 per year for 3 years @ $8500 each	$8,500.00	$8,500.00	$8,500.00	$0.00	$25,500.00
MesquitePD	Police uniforms and gear	1 per year for 4 years @ $1200 each	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$4,800.00

NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	Desk	Clark County Estimate	$2,915.10	$0.00	$0.00	$0.00	$2,915.10
Clark County DA	Executive Chair	Clark County Estimate	$642.50	$0.00	$0.00	$0.00	$642.50
Clark County DA	2 Side Chairs	Clark County Estimate 2*$336.20 for two chairs	$672.40	$0.00	$0.00	$0.00	$672.40
Clark County DA	Bookcase	Clark County Estimate	$1,196.45	$0.00	$0.00	$0.00	$1,196.45
Clark County DA	5/Dr Lateral File Cabinet	Clark County Estimate	$808.33	$0.00	$0.00	$0.00	$808.33
Clark County DA	HP EliteBook 2730p Notebook PC	Clark County Estimate	$1,733.00	$0.00	$0.00	$0.00	$1,733.00
Clark County DA	HP 2700 Series Ultra-Slim Expansion Base w/7mm DVD	Clark County Estimate	$246.00	$0.00	$0.00	$0.00	$246.00
Clark County DA	Dell USB 2-button Optial Mouse w/Scroll	Clark County Estimate	$14.39	$0.00	$0.00	$0.00	$14.39
Clark County DA	Dell Ultra Sharp 1908 FP Black w/Adj Stand 19"	Clark County Estimate	$187.00	$0.00	$0.00	$0.00	$187.00
Clark County DA	Enhanced Multimedia Keyboard	Clark County Estimate	$19.19	$0.00	$0.00	$0.00	$19.19
Clark County DA	Targus Neoprene Slip Case	Clark County Estimate	$19.00	$0.00	$0.00	$0.00	$19.00
Clark County DA	HP Li-Ion 6-Cell Ultra-Slim Battery for 2700 Series	Clark County Estimate	$147.00	$0.00	$0.00	$0.00	$147.00
Clark County DA	HP 1-Bay Battery Charging Station	Clark County Estimate	$130.00	$0.00	$0.00	$0.00	$130.00
Clark County DA	Printer - HP LaserJet P2035n	Clark County Estimate	$253.57	$0.00	$0.00	$0.00	$253.57
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Desktop Computer	Year 1 includes special case management software	$2,500.00	$2,073.27	$2,073.27	$0.00	$6,646.54
CLV-MC	Code Corp Barcode Reader	$500 * 27 readers	$13,500.00	$0.00	$0.00	$0.00	$13,500.00
CLV-MC	Code Corp Barcode Printers	$700 * 27 readers	$18,900.00	$0.00	$0.00	$0.00	$18,900.00
CLV-D&E	Telephone w/ 2 lines	4 * $200	$800.00	$0.00	$0.00	$0.00	$800.00
CLV-D&E	Cellular for field work	4 * $150	$600.00	$0.00	$0.00	$0.00	$600.00
CLV-D&E	Land line service	4 * $45/mo * 4yr * 12mo	$8,640.00	$8,640.00	$8,640.00	$8,640.00	$34,560.00
CLV-LS	HP color laser 4700n	$ 1259 for network printer	$1,259.00	$0.00	$0.00	$0.00	$1,259.00
CLV-LS	Fujitsu 6130 Portable Scanner to convert hard copy legal documents into .pdf and .tif electronic documents	3 Fujitsu 6130 Document Scanners ($1,111.35*3) plus tchnical support (3*368.28) plus shipping charges ($25) plus Abby Reader professional OCR software ($399)	$4,862.89	$0.00	$0.00	$0.00	$4,862.89
		Subtotal	***$667,913.82***	***$53,573.27***	***$53,573.27***	***$16,000.00***	***$791,060.36***

	E. SUPPLIES	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	VLA Office 2007 WIN	Price quote from Clark County DA IT	$245.19	$245.19	$0.00	$0.00	$490.38
Clark County DA	VLA ONENOTE License/Software Assurance	Price quote from Clark County DA IT	$63.89	$63.89	$0.00	$0.00	$127.78
Clark County DA	VLA SYSTEM Center Configuration Manager Client Management Lic	Price quote from Clark County DA IT	$34.03	$34.03	$0.00	$0.00	$68.06
Clark County DA	VLA SQL Client User WIN 32/64 Bit Lic/Software Assurance	Price quote from Clark County DA IT	$134.89	$134.89	$0.00	$0.00	$269.78
Clark County DA	VLA OFFICE Sharepoint User Client Lic/Software Assurance	Price quote from Clark County DA IT	$77.60	$77.60	$0.00	$0.00	$155.20
Clark County DA	VLA Exchange STD User Cal License/Software Assurance	Price quote from Clark County DA IT	$55.57	$55.57	$0.00	$0.00	$111.14
Clark County DA	VLA Forefront Security Exchange Server Monthly Subscription	Price quote from Clark County DA IT	$4.32	$4.32	$0.00	$0.00	$8.64
Clark County DA	VLA Windows Servier User Client Lic/Software Assurance	Price quote from Clark County DA IT	$23.99	$23.99	$0.00	$0.00	$47.98
Clark County DA	Norton Antivirus (per license - 10 minimum)	Price quote from Clark County DA IT	$38.00	$38.00	$0.00	$0.00	$76.00
Clark County DA	VLA ACROBAT 9 Pro Win Lic	Price quote from Clark County DA IT	$187.36	$187.36	$0.00	$0.00	$374.72
Clark County DA	ACROBAT 9 Pro Win DVSET Media Only	Price quote from Clark County DA IT	$25.00	$25.00	$0.00	$0.00	$50.00
Clark County DA	PAPERPORT Pro 11.0 SLA/Academic State & Local Govt. Academic	Price quote from Clark County DA IT	$152.52	$152.52	$0.00	$0.00	$305.04
Clark County DA	GOVT Reflection HP W/NSVT MS 32	Price quote from Clark County DA IT	$186.15	$186.15	$0.00	$0.00	$372.30
CC CCSD Summer S	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00

CC LSSNGTF	Uniforms	Staff and student uniforms (polo shirts, sweatsuits, and/or jacket)	$1,075.00	$1,075.00	$1,075.00	$1,075.00	$4,300.00
CC LSSNGTF	Office Supplies	Supplies estimated at $350/year at 4 sites	$1,400.00	$1,400.00	$1,400.00	$1,400.00	$5,600.00
CC LSSNGTF	Miscellaneous Food Supplies	Healthy snacks and beverages provided for youth	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$8,800.00
CC Project REAL	printing and postage	$16,000 in printing and postage costs were incurred last year	$2,260.00	$2,260.00	$0.00	$0.00	$4,520.00
CC Project REAL	Teacher Training Materials	Training materials, including reproducible handouts for use by students	$2,500.00	$2,500.00	$0.00	$0.00	$5,000.00
CC Nevada Child See	radKIDS Equipment		$7,500.00	$6,000.00	$0.00	$0.00	$13,500.00
CC Nevada Child See	Shout Out Loud Activity Kits		$8,000.00	$7,264.36	$0.00	$0.00	$15,264.36
CC Nevada Child See	Printing/Copying		$1,414.78	$1,414.78	$1,414.80	$0.00	$4,244.36
CC Nevada Child See	Portfolios		$5,198.28	$5,198.28	$0.00	$0.00	$10,396.56
CLV-MC	Code Corp Barcode Reader Printer Labels	$250 for 12 rolls of 1100 labels each @ 12 rolls/month	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$12,000.00
CLV-LS	Copy paper, toner, classification folders, etc.	Classification folders, copy paper, toner, etc. estimated at $200/month per year for 4 years ($200*12=$2,400 per year)	$2,400.00	$2,400.00	$2,400.00	$2,400.00	$9,600.00
		Subtotal	***$38,176.57***	***$35,940.93***	***$11,489.80***	***$10,075.00***	***$95,682.30***
	F. CONSTRUCTION	**Not Applicable**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
		Subtotal	***$0.00***	***$0.00***	***$0.00***	***$0.00***	***$0.00***

	G. CONTRACTUAL	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	ISAT Project Contract for the ESRI deliverables		$500,000.00	$0.00	$0.00	$0.00	$500,000.00
LVMPD	Motorola RMS Application Software	NetRMS Tier 1 server license for 500-1000 users and NetRMS Client License per concurrent user for 500, with implementation and installation	$900,000.00	$0.00	$0.00	$0.00	$900,000.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	Citation & Crash/Collision		$539,950.00	$0.00	$0.00	$0.00	$539,950.00
NLVPD	Motorola AFIS		$0.00	$518,700.00	$0.00	$0.00	$518,700.00
Clark County DA	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC CCSD Summer School Diversion	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC LSSNGTF	Professional Services	Guest Speakers contracts and/or honorariums	$4,500.00	$3,500.00	$3,500.00	$3,500.00	$15,000.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Accounting	Grant Mgmt. and acct. not covered by other funding sources	$5,400.00	$5,400.00	$2,246.54	$0.00	$13,046.54
CC Nevada Child Seekers	radKIDS Certification	Bring Local Cert. Training to Clark County portion not covered by other sources of total $13,000	$2,964.36	$0.00	$0.00	$0.00	$2,964.36
CLV-MC	Nevsys Desktop Interface development for E-Cite project	$10,000 one time cost based on quote	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
CLV-MC	Nevsys Annual Software Maintenance for E-Cite Project	$1000/yr * 4 yrs	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$4,000.00
CLV-MC	Nevsys Desktop Interface development for Case Management System barcode and printers	$1,000 one time cost based on quote	$1,000.00	$0.00	$0.00	$0.00	$1,000.00
CLV-MC	IS/Technology Consultant	Projected cost of $150/hour for 318 hours spread over the first two years of the project	$23,850.00	$23,850.00	$0.00	$0.00	$47,700.00
CLV-MC	Bilingual Instructor	Contract @ $25,000/year	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$100,000.00
CLV-MC	Bilingual Clinician	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
CLV-MC	Bilingual Clerical Support Technician	Contract @ $20,160/year	$20,160.00	$20,160.00	$20,160.00	$20,160.00	$80,640.00
CLV LS	Senior Law - Asset Protection Attorney	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
CLV LS	Senior Law - Abuse Neglect Attorney	Contract @ $50,000/year	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$200,000.00
		Subtotal	***$2,183,824.36***	***$747,610.00***	***$201,906.54***	***$199,660.00***	***$3,333,000.90***

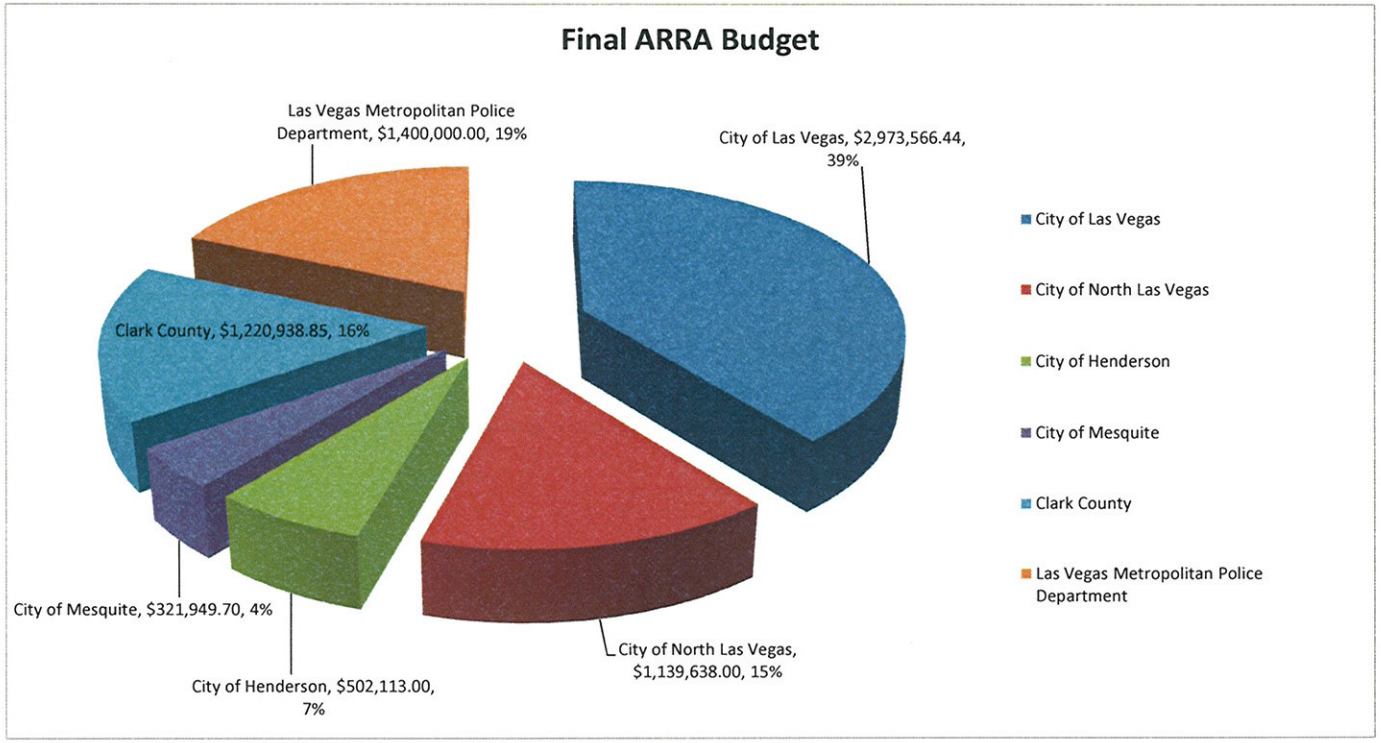
	H. OTHER COSTS	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County DA	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC CCSD Summer School Diversion	credit costs for students to attend summer school	$100 per 1/2 credit * 75 half credits	$7,500.00	$7,500.00	$7,500.00	$7,500.00	$30,000.00
CC LSSNGTF	Awards and Incentives	Includes award certificates, gift cards, bus passes, etc.	$2,450.00	$2,450.00	$2,450.00	$2,450.00	$9,800.00
CC LSSNGTF	Program Activities	Costs to fund camps at Lee Canyon and 3 sites: Walnut, Cambridge, and Pearson	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$10,000.00
CC LSSNGTF	Event Entry Fees	$1,500 per site * 3 sites for field trips and other activities	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$18,000.00
CC Project REAL	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CC Nevada Child Seekers	Utilities	Based on historic annual costs. Portion requested are costs not funded by other grants.	$8,295.08	$8,295.08	$8,295.10	$0.00	$24,885.26
CC Nevada Child Seekers	Insurance	Based on historic annual costs. Portion requested are costs not funded by other grants.	$8,039.63	$8,039.63	$8,039.64	$0.00	$24,118.90
CC Nevada Child Seekers	Rent - Office Space	Portion of 1,600 Sq. Ft. Facility not covered by other sources of funding	$10,817.18	$10,816.18	$10,817.54	$0.00	$32,450.90
CLV NS	Rental Assistance	$700/mo for 3 months X 40 participants/yr	$84,000.00	$84,000.00	$84,000.00	$84,000.00	$336,000.00
CLV NS	Utility Assistance	$400 per quarter X 10 participants/qtr	$16,000.00	$16,000.00	$16,000.00	$16,000.00	$64,000.00
CLV NS	Birth Certificates, Identification and Work Cards	($25/BC + $12/ID + $10/Health + $20/Tam) * 75/yr	$5,025.00	$5,025.00	$5,025.00	$5,025.00	$20,100.00
CLV D&E	HIV Medication combination treatments per inmate during incarceration and during gap between release and care of physician in society	Estimated at slightly over $21.61/day * 365 days * 15 inmates per day	$118,336.84	$118,336.84	$118,336.84	$118,336.84	$473,347.38
CLV - CA	Investigator Certification Supplies	Estimated at $500 per month per investigator for ammunition, range fees, etc.	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$12,000.00
CLV - CA	Witness Support (food card, bus tokens, phone cards)	Yearly estimate of $2500 in McDonald's Gift Cards plus $1500 in bus tokens plus $500 in phone cards for victims in need of assistance)	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$18,000.00
		Subtotal	***$274,963.73***	***$274,962.73***	***$274,964.12***	***$247,811.84***	***$1,072,702.44***

	I. ADMINISTRATIVE COSTS	Computation	Year 1	Year 2	Year 3	Year 4	Total
HendPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
LVMPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
MesquitePD	Grant Analyst PTH	$12.57*988 hrs	$12,419.16	$13,040.12	$13,692.12	$14,376.73	$53,528.13
MesquitePD	Grant Analyst PTH	15.00%	$1,862.87	$1,956.02	$2,053.82	$2,156.51	$8,029.22
NLVPD	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
Clark County	N/A	N/A	$0.00	$0.00	$0.00	$0.00	$0.00
CLV OAS	Adobe Acrobat Professional 9.0 Upgrade	1 * $200 per upgrade	$200.00	$0.00	$0.00	$0.00	$200.00
CLV-MC	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV-MC	PTH Office Specialist - Grant Analyst	15.00%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV-LS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV-LS	PTH Office Specialist - Grant Analyst	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV OAS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV OAS	PTH Office Specialist - Grant Analyst	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV OAS/Fin	PTH Office Specialist - Accounting Tech	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV OAS/Fin	PTH Office Specialist - Accounting Tech	15%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
CLV D&E/NS	PTH Office Specialist - Grant Analyst	HY7 ($17.50/hr * 988 hours/year)	$17,290.00	$17,808.70	$18,342.96	$18,893.25	$72,334.91
CLV D&E/NS	PTH Office Specialist - Grant Analyst	15.00%	$2,593.50	$2,671.31	$2,751.44	$2,833.99	$10,850.24
		Subtotal	***$113,899.53***	***$117,396.16***	***$121,217.97***	***$125,169.43***	***$477,683.09***
		TOTAL:	**$3,796,440.87**	**$1,775,716.39**	**$1,055,540.46**	**$930,508.27**	**$7,558,205.99**

	Year 1	Year 2	Year 3	Year 4	TOTAL	
A. PERSONNEL	$393,494	$416,557	$307,057.83	$247,580.99	$1,364,689.72	
B. FRINGE BENEFITS	$104,808	$110,314	$71,109.43	$74,147.01	$360,378.68	
C. TRAVEL	$19,362	$19,362	$14,221.50	$10,064.00	$63,008.50	
D. EQUIPMENT	$667,914	$53,573	$53,573.27	$16,000.00	$791,060.36	
E. SUPPLIES	$38,177	$35,941	$11,489.80	$10,075.00	$95,682.30	
F. CONSTRUCTION	$0	$0	$0.00	$0.00	$0.00	
G. CONTRACTUAL	$2,183,824	$747,610	$201,906.54	$199,660.00	$3,333,000.90	**$7,558,206.00**
H. OTHER COSTS	$274,964	$274,963	$274,964.12	$247,811.84	$1,072,702.44	
I. ADMINISTRATIVE COSTS	$113,900	$117,396	$121,217.97	$125,169.43	$477,683.09	$7,558,205.99
	$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	**$0.01**

Agency	Department	Description	Year 1	Year 2	Year 3	Year 4	TOTAL	%
City of Las Vegas	Fiscal Agent	Various programs, including full-time, part-time, and contract employees	$772,066.92	$734,715.49	$725,554.37	$741,229.66	$2,973,566.44	39.34%
City of North Las Vegas	Police Department	Computer applications for increased community safety; maintenance of one position.	$580,444.00	$559,194.00	$0.00	$0.00	$1,139,638.00	15.08%
City of Henderson	Police Department	Equipment to be used for 24 new officers hired under the COPS grant and equipment upgrades for existing positions.	$502,113.00	$0.00	$0.00	$0.00	$502,113.00	6.64%
City of Mesquite	Police Department	Police protective equipment, computer software and equipment for the courtroom, and two part-time positions.	$134,319.07	$72,852.27	$74,351.88	$40,426.48	$321,949.70	4.26%
Clark County	Community Resource Management Office, Department of Finance	Funding for non-profit organizations that provide justice-related programs for children and youth.	$407,497.89	$408,954.63	$255,634.20	$148,852.13	$1,220,938.85	16.15%
Las Vegas Metropolitan Police Department	Sub-grantee under the City of Las Vegas	Computer software for increased community safety.	$1,400,000.00	$0.00	$0.00	$0.00	$1,400,000.00	18.52%
			$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	100.00%
						Total	$7,558,206.00	
						Difference	$0.01	

Agency	Total	Percentage
City of Las Vegas	$2,973,566.44	39.34%
City of North Las Vegas	$1,139,638.00	15.08%
City of Henderson	$502,113.00	6.64%
City of Mesquite	$321,949.70	4.26%
Clark County	$1,220,938.85	16.15%
Las Vegas Metropolitan Police Department	$1,400,000.00	18.52%
	$7,558,206	100.00%


Final ARRA Budget
Las Vegas Metropolitan Police Department, $1,400,000.00, 19%
City of Las Vegas, $2,973,566.44, 39%
Clark County, $1,220,938.85, 16%
City of Mesquite, $321,949.70, 4%
City of Henderson, $502,113.00, 7%
City of North Las Vegas, $1,139,638.00, 15%
City of Las Vegas
City of North Las Vegas
City of Henderson
City of Mesquite
Clark County
Las Vegas Metropolitan Police Department

Agency	Department	Description	Year 1	Year 2	Year 3	Year 4	TOTAL	%
City of Las Vegas	Fiscal Agent	Various programs, including full-time, part-time, and contract employees. Includes funds for LVMPD projects, with Metro as a sub-recipient.	$2,172,066.92	$734,715.49	$725,554.37	$741,229.66	$4,373,566.44	57.87%
City of North Las Vegas	Police Department	Computer applications for increased community safety; maintenance of one position.	$580,444.00	$559,194.00	$0.00	$0.00	$1,139,638.00	15.08%
City of Henderson	Police Department	Equipment to be used for 24 new officers hired under the COPS grant and equipment upgrades for existing positions.	$502,113.00	$0.00	$0.00	$0.00	$502,113.00	6.64%
City of Mesquite	Police Department	Police protective equipment, computer software and equipment for the courtroom, and two part-time positions.	$134,319.07	$72,852.27	$74,351.88	$40,426.48	$321,949.70	4.26%
Clark County	Community Resource Management Office, Department of Finance	Funding for non-profit organizations that provide justice-related programs for children and youth.	$407,497.89	$408,954.63	$255,634.20	$148,852.13	$1,220,938.85	16.15%
			$3,796,440.87	$1,775,716.39	$1,055,540.46	$930,508.27	$7,558,205.99	100.00%

EXHIBIT 4
28 CFR 66.41

must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) *Nonconstruction performance reports.* The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.

(2) Performance reports will contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established objectives were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Grantees will not be required to submit more than the original and two copies of performance reports.

(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.

(c) *Construction performance reports.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

(d) *Significant developments.* Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(e) Federal agencies may make site visits as warranted by program needs.

(f) *Waivers, extensions.* (1) Federal agencies may waive any performance report required by this part if not needed.

(2) The grantee may waive any performance report from a subgrantee when not needed. The grantee may extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.

§ 66.41 Financial reporting.

(a) *General.* (1) Except as provided in paragraphs (a) (2) and (5) of this section, grantees will use only the forms specified in paragraphs (a) through (e) of this section, and such supplementary or other forms as may from time to time be authorized by OMB, for:

(i) Submitting financial reports to Federal agencies, or

(ii) Requesting advances or reimbursements when letters of credit are not used.

(2) Grantees need not apply the forms prescribed in this section in dealing with their subgrantees. However, grantees shall not impose more burdensome requirements on subgrantees.

(3) Grantees shall follow all applicable standard and supplemental Federal agency instructions approved by OMB to the extend required under the Paperwork Reduction Act of 1980 for use in connection with forms specified in paragraphs (b) through (e) of this section. Federal agencies may issue substantive supplementary instructions only with the approval of OMB. Federal agencies may shade out or instruct the grantee to disregard any line item that the Federal agency finds unnecessary for its decisionmaking purposes.

(4) Grantees will not be required to submit more than the original and two copies of forms required under this part.

(5) Federal agencies may provide computer outputs to grantees to expedite or contribute to the accuracy of reporting. Federal agencies may accept the required information from grantees in machine usable format or computer printouts instead of prescribed forms.

(6) Federal agencies may waive any report required by this section if not needed.

(7) Federal agencies may extend the due date of any financial report upon receiving a justified request from a grantee.

(b) *Financial Status Report*—(1) *Form.* Grantees will use Standard Form 269 or 269A, Financial Status Report, to report the status of funds for all nonconstruction grants and for construction grants when required in accordance with § 66.41(e)(2)(iii).

(2) *Accounting basis.* Each grantee will report program outlays and program income on a cash or accrual basis as prescribed by the awarding agency. If the Federal agency requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee shall not be required to convert its accounting system but shall develop such accrual information through and analysis of the documentation on hand.

(3) *Frequency.* The Federal agency may prescribe the frequency of the report for each project or program. However, the report will not be required more frequently than quarterly. If the Federal agency does not specify the frequency of the report, it will be submitted annually. A final report will be required upon expiration or termination of grant support.

(4) *Due date.* When reports are required on a quarterly or semiannual basis, they will be due 30 days after the reporting period. When required on an annual basis, they will be due 90 days after the grant year. Final reports will be due 90 days after the expiration or termination of grant support.

(c) *Federal Cash Transactions Report*—(1) *Form.* (i) For grants paid by letter or credit, Treasury check advances or electronic transfer of funds, the grantee will submit the Standard Form 272, Federal Cash Transactions Report, and when necessary, its continuation sheet, Standard Form 272a, unless the terms of the award exempt the grantee from this requirement.

(ii) These reports will be used by the Federal agency to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant from grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment provided that the information to be submitted is not changed in substance.

(2) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(3) *Cash in hands of subgrantees.* When considered necessary and feasible by the Federal agency, grantees may be required to report the amount of cash advances in excess of three days' needs in the hands of their subgrantees or contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.

(4) *Frequency and due date.* Grantees must submit the report no later than 15 working days following the end of each quarter. However, where an advance either by letter of credit or electronic transfer of funds is authorized at an

annualized rate of one million dollars or more, the Federal agency may require the report to be submitted within 15 working days following the end of each month.

(d) *Request for advance or reimbursement*—(1) *Advance payments.* Requests for Treasury check advance payments will be submitted on Standard Form 270, Request for Advance or Reimbursement. (This form will not be used for drawdowns under a letter of credit, electronic funds transfer or when Treasury check advance payments are made to the grantee automatically on a predetermined basis.)

(2) *Reimbursements.* Requests for reimbursement under nonconstruction grants will also be submitted on Standard Form 270. (For reimbursement requests under construction grants, see paragraph (e)(1) of this section.)

(3) The frequency for submitting payment requests is treated in §66.41(b)(3).

(e) *Outlay report and request for reimbursement for construction programs*—(1) *Grants that support construction activities paid by reimbursement method.* (i) Requests for reimbursement under construction grants will be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Federal agencies may, however, prescribe the Request for Advance or Reimbursement form, specified in §66.41(d), instead of this form.

(ii) The frequency for submitting reimbursement requests is treated in §66.41(b)(3).

(2) *Grants that support construction activities paid by letter of credit, electronic funds transfer or Treasury check advance.* (i) When a construction grant is paid by letter of credit, electronic funds transfer or Treasury check advances, the grantee will report its outlays to the Federal agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The Federal agency will provide any necessary special instruction. However, frequency and due date shall be governed by §66.41(b)(3) and (4).

(ii) When a construction grant is paid by Treasury check advances based on periodic requests from the grantee, the advances will be requested on the form specified in §66.41(d).

(iii) The Federal agency may substitute the Financial Status Report specified in §66.41(b) for the Outlay Report and Request for Reimbursement for Construction Programs.

(3) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by §66.41(b)(2).

§66.42 Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see §66.36(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

EXHIBIT 5
OMB Financial Status Report Standard Form 269A

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. 0348-0038	Page of pages

3. Recipient Organization (Name and complete address, including ZIP code)			
4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report ☐ Yes ☐ No	7. Basis ☐ Cash Accrual

8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)

10. Transactions:	I Previously Reported	II This Period	III Cumulative
a. Total outlays			0.00
b. Recipient share of outlays			0.00
c. Federal share of outlays	0.00	0.00	0.00
d. Total unliquidated obligations			
e. Recipient share of unliquidated obligations			
f. Federal share of unliquidated obligations			
g. Total Federal share *(Sum of lines c and f)*			0.00
h. Total Federal funds authorized for this funding period			
i. Unobligated balance of Federal funds *(Line h minus line g)*			0.00

11. Indirect Expense	a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed			
	b. Rate	c. Base	d. Total Amount	e. Federal Share
	0.00%		$0.00	

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

Typed or Printed Name and Title	Telephone (Area code, number and extension)
Signature of Authorized Certifying Official	Date Report Submitted

FINANCIAL STATUS REPORT

(Short Form)

Public reporting burden for this collection of information is estimated to average 90 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0038), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award. You may also contact the Federal agency directly.

Item	Entry

1, 2 and 3. Self-explanatory.

4. Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service.

5. Space reserved for an account number or other identifying number assigned by the recipient.

6. Check *yes* only if this is the last report for the period shown in item 8.

7. Self-explanatory.

8. Unless you have received other instructions from the awarding agency, enter the beginning and ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding period."

9. Self-explanatory.

10. The purpose of columns I, II, and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report in *the same funding period*. If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation.

10a. Enter total program outlays less any rebates, refunds, or other credits. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase or decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subgrantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments.

10b. Self-explanatory.

10c. Self-explanatory.

10d. Enter the total amount of unliquidated obligations, including unliquidated obligations to subgrantees and contractors.

Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded.

Do not include any amounts on line 10d that have been included on lines 10a, b, or c.

On the final report, line 10d must be zero.

10e. f, g, h, h and i. Self-explanatory.

11a. Self-explanatory.

11b. Enter the indirect cost rate in effect during the reporting period.

11c. Enter the amount of the base against which the rate was applied.

11d. Enter the total amount of indirect costs charged during the report period.

11e. Enter the Federal share of the amount in 11d.

Note: If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods they were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

*U. S. Government Printing Office: 1993 - 342-197/81289

EXHIBIT 6
Interlocal Agreement Between the City of Las Vegas, the County of Clark, the City of Henderson, the City of Henderson and the City of Mesquite Regarding the American Reinvestment and Recovery Act Funds Obtained by the City of Las Vegas Through the Edward Byrne Memorial Justice Assistance Grant

INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAS VEGAS, THE COUNTY OF CLARK, THE CITY OF HENDERSON, THE CITY OF NORTH LAS VEGAS AND THE CITY OF MESQUITE REGARDING THE AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS OBTAINED BY THE CITY OF LAS VEGAS THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

This Interlocal Agreement is hereby made and entered into on this _____ day of _____, 2009 by and among the cities of Las Vegas ("Las Vegas"), Henderson ("Henderson"), Mesquite ("Mesquite"), and North Las Vegas ("NLV"), and the County of Clark ("County"), each a political subdivision of the state of Nevada, collectively referred to as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, on June 9, 2009, the Parties applied as a "Disparate Jurisdiction" for a grant of funds from the Department of Justice pursuant to the Edward Byrne Memorial Justice Assistance Grant Formula Program (the "Grant Program") in the amount of $7,558,206 to assist the Parties' efforts to prevent and reduce crime and violence as required by the terms of the Grant Program.

WHEREAS, on May 5, 2009, the Parties executed a Memorandum of Understanding ("MOU") identifying Las Vegas as the Fiscal Agent of any Grant Funds allocated to the Parties by United States Department of Justice.

WHEREAS, the MOU provided that the Parties would execute an interlocal agreement among one another to provide the framework for the administration of the Grant Program and the distribution of the Grant Funds, in accordance with the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation and any other rules and regulations promulgated by the Department of Justice.

WHEREAS, the Parties have met to discuss and determine how the Grant Funds will be administered by Las Vegas, and the Parties have determined how the funds will be disseminated among the Parties over the four year term of the Grant Program.

WHEREAS, this Agreement defines the means by which the Grant Funds shall be divided and administered by Las Vegas, and specifically, how subsequent decisions regarding the payment of Grant Funds to each of the Parties by Las Vegas are to be determined, the structure for reporting, the rules and responsibilities of each Party if a Party allocates a portion of its Grant Funds to another recipient that has already been approved by Las Vegas and the consequences for a failure to adequately report to Las Vegas or a failure to follow the Program, its rules, regulations and guidelines.

WHEREAS, pursuant to NRS 277.180, the Parties are authorized to enter into an Interlocal Agreement to perform a governmental service, activity or undertaking that one of the Parties is authorized to perform. The Parties are each authorized by law to provide for justice-

related activities, and this Agreement serves to properly allocate and administrate federal grant monies for the further provision of justice-related activities among the Parties.

NOW, THEREFORE, in consideration of the mutual terms, conditions, and covenants hereinafter set forth, the Parties agree as follows:

AGREEMENT

I. Definitions.

A. "Allocation" means the specific amount of dollars allocated to the Fiscal Agent or a particular Sub-Recipient over the four year term of the Grant Program.

B. "DOJ" means the Department of Justice.

C. "Fiscal Agent" is the unit of local government responsible for the administration of the Grant Funds. The Fiscal Agent for the Grant Program is Las Vegas. When this term is used in the context of approval or denial of request, the Fiscal Agent refers to Las Vegas's City Manager or designee.

D. "Grant Funds" are the monies awarded to the Parties through the Department of Justice: Edward Byrne Memorial Justice Assistance Grant Formula Program.

E. "Grant Program" is the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation.

F. "Sub-Recipient" means one of the following entities awarded an Allocation of Grant Funds: Henderson, NLV, Mesquite, and the County.

G. "Sub-Sub Recipient" means either a governmental agency or 501(c)(3) non-profit organization that is approved by the Fiscal Agent for reimbursement for a portion of a sponsoring Sub-Recipient's or Fiscal's Agent's Allocation. The four Sub-Sub Recipients approved by the Fiscal Agent and allocated a portion of the County's Allocation are: the Clark County District Attorney; Clark County Parks and Recreation Department--Southern Nevada Gang Task Force; Clark County School District--Summer School Diversion Program; and Nevada Child Seekers. The Sub-Sub recipient approved by the Fiscal Agent and allocated a portion of Las Vegas's Allocation is: the Las Vegas Metropolitan Police Department ("Metro"). Monies for reimbursement to Sub-Sub Recipients shall be allocated from the requesting Sub-Recipient's Allocation.Notwithstanding anything to the contrary in this Agreement, the responsibilities of Fiscal Agents' Sub-Sub Recipient(s) shall be the same as the responsibilities of all Sub-Recipients' Sub-Sub Recipients.

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II. Administration of Grant Funds.

A. Generally.

1. Adherence to Grant Program Guidelines. The Parties agree to adhere to the Grant Program guidelines as provided by the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation. (OMB No.1121-0323, Release Date, March 6, 2009) (the "Local Solicitation"). If this Agreement is silent on a particular issue, or there is a conflict between the terms of this Agreement and the Local Solicitation, the terms of the Local Solicitation shall prevail. If there is a conflict between this Agreement and/or the Local Solicitation and Federal policy or law, Federal policy or law shall prevail. If the Local Solicitation and/or Federal policy or law are silent on an issue that is a term of this Agreement, this Agreement shall prevail. A violation of the terms of this Agreement, the terms of the Local Solicitation or Federal policy or law as it pertains to the use of Grant Funds, reimbursement of Grant Funds or the reporting of Grant Funds is a violation of this Agreement. A copy of the Local Solicitation is attached hereto as Exhibit 1.

2. Grant Funds shall be Non-Supplanting. The Fiscal Agent, Sub-Recipients and Sub-Sub Recipients must ensure that Grant Funds shall only be used to supplement existing program activities and that Grant Funds shall not be used to supplant (replace) previously appropriated non-grant funds by the Fiscal Agent, Sub-Recipients or any Sub-Sub Recipients.

3. Grant Funds not to be Commingled. Any Grant Funds received by the Fiscal Agent, Sub-Recipients or Sub-Sub Recipients shall be kept separate and apart from any and all other monies. No commingling of Grant Funds monies shall occur.

4. Use of Grant Funds Shall Comply with Grant Program. The Local Solicitation permits Grant Funds to 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:

a. law enforcement activities;
b. prosecution and court programs;
c. prevention and education programs;
d. corrections and community corrections programs;
e. drug treatment and enforcement programs;
f. planning, evaluation and technology improvement programs; or
g. crime victim and witness programs (other than compensation).

5. Prohibited Use of Grant Funds. The Local Solicitation prohibits the use of Grant Funds as follows. "No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not 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 for any of the following matters unless the Bureau of Justice Assistance certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

a. vehicles (except police cruisers), vessels (except police boats) or aircraft (excluding police helicopters);
b. luxury items;
c. real estate;
d. construction projects (other than penal or correctional institutions); or
e. any similar matters.

6. Department of Justice Policy OCPS 7130.1. All expenditures of money to be reimbursed by the Grant Program shall comply with Department of Justice Policy OCPS 7130.1 regarding the use of federal funds by grantees. A copy of OCPS 7130.1 is attached hereto as Exhibit 2.

7. GAAP Required. Any entity receiving reimbursement from the Grant Program must use Generally Accepted Accounting Principles for reporting and/or reimbursement activities.

8. Office of Management and Budget (OMB) Circulars. Any entity receiving reimbursement from the Grant Program must comply with all OMB Circulars relating to federal grants.

9. Fiscal Agent Audit. In addition to any audit obligations under federal policy or law related to federal grant programs, any entity receiving reimbursement from the Grant Program hereby acknowledges and agrees to abide by the following:

a. The Sub-Recipients (on behalf of themselves and any sponsored Sub-Sub Recipients) as provided for in section II. A. 10, below, agree to maintain financial records pertaining to all matters relative to the Grant Program and retain all records and supporting documentation applicable to this Grant Program for a period of three (3) years after completion of the Grant Program. All records subject to audit findings shall be retained for three (3) years after such findings have been resolved.

b. The Sub-Recipient agrees to permit the Fiscal Agent or the Fiscal Agent's designated representatives to inspect and audit its records and books relative to this Grant Program at any time during normal business hours and under reasonable circumstances and to copy any information that the Fiscal Agent desires concerning Sub-Recipient's operation hereunder. The Sub-Recipient further understands and agrees that said inspection and audit will be exercised upon written notice to the Sub-Recipient.

c. If, at any time during the term of this Grant Program, or at any time after the expiration or termination of the Grant Program, the Fiscal Agent or the Fiscal Agent's designated representatives finds the actual monetary reimbursement by the DOJ is more than actual amount spent by a Sub-Recipient or Sub-Sub Recipient, the Sub-Recipient agrees that the difference shall be repaid immediately by the Sub-Recipient to the Fiscal Agent for disposition of the funds as directed by the DOJ.

10. Sub-Sub Recipients; Agreement Between Sub-Recipient and Sub-Sub Recipient Required. All Sub-Sub Recipients shall comply with all terms and conditions of this Agreement, the Local Solicitation and Federal policies and laws.

Any Sub-Recipient that desires to allocate a portion of its Allocation to a Sub-Sub Recipient shall enter into an agreement with that Sub-Sub Recipient that requires the Sub-Sub Recipient to comply with the terms and conditions of this Agreement (including, but not limited to, auditing, all reporting requirements and requirements for reimbursement requests), the Local Solicitation and Federal policies and laws, and such agreement shall be executed between the Sub-Recipient and the Sub-Sub Recipient prior to any request for reimbursement on behalf of the sponsored Sub-Sub Recipient.

A Sub-Recipient that sponsors a Sub-Sub Recipient hereby acknowledges and agrees that it, the Sub-Recipient, is responsible for the Sub-Sub Recipient in totality, and the Sub-Recipient shall be charged with requesting reimbursement and reporting all necessary information on behalf of its sponsored Sub-Sub Recipient. Any violations of this Agreement, the Local Solicitation and Federal policies and laws, by a sponsored Sub-Sub Recipient shall be deemed the actions of the sponsoring Sub-Recipient for purposes of the Grant Program, and any penalties or consequences shall accrue against the sponsoring Sub-Recipient.

B. Grant Fund Allocation.

1. Allocation. The Parties hereby agree that the document attached hereto as Exhibit 3 defines the Allocation to the Fiscal Agent and each of the Sub-Recipients.

2. Amendment of Allocation. Except as otherwise provided for the Fiscal Agent herein, the Parties acknowledge that the dollar amount of the Allocation is final, and such Allocation may not be amended over the term of the Grant Program without the prior written approval by Las Vegas and all Sub-Recipients and amendment of this Agreement.

C. Modification of Allocation.

While the Parties agree that the total dollar amount of an Allocation may not be increased over the term of the Grant Program, the Parties do acknowledge the need for flexibility to permit the Fiscal Agent to modify each Allocation upon request by a Sub-Recipient for either a Budget Modification or a Non-Budget Modification. Following is each term defined, the process for each type of modification, and the dollar amount at which approvals are required by either the Fiscal Agent, the DOJ or both.

1. Budget Modification. A Budget Modification is a request to modify a Sub-Recipient's Allocation in the following manner: a change to budget categories; a reduction in funding (i.e., a Sub-Sub Recipient no longer is requesting reimbursement); a change in the Sub-Recipient's overall project, or a change to the level or redeployment awarded pursuant to the Grant Program. For example, a Budget Modification is required under a circumstance where a Sub-Recipient was originally awarded three positions for a program activity, but then decides to only utilize funding for two positions. A Budget Modification shall be submitted to the Fiscal Agent as follows:

a. Procedure for Budget Modification.

i. Requestor shall submit a letter to the Fiscal Agent, c/o City of Las Vegas Office of Administrative Services, including, but not limited to, the following information:

- Sub-Recipient's Data Universal Numbering System (DUNS) number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
- a description of the proposed change to the awarded items, budget, and FTE;
- a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for changes in the award amount or project objective please include new demonstration of time savings information); and
- detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The Fiscal Agent will review the information (and submit information to the DOJ for approval, if necessary) and notify the Requestor upon notification of the approval or denial of the request by the approving authority.

2. Non-Budget Modification. A Non-Budget Modification is a request to modify an award to a Sub-Recipient for the reimbursement of particular items previously approved by the Fiscal Agent, but does not require a change in budget categories nor a reduction in funding. For example, a Sub-Recipient is awarded funding for 10 laptop computers for a particular purpose, but because of newly advantageous pricing, the Sub-Recipient is now able to purchase 12 laptop computers for the same price. A non-budget modification shall be submitted to the Fiscal Agent as follows:

a. Procedure for Non-Budget Modification.

i. Requestor shall submit a letter to the Fiscal Agent, c/o City of Las Vegas Office of Administrative Services, including, but not limited to, the following information:

- the Sub-Recipient's DUNS number and the subcontract number of the award to be modified;
- a short description of the originally awarded items including the total project cost, funding awarded by the grant, and required level of redeployment;
- a description of the proposed change to the awarded items, budget, and FTE;

- a statement explaining how the change will affect the agency's ability to achieve the required level of redeployment awarded under the grant (for changes in the award amount or project objective please include new demonstration of time savings information); and
- detailed budget sheets reflecting the new total project costs resulting from the modification request.

ii. The Fiscal Agent will review the information (and submit information to the DOJ for approval, if necessary) and notify the Requestor upon notification of the approval or denial of the request by the approving authority.

3. Prior Approval for Budget Modification or Non-Budget Modification Required by the Fiscal Agent and DOJ Required under Certain Circumstances. Sub-Recipients shall request prior approval for a Budget Modification or Non-Budget Modification where the change to the Allocation is in excess of ten (10) percent of the total allocation.

4. Failure to Comply. Failure to obtain prior approval of a Budget or Non-Budget Modification may result in the rejection of a reimbursement request by the Fiscal Agent and/or the DOJ for non-approved modifications.

D. Expenditure of Allocation.

Sub-Recipients and their Sub-Sub Recipients must expend their Allocation on an annual fiscal year basis, unless the Sub-Recipients or their Sub-Sub Recipients specifically notifies Las Vegas in writing a minimum of 30 calendar days prior to the end of the Sub-Recipient's fiscal year that an annual allocation cannot be expended within a fiscal year. The notification must include appropriate justification for the non-expenditure of funds. If Sub-Recipients or their Sub-Sub Recipients fails to expend its annual allocation of Grant Funds without providing the aforementioned notice and justification, any unexpended monies for that fiscal year shall revert to Las Vegas's use in its sole discretion as the original eligible recipient of the Grant Funds.

E. Reimbursement of Expenditures to the Fiscal Agent and Sub-Recipients.

In order to be repaid for expenditures, the Fiscal Agent and the Sub-Recipients must file a reimbursement request pursuant to the terms of this Agreement and the Grant Program. This section will delineate the general requirements for requesting reimbursement and the procedure by which the Fiscal Agent and each Sub-Recipient shall request reimbursement by the DOJ.

1. Generally.

a. Costs recovered on a Reimbursement Basis Only. Costs incurred shall only be recovered on a Reimbursement Basis as provided by this Agreement and the Local Solicitation.

b. Reimbursement Requests for Sub-Sub Recipients to be submitted by Sponsoring Sub-Recipient. The Fiscal Agent will only accept requests for reimbursement from Sub-

Recipients. Sub-Sub Recipients are not in privity of contract with the Fiscal Agent pursuant to this Agreement, and as such, the Fiscal Agent cannot enforce the terms of this Agreement, the Local Solicitation or Federal policies or laws upon the Sub-Sub Recipients, except by separate agreement. As such, if a Sub-Recipient chooses to allocate a portion of its Allocation to a Sub-Sub Recipient, then the sponsoring Sub-Recipient is responsible for verifying and properly submitting its sponsored Sub-Sub Recipients' reimbursement requests to the Fiscal Agent for processing.

c. Reimbursement Request Must be Accompanied by Required Reporting for Acceptance by the Fiscal Agent. The Fiscal Agent shall not accept a Sub-Recipient's reimbursement request without the accompanying required reporting for the fiscal quarter for which the Sub-Recipient is requesting reimbursement.

2. Procedure for Reimbursement.

a. Technical Assistance Available from Fiscal Agent. Throughout the term of the Grant Program, the Fiscal Agent will provide telephonic technical assistance relating to the proper reimbursement of expenses. Technical Assistance will be provided by the City of Las Vegas Department of Administrative Services until twenty (20) calendar days prior to the close of any fiscal quarter.

b. Reimbursement Requests to comply with provisions of 28 CFR 66.41. Sub-Recipients shall file reimbursement requests in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all reimbursement requests for non-construction items on Standard Form 269A. All entities requesting reimbursement shall submit such requests on Standard Form 269A. A copy of 28 CFR 66.41 is attached hereto as Exhibit 4, and Standard Form 269A is attached hereto as Exhibit 5.

c. Reimbursement Requests Must be Timely Filed and Complete for Processing.

i. Unless otherwise provided by Section II(E)(2)(e), reimbursement requests shall only be accepted by the Fiscal Agent for the fiscal quarter in which the costs were incurred;

ii. Reimbursement requests must be accompanied by all necessary reporting documents as required by the Local Solicitation, Federal Policy or law, and as delineated at Paragraph F, herein, and the reporting documents must be complete for acceptance by the Fiscal Agent; and

iii. Reimbursement Requests shall be filed with the Fiscal Agent no later than five (5) calendar days after the end of the current fiscal quarter for processing. Reimbursement requests submitted after this deadline will not be accepted for processing for that current Fiscal Quarter.

iv. Notwithstanding any default or penalty provisions herein, late or incomplete reimbursement requests shall be delayed and shall only be processed by the Fiscal Agent at the end of the next Fiscal Quarter.

Sub-recipient Due Dates:	Fiscal Agent Due Dates to the DOJ:
October 5, 2009	October 10. 2009
January 5, 2010	January 10, 2010
April 5, 2010	April 10, 2010
July 5, 2010	July 10, 2010
October 5, 2010	October 10, 2010
January 5, 2011	January 10, 2011
April 5, 2011	April 10, 2011
July 5, 2011	July 10, 2011
October 5, 2011	October 10, 2011
January 5, 2012	January 10, 2012
April 5, 2012	April 10, 2012
July 5, 2012	July 10, 2012
October 5, 2012	October 12, 2012
January 5, 2013	January 10, 2013
April 5, 2013	April 10, 2013
July 5, 2013	July 10, 2013
October 5, 2013	October 10, 2013
January 5, 2014	January 10, 2014

d. Reimbursement. The Parties acknowledge that the Fiscal Agent can only reimburse monies to the Sub-Recipients that are received from the DOJ. Reimbursement will occur no later than thirty (30) calendar days after the monies requested are received by the Fiscal Agent from the DOJ.

e. Incomplete Reimbursement Requests. The Parties acknowledge that it will be difficult to submit a complete reimbursement request for the current fiscal quarter no later than five (5) days after the close of the current fiscal quarter because delay within the Parties' accounting processes may not permit a complete reimbursement request to be filed within the five (5) day period. As such, the Fiscal Agent will accept for processing an incomplete reimbursement request, to be processed for filing with the DOJ, but only as follows:

i. Any incomplete reimbursement request for the fiscal quarter shall include all expenditures from that fiscal quarter.

ii. Any expenditures from that fiscal quarter posted subsequent to the end of that fiscal quarter shall be submitted at the end of the following fiscal quarter for reimbursement.

The Parties acknowledge that the ability to file incomplete reimbursement requests depends on the willingness of the Federal Government to accept incomplete reimbursement requests from the Fiscal Agent and reimburse for those costs incurred that are not filed with the Fiscal Agent within five (5) days after the close of the current fiscal quarter. As such, the Parties understand that the Fiscal Agent will submit such reimbursement requests as provided above, but cannot guarantee that the Federal Government will reimburse such costs.

In addition, the Parties acknowledge and understand that the DOJ has been notified of this issue, and it is the Parties understanding that changes to the "five day rule" will be forthcoming. Once amended filing deadlines are provided to the Fiscal Agent by the DOJ, the Fiscal Agent will notify the Sub-Recipients of the changes and such changes will supercede any provisions that conflict as provided by Section II(A)(1), herein.

F. Required Reporting.

The Grant Program requires reporting by the each of the entities receiving reimbursement from the Grant Program. This section will delineate the general requirements for reporting and the procedure for reporting each of the required performance reports, programmatic and fiscal, along with initial information received from the DOJ regarding the substance and form of these reports.

1. Generally.

a. Fiscal Agent Time Limit for Required Reporting to DOJ; Sub-Recipient Deadline for Required Reporting to Fiscal Agent. The Fiscal Agent must satisfy Section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on sub-awards), no later than ten (10) calendar days after the end of a fiscal quarter. As such, the Sub-Recipients must submit a complete report as provided herein no later than five (5) calendar days after the close of the current fiscal quarter.

b. Required Reporting by Sub-Sub Recipients to be Submitted by the Sponsoring Sub-Recipient. The Fiscal Agent will only accept required reports from Sub-Recipients. Sub-Sub Recipients are not in privity of contract with the Fiscal Agent pursuant to this Agreement, and as such, the Fiscal Agent cannot enforce the terms of this Agreement, the Local Solicitation or Federal policies or laws upon the Sub-Sub Recipients, except by separate agreement. As such, if a Sub-Recipient chooses to allocate a portion of its Allocation to a Sub-Sub Recipient, then the granting Sub-Recipient is responsible for verifying and properly submitting its Sub-Sub Recipients' required reports to the Fiscal Agent for processing.

c. Agreement Between a Sub-Recipient and any Sponsored Sub-Sub Recipients shall be submitted to the Fiscal Agent. If a Sub-Recipient chooses to sponsor a Sub-Sub Recipient, the agreement between the Sub-Recipient and the Sub-Sub Recipient as delineated at Section II(A)(10) of this Agreement shall be submitted with the first quarterly performance report and reimbursement request by the sponsoring Sub-Recipient. If the Sub-Recipient fails to submit such agreement to the Fiscal Agent, any and all reimbursement requests on behalf of the Sub-Sub Recipient shall be rejected by the Fiscal Agent for that current Fiscal Quarter.

d. Proof of Registration Required. The Fiscal Agent and the Sub-Recipients shall submit to the Fiscal Agent written proof that it has acquired a DUNS number and is registered with the Central Contractor Registration database prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The

Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

e. Business Licenses Required, if necessary. If necessary, the Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof that it has acquired all necessary business licenses, or is not subject to business licensing requirements, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

f. Proof of Non-Profit Status with the Internal Revenue Service. If necessary, the Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof that it or its sponsored Sub-Sub Recipients has acquired proof of non-profit status with the Internal Revenue Service, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

g. Proof of Acceptance of Award by Entity's Governing Body. Each of the Sub-Recipients, shall submit to the Fiscal Agent written proof of their governing body's acceptance of this Agreement, prior to the submission of the first quarterly performance report and reimbursement request to the Fiscal Agent. In addition, an agreement between Sub-Recipient and any Sub-Sub Recipient(s) acknowledging acceptance of this Agreement shall also be submitted pursuant to the terms of this Section. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

h. Proof of an Excluded Parties List. The Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written documentation of an Excluded Parties List for any purchases of $25,000.00 or more, prior to the submission of their reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

i. Proof of DOJ Approval of Sole Source Contracting or Explanation of a Competitive Bidding Process for Certain Purchases. The Fiscal Agent and each of the Sub-Recipients, on behalf of itself and its sponsored Sub-Sub Recipients, shall submit to the Fiscal Agent written proof of DOJ Sole Source Approval or a competitive bidding process to be utilized for any purchases or contracts for goods or services in amounts of $100,000.00 or more, prior to the submission of their reimbursement request to the Fiscal Agent. The Fiscal Agent shall not accept any performance report or reimbursement request without the submission of this information.

j. Required Reporting Must be Accompanied by Reimbursement Request for Acceptance by the Fiscal Agent. The Fiscal Agent shall not accept a Sub-Recipient's

Required Report without the accompanying reimbursement request for the fiscal quarter that the Sub-Recipient is requesting reimbursement.

2. Required Reports.

The Parties acknowledge that the DOJ has not released final rules regarding reporting requirements for entities receiving reimbursement from DOJ under the Grant Program. However, it appears that a skeletal reporting structure has been delineated, requiring the Fiscal Agent and the Sub-Recipients to submit Programmatic Reports and Financial Status Reports. Provided herein will be what information is currently known.

a. Financial Status Reports to comply with provisions of 28 CFR 66.41. The Fiscal Agent and Sub-Recipients shall submit required financial reports in accordance with 28 CFR 66.41, which requires, among other things, a mandate to submit all Financial Status Reports for nonconstruction items on Standard Form 269A. When further direction is provided to the Fiscal Agent by the DOJ, the Fiscal Agent will notify each of the Sub-Recipients, in writing, within three (3) calendar days of which form is the correct form for proper reporting. A copy of 28 CFR 66.41 is attached hereto as Exhibit 4 and Standard Form 269A is attached hereto as Exhibit 5.

b. Programmatic Reports. The reporting form, nor all the information required for programmatic reporting, has not yet been delineated by the DOJ. The Fiscal Agent shall notify the Sub-Recipients within three (3) calendar days of notification by the DOJ of the correct form and programmatic information to be required. However, the Parties acknowledge that the following information will be required to be reported:

i. A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful;
ii. The reasons for slippage if established objectives were not met;
iii. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs;
iv. Copies of all invoices, purchase orders, or requisitions with the appropriate accounting codes that indicate the funds are kept in separate accounts from any other funds used by the Sub-Recipient; and
v. Copies of the Sub-Recipient's general ledger for the reporting quarter, including all payroll funds specific to the award, and reimbursement, in part or in whole, of previously spent grant funds.

c. Reporting Schedule. Each Sub-Recipient will be required to submit both a Financial Status Report and a Programmatic Report as follows:

i. Quarterly, no later than five (5) calendar days after the end of a fiscal quarter;
ii. Semi-Annually, no later than five (5) calendar days after the end of the second fiscal quarter;

iii. Annually, no later than fifteen (15) calendar days after the end of the grant year; and the

iv. Final performance report, no later than fifteen (15) calendar days after the expiration of the grant program.

The Parties acknowledge that this reporting structure is mandated by the DOJ pursuant to the Grant Program, so if the Reporting Schedule changes, the Fiscal Agent shall notify the Sub-Recipients within three (3) calendar days of any Reporting Schedule changes.

d. All Reports to be Submitted Electronically. Any and all reports submitted to the Fiscal Agent shall be submitted electronically by e-mail pursuant to the Paperwork Reduction Act of 1980 to the following e-mail address: subgranteereports@lasvegasnevada.gov. Electronic reports may be submitted in .doc, .xls or .pdf format. No handwritten or typed reports will be accepted by the Fiscal Agent.

e. Failure to Submit Required Reports; Incomplete Reports. Required reporting must accompany reimbursement requests. Reimbursement requests without the required reporting shall not be accepted for processing for that current Fiscal Quarter. Such reimbursement requests will be delayed and shall only be processed by the Fiscal Agent at the end of the next Fiscal Quarter.

G. Default; Penalties.

1. Notice of Default for Failure to Comply with this Agreement. In the event the Fiscal Agent discovers a failure to comply by a Sub-Recipient, or a Sub-Recipient's sponsored Sub-Sub Recipient, of its obligations pursuant to this Agreement, the Local Solicitation and/or Federal policies and laws regarding federal grant assistance programs, the Fiscal Agent shall provide a written notice (a "Notice of Default") of such failure to comply to the defaulting Sub-Recipient.

2. Cure; Event of Default. Within two (2) calendar days of the receipt of the Notice of Default by the defaulting Sub-Recipient, the defaulting Sub-Recipient, or in the case of a Sub-Sub Recipient, such Sub-Sub Recipient shall cure each failure to comply as described by the Notice of Default. Any such violation that remains uncured after such 48-hour period shall be a default hereunder and the Fiscal Agent may take any action permitted under the Local Solicitation and/or the Federal policies or laws relating to grant assistance programs, including, but not limited to, suspension of a Sub-Recipient's ability to receive reimbursement or termination of a Sub-Recipient's participation in the Grant Program.

3. Penalties for Failure to Comply with the Grant Program and Local Solicitation. The Parties acknowledge and understand that the DOJ has not yet finalized potential penalties for violation of the terms and provisions of the Local Solicitation and the Grant Program. The Parties agree that the Fiscal Agent is authorized to take any action or assess any penalty authorized by the DOJ for a violation of the terms of the Grant Program, Local Solicitation or Federal policy or law, as authorized by Nevada law. When the DOJ publishes penalties for violations of the terms and provisions of the Local Solicitation and the Grant Program, this

Agreement will be amended to reflect those penalties. At that time the Parties can accept the Amendment or withdraw from the Grant Program.

4. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

H. Miscellaneous.

1. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eighth Judicial District Court, County of Clark, State of Nevada.

2. Indemnification and Attorneys' Fees. Sub-Recipient, and any Sub-Sub Recipients, will protect, defend, indemnify, and save harmless Las Vegas from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including, but not limited to, claims for contribution or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Sub-Recipient, and Sub-Sub Recipients', obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph shall include any and all attorney's fees incurred by Las Vegas in the defense or handling of said suits, demands, judgments, liens, and claims and all attorneys' fees and investigation expenses incurred by Las Vegas in enforcing or obtaining compliance with the provisions of this Agreement.

3. Amendment of Agreement. No amendment of this Agreement is permitted without consent by the governing body of each Party. Those instances where this Agreement specifically delineates that the Fiscal Agent will provide further information to the Sub-Recipients regarding federal rules, policies and procedures to be followed is not considered an amendment of this Agreement, but a supplement to this Agreement specifically permitted by this Agreement.

4. Notices. All notices, demands and correspondence required or provided for under this Agreement not otherwise required to be submitted electronically by the terms of this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To Las Vegas:	City of Las Vegas 400 Stewart Avenue Las Vegas, Nevada 89101 Attention: Director, Office of Administrative Services
To Henderson	City of Henderson P.O. Box 95050 MSC 211 Henderson, NV 89009-5050

To Mesquite	City of Mesquite 10 East Mesquite Boulevard Mesquite, NV 89027 Attention: Mesquite Police Department
To North Las Vegas	City of North Las Vegas 1301 Lake Mead Boulevard North Las Vegas, Nevada 89030 Attention: Asst. Director Police Services
To Clark County:	Clark County Community Resources Management Division PO Box 551212 500 S. Grand Central Pkwy. Las Vegas, NV 89155

Any Party may change its address by giving notice in writing to the others and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

5. Entire Agreement. This Agreement constitutes 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 of any part of the subject matter hereof.

6. Headings; Exhibits; Cross References. The recitals, 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 are incorporated herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

7. Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

8. Repayment of Fiscal Agent by Sub-Recipients. Notwithstanding any other default or penalty provisions provided herein, if a Sub-Recipient or Sub-Sub Recipient fails to comply with the Grant Program, the Local Solicitation or Federal policies or laws such that the DOJ requests reimbursement from the Fiscal Agent for monies provided to a Sub-Recipient or Sub-Sub

Recipient, the Sub-Recipient agrees to repay (either on behalf of itself or its sponsored Sub-Sub Recipient) the Fiscal Agent the amount of money repaid to the DOJ based upon the DOJ's demand.

The Parties acknowledge and agree that if a DOJ demand for repayment from the Fiscal Agent results in repayment by the Fiscal Agent based upon the action or inaction of a Sponsored Sub-Sub Recipient, the Sponsoring Sub-Recipient shall repay the Fiscal Agent the funds that were repaid to the DOJ by the Fiscal Agent.

In any event, if the DOJ requests repayment of funds by the Fiscal Agent, the Fiscal Agent will immediately notify the Sub-Recipient or Sub-Sub Recipient of the demand from DOJ in writing, and the affected Sub-Recipient may elect to: 1) contact the DOJ and appeal the DOJ's finding or negotiate a settlement with the DOJ if possible; or 2) repay the DOJ directly. Las Vegas acknowledges that the Sub-Recipient should have a right to appeal such a demand, and agrees to postpone repayment of the DOJ, as long as the DOJ notifies Las Vegas, in writing, that it will postpone its demand for repayment based upon Sub Recipient appeal or otherwise.

9. Counterparts; Electronic Delivery. This Agreement may be executed in counterparts, all such counterparts will constitute the same Agreement and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year last below written.

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF LAS VEGAS

By:_____
Oscar B. Goodman, Mayor

ATTEST:

By:_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

By:_____
Deputy City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF HENDERSON

By:_____
Jutta G. Chambers, Chief of Police

By:_____
Andy A. Hafen, Mayor

ATTEST:

By:_____
Monica Martinez Simmons, MMC, City Clerk

APPROVED AS TO FORM:

By:_____
Elizabeth Macias Quillin, City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF MESQUITE

By:_____
Susan Holecheck, Mayor

ATTEST:

By:_____
Sheree Goessman, CMC, Deputy City Clerk

APPROVED AS TO FORM:

By:_____
City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF NORTH LAS VEGAS

By:_____
Shari L. Buck, Mayor

ATTEST:

By:_____
Karen L. Storms, CMC, City Clerk

APPROVED AS TO FORM:

By:_____
City Attorney

Signature Page Continued:

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
Rory Reid, Chair

ATTEST:

By: _____
Diana Alba, County Clerk

APPROVED AS TO FORM ONLY:

David Roger
District Attorney

By: _____
Deputy District Attorney

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval to accept a $400,000 award from the U.S. Department of Justice, Office of Justice Programs, for the City of Las Vegas Copper Wire Theft Prevention Project – All Wards

Fiscal Impact

X	**No Impact**	☐	**Augmentation Required**
☐	**Budget Funds Available**		

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The U.S. Department of Justice, Bureau of Justice Assistance on September 18, 2009 approved a congressionally recommended award in the amount of $400,000 to assist in law enforcement efforts to reduce the fiscal and public safety impacts created by the theft of copper wire from properties under the jurisdiction of the City of Las Vegas.

RECOMMENDATION:
Accept the grant award for the amount of $400,000

BACKUP DOCUMENTATION:
Department of Justice Award Notification

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Second Amendment to License Agreement between the City of Las Vegas and Nextel of California, Inc., for the wireless communications equipment located at 333 North Rancho Drive, known as the Atrium Tower - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Nextel of California, Inc., requests to sublease to third parties on the wireless equipment with the City's consent subject to the terms of this Second Amendment.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Second Amendment to License Agreement

SECOND AMENDMENT TO LICENSE AGREEMENT

THIS SECOND AMENDMENT TO LICENSE AGREEMENT ("Second Amendment") is made and entered into this _____ day of _____, 2009 ("Effective Date") by and between the City of Las Vegas, a municipal corporation of the State of Nevada, successor in interest to Atrium-SCE, LLC, (the "Licensor") and Nextel of California, Inc., a Delaware corporation (the "Licensee"). Licensor and Licensee are individually or collectively are referred herein as the "Party" or "Parties."

RECITALS

WHEREAS, on or about December 10, 2001, the Licensee and Atrium-SCE entered into a License Agreement, further amended on April 11, 2002 ("Agreement"), both of which are attached hereto as Exhibit A and incorporated herein by this reference, for the installation and operation of wireless communications equipment ("Wireless Equipment") at the premises located at 333 North Rancho Drive in Las Vegas, Clark County, Nevada known as the Atrium Building (the "Atrium") with a term detailed in Section 5 of the Agreement;

WHEREAS, on or about December 17, 2007, the City purchased the Atrium and assumed the Agreement; and

WHEREAS, Licensor and Licensee have agreed to amend the Agreement subject to the terms and conditions set forth in this Second Amendment, and for good and valuable consideration;

NOW, THEREFORE, the Agreement is hereby amended as follows:

1. Unless otherwise specifically defined in this Second Amendment, the defined terms used herein shall have the meaning ascribed to them in the Agreement.

2. Licensee may sublease space to third-parties on the Wireless Equipment or property within the area described in Exhibit C of the Agreement ("Licensed Premises") with Licensor's prior written consent. Each subleasee of Licensee shall be required to comply with the obligations of Licensee under the terms of the Agreement and this Second Amendment. Any changes by the sublicensee to the Licensed Premises that requires additional City rooftop or facilities space for equipment and antennas shall be subject to approval by Licensor with terms to be negotiated in the future. The execution of any sublicense agreement shall not release Licensee from any of Licensee's obligations in the Agreement for this Second Amendment.

3. Licensee represents and acknowledges that as of the date of this Second Amendment, Licensee (i) is not in default under the terms of the Agreement; (ii) has no defense, set off or counterclaim to the enforcement by Licensor of the terms of the Agreement; and (iii) is not aware of any action or inaction by Licensor that would constitute an Event of Default by Licensor under the Agreement.

4. The Parties reaffirm the Agreement and agree and acknowledge that, except as expressly amended hereby, the Agreement remains in full force and effect according to its terms. In the event of any conflict between the terms of the Agreement or First Amendment and this Second Amendment, the terms of this Second Amendment shall govern.

5. Upon approval of this Second Amendment by the City Council of the Licensor and after it has been fully executed by signature of all parties, the Licensor designates the Administrator of Facilities Managements' Real Estate & Utilities Section 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 term of the Agreement, including amendments, document requiring signature authority, adjustments to monetary revenue or expenditure not to exceed Ten Thousand Dollars and No Cents ($10,000.00) dollars, filing and recording of appropriate documents with the County Recorder's Office or the County Tax Assessor's Office and recordings and filing with the City of Las Vegas City Clerk's Office.

6. Counterparts; Electronic Delivery. This Second Amendment may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be executed as of the Effective Date set forth above.

CITY OF LAS VEGAS
"Licensor"

_____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges CMC, City Clerk

APPROVED AS TO FORM:

John S. Ridilla 9/16/09
Deputy City Attorney Date

NEXTEL OF CALIFORNIA, INC.
"Licensee"

By: _____

Name:_____

Title: _____

ACKNOWLEDGEMENTS

STATE OF NEVADA)
)ss.
CLARK COUNTY)

On this _____day of _____, 2009, before me, the undersigned Notary Public in and for said County and State, appeared Oscar B. Goodman, as Mayor of the City of Las Vegas, known to me to be the person who executed the above and foregoing instrument, and who acknowledged to me that he did so freely and voluntarily and for the purposes therein mentioned.

_____
Notary Public

Acknowledgement of Nextel of California, Inc. is attached.

EXHIBIT A
License Agreement and First Amendment

LICENSE AGREEMENT

This license agreement ("**Agreement**") is made as of this 10 day of DECEMBER, 2001 ("**Agreement Date**"), by and between

ATRIUM-SCE, LLC, a California limited liability company having an office at 4080 Cavitt Stallman Road, Suite 200, Granite Bay, California ("**LICENSOR**")

AND

NEXTEL OF CALIFORNIA, INC., a Delaware corporation, d/b/a Nextel Communications, having an office at 310 Commerce Drive, Irvine, California 92602 ("**LICENSEE**").

The property which is the subject of this Agreement are those portions of the realty and/or buildings or structures located thereupon which are owned or leased by LICENSOR, or which LICENSOR has a right to the use of the building known as Atrium Tower and located at 333 North Rancho Drive, Las Vegas, Nevada ("**Premises**"). The Premises is further described on Exhibit "A" attached hereto.

LICENSOR's managing agent with respect to communications equipment located upon the Premises is AAT Communications Corp., a New York corporation having an office at Woodbridge Place, 517 Route One South, Fifth Floor, Iselin, New Jersey 08830 ("AAT").

In consideration of the mutual covenants and obligations herein contained, Licensor and Licensee agree as follows:

1. **License.** *LICENSOR grants to LICENSEE a non-exclusive right to use the Premises for the installation and operation of the communications equipment ("**Equipment**") described on Exhibit "B" attached hereto. LICENSEE is solely responsible for determining whether the Premises are suitable for its intended use. Notwithstanding the foregoing, LICENSOR agrees that LICENSEE shall have the exclusive use of those portions of the Premises upon and/or within which the Equipment is located. In the event LICENSEE constructs its own shelter pursuant hereto, LICENSOR agrees that LICENSEE shall have the exclusive right to use the equipment shelter portion of the Premises.*

2. **Pre-Installation Testing/Installation.** A. *Subject to the consent of LICENSOR, LICENSEE shall have the right at any time following the Agreement Date to enter upon the Premises for the purpose of making appropriate engineering surveys, inspections, and other reasonably necessary tests and constructing the Equipment.* B. *LICENSEE shall be responsible for obtaining all permits, licenses and other approvals required by any municipal, county, state or Federal governmental or regulatory body or agency, including a license issued by the Federal Communications Commission ("**FCC**"), for the installation and operation of its Equipment at the Premises. LICENSOR agrees to cooperate with LICENSEE, at LICENSEE's expense, in making application for and obtaining all such permits, licenses and other approvals Before commencing said installation, LICENSEE shall seek AAT's and LICENSOR's approval of LICENSEE's plans and specifications. LICENSOR and AAT shall not unreasonably withhold their approval of said plans and shall use best efforts to respond within 20 business days after LICENSEE'S submission of such plans and specifications. The location at which the Equipment shall be installed shall be determined jointly by AAT LICENSOR and LICENSEE, with consideration of LICENSEE's needs; once determined, such location shall be described and/or depicted on Exhibit "C" attached hereto. The Equipment shall be installed in accordance with AAT's technical standards as set forth on Exhibit "D" and principles of good workmanship. LICENSEE shall notify LICENSOR at least 48 hours prior to the commencement of installation of the Equipment.*

3. **Interference.** A. *LICENSEE represents and warrants that the Equipment shall not (i) cause interference to the electronic equipment and/or television or radio reception of LICENSOR and residents/tenants of the Premises' Owner, (ii)*

cause interference to the communications equipment of other users of the Premises existing as of the date of installation of LICENSEE's Equipment or (iii) create a nuisance at or upon the Premises. LICENSEE shall cooperate with AAT and LICENSOR to the extent reasonably necessary to determine the source of any interference believed to be emanating from systems operating at the Premises. If LICENSEE's Equipment is determined to be the cause of any such interference, and such interference cannot be eliminated within 48 hours after receipt of notice thereof from AAT or LICENSOR, LICENSEE shall discontinue use of the Equipment (except for intermittent operation for the purpose of testing following any remedial measures) until the interference is eliminated.

B. *Subsequent to the installation of the Equipment, LICENSOR shall not permit itself, its lessees or licensees to install new equipment on the Premises if such equipment is likely to cause interference with LICENSEE's Equipment In the event any such interference occurs to LICENSEE's Equipment, AAT and LICENSOR agree to take all action necessary to eliminate such interference within 72 hours after receipt of notice thereof from LICENSEE. In the event such interference is not timely eliminated, LICENSOR shall immediately require (including, without limitation, terminating the agreement of such interfering party and/or turning off the power to such equipment, provided that such remedies are available within the agreement between LICENSOR and such interfering party) the interfering party to discontinue use of the equipment (except for intermittent operation for the purpose of testing following any remedial measures) until the interference is eliminated. LICENSOR represents that the agreements executed by and between LICENSOR and future users of the Premises shall include, and LICENSOR shall enforce, language substantially similar to the foregoing.*

4. **Access.** *LICENSEE and its employees, agents and contractors shall have access to the Premises during the hours of 9 A.M. and 5 P.M., Monday through Friday, only for the purposes of installing, operating, maintaining, repairing and removing the Equipment. In the event of emergency or equipment malfunction, access shall be granted at any time, subject to the security, safety and identification procedures of LICENSOR as set forth in Exhibit "E" attached hereto.*

5. **Term.** A. *This Agreement shall become effective upon the commencement of installation of the Equipment or March 1, 2002, whichever first occurs ("**Commencement Date**") and shall continue in effect for a term of five (5) years, unless terminated prior to the expiration of said term in accordance with the provisions of Paragraph 18.*

B. *Provided that (i) LICENSEE is not in default hereunder, (ii) this Agreement has not expired or been terminated, and (iii) LICENSEE has not notified LICENSOR at least 180 days prior to the expiration of the then-current term of its election not to renew the term, this Agreement shall automatically be renewed under the same terms and conditions for four additional five-year terms, subject to the increase in the license fee provided in Paragraph 6 hereof.*

C. *LICENSEE shall have no right to hold over at the Premises beyond the expiration of this Agreement. In the event of a holdover tenancy, LICENSEE shall be liable for a holder fee in an amount equal to 150% of the then current license fee paid at the time of the termination or expiration of this Agreement for each month LICENSEE holds over.*

6. **License Fee.** *As compensation for the rights granted hereunder, LICENSEE shall pay to LICENSOR an annual license fee of Eighteen Thousand Dollars ($18,000.00) for the first year of the term, payable in monthly installments of one-twelfth each, beginning on the Commencement Date. All license fee payments due hereunder shall be paid in advance and shall be due on or before the first day of each month. In the event the Commencement Date is other than the first day of the month, the license fee for the first and last months of the term hereof shall be apportioned accordingly. At each anniversary of the Commencement Date, during the initial term and any renewal terms, the annual license fee payable by LICENSEE shall automatically increase by four percent (4%).*

7. **Responsibility for Equipment/Waiver of Lien.** A. *The Equipment shall remain the personal property of LICENSEE, and LICENSEE agrees that neither LICENSOR nor AAT shall have any responsibility for the care and protection thereof. LICENSEE shall mark all of its Equipment (including but not being limited to antennas, cables and equipment cabinets) with weatherproof tags or plates identifying LICENSEE as the owner and/or operator thereof and shall keep, operate and*

maintain said Equipment in a safe condition and in good repair.

B. *LICENSOR waives any lien rights it may have concerning the Equipment which is deemed LICENSEE's personal property and not fixtures, and LICENSEE has the right to remove the same as provided in Section 4 of this Agreement without LICENSOR's consent, provided, however, that LICENSEE shall remain liable for the license fee due and payable hereunder.*

C. *LICENSOR acknowledges that LICENSEE has entered into a financing arrangement including promissory notes and financial and security agreements for the financing of the Equipment (the "Collateral") with a third party financing entity (and may in the future enter into additional financing arrangements with other financing entities). In connection therewith, LICENSOR (i) consents to the installation of the Collateral; (ii) disclaims any interest in the Collateral, as fixtures or otherwise; and (iii) agrees that the Collateral shall be exempt from execution, foreclosure, sale, levy, attachment, or distress for any license fee due or to become due and that such Collateral may be removed as provided in Section 4 of this Agreement without recourse to legal proceedings provided, however, such removal shall not relieve LICENSEE of any liabilities hereunder.*

8. **Electrical.** A. *LICENSEE will, at its sole cost and expense, arrange and pay for separately metered electrical power to LICENSEE's Equipment. In the event LICENSEE is unable to obtain separately metered electrical service from the local utility company, LICENSEE shall use the existing electrical circuits at the Premises. In the event any increase in the capacity or modification thereof is required for the operation of the Equipment, LICENSEE shall, subject to the consent of LICENSOR, perform such modifications at its sole cost and expense.*

B. *LICENSEE shall have the right to install a submeter to measure the electricity consumed by the Equipment and shall, on a monthly basis, compensate LICENSOR at the rate charged by the serving utility company for the cost of same. In the event LICENSEE does not exercise the foregoing right, LICENSOR shall compute or meter such consumption by the Equipment and bill LICENSEE for the cost of same. LICENSOR shall, upon request of LICENSEE, provide LICENSEE with reasonable supporting documentation establishing the basis for such billing.*

C. *Subject to the approval of the LICENSOR and to LICENSEE'S compliance with all applicable law and regulations, LICENSEE shall have the additional right to install, for LICENSEE's exclusive use, (i) a battery backup, and (ii) a plug to connect an external power source to be connected in the event that power is, or will be, out for one hour or more and (iii) an emergency generator. In the event that LICENSEE elects to connect an emergency generator, both parties hereby agree that the emergency generator shall not be placed on the rooftop but shall remain on the ground provided that LICENSEE shall have access to and exclusive use of the generator receptacle and is hereby grants all necessary rights related thereto (including, but not limited to, the right to place and maintain the mobile generator adjacent to the generator receptacle).*

9. **Compliance with Laws.** *The Equipment shall, at all times during the initial term and any renewals, be installed, operated and maintained by LICENSEE in accordance with all laws, codes, rules, regulations, orders and requirements of all local, county, state and Federal governmental and regulatory bodies and agencies, including, but not being limited to, all rules, regulations and orders of the FCC and the Occupational Safety & Health Administration ("OSHA"). Within 10 days after the Commencement Date, LICENSEE shall provide AAT or LICENSOR with a copy of the license issued by the FCC for the Equipment. In addition, LICENSEE shall post a copy of said FCC license at the Premises, in the location designated by AAT or LICENSOR.*

10. **RF Emissions.** A. *LICENSEE shall be responsible for ensuring that the Equipment does not cause radiofrequency ("**RF**") emissions which are in excess of the safe limits established by the FCC (the "**RF Standards**"). Before installing the Equipment, LICENSEE shall survey the existing RF environment at the Premises. By installing the Equipment, LICENSEE shall be deemed to have represented to LICENSOR that the Equipment shall not itself violate, or, in conjunction with other RF sources located at the Premises as of the Commencement date cause to be violated, the RF Standards.*

B. *LICENSEE shall cooperate with LICENSOR in reducing RF exposure to maintenance personnel by powering down the Equipment, as necessary, during periods of maintenance at the Premises. LICENSOR and/or AAT shall provide LICENSEE with as much advance notice of any such maintenance as is reasonably available.*

Except in the event of (i) an emergency or (ii) maintenance by LICENSOR, LICENSOR and AAT agree to use best efforts to schedule such powering down only at such times and for such periods as reasonably acceptable to LICENSEE.

11. **Environmental.** A. *LICENSOR represents that neither LICENSOR nor, to LICENSOR's knowledge, any third party has used, generated, stored, treated or disposed of, or permitted the use, generation, storage, treatment or disposal of, any Hazardous Materials on, in, under or about the Premises in violation of any law or regulation.*
B. *LICENSEE shall not bring, use, generate, store, treat or dispose of any Hazardous Materials on, in, under or about the Premises in violation of any law or regulation.*
C. *LICENSOR shall not, and shall not permit any third party under its control to bring, use, generate, store, treat or dispose of any Hazardous Material on, in, under, or about the Premises in violation of any law or regulation.*
D. *As used herein, "Hazardous Materials" shall mean any material, waste or substance defined as hazardous, toxic or dangerous in any applicable local, county, state or Federal law or regulation.*

12. **Insurance.** A. *At all times during the initial term and any renewal terms, LICENSEE shall carry insurance protecting itself, and naming LICENSOR and AAT as additional insureds (except for any act, omission or negligence of LICENSOR and/or AAT and/or the lessees, licensees, employees, agents and contractors of either) against all claims, demands, judgments, liabilities and losses which may be made against or suffered by them as a result of (i) LICENSEE's use of the Premises, (ii) the installation, operation or presence of the Equipment at the Premises, or (iii) any act, omission or negligence of LICENSEE or its employees, agents or contractors while on or in the vicinity of the Premises.*
B. *The insurance required to be obtained and maintained by LICENSEE shall be as follows:*

- All Risk property insurance in the amount of the Equipment's replacement cost;
- Comprehensive general liability insurance: $1 million for injury or death, any one occurrence; $1 million for damage to property, any one occurrence; $2 million excess/umbrella coverage;
- Automobile liability insurance in the amount of $1 million; and
- Employer's Liability, worker's compensation and disability insurance covering employees in the amounts required under applicable laws.

C. *Within 10 days after full execution of this Agreement and on each anniversary of the Commencement Date during the initial term and any renewal terms, LICENSEE shall provide LICENSOR and AAT with current certificates of insurance, evidencing that LICENSEE has obtained the requisite coverages in the mandated amounts, that LICENSOR and AAT are named as additional insureds thereunder, and that such policies cannot be cancelled or amended without at least 30 days' prior notice to LICENSOR and AAT.*

13. **Hold Harmless.** A. *LICENSEE shall indemnify and hold LICENSOR and AAT harmless from and against all losses, damages, fines, penalties, claims, costs, expenses and liabilities (including costs of defense and reasonable attorneys' fees but expressly excluding any and all of the foregoing which result from the negligence or willful misconduct of LICENSOR or AAT which are suffered by, levied upon or brought against either (or the employees, agents or contractors of either) as a result of (i) the performance of any surveys, inspections and testing by LICENSEE pursuant to the provisions of Part A of Paragraph 2 of this Agreement; (ii) the installation, operation, presence, use, maintenance or removal of the Equipment at the Premises; (iii) any act, omission or negligence of LICENSEE or its employees, agents or contractors while on or in the vicinity of the Premises; (iv) any interference in violation of the provisions of Part A of Paragraph 3 which is caused by the Equipment; (v) any exposure to RF emissions originating, in whole or in part, from the operation of the Equipment in violation of the provisions of Paragraph 10; or (vi) the release, presence, use or disposal of Hazardous Materials on or in the vicinity of the Premises by LICENSEE or any employee, agent or contractor of LICENSEE.*
B. *LICENSOR and AAT shall indemnify and hold LICENSEE harmless from and against all losses, damages, fines, penalties, claims, costs, expenses and liabilities (including costs of defense and reasonable attorneys' fees but expressly excluding any and all of the foregoing which result from the negligence or willful misconduct of LICENSEE) which are suffered by, levied upon or brought against LICENSEE (or its employees, agents or contractors) as a result of (i) the installation, operation, presence,*

use, maintenance or removal of any equipment (other than LICENSEE's Equipment) at the Premises; (ii) any act, omission or negligence of LICENSOR, AAT or their employees, agents or contractors while on or in the vicinity of the Premises; (iii) any interference in violation of the provisions of Part B of Paragraph 3 which is caused to the Equipment; (iv) the release, presence, use or disposal of Hazardous Materials on or in the vicinity of the Premises by LICENSOR or any employee, agent or contractor of LICENSOR; (v) the breach by LICENSOR of any warranty of LICENSOR as set forth in Paragraph 22 or (vi) the failure of the Premises to be in compliance with the marking and lighting requirements as set forth in Paragraph 23 hereof. It is understood and agreed that LICENSOR's indemnification obligations with respect to claims made by LICENSEE under provision (i) of this Part B shall not include liability for consequential damages.

C. *The provisions of this Paragraph shall survive the expiration or earlier termination of this Agreement.*

14. **Removal of Equipment.** *Within a period of 20 days following the expiration or termination of this Agreement, LICENSEE shall (i) remove the Equipment and all cables, components and other property of LICENSEE from the Premises, (ii) repair any damage to the Premises caused by such removal and (iii) restore those portions of the Premises upon and/or within which the Equipment was located to the condition which existed as of the Commencement Date, reasonable wear and tear excepted. Any equipment, cabling, components or other property of LICENSEE remaining on the Premises after the expiration of the aforestated period may be removed and stored by LICENSOR. Should LICENSEE fail to commence to repair any damage to the Premises or to restore the Premises to the original condition within the aforestated period, LICENSOR may, at its option, have such repair and/or restoration performed, and LICENSEE shall reimburse LICENSOR for all reasonable expenses incurred by LICENSOR. In the event that LICENSEE has failed to reclaim said property within 90 days after the expiration of the aforestated 20-day period, LICENSOR may, upon an additional 30 days prior written notice to LICENSEE (and opportunity to reclaim the same, subject, however, to reimbursement of LICENSOR's expenses in connection with the removal and storage thereof) deem such property to have been abandoned and may dispose of the same as LICENSOR sees fit. LICENSEE shall reimburse LICENSOR for all expenses incurred by LICENSOR in removing and storing, and, if in accordance with the provisions of this Paragraph, disposing of any such property of LICENSEE and, despite such removal, LICENSEE shall be responsible for 100% of the license fee due and payable hereunder until the property is removed by LICENSEE or disposed of by LICENSOR in accordance with the provisions of this Paragraph.*

15. **Casualty.** *In the event fire or other calamity ("**Casualty**") causes a total destruction of the Premises, this Agreement shall automatically terminate as of the date of such Casualty. In the event of Casualty causing damage to the Premises comprising less than a total destruction thereof, LICENSEE may, if the Premises are not restored to a condition which permits for the operation of the Equipment thereupon within 90 days from the date of Casualty, install a temporary cell on wheels ("**COW**"), subject to the approval of LICENSOR. In the event that either (i) a COW is not permitted or (ii) the Premises are not restored to a condition which permits for the operation of the Equipment thereupon within 90 days from the date of Casualty, LICENSEE may terminate this Agreement. The license fee payable by LICENSEE hereunder shall either, to the extent applicable, be reduced in proportion to LICENSEE's reduction in usage of the Premises and/or provision of services therefrom as a result of such Casualty or, where there is a total cessation of LICENSEE's operations, be abated for such period of time as LICENSEE is unable to use the Premises (including via a COW) to the full extent anticipated herein as a result of any Casualty.*

16. **Condemnation.** *If the Premises or any portion thereof is condemned or subjected to a taking by any governmental authority with the power of eminent domain, this Agreement shall terminate as of the date upon which LICENSEE is required to remove its Equipment from the Premises. LICENSEE shall be entitled to seek its own award from the condemning authority only to the extent such award does not result in a diminution of the awards payable to LICENSOR and AAT, except if such awards include the value of LICENSEE'S Equipment and/or moving expenses.*

17. **Default.** *The occurrence of the following events shall constitute an event of default hereunder:*

*(i) the failure of either party to comply with any of the provisions of this Agreement or to faithfully and timely perform all of the duties and obligations of such party hereunder (a "**Non-Monetary Default**"); or*

*(ii) the failure of LICENSEE to pay, when due, the license fee or any other amounts owed LICENSOR hereunder (a "**Monetary Default**").*

18. **Termination.** A. *This Agreement may be terminated under the following circumstances:*

(i) upon receipt of written notice from the non-defaulting party, in the event of a Non-Monetary Default which the party in default has failed to cure within 25 days of receipt of notice from the non-defaulting party of the existence of said default;

(ii) upon receipt of written notice from LICENSOR or AAT upon LICENSEE's failure to make full payment of any amounts owed hereunder within 15 days of LICENSEE's receipt of notice from LICENSOR declaring LICENSEE to be in Monetary Default;

(iii) upon receipt of written notice from either party, if LICENSEE is unable to eliminate any interference caused by its Equipment within a period of 20 days following LICENSEE's receipt of notice from LICENSOR or AAT of the existence of such interference in accordance with the terms of Paragraph 3. hereof;

(iv) upon receipt of written notice from LICENSOR or AAT, in the event the Equipment is determined to be the source of RF emissions in violation of the provisions of Part A of Paragraph 10 above and LICENSEE has failed to minimize such RF emissions to a degree in compliance with the RF Standards within the earlier of 72 hours after prior written notice or the time limit established by the FCC, LICENSEE shall, upon receipt of notice from LICENSOR and/or AAT of said violation, discontinue use of the Equipment (except for intermittent testing) until the Equipment is in compliance with the RF Standards.;

(v) upon receipt of written notice from LICENSEE, in the event of interference to the Equipment caused by the equipment of any other party, whether on the Premises or elsewhere, which is not minimized to an acceptable degree within 20 days following LICENSOR's receipt of notice from LICENSEE of the existence of such interference;

(vi) by LICENSEE, upon 10 days' notice to LICENSOR, in the event the transmission or reception paths to the Equipment are interfered with or obstructed by other equipment or systems serving the Premises or by buildings or other structures which are constructed in the surrounding area after the date of this Agreement;

(vii) upon receipt of written notice from LICENSEE, if LICENSOR and/or AAT (a) do not approve of LICENSEE'S plans and specifications pursuant to the provisions of Part B of Paragraph 2, or (b) do not reach an agreement, acceptable to LICENSEE in its sole discretion, regarding the location at which the Equipment shall be installed by LICENSEE, or (c) do not consent to any increase and/or modification of the existing electrical circuits at the Premises as set forth in Paragraph 8 hereof within 30 days of the date LICENSOR is in receipt of LICENSEE's request therefor;

(viii) upon receipt of written notice from LICENSEE, in the event any license, permit or other governmental approval required for the installation or operation of the Equipment is withheld, revoked or withdrawn, other than as a result of LICENSEE's acts or negligence;

(ix) by LICENSEE, for any reason or no reason, provided LICENSEE delivers notice of such early termination no less than 30 days prior to the Commencement Date;,

(x) upon receipt of written notice from LICENSEE together with liquidated damages equal to 6 monthly installments of the license fee payable hereunder, for technological reasons not existing as of the Commencement Date and not otherwise addressed in this Paragraph 18, provided, however, that LICENSEE shall not be obligated to remit the aforereferenced liquidated damages if the technological reasons providing grounds for termination hereunder are the result of the acts or negligence of LICENSOR and/or Premises' Owner; or

(xi) upon receipt of written notice from LICENSEE, in the event LICENSEE is cited because the Premises is not in compliance with marking and lighting requirements as set forth in Paragraph 23 hereof.

B. *In the event of a Non-Monetary Default by either party hereunder which is subject to cure but cannot reasonably be cured within the time period set forth in section (i) of Part A of this Paragraph 18, the time for curing such default shall be extended for such period of time as may be reasonably necessary to complete such curing, provided the party in default proceeded*

promptly to cure same and thereafter diligently pursues such curing to completion and further provided that such additional time for curing does not materially interfere with the non-defaulting party's use of the Premises and/or rights set forth in this Agreement.

C. *Following the effective date of termination of this Agreement in accordance with any of the foregoing, neither party shall have any further obligation or liability hereunder, other than as may be specifically set forth herein.*

D. *In the event of termination pursuant to section (vii) of Part A of this Paragraph 18, any and all license fee payments made by LICENSEE pursuant to this Agreement shall be refunded to LICENSEE.*

19. **Contractors.** A. *Any and all contractors hired by LICENSEE to install the Equipment or perform any other work (except for maintenance and/or servicing of the Equipment) at the Premises ("**Licensee's Contractors**") shall be subject to the approval of LICENSOR or AAT. Such approval shall not be unreasonably withheld or delayed, subject, however, to any requirements of LICENSOR with respect to access to the Premises during the performance of such installation and/or other work.*

B. *Each of Licensee's Contractors shall be required to obtain insurance protecting itself, LICENSEE, LICENSOR and AAT against any and all claims, losses, damages or costs which may arise out of or result, directly or indirectly, from (i) the activities of said Licensee's Contractor at the Premises or (ii) the acts or negligence of said Licensee's Contractor or its employees. The insurance required to be obtained and maintained by each of Licensee's Contractors shall be as follows:*

- Comprehensive general liability insurance: $1 million for injury or death, any one occurrence; $1 million for damage to property, any one occurrence; $2 million excess/umbrella coverage;
- Automobile liability insurance in the amount of $1 million; and
- Employer's Liability, worker's compensation and disability insurance covering employees in the amounts required under applicable laws.

Prior to commencing work at the Premises, each of Licensee's Contractors shall provide AAT or LICENSOR with current certificates of insurance, evidencing that it has obtained the requisite coverages in the mandated amounts; that LICENSEE, LICENSOR and AAT are named as additional insureds thereunder; and that such policies cannot be cancelled or amended without at least 10 days' prior notice to the parties named thereunder as additional insureds.

C. *Notwithstanding the foregoing, LICENSEE agrees to accept all responsibility and liability for all actions of Licensee's Contractors and to indemnify and hold LICENSOR and AAT harmless from and against any and all claims, losses, damages or costs for which LICENSOR and AAT are not fully reimbursed pursuant to Part B of this Paragraph 19.*

20. **Assignment.** A. *LICENSOR may assign its interest in this Agreement to any third party, subject to the assignee assuming all of LICENSOR's obligations herein, provided that LICENSOR gives LICENSEE written notice of any such assignment at least 10 days prior to the effective date thereof.*

B. *Provided that (i) LICENSEE is not in default hereunder, (ii) that LICENSEE gives written notice of its assignment (either prior to or within a reasonable time, not to exceed 15 days, after the effective date thereof) and (iii) the assignee agrees to assume all of LICENSEE's obligations hereunder (including those due and owing as of the effective date of assignment), LICENSEE shall have the right to assign its interest in this Agreement to any parent, subsidiary or affiliate of LICENSEE or its parent company; any entity with which or into which LICENSEE is merged or consolidated; or to any successor in interest or entity which acquires 51% or more of LICENSEE's stock or assets. Notwithstanding anything to the contrary contained in this Agreement, LICENSEE may, without consent and without any other condition precedent or subsequent (as may otherwise be applicable to an assignment of this Agreement), assign, mortgage, pledge, hypothecate or otherwise transfer its interest in this Agreement to any financing entity, or agent on behalf of any financing entity to whom LICENSEE (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof, provided that such financing entity shall not assume LICENSEE's rights under this Agreement unless and until LICENSEE provides LICENSOR with prior written notification of the name and address of said party. In the event that any such financing entity elects to assume all of LICENSEE'S rights under the Agreement, such assignee shall also*

assume all of LICENSEE's obligations hereunder.

C. *Any assignment hereof by LICENSEE other than pursuant to the terms of Part B of this Paragraph 20 shall be subject to the written approval of LICENSOR. Any request for such approval shall be made in writing, at least 45 days in advance of the effective date of assignment, and shall include the net worth of the assignee as of the last day of the most recent quarter of said assignee's business year. LICENSOR shall not unreasonably withhold such approval, subject, however, to the assignee's agreement to accept all obligations of LICENSEE hereunder (including those due and owing as of the effective date of assignment).*

D. *LICENSEE shall not sublicense all or any part of its rights or obligations hereunder.*

21. **Controversies.** A. *Except for any uncontested termination pursuant to Paragraphs 17 and 18 hereof and/or any claim for injunctive relief, and in the event the amount in controversy or claimed as damages is less than $25,000, all controversies with respect to this Agreement or the rights, duties or obligations of the parties hereunder shall be settled by arbitration conducted by one arbitrator of the American Arbitration Association (the "**AAA**") in the County in which the Premises is located under the Rules of Commercial Arbitration (the "**Rules**") as they exist at the time demand is made therefor. The cost of said arbitration and all fees associated therewith shall be paid in accordance with the Rules.*

B. *In the event the amount in controversy or claimed as damages is equal to or greater than $25,000, the party making demand for same shall have the option of either making demand for arbitration in accordance with the provisions of Part A of this Paragraph 21 except that the arbitration shall be before a panel of three arbitrators, or seeking relief from an appropriate court having jurisdiction over the subject matter and parties. In the event that such party selects arbitration, two of the arbitrators shall be chosen in the following manner: one by each of the parties. The third arbitrator shall be selected by the two arbitrators chosen by the parties. If, within fifteen (15) days from the date of the selection of the first two arbitrators, the two arbitrators are unable to agree on the selection of the third arbitrator, the third arbitrator shall be selected by the AAA. The third arbitrator, who shall be the chair of the panel of arbitrators, shall be experienced in the matters similar to the matter in dispute and shall be experienced in conducting hearings*

C. *All arbitration proceedings conducted in accordance herewith shall be held in accordance with the laws of the State in which the Premises is located and the arbitrators shall be bound by the law and settled principles of equity in such State. If any action at law or equity is necessary (i) to enforce the terms of this Paragraph 21 (including, without limitation, collection of any sums awarded by the arbitrator(s)), (ii) to enforce any equitable rights (i.e. injunction) which may be available hereunder, or (iii) to enforce any other term under this Agreement, where the other party has expressly refused to submit to arbitration in breach of the provisions of this Paragraph and thereby waived any right to arbitration, then the prevailing party shall be entitled to reasonable attorney, accountant and other professional fees, costs and expenses in addition to any other relief to which the prevailing party may be entitled.*

22. **Warranty of Title and Quiet Enjoyment.** *LICENSOR warrants that: (i) LICENSOR owns the Premises and has rights of access thereto and LICENSOR has full right to make and perform this Agreement; and (ii) LICENSOR covenants and agrees with LICENSEE that upon LICENSEE paying the license fee and observing and performing all the terms, covenants and conditions on LICENSEE's part to be observed and performed, LICENSEE may peacefully and quietly enjoy the use of the Premises as granted hereunder.*

23. **Marking and Lighting Requirements.** *LICENSOR agrees that it and/or AAT, and not LICENSEE, shall be responsible for compliance with all marking and lighting requirements of the Federal Aviation Administration ("**FAA**") and the FCC. Should LICENSEE be cited because the Premises is not in compliance, and should LICENSOR fail to cure the conditions of noncompliance, LICENSEE may proceed to cure the conditions of noncompliance at LICENSOR's expense, which amounts may be deducted from the monthly license fee.*

24. **Miscellaneous.** A. *This Agreement, including the exhibits attached hereto, represents the entire understanding of the parties with respect to the subject matter hereof. Any addition, variation or modification of the terms hereof shall be effective only if made in writing, duly executed by authorized representatives of both parties.*

B. *Any provision of this Agreement which is deemed to be invalid by any governmental or judicial body having authority hereover shall be considered deleted herefrom. Such determination shall not serve to invalidate the remaining provisions of this Agreement.*

C. *This Agreement shall extend to, inure to the benefit of and bind the heirs, successors and permitted assigns of the parties.*

D. *LICENSOR agrees that, unless LICENSOR has the right to record the Underlying Agreement, a Memorandum of Agreement in the form annexed hereto as Exhibit "F" shall not be recorded by LICENSEE in the Official Records of the County in which the Premises is located.*

E. *In the event the Premises is encumbered by a mortgage or deed of trust, LICENSOR agrees to use all reasonable efforts to obtain and furnish to LICENSEE a non-disturbance and attornment instrument for each such mortgage or deed of trust. In the event a nondisturbance and attornment instrument is obtained, LICENSEE shall be subordinate to any such mortgage or deed of trust.*

F. *This Agreement shall be construed, interpreted and governed under and in accordance with the laws of the State in which the Premises is located. Except as authorized by AAT or LICENSOR, with respect as otherwise permitted herein, LICENSEE agrees that it shall not contact or discuss the subject matter of this Agreement with LICENSOR but shall instead, in each other instance, contact AAT as LICENSOR's managing agent.*

G. *All notices and payments sent with respect to this Agreement shall be in writing and delivered to the other party via certified mail, return receipt requested, or national overnight delivery service. Notices shall be deemed to have been delivered upon the actual, verifiable date of receipt or refusal of delivery thereof by the recipient party. The current addresses of the parties to which such notices should be sent are as follows:*

LICENSOR: Atrium-SCE, LLC
4080 Cavitt Stallman Road,
Suite 200
Granite Bay, California 95746

With a copy to: Ronald N. Baumgarten
12304 Santa Monica Blvd, 3rd Floor
Los Angeles, CA 90025

With a copy to: AAT Communications Corp.
517 Route One South
Iselin, New Jersey 08830
Attn: Contract Administration

LICENSEE: Nextel of California, Inc.
d/b/a Nextel Communications
310 Commerce Drive
Irvine, California 92602
Attn: Property Manager

with a copy to: Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191-3436
Attn.: Legal Dept. Contracts Mgr.

Each of the parties may change its address as set forth above by delivering to the other written notice of such change in accordance with the foregoing.

IN WITNESS WHEREOF, the parties hereto agree to be bound by the terms of this Agreement as of the Agreement Date.

Accepted by: LICENSOR

ATRIUM-SCE, LLC

By: _____

Name: BRETT P. BAUMGARTEN

Title: MANAGING MEMBER

Date: 12/10/01

Attest: _____

Print Name: JANET B. Allen

Accepted by: LICENSEE

NEXTEL OF CALIFORNIA, INC.

By: _____

Name: Timothy N. Robinson

Title: Director

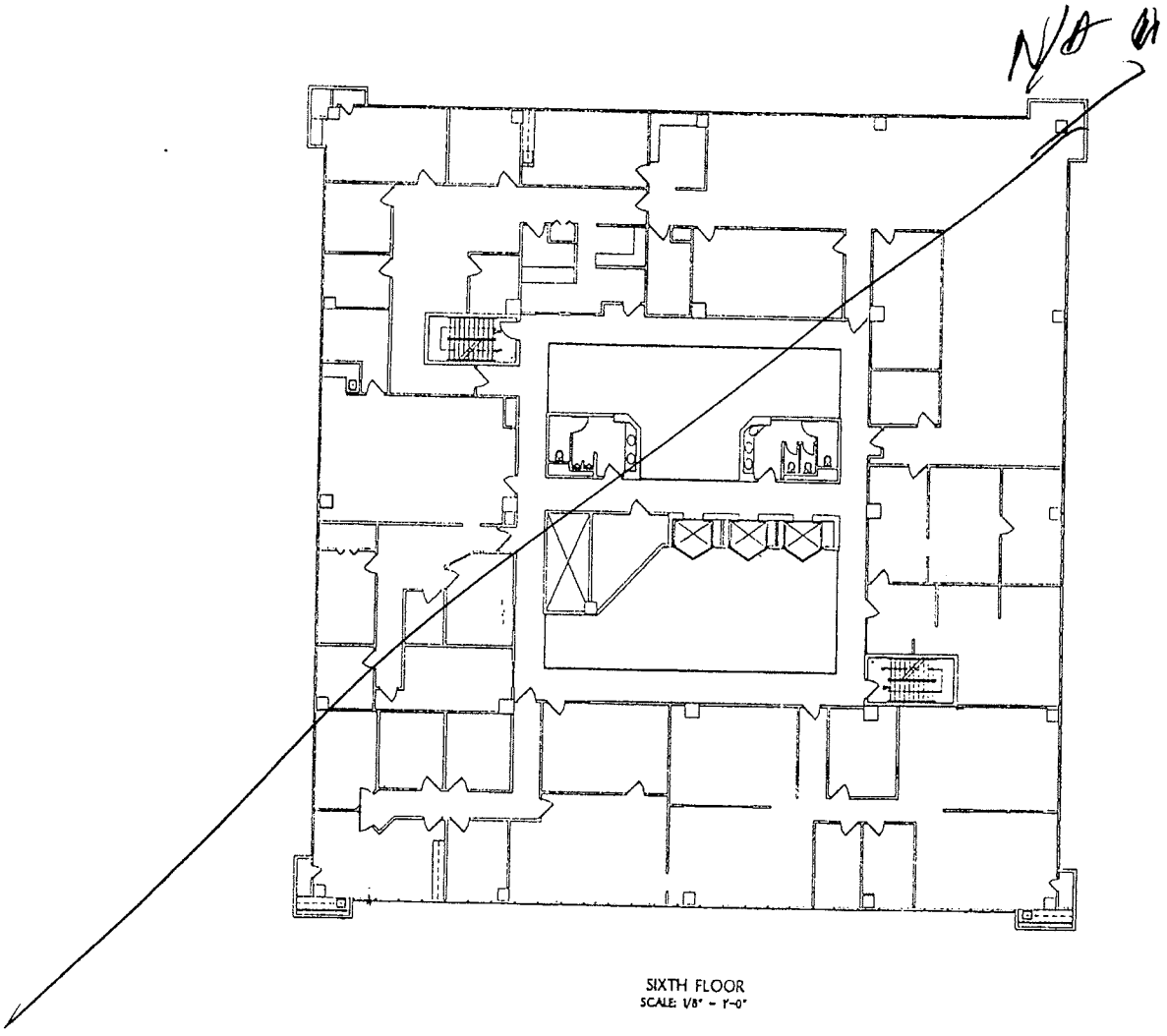
Date: 11-20-01

Attest: _____

Print Name: Yerina Hernandez

EXHIBIT "A"

Premises



SIXTH FLOOR
SCALE: 1/8" = 1'-0"

ATRIUM BUSINESS TOWER
333 RANCHO ROAD
LAS VEGAS, NEVADA

FIRST CITY CORPORATION
FEBRUARY 9, 2001
PROJECT NO. 01-007-008

N

INITIALS

EXHIBIT "B"

Licensee's Equipment

Call Sign: WPEE791

Antennas:

TYPE & QUANTITY	MAKE	MODEL NO.	SIZE	OPERATING FREQ.
12 TX/RX	Decibel Panels	DB84490H	48"	851 – 865 TX MHz 806 – 820 RX MHz

Transmit/Receive Antenna Cables:

Quantity: 12
Diameter: 7/8"
Length: _____

Base Station:

Make: _____
Model No.: _____
Dimensions: _____ h _____ w _____ d
Power Output: _____ watts
Operating Frequency: _____ MHz
Power Requirement: _____ v _____ amps / Duty Cycle: _____

Licensee's Equipment will be located in a Licensee provided equipment shelter measuring 25' x 12' to occupy floor space of no more than three hundred square feet.

Effective Radiated Power of Licensee's Equipment: 30 watts

INITIALS

EXHIBIT "C"

Location of Licensee's Equipment

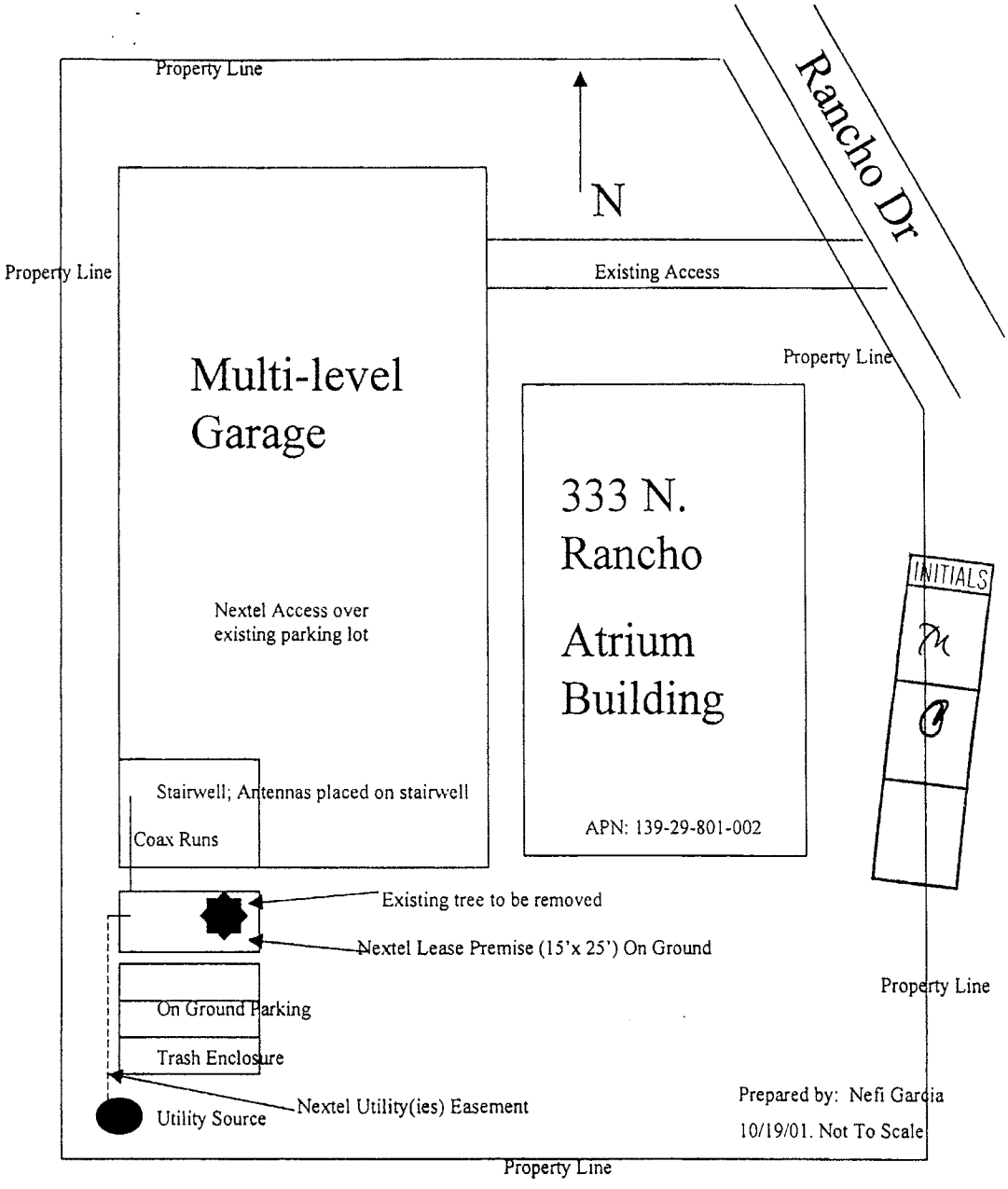


EXHIBIT "D"

Technical Standards

I. General

1) All installation crews must have in their possession an installation diagram issued to them by AAT prior to work beginning.

The following will not be permitted without the written consent of AAT:

1) Any equipment without FCC type acceptance.
2) Change in operating frequencies.
3) Open rack mounted receivers and transmitters.
4) Relocation of equipment after installation.

II. Radio Frequency Interference Protective Devices

1) 30-76 MHz
   Isolators-minimum of 30dB
   TX cavity-minimum of 20dB rejection at ± 1MHz
2. 130-174 MHz
   Single Stage Isolators-minimum of 30dB
   TX cavity-minimum of 25dB rejection at ± 1MHz
3. 406-512 MHz
   Single Stage Isolators-minimum of 30dB
   TX cavity-minimum of 25dB rejection at ± 1 MHz
4. 800-1000 MHz
   Single Stage Isolators-minimum 30dB
   TX cavity-minimum of 20dB rejection at ± 5 MHz

*** Harmonic Filters are also required with single or dual stage isolators.**

III. Antenna and mounts must be:

1) Mounted only on approved side arms or other specified mount and only one per mount unless authorized by AAT.
2) All mounting hardware must be hot dipped galvanized or non-corroding metal.
3) Tagged with weatherproof labels showing manufacturer, model, frequency range, and owner.
4) Grounded at (1) tower mount (2) base of tower and (3) cable port entry.
5) Connections to be taped with stretch vinyl tape (Scotch #33 or equivalent) Scotchcoated (including pigtails).
6) Antennas with corroded or oxidized elements must be repaired or replaced.
7) Unless otherwise authorized by AAT Communications, all antennas must be enclosed in fiberglass radomes.
8) Mounting pipes must be cut such that they do not extend into the antenna radiating element.
9) Any rusted, corroded or damaged hardware must be replaced.

IV. Tower

1) No welding or drilling of any Tower members will be permitted.

V. Cable

1) All antenna lines to be jacketed heliax or (equivalent), ½" or greater. Cable size must conform to agreement technical specifications.
2) No kinked or cracked cable.
3) Any cable fasteners exposed to weather must be nylon ultraviolet resistant type or stainless steel when installed on tower.
4) All transmit interconnecting cables/jumpers must be solid copper outer conductor (1/2" superflex or equivalent), not to exceed 8' in length where practical.
5) All used and unused lines must be tagged at both ends showing termination points.
6) Where no troughs or cable trays exist, all cable must be secured at not less than 3'intervals.
7) All transmission lines must be grounded immediately before making the bend under the waveguide bridge with professional grounding kits made specifically for this purpose.
8) All antenna cables must be secured to existing uni-strut or cable trays when provided, using metal clamps designed for 1-5/8", 1-1/4", 7/8" and ½"
9) Drip loops shall be incorporated in the runs to prevent water from trickling down the lines into the building.

INITIALS

VI. Connectors

1) Must have Teflon inserts, UHF or N type, including chassis/bulkhead connectors.

STATE OF _____

COUNTY OF _____

On _____, before me, _____, Notary Public, personally appeared, _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____ (SEAL)
Notary Public

My commission expires: _____

STATE OF _____

COUNTY OF _____

On _____, before me, _____, Notary Public, personally appeared, _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____ (SEAL)
Notary Public

My commission expires: _____

MKT: LAS VEGAS
SITE#: NV 7358a (Lorenzi)

FIRST AMENDMENT

This First Amendment is attached to and made a part of the License Agreement [the "Agreement"] dated December 10, 2001, by and between ATRIUM-SCE, LLC, a California limited liability company (herein called "Licensor") and NEXTEL OF CALIFORNIA, INC., a Delaware corporation, d/b/a Nextel Communications (herein called "Licensee").

In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained herein, the terms and conditions herein shall control. Except as set forth below, all provisions of the Agreement remain unchanged and in full force and effect.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That Exhibit C to the Agreement is deleted in its entirety and replaced with the new Exhibit C attached hereto and incorporated herein by this reference.

2. In addition to the foregoing, Licensee shall, at Licensee's sole cost, perform the following:
   a. Remove and properly dispose of pine tree, located just south of the parking garage as more particularly illustrated in Exhibit C attached hereto;
   b. Relocate existing trash container to the south and pour a concrete pad for the new location, as more particularly described in Exhibit C attached hereto; and
   c. Remove the two olive trees as shown in the attached Exhibit C attached hereto and replace with two parallel parking spaces.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the 11 day of April, 2002.

LICENSOR

ATRIUM-SCE, LLC, a
California limited liability company

By: _____

Name: Brett R. Baumgarten

Title: Managing Member

Date: 4/3/02

LICENSEE

NEXTEL OF CALIFORNIA, INC., a Delaware corporation, d/b/a Nextel Communications

By: _____
Gilbert T. Montoya

Title: Area Eng/Ops Vice President

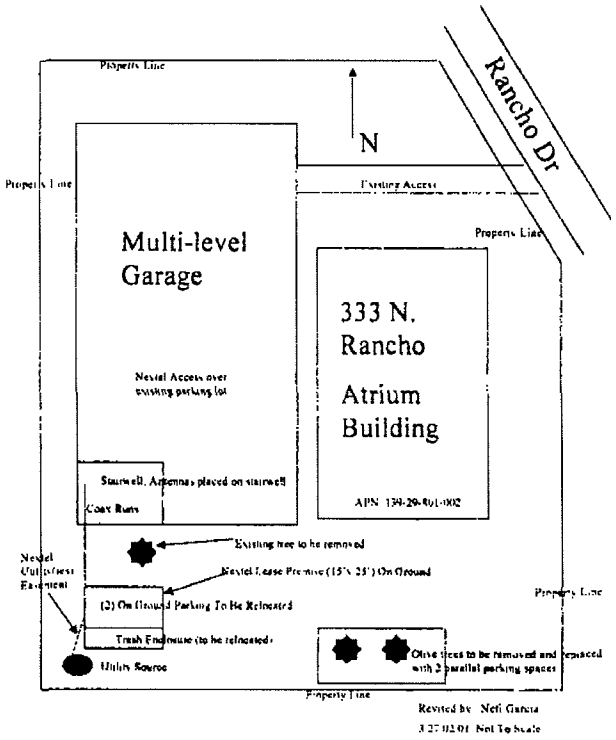
Date: 4/11/02

MKT: LAS VEGAS
SITE#: NV 7358a (Lorenzi)

EXHIBIT C

Location of Licensee's Equipment

The Premises are described and/or depicted as follows:



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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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: $93,432,378.56
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 09/01-09/15/09

City of Las Vegas

Summary of Cash Expenditures

For period of 9/1-15/09

Total Services & Materials Checks :	**$20,219,538.83**
Total Services & Materials EFT Payments :	**$1,663,153.74**
Total Wire Transfers:	**$64,655,894.38**
Total Payroll Checks:	**$6,893,791.61**
Grand Total:	**$93,432,378.56**

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 October 7, 2009, the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for German - American Social Club of Nevada, Location: Historic 5th Street School, 401 South Forth Street, Date: October 17, 2009, Type: Special Event General, Event: Oktoberfest, Responsible Person in Charge: Eugene Gries - 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 4:00 p.m. - 10:00 p.m. Estimated attendance is 500. Security provided by City of Las Vegas Marshals.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for Prom Management Group, Inc., Location: TPC Summerlin, 1700 Village Center Circle, Dates: October 12 - 18, 2009, Type: Special Event General, Event: Justin Timberlake Shriner's Open, Responsible Person in Charge: Todd Hanson - Ward 2 (Wolfson)

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 times are 8:00 a.m. - 6:00 p.m. Estimated attendance is 5000. Security provided by Nellis Air Force Base.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Change of Business Name for a Beer/Wine/Cooler Off-sale and a Restricted Gaming License, 7-Eleven of Nevada, Inc., dba From: 7-Eleven Store #32826B, To: 7-Eleven Store #32826C, 920 North Buffalo Drive, Martin Kennedy, Pres, Kimberly Reilley, Vice Pres, Secy, and Harvinder S. Gill, Franchise Mgr - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Business Name for a Beer/Wine/Cooler Off-sale and a Restricted Gaming License for 5 slots.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Change of Business Name, Change of Location, and Change of Ownership for a Tavern License and a new Restricted Gaming License, From: Gaggy, Inc., dba Gino's II (non-operational), Gene H. Gagliardi, Pres, Secy, Treas, 100%, To: Doc's Place, LLC, dba Doc's Place, 2202 Paradise Road, Glenn E. Hill, Mgr, 50% and James L. Hill, Mgr, 50% - Ward 3 (Reese)

Fiscal Impact

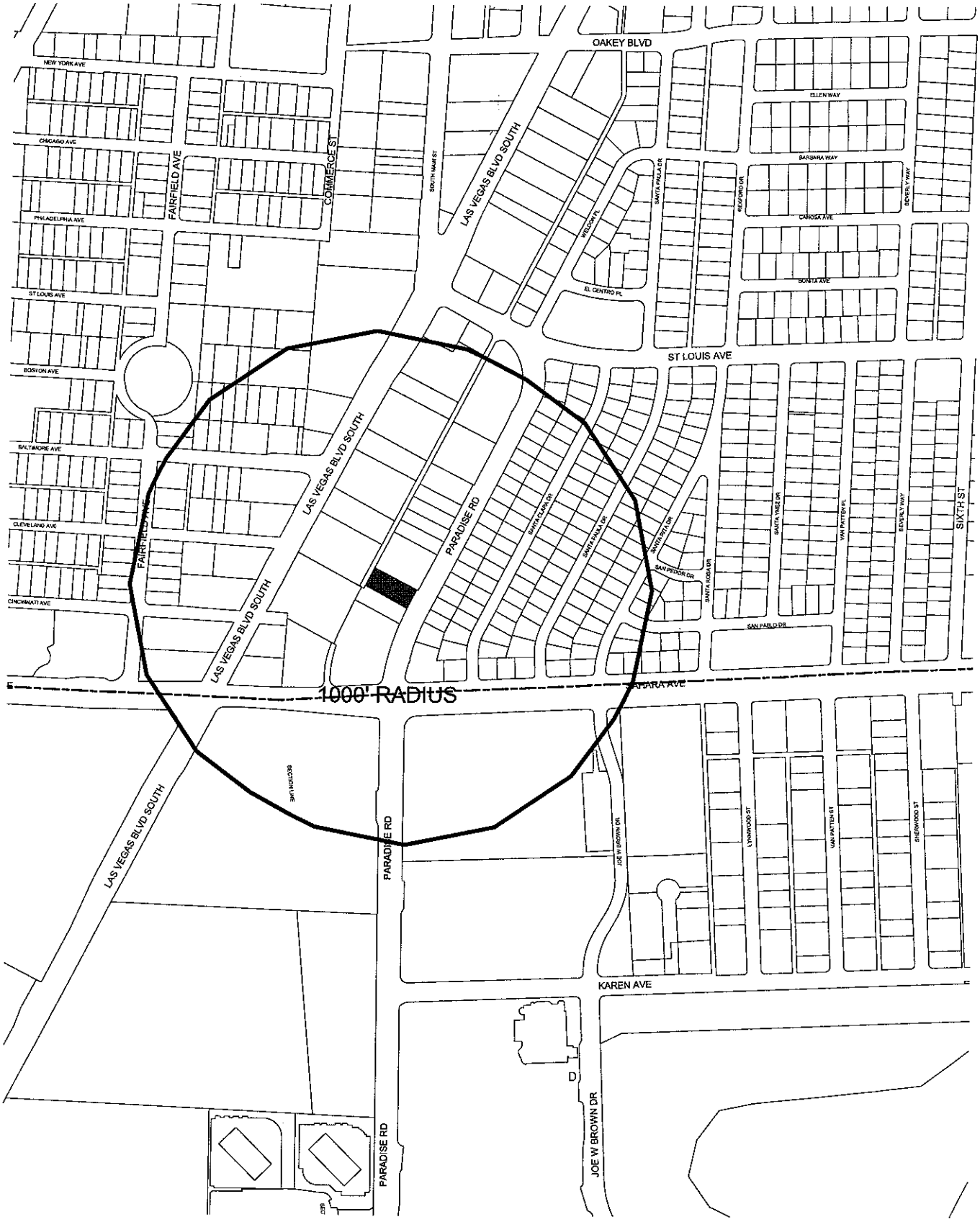
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name, Change of Location, and Change of Ownership for a Tavern License and a new Restricted Gaming License for 15 slots.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

DOC'S PLACE


OAKEY BLVD
NEW YORK AVE
CHICAGO AVE
PHILADELPHIA AVE
ST LOUIS AVE
BOSTON AVE
BALTIMORE AVE
CLEVELAND AVE
CINCINNATI AVE
FAIRFIELD AVE
COMMERCE ST
SOUTH MAIN ST
LAS VEGAS BLVD SOUTH
PARADISE RD
ELLEN WAY
BARBARA WAY
CANOSA AVE
BONITA AVE
EL CENTRO PL
REDCOAT PL
REDFORD DR
SANTA PAULA DR
BEVERLY WAY
SANTA CLARA DR
SANTA ANA DR
SANTA INEZ DR
SANTA ROSA DR
SAN PEDRO DR
SAN PABLO DR
VAN PATTEN PL
SIXTH ST
SAHARA AVE
1000' RADIUS
BOULDER HWY
JOE W BROWN DR
LYNNWOOD ST
SHERWOOD ST
KAREN AVE
D
0 300 600 Feet
N

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a new Liquor Caterer License subject to the provisions of the planning and fire codes, TCB Las Vegas, LLC, dba Feelgoods, 6750 West Sahara Avenue, Daniel N. Koker II, Mgr, 100% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a new Liquor Caterer 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: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at 7 Eleven Store #22939D, 1624 South Decatur Boulevard, Participant, Rupinderjit S. Sangha, Franchise Mgr - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Restricted Gaming License for 5 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at 7 Eleven Store #27111, 6070 West Sahara Avenue, Participant, Fast & Easy, Inc., Noorullah Karimzada, Franchise Mgr - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Space Lease Agreement for a Restricted Gaming License for 4 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Change of Location for an Auctioneer License subject to the provisions of the planning and fire codes, Gregory Harelson, dba Auction One Las Vegas, From: 6600 West Charleston Boulevard, Suite 111, To: 7472 West Sahara Avenue, Suite 102 C, Gregory Harelson, Auctioneer, 100% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Location for an Auctioneer License.

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

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a new Massage Establishment License, Greenawalt Chiropractic, dba Greenawalt Chiropractic, 7500 West Sahara Avenue, Ronald Greenawalt, Owner, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business – Greenawalt Chiropractic]

Fiscal Impact

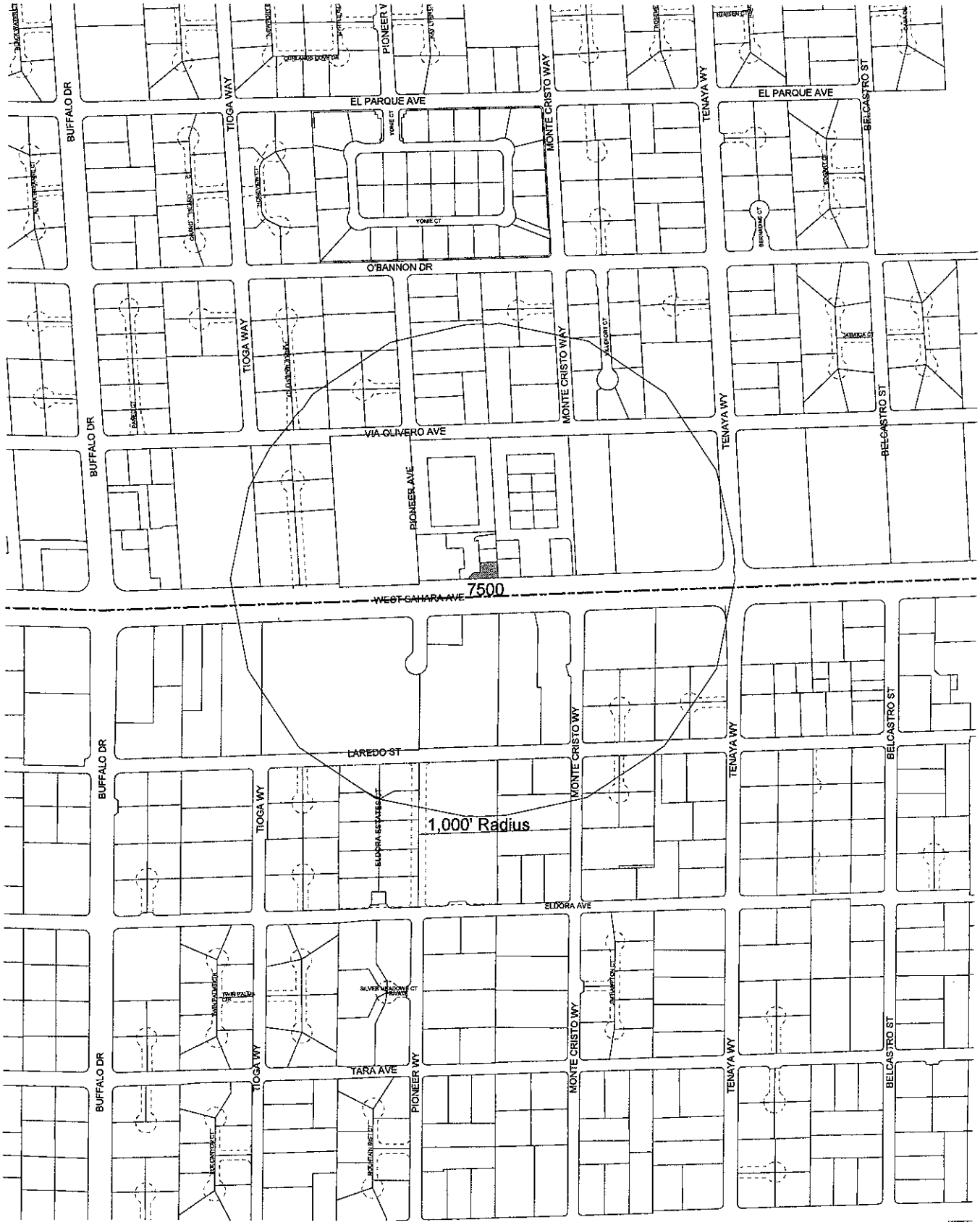
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Massage Establishment License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

GREENAWALT CHIROPRACTIC



City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a new Massage Establishment License, J Mitchell Enterprises, LLC, dba The Loft a Studio for Hair & Body, 8689 West Charleston Boulevard, Suite 111, Victoria Bayliff, Mgr, 50% and Donald Bayliff, Mgr, 50% - Ward 2 (Wolfson) [NOTE: This is an ancillary license to an existing beauty salon – The Loft a Studio for Hair & Body]

Fiscal Impact

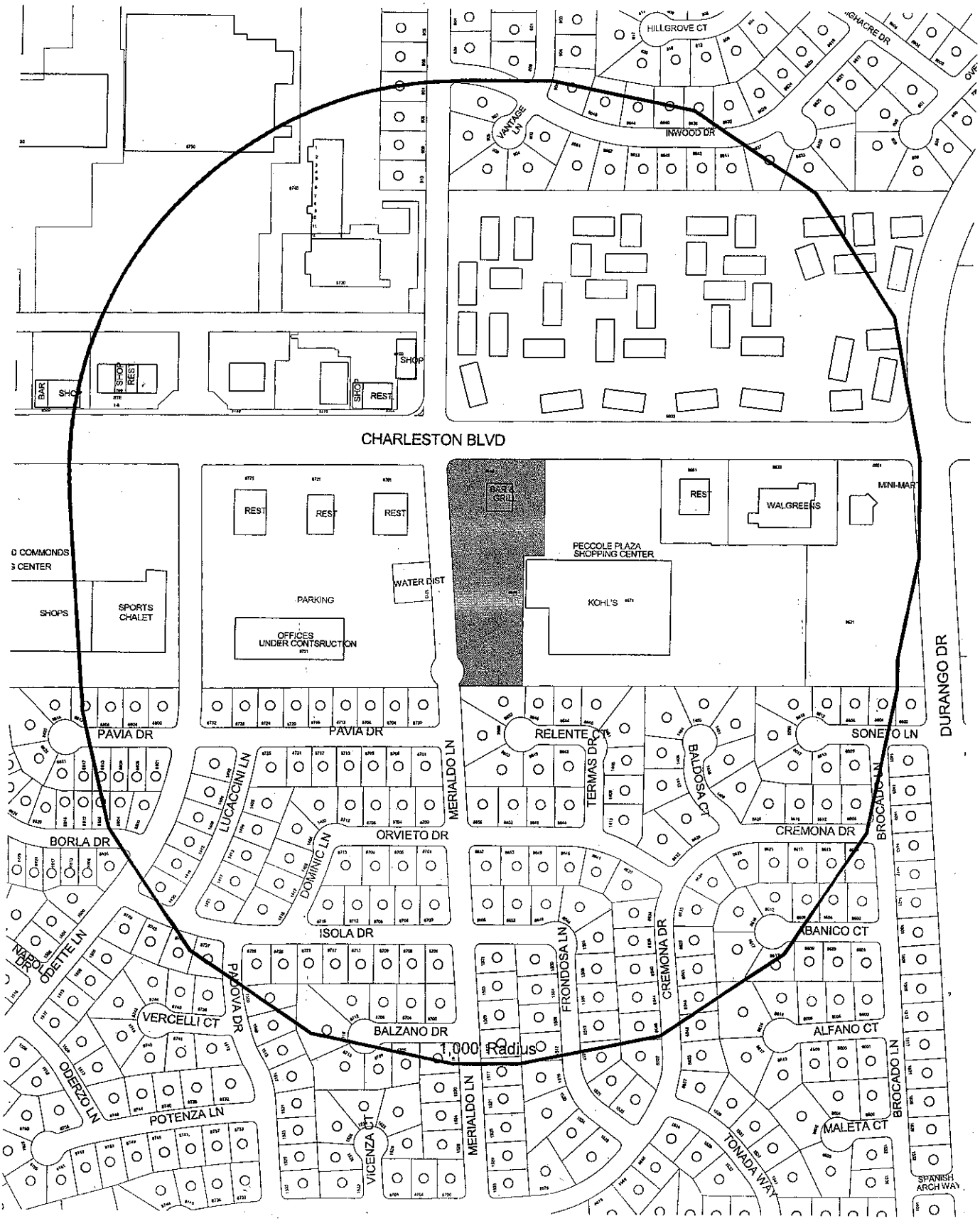
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Massage Establishment License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

THE LOFT, A STUDIO FOR HAIR & BODY



City of Las Vegas Agenda Item No.: **28.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Buy / Rite Appliances, From: 3400 West Desert Inn Road, Suite 14, To: 3400 West Desert Inn Road, Suite 9 & 45, Craig Horner, Owner, 100% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Location for a Class II Secondhand Dealer License.

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

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **29.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a new Class III-A Secondhand Dealer License, Leon B. Hacker, dba Stewart Check Cashing, 4399 Stewart Avenue, Suite 150, Leon Hacker, Owner, 100% - Ward 3 (Reese)

Fiscal Impact

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

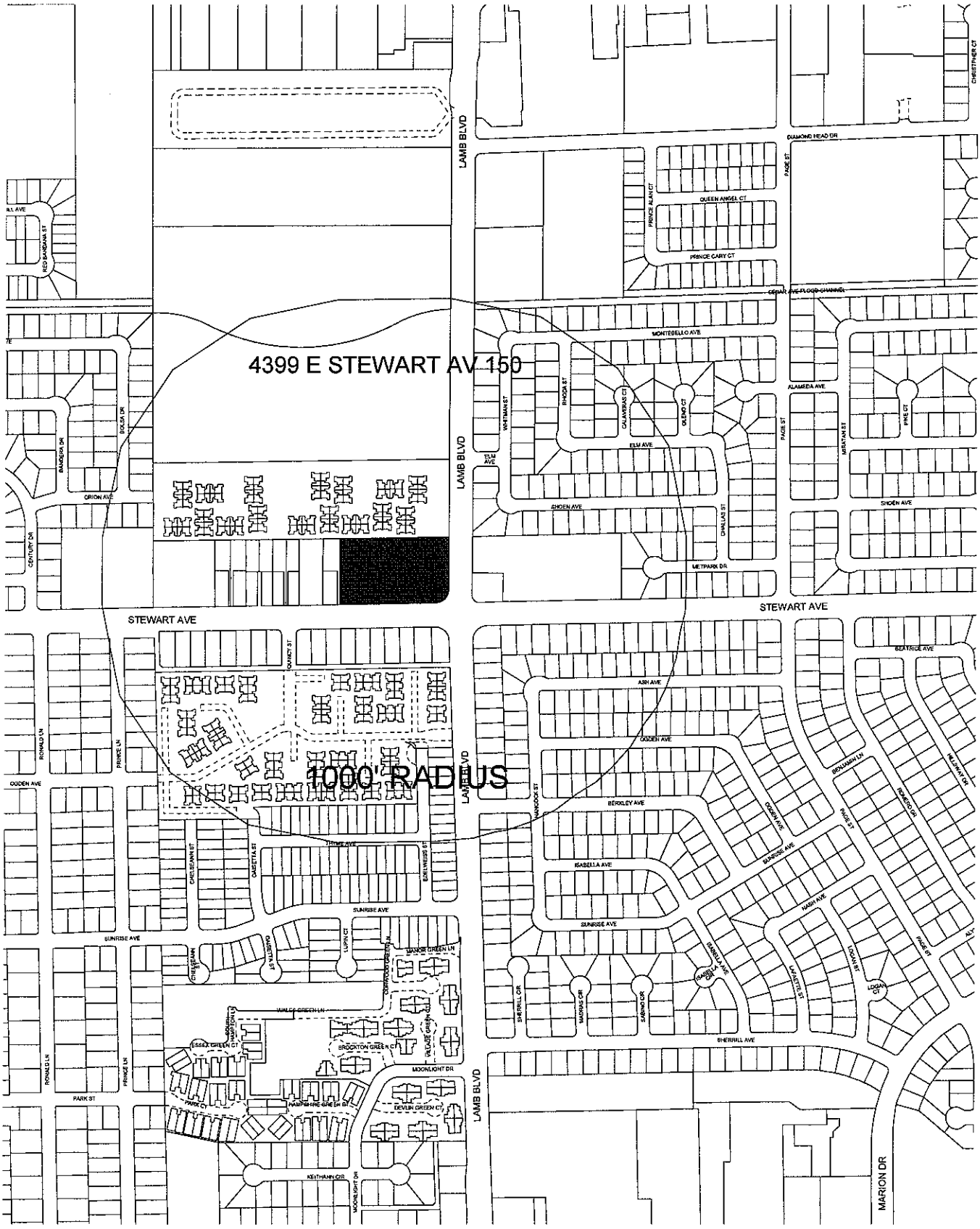
PURPOSE/BACKGROUND:
Approval of a new Class III-A Secondhand Dealer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

CITY OF LAS VEGAS NEVADA

STEWART CHECK CASHING



City of Las Vegas Agenda Item No.: **30.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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 Tavern License subject to the provisions of the fire code and Health Dept. regulations, From: Bar-Kel Corporation, dba Fast Break Lounge, To: Fastbreak Lounge, LLC, dba Fastbreak Lounge, 2245 North Decatur Boulevard, Suite A, Benjaman J. Brown, Mgr, 50% and Barry J. Kronsberg, Mgr, 50% - Ward 5 (Barlow)

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 Tavern License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

City of Las Vegas Agenda Item No.: **31.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Fastbreak Lounge, LLC, dba Fastbreak Lounge, 2245 North Decatur Boulevard, Suite A, Benjaman J. Brown, Mgr, 50% and Barry J. Kronsberg, Mgr, 50% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Restricted Gaming License for 5 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
Map

City of Las Vegas Agenda Item No.: **32.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of award of Agreement No. 100041-DC, Material Testing Special Inspection Services for Pavilion Pool Cover located at 101 South Pavilion Center Drive - Department of Public Works - Award recommended to: NINYO & MOORE ($79,900 - Parks and Leisure Activities Capital Projects Fund) - Ward 2 (Wolfson)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $79,900
Funding Source: Parks and Leisure Activities CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This agreement provides for material testing, special inspection services and related reports as required at the Pavilion Pool. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: D. Collins
POC: Fintan Gaffney - (702) 433-0330

RECOMMENDATION:
That City Council approve Agreement No. 100041-DC, Material Testing Special Inspection Services for Pavilion Pool Cover to Ninyo & Moore in the amount of $79,900. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Certificate - Disclosure of Ownership/Principals
2. Agreement No. 100041-DC

EXHIBIT "G"

CERTIFICATE

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.

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	Ninyo & Moore
Address	6700 Paradise Suite E Las Vegas, NV 89119
Telephone	(702) 433-0330
EIN or DUNS	33-0269828

Block 2	**Description**
	Material Testing Special Inspection Services for Pavilion Pool
	Contract No. 100041-DC

Block 3	**Type of Business**						
☐	Individual	☐	Partnership	☐	Limited Liability Company	☐	Corporation

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.	Avram Ninyo - Owner/Principal Engineer	5710 Ruffin Road San Diego, CA 92123	858/576-1000
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

County of Clark
State of Nevada

Subscribed and sworn to before me this 18th day of August, 2009

Louise T Kidd
Notary Public

Sign

8-18-09
Date

Notary Public - State of Nevada
County of Clark
LOUISE T KIDD
My Appointment Expires
No. 98-4924-1 June 18, 2010

MATERIAL TESTING SPECIAL INSPECTION SERVICES AGREEMENT
FOR
PAVILION POOL COVER

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **CITY OF LAS VEGAS**, a municipal corporation within the State of Nevada (herein the "City") whose address is **400 Stewart Avenue, Las Vegas, Nevada 89101**, and fax number is **(702) 384-4846**, and **NINYO & MOORE**, (the "Consultant"), a **Corporation)**, whose address is **6700 Paradise Road Suite E, Las Vegas, NV, 89119**, and fax number is**(702)433-0707**.

WITNESSETH:

WHEREAS, the City intends to construct the **Pavilion Pool** cover (herein the "Project"); and

WHEREAS, the City desires to retain the Consultant who will be responsible for providing the professional services more fully described below and in the exhibits attached hereto; and

WHEREAS, the Consultant is properly licensed pursuant to NRS Chapter 623, 623A, or 625, whichever is legally required for the services to be provided within the State of Nevada, and possesses the special knowledge, skills and expertise to perform the services hereinafter set forth within the time required under this Agreement.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree to the following terms, conditions and covenants set forth in Sections One through Ten hereof:

SECTION ONE
CONSULTANT RESPONSIBILITIES

1.01 ***Description of Consultant's Services.*** For the compensation set forth in Section Seven, the Consultant hereby agrees to perform the basic services set forth in the Scope of Services, **Exhibit "A"** attached hereto and incorporated herein as a part of this Agreement and, if so requested, the additional services set forth in the Additional Compensation, **Exhibit "E"** attached hereto and incorporated herein as a part of this Agreement and to provide the submittals described in the Required Submittals **Exhibit "B,"** attached hereto.

1.02 ***Performance Standards.*** In performing the services set forth in this Agreement, the Consultant shall follow the practices consistent with the generally accepted standards in the profession of the services being provided to the City pursuant to this Agreement.

1.03 ***Document Review.*** The Consultant shall be responsible for reviewing each document prepared by the Consultant and its subconsultants including, without limitation, the plans, drawings and specifications for the purpose of ensuring that such documents are technically sound, in conformance with applicable federal, state and local laws and other regulations, and do not violate or infringe upon any patent rights.

1.04 ***Waiver.*** The City's approval of any documents or services furnished by the Consultant shall not in any way relieve the Consultant of responsibility for the professional and technical accuracy of its documents or services. The City's review, approval, acceptance or payment for any of the Consultant's services shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause of action arising out of the performance of this Agreement. The Consultant shall remain liable for any damages to the City caused by the Consultant's negligent act or omission committed in the performance of this Agreement.

1.05 ***Designation of Consultant's Representative.*** The Consultant's representative is the individual identified in the Key Personnel List, **Exhibit "F"** attached hereto (the "Consultant Representative") to act in that capacity, who shall be responsible for the services required under this Agreement. The services specified by this Agreement shall be performed by the personnel identified in the Key Personnel List provided that such associates and employees perform under the personal supervision of the Consultant Representative.

If any person or subconsultant who is expected to provide any of the services required under this Agreement is objectionable to the City for any reason, the Consultant shall, without additional compensation, replace such person or subconsultant with someone acceptable to the City.

If the Consultant's personnel are unable to complete their responsibilities for any reason under this Agreement, or the Consultant desires for any reason to substitute personnel assigned to the Project, the Consultant agrees to obtain the approval of the City for the substitution. The City shall not unreasonably deny approval unless the City adjudges the substitution not be in the interest of the City or the Project.

If the Consultant fails to make an acceptable replacement within thirty (30) days, the City may terminate this Agreement for default as provided in Section 10.03 of this Agreement.

1.06 ***Correspondence Review.*** The Consultant shall furnish the City Representative copies of each correspondence, if any, sent to any contractor involved with the Project, and to any regulatory agencies, for approval and review prior to mailing such correspondence.

1.07 ***Cooperation with the City.*** The Consultant agrees that its officers, associates, employees and subconsultants will cooperate with the City in providing the services under this Agreement and will be, with advance notice, available for consultation with the City at such reasonable times as to not conflict with the City's other responsibilities.

1.08 ***Responsibility for Construction Document Revisions.***

A. ***Applicability.*** The Consultant's responsibility described in this Section applies only if the Consultant is responsible for providing a construction cost estimate and preparing construction documents for the Project.

B. ***Responsibility for Revisions.*** The Consultant does not warrant or represent that the bids or proposed price received by the City to construct the Project will come within the Construction Cost Budget set forth in the Scope of Services or as may be otherwise agreed upon in writing by parties. If the bids or proposed price received by the City exceeds the Construction Cost Budget, the Consultant agrees to cooperate with the City in revising the requirements of the Project as required to lower the cost to within the Construction Cost Budget and to modify the construction documents without additional compensation. In order to meet the Construction Cost Budget, the Consultant may, with the approval of the City, segregate portions of the work as separate alternate bid items so that bids received by the City to construct the Project will come within the Construction Cost Budget.

"Construction Cost Budget" as used herein means the monetary limit established by the City for construction of the Project which limit includes the cost of the contractor's labor, materials, equipment, expenses, overhead and profit, but excludes the Project's soft costs, cost of change orders and other cost impacts encountered after award of the construction contract.

SECTION TWO
CITY RESPONSIBILITIES

2.01 ***City Representative.*** The Director of Public Works or his authorized representative identified in the Key Personnel List is hereby designated as the City's representative (the "City Representative") with respect to this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services of the Consultant. The City Representative is not authorized to change or waive any of the provisions set forth in Sections 1.01 through 10.24 of this Agreement.

2.02 ***Review of Consultant's Services and Documents.*** The services to be performed by the Consultant shall be subject to periodic review by the City Representative. To prevent an unreasonable delay in the Project, the City Representative will endeavor to examine and comment in writing on the documents furnished by the Consultant including, without limitation, the plans, drawings, specifications, test results, evaluations, and reports within twenty-one (21) days of receipt of such documents, unless the Contract provides for a different review time with respect to the document.

2.03 ***Access to Records.*** The City shall, without charge, furnish a copy to, or make available for examination or use by, the Consultant, as it may request, any documents and data which the City has available including, without limitation, reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations, and other documents related to the services required under this Agreement. The City shall assist the Consultant in obtaining data and documents from public agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services required by this Agreement.

2.04 ***Cooperation with Consultant.*** The City agrees that its officers and employees will cooperate with the Consultant in the performance of this Agreement and will be, with advance notice, available for consultation with the Consultant at such reasonable times as to not conflict with the Consultant's other responsibilities. The City shall provide access to the Consultant on to the Project site as may be required to perform the services under this Agreement.

SECTION THREE
CHANGES TO CONSULTANT'S SERVICES

3.01 ***Requested Changes.*** The City may at any time, by written order, make a change in the services to be performed by the Consultant under this Agreement.

3.02 ***Adjustment of Compensation.*** If the change requested by the City causes an increase or decrease in the cost or time required to perform any of the services required under this Agreement, an equitable adjustment shall be made in the compensation to be paid to the Consultant under Section Seven, or in the performance schedule under Section Eight, or both, and this Agreement shall be modified in writing accordingly. Each claim for adjustment under this Section must be asserted in writing within thirty (30) days from the date of receipt by the Consultant of written notification of the change, unless the City grants in writing an extension. Provided proper notice has been given to the City as required herein, the claim for an adjustment shall be handled pursuant to the provisions of 10.20B and 10.20C of this Agreement. The failure to provide notification of the claim within the time required herein shall constitute a waiver of the right to seek any equitable or legal adjustment in compensation with respect to that change.

SECTION FOUR
ADDITIONAL SERVICES OF CONSULTANT

4.01 ***Additional Services.*** The Consultant shall provide the additional services described in the Additional Compensation if, and only if, so requested in writing by the City. Payment for the additional services will be made to the Consultant in accordance with Section Seven of this Agreement.

4.02 ***Attendance at Meetings or Public Hearings.*** The Consultant shall notify the City in advance of any additional costs which may be incurred prior to attending any meetings or public hearings as may be necessary in connection with the services performed by the Consultant under this Agreement.

SECTION FIVE
SUBCONSULTANT AGREEMENT

5.01 ***Subconsultant Provisions.*** If, with the approval of the City as required pursuant to Section 10.07, the Consultant enters into an agreement with a subconsultant for the performance of any of its obligations under this Agreement, the Consultant agrees to include in each subconsultant agreement a provision that:

(i) the Consultant agrees to pay the subconsultant when paid by the City for that portion of the services provided to the City and that no liability arises on the part of the Consultant for payment of the subconsultant services until payment has been made by the City. If the City has paid the Consultant for the subconsultant services, the subconsultant's only recourse is against the Consultant and not against the City, either through the institution of legal or equitable action or the attachment of any lien,

(ii) the subconsultant shall have no more rights against the City than that of the Consultant,

(iii) the subconsultant agrees to be bound by the terms, conditions and obligation of this Agreement unless the City has approved any deviation, change or modification in writing, and

(iv) unless otherwise approved in writing by the City Representative, the subconsultant shall obtain and maintain professional liability insurance (Errors and Omissions coverage) in connection with the subconsultant services in an amount equal to that required of the Consultant in this Agreement.

SECTION SIX
TERM OF AGREEMENT

6.01 ***Term.*** This Agreement shall commence on the day it is approved by the City (which date shall be inserted in the introductory paragraph of this Agreement) and shall remain in force and effect until the Project is completed unless terminated earlier pursuant to Section 10.02 or 10.03 of this Agreement. Such termination shall not release either party from any of its continuing obligations under this Agreement.

6.02 ***Disputes.*** This Section shall not be construed to preclude the filing of any dispute arising out of the performance of this Agreement or in connection with the subject matter hereof, nor shall this Section be construed to change the date or the time on which a cause of

action arising out of the performance of this Agreement or in connection with the subject matter hereof, would otherwise accrue under the statutes of limitation or doctrines of law.

SECTION SEVEN
COMPENSATION AND TERMS OF PAYMENT

7.01 ***Compensation: Basic Services.*** For the services to be performed by the Consultant under this Agreement and set forth in the Scope of Services, the City agrees to pay the Consultant the fee in the amount identified in the Fee Breakdown, **Exhibit "D"** attached hereto, pursuant to invoices submitted in accordance with Section 7.04 of this Agreement.

7.02 ***Compensation: Additional Services.*** For any services not set forth in the Scope of Services, the City shall pay to the Consultant either a lump sum fee, or an hourly fee based on the hourly labor rate schedule set forth in the Additional Compensation, whichever is agreed to by the parties, provided prior written approval for such services is given by the City Representative.

7.03 ***Compensation: Reimbursable Expenses.*** The Consultant agrees that all of its direct and indirect expenses are included in the fee for Basic Services and the agreed upon compensation for any Additional Services, except as may be specifically allowed for reimbursable expenses as part of the Additional Compensation.

7.04 ***Payment Invoicing.*** The Consultant may submit an invoice for payment for the services provided by the Consultant based on the manner or method of payment set forth in the Fee Breakdown. The City Representative will notify the Consultant of any problems regarding the invoice within fourteen (14) days from receipt thereof. If no response is received from the City Representative within the aforementioned period of time, the Consultant may expect payment within a period of (60) days from the date of receipt by the City. If payment has not been received within the sixty (60) days, the Consultant agrees to contact the City Representative to resolve the problem causing the delay. If resolution of the delay is not satisfactory to the Consultant, the Consultant may submit a claim pursuant to Section 10.20A of this Agreement.

7.05 ***Right to Off-Set.*** The City Representative may subtract or offset from any unpaid invoice from the Consultant any claims which the City may have for failure of the Consultant to comply with the terms, conditions or covenants of this Agreement, or any damages, costs and expenses caused by, resulting from, or arising out of the negligent act or omission of the Consultant in the performance of the services under this Agreement including, without limitation, any error or deficiency in the report or other documents prepared by the Consultant. The City Representative shall provide a written statement to the Consultant of the off-set which has been subtracted from any payment to the Consultant along with appropriate documentation and receipts, if any, and a description of the failure, error or deficiency attributed to the Consultant. If the Consultant disputes the right or amount of the off-set made by the City, the Consultant may file a claim pursuant to Section 10.20 of this Agreement.

7.06 ***Final Payment.*** Upon completion of the services required under this Agreement, and acceptance thereof by the City (which acceptance will not be unreasonably withheld), the Consultant will, within sixty (60) days of the City's acceptance, be paid the balance of any money due for such services.

SECTION EIGHT
PERFORMANCE SCHEDULE

8.01 ***Performance Schedule.*** The Consultant shall perform and complete the services required under this Agreement according to the schedule (the "Performance Schedule") set forth in the Schedule of Performance, **Exhibit "C"** attached hereto. If the performance of services is delayed or submittals are not delivered in the time period as outlined in the Performance Schedule, the Consultant shall notify the City Representative in writing of the reasons for the delay and include a plan which brings the Consultant's performance into compliance with the Performance Schedule.

SECTION NINE
AUDIT: ACCESS TO RECORDS

9.01 ***Records.*** The City shall have the right to audit the Consultant's books, records and other documents directly pertinent to the performance of this Agreement. The Consultant agrees to maintain books, records and other documents directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles and practices. The Consultant shall also maintain the financial information and data used to prepare or support the invoices submitted to the City. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards, procedures and guidelines of the City, or its designated representative. The City, or its duly authorized representatives, shall have access to such books, records, and documents for the purpose of inspection, audit and copying. The Consultant will provide proper facilities for such access and inspection.

9.02 ***Disclosure.*** The Consultant shall be afforded the opportunity for an audit entrance and exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report, and that the final audit report will include the written comments, if any, of the Consultant.

9.03 ***Period of Maintenance.*** The books, records and other documents under Sections 9.01 and 9.02 of this Agreement shall be maintained for three (3) years after the date of the final payment for the services under this Agreement. In addition, those records and other documents which relate to any arbitration, litigation or the settlement of any claim arising out of this Agreement, or to which an audit exception has been taken, shall be maintained and made available until three (3) years after the date that the arbitration, litigation or exception has been resolved.

9.04 ***Subcontract Provisions.*** The Consultant agrees to include Sections 9.01 through 9.03 of this Agreement in all its subcontracts directly related to performance of services specified in this Agreement which are in excess of $10,000.

SECTION TEN
MISCELLANEOUS PROVISIONS

10.01 ***Suspension.*** The City may suspend, without cause, the performance by the Consultant under this Agreement for such period of time as the City, in its sole discretion, may prescribe by providing written notice to the Consultant. The suspension shall be effective as of the date set forth in the written notice. With such suspension, the City agrees to pay to the Consultant the amount of compensation earned as of the effective date of suspension less all previous payments. The Consultant shall not provide any further services under this Agreement after the effective date of suspension until otherwise notified in writing by the City. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of suspension.

If, after notice to resume performance has been given by the City, the suspension was for a period in excess of ninety (90) days, which has resulted in an increase in the performance of the Agreement to the Consultant and:

(i) the Consultant was not a contributing cause for the suspension,
(ii) the Consultant has not received an equitable adjustment under another provision of this Agreement, and
(iii) the Consultant could not mitigate the increase in the performance cost,

then the Consultant's fee shall be reviewed by the City and, if justified, equitably adjusted to provide for any additional expenses resulting from the suspension.

10.02. ***Termination for Convenience.*** The City reserves the right to terminate this Agreement without cause or default on the part of the Consultant with ten (10) days' prior written notification to the Consultant served pursuant to Section 10.18 of this Agreement. In the event of termination, without cause or default, the City agrees to pay to the Consultant the reasonable value for the services performed as of the date that notification of termination is received by the Consultant. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of termination.

10.03 ***Termination for Cause or Other Resolution.***

A. ***Default.*** The occurrence of any of the following events shall constitute a default by the Consultant hereunder (herein "Event of Default"). If, during the term of this Agreement, the Consultant:

(i) defaults in the due observance and performance of any term, condition or covenant contained in this Agreement,

(ii) (a) voluntarily terminates operations or consent to the appointment of a receiver, trustee or liquidator of the Consultant for all or a substantial portion of its assets, (b) is adjudicated bankrupt or insolvent or files a voluntary petition in bankruptcy, or admits in writing to the inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by the Consultant for the purpose of effecting any of the foregoing,

(iii) allows any warrant, execution or other writ to be issued or levied upon any property or assets of the Consultant which continues unvacated and in effect for a period of thirty (30) days, or

(iv) fails, in the judgment of the City, to provide the services hereunder properly and with proper dispatch in accordance with the time schedule set forth in this Agreement,

and the default continues five (5) days after written notice is given to the Consultant pursuant to Section 10.18.

B. ***City's Rights.*** Upon the occurrence of an Event of Default, and without prejudice to any other right or remedy it may have at law or equity, the City may:

(i) terminate this Agreement, suspend payment of all pending invoices otherwise due to the Consultant hereunder, and finish this Agreement by such means as deemed appropriate by the City, reserving the right to deduct from any balance due Consultant the cost of completing this Agreement. In the event the cost of finishing the Consultant's performance of this Agreement exceeds the balance due the Consultant, the excess shall be paid by the Consultant to the City within five (5) days of invoicing by the City,

(ii) terminate this Agreement, and the obligations imposed hereunder, including the obligation of any further payment for the services of the Consultant except for the reasonable value for the services performed to the date of termination, or

(iii) Continue with performance by the Consultant and serve within a reasonable time after completion of the Agreement a request to arbitrate the Event of Default as a claim or dispute pursuant to the arbitration procedure set forth in Section 10.20.

In the event that the City elects to implement (i) above, the costs and expenses of completing this Agreement shall be computed and audited by the City's designated representative. The audit shall be conducted in accordance with generally accepted accounting principles and the cost thereof shall be paid by the Consultant.

10.04 ***Ownership of Documents.***

A. ***Architectural Works.*** To the extent that the Consultant's services involves the design of an architectural work as defined herein, the Consultant shall retain all common law and statutory rights of ownership, including copyrights, to the drawings and specifications prepared by the Consultant for this Project. The Consultant is deemed to be the author of the drawings and specifications as instruments of service to the City. Notwithstanding the foregoing, the Consultant hereby grants to the City the right to use (including the right of reproduction and use in the creation of new documents) the drawings and specifications for the purpose of completing the Project or for any subsequent maintenance, repair, renovation, remodeling or addition thereto. The rights granted herein to the City shall extend and include any new consultant which the City may retain for the aforementioned purposes. The Consultant hereby releases the City, and any new consultant retained by the City for the aforementioned purposes, from any and all claims in connection with the use or reproduction of the drawings and specifications. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection.

B. ***Other Works.*** To the extent that the Consultant's services does not involve the design of an architectural work, the City shall have all common law and statutory rights of ownership, including copyrights, to the plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies, excepting any proprietary forms, templates, and checklists specifically listed for City ownership exclusion elsewhere in this Agreement) (collectively herein the "Documents") prepared or assembled by the Consultant, or any of its subconsultants, for this Project. The Consultant hereby releases the City, and any new consultant retained by the City from any and all claims in connection with the use or reproduction of the Documents. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection. The Consultant shall be entitled to retain a reproducible copy of the documents furnished to the City.

C. ***Definition of Architectural Work.*** For purposes of this Agreement, "architectural work" shall have the same definition as set forth in Architectural Works Copyright Protection Act of 1990, P. L. 101-650, Title VII, Section 70 et. seq.

D. ***Delivery of Documents.*** In the event of the completion, suspension or termination of this Agreement, the City shall have the right to require delivery of any and all of the plans, drawings, specifications, and all other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies), including the magnetic or electronic media of the aforementioned documents, not in the possession of the City.

E. ***Confidentiality.*** The plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies) (including the magnetic or electronic media of the aforementioned documents) which are prepared or assembled by the Consultant, or its subconsultants, under this Agreement shall not be made available to any individual or organization without the prior written consent of the City. Except for marketing pamphlets and submittals to clients, the Consultant shall not publish, submit for publication, or publicly display the Project without the written consent of the City. The obligations of confidentiality shall survive the termination of this Agreement.

F. ***Contractual Rights.*** Notwithstanding the provisions of 10.04 A above, the City is hereby licensed to use all design concepts developed by the Consultant and subconsultants under this Agreement, including the right to construct derivative works of the Project, and to use the design concepts for other projects of the City. The design concepts include, but are not limited to, the form, aesthetic appeal, site layout, the arrangement and composition of spaces and elements, the use of colors and materials, system designs, construction methods and interior design.

10.05 ***Insurance.*** The Consultant shall procure and maintain, at its own expense, during the entire term of the Agreement, the following insurances:

A. ***Workmen's Compensation Insurance.*** This insurance shall protect the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

B. ***Commercial General Liability Insurance.*** This insurance shall protect the Consultant, its agents and vehicles used to provide the services required under this Agreement from claims of personal injury (including death) and property damage. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement. The Consultant's general liability insurance policies shall be endorsed to include the City as an additional insured.

C. ***Professional Liability Insurance (Errors and Omissions Coverage).*** This insurance shall protect the Consultant from claims arising out of performance of professional services caused by a negligent act, error, or omission for which the insured is legally liable. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement.

D. ***Cancellation or Modification of Coverage.*** The Consultant's Comprehensive General Liability and Professional Liability Insurance Policies shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, and with respect to its Comprehensive General Liability Policy, to waive subrogation against the City, its officers, agents, servants and employees. The policies shall provide that the City will be given thirty (30) days' notice in writing of any cancellation of, or material change in, the policies.

E. ***Certificates and Endorsements.*** The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed $25,000 without the written approval of the City. Certificates indicating that such insurance is in effect shall be delivered to the City before any services are provided under this Agreement.

F. ***Period of Coverage.*** If the insurance coverage is underwritten on a "claims made" basis, the retroactive date shall be prior to or coincident with the date of this Agreement and the Certificate of Insurance shall state that coverage is "claims made" and the retroactive date. Upon availability, the Consultant shall maintain coverage for the duration of this Agreement and for two years following completion of this Agreement. The Consultant shall provide the City annually a Certificate of Insurance as evidence of such insurance.

10.06 ***Indemnity.*** Notwithstanding any of the insurance requirements set forth in Section 10.05, and not in lieu thereof, the Consultant shall defend, indemnify and hold the City, its officers, employees and agents (herein the "Indemnitees"), harmless from any and all claims (including, without limitation, patent infringement and copyrights claims), damages, losses, expenses, suits, actions, decrees, judgments, arbitration awards or any other form of liability (including, without limitation, reasonable attorney fees and court costs) (collectively herein the "Claims") which the Indemnitees may suffer as a result of, by reason of, or as a consequence of, the negligent errors, omissions, recklessness, intentional misconduct of the Consultant, its subcontractors, agents or anyone employed by the Consultant, its subcontractors or agents, in the performance of this Agreement.

As part of its obligation hereunder, the Consultant shall, at is own expense, defend the Indemnitees against the Claims which may be brought against them, or any of them, as a result of, by reason of, or as a consequence of, the negligent act or omission of the Consultant, its subcontractors or agents, for and against which the Consultant is obligated to indemnify the Indemnitees, unless the Indemnitees, or any of them elect to conduct their own defense which, in such case, shall not relieve the Consultant of its obligation of indemnification set forth herein. If the Consultant fails to do so, the Indemnitees shall have the right, but not the obligation, to defend the same and charge the direct and incidental costs of such defense (including attorney fees and court costs) against the Consultant which is proportionate to the liability of the Consultant.

If the professional liability insurer of the Consultant does not so defend the Indemnitees and the Consultant is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees to be paid to the Indemnitees by the Consultant in an amount which is proportionate to the liability of the Consultant. As used in this Section, "agents" means those persons who are directly involved in and acting on behalf of the City in furtherance of this Agreement or the public work to which this Agreement pertains.

10.07 ***Assignment.*** The City and the Consultant each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except the Consultant shall not assign, sublet or transfer any obligation or benefit under this Agreement without the written consent of the City. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of the City.

10.08 ***Waiver.*** No consent or waiver, express or implied, by either party to this Agreement, or of any breach or default by the other in the performance of any obligations hereunder, shall be deemed or construed to be a consent or waiver of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act, or failure to act of the other party, or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection, payment, or tentative approval or acceptance by the City or the failure of the City to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release the Consultant of any of its obligations hereunder.

10.09 ***Consultant Warranties.*** The Consultant hereby represents and warrants that:

(i) it is financially solvent, able to pay its debts as they mature, and is possessed of sufficient working capital to complete this Agreement; that it is experienced, competent, qualified and able to furnish the plant, tools, materials, supplies, equipment and labor which is used to perform the services contemplated by this Agreement, and that it is authorized to do business in the City of Las Vegas and the State of Nevada,

(ii) it holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license,

(iii) its computer hardware, software, and firmware will continue functioning without interruption, and will continue to accurately process date, time, and data necessary to the performance of this Agreement, and

(iv) it has, pursuant to the requirements of Resolution 79-99 adopted by the City Council on August 4, 1999, (effective October 1, 1999), as amended by resolution 105-99 (adopted by the City Council on November 17, 1999), disclosed on the form attached hereto as **Exhibit "G"** (Disclosure of Ownership/Principals) all of the principals, including partners, of the Consultant, as well as all persons and entities holding more than a one percent (1%) interest in the Consultant or any principals of the Consultant. If the Consultant, or its principals or partners, are required to provide disclosure under federal law (such as Securities and Exchange Commission or the Employee Retirement Income Act) and current copies of such federal disclosures are attached to **Exhibit "G,"** the requirements of this Section shall be deemed satisfied. During the term of this Agreement, the Consultant shall notify the City in writing of any material change in the above disclosure on **Exhibit "G"** within fifteen (15) days of such change.

10.10 ***Consultant's Employees.*** The Consultant shall be responsible for maintaining satisfactory standards of competency, conduct and integrity, of personnel assigned to the Project, and shall be responsible for taking such disciplinary action with respect to such personnel as may be necessary. In the event the Consultant fails to remove any employee from the work of this Agreement whom the City deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the City to be contrary to the public interest, the City reserves the right to require such removal as a condition for the continuation of this Agreement.

10.11 ***Independent Contractor.*** It is hereby expressly agreed and understood that in the performance of the services required herein, the Consultant and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or employee of the City.

10.12 ***Applicable Law.*** This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

10.13 ***Compliance with Laws.*** The Consultant shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Agreement including, without limitation, the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or national origin.

10.14 ***Severability.*** In the event that any provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

10.15 ***Confidentiality.*** The Consultant shall treat the information relating to the Project, which has been produced by the Consultant or provided by the City, as confidential and proprietary information of the City and shall not permit its release to other parties or make any public announcement or publicity release without the City's written authorization. The Consultant shall also require each subconsultant to comply with this requirement. The submission or distribution of documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication relieving the Consultant of its confidentiality obligation imposed herein.

10.16 ***Site Inspection.*** The Consultant represents that it has visited the location of the Project and has satisfied itself as to the general condition thereof and that the Consultant's compensation as provided for in the Agreement is just and reasonable compensation for performance hereunder including reasonably foreseen and foreseeable risks, hazards and difficulties in connection therewith based on such above-ground observations.

10.17 ***Modification.*** All modification or amendments to this Agreement are null and void unless reduced in writing and signed by the parties hereto.

10.18 ***Notice.*** Any written notice required to be given under Sections 1.01 through 10.24 of this Agreement shall be deemed to have been given when the written notice is (i) received by the party to whom it is directed by personal service (ii) telephonically faxed to the telephone number set forth in the introductory paragraph to this Agreement, provided confirmation of the transmission is received by the sender, or (iii) deposited with the United States Postal Service, postage prepaid, addressed to the City Representative or the Consultant Representative, whomever is the proper recipient, and mailed to the address set forth in the introductory paragraph to this Agreement.

10.19 ***Prohibition Against Contingent Fees.*** The Consultant warrants that no person or entity has been employed or retained to solicit or secure this Agreement with the Agreement or understanding that a commission, percentage, brokerage or contingent fee would be paid to that person. For breach or violation of this provision, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation to be paid to the Consultant, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10.20 ***Claim or Dispute Resolution.***

A. ***Notice of Claim or Dispute.*** For each claim or dispute which the Consultant has against or with the City (except for any claim for an equitable adjustment under Section 3.02 which is subject to the 30-day limitation set forth therein), notice thereof must be submitted in writing to the City Representative within a reasonable time after the claim or dispute arises, but no later than thirty (30) days after final payment is made to the Consultant. The purpose of written notification is to place the City on notice so that proper measures can be taken to properly defend against the claim or dispute, and the failure to give such notice shall preclude the Consultant from subsequently arbitrating that particular claim or dispute pursuant to Section 10.20C of this Agreement, and the Consultant shall have no further recourse against the City. Pending a final decision on the claim or dispute under Sections 10.20B or 10.20C, the Consultant shall proceed diligently with the performance of this Agreement.

B. ***Resolution by Management.*** The City Representative and the Consultant Representative shall meet within a reasonable time after receipt of the written notice received pursuant to Section 10.20A in an attempt to resolve the claim or dispute to the mutual satisfaction of the parties. If the matter is not disposed of by mutual agreement between the City Representative and the Consultant Representative, the claim or dispute shall be decided by the Director of Public Works, whose decision shall be reduced to writing and mailed or otherwise furnished to the Consultant. The decision of the Director of Public Works shall be final and conclusive unless, within thirty (30) days after the date on which the Consultant receives its copy of such decision, the Consultant mails or otherwise furnishes to the Director of Public Works a written request to arbitrate the claim or dispute, in which event the parties shall proceed with the arbitration pursuant to provisions of Section 10.20B. The failure to make such request shall preclude the Consultant from proceeding any further on the claim or dispute, and the Consultant shall have no further recourse against the City.

C. ***Resolution by Arbitration.*** Upon receipt of the request to arbitrate authorized pursuant Section 10.03B or Section 10.20B, the City and the Consultant shall come to an agreement as to the appointment of an arbitrator for purposes of hearing the appeal. If the parties cannot reach an agreement, then each party shall select an arbitrator for purposes of the appeal, and the two shall select a third arbitrator within 20 days of their appointment. If the selected arbitrators are unable to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association or the Nevada Arbitration Association, whichever is designated by the City. Each party shall be afforded an opportunity to be heard and to offer evidence in support of or against the appeal. The decision of the arbitrator, or arbitrators, as the case may be for the determination of the appeal, shall be final, conclusive and enforceable under the laws of the State of Nevada.

D. ***Right of Consolidation.*** Any arbitration arising out of or relating to this Agreement may include, by consolidation, joinder or in any other manner, any additional party or parties who are not a party to this Agreement if so requested by the City or the Consultant. Any consent to arbitration involving an additional party or parties shall not constitute consent to arbitrate any claim or dispute not described as a part of the original arbitration unless otherwise agreed to by the parties.

E. ***Right of Joinder.*** In the event the City is named as a party to any arbitration, or the City commences an arbitration against a party other than the Consultant, which arbitration is related to, or connected with, the construction of the Project or the performance of the Consultant's services hereunder (such as, without limitation, any arbitration between the City and the contractor awarded the contract to construct the Project), the Consultant agrees and irrevocably consents to be joined as a party in the arbitration proceeding and to be bound by any decision

resulting therefrom. The decision of the arbitrator or arbitrators, as the case may be, in the arbitration to which the Consultant has been joined as a party, shall be binding and enforceable against the parties thereto under the laws of the State of Nevada.

If the Consultant is named as an additional party by the City, the Consultant shall not be entitled to any additional compensation from the City as a result of preparing for, and participating in, the arbitration.

F. ***Discovery.*** In the event of arbitration, the parties agree that all means of discovery including, but not limited to, depositions and interrogatories, will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules of discovery provided under the Nevada Rules of Civil Procedure.

G. ***Award Final.*** The award rendered by the arbitrator shall be final, and judgment may be entered upon its accordance with applicable law in any court having jurisdiction thereof.

H. ***Mediation.*** Subsequent to the commencement of any arbitration pursuant to Section 10.20C, and prior to any decision arising therefrom, the parties may endeavor with written mutual consent to settle disputes by mediation in accordance with the mediation rules of the mediation service agreed by the parties. The cost of the mediation shall be shared equally by the parties.

10.21 ***Attorney Fees.*** The prevailing party in any litigation or arbitration brought to enforce the provisions of this Agreement shall be entitled to reasonable attorney fees and court costs.

10.22 ***Calendar Day.*** All references in this Agreement to days are to calendar days unless otherwise indicated.

10.23 ***Exhibits.*** All exhibits referenced in this Agreement are hereby incorporated by this reference as a part of this Agreement. Any conflict between the provisions of this Agreement and the Exhibits incorporated herein shall be governed by the provisions of this Agreement.

10.24 ***Counterparts; Electronic Delivery.*** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

10.25 ***Agreement Version.*** This document incorporates the standard provisions for the City's Professional Services Agreement updated as of April 8, 2008.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

CITY OF LAS VEGAS

By_____
Kathleen C. Rainey, Manager, Purchasing & Contracts

ATTEST

_____
Beverly K. Bridges, CMC, City Clerk Date

APPROVED AS TO FORM

John S. Ridilla 8/31/09
Deputy City Attorney Date

CONSULTANT

By_____
Fintan L. Gaffney, Ninyo & Moore

LIST OF EXHIBITS

EXHIBIT " A " SCOPE OF SERVICES

EXHIBIT " B " REQUIRED SUBMITTALS

EXHIBIT " C " PERFORMANCE SCHEDULE

EXHIBIT " D " FEE BREAKDOWN

EXHIBIT " E " ADDITIONAL COMPENSATION

EXHIBIT " F " KEY PERSONNEL LIST

EXHIBIT " G " DISCLOSURE OF OWNERSHIP/PRINCIPALS

EXHIBIT "A"

SCOPE OF PROJECT. The scope and location of the Project is generally described as follows:

Site address: 101 S. Pavilion center Drive
Approximate gross site acreage: 4
Approximate gross building square footage: 26,000 S.F.
Offsite improvement area: 40,000 S.F.
Improvement description: New enclosure over the existing Pavilion Pool

GENERAL. If any Consultant proposal or other documents prepared by anyone other than the City is attached to this Agreement or included by reference herein, the terms of this Agreement shall govern any conflicts between the documents and this Agreement, and any such attachments shall only be utilized to compliment this Agreement in describing the detail of the scope of work described in this Agreement (except that under no circumstances shall the scope shall be limited to less than the requirements of the City of Las Vegas Department of Building and Safety), to avoid re-typing standard schedules of hourly rates for personnel, rates for material tests, and similar standard rate schedules. All other terms, conditions, and uses of any such attachments are to be ignored in connection with this Agreement, even if such attachments are signed by the parties to this Agreement.

By signing this Agreement, the Consultant warrants that it is accredited by the International Accreditation Service (IAS) as required by the regulatory authority for the scope of this Agreement. If the Consultant fails to maintain required accreditation during the term of this Agreement, the Consultant shall immediately notify the Owner in writing within three (3) working days of expired accreditation. Failure to maintain accreditation shall be deemed an event of Default under the provisions of Section 10.03 of the Agreement.

Testing and sampling operations shall be in accordance with recommended American Society for Testing Materials (ASTM) Standards and other standard testing methods and procedures, and as necessary to produce the information required for the reports. Report all laboratory determinations.

The Consultant, at no additional cost, shall properly retain samples for a period of one year after completion of the Project, and a longer period if so instructed by the City in which case reasonable storage charges shall be negotiated prior to the time extension, or the samples delivered to the City if charges cannot be negotiated.

REGULATORY AUTHORITIES. The Consultant does hereby acknowledge, understand and agree that the Office of Architectural Services, acting as the City's representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of other departments of the City acting in a regulatory capacity including, but not limited to, the Building Department, Fire Department, Planning Department and Department of Public Works of the City of Las Vegas. The City's representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the City receives a quality product, delivered on schedule, for a fair price. Furthermore, the Office of Architectural Services does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the Office of Architectural Services. The Consultant agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the City, and that the Consultant's interaction with each regulatory authority is to be conducted without assistance from the City.

The Consultant acknowledges that they have thoroughly reviewed the scope of work of this Agreement with the City of Las Vegas Department of Building and Safety and all governmental regulatory authorities, have included all requirements of these authorities in the Fee shown in Exhibit "D", and hereby waives any right to claim additional compensation for any reason caused by these regulatory authorities.

CONTRACTOR. The Consultant does hereby acknowledge, understand and agree that the construction means, methods, and scheduling of the individual trades involved in the Project are under the control of the Contractor and not the City, and that the Consultant is required to coordinate with the Contractor in performance of this Agreement regardless of how the Contractor chooses to schedule the work, or what means and methods the Contractor chooses to utilize, and that the Consultant is experienced in the work of this Agreement and the type of construction shown in the Project documents, and that the Consultant has thoroughly reviewed all of the available documents for the Project, visited the site, and will perform the services of this Agreement without an increase in compensation from the City for any construction conflicts, problems or delays encountered in regard to the Contractor, subcontractors, workers, construction type, construction schedule, construction means and methods, site parking, site office, site utilities, and all other construction conditions that are under the control of the Contractor.

MEETINGS. The Consultant shall attend and participate in the Pre-Construction Conference with the Construction Contractor. The Consultant's team shall participate in periodic "Partnering Meetings" with the City and the Construction Contractor for discussion of shared goals, processes, and procedures during the construction process, which shall be attended by a Consultant team member who has high-level decision-making authority,

and require the same in all subconsultant contracts. Attend and participate in Construction Progress Meetings, weekly or more frequently as requested by the City. Meeting dates, times, and place will be determined by the City.

SPECIAL INSPECTION SCOPE OF WORK. The Consultant shall provide the complete scope of Special Inspection and testing services required by the City of Las Vegas Department of Building and Safety for the Project and any additional special inspection indicated in the Project drawings and specifications. The required scope of work, duties, responsibilities, and reporting submittals are contained in, but not limited to, the City of Las Vegas Department of Building and Safety Special Inspection Guidelines SI-1 form, the Special Inspection Agreement SI-3 form, the Scope of Work SI-6 form, the currently adopted version of the amended International Building Code including Chapter 17, the building permit drawing set for the Project stamped and noted by the Building Department and reserved for the on-site use of the Special Inspector, as well as all qualifying documentation, agreements, and requirements set forth between the City of Las Vegas Department of Building and Safety and the Consultant, the Consultant's subconsultants, and the individual professionals representing the Consultant. The work of the special inspector includes the observation of all testing required by the Building Department for the Project.

The scope of work also includes all necessary work in providing the following reports, as required and acceptable to the appropriate City of Las Vegas regulatory authorities:

1. Final Grading Report(s), On and off site.
2. Pad Certification Report(s), and Pad Re-certification Report(s) as required.
3. R-Value Verification Report for off-site construction.(no off site work anticipated, additional service if required)
4. Select Backfill Letter for off-site trenching backfill material.

The Consultant does represent that they are an Approved Special Inspection Agency as qualified by the City of Las Vegas Department of Building and Safety, and that they will remain so during the term of this Agreement. If the Consultant is removed from this qualified list, or otherwise limited in performing their duties and responsibilities under this Agreement, the Consultant does hereby agree to subcontract their responsibilities to a properly qualified consultant at no additional cost to the City. The City shall have the right to approve any such subconsultant prior to their use.

MATERIAL TESTING SCOPE OF WORK.

Material Testing Described in the Construction Contract Documents. In addition to the material testing included in the Special Inspection Scope of Work SI-6 form and as otherwise required by the City of Las Vegas Department of Building and Safety, the Consultant shall provide the following material testing for the Project, each of which is more fully described in the Project Documents:

1. Noted in exhibit "A' attached hereto
2. SI -6 testing requirements attached hereto not done by city forces.

Additional Testing NOT Described in the Construction Contract Documents. In addition to the material testing more fully described in the Project Documents, the Consultant shall also provide the following additional material testing:

1. Scope as noted in exhibit "D" additional services.

CONSULTANT REPORTING.

In addition to the reports required by the material testing sections of the Project Documents and the daily, weekly, and final report requirements for Special Inspection requirements by the City of Las Vegas, Department of Building and Safety, the Consultant shall immediately report verbally and in writing to the City Construction Project Representative any:

1. Testing or inspection that fails specifications or requirements (non-conforming items).
2. Missed testing or inspections, including periodic inspections when continuous was required.
3. Testing where there is a reasonable doubt that the future test results may not meet the specifications.
4. Construction that proceeds without the required testing or inspection.
5. Construction that proceeds after uncorrected failed test results or doubtful future results.
6. Construction that is not in compliance with the Project Documents.

7. Structural failure or collapse.

8. Disciplinary actions taken by the Building Department against the Consultant or Contractor.

9. Daily reports shall note the following minimum information for the City's use on each report:
    a. Whether inspection was Continuous or Periodic.
    b. Time Beginning Inspection.
    c. Time Ending Inspection.
    d. Total Hours spent inspecting for the day.
    e. List of Non-conforming Items not yet corrected, inspected, and approved at the end of the day.

CONSULTANT LIMITATIONS.

The Consultant is NOT authorized to do any of the following:

1. To inspect or approve any work for which the building permit has not been issued;

2. To inspect or approve or otherwise authorize any work to commence before the Building Department has made the initial inspection;

3. To inspect or approve any work other than that for which they are specifically certified;

4. To accept alternative materials, structural changes, or revisions to plans without approval by the City and Building Department.

5. Any act or statement to the Contractor that leads the Contractor to claim a change in price or schedule.

RE-INSPECTION and RE-TESTING.

Re-inspection and re-testing services shall be considered Additional Services as provided for in this Agreement. The Additional Services requirement for pre-authorization in writing shall be waived for a re-inspection and re-testing if: 1) the re-inspection and re-testing is required by the Department of Building and Safety, and 2) it is not reasonable to require the pre-authorization without impacting the Project schedule, and 3) the Consultant provides itemized detailed records of the re-inspection and re-testing performed to the City and the Contractor within 24 hours of performing each service.

The Consultant agrees to cooperate with the Contractor in providing re-testing and re-inspection services as required by regulatory authorities and as requested by the Contractor, and to invoice the Contractor directly for such services no less frequently than monthly and at the same rates and conditions as the terms of this Agreement. Prior to providing each re-inspection and re-testing service, the Contractor shall sign a Consultant prepared notice stating that the re-inspection and re-testing is being performed at the request of the Contractor. If the Contractor refuses to sign any such notice or notes a disagreement on the notice along with the signature, the Consultant shall continue providing services as required by the "Continued Service" provisions of Exhibit "E", and should the disagreement be resolved in accordance with the provisions of this Agreement in favor of the Consultant, the City shall make a good faith effort to withhold such compensation from the Contractor and reimburse the Consultant. The City shall not be obligated to compensate the Consultant for such services if the re-inspection and re-testing service claim is invalid as defined herein.

The Consultant shall timely notify the City in writing should the Contractor fail to compensate the Consultant for any re-inspection and re-testing services, so that the City can make a good faith effort to withhold such compensation from the Contractor and reimburse the Consultant. Should the Consultant fail to provide such notification of non-payment to the City the earlier of: 1) 60 days after providing the service, or 2) 30 days after Substantial Completion of the Project excepting those services performed after Substantial Completion, the claim for such service shall be invalid and no compensation shall be paid to the Consultant.

Re-inspection and re-testing claims shall also be invalid and no compensation shall be paid to the Consultant if one or more of the following events occur: 1) the Consultant fails to note the circumstances and reasons for each failure to obtain the Contractor's signature on the notice requesting service in their itemized detailed records of the re-inspection and re-testing, or 2) the Consultant fails to provide records on a daily "as performed" basis or in sufficient detail to evaluate the claim, or 3) the need for such service is caused in whole or part by the actions or inactions of the Consultant, or the Consultant's failure to fulfill their duties with the Department of Building and Safety, regardless of whether such duties or failure is specifically referenced by this Agreement, or 4) the Consultant fails to either gain pre-authorization in writing by the City or fails to meet the conditions for waiver of the pre-authorization as provided for herein.

July 23, 2009
Proposal No. P-62286
Mr. Patrick Batte
City of Las Vegas Architectural Services
400 East Stewart Avenue
Las Vegas, Nevada 89101

Subject: Proposal for Special Inspection and Material Testing Services
Pavilion Pool Cover
101 South Pavilion Center Drive
Las Vegas, Nevada

Dear Mr. Batte:

Ninyo & Moore is pleased to submit our proposed scope of services and estimated fee to perform observation and materials testing services for the Pavilion Pool Cover project located at 101 South Pavilion Center Drive in Las Vegas, Nevada.
The purpose of our observation services will be to provide a senior inspector, to observe the progress, sequence and methods of day-to-day construction activities, to perform observation on grading activities, concrete reinforcement, structural concrete, structural masonry, and structural steel, to prepare daily reports and other related documentation, and to evaluate contractor compliance with the project geotechnical report, and the project plans.

The purpose of our material testing services will be to obtain samples and make field observations to evaluate the subgrade preparation, excavation, fill, aggregate base, and concrete and masonry, placed during construction of the project and associated improvements, and to evaluate if these items conform to the project plans.

SCOPE OF SERVICES

Our observation and material testing services will be performed in general accordance with City of Las Vegas Building Department requirements and the project plans. The scope of our proposed services include the following:

Performance of observation services by senior inspectors on an as-needed basis. Special inspection items may include but are not limited to grading and backfilling, reinforcement placement, concrete, masonry, structural steel, welding, and high-strength bolting.

Performance of periodic site visits by the Project Manager.

- Performance of laboratory tests on soil, aggregate, and concrete in our laboratory. These tests will include but are not limited to the following: maximum dry density and optimum moisture content, gradation, Atterberg limits, sulfate content, and compressive strength of concrete and masonry.
- Attendance at periodic meetings by the Project Manager.
- Preparation of daily field observation, field testing, and laboratory testing reports. These reports will be presented to the client or client's representative on an ongoing basis during construction operations.

Preparation of written reports stamped by a Nevada Registered Professional Engineer at the close of the project summarizing our observation and testing results.

TABLE 1 - BREAKDOWN OF ESTIMATED FEE

OBSERVATIONS AND TESTING						
Special Inspector	750 hours	@	$ 80.00	/hour	$	60,000.00
Sample pick-up (technician)	40 hours	@	$ 60.00	/hour	$	2,400.00
Principal Engineer	50 hours	@	$ 155.00	/hour	$	7,750.00
Final Grading Report	1 total	@	$ 1,500.00		$	1,500.00
Final Building Report	1 total	@	$ 1,000.00		$	1,000.00
Subtotal					$	72,650.00

LABORATORY TESTING						
Moisture Density Tests	2 tests	@	$ 165.00	/test	$	330.00
Sieve Analysis Tests	2 tests	@	$ 110.00	/test	$	220.00
Plasticity Index Tests	2 tests	@	$ 100.00	/test	$	200.00
Sulfate Content Tests	2 tests	@	$ 90.00	/test	$	180.00
Expansion Index	2 tests	@	$ 110.00	/test	$	220.00
Compressive Strength Concrete	50 samples	@	$ 20.00	/each	$	1,000.00
Compressive Strength Grout	12 samples	@	$ 20.00	/set	$	240.00
Compressive Strength Prisms (sets of 3)	6 prisms	@	$ 100.00	/prism	$	600.00
Subtotal					$	2,990.00

TOTAL FEE ESTIMATE						
					$	75,640.00

FEE

Our services, as described herein, will be performed on a time-and-materials basis not to exceed in accordance with the above Table 1., A breakdown of the estimated quantities, man hours, and tests is presented. We estimate that our fee for the scope of services described herein will be $75,640 (Seventy-five Thousand Six Hundred Forty Dollars). It should be noted that our charges will be for the amount of time expended and number of tests actually performed on the project. If the fieldwork is completed in less time than anticipated or fewer tests are performed, a proportional reduction in personnel and equipment fees will be made. Should our services be utilized for longer than the time assumed to perform each task prior approval by the City of Las Vegas for any change order will be required (for example, due to extension of the estimated construction period), or for tasks not specifically outlined in this letter, our additional services will also be performed on a time-and-materials basis in accordance with the fees shown on the attached table as stated in Exhibit D of this agreement.

If you have any questions or comments concerning this letter, please contact us at your convenience.

Respectfully submitted,

Fintan L. Gaffney
Ninyo and Moore

End of Exhibit "A"

EXHIBIT "A" - ATTACHMENT

SPECIAL INSPECTION AGREEMENT
(SI-3)

To permit applicants of projects requiring special inspection and/or testing per Chapter 17 of the 2006 International Building Code (IBC)

Project Name/Address: PAVILION POOL, 101 S PAVILION CTR. DR. LAS VEGAS, NV 89144 Plan Ck. # 176465-C-00 Application # _____

Name of City of Las Vegas Inspection Supervisor: TOM B Telephone # 303-2290

BEFORE A PERMIT CAN BE ISSUED: The owner or owner's agent shall obtain special inspection services from a special inspection agency accredited by the International Accreditation Service (IAS) and approved by the Building Official. The owner or owner's agent shall complete two (2) copies of this agreement and the attached scope of work for special inspections.

APPROVAL OF SPECIAL INSPECTORS: Each special inspection agency shall be accredited by IAS and approved by the Building Official prior to permit issuance and prior to performing any duties. Special inspectors shall display approved identification, as stipulated by the Building Official, when performing the function of a special inspector.

Special inspection and testing shall meet the minimum requirements of IBC Chapter 17

All sections and chapters are from the 2006 International Building Code.

A. Duties and Responsibilities of the Special Inspector and Special Inspection Agency:

1. Observe work

The special inspector shall observe the work for conformance with the Building Department approved (stamped) design drawings and specifications and applicable workmanship provisions of the IBC.

2. Report non-conforming items

The special inspector shall bring non-conforming items to the immediate attention of the contractor and note all such items on the daily report. If any item is not resolved in a timely manner or is about to be incorporated in the work, the special inspector shall immediately notify the Building Department by telephone or in person, notify the engineer or architect, and post a discrepancy notice.

3. Furnish Daily reports

On request, each special inspector shall complete and sign both the special inspection record and the daily report form for each day's inspections to remain at the job site with the contractor for review by the Building Department's inspector.

4 Furnish weekly Reports

The special inspector or inspection agency shall furnish weekly reports of tests and inspections directly to the Building Department, project engineer or architect, and others as designated. These reports must include the following:

a. Description of daily inspections and tests made with applicable locations;
b. Listing of all non-conforming items;
c. Report on how non-conforming items were resolved or unresolved as applicable; and
d. Itemized changes authorized by the architect, engineer and building department if not included in non-conformance item.

5. Furnish final report

The Special inspector or inspection agency shall submit a final signed report to the Building Department stating that all items requiring special inspection and testing were fulfilled and reported and, to the best of his/her knowledge, in conformance with the approved design drawings, specifications, approved change orders and the applicable workmanship provisions of the IBC. Items not in conformance, unresolved items or any discrepancies in inspection coverage (i.e., missed inspections, periodic inspections when continuous was required, etc.) shall be specifically itemized in his report. Final report shall be reviewed, signed and stamped by the principal of the special inspection agency who is a registered design professional (civil or structural engineer) in the State of Nevada.

Contractor's Responsibilities

1. **Notify the special inspector**

   The contractor is responsible for notifying the special inspector or agency regarding individual inspections for items listed on the attached schedule and as noted on the Building Department approved plan. Adequate notice shall be provided so that the special inspector has time to become familiar with the project

2. **Provide access to approved plans**

   The contractor is responsible for providing the special inspector access to approved plans at the job site.

3. **Retain special inspection records**

   The contractor is also responsible for retaining at the job site all special inspection records submitted by the special inspector, and providing these records for review of the Building Department's inspector upon request.

4. **Seismic force resisting systems, designated system or component**

   Contractor's Statement of Responsibility per Section 1706 of the 2006 International Building Code, where required:

   To comply with the requirements of Section 1706, the contractor acknowledges the following:

   - The company is aware of the special requirements contained in the statement of special inspections prepared by the engineer of record or the registered design professional per the requirements of Section 1705 of the 2006 IBC.
   - Control will be exercised to obtain conformance with the construction documents approved by the Building Official.
   - The company has procedures for exercising control within our organization, the method and frequency of reporting and the distribution of reports.
   - The company has the qualified personnel to exercise such control.

B. **Engineer of Record's responsibilities:**

1. Specify on the project plans and specifications all items requiring special inspections, including periodic inspections in accordance with Chapter 17.
2. Prepare a statement of special inspections, including seismic requirements, in accordance with Section 1705
3. If structural observation is required per section 1709, and if owner hires the engineer of record, conduct structural observations. All final reports to be submitted to the Building Official

C. Owner's responsibilities:

1. Obtain and fund special inspection services by contract with an agency approved by the City of Las Vegas.
2. Submit the signed SI-3 and SI-6 to the Building Official prior to permit issuance
3. Obtain and fund structural observation by engineer of record as required by Section 1709.

D. Scope of Work:

All work falling within the categories identified on the attached addendum (SI-6) shall be inspected and/or tested in accordance with the provisions of Chapter 17 of the International Building Code.

E. Some items noted in the project's scope of work, SI-6, are to be inspected by City of Las Vegas inspectors. Call 229-5112 to schedule these inspections. An inspection hold will be in place until these inspections are scheduled. Special inspection fees apply.

I have read and agree to comply with the terms and conditions of this agreement.

Owner: CITY OF LAS VEGAS — Date: 5-12-09

By: PATRICK BATTE — Print Name: PATRICK BATTE

Special Inspection Agency: NINYO + MOORE — Date: 9-1-09

By: — Print Name: FINTAN L GAFFNEY

Contractor: — Date:

By: — Print Name:

Sub-consultant (if any): — Date:

By: — Print Name:

☒ Engineer of Record: (Signature required if box is checked) — Date:

By: — Print Name: GREGG MENDENHALL

May 12, 2009

CLV Dept. of Building & Safety

Development Services Center
las Vegas, Nevada 89101

Attn.: **Nenad Mirkovic**

Project: Pavilion Pool Cover Project#. 136465

Re: Special Inspection # 26733

Dear Nenad:

As discussed, this letter is to inform you that the City of Vegas is in the process of selecting a City approved Special Inspection Agency to fulfill all required third party structural inspection material testing services for the above referenced project.

It is understood that said agency and the most responsible bid Contractor will sign the Special Inspection Agreement prior to payment of fees and issuance of final building permit.

With exception of Special Inspection Agency and Contractor on board at this time, and that all other Structural plan review requirements have been approved, Public Works hereby requests that plans by stamped and cleared as permit ready.

Please advise if you have any further concerns

Sincerely,

Patrick Batte
Arch. Project Mngr.

Cc:

DEPARTMENT OF PUBLIC WORKS

OAS

OFFICE OF ARCHITECTURAL SERVICES

400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

www.lasvegasnevada.gov

SPECIAL INSPECTIONS REQUIREMENTS (SI-2)
(Effective 04/14/2008)
To be Filled Out and Signed by Engineer of Record

Date 5/6/09 Contact
Name CRAIG MENDENHALL
Project Name PAVILION POOL COVER Phone Number 702-367-6225
Project Address 101 SOUTH PAVILION CENTER DRIVE Plan Check / Application Number 136465

5. Seismic Design Category C
6. Per section 1707.1 and 1707.3 of 2006 IBC, special inspection is required for the structural wood elements of the seismic force resisting systems (shear walls, diaphragms, drag struts, braces, hold-downs), unless the fastener spacing of the sheathing is more than 4 inches. (Except Single Family Dwellings < or = 10,000 sq. ft)
   - O Any fastener spacing < or = 4 inches? Yes_____ No X
7. Is Special Inspection required for this project? Yes X No_____
8. If Yes, please list below all items that require special inspections per chapter 17 of the 2006 International Building Code. This is required to be completed regardless of the items being on the plans.

SPECIAL INSPECTION ITEMS

- R STEEL: S1, S1.1, S1.2, S2, S3, S4, S4.2, S6, S6.1, S7
- R CONCRETE: C4, C9, C10
- R MASONRY: M2
- O [illegible]
- O
- O
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- O
- O
- O
- O
- O
- O
- O

CRAIG N. MENDENHALL
ENGINEER OF RECORD (NAME)

MENDENHALL SMITH 5/6/09
COMPANY NAME DATE

SIGNATURE AND STAMP

BUILDING & SAFETY
DEVELOPMENT SERVICES CENTER

Scope of Work

(SI-6) 2006 IBC

APPL/PERMIT # 136465

ADDRESS 101 S. PAVILION CENTER DRIVE

Includes all types of work listed under IBC Sections 1704 to 1714.

SIA = Special Inspection Agency to perform inspection
CLV = City of Las Vegas staff to perform inspection unless otherwise noted
To schedule CLV Express and Special Inspections, call 229-5112

NOTE: Items that are not checked but are applicable to the project shall have special inspections in accordance with Chapter 17 of the International Building Code

Req = Required inspection ***if marked with X***

CLV	SIA	ITEM #	DESCRIPTION
	X	S	**Steel Construction (Table 1704.3 & Section 1704.3)**
	X	S1	Material verification of high strength bolts, structural steel, weld filler
	X	S1.1	Manufacturer's certificate of compliance
	X	S1.2	Manufacturer's certified mill tests reports
	X	S1.3	Identification markings
	X	S2	Welding (Section 1704.3.1, Table 1704.3 and AWS D1.1 and D1.3)
	X	S2.1	Structural steel
		S2.2	Reinforcing steel
	X	S3	Details of steel frames (Table 1704.3)
	X	S4	High strength bolting (Section 1704.3.3 and Table 1704.3)
	X	S4.1	Bearing type connections
	X	S4.2	Slip critical connections
		S5	Inspection of fabricator (shop and shop fabricated items per Section 1704.2)
	X	S6	Verification of approved fabricator
	X	S6.1	Fabricator's certificate of compliance
	X	S7	Bearing and base plate grouting
		S8	Non-destructive testing
	X	S9	Floor and deck welding
		S10	Welded studs for structural diaphragm
		S11	Welded sheet steel for cold-formed framing members
		S12	Welding of stairs and railing systems
	X	S13	Any other applicable items per Table 1704.3

CLV	SIA	ITEM #	DESCRIPTION
		S13.1	Steel Bar Joist Installation
	X	C	**Concrete Construction (Table 1704.4 & Section 1704.4)**
	X	C1	Materials
	X	C2	Reinforcing steel and placement
		C3	Pre-stressing tendons and placement
	X	C4	Bolts in concrete
		C5	Concrete & Shot Crete and placement
		C6	Pre-stressed concrete
		C6.1	Pre-stressing forces
		C6.2	Grouting of bonded pre-stressing tendons in seismic force resisting systems
		C7	Erection of pre-cast concrete members
	X	C8	Slab-on-grade, where required
	X	C9	Verification of required design mix
	X	C10	Concrete cylinders, slump, air, temperature
		C11	Curing
		C12	Verification of in-situ concrete strength
		C12.1	Prior to stressing of tendons
		C12.2	Prior to removal of shores and forms for beams and structural slabs
		C13	Formwork for shape, location and dimension of concrete member being formed
	X	M	**Masonry Construction (Section 1704.5)**
	X	M1	Level 1 Special Inspections (Table 1704.5.1 **in Occupancy Categories I,II &III)**
		M2	Level 2 Special Inspections (Table 1704.5.3 **in Occupancy Category IV)**
		W	**Wood Construction (Section 1704.6)**
		W1	**Verification of approved fabricator for prefabricated wood structural elements.**
		W2	**High load diaphragms (sheathing, nailing, fastening, framing) Table 2306.3.2**
	X	G	**Soils (Section 1704.7 and Table 1704.7 and soils report)**
	X	G1	Site preparation and sub-grade
	X	G2	Fill placement, classification, testing (fill >12 in)
	X	G3	In-Place density, materials and lift thickness, placement and compaction of controlled fill (fill >12 in)
	X	G4	Excavation
	X	G5	Special Excavation, grading and filling
		PL	**Pile Foundations (Section 1704.8)**
		PL1	Verify pile materials, sizes, length
		PL2	Verify capacities of test piles and any additional required load tests
		PL3	Verify placement locations, plumb
		PL4	Verify type and size of hammer

CLV	SIA	ITEM #	DESCRIPTION
		PL5	Record number of blows per foot of penetration
		PL6	Verify required penetrations to achieve design capacity
		PL7	Record driving operations with complete and accurate records for EACH pile, including any pile damage
		PL8	Verify tip and butt elevations
		PR	**Pier Foundations (Section 1704.9 and Table 1704.9)**
		PR1	Observe drilling operations and maintain complete and accurate records for EACH pier
		PR2	Verify placement locations and plumb-ness
		PR3	Confirm pier diameters, bell diameters, length, embedment, end bearing strata capacity
		PR4	Perform additional concrete inspections per section 1704.4 or masonry inspections per section 1704.5
		F	**Sprayed Fire Resistant Materials (Section 1704.10)**
		X	**Special Cases: (Section 1704.13)**
		X1	**Rebar/Bolt/Threaded Rods/Anchors in epoxy grout (verify bolt or bar materials, hole depth and diameter, hole cleanout, epoxy mixing and placement, embedment depth and other requirements of ICC-ESR report and manufacturer's specifications) CLV Express Call 229-5112 to schedule**
		X2	**Hold-down substitution in tension**
		X3	Rock retaining walls (Rock placement, rock size, footing, embedment, drainage, backfill, compaction, filter fabric, batter, slope and other items specified by engineer of record), Rammed Earth walls.
		X4	**Expansion anchors / Concrete screw anchors (per ICC – ES reports)**
		X5	**Embedded plates**
		X6	Others
		MS	**Mastic and in tumescent fire-resistance coatings (Section 1704.11)**
		EIFS	**Exterior Insulation and Finish Systems (EIFS) (Section 1704.12) SI based on ICC – ES reports**
		E	Special Inspections for Seismic Resistance (Section 1707)
		ES1	Structural steel (Section 1707.2)
		ES2	Structural welding (Section 1707.2)
		EW	**Structural wood (Section 1707.3) Seismic Design Category C,D,E,F (except R-3 < or = 10,000 sq. ft.)**
		EW1	**Field Gluing**
		EW2	**Nailing, bolting, anchoring, fastening**
		EW3	**Drag struts**
		EW4	**Braces**
		EW5	**Hold-downs**
		EW6	**Shear walls and diaphragm nailing, anchoring, bolting and**

CLV	SIA	ITEM #	DESCRIPTION
			fastening (fastener spacing less than or equal to 4 inches)
X		**EL**	**Cold formed steel framing for seismic force resisting system (Section 1707.4)**
	X	**EL1**	**Welding**
X		**EL2**	**Screw attachment, bolting, anchoring**
		ER	**Storage racks over 8 ft and access floors (Section 1707.6) in SDC D,E,F**
		EV	**Architectural components (Section 1707.7) For structures >30 ft high only in SDC D,E,F**
		EV1	**Exterior cladding (weight > 5 psf)**
		EV2	**Interior and exterior non-bearing walls (weight > 15 psf)**
		EV3	**Interior and exterior veneer (weight > 5 psf)**
		EV4	**Suspended Ceiling in Seismic design category D, E, F**
		EME	**Mechanical and electrical components (Section 1707.8)**
		EME1	**Electrical equipment anchorage for emergency systems in SDC C,D,E,F (Section 1707.8.1)**
		EME2	**Other electrical equipment in SDC E,F (Section 1707.8.2)**
		EME3	**Installation of piping systems with flammable, combustible or highly toxic materials in SDC C, D,E,F (Section 1707.8.3)**
		T	**Structural Testing for Seismic Resistance (Section 1708)**
		T1	Engineered Masonry level 1 (Section 1708.1 & Table 1708.1.2)
		T2	Engineered Masonry level 2 (Section 1708.1 & Table 1708.1.4)
		T3	Testing for seismic resistance
		T3.1	Seismic force resisting systems in SDC C,D,E,F
		T3.2	Designated systems in SDC D,E,F
		T4	Reinforcing and pre-stressing steel (Section 1708.3)
		T4.1	Certified mill tests
		T4.2	Chemical tests for weld ability
		T5	Structural steel (Section 1708.4 and AISC 341)
		T5.1	All testing as required by AISC 341
		T5.2	Non-destructive testing (AWS D1.1). Acceptance criteria for NDT to be specified by engineer of record
		T5.3	Others
		T6	Mechanical and Electrical Equipment Seismic Qualification Testing (Section 1708.5)
		T6.1	**Manufacturer's certificate of compliance on anchorage**
		T6.2	**Inspection of anchorages and labels**
		A	**Amusement Rides**
		A1	Construction inspection and testing
		A2	Operation and maintenance inspection and testing

CLV	SIA	ITEM #	DESCRIPTION
		A3	Non-destructive testing
		Z	**Other Inspections and Tests**
		Z1	**Exterior windows and door assemblies (Section 1714.5) Testing & Labeling**
		Z2	Alternative tests (Section 1711)
		Z3	In-situ load tests (Section 1713)
		Z4	Pre-construction load tests (Section 1714)

- **Statement of special inspections specified by Engineer of Record (Section 1705 Yes or No**

- **Is Structural Observation by a Registered Design Professional Required? (Section 1709) Yes or No**

All continuous inspections and periodic inspections shall be in accordance with 2006 IBC, Chapter 17.

EXHIBIT "B"

For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall deliver the following minimum submittals and deliverables for the Project, which shall be accomplished as a prerequisite to payment for each service.

SPECIAL INSPECTION. Provide reports and other submittals as required by the Building Department. Provide one (1) duplicate copy concurrent with each Building Department submittals to the City Construction Project Representative, stamped, signed and dated by the licensed engineer of record.

MATERIAL TESTING. Five (5) copies of any reports, stamped, signed and dated by the licensed engineer of record.

All reports shall be on white paper, 8-1/2 x 11 inches, suitable for photocopying and bound in booklet form.

Monthly Report: The consultant shall submit monthly reports certifying that all sampling and testing procedures have been performed in accordance to accepted industry standards.

Final Report: The Consultant shall submit a final report containing all test results.

It is understood that the City may produce and distribute copies of the reports as necessary in connection with the Project without incurring obligation for additional compensation.

END OF EXHIBIT "B"

EXHIBIT "C"

For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall accomplish the services in accordance with the following schedule:

Subject to any limitations stated in the Consultant's proposal, the specified services shall be completed as the Project progresses and reports delivered to the City within Thirty (30) calendar days of the inspection and testing, barring circumstances beyond the Consultant's control that force a delay.

The Consultant shall respond to a request to perform an inspection or test within Twenty Four (24) Hours from the time the request is received from the City's Construction Project Representative.

The start date for the Consultant's scope of services shall be, without any further notice requirement, the date of this Agreement.

The Consultant shall have in his possession a cellular phone and city phone numbers from which he may be contacted or may contact the City's Construction Project Representative while on-site.

Site access is hereby provided to the Consultant by the City for the scope of services contained in this Agreement. The City either has title to the property and the right of entry, or the City has secured permission from the present owner and tenant for entry to the property. The Consultant shall coordinate site access with any contractors working on site.

The Consultant shall provide the required services until the Project is completed. Except as provided for in Paragraph 10.01 Suspension, additional compensation shall not be allowed should the completion date of the Project extend beyond the completion date anticipated.

END OF EXHIBIT "C"

EXHIBIT "D"

TOTAL COMPENSATION

The total compensation to be paid to the Consultant for performance of this Agreement including Basic Services, Additional Services, and Reimbursable Expenses shall not exceed $79,900. Increases to total compensation may only be authorized by written amendment to this Agreement. This total compensation amount is comprised of the parts described in this Exhibit "D" (Fee Breakdown).

BASIC SERVIES PAYMENT BASED ON HOURLY RATES AND TESTING RATES WITH A TOTAL NOT-TO-EXCEED COST

For the services set forth in Exhibit "A" (Scope of Services), the City agrees to pay to the Consultant based upon the Consultant hourly rates and testing rates established in the Consultant's attached proposal dated July 23, 2009 based upon the completed and approved services performed for the prior month. The Consultant agrees to perform the services required under this Agreement Exhibit "A" (Scope of Services) for no more than the amount of the Total Not-to-Exceed Cost set forth in this Exhibit "D" (Fee Breakdown). Payment shall be made pursuant to monthly invoices submitted in accordance with the Agreement. The Total Not-to-Exceed Cost shall constitute the maximum compensation to be paid to the Consultant regardless of the number of man-hours actually expended to complete the performance of the services set forth in Exhibit "A" (Scope of Services).

SERVICE	NOT-TO-EXCEED COST	REMARKS
Observations and Testing	72,6500.00	Inspections, material pickup from site and reports.
Laboratory Testing of materials	$2,990.00	Various materials testing with lab equipment off site.
	$0.00	
	$0.00	
	$0.00	
TOTAL NOT TO EXCEED COST	$75,640	

The amounts shall not be shifted between the Not-to-Exceed Cost for each service shown above unless the City Representative so authorizes in writing.

ALLOWANCE FOR ADDITIONAL SERVICES

A Not-To-Exceed Allowance for Additional Services is hereby established as set forth below. The City Representative has authority to pre-authorize in writing Additional Services up to the Total Not-To-Exceed Cost. Services performed prior to receiving the required written authorization or in excess of the Total Not-To-Exceed Cost shall not be obligated for compensation.

Additional Services are services that are not set forth in Exhibit "A" (Scope of Services).

The Consultant shall be compensated for Additional Services in accordance with the Additional Services fees set forth in Exhibit "E" (Additional Compensation), or if no Additional Service fee has been established for the service, in accordance with the Consultant Hourly Rates established in Exhibit "E" (Additional Compensation). Additional Service compensation disputes shall be resolved in accordance with the claims and disputes provisions of this Agreement and shall not be cause for the Consultant to delay providing requested services. Payment shall be made for each completed Additional Service pursuant to invoices submitted in accordance with the Agreement.

Continued Service. If a fee cannot be negotiated for Additional Services required by the Department of Building and Safety, or some other disagreement arises between the parties to this Agreement, or other event occurs that threatens to disrupt the Project schedule, regardless of the causes, the Consultant agrees to act in the best interest of the Project and to timely perform services as may be required by the Department of Building and Safety, independent of any dispute or claim, which shall be resolved in accordance with the terms of this Agreement.

Records. The Consultant shall maintain and provide to the City itemized detailed records for each Additional Service including the names of personnel, date and hours worked, tasks completed, area of the Project under construction, scope of work on the SI-6 form as appropriate to the service, whether the service required a special trip to the site or was performed in addition to already scheduled on-going work on the site, and other information as may reasonably be required by the City to properly evaluate the services performed. In addition, to evaluate Additional Services provided or claimed, the City may required the Consultant to provide this same level of detail for other work being performed by the Consultant concurrent with, adjacent to, or otherwise related to the Additional Services under consideration.

Increases to this Total Not-To-Exceed Cost for Additional Services may only be authorized by written amendment to this Agreement.

ADDITIONAL SERVICES ALLOWANCE		ALLOWED SERVICES
TOTAL NOT-TO-EXCEED COST	$4,260.00	Additional laboratory material testing, observations and testing, due to unforeseen site and building conditions needed to comply with engineering, structural, code recommendations and approvals. Additional boiler replacement inspection, testing, and reports if required. Special inspection requirements for: Building and Safety code compliance, engineering and owner's recommendations. Additional services scope is based on tasks and rates listed on consultants proposal table 1 and exhibit E.

END OF EXHIBIT "D"

EXHIBIT "E"

CONSULTANT HOURLY RATES

The following hourly rates are to be used as the basis for negotiation of added and reduced services. These hourly rates are valid for the duration of the Project and include salary costs, overhead, administration and profit. The overhead included in these rates covers all support personnel who normally work on non-specific project tasks including but not limited to receptionists, senior executives together with their assistants, financial accounting personnel, and facility, equipment, and IT maintenance personnel.

CLASSIFICATION		
Special Inspector	$80	Per Hour
Principal Engineer	$155	Per Hour
Sample pick up technician	$60	Per Hour

Material Testing Rates Refer to testing rates listed in Exhibit "d" that are to be used as the basis for negotiation of added and reduced services. These rates are valid for the duration of this Agreement and include labor costs for the test, equipment, overhead, administration and profit.

REIMBURSABLE EXPENSES

For Reimbursable Expenses of the Consultant, the City shall compensate the Consultant a multiple of **one and one tenth (1.10)** times the actual direct costs incurred by the Consultant. The multiplier includes all compensation for overhead and profit.

Reimbursable Expenses are limited to specific pre-authorized items or services purchased from third parties to this Agreement, dedicated to only this Project. Additions to the above allowed Reimbursable Expenses may only be granted as a written amendment to this Agreement.

None authorized or anticipated as of the date of this Agreement. If the City requests additional copies of any reports beyond those required by this Agreement, they shall be considered a Reimbursable Expense.

END OF EXHIBIT "E"

EXHIBIT "F"

CITY PERSONNEL

CITY REPRESENTATIVE: Patrick Batte

CONSTRUCTION PROJECT REPRESENTATIVE: Ken Katora

CONSULTANT'S PROJECT STAFF

The following personnel will be assigned by the Consultant to work on the Project. Any changes require City approval.

CONSULTANT REPRESENTATIVE: Fintan Gaffney

ENGINEER OF RECORD: Fintan Gaffney

CONSULTANT'S SUBCONSULTANTS

The following subconsultants will be contracted with and utilized by the Consultant to work on the Project. Any changes require City approval.

None.

END OF EXHIBIT "F"

City of Las Vegas Agenda Item No.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of Modification No. 1 to Bid No. 09.1730.29-LED, Las Vegas Wash Trail, Phase 1, Owens Avenue to Stewart Avenue and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: WILLIAMS BROTHER, INC. ($450,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $450,000
Funding Source: Parks and Leisure Activities CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
On April 1, 2009 City Council approved agenda item number 22 for the award of Bid No. 09.1730.29-LED for the construction of an intermodal trail system in the Las Vegas Wash Corridor as a shared multi-use facility for non-motorized traffic, bicycles, pedestrians and skaters. This modification provides for additional riprap to stabilize areas disrupted by construction work as well as survey work, unexpected utility conflicts, unexpected material (concrete) removal and replacement, and other related work.

PCC: L.E. Davis
POC: Michael Peek - (702) 878-9455

RECOMMENDATION:
That City Council approve Modification No. 1 to Bid No. 09.1730.29-LED, Las Vegas Wash Trail, Phase 1, Owens Avenue to Stewart Avenue to Williams Brother, Inc. in the amount of $450,000 for a total contract amount of $2,469,784.50 and increase the construction conflicts and contingency reserve by $45,000 for a total of $246,978. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Modification No. 1

CITY OF LAS VEGAS CONTRACT MODIFICATION

DATE:_____

BID# 09.1730.29-LED **PURCHASE ORDER #: 270000** SUPPLEMENT: MODIFICATION #1

NAME AND ADDRESS OF CONTRACTOR: **Williams Brother, Inc.**

CONTRACT DESCRIPTION: **This project consists of constructing an intermodal trail system in the Las Vegas Wash Corridor from Owens Avenue to Stewart Avenue. It is a shared, multi-use facility for non-motorized traffic including bicycles, pedestrians and skaters. Rest areas are provided with benches, trees, fitness equipment, drinking fountains, dog waste stations and trash receptacles. Lighting will be installed along portions of the trail.**

DESCRIPTION AND REASON FOR MODIFICATION: **Contract Modification is necessary to cover changes to original scope of work including riprap slope protection requirements along the Las Vegas Wash. Additional riprap is necessary to stabilize areas disrupted by construction work. Additional work includes survey work, unexpected utility conflicts, unexpected material (concrete) removal and replacement, light fixture modifications including house side shields and vandal guards, unexpected tree removal, additional electrical work, additional signage, and modification to trail alignment at Lamb Boulevard that includes additional amenities.**

PRICE OF THIS MODIFICATION (WRITTEN): **Four hundred and fifty thousand** DOLLARS: **$450,000**

TOTAL TIME EXTENSION FOR THIS MODIFICATION (WRITTEN): **zero** # DAYS: **0**

ORIGINAL COMPLETION DATE: **February 11, 2010** NEW COMPLETION DATE: **same**

PRICE OF ORIGINAL CONTRACT:	**$2,019,784.50**	
PRICE OF ALL PREVIOUS MODIFICATIONS:	$0	(#_____through _____)
PRICE OF THIS MODIFICATION:	**$450,000**	
PRICE OF CONTRACT (INCLUDING THIS MODIFICATION):..	**$2,469,784.50**	

1. ALL OTHER TERMS, CONDITIONS, AND SPECIFICATIONS OF THIS CONTRACT, INCLUDING PREVIOUS MODIFICATION(S), IF ANY, REMAIN THE SAME.

THE CITY OF LAS VEGAS AND THE CONTRACTOR NAMED ABOVE DO MUTUALLY AGREE TO THIS CONTRACT IN STRICT ACCORDANCE WITH THE TERMS AS STATED ABOVE. IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS MODIFICATION AS OF THE APPROVAL DATE OF THIS MODIFICATION.

APPROVED AS TO FORM:

John S. Ricieia
(SIGNATURE)

9/17/09
(DATE)

ATTEST: _____
(CITY CLERK) (DATE)

WILLIAMS BROTHER, INC.
(NAME OF CONTRACTOR)

BY _____ 9/17/09
DATE

PRESIDENT
(TITLE)

_____
PURCHASING AND CONTRACTS MANAGER

CITY OF LAS VEGAS CONTRACT MODIFICATION

DATE:_____

BID# 09.1730.29-LED **PURCHASE ORDER #: 270000** SUPPLEMENT: MODIFICATION #1

NAME AND ADDRESS OF CONTRACTOR: **Williams Brother, Inc.**

CONTRACT DESCRIPTION: **This project consists of constructing an intermodal trail system in the Las Vegas Wash Corridor from Owens Avenue to Stewart Avenue. It is a shared, multi-use facility for non-motorized traffic including bicycles, pedestrians and skaters. Rest areas are provided with benches, trees, fitness equipment, drinking fountains, dog waste stations and trash receptacles. Lighting will be installed along portions of the trail.**

DESCRIPTION AND REASON FOR MODIFICATION: **Contract Modification is necessary to cover changes to original scope of work including riprap slope protection requirements along the Las Vegas Wash. Additional riprap is necessary to stabilize areas disrupted by construction work. Additional work includes survey work, unexpected utility conflicts, unexpected material (concrete) removal and replacement, light fixture modifications including house side shields and vandal guards, unexpected tree removal, additional electrical work, additional signage, and modification to trail alignment at Lamb Boulevard that includes additional amenities.**

PRICE OF THIS MODIFICATION (WRITTEN): **Four hundred and fifty thousand** DOLLARS: **$450,000**

TOTAL TIME EXTENSION FOR THIS MODIFICATION (WRITTEN): **zero** # DAYS: **0**

ORIGINAL COMPLETION DATE: **February 11, 2010** NEW COMPLETION DATE: **same**

PRICE OF ORIGINAL CONTRACT:	**$2,019,784.50**	
PRICE OF ALL PREVIOUS MODIFICATIONS:	$0	(#_____through _____)
PRICE OF THIS MODIFICATION:	**$450,000**	
PRICE OF CONTRACT (INCLUDING THIS MODIFICATION):..	**$2,469,784.50**	

1. ALL OTHER TERMS, CONDITIONS, AND SPECIFICATIONS OF THIS CONTRACT, INCLUDING PREVIOUS MODIFICATION(S), IF ANY, REMAIN THE SAME.

THE CITY OF LAS VEGAS AND THE CONTRACTOR NAMED ABOVE DO MUTUALLY AGREE TO THIS CONTRACT IN STRICT ACCORDANCE WITH THE TERMS AS STATED ABOVE. IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS MODIFICATION AS OF THE APPROVAL DATE OF THIS MODIFICATION.

APPROVED AS TO FORM:

John S. Ridilla
(SIGNATURE)

9/17/09
(DATE)

ATTEST: _____
(CITY CLERK) (DATE)

WILLIAMS BROTHER, INC.
(NAME OF CONTRACTOR)

BY _____ 9/17/09
DATE

PRESIDENT
(TITLE)

_____
PURCHASING AND CONTRACTS MANAGER

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of award of Modification No. 3 to Task Order Contract No. 080053-TB, Oracle Business Intelligence Pilot - Department of Information Technologies - Award recommended to: INNOWAVE TECHNOLOGY, LLC ($205,000 - Computer Services Internal Service Fund) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $205,000
Funding Source: Computer Services ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
Task Order Contract No. 080053-TB and subsequent modifications for software consulting services have been awarded by City Council and the Purchasing and Contracts Manager as authorized by R-48-2006 between January 9, 2009 and May 13, 2009 in the aggregate amount of $250,000 for the implementation of Business Process Execution Language (BPEL) and the pilot implementation of Business Intelligence (BI). Modification No. 3 adds $205,000 in consulting services. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: T. Boyce
POC: Serene Lee - (949) 223-6425

RECOMMENDATION:
That City Council approve award of Modification No. 3 to Contract No. 080053-TB, Oracle Business Intelligence Pilot to Innowave Technology, LLC in the amount of $205,000. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

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

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: 080053-TB, ORACLE BUSINESS INTELLIGENCE PILOT – MODIFICATION NO. 3

BPEL Consulting Services

Business Process Execution Language (BPEL) is the new technology to transform data from one application to another so that the source system and final financial system maintain their application integrity. This allows the City to reduce the redundancy of activities relative to permit/fee creation, payments and inquiry while tracking revenue on a real time basis. The services to be provided in this Modification No. 1 are to assist with the interface needed for the new Business License application.

BI Consulting Services

An assessment and subsequent Water Pollution Control Facility (WPCF) pilot of Business Intelligence (BI) were successfully completed to establish a foundation for use by the City of Las Vegas of the BI product. Initial use of BI product is to extract the necessary data from the source applications that is currently calculated manually to meet the Performance Plus initiative. Training was performed for CLV staff to assist with the development. This model was very successful and the plan to move forward with the remainder of the departments was developed.

The next phase of BI implementation will be with the Human Resources and Finance Departments and assisted by an Innowave resource at a reduced rate for approximately six months until our resource in IT returns from FMLA so the BI implementation can continue uninterrupted.

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 Innowave Technologies, LLC
Name
Address 2151 Michelson Dr., #230, Irvine, CA 92612
Telephone 949-223-6425
EIN or DUNS 20-4037311

Block 2 Description
Consultant for BPEL interface and implementation for Oracle Middleware Prroduct
Contract No. 080053-TB

ATTACHMENT 1

Block 3	Type of Business

☐ Individual ☐ Partnership X 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.	Basheer Khan	2151 Michelson Dr.230, Irvine, CA	949-223-6425
2.	Sunil Manaktala	2151 Michelson Dr.230, Irvine, CA	949-223-6425
3.	Mike Adams	10350 Santa Monica Blvd, LA, CA	310-600-3881
4.	Soo-Jin Behrstock	10350 Santa Monica Blvd, LA, CA	310.428.0966
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.

MADOUL S. KOBTY
COMM. #1698646
Notary Public-California
ORANGE COUNTY
My Comm. Exp. Nov 7, 2010

Name

9/2/09
Date

Subscribed and sworn to before me this 2nd day of September 2009

Notary Public

MADOUL S. KOBTY
COMM. #1698646
Notary Public-California
ORANGE COUNTY
My Comm. Exp. Nov 7, 2010

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on this 2nd day of September, 2009, by Rolla Salameh,
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
(seal) Signature

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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) – All Wards

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. Agenda Memo
2. Modification No. 4
3. Certificate - Disclosure of Ownership/Principals

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 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.

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.

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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 Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of authorization to use the Western States Contracting Alliance (WSCA) Master Price Agreement No. B27160 for Dell Computer Equipment, Peripheral Devices and Related Services - Department of Information Technologies - Award recommended to: DELL MARKETING L.P. ($2,500,000 - Computer Services Internal Service Fund) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,500,000
Funding Source: Computer Services ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
This requirement provides for the purchase of Dell computers, laptop PCs, PDAs, servers, printers and other computer hardware for the City's use. This item is exempt from the competitive bidding process pursuant to NRS 332.195, which allows local governments to use the contracts of other State and local governments.

PCC: J. Lonborg
POC: Scott Loras - (512) 728-8857

RECOMMENDATION:
That City Council approve authorization to use the Western States Contract Alliance Master Price Agreement No. B27160 for Dell Computer Equipment, Peripheral Devices and Related Services from date of award through August 31, 2010 with four one-year options to renew in the estimated annual amount of $2,500,000.

BACKUP DOCUMENTATION:
1. WSCA Master Price Agreement No. B27160
2. State of Nevada Participating Addendum to B27160

WESTERN STATES CONTRACTING ALLIANCE
MASTER PRICE AGREEMENT
for
COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES

Number B27160

This Agreement is made and entered into by Dell Marketing L.P., One Dell Way, Mailstop 8708, Round Rock, TX 78682 ("Contractor") and the State of Minnesota, Department of Administration ("State") on behalf of the State of Minnesota, participating members of the National Association of State Procurement officials (NASPO), members of the Western States Contracting Alliance (WSCA) and other authorized Purchasing Entities.

RECITALS

WHEREAS, the State has the need to purchase and the Contractor desire to sell; and,

WHEREAS, the State has the authority to offer contracts to CPV members of the State of Minnesota and to other states.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

INTENT AND PURPOSE

The intent and purpose of this Agreement is to establish a contractual relationship with equipment manufacturers to provide, warrant, and offer maintenance services on **ALL** products proposed in their response to the RFP issued by the State of Minnesota. Delivery, support, warranty, and maintenance may be provided by the Contractor using subcontractors. The Contractor agrees to take responsibility for the warranty and maintenance of all products furnished under this Agreement. The Contractor is responsible for the timeliness and quality of all services provided by individual subcontractors. Subcontractor participation will be governed by individual Participating Entities, who have the sole discretion to determine if they will accept services from a subcontractor.

Individual Purchasing Entities may enter in to lease agreements for the products covered in this Master Price Agreement, if they have the legal authority to enter into these types of agreements without going through a competitive process. The Contractor submitted copies of its lease agreements with its response to the RFP. The lease agreements were not reviewed

or evaluated as part of the RFP evaluation process. The agreement is located in Exhibit D, Leasing.

The Agreement is **NOT** for the purchase of major, large hardware or hardware and software offerings. In general, individual units/configurations for servers and storage (SANs, etc.) should not exceed $300,000 each. Desktop per unit/configuration costs should not exceed $100,000. Printers of all types and monitors per unit/configuration costs should not exceed $50,000 each. It is the expressed intent of some of the Participating States to set this level at not to exceed $25,000 each, or $50,000. Contractors must be willing to comply with these restrictions by agreeing to supply products in those price ranges only. This **IS NOT** a restriction on how many units/configurations can be purchased, but on the value of each individual unit/configuration. Individual Participating States and Participating Entities may set specific limits in a participating addendum above these limits, with the prior approval of the WSCA Directors; or may set specific limits in a participating addendum below these limits.

Contractors may offer, but participating states and entities do not have to accept, limited professional services related **ONLY** to the equipment and configuration of the equipment purchased through the Agreement.

1. Definitions

"Announced Promotional Price" are prices offered nationally to specific categories of customers (Consumer, Business or government) for defined time periods under predefined terms and conditions.

"Consumables" those items that are required for the operation of the Equipment offered or supplied which are consumed over time with the purchaser's use of the equipment are included – printer cartridges, batteries, projector bulbs, etc. *Consumables such as magnetic media, paper and generally available office supplies are excluded.*

"Configuration" in most instances in this document means a total system configuration. This may include more than one model or part number (or SKU), or a combination of hardware, software, and configuring of the system to make the system work.

"Contract" means a binding agreement for the procurement of items of tangible personal property or services. Contract and Master Price Agreement are used interchangeably in this document.

"Contractor" means the successful Responder who enters into a binding Master Price Agreement. The Contractor is responsible for all sales, support, warranty, and maintenance services for the products included in this Agreement. The Contractor must manufacture or take direct, non-assignable, legal responsibility for the manufacture of the equipment and warranty thereof. For the purposes of this Contract, the term Contractor and Contract Vendor are synonymous.

"CPV Member" is any governmental unit having independent policy making and appropriating authority, that is a member of Minnesota's Cooperative Purchasing Venture (CPV) program.

"CPV Program." The Cooperative Purchasing Venture (CPV) program, as established by Minn. Stat. § 16C.03, subd. 10, authorizes the commissioner of Administration to "enter into a cooperative purchasing agreement for the provision of goods, services, and utilities with [governmental entities] ..., as described in section 471.59, subdivision 1." Based on this authority, the commissioner of Administration, through the Materials Management Division (MMD), enters into a joint powers agreement that designates MMD as the authorized purchasing agent for the governmental entity. It is not legal for governmental entities that are not members of the CPV program to purchase from a State contract. Vendors are free to respond to other solicitations with the same prices they offer under a contract, but that is not considered use of the "State contract price."

"Cumulative Volume Discount" means a contractual, cumulative, permanent volume discount based on dollars resulting from the cumulative purchases by all governmental purchasers for the duration of the Master Price Agreement.

"Documentation" refers to manuals, handbooks, and other publications listed in the PSS, or supplied with products listed in the PSS, or supplied in connection with services. Documentation may be provided on magnetic media or may be downloaded from the Contractor's web site.

"E-Rate" is a program sponsored by the Federal Communications Commission whereby educational and other qualifying institutions may purchase authorized technology at reduced prices.

"Educational Discount Price" means the price offered in a nationally announced promotion, which is limited to educational customers only.

"Equipment" " means workstations, desktop, laptop (includes Tablet PC's), handheld (PDA) devices, projectors, servers, printers, monitors, computing hardware, including upgrade components such as memory, storage drives, and spare parts. AUDIO VISUAL PRODUCTS (digital cameras, televisions, whiteboards, etc.) are NOT included in this RFP or subsequent contracts. The exception to this definition is whiteboards, which can be sold as part of the Instructional Bundles, but not as a stand-alone item.

"FCC" means the Federal Communications Commission or successor federal agency. In the event of deregulation, this term applies to one or more state regulatory agencies or other governing bodies charged to perform the same, or similar, role.

"General Price Reduction Price" means the Contractor retail price reduction offered to consumer, business or governmental purchasers. General Price reduction prices will be reflected in the PSS as soon as practical.

"Lead State" means the State conducting this cooperative solicitation and centrally administering any resulting Master Price Agreement(s). For this Master Price Agreement, the Lead State is Minnesota.

"Mandatory" The terms "must" and "shall" identify a mandatory item or factor.

"Manufacturer" means a company that, as its primary business function, designs, assembles, owns the trademark/patent and markets computer equipment including workstations, desktop computers, laptop (includes Tablet PC's) computers, handheld (PDA) devices, servers, printers, and storage solutions/auxiliary storage devices. The manufacturer must provide direct un-infringed unlimited USA OEM warranties on the products. The manufacturer's name(s) shall appear on the computer equipment. The Contractor(s) shall provide the warranty service and maintenance for equipment on a Master Price Agreement as well as a Takeback Program.

"Master Price Agreement" means the contract that MMD will approve that contains the foundation terms and conditions for the acquisition of the Contractor's products and/or services by Purchasing Entities. The "Master Price Agreement" is a permissive price agreement. In order for a Purchase Entity to participate in a Master Price Agreement, the appropriate state procurement official or other designated procurement official must be a Participating State or Participating Entity.

"Materials Management Division" or "MMD" means the procurement official for the State of Minnesota or a designated representative.

"NASPO" means the National Association of State Procurement Officials

"Participating Addendum" or "Participating Addenda" means a bilateral agreement executed by the Contractor and a Participating State or political subdivision of a State that clarifies the operation of the price agreement for the State or political subdivision concerned, e.g. ordering procedures specific to a State or political subdivision and other specific language or other requirements. Terms and conditions contained in a Participating Addendum shall take precedence over the corresponding terms in the master price agreement. Additional terms and conditions, including but not limited to payment terms, may be added via the Participating Addendum. However, a Participating Addendum may not alter the scope of this Agreement or any other Participating Addendum. ***Unless otherwise specified, the Participating Addendum shall renew consecutively with the Master Price Agreement.*** One digitally formatted, executed copy of the Participating Addendum must be submitted to the WSCA/NASPO Contract Administrator PRIOR to any orders being processed.

"Participating State" or "Participating Entity" means a member of NASPO (Participating State) or a political subdivision of a NASPO member (Participating Entity) who has indicated its intent to participate by signing an Intent to Participate, where required, or another state or political subdivision of another state authorized by the WSCA Directors to be a party to the resulting Master Price Agreement.

"PDA" means a Personal Digital Assistant and refers to a wide variety of handheld and palm-size PCs, and electronic organizers. PDA's usually can store phone numbers, appointments, and to-do lists. PDA's can have a small keyboard, and/or have only a special pen that is used for input and output. The PDA can also have a wireless fax modem. Files can be created on a PDA which is later entered into a larger computer. NOTE: For this procurement, all Tablet PC's are NOT considered PDA's. The Contractor(s) shall provide the warranty service and maintenance for equipment on a Master Price Agreement as well as a Takeback Program.

"Peripherals" means any product that can be attached to, added within, or networked with personal computers or servers, including but not limited to storage, printers (including multifunction network printers), scanners, monitors, keyboards, projectors, uninterruptible power supplies and accessories. Software, as defined in the RFP, is not considered a peripheral. Adaptive/Assistive technology devices are included as well as configurations for education. Peripherals may be manufactured by a third party, however, Contractor shall not offer any peripherals manufactured by another contractor holding a Master Price Agreement without the prior approval of the WSCA/NASPO Contract Administrator. AUDIO VISUAL PRODUCTS (digital cameras, televisions, whiteboards, etc.) are NOT included in the contract. The exception to this definition is whiteboards, which can be sold as part of the Instructional Bundles, but not as a stand-alone item. The Contractor(s) shall provide the warranty service and maintenance for equipment on a Master Price Agreement as well as a Takeback Program.

"Permissive Price Agreement" means that placement of orders through the Price Agreement is discretionary with Purchasing Entities. They may satisfy their requirements through the Price Agreement without using statutory or regulatory procedures (e.g., invitations for bids) to solicit competitive bids or proposals. Purchasing Entities may, however, satisfy requirements without using the Price Agreement as long as applicable procurement statutes and rules are followed.

"Per Transaction Multiple Unit Discount" means a contractual volume discount based on dollars in a single purchase order or combination of purchase orders submitted at one time by a Purchasing Entity or multiple entities conducting a cooperative purchase.

"Political Subdivision" means local pubic governmental subdivisions of a state, as defined by that state's statutes, including instrumentalities and institutions thereof. Political subdivisions include cities, counties, courts, public schools and institutions of higher education.

"Price Agreement/Master Price Agreement" means an indefinite quantity contract that requires the Contractor to furnish products or services to a Purchasing Entity that issues a valid Purchase Order.

"Procurement Manager" means the person or designee authorized by MMD to manage the relationships with WSCA, NASPO, and Participating States/Participating

Entities.

"Product(s)" means personal computer equipment, peripherals, LAN hardware, pre-loaded Software, and Network Storage devices, but not unrelated services. The Contractor(s) shall provide the warranty service and maintenance for equipment on a Master Price Agreement as well as a Takeback Program.

"Products and Services Schedule Prices" or **"PSS"** refers to a complete list, grouped by major product and/or service categories, of the Products and services provided by the contractor that consists of an item number, item description and the Purchasing Entity's price for each Product or Service. All such Products and services shall be approved by the WSCA/NASPO Contract Administrator prior to being listed on a Contractor-supplied web site accessed via a URL. The Contractor(s) shall provide the warranty service and maintenance for all equipment listed on the PSS on a Master Price Agreement as well as a Takeback Program.

"Purchase Order" means an electronic or paper document issued by the Purchasing Entity that directs the Contractor to deliver Products or Services pursuant to a Price Agreement.

"Purchasing Entity" means a Participating State or another legal entity, such as a political subdivision, properly authorized by a Participating State to enter into a contract for the purchase of goods described in this solicitation. Unless otherwise limited by statute, in this solicitation or in a Participating Addendum, political subdivisions of Participating States are Purchasing Entities and authorized to purchase the goods and/or services described in this solicitation.

"**Refurbished Products**" are products that may have been powered on or used by another customer that have been fully retested, defective parts replaced, and repackaged to meet original factory specifications.

"Services" are broadly classed as installation/de-installation, maintenance, support, training, migration, and optimization of products offered or supplied under the Master Price Agreement. These types of services may include, but are not limited to: warranty services, maintenance, installation, de-installation, factory integration (software or equipment components), asset management, recycling/disposal, training and certification, pre-implementation design, disaster recovery planning and support, service desk/helpdesk, and any other directly related technical support service required for the effective operation of a product offered or supplied. *General consulting and all forms of application development and programming services are excluded.*

"Servicing Subcontractor/Subcontractor/Reseller Agent" means a Contractor authorized and state-approved subcontractor who may provide local marketing support or other authorized services on behalf of the Contractor in accordance with the terms and conditions of the Contractor's Master Price Agreement. A wholly owned subsidiary or other company providing warranty or other technical support services qualifies as a Servicing Subcontractor. Local business partners may qualify as Servicing Subcontractors. Servicing Subcontractors may not directly accept Purchase

Orders or payments for Products or Services from Purchasing Entities, unless otherwise provided for in a Participating Addendum. Servicing Subcontractors shall be named individually or by class in the Participating Addendum. **The Contractor(s) actually holding the Master Price Agreement shall be responsible for Servicing Subcontractor's providing products and services, as well as warranty service and maintenance for equipment the subcontractor has provided on a Master Price Agreement as well as the Takeback Program**.

"Standard Configurations" or **"Premium Savings Configurations (Packages)"** means deeply discounted standard configurations that are available to Purchasing Entities using the Master Price Agreement only. Any entity, at any time, that commits to purchasing the Premium Savings Configurations shall receive the same price from the contract awardees. This specification includes a commitment to maintain and upgrade (keep pace with the advance of technology) the standard configurations for a stated period of time or intervals.

"State Procurement Official" means the director of the central purchasing authority of a state.

"Storage Solution/Auxiliary Storage" means the technology and equipment used for storage of large amounts of data or information. This includes technologies such as: Network Attached Storage (NAS) and Storage Area Networks (SAN). **The Contractor(s) shall provide the warranty service and maintenance for equipment on a Master Price Agreement as well as a Takeback Program**.

"Takeback Program" means the Contractor's process for accepting the return of the equipment or other products at the end of life—as determined by the State utilizing the Master Price Agreement.

"Trade In" refers to the exchange of used Equipment for new Equipment at a price reduced by the value of the used Equipment.

"Travel" means expenses incurred by authorized personnel directly related to the performance of a Service. All such expenses shall be documented in a firm quotation for the Purchasing Entity prior to the issuance and acceptance of a Purchase Order. Travel expenses will be reimbursed in accordance with the purchasing entities allowances, if any, as outlined in the PA.

"Universal Resource Locator" or **"URL"** means a standardized addressing scheme for accessing hypertext documents and other services using the WWW browser.

"WSCA" means the Western States Contracting Alliance, a cooperative group contracting consortium for state procurement officials, representing departments, institutions, agencies, and political subdivisions (i.e., colleges, school districts, counties, cities, etc.) for the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.

"WSCA/NASPO Contract Administrator" means the person or designee authorized by MMD to manage all actions related to the Master Price Agreements on behalf of the State of Minnesota, the participating NASPO and WSCA members, and other authorized purchasers.

2. Scope of Work

The Contractor, or its approved subcontractor, shall deliver computing system Products and services to Purchasing Entities in accordance with the terms of this agreement. This Agreement is a "Master Price Agreement". Accordingly, the Contractor shall provide Products or Services only upon the issuance and acceptance by Contractor of valid "Purchase Orders". Purchase Orders may be issued to purchase the license for software or to purchase products listed on the Contractor's PSS. A Purchasing Entity may purchase any quantity of Product or Service listed in the Contractor's PSS at the prices in accordance the Paragraph 13, Price Guarantees. Subcontractor participation is governed by the individual Participating State procurement official.

The Contractor is required to provide and/or agree to take responsibility for the manufacturer's warranty and maintenance of all proposed equipment, including peripherals. Taking responsibility means the Contractor will provide fulfillment of manufacturer's warranty and maintenance and will provide warranty and maintenance call numbers, ensure manufacturer accepts, processes and responds to those calls, and Contractor shall take responsibility to fulfill warranty as purchased with product. The Contractor shall offer a Takeback Program for all products covered by this Agreement.

3. Title Passage

The Contractor must pass unencumbered title to any and all products purchased under this Contract upon receipt of product by the State. This obligation on the part of the Contractor to transfer all ownership rights does not apply to proprietary materials owned or licensed by the Contractor or its subsidiaries, subcontractors or licensor, or to unmodified commercial software that is available to the State on the open market. Ownership rights to such materials shall not be affected in any manner by this Agreement

4. Permissive Price Agreement and Quantity Guarantee

This Agreement is not an exclusive agreement. Purchasing Entities may obtain computing system Products and services from other sources during the agreement term. The State of Minnesota, NASPO and WSCA make no express or implied warranties whatsoever that any particular number of Purchase Orders will be issued or that any particular quantity or dollar amount of Products or Services will be procured.

5. Order of Precedence

Each Purchase Order that is accepted by the Contractor shall become a part of the Agreement as to the Products and services listed on the Purchase Order only; no additional terms or conditions will be added to this Agreement as the result of acceptance of a Purchase Order. The Contractor agrees to accept all valid Purchase Orders. In the event of any conflict among these documents, the following order of precedence shall apply:

A. Executed Participating Addendum(s);

B. Terms and conditions of this Agreement;

C. Exhibits and amendments to this Agreement;

D. The list of products and services contained in the purchase order;

E. The request for proposals document; and

F. Contractor's proposal including best and final offer.

6. Payment Provisions

All payments under this Agreement are subject to the following provisions:

A. Acceptance

A Purchasing Entity shall determine whether all Products and services delivered meet the Contractor's published specifications. No payment shall be made for any Products or Services until the Purchasing Entity has accepted the Products or Services. The Purchasing Entity will make every effort to notify the Contractor within fifteen (15) calendar days of non-acceptance of a product or service; otherwise the Products or Services shall be deemed accepted

B. Payment of Invoice

Payments shall be submitted to the Contractor at the address shown on the invoice, as long as the Contractor has exercised due diligence in notifying the State of Minnesota and/or the Purchasing Entity of any changes to that address. Payment shall be made within 30 days following receipt of an invoice. The ordering entity is not required to pay the Contractor for any goods and/or services provided without a written purchase order or other approved ordering document from the appropriate purchasing entity. In addition, all goods and/or services provided must meet all terms, conditions, and specifications of the Contract and other ordering document and be accepted as satisfactory by the ordering entity before payment will be issued. Payments may be made via a Purchasing Entity's "Purchasing Card" at the time of order placement only.

In the event an order is shipped incomplete (partial), the Purchasing Entity shall pay for each shipment as invoiced by the Contractor unless the Purchasing Entity has clearly specified "No Partial Shipments" on each Purchase Order.

C. Payment of Taxes

Payment of taxes for any money received under this agreement shall be the Contractor's sole responsibility and shall be reported under the Contractor's federal and state tax identification numbers. If a Purchasing Entity is not exempt from sales, gross receipts, or local option taxes for the transaction, the Contractor shall be reimbursed by the Purchasing Entity to the extent of any tax liability assessed.

The State of Minnesota State agencies are subject to paying Minnesota sales and use taxes. Taxes for State agencies will be paid directly to the Department of Revenue using Direct Pay Permit #1114.

D. Invoices

Invoices shall be submitted to the Purchasing Entity at the address shown on the Purchase Order. Invoices shall match the total amount for each configuration on the Purchase Order.

7. Agreement Term

Pursuant to Minnesota law, the term of this Agreement shall be effective upon the date of final execution by the State of Minnesota, through August 31, 2012. The Agreement may be mutually renewed for two (2) additional one-year terms, or one additional two-year term, unless terminated pursuant to the terms of this Agreement.

8. Termination

The following provisions are applicable in the event that the agreement is terminated.

A. Termination for Convenience

At any time, the State may terminate this agreement, in whole or in part, by giving the Contractor (30) days written notice; provided, however, neither the State nor a Purchasing Entity has the right to terminate a specific purchase order for convenience after it has been issued if the product is ultimately accepted. At any time, the Contractor may terminate this Agreement, in whole or in part, by giving the WSCA/NASPO Contract Administrator sixty (60) days written notice. Such termination shall not relieve the Contractor of warranty or other Service obligations incurred under the terms of this Agreement. In the event of a cancellation, the Contractor shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed and accepted.

B. Termination for Cause

Either party may terminate this Agreement for cause based upon material breach of this Agreement by the other party, provided that the non-breaching party shall give the breaching party written notice specifying the breach and shall afford the breaching party a reasonable opportunity to correct the breach. If within thirty (30) days after receipt of a written notice the breaching party has not corrected the breach or, in the case of a breach that cannot be corrected in thirty (30) days, begun and proceeded in good faith to correct the breach, the non-breaching party may declare the breaching party in default and terminate the Agreement effective immediately. The non-breaching party shall retain any and all other remedies available to it under the law.

C. A Purchasing Entity's Rights

In the event this Agreement expires or is terminated for any reason, a Purchasing Entity shall retain its rights in all Products and services accepted

prior to the effective termination date.

D. The Contractor's Rights

In the event this Agreement expires or is terminated for any reason, a Purchasing Entity shall pay the Contractor all amounts due for Products and services ordered and accepted prior to the effective termination date or ordered before the effective termination date and ultimately accepted.

9. Non-Appropriation

The terms of this Agreement and any purchase order issued for multiple years under this Agreement is contingent upon sufficient appropriations being made by the Legislature or other appropriate governing entity. Notwithstanding any language to the contrary in this Agreement or in any purchase order or other document, a Purchasing Entity may terminate its obligations under this Agreement, if sufficient appropriations are not made by the governing entity at a level sufficient to allow for payment of the goods or services due for multiple year agreements, or if operations of the paying entity are being discontinued. The Purchasing Entity's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final and binding.

A Purchasing Entity shall provide sixty (60) days notice, if possible, of its intent to terminate for reason cited above. Such termination shall relieve the Purchasing Entity, its officers and employees from any responsibility or liability for the payment of any further amounts under the relevant Purchase Order.

10. Shipment and Risk of Loss

A. All deliveries shall be F.O.B. destination, prepaid and allowed, with all transportation and handling charges included in the price of the product and paid by the Contractor. Responsibility and liability for loss or damage shall remain with the Contractor as long as the Contractor designates the carrier, until delivery to the identified ship-to address, when responsibility shall pass to the Purchasing Entity except as to latent defects, fraud and Contractor's warranty obligations.

B. Whenever a Purchasing Entity does not accept Products due to missing, damaged, defective, incorrect order and returns them to the Contractor, all related documentation furnished by the Contractor shall be returned also. Unless otherwise agreed upon by the Purchasing Entity, the Contractor is responsible for the return shipping cost of returned Products. The Contractor shall bear all risk of loss or damage with respect to returned Products due to missing, damaged, defective and incorrect order, except for loss or damage directly attributable to the negligence of the Purchasing Entity.

C. Unless otherwise arranged between the Purchasing Entity and Contractor, all Products shall be shipped within 14 to 30 days after receipt of a purchase order, by a reliable and insured shipping company.

11. Warranties

A. The Contractor agrees to warrant and assume responsibility for each Product that it licenses, or sells, to the Purchasing Entity under this Agreement. The Contractor agrees to take legal responsibility for the warranty and maintenance of all products furnished through this Agreement. Taking responsibility means the Contractor will provide fulfillment of manufacturer's warranty and maintenance and will provide warranty and maintenance call numbers, ensure manufacturer accepts, processes, and responds to those calls. The Contractor acknowledges that the Uniform Commercial Code applies to this Agreement. In general, the Contractor warrants that:

1. The Product conforms to the specific technical information about the Contractor's products which is published in the Contractor's product manuals or data sheets, or as listed on Contractor's website.
2. The product will meet mandatory specifications provided in writing to the Contractor prior to reliance by the Participating Entity on the Contractor's skill or judgment when it advised the Purchasing Entity about the Product's ability to meet those mandatory specifications.
3. The Product will be suitable for the ordinary purposes for which such Product is intended,
4. The Product has been properly designed and manufactured for its intended use, and
5. The Product is free of significant defects in material and workmanship, or unusual problems about which the Purchasing Entity has not been warned.
6. The warranty on all Products begins on the date of the title transfer as described in Article 10.
7. Exhibit A contains additional warranties in effect as of the date of this Agreement. The warranties will be limited in duration to the time period(s) provided in Exhibit A. The warranties will not apply to use of a Product other than as anticipated and intended by the Contractor, to a problem arising after changes or modifications to the Products or operating system by any party other than the Contractor (unless expressly authorized in writing by the Contractor), or the use of a Product in conjunction or combination with other products or software not authorized by the Contractor. The following is a list of the warranties attached as **Exhibit A**:
   a) **ProSupport for IT**
   b) **ProSupport for End Users**
   c) ***CompleteCare***

B. Contractor may modify the warranties described in Exhibit A from time to time with the prior notice of the WSCA/NASPO Contract Administrator.

C. Warranty documents for Products manufactured by a third party shall be

delivered to the Purchasing Entity with the Products as provided by the Manufacturers.

D. The basic warranty offered shall be three year, next business day, as stated in Appendix B of the RFP, for all products included in the Bands listed in Article 14 Products and Services Schedule.

12. Patent, Copyright, Trademark and Trade Secret Indemnification

A. The Contractor shall defend, at its own expense, the State of Minnesota, Participating and Purchasing Entities and their agencies against any claim that any Contractor Branded Product or Contractor Branded Service provided under this Agreement infringes any patent, copyright or trademark in the United States or Puerto Rico, and shall pay all costs, damages and attorneys' fees that a court finally awards as a result of any such claim. In addition, if any third party obtains a judgment against a Purchasing Entity based upon the Contractor's trade secret infringement relating to any Contractor Branded Product or Contractor Branded Service provided under this Agreement, the Contractor agrees to reimburse the Lead State for all costs, attorneys' fees and the amount of the judgment. To qualify for such defense and/or payment, the Lead State or Participating or Purchasing Entity shall:

1. Give the Contractor prompt written notice of any claim;
2. Allow the Contractor to control the defense or settlement of the claim; and
3. Cooperate with the Contractor in a reasonable way to facilitate the defense or settlement of the claim.

B. If any Products or Service becomes, or in the Contractor's opinion is likely to become the subject of a claim of infringement, the Contractor shall at its option and expense:

1. Provide a Purchasing Entity the right to continue using the Products or Services;
2. Replace or modify the Products or Services so that it becomes non-infringing; or
3. Accept the return of the Products or Service and refund an amount equal to the depreciated value of the returned Products or Service, less the unpaid portion of the purchase price and any other amounts, which are due to the contractor. The Contractor's obligation will be void as to any Products or Services modified by the Purchasing Entity to the extent such modification is the cause of the claim.

C. The Contractor has no obligation for any claim of infringement arising from:

1. The Contractor's compliance with the Purchasing Entity's or by a third party on the Purchasing Entity's behalf designs, specifications, or instructions;

2. The Contractor's use of technical information or technology provided by the Purchasing Entity;

3. Product modifications by the Purchasing Entity or a third party;

4. Product use prohibited by Specifications or related application notes; or

5. Product use with products that are not the Contractor branded.

6. Non-Contractor Branded Product offerings – with respect to any claim that Non-Contractor Branded product(s) infringes upon another person's or entity's patent, copyright, trade secret or other intellectual property rights in the United States. Contractor agrees to pass through to the appropriate Purchasing Entity any rights to indemnification protection for which Contractor currently or subsequently has an agreement in place with the potentially infringing equipment manufacturer/entity.

13. Price Guarantees

The Purchasing Entities shall pay the lower of the prices contained in the PSS or an Announced Promotion Price, Educational Discount Price, General Price Reduction price, Trade-In price, Standard Configuration price or Per Transaction Multiple Unit Discount. Only General Price Reduction price decreases will apply to all subsequent Purchase Orders accepted by Contractor after the date of the issuance of the General Price Reduction prices.

The initial base-line, Cumulative, and Per Transaction Multiple Unit Discounts shall be submitted by the Contractor in a format agreeable to both parties prior to signing the Agreement. Once a cumulative volume has been reached, the increased price discount will apply to all future orders, until the next level of cumulative volume is reached.

14. Product and Service Schedule

The Contractor agrees to maintain the PSS in accordance with the following provisions:

A. The PSS prices for Products and services will conform to the guaranteed prices discount levels on file with WSCA/NASPO Contract Administrator for the following Products:

Band 1 – Servers
Band 2 – Workstations
Band 3 – Printers
Band 4 – Storage Solutions
Band 5 – PDAs
Band 6 – Instructional Packages (Bundles)
Band 7 – Monitors
Operating Systems
Local Area Networks

B. The Contractor may change the price of any Product or Service at any time, based upon documented baseline price changes, but the guaranteed price discount levels shall remain unchanged during the agreed period unless or until prior approval is obtained from the WSCA/NASPO Contract Administrator. The Contractor agrees that the PSS on the State's administration website shall contain a single, uniform WSCA price for configurations and items. Failure to comply with this requirement will be grounds for further action to be taken against the Contractor.

C. The Contractor may make model changes; add new Products, and Product upgrades or Services to the PSS in accordance with Item 15. Product Substitutions, below. The pricing for these changes shall incorporate, to the extent possible, comparable price discount levels approved by the WSCA/NASPO Contract Administrator for similar Products or Services.

D. The Contractor agrees to delete obsolete and discontinued Products from the PSS on a timely basis.

E. The Contractor shall maintain the PSS on a Contractor supplied Internet web site.

15. Product Substitutions

A. Substitution of units/configurations

MMD and the WSCA Directors acknowledge that individual units and configurations may stop being produced during the life of the resulting contracts. Substitution of different units and configurations will be permitted with the prior written approval of the WSCA/NASPO Contract Administrator. This substitution is at the sole discretion of the WSCA/NASPO Contract Administrator, subject only to review and approval of the WSCA/NASPO Contract Administrator.

B. Addition of units/configurations

MMD and the WSCA Directors acknowledge that with the evolution of technology, new, emerging units and configurations will develop. Addition of these new, emerging units may be permitted, with the prior approval of the WSCA/NASPO Contract Administrator and the WSCA Directors. The addition of new, emerging units and configurations is at the sole discretion of the WSCA/NASPO Contract Administrator, subject only to review and approval of the WSCA Directors.

16. Technical Support

The Contractor agrees to maintain a toll-free technical support telephone line. The line shall be accessible to Purchasing Entity personnel who wish to obtain competent technical assistance regarding the installation or operation of Products supplied by the

Contractor during a product warranty period or during a support agreement.

17. Takeback and Other Environmental Programs

The Contractor agrees to maintain for the term of this Agreement, and all renewals/extensions thereof, programs as described in the following paragraphs.

A. Takeback/Recycling of CPUs, servers, monitors, flat panel displays, notebook computers, and printers. Costs are list on the web site.

B. Environment: Compliance with the following standards: Blue Angel, EcoLogo, Energy Star, EPEAT (by level), Green Guard, Nordic Swan, and TCO.

C. Product labeling of compliance with Items B & C above, as well as a identification of such information on the web site.

18. Product Delivery

Contractor agrees to deliver Products to Purchasing Entities within 14-30 days after receipt of a valid Purchase Order, or in accordance with the schedule in the Purchasing Entity's Purchase Order.

19. Force Majeure

Neither party hereto shall be considered in default in the performance of its obligations hereunder to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot , industry-wide constraints or other catastrophes beyond the reasonable control (each a "Force Majeure event") of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party not performing due to a Force Majeure event under this provision must provide the other party prompt written notice of the Force Majeure event and take all necessary steps to bring about performance as soon as practicable.

20. Records and Audit

Per Minn. Stat. § 16C.05, Subd. 5, the books, records, documents, and accounting procedures and practices of the Contractor and its employees, agents, or subcontractors relevant to the Contract or transaction must be made available and subject to examination by the contracting agency or its agents, the Legislative Audit and/or the State Auditor for a minimum of six years after the end of the Contract or transaction.

Unless otherwise required by other than Minnesota Purchasing Entity governing law, such records relevant to other Purchasing Entity transactions shall be subject to examination by appropriate government authorities for a period of three years from the date of acceptance of the Purchase Order.

21. Independent Contractor

The Contractor and its agents and employees are independent contractors and are not employees of the State of Minnesota or of any participating entity. The Contractor has

no authorization, express or implied to bind the Lead State, NASPO, WSCA or any participating entity to any agreements, settlements, liability or understanding whatsoever, and agrees not to perform any acts as agent for the Lead State, NASPO, WSCA, or participating entity, except as expressly set forth herein. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the Lead State or Participating Entity as a result of this Agreement.

22. Use of Servicing Subcontractors

The Contractor may subcontract services and purchase order fulfillment and/or support in accordance with the following paragraphs. However, the Contractor shall remain solely responsible for the performance of this Agreement.

A. Reseller Agent, Agent, Service Provider or Servicing Subcontractors shall be identified individually or by class in the applicable Participating Addendum, or as noted in the Participating Addendum on the Purchasing Entities extranet site. The ordering and payment process for Products or Services shall be defined in the Participating Addendum.

23. Payments to Subcontractors

In the event the Contractor hires subcontractors to perform all or some of the duties of this Contract, the Contractor understands that in accordance with Minn. Stat. § 16A.1245 the Contractor shall, within ten (10) days of the Contractor's receipt of payment from the State, pay all subcontractors and suppliers having an interest in the Contract their share of the payment for undisputed services provided by the subcontractors or suppliers. The Contractor is required to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid, undisputed balance of $100 or more will be $10. For an unpaid balance of less than $100, the amount will be the actual penalty due. A subcontract that takes civil action against the Contractor to collect interest penalties and prevails will be entitled to its costs and disbursements, including attorney's fees that were incurred in bringing the action. The Contractor agrees to take all steps necessary to comply with said statute. A consultant is a subcontractor under this Contract. In the event the Contractor fails to make timely payments to a subcontractor, the State may, at its sole option and discretion, pay a subcontractor or supplier any amounts due from the Contractor and deduct said payment from any remaining amounts due the Contractor. Before any such payment is made to a subcontractor or supplier, the State shall provide the Contractor written notice that payment will be made directly to a subcontractor or supplier. If there are not remaining outstanding payments to the Contractor, the State shall have no obligation to pay or to see to the payment of money to a subcontractor except as may otherwise be required by law.

The Contractor shall ensure that the subcontractor transfers all intellectual or industrial

property rights, including but not limited to any copyright it may have in the work performed under this Contract, consistent with the intellectual property rights and ownership sections of this Contract. In the event the Contractor does not obtain the intellectual property rights of the subcontractor consistent with the transfer of rights under this Contract, the State may acquire such rights directly from the subcontractor. Any and all costs associated with such a direct transfer may be deducted from any amount due the Contractor.

24. Indemnification, Hold Harmless and Limitation of Liability

A. The Contractor shall hold the Lead State, Participating Entities and its agencies and employees harmless and shall indemnify the Lead State, Participating Entities and its agencies and employees against any and all claims, suits, actions, liabilities and costs of any kind, including reasonable attorney's fees for personal injury or damage to real property or tangible personal property arising from the negligent or willful acts or omissions of the Contractor, its agents, officers, employees or subcontractors. The State agrees that the Contractor, its principals, members and employees shall not be liable to the State for any actions, damages, claims, liabilities, costs, expenses, or losses in any way arising out of or relating to the goods provided or services performed hereunder for an aggregate amount in excess of $2,000,000.

B. Contractor shall not be liable for damages that are the result of negligence by the Lead State, Participating Entity, or its employees. To the maximum extent permitted by applicable state law, Purchasing Entities agree to be responsible for their own acts, errors, or omissions pertaining to this indemnification provision.

C. Additional representations
For acquisition of Services, the following additional terms shall apply. To the extent permitted by law, a Participating Entity accepts responsibility for and represents and warrants that: (a) the Participating Entity has obtained the appropriate license, intellectual property rights, or any other permissions required to support any Service Description, SOW, or Technical Specification Form signed by the Parties, or Contractor's performance of the Services, including the right to make any copies or Reproductions of any Participating Entity-provided software, (b) the Participating Entity's representations regarding the existence of an export license or the eligibility for export of software without a license are accurate, or (c) that Contractor shall not be held liable for the effect (if any) on the Participating Entity's third-party product warranties caused by having Contractor perform services on such third-party Products. The Contractor's liability under the contract for any cause whatsoever shall be limited to an aggregate amount of $2,000,000. The foregoing limitation does not apply to Articles 12 and 24 A through 24 C of this Agreement or to damages resulting from personal injury caused by the Contractor's negligence. In no event shall the Contractor be liable for any indirect, special, punitive, or consequential damages arising out of this Agreement or the use of the Products or Services purchased by the Purchasing Entity hereunder.

25. Amendments

Contract amendments shall be negotiated by the State with the Contractor whenever necessary to address changes in the terms and conditions, costs, timetable, or increased or decreased scope of work. This Agreement shall be amended only by written instrument executed by the parties. An approved Contract amendment means one approved by the authorized signatories of the Contractor and the State as required by law.

26. Scope of Agreement

This Agreement incorporates all of the agreements of the parties concerning the subject matter of this Agreement. No prior agreements, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

27. Severability

If any provision of this Contract, including items incorporated by reference, is found to be illegal, unenforceable, or void, by a court of competent jurisdiction then both the State and the Contractor shall be relieved of all obligations arising under such provision. If the remainder of this Contract is capable of performance, it shall not be affected by such declaration or finding and shall be fully performed.

28. Enforcement of Agreement/Waivers

A. No covenant, condition, duty, obligation, or undertaking contained in or made a part of this Contract shall be waived except by the written consent of the parties. Forbearance or indulgence in any form or manner by either party in any regard whatsoever shall not constitute a waiver of the covenant, condition, duty, obligation, or undertaking to be kept, performed, or discharged by the other party. Until complete performance or satisfaction of all such covenants, conditions, duties, obligations, and undertakings, the other party shall have the right to invoke any remedy available under law or equity, notwithstanding any such forbearance or indulgence.

B. Waiver of any breach of any provision of this Contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this Contract shall be held to be waived, modified, or deleted except by an instrument, in writing, signed by the parties hereto.

C. Neither party's failure to exercise any of its rights under this Contract will constitute or be deemed a waiver or forfeiture of those rights.

29. Web Site Maintenance

A. The Contractor agrees to maintain and support an Internet website linked to the State's administration website for access to the PSS, service selection assistance, problem resolution assistance, billing concerns, configuration assistance, Product descriptions, Product specifications and other aids described in the RFP, and/or in accordance with instructions provided by the WSCA/NASPO Contract Administrator. The Contractor agrees that the

approved PSS on the State's administration website shall contain a single, uniform WSCA price for configurations and items. Failure to comply with this requirement will be grounds for further action to be taken against the Contractor.

B. The Contractor agrees to maintain and support Participating State and Entity Internet websites for access to the specific Participating Entity PSS, as well as all other items listed in Item 29A. above. The website shall have the ability to hold quotes for 45 days, as well as the ability to change the quote.

C. The Contractor may provide electronic commerce assistance for the electronic submission of Purchase Orders, purchase order tracking and reports.

D. Once the website is approved, the Contractor may not make changes to the website without notifying the WSCA/NASPO Contract Administrator and receiving written approval of the changes.

30. Equal Opportunity Compliance

The Contractor agrees to abide by all applicable laws, regulations, and executive orders pertaining to equal employment opportunity, including federal laws and the laws of the state in which its primary place of business is located. In accordance with such laws, regulations, and executive orders, the Contractor agrees that no person in the United States shall, on the grounds of race, color, religion, national origin, sex, age, veteran status or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed by the contractor under this Agreement. If the Contractor is found to be not in compliance with these requirements during the life of this Agreement, the Contractor agrees to take appropriate steps to correct these deficiencies.

The Contractor certifies that it will remain in compliance with Minn. Stat. § 363.073 during the life of the Contract.

31. Governing Law

This Agreement shall be governed and construed in accordance with the laws of the Lead State. The construction and effect of any Participating Addendum or order against this Agreement shall be governed by and construed in accordance with the laws of the Purchasing Entity's state. Venue for any claim, dispute or action concerning the construction and effect of the Agreement shall be in the Lead State. Venue for any claim, dispute or action concerning an order placed against this Agreement or the effect of a Participating Addendum or shall be in the Purchasing Entity's state.

32. Change in Contractor Representatives

Contractor shall appoint a primary representative to work with the WSCA/NASPO Contract Administrator to maintain, support and market this Agreement. The Contractor shall notify the WSCA/NASPO Contract Administrator of changes in any

Contractor key personnel, in writing, and in advance if possible. The State reserves the right to require a change in Contractor's then-current primary representative if the assigned representative is not, in the opinion of the State, adequately serving the needs of the Lead State and the Participating Entities.

33. Release

The Contractor, upon final payment of the amount due under this Agreement, releases the Lead State and Participating Entities, its officers and employees, from all contractual liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the Lead State or any Participating Entity to any obligation, unless the Contractor has express written authority to do so, and then only within the strict limits of the authority.

34. Data Practices

A. The Contractor and the State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (and where applicable, if the state contracting party is part of the judicial branch, with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time) as it applies to all data provided by the State to the Contractor and all data provided to the State by the Contractor. In addition, the Minnesota Government Data Practices Act applies to all data created, collected, received, stored, used, maintained or disseminated by the Contractor in accordance with this Contract that is private, nonpublic, protected nonpublic, or confidential as defined by the Minnesota Government Data Practices Act, Ch. 13 (and where applicable, that is not accessible to the public under the Rules of Public Access to Records of the Judicial Branch).

B. In the event the Contractor receives a request to release the data referred to in this article, the Contractor must immediately notify the State. The State will give the Contractor instructions concerning the release of the data to the requesting party before the data is released. The civil remedies of Minn. Stat. § 13.08, apply to the release of the data by either the Contractor or the State.

C. The Contractor agrees to indemnify, save, and hold the State of Minnesota, its agents and employees, harmless from all claims arising out of, resulting from, or in any manner attributable to any violation of any provision of the Minnesota Government Data Practices Act (and where applicable, the Rules of Public Access to Records of the Judicial Branch), including legal fees and disbursements paid or incurred to enforce this provision of the Contract. In the event that the Contractor subcontracts any or all of the work to be performed under the Contract, the Contractor shall retain responsibility under the terms of this paragraph for such work.

35. Organizational Conflicts of Interest

A. The Contractor warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are not relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons:

- a Contractor is unable or potentially unable to render impartial assistance or advice to the State;
- the Contractor's objectivity in performing the work is or might be otherwise impaired; or
- the Contractor has an unfair competitive advantage.

B. The Contractor agrees that if an organizational conflict of interest is discovered after award, an immediate and full disclosure in writing shall be made to the Assistant Director of the Department of Administration's Materials Management Division that shall include a description of the action the Contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the Contract. In the event the Contractor was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to the WSCA/NASPO Contract Administrator, the State may terminate the Contract for default. The provisions of this clause shall be included in all subcontracts for work to be performed, and the terms "Contract," "Contractor," and "WSCA/NASPO Contract Administrator" modified appropriately to preserve the State's rights.

36. Replacement Parts

Unless otherwise restricted in a Participating Addendum or maintenance service agreement, replacement parts may be manufacturer-certified refurbished parts carrying USA OEM warranties.

37. FCC Certification

The Contractor agrees that Equipment supplied by the Contractor meets all applicable FCC Certifications. Improper, falsely claimed or expired FCC certifications are grounds for termination of this Agreement for cause.

38. Site Preparation

A Purchasing Entity shall prepare and maintain its site in accordance with written instructions furnished by the Contractor prior to the scheduled delivery date of any Products and shall bear the costs associated with the site preparation.

39. Assignment

The Contractor shall not sell, transfer, assign, or otherwise dispose of this Contract or

any portion hereof or of any right, title, or interest herein without the prior written consent of the State's authorized agent. Such consent shall not be unreasonably withheld. The Contractor shall give written notice to the State's authorized agent of such a possibility at least 30 days prior to the sale, transfer, assignment, or other disposition of this Contract. Failure to do so may result in the Contractor being held in default. This consent requirement includes reassignment of this Contract due to a change in ownership, merger, or acquisition of the Contractor or its subsidiary or affiliated corporations. This section shall not be construed as prohibiting the Contractor's right to assign this Contract to corporations to provide some of the services hereunder. Notwithstanding the foregoing acknowledgment, the Contractor shall remain solely liable for all performance required and provided under the terms and conditions of this Contract.

40. WSCA/NASPO Contract Administrator

The State shall appoint an WSCA/NASPO Contract Administrator whose duties shall include but not be limited to the following:

A. The WSCA/NASPO Contract Administrator may provide instructions concerning the contents of the Contractor's website.

B. The WSCA/NASPO Contract Administrator will facilitate dispute resolution between the Contractor and Purchasing Entities. Unresolved disputes shall be presented to the State for resolution.

C. The WSCA/NASPO Contract Administrator shall promote and support the use of this Agreement by NASPO members and other Participating Entities.

D. The WSCA/NASPO Contract Administrator shall advise the State regarding the Contractor's performance under the terms and conditions of this Agreement.

E. The WSCA/NASPO Contract Administrator shall receive and approve quarterly price agreement utilization reports and the administration fee payments.

F. The WSCA/NASPO Contract Administrator shall periodically verify the Product and Service prices in the PSS conform to the Contractor's volume price and other guarantees. The WSCA/NASPO Contract Administrator may require the Contractor to perform web site audits to accomplish this task.

G. The WSCA/NASPO Contract Administrator shall conduct annual Contractor performance reviews.

H. The WSCA/NASPO Contract Administrator shall maintain an Agreement administration website containing timely and accurate information.

41. Survival

The following rights and duties of the State and Contractor will survive the expiration or cancellation of the resulting Contract. These rights and duties include, but are not limited to Paragraph 12. Patent, Copyright, Trademark and Trade Secret Indemnification; Paragraph 20. Records and Audit; Paragraph 24. Indemnification,

Hold Harmless, and Limitation of Liability; Paragraph 31, Governing Law; Paragraph 34. Data Practices; and Paragraph 52. Right to Publish.

42. Succession

This Agreement shall be entered into and be binding upon the successors and assigns of the parties.

43. Notification

A. If one party is required to give notice to the other under the Contract, such notice shall be in writing and shall be effective upon receipt. Delivery may be by certified United States mail or by hand, in which case a signed receipt shall be obtained. A facsimile transmission shall constitute sufficient notice, provided the receipt of the transmission is confirmed by the receiving party. Either party must notify the other of a change in address for notification purposes. All notices shall be addressed as follows:

To MMD:

Department of Administration
Materials Management Division
Bernadette Kopischke, CPPB
Acquisitions Supervisor
50 Sherburne Avenue
112 State Administration Building
St. Paul, MN 55155
Fax: 651.297.3996
Email: bernie.kopischke@state.mn.us

To Contractor:

Dell Marketing L.P.
Attention: Public Contracts
Stephanie D. Shipp
One Dell Way, RR8-8707
Round Rock, TX 78682
Email: stephanie_shipp@dell.com

44. Reporting and Fees

A. Administration Reporting and Fees

1. The Contractor agrees to provide monthly utilization reports to the WSCA/NASPO PC Contracts Reporting person and the WSCA/NASPO Contract Administrator by the 15th of the month following the end of the previous month. (Ex. Purchases during January are reported by the 15th of February; purchases made during February are reported by the 15th

of March; etc.). The report shall be in the format developed by the Lead State and supplied to the Contractor.

2. The Contractor agrees to provide quarterly Administrative Fee check payable to WSCA/NASPO for an amount equal to one-twentieth of one percent (0.0005) of the net sales for the period. The form to be submitted with the check, as well as the mailing address, has been supplied to the Contractor. Payment shall be made in accordance with the following schedule:

Period End	**Fee Due**
June 30	July 31
September 30	October 31
December 31	January 31
March 31	April 30

3. The Contractor agrees to include all Reseller Agent sales in the monthly utilization reports described above. In addition, the Contractor agrees to provide a supplemental Reseller Agent utilization report of the net sales for the period subtotaled by Purchasing Entity name, within Purchasing Entity state name by Reseller Agent Name.

4. The Contractor agrees to provide with the utilization report as well as a supplemental report of the number and type of units taken back in a format to be mutually agreed to. Contractor agrees to add EPEAT and/or Energy Start environmental information to utilization reports as the information becomes available as consumable reporting data.

5. The utilization reports shall be submitted to the WSCA/NASPO PC Contracts Reporting person and the WSCA/NASPO Contract Administrator via electronic mail in a Microsoft Excel spreadsheet format, or other methods such as direct access to Internet or other databases.

6. If requested by the WSCA/NASPO Contract Administrator, the Contractor agrees to provide supporting Purchase Order detail records on mutually agreed magnetic media in a mutually agreed format. Such request shall not exceed twelve per year.

7. The failure to file the utilization reports and fees on a timely basis shall constitute grounds for the removal of the Contractor's primary representative, suspension of this Agreement or termination of this Agreement for cause.

8. The WSCA/NASPO Contract Administrator shall be allowed access to all reports from all Purchasing Entities.

B. Participating Entity Reports and Fees

1. Participating Entities may require an additional fee be paid directly to the State on purchases made by Purchasing Entities within that State. For all such requests, the fee level, payment method and schedule for such reports and payments shall be incorporated in to the Participating Addendum that is made a part of this Agreement. The Contractor may adjust PSS pricing accordingly for purchases made by Purchasing Entities within the jurisdiction of that State. All such agreements shall have no affect whatsoever on the WSCA fee or the prices paid by the Purchasing Entities outside the jurisdiction of the State requesting the additional fee.

2. Purchasing Entities will be encouraged to use the reporting format developed by the lead State for their reporting needs. However, the Contractor agrees to provide additional reports to Purchasing Entities upon agreement by both parties as to the content and delivery methods of the report. Methods of delivery may include direct access to Internet or other databases.

3. Each State Purchasing Entity shall be allowed access to reports from all entities within that State.

45. Default and Remedies

A. Any of the following shall constitute cause to declare this Agreement or any order under this Agreement in default:

1. Nonperformance of contractual requirements; or

2. A material breach of any term or condition of this Agreement.

B. A written notice of default, and an opportunity to cure within 30days of the written notification, shall be issued by the party claiming default, whether the Lead State (in the case of breach of the entire Agreement), a Participating Entity (in the case of a breach of the participating addendum), the Purchasing Entity (with respect to any order), or the Contractor. Time allowed for cure shall not diminish or eliminate any liability for liquidated or other damages.

C. If the default remains after the opportunity for cure, the non-defaulting party may:

1. Exercise any remedy provided by law or equity;

2. Terminate the Agreement, a Participating Addendum, or any portion thereof, including any Purchase Orders issued against the Agreement;

3. Impose liquidated damages, as specified in a Participating Addendum;

4. In the case of default by the Contractor, and to the extent permitted by the law of the Participating State or Purchasing Entity, suspend Contractor from receiving future solicitations.

5. Charge the defaulting Contractor the full increase in cost and administrative handling to purchase the equivalent product or equivalent

service from another Contractor.

D. The MMD reserves the right, upon approval of the WSCA Directors, to develop and implement a step-by-step process to deal with Contractor failure to perform issues.

46. Audits

A. Website Audits

The Contractor agrees to assist the WSCA/NASPO Contract Administrator or designee with web site Product and pricing audits based on mutually acceptable procedures, described in **Exhibit E**, Audit Guidelines. The Contractor will review web pricing on a monthly basis to ensure discounts continue to be equal to or better than those required by the Agreement.

1. The product audit will closely monitor the products and services listed on the website to insure they comply with the approved products and services. The addition of products or services not approved by the WSCA/NASPO Contract Administrator will not be tolerated and may be considered a material breach of this Agreement.

B. Sales Audits

The Contractor further agrees to perform sales audits based on the sample formulas described in **Exhibit E**, Audit Guidelines.

C. Upon request, the Contractor agrees to assist Participating Entities with invoice audits to ensure that the Contractor is complying with this Agreement in accordance with mutually agreed procedures set forth in the Participating Addendum.

47. Extensions

If specifically authorized by provision in a Participating Addendum, Contractor may, at the sole discretion of Contractor and in compliance with the laws of the Participating State, offer Products and services to non-profit organizations, private schools, Native American governmental entities, government employees and students within the governmental jurisdiction of the entity completing the Participating Addendum with the understanding that the governmental entity has no liability whatsoever concerning payment for products or services.

48. Sovereign Immunity

The State does not waive its sovereign immunity by entering into this Contract and fully retains all immunities and defenses provided by law with regard to any action based on this Contract.

49. Ownership

A. Ownership of Documents/Copyright. Any reports, studies, photographs,

negatives, or other documents, whether in tangible or electronic forms, prepared by the Contractor in the performance of its obligations under the Contract and paid for by the State shall be the exclusive property of the State and all such material shall be remitted to the State by the Contractor upon completion, termination or cancellation of the Contract. The Contractor shall not use, willingly allow or cause to allow such material to be used for any purpose other than performance of the Contractor's obligations under the Contract without the prior written consent of the State.

B. Rights, Title and Interest. All rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trade marks, and service marks in the said documents that the Contractor conceives or originates, either individually or jointly with others, which arise out of the performance of the Contract, will remain the property of the Contractor. Where applicable, works of authorship created by the Contractor, specifically for the State shall be considered "works for hire" as defined in the U.S. Copyright Act. Nothing in the Agreement shall be construed as transferring any right, title, or interest in any of the Contractor's or their third party's confidential information, trademarks, copyrights, intellectual property or other proprietary interest.

50. Prohibition Against Gratuities

A. The State may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this Contract if it is found by the State that gratuities in the form of entertainment, gifts, or otherwise were offered or given by the Contractor or any employee, agent, or representative of the Contractor to any officer or employee of the State with a view toward securing this Contract, or securing favorable treatment with respect to the award or amendment of this Contract, or the making of any determinations with respect to the performance of this Contract.

B. The Contractor certifies that no elected or appointed official or employee of the State has benefited or will benefit financially or materially from this Contract. This Contract may be terminated by the State if it is determined that gratuities of any kind were either offered to or received by any of the aforementioned individuals from the Contractor, its agent, or its employees.

51. Antitrust

By entering into a Contract, the Contractor agrees to consider, in the Contractor's discretion, all causes of action it may now have or hereafter acquire under the antitrust laws of the United States and the State, relating to the particular goods or services purchased or acquired by the State under said Contract. For any cause of action taken herein by Contractor, the State, at the State's discretion, may participate in any such action. In the event that Contractor desires to participate in such action, the Contractor shall not oppose the State's request to join such action so long as the interests/positions of the State are not adverse to the interests/positions of the Contractor.

52. Right to Publish

A. Any publicity given to the program, publications or services provided resulting from the Contract, including but not limited to notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Contractor, or its employees individually or jointly with others, or any subcontractors or resellers shall identify the State as the sponsoring agency and shall not be released, unless such release is a specific part of an approved work plan included in the Contract prior to its approval by the WSCA/NASPO Contract Administrator.

B. The Contractor shall not make any representations of the State's opinion or position as to the quality or effectiveness of the products and/or services that are the subject of this Contract without the prior written consent of the WSCA/NASPO Contract Administrator. Representations include any publicity, including but not limited to advertisements, notices, press releases, reports, signs, and similar public notices.

53. Performance While Dispute is Pending

Notwithstanding the existence of a dispute, the parties shall continue without delay to carry out all of their responsibilities under this Contract that are not affected by the dispute. If a party fails to continue without delay to perform its responsibilities under this Contract, in the accomplishment of all undisputed work, any additional cost incurred by the other parties as a result of such failure to proceed shall be borne by the responsible party.

54. Hazardous Substances

To the extent that the goods to be supplied to the Purchasing Entity by the Contractor contain or may create hazardous substances, harmful physical agents as set forth in applicable State and federal laws and regulations, the Contractor must provide the Purchasing Entity, upon request, with Material Safety Data Sheets regarding those substances (including mercury).

55. Customer Satisfaction/Complaint Resolution

A. The Contractor's process for resolving complaints concerning products, support, and billing problems is attached as **Exhibit B.**

B. The Contractor will survey its customers in each Participating State approximately two (2) months prior to the annual meeting with the Contract Administrator using, at a minimum, the survey questions provided by the State.

56. Value Added Services

The Contractor is expected to provide such services as installation, training, and software imaging upon request of the Purchasing Entity. Additional Value Added Services offered by the Contractor are attached as **Exhibit C**.

57. E-Rate Program

The Contractor's E-Rate identification number is: #143004340.

E-Rate eligibility depends upon who uses the equipment, how it is used and where it is located. In general terms, equipment located on school property and that is necessary for e-mail and Internet access in classrooms is eligible for E-Rate support.

The Contractor shall make every effort to continue its involvement in this program and to add products as applicable.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date of execution by the State of Minnesota Commissioner of Administration, below.

1. DELL MARKETING L.P.

The Contractor certifies that the appropriate person(s) have executed this Agreement on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.

By: Stephanie D. Shipp Stephanie D. Shipp

Title: Contract Strategist

Date: June 11, 2009

By: Jane McKenzie Jane McKenzie

Title: Senior Manager Contracts

Date: June 11, 2009

2. MATERIALS MANAGEMENT DIVISION

In accordance with Minn. Stat. § 16C.03, Subd. 3.

By: Bernadette Kopischke

Title: Acquisitions Supervisor

Date: 6/15/09

3. COMMISSIONER OF ADMINISTRATION

Or delegated representative.

By: Brenda Willard

Date: Original signed

JUN 15 2009

By Brenda Willard

EXHIBIT A – ADDITIONAL WARRANTIES

ProSupport for IT

Designed for IT Professionals and customers with their own helpdesk/service desk facilities, ProSupport for IT has stripped out the duplication that can occur with basic support packages and delivers the elements that IT professionals need, including the entitlement for your certified IT staff to receive Dell training and accreditation in order to qualify for Fast Track Dispatch. Also NASPO/WSCA's staff benefit from:

- Entitlement to enroll in Fast Track dispatch for Dell certified Customer Technicians
- Direct Access to Dell Expert Centers
- 24x7 Expert Center Support:

ProSupport for End Users

Designed for Customers with limited or no internal IT resource, ProSupport for end-users provides support in the areas that end-users typically encounter issues. The service is available 24 x 7. ProSupport for End Users also gives "Getting started" advice such as remote configuration or set up assistance associated with simple networks (including wired and wireless networks) and configuration assistance with common task small business applications such as:

- Symantec Endpoint Protection
- Microsoft Office
- Microsoft SBS
- QuickBooks
- Adobe Photoshop
- Adobe Acrobat

Service Options

1. Speed of Service Response

Mission Critical

The Mission Critical option includes either a 4 hour or 8 hour response, with the option of a 2 hour response service if your site falls within the service coverage area. Dell has 5 Global Command Centres for around the clock coverage around the world.

Dell's Critical Situation Process for severity 1 incidents provides:

- Ongoing, scheduled situation updates to keep you informed every step of the way
- Problem replication in Dell's simulation labs (as needed)
- Prioritized production in the event of a natural disaster

We will also provide emergency dispatch that allows simultaneous phone and on-site troubleshooting. In addition hardware fault monitoring is available on select server and storage platforms.

Same Day Response Service

Same day response/4-hour on-site service includes:

- After phone-based troubleshooting, a Dell-trained technician arrives on-site within 4 hours of problem determination, depending on location

- On-site service technicians coordinate incident resolution and troubleshooting directly with Dell's Expert Centers

Specialized On-site Service Options

With this module of ProSupport NASPO/WSCA can choose from a range of robust options tailored to your unique needs. Options include:

- On-site Service Delivery Manager
- On-site Escalation Manager
- On-site Service Engineer
- Scheduled On-site Service
- On-site Diagnosis Service

2. Premium Proactive

Maintenance

A study conducted in North America during 2007 showed that a massive 70% of IT budgets and spent on ongoing operations and maintenance. Our ProSupport Proactive Maintenance services have been designed to address this expenditure by reducing the cost and complexity of ongoing maintenance. Proactive maintenance includes:

- Proactively maximize availability
- Help reduce unplanned downtime
- Help reduce recovery time in the event of a technical incident by reducing the number of variables to diagnose and troubleshoot
- Minimize maintenance costs while maximizing uptime

Premium Proactive maintenance is available on select server and storage platforms.

Enterprise Wide Contract

A ProSupport Enterprise Wide Contract from Dell has been proven to reduce technical incidents by as much as 37%. This ProSupport option includes:

- Designated Service Delivery Manager
- On boarding support assessment & comprehensive planning
- Monthly management reviews
- Incident status and defined reporting
- Dell Fast-Track dispatch (with certification)
- 7x24x365 access to Dell Expert Centers
- Technical training and certification program
- Escalation management
- Global Command Centers
- Collaborative support for hardware and software
- Next-Business-Day on-site service

Your designated Service Delivery Manager service includes:

- On boarding support assessment
- Comprehensive planning
- Monthly management reviews
- Incident status and defined reporting

Remote Advisory Options

Remote advisory assistance is designed to support your specialized applications and solutions. It is ideal for ongoing support of Dell Infrastructure Consulting Services deployed solutions or for additional configuration and optimization needs. Customers can select remote advisory services that cover the following specialist areas:

- Virtualization
- Exchange
- Systems Management
- Storage Technology
- Backup and Recovery

Fast Track Dispatch Program

This program is included for customers who choose the ProSupport for IT service model.

Fast Track Dispatch provides the ability for certified IT staff to dispatch parts and/or labor without having to go through scripted phone troubleshooting. The necessary online technical training and certification for major Dell product families is included in the program. IT professionals have access to technical support tips and in-depth hardware and software information. Also, they have direct phone access to expert technicians who can assist with more complex issues when needed.

3. Protection

CompleteCare

Protect assets from inevitable mishaps with CompleteCare Accidental Damage cover to ensure an easy and flexible repair and replacement service for most accidental damage. CompleteCare helps to save time, money and resources in the event of unplanned events such as:

- Spills
- Drops
- Breakages
- Electrical surges

For notebooks and mobile workstations CompleteCare Theft protection is available.

CompleteCare Multi-cover provides both Accidental Damage and Theft Protection under in one easy package.

CompleteCare is essential investment protection for systems that are exposed to high-risk multi-use, high mobility, multiple users and harsh environments.

EXHIBIT B – COMPLAINT RESOLUTION

A dedicated member of your Account Team, your Sales Representative is the owner for any procurement, pricing, or supply issues that may arise. Your Sales Representative has a clearly defined escalation path for issues which includes routing them through an Inside Sales Manager, up through to the appropriate Regional Director. Your Sales Representative is directly accountable to NASPO/WSCA and will keep you apprised of issue resolution and progress.

In the rare case an issue cannot be resolved through standard channels; the escalation process would be directed to the level of Sales Vice President.

The Dell Account Teams provide Executive Business Reviews on a quarterly basis. This tool is like a bank statement that provides purchase history information, tracks our performance against Service Level Agreements and develops specific action plans where needed to meet your objectives. The goal is to use the benefits of our direct relationship to provide you with unprecedented accountability on the products, services and support you want and give you as proactive analysis of what's working and what's not.

Invoicing Resolution

Purchase order management helps Dell maintain our commitment to excellence by allowing us to process orders accurately and efficiently. In support of these goals, Dell assigns a Finance/Accounting Associate to each account. This individual is responsible for resolution of disputed invoices. The Associate will work with NASPO/WSCA's Accounts Payable, Procurement or other necessary departments to resolve disputes.

Your Dell Customer Care representative will help with errors such as duplicate invoices, wrong product shipped, etc. If needed, the dedicated Finance/Accounting Associate for NASPO/WSCA will resolve billing issue.

If NASPO/WSCA is set up for monthly consolidated invoicing, Dell requires that you pay undisputed item(s) and follow the above procedures for error correction.

Dell provides the following solutions to customers in resolving their most common invoicing issues:

If a customer didn't receive original copy in the mail, or it is delayed or lost in the customer's mailroom, Dell makes available round-the-clock access to online copies for all Dell invoices – paid and unpaid – for 24 months. The online invoices look just like the original hard-copy invoices and include service tag numbers for simplified comparisons. Dell can also provide email notification of invoices.

If a customer wants one invoice per purchase order, Dell's collections team can set the customer up for consolidated invoicing. Or, if the request is just for one PO, Dell's customer care or collections team can request a manual consolidated invoice.

If a customer wants their invoice to match their purchase order, Dell's customer care or collections team can request manual invoice.

EXHIBIT C – VALUE-ADDED SERVICES

Contact Dell for further details on these programs:

Custom Factory Integration

Parts Replacement Program

Asset Management Services

Image Management Services

Asset Recovery Services

Managed Deployment Services

Modular Services

Automated Deployment

Training Services

Dell Virtualization Services

Assessment, Design & Implementation Services

EXHIBIT D - LEASING

Individual Purchasing Entities may enter in to lease agreements for the products covered in this Master Price Agreement, if they have the legal authority to enter into these types of agreements without going through a competitive process. The lease agreements were not reviewed or evaluated as part of the RFP evaluation process. A sample agreement can be found at: www.dell.com/naspowsca

EXHIBIT E – AUDIT GUIDELINES

Website Audits:

1. Websites need to be accurate with both pricing and part numbers
2. Manufacturers MUST have a mechanism in place for periodic and random internal auditing of pricing on the website
3. WSCA will randomly audit websites for accurate pricing
4. Upon request, Contractor will provide documentation of pricing and discounts accuracy

Sales Audits

Sample Guidelines

Frequency: Quarterly

Scope: one tenth of one percent (.001) of purchase orders – at least one if any sales, no more than 100 audits

- Up to 1,000 sales = 1 audit
- 10,000 sales = 10 audits
- Up to 100,000 sales = 100 audits
    - Random sample of purchase orders-invoices
- Can offer several different statistical methods for such small samples

Documentation:

- Contractor to test and keep documentation internally. Noting any actions to correct findings, as necessary.
- Periodic summary report to WSCA/NASPO containing audit findings as summary numbers ONLY

Addendum to Master Price Agreement
Between
Dell Marketing, L.P.
And
State of Minnesota, Materials Management Division
Representing the Western States Contracting Alliance (WSCA) and
the National Association of State Procurement Officials (NASPO)
Lead State Contract #: B27160 Executed on: June 15, 2009

August 12, 2009

This Master Price Agreement Addendum governs Dell Marketing, L.P. (hereinafter "CONTRACTOR") use of the NASPO/WSCA name and logo during the term of this Master Price Agreement and amendments to this Master Price Agreement. CONTRACTOR may use the name and logo only as set forth below. Any use not expressly permitted herein is prohibited, and such use constitutes a material breach of the Master Price Agreement with the Lead State and all Participating States.

1. CONTRACTOR may display the NASPO/WSCA name and logo on the face of the Master Price Agreement, including all electronic and hard copy versions.

2. CONTRACTOR and its subcontractors, resellers, and agents may display the NASPO/WSCA names and logos on a web site as a "click on" link to the Master Price Agreement and/or as otherwise approved for posting on the CONTRACTOR's approved NASPO/WSCA website. No other use of the logos or names is permitted on any web site, except as permitted in paragraphs 1 and 3.

3. With, and only with, prior written approval of the Lead State Contract Administrator, CONTRACTOR may advertise the Master Price Agreement in publications and promotional materials aimed at state and local government entities eligible to use the Master Price Agreement. The sole focus and intent of such advertisements must be to increase participation in the Master Price Agreement. The NASPO/WSCA names may be used and the logos displayed in the advertisement ONLY as it relates to the Master Price Agreement. The Lead State Contract Administrator's approval must encompass the content and appearance of the advertisement and the media in which the advertisement will appear.

4. CONTRACTOR may not make explicit or implicit representations concerning the opinion of NASPO/WSCA, the Lead State, or any Participating State regarding CONTRACTOR or its products or services. This restriction includes general use of the NASPO/WSCA names and logos NOT directly linked to or related to this Master Price Agreement.

5. CONTRACTOR must ensure that its authorized sub-contractors, authorized resellers, and/or authorized agents adhere to the terms of this Addendum, and CONTRACTOR is responsible for any breach by these entities.

6. CONTRACTOR must immediately cease all use of the NASPO/WSCA names and logos if directed to do so in writing by the Lead State Contract Administrator, and CONTRACTOR must ensure that its authorized sub-contractors, authorized re-sellers, and/or authorized agents immediately cease all use.

7. CONTRACTOR shall not make, or permit its authorized subcontractors, authorized resellers, or authorized agents to make, any alterations to NASPO's or WSCA's names or logos (including characters, style and colors) and CONTRACTOR shall not use or permit the use of NASPO's or WSCA's names or logos in a manner or context that could adversely affect NASPO's/WSCA's integrity, goodwill, or reputation.

8. Upon termination or expiration of the Master Price Agreement, CONTRACTOR and its authorized sub- contractors, authorized re-sellers, and authorized agents must cease all use of the NASPO/WSCA names and logos; except that, CONTRACTOR may use the NASPO/WSCA names for reference purposes in a description of its prior experience.

Signatures to follow on Separate Page

Acknowledged:

DELL MARKETING L.P.:

The Contractor certifies that the appropriate person(s) have executed this agreement on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.

Signature Stephanie D. Shipp

Title Contract Strategist

Date 12 August 2009

LEAD STATE:

In accordance with state statutes or rules.

Signature Bernadette Kopischke

Title Acq. Supvr.

Date 8/17/09

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of award of Agreement No. 100065-DC, Prime Design Services Agreement for Tropical Durango Park located at the northwest corner of Tropical Parkway and Durango Drive - Department of Public Works - Award recommended to: STANLEY CONSULTANTS, INC. ($222,718 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $222,718
Funding Source: Parks and Leisure Activities CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This agreement provides for civil, landscape and electrical design for an 8.2 acre park located at the northwest corner of Tropical Parkway and Durango Drive. The project includes a tot lot play area, shade structures, splash pad, exercise area, sidewalks, curbing and median island modifications. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: D. Collins
POC: David Frohnen - (702) 369-9396

RECOMMENDATION:
That City Council approve award of Agreement No. 100065-DC, Prime Design Services Agreement for Tropical Durango Park to Stanley Consultants, Inc. in the amount of $222,718. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Certificate - Disclosure of Ownership/Principals
2. Agreement No. 100065-DC

EXHIBIT "G"

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.

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	Stanley Consultants, Inc.
Address	5820 S. Eastern Avenue, Suite 140 Las Vegas, NV 89119
Telephone	(702) 369-9396
EIN or DUNS	DUNS #16-922-2424

Block 2 Description

Final Design for Tropical Durango Park, Phase 1 and 2.

RFP #:

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ■ Corporation

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.	**SEE ATTACHED DOCUMENT**		
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: 1

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: Stanley Consultants, Inc. LIST OF OFFICERS

Date of Attached Document: June 2009 Number of Pages: 1

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.

SUSAN JOHNSTON
Notary Public, State of Nevada
Appointment No. 96-1427-1
My Appt. Expires May 10, 2013

David J. Frohnen

8-21-09
Date

Subscribed and sworn to before me this 21st day of August, 2009.

Susan Johnston
Notary Public

Stanley Consultants INC.

A Stanley Group Company
Engineering, Environmental and Construction Services - Worldwide

As of June, 2009

Chair:	Gregs G. Thomopulos		
Chair Emeritus	Richard H. Stanley		
President:	Gayle A. Roberts		
Senior Vice Presidents:	Steven J. Allchin	L. Lynn Pruitt	
	James A. Hollatz	Bennett D. Reischauer	
	Michael E. Hunzinger	Steven J. Schebler	
	Walter D. Jones	Richard C. Smith	
	Richard W. Mettee		
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	Marc A. Elliott	James L. Kill	Larry A. Shell
	Robert F. Farrar	Robert M. Koss	Samuel D. Stone
	Michael D. Flattery	William A. Liegois	Dale R. Sweere
	M. Shawn Fleming	Ian J. McAlister	W. Scott Wonders
	Mark I. Freeman	Clyde J. McCarty	Bruce H. Worthington
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Asst. Vice President, Architecture (IA & IL):	Debashis Sarkar		
Asst. Vice President, Real Estate Services (IA):	Craig F. Reischauer		
Asst. Vice President, Structural (AZ):	Daniel R. Shiosaka		
Secretary:	Nancy D. Elliott		
Asst. Secretaries:	Henry F. Marquard		
	Karen L. McDaniel		
Treasurer:	Richard C. Smith		
Asst. Treasurers:	Steven J. Allchin		
	William C. Harper		

PRIME DESIGN SERVICES AGREEMENT
FOR
TROPICAL DURANGO PARK

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **CITY OF LAS VEGAS**, a municipal corporation within the State of Nevada (herein the "City") whose address is **400 Stewart Avenue, Las Vegas, Nevada 89101**, and fax number is **(702) 384-4846**, and **STANLEY CONSULTANTS INC.**, (the "Consultant"), a **Corporation**, whose address is **5820 South Eastern Avenue, Suite 140, Las Vegas, NV, 89119**, and telephone number is **(702) 369-9396**.

W I T N E S S E T H:

WHEREAS, the City intends to construct the **Tropical Durango Park** (herein the "Project"); and

WHEREAS, the City desires to retain the Consultant who will be responsible for providing the professional services more fully described below and in the exhibits attached hereto; and

WHEREAS, the Consultant is properly licensed pursuant to NRS Chapter 623, 623A, or 625, whichever is legally required for the services to be provided within the State of Nevada, and possesses the special knowledge, skills and expertise to perform the services hereinafter set forth within the time required under this Agreement.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree to the following terms, conditions and covenants set forth in Sections One through Ten hereof:

SECTION ONE
CONSULTANT RESPONSIBILITIES

1.01 ***Description of Consultant's Services.*** For the compensation set forth in Section Seven, the Consultant hereby agrees to perform the basic services set forth in the Scope of Services, **Exhibit "A"** attached hereto and incorporated herein as a part of this Agreement and, if so requested, the additional services set forth in the Additional Compensation, **Exhibit "E"** attached hereto and incorporated herein as a part of this Agreement and to provide the submittals described in the Required Submittals **Exhibit "B,"** attached hereto.

1.02 ***Performance Standards.*** In performing the services set forth in this Agreement, the Consultant shall follow the practices consistent with the generally accepted standards in the profession of the services being provided to the City pursuant to this Agreement.

1.03 ***Document Review.*** The Consultant shall be responsible for reviewing each document prepared by the Consultant and its subconsultants including, without limitation, the plans, drawings and specifications for the purpose of ensuring that such documents are technically sound, in conformance with applicable federal, state and local laws and other regulations, and do not violate or infringe upon any patent rights.

1.04 ***Waiver.*** The City's approval of any documents or services furnished by the Consultant shall not in any way relieve the Consultant of responsibility for the professional and technical accuracy of its documents or services. The City's review, approval, acceptance or payment for any of the Consultant's services shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause of action arising out of the performance of this Agreement. The Consultant shall remain liable for any damages to the City caused by the Consultant's negligent act or omission committed in the performance of this Agreement.

1.05 ***Designation of Consultant's Representative.*** The Consultant's representative is the individual identified in the Key Personnel List, **Exhibit "F"** attached hereto (the "Consultant Representative") to act in that capacity, who shall be responsible for the services required under this Agreement. The services specified by this Agreement shall be performed by the personnel identified in the Key Personnel List provided that such associates and employees perform under the personal supervision of the Consultant Representative.

If any person or subconsultant who is expected to provide any of the services required under this Agreement is objectionable to the City for any reason, the Consultant shall, without additional compensation, replace such person or subconsultant with someone acceptable to the City.

If the Consultant's personnel are unable to complete their responsibilities for any reason under this Agreement, or the Consultant desires for any reason to substitute personnel assigned to the Project, the Consultant agrees to obtain the approval of the City for the substitution. The City shall not unreasonably deny approval unless the City adjudges the substitution not be in the interest of the City or the Project.

If the Consultant fails to make an acceptable replacement within thirty (30) days, the City may terminate this Agreement for default as provided in Section 10.03 of this Agreement.

1.06 ***Correspondence Review.*** The Consultant shall furnish the City Representative copies of each correspondence, if any, sent to any contractor involved with the Project, and to any regulatory agencies, for approval and review prior to mailing such correspondence.

1.07 ***Cooperation with the City.*** The Consultant agrees that its officers, associates, employees and subconsultants will cooperate with the City in providing the services under this Agreement and will be, with advance notice, available for consultation with the City at such reasonable times as to not conflict with the City's other responsibilities.

1.08 ***Responsibility for Construction Document Revisions.***

A. ***Applicability.*** The Consultant's responsibility described in this Section applies only if the Consultant is responsible for providing a construction cost estimate and preparing construction documents for the Project.

B. ***Responsibility for Revisions.*** The Consultant does not warrant or represent that the bids or proposed price received by the City to construct the Project will come within the Construction Cost Budget set forth in the Scope of Services or as may be otherwise agreed upon in writing by parties. If the bids or proposed price received by the City exceeds the Construction Cost Budget, the Consultant agrees to cooperate with the City in revising the requirements of the Project as required to lower the cost to within the Construction Cost Budget and to modify the construction documents without additional compensation. In order to meet the Construction Cost Budget, the Consultant may, with the approval of the City, segregate portions of the work as separate alternate bid items so that bids received by the City to construct the Project will come within the Construction Cost Budget.

"Construction Cost Budget" as used herein means the monetary limit established by the City for construction of the Project which limit includes the cost of the Contractor's labor, materials, equipment, expenses, overhead and profit, but excludes the Project's soft costs, cost of change orders and other cost impacts encountered after award of the construction contract.

SECTION TWO
CITY RESPONSIBILITIES

2.01 ***City Representative.*** The Director of Public Works or his authorized representative identified in the Key Personnel List is hereby designated as the City's representative (the "City Representative") with respect to this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services of the Consultant. The City Representative is not authorized to change or waive any of the provisions set forth in Sections 1.01 through 10.24 of this Agreement.

2.02 ***Review of Consultant's Services and Documents.*** The services to be performed by the Consultant shall be subject to periodic review by the City Representative. To prevent an unreasonable delay in the Project, the City Representative will endeavor to examine and comment in writing on the documents furnished by the Consultant including, without limitation, the plans, drawings, specifications, test results, evaluations, and reports within twenty-one (21) days of receipt of such documents, unless the Contract provides for a different review time with respect to the document.

2.03 ***Access to Records.*** The City shall, without charge, furnish a copy to, or make available for examination or use by, the Consultant, as it may request, any documents and data which the City has available including, without limitation, reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations, and other documents related to the services required under this Agreement. The City shall assist the Consultant in obtaining data and documents from public agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services required by this Agreement.

2.04 ***Cooperation with Consultant.*** The City agrees that its officers and employees will cooperate with the Consultant in the performance of this Agreement and will be, with advance notice, available for consultation with the Consultant at such reasonable times as to not conflict with the Consultant's other responsibilities. The City shall provide access to the Consultant on to the Project site as may be required to perform the services under this Agreement.

SECTION THREE
CHANGES TO CONSULTANT'S SERVICES

3.01 ***Requested Changes.*** The City may at any time, by written order, make a change in the services to be performed by the Consultant under this Agreement.

3.02 ***Adjustment of Compensation.*** If the change requested by the City causes an increase or decrease in the cost or time required to perform any of the services required under this Agreement, an equitable adjustment shall be made in the compensation to be paid to the Consultant under Section Seven, or in the performance schedule under Section Eight, or both, and this Agreement shall be modified in writing accordingly. Each claim for adjustment under this Section must be asserted in writing within thirty (30) days from the date of receipt by the Consultant of written notification of the change, unless the City grants in writing an extension. Provided proper notice has been given to the City as required herein, the claim for an adjustment shall be handled pursuant to the provisions of 10.20B and 10.20C of this Agreement. The failure to provide notification of the claim within the time required herein shall constitute a waiver of the right to seek any equitable or legal adjustment in compensation with respect to that change.

SECTION FOUR
ADDITIONAL SERVICES OF CONSULTANT

4.01 ***Additional Services.*** The Consultant shall provide the additional services described in the Additional Compensation if, and only if, so requested in writing by the City. Payment for the additional services will be made to the Consultant in accordance with Section Seven of this Agreement.

4.02 ***Attendance at Meetings or Public Hearings.*** The Consultant shall notify the City in advance of any additional costs which may be incurred prior to attending any meetings or public hearings as may be necessary in connection with the services performed by the Consultant under this Agreement.

SECTION FIVE
SUBCONSULTANT AGREEMENT

5.01 ***Subconsultant Provisions.*** If, with the approval of the City as required pursuant to Section 10.07, the Consultant enters into an agreement with a subconsultant for the performance of any of its obligations under this Agreement, the Consultant agrees to include in each subconsultant agreement a provision that:

(i) the Consultant agrees to pay the subconsultant when paid by the City for that portion of the services provided to the City and that no liability arises on the part of the Consultant for payment of the subconsultant services until payment has been made by the City. If the City has paid the Consultant for the subconsultant services, the subconsultant's only recourse is against the Consultant and not against the City, either through the institution of legal or equitable action or the attachment of any lien,

(ii) the subconsultant shall have no more rights against the City than that of the Consultant,

(iii) the subconsultant agrees to be bound by the terms, conditions and obligation of this Agreement unless the City has approved any deviation, change or modification in writing, and

(iv) unless otherwise approved in writing by the City Representative, the subconsultant shall obtain and maintain professional liability insurance (Errors and Omissions coverage) in connection with the subconsultant services in an amount equal to that required of the Consultant in this Agreement.

SECTION SIX
TERM OF AGREEMENT

6.01 ***Term.*** This Agreement shall commence on the day it is approved by the City (which date shall be inserted in the introductory paragraph of this Agreement) and shall remain in force and effect until the Project is completed unless terminated earlier pursuant to Section 10.02 or 10.03 of this Agreement. Such termination shall not release either party from any of its continuing obligations under this Agreement.

6.02 ***Disputes.*** This Section shall not be construed to preclude the filing of any dispute arising out of the performance of this Agreement or in connection with the subject matter hereof, nor shall this Section be construed to change the date or the time on which a cause of action arising out of the performance of this Agreement or in connection with the subject matter hereof, would otherwise accrue under the statutes of limitation or doctrines of law.

SECTION SEVEN
COMPENSATION AND TERMS OF PAYMENT

7.01 ***Compensation: Basic Services.*** For the services to be performed by the Consultant under this Agreement and set forth in the Scope of Services, the City agrees to pay the Consultant the fee in the amount identified in the Fee Breakdown, **Exhibit "D"** attached hereto, pursuant to invoices submitted in accordance with Section 7.04 of this Agreement.

7.02 ***Compensation: Additional Services.*** For any services not set forth in the Scope of Services, the City shall pay to the Consultant either a lump sum fee, or an hourly fee based on the hourly labor rate schedule set forth in the Additional Compensation, whichever is agreed to by the parties, provided prior written approval for such services is given by the City Representative.

7.03 ***Compensation: Reimbursable Expenses.*** The Consultant agrees that all of its direct and indirect expenses are included in the fee for Basic Services and the agreed upon compensation for any Additional Services, except as may be specifically allowed for reimbursable expenses as part of the Additional Compensation.

7.04 ***Payment Invoicing.*** The Consultant may submit an invoice for payment for the services provided by the Consultant based on the manner or method of payment set forth in the Fee Breakdown. The City Representative will notify the Consultant of any problems regarding the invoice within fourteen (14) days from receipt thereof. If no response is received from the City Representative within the aforementioned period of time, the Consultant may expect payment within a period of (60) days from the date of receipt by the City. If payment has not been received within the sixty (60) days, the Consultant agrees to contact the City Representative to resolve the problem causing the delay. If resolution of the delay is not satisfactory to the Consultant, the Consultant may submit a claim pursuant to Section 10.20A of this Agreement.

7.05 ***Right to Off-Set.*** The City Representative may subtract or offset from any unpaid invoice from the Consultant any claims which the City may have for failure of the Consultant to comply with the terms, conditions or covenants of this Agreement, or any damages, costs and expenses caused by, resulting from, or arising out of the negligent act or omission of the Consultant in the performance of the services under this Agreement including, without limitation, any error or deficiency in the report or other documents prepared by the Consultant. The City Representative shall provide a written statement to the Consultant of the off-set which has been subtracted from any payment to the Consultant along with appropriate documentation and receipts, if any, and a description of the failure, error or deficiency attributed to the Consultant. If the Consultant disputes the right or amount of the off-set made by the City, the Consultant may file a claim pursuant to Section 10.20 of this Agreement.

7.06 ***Final Payment.*** Upon completion of the services required under this Agreement, and acceptance thereof by the City (which acceptance will not be unreasonably withheld), the Consultant will, within sixty (60) days of the City's acceptance, be paid the balance of any money due for such services.

SECTION EIGHT
PERFORMANCE SCHEDULE

8.01 ***Performance Schedule.*** The Consultant shall perform and complete the services required under this Agreement according to the schedule (the "Performance Schedule") set forth in the Schedule of Performance, **Exhibit "C"** attached hereto. If the performance of services is delayed or submittals are not delivered in the time period as outlined in the Performance Schedule, the Consultant shall notify the City Representative in writing of the reasons for the delay and include a plan which brings the Consultant's performance into compliance with the Performance Schedule.

SECTION NINE
AUDIT: ACCESS TO RECORDS

9.01 ***Records.*** The City shall have the right to audit the Consultant's books, records and other documents directly pertinent to the performance of this Agreement. The Consultant agrees to maintain books, records and other documents directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles and practices. The Consultant shall also maintain the financial information and data used to prepare or support the invoices submitted to the City. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards, procedures and guidelines of the City, or its designated representative. The City, or its duly authorized representatives, shall have access to such books, records, and documents for the purpose of inspection, audit and copying. The Consultant will provide proper facilities for such access and inspection.

9.02 ***Disclosure.*** The Consultant shall be afforded the opportunity for an audit entrance and exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report, and that the final audit report will include the written comments, if any, of the Consultant.

9.03 ***Period of Maintenance.*** The books, records and other documents under Sections 9.01 and 9.02 of this Agreement shall be maintained for three (3) years after the date of the final payment for the services under this Agreement. In addition, those records and other documents which relate to any arbitration, litigation or the settlement of any claim arising out of this Agreement, or to which an audit exception has been taken, shall be maintained and made available until three (3) years after the date that the arbitration, litigation or exception has been resolved.

9.04 ***Subcontract Provisions.*** The Consultant agrees to include Sections 9.01 through 9.03 of this Agreement in all its subcontracts directly related to performance of services specified in this Agreement which are in excess of $10,000.

SECTION TEN
MISCELLANEOUS PROVISIONS

10.01 ***Suspension.*** The City may suspend, without cause, the performance by the Consultant under this Agreement for such period of time as the City, in its sole discretion, may prescribe by providing written notice to the Consultant. The suspension shall be effective as of the date set forth in the written notice. With such suspension, the City agrees to pay to the Consultant the amount of compensation, based on percentage of completion of the Project, earned as of the effective date of suspension less all previous payments. The Consultant shall not provide any further services under this Agreement after the effective date of suspension until otherwise notified in writing by the City. In no event shall the City be liable to the Consultant for services in excess of the percentage of the Project completed at the time of suspension.

If, after notice to resume performance has been given by the City, the suspension was for a period in excess of ninety (90) days, which has resulted in an increase in the performance of the Agreement to the Consultant and:

(i) the Consultant was not a contributing cause for the suspension,

(ii) the Consultant has not received an equitable adjustment under another provision of this Agreement, and

(iii) the Consultant could not mitigate the increase in the performance cost,

then the Consultant's fee shall be reviewed by the City and, if justified, equitably adjusted to provide for any additional expenses resulting from the suspension.

10.02. ***Termination for Convenience.*** The City reserves the right to terminate this Agreement without cause or default on the part of the Consultant with ten (10) days' prior written notification to the Consultant served pursuant to Section 10.18 of this Agreement. In the event of termination, without cause or default, the City agrees to pay to the Consultant the reasonable value for the services performed as of the date that notification of termination is received by the Consultant. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of termination.

10.03 ***Termination for Cause or Other Resolution.***

A. ***Default.*** The occurrence of any of the following events shall constitute a default by the Consultant hereunder (herein "Event of Default"). If, during the term of this Agreement, the Consultant:

(i) defaults in the due observance and performance of any term, condition or covenant contained in this Agreement,

(ii) (a) voluntarily terminates operations or consent to the appointment of a receiver, trustee or liquidator of the Consultant for all or a substantial portion of its assets, (b) is adjudicated bankrupt or insolvent or files a voluntary petition in bankruptcy, or admits in writing to the inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by the Consultant for the purpose of effecting any of the foregoing,

(iii) allows any warrant, execution or other writ to be issued or levied upon any property or assets of the Consultant which continues unvacated and in effect for a period of thirty (30) days, or

(iv) fails, in the judgment of the City, to provide the services hereunder properly and with proper dispatch in accordance with the time schedule set forth in this Agreement,

and the default continues five (5) days after written notice is given to the Consultant pursuant to Section 10.18.

B. ***City's Rights.*** Upon the occurrence of an Event of Default, and without prejudice to any other right or remedy it may have at law or equity, the City may:

(i) terminate this Agreement, suspend payment of all pending invoices otherwise due to the Consultant hereunder, and finish this Agreement by such means as deemed appropriate by the City, reserving the right to deduct from any balance due Consultant the cost of completing this Agreement. In the event the cost of finishing the Consultant's performance of this Agreement exceeds the balance due the Consultant, the excess shall be paid by the Consultant to the City within five (5) days of invoicing by the City,

(ii) terminate this Agreement, and the obligations imposed hereunder, including the obligation of any further payment for the services of the Consultant except for the reasonable value for the services performed to the date of termination, or

(iii) Continue with performance by the Consultant and serve within a reasonable time after completion of the Agreement a request to arbitrate the Event of Default as a claim or dispute pursuant to the arbitration procedure set forth in Section 10.20.

In the event that the City elects to implement (i) above, the costs and expenses of completing this Agreement shall be computed and audited by the City's designated representative. The audit shall be conducted in accordance with generally accepted accounting principles and the cost thereof shall be paid by the Consultant.

10.04 ***Ownership of Documents.***

A. ***Architectural Works.*** To the extent that the Consultant's services involves the design of an architectural work as defined herein, the Consultant shall retain all common law and statutory rights of ownership, including copyrights, to the drawings and specifications prepared by the Consultant for this Project. The Consultant is deemed to be the author of the drawings and specifications as instruments of service to the City. Notwithstanding the foregoing, the Consultant hereby grants to the City the right to use (including the right of reproduction and use in the creation of new documents) the drawings and specifications for the purpose of completing the Project or for any subsequent maintenance, repair, renovation, remodeling or addition thereto. The rights granted herein to the City shall extend and include any new consultant which the City may retain for the aforementioned purposes. The Consultant hereby releases the City, and any new consultant retained by the City for the aforementioned purposes, from any and all claims in connection with the use or reproduction of the drawings and specifications. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection including written permission to make changes or modifications to the plans.

B. ***Other Works.*** To the extent that the Consultant's services does not involve the design of an architectural work, the City shall have all common law and statutory rights of ownership, including copyrights, to the plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies, excepting any proprietary forms, templates, and checklists specifically listed for City ownership exclusion elsewhere in this Agreement) (collectively herein the "Documents") prepared or assembled by the Consultant, or any of its subconsultants, for this Project. The Consultant hereby releases the City, and any new consultant retained by the City from any and all claims in connection with the use or reproduction of the Documents. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection including written permission to make changes or modifications to the plans. The Consultant shall be entitled to retain a reproducible copy of the documents furnished to the City.

C. ***Definition of Architectural Work.*** For purposes of this Agreement, "architectural work" shall have the same definition as set forth in Architectural Works Copyright Protection Act of 1990, P. L. 101-650, Title VII, Section 70 et. seq.

D. ***Delivery of Documents.*** In the event of the completion, suspension or termination of this Agreement, the City shall have the right to require delivery of any and all of the plans, drawings, specifications, and all other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies), including the magnetic or electronic media of the aforementioned documents, not in the possession of the City.

E. ***Confidentiality.*** The plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies) (including the magnetic or electronic media of the aforementioned documents) which are prepared or assembled by the Consultant, or its subconsultants, under this Agreement shall not be made available to any individual or organization without the prior written consent of the City. Except for marketing pamphlets and submittals to clients, the Consultant shall not publish, submit for publication, or publicly display the Project without the written consent of the City. The obligations of confidentiality shall survive the termination of this Agreement.

F. ***Contractual Rights.*** Notwithstanding the provisions of 10.04 A above, the City is hereby licensed to use all design concepts developed by the Consultant and subconsultants under this Agreement, including the right to construct derivative works of the Project, and to use the design concepts for other projects of the City. The design concepts include, but are not limited to, the form, aesthetic appeal, site layout, the arrangement and composition of spaces and elements, the use of colors and materials, system designs, construction methods and interior design.

10.05 ***Insurance.*** The Consultant shall procure and maintain, at its own expense, during the entire term of the Agreement, the following insurances:

A. ***Workmen's Compensation Insurance.*** This insurance shall protect the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

B. ***Comprehensive General Liability Insurance.*** This insurance shall protect the Consultant, its agents and vehicles used to provide the services required under this Agreement from claims of personal injury (including death) and property damage. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement. The Consultant's general liability insurance policies shall be endorsed to include the City as an additional insured.

C. ***Professional Liability Insurance (Errors and Omissions Coverage).*** This insurance shall protect the Consultant from claims arising out of performance of professional services caused by a negligent act, error, or omission for which the insured is legally liable. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement.

D. ***Cancellation or Modification of Coverage.*** The Consultant's Comprehensive General Liability and Professional Liability Insurance Policies shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, and with respect to its Comprehensive General Liability Policy, to waive subrogation against the City, its officers, agents, servants and employees. The policies shall provide that the City will be given thirty (30) days' notice in writing of any cancellation of, or material change in, the policies.

E. ***Certificates and Endorsements.*** The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed $25,000 without the written approval of the City. Certificates indicating that such insurance is in effect shall be delivered to the City before any services are provided under this Agreement.

F. ***Period of Coverage.*** If the insurance coverage is underwritten on a "claims made" basis, the retroactive date shall be prior to or coincident with the date of this Agreement and the Certificate of Insurance shall state that coverage is "claims made" and the retroactive date. Upon availability, the Consultant shall maintain coverage for the duration of this Agreement and for two years following completion of this Agreement. The Consultant shall provide the City annually a Certificate of Insurance as evidence of such insurance.

10.06 ***Indemnity.*** Notwithstanding any of the insurance requirements set forth in Section 10.05, and not in lieu thereof, the Consultant shall defend, indemnify and hold the City, its officers, employees and agents (herein the "Indemnitees"), harmless from any and all claims (including, without limitation, patent infringement and copyrights claims), damages, losses, expenses, suits, actions, decrees, judgments, arbitration awards or any other form of liability (including, without limitation, reasonable attorney fees and court costs) (collectively herein the "Claims") which the Indemnitees may suffer as a result of, by reason of, or as a consequence of, the negligent errors, omissions, recklessness, intentional misconduct of the Consultant, its subcontractors, agents or anyone employed by the Consultant, its subcontractors or agents, in the performance of this Agreement.

As part of its obligation hereunder, the Consultant shall, at is own expense, defend the Indemnitees against the Claims which may be brought against them, or any of them, as a result of, by reason of, or as a consequence of, the negligent act or omission of the Consultant, its subcontractors or agents, for and against which the Consultant is obligated to indemnify the Indemnitees, unless the Indemnitees, or any of them elect to conduct their own defense which, in such case, shall not relieve the Consultant of its obligation of indemnification set forth herein. If the Consultant fails to do so, the Indemnitees shall have the right, but not the obligation, to defend the same and charge the direct and incidental costs of such defense (including attorney fees and court costs) against the Consultant which is proportionate to the liability of the Consultant.

If the professional liability insurer of the Consultant does not so defend the Indemnitees and the Consultant is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees to be paid to the Indemnitees by the Consultant in an amount which is proportionate to the liability of the Consultant. As used in this Section, "agents" means those persons who are directly involved in and acting on behalf of the City in furtherance of this Agreement or the public work to which this Agreement pertains.

10.07 ***Assignment.*** The City and the Consultant each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except the Consultant shall not assign, sublet or transfer any obligation or benefit under this Agreement without the written consent of the City. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of the City.

10.08 ***Waiver.*** No consent or waiver, express or implied, by either party to this Agreement, or of any breach or default by the other in the performance of any obligations hereunder, shall be deemed or construed to be a consent or waiver of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act, or failure to act of the other party, or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection, payment, or tentative approval or acceptance by the City or the failure of the City to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release the Consultant of any of its obligations hereunder.

10.09 ***Consultant Warranties.*** The Consultant hereby represents and warrants that:

(i) it is financially solvent, able to pay its debts as they mature, and is possessed of sufficient working capital to complete this Agreement; that it is experienced, competent, qualified and able to furnish the plant, tools, materials, supplies, equipment and labor which is used to perform the services contemplated by this Agreement, and that it is authorized to do business in the City of Las Vegas and the State of Nevada,

(ii) it holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license,

(iii) its computer hardware, software, and firmware will continue functioning without interruption, and will continue to accurately process date, time, and data necessary to the performance of this Agreement, and

(iv) it has, pursuant to the requirements of Resolution 79-99 adopted by the City Council on August 4, 1999, (effective October 1, 1999), as amended by resolution 105-99 (adopted by the City Council on November 17, 1999), disclosed on the form attached hereto as **Exhibit "G"** (Disclosure of Ownership/Principals) all of the principals, including partners, of the Consultant, as well as all persons and entities holding more than a one percent (1%) interest in the Consultant or any principals of the Consultant. If the Consultant, or its principals or partners, are required to provide disclosure under federal law (such as Securities and Exchange Commission or the Employee Retirement Income Act) and current copies of such federal disclosures are attached to **Exhibit "G,"** the requirements of this Section shall be deemed satisfied. During the term of this Agreement, the Consultant shall notify the City in writing of any material change in the above disclosure on **Exhibit "G"** within fifteen (15) days of such change.

10.10 ***Consultant's Employees.*** The Consultant shall be responsible for maintaining satisfactory standards of competency, conduct and integrity, of personnel assigned to the Project, and shall be responsible for taking such disciplinary action with respect to such personnel as may be necessary. In the event the Consultant fails to remove any employee from the work of this Agreement whom the City deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the City to be contrary to the public interest, the City reserves the right to require such removal as a condition for the continuation of this Agreement.

10.11 ***Independent Contractor.*** It is hereby expressly agreed and understood that in the performance of the services required herein, the Consultant and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or employee of the City.

10.12 ***Applicable Law.*** This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

10.13 ***Compliance with Laws.*** The Consultant shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Agreement including, without limitation, the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or national origin.

10.14 ***Severability.*** In the event that any provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

10.15 ***Confidentiality.*** The Consultant shall treat the information relating to the Project, which has been produced by the Consultant or provided by the City, as confidential and proprietary information of the City and shall not permit its release to other parties or make any public announcement or publicity release without the City's written authorization. The Consultant shall also require each subconsultant to comply with this requirement. The submission or distribution of documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication relieving the Consultant of its confidentiality obligation imposed herein.

10.16 ***Site Inspection.*** The Consultant represents that it has visited the location of the Project and has satisfied itself as to the general condition thereof and that the Consultant's compensation as provided for in the Agreement is just and reasonable compensation for performance hereunder including reasonably foreseen and foreseeable risks, hazards and difficulties in connection therewith based on such above-ground observations.

10.17 ***Modification.*** All modification or amendments to this Agreement are null and void unless reduced in writing and signed by the parties hereto.

10.18 ***Notice.*** Any written notice required to be given under Sections 1.01 through 10.24 of this Agreement shall be deemed to have been given when the written notice is (i) received by the party to whom it is directed by personal service (ii) telephonically faxed to the telephone number set forth in the introductory paragraph to this Agreement, provided confirmation of the transmission is received by the sender, or (iii) deposited with the United States Postal Service, postage prepaid, addressed to the City Representative or the Consultant Representative, whomever is the proper recipient, and mailed to the address set forth in the introductory paragraph to this Agreement.

10.19 ***Prohibition Against Contingent Fees.*** The Consultant warrants that no person or entity has been employed or retained to solicit or secure this Agreement with the Agreement or understanding that a commission, percentage, brokerage or contingent fee would be paid to that person. For breach or violation of this provision, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation to be paid to the Consultant, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10.20 ***Claim or Dispute Resolution.***

A. ***Notice of Claim or Dispute.*** For each claim or dispute which the Consultant has against or with the City (except for any claim for an equitable adjustment under Section 3.02 which is subject to the 30-day limitation set forth therein), notice thereof must be submitted in writing to the City Representative within a reasonable time after the claim or dispute arises, but no later than thirty (30) days after final payment is made to the Consultant. The purpose of written notification is to place the City on notice so that proper measures can be taken to properly defend against the claim or dispute, and the failure to give such notice shall preclude the Consultant from subsequently arbitrating that particular claim or dispute pursuant to Section 10.20C of this Agreement, and the Consultant shall have no further recourse against the City. Pending a final decision on the claim or dispute under Sections 10.20B or 10.20C, the Consultant shall proceed diligently with the performance of this Agreement.

B. ***Resolution by Management.*** The City Representative and the Consultant Representative shall meet within a reasonable time after receipt of the written notice received pursuant to Section 10.20A in an attempt to resolve the claim or dispute to the mutual satisfaction of the parties. If the matter is not disposed of by mutual agreement between the City Representative and the Consultant Representative, the claim or dispute shall be decided by the Director of Public Works, whose decision shall be reduced to writing and mailed or otherwise furnished to the Consultant. The decision of the Director of Public Works shall be final and conclusive unless, within thirty (30) days after the date on which the Consultant receives its copy of such decision, the Consultant mails or otherwise furnishes to the Director of Public Works a written request to arbitrate the claim or dispute, in which event the parties shall proceed with the arbitration pursuant to provisions of Section 10.20B. The failure to make such request shall preclude the Consultant from proceeding any further on the claim or dispute, and the Consultant shall have no further recourse against the City.

C. ***Resolution by Arbitration.*** Upon receipt of the request to arbitrate authorized pursuant Section 10.03B or Section 10.20B, the City and the Consultant shall come to an agreement as to the appointment of an arbitrator for purposes of hearing the appeal. If the parties cannot reach an agreement, then each party shall select an arbitrator for purposes of the appeal, and the two shall select a third arbitrator within 20 days of their appointment. If the selected arbitrators are unable to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association or the Nevada Arbitration Association, whichever is designated by the City. Each party shall be afforded an opportunity to be heard and to offer evidence in support of or against the appeal. The decision of the arbitrator, or arbitrators, as the case may be for the determination of the appeal, shall be final, conclusive and enforceable under the laws of the State of Nevada.

D. ***Right of Consolidation.*** Any arbitration arising out of or relating to this Agreement may include, by consolidation, joinder or in any other manner, any additional party or parties who are not a party to this Agreement if so requested by the City or the Consultant. Any consent to arbitration involving an additional party or parties shall not constitute consent to arbitrate any claim or dispute not described as a part of the original arbitration unless otherwise agreed to by the parties.

E. ***Right of Joinder.*** In the event the City is named as a party to any arbitration, or the City commences an arbitration against a party other than the Consultant, which arbitration is related to, or connected with, the construction of the Project or the performance of the Consultant's services hereunder (such as, without limitation, any arbitration between the City and the Contractor awarded the contract to construct the Project), the Consultant agrees and irrevocably consents to be joined as a party in the arbitration proceeding and to be bound by any decision resulting therefrom. The decision of the arbitrator or arbitrators, as the case may be, in the arbitration to which the Consultant has been joined as a party, shall be binding and enforceable against the parties thereto under the laws of the State of Nevada.

If the Consultant is named as an additional party by the City, the Consultant shall not be entitled to any additional compensation from the City as a result of preparing for, and participating in, the arbitration.

F. ***Discovery.*** In the event of arbitration, the parties agree that all means of discovery including, but not limited to, depositions and interrogatories, will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules of discovery provided under the Nevada Rules of Civil Procedure.

G. ***Award Final.*** The award rendered by the arbitrator shall be final, and judgment may be entered upon its accordance with applicable law in any court having jurisdiction thereof.

H. ***Mediation.*** Subsequent to the commencement of any arbitration pursuant to Section 10.20C, and prior to any decision arising therefrom, the parties may endeavor with written mutual consent to settle disputes by mediation in accordance with the mediation rules of the mediation service agreed by the parties. The cost of the mediation shall be shared equally by the parties.

10.21 ***Attorney Fees.*** The prevailing party in any litigation or arbitration brought to enforce the provisions of this Agreement shall be entitled to reasonable attorney fees and court costs.

10.22 ***Calendar Day.*** All references in this Agreement to days are to calendar days unless otherwise indicated.

10.23 ***Exhibits.*** All exhibits referenced in this Agreement are hereby incorporated by this reference as a part of this Agreement. Any conflict between the provisions of this Agreement and the Exhibits incorporated herein shall be governed by the provisions of this Agreement.

10.24 ***Counterparts; Electronic Delivery.*** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

10.25 ***Agreement Version.*** This document incorporates the standard provisions for the City's Professional Services Agreement updated as of April 8, 2008.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

CITY OF LAS VEGAS

By_____
Kathleen C. Rainey, Manager
Purchasing & Contracts

ATTEST

_____
Beverly K. Bridges, CMC, City Clerk Date

APPROVED AS TO FORM

John S. Ridilla 9/16/09
Deputy City Attorney Date

CONSULTANT

By_____
David Frohnen, Stanley Consultants Inc.

LIST OF EXHIBITS

EXHIBIT " A " SCOPE OF SERVICES

EXHIBIT " B " REQUIRED SUBMITTALS

EXHIBIT " C " PERFORMANCE SCHEDULE

EXHIBIT " D " FEE BREAKDOWN

EXHIBIT " E " ADDITIONAL COMPENSATION

EXHIBIT " F " KEY PERSONNEL LIST

EXHIBIT " G " DISCLOSURE OF OWNERSHIP/PRINCIPALS

EXHIBIT "A"

SCOPE OF SERVICES

ARTICLE 1: GENERAL

1.1 Upon authorization to proceed as described in **Exhibit "C"**, the Consultant shall provide the following in accordance with the Schedule (**Exhibit "C"**) included herein.

1.2 PROJECT SITE DESCRIPTION

1.2.1 The Project improvement area, which may be adjusted as the Project develops, is described as:
1.2.1.1 Site address: N.W. Corner Tropical Parkway and Durango Drive
1.2.1.2 Entire area of assessor's parcel number(s):125-29-601-021
1.2.1.3 Gross site acreage: 3.4
1.2.1.4 Offsite improvement area: .8 acres
1.2.1.5 As shown on the attachment to this Exhibit 'A', titled Tropical Durango Park

1.3 PROJECT PROGRAM

1.3.1 The Project program, which may be altered as the Project develops, contains the following:
1.3.1.1 Approximate gross building square footage: N/A
1.3.1.2 Improvement description: Tot lot, parking, turf, sidewalks, lighting , restroom, 2 small ramadas, landscape for a City park.

1.4 CONSTRUCTION COST BUDGET

1.4.1 Construction Cost Budget: **$2,100,000.00**

1.5 CHANGES TO SCOPE OR SERVICES

1.5.1 The following scope of services is in addition to the scope required elsewhere in this Agreement. This scope is to be considered preliminary and may be altered as the Project develops.

1.5.2 If increased scope or workload is encountered, the Consultant is to notify the City in writing and receive written confirmation to proceed prior to the performance of any work related to the increased scope or workload.

1.5.3 The City Representative shall have authority to make decisions with respect to the materials, equipment, elements, and systems which are pertinent to the Project to be performed under this Agreement and to approve changes to the scope of the Project that do not affect the Consultant's compensation or performance schedule.

1.6 GENERAL REQUIREMENTS

1.6.1 The Consultant agrees to include in all its subcontracts related to the Project, and require the same of all sub-subconsultant contracts at all tiers, the provisions of this Agreement related to the City's and Consultant's rights (including copyright), ownership and uses of the concepts, designs, documents, intellectual property, and tangible property.

1.6.2 Should any portions of the Project contain works provided protection under the Visual Artists Rights Act of 1990 ("VARA"), the Consultant and his subconsultants at all tiers agree to waive and do hereby waive voluntarily all rights to attribution and integrity with respect to any and all claims as may arise under VARA, Nevada Revised Statutes "Works of Art" NRS 597, or any other local, state, foreign, or international law, as currently drafted or as may be hereafter amended, that conveys the same or similar moral rights with respect to any or all portions of the Project, including but not limited to display, removal from display, exhibition, installation, restoration, conservation, storage, study, alteration, destruction, relocation, and any other activities conducted by the City, its officers, employees, agents, contractors, licensees, successors or assigns. The Consultant acknowledges that all such decisions concerning the Project shall be made in the sole discretion of the City, its officers, employees, agents, contractors, licensees, successors or assigns. In addition to the extent such rights may not be waived, Consultant and his subconsultants at all tiers covenant not to assert such rights against the City, its officers, employees, agents, contractors, licensees, successors or assigns.

1.6.3 All Drawings shall be prepared using AutoDesk's AutoCAD Release 2004 or newer release in accordance with industry accepted standards, including the American Institute of Architects (AIA) Computer Aided Design (CAD) Layer Guidelines. Specifications shall be prepared in Construction Specification Institute (CSI) format using the software program Microsoft Word 2000 or newer release.

1.6.4 Where the Consultant specifies materials and equipment by brand names, provide three or more brand names with model numbers for each item specified. Where less than three suitable brand names/model numbers are commercially available state "or equal under the Substitution requirements of Section 01600."

1.6.5 Coordination and quality control checks shall be made in accordance with a disciplined procedure and scheduled accordingly.

1.6.6 Verify, using commercially available software with current virus definitions, that digital electronic submittals are free of electronic "viruses", "worms", "Trojan horses", and other programs or data stored on the host computer or the electronic submittal. Should the City choose to check incoming electronic submittals for such afflictions, utilizing commercially available software and at the first indication of such an affliction, the entire electronic submittal will be considered unacceptable and will be returned to the Consultant. The Consultant shall remove the unwanted programs or the unwanted programs or data and further verify the integrity of the electronic submittal. The Consultant shall bear the expense of correction, checking and resubmittal and shall not be released from submittal requirements per the Agreement.

1.6.7 Prior to each design submittal, check all documents for technical accuracy, compliance with applicable codes and ordinances, complete incorporation of all Design Review Comments (DRC), and coordination within and between design disciplines. Each submittal shall be in accordance with the appropriate submittal requirements listed herein. Incomplete submittals shall be rejected. All costs associated with the re-submittal shall be borne by the Consultant.

1.6.8 The Consultant shall without additional compensation correct or revise any error or deficiencies in the plans, drawings, specifications or other related documents prepared by the Consultant.

1.6.9 The Consultant shall be responsible for all coordination with its subconsultants. Each submittal to the City shall be organized by discipline and shall be thoroughly crosschecked to avoid conflicts between Consultant and subconsultant documents. Vague references to project requirements on other discipline's plans shall not be permitted. Where references to others' plans are necessary for direction, reference notes shall specifically state the drawing number or specification section, as appropriate. It shall be the Consultant's responsibility to advise each subconsultant of this requirement.

1.6.10 The professional services to be rendered by the Consultant under this Agreement shall be in conformance with applicable federal, state and local statutes, acts, rules, codes, ordinances, laws and regulations. These include but are not limited to the building code, electrical code, plumbing code, fire code and related ordinances pertaining to fire safety, mechanical code and the heating, ventilation, air conditioning guide, uniform standards for public works construction for off-site improvements, State of Nevada Industrial Commission codes and safety orders, Nevada State Department of Health regulations, mandatory standards and policies of the State of Nevada energy conservation plan, Americans with Disabilities Act (ADA) guidelines and requirements including conformance to any ADA provisions and guidelines that have been issued in "final form" regardless of their adoption by the Department of Justice, municipal ordinances in effect at the Project site, and any other applicable Federal, state and local acts, rules, laws or regulations.

1.6.11 All work, including but not limited to drawings, specifications, and calculations, shall be provided by the Consultant for each and every part of the Project including those items that the building department may normally allow as "deferred submittals." When complying with NRS 338.140 by listing multiple manufacturers in the specifications, the Consultant shall review options with the City and select the most available, standard, or economical manufacturer's model to fully engineer and include in the bid and permit documents. Should the Contractor propose one of the other manufacturers listed in the specifications after award, the cost of the other listed manufacturer's affect on the documents and the construction shall be borne by the Contractor, except that the Consultant shall have the duty to cooperate with the Contractor in reviewing the proposal for design compliance (including the Contractor provided structural calculations) and providing revisions to the Consultant's documents as required to accommodate the proposed change. Such revisions to the Consultant's documents shall be an Additional Service, which shall be approved in writing by the City prior to the Consultant making any revisions and charged to the Contractor by change order.

1.6.12 All work shall be in full compliance with the applicable City of Las Vegas "**Design Standards for Buildings, Parks, and Parking Facilities**" ("Design Standards"), incorporated herein by reference, and that any failure in this regard shall be at the sole expense of the Consultant to correct specifically including any additional construction costs resulting from such failures in the construction bid documents. The Consultant agrees to include this requirement into subcontract agreements with subconsultants providing services for the Project.

1.6.13 The Consultant acknowledges the City's requirement to incorporate the City's "Instructions to Bidders", "General Conditions" and "Division One", incorporated herein by reference, into the contracts prepared for bidding on the Project covered by this Agreement. The Consultant further agrees to perform in accordance with the obligations stated in these referenced documents and agrees to include this provision in all sub-consultant contracts. The Consultant acknowledges familiarity with the City's standard format, terms and conditions of these documents and that such document examples were made available to the Consultant upon request, prior to signing this Agreement.

1.6.14 No disclaimers are allowed on any documents, except as required due to City of Las Vegas Building Department's request for inclusion and stamping of documents not prepared by the Consultant such as reports of testing and details of fire rated assemblies or similar copyrighted documents.

1.6.15 Throughout the design phases of the project, participate in regularly scheduled design meetings with the City. Coordinate attendance of subconsultants and other parties as appropriate to the progress of the work and to avoid delay. Unless the City elects to do so and provides written instrument stating such, record, prepare and distribute to all attendees and other affected parties, a meeting summary documenting decisions made and actions required by attendees and other affected parties, in a format acceptable to the City, within 5 days following each meeting.

1.7 DEFINITIONS

1.7.1 "Construction Cost Estimate" as used herein is a forecast of the construction cost prepared on the basis of detailed analysis of materials and labor for all items of work.

1.7.2 "Contractor" as used herein refers to the party or parties that the City contracts to construct the Project. This includes without limitation general or specialty contractors utilizing a design-bid-build delivery method, a construction manager at risk, and design-builder when utilizing alternate delivery methods.

1.7.3 "Drawings and Specifications" as used herein shall be deemed in all instances to include architectural, structural, mechanical, plumbing, electrical, civil, and landscape drawings and specifications, and any drawing and specification prepared by specialty consultants.

1.8 CITY'S REVIEW PROCESS

1.8.1 Upon receipt of any documents furnished by the Consultant, the City Representative shall conduct a preliminary review of such documents and determine whether the documents comply with the scope of the Project. After the preliminary review, if the City Representative determines that the documents are insufficient, inadequate, or incomplete, the City shall notify the Consultant and request documents which are professionally complete and appropriate, per **Exhibit "B"**, for each service phase submitted. The decision by the City Representative in this matter shall be final.

1.8.2 If the City Representative determines, after requesting the Consultant to provide corrected and professionally complete Phase submittals, that the documents remain insufficient, inadequate, or incomplete, the City may: i) declare the Consultant in default, or (ii) demand a letter of explanation from the Consultant as to the reason the furnished documents are insufficient, inadequate or incomplete. If the City elects the second option, the Consultant, at Consultant's own expense, shall furnish additional sets of all documents, based on the quantity set forth in **Exhibit "B"**, that are sufficient, adequate and complete in the discretion of the City Representative for review by the City. The Consultant, at Consultant's own expense, shall attend any meeting, whether formal or informal, including the City Council meeting when requested by City to explain the reason the Consultant presented inadequate, insufficient, or incomplete documents to the City, and the delay, if any, that such submittal and re-submittal may cause in completion of the Project.

1.8.3 The City's review period in the Project Schedule shall not begin until the City Representative determines that the documents presented by Consultant fully comply with the requirements. After the City Representative determines that the documents comply with such requirements, the City shall begin a review of the documents.

1.8.4 After the City reviews the documents, one (1) set of the documents shall be returned to the Consultant with comments and corrections noted thereon. The Consultant shall make the changes necessitated by the corrections or other comments into the documents, and return the correction set with the corrected documents, together with written responses to the City's correction(s), comments(s), and change(s), which state the action taken and reason for such action for each item presented by the City.

ARTICLE 2: THE CITY'S RESPONSIBILITIES

2.1 The City will be responsible for performing all work necessary to complete their obligation to the Consultant to allow the Consultant to complete their work.

2.2 The City shall provide the Consultant with:

2.2.1 Programmatic information, including a requirement list for current and future needs and operational requirements including all committed facility schedules that impact design and/or construction.

2.2.2 Project budget and the amount of the Construction Cost Budget.

2.2.3 Project schedule.

2.2.4 Any other information required to complete the work, as available, which is not in the Consultant's Scope of Services.

2.2.5 Access arrangements for the Consultant to enter upon public and private property as required to perform their services.

2.2.6 Design Review Comments to be incorporated into the documents. Comment documentation may be provided as red-lined drawings, electronic format and/or hard copies.

2.3 The City shall:

2.3.1 Acquire any required rights to the Project Site or air rights to adjacent sites as deemed necessary by the City.

2.3.2 Designate a management team to review designs and submittals, and to work with the Consultant to achieve an acceptable, cost effective design.

2.3.3 Provide and conduct all bidding activities, including printing and distribution of bid and constructions documents, except as specifically required to be provided by the Consultant.

ARTICLE 3: THE CONSULTANT'S RESPONSIBILITIES

3.1 The Consultant shall be responsible for performing all work necessary to complete the following schedule of work, more fully described following:

3.1.1 Responsibilities Specific to this Project for Various Phases

3.1.2 Construction Document Phase

3.1.3 Bidding Phase

3.1.4 Construction Administration Phase

3.1.5 Post Construction Phase

3.2 RESPONSIBILITIES SPECIFIC TO THIS PROJECT FOR VARIOUS PHASES

3.2.1 HAZARDOUS MATERIALS SURVEY (not required)

3.2.1.1 The Consultant shall provide a hazardous material survey and abatement report of the existing structures located on the Project site, in compliance with NRS 338.195 and other regulatory authorities overseeing the presence and abatement of lead paint, PCBs, asbestos, and other hazardous materials.

NRS 338.195 Survey for presence of asbestos required before renovation or demolition of public building.

1. No public building or other public structure may be renovated or demolished until a survey of the building or structure has been made for the presence of asbestos or material containing asbestos.

2. As used in this section, "material containing asbestos" has the meaning ascribed to it by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.765.

(Added to NRS by 1989, 1280; A 1993, 1567)

3.2.2 LEED CERTIFICATION (City Park exempt not required)

3.2.2.1 The City has mandated that new, occupied public buildings built by and for the City are to be built to LEED (Leadership in Energy and Environmental Design) Certified Silver level or higher standards. The Consultant shall provide services to fully register, administer, analyze, model, design, document, submit, resubmit, and use its best efforts to ensure that this Project achieve a Silver level or higher certification from the USGBC (U.S. Green Building Council), using latest version of the appropriate standards available on the date of this Agreement or other standards if the Director of the Nevada State Office of Energy has determined that an updated version of LEED standards is not appropriate for use. The City shall pay the USGBC required registration and certification fees.

3.2.3 COST ESTIMATES

3.2.3.1 Provide unit costs, quantities and other estimating parameters for each component or work, reflecting current market conditions and costs. Reconcile each successive estimate to the one provided at the preceding submittal. Provide the estimate in the format and breakdown designated by the City. Work with the City to reconcile the Consultant's estimates with the City's staff, consultants, and contractor's estimates. Should the Consultant and City disagree on the appropriate contingencies to include in the Construction Cost Estimate for market factor and escalation, the City's estimated factors will be used to determine the Construction Cost Estimate.

3.2.3.2 If at any time during the design phase of the Project it becomes evident that the Construction Cost Estimate exceeds the Construction Cost Budget, notify the City and propose design solutions that will bring the Project within the Construction Cost Budget. Execute approved solutions as required at no additional costs to the City.

3.2.4 GOVERNMENTAL AND AGENCY APPROVALS

3.2.4.1 SCOPE OF SERVICES. Prepare, submit and gain approval of all governmental and agency approvals required for completion and occupancy of the Project, unless specifically noted otherwise in this section:

3.2.4.1.1 General Plan Amendment. If requested by the City, assist in the application preparation, supporting documentation and meeting representation for any required GPAs. If requested, meeting representation shall be an additional service.

3.2.4.1.2 Rezoning. If requested by the City, assist in the application preparation, supporting documentation and meeting representation for any required rezonings. If requested, meeting representation shall be an additional service.

3.2.4.1.3 Site Development Plan Reviews. Provide all applications, documentation, submittals and meeting representation for the Planning Department's Site Development Plan Reviews, including those required by review boards such as Summerlin, Centennial Hills, redevelopment agencies, historical review boards and similar organizations where applicable to the site and Project. Does not apply. Provided by the City.

3.2.4.1.4 Variance and Special Use Permit. Provide assistance in the needs determination, application preparation, supporting documentation and meeting representation for any required variances or special use permits. If requested, meeting representation shall be an additional service.

3.2.4.1.5 Mapping. Tentative maps, final maps, vacations, parcel maps, and annexations shall be considered Additional Services unless otherwise identified in this Agreement.

3.2.4.1.6 Utilities. Provide all applications, documentation, submittals, coordination and representation for all Project required utility designs.

3.2.4.1.7 Flood/Hydrology Reports. Comply with all requirements and gain required approvals from Regional Flood Control and City of Las Vegas Land Development Section, including a Drainage Compliance Report.

3.2.4.1.8 Traffic Study. If requested by the City, traffic studies shall be provided as an Additional Service.

3.2.4.1.9 New and Modified Stationary Sources of Air Pollutants Permits. Should the Project program or Consultant's design and specification require a review or permit from the Clark County Department of Air Quality and Environmental Management for Stationary Sources, the Consultant shall provide the following services in regard to such Stationary Sources, including but not limited to Project pool heaters, generators, storage tanks, boilers, cooling towers, and fuel dispensing:
3.2.4.1.9.1 Authority to Construct Certificate. All determinations as to need and required applications, documentation, calculations, timely submittals, coordination, and hearing representation. The City will provide the Consultant with any required fees payable to Clark County.
3.2.4.1.9.2 Operating Permit. If requested by the City, assist in the preparation of the required calculations and documentation.

3.2.4.2 SUBMIT, REVIEW AND INCORPORATE. Submit progress and final Construction Documents, applications, and other required documentation to all required utility companies, regulatory authorities and governmental agencies having jurisdiction over the Project at the earliest opportunity in the completion of the documents. Submitted documents shall be sealed and signed by the engineers and architects of record in the State of Nevada as required by the City, utility and governmental agency. During the progress of the design documents, conduct design review meetings with the utility and governmental agencies whenever allowed by their review processes. Coordinate and incorporate design review comments and corrections into the documents in an expeditious manner, track the approval process and report status to the City Representative on no less than a weekly basis until approved, and notify the City in writing of any approval not given by a regulatory agency, noting the efforts made to secure such approval. Update the Construction Cost Estimate to account for revisions made.

3.2.4.3 FEES. Notify the City of any required utility, application, permit and review fees, which shall then be the responsibility of the City to pay.

3.2.4.4 OAS NOT A REGULATORY AUTHORITY. The Consultant does hereby acknowledge, understand and agree that the Office of Architectural Services (OAS), acting as the City's representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of other departments of the City acting in a regulatory capacity including, but not limited to, the Building Department, Fire Department, Planning Department and Department of Public Works of the City of Las Vegas. The City's representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the City receives a quality product, delivered on schedule, for a fair price. Furthermore, the Office of Architectural Services does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the Office of Architectural Services. The Consultant agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the City, and that the Consultant's interaction with each regulatory authority is to be conducted without assistance from the City.

3.2.4.5 APPROVAL. The City shall give approval of documents prior to being submitted to any regulatory agency for permit review and approval.

3.2.4.6 GEOTECHNICAL REPORT. Provided on a previous phase. Consultant to update for Bonita vista pavement section.

3.2.4.7 SPECIFICATION. The City will provide the Consultant with a sample specification "Section 02050 – Subsurface Conditions" to demonstrate how this split report is to be utilized in placing the Contractor at risk for many unknown subsurface conditions, which the Consultant shall use to model his bid documents after in achieving the same purpose.

3.2.4.8 NUMBER OF SOIL BORINGS. The Consultant acknowledges that the City's standard of placing the Contractor at risk for many unknown subsurface conditions can substantially increase the bid prices for the Project if insufficient data is provided, and that in order to limit this Contractor risk, twice as many, and deeper, borings will be provided than would have been normally produced for this Project, as further described in the City Design Standards. If the Consultant is responsible for providing the geotechnical report, these additional borings will be provided by the Consultant at no additional cost to the City as a part of the Consultant's Basic Services.

3.3 CONSTRUCTION DOCUMENTS (CD) PHASE

3.3.1 Upon authorization by the City to proceed with the Construction Documents Phase, the Consultant shall:

3.3.1.1 CONSTRUCTION DOCUMENTS. Based on the approved Design Development Submittal, review comments and any further adjustments in the scope or quality of the Project or in the Construction Cost Budget authorized by the City, the Consultant shall prepare for review and approval by the City the plans, drawings, specifications, and other documents related to the Project (collectively the "Construction Documents"), including the General Conditions provided by the City, which set forth in detail the requirements for the construction of the Project. The Construction Documents shall be technically sound and in conformance with federal, state and local laws, and shall not violate or infringe upon any patent rights. The Consultant agrees to revise or correct any deficiency or error in the Construction Documents. The City's approval of the Construction Documents, or any portion thereof, shall not relieve the Consultant of responsibility for the professional and technical accuracy of such documents.

3.3.1.2 BID DOCUMENTS. The Consultant shall assist the City in the preparation of the bidding documents, including but not necessarily limited to, the bid proposal form and the supplemental specifications (collectively the "Bid Documents"), which are to be included in the agreement between the City and Contractor. The Bid Documents and the Construction Documents together comprise the "Contract Documents."

3.3.1.3 ESTIMATES. Prepare and submit a detailed Construction Cost Estimate at the 50 percent, 90 percent, and 100 percent CD Submittals. Estimates must be prepared by an experienced professional construction estimator with a thorough knowledge of the local construction market. The Consultant shall advise the City of any adjustments to the Construction Cost Budget indicated by changes in the Construction Documents or resulting from a change in general market conditions.

3.3.1.4 CONSTRUCTION SCHEDULE. Estimator shall include with the 90 percent Construction Cost Estimate the number of calendar days required for the Contractor to complete the Work, to be used in the bid documents and construction contract.

3.3.1.5 REVIEWS. Respond to all design review comments prior to each successive submittal. Incorporate requested changes into appropriate documents. Fully coordinate all changes within and between disciplines. The Consultant's design team shall participate in design review meetings in which the City will present and discuss comments generated during review of the 50 percent and 90 percent CD Submittals.

3.3.1.6 CONSTRUCTABILITY AND BIDABILITY REVIEWS. Should the City conduct constructability and bidability reviews of the documents using City personnel, consultants, contractors or others, the Consultant shall meet, cooperate and coordinate with the reviewers, and promptly respond to and correct all deficiencies as directed by the City, at no additional cost to the City.

3.3.1.7 CD SUBMITTALS. Provide (8) copies each of 50 percent, (13) copies of the 90 percent and (13) copies of the 100 percent final documents from this phase, and provide final documents to the City for review and comment.

3.3.1.7.1 **Prepare 50 percent Construction Documents**, including the following:

3.3.1.7.1.1 General

3.3.1.7.1.1.1 Completed title sheets, abbreviations, legends and site plans.
3.3.1.7.1.1.2 Incorporation of all requirements and specific direction given by the City prior to the 50 percent CD Submittal.
3.3.1.7.1.1.3 Reference of all applicable codes, Project data and design numbers for rated assemblies.

3.3.1.7.1.2 Civil

3.3.1.7.1.2.1 Existing facilities plans showing all existing topography and improvements.
3.3.1.7.1.2.2 Utility distribution plans with sizes of all new and existing utilities.
3.3.1.7.1.2.3 Rough grading plans.
3.3.1.7.1.2.4 Finish paving and grading plans.
3.3.1.7.1.2.5 Horizontal control plans.
3.3.1.7.1.2.6 Horizontal and vertical control plans for all site lighting pole bases.
3.3.1.7.1.2.7 Details with references to the plans.
3.3.1.7.1.2.8 Final calculations required to meet all levels of completion.

3.3.1.7.1.3 Landscape

3.3.1.7.1.3.1 Landscaping plans denoting all materials and sizes.
3.3.1.7.1.3.2 Irrigation plans with sizing of all piping.
3.3.1.7.1.3.3 Details with references to the plans.

3.3.1.7.1.4 Architectural (Excluding Restroom Plans and specifications- provided by the City for Consultant to include in bid set)

3.3.1.7.1.4.1 Floor plans with all dimensions and room finishes noted.
3.3.1.7.1.4.2 All door, window, hardware, and glazing schedules complete.
3.3.1.7.1.4.3 Roof and reflected ceiling plans that reflect coordination with structural, mechanical, and electrical systems.
3.3.1.7.1.4.4 All elevations and sections.
3.3.1.7.1.4.5 Enlarged plans of specific rooms or areas as needed to accurately portray the work.
3.3.1.7.1.4.6 Interior and exterior details.
3.3.1.7.1.4.7 All section and detail bubbles completed to indicate the location of the sections and details.

3.3.1.7.1.5 Structural (Excluding Restroom- provided by City)

3.3.1.7.1.5.1 Foundation plans including all dimensions.
3.3.1.7.1.5.2 Intermediate floor framing plans with complete section cuts and detail references.
3.3.1.7.1.5.3 Complete section and detail sheets.
3.3.1.7.1.5.4 Completed and detailed roof framing plans.
3.3.1.7.1.5.5 Final calculations required to meet this level of completion.

3.3.1.7.1.6 Mechanical/Plumbing (Excluding Restroom – Provided by the City)

3.3.1.7.1.6.1 All HVAC sizing (ducts and equipment).
3.3.1.7.1.6.2 All air flow quantities noted.
3.3.1.7.1.6.3 All mechanical equipment and fixture schedules completed.
3.3.1.7.1.6.4 All pipe sizes noted.
3.3.1.7.1.6.5 Cathodic protection requirements specified.
3.3.1.7.1.6.6 Points-of-connection including invert elevations.
3.3.1.7.1.6.7 Completed riser diagrams.
3.3.1.7.1.6.8 All control diagrams shown and completed.
3.3.1.7.1.6.9 All details completed and referenced to the plans.
3.3.1.7.1.6.10 Final calculations required to meet this level of completion.

3.3.1.7.1.7 Electrical

3.3.1.7.1.7.1 All power, lighting and auxiliary systems plans reflecting complete circuiting.
3.3.1.7.1.7.2 Required single line drawings.
3.3.1.7.1.7.3 Completed panel schedules.
3.3.1.7.1.7.4 Electrical room details showing equipment in plan and elevation.
3.3.1.7.1.7.5 All special systems including grounding wells.
3.3.1.7.1.7.6 All details completed and referenced to the plans.
3.3.1.7.1.7.7 Fire alarm riser diagrams and zone schedules.
3.3.1.7.1.7.8 Final calculations required to meet this level of completion.

3.3.1.7.1.8 Specifications

3.3.1.7.1.8.1 Completed Project Specification sections (Parts 1, 2 and 3) for each discipline.
3.3.1.7.1.8.2 Final form technical specifications in CSI format.

3.3.1.7.2 **Prepare 90 Percent Construction Documents**, including the following:

3.3.1.7.2.1 Drawings

3.3.1.7.2.1.1 Complete drawings containing all the information listed in the preceding 50 percent Construction Documents section developed to 90% of final Ready to Bid drawings.

3.3.1.7.2.2 Specifications

3.3.1.7.2.2.1 Complete specifications. All sections shall be accurately cross-referenced and Divisions 0 and 1 shall be correctly incorporated.

3.3.1.7.2.3 Calculations

3.3.1.7.2.3.1 Complete Civil, structural, mechanical, plumbing, and electrical calculations.

3.3.1.7.2.4 General

3.3.1.7.2.4.1 Incorporation of all requirements and specific direction given to the Consultant prior to the 90 percent CD Submittal.

3.3.1.7.2.4.2 Identify the need for special inspection services and specify types of special inspection required in the Construction Documents.

3.3.1.7.2.4.3 Provide Exterior Light Fixture cut sheets for review

3.3.1.7.3 **Prepare Final Construction Documents**, including the following:

3.3.1.7.3.1 Drawings

3.3.1.7.3.1.1 Complete drawings, READY FOR BID stamped and signed by the architects and engineers of record registered in the State of Nevada.

3.3.1.7.3.2 Specifications

3.3.1.7.3.2.1 Complete specifications, READY FOR BID stamped and signed by the architects and engineers of record registered in the State of Nevada. All sections shall be accurately cross-referenced and Divisions 0 and 1 shall be correctly incorporated.

3.3.1.7.3.3 Calculations

3.3.1.7.3.3.1 Complete Civil, structural, mechanical, plumbing, and electrical calculations, stamped and signed by the engineers of record registered in the State of Nevada.

3.3.1.7.3.4 General

3.3.1.7.3.4.1 The Consultant shall incorporate all requirements, specific directions, changes and corrections made by the City and regulatory authorities and agencies into the Final Construction Documents Submittal. The Consultant shall provide the City a "Yellow Line" over "Red Line" corrections drawing check set or other quality control evidence confirming that all of the requirements, directions, changes and corrections have been incorporated into the documents.

3.3.1.7.3.4.2 The City shall give written approval of the final, corrected, Construction Documents prior to the Consultant proceeding with submittals to the City Purchasing Division for bidding or negotiation. The Consultant shall not be responsible for reproduction costs of the Contract Documents submitted, except as specifically required in **Exhibit "A"** and **Exhibit "B"**.

3.4 BIDDING PHASE

3.4.1 With approval of the Construction Documents and of the latest Construction Cost Estimate, the City shall obtain bids or negotiated proposals and prepare the Construction Contract for the Project.

3.4.2 If the Bidding or negotiation Phase has not commenced within 90 days after the Consultant submits the final, corrected Construction Documents incorporating all permit plan check comments and regulatory requirements to the City ready for bidding, the Construction Cost Budget may be adjusted to reflect changes in the general level of prices in the construction industry between the date of submission of the Construction Documents to the City and the date on which proposals are sought.

3.4.3 Upon authorization by the City to proceed with the bidding phase, the Consultant shall:

3.4.3.1 While the Project is being advertised for bids, all questions concerning intent shall be referenced to the City for resolution. In the event that items requiring interpretation in the drawings or specifications are discovered during the bidding period, said items shall be analyzed by the Consultant for decisions by the City as to the proper procedure required. Corrective actions taken will be either in the form of an addendum prepared by the Consultant and issued by the City, or by a construction change directive issued after award of the Construction Contract. In either case, Consultant shall prepare all necessary documents at no additional cost to the City, and update the Construction Cost Estimate. All documents shall be prepared on 8-1/2" X 11" size paper unless otherwise approved in writing by the City.

3.4.3.2 Addendum revisions shall be made on the appropriate CAD drawing or word-processing specification files, and then electronically clipped out for issuance in 8-1/2" X 11" format. Revisions shall be indicated and logged on each document. Consultant shall maintain a log of all revisions to the documents.

3.4.3.3 Attend and participate in the Pre-bid meeting.

3.4.3.4 Participate in bid evaluation and recommendations.

3.4.4 The City shall advise the Consultant of the award of the Construction Contract, and establish a Pre-Construction Conference.

3.5 CONSTRUCTION ADMINISTRATION PHASE

3.5.1 The Construction Phase for the Project will commence with the City's issuance of the "Notice To Proceed" to the Contractor for the Project and, together with the Consultant's obligation to provide the services under Article 1 and, if applicable, Article 2 shall terminate with the final payment to the Contractor or in the absence of the submission of a final certificate for payment or of such due date, sixty days after the date of Substantial Completion of the Project, whichever first occurs.

3.5.2 CONSTRUCTION PROJECT REPRESENTATIVE. Provided by the City. The Construction Project Representative shall, during the Construction Phase, have complete authority to receive information, transmit instructions on behalf of the City Representative, to coordinate weekly construction site meetings and represent the City in the completion of the Project. The Construction Project Representative shall be responsible for writing and distributing minutes of construction meetings, or shall delegate such responsibilities to other consultants.

3.5.3 Upon authorization by the City to proceed with the construction phase, the Consultant shall:

3.5.3.1 MEETINGS. Attend and participate in the Pre-Construction Conference with the Construction Contractor. The Consultant's construction administration team shall participate in periodic "Partnering Meetings" with the City and the Construction Contractor for discussion of shared goals, processes, and procedures during the construction process, which shall be attended by a Consultant team member who has high-level decision-making authority, and require the same in all subconsultant contracts. Attend and participate in Construction Progress Meetings, weekly or more frequently as requested by the City. Meeting dates, times, and place will be determined by the City.

3.5.3.2 SITE VISITS. Visit the Project site at such intervals as are appropriate to the stage of construction for the Project or as otherwise agreed upon in writing by the parties hereto in order to become familiar with the progress and quality of the construction and to determine if the construction of the Project is proceeding in accordance with the Contract Documents. These visits shall average once a week throughout the period of the Construction Contract. In coordination with the Contractor's use of the site, Consultant shall have access to the site during construction of the Project.

3.5.3.3 DEFECTIVE WORK. Advise the City of any defects or deficiencies in work by the Construction Contractor that the Consultant observes while visiting the site. The Consultant shall have authority to act on behalf of the City only to the extent provided in this Agreement unless otherwise modified by written instrument. The Consultant shall have no authority to issue instructions on behalf of the City, or to deputize another to do so. Except as may otherwise be provided in the Contract Documents or when direct communications have been specially authorized, the Consultant and Contractor shall communicate through the City's representatives.

3.5.3.4 PAYMENT APPLICATIONS. If requested by the City, the Consultant shall review each Application for Payment submitted by the Contractor based on the Consultant's observations of the progress of construction of the Project, and comment on answer questions. The Certification for Payment shall constitute a representation by the Consultant to the City, based on the Consultant's observations at the Project site and on the data comprising the Contractor's Application for Payment, that the construction of the Project has progressed to the point indicated in the Application and that, to the best of the Consultant's knowledge, information and belief, the quality of the construction of the Project is in accordance with the Contract Documents. The foregoing representations are subject to (i) an evaluation of the construction of the Project for conformance with the Contract Documents upon Substantial Completion of the Project, (ii) results of subsequent tests and inspections, (iii) minor deviations from the Contract Documents correctable prior to completion and (iv) specific qualifications expressed by the Consultant. The issuance of the Certificate for Payment shall further constitute a representation that the Contractor is entitled to payment in the amount certified. However, the issuance of the Certificate for Payment shall not be a representation that the Consultant has (i) made exhaustive or continuous on-site inspections to check the quality or quantity of the construction of the Project, (ii) reviewed the construction means, methods, techniques, sequences or procedures, (iii) reviewed copies of requisitions received from subcontractors and material suppliers and other data requested by the City to substantiate the Contractor's right to payment or (iv) ascertained how or for what purpose the Contractor has used money previously paid by the City to the Contractor.

3.5.3.5 DOCUMENT REVISIONS. During construction, promptly furnish all necessary additional drawings for supplementing, clarifying and correcting purposes. Revisions shall be made on the full size CAD drawing or complete word-processing specifications files, and then electronically clipped out for issuance. Revisions shall be indicated and logged on each document by clouding the affected area and delta revision symbol. The Consultant shall maintain a log of all revisions to the documents detailing the reference document and detail, title, revision delta with date, revision type, and a thorough description of the change. If the City should decide to bid the documents prior to completion of the permit plan check process, the Consultant shall promptly provide the Contractor with a log of revision detailing the variations between the bid set of documents and the permit issued set, in a format acceptable to the City and Contractor, immediately upon completion of the permit plan check process.

3.5.3.6 SUBSTITUTIONS. The Consultant's basic services shall include evaluations of any substitutions proposed during the construction period and performing the revisions to the Contract Documents required by such substitutions, including presentation to the City and other local agencies whenever required to obtain approval and/ or permits for construction of such substitution.

3.5.3.7 INTERPRETATIONS. If requested by City, promptly render interpretations which may be necessary for the proper execution or progress of the construction of the Project and render written decisions on all claims, disputes and other matters in question between the City and the Contractor which relate to the execution or progress of the construction of the Project or the interpretation of the Contract Documents. All such interpretations and decisions of the Consultant shall be consistent with the intent of, and shall be reasonably inferable from, the Contract Documents and shall be in writing or the form of drawings.

3.5.3.8 RFI. Promptly respond to Requests for Information (RFIs). The work shall address all RFIs submitted including without limitations Contractor errors, repairs, suggestions, fixes and alternate means of construction, field/site conditions, seemingly frivolous and out of scope requests, and issues relating to document errors and omissions. Determination of appropriate methods and means of construction remain the responsibility of the Contractor.

3.5.3.9 SUBMITTALS. Promptly review and approve submittals, samples and shop drawings for compliance with the Construction Documents. This work shall include submittals and shop drawings submitted for specified products and products submitted as a "substitution" or under an "or equal" under the Substitution requirements of Section 01600 provision of the specifications. A prompt turn-around time from receipt by the Consultant to dispatch by the Consultant as to cause no delay in the construction of the Project is mandatory for review and distribution. After three (3) submittals, if the same item has not been approved, the City shall be separately notified of such in writing.

3.5.3.10 CHANGE ORDERS. Promptly review, comment on, Change Orders and Construction Change Directives with supporting documentation and data as deemed necessary by the Consultant for the City's approval and execution in accordance with the Contract Documents. Should the Consultant determine that a proposed Change Order or Construction Change Directive is excessively priced, not a legitimate change in the scope of the Contractor's work, outside of the Consultant's scope of work, detrimental to the Consultant's design, uncoordinated with the Construction Documents, potentially harmful to public safety, or a violation of codes, laws and regulations, the Consultant shall so comment to the City in writing at the time of the required prompt proposal processing, and the Consultant's failure to comment at that time shall be construed as the Consultant's approval of the proposal.

3.5.3.11 DRAINAGE REPORT. Provide a Drainage Compliance Report, sealed by the Civil Engineer of record for the Project, acceptable to the City of Las Vegas Department of Building and Safety.

3.5.3.12 EXTERIOR LIGHTING ILLUMINATION LEVEL TESTING AND REPORT. Upon completion of the construction, provide testing and a report detailing the lighting illumination levels achieved in each area of the project, if requested by the City to address concerns and complaints..

3.5.3.13 SUBSTANTIAL COMPLETION. Assist the City in conducting observations to determine the date or dates of Substantial Completion and the date of final completion.

3.5.3.14 PUNCHLISTS. Participate in the development and resolution of Punch Lists.

3.5.3.15 TURN-AROUND TIMES AND CONSULTANT RESOURCES. The Consultant agrees to provide Construction Administration phase services in accordance with the following provisions, and shall require and provide response times from subconsultants to meet these provisions. The following provisions do not require or imply Consultant services in addition to those otherwise required by this Agreement and do not authorize any Additional Services.

3.5.3.15.1 RFIs and SUBMITTALS, FORWARDING. Forward RFIs and submittals requiring review or response by subconsultant(s) of the Consultant within 1 working day of receipt. (For example, receipt on Friday at 3 P.M. must be forwarded no later than 3 P.M. on Monday.)

3.5.3.15.2 RFIs and SUBMITTALS, REVIEWING. For RFIs and submittals requiring review by or response from the Consultant, begin work on request within 1 working day of receipt (unless the City requests an immediate response) and diligently continue work, uninterrupted by other project commitments or work assignments, until review or response is completed and distributed.

3.5.3.15.3 RFIs and SUBMITTALS, MAXIMUM TURN-AROUND TIMES. Unless an exception is requested by the Consultant and granted by the City for unusual items or issues requiring additional time, Consultant shall thoroughly and completely respond to **RFIs within 5 calendar days** and **submittals within 10 calendar days** of receipt. Maximum turn-around times include any needed reviews by Consultant's subconsultants. Unless requested, do not provide partial responses. If request is unclear in any regard, review and respond to the maximum extent possible when requesting clarification and additional information.
3.5.3.15.4 PROJECT DELAYS. Immediately provide additional support resources as needed to prevent potential and cure occurring construction delays (regardless of whether delay claim is submitted) related to Consultant services, at no additional cost to the City.

3.6 POST CONSTRUCTION PHASE

3.6.1 The Consultant shall:

3.6.1.1 RECORD DOCUMENTS. Based upon the Consultant's knowledge of the changes in the Project during the Construction Phase and review of the Contractor's final record documents, prepare Record Documents for the Project. The Consultant shall review and approve the Contractor's final record documents for clarity and completeness, coordinate needed corrections, and drafting all final corrections and co-ordination items submitted by the Contractor using the software package AutoCAD. The Consultant shall prepare and submit one (1) set of completed documents in electronic and signed (but not sealed) on reproducible mylar or acid-free bond form to the City.

3.6.1.2 BLM LEASED PROPERTY GIS RECORD. Based upon the Consultant's knowledge of the Project, prepared an electronic data format of the project site acceptable to the BLM:
3.6.1.2.1 Acceptable data formats are:
3.6.1.2.1.1 Corrected Global Positioning System files with sub-meter accuracy or better, in NAD 27 or NAD 83;
3.6.1.2.1.2 An AutoCAD dxf file; or
3.6.1.2.1.3 ARCInfo export files.
3.6.1.2.2 All data shall include metadata for each coverage and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards.

3.6.1.3 WARRANTY. Participate in warranty reviews, including reviews during any staggered warranty periods and a warranty walk-through eleven months after warranty commencement. Assist the City in the development and resolution of a warranty issues list. Consultant shall include this provision in subconsultant agreements for the Project.

CONSULTANTS PROPOSAL

Subcontracts. The Consultant agrees to include in all its subcontracts related to the Project, and require the same of all sub-consultant contracts at all tiers, the provisions of this Agreement related to the City's and Consultant's rights (including Copyright), ownership and uses of the concepts, designs, documents, intellectual property, and tangible property.

Regulatory Authorities. The Consultant does hereby acknowledge, understand and agree that the City's representative for purposes of the Project, does not have any control, authority or influence over the decisions or requirements of other departments of the City acting in a regulatory capacity including, but not limited to, the Building Department, Fire Department, Planning Department and Department of Public Works of the City of Las Vegas. The City's representative acts in a capacity similar to that of a representative working for a private property owner which is to ensure that the City receives a quality product, delivered on schedule, for a fair price. Furthermore, the City does not speak or act for any regulatory authority, nor does any regulatory authority speak or act for the City. The Consultant agrees that its relationship with the regulatory authorities having jurisdiction over the Project is separate from its relationship with the City, and that the Consultant's interaction with each regulatory authority is to be conducted without assistance from the City.

Consultant Scope of Services
Tropical Durango Park
Phases 1 and 2
Durango Drive and Tropical Parkway
(APN 125-29-601-021)

Project Understanding

It is the understanding of Stanley Consultants, Inc., (Consultant), that the City of Las Vegas (City) intends to develop a passive park on approximately 8.2 acres of BLM land in Section 29, Township 19 South, Range 60 East, Mount Diablo Meridian. Our understanding of the Project has come from conversations with the City, previous project knowledge within the area and documents provided by the City.

The Consultant was previously contracted by the City to produce "Bridging Plans" for Phase 1 of the Tropical Durango Park for the design/build team. It is the understanding of Stanley Consultants, Inc. (Consultant) that the City now requests the Phase 1 plans to be completed and the plans be prepared for Phase 2 for a construction Bid project. A portion of the site known as Phase 3 will not be totally developed at this time.

Stanley Consultants, Inc. agrees to perform the following Scope of Services:

I. Mapping and Survey

A. City shall provide all surveying on this project, including boundary and topographic verification and design survey.

B. Consultant shall research the necessary boundary documents and record maps to assist in determining, and establishing parcel boundaries, and prepare field crews for efficient physical location of needed monument locations.

C. Consultant shall provide field boundary survey verification to include ties to existing boundary monumentation, and public land corners, based on provided drawings, record data and physical evidence to establish and verify the proper parcel boundary lines, and establish ties for horizontal control plans.

D. Consultant shall prepare a legal description and exhibit for a right-of-way grant application along Bonita Vista Street, over a portion of APN 125-29-601-021. This will include the westerly thirty feet (30.00') and a portion in the northwest quarter describing a portion of a knuckle intended to match previous partial dedications along Bright Angel Way.

E. City will process the dedication documents with the BLM and record with the Clark County Recorders Office.

II. Engineering

A. Technical Drainage Report

1. Drainage Report Update: The consultant shall prepare an update to the existing drainage study for the project, phase 1 and 2. This will include:

a. Revising the interim condition model to reflect full street improvements on Bonita Vista Street.

b. Revising the land use in the interim model to reflect no contributing drainage areas south of the Beltway and full development in the entire watershed.

c. Calculating the street section capacities.

d. Task is based on the preparation of one (1) drainage study for the Project improvements. Changes to the site plan and grading plans after submittal of the Updated Drainage study may require additional study requirements or additional updates. Such additional study requirements or updates are not included in this scope of work. Services to complete such will be performed as an extra service to the contract.

e. The drainage study update will be processed through the City and the Clark County Development Services for review and approval. Additional demands for information made by Clark County may require additional services not included in this scope of work. Services to complete such will be performed as an extra service to the contract.

f. Fee for the drainage study are included in the 50% submittal.

B. Construction Documents
   1. Consultant shall prepare Construction Plans for Phases 1 and 2, and submit at the requested 50%, 90%, and final submittals. Design shall encompass the following areas.
      a. Cover Sheet
      b. Notes and Abbreviations
      c. Site Grading Plans - Plan shall incorporate the recommendations from the Soils Report and Technical Drainage Study, ADA requirements and other requirements by the City. Grading Plan is to accompany the Technical Drainage Study Update. Grading Plan shall illustrate curb, gutter, pavement areas, building and amenities grades, walkways (grades only – no architectural treatments), landscape areas (labeled landscape only – landscape details shown on Landscape Plans), and surface drainage devices. The grading plan shall specify the alignment, grade and cross-section of pavement areas up to the perimeter curb. City shall provide CADD files showing location and size of proposed improvements.
      d. Horizontal Control Plans - Plan shall include appropriate horizontal control to depict the location and alignment of the civil improvements.
      e. Utility Plans and Details - Plans include water and sewer design and shall depict other utilities as reported from the utilities.
      f. Electrical Plans and Details
      g. Irrigation
      h. Landscape Plan – complete Landscape plans for Phase 1 and follow CLV bridging Landscape for Phase 1 as guide to prepare Phase 2) – site furnishings to be identified by CLV.
      i. Tot Lot Play Area with Shade Structure – specify products and design layout (include 'fall-zones')
      j. Shade Structures (information to be provided by the manufacturer, US Shade)
      k. Splash Pad – Collaborate with City of Las Vegas on any necessary design adjustments. Standard Splash Pad details provided by the CLV will be included on Landscape Architect's plans.
      l. Exercise Area – Equipment model numbers will be provided to Landscape Architect. Landscape Architect will include and provide locations for this equipment in plan. Locations will include details and notes for proper base material.
      m. Site Furnishings – Landscape Architect will show locations, any necessary details and notes, and quantities.
      n. Fencing – Landscape Architect will show location and CLV standard details.
      o. Site Signage – Landscape Architect will show locations and provide details on plans.
      p. Offsite Street Improvement Plans
         1) Durango – median island modifications, cross walk, sidewalk improvements, curb cut for park driveway.
         2) Offsite Water and Sewer Plans. Consultant shall coordinate water and sewer connection locations with the City and LVVWD.
         3) Striping and Signage Plans
         4) Bonita Vista Street – Plan shall show half street improvements with plan and profile at 40 scale.
         5) Traffic Signal modifications and Details
      q. Structural Details
      r. Parking Lot Gate
      s. Miscellaneous Details
   2. Plans or information provided by the City include:
      a. Restroom structure and details
      b. Entry Monument Sign
      c. Exercise Area equipment model numbers
      d. Site Furnishings information to Landscape Architect

C. Utility Coordination
   1. Water and Sewer Coordination
      a. Consultant shall coordinate water and sewer locations and depict those facilities on the utility plans, including water mains, valves, hydrants, tees, meter locations, manholes and services.

   2. Dry Utility Coordination
      a. Consultant shall provide copies of the plans for use by the dry utilities.
   3. Any modifications to the locations of the facilities shall be designed by utility provider. The Consultant will coordinate with the utilities and provide plans and include the utilities as part of the plans if available at the time of submission.

4. After plans have been received from the Utilities, Consultant shall depict the utility locations on the Engineering Drawings affected.

D. Engineering Plan Processing
   1. Consultant shall process the drainage study to obtain approvals. In addition, Consultant will submit the drainage study to Clark County Development Services for review.
   2. Consultant shall contact the affected agencies to determine what interlocal agreements are in place. The Consultant shall notify the City of need for additional interlocal agreements. The City shall be responsible for drafting and processing additional required interlocal agreements.
   3. At milestone submittal 50%, Consultant shall submit 8 plan sets to the City. At the milestone submittal of 90%, Consultant shall submit 13 plan sets to the City. The Consultant shall provide the MULTIPLE FAMILY, COMMERCIAL AND INDUSTRIAL SUBMITTAL REQUIREMENTS AND CHECKLIST form. Of the submitted plan sets, the City shall distribute three sets to Development Services.
   4. Consultant shall coordinate concurrence with Clark County Development Services.
   5. Consultant shall coordinate review and approval with the City of Las Vegas Building and Safety.
   6. Consultant shall obtain utility company approval signatures on the Contract Documents Cover Sheet.

E. Meetings
   1. Consultant shall attend meetings as requested by the City to support the project with regards to completion of the Phase 1 and Phase 2 plans and specifications and to provide support during the park construction. Subconsultant attendance at meeting is specified under Subconsultant responsibilities. Anticipated meeting schedule is as follows:
      a. September - Two (2) meetings a month
      b. October, November, December, January and February - One (1) meeting a month
      c. Bidding Support – Pre-Bid Meeting, Bid Opening, Bid Analysis
      d. Construction Phase and Close out – Weekly meetings extending over 6 month period.

F. Specifications
   1. Consultant shall provide specifications relating to the construction documents Phase 1 and 2 in CSI format. General conditions specifications will be supplied by the City.

G. Engineers Estimate of Probable Cost of Construction
   1. Consultant shall provide an Engineers Estimate of Probable Cost of Construction at 50%, 90%, and Final to the City.

H. Structural Engineering
   1. Consultant shall provide structural engineering calculations and details for the building foundations, play structure foundations pole foundations, splash pads, picnic pads, lighting poles, entry monument details, parking lot gate foundation and shade structures.

I. Traffic Engineering
   1. Consultant shall provide designs for signal head modifications, signal phasing, pedestrian signal for the intersection of Durango Drive and Grand Montecito, striping and road signage with the accompanying plans for Durango Drive and Bonita Vista Street. Meet with City Traffic Engineering for coordination of signal, signage and striping plans.

J. Geotechnical Engineering
   1. Consultant shall subcontract with GeoTek, Inc., a geotechnical firm, to update the geotechnical report to include drilled foundations to support shade canopies and overhead lighting.

K. Electrical Engineering
   1. Consultant shall subcontract with TJK Consulting Engineers, Inc., an Electrical Engineering firm. The Electrical Engineering firm shall:
      a. Complete the lighting design for the parking lot, playground area, and the additional lighting design for Phase 2 walking trail.
      b. Design and locate the power stub for Phase 3 walking trail.
      c. Submit 50%, and 90% for the City of Las Vegas review process.
      d. Provide specifications for items within the Electrical design scope in the CSI format.
      e. Provide opinion of probable unit cost estimates.
      f. Attend up to four (4) design review meetings.
      g. Coordinate electrical design with Nevada Energy, assist in obtaining required design information, attending the utility kick off meetings with Nevada Energy and coordinate service connection locations.
      h. Provide One (1) set of signed and sealed drawings for bid.
      i. Provide construction phase services consisting of up to two (2) site visits, RFI responses, and submittal reviews.
      j. Provide record drawings.

L. Landscape Architecture
   1. Consultant shall subcontract with Southwick LA, a Landscape Architectural firm. The Landscape Architectural firm shall prepare the Construction Documents for the two phases on separate bid packages. Responsibilities are defined by the following phases.
      a. LANDSCAPE CONSTRUCTION DOCUMENT PHASE:
         1) Attendance at no more than ten (10) project meetings during this phase.
         2) Final development of the landscape bridge document design package.
         3) Coordination with other project consultants.
         4) Planting plan showing the location, size and type of all plant material as decided upon in the design development phase.
         5) Planting details showing proper installation techniques for all plant material specified.
         6) Irrigation plan showing the location, size and type of all irrigation equipment necessary for a 100% coverage system.
         7) Irrigation details showing proper installation techniques for all irrigation equipment specified.
         8) Hardscape plan showing the location, size and material type for the site furniture, playground, exercise course, splash pad (provided by the City), shade shelters, fencing, and onsite signage.
         9) Hardscape details showing design intent for the hardscape elements specified. Structural calculations are not included and are to be done by Stanley Consultants.
         10) Landscape specifications.
         11) Probable landscape construction cost estimate.
      b. LANDSCAPE BIDDING PHASE:
         1) Interpretation of landscape construction documents.
         2) Preparation of any necessary landscape addendum items.
      c. LANDSCAPE CONSTRUCTION ADMINISTRATION PHASE:
         1) Review of landscape submittals, RFI, COR or other related documents.
         2) Assist in the timely resolution of construction questions related to the landscape plans.
         3) Prepare landscape record drawings from information provided by the contractor.
         4) Make up to twelve (12) site visits to observe landscape installation.
         5) Prepare a field report outlining observations made during the site visit.

M. Bidding Support
   1. Consultant shall assist the City in the preparation of the bidding documents including the bid proposal form, engineers estimate and supplemental specifications. Consultant shall attend the pre-bid conference and receive all questions during the advertised for bids period. Items requiring interpretation in the drawings or specifications during the bidding period and answers to questions received will be responded with addendum prepared by the City.
   2. Addendum shall be made in the appropriate CAD drawing or word processing format. Revisions shall be logged by the Consultant.
   3. Consultant shall prepare an analysis of the bids and submit a recommendation to the City.
   4. Meeting minutes shall be prepared by the City.

N. Construction Services
   1. City shall advise the Consultant of the award of the Construction Contract, and establish a Pre-Construction Conference.
   2. Consultant shall attend the Pre-Construction meeting with the Construction Contractor.
   3. Consultant shall attend weekly construction progress meetings as determined by the City. Location of the meetings shall be determined by the City.
   4. Consultant shall receive and log all RFI requests and respond within 7 days.
   5. Consultant shall receive shop drawings and respond within 7 days.

O. Project Closeout
   1. Contractor shall provide the Consultant with redlined Construction Plans indicating a record of changes in the improvements to the Consultant.
   2. The City may survey the improvements to verify sizes, extents, grades and provide the Consultant with the measurement results.
   3. The Consultant shall prepare the record Construction Drawings from the Contractor's redlined plans and the City's measurements. The record Construction Drawings shall be prepared on Mylar and given to the City.

END OF EXHIBIT "A"

EXHIBIT "B"

REQUIRED SUBMITTALS

ARTICLE 1: GENERAL

1.1 The Consultant shall provide the following submittals, delivered to the City unless noted otherwise. Reference the entire Agreement and other Exhibits for additional submittals and requirements.

ARTICLE 2: CONSTRUCTION DOCUMENT PHASE

2.1 If required by governing authorities, Flood/Hydrology Reports submitted to Regional Flood Control and City of Las Vegas Land Development Section, and written notice to the City of the submittal dates for each.

2.2 If required by governing authorities, Traffic Study submitted to City of Las Vegas Traffic/Electrical Field Operations Section, and written notice to the City of the submittal date.

2.3 Nevada Power, Embarq, and Las Vegas Valley Water District applications to their design departments, and written notice to the City of the submittal dates for each.

2.4 Construction Drawings and Specifications as described in the Scope of Services (**Exhibit "A"**) at 50%, 90%, and 100% completion, utilizing the City's standard cover sheet and title block, including Construction Cost Estimates with 50%, 90% and 100% submittals.

2.5 Exterior Light Fixture Cut Sheets at 90% Submittal.

2.6 Building Permit Application.

2.7 Building Department and Land Development plan review permit applications.

2.8 Construction Drawings and Specifications ready for issuance of all required permits and printing for bidding phase distribution, which incorporate all governmental, agency, and utility company design comments and corrections.

2.9 Table of Contents listing each specification section, with print date indicated (if sections have different dates, individual dates must be indicated for each section).

2.10 Drawing list with sheet title and issue date for each sheet.

2.11 Specifications contributing authors' stamps and signatures.

ARTICLE 3: BIDDING PHASE

3.1 Requested and necessary addenda.

ARTICLE 4: CONSTRUCTION ADMINISTRATION PHASE

4.1 If requested by the Contractor (including his subcontractors acting through the Contractor), provide the Contractor with copies of the drawings including the civil topography, survey, horizontal control, and other related design work produced by the Consultant under this Agreement, in AutoCAD file format suitable for use by the Contractor for his intended use including field survey layout work for the Project. The Consultant shall make this a contractual obligation of his sub-consultants. The Consultant may require the Contractor to sign a hold harmless agreement as a condition for releasing the electronic files.

4.2 Drainage Compliance Report.

4.3 LEED Credits Reports.

ARTICLE 5: POST CONSTRUCTION PHASE

5.1 Final Record Drawings in both electronic and mylar or acid-free bond format.

For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall deliver the following minimum submittals and deliverables for the Project, which shall be accomplished as soon as practical after the completion of each event.

Updated Reports

Technical Drainage Report Update
Updated Geotechnical Report
Technical Drainage Report Update Clark County Concurrent Approval

50% submittal

90% submittal

Final Submittal

All plans shall be on 24x36 format.

All reports shall be on white acid-free paper, 8-1/2 x 11 inches, suitable for photocopying and bound in booklet form. Submittals to regulatory agencies shall be as required for each agency.

It is understood that the City may make and distribute copies of the reports as necessary in connection with the Project without incurring obligation for additional compensation.

END OF EXHIBIT "B"

EXHIBIT "C"

PERFORMANCE SCHEDULE

ARTICLE 1: NOTICE TO PROCEED

1.1 The start date for the Consultant's scope of services shall be, without any further notice requirement, the date of this Agreement signed by the parties. The Consultant shall perform the services required as expeditiously as is consistent with professional skill and care and the orderly progress of the Project. The Scope of Service set forth in this Agreement and the compensation to the Consultant for said Scope of Services is based upon the Consultant and the City each performing its responsibilities in a timely manner.

ARTICLE 2: PHASE SCHEDULE

For the services set forth in Exhibit "A" (Scope of Services), the Consultant shall accomplish the services in accordance with the following schedule: As required over the course of the design and construction of the Project, with the design and construction anticipated by the City to be approximately 13 months, subject to modifications and contractor performance. The start date for the Consultant's scope of services shall be, without any further notice requirement, the date of this Agreement. The Consultant shall perform the services required as expeditiously as is consistent with professional skill and care and the orderly progress of the Project. Site access is hereby provided to the Consultant by the City for the scope of services contained in this Agreement. The City either has title to the property and the right of entry, or the City has secured permission from the present owner and tenant for entry to the property. The Consultant shall coordinate site access with any contractors working on the site.

2.1 The maximum allowed time to complete each phase of the work is shown in the following table:

PHASE	CALENDAR DAYS TO COMPLETE	REMARKS
50%	60	Includes 1 week City review period.
90%	45	Includes 1 week City review period.
Final	40	Includes 1 week City review period.
Bidding	45	
Construction	190	Estimate City determined.
Post Construction		City determined.
TOTAL	380	

2.2 The City review periods shown in the table may occur over several periods during each phase or may occur at the conclusion of each phase. Unused review days may be carried forward for use in successive phases of the Project.

2.3 The Calendar Days to Complete for the Construction Documents phase shown in the table begins upon authorization to proceed for this phase and completes upon application acceptance of the submission to the Building Department and Land Development for the building permit plan review process. The scope of services for the Construction Documents phase continues beyond the date of submission and includes the drawing and specification review activities, and completes when the documents incorporate the required revisions and comments received from all agencies required for approval of the design, and the bidding package is complete, ready for printing and distribution.

ARTICLE 3: DESIGN AND PERMITTING SCHEDULE DELAYS

3.1 The Consultant declares that they are experienced and knowledgeable with all governmental, agency, and utility company design approval processes, procedures, applications, fees, design standards, reviews, required corrective actions, and time schedules required for the Project, and that the schedule set forth for the Scope of Services is reasonable and achievable within these design approval parameters.

3.2 Although it is acknowledged that neither the City nor the Consultant have full control over these design approval processes, the Consultant shall be responsible for any damages to the City resulting from their actions or lack of actions, including but not limited to their failure to make timely submittals, their failure to routinely follow-up on submittals, their failure to notify the City of anticipated delays and required design changes, and their failure to process and re-submit comments and corrections received in a timely manner.

3.3 Specifically, the Consultant is aware of the following local conditions for timely processing of required design approvals:

3.3.1 The City of Las Vegas building permit application and drawing submittal process is a dual submittal process, one package to the Department of Building and Safety, and a separate package to the Department of Public Works, Land Development Section.

3.3.2 The Flood Study and Traffic Study need to be approved prior to Land Development accepting the construction permit application, and that these reviews can take many weeks to obtain.

3.3.3 The Land Development approval process generally takes longer than the Building Department approval process, and the submittals do not need to be simultaneous.

3.3.4 Upon approval of the Land Development package, the civil engineer of record is required to insert prints of the approved Land Development drawings into the Department of Building and Safety drawing package submittal prior to the final review and approval of the Building Department submittal that this action is generally on the critical path of the Project schedule.

3.3.5 The Nevada Power Company design precedes the Embarq submittal and other dry utilities design, and must be submitted for pre-application and service/design application as early as possible.

3.3.6 The application to the Las Vegas Water District must occur no later than six (6) weeks prior to the submission of the building permit application to the Building Department for the Project for park projects, and as soon as allowed by the Water District for building projects. The District conducts a dual approval process involving design plan review simultaneous with the interlocal agreement process, which requires official approval by both the District Board and the City Council. The District utilizes a "sticker" approval process prior to signatures.

3.4 The Consultant hereby agrees to reimburse the City for any damages, delays, and additional costs associated with any avoidable delays the Consultant could or should have prevented or mitigated, and that a lack of familiarity with the local processes shall not provide relief from this responsibility.

ARTICLE 4: CONSTRUCTION SCHEDULE CHANGES

4.1 It is understood and agreed by the Consultant that, although the time required to construct the Project has yet to be estimated as of the date of this Agreement, the Consultant is knowledgeable and experienced in determining the estimated construction time required to construct public works projects including this specific project type, and further that the Consultant has an advisory role in helping the City establish the construction term to be included in the construction contract, and therefore has the ability to determine the Consultant's fixed fee for the Construction Phase scope of services regardless of how long it takes to construct the Project and that the Consultant assumes all risks for changes in his costs to perform the scope of services agreed to in this Agreement due to the length of time it takes to construct the Project, excepting if the following occur with no cause being in any way the fault of the Consultant:

4.1.1 The Consultant may be allowed an increase in fee for construction delays caused by the suspension of the Project as provided for in Section 10.01 Suspension of this Agreement.

4.1.2 The Consultant's fee for the Construction Phase may be adjusted due to the time required to construct the Project once the variation in Construction Time (time from the Contractor's notice to proceed until Substantial Completion) exceeds a fifty percent increase or decrease from the time that was provided in the Contractor's construction contract at award. To the degree a construction extension of time is due to a suspension of the construction (and a resulting reduction in the Consultant's weekly work, regardless of the amount of such reduction), any increase of fee will be determined under Section 10.01 Suspension instead of this paragraph.

4.1.2.1 The Consultant's fee for the Construction Phase shall be increased as an Additional Service for the Consultant's costs after the Construction Time exceeds fifty percent more time than was provided for in the Contractor's construction contract time as awarded, with the Consultant absorbing any and all unanticipated Consultant costs up to the fifty percent time increase.

4.1.2.2 Should the Contractor complete the Project in less than fifty percent of the original awarded contract time, the Consultant's fee shall be proportionately reduced for the Construction Phase, with the City paying the full amount of the fee for the Construction Phase regardless of any reduction in time less than the fifty percent time reduction.

4.1.3 No adjustments shall be made to the Post Construction Phase fee due to extended schedules.

END OF EXHIBIT "C"

EXHIBIT "D"

FEE BREAKDOWN

TOTAL COMPENSATION

The total compensation to be paid to the Consultant for performance of this Agreement including Basic Services, Additional Services, and Reimbursable Expenses shall not exceed **$222,718.00**. Increases to total compensation may only be authorized by written amendment to this Agreement. This total compensation amount is comprised of the parts described in this Exhibit "D" (Fee Breakdown).

BASIC SERVICES PAYMENT BASED ON THE COMPLETION OF PHASES

For the services set forth in Exhibit "A" (Scope of Services), the City agrees to pay to the Consultant the fixed fee assigned for each phase of the Project identified in this Exhibit "D" (Fee Breakdown). The Consultant agrees to perform the services required under this Agreement Exhibit "A" (Scope of Service) for the amount of the fixed fee set forth in this Exhibit "D" (Fee Breakdown). Payment shall be made for each phase pursuant to monthly invoices submitted in accordance with the Agreement based upon the percentage of completion for each phase. The fixed fee shall constitute the entire compensation to be paid to the Consultant regardless of the number of man-hours actually expended to complete the performance of the services set forth in Exhibit "A" (Scope of Services).

PHASE	PERCENT of TOTAL	FIXED FEE	REMARKS
Construction Documents	83%	$172,801	
Bidding	3%	$6,963.00	
Construction/Post construction	14%	$29,954.00	Post construction to include as builts and punch list
	TOTAL	$209,718	

ALTERNATE PAYMENT METHOD FOR BASIC SERVICES.

At the City's discretion, the City may revise the payment for Basic Services for all or part of any phase from the method of payment based on completion of phases to instead a method based upon the Consultant's hourly rates. As part of this change to an hourly rate, the City may add, delete, or modify the services to be performed. The City shall provide written notice to the Consultant prior to revising the payment method to hourly rates. Services for partially completed phases performed prior to the written notice shall be compensated based upon the percentage of completion of the phase.

CONSTRUCTION COST ESTIMATES.

Consultant shall **deduct** from the above Fees **$5,000** for each of the following required Construction Cost Estimates not delivered, for whatever reason, upon completion of Construction Document at 50%, Construction Document at 90%, and Construction Document at 100%.

ALLOWANCE FOR ADDITIONAL SERVICES

A Not-To-Exceed Allowance for Additional Services is hereby established as set forth below. The City Representative has authority to pre-authorize in writing Additional Services up to the Total Not-To-Exceed Cost. Services performed prior to receiving the required written authorization or in excess of the Total Not-To-Exceed Cost shall not be obligated for compensation.

Additional Services are services that are not set forth in Exhibit "A" (Scope of Services).

The Consultant shall be compensated for Additional Services in accordance with the Additional Services fees set forth in Exhibit "E" (Additional Compensation), or if no Additional Service fee has been established for the service, in accordance with the Consultant Hourly Rates established in Exhibit "E" (Additional Compensation). Additional Service compensation disputes shall be resolved in accordance with the claims and disputes provisions of this Agreement and shall not be cause for the Consultant to delay providing requested services. Payment shall be made for each completed Additional Service pursuant to invoices submitted in accordance with the Agreement.

Increases to this Total Not-To-Exceed Cost for Additional Services may only be authorized by written amendment to this Agreement.

ADDITIONAL SERVICES ALLOWANCE		ALLOWED SERVICES
TOTAL NOT-TO-EXCEED COST	$13,000.00	Traffic Studies Additional Services for Owner Scope changes related to: Drainage Updates Submittal reviews Landscape services Architectural services Engineering Services Surveys, plan reproduction, maps, legal descriptions Meetings

ALLOWANCE FOR REIMBURSABLE EXPENSES

None authorized as of the date of this agreement.

END OF EXHIBIT "D"

EXHIBIT "E"

ADDITIONAL COMPENSATION

CONSULTANT HOURLY RATES

The following hourly rates are to be used as the basis for negotiation of added and reduced services. These hourly rates are valid for the duration of the Project and include salary costs, overhead, administration and profit. The overhead included in these rates covers all support personnel who normally work on non-specific project tasks including but not limited to receptionists, senior executives together with their assistants, financial accounting personnel, and facility, equipment, and IT maintenance personnel.

CLASSIFICATION	RATE	UNIT
Project Manager	$198	Per Hour
Engineer	$148	Per Hour
Technician / CADD Operator	$111	Per Hour
Clerical	$45	Per Hour
Survey Technician	$95	Per Hour
Survey Crew	$165	Per Hour

SUB-CONSULTANT HOURLY RATES

SUBCONSULTANT #1 Southwick Landscape Architects	RATE	UNIT
Principal	$160	Per Hour
Associate Landscape Architect	$130	Per Hour
Project Manager	$110	Per Hour
Landscape Architect	$100	Per Hour
Senior Landscape Designer	$90	Per Hour
CADD/ Designer	$78	Per Hour
Administrative	$52	Per Hour
SUBCONSULTANT #2 TJK Electrical	**RATE**	**UNIT**
Project Director	$195	Per Hour
Project Engineers/Project Managers	$180	Per Hour
Engineering Interns/Designers	$150	Per Hour
Engineering Draftsperson	$85	Per Hour
Administrative	$60	Per Hour

ADDITIONAL SERVICES

None authorized or have been negotiated as of the date of this Agreement.

REIMBURSABLE EXPENSES

The following Reimbursable Expenses are allowed:

REIMBURSABLE EXPENSE
None authorized or anticipated as of the date of this Agreement.

For Reimbursable Expenses of the Consultant, the City shall compensate the Consultant a multiple of **one and one tenth (1.10)** times the actual direct costs incurred by the Consultant. The multiplier includes all compensation for overhead and profit.

Reimbursable Expenses are limited to specific pre-authorized items or services purchased from third parties to this Agreement, dedicated to only this Project. Additions to the above allowed Reimbursable Expenses may only be granted as a written amendment to this Agreement.

END OF EXHIBIT "E"

EXHIBIT "F"

KEY PERSONNEL LIST

CITY PERSONNEL

CITY REPRESENTATIVE: Patrick Batte

CONSTRUCTION PROJECT REPRESENTATIVE: Carson West

CONSULTANT'S PROJECT STAFF

The following personnel will be assigned by the Consultant to work on the Project. Any changes require City approval.

CONSULTANT REPRESENTATIVE: Dan Bender

CONSULTANT'S SUBCONSULTANTS

The following subconsultants will be contracted with and utilized by the Consultant to work on the Project. Any changes require City approval.

CIVIL ENGINEER: Stanley Consultants

STRUCTURAL ENGINEER: Stanley Consultants

MECHANICAL ENGINEER: N/A

ELECTRICAL ENGINEER: TJK Consulting Engineers

LANDSCAPE DESIGN: Southwick Landscape Architects

GEOTECHNICAL ENGINEER: Geotek Inc.

LAND SURVEYOR: City of Las Vegas/Stanley Consultants

END OF EXHIBIT "F"

EXHIBIT "G"

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.

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	Stanley Consultants, Inc.
Address	5820 S. Eastern Avenue, Suite 140 Las Vegas, NV 89119
Telephone	(702) 369-9396
EIN or DUNS	DUNS #16-922-2424

Block 2 Description

Final Design for Tropical Durango Park, Phase 1 and 2.

RFP #:

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ■ Corporation

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.	**SEE ATTACHED DOCUMENT**		
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: 1

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: Stanley Consultants, Inc. LIST OF OFFICERS

Date of Attached Document: June 2009 Number of Pages: 1

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.

SUSAN JOHNSTON
Notary Public, State of Nevada
Appointment No. 96-1427-1
My Appt. Expires May 10, 2013

David J. Frohnen

8-21-09
Date

Subscribed and sworn to before me this 21st day of August, 2009.

Susan Johnston
Notary Public

Stanley Consultants INC.

A Stanley Group Company
Engineering, Environmental and Construction Services - Worldwide

As of June, 2009

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Chair Emeritus	Richard H. Stanley		
President:	Gayle A. Roberts		
Senior Vice Presidents:	Steven J. Allchin James A. Hollatz Michael E. Hunzinger Walter D. Jones Richard W. Mettee	L. Lynn Pruitt Bennett D. Reischauer Steven J. Schebler Richard C. Smith	
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Treasurer:	Richard C. Smith		
Asst. Treasurers:	Steven J. Allchin William C. Harper		

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of Modification No. 1 to Contract 06.1762.01-LED, Annual Requirements Contract for Concrete Replacement and Asphalt Patching – Department of Field Operations – Award recommended to: MIKON CONSTRUCTION COMPANY, INC. ($500,000 – Street Maintenance Special Revenue Fund) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $500,000
Funding Source: Street Maintenance SRF
Dept./Division: Field Operations

PURPOSE/BACKGROUND:
On May 3, 2006 City Council approved the award of an Annual Requirements Contract for Concrete Replacement and Asphalt Patching for $3,000,000 for one year with four one year options to renew. On April 4, 2007, City Council approved the addition of $300,000 to the annual amount of the contract. This modification is required to add an additional $500,000 to this fiscal year to perform Americans with Disabilities Act (ADA) approved accessibility construction improvements which include placement of concrete curbs, gutters, sidewalks and the installation of warning mats.

PCC: T. Fernandez
POC: Michael Ray - (702) 368-0822

RECOMMENDATION:
That City Council approve Modification No. 1 to Contract No. 06.1762.01-LED, Annual Requirements Contract for Concrete Replacement and Asphalt Patching in the amount of $500,000, which brings the total amount of the contract for this fiscal year to $3,800,000. Authority to execute this Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Modification No. 1

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of Modification No. 1 to Contract 09.1762.01-TRF, Annual Slurry Seal Contract – Department of Field Operations – Award recommended to: AMERICAN ASPHALT AND GRADING COMPANY ($400,000 – Street Maintenance Special Revenue Fund) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $400,000
Funding Source: Street Maintenance SRF
Dept./Division: Field Operations

PURPOSE/BACKGROUND:
On March 18, 2009 City Council approved award of Bid No. 09.1762.01-TRF for Annual Slurry Seal to American Asphalt and Grading Company in the annual amount of $3,000,000 for one year with four one year options to renew. This modification increases the annual amount from $3,000,000 to $3,400,000 to complete the current and future fiscal years work plans.

PCC: T. Fernandez
POC: Eric Reimschiissel (702) 649-2669

RECOMMENDATION:
That City Council approve Modification No. 1 to Contract No. 09.1762.01-TRF, Annual Slurry Seal to American Asphalt and Grading Company in the annual amount of $400,000, bringing the total annual amount of the contract to $3,400,000. Authority to execute this Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Modification No. 1

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of Modification No. 2 to Ordering Agreement No. 070411-DK for Soil Remediation Services in connection with the Symphony Park site improvements, bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Railroad Rail Line – City Parkway V, Inc. – Award recommended to: LAS VEGAS PAVING CORPORATION ($2,900,000 – General Capital Projects Fund) – Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,900,000
Funding Source: General Capital Projects Fund
Dept./Division: City Parkway V, Inc

PURPOSE/BACKGROUND:
On July 18, 2007 City Council approved the award of Ordering Agreement No. 070411-DK to remediate non-hazardous contaminated soil excavated from Symphony Park (then Union Park). Modification No. 2 increases the contract amount by $2,900,000 to treat additional soils excavated in conjunction with the Performing Arts Center and Phase I Infrastructure improvements. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(a), items which may only be contracted from a sole source.

PCC: P. Hoffman
POC: Dave Breault – (702) 251-5800

RECOMMENDATION:
That City Council approve award of Modification No. 2 to Ordering Agreement No. 070411-DK, Soil Remediation Services, to Las Vegas Paving Corporation in the amount of $2,900,000, for a total contract amount of $4,298,750. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Modification No. 2

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: 070410-DK, SOIL TRANSPORTATION AND STOCKPILE MANAGEMENT SERVICES FOR SYMPHONY PARK, PO REVISION

Original Contract No. 070411-DK
City Council Approval 7/18/07
Item No. 24
This contract provided remediation (incineration) services for contaminated non-hazardous soils excavated from Symphony Park (then Union Park) in the amount of $1,000,000.00.

Modification No. 1
City Council Approval 2/6/08
Item No. 27
This purchase order revision added $398,750 in funding for additional services as development activities increased.

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of revision to Purchase Order No. 248409 for Soil Transportation and Stockpile Management Services in connection with the Symphony Park site improvements, bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Railroad Rail Line – City Parkway V, Inc. – Award recommended to: LAS VEGAS PAVING CORPORATION ($400,000 – General Capital Projects Fund) – Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $400,000
Funding Source: General Capital Projects Fund
Dept./Division: City Parkway V, Inc.

PURPOSE/BACKGROUND:
On July 23, 2007 Purchase Order No. 248409 in the amount of $351,250 was awarded for soil transportation and stockpile management services in support of City Parkway V development activities in Symphony Park (then Union Park) and subsequently augmented by Council by $400,000 on February 16, 2008. This revision will increase the purchase order amount by $400,000 for continued services in conjunction with the Performing Arts Center construction and Phase I Infrastructure improvements.

PCC: P. Hoffman
POC: Dave Breault – (702) 251-5800

RECOMMENDATION:
That City Council approve the revision to Purchase Order No. 248409 for Soil Transportation and Stockpile Management Services to Las Paving Corporation in the amount of $400,000.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Approval of award of Modification No. 2 to Contract No. 080165-DK for Oracle Payroll Enhanced Retro Pay Process Consulting Services - Department of Information Technologies - Award recommended to: ORASYS LLC ($114,400 - Computer Services Internal Service Fund) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $114,400
Funding Source: Computer Services ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
On February 20, 2008 the City Council approved Agenda Item No. 35 for Contract No. 080165-DK in the amount of $66,400. On April 1, 2009 Modification No. 1 was awarded by the Purchasing Manager per R-48-2006 for enhancements to the PERS interface and to assist City staff with Oracle Payroll functions. Modification No. 2 will provide additional consulting services for Oracle Payroll, and to assist City staff with Payroll development tasks. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: T. Boyce
POC: Pasham Madhu Reddy - (508) 472-4904

RECOMMENDATION:
That City Council approve award of Modification No. 2 to Contract No. 080165-DK, Oracle Payroll Enhanced Retro Pay Process Consulting Services to Orasys LLC in the amount of $114,400 for a total Contract amount of $203,900. 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. 2

Fax

To: TERESA BOYCE From: Madhu Reddy (ORASys,

Fax: 1-702-464-2568 Pages: 1+2

Phone: Date: 09/24/09

Re: cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

- Comments

Teresa,

Please see the attached Disclosure of Ownership. Can please confirm the receipt.

Thanks,
Madhu P Reddy
508-472-4904

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**
ORASYS LLC
Name 26 MAPLE WAY
Address BOYLSTON, MA
Telephone 508-472-4904
EIN ~~or DUNS~~ 20-5917628

Block 2 **Description**
Oracle Payroll Enhanced Retro-Pay Process Consulting Service
Contract No. 080195-DK

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.	PASHAM MADHU REDDY PRESIDENT	26, MAPLE WAY BOYLSTON, MA: 01505	508-472-4904
2.	KUSHI REDDY, CEO	26 MAPLE WAY BOYLSTON, MA: 01505	508-353-5878
3.	PRATHYUSHA REDDY, MEMBER	26 MAPLE WAY BOYLSTON, MA: 01505	508-963-2112
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

PM Madhu P Reddy
Name

09/24/09
Date

Subscribed and sworn to before me this 24th day of September 2009

Sutha Karikal
Notary Public

Sutha Karikal
Notary Public
My Commission Expires
April 9, 2010

[CAO - September 2004]

MODIFICATION No. 2
ORACLE PAYROLL ENHANCED RETRO-PAY PROCESS
CONSULTING SERVICES

THIS MODIFICATION No. 2 is being entered into this _____ day of _____, 2009, by and between the CITY OF LAS VEGAS (hereinafter "City"), a municipal corporation of the State of Nevada having its principal office at 400 Stewart Avenue, Las Vegas, Nevada 89101, and ORASYS, LLC(hereinafter "Company"), a limited liability company of the State of California with its principal office at 2151 Michelson Drive, Suite 230, Irvine, California 92612.

This Modification increases the Contract amount from Eighty-Nine Thousand Five Hundred Dollars ($89,500) to Two Hundred Three Thousand Nine Hundred Dollars ($203,900).

This Contract between the City and the Company, dated February 20, 2008, and modified on April 1, 2009 is hereby modified as follows:

1. B-3 Prices/Costs - To add pricing and payment schedule for additional scope.

DELETE: B-3 (a) and (b) in its entirety.

ADD:

(a) The City will pay the following amounts.

Item No.	Description	Amount	Already Paid
1	Project Definition	$ 8, 800	Yes
2	Solution Design	$17,600	Yes
3	User Acceptance Test	$22,000	Yes
4	Completion of Production Transition	$ 6,000	Yes
5	Completion of Production Support	$ 9,000	Yes
6	Enhancement to PERS Interface	$ 8,800	Yes
7	Assistance to City Development Staff	$14,300	Yes
8	Travel Expense Not-To-Exceed	$ 3,000	Yes
9	Banked Callback and Holiday Pay Issue Resolution	$52,800	No
10	Development of report to gather data for PERs Findings	$26,400	No
11	Augmentation of City Payroll Developmental Staff	$35,200	No
	Total	$203,900	

(b) The Company will invoice the City in accordance with the following payment schedule.

Item No.	Description	Amount
1	Acceptance of Project Plan Definition Documentation	$ 8,800
2	Acceptance of MD050 and MD	$ 17,600
3	Completion of Test Scripts and Acceptance of User Acceptance Testing	$ 22,000
4	Completion of Production Transition	$ 6,000
5	Completion of Production Support	$ 9,000
6	Completion of Enhancement to PERS Interface	$ 8,800
7	Upon City's Project Manager Acceptance of Work	$ 14,300
8	Travel Expense – Upon Occurance Not to Exceed	$ 3,000
9-11	Upon City's Project Manager Acceptance of Work	$114,400
	Total	$203,900

2. B-5 Performance Period/Delivery Schedule -To add to Delivery Schedule.

ADD:

(c) Within a week after award the City's Project Manager and the Company will define deliverables and project schedule for items number 9-11 as listed above in B-3 (a) Prices/Costs.

3. C-1 Scope of Services- To add additional Scope of Services

ADD:

(e) The Company will assist the City in analyzing, designing, coding, testing, and migrating the PERS interface with the following new requirements:

(i) Banked callback & holiday pay – hours need to be tracked in a separate bucket with the date earned and rate in order to report to PERS when paid out, at the rate the hours were earned.

(ii) New PERS report for auditing of PERS – report (interface format) to be used to gather audit information.

(f) The Company will augment City staff on payroll development tasks.

4. C-2 Deliverables – To add deliverables associated with the new scope.

ADD:

C-2 Deliverables

(a) The Company will provide a Statement of Work that will describe the implementation and project assumptions.

(b) The Company will provide a comprehensive document that will be used as reference guide to migrate set-ups from the test environment to the production environment.

5. E-23 Counterpart Signatures – To add the following new clause.

E-23 Counterpart Signatures [CAO-9/24/08]

This Contract may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

6. Section F List of Attachments – To add an updated Attachment 1.

DELETE: Attachment 1 in its entirety.

INSERT:

Identifier	Title/Text Reference	Date	Pages
Attachment 1	Certificate – Disclosure of Ownership/Principals [Paragraph E-16(c)]	9/24/09	2

7. In the event of any conflict between the Contract, as modified, and this modification, the provisions of Modification No 2 take precedence. All other contract terms and conditions remain unchanged.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

This Modification has been executed by duly authorized representatives of the parties on the date first above written.

CITY OF LAS VEGAS

_____
KATHLEEN C. RAINEY, Manager
Purchasing and Contracts

"City"

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 9-24-09
Deputy City Attorney Date

ORASYS, LLC

_____
MADHU P. REDDY, President

"Company"

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: CLAUDETTE ENUS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to contract with Health Plan of Nevada for Health Maintenance Organization (HMO) services ($2,625,000 – Self-insurance Internal Service Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,625,000
Funding Source: Self-insurance internal service fund
Dept./Division: Human Resources / Insurance Services Division

PURPOSE/BACKGROUND:
The City of Las Vegas currently uses Health Plan of Nevada (HPN) for its Health Maintenance Organization (HMO) medical plan. A renewal has been submitted that extends the current contract until December 31, 2010. A rate increase of 7.0% has been requested for 2010, which are well below the current medical inflationary trends. Costs are within approved FY2010 budgets

RECOMMENDATION:
Approval to renew the Health Maintenance Organization contract with Health Plan of Nevada.

BACKUP DOCUMENTATION:
Health Plan of Nevada HMO Renewal Letter

LOCKTON

September 17, 2009

Steve Miller
Employee Benefits Administrator
The City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Subject:
Health Plan of Nevada HMO January 1, 2010 Renewal

Dear Steve,

The initial renewal rates presented by HPN for the current HMO plan reflected a 12% rate increase. Following discussions with HPN senior management, the renewal increase for the HMO plan has been revised to 7% with a change in the pharmacy plan copays.

The 7% increase is considerably below current medical inflationary trends and, although pharmacy plans copays will increase slightly, the copay levels are not exorbitant and are similar to those we see for our other clients and nationally.

Based on our view of the current fully insured HMO marketplace, we feel this represents a fair and reasonable renewal. We are recommending the renewal of the HMO plan for 2010 at the 7% increase.

Please contact me with any questions.

Sincerely,

Tanna Prince, CEBS, FLMI
Vice President

LOCKTON COMPANIES, LLC
7251 West Lake Mead Blvd. Suite 300
Las Vegas, NV 89128
702-614-4531 / FAX: 702-614-4532

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: CLAUDETTE ENUS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to extend the contract with Sierra Health and Life (SHL) for a fully-insured Preferred Provider Organization medical plan ($1,200,000 – Self-insurance Internal Service Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,200,000
Funding Source: Self-insurance internal service fund
Dept./Division: Human Resources / Insurances Services Division

PURPOSE/BACKGROUND:
In calendar year 2008 the City of Las Vegas replaced the City Health Insurance Plan (CHIP) with a fully insured Preferred Provider Organization (PPO) plan from Sierra Health and Life. Cost savings from this change was in excess of $900,000 annually. The renewal for 2010 has been negotiated to a 6% increase, well below current medical inflationary trends. Costs are within approved FY2010 budgets.

RECOMMENDATION:
Approval to extend the current contract with Sierra Health and Life for a fully-insured Preferred Provider Organization plan.

BACKUP DOCUMENTATION:
Sierra Health & Life Renewal Letter

LOCKTON

September 17, 2009

Steve Miller
Employee Benefits Administrator
The City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Subject:
Sierra Health & Life PPO January 1, 2010 Renewal

Dear Steve,

The initial renewal rates presented by Sierra for the current PPO plan reflected a 7.81% rate increase. Following discussions with Sierra senior management, the renewal increase for the PPO plan has been revised to 6% with a change in the pharmacy plan copays.

The 6% increase is considerably below current medical inflationary trends and, although pharmacy plans copays will increase slightly, the copay levels are not exorbitant and are similar to those we see for our other clients and nationally.

Based on our view of the current fully insured PPO marketplace, we feel this represents a fair and reasonable renewal. We are recommending the renewal of the PPO plan for 2010 at the 6% increase.

Please contact me with any questions.

Sincerely,

Tanna Prince, CEBS, FLMI
Vice President

LOCKTON COMPANIES, LLC
7251 West Lake Mead Blvd. Suite 300
Las Vegas, NV 89128
702.414.4531 / FAX: 702.414.4532

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: CLAUDETTE ENUS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to extend the contract with Mines & Associates for an Employee Assistance Program ($33,343 – Self-insurance Internal Service Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $33,343
Funding Source: Self-insurance internal service fund
Dept./Division: Human Resources / Insurance Services Division

PURPOSE/BACKGROUND:
The Employee Assistance Program (EAP), is designed to assist employees with behavioral or mental health issues. Mines and Associates has been the Employee Assistance Program provider since 2007. There are no rate increases to extended the contract until 12/31/2010.. Costs are within approved FY2010 budgets.

RECOMMENDATION:
Approval to extend the contract with Mines & Associates for the Employee Assistance Program..

BACKUP DOCUMENTATION:
Mines and Associates Employee Assistance Services Renewal Letter

LOCKTON

September 17, 2009

Steve Miller
Employee Benefits Administrator
The City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Subject:
Mines & Associates Employee Assistance Services January 1, 2010 Renewal

Dear Steve,

The initial renewal rates presented by Mines & Associates for the current Employee Assistance Plan maintained the current per employee per month rate with no increase, but reduced their services slightly and increased the per hour charge for some of their specialized services by a range of 10-15%. Following discussions with Mines & Associates senior management, they agreed to maintain service levels and per hour charges at the current levels.

Since this renewal is being provided at no increase in rates or decrease in services, we are recommending the renewal of the Mines & Associates contract for 2010.

Please contact me with any questions.

Sincerely,

Tanna Prince, CEBS, FLMI
Vice President

LOCKTON COMPANIES, LLC
7251 West Lake Mead Blvd. Suite 300
Las Vegas, NV 89128
702-614-4531 / FAX: 702-614-4532

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: LEISURE SERVICES
DIRECTOR: BILLIE BASTIAN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of State of Nevada Division for Aging Services Administration on Aging (AOA) Title IIIB grant monies to the Senior Citizens Law Project (SCLP) for providing legal services to rural senior citizens 60 years of age and older throughout Clark County ($72,844 Grant Revenue - Special Revenue Fund - Match Amount $12,856) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $72,844.00
Funding Source: Special Revenue
Dept./Division: Leisure Services/Senior Citizen Programs

PURPOSE/BACKGROUND:
These monies will allow the SCLP to continue to provide legal services to senior citizens 60 years of age and older throughout rural Clark County. This (AOA) Title III grant has been awarded to the SCLP, in accordance with the Older Americans Act, since its inception in 1978. This funding is to be used to provide legal services to rural residents of Clark County aged 60 and older with particular emphasis placed on the individual's autonomy and free exercise of individual initiative in planning and managing their own lives. Particular attention is devoted to persons who are in the greatest social and economic need.

RECOMMENDATION:
Staff recommends City Council approval.

BACKUP DOCUMENTATION:
Notification of Grant Award from the Division of Aging Services

STATE OF NEVADA
AGING AND DISABILITY SERVICES DIVISION
NOTIFICATION OF GRANT AWARD

GRANTEE:	City of LV Department of Leisure Services	**PROGRAM NAME:**	Senior Citizens Law Project
GRANT PERIOD:	10/1/2009 - 6/30/2010	**GRANT AWARD NUMBER:**	03-009-11-BX-10
Type of Service:	Legal Assistance	**New Award:**	Yes
Type of Grant:	Categorical	**Revised Award:**	
Grantee Vendor #:	T40277602	**Award Fiscal Year:**	2009
Funding Source:	Older Americans Act	**Date:**	September 3, 2009

CFDA Number	93.044		
	Title III-B		**TOTAL**
AWARD	$72,844.00		$72,844.00
CARRYOVER			$0.00
DE-OBLIGATION			$0.00
SUPPLEMENT #1			$0.00
SUPPLEMENT #2			$0.00
TOTAL AMOUNT AWARDED	$72,844.00	$0.00	$72,844.00
REQUIRED MATCH	$12,856.00	$0.00	$12,856.00

Standard Grant Conditions:

A. The total award amount designates a ceiling of participation by the Aging and Disability Services Division.

B. Funds are requested and disbursed on a monthly basis or on an as-needed basis.

C. The Grantee shall comply with the Program Instructions, Nevada (PINs), and Service Specifications established by the Division. Grantees receiving federal funding must also comply and adhere to the appropriate OMB Circulars and Administrative Requirements.

D. The Division, as Grantor Agency, retains control over any capital equipment, including vehicles that are purchased or provided matching funds.

E. The Grantee shall comply with the scope of services, budget, and assurances defined in the approved grant application. The Grantee must have prior approval from the Division for making significant programmatic or budget changes affecting the scope of service or service delivery method. Grant expenditures must comply with the limitations of the grant agreement.

F. If any part of this award is sub-contracted, the Sub-Grantee must comply with the same grant conditions.

G. The Grantee/Program will acknowledge the Aging and Disability Services Division in publicity, publications and pamphlets. An approved Division logo must be applied to the outside of all vehicles purchased with Division grant funds.

H. The Grantee must submit timely quarterly financial reports for all programs or grant payments will be withheld. For programmatic reporting, programs that comply with SAMs will complete monthly data entry and programs that are not required to comply with SAMs will report quarterly or grant funds will be withheld.

I. The Grantee agrees to a limited scope audit to settle any financial disagreements or disputes. Audit costs are to be paid by grantee.

J. All Division funded programs must be listed on the Nevada Aging and Disability Resource Center (ADRC) website - www.NevadaADRC.com.

K. The maximum administrative or indirect costs that can be charged to this grant is limited to 8% of the direct costs, with the exception of fixed fee or equipment awards, for which administrative costs are not allowed.

L. The Division will automatically de-obligate all funds not obligated by the end of the grant award period.

M. The Grantee shall hold harmless, defend and indemnify the State of Nevada, Department of Health and Human Services and the Aging and Disability Services Division from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Grantee's performance or nonperformance of the services or subject matter called for in the Grant Agreement.

N. If applicable, the Grantee agrees to the new requirements of Chapter 218 of the Nevada Revised Statutes (NRS) as amended by the 2007 Legislature.

Special Grant Conditions:

Carol A. Sala

Carol Sala, Administrator — 9/4/2009 Date

Statement of Acceptance: I have reviewed and accept the conditions of the grant award.

Signature, Title — Date

DAS-108 (Rev 8/14/03)

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: LEISURE SERVICES
DIRECTOR: BILLIE BASTIAN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older throughout Clark County in the area of Legal Guardianships ($45,000 Grant Revenue - Special Revenue Fund - Match Amount $6,750) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $51,750.00
Funding Source: Special Revenue
Dept./Division: Leisure Services/Senior Citizens Programs

PURPOSE/BACKGROUND:
These ILG monies will allow the SCLP to fund a part-time staff attorney and a hourly clerical position for the period of one (1) year. During this one-year funding period, these hourly employees will handle several hundred cases for senior citizens in areas including but not limited to: Consumer Issues, Landlord/Tenant Disputes, Homeowner Association Matters and Small Claims Cases, thus, making available an existing SCLP attorney to accept court appointed Guardianship cases. This funding is to be used to provide legal services to residents of Las Vegas and Clark County with a priority for Las Vegas residents aged 60 and older with particular emphasis placed on the individual's autonomy and free exercise of individual initiative in planning and managing their own lives.

RECOMMENDATION:
Staff recommends City Council approval

BACKUP DOCUMENTATION:
Notification of Grant Award from the Division of Aging Services

STATE OF NEVADA
AGING AND DISABILITY SERVICES DIVISION
NOTIFICATION OF GRANT AWARD

GRANTEE:	City of LV Department of Leisure Services	**PROGRAM NAME:**	Senior Citizens Law Project
GRANT PERIOD:	10/1/2009 - 9/30/2010	**GRANT AWARD NUMBER:**	03-009-11-LX-10
Type of Service:	Legal Assistance	**New Award:**	Yes
Type of Grant:	Categorical	**Revised Award:**	
Grantee Vendor #:	T40277602	**Award Fiscal Year:**	2010
Funding Source:	State-Independent Living	**Date:**	September 3, 2009

CFDA Number			
	Independent Living		**TOTAL**
AWARD	$45,000.00		$45,000.00
CARRYOVER			$0.00
DE-OBLIGATION			$0.00
SUPPLEMENT #1			$0.00
SUPPLEMENT #2			$0.00
TOTAL AMOUNT AWARDED	$45,000.00	$0.00	$45,000.00
REQUIRED MATCH	$6,750.00	$0.00	$6,750.00

Standard Grant Conditions:

A. The total award amount designates a ceiling of participation by the Aging and Disability Services Division.

B. Funds are requested and disbursed on a monthly basis or on an as-needed basis.

C. The Grantee shall comply with the Program Instructions, Nevada (PINs), and Service Specifications established by the Division. Grantees receiving federal funding must also comply and adhere to the appropriate OMB Circulars and Administrative Requirements.

D. The Division, as Grantor Agency, retains control over any capital equipment, including vehicles that are purchased or provided matching funds.

E. The Grantee shall comply with the scope of services, budget, and assurances defined in the approved grant application. The Grantee must have prior approval from the Division for making significant programmatic or budget changes affecting the scope of service or service delivery method. Grant expenditures must comply with the limitations of the grant agreement.

F. If any part of this award is sub-contracted, the Sub-Grantee must comply with the same grant conditions.

G. The Grantee/Program will acknowledge the Aging and Disability Services Division in publicity, publications and pamphlets. An approved Division logo must be applied to the outside of all vehicles purchased with Division grant funds.

H. The Grantee must submit timely quarterly financial reports for all programs or grant payments will be withheld. For programmatic reporting, programs that comply with SAMs will complete monthly data entry and programs that are not required to comply with SAMs will report quarterly or grant funds will be withheld.

I. The Grantee agrees to a limited scope audit to settle any financial disagreements or disputes. Audit costs are to be paid by grantee.

J. All Division funded programs must be listed on the Nevada Aging and Disability Resource Center (ADRC) website - www.NevadaADRC.com.

K. The maximum administrative or indirect costs that can be charged to this grant is limited to 8% of the direct costs, with the exception of fixed fee or equipment awards, for which administrative costs are not allowed.

L. The Division will automatically de-obligate all funds not obligated by the end of the grant award period.

M. The Grantee shall hold harmless, defend and indemnify the State of Nevada, Department of Health and Human Services and the Aging and Disability Services Division from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Grantee's performance or nonperformance of the services or subject matter called for in the Grant Agreement.

N. If applicable, the Grantee agrees to the new requirements of Chapter 218 of the Nevada Revised Statutes (NRS) as amended by the 2007 Legislature.

Special Grant Conditions:

1. Grant funds will be placed on hold until the following are received by the RD Program Specialist -
   - Revised Budget Forms
   - Revised Projected Output Measures

Carol A. Sala

9/8/2009

Carol Sala, Administrator — Date

Statement of Acceptance: I have reviewed and accept the conditions of the grant award.

Signature, Title — Date

DAS-108 (Rev 8/14/03)

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to allocate $1,000,000 in Redevelopment 18% Set-Aside (RDA) funds for the Homeownership for Educators Program providing mortgage buy down and rental assistance for teachers with the Clark County School District - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,000,000
Funding Source: Redevelopment 18% Set-Aside Funds
Dept./Division: Neighborhood Services/Neighborhood Development

PURPOSE/BACKGROUND:
On May 18, 2005, City Council approved $500,000 in Redevelopment 18% Set-Aside Funds for the Homeownership for Educators Program. On November 19, 2008, City Council approved an additional $500,000 for the continuation of the program. To date, 77 teachers have received rental assistance and 15 teachers have purchased a home in Las Vegas by participating in the Homeownership for Educators Program. The additional funding will assist 50 teachers with rental assistance for twelve (12) months and 12 with mortgage down payment assistance.

RECOMMENDATION:
Staff recommends that City Council approve the allocation of $1,000,000 in RDA funds and authorizes the Mayor to execute any and all related agreements and documents required for the Homeownership for Educators Program following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
City of Las Vegas Homeownership for Educators Program Guidelines

CITY OF LAS VEGAS
HOMEOWNERSHIP FOR EDUCATORS PROGRAM
GUIDELINES

Program Description:

The initial objective of the program was for the city of Las Vegas to coordinate the Homeownership for Educators Program to assist new teachers in the purchase of a home. The program was designed to aid teachers who have good credit and qualify for the mortgage payments and have a desire to purchase a home within the city of Las Vegas. Housing opportunities were to be made available for new teachers that were interested in relocating to the city of Las Vegas to pursue their dream of being an educator but discouraged to relocate due to the high cost of housing as compared to their current state of residency.

The City allocated a portion of its Redevelopment Set-Aside funds to create a fund for this program. CCSD staff was the first point of contact for interested homebuyer(s) and was responsible for determining applicant eligibility and levels of financial assistance. Neighborhood Services role was to work with CCSD once an applicant was screened by CCSD and determined to be eligible for the program. Unfortunately, as of the date of this report, no teachers have taken advantage of this program. As with any new pilot program, this is a living document and from time to time must be updated to reflect the demand from the community and feedback we receive from CCSD to make the program successful. This pilot program was approved by City Council on May 18, 2005.

Revisions:

Recently, CCSD approached the City requesting amendments to the program that would allow for greater flexibility and teacher participation. The following guidelines outline the revised program that will be presented at the April 19, 2006, City Council meeting for consideration and approval.

Revised Program Requirements:

- All CCSD teachers are eligible to apply for the program, who are at 80% or below Area Median Income and live and teach within the boundaries of the city of Las Vegas.
- Teachers may teach at any school within the boundaries of the city of Las Vegas and must reside within the city limits.
- An application review process will be utilized to determine the most qualified applicants to participate in the program.

Revised Financial Assistance:

The program consists of two (2) financial assistance options:

- Option A – Qualifying teachers may receive financial assistance up to $30,000 for mortgage buy down.
- Option B – Qualifying teachers may receive rental assistance not to exceed $500 per month ($6,000 maximum).

Option A Requirements (Mortgage Buy Down Assistance):
Qualifying teachers will receive financial assistance, up to $30,000, for mortgage buy down.

Homebuyer Eligibility
- Residence must be located within the boundary limits of the City of Las Vegas.
- Must be first time homebuyer under HUD's definition of not having purchased or owned a home in the last 3 years.
- Period of affordability is ten (10) years.
- The property must be used as the teacher's principal residence. Subleasing of the residence is prohibited.
- A potential homebuyer must:
    - Secure a first mortgage loan;
    - Attend a homebuyer counseling program provided by a HUD-certified housing counseling agency;
    - Make a minimum investment of $500.00 by the close of escrow;
    - May not have total assets exceeding $10,000 (excluding two vehicles, subject property, furniture and fixtures). Assets include but are not limited to checking accounts, savings accounts, money market accounts, bonds, stocks, mutual funds, pension funds, 401(k) s, IRA's, boats, & motor homes, etc.

Property Eligibility
Property to be purchased must meet all of the following criteria:
- Be located within the city of Las Vegas city limits;
- Be a single family home, condominium, or manufactured housing unit;
    - maximum purchase price must be at or below HUD's 203(b) limit FHA Maximum Mortgage Limit
- Have a Housing Quality Standards (HQS) inspection and meet HQS acceptability criteria at time of initial occupancy (it will be seller's responsibility to pay for any repairs required for the property to pass the HQS inspection);
- Homebuyer applicant:
    - must occupy as principle resident for the duration of HUD affordability period;
    - must accept a deed restriction for a ten (10) year term from the date of close of escrow;
    - may not allow any liens or encumbrances on the property for the ten (10) year eligibility period;

Homeownership for Educators Program Reimbursement Costs:
- Mortgage buy down will be completed at close of escrow

Recapture Provisions for Mortgage Buy Down

- The Homeownership for Educators Program will require a deferred loan period of ten (10) years for loans up to $30,000.

- Homebuyer will be required to repay the appropriate portion of the assistance provided according to the repayment schedule below if any one (1) of the following occurs:
  - The housing does not continue to be the principal residence of the homebuyer.
  - The homebuyer is not continuously employed by the CCSD in a high-risk school.
  - The property owner has breached the terms of the program agreement;
  - Death of the last surviving homebuyer of the property during period of affordability;
  - The property is sold or title is otherwise transferred during the period of affordability.

Repayment Schedule for Mortgage Buy Down

If the homebuyer sells the property within the first five (5) years of purchase, the entire loan amount of $30,000 will be deemed repayable to the City of Las Vegas. If the homebuyer sells the property after the five (5) year period, the prorated repayment schedule below will be followed:

- thru the end of the 6th year: $15,000 (50% of $30,000)
- thru the end of the 7th year: $12,000 (40% of $30,000)
- thru the end of the 8th year: $9,000 (30% of $30,000)
- thru the end of the 9th year: $6,000 (20% of $30,000)
- thru the end of the 10th year: $3,000 (10% of $30,000)

The repayment commences the day the deed is recorded at the Office of the County Recorder. At the end of the 10th year, repayment will not be required

The required recapture provisions will be enforced through the execution of a Loan Agreement between the subrecipient and the homebuyer, which will include the signing of a Promissory Note and a Deed of Trust.

Foreclosure:
Should the homeowner's property go into foreclosure proceedings, the subrecipient agency will take all precautions necessary to ensure the program funds invested in the property are protected. The subrecipient agency should also offer counseling to the homebuyer prior to entering into foreclosure. Should the Homebuyer lose possession of the property through foreclosure, the City must be properly notified by a recorded Request for Notice in order for the City to be included in the division of net proceeds to satisfy the repayment of the program funds. The program participant will be required to acknowledge and agree that the City of Las Vegas will require repayment of the program funds from the net proceeds (if any) from the foreclosure sale and this amount will satisfy the repayment of the program funds.

Payoff:
Should the homeowner repay the program funds invested in the property; the homeowner shall issue a check to the City of Las Vegas in the amount of the program funding. The City will then execute a Substitution of Trustee and a Deed of Reconveyance and send this to the homeowner's title company.

Refinancing:
Refinancing of an assisted property is allowable only for the following situations (unless the program money is repaid to the City in the refinancing process):

- to lower the interest rate and monthly payment on the first mortgage by a minimum of $50 per month;
- to allow the borrower to secure a loan to cover emergency non-insured property damage to the home;
- to allow the borrower to secure a loan to cover major, non-insured medical treatment.

The city of Las Vegas will not subordinate its position for other credit debt or loans, which do not meet the criteria noted above. In addition, the City will not subordinate its position if the borrower is refinancing to "cash-out" their equity for any reason. In order to expedite refinancing, the applicant must request the subrecipient to send a written request to the city of Las Vegas Neighborhood Services Director explaining the reason for a subordination request. Supporting documentation for the reason of the requested subordination must be included. Additionally, the new refinanced amount must be at or below HUD's 203(b) limit FHA Maximum Mortgage Limit as determined by the city of Las Vegas. The subrecipient must receive written consent to the subordination request from the Neighborhood Services Director or designee. The Director or designee will be responsible for informing the applicant that the processing of subordination agreements by the City may take up to four weeks to expedite after receipt of a correctly formatted agreement. The city of Las Vegas will only approve one subordination request per year per applicant, and only if it fulfills the requirements above. Applicants may refinance the property if the 18% Redevelopment Set-Aside funds are being paid back to the City in the process – see "Payoff" paragraph above.

Commitment of Funds
CCSD should not commit funds to a potential homebuyer. The city of Las Vegas will be responsible for awarding funds. CCSD submits documentation to the city of Las Vegas confirming the employment status of the applicant (copy of the state issued teacher certificate/license) homebuyer education certification (to be provided by CCSD) and required documents.

Commitment of funds will be for a minimum period of 45 days. Homebuyer must sign this policy acknowledging that they have read, understand, and agree to its terms.

Option B Requirements (Rental Assistance)

Rental assistance will be offered to qualifying teachers not to exceed $500 per month ($6,000 maximum). Rent payments will be made directly to the property manager on behalf of the teacher.

In addition to the $500 monthly rent assistance, the city will match and set-aside $500 monthly up to a maximum of $6,000 at the end of the first year to assist in the purchase of a home. If the teacher decides to remain with CCSD and purchase a home, these funds would be released to assist with down payment and closing costs. In order to be eligible for this portion of the funding, the teacher must do not exceed 80% of Area Median Income at the time the funds are to be disbursed. The teacher may also elect to use the $6,000 set-aside funds to continue the rental assistance of $500 per month for one additional year if they remain income eligible.

The teacher must enter into either a 6 month or 12 month lease/rental agreement. A signed copy of the lease/rental agreement must be submitted to the city of Las Vegas. The city of Las Vegas will make all rent payments directly to the property owner. Monthly residency verification will be required.

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from Cardno WRG on behalf of the Consulate of Mexico, owner (northeast corner of Hoover Avenue and 6th Street) - Ward 3 (Reese)

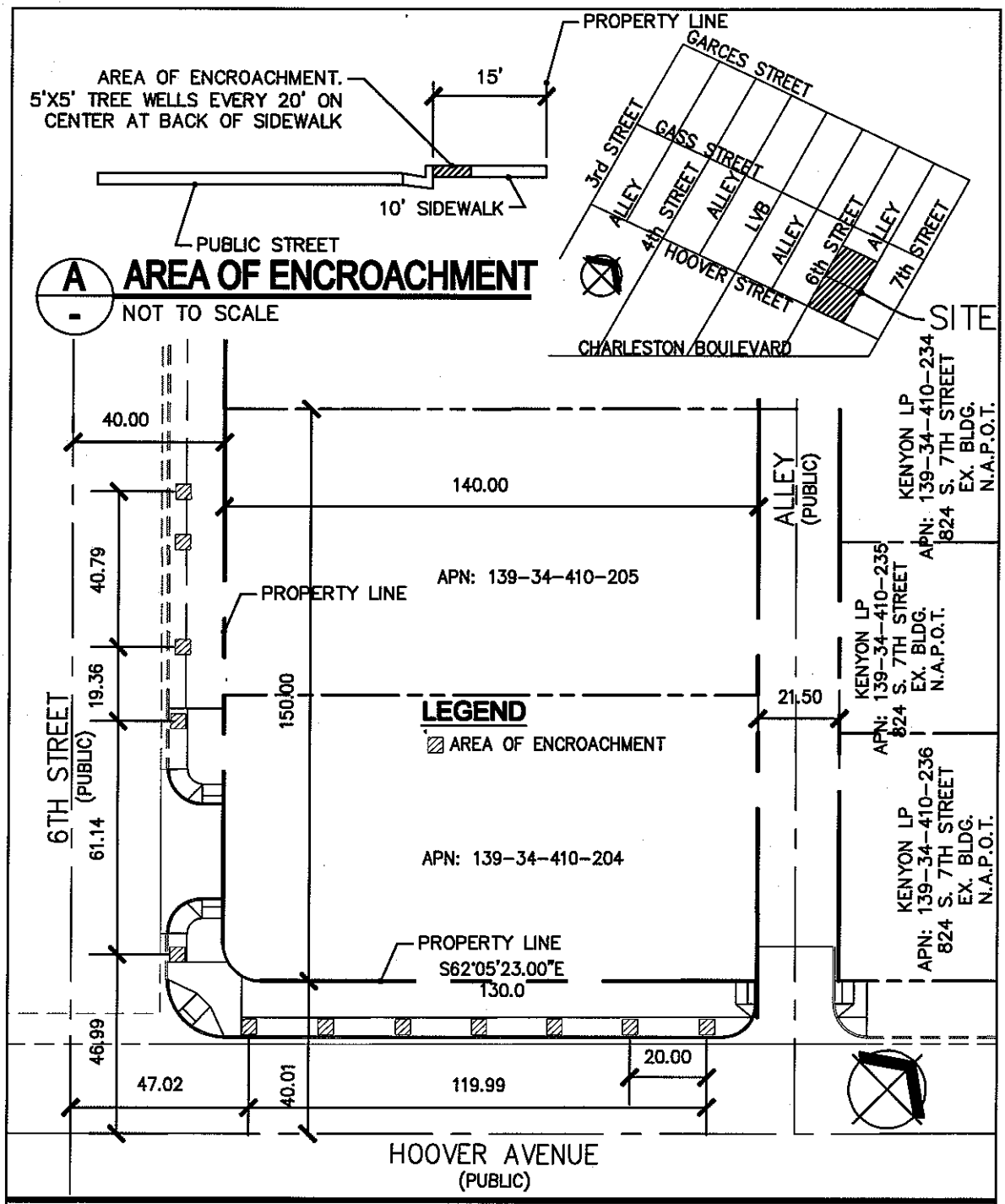
Fiscal Impact

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

PURPOSE/BACKGROUND:
This request consists of seven evenly spaced 5-foot by 5-foot tree wells with grates, landscaping and an irrigation system on the north side of Hoover Avenue extending approximately 130-feet adjacent to the property line and five, 5-foot by 5-foot tree wells with grates, landscaping and an irrigation system on the east side of 6th Street extending approximately 150-feet along the property line to meet the Downtown Centennial plan standards for the proposed Mexican Consulate expansion. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Copy of Encroachment Exhibit "A" (northeast corner of Hoover Avenue and 6th Street)



Cardno WRG

AREA OF ENCROACHMENT EXHIBIT
MEXICAN CONSULATE EXHIBIT

LAS VEGAS
10649 JEFFREYS ST, HENDERSON, NV 89052
TEL: (702) 990-9300 FAX: (702) 990-9305 www.cardnowrg.com
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

CONSULATE OF MEXICO
CITY OF LAS VEGAS, NEVADA

EXHIBIT "A"

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from The Richardson Partnership, Incorporated, on behalf of BBH, LLC, owner (Western Avenue between Oakey Boulevard and Sahara Avenue) - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This request consists of an approximate 12-foot wide area of landscaping on the west side of Western Avenue extending approximately 190-feet adjacent to the property line consisting of trees, shrubs, ground cover and an irrigation system for the proposed Big Town Mechanical Establishment. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Copy of an Encroachment Exhibit "A" (Western Avenue)

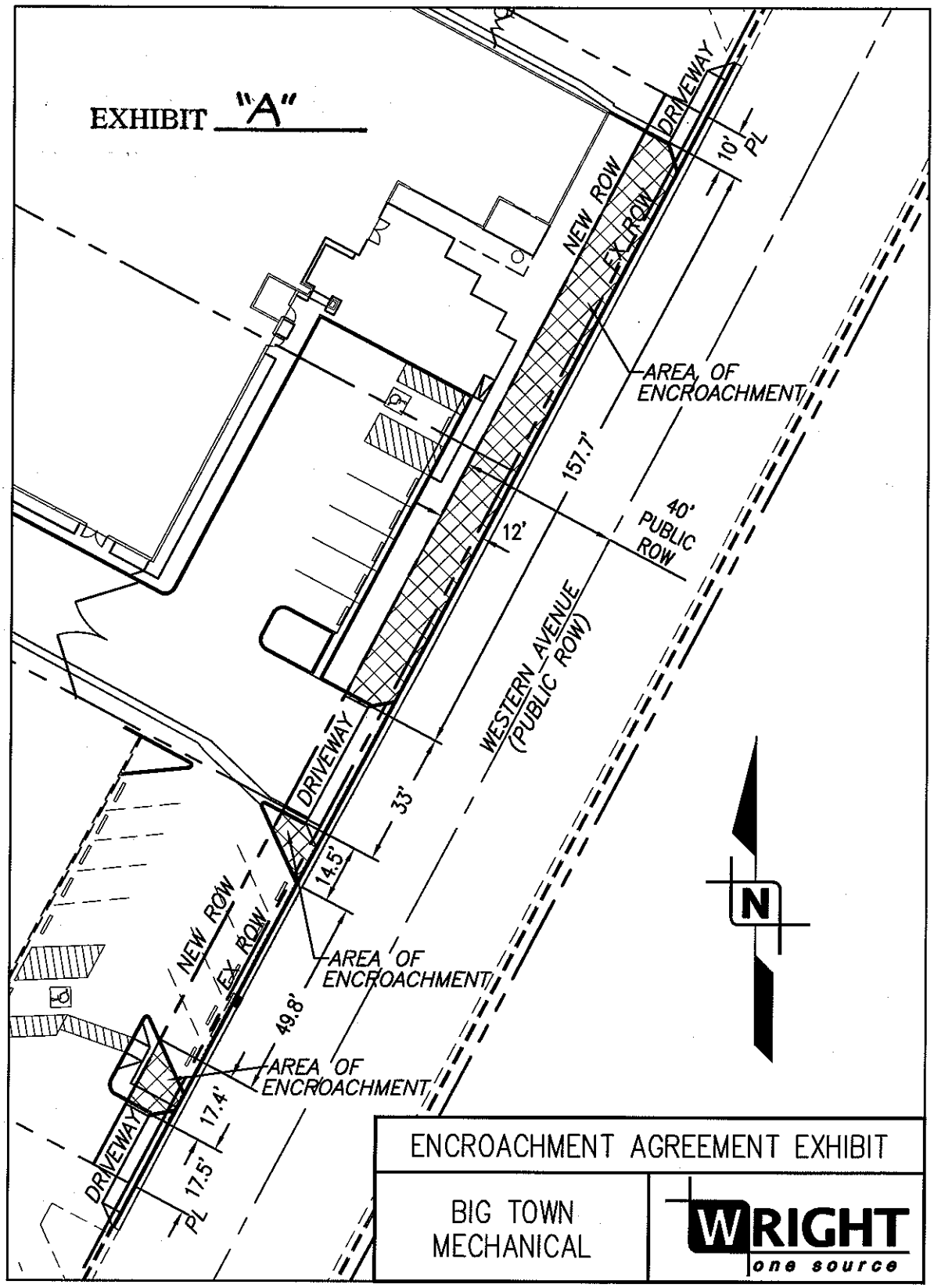


EXHIBIT "A"
DRIVEWAY
10'
PL
NEW ROW
EX. ROW
AREA OF ENCROACHMENT
157.7'
40'
PUBLIC ROW
12'
WESTERN AVENUE (PUBLIC ROW)
DRIVEWAY
33'
14.5'
NEW ROW
EX. ROW
AREA OF ENCROACHMENT
49.8'
AREA OF ENCROACHMENT
17.4'
DRIVEWAY
17.5'
PL
N
ENCROACHMENT AGREEMENT EXHIBIT
BIG TOWN MECHANICAL
WRIGHT one source

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from Studio West on behalf of Corestone, LLC, owner (northwest corner of Charleston Boulevard and Casino Center Boulevard) - Ward 3 (Reese)

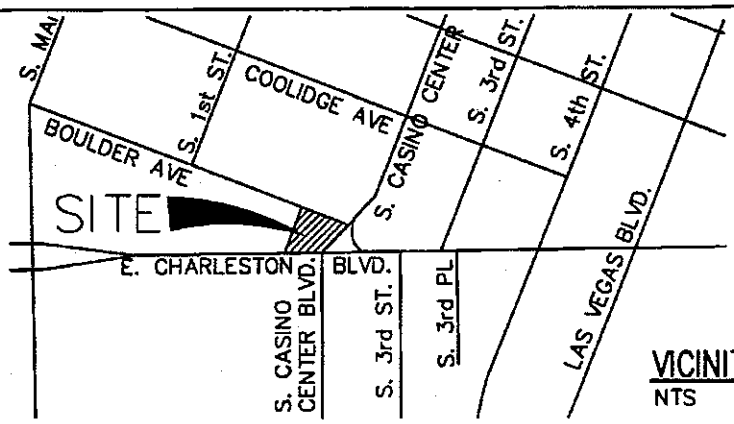
Fiscal Impact

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

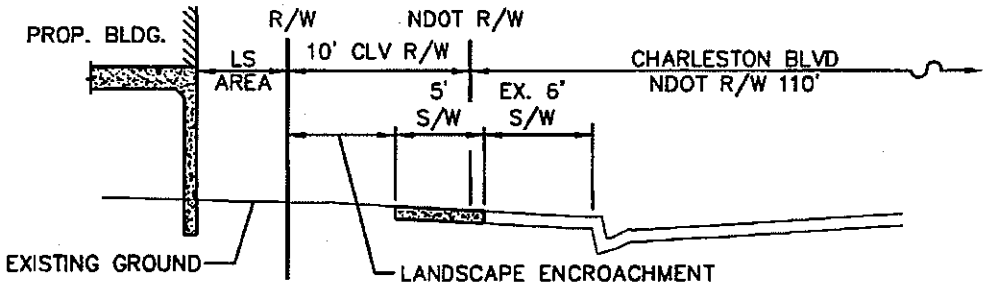
PURPOSE/BACKGROUND:
This request consists of an approximate 6-foot wide area of landscaping on the north side of Charleston Boulevard extending westward from Casino Center Boulevard for approximately 67-feet consisting of trees, shrubs, ground cover and an irrigation system to meet the Downtown Centennial Plan landscaping standards for the proposed Urban Lounge at Tinoco's. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

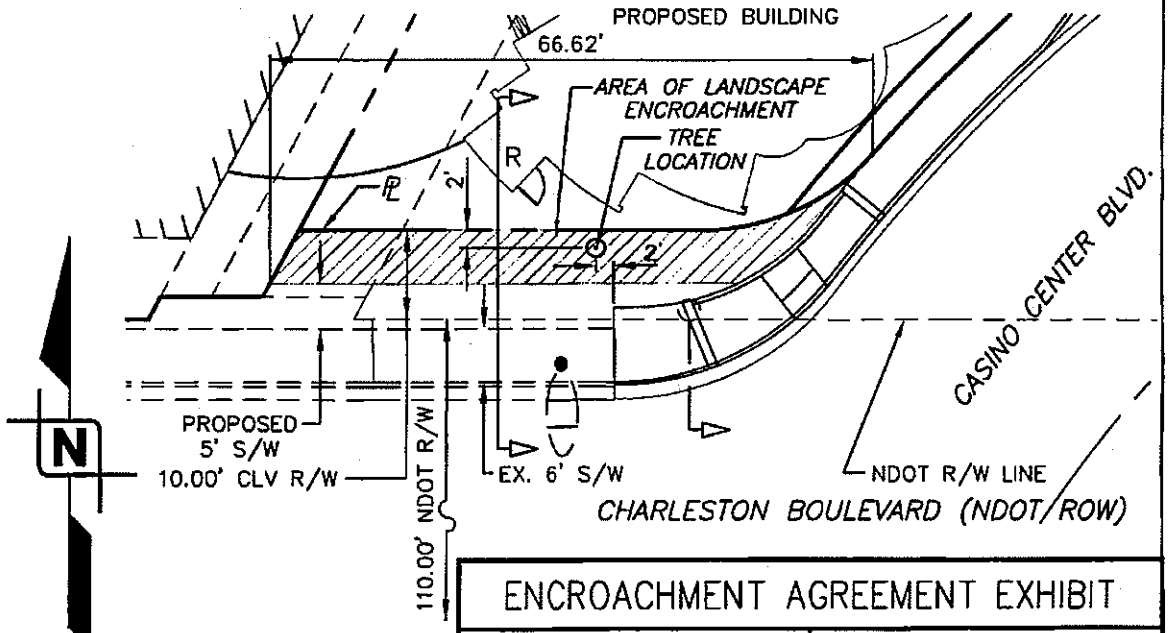
BACKUP DOCUMENTATION:
Copy of Encroachment Exhibit "A" (northwest corner of Charleston Boulevard and Casino Center Boulevard)



VICINITY MAP
NTS



TYPICAL SECTION
NTS



SCALE=1"=20'

EXHIBIT "A"

ENCROACHMENT AGREEMENT EXHIBIT

URBAN LOUNGE
@ TINOCO'S

WRIGHT
one source

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to Appraise and Purchase or Condemn right-of-way parcels located at the intersection of Sahara Avenue and Durango Drive for the Traffic Package 7A project ($25,000 Regional Transportation Commission [RTC]) - Ward 2 (Wolfson)

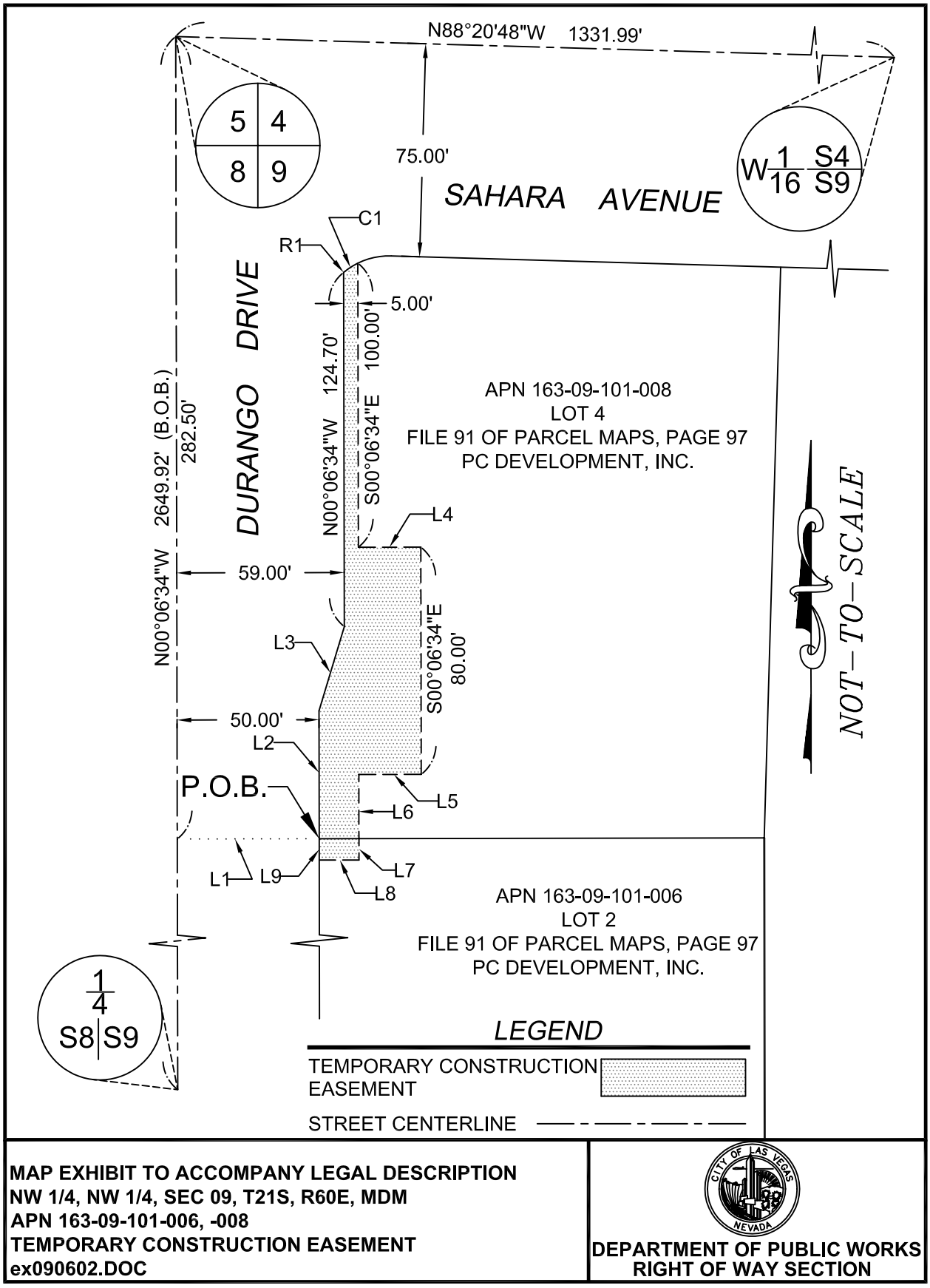
Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $25,000
Funding Source: RTC
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
Traffic Package 7A is part of the City's Stimulus Package (American Recovery and Reinvestment Act of 2009). Per federal acquisition guidelines, the City must purchase the necessary temporary construction easement needed for this project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Map



MAP EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
NW 1/4, NW 1/4, SEC 09, T21S, R60E, MDM
APN 163-09-101-006, -008
TEMPORARY CONSTRUCTION EASEMENT
ex090602.DOC

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY SECTION

LINE TABLE

LINE #	BEARING	LENGTH
L 1	N89°53'26"E	50.00'
L 2	N00°06'34"W	45.04'
L 3	N16°47'37"E	30.95'
L 4	N89°53'26"E	22.00'
L 5	S89°53'26"W	22.00'
L 6	S00°06'34"E	22.59'
L 7	S00°06'34"E	7.51'
L 8	S89°53'26"W	14.00'
L 9	N00°06'34"W	7.51'

RADIAL LINE TABLE

LINE #	BEARING
R1	N39°54'05"W

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
C 1	25.00'	13°41'17"	5.97'

MAP EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
NW 1/4, NW 1/4, SEC 09, T21S, R60E, MDM
APN 163-09-101-006, -008
TEMPORARY CONSTRUCTION EASEMENT
ex090602.DOC

DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY SECTION

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval for a Grant of Easement from the City of Las Vegas to NV Energy for a portion of the Northwest Quarter of the Northwest Quarter of Section 27, Township 20 South, Range 60 East, Mount Diablo Meridian, located within the Buffalo Drainage Channel, south of Vegas Drive and west of Pioneer Way, APN 138-27-196-001 - Ward 1 (Tarkanian)

Fiscal Impact

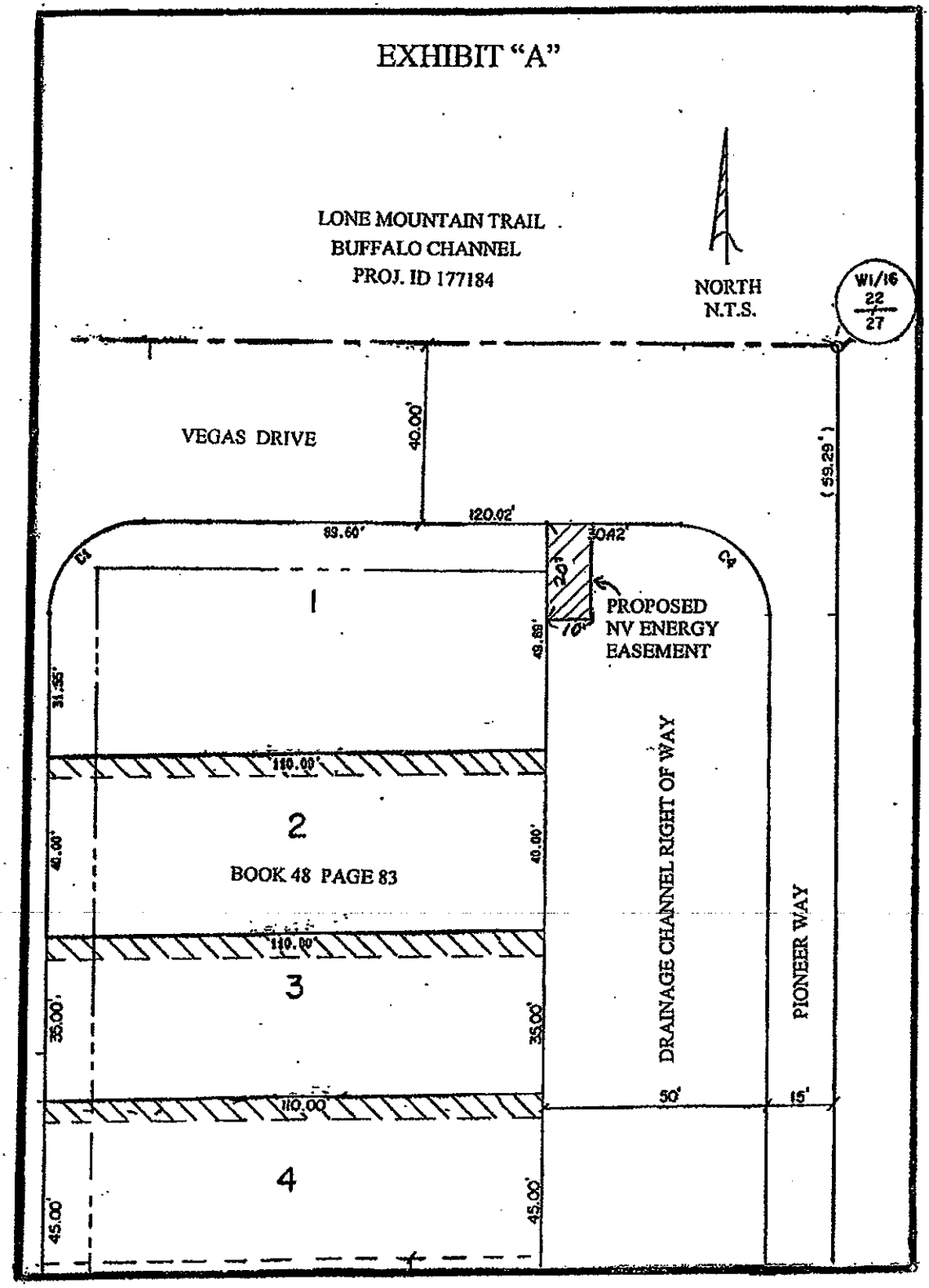
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This easement will allow electric utility service for the Lone Mountain Trail Phase 2B project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Map

EXHIBIT "A"


LONE MOUNTAIN TRAIL
BUFFALO CHANNEL
PROJ. ID 177184
NORTH
N.T.S.
W1/16
22
27
VEGAS DRIVE
40.00'
(59.29')
120.02'
89.60'
30.42'
20'
10'
PROPOSED
NV ENERGY
EASEMENT
1
49.89'
31.55'
110.00'
2
BOOK 48 PAGE 83
40.00'
40.00'
110.00'
3
35.00'
35.00'
110.00'
4
45.00'
45.00'
DRAINAGE CHANNEL RIGHT OF WAY
50'
PIONEER WAY
15'

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of a Grant of Easement from the City of Las Vegas, a Municipal Corporation, to FC Vegas 39 L.L.C., a New York limited liability company as to an undivided 39.775% interest; FC Vegas 20 L.L.C., a Nevada limited liability company as to an undivided 20.225%; Livework L.L.C., a Delaware limited liability company as to an undivided 40% interest, all as tenants in common for a portion of the Northwest Quarter of Section 34, Township 20 South, Range 61 East, Mount Diablo Meridian, for an easement located in the right-of-way, from the back of curb to the property line, that surrounds Block 6 of Clark's Las Vegas Townsite (Main Street on the west, Lewis Avenue on the north, 1st Street on the east and Clark Avenue on the south) - APNs 139-34-299-002, 009, 010, 012, 025, 026, 027, 028 and 029 - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:

This easement will be for purposes of constructing, maintaining and using various improvements which include but not limited to a balcony, retaining walls, stairs, handrail, landscaping and irrigation that encroaches into the right-of-way on the New City Hall Project.

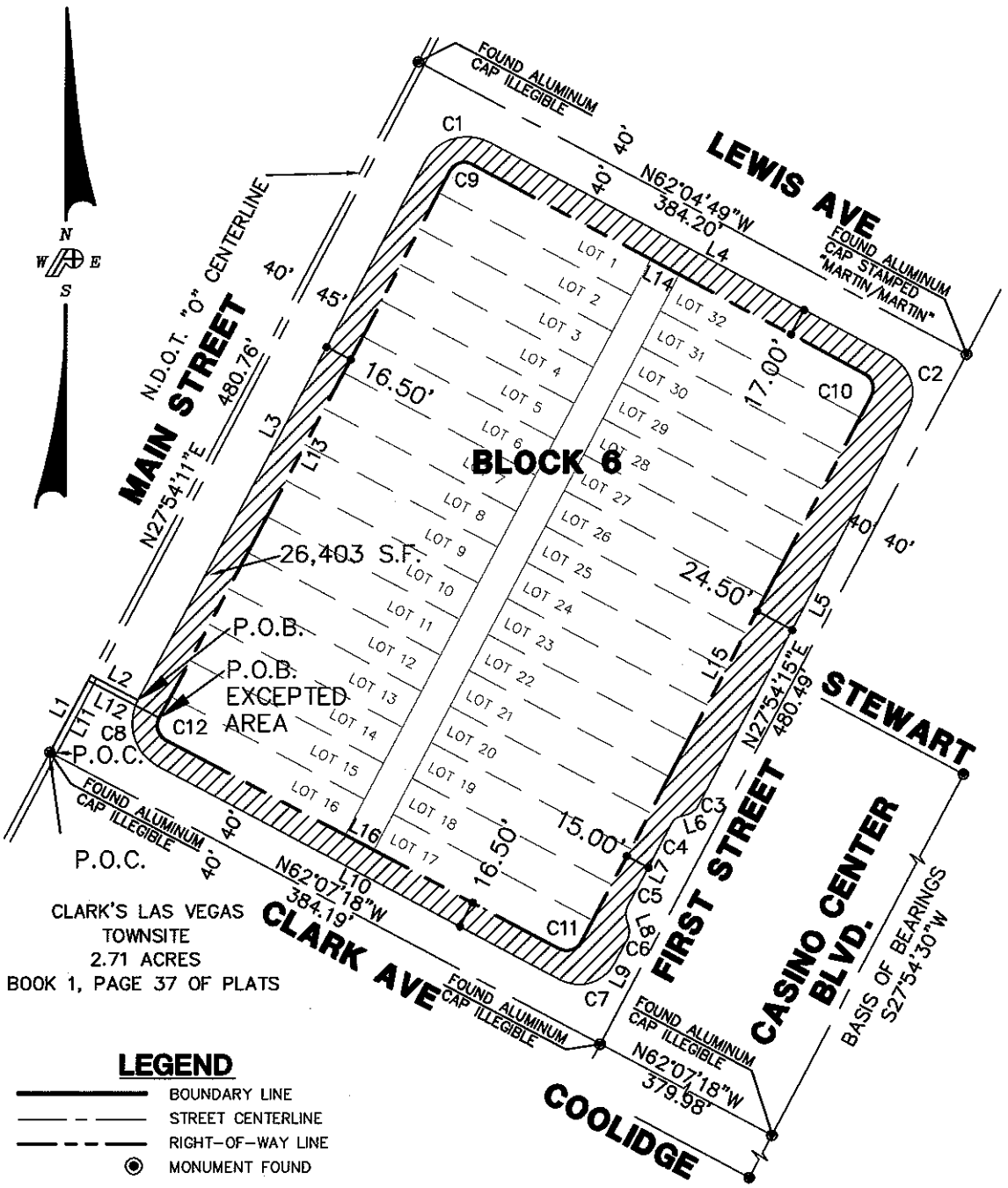
RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Map

EASEMENT EXHIBIT "A" CONT'D



LEGEND

- BOUNDARY LINE
- STREET CENTERLINE
- RIGHT-OF-WAY LINE
- MONUMENT FOUND

G:\00Survey\08077A CLV CITY HALL\dwg\08077a encroachment easement exhibit.dwg 9/24/2009 10:37:49 AM PDT

POGGEMEYER DESIGN GROUP

6960 Smoke Ranch Suite 110
Las Vegas, Nevada 89128

p) 702.255.8100 f) 702.255.8375 www.poggemeyer.com

SCALE	1"=100'
JOB NO.	LV08077X4
DATE	09-23-09
DRAWING NO.	4 OF 5

EASEMENT EXHIBIT "A" CONT'D

LINE TABLE		
LINE	LENGTH	BEARING
L1	53.53	N 27°54'11" E
L2	32.50	S 62°5'49" E
L3	374.22	N 27°54'11" E
L4	281.19	S 62°4'49" E
L5	274.74	S 27°54'15" W
L6	4.48	S 74°27'8" W
L7	57.76	S 27°54'15" W
L8	4.48	S 18°38'38" E
L9	16.31	S 27°54'15" W
L10	281.18	N 62°7'18" W
L11	50.03	N 27°54'11" E
L12	49.00	S 62°5'49" E
L13	380.72	N 27°54'11" E
L14	275.19	S 62°4'49" E
L15	380.52	S 27°54'15" W
L16	275.19	N 62°7'18" W

CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	DELTA
C1	30.00	47.13	30.01	90°1'0"
C2	25.00	39.26	24.99	89°59'4"
C3	10.00	8.12	4.30	46°32'53"
C4	10.00	8.12	4.30	46°32'53"
C5	10.00	8.12	4.30	46°32'53"
C6	10.00	8.12	4.30	46°32'53"
C7	25.00	39.26	24.99	89°58'27"
C8	30.00	47.14	30.01	90°1'29"
C9	10.00	15.71	10.00	90°1'0"
C10	10.00	15.71	10.00	89°59'4"
C11	10.00	15.70	10.00	89°58'27"
C12	10.00	15.71	10.00	90°1'29"

ROAD PARCEL NUMBERS:

139-34-299-002
139-34-299-009
139-34-299-010
139-34-299-012
139-34-299-025
139-34-299-026
139-34-299-027
139-34-299-028
139-34-299-029

G:\00Survey\08077A CLV CITY HALL\dwg\08077a encroachment easement exhibit.dwg 9/24/2009 10:15:00 AM PDT

POGGEMEYER DESIGN GROUP

6960 Smoke Ranch Suite 110
Las Vegas, Nevada 89128

p) 702.255.8100 f) 702.255.8375 www.poggemeyer.com

SCALE	1"=100'
JOB NO.	LV08077X4
DATE	09-23-09
DRAWING NO.	5 OF 5

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to file a short term grant with the Bureau of Land Management for temporary construction (temporary Earthen Scarp) lying within a portion of the Southwest Quarter of the Northwest Quarter of Section 28, Township 19 South, Range 60 East, Mount Diablo Meridian, generally located east of Durango Drive and north of Tropical Parkway, APN 125-28-201-006 - Ward 6 (Ross)

Fiscal Impact

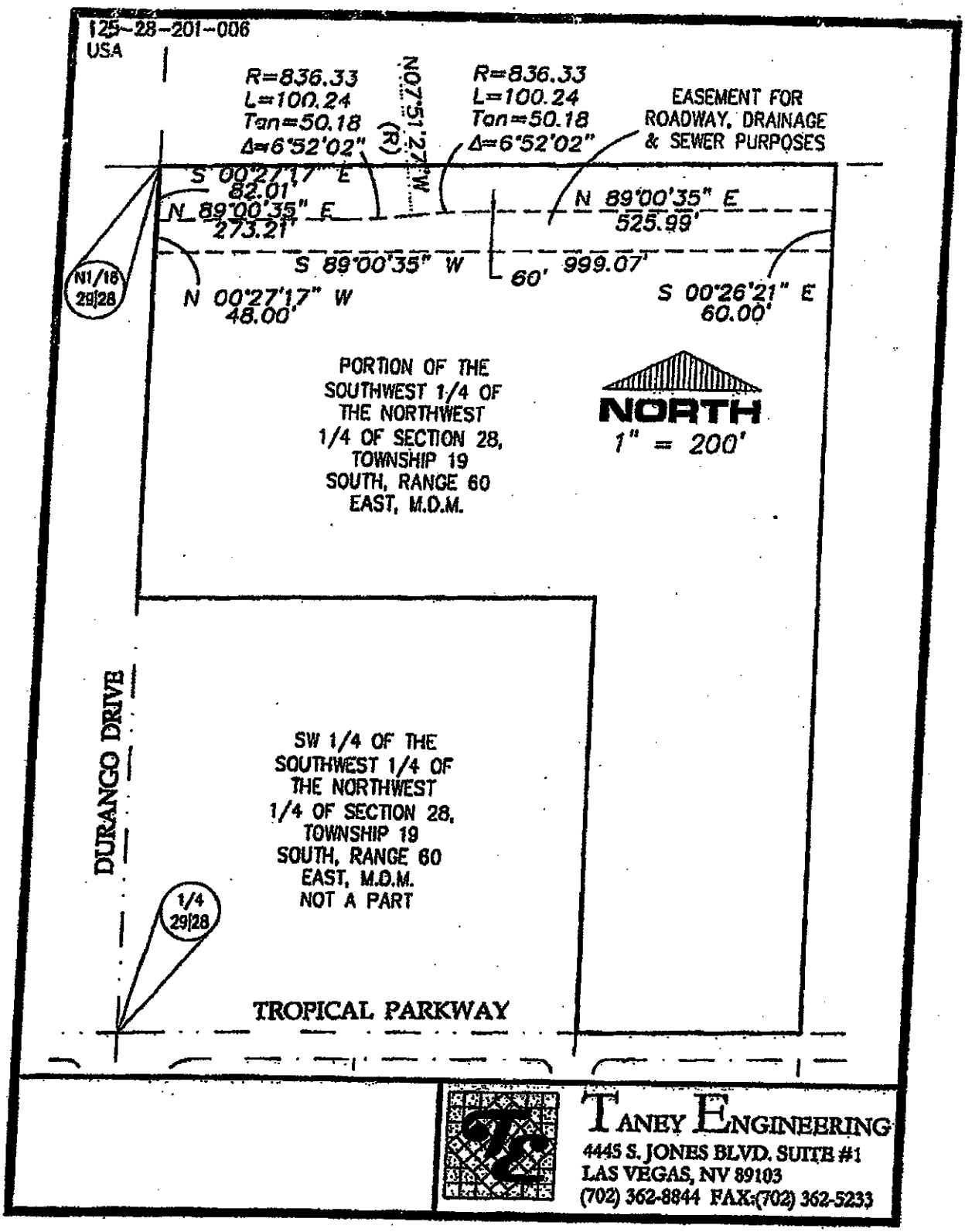
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This new grant will replace the existing short term grant N-83249-01 that expires on 12/31/09.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Map

EXHIBIT "A"



TANEY ENGINEERING
4445 S. JONES BLVD. SUITE #1
LAS VEGAS, NV 89103
(702) 362-8844 FAX:(702) 362-5233

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Quitclaim Deed from the City of Las Vegas to the City of North Las Vegas for portions of the Southwest Quarter of the Southeast Quarter of Section 16, Township 20 South, Range 61 East, Mount Diablo Meridian, City of North Las Vegas, Clark County, Nevada, with regard to the Martin Luther King Boulevard Improvement project, APNs 139-16-899-018 and 019 - City of North Las Vegas - (near Ward 5 - Barlow)

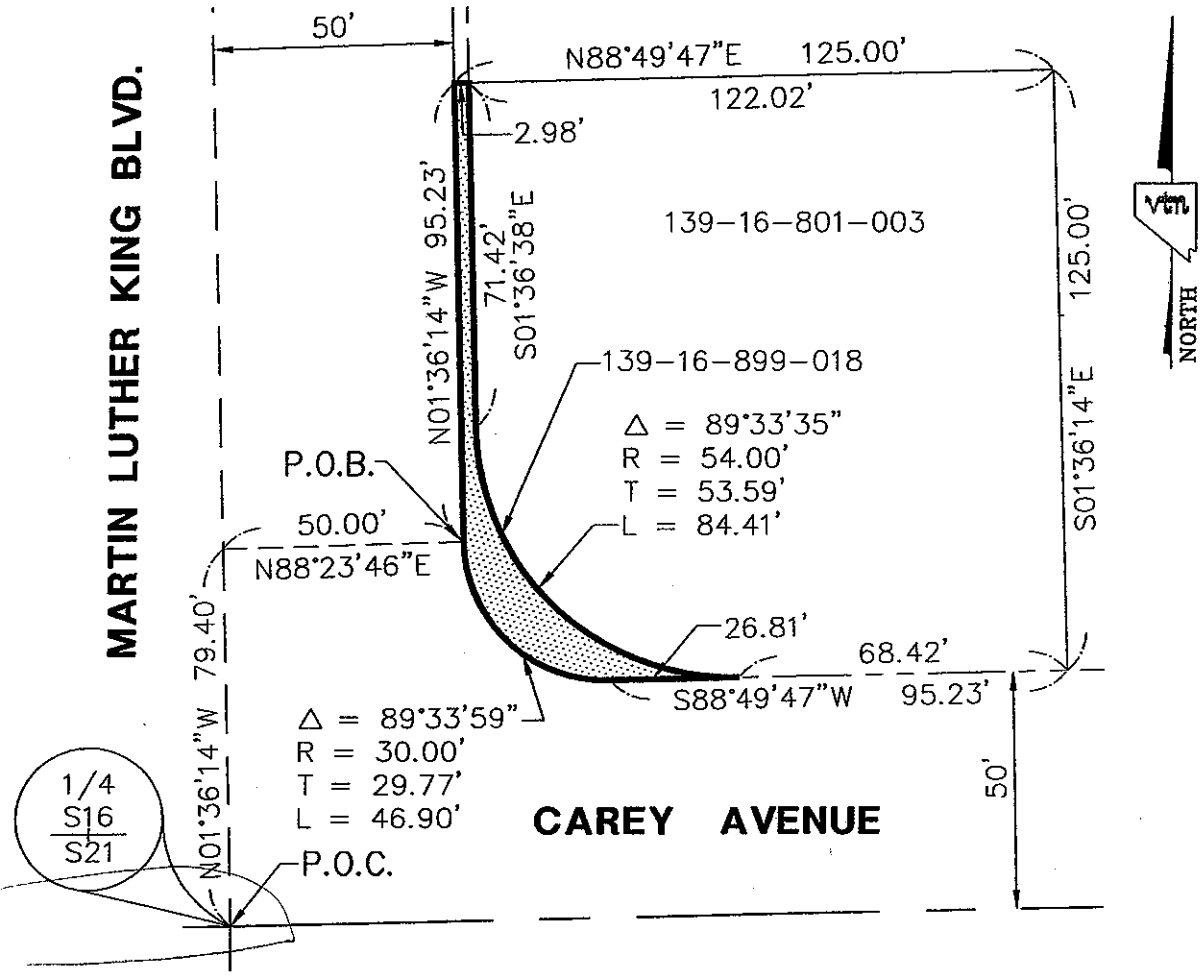
Fiscal Impact

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

PURPOSE/BACKGROUND:
Acquisitions on the Martin Luther King Boulevard Improvement project, extended north of Carey Avenue into City of North Las Vegas jurisdiction. This property was purchased in the name of the City of Las Vegas, but can now be transferred into the proper jurisdiction.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Maps



AREA OF ROW

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

OWNER CITY OF LAS VEGAS

PARCEL NO. 139-16-899-018

SECTION, TOWNSHIP, RANGE SECTION 16, T. 20 S., R. 61 E., MDM

TOTAL AREA OF ROAD PARCEL 798 S.F. (0.018 ACRES)

AREA OF R/W 798 S.F. (0.018 ACRES)

AREA OF R/W COVERED BY EXISTING STREET IMPROVEMENTS N/A

REFERENCE: 980923:01297

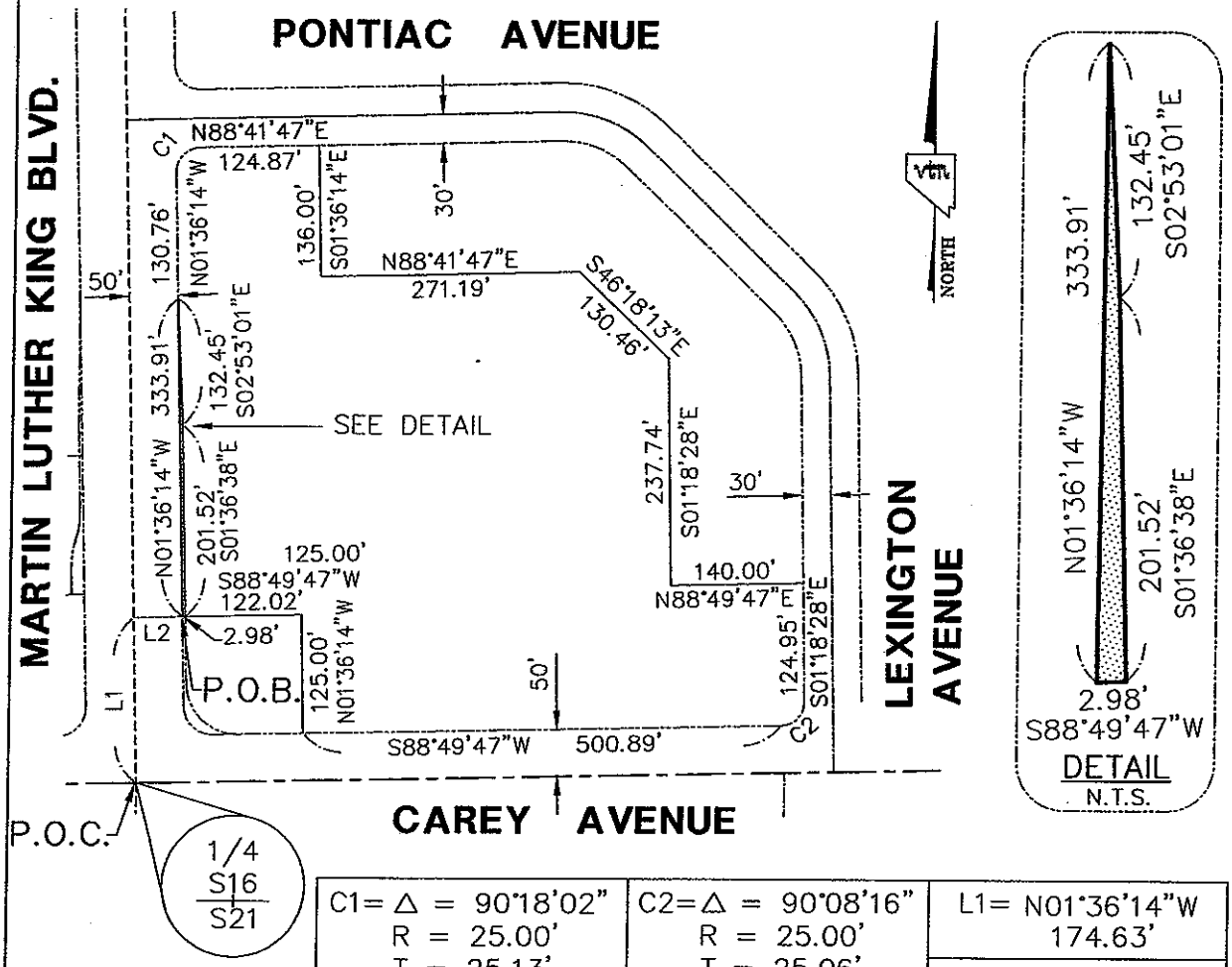
G:\6224\6224LEGAL-OPT4.DWG(16-801-003RW-REV)

vtn nevada
2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

PROJECT:
MARTIN LUTHER KING BLVD.
EXHIBIT TO ACCOMPANY LEGAL
APN 139-16-899-018

FOR:
CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS

SCALE HORZ.	1"=40'
VERT.	---
W.O. NO.	6224
DRAWN BY:	KAK
DATE:	REV: 8/25/09
SHEET	3 OF 3



C1= Δ = 90°18'02" R = 25.00' T = 25.13' L = 39.40'	C2= Δ = 90°08'16" R = 25.00' T = 25.06' L = 39.33'	L1= N01°36'14"W 174.63'
		L2= N88°23'46"E 50.00'

AREA OF ROW

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

OWNER CITY OF LAS VEGAS
PARCEL NO. 139-16-899-019
SECTION, TOWNSHIP, RANGE SECTION 16, T. 20 S., R. 61 E., MDM
TOTAL AREA OF ROAD PARCEL 794 S.F. (0.018 ACRES)
AREA OF R/W 794 S.F. (0.018 ACRES)
AREA OF R/W COVERED BY EXISTING STREET IMPROVEMENTS N/A
REFERENCE: 941222:00998

G:\6224\6224LEGAL-OPT4.DWG(16-801-004RW-REV)

vtn nevada
2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

PROJECT:
MARTIN LUTHER KING BLVD.
EXHIBIT TO ACCOMPANY LEGAL
APN 139-16-899-019

FOR:
CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS

SCALE	HORZ. 1"=200'
	VERT. ---
W.O. NO.	6224
DRAWN BY:	KAK
DATE:	REV: 7/28/09
SHEET	3 OF 3

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Dedication from the City of Las Vegas for a portion of the Southeast Quarter of Section 29, Township 20 South, Range 62 East, Mount Diablo Meridian, for drainage right-of-way located on the north side of Bonanza Road, east of Marion Drive (Las Vegas Wash), APN 140-29-801-002, 005 and 140-29-896-001, 002 - Ward 3 (Reese)

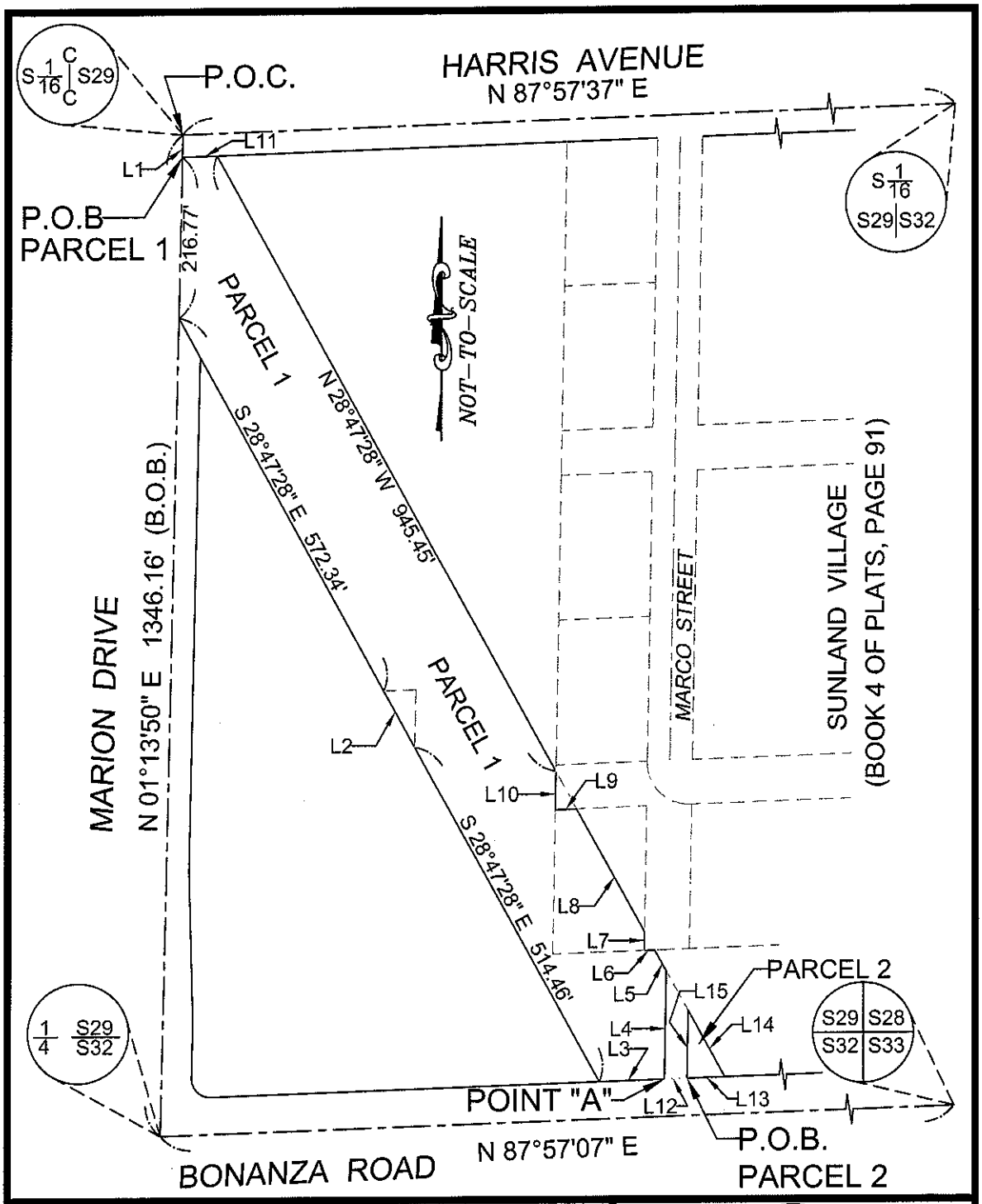
Fiscal Impact

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

PURPOSE/BACKGROUND:
This dedication will convert City owned property to drainage right-of-way which will complete this portion of the Las Vegas Wash Drainage Channel.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Map



MAP EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
SW 1/4, SE 1/4, SEC 29, T20S, R62E, MDM
APN 140-29-801-002
FLOOD CHANNEL RIGHT-OF-WAY DEDICATION
ex090802.DOC

DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY SECTION

LINE TABLE

LINE #	BEARING	LENGTH
L 1	S01°13'50"W	30.05'
L 2	S28°47'28"E	86.22'
L 3	N87°57'07"E	87.19'
L 4	N00°56'42"E	145.43'
L 5	N28°47'28"W	32.18'
L 6	S87°57'12"W	14.06'
L 7	N00°56'42"E	25.31'
L 8	N28°47'28"W	188.91'
L 9	S87°57'17"W	28.79'
L 10	N01°00'08"E	51.75'
L 11	S87°57'37"W	46.52'
L 12	N87°57'07"E	30.04'
L 13	N87°57'07"E	50.73'
L 14	N28°47'28"W	102.15'
L 15	S00°56'42"W	91.35'

MAP EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
SW 1/4, SE 1/4, SEC 29, T20S, R62E, MDM
APN 140-29-801-002
FLOOD CHANNEL RIGHT-OF-WAY DEDICATION
ex090802.DOC

DEPARTMENT OF PUBLIC WORKS
RIGHT OF WAY SECTION

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Interlocal Contract with Clark County Water Reclamation District for sewer services with R. Lucero and Associates, Inc., on behalf of Josephs Family, LP, owner, located on the east side of Sheridan Street between Meade Avenue and Sirius Avenue, APN 162-08-303-019 - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This request is to connect one parcel with a proposed usage as an office/warehouse located on the east side of Sheridan Street between Meade Avenue and Sirius Avenue, to the Clark County Water Reclamation District sewer line which is contiguous to the site. The nearest available City of Las Vegas sewer is approximately 4350 feet to the northeast at Rancho Drive and Teddy Drive. The Clark County Water Reclamation District collection system extends throughout this particular neighborhood within the City of Las Vegas and is the primary sewer service provider.

RECOMMENDATION:
Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

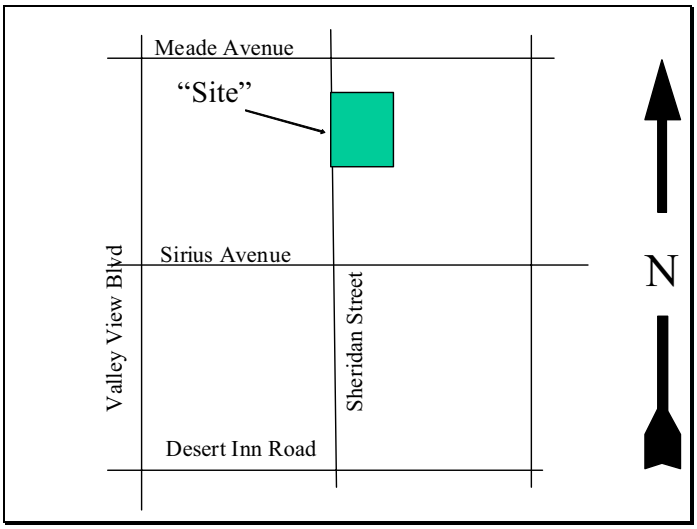
BACKUP DOCUMENTATION:
Agenda Memo

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PUBLIC WORKS
ITEM DESCRIPTION: APPROVAL OF AN INTERLOCAL CONTRACT WITH CLARK COUNTY WATER RECLAMATION DISTRICT FOR SEWER SERVICES WITH R. LUCERO AND ASSOCIATES, INC., ON BEHALF OF JOSEPHS FAMILY, LP, OWNER, LOCATED ON THE EASTSIDE OF SHERIDAN STREET BETWEEN MEADE AVENUE AND SIRIUS AVENUE, APN 162-08-303-019 - WARD 1 (TARKANIAN)

VICINITY MAP



City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Contract LLD99A09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide funding for the construction of local drainage improvements for Gilmore Avenue from Decatur Boulevard to Thom Boulevard ($839,900 - CCRFCD/$79,630 - Public Works Capital Projects Fund) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $919,530
Funding Source: CCRFCD/PWCPF
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The Gilmore Avenue - Decatur Boulevard to Thom Boulevard Storm Drain project is located within the Gowan Watershed of the Clark County Regional Flood Control District (CCRFCD) Master plan and is within a portion of the Gowan Outfall Conveyance System drainage area. This proposed local drainage participation project will construct a 36-inch reinforced concrete pipe (RCP) storm drain system that will help reduce flooding in this older neighborhood. The proposed facilities will connect into the existing regional drainage facility in Decatur Boulevard. The total cost of the contract shall not exceed $839,900. The Clark County Regional Flood Control District approved this contract at their July 9, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
1. Interlocal Contract LLD99A09
2. Exhibit A

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Interlocal Contract LAS22O09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide funding for construction of the North and South Environmental Enhancement Areas at Floyd Lamb Park located at 9200 Tule Springs Road and drainage improvements within Racel Street from Cimarron Road to El Capitan Way ($30,550,000 - CCRFCD) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $30,550,000
Funding Source: CCRFCD
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:

The North and South Environmental Enhancement Areas at Floyd Lamb State Park are identified in the Clark County Regional Flood Control District's Ten-Year Construction Program. The improvements shall consist of two environmental enhancement areas, along with associated drainage collection facilities within Racel Street from Cimarron Road to El Capitan Way. The total cost of the contract shall not exceed $30,550,000. The Clark County Regional Flood Control District approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Interlocal Contract LAS22O09
2. Exhibit A

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 470b between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to decrease project funding in the amount of $2,000,000 for roadway improvements on Summerlin Parkway between CC-215 and US-95 - Wards 1, 2 and 4 (Tarkanian, Wolfson and Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on May 20, 2004 and a Supplemental Interlocal Contract on December 11, 2008 for roadway improvements associated with the Summerlin Parkway, CC-215 to US-95 project. This Supplemental Interlocal Contract will reduce project funding in the amount of $2,000,000. The total cost of the contract shall not exceed $3,610,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 470b

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 2
SUMMERLIN PARKWAY, I-215 TO US-95

THIS SUPPLEMENTAL INTERLOCAL CONTRACT No. 2, made and entered into this _____ day of _____, 2009 by and between the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on May 20, 2004 and a supplemental interlocal contract on December 11, 2008; to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Summerlin Parkway, I-215 to US-95 located wholly within the CITY, has been approved by the Regional Transportation Commission.

WHEREAS, the RTC previously granted "Revised Authorization to Proceed" for construction, engineering and right-of-way other; and,

WHEREAS, the CITY desires to decrease total project funding.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees as follows:

SECTION II – PROJECT COSTS shall be changed to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for construction, engineering, right-of-way and right-of-way other shall not exceed $3,610,000.

2. A revised "Authorization to Proceed" for construction at an amount not to exceed $2,100,000, engineering at a cost not to exceed $1,500,000, and right-of-way other at a cost not to exceed $10,000 at the time written Authorization to Proceed is received from the RTC.

A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

The remainder of the Interlocal Contract dated May 4, 2004 and supplemental interlocal contract dated December 11, 2008 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 2 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L. Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

Lisa Magnusson

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

Zev Kaplan

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____

OSCAR B. GOODMAN, Mayor

Attest:

_____

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09

Deputy City Attorney Date

City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 475d between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on Martin L. King Boulevard from Palomino Lane to Carey Avenue ($2,000,000 - RTC) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,000,000
Funding Source: RTC
Dept./Division: P/W City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on June 10, 2004 and Supplemental Interlocal Contracts on May 19, 2005, December 14, 2006 and November 13, 2008 for the design, right-of-way acquisition, and the construction of roadway improvements for the Martin L. King Boulevard, Palomino Lane to Carey Avenue project. This Supplemental Interlocal Contract will increase project funding in the amount of $2,000,000. The total cost of the contract shall not exceed $32,125,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 475d

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4

MARTIN L. KING, PALOMINO LANE TO CAREY AVENUE

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4, made and entered into this _____ day of _____, 2009 by and between the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, a Project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for the Martin L. King Boulevard, Palomino Lane (north end of the Martin L. King/Industrial Connector) to Carey Avenue, which is wholly within the CITY, has been approved by the Regional Transportation Commission.

WHEREAS, the parties have executed an Interlocal Contract dated June 10, 2004 and supplemental interlocal contracts on May 19, 2005, December 14, 2006 and November 13, 2008 for the design, construction, and right-of-way of Martin L. King Boulevard, Palomino Lane to Carey Avenue; and

WHEREAS, the CITY desires to increase total project funding.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees as follows:

SECTION II – PROJECT COSTS: shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for construction, engineering, right-of-way acquisition and right-of-way other shall not exceed $32,125,000.

2. The City will be issued a revised "Authorization to Proceed" for construction at a cost not to exceed $26,125,000, engineering design at a cost not to exceed $200,000, right-of way acquisition at a cost not to exceed $5,700,000 and right-of-way other at cost not to exceed $100,000 at the time written Authorization to Proceed is received from the RTC. The "Revised Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.

3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

All other terms of the Interlocal Contract dated June 10, 2004 and supplemental interlocal contracts dated May 19, 2005, December 14, 2006 and November 13, 2008 shall remain unchanged.

IN WITNESS WHEREOF, this SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09

Deputy City Attorney Date

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 543c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for the Las Vegas Boulevard, Owens Avenue to I-515 Corridor Study ($2,000 - RTC) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,000
Funding Source: RTC
Dept./Division: P/W City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on September 14, 2006 and Supplemental Interlocal Contracts on January 8, 2009 and June 11, 2009 for the Las Vegas Boulevard, Owens Avenue to I-515 Corridor Study. This Supplemental Interlocal Contract will increase project funding in the amount of $2,000 to cover outstanding engineering fees. The total cost of the contract shall not exceed $57,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 543c

SUPPLEMENTAL INTERLOCAL CONTRACT No. 3
LAS VEGAS BOULEVARD, OWENS AVENUE TO I-515 CORRIDOR STUDY

THIS SUPPLEMENTAL INTERLOCAL CONTRACT No. 3 made and entered into this _____ day of _____, 2009 by and between the City of Las Vegas, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on September 14, 2006 and supplemental interlocal contracts on January 8, 2009 and June 11, 2009 for a project to perform a corridor study, for Las Vegas Boulevard between Owens Avenue and I-515 located wholly within the CITY, has been approved by the RTC; and

WHEREAS, the RTC previously granted "Authorization to Proceed" for engineering design; and,

WHEREAS, the CITY desires to increase the total project funding and receive a revised authorization to proceed.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project as follows:

SECTION II – PROJECT COSTS shall be revised to read as follows:

1. The total cost for engineering design shall not exceed $57,000.
2. A "Revised Authorization to Proceed" for engineering at a cost not to exceed $57,000 at the time written Authorization to Proceed is received from the RTC.
3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

The remainder of the Interlocal Contract dated September 14, 2006 and supplemental interlocal contracts on January 8, 2009 and June 11, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 3 is effective as of the date first set forth above.

///

///

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: _____

LAWRENCE L. BROWN III, Chairman

Attest:

_____

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

_____

ZEV KAPLAN, General Counsel

Date of Council Action:

_____

CITY OF LAS VEGAS

BY: _____

OSCAR B. GOODMAN, Mayor

Attest:

_____

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

_____ 9/3/09

Deputy City Attorney Date

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Supplemental Interlocal Contract 535c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on the Martin L. King Boulevard - Industrial Road from Wyoming Avenue to Symphony Park Avenue project ($5,000,000-RTC) - Wards 1, 3, and 5 (Tarkanian, Reese and Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $5,000,000
Funding Source: RTC
Dept./Division: P/W City Engineer

PURPOSE/BACKGROUND:

The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on July 13, 2006 and Supplemental Interlocal Contracts on August 14, 2008 and November 13, 2008 for the construction, design and right-of-way acquisition for roadway improvements for the Martin L. King Boulevard/Industrial Road, Wyoming Avenue to Symphony Park Avenue project. This Supplemental Interlocal Contract will change the scope of the project to extend the limits and increase project funding in the amount of $5,000,000. The total cost of the contract shall not exceed $7,000,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Supplemental Interlocal Contract 535c
2. Exhibit A

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3
MARTIN L. KING BOULEVARD/INDUSTRIAL ROAD, WYOMING AVENUE TO SYMPHONY PARK AVENUE

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3, made and entered into this _____ day of _____, 2009 by and between the City of Las Vegas, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on July 13, 2006 and supplemental interlocal contracts dated August 14, 2008 and November 13, 2008 to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Martin L. King Boulevard/Industrial Road, Wyoming Avenue to Symphony Park Avenue located wholly within the CITY, has been approved by the Regional Transportation Commission; and

WHEREAS, the RTC previously granted "Revised Authorization to Proceed" for engineering, right-of-way acquisition and right-of-way other; and,

WHEREAS, the CITY desires to change the scope of the project, increase project funding and receive a "Revised Authorization to Proceed" for the Project.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees as follows:

SECTION I– SCOPE OF PROJECT: shall be revised to read as follows:

This Supplemental Interlocal Contract No. 3 applies to improvements associated with Martin L. King Boulevard/Industrial Road, Wyoming Avenue to Symphony Park Avenue. The basic improvements include but are not limited to; survey, earthwork, curb, gutter, sidewalks, amenity zone pavement, traffic signs, street lighting, pavement, pavement markings, water and sewer mains and all other required components. This supplemental interlocal contract also includes an alternative study for the Martin L. King Boulevard/Industrial Road, Wyoming Avenue to Symphony Park Avenue project. The alternative study will include development of alternative alignments, alternative evaluation and related right-of-way design.

SECTION II-PROJECT COSTS: be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for the alternative study, right-of-way acquisition, and right-of-way other shall not exceed $7,000,000 which includes all of the above.

2. A "Revised Authorization to Proceed" will be issued for engineering at a cost not to exceed $300,000, right-of-way acquisition at a cost not to exceed $6,650,000; and right-of-way other at a cost not to exceed $50,000; at the time written Authorization to Proceed is received from the RTC.

3. A written request must be made to the RTC and an additional Supplemental Interlocal Contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.

The remainder of the Interlocal Contract dated July 13, 2006, and supplemental interlocal contracts dated August 14, 2008 and November 13, 2008 shall remain unchanged.

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IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 3 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY:

OSCAR B. GOODMAN, Mayor

Attest:

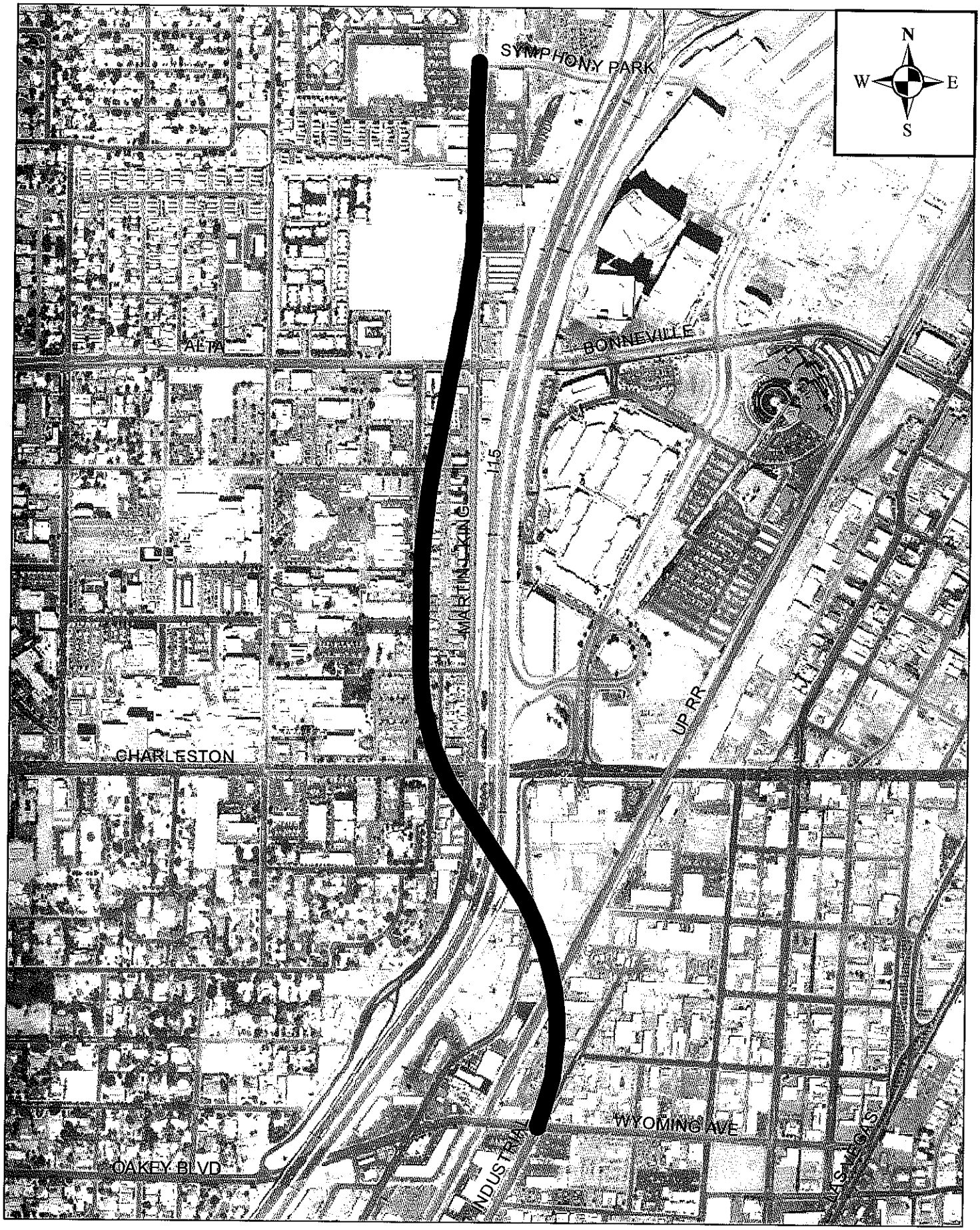
BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09

Deputy City Attorney Date

EXHIBIT A



MARTIN LUTHER KING BOULEVARD / INDUSTRIAL ROAD
WYOMING AVENUE TO SYMPHONY PARK AVENUE

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July 9, 2009

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 577c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for roadway improvements on Vegas Drive between Rancho Drive and Michael Way ($3,000 - RTC) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $3,000
Funding Source: RTC
Dept./Division: P/W City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on November 8, 2007 and Supplemental Interlocal Contracts on January 8, 2009 and June 11, 2009 for roadway improvements for the Vegas Drive, Rancho Drive to Michael Way project. This Supplemental Interlocal Contract will increase project funding in the amount of $3,000 to cover preliminary engineering costs. Pavement improvements have been postponed until RTC funding becomes available. The total cost of the contract shall not exceed $27,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 577c

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3

VEGAS DRIVE, RANCHO DRIVE TO MICHAEL WAY

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3 made and entered into this _____ day of _____, 2009 by and between the City of Las Vegas, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on November 8, 2007 and a supplemental interlocal contracts on January 8, 2009 and June 11, 2009 a for a project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Vegas Drive, Rancho Drive to Michael Way, being located wholly within the CITY; and

WHEREAS, the RTC previously granted "Authorization to Proceed" for construction, acquisition and right-of-way other; and,

WHEREAS, the CITY desires to increase funding for the Projcet.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project as follows:

SECTION II – PROJECT COSTS shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for construction, right-of-way other shall not exceed $27,000.

2. The City will receive a revised "Authorization to Proceed" for right-of-way acquisition at a cost not to exceed $10,000 and right-of-way other at a cost not to exceed $17,000.

3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

The remainder of the Interlocal Contract dated November 8, 2007 and supplemental interlocal contracts dated January 8, 2009 and June 11, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 3 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L. Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09

Deputy City Attorney Date

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 461f between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to include improvements on Alexander Road, Durango Drive to US-95 in the ITS Communication Infrastructure project - Ward 4 (Anthony) and County

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with Clark County and the Regional Transportation Commission of Southern Nevada (RTC) on March 11, 2004 and Supplemental Interlocal Contracts on October 14, 2004, September 8, 2005, March 13, 2008, February 12, 2009 and June 11, 2009 for improvements required to provide fiber optics interconnect conduit and fiber optic cable. This Supplemental Interlocal Contract will change the scope of the project to include improvements on Alexander Road, Durango Drive to US-95 in the ITS Communication Infrastructure project. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 461f

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 6
ITS COMMUNICATION INFRASTRUCTURE PROJECT

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 6, made and entered into this _____ day of _____, 2009 by and between the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as the "CITY", the COUNTY OF CLARK, hereinafter referred to as "COUNTY" a political subdivision of the State of Nevada, and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WHEREAS, the parties hereto previously entered into an Interlocal Contract on March 11, 2004 and supplemental interlocal contracts on October 14, 2004, September 9, 2005, March 13, 2008, February 12, 2009 and June 11, 2009 for improvements needed to provide fiber optics interconnect conduit and fiber optic cable , located partially within the CITY and partially within the COUNTY; and,

WHEREAS, the RTC previously granted "Authorization to Proceed" for construction and engineering; and,

WHEREAS, the CITY desires to revise the scope of the project and receive a revised authorization to proceed for construction and engineering.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees as follows.

SECTION I – SCOPE OF PROJECT shall be revised to read as follows:

This Supplemental Interlocal Contract No. 6 applies to all improvements needed to provide fiber optics interconnect conduit and fiber optic cable along: (1) Charleston Boulevard from Clark County 215 to Nellis Boulevard, (2) Rancho Road from Rainbow Boulevard to Sahara Avenue, (3) Cheyenne Avenue from Clark County 215 to Decatur Boulevard, (4) Rainbow Boulevard from Ann road to Rancho Road, (5) Ann Road from Centennial Center Boulevard to Rainbow Boulevard, (6) Centennial Center Boulevard from Tropical Parkway to Ann Road and (7) Alexander Road, Durango Drive and US-95. Including striping and intersection improvements as necessitated by the fiber optics interconnect conduit and fiber optic cable installation and add improvements to (8) Craig Road, Tenaya Way to Decatur Boulevard and the installation of "Closed Circuit Television Cameras" and "Permanent Count Stations" along the various corridors that are part of this project, and to include an additional run along (9) Rainbow Boulevard from Charleston Boulevard to Sahara Avenue to tie into the Microwave hub at this location

SECTION II – PROJECT COSTS: shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for construction and engineering shall not exceed $6,500,000.

2. The City will be issued a revised "Authorization to Proceed" for construction at a cost not to exceed $4,150,000, engineering design at a cost not to exceed $750,000, at the time written Authorization to Proceed is received from the RTC. The "Revised Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.

3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

The remainder of the Interlocal Contract dated March 11, 2004, and supplemental interlocal contracts dated October 14, 2004, September 9, 2005, March 13, 2008, February 12, 2009 and June 11, 2009 shall remain unchanged.

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IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 6 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

Lisa Magnusson

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY:

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09

Deputy City Attorney Date

Date of Commission Action:

CLARK COUNTY BOARD OF COMMISSIONERS

BY:

RORY REID, Chairman

Attest:

SHIRLEY B. PARRAGUIRRE, County Clerk

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 581b between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to decrease project funding in the amount of $20,000 for the I-15/Owens Avenue Interchange Study - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on March 13, 2008 and a Supplemental Interlocal Contract on June 11, 2009 for the I-15/Owens Avenue Interchange Study. This Supplemental Interlocal Contract will decrease project funding in the amount of $20,000 and extend the project completion date to June 30, 2010. The total cost of the contract shall not exceed $105,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 581b

SUPPLEMENT INTERLOCAL CONTRACT NO. 2
I-15/OWENS AVENUE INTERCHANGE STUDY

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 2, made and entered into this _____ day of _____ 2009 by and between the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on March 13, 2008 and a supplemental interlocal contract on June 11, 2009 for a project a Project to perform a planning study for a future interchange on the I-15 at Owens Avenue and for eliminating the current Owens Avenue One-way couplet, which is located wholly within the CITY,

WHEREAS, the RTC previously granted "Authorization to Proceed" for engineering and,

WHEREAS, the CITY desires to decrease funding for the Project extend the project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project as follows:

SECTION II – PROJECT COSTS: shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for engineering, shall not exceed $105,000.

2. The City will be issued a revised "Authorization to Proceed" for engineering design at a cost not to exceed $105,000 at the time written Authorization to Proceed is received from the RTC. The "Revised Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.

3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

SECTION III – GENERAL paragraph 7 shall be revised to read as follows:

7. The project must be completed to the satisfaction of the RTC prior to June 30, 2010.

RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.

The remainder of the Interlocal Contract dated March 13, 2008 and supplemental interlocal contract dated June 11, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 2 effective as of the date first set forth above.

Date of Commission Action:
8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III
LAWRENCE L. BROWN III, Chairman

Attest:
Lisa Magnusson
LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:
Zev Kaplan
ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____
OSCAR B. GOODMAN, Mayor

Attest:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Ridilla 9/3/09
Deputy City Attorney Date

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Supplemental Interlocal Contract 548c between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase project funding for improvements associated with the installation of bus turnouts for the Citizen Area Transit bus route on Lamb Boulevard and Pecos Road ($20,000 - RTC) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**

Amount: $20,000
Funding Source: RTC
Dept./Division: PW/City Engineers

PURPOSE/BACKGROUND:
The City of Las Vegas entered into an Interlocal Contract with the Regional Transportation Commission (RTC) on February 8, 2007 and supplemental Interlocal Contracts on January 8, 2009 and June 11, 2009 for improvements associated with the installation of bus turnouts for the Citizen Area Transit bus route on Lamb Boulevard and Pecos Road. This Supplemental Interlocal Contract will increase project funding in the amount of $20,000 to complete the design of the project. Construction of the project will be postponed until RTC funding becomes available. The total cost of the contract shall not exceed $247,000. The Regional Transportation Commission approved this contract at its August 13, 2009 Board meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Supplemental Interlocal Contract 548c

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3
BUS TURNOUT PROJECT
FISCAL YEAR 2007

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 3 made and entered into this _____ day of _____, 2009 by and between the City of Las Vegas, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on February 8, 2007 and a supplemental interlocal contracts on January 8, 2009 and June 11, 2009 for improvements associated with the installation of bus turnouts along Citizen Area Transit bus route improvements along Lamb Boulevard and Northbound and Southbound Pecos Road at Bonanza Road, being located wholly within the CITY; and

WHEREAS, the RTC previously granted "Authorization to Proceed" for engineering and right-of-way other; and,

WHEREAS, the CITY desires to increase funding for the Project.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project as follows:

SECTION II – PROJECT COSTS: shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for engineering, right-of-way acquisition, right-of-way other shall not exceed $247,000.

2. The City will be issued a revised "Authorization to Proceed" for engineering at a cost not to exceed $50,000, right-of-way acquisitions at a cost not to exceed $150,000, and right-of-way other at a cost not to exceed $47,000 at the time written Authorization to Proceed is received from the RTC. The "Revised Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.

3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

The remainder of the Interlocal Contract dated February 8, 2007 and supplemental interlocal contracts dated January 8, 2009 and June 11, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 3 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

lisa magnusson

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Radilla 9/3/09

Deputy City Attorney Date

146C2 Bus Turnout Project FY07 548c

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Non Refundable Contribution in Aid of Construction Agreement between the City of Las Vegas and NV Energy for the relocation of power facilities for the Oakey Meadows Storm Drain located in Hinson Street from Charleston Boulevard north to Fulton Place and east to Valley View Boulevard, north to Alta Drive and east/northeast into the Meadows Detention Basin at the Springs Preserve ($39,168 - Regional Transportation Commission [RTC]) - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $39,168
Funding Source: RTC
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is constructing a storm drain located in Hinson Street from Charleston Boulevard north to Fulton Place and east to Valley View Boulevard, north to Alta Drive and east/northeast into the Meadows Detention Basin at the Springs Preserve. The utility improvements associated with this Interlocal Agreement provide for relocation of NV Energy Distribution facilities to accommodate the new storm drain and appurtenances.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Non Refundable Contribution in Aid of Construction Agreement

NVEnergy

NON-REFUNDABLE CONTRIBUTION IN AID OF CONSTRUCTION AGREEMENT

Contract No: CIAC0000183421A
Project No: 0000183421
Date Prepared: 05/05/2009

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 DECATUR - SAHRA, OAKEY, DEL REY, CHARLESTON and further described as APN 16301803005 (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 OAKEY MEADOWS SD PH1 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 **$35,653.00**.

C. Estimated Advance. The estimated Advance is **$39,168.00**, consisting of:

(1) CIAC. A CIAC in the amount of **$33,727.00**. This amount includes a non-taxable, non-refundable cost of **$4,159.00** and a taxable, non-refundable cost of **$29,568.00**. 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 **$5,441.00**.

(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 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 $**39,168.00** ("**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 05/05/2009.

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	JANE KING	MARK SORENSON
Telephone	702/402-4340	
Cellular Telephone	702-275-6263	229-2203
FAX	702-657-4321	
Email Address	JKing@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: Ivory H. Blue II

Name: **IVORY** BLUE

Title: **Suprv,** Design LVN

Date: 7-9-09

CITY OF LAS VEGAS

By: _____

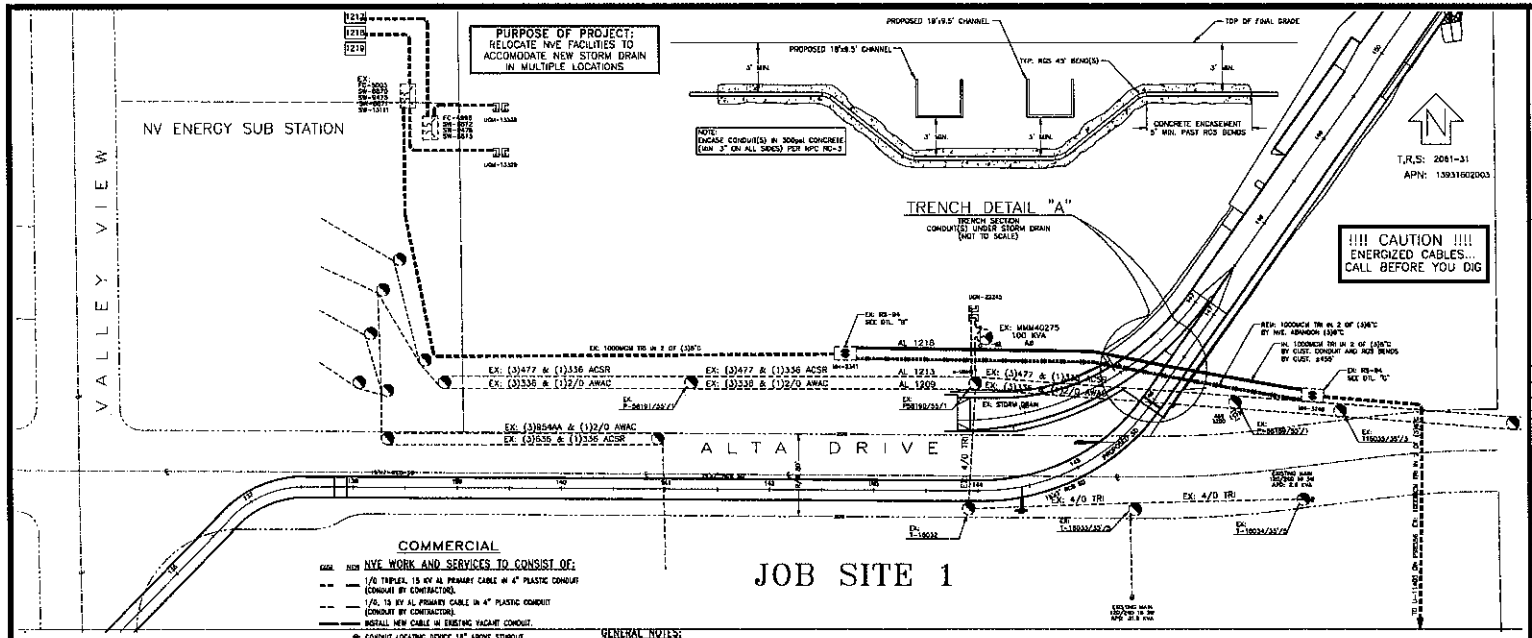
Name: _____

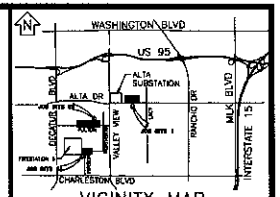
Representing: _____

Title: _____

Date: _____

Approved as to form
John S. Ridilla 8/19/09
John S. Ridilla Date
Deputy City Attorney





EVERY EFFORT HAS BEEN MADE TO IDENTIFY ALL NVE FACILITIES. THE CUSTOMER SHALL CONFIRM THE EXISTENCE AND LOCATION OF THESE FACILITIES.

CALL BEFORE YOU DIG OVERHEAD

Call 811 before you dig

CALL 1-702-402-2929 — 1-800-227-2600 — 1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

COMMERCIAL

NVE WORK AND SERVICES TO CONSIST OF:

- 1/0 TRIPLEX, 15 KV AL PRIMARY CABLE IN 4" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).
- 1/0, 15 KV AL PRIMARY CABLE IN 4" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).
- INSTALL NEW CABLE IN EXISTING VACANT CONDUIT.
- CONDUIT LOCATING DEVICE 18" ABOVE STUBOUT.
- SINGLE PHASE PRIMARY POLE RISER PER NVE U.G. STD. OEP-103
- THREE PHASE PRIMARY POLE RISER PER NVE U.G. STD. OEP-109.
- SECONDARY RISER PER NVE U.G. STD. SSP-2.
- SINGLE PHASE COMMERCIAL PADMOUNTED TRANSFORMER WITH SIZE AS NOTED, 7200-120/240V, PER NVE U.G. STD. UT-105.
- (2) SINGLE PHASE PADMOUNTED COMMERCIAL TRANSFORMERS WITH SIZE AS NOTED, 7200-120/240V, CONNECT OPEN WYE-OPEN DELTA FOR THREE PHASE 120-240V SERVICE, PER NVE U.G. STD. UT-107, WHERE APPLICABLE.
- (3) SINGLE PHASE PADMOUNTED COMMERCIAL TRANSFORMERS WITH SIZE AS NOTED, 7200-120/240V, CONNECT CLOSED WYE-CLOSED DELTA FOR THREE PHASE 120-240V SERVICE, PER NVE U.G. STD. UT-108, WHERE APPLICABLE.
- THREE PHASE COMMERCIAL PADMOUNTED TRANSFORMER WITH SIZE & VOLTAGE AS NOTED, PER NVE U.G. STD. UT-101, WHERE APPLICABLE.
- TERMINATION OF ALL MODULES, MAKES, SPLICES AND FINAL CONNECTIONS.
- NVE TO CAP PRIMARY CABLE IN PULLBOX FOR FUTURE SPLICES, WHERE APPLICABLE.
- NVE TO CUT EXISTING CONDUIT AND TERMINATE PRIMARY CABLES ON END LOAD BREAK MODULE, WHERE APPLICABLE.
- SERVICE CABLE BY NVE UNLESS NOTED OTHERWISE.

APPLICANT TO FURNISH AND INSTALL:

- ALL TRENCHING & BACKFILL, MEETING APPLICABLE NVE STANDARD (01-7 OR 17-12).
- 4" PLASTIC CONDUIT, PER NVE U.G. STD. RC-1 AND RC-2.
- 4" PLASTIC CONDUIT BENDS (90°, 45°) WITH 36" MIN. RADIUS. (IF CONDUIT LENGTH IS UNDER 100')
- 4" RCS BENDS (90°, 45°) WITH 36" MINIMUM RADIUS, TAPED OR PVC COATED. (IF CONDUIT LENGTH IS OVER 100')
- COUPLING FOR 2", 4", OR 6" CONDUITS (AS APPLICABLE).
- ALL SERVICE CONDUIT -- 4" MINIMUM DB60 PVC GRAY (RISER: RGS REQUIRED) WITH 5/32" POLYPROPYLENE PULL LINE WITH A MIN. BREAKING STRENGTH OF 1250 lbs.
- 2'-6" X 4' X 4' SPLICE PULLBOX PER NVE U.G. STD. RS-80.
- 3' X 7' X 4' PULLBOX PER NVE U.G. STD. RS-82.
- PAD FOR (1) SINGLE PHASE COMMERCIAL TRANSFORMER, PER NVE U.G. STD. RS-19 AND RS-9.
- PAD FOR (2) SINGLE PHASE COMMERCIAL TRANSFORMERS, PER NVE U.G. STD. RS-20 AND RS-9.
- PAD FOR (3) SINGLE PHASE COMMERCIAL TRANSFORMERS, PER NVE U.G. STD. RS-21 AND RS-3.
- PAD FOR (1) THREE PHASE COMMERCIAL TRANSFORMER, PER NVE U.G. STD. RS-35, RS-37, RS-40 OR RS-41, AND RS-3.
- VEHICLE PROTECTIVE BARRIERS PER NVE U.G. STD. RS-6, WHERE APPLICABLE.

NVE OVERHEAD SYMBOLS

SOLE USE WOOD POLE
JOINT USE WOOD POLE
SOLE USE STEEL POLE
JOINT USE STEEL POLE
GUY POLE
GUY
TAP
SWITCH
FUSE
DOUBLE DEAD END
INSULATOR
CAPACITOR BANK
REGULATOR
RECLOSER
FAULT INDICATOR
SINGLE PHASE TRANSFORMER
PAL LIGHT
OH PRIMARY WIRE
OH SECONDARY WIRE
OH SERVICE WIRE

GENERAL NOTES:

ANY NOTES LOCATED ON EXISTING AREA TAKE PRECEDENCE OVER STANDARD NOTES.

ALL WORK SHALL BE ACCOMPLISHED IN STRICT ACCORDANCE WITH THE SPECIFICATIONS SET FORTH IN THE ELECTRIC SERVICE REQUIREMENTS HANDBOOK, AS CURRENTLY ADOPTED BY NVE. THE CONTRACTOR SHALL SECURE COPIES OF THE AFOREMENTIONED CONSTRUCTION SPECIFICATIONS ON HIS OR HER OWN BEHALF.

REFER TO A CURRENT NV ENERGY ELECTRIC SERVICE REQUIREMENTS HANDBOOK FOR FURTHER CLARIFICATION OF NVE STANDARDS.

THE APPLICANT SHALL INFORM THE INSPECTOR AT LEAST 48 HOURS BEFORE COMMENCING ANY FILM OF CONSTRUCTION OR INSTALLATION OF MATERIAL TO ENABLE PROPER INSPECTION OF MATERIALS AND WORKMANSHIP. MAIN TRENCH WIRE PULLS TO BE SCHEDULED 72 HOURS IN ADVANCE OF INSTALLATION. APPLICANT'S PROJECT WILL NOT BE SCHEDULED UNTIL FINAL APPROVAL FROM NVE UNDERGROUND & ELECTRICAL INSPECTORS.

SYMBOLS ARE NOT TO SCALE AND DO NOT NECESSARILY REPRESENT ACTUAL LOCATIONS OF FACILITIES.

THIS DRAWING ILLUSTRATES DATA COLLECTED FROM VARIOUS SOURCES AND MAY NOT REPRESENT A SURVEY OF THE PREMISES.

APPLICANT SHALL FIELD DETERMINE POSITION AND DEPTH OF EXISTING UTILITY EQUIPMENT PRIOR TO COMMENCING CONSTRUCTION.

USE CAUTION PRIOR TO EXCAVATION. EXCEED TO ENSURE ADDITIONAL DEPTH IS NOT REQUIRED TO ACCOMMODATE GAS AND/OR WATER FACILITIES AND DRAINAGE CHANNELS.

CALL NV ENERGY UNDERGROUND INSPECTORS 48 HOURS PRIOR TO START OF CONSTRUCTION FOR TRENCH INSPECTION BEFORE COVERING TRENCH.

ALL NVE CABLE TO BE INSTALLED BEHIND CURB, UNLESS OTHERWISE STATED.

APPLICANT IS RESPONSIBLE FOR STAKING OF PROPERTY CORNERS & ELEVATIONS.

ALL HANDHOLES AND PULLBOXES SHALL BE INSTALLED TO FINISHED GRADE OR 6" ABOVE IF GRADE IS NOT ESTABLISHED.

WHEN INSTALLING CONDUIT IN FIELD, USE APPROPRIATE BENDS TO COMPLETE THE INSTALLATION.

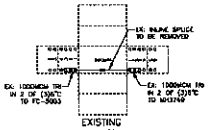
DEFLECTION OF CONDUIT BENDS AND CONDUIT NOT TO EXCEED NVE'S STANDARDS.

EXISTING CONDUIT INSTALLED BY PREVIOUS CONTRACTOR / DEVELOPER NVE DOES NOT GUARANTEE LOCATION, LENGTH, OR ACCESSIBILITY OF STUB OUT. IF UTILIZING ANY PORTION OF EXISTING CONDUIT, IT MUST BE MANDRELED PRIOR TO FINAL RELEASE.

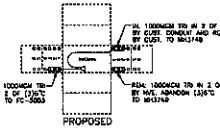
PREVIOUSLY MANDRELLED CONDUIT WHICH HAS BEEN IN THE GROUND FOR OVER 6 MONTHS MUST BE RE-MANDRELLED PRIOR TO FINAL RELEASE.

NO COVERED PARKING IN FRONT OF EQUIPMENT.

ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE "UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION OFF-SITE IMPROVEMENTS, CLARK COUNTY AREA NEVADA", LATEST ISSUE; THE "UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION, CLARK COUNTY AREA NEVADA", LATEST ISSUE; AND OTHER APPLICABLE APPROVED STANDARDS ISSUED BY THE CONTROLLING AGENCY; ALL LOCAL CITY CODES AND ORDINANCES APPLICABLE.



DETAIL 'B'
NOT TO SCALE



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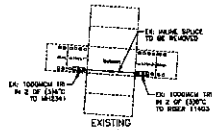
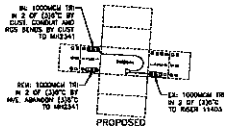
NOT TO SCALE



DETAIL 'C'
NOT TO SCALE



DETAIL 'C'
NOT TO SCALE

CITY OF LAS VEGAS PERMIT REQUIRED*

CONTACT CLV LAND DEVELOPMENT (229-6371) CLV CONSTRUCTION SERVICES MUST BE NOTIFIED 24 HOURS PRIOR TO COMMENCING CONSTRUCTION (229-6551)

*ANY INSPECTOR MUST BE NOTIFIED BY APPLICANT 24 HOURS PRIOR TO STARTING WORK FOR WORK DONE ON PUBLIC STREETS OR SURFACES

LAS VEGAS BLVD. (SOUTHBOUND, ROC-4063)
LAS VEGAS SOUTH EXPRESS, VALLEY, ROC-4064

APPROVED FOR CONSTRUCTION

THIS APPROVAL IS FOR WORK IN CLV R/W & EASEMENT ONLY. OBTAINING PERMISSIONS OR EASEMENTS FOR WORK SHOWN ON PRIVATE PROPERTY IS THE RESPONSIBILITY OF THE UTILITY.

APPROVAL _____ DATE _____

CIVIL LINETYPE LEGEND

PROPERTY LINE
CURB
EDGE OF PAVEMENT
EDGE OF SIDEWALK
BOXER LINE *
WATER LINE *
GAS LINE *
TELEPHONE LINE *
CABLE TV LINE *
STORM DRAIN LINE *
FIRE HYDRANT
STREET LIGHT
STREET LIGHT SERVICE

* LABELLED UTILITIES SHOW CONFLICT REQUIRED WITH NVE FACILITIES.

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./A/P-3-CBM
- 3rd PARTY
- UNDERGROUND BY OTHER
- (N-801) PERMIT
- (BLM) PERMIT
- UNDERGROUND-UPPER-FORMAT
- SO. NEVADA WATER PERMIT
- NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: _____
PHONE NUMBER: _____
DATE OF CONTACT: _____
_____ TO SET NEW POLES
_____ TO STAKE NEW POLES
_____ TO PROVIDE _____ POLES
_____ FT. CLASS _____
_____ FT. CLASS _____
_____ FT. CLASS _____
_____ TO DIG POLE HOLES
_____ TO REMOVE EX. POLES

JPA#: _____

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: JANE KING
PHONE: 402-4340
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 378-3690
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CLV
ENGINEER: CBSJ-STEVE BELLINO 263-7275
CONTACT: MIKE STURDIVANT
APPROVAL DATE: _____

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: _____

FOR ON-SITE RESIDENTIAL POINT (POINT OF DELIVERY), ENERGY FOR EACH RESIDENTIAL SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. ENERGY FOR ALL NON-RESIDENTIAL SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. CONTACT NPC METER OPERATIONS FOR MULTIPLE RATE CLASS INSTALLATIONS.

NVEnergy.

CLV-OAKEY/MEADOWS STORM DRAIN PHASE 1

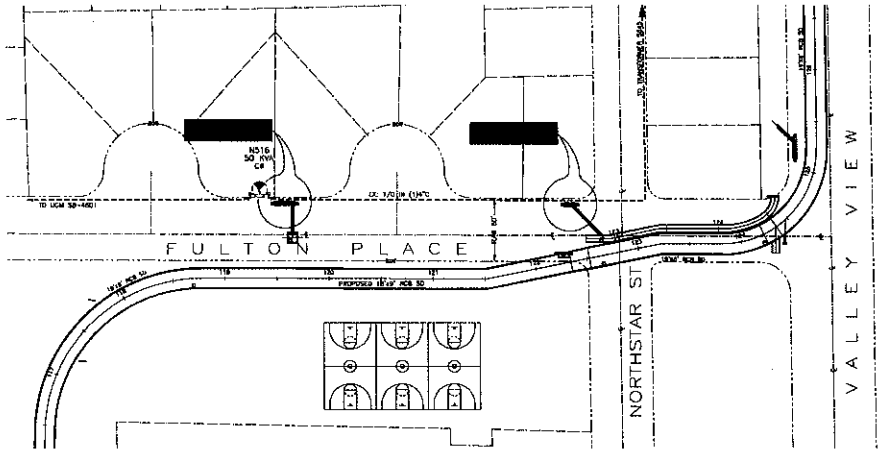
CHARLESTON BLVD. TO ALTA DR.

PROJ. ID: 183421	SCALE: 1" = 50'
SHEET #: 1 OF 2	DATE: 12/11/2008

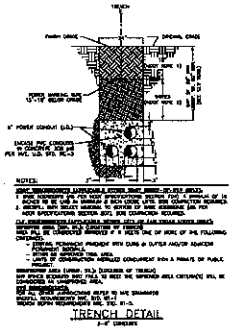
PRELIMINARY NOT FOR CONSTRUCTION

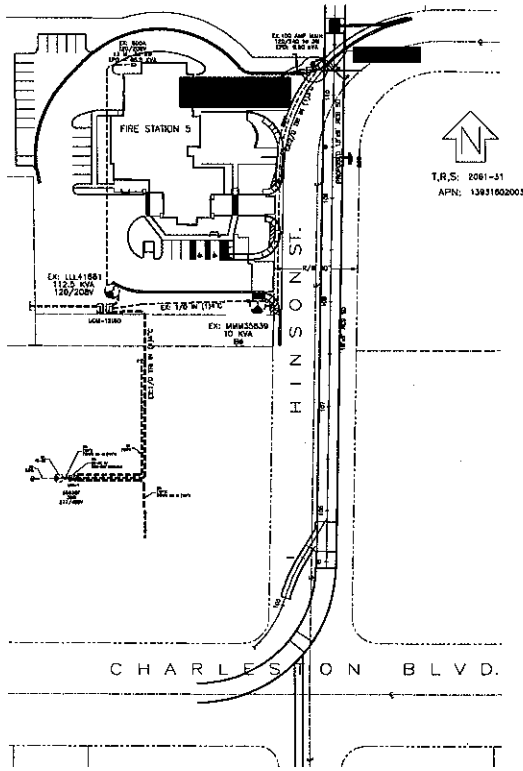
Drawing of this drawing and the information contained herein shall be only for such purposes as may have been authorized in writing by Nevada Power Company dba NV Energy and Sierra Pacific Power Company dba NV Energy. Use for purposes other than this specific project requires the written consent of NV Energy.

!!!! CAUTION !!!!
ENERGIZED CABLES...
CALL BEFORE YOU DIG

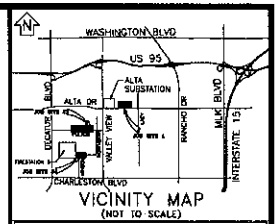


JOB SITE 2





JOB SITE 3



VICINITY MAP
(NOT TO SCALE)

EVERY EFFORT HAS BEEN MADE TO IDENTIFY ALL NVE FACILITIES. THE CUSTOMER SHALL CONFIRM THE EXISTENCE AND LOCATION OF THESE FACILITIES.

CALL BEFORE YOU DO OVERHEAD
CALL 1-702-402-2929

Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

TYPE OF EASEMENT:
AERIAL
STANDARD
N/R-11
UNDERGROUND
AS BUILT UNDERGROUND
R.U.E./N/R-5-COM
3rd PARTY
UNDERGROUND BY OTHERS
(N-1017) PERMIT
(BLM) PERMIT
INSURANCE-UPON-PERMIT
NO NEVADA WATER PERMIT
NOT REQUIRED
(Num. Info)

JPA NOTES:
EMBARQ CONTACT:
PHONE NUMBER:
DATE OF CONTACT:
_____ TO SET NEW POLES
_____ TO STAKE NEW POLES
_____ TO PROVIDE _____ POLES
_____ FT. CLASS _____
_____ FT. CLASS _____
_____ TO DIG POLE HOLES
_____ TO REMOVE EX. POLES
JPA#:

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: JANE KING
PHONE: 402-4340
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 378-3690
STAND BY: 402-4117,402-4115,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CLV
ENGINEER: PBSJ-STEVE BELLINO 283-7275
CONTACT: MIKE STURDIVANT
APPROVAL DATE:

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE:

FOR EACH SERVICE POINT (POINT OF DELIVERY) ENERGY FOR EACH TENANT SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. ENERGY FOR ALL NON-TENANT SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. CONTACT NPC FOR SPECIFICATIONS FOR MULTI-USE RATE CLASS INSTALLATIONS.

APPROVED FOR CONSTRUCTION !
THIS APPROVAL IS FOR WORK IN CLV R/W AS SHOWN ONLY. OBTAINING PERMISSIONS OR EASEMENT FOR WORK SHOWN ON PRIVATE PROPERTY IS THE RESPONSIBILITY OF THE UTILITY.
APPROVAL _____ DATE _____

CITY OF LAS VEGAS
PERMIT REQUIRED*
CONTACT CLV LAND DEVELOPMENT (229-6371)
CLV CONSTRUCTION SERVICES MUST BE NOTIFIED 24 HOURS PRIOR TO COMMENCING CONSTRUCTION (229-6372)

CIVIL LINETYPE LEGEND

DO NOT CONSTRUCT

NVEnergy.

CLV-OAKEY/MEADOWS STORM DRAIN PHASE 1
CHARLESTON BLVD. TO ALTA DR.

PROJ. ID: 183421	SCALE: 1" = 50'
SHEET #: 2 OF 2	DATE: 12/11/2008

Unauthorized use of this drawing and the information contained herein shall be limited only to such individuals who have a written and an agreement with NV Energy to participate in the development of work as outlined in this specific project. Use for purposes other than this specific project requires the written consent of NV Energy.

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000183421 Title: CLV OAKEY MEADOWS SD PH1 Units: 0 KVA: 0

Contract Type: CIAC Contract 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	$14,072	$14,072	$14,072	$0
Material & Overhead	$19,655	$19,655	$19,655	$0
DCA	$0	$0	$0	$0
Trenching	$1,926	$0	$0	$1,926
Permits	$0	$0	$0	$0
Salvage	$0	$0	$0	$0
Total	**$35,653**	**$33,727**	**$33,727**	**$1,926**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$0	Applicant Non-Refundable Cost	$33,727
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$(33,727)
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	$33,727
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$0**	**Total Non-Refundable Cost**	**$33,727**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$4,159
		Total Non-Taxable Non-Refundable Cost	**$4,159**
		Total Taxable Non-Refundable Cost	**$29,568**

ADVANCE SUMMARY

Advance Subject to Refund		Current Tax Rate 18.4000%	
Non-Taxable Advance	$0		
Taxable Advance	$0	Total Non-Taxable	$4,159
Tax	$0	Total Taxable (Less Tax)	$29,568
Total Advance Subject to Refund	**$0**	Total Tax	$5,441
		Total Advance	**$39,168**
Non-Refundable Advance			
Non-Taxable Advance	$4,159		
Taxable Advance	$29,568		
Tax	$5,441		
Trench Tax	$0		
Total Non-Refundable Advance	**$39,168**		
Total Advance	**$39,168**		

Date Printed 7/9/2009

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of the Nevada Safe Routes to School Program Subrecipient's Agreement for noninfrastructure activities between the City of Las Vegas and the Nevada Department of Transportation for funding of a Safe Routes to School Program for primary and middle school children ($33,826 - Federal Highway Administration Office of Safety Funds) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**

Amount: $33,826
Funding Source: Federal Highway Administration Office of Safety Funds
Dept./Division: PW/Traffic Engineering

PURPOSE/BACKGROUND:
The City of Las Vegas and the Nevada Department of Transportation (NDOT) have entered into an agreement in which NDOT will provide funding through its Federal Highway Administration Office of Safety Funds for a Safe Route to School Program for primary and middle school children who walk or bike to school which will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Nevada Safe Routes to School Program Subrecipient's Agreement for Noninfrastructure Activities

Agreement Number _____

NEVADA SAFE ROUTES TO SCHOOL PROGRAM
SUBRECIPIENT'S AGREEMENT FOR NONINFRASTRUCTURE ACTIVITIES

This Agreement is made and entered into the _____ day of _____, 2009 by and between the STATE OF NEVADA, acting by and through its Department of Transportation, hereinafter called "DEPARTMENT" and City of Las Vegas, hereinafter called "SUBRECIPIENT".

WITNESSETH:

WHEREAS, 23 USC 402 provides the Federal Highway Administration Office of Safety funds for the establishment and carrying out of a safe routes to school program (SRTS Program) for the benefit of children in primary and middle schools; and

WHEREAS, the purposes of 23 USC 402 are(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school; (2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and (3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools; and

WHEREAS, amounts apportioned to the State of Nevada, pursuant to 23 USC 402, shall be administered by the State's Department of Transportation; and

WHEREAS, before Federal-Aid will be made available, the SUBRECIPIENT and DEPARTMENT shall be required to enter into an agreement whereby the functions of the PROJECT are identified; and

WHEREAS, the SUBRECIPIENT and the DEPARTMENT have developed a PROJECT proposal that has been approved for funding; and

WHEREAS, the SUBRECIPIENT is a governmental entity eligible to receive 23 USC 402 funds:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter contained, it is hereby agreed by and between the parties as follows:

ARTICLE I - PURPOSE OF AGREEMENT

1. The purpose of this Agreement, and as further set forth within the SUBRECIPIENT'S application, attached hereto and incorporated herein as Attachment "A", is to provide Safe Routes to School initiatives related to Education, Enforcement, Encouragement and Evaluation, hereinafter referred to as "PROJECT", and to state the terms, conditions and mutual understanding of the parties as to the manner in which the PROJECT will be undertaken and completed.

ARTICLE II - SCOPE OF PROJECT

1. The SUBRECIPIENT shall coordinate with the DEPARTMENT'S Safe Routes to School Coordinator and provide support data, surveys or other information as needed to review the strategies implemented by the project, funding for training materials, brochures, maps, helmets and incentive items, for their effectiveness in achieving the project's objectives near each affected school.

ARTICLE III - REIMBURSEMENT

1. The maximum dollar amount that is reimbursable under this Agreement shall not exceed Thirty-Three Thousand Eight Hundred Twenty Six and No/100 ($ 33,826.00). Approval of reimbursement will be contingent upon receipt of invoice and supporting documentation, verification, and inspection (as appropriate) of work completed as specified in Attachment A attached hereto and incorporated herein.

2. The SUBRECIPIENT agrees to invoice quarterly.

3. This agreement is based on Federal Funds being made available through the Federal Highway Administration. Regulations found under Chapter 1, Title 23 United States Code and Title 49 Code of Federal Regulations must be followed.

ARTICLE IV - PERFORMANCE

1. Activities and purchases outlined under this agreement which are implemented or expended prior to the date of a written "Notice to Proceed" has been transmitted by the DEPARTMENT to the SUBRECIPIENT will not be eligible for reimbursement.

2. The term of this Agreement shall be from the date first written above, and shall run through and including September 30, 2011.

ARTICLE V - USE OF PROJECT VEHICLES AND EQUIPMENT

1. Equipment funded under this agreement may only be used by the SUBRECIPIENT within two (2) miles of an elementary or middle school (schools K-8) as defined 23 USC 402.

2. Equipment purchased with federal funds that are no longer needed for its original purpose or program or for other activities currently or previously supported by a federal agency are to be disposed of according to Title 49 CFR 18.30.

ARTICLE VI - RECORDS AND REPORTS

1. The SUBRECIPIENT shall advise the DEPARTMENT regarding the progress of the PROJECT at such times and in such manner as the DEPARTMENT may require, including, but not limited to meetings and interim reports. The SUBRECIPIENT shall submit to the DEPARTMENT, at such time as the DEPARTMENT may require, such financial statements, data, records, contracts and other documents related to the PROJECT as may be deemed necessary by the DEPARTMENT.

2. The SUBRECIPIENT shall use the FHWA "Parent – Walking and Biking to School Survey" (Survey) and "Student Arrival and Departure Tally Sheet" (Tally Sheet) at all project school locations. Data is to be collected by using both the Survey and Tally Sheet prior to project initiation and at the end of each semester for the duration of the project. Both surveys and Tally Sheets are to be sent to the State's Safe Routes to School Coordinator so they may be forwarded to the FHWA for processing. The Survey and Tally Sheet are available at www.walknevada.com.

3. It is expressly understood that the DEPARTMENT and the FHWA shall have access to such records of the SUBRECIPIENT as pertain to all matters arising under this Agreement, and the SUBRECIPIENT will retain records subject to audit, for three (3) years from the ending date of the agreement.

ARTICLE VII - TERMINATION

1. This Agreement may be terminated upon thirty (30) days written notice by mutual consent of both parties, or unilaterally by either party without cause.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

1. The SUBRECIPIENT shall, at its own expense, obtain and pay for all licenses, permits and/or fees and comply with all federal, state and local laws, statutes, ordinances, rules and regulations and the orders and decrees of any courts of administrative bodies or tribunals in any manner affecting the performance of this Agreement, including without limitation, worker's compensation laws, licensing laws and regulations.

2. Regulations found under Chapter 1, Title 23 United States Code and Title 49 Code of Federal Regulations must be followed by the SUBRECIPIENT. These references can be found at http://www.access.gpo.gov.

3. The SUBRECIPIENT and all successors, executors, administrators, and assigns of the SUBRECIPIENT'S interest in the work or the compensation herein provided shall be bound by the terms of this Agreement.

4. No member, officer or employee of the SUBRECIPIENT during his or her tenure and for a period of one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

5. In any dispute arising under this Agreement as to performance, compensation, and the interpretation of satisfactory fulfillment of the terms of this Agreement, the decision of the Director of the DEPARTMENT, with the concurrence of the FHWA, shall be final and conclusive as to all parties. Nothing herein contained shall impair the parties' rights to file suit in the courts of the State of Nevada.

6. To the fullest extent of NRS Chapter 41 liability limitations, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorney's fees and costs, arising out of any alleged negligent or willful acts or omissions of the party, its officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity that would otherwise exist as to any party or person described herein. The indemnifying party conditions this indemnification obligation upon service of written notice within thirty (30) days of the indemnified party's notice of actual or pending claims or cause of action. The indemnifying party shall not be liable to hold harmless any attorney's fees and costs for the indemnified party's chosen right to participate with legal counsel.

7. The parties do not waive and intend to assert available NRS Chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. Actual damages for any DEPARTMENT breach shall never exceed the amount of funds that have been appropriated for payment under this Agreement, but not yet paid for the fiscal year budget in existence at the time of the breach.

8. This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the exclusive jurisdiction of the Nevada district courts for enforcement of this Agreement. Venue for any such actions shall be in Carson City.

9. The parties are associated with each other only for the purposes and to the extent set forth in this Agreement. Each party is and shall be an entity separate and distinct from the other party and shall have the right to supervise, manage, operate, control and direct performance of the details incident to its duties under this Agreement.

10. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

11. It is specifically agreed between the parties executing this Agreement that it is intended to create a contractual relationship solely between the DEPARTMENT and the SUBRECIPIENT. It is further specifically agreed between the parties executing this Agreement that it is not intended by any provisions of any part of this Agreement, to create in the SUBRECIPIENT's subcontractors, the public, or any member thereof, a contractual relationship between such persons and entities and the DEPARTMENT.

12. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Agreement.

13. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interests.

14. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of this Agreement and this Agreement shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

15. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to engage in the activities which form the subject of this Agreement.

16. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

17. This Agreement, and the attachments thereto: Attachment A - "Application" constitutes the entire agreement of the parties and such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise specifically authorized by the terms of this Agreement, no modifications or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT the day and year first above written.

SUBRECIPIENT: City of Las Vegas

Approved as to form:

OSCAR B. GOODMAN, Mayor

City Attorney Signature

John S. Ridilla
Deputy City Attorney

Name (Print)

Attest:

Beverly K. Bridges, CMC, City Clerk

State of Nevada, acting by and through
its DEPARTMENT OF TRANSPORTATION

Director

Reviewed:

Tracy Larkin-Thomason
Assistant Director Planning

Recommended:

Charlie Cerocke, Intermodal Planning Chief

Approved as to Legality and Form:

Deputy Attorney General

Attachment A

Applicant:	City of Las Vegas Public Works Department and Look Out Kids About Coalition			**Walk Zone Distance:**	2 mi
Sponsor:	City of Las Vegas			**School Enrollment:**	4568
School:	Hyde Park Middle, Vegas Verdes Elementary, Wasden Elementary, Griffith Elementary, Hancock Elementary, Our Lady of Las Vegas			**Current Students w/in walk zone:**	3,228
County:	Clark	**City:**	Las Vegas	**Current Students who walk/bike:**	1,029
Grades:	K-8				

Estimated Number of Additional Students who will walk/bike as a result of mitigation:	592
Percent of Additional Walk Zone Students Anticipated as a result:	18.3%
Average mode shift cost (as requested) per student:	$3,219.24

	Funding Type (Inf/NonInf)	Amount Requested	Coordinators Comments
ENGINEERING			
1.5 mile shared-use path, curb extensions, chokers, raised medians, ADA ramps, "worm" refuge median island	Inf	$1,851,963.00	
Dynamic Speed Signs	Inf	$20,000.00	
Total Infrastructure		$1,871,963.00	
EDUCATION			
Printing costs (SRTS maps, brochures)	NonInf	$2,400.00	
Training materials (books, DVD)	NonInf	$47.00	
ENCOURAGEMENT			
Walk to School Day Incentives	NonInf	$5,000.00	
Bicycle Helmets	NonInf	$12,245.00	
SRTS Incentives (imprinted magnets, pencils, bumper stickers)	NonInf	$9,934.00	
ENFORCEMENT			
	NonInf	$0.00	
EVALUATION			
Mode Shift Surveys (printing costs)	NonInf	$1,800.00	Applicants will be required to poll parents using the National SRTS Parent Survey Form and collect mode shift data using the National SRTS Student Classroom Tally Form.
Walkability Checklists	NonInf	$2,400.00	
Total Non-Infrastructure		$33,826.00	
TOTAL AMOUNT REQUESTED		$1,905,789.00	

Nevada
Department of Transportation

Safe Routes to School Program
Grant Application

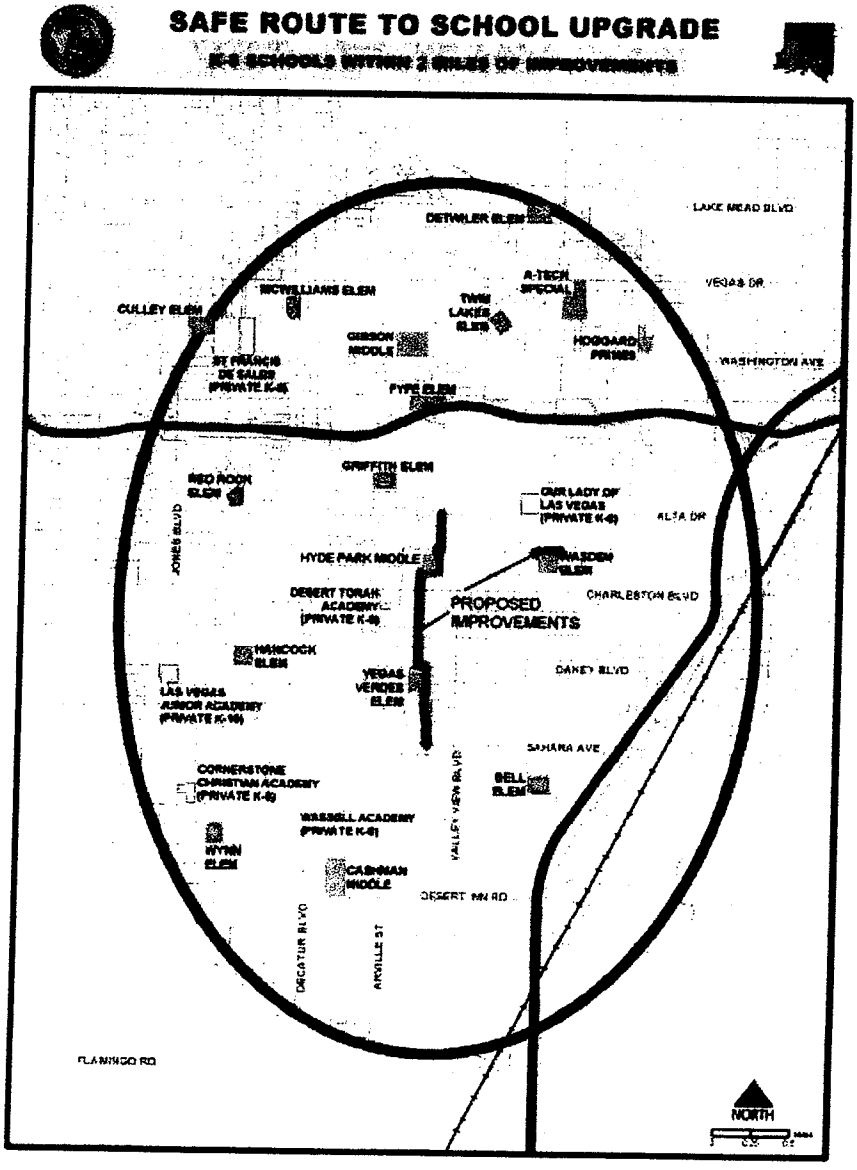
(February 17th, 2009)

Created by:

City of Las Vegas
Public Works Department
&
LOOK OUT KIDS ABOUT
(A Traffic Safety Coalition)

1. **Project Name**
   City of Las Vegas Safe Routes to School Upgrade for Hyde Park Middle School, Vegas Verde Elementary School, and Wasden Elementary School.

2. **Project Location**
   The project is located in a central area of the City of Las Vegas, southwest of the downtown, in Ward 1. The multi-use path upgrade begins at the southwest corner of Valley View Blvd and Alta Drive. The path extends south along Valley View Blvd to Fulton Dr. Then the alignment is shifted west and south through neighborhood streets with focal points in front of Hyde Park M.S and Vegas Verdes Elementary School, and ending at Las Verdes Street and Sahara Blvd. Additional infrastructure improvements are also on Palomino Lane in front of the nearby Wasden Elementary School.



3. **Project Contact – Group/Agency**
   Infrastructure
   City of Las Vegas Public Works Department

   Non-Infrastructure
   Look Out Kids About (*A Traffic Safety Coalition)*

4. **Project Contact – Individual**
   Infrastructure
   Mike Janssen, PE, PTOE
   Assistant City Traffic Engineer
   Public Works Department
   City Hall, Fourth Floor
   400 Stewart Avenue
   Las Vegas, NV 89101
   702-229-4866
   mjanssen@lasvegasnevada.gov

   Non-Infrastructure
   Robin Munier
   President
   Look Out Kids About (*A Traffic Safety Coalition)*
   P.O. Box 26395
   Las Vegas, NV 89126
   (702) 884-2783
   president@lookoutkidsabout.org

5. **Project Sponsor**
   City of Las Vegas

   MPO Coordination
   Regional Transportation Commission of Southern Nevada

6. **Project Sponsor Contact**
   Councilwoman Lois Tarkanian
   Las Vegas City Council
   City Hall, Tenth Floor
   400 Stewart Avenue
   Las Vegas, NV 89101
   Phone: 702-229-6327
   Fax: 702-366-0032
   ltarkanian@lasvegasnevada.gov

7. School Assessment Team Members

a. Public Works

Mike Janssen, PE, PTOE
Assistant City Traffic Engineer
Public Works Department
City Hall, Fourth Floor
400 Stewart Avenue
Las Vegas, NV 89101
702-229-4866
mjanssen@lasvegasnevada.gov

b. School District

Walt Ruffles
Superintendent
Clark County School District
5100 West Sahara Ave.
Las Vegas, NV 89146 USA
Office: 702-799-5000
waltr@interact.ccsd.net

c. School Administration

Primary:

Hyde Park Middle School
Vegas Verdes Elementary School
Wasden Elementary School

Secondary:

Griffith Elementary School
Hancock Elementary School
Our Lady of Las Vegas

d. Walking and Bicycling Advocacy

Erin Breen
Safe Community Partnership
Transportation Research Center
University of Nevada, Las Vegas
Howard R. Hughes College of Engineering
4505 Maryland Parkway, Box 454007
Las Vegas, NV 89154-4007
Office: (702) 895-1338
scp.unlv@gmail.com

e. Parents (PTA Representative)

Moises Denis
President
Nevada PTA
6134 W. Charleston Blvd
Las Vegas, NV 89146-1127
Office: 702-258-7885
Fax: 702-258-7836
president@nevadapta.org

f. Health Department

Deborah M. Williams, MPA, MPH, CHES
Chronic Disease Prevention & Health Promotion Manager
Division of Community Health
Southern Nevada Health District
400 Shadow Lane, Suite 101
Las Vegas, NV 89106
Office: (702) 759-1263
Fax: (702) 759-1416
williamsd@snhdmail.org

Alma Angeles
Pediatric Trauma Program Manager
University Medical Center
1800 W. Charleston Blvd.
Las Vegas, NV 89102
Office: (702) 383-2092
Alma.Angeles@umcsn.com

g. Air Quality Agency

Adam Vega
Air Quality Specialist
Clark County Dept of Air Quality and Environmental Management
500 South Grand Central Pkwy
Las Vegas, NV 89155
Office: (702) 455-1841

h. Safety Organization

Michael Geeser
AAA Nevada
3312 W. Charleston Blvd
Las Vegas, NV 89102
Office: (702) 870-9171 ext. 255
Michael_Geeser@csaa.com

i. Law Enforcement

Capt. Patrick Neville
Bureau Commander, Bolden Area Command
Las Vegas Metropolitan Police Department (METRO)
1851 Stella Lake
Las Vegas, NV 89101
Office: (702) 828-3347

Filiberto Arroyo
Chief of Police, Clark County School District
120 Corporate Park
Henderson, Nevada 89074
Office: (702) 799-7830 ext. 5203
fparroyo@interact.ccsd.net

j. Fire Department

Tim Szymanski
Las Vegas Fire and Rescue
500 N. Casino Center Boulevard
Las Vegas, NV 89101
Phone: (702) 229-0145
tszymanski@lasvegasnevada.gov

k. Adjoining Neighborhood Residents

Stephen Harsin
Director of Neighborhood Services
City of Las Vegas Neighborhood Services
400 Stewart Avenue (2nd Floor)
Las Vegas, Nevada 89101
Office: (702) 229-2330
Fax: (702) 2291033
sharsin@lasvegasnevada.gov

l. City, County and State Transportation Agencies

Jacob Snow
General Manager
Regional Transportation Commission of Southern Nevada
600 S. Grand Central Pkwy. Suite 350
Las Vegas, NV 89106
Office: (702) 676-1727
Fax: (702) 676-1713
dukej@rtcsnv.com

Kent Sears, P.E.
District Traffic Engineer
Nevada Department of Transportation
123 E. Washington Avenue, Bldg A
Las Vegas, NV 89101
Office: (702) 385-6500
Fax: (702) 385-6511
ksears@dot.state.nv.us

8. Which Category Does This Project Fall Within?

Non-Infrastructure and Infrastructure

9. Project Amount Requested

Description	Quantity	Unit Cost	Total
Infrastructure			$1,968,250.00
Non-Infrastruture			$33,826.00
		PROJECT TOTAL	$2,002,076.00

10. Total Project Cost

Description	Quantity	Unit Cost	Total
Infrastructure			$1,968,250.00
City of Las Vegas Neighborhood Traffic Calming Program (Dynamic Speed Signs)			$20,000.00
		SUB TOTAL	1,988,250.00
Non-Infrastruture			$33,826.00
Mesh Bicycle Safety Vests for Bike Trains (Outside Source, not Nevada SR2S)	100	$10.00	$1000.00
Look Out Kids About (Facts Sheets)			$500.00
		SUB TOTAL	$35,326.00
		PROJECT TOTAL	$2,023,576.00

***NOTE to Grant Selection Board:**

We understand that this grant application is requesting a large amount of funds at just over $2,000,000. We think the improvements will be a great addition and spur a sizeable increase in children walking and biking to school. With this being said, if funding amounts had to be reduced, we could delay our proposed section 3 improvements (as detailed on page 8) and in doing so, reduce our funding request to just over $1,600,000.

11. Project Cost Estimate (Infrastructure)

CITY OF LAS VEGAS
SAFE ROUTES TO SCHOOL UPGRADES
HYDE PARK MIDDLE AND SURROUNDING SCHOOLS

COST ESTIMATE OF INFRASTRUCTURE IMPROVEMENTS

SECTION 1 - ALTA TO CHARLESTON & SECTION 4 - WASDEN IMPROVEMENTS

ITEM NO.	PAY ITEM	PAY UNIT	UNIT PRICE	QUANTITY	EXTENDED PRICE
200.01	MOBILIZATION AND DEMOBILIZATION	LS	$ 29,000.00	1	$ 29,000.00
202.01	REMOVE CONCRETE SIDEWALK	SF	$ 3.00	2,500	$ 7,500.00
202.02	REMOVE CURB & GUTTER	LF	$ 7.00	1,200	$ 8,400.00
202.03	REMOVE CROSS GUTTER	SF	$ 4.00	520	$ 2,080.00
202.04	REMOVE DRIVEWAY	SF	$ 4.00	450	$ 1,800.00
202.05	REMOVE CONCRETE BORDER / OLD FENCE FOUNDATIONS	LF	$ 7.00	550	$ 3,850.00
202.06	MISC. UTILITY ADJUSTMENTS	LS	$ 14,500.00	1	$ 14,500.00
206.01	PERMANENT PATCH	SF	$ 8.00	1,200	$ 9,600.00
302.01	TYPE II AGGREGATE	CY	$ 65.00	500	$ 32,500.00
502.01	RETAINING WALL	LF	$ 50.00	375	$ 18,750.00
613.01	10' CONCRETE PATH	SF	$ 7.00	11,500	$ 80,500.00
613.02	5' CONCRETE PATH	SF	$ 7.00	8,300	$ 58,100.00
613.03	SIDEWALK RAMP (CASE I)	EA	$ 4,500.00	7	$ 31,500.00
613.04	CONCRETE CURB EXTENSIONS	SF	$ 50.00	3,200	$ 160,000.00
613.05	L-TYPE CURB & GUTTER	LF	$ 20.00	1,200	$ 24,000.00
613.06	CROSS GUTTER	SF	$ 15.00	520	$ 7,800.00
613.06	DRIVEWAY (OPTION A)	SF	$ 15.00	900	$ 13,500.00
613.07	CONCRETE TACK-ON ISLAND	SF	$ 15.00	3,000	$ 45,000.00
616.01	RELOCATE CHAINLINK FENCE	LF	$ 30.00	250	$ 7,500.00
622.01	CONSTRUCTION SURVEYING	LS	$ 14,500.00	1	$ 14,500.00
623.01	RELOCATE STREETLIGHT	EA	$ 1,500.00	1	$ 1,500.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	$ 14,500.00	1	$ 14,500.00
626.01	MULTI-USE PATH SIGNAGE	EA	$ 300.00	15	$ 4,500.00
626.02	CROSSWALK PAVEMENT MARKING FILM	SF	$ 7.00	260	$ 1,820.00
				SUBTOTAL	$ 592,700.00
				CONTINGENCY (10%)	$ 59,270.00
				DESIGN & CONSTRUCTION MANAGEMENT (15%)	$ 88,905.00
				TOTAL AMOUNT	**$ 740,875.00**

SECTION 2 - CHARLESTON TO EL PARQUE

ITEM NO.	PAY ITEM	PAY UNIT	UNIT PRICE	QUANTITY	EXTENDED PRICE
200.01	MOBILIZATION AND DEMOBILIZATION	LS	$ 32,000.00	1	$ 32,000.00
202.01	REMOVE CONCRETE SIDEWALK	SF	$ 3.00	1,500	$ 4,500.00
202.02	REMOVE CURB & GUTTER	LF	$ 7.00	2,850	$ 19,950.00
202.03	REMOVE CROSS GUTTER	SF	$ 4.00	2,600	$ 10,400.00
202.04	REMOVE DRIVEWAY	SF	$ 4.00	1,250	$ 5,000.00
202.05	MISC. UTILITY ADJUSTMENTS	LS	$ 16,000.00	1	$ 16,000.00
206.01	PERMANENT PATCH	SF	$ 8.00	2,900	$ 23,200.00
302.01	TYPE II AGGREGATE	CY	$ 65.00	700	$ 45,500.00
401.01	SLURRY SEAL	SY	$ 3.00	7,000	$ 21,000.00
613.01	10' CONCRETE PATH	SF	$ 7.00	13,500	$ 94,500.00
613.02	5' CONCRETE PATH	SF	$ 7.00	10,000	$ 70,000.00
613.03	SIDEWALK RAMP (CASE I)	EA	$ 4,500.00	9	$ 40,500.00
613.04	CONCRETE CURB EXTENSIONS	SF	$ 50.00	160	$ 8,000.00
613.05	L-TYPE CURB & GUTTER	LF	$ 20.00	2,900	$ 58,000.00
613.06	CROSS GUTTER	SF	$ 15.00	2,600	$ 39,000.00
613.06	DRIVEWAY (OPTION A)	SF	$ 15.00	2,500	$ 37,500.00
613.07	CONCRETE TACK-ON ISLAND	SF	$ 15.00	3,800	$ 57,000.00
622.01	CONSTRUCTION SURVEYING	LS	$ 16,000.00	1	$ 16,000.00
623.01	RELOCATE UTILITY POLES	EA	$ 5,000.00	3	$ 15,000.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	$ 16,000.00	1	$ 16,000.00
626.01	MULTI-USE PATH SIGNAGE	EA	$ 300.00	18	$ 5,400.00
626.02	CROSSWALK PAVEMENT MARKING FILM	SF	$ 7.00	350	$ 2,450.00
626.03	TRAFFIC & PARKING LOT STRIPING	LF	$ 4.00	3,300	$ 13,200.00
				SUBTOTAL	$ 650,100.00
				CONTINGENCY (10%)	$ 65,010.00
				DESIGN & CONSTRUCTION MANAGEMENT (15%)	$ 97,515.00
				TOTAL AMOUNT	**$ 812,625.00**

SECTION 3 - EL PARQUE TO SAHARA

ITEM NO.	PAY ITEM	PAY UNIT	UNIT PRICE	QUANTITY	EXTENDED PRICE
200.01	MOBILIZATION AND DEMOBILIZATION	LS	$ 17,000.00	1	$ 17,000.00
202.02	REMOVE CURB & GUTTER	LF	$ 7.00	1,200	$ 8,400.00
202.03	REMOVE CROSS GUTTER	SF	$ 4.00	5,000	$ 20,000.00
202.04	REMOVE DRIVEWAY	SF	$ 4.00	725	$ 2,900.00
206.01	PERMANENT PATCH	SF	$ 8.00	1,500	$ 12,000.00
302.01	TYPE II AGGREGATE	CY	$ 65.00	250	$ 16,250.00
613.01	5' CONCRETE PATH	SF	$ 7.00	5,700	$ 39,900.00
613.02	SIDEWALK RAMP (CASE I)	EA	$ 4,500.00	14	$ 63,000.00
613.03	L-TYPE CURB & GUTTER	LF	$ 20.00	1,200	$ 24,000.00
613.04	CROSS GUTTER	SF	$ 15.00	5,000	$ 75,000.00
613.05	DRIVEWAY (OPTION A)	SF	$ 15.00	1,450	$ 21,750.00
613.06	CONCRETE TACK-ON ISLAND	SF	$ 15.00	500	$ 7,500.00
622.01	CONSTRUCTION SURVEYING	LS	$ 8,500.00	1	$ 8,500.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	$ 8,500.00	1	$ 8,500.00
626.01	MULTI-USE PATH SIGNAGE	EA	$ 300.00	12	$ 3,600.00
626.02	CROSSWALK PAVEMENT MARKING FILM	SF	$ 7.00	500	$ 3,500.00
				SUBTOTAL	$ 331,800.00
				CONTINGENCY (10%)	$ 33,180.00
				DESIGN & CONSTRUCTION MANAGEMENT (15%)	$ 49,770.00
				TOTAL AMOUNT	**$ 414,750.00**

COMBINED TOTAL $ 1,968,250.00

11. Project Cost Estimate (Non-Infrastructure)

Description	Quantity	Unit Cost	Total
Look Out Kids About			
Enjoy the Ride DVD	1	$32.00	$32.00
Guide to Safe & Enjoyable Cycling	1	$15.00	$15.00
Parent Surveys (2 sided)	10000	$0.06/side	$1,200.00
Student Travel Surveys	10000	$0.06	$600.00
SR2S Maps (Color Copies)	10000	$0.12	$1,200.00
Drop-off Procedures (Color Copies)	10000	$0.12	$1,200.00
Logo Magnets	10000	$181.04/1000	$1,825.00
Bumper Stickers (+proof charge)	10000	$240.92/1000	$2,424.00
Pencils (+screen/proof/shipping charges)	10000	$0.12	$1,385.00
		TOTAL	**$9,881.00**
AAA Traffic Safety Materials			
Safe Walking Tips-F4153	5000		$0
Use Your Head, Use Your Helmet -F4082	5000		$0
Bike Basics-F4084	5000		$0
Bicycle Skill Tests-F3282	2		$0
Taking Care of Your Bike-F632	350		$0
Helmet Fit Flyer	5000		$0
		TOTAL	**$0.00**
Clark County			
Bad Driving Magnets	10000	$4,300/10000	$4,300.00
		TOTAL	**$4,300.00**
UMC/Southern Nevada Health District/CCSD			
Bike Helmets	3100	$3.95	$12,245.00
		TOTAL	**$12,245.00**
Safe Kids/Safe Communities Partnership			
Walkability Checklists (English/Spanish)	10000	$0.12/side	$2,400.00
Int'l Walk to School Day Events (Backpacks,Volunteer T-Shirts, etc.)	2	$2500.00	$5,000.00
		TOTAL	**$7,400.00**
		TOTAL Non-Infrastructure Costs	**$33,826.00**

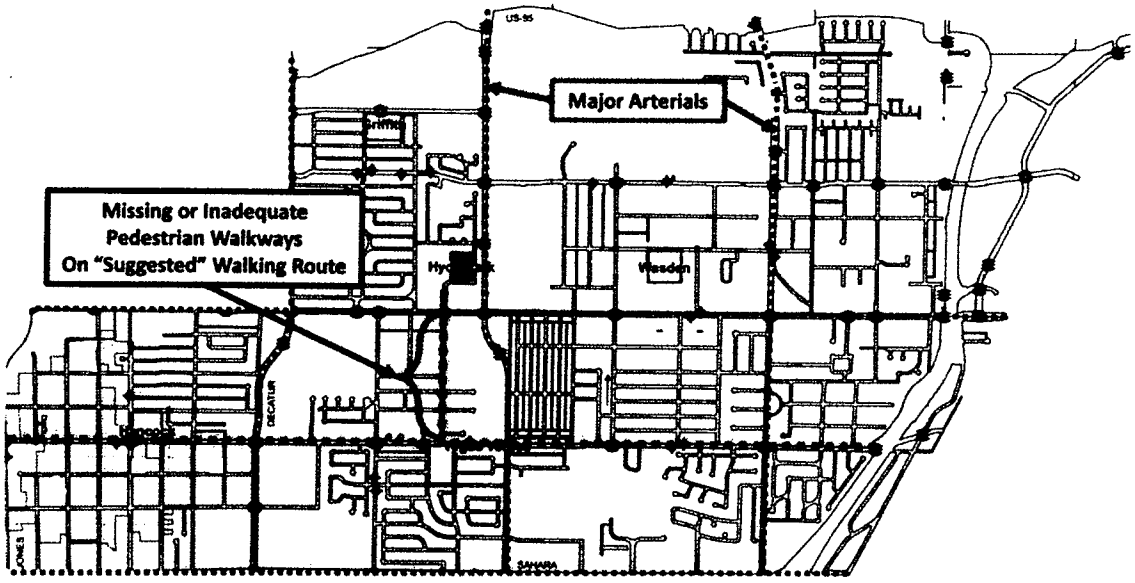
12. Project Description

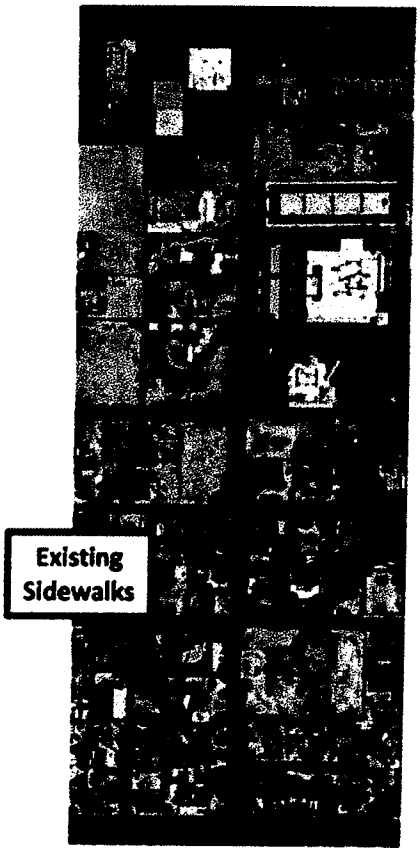
Problem Statement

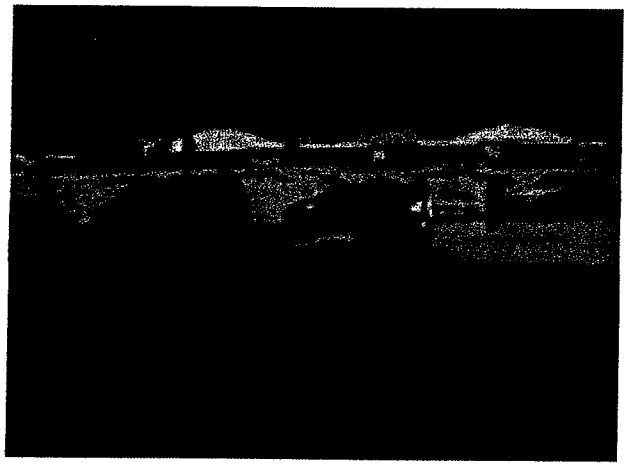
For students attending Hyde Park Middle School and Vegas Verdes Elementary School that live within 2 miles of the schools, avoiding high volume and high speed streets in their entirety is unavoidable. As shown below, within the 2 mile radius of these schools, Sahara Avenue carries nearly 60,000 cars per day; Charleston Blvd carries nearly 40,000 cars per day; Valley View Blvd carries nearly 30,000 cars per day; and Oakey Blvd carries nearly 20,000 cars per day. The City of Las Vegas, in an effort to minimize the students exposure to these higher volume streets, has suggested, as one of the primary portions of the suggested route to school for many children attending Hyde Park Middle School and Vegas Verdes Elementary School, the use of a segment of Hinson Street and Las Verdes Street as an alternative to the much higher volume and higher speed Valley View Blvd for north/south travel. Hinson Street and Las Verdes Street, which are much lower traffic volume streets with around 1500-2000 cars per day, have no existing bike lanes, lacks sidewalk in some areas, are missing ADA accessible ramps in some locations, and still requires students to cross wide streets at numerous locations. As a result, students have been observed riding bikes on very narrow and crowded sidewalks, or walking in the street alongside vehicle traffic. Some students walk in dirt areas to stay away from traffic and other students were observed crossing at Oakey and Sahara outside of the marked crosswalks.

Traffic Volume			
Street Name	**ROW**	**Average Daily Traffic**	**Date Counted**
Alta Drive	**80'**	10,688	April 29, 2008
Valley View Blvd	**80'**	28,863	April 29, 2008
Fulton Place	**60'**	3,338	September 28, 2006
Hinson Street	**60' - 80'**	1,350	August 21, 2008
Charleston Blvd	**100'**	36,575	August 21, 2008
Oakey Blvd	**80'**	18,175	January 30, 2008
Las Verdes Street	**60'**	1,732	April 18, 2001
Sahara Avenue	**150'**	56,550	June 27, 2006

In addition to the challenges noted above, another problem identified by parents, teachers, and concerned area residents involves congested conditions and perceived unsafe conditions adjacent to the Vegas Verdes Elementary School, Hyde Park Middle School, and nearby Wasden Elementary School during morning drop off and afternoon pick-up times. Because of the existing conditions, many parents have been unwilling to allow their children to walk or ride a bike to school and instead choose to drive their children to school making matters worse during drop off / pick-up times. A common problem around the schools during drop off / pick-up times is parents making u-turns all along the streets, parents parking in red curb areas and blocking marked crosswalks, and double parking which causes reduced visibility of students at crossing locations. Lastly, speeding along the streets has also been a concern.


Major Arterials
Missing or Inadequate
Pedestrian Walkways
On "Suggested" Walking Route
DECATUR
SAHARA


Existing
Sidewalks



Problem Solution

The solutions we are proposing to address the items noted in the problem statement are many. First and foremost, if we are going to help reduce the congested and perceived unsafe conditions around the schools during drop off / pick-up periods, we need to make the routes to school safer for the children so parents will let them walk or ride a bike and in doing so, congestion around the schools would go down and safety would go up. For that to happen, we are proposing to create a new 10-12' wide multi-use path that will accommodate both walking and bicycling students. At the northern most end of our improvement, this path would begin at the southwest corner of Alta/Valley View Blvd where we already have existing bike lanes on Alta Drive (which are known as the Downtown to Red Rocks Bike Trail) and where, to the west, we already have some recently installed curb extensions at Alta/Essex Street and Alta/Bedford Street so that students coming from the north and west can more easily cross Alta and access the bike lanes. From this point, we would install the 10-12' wide multi use path separated about 20' from the busy travel lanes along Valley View in an area where the city has excess right of way. This portion of the improvement would extend down to Fulton Street where we would reconstruct the curb line to accommodate a new widened sidewalk that would provide for a 10-12' wide multi-use path. The path would extend west to Northstar Street which is adjacent to Hyde Park Middle School. We would then reconstruct the curb line along Northstar Street to continue providing the 10-12' wide multi-use path down to Hinson Street where we would then continue widening portions of existing sidewalk and/or installing new 10-12' wide multi-use path segments. Students would continue to cross at Oakey and we would then widen the existing sidewalk on Las Verdes Street all the way down to Sahara Avenue so that we end up with an approximately 1 1/2 mile dedicated multi-use path for walking and biking to school.

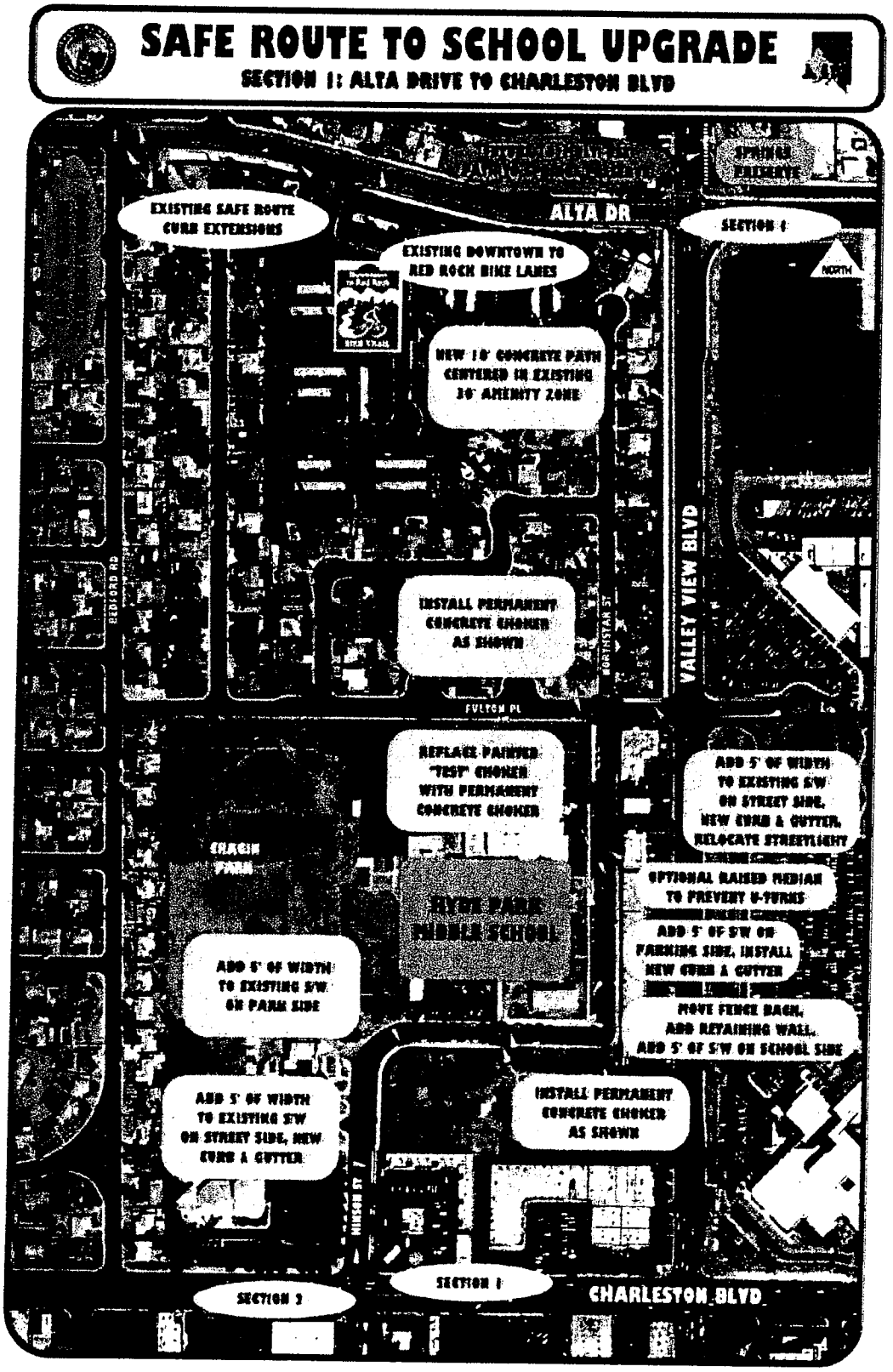
In addition to the 1 1/2 mile long multi-use path, along the way, we are proposing to incorporate some other improvements to improve pedestrian safety and provide for some traffic calming. This work includes the additions of curb extensions/chokers at existing school crossings at Fulton/Northstar; at the Hinson crossing in front of Hyde Park; at the Hinson crossing on the south side of Hyde Park; at the Hinson/Oakey crossing; at the Las Verdes/Casa Grande crossing; and at the existing crossing in front of Wasden Elementary on Palomino lane. These curb extensions will also keep parents from parking in a crosswalk and reduce the exposure time of students to vehicle traffic conflicts. Also, we propose to add a new median refuge island along Oakey to enhance the protection for students crossing at the Oakey/Las Verdes and Oakey/Los Altos locations which are unsignalized and adding a new raised median down the center of Northstar/Hinson adjacent to Hyde Park Middle School and down the center of Palomino Lane adjacent to Wasden Elementary to prohibit parents from making u-turns which has created a lot of concern for neighborhood residents, parents, and principals and which has contributed to congested conditions. Lastly, we will provide new ADA ramps where missing adjacent to the schools and upgrade existing ADA ramps where needed along the schools and the 1 1/2 mile long multi-use path.

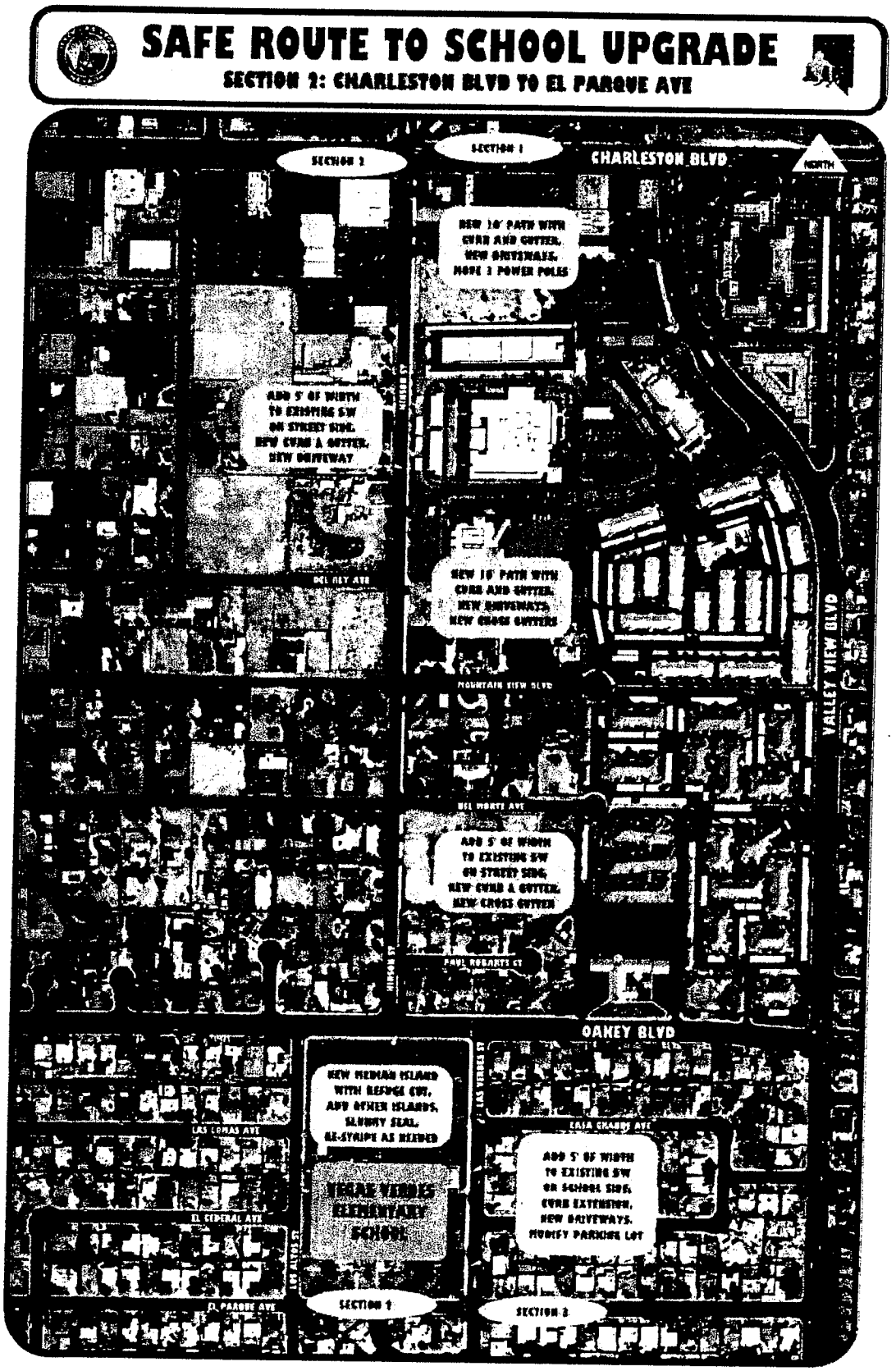
As a final improvement, we will try to install a new "worm" median island at Las Verdes/Sahara. This median island would eliminate thru movements and left turns from

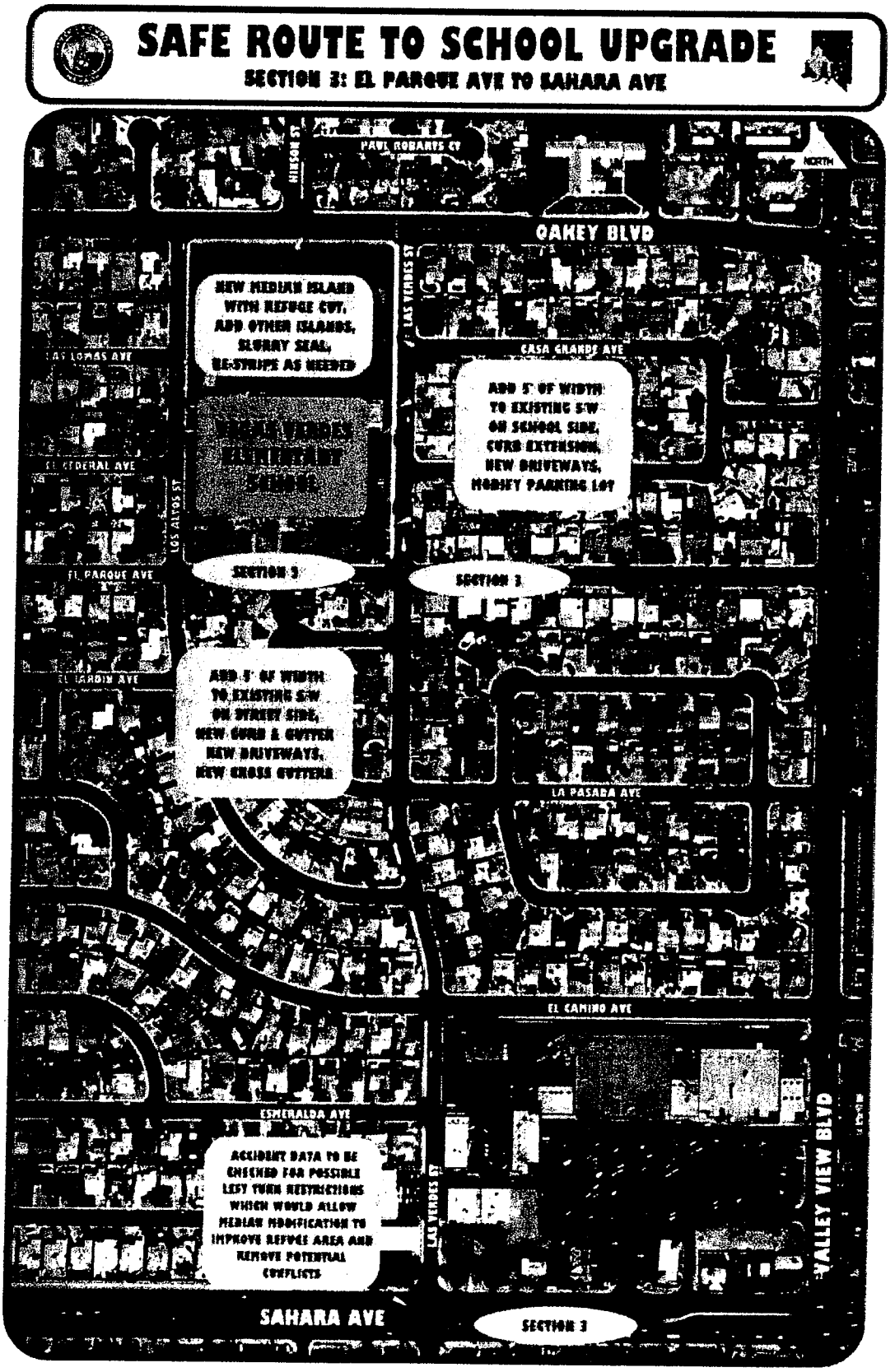
Las Verdes onto and across Sahara and would in turn, allow for an improved refuge island for students crossing. Today, folks who turn left or continue thru from Las Verdes have to cross 6 lanes of traffic and often times focus on the vehicles in these travel lanes instead of the students crossing. Installation of this median would require NDOT approval and would only be approved if accident data supports closure. We will have to order 3 years of new accident data and meet again with NDOT staff because the most recently available crash data did not support to addition of the median restriction.

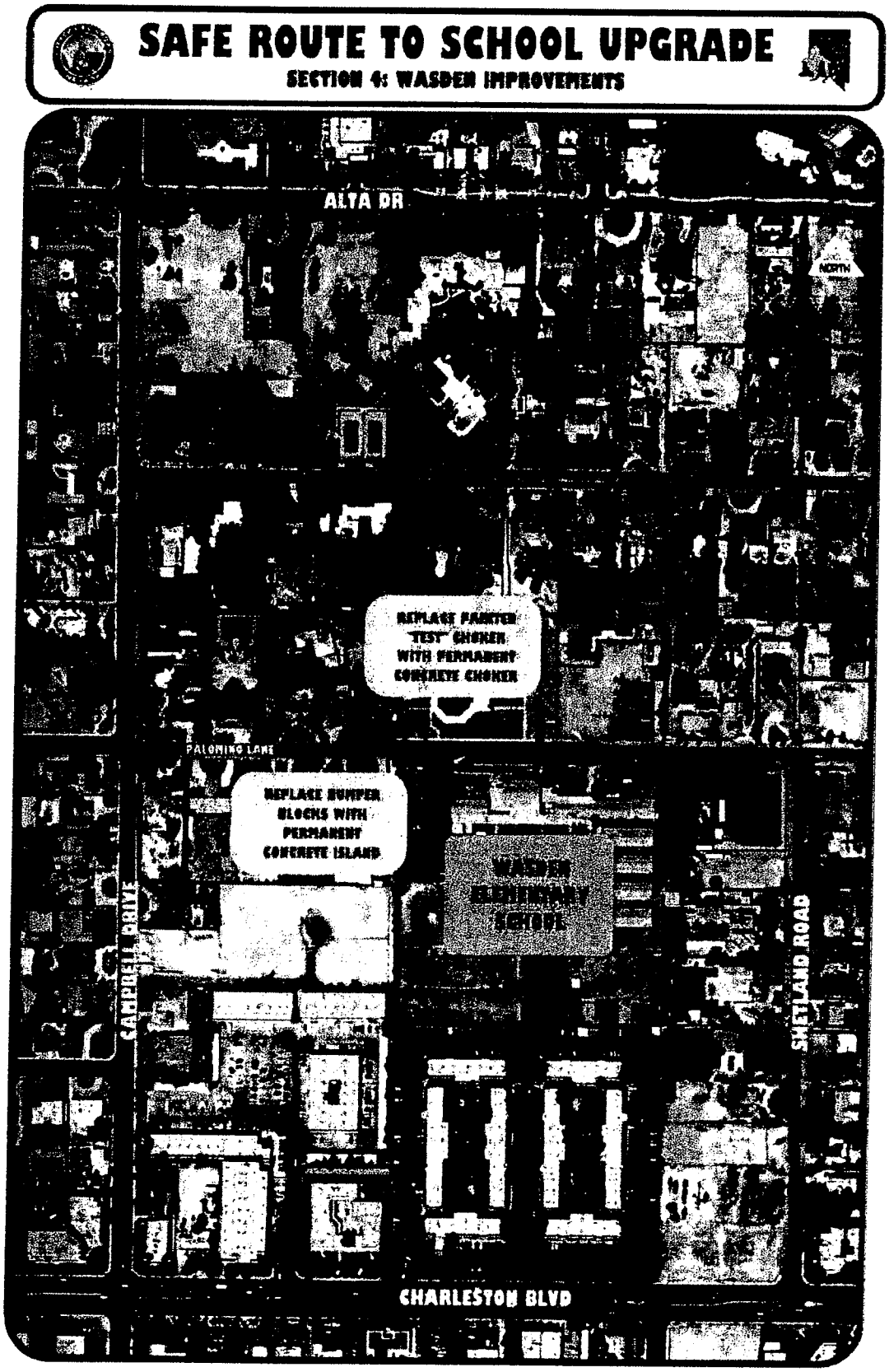
The above noted items address our Engineering solutions and in large part will allow us to promote special events to Encourage more biking and walking as discussed further in our grant application. Prior to the infrastructure completion, we, in conjunction with the Look Out Kids About (LOKA), will kick-off an Education campaign at all of the schools that will be benefitting from the improvements. The campaign will focus on elements of both pedestrian and bicycling safety and is further discussed in this grant application. All of our efforts above and a commitment from the CCSD School Police and Metro Police to help ensure that parking requirements, speed restrictions, and other driving requirements are Enforced in and around the schools to ensure safety should result in a great improvement for this area. To see that the results are achieved, we will Evaluate all of the conditions before and after the improvements are made so that we can use the experience gained from this project as a guide for future projects.

Problem Solution (Detailed Infrastructure Project)

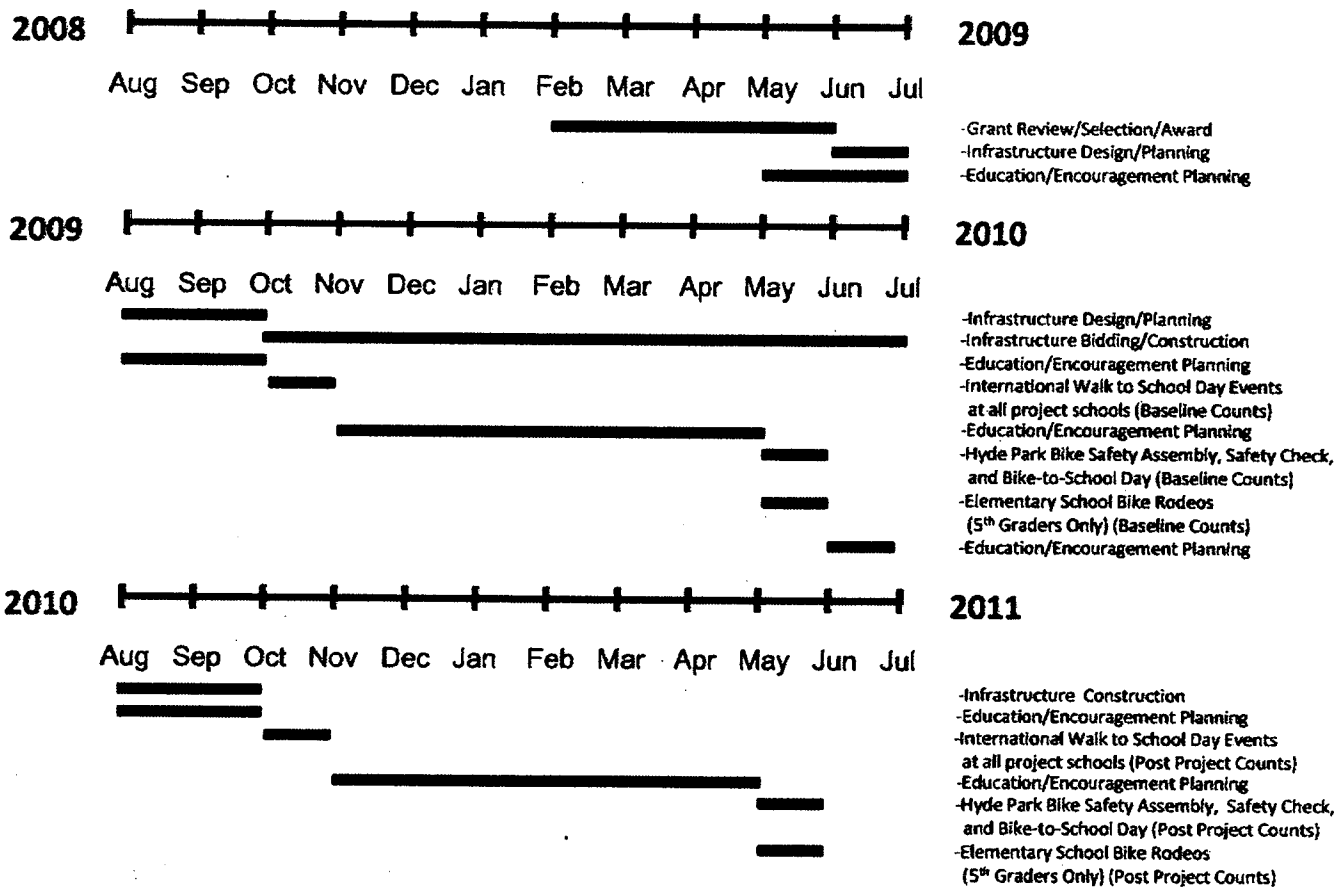



SAFE ROUTE TO SCHOOL UPGRADE
SECTION 2: CHARLESTON BLVD TO EL PARQUE AVE
SECTION 3
SECTION 1
CHARLESTON BLVD
NORTH
NEW 10' PATH WITH CURB AND GUTTER, NEW SIDEWALK, MOVE 3 POWER POLES
ADD 5' OF WIDTH TO EXISTING SW ON STREET SIDE, NEW CURB & GUTTER, NEW DRIVEWAY
DEL REY AVE
NEW 10' PATH WITH CURB AND GUTTER, NEW DRIVEWAYS, NEW CROSS GUTTERS
MOUNTAIN VIEW BLVD
VALLEY VIEW BLVD
BEL MONTE AVE
ADD 5' OF WIDTH TO EXISTING SW ON STREET SIDE, NEW CURB & GUTTER, NEW CROSS GUTTER
PAUL ROBERTS CT
OAKEY BLVD
NEW MEDIAN ISLAND WITH REFUGE CUT, ADD OTHER ISLANDS, SLURRY SEAL, RE-STRIPE AS NEEDED
LAS VEGAS BLVD
LAS LOMAS AVE
CASA GRANDE AVE
ADD 5' OF WIDTH TO EXISTING SW ON SCHOOL SIDE, CURB EXTENSION, NEW DRIVEWAYS, MODIFY PARKING LOT
EL CEREAL AVE
EL PARQUE AVE
SECTION 4
SECTION 2


SAFE ROUTE TO SCHOOL UPGRADE
SECTION 3: EL PARQUE AVE TO SAHARA AVE
NORTH
PAUL ROBARTS CT
OAKEY BLVD
LAS VEGAS ST
CASA GRANDE AVE
LAS LOMAS AVE
EL FERAL AVE
LOS ALTOS ST
EL PARQUE AVE
EL JARDIN AVE
LA PASADA AVE
EL CAMINO AVE
ESMERALDA AVE
VALLEY VIEW BLVD
SAHARA AVE
NEW MEDIAN ISLAND WITH REFUGE CUT, ADD OTHER ISLANDS, SLURRY SEAL, RE-STRIPE AS NEEDED
ADD 5' OF WIDTH TO EXISTING S/W ON SCHOOL SIDE, CURB EXTENSION, NEW DRIVEWAYS, MODIFY PARKING LOT
ADD 5' OF WIDTH TO EXISTING S/W ON NEARBY SIDE, NEW CURB & GUTTER NEW DRIVEWAYS, NEW CROSS GUTTERS
ACCIDENT DATA TO BE CHECKED FOR POSSIBLE LEFT TURN RESTRICTIONS WHICH WOULD ALLOW MEDIAN MODIFICATION TO IMPROVE REFUGE AREA AND REMOVE POTENTIAL CONFLICTS
SECTION 3
SECTION 3
SECTION 3

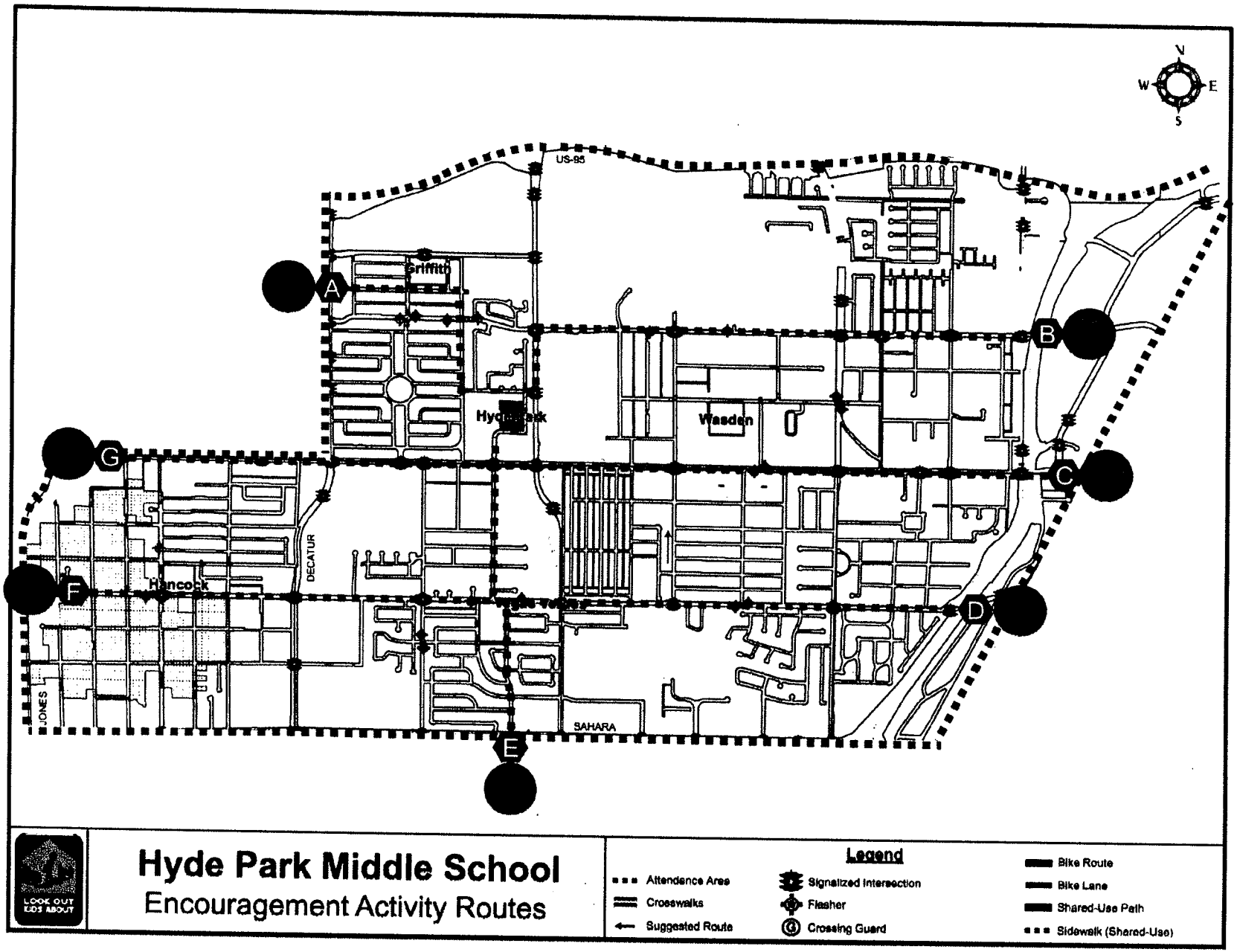

SAFE ROUTE TO SCHOOL UPGRADE
SECTION 4: WASDEN IMPROVEMENTS
ALTA DR
NORTH
REPLACE PAINTED "TEST" CHOKER WITH PERMANENT CONCRETE CHOKER
PALOMINO LANE
REPLACE BUMPER BLOCKS WITH PERMANENT CONCRETE ISLAND
CAMPBELL DRIVE
SHETLAND ROAD
CHARLESTON BLVD

a. **Describe how the project:**
   i. **will help enable and encourage students to walk and bicycle to school**



The non-infrastructure portion of this grant will bring together key community partners to the schools affected by the project to help educate students about the health benefits of walking and bicycling to school as well as the safety aspects involved with these activities. LOKA will help coordinate this effort.

Task 1: LOKA will ensure school staff and Parent Teacher Association (PTA) or Parent Teacher Organization (PTO) leaders are familiar with the "Suggested" Routes to School map the City of Las Vegas Public Works Department has developed for their specific school. In the case of the private schools, LOKA will work with the schools to ensure they have a map as well. These maps are a basic planning tool for activities to encourage more students to walk and bike to school. Since there are many roads surrounding our schools, school staff and PTA/PTO leaders need to identify a few major corridors to channel the pedestrian flow to. Besides the basic adage, "there is safety in numbers," these corridors will allow a handful of volunteers to run encouragement activities like Walking School Buses or Bike Trains. A successful Safe Routes to School program can be managed by one "champion" at a school; however, if the scope becomes too large, the program will be in danger of fading interest.


N
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Hancock
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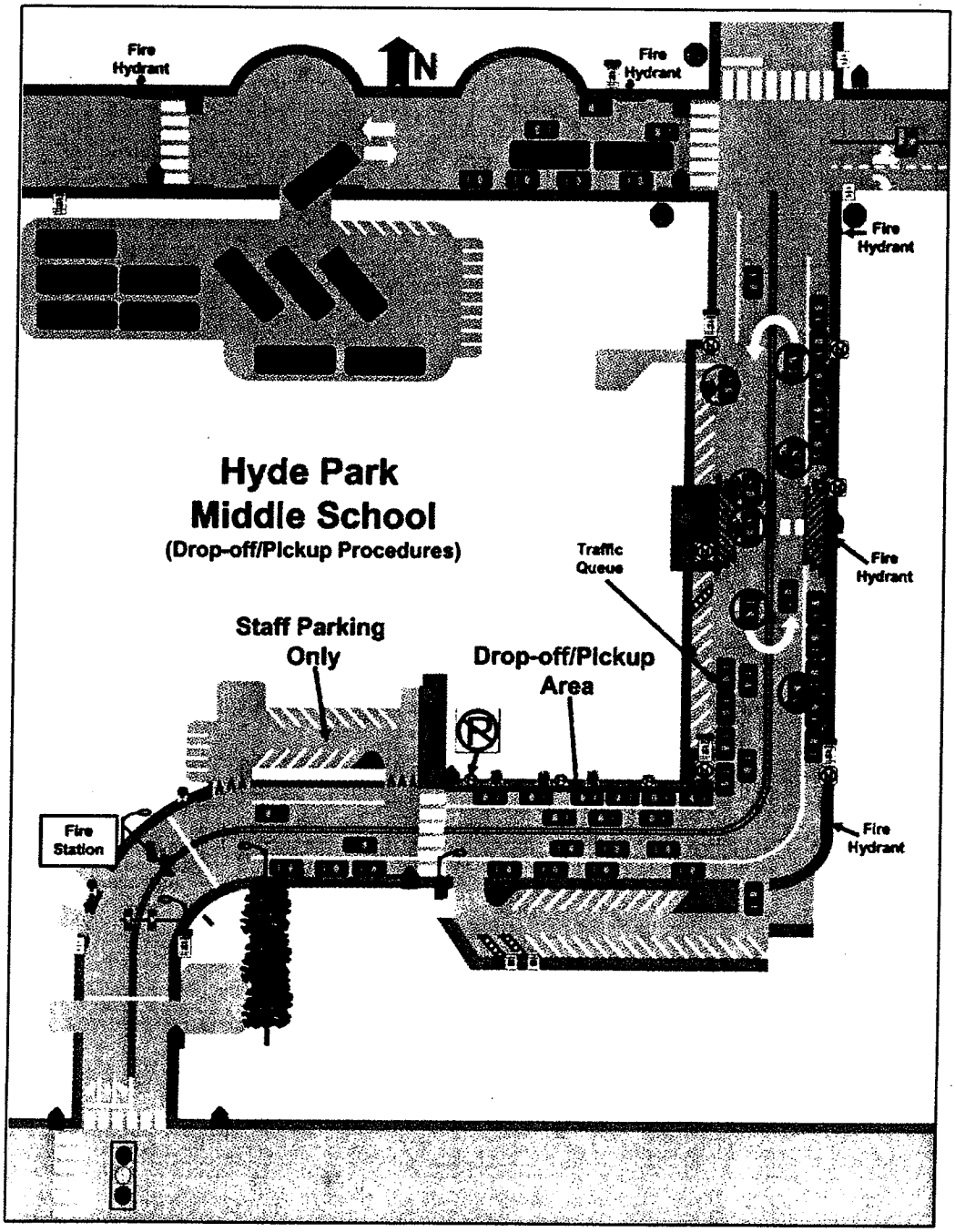
LOOK OUT FOR ABOUT
Hyde Park Middle School
Encouragement Activity Routes
Legend
Attendance Area
Crosswalks
Suggested Route
Signalized Intersection
Flasher
Crossing Guard
Bike Route
Bike Lane
Shared-Use Path
Sidewalk (Shared-Use)

Task 2: Schools must have clearly defined drop-off and pickup procedures. According to statistics, 25% of traffic congestion occurs in the mornings and afternoons near schools. Pedestrian safety in school zones depends upon public understanding of accepted methods for efficient traffic control. Neither pedestrians on their way to or from school nor road users can be expected to move safely in school areas unless they understand both the need for traffic controls and how these controls function for their benefit. If schools do not already have drop-off and pickup procedures, LOKA will assist the schools in developing them.



Task 3: LOKA will assist PTA/PTO leaders in organizing volunteers to plan and execute a Walk-to-School event for the first Wednesday in October 2009 (International Walk-to-School Day). The Walk-to-School event will include PTA/PTO volunteers performing Walking School Buses on the seven encouragement activity routes identified above. 7 volunteers will start at the ends of these routes and students will join them as they approach the intersections closest to the students' homes. These volunteers will also help put together information "goodie" bags for every student at their school to be handed out in each classroom at the end of the day. These "goodie" bags will at a minimum include the following community partner handouts:

The School's "Suggested" Routes to School Map
The School's Drop-off and Pickup Procedures
AAA Safe Walking Tips
AAA Safe Biking Tips
AAA Bike Basics
Clark County Bad Driving Magnets
Clark County Bad Driving Tips (English & Spanish)
Look Out Kids About Magnets
Look Out Kids About Bumper Stickers
Look Out Kids About Pencils
Walkability Checklist (English/Spanish)







Neons



Neon Yellow - N1



Neon Yellow - N1

Task 4: LOKA will coordinate with Safe Communities Partnership and Safe Kids to include the schools in this project in their 2009 and 2010 International Walk-to-School Day events. This grant will fund additional incentive items these organizations use to encourage students to walk to school during these events, such as volunteer T-shirts, inexpensive backpacks, pedometers, nighttime reflective materials, and other traffic safety handouts these organizations give away to students or their parents to accommodate these schools in their events.

Task 5: During the International Walk-to-School Day, PTA/PTO volunteers will monitor crossings on the perimeter of their school and crossings of concern along the walking routes to the school to determine actual student walking and crossing habits. Discrepancies in traffic controls or bad crossing habits will be reported to LOKA so that they can adapt further traffic safety education plans to correct behavioral issues and inform the City of Las Vegas Public Works Department of the traffic control issues. At the crosswalks adjacent to school property, volunteers will remind drivers stopping on the crosswalks to unload students or parking within 20ft that NRS 484.399 prohibits these activities. If volunteers have difficulties at certain crossings, they will notify school staff and LOKA so that they can coordinate with METRO or CCSD School Police to address the enforcement issues.

NRS 484.399 Stopping, standing or parking prohibited in specified places.

1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;

(e) On a crosswalk;

(f) Within 20 feet of a crosswalk;

(g) Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;

(h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(i) Within 50 feet of the nearest rail of a railroad;

(j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;

(k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;

(l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;

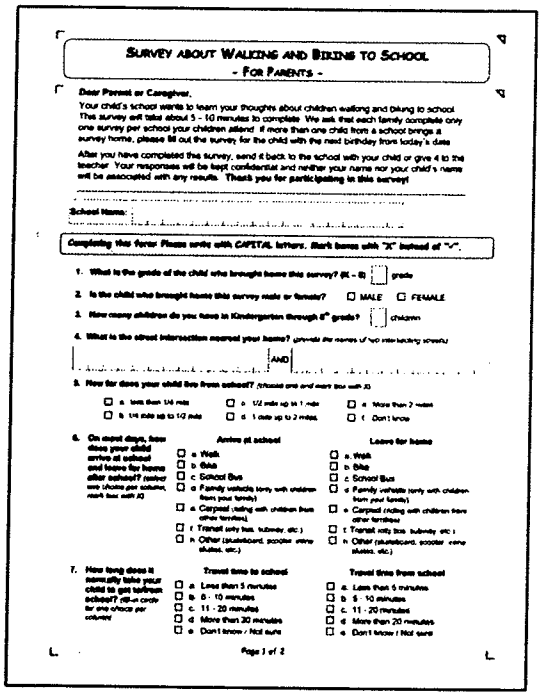
(m) Upon any bridge or other elevated structure or within a highway tunnel;

(n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and

(o) At any place where official traffic-control devices prohibit stopping, standing or parking.

Task 6: The Week of the International Walk-to-School Day 2009, school administrators will task teachers to collect the information contained in the Federal Highway Administration's (FHWA's) Parent Surveys and Student Travel Surveys. This information will be collected by LOKA and given to the City of Las Vegas grants department to be used as the baseline counts for walking and biking students and grant reports.

(NOTE: This project will be under construction Nov 2009 thru Oct 2010.)



SURVEY ABOUT WALKING AND BIKING TO SCHOOL
- FOR PARENTS -

Dear Parent or Caregiver,

Your child's school wants to learn your thoughts about children walking and biking to school. This survey will take about 5 - 10 minutes to complete. We ask that each family complete only one survey per school year children attend. If more than one child from a school brings a survey home, please fill out the survey for the child with the next birthday from today's date.

After you have completed this survey, send it back to the school with your child or give it to the teacher. Your responses will be kept confidential and neither your name nor your child's name will be associated with any results. Thank you for participating in this survey!

School Name: _____

Completing this form: Please write with CAPITAL letters. Mark boxes with "X" instead of "✓".

1. What is the grade of the child who brought home this survey? (K – 8) [ ] grade
2. Is the child who brought home this survey male or female? ☐ MALE ☐ FEMALE
3. How many children do you have in Kindergarten through 8th grade? [ ] children
4. What is the street intersection nearest your home? (provide the names of two intersecting streets)
   _____ AND _____
5. How far does your child live from school? (choose one and mark box with X)
   ☐ a. less than 1/4 mile ☐ b. 1/4 mile up to 1/2 mile ☐ c. 1/2 mile up to 1 mile ☐ d. 1 mile up to 2 miles ☐ e. More than 2 miles ☐ f. Don't know
6. On most days, how does your child arrive at school and leave for home after school? (select one (Home per column, mark box with X))

Arrive at school	Leave for home
☐ a. Walk	☐ a. Walk
☐ b. Bike	☐ b. Bike
☐ c. School Bus	☐ c. School Bus
☐ d. Family vehicle(s) (only with children from your family)	☐ d. Family vehicle (only with children from your family)
☐ e. Carpool (riding with children from other families)	☐ e. Carpool (riding with children from other families)
☐ f. Transit (city bus, subway, etc.)	☐ f. Transit (city bus, subway, etc.)
☐ h. Other (skateboard, scooter, inline skates, etc.)	☐ h. Other (skateboard, scooter, inline skates, etc.)

7. How long does it normally take your child to get to/from school? (fill in circle for one choice per column)

Travel time to school	Travel time from school
☐ a. Less than 5 minutes	☐ a. Less than 5 minutes
☐ b. 5 - 10 minutes	☐ b. 5 - 10 minutes
☐ c. 11 - 20 minutes	☐ c. 11 - 20 minutes
☐ d. More than 20 minutes	☐ d. More than 20 minutes
☐ e. Don't know / Not sure	☐ e. Don't know / Not sure

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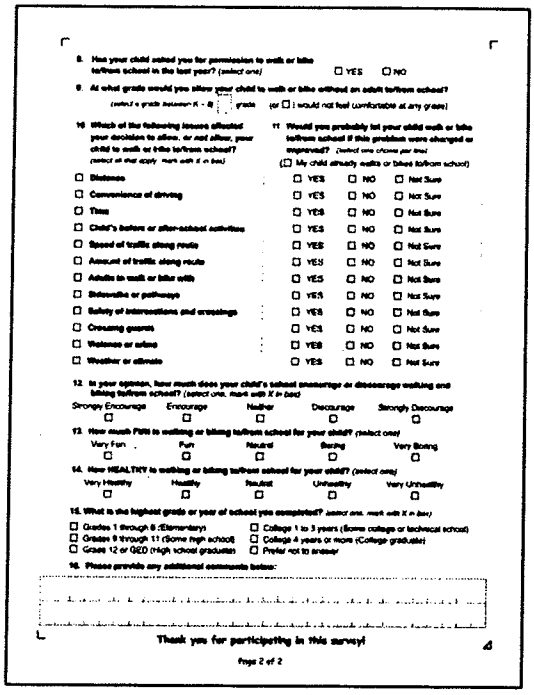

8. Has your child asked you for permission to walk or bike to/from school in the last year? (select one) ☐ YES ☐ NO
9. At what grade would you allow your child to walk or bike without an adult to/from school? (select a grade between K - 8) [ ] grade (or ☐ I would not feel comfortable at any grade)
10. Which of the following issues affected your decision to allow, or not allow, your child to walk or bike to/from school? (select all that apply - mark with X in box)

	11. Would you probably let your child walk or bike to/from school if this problem were changed or improved? (select one choice per line) (☑ My child already walks or bikes to/from school)		
☐ Distance	☐ YES	☐ NO	☐ Not Sure
☐ Convenience of driving	☐ YES	☐ NO	☐ Not Sure
☐ Time	☐ YES	☐ NO	☐ Not Sure
☐ Child's before or after-school activities	☐ YES	☐ NO	☐ Not Sure
☐ Speed of traffic along route	☐ YES	☐ NO	☐ Not Sure
☐ Amount of traffic along route	☐ YES	☐ NO	☐ Not Sure
☐ Adults to walk or bike with	☐ YES	☐ NO	☐ Not Sure
☐ Sidewalks or pathways	☐ YES	☐ NO	☐ Not Sure
☐ Safety of intersections and crossings	☐ YES	☐ NO	☐ Not Sure
☐ Crossing guards	☐ YES	☐ NO	☐ Not Sure
☐ Violence or crime	☐ YES	☐ NO	☐ Not Sure
☐ Weather or altitude	☐ YES	☐ NO	☐ Not Sure

12. In your opinion, how much does your child's school encourage or discourage walking and biking to/from school? (select one, mark with X in box)
    Strongly Encourage ☐ | Encourage ☐ | Neither ☐ | Discourage ☐ | Strongly Discourage ☐
13. How much FUN is walking or biking to/from school for your child? (select one)
    Very Fun ☐ | Fun ☐ | Neutral ☐ | Boring ☐ | Very Boring ☐
14. How HEALTHY is walking or biking to/from school for your child? (select one)
    Very Healthy ☐ | Healthy ☐ | Neutral ☐ | Unhealthy ☐ | Very Unhealthy ☐
15. What is the highest grade or year of school you completed? (select one, mark with X in box)
    ☐ Grades 1 through 8 (Elementary)
    ☐ Grades 9 through 11 (Some high school)
    ☐ Grade 12 or GED (High school graduate)
    ☐ College 1 to 3 years (Some college or technical school)
    ☐ College 4 years or more (College graduate)
    ☐ Prefer not to answer
16. Please provide any additional comments below:

Thank you for participating in this survey!

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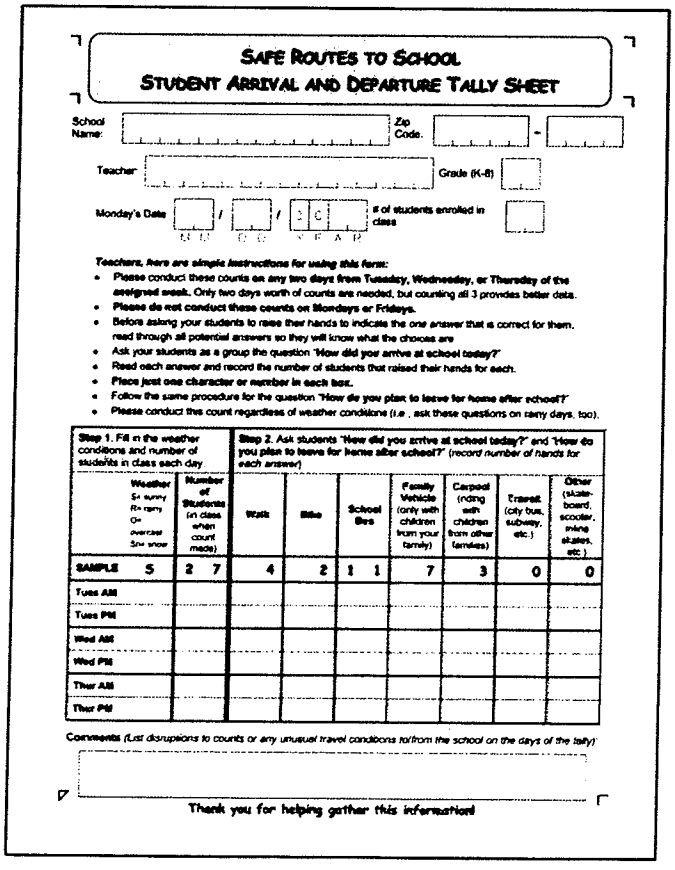
Parent Survey



SAFE ROUTES TO SCHOOL
STUDENT ARRIVAL AND DEPARTURE TALLY SHEET

School Name: _____ Zip Code: _____ - _____

Teacher: _____ Grade (K-8) _____

Monday's Date: M M / D D / Y E A R [ ] [ ] [ ] [ ] # of students enrolled in class _____

Teachers, here are simple instructions for using this form:

- Please conduct these counts **on any two days from Tuesday, Wednesday, or Thursday of the assigned week.** Only two days worth of counts are needed, but counting all 3 provides better data.
- **Please do not conduct these counts on Mondays or Fridays.**
- Before asking your students to raise their hands to indicate the one answer that is correct for them, read through all potential answers so they will know what the choices are.
- Ask your students as a group the question "How did you arrive at school today?"
- Read each answer and record the number of students that raised their hands for each.
- **Place just one character or number in each box.**
- Follow the same procedure for the question "How do you plan to leave for home after school?"
- Please conduct this count regardless of weather conditions (i.e., ask these questions on rainy days, too).

Step 1. Fill in the weather conditions and number of students in class each day		Step 2. Ask students "How did you arrive at school today?" and "How do you plan to leave for home after school?" (record number of hands for each answer)						
Weather S= sunny R= rainy O= overcast Sn= snow	Number of Students (in class when count made)	Walk	Bike	School Bus	Family Vehicle (only with children from your family)	Carpool (riding with children from other families)	Transit (city bus, subway, etc.)	Other (skateboard, scooter, inline skates, etc.)
SAMPLE S	2 7	4	2	1 1	7	3	0	0
Tues AM								
Tues PM								
Wed AM								
Wed PM								
Thur AM								
Thur PM								

Comments (List disruptions to counts or any unusual travel conditions to/from the school on the days of the tally):

Thank you for helping gather this information!

Task 7: After wrapping up the International Walk-to-School Day 2009 tasks, LOKA will start planning for Bike Safety month 2010. Bike Safety month will include three elements for bike safety: Bike Safety Assemblies; Bike Safety Checks/Bicycle Skills Rodeos, and Bike Trains.

Task 8: Bike Safety Assemblies will be held for all students at Hyde Park Middle School and 5th grade students at the elementary schools during the first week of May 2010. Bike Safety Assemblies will begin by viewing the League of American Bicyclists video called, "Enjoy the Ride" (22 minutes). After the video, representatives from University Medical Center (UMC) and Southern Nevada Health District, and the CCSD Traffic Safety Coordinator will talk about key points of the video as they relate to common bicycling injuries they are trying to prevent in Southern Nevada. UMC, Southern Nevada Health District, and PTA/PTO volunteers will then hand out new bike helmets to all students with instructions for proper fit.

Task 9: During the first weekend in May 2010, LOKA will host a Bike Safety Check and Bicycle Skills Rodeo at Hyde Park Middle School for students that live within a biking distance of Hyde Park. Students will be encouraged to ride their bikes to the event with a parent on the routes they would take to Hyde Park during the school year. This will be an opportunity for parents to identify hazards to the young bicyclist if they allow them to ride their bikes to school. Any hazards identified should be reported to LOKA so that they can coordinate with the appropriate officials to resolve the hazards. This event will be divided into two sessions to accommodate two different age groups. The first session will be designed for 5th grade students and the second session will be designed for Hyde Park Students. LOKA will coordinate support from Las Vegas Fire and Rescue, METRO, and local bicycle shops to man bicycle check stations during both sessions. LOKA and PTA/PTO volunteers from the elementary schools will support the Bicycle Skills Rodeo stations for the 5th graders and LOKA and PTA volunteers from Hyde Park will support the Bicycle Skills Rodeo stations for the middle school students. Hyde Park students successfully completing the Bicycle Skills Rodeo will be eligible to participate in a bike train event during the third week of May 2010. Students will be required to provide written permission from their parents to participate in the event upon signing up the following week.

Task 10: Hyde Park students successfully completing the Bicycle Skills Rodeo above will be eligible to participate in a bike train event during the second week of May 2010. Students will have three days (Monday thru Wednesday) to sign-up for the bike train event. This event will be run starting at the ends of the seven encouragement activity routes identified above. Only 10 students per adult rider will be allowed to ride together in a group; therefore, the number of adult volunteers needed must be identified as soon as possible after the student sign-up period. Students will be required to return home on their own or with the assistance of a parent. Students will also be responsible for locking their bikes at the school bike racks and securing their helmets and other riding gear.

Task 11: After the 2010 Bike Safety Month activities conclude, LOKA will assist PTA/PTO leaders in organizing volunteers to plan and execute a Walk-to-School event for the first Wednesday in October 2010 (International Walk-to-School Day). The Walk-to-School event will include PTA/PTO volunteers performing Walking School Buses on the seven encouragement activity routes identified above. 7 volunteers will start at the ends of these routes and students will join them as they approach the intersections closest to the students' homes. These volunteers will also help put together information "goodie" bags for every student at their school to be handed out in each classroom at the end of the day. These "goodie" bags will at a minimum include the following community partner handouts:

The School's "Suggested" Routes to School Map
The School's Drop-off and Pickup Procedures
AAA Safe Walking Tips
AAA Safe Biking Tips
AAA Bike Basics
Clark County Bad Driving Magnets
Clark County Bad Driving Tips (English & Spanish)
Look Out Kids About Magnets
Look Out Kids About Bumper Stickers
Look Out Kids About Pencils
Walkability Checklists (English/Spanish)

Task 12: LOKA will coordinate with Safe Communities Partnership and Safe Kids to include the schools in this project in their 2010 International Walk-to-School Day event. This grant will fund additional incentive items these organizations use to encourage students to walk to school during these events, such as volunteer T-shirts, inexpensive backpacks, pedometers, nighttime reflective materials, and other traffic safety handouts these organizations give away to students or their parents to accommodate these schools in their events.

Task 13: During the International Walk-to-School Day, PTA/PTO volunteers will monitor crossings on the perimeter of their school and crossings of concern along the walking routes to the school to determine actual student walking and crossing habits. Discrepancies in traffic controls or bad crossing habits will be reported to LOKA so that they can adapt further traffic safety education plans to correct behavioral issues and inform the City of Las Vegas Public Works Department of the traffic control issues. At the crosswalks adjacent to school property, volunteers will remind drivers stopping on the crosswalks to unload students or parking within 20ft that NRS 484.399 prohibits these activities. If volunteers have difficulties at certain crossings, they will notify school staff and LOKA so that they can coordinate with METRO or CCSD School Police to address the enforcement issues.

NRS 484.399 Stopping, standing or parking prohibited in specified places.

1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;
(c) Within an intersection;
(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;
(e) On a crosswalk;
(f) Within 20 feet of a crosswalk;
(g) Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;
(h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;
(i) Within 50 feet of the nearest rail of a railroad;
(j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;
(k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;
(l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;
(m) Upon any bridge or other elevated structure or within a highway tunnel;
(n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and
(o) At any place where official traffic-control devices prohibit stopping, standing or parking.

Task 14: The Week of the International Walk-to-School Day 2010, school administrators will task teachers to collect the information contained in the Federal Highway Administration's (FHWA's) Parent Surveys and Student Travel Surveys. This information will be collected by LOKA and given to the City of Las Vegas grants department to be used as the actual change counts for walking and biking students and grant reports.

Task 15: After wrapping up the International Walk-to-School Day 2010 tasks, LOKA will start planning for Bike Safety month 2011. Bike Safety month will include three elements for bike safety: Bike Safety Assemblies; Bike Safety Checks/Bicycle Skills Rodeos, and Bike Trains.

Task 16: Bike Safety Assemblies will be held for all students at Hyde Park Middle School and 5th grade students at the elementary schools during the first week of May 2011. Bike Safety Assemblies will begin by viewing the League of American Bicyclists video called, "Enjoy the Ride" (22 minutes). After the video, representatives from University Medical Center (UMC) and Southern Nevada Health District, and the CCSD Traffic Safety Coordinator will talk about key points of the video as they relate to common bicycling injuries they are trying to prevent in Southern Nevada. UMC, Southern Nevada Health District, and PTA/PTO volunteers will then hand out new bike helmets to all 5th grade students only with instructions for proper fit.

Task 17: During the first weekend in May 2011, LOKA will host a Bike Safety Check and Bicycle Skills Rodeo at Hyde Park Middle School for students that live within a biking distance of Hyde Park. Students will be encouraged to ride their bikes to the event with a parent on the routes they would take to Hyde Park during the school year. This will be an opportunity for parents to identify hazards to the young bicyclist if they allow them to ride their bikes to school. Any hazards identified should be reported to LOKA so that they can coordinate with the appropriate officials to resolve

the hazards. This event will be divided into two sessions to accommodate two different age groups. The first session will be designed for 5th grade students and the second session will be designed for Hyde Park Students. LOKA will coordinate support from Las Vegas Fire and Rescue, METRO, and local bicycle shops to man bicycle check stations during both sessions. LOKA and PTA/PTO volunteers from the elementary schools will support the Bicycle Skills Rodeo stations for the 5th graders and LOKA and PTA volunteers from Hyde Park will support the Bicycle Skills Rodeo stations for the middle school students. Hyde Park students successfully completing the Bicycle Skills Rodeo will be eligible to participate in a bike train event during the third week of May 2011. Students will be required to provide written permission from their parents to participate in the event upon signing up the following week.

Task 18: Hyde Park students successfully completing the Bicycle Skills Rodeo above will be eligible to participate in a bike train event during the second week of May 2011. Students will have three days (Monday thru Wednesday) to sign-up for the bike train event. This event will be run starting at the ends of the seven encouragement activity routes identified above. Only 10 students per adult rider will be allowed to ride together in a group; therefore, the number of adult volunteers needed must be identified as soon as possible after the student sign-up period. Students will be required to return home on their own or with the assistance of a parent. Students will also be responsible for locking their bikes at the school bike racks and securing their helmets and other riding gear.

ii. would make bicycling and walking to school a safe and more appealing transportation alternative

This project will make bicycling and walking to school a safer and more appealing transportation alternative because it reduces the impact the second most common barrier parents listed for the decline in these activities: traffic dangers. This project separates pedestrians and bicyclists from the vehicle traffic. This project also teaches bikers how to ride together safely making it more fun for the students getting to and from school. Biking to school also addresses the number one barrier parents listed for the decline in letting their children walk and bike to school: distance. Biking to school reduces the time students take to get to school. This mode of transportation can be less strenuous than walking given the flat terrain of the area, thus allowing students that live farther from the school to make the trip in a reasonable time frame. Biking to school will also help give middle school students the independence from their parents this age group strives for.

iii. will improve the safety of bicyclists, pedestrians, and school staff

This project introduces traffic calming bulb-outs at several intersection corners along the proposed bike path. These bulb-outs are traffic-calming devices that narrow the street by widening the curb and sidewalk. These devices reduce pedestrians' and bicyclists' crossing distance, improves pedestrian visibility for drivers, and the narrowed lanes can help slow vehicles. These new bulb-outs will also incorporate ADA approved ramped crossings which do not currently exist in

many locations. On the south side of Hyde Park, these bulb-outs will provide a safe refuge for the staff crossing guards at a crossing complicated by the entrances to the staff parking lot and the park parking lot on the opposite side of the street. Finally, permanent center lane islands will be created to provide a safety refuge for students crossing the multi-lane roadway on Oakey Blvd.

iv. will reduce traffic
Encouraging more children to walk or bike will inherently reduce the number of vehicles entering school zones.

v. will reduce fuel consumption
Reducing the number of vehicles driving to and from schools to drop-off or pickup children will reduce Nevada's consumption of fuel.

vi. will reduce air pollution in the vicinity (approximately 2 miles) of schools (Grades K-8).
Reducing the number of vehicles driving to and from schools to drop-off or pickup children will reduce the carbon monoxide emissions these vehicles produce thus improving the air quality in the vicinity of schools. This is will also reduce the emissions of idling vehicles waiting to pickup children.

b. **Research has shown the most successful way to increase walking and bicycling is through a comprehensive approach that includes the "5 E's" (Engineering, Education, Enforcement, Encouragement, and Evaluation). Applicants requesting funding for infrastructure projects (Engineering) are also required to address each of the other "E's". This can be an existing program, an enhanced program, or a new program. Please provide how these other "E's" are addressed by providing the information outlined in Appendix A.**

Education Component

Provide a description of the educational efforts related to bicycling and walking to school that have been, or will be conducted, as a component of this project.

a. Teaching students about the broad range of transportation choices
   See Task 1-18 above.
b. Instructing important lifelong bicycling and walking skills
   The bike safety assemblies at the schools will provide important lessons in bicycle safety and the health benefits of this activity. Continued support of the Walk-to-School Day and Bike Safety Month activities will hopefully promote more routine events, such as month, bi-monthly or even weekly programs.
c. Launching driver safety campaigns
   LOKA and its community partners have been promoting school zone traffic safety since December of 2005! LOKA's first SR2S grant includes funding for two PSAs to continue this effort. LOKA also continues to advocate for law changes that impact walking and biking to school. Raising awareness at all levels of Nevada's government about Safe Routes to School will help transform Nevada into a walking and biking friendly state. Using lessons learned from other states, LOKA hopes to expand the rights of pedestrians and bicyclist. Some of the Universal Vehicle Codes to be considered include the following:

UVC § 11-1210(a) [§ 11-1209(a), 2000 version number] Bicycles and human powered vehicles on sidewalks [Pedestrian right of way]
A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

UVC § 11-1210(b) [§ 11-1209(b), 2000 version number] Bicycles and human powered vehicles on sidewalks [Sidewalk riding prohibited]
A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

UVC § 11-1210(c) [§ 11-1209(c), 2000 version number] Bicycles and human powered vehicles on sidewalks [Bicyclist has rights/duties of pedestrian]
A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

Just as driving is a "privilege" to Nevada's citizens who abide by the laws established to govern this activity, bicyclists need to abide by the ***Rules of the Road*** when they are using this mode of transportation. As the laws for bicyclists are refined, there will be a need to educate bicyclists of the changes. Accomplishing this task in a school environment with young bicyclists will help change the culture of poor driver behavior Nevada has become known for.

Encouragement Component

Provide a description of the encouragement efforts related to bicycling and walking to school that have been, or will be conducted, as a component of this project. Encouragement efforts should consider strategies such as, but not limited to:

a. Special Walk or Bicycle to School Days:
   All schools during the International Walk to School Day 2009 and 2010.

b. Walking School Buses:
   All schools during the International Walk to School Day 2009 and 2010.

c. Bicycle Trains
   Hyde Park Bicycle Trains 2010 and 2011

d. Competitions (e.g., Mileage, Most days walked/biked, etc.)
   None

e. Modest incentives
   All schools during the International Walk to School Day 2009 and 2010.

Enforcement Component

Provide a description of the enforcement efforts related to bicycling and walking to school that have been, or will be conducted, as a component of this project. Enforcement efforts should consider strategies such as, but not limited to:

a. Increased law enforcement presence during drop-off/pick-up times
   (As required at key locations)

b. Use of enforcement equipment (e.g., speed trailers, etc.)

c. Crossing guard programs
During the International Walk to School Day events, adult volunteers will monitor key crossings on the Encouragement Activity Routes identified above. In addition, Walking School Bus leaders will assist students in crossing roadways on their route.

d. Enforcing of drop-off/pick-up patterns on school property
Ensuring concrete drop-off/pick-up procedures are established in Task 2 and distributing these procedures to parents will help school staff and PTA/PTO volunteers enforce these traffic patterns on the streets adjacent to the schools. If parents continue to violate these procedures, law enforcement support will be requested as stated above.

Evaluation Component

Provide a description of the evaluation efforts related to bicycling and walking to school that will be conducted as a component of this project. Data regarding existing bicycle and pedestrian usage and facility conditions must be collected prior to project/activity implementation. Project effectiveness should be evaluated for a period of at least 2 years after completion of the project/activity. Evaluation will include:

a. **Behavioral Changes:** Description of evaluation methodology (e.g., visual count, informal classroom student count, automated methodologies, bike rack counts, etc.) that will be used to determine the numbers of students bicycling and walking.

Parent Surveys and Student Travel Surveys will be collected before and after the infrastructure project is completed.

b. **Safety Benefits:** Description of evaluation methodology (e.g., accident data, etc.) proposed to determine the effectiveness of safety improvements.

Prior to the start of the infrastructure improvements, we will obtain accident data for the prior 3 years along all segments of our improvements and we will then compare this data with accident data 2 years post completion of the improvements to look for trends or any other significance that can be made from reviewing the data such as crashes involving bikes and pedestrians during school drop off / pick up times. Also, we will obtain before and after speed studies to see if our improvements, such as the choker/curb extensions, have helped reduce speeding adjacent to the schools.

c. Other Potential Benefits:

i. The number of new partnerships created as a result of the program

Seven new PTA/PTO partnerships will be created with LOKA and its community partners.

ii. The number of students and/or schools reached through the program

Seven schools and approximately 5000 students.

iii. Measurements of student health, air quality, congestion, and other metrics noted or implied by the legislative purpose of the program.

We hope to be able to reduce traffic by encouraging parents to allow their children to walk/bike to school. As a measure of effectiveness, we will obtain traffic counts to compare before and after traffic volumes. In addition, Hyde Park Middle School currently

has a weather station and we will make our best effort to work with the school and Clark County Air Quality to try and have the weather station upgraded to include the air quality devices so that we can compare air quality data in the before and after situations. As for student health, our measurements of students who bike and walk before and after the improvements will give us a good indication as to whether this improvement will help improve students' health.

iv. Improvements to the built environment the benefit the ability to walk and bicycle to and from schools

A new north/south multi-use path that provides connectivity to the Alta Dr bike lanes (the Red Rocks Trail) and additional curb extensions and pedestrian safety medians throughout the suggested route upgrade area

c. Describe the current conditions for walking or biking to school. What are the obstacles or risks facing children who walk or bike to school?



Lack of Sidewalks. Several blocks on Hinson St between Charleston Blvd and Oakey Blvd do not have sidewalks, curbs, and gutters. Students routinely walk to school in the streets along with the vehicle traffic.

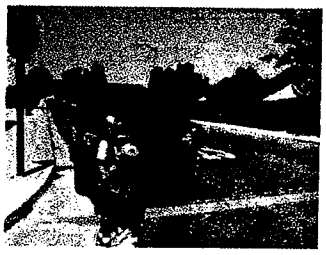


Poor Driving Habits. Parents driving their children to school routinely violate the following basic traffic laws:

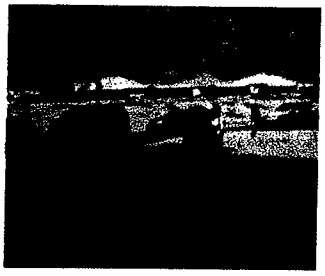
- No stopping or parking on crosswalks
- No parking within 20 feet of a crosswalk
- No backing up onto a crosswalk
- No parking within 15 feet of a fire hydrant
- No parking in the fire lane
- 15mph in school zones (5mph on ALL CCSD campuses)



Traffic Congestion. Nevada's rapid population growth over the last several years has created over-crowded conditions at most schools. School parking lots and drop-off lanes are not designed to handle these large volumes of vehicles and current city traffic planning does not include "queuing" studies as these vehicles get backed up onto the city or county streets.



Poor Visibility. Larger percentages of high profile vehicles are being used to transport children to and from schools. These vehicles when parked or stopped too close to a crosswalk prevent other drivers from seeing children entering the crosswalk. In addition, parents are not teaching their children how to properly cross the street in these conditions.



Lack of Respect. Today's children do not show respect for vehicle traffic. In some cases, this is a learned behavior taught by their parents. A pedestrian does not stand a chance against any vehicle no matter how invincible they believe they are. When crosswalks are provided, our children need to be encouraged to use them. Drivers also need to learn patience and yield to pedestrians; it's the law!

d. Describe how the proposed project addresses the barriers or obstacles facing children who walk or bike to school.



Lack of Sidewalks. This project will provide a multi-use path on Hinson St to separate vehicle traffic from walking and biking students.



Poor Driving Habits. LOKA and PTA/PTO volunteers will attempt to educate drivers about Nevada's traffic laws during Walk-to-School events and using informational handouts. Center medians to prohibit u-turns and new bulb-outs along the multi-use path will eliminate illegal parking on crosswalks within Hyde Park's school zone.



Traffic Congestion. Clearly defined drop-off/pickup procedures will help ensure a safe and smooth interaction between cars and their pedestrians and cars with other cars or pedestrians. Drivers will understand what is expected of them when they are dropping off or picking up their students.



Poor Visibility. New bulb-outs along the multi-use path will eliminate illegal parking next to crosswalks within Hyde Park's school zone. These bulb-outs will also provide drivers better visibility of students as they crossing the roadway.



Lack of Respect. As the country of Denmark did in the 70's, Kids About will attempt to "grow" good pedestrians and drivers over the next few years. As our elementary school students and drivers (parents) move on to middle school, they will hopefully retain safe crossing and driving habits. As these middle school students become drivers in high school, they will hopefully achieve an awareness and respect for pedestrians crossing the street. As the county of Denmark realized, this cultural change will not happen overnight. It will take several years before significant changes will be measured.

e. Provide the walking distance from this project to the affected schools.

2 miles

13. Schools

a. List all schools involved or affected by this project and grade levels for each school.

Schools	Grade Levels
Hyde Park Middle	6-8
Vegas Verdes Elementary	K-5
Wasden Elementary	K-5
Griffith Elementary	K-5
Hancock Elementary	K-5
Our Lady of Las Vegas	K-8

b. List the total number of K-8 students in each school involved or affected by this project.

Schools	# of Students
Hyde Park Middle	1680
Vegas Verdes Elementary	606
Wasden Elementary	650
Griffith Elementary	478
Hancock Elementary	504
Our Lady of Las Vegas	650
TOTAL	**4568**

c. List the school district's designated walking distance for each school involved or affected by this project.

Schools	Walking Distance
Hyde Park Middle	2 Miles
Vegas Verdes Elementary	2 Miles
Wasden Elementary	2 Miles
Griffith Elementary	2 Miles
Hancock Elementary	2 Miles
Our Lady of Las Vegas	Private

d. List the total K-8 students who live within the designated walking distance of each school that this project is expected to benefit.

Schools	# within Walking Distance
Hyde Park Middle	*840*
Vegas Verdes Elementary	606
Wasden Elementary	650
Griffith Elementary	478
Hancock Elementary	504
Our Lady of Las Vegas	*150*
TOTAL	3228

e. Estimate current number of K-8 students who currently bike or walk to school for each school.

Schools	# of Current Walkers	# of Current Bikers
Hyde Park Middle	*150*	*50*
Vegas Verdes Elementary	*484*	25
Wasden Elementary	*40*	*15*
Griffith Elementary	*100*	*25*
Hancock Elementary	*100*	*25*
Our Lady of Las Vegas	*15*	*0*
TOTAL	889	140

f. Estimate the number of students, who currently do not bike or walk, that are anticipated to change transportation mode to bicycling and walking as a result of this project.

Schools	# of Non-Walkers	# of Non-Bikers
Hyde Park Middle	150	50
Vegas Verdes Elementary	122	5
Wasden Elementary	100	5
Griffith Elementary	50	5
Hancock Elementary	50	5
Our Lady of Las Vegas	45	5
TOTAL	517	75

g. Estimate the number of students, who are currently "Hazard Bused", that are anticipated to change transportation mode to bicycling and walking as a result of this project.

Schools	# of Hazard Bused	Estimated Change of Hazard Bused
Hyde Park Middle	840	50
Vegas Verdes Elementary	0	0
Wasden Elementary	252	0
Griffith Elementary	168	0
Hancock Elementary	168	0
Our Lady of Las Vegas	0	0
TOTAL	1428	50

14. Who Will Own This Property When Project Is Completed?
City of Las Vegas

15. Maintenance Of This Project Will Be Provided By:
City of Las Vegas

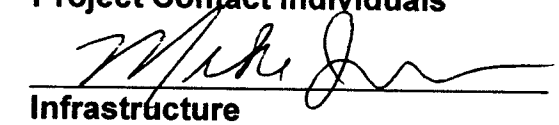
16. Rights-Of-Way For This Project Will Be Provided By:
City of Las Vegas and Clark County School District

17. Environmental Impacts
The proposed multi-use path will enable and encourage more students to walk and ride their bike, thus, reduce air pollution.

18. This Project Is Supported By:
AAA Nevada
City of Las Vegas
Clark County School District
Las Vegas Fire and Rescue
Las Vegas Metropolitan Police Department
Look Out Kids About
Nevada Department of Transportation
Nevada PTA
Regional Transportation Commission of Southern Nevada
Safe Community Partnership (UNLV)
Safe Kids
Southern Nevada Health District
University Medical Center

19. Signatures

Project Contact Individuals



Infrastructure

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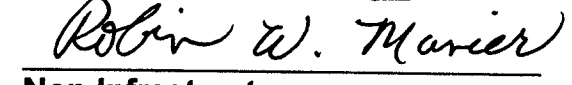

Non-Infrastructure

Robin Munier
President
Look Out Kids About (*A Traffic Safety Coalition)*
P.O. Box 26395
Las Vegas, NV 89126
(702) 884-2783
president@lookoutkidsabout.org

Project Sponsor Contact



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Phone: 702-229-6327
Fax: 702-366-0032
ltarkanian@lasvegasnevada.gov

MPO Official

SEE LETTER OF SUPPORT DATED 2/13/09

Jacob Snow
General Manager
Regional Transportation Commission of Southern Nevada
600 S. Grand Central Pkwy. Suite 350
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Office: (702) 676-1727
Fax: (702) 676-1713
snowj@rtcsnv.com

REGIONAL TRANSPORTATION COMMISSION
RTC
OF SOUTHERN NEVADA
600 S. Grand Central Parkway, Suite 350 • Las Vegas, Nevada 89106-4512 • 702-676-1500 • Fax: 702-676-1518

Jacob L. Snow,
General Manager

February 13, 2009

The Honorable Lois Tarkanian
Las Vegas City Council
City Hall, Fourth Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

Dear Councilwoman Tarkanian:

We appreciate this opportunity to review your staff's proposal for Safe Routes to School Upgrades for Hyde Park and the surrounding area. We are in support of improvements to the pedestrian corridors in our community, particularly as they allow people of all ages to travel from their homes to schools, employment, shopping and other destinations.

As planned, these improvements will also allow pedestrians to access several of our transit routes more safely via calmer streets and continuous walkways.

We look forward to coordinating these efforts with your staff.

Sincerely,

JACOB L. SNOW
General Manager

JLS:pc

City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
RESOLUTIONS:

R-72-2009 - Approval of a Resolution directing the City Treasurer to give notice of the sale of properties subject to the lien of a delinquent assessment in Special Improvement District 505 and in certain other districts and providing other matters properly relating thereto - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
NRS 271.545 states that when an assessment or installment becomes delinquent, the City shall direct the City Treasurer to give notice of the sale of the property or properties subject to the lien of a delinquent installment or the entire assessment if the governing body has exercised its option to cause the whole amount of the unpaid principal to become due and payable.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-72-2009

City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
RESOLUTIONS:

R-73-2009 - Approval of a Resolution directing the City Treasurer to give notice of the sale of properties subject to the lien of a delinquent assessment in the Summerlin Special Improvement Districts and in certain other districts and providing other matters properly relating thereto - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
NRS 271.545 states that when an assessment or installment becomes delinquent, the City shall direct the City Treasurer to give notice of the sale of the property or properties subject to the lien of a delinquent installment or the entire assessment if the governing body has exercised its option to cause the whole amount of the unpaid principal to become due and payable.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-73-2009

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
RESOLUTIONS:

R-74-2009 - Approval of a Resolution regarding the Cooperative Grant Agreement (Agreement) between the City of Las Vegas (City) and Nevada Development Authority, Inc., (NDA) to administer a five-year grant to ensure that Telus International (U.S.) Corp. (TELUS), a new company expanding in Las Vegas, achieves certain performance objectives ($1,500,000 – Industrial Revenue Fund) - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Agreement is for NDA to administer the Economic Development Incentive Grant (EDIG) Program on behalf of the City and to ensure that all performance objectives are met by TELUS on an annual basis for five (5) years. TELUS is required to meet specific employment levels and capital expenditures each year to be eligible for that year's incentive grant. The main requirement is the hiring of City of Las Vegas residents that live within Community Development Block Grant (CDBG) Eligible Census Tracts. The first year grant amount is $500,000, and the second year through fifth year grant amounts are $250,000 per year.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-74-2009
2. NDA Disclosure of Principals
3. Public Purpose Impact Analysis

RESOLUTION NO. _____

RESOLUTION APPROVING THE COOPERATIVE GRANT AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND NEVADA DEVELOPMENT AUTHORITY, INC. AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the City of Las Vegas ("City") has created the Economic Incentive Grant Program which will provide economic development incentives to certain new businesses within the city of Las Vegas which will create employment opportunities and be of substantial benefit to the inhabitants of the City; and

WHEREAS, the Nevada Development Authority ("NDA") is a nonprofit charitable organization in the State of Nevada which works to diversify and improve the economy of Southern Nevada and meet its goals and objectives, which includes, but is not limited to, (i) attracting and assisting new industrial and commercial businesses to Southern Nevada; (ii) facilitating the retention and expansion of existing businesses in Southern Nevada; (iii) fostering an effective working relationship between business and government agencies; (iv) fostering an effective relationship between NDA and other economic development agencies; and (v) improving the quality of life through growth that achieves a balance between economic development and out environment/infrastructure; and

WHEREAS, pursuant to NRS 268.028, the City may provide a grant to NDA, as a charitable nonprofit organization, when such grant fulfills the purposes of the Economic Incentive Grant Program by NDA providing economic development incentives through this grant to certain new businesses within the city of Las Vegas which will in turn create employment opportunities and be of substantial benefit to the inhabitants of the City; and

WHEREAS, the City desires to enter into the Cooperative Grant Agreement with the NDA, the form which is attached hereto as Exhibit A, which will provide Economic Development Incentive Grant funds in the amount not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) subject to the conditions and other limitations as set forth in the Cooperative Grant Agreement.

RESOLVED, that the City Council of the City of Las Vegas does hereby approve the Cooperative Agreement between the City of Las Vegas and NDA which will provide Economic Development Incentive Grant funds in the amount not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00).

RESOLVED FURTHER, that the purpose of providing these Economic Development Grant Funds has been set forth above pursuant to NRS 268.028; and

RESOLVED FURTHER, that the conditions and other limitations on the expenditure of these Economic Development Grant Funds are set forth in the Cooperative Agreement.

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:

_____ 9/21/09
Date

EXHIBIT A

COOPERATIVE GRANT AGREEMENT BETWEEN CITY OF LAS VEGAS AND NEVADA DEVELOPMENT AUTHORITY, INC.

THIS COOPERATIVE GRANT AGREEMENT ("Agreement") is entered into as of the _____ day of_____, 2009, by and between **NEVADA DEVELOPMENT AUTHORITY, INC. ("NDA")**, a Nevada non-profit corporation, and the **CITY OF LAS VEGAS ("CITY")**, a municipal corporation of the State of Nevada.

WITNESSETH

WHEREAS, the Nevada Development Authority (NDA) is a non-profit organization that meets the requirements as an organization created for religious, charitable or educational purposes as set forth in NRS 372.3261 and works to diversify and improve the economy of Southern Nevada and meet its goals and objectives through the following actions:

- Attract and assist new industrial and commercial businesses to Southern Nevada
- Facilitate the retention and expansion of existing businesses in Southern Nevada
- Foster an effective working relationship between business and government agencies (local, state and federal)
- Foster an effective relationship between businesses and educational entities that creates the partnerships to optimize employment opportunities and ensure that skilled workers are available to meet industry's needs
- Foster an effective relationship between NDA and other economic development agencies
- Improve the quality of life through growth that achieves a balance between economic development and our environment/infrastructure
- Provide effective communications to members and provide the means for additional member involvement
- Expand the number of NDA members
- Enhance NDA's information gathering and dissemination capability

WHEREAS, NRS 268.028 provides in pertinent part as follows:

1. The governing body of a city may expend money for any purpose that will provide a substantial benefit to the inhabitants of the city. Except as otherwise provided in subsection 4, the governing body may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose.

2. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

   (a) The purpose of the grant or donation;
   (b) If applicable, the maximum amount to be expended from the grant; and
   (c) Any conditions or other limitations on the expenditure of the grant or the use of the donated property.

3. The provisions of this section do not limit the ability of a governing body of a city or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

WHEREAS, the City desires to provide a grant to NDA to provide economic development incentives to certain new businesses within the City of Las Vegas which will create employment opportunities and be of substantial benefit to the inhabitants of the City; and

WHEREAS, pursuant to the terms of the Agreement and in accordance to Resolution No. ___, the NDA will administer a One Million Five Hundred Thousand Dollar ($1,500,000.00) economic development incentive grant ("Economic Development Incentive Grant") provided by the City to the NDA in order to fund the "Participating Business" that will enter into a participation agreement with the NDA (the "Participation Agreement") and open a new business within the City of Las Vegas municipal boundary or Redevelopment Area (the "Project") and hire residents living within the City of Las Vegas CDBG Eligible Census Tracts ("Eligible Census Tracts"), subject to the Participating Business funding capital expenditures on tenant improvements and purchasing of equipment and fixtures for its new or renovated facility;

The Economic Development Incentive Grant of $1,500,00.00 will be funded by the City of Las Vegas over a five year period in the following amounts: Year 1 – Five Hundred Thousand Dollars ($500,000.00); Years 2 through 5 – Two Hundred Fifty Thousand Dollars ($250,000.00) per year; and

WHEREAS, The City of Las Vegas is desirous of entering into this Cooperative Grant Agreement in order to make positive economic impact through the creation or retention of jobs and an increase in state and local tax revenue, as a benefit to the state and local economy; and

WHEREAS, the NDA is desirous of entering into this Cooperative Grant Agreement for the Economic Development Incentive Grant in order to achieve its purpose as a charitable organization; and

NOW, THEREFORE, in consideration of the premises and the mutual agreements hereinafter set forth, the adequacy and sufficiency of which consideration is hereby confirmed, the parties hereto agree as follows:

ARTICLE I. DEFINITIONS

In addition to the terms otherwise defined herein, as used herein, the following words shall have the following meanings:

"Agreement" means this Cooperative Grant Agreement.

"Effective Date" has the meaning set forth in Article XV hereof.

"Participating Business" means those business entities that are referred to the City of Las Vegas by the NDA, open a business within the boundary of the City of Las Vegas, hire residents of the City of Las Vegas living within the City of Las Vegas CDBG Eligible Census Tracts and make capital expenditures on tenant improvements and purchasing of equipment and fixtures for the new or renovated facility.

"Performance Objectives" has the meaning set forth in Article IIII hereof.

ARTICLE II. PURPOSE

The purpose of this Agreement is to promote economic development and commerce within the City of Las Vegas, Nevada, by providing a grant to NDA to (i) fulfill its mission of attracting and retaining business opportunities throughout southern Nevada, more specifically the City of Las Vegas, Nevada; (ii) administer the Economic Development Incentive Grant on behalf of the City for the purposes of attracting or retaining businesses within the City of Las Vegas where said business will make a capital investment expenditure on tenant improvements and purchasing of equipment and fixtures for a selected site and where said business will hire new, regular employees, which employees shall include residents from the City of Las Vegas CDBG Eligible Census Tracts; (iii) increase wages, benefits and salaries paid; and (iv) increase local and state tax revenues. These undertakings are expected to result in an economic benefit to the local and state economy and shall be of substantial benefit to the inhabitants of the City.

ARTICLE III. PERFORMANCE OBJECTIVES

A. The NDA will contract with the Participating Business to meet the performance objectives (the "Performance Objectives"). In order to meet the Performance Objectives, the Participating Business shall during the Term of the Agreement:

1. Be located within the City of Las Vegas municipal boundary;

2. Fund capital expenditures on tenant improvements and purchase equipment and fixtures for the Project with an aggregate fair market value of not less than One Million Five Hundred Thousand Dollars ($1,500,000.00);

3. Attain a minimum employment level, on an annual basis, during the Term of this Agreement, as shown in Exhibit "A" and **hire** a minimum of new, regular employees, (as set forth on Exhibit A) that can be determined to be residents of the City of Las Vegas CDBG Eligible Census Tracts. A copy of the City of Las Vegas CDBG Eligible Census Tracts map is attached hereto and made a part of as Exhibit "B";

If the minimum employment level of 300 regular employees is not attained in NDA's FY 2009 - 2010 (fiscal year ends June 30, 2010), but the goal of 30 employees that reside in the City of Las Vegas CDBG Eligible Census Tracts is attained, then the Participating Business will be entitled to the Economic Development Incentive Grant of $500,000.00.

B. Satisfaction of Performance Objectives shall be determined from information provided to NDA by the Participating Business which has requested an Economic Development Incentive Grant for expanding or relocating its business within the boundary of the City of Las Vegas. The Participating Business shall have executed a Participation Agreement with the NDA. The NDA shall provide all information provided by the Participating Business to the City of Las Vegas for verification of the Performance Objectives. The Participating Business unconditionally consents and authorizes the NDA to provide such information to the City of Las Vegas. A determination by the City of Las Vegas to disburse funds to the NDA will serve as an acknowledgement that the Participating Business has met the Performance Objectives, and the NDA shall be entitled to rely without any obligation of inquiry to disburse such funds to the Participating Business. At a minimum, NDA will request the following from an officer of the Participating Business that has entered into the Participation Agreement:

1. A Certified Capital Expenditure Report ("Expenditure Report") shall be certified by an officer of the Participating Business, certifying that the tenant improvements and equipment and fixture purchases expended are in excess of what is shown in Exhibit "A" and shall be submitted no later than sixty (60) days after the end of the June 30 of each year of the Term of this Agreement.

The Expenditure Report shall have attached the supporting documentation which evidences the capital expenditures, such as lien releases and/or copies of cancelled checks supporting paid invoices.

2. A Certified Employment Report ("Qualified Employment Report") shall be certified by an officer of the Participating Business, quantifying the level of employment at the Participating Business site/facility and shall be submitted no later than sixty (60) days after the end of the fiscal year 2009-2010.

   For the first Economic Development Incentive Payment, the Participating Business may submit to the NDA both the Expenditure Report and the Qualified Employment Report before the end of NDA's fiscal year 2009 – 2010. The Participating Business must still meet the employment and expenditures performance criteria of the Participation Agreement to qualify for the Economic Development Incentive Grant.

ARTICLE IV. ECONOMIC DEVELOPMENT INCENTIVE PAYMENT

The City agrees to disburse to the NDA the Economic Development Incentive Grant in the amounts as detailed in Exhibit "A" to the extent that the Participating Business is entitled to receive funds based on the City's review of an Economic Development Incentive Grant Payment Request from the Participating Business, copies of the Expenditure Report and the Qualified Employment Report. The City shall review information submitted to the NDA by the Participating Business and shall have the additional right to request further documentation or other information to substantiate the Performance Objectives. Upon review of the documentation and satisfaction that the Performance Objectives have been met, the City shall disburse the Economic Development Incentive Grant, in whole or in part pursuant to this Agreement, to NDA. NDA agrees to disburse to the Participating Business the amount of the Economic Development Incentive Grant that NDA receives from the City. Exhibit C – Grant Disbursement Process provides additional details as to the steps to be undertaken by the NDA and the City to process a request from the Participating Business for disbursement of the Economic Development Incentive Grant.

Notwithstanding anything to the contrary contained herein, the obligations of the City to make an Economic Development Incentive Grant to the NDA for the Participating Business, if the Participating Business does not meet the Performance Objectives for that Fiscal Year, the Participating Business may still be eligible for the Economic Development Incentive Grant for the next Fiscal Year, as detailed in Exhibit A.

ARTICLE V. TERM OF AGREEMENT

This Agreement shall commence as of the Effective Date and end on the 30th day of June, 2014 (the "Term").

ARTICLE VI. TERMINATION OF AGREEMENT

This Agreement may be terminated by NDA or the City upon thirty (30) days written notice in the event the Participating Business fails to meet its Performance Objectives during the term of this Agreement. The Indemnification provisions of Article XVI shall survive the termination of this Agreement.

ARTICLE VII. ASSIGNMENT OF INTEREST

NDA may not assign or transfer any interest in this Agreement to any third party, without the prior written consent of the City, which consent shall not be unreasonably withheld.

ARTICLE VIII. DISCRIMINATION CLAUSE

NDA agrees to abide by the requirements of Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972 and the Civil Rights Act of 1991; Federal Executive Order 11246; the Federal Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974; Title IX of the Education Amendments of 1972; the Equal Pay Act of 1963; and the Age Discrimination in Employment Act of 1967, as amended with regard to the obligations of this agreement. In addition, NDA agrees to abide by the requirements of the Americans with Disabilities Act of 1990.

NDA agrees not to discriminate against employees due to race, color, religion, sex, disabilities or national origin.

ARTICLE IX. APPROVAL OF AGREEMENT

This Agreement shall not be valid and enforceable until all appropriate parties, including the NDA Executive Committee and the City has approved it.

ARTICLE X. AMENDMENT TO AGREEMENT

The parties hereby agree that, in order to be effective, any amendment hereto shall be in writing and signed by all parties and approved by the requisite authorities.

ARTICLE XI. GOVERNING LAW

This Agreement shall be governed by the Laws of the State of Nevada.

ARTICLE XII. NDA INCURRED LEGAL EXPENSES

The City will reimburse the NDA for legal expenses incurred for the Participation Agreement between the NDA and the Participating Business and this Agreement, in an amount not to exceed ten thousand dollars ($10,000.00).

ARTICLE XIII. NOTICES

Any notices required or given under the terms of this Agreement shall be deemed effectively given and received when deposited in the United States Mail, postage prepaid, stamped for transmittal, by registered or certified mail, addressed as follows:

If to: City of Las Vegas
Office of Business Development
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
Attention: Scott Adams, Director

If to: Nevada Development Authority
6700 Via Austi Parkway, Suite B
Las Vegas, NV 89119
Attention: Somer Hollingsworth, President

ARTICLE XIV. RULES OF INTERPRETATION

Unless the context clearly indicates to the contrary, the following rules shall apply to the interpretation and construction of this Agreement:

A. Words importing the singular number shall include the plural number and vise versa.

B. All references herein to particular articles or sections are references to articles or sections of this Agreement.

C. The captions and headings herein are solely for convenience of references and shall not constitute part of this Agreement, nor shall they affect its meaning, construction or effect.

ARTICLE XV. EFFECTIVE DATE

Notwithstanding the date of execution hereof, the parties hereto mutually agree that the Effective Date of this Agreement is the _____day of _____, 20__ .

ARTICLE XVI. INDEMNIFICATION

Subject to the limitations and immunities set forth in NRS Chapter 41 and except for NDA's negligent or intentionally tortious actions, the City hereby agrees to protect, defend, indemnify, save and hold harmless the NDA, its respective officers, trustees, agents, servants and employees, including volunteers (the "Indemnified Parties"), from and against any and all claims, awards, damages, expenses, liabilities, demands, costs and fees (including reasonable attorneys' fees) in any way arising out of or connected with (i) arising out of the performance of NDA's obligations under this Agreement or the Participation Agreement or the performance of any parties in connection with the administration of the Economic Development Incentive Grant Funds.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates and places hereinafter provided, but effective on the Effective Date, in the presence of the undersigned respective witnesses

Date of City Approval:

CITY OF LAS VEGAS

_____, 2009

By:_____
Oscar B. Goodman, Mayor
"CITY"

APPROVED AS TO FORM:

V. Pinkiello 9/24/09
Date
Office of the City Attorney

ATTEST:

_____
BEVERLY K. BRIDGES, CMC, City Clerk

_____, 2009

NEVADA DEVELOPMENT AUTHORITY, INC.
a Nevada Non-Profit Corporation

By:_____
Somer Hollingsworth, President

Exhibit A

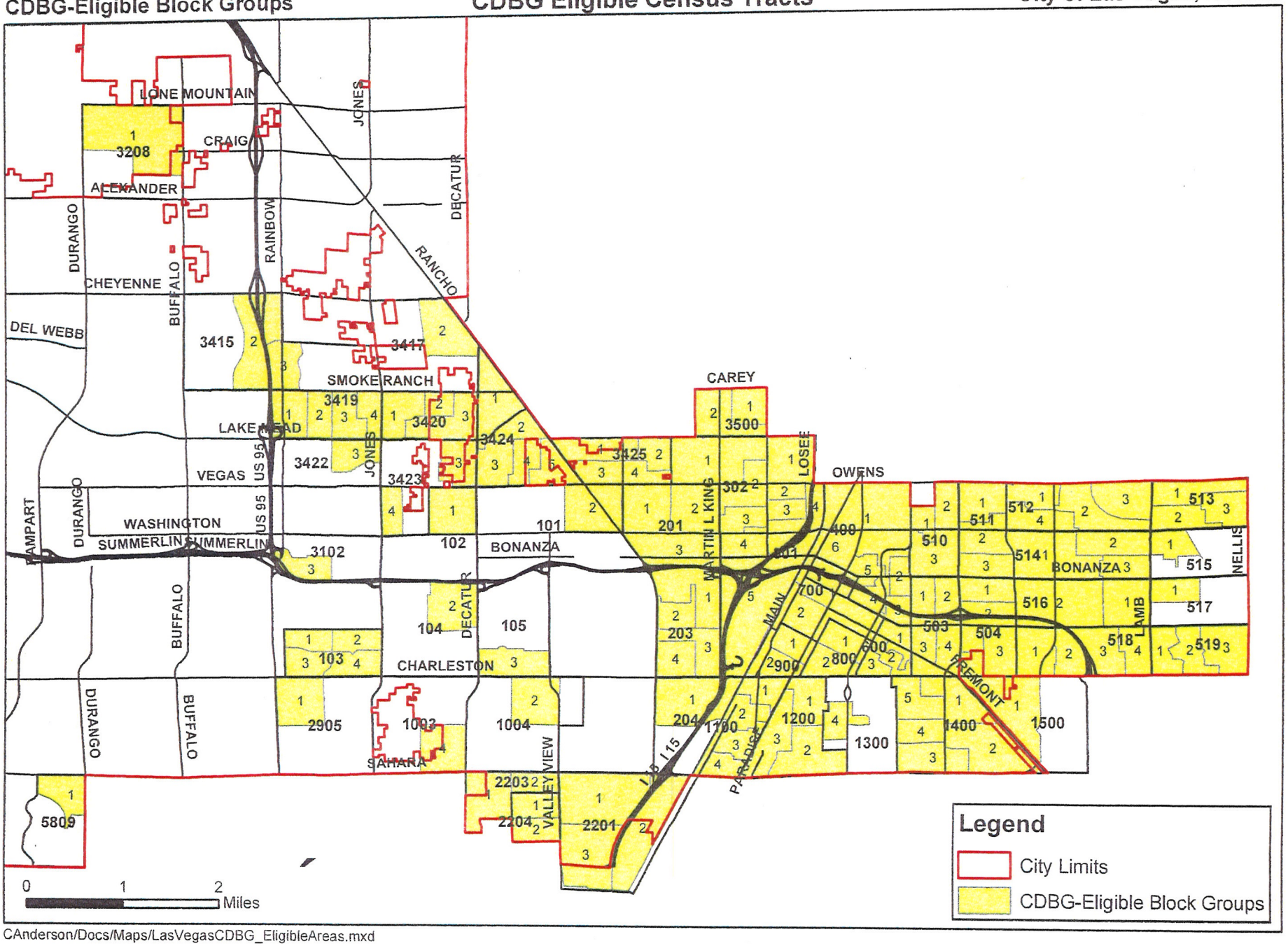
ECONOMIC DEVELOPMENT INCENTIVE GRANT SCHEDULE

	Year 1 FY 09-10	Year 2 FY 10-11	Year 3 FY 11-12	Year 4 FY 12-13	Year 5 FY 13-14	Total
Minimum Capital Improvements	$500,000	$250,000	$250,000	$250,000	$250,000	**$1,500,000**
TELUS' Projected Total of Employees	300	600	1,000	1,000	1,000	**1,000**
CDBG Hired Employees	30	25% (150)	25% (250)	25% (250)	25% (250)	**250**
Minimum Employment Levels	300	300	500	500	500	**500**
Minimum CDBG Hired Employees	10% (30)	25% (75)	25% (125)	25% (125)	25% (125)	**125**
Grant Funds	**$500,000**	**$250,000**	**$250,000**	**$250,000**	**$250,000**	**$1,500,000**

EXHIBIT B
CDBG Eligible Census Tracts

CDBG-Eligible Block Groups

City of Las Vegas, Nevada



CAnderson/Docs/Maps/LasVegasCDBG_EligibleAreas.mxd

EXHIBIT C

GRANT DISBURSEMENT PROCESS

1. Participating Business submits quarterly Qualified Employment Reports NDA.
2. Participating Business submits an annual FY Certified Capital Expenditure Report, an annual Qualified Employment Report and a report that it is complying with the goals and objectives of the Employment Plan no later than sixty (60) days after the end of NDA's Fiscal Year to NDA.
3. NDA submits a letter to the City of Las Vegas, within 5 business days upon receiving the reports in Items 1 and 2 above, informing the city that the Participating Business has submitted a request for disbursement of the Economic Development Incentive Grant and that the necessary reports are ready for review.
4. City representative(s) review the reports and supporting documentation to ensure that Participating Business has complied with the Performance Objectives of the Participation Agreement between NDA and the Participating Business. Review of the reports and supporting documentation should take no more than fifteen (15) to twenty (20) business days and will depend on the detail and completeness of the submitted reports and supporting documentation.
5. Once the city representative has made a determination that the Performance Objectives have been met, a letter will be sent to the NDA and Participating Business, within five (5) business days, indicating compliance.
6. A disbursement check will be mailed to NDA within fifteen (15) days from the date of the letter. NDA is to disburse the grant funds to the Participating Business within ten (10) days of receipt of the check from the City.

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Block 1 Contracting Entity

Name – Nevada Development Authority, Inc.
Address – 6700 Via Austi Parkway, Suite B
Las Vegas, NV 89119
Telephone – 702-791-0000

EIN or DUNS – 88-0070996

Block 2 Description:

Subject Matter of Contract/Agreement:

COOPERATIVE GRANT AGREEMENT

RFP # N/A

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Non-Profit Corporation

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.	David B. Ashley, President University of Nevada, Las Vegas	4505 S. Maryland Pkwy., Box 451001 Las Vegas, NV 89154	702-895-3201
2.	Michael J. Bonner, Managing Partner Kummer Kaempfer Bonner Renshaw & Ferrario	3800 Howard Hughes Pkwy., 7th Fl. Las Vegas, NV 89169	702-792-7000
3.	Ms. Susan Brager, Commissioner County of Clark	500 S. Grand Central Pkwy. Las Vegas, NV 89155	702-455-5563
4.	Joseph W. Brown, President Jones Vargas	3773 Howard Hughes Pkwy., 3rd Fl. So. Las Vegas, NV 89169	702-862-3300
5.	Joseph Carleone, President & CEO American Pacific Corporation	3883 Howard Hughes Pkwy., Ste. 700, Las Vegas, NV 89169	702-699-4166
6.	Glenn C. Christenson, Managing Dir. Velstand Investments, LLC	1450 W. Horizon Ridge Pkwy., B304 #675 Henderson, NV 89012	702-897-1165
7.	Steve Garofalo, Executive Vice President Citibank, North America Consumer Bank	8725 W. Sahara Ave. Las Vegas, NV 89117	702-797-4875
8.	Donald J. Giancursio, CEO UnitedHealthcare	P.O. Box 15645 Las Vegas, NV 89114	702-304-6901

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: 1

Disclosure of Principals – Continuation

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
9.	Mayor James B. Gibson City of Henderson	240 Water Street Henderson, NV 89015	702-267-2406
10.	Mayor Oscar B. Goodman City of Las Vegas	400 E. Stewart Ave., 10th Fl. Las Vegas, NV 89101	702-229-6241
11.	Ms. Robbie Graham, President NTC Global Holdings	2500 N. Buffalo Dr., Ste. 235 Las Vegas, NV 89128	702-251-5276
12.	Mayor Susan M. Holecheck City of Mesquite	10 E. Mesquite Blvd. Mesquite, NV 89027	702-346-5295
13.	Jay Kornmayer, Executive Vice President Wells Fargo Bank, N.A.	3800 Howard Hughes Pkwy., Ste. 400 Las Vegas, NV 89169	702-791-6311
14.	Kenneth G. Ladd, Western Region President U.S. Bank	2300 W. Sahara Ave., Ste. 600 Las Vegas, NV 89102	702-251-1634
15.	Robert Lewis, President Lewis Operating Corp.	P.O. Box 19297 Las Vegas, NV 89132	702-891-5260
16.	Joseph J. McLaughlin, Managing Director Merrill Lynch	2300 W. Sahara Ave., Ste. 1200 Las Vegas, NV 89102	702-227-7090
17.	Ms. Kristin McMillan, V.P. & General Manager EMBARQ	330 S. Valley View Blvd. Las Vegas, NV 89107	702-244-7300
18.	Monte Miller, Chief Executive Officer KeyState Corporate Management (NV), Inc.	P.O. Box 50102 Henderson, NV 89016	702-598-3738
19.	Kevin T. Orrock, Top Division Executive The Howard Hughes Corporation	10000 W. Charleston Blvd., Ste. 200 Las Vegas, NV 89135	702-791-4000
20.	Richard L. Osborne, Nye County Manager	401 S. Frontage Rd., Ste. 5 Pahrump, NV 89049	775-751-7075
21.	Greg Paulk, President New-Com, Inc. & Subsidiaries	412 E. Gowan Rd. North Las Vegas, NV 89032	702-642-3331
22.	Phillip C. Peckman, Chairman of the Board The Peckman Company	10777 W. Twain Ave., Ste. 115 Las Vegas, NV 89135	702-233-1155
23.	William Robinson, Mayor Pro Tempore City of North Las Vegas	2200 Civic Center Dr. North Las Vegas, NV 89030	702-633-1336
24.	George W. Smith, President Bank of America – Nevada	300 S. Fourth St., 2nd Fl. Las Vegas, NV 89101	702-654-8460
25.	Don Snyder, Chairman of the Board The Smith Center for the Performing Arts	241 W. Charleston Blvd., Ste. 111 Las Vegas, NV 89102	702-614-0109
26.	Ray Specht, President & CEO Toyota Financial Savings Bank	2485 Village View Dr. Henderson, NV 89074	702-477-2105
27.	Mayor Roger Tobler City of Boulder City	P.O. Box 61350 Boulder City, NV 89006	702-293-9208
28.	Michael Yackira, President & CEO NV Energy	P.O. Box 98910 Las Vegas, NV 89151	702-402-5601
29.	Stephen M. Younger, President National Security Technologies, LLC	P.O. Box 98521, NSF001 Las Vegas, NV 89193	702-295-0660

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.

Name

6-16-09

Date

State of Nevada
County of Clark

This instrument was acknowledged before me on

June 16, 2009 (date) by

Homer Hollingsworth (name of person)

Notary Public -

STACEY METZ-CERAGIOLI
Notary Public State of Nevada
No. 08-8548-1
My appt. exp. Oct. 10, 2012

Public Purpose/Impact Analysis

City Council Meeting
October 7, 2009

Title of Project: Cooperative Grant Agreement between the City of Las Vegas and Nevada Development Authority, Inc. (NDA)

Project Description: This Cooperative Grant Agreement b/t the NDA and City allows the City, pursuant to NRS 268.028, to provide a grant to NDA, as a charitable nonprofit organization, to provide an economic development incentive grant to new businesses within the City which will in turn create employment opportunities and be of substantial benefit to the inhabitants of the City.

The first economic development incentive grant NDA will administer will be for the redevelopment of a vacant office space, located at 2251 South Decatur Boulevard, into an industry standard call center. The business which will be receiving the economic development incentive grant is Telus International (U.S.) Corp (Telus). This grant will be administered by the NDA for a period of five (5) years.

Assistance Provided by: City of Las Vegas. The City will provide a total of $1,500,000.00 to NDA over a five year period to administer the grant. The grant will be disbursed by NDA to Telus for achieving certain performance objectives in regards to capital expenditures and projected number of employees, which a certain number of those employees living in a CDBG Eligible Census Tract in the City of Las Vegas. The first year grant will be $500,000. Year 2 through 5 will be $250,000.00 per year.

Number of Direct Jobs Created: Telus Enterprise Solutions Corporation is expected to create 1,000 jobs over a period of five (5) years. The chart below summarizes the jobs created over the period:

	Year 1 FY 09-10	Year 2 FY 10-11	Year 3 FY 11-12	Year 4 FY 12-13	Year 5 FY 13-14	Total
Minimum Capital Improvements	$500,000	$250,000	$250,000	$250,000	$250,000	$1,500,000
TELUS' Projected Total of Employees	300	600	1,000	1,000	1,000	1,000
CDBG Hired Employees	30	25% (150)	25% (250)	25% (250)	25% (250)	250
Minimum Employment Levels	300	300	500	500	500	500
Minimum CDBG Hired Employees	10% (30)	25% (75)	25% (125)	25% (125)	25% (125)	125
Grant Funds	$500,000	$250,000	$250,000	$250,000	$250,000	$1,500,000

A minimum number of jobs must be filled by city residents living within an Eligible Community Development Block Grant (CDBG) Census Tract.

Number of Indirect Jobs Created: Not Applicable

Number of Direct Jobs Retained: Not Applicable

Pertinent Statutes Used for Public Purpose:

In accordance with NRS 262.028, the City may provide a grant to NDA, as a charitable nonprofit organization, when such grant fulfills the purposes for the Economic Incentive Grant Program by NDA providing economic development incentives through this grant to certain new businesses within the city of Las Vegas which will in turn create employment opportunities and be of substantial benefit to the inhabitants of the City.

How Does the Project Benefit the Public:

The Call Center facility is located in an aging commercial retail area, characterized by commercial retail buildings built in the 1970's and 1980's. During the 70's & 80's, this area was considered the place where residents throughout the Las Vegas Valley would conduct their shopping. With the rapid growth of the suburban area, the commercial sector began to transition from well-known retail stores to lesser-known businesses.

Property ownership throughout this area has continued to change as well. With the growing commercial real estate sector, property began to change ownership frequently. Due to the nature and growth of commercial real estate, properties were not marketed or tenanted with "credit tenants". Ownership of properties was from out-of-town investors that would hire a property management company to oversee maintenance of the property and its tenants. Maintenance became secondary to the running of the property and was delayed. Overtime maintenance on commercial properties would have to be done and given the cost to conduct deferred maintenance, the property management would have to raise rent for vacant space and when an existing tenant would renew their lease, the rent and other charges were increased.

As new commercial retail developments were constructed west and north of the Call Center facility, retail tenants within the surrounding neighborhood began to move to the newer retail centers that were located in higher income areas. This would in turn create higher commercial vacancy rates for the surrounding neighborhood where the Call Center facility is located. The commercial vacancy rate in the surrounding neighborhood has increased from 3% in the 2nd quarter of 2006 to 9% in the 4th quarter of 2008, a **200% increase,** in two and a half years. About a mile west and north of the Call Center facility, a similar commercial retail location has shown a vacancy rate of just 1.1% for the 4th quarter of 2008.

The commercial retail properties in the Call Center's surrounding neighborhood are in a state of decline, characterized by a high vacancy rate, deferred maintenance and fewer shoppers and employees to support the existing retail that is presently operating near the Call Center. With the opening of the Call Center, the surrounding commercial retail will have access to 1,000 Call Center employees. The expected payroll for the Call Center is expected to grow from approximately $8.1 million in 2009 to $32.4 million in 2013. Many employees of the Call Center will patronize the surrounding commercial retail businesses on a daily basis. With increased sales, new businesses will lease vacant retail locations, hire new employees, and property owners will begin to undertake the necessary maintenance on their property. The Call Center will act as the catalyst to the revitalization of the surrounding neighborhood.

Quantitative Economic Benefits:

The projected payroll is as follow: FY 2009-2010 - $8.1 million; FY 2010-2011 - $17.3 million; FY 2011-2012 - $22.2 million; FY 2012-2013 - $27.1 million; and FY 2013-2014 - $32.4 million. Total projected payroll over five years will be approximately $107 million. Total Economic Impact (Economic & Real Estate) over five years will be approximately $448 million.

Note: Total Economic Impact is calculated by the Total Projected Payroll and multiplied by a factor of 4.18.

Private Investment**:**

Telus will be spending approximately $2.3 million in capital improvements to the facility over the five year period.

Public Investment:

$1.5 million over five (5) years.

Total Direct Economic Impact:

Total projected Payroll over five years will be approximately $107 million.
Total projected Economic Impact over five years will be approximately $448 million.

With the Call Center as a catalyst to the surrounding neighborhood, businesses will see increased sales, retail vacancies will decline, employment opportunities and property values will increase throughout the neighborhood.

Total Indirect Economic Impact:

Not Applicable

Economic Impact Study Performed: Yes ☒ No ☐

Return on Investment Analysis Performed: Yes ☐ No ☒

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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 4617 Spring Creek Avenue in the amount of $4,651 (General Fund) and assess a maximum of $88,700 in daily civil penalties. PROPERTY OWNER: DOLORESA M. RENKIEWICZ - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,651
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 Weaver Construction. To date, there have been seven (7) inspections conducted at this location. The value of the property based on the sale date of June 1982 was $69,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,330 invoice for Weaver Construction services and $650 invoice for CamAir asbestos survey in addition to other fees assessed for a total of $4,651 and consider assessing a maximum of $88,700 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

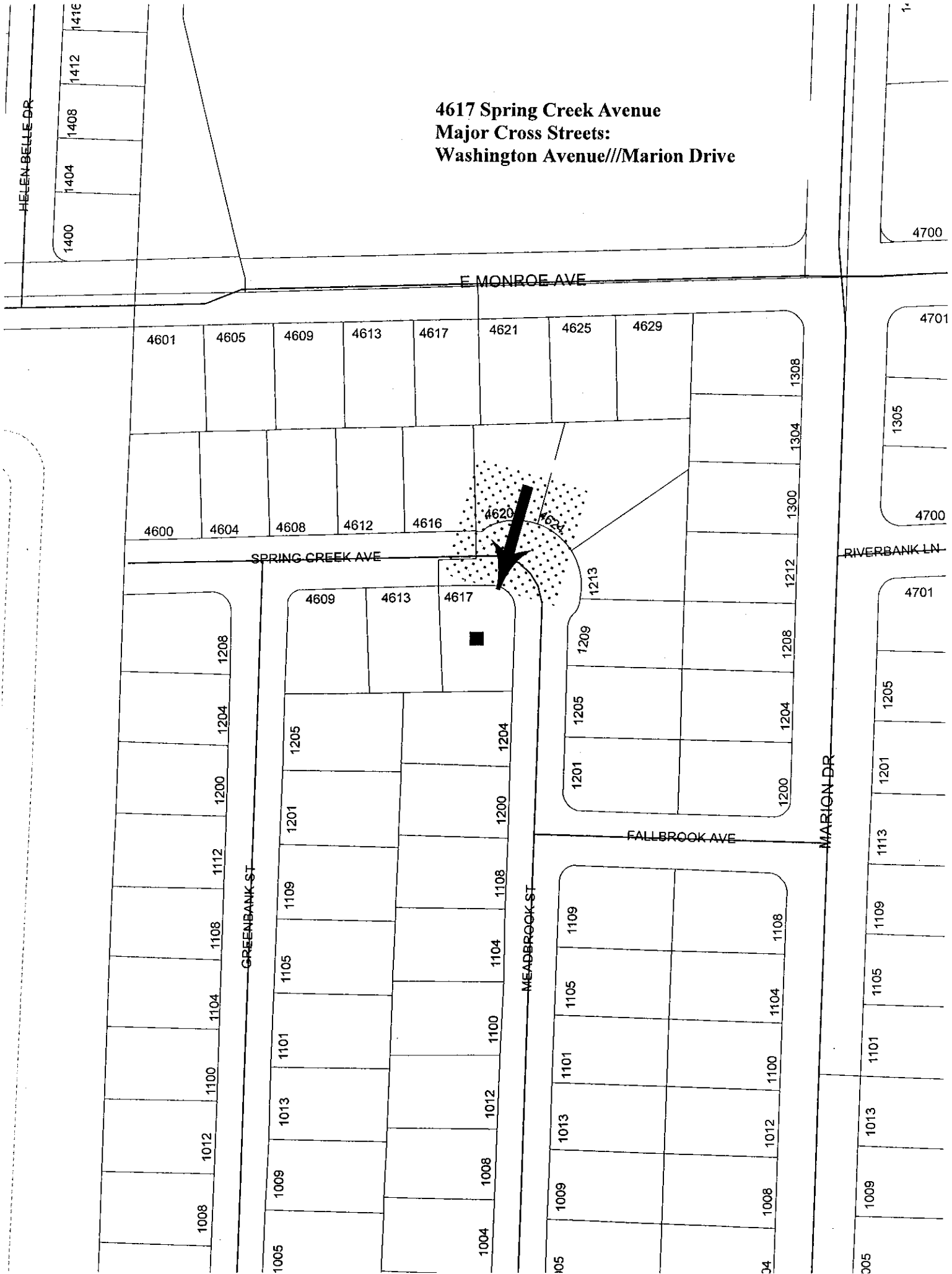
AGENDA MEMO

CITY COUNCIL MEETING DATE: October 7, 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 4617 Spring Creek Avenue in the amount of $4,651 (General Fund) and assess a maximum of $88,700 in daily civil penalties. PROPERTY OWNER: DOLORESA M. RENKIEWICZ – Ward 3 (Reese)

Weaver Construction completed work on June 18, 2009 at a cost of $1,330; CamAir conducted asbestos survey at a cost of $650; $924 in reinspection fees (w/late fees); $1,450 in civil penalty fees; plus a 15% administrative processing fee, for a total of $4,651.

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.


4617 Spring Creek Avenue
Major Cross Streets:
Washington Avenue///Marion Drive
HELEN BELLE DR
E MONROE AVE
SPRING CREEK AVE
RIVERBANK LN
FALLBROOK AVE
GREENBANK ST
MEADBROOK ST
MARION DR
4601
4605
4609
4613
4617
4621
4625
4629
4600
4604
4608
4612
4616
4620
4624
4700
4701
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1013
1009


4617 Spring Creek Avenue
Major Cross Streets:
Washington Avenue///Marion Drive
E VAN BUREN AVE
E MONROE AVE
E WASHINGTON AVE
SPRING CREEK AVE
RIVERBANK LN
FALLBROOK AVE
HELEN BELLE DR
DRESDEN DOLL ST
MARION DR
GREENBANK ST
MEADBROOK ST
COLD STREAM 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 9, 2009

Re: Report of Expenses for the abatement of Dangerous Building Demolition at 4617 Spring Creek Avenue - Ward 3 (Reese)

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 (however, that was cancelled after asbestos survey was completed), work to be completed was changed to board the structure(s) to City of Las Vegas specifications, remove trash, refuse, debris, the dilapidated wooden perimeter fence and post No Trespassing, No Dumping, No Vehicle signs on site. The abatement was completed by Weaver Construction on June 18, 2009 at a cost of $1,330.00, and asbestos survey on February 11, 2009 at a cost of $650.00 which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board the structure to City of Las Vegas specifications	$555.00
Remove trash, refuse and debris	$475.00
Remove dilapidated wooden perimeter fence	$250.00
Posting of Signs (No Trespassing, No Dumping, No Vehicles)	$50.00
Asbestos Survey	$650.00
AMOUNT DUE:	$1,980.00
Administrative Processing Fee:	$297.00
Sub-Total:	$2,277.00
Reinspection Fees (w/late fees):	$924.00
Civil Penalties:	$1,450.00
Payments	$0
TOTAL AMOUNT DUE:	**$4,651.00**
Daily Civil Penalties – 180 days @ $500 a day (excluding fees already assessed) December 21, 2008 to June 18, 2009	**$88,700.00**
Maximum Total:	**$93,351.00**
OWNER OF RECORD:	DOLORESA M. RENKIEWICZ
PROPERTY ABATED:	4617 Spring Creek Avenue
ASSESSOR PARCEL:	140-29-211-001
LEGAL DESCRIPTION:	LAS VEGAS #6 LEWIS HOMES
	PLAT BOOK 15 PAGE 70
	LOT 16 BLOCK 3

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

WEAVER CONSTRUCTION
"GENERAL ENGINEERING"
2590 NORTH NELLIS BLVD.
LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and all persons and entities holding more than a 1% interest in Weaver Construction or any principal of Weaver Construction are the following:

	FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1.	Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2.			
3.			
4.			
5.			
6.			

Continue list until full and complete disclosure is made

I certify under penalty of perjury, that the foregoing list is full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
STEPHANIE D. DUNN
Appt. No. 91-2737-1
My Appointment Expires March 1, 2000

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

OCTOBER 7, 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, OCTOBER 7, 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 **4617 SPRING CREEK AVENUE.** The Director of Neighborhood Services certifies that the sum of **$4,651.00** was expended and Civil Penalties in the sum of **$88,700.00** may be imposed for a total of **$93,351.00.** Owner of record at time of abatement: **DOLORESA M. RENKIEWICZ - WARD 3 (REESE)**

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 70940 CODEENF **02329-35**

Address: **4617 SPRING CREEK AVE** **CLV**

VACANT OPEN AND ACCESSIBLE

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
14029211001	0.16 ACRE	LAS VEGAS #6 LEWIS HOMES

Owner Information:

10-Aug-02 RENKIEWICZ DOLORESA M

P O BOX 60355; LAS VEGAS, NV 89160-0355

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
890246	Failed	10/27/2008	10/24/2008 10:00	10/24/2008 10:05	5
890246	Failed	11/10/2008	11/13/2008 9:00	11/13/2008 9:03	3
982400	Failed	11/21/2008	12/01/2008 9:53	12/01/2008 10:03	10
982400	Failed	12/29/2008	12/29/2008 8:46	12/29/2008 8:50	4
890246	Failed	4/22/2009	04/22/2009 9:47	04/22/2009 9:50	3
960392	Failed	5/2/2009	05/02/2009 8:35	05/02/2009 8:45	10
960066	Passed	6/15/2009	08/10/2009 14:17	08/10/2009 14:17	0
				Time in Minutes:	35

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-PAINTING	10/27/2008		EAST AND WEST SIDE FENCE
FENCE TORN DOWN			
A-BLD	10/27/2008		REAR OF HOUSE
BROKEN WINDOWS REAR DOOR OPEN			
A-WEEDS	10/27/2008		FRONT YARD
HIGH GRASS AND WEEDS			

Log

Type:	*Date:*	*Employee:*	*Min:*
LETTER	9/9/2009 11:01:00 AM	JESSICA LARRAMENDY	0
JL) Report of Expense Letter and Memo mailed to property owner both certified and regular mail.			
MEET	9/8/2009 11:01:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on October 7, 2009			
MISC	6/24/2009 3:08:00 PM	LAURA DEARMOND	1
Ld) $1,330 PAID TO WEAVER CONSTRUCTION			
VIDPST	6/18/2009 10:56:00 AM	ANTHONY GUARINO	0
21)post vid and photos done,photos in CC items file...closed case 8-10 in compliance. will not release until costs are recovered.			
VIDREQ	6/17/2009 10:13:00 AM	LAURA DEARMOND	0
Ld) RECEIVED WEAVER COMPLETION DATE 6-16 FAX & SENT VIDEO REQUEST EMAIL TO #21			
VIDPRE	6/15/2009 3:32:00 PM	ANTHONY GUARINO	0
21)video and photos done.photos in CC Items file			

VIDREQ	6/12/2009 10:37:00 AM	LAURA DEARMOND	0

Ld) RECEIVED WEAVER START DATE 6-15 FAX & SENT VIDEO REQUEST EMAIL TO #21

BIDA	6/10/2009 1:35:00 PM	LAURA DEARMOND	1

Ld) BID AWARDED TO WEAVER CONSTRUCTION

NOTICE	6/5/2009 8:19:00 AM	LAURA DEARMOND	0

Ld) SENT REVISED 10 DAY NOTICE BEFORE ABATEMENT TO OWNER Doloresa M. Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355

FAX	6/3/2009 10:17:00 AM	LAURA DEARMOND	0

Ld) CANCELLED BID AWARD TO GRAEAGLE & PO #270449

MEMO	6/2/2009 3:43:00 PM	ANTHONY GUARINO	0

21)SPOKE TO JERRY/GRAEAGLE-THEY ARE NOT GOING TO DO ABATEMENT,CANNOT AT BID PRICE.PER dss GO TO NEXT LOWEST BID.

BIDA	5/15/2009 7:55:00 AM	LAURA DEARMOND	0

Ld) BID AWARDED TO GRAEAGLE CONSTRUCTION

EMAIL	5/13/2009 1:58:00 PM	LAURA DEARMOND	0

Ld) SENT EMAIL TO DEVIN FOR APPROVAL REQUISITION #151626 $910 TO GRAEAGLE

MEET	5/13/2009 11:06:00 AM	ANTHONY GUARINO	0

21)Lm approved bid to abate- refer to office

INSP	5/2/2009 8:35:00 AM	STEPHANIE DEMOLEAS	10

17) pix, assess fee: $180 PLUS $500 civ PEN. OK TO AWARD BID AS QUOTED. REMOVE PERIMETER FENCE, SECURE ALL ENTRIES: REAR SLIDER PLUS SEVERAL PBROKEN WINDOWS, GRAFFITI ON OUTER REAR WALLS OF RESIDENCE, TRASH OF PILED LITTER AND WEEDS YDS. NO CHANGE. TO 21

NTCABT	4/22/2009 9:10:00 AM	JOHNNA PEREYDA	5

22) Post notice before abatement. failed inspection

NOTICE	4/21/2009 7:30:00 AM	LAURA DEARMOND	0

Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER Doloresa M. Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355/3720 Antigua Avenue Las Vegas, NV 89121

BIDR	4/21/2009 7:00:00 AM	LAURA DEARMOND	0

Ld) RECEIVED BIDS TO BOARD (1) GRAEAGLE $910 (2) WEAVER CONSTRUCTION $1,150 (3) AMERICAN DEMOLITION $1,179 (4) NDX $1,849 (5) REGENCY $2,385

BIDS	4/15/2009 8:36:00 AM	LAURA DEARMOND	0

Ld) FAXED BOARD BID TO CONTRACTORS AGAIN PER #21, DUE BACK 4-20

DBPROJ	4/6/2009 1:41:00 PM	LYNN NIHIPALI	0

LETTER	3/23/2009 1:17:00 PM	LAURA DEARMOND	0

Ld) CERTIFIED LETTER TO OWNER Doloresa M. Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355 RETURNED UNCLAIMED

MEMO	3/9/2009 2:57:00 PM	LYNN NIHIPALI	0

16)AWAITING DECISION ON WHETHER TO DEMO OR BOARD.

EMAIL	3/3/2009 3:06:00 PM	LAURA DEARMOND	0

Ld) SENT EMAIL TO PAM...BOARD OR DEMO 10 DAY NOTICE BEFORE ABATEMENT? SHE FORWARDED EMAIL TO DEVIN

BIDR	3/2/2009 7:24:00 AM	LAURA DEARMOND	0

Ld) RECEIVED DEMO BIDS 1) BALDWIN DEVELOPMENT $25,250 (2) LEVELEX $26,420 (3) WEAVER CONSTRUCTION $26,560 (4) CONSTRUCTION GROUP INTERNATIONAL $26,650 (5) W A CONSTRUCTION $29,949 (6) AMERICAN DEMOLITION $32,650

BIDR	3/2/2009 7:13:00 AM	LAURA DEARMOND	0

Ld) RECEIVED BIDS TO BOARD (1) AMERICAN DEMOLITION $750 (2) WEAVER CONSTRUCTION $1085 (3) GRAEAGLE CONSTRUCTION $1435 (4) CONSTRUCTION GROUP INTERNATIONAL $1620 (5) W A CONSTRUCTION $2149 (6) REGENCY $2150 (7) DISASTER KLEEN-UP OF NV $6,032

BIDS	2/19/2009 8:07:00 AM	LAURA DEARMOND	0

Ld) FAXED BOARD & DEMO BIDS TO CONTRACTORS, DUE BACK 2-24/25

MISC	2/19/2009 7:30:00 AM	LAURA DEARMOND	0

Ld) $650 PAID TO CAMAIR

BIDA	2/11/2009 3:23:00 PM	LAURA DEARMOND	0

Ld) ASBESTOS SURVEY BID AWARDED TO CAMAIR

RESEAR	2/11/2009 9:33:00 AM	LYNN NIHIPALI	0

16)CHECKED SSN AT FAMILY SEARCH.COM, NAME NOT LISTED AT THIS TIME.

PHONE	2/11/2009 9:14:00 AM	LYNN NIHIPALI	1

16)ATTEMPTED TO CONTACT PHONE NUMBER IN CASE HISTORIES 451-6185, LET IT RING 15 TIMES, NO ANSWER, NO VOICEMAIL, LOOKED UP NAME IN ZABA SEARCH, THEN USED 4 ADDRESSES FOR REVERSE NUMBER SEARCH IN DEXKNOWS,437-7199,ALSO RANG,NO ANSWER, NO VOICEMAIL

EMAIL	2/10/2009 7:30:00 AM	LAURA DEARMOND	0

Ld) SENT EMAIL TO DEVIN FOR APPROVAL REQUISITION #146862 $650 TO CAMAIR

BIDR	2/10/2009 7:00:00 AM	LAURA DEARMOND	0

Ld) RECEIVED BIDS (1) CAMAIR $650 (2) GCA $680

BIDS	1/29/2009 3:40:00 PM	LAURA DEARMOND	0

Ld) FAXED ASBESTOS SURVEY BID TO CONTRACTORS, DUE BACK 2-3

DIRECT	1/29/2009 1:56:00 PM	PAMELA HINES	-54

24)REVIEWED & REFERRED RESUBMITTED BID SHEET TO OFFICE STAFF TO OBTAIN DEMO BIDS PLEASE.

EMAIL	1/29/2009 1:10:00 PM	PAMELA HINES	4

24)EMAILED DAVID KLEIN AT FIRE FOR REPORT OF FINDINGS FROM THE FIRE INSPECTOR AS WE HAVE NOT REC'D ANY WORD FROM FIRE YET.

MISC	1/22/2009 1:00:00 PM	PAMELA HINES	10

24)SENT EMAIL REQUEST TO DAVID KLEIN AT FIRE TO HAVE FIRE INSPECTOR PERFORM INSPECTION TO ADVISE IF STORAGE INSIDE THE BUILDING WOULD HAMPER THE CONTAINMENT OF FIRE. HE WILL HAVE INSPECTOR CONTACT C/E TO SCHEDULE.

MISC	1/15/2009	ELIZABETH DOUGLAS	0

N & O REC 1/13/09 PLACED IN FILE. ED

RECORD	1/13/2009 4:09:00 PM	JESSICA LARRAMENDY	0

JL) Recorded Ten (10) Day N&O to Abate Dngr Bldg/Demo dated December 11, 2008 at Clark County. Recorded in Book: 20090113 Inst: 03699

RESEAR	12/29/2008 2:25:00 PM	LYNN NIHIPALI	0

16)NO PERMITS ON FILE

INSP	12/29/2008 8:46:00 AM	LYNN NIHIPALI	4

16)NOTHING HAS BEEN DONE, FENCE ON EAST SIDE STILL DOWN, WINDOW IN REAR STILL BROKE,SLIDER DOOR STILL OPEN, FENCE ON WEST SIDE STILL DOWN, WEEDS, ETC, FORWARD TO 24 COTINUE WITH ABATEMENT CHECK BACK 1/12

NOPOST	12/16/2008 7:12:00 AM	LYNN NIHIPALI	3

16)posted on garage door.

NOTICE	12/11/2008 2:26:00 PM	LAURA DEARMOND	0

Ld) SENT 10 DAY N&O TO ABATE DANGEROUS BUILDING/DEMOLITION TO OWNER Doloresa M. Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355

NOREQ	12/2/2008 8:57:00 AM	LYNN NIHIPALI	0

16)NOTICE AND ORDER PREPARED AND FORWARDED TO 24 FOR REVIEW.

INSP	12/1/2008 9:53:00 AM	LYNN NIHIPALI	10

16)PROPERTY OPEN AND ACCESSIBLE FROM REAR SLIDER AND WEST SIDE REAR WINDOW BROKEN. ENTERED THROUGH ACCESSIBLE REAR DOOR,PARTIAL REHAB,HOUSE FILLED WITH FURNITURE,CONSTRUCTION EQUIPMENT,CARDBOARD,ETC. GRAFFITI ON REAR WALL,WOODEN FENCE IN EAST SIDE YARD

INSP	12/1/2008	LYNN NIHIPALI	0

16)HAS FALLEN. PER 24, PREPARE DEMOLITION REPORT BASED ON NUISANCE AND I WILL ADD ZONING AS OWNER IS USING HOUSE FOR STORAGE,NOT A RESIDENCE.

INSP	11/20/2008 9:59:00 AM	LORI HAGEMAN	11

32) C/N has been removed from door.open and accessible- Back door open and rear broken window. Graffiti on rear of house. both sides of fence down. High weeds/grass. took pictures moved into case. Refer to Lynn for 11-21

LETTER	11/19/2008 7:42:00 AM	JOHNNA PEREYDA	0

22)2 return letterS from 614 N.10TH, AND RETURN LETTER FROM 5966 RIO VISTA

INSP	11/13/2008 9:00:00 AM	JOHNNA PEREYDA	3

22)GRAFFITI ON WEST SIDE/REAR FENCE ON BOTH SIDES DOWN/REAR DOOR OPEN AND WINDOWS BROKEN OUT.$120 FAILED C/N MAILED TO POBOX60355 89160 & 3720 ANTIQUA AVE 89121 & 5966 RIO VISTA 89130 & 614 N.10TH ST 89101.C/B 11-20

INSP	10/24/2008 10:00:00 AM	JOHNNA PEREYDA	5

22)SIDE FENCE DOWN,HIGH WEEDS/GRASS,BACK DOOR OPEN WINDOWS BROKEN. PIX AND C/N MAILED TO OWNER C/B 11-10

STATUS	2/9/2008 10:45:00 AM	LYNN NIHIPALI	527055

16)ON SITE WITH 31 FOR STATUS CHECK,FENCE HAS IS STILL DOWN ON BOTH SIDE, PROPERTY STILL OPEN AND ACCESSIBLE FROM REAR SLIDER,REAR WINDOWS ARE BROKE,WATER IS LEAKING FROM TOILET NOTHING NEW HAS BEEN DONE,WILL ATTEMPT TO CONTACT OWNER.

Time in minutes: **527069**

APN 140-29-211-001

NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **DOLORESA M. RENKIEWICZ**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**140-29-211-001**
Commonly known as:	**4617 Spring Creek Avenue**
Legal Description:	**LAS VEGAS #6 LEWIS HOMES**
	PLAT BOOK 15 PAGE 70
	LOT 16 BLOCK 3

On **June 18, 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 **$4,651** 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 **$88,700** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$93,351** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **October 7, 2009** ordered the above charges in the amount of **$93,351**, 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 October, 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 # - 70940

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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 1921 Sunland Avenue in the amount of $1,796.75 (General Fund) and assess a maximum of $29,850 in daily civil penalties. PROPERTY OWNER: CITIMORTGAGE INC – C/O REO DEPT – C/O CR TITLE SERV - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,796.75
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 Weaver Construction Inc to board all open doors and windows on the main structure and accessory structure, remove all trash, debris and cut and remove all high grass and weeds on the entire property. To date, there have been six (6) inspections conducted at this location. The value of the property based on the sale date of June 2009 was $133,573.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,145 for work completed by Weaver Construction Inc in addition to other fees assessed for a total of $1,796.75 and consider assessing a maximum of $29,850 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

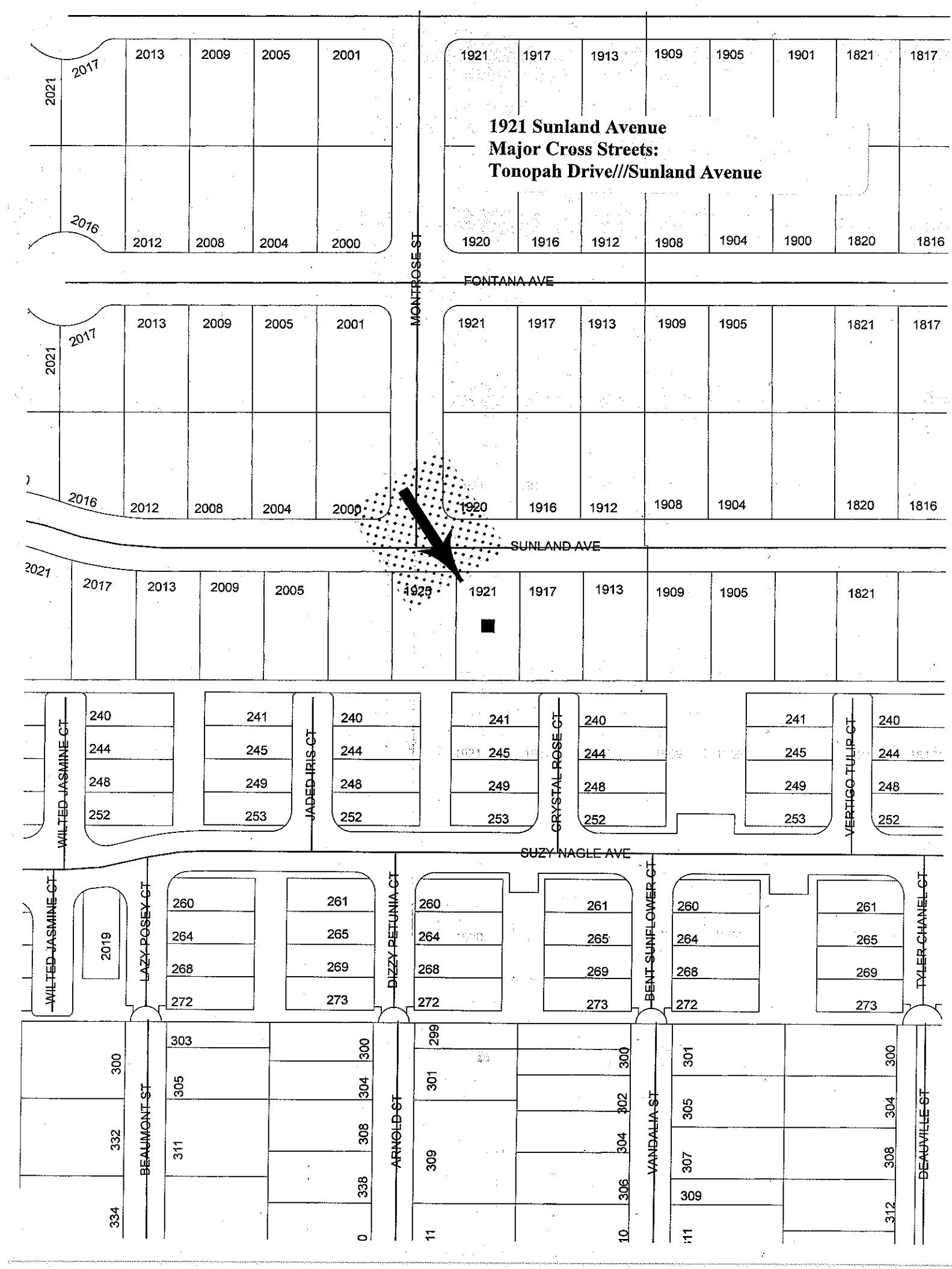
AGENDA MEMO

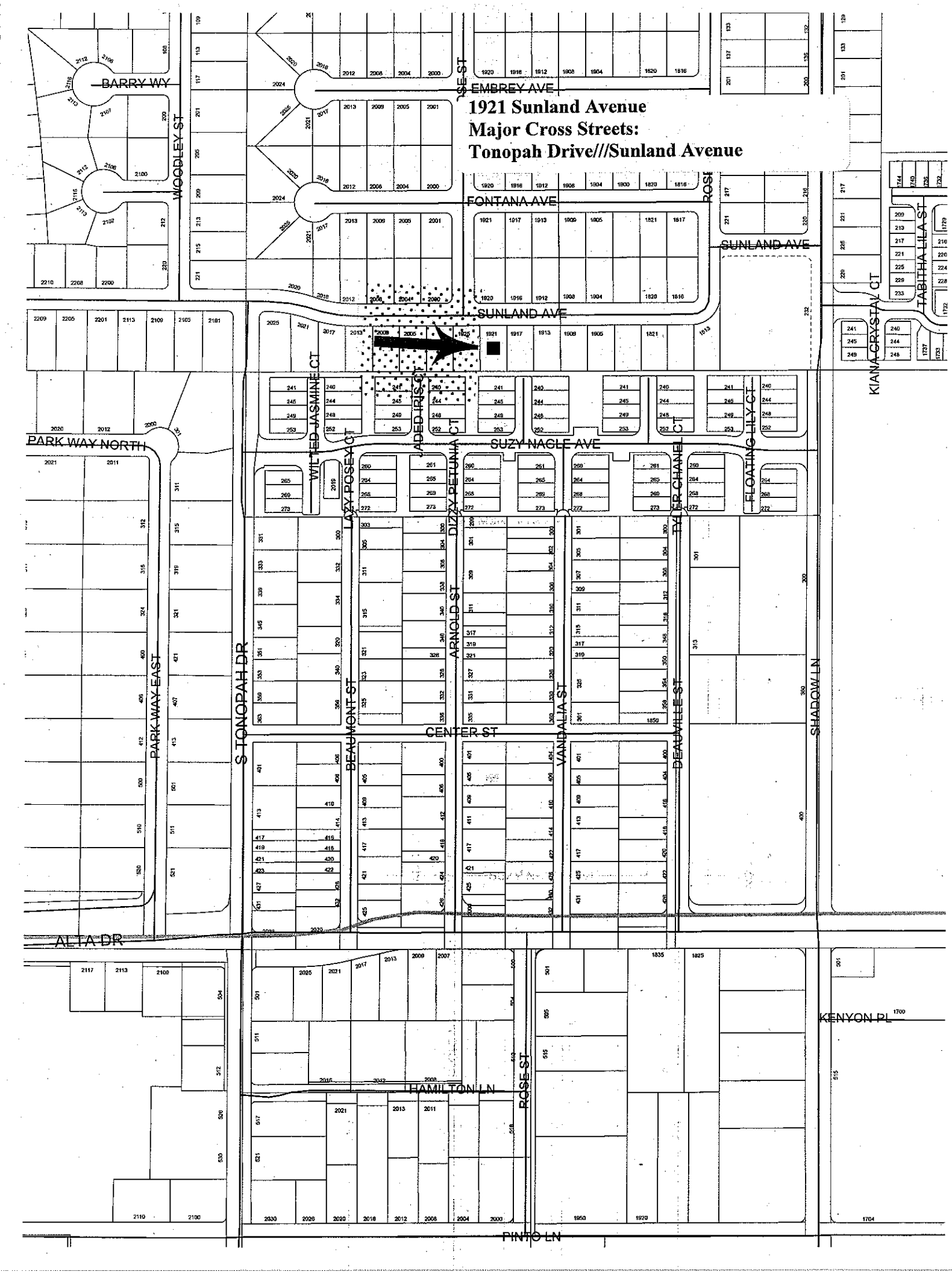
CITY COUNCIL MEETING DATE: October 7, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 1921 Sunland Avenue in the amount of $1,796.75 (General Fund) and assess a maximum of $29,850 in daily civil penalties. PROPERTY OWNER: CITIMORTGAGE INC - C/O REO DEPT - C/O CR TITLE SERV – Ward 5 (Barlow)

Weaver Construction Inc completed work on July 28, 2009 at a cost of $1,145; $330 inspection fees (w/late fees); $150 in daily civil penalties; plus a 15% administrative fee, for a total of $1,796.75.

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.


1921 Sunland Avenue
Major Cross Streets:
Tonopah Drive///Sunland Avenue
MONTROSE ST
FONTANA AVE
SUNLAND AVE
SUZY NAGLE AVE
WILTED JASMINE CT
JADED IRIS CT
CRYSTAL ROSE CT
VERTIGO TULIP CT
LAZY POSEY CT
DIZZY PETUNIA CT
BENT SUNFLOWER CT
TYLER CHANEL CT
BEAUMONT ST
ARNOLD ST
VANDALIA ST
DEAUVILLE ST


1921 Sunland Avenue
Major Cross Streets:
Tonopah Drive///Sunland Avenue
BARRY WY
WOODLEY ST
SE ST
EMBREY AVE
FONTANA AVE
SUNLAND AVE
SUNLAND AVE
KIANA CRYSTAL CT
TABITHA LILA ST
WILTED JASMINE CT
FADED IRIS CT
DIZZY PETUNIA CT
SUZY NACLE AVE
TYLER CHANEL CT
FLOATING LILY CT
PARK WAY NORTH
LAZY POSEY CT
ARNOLD ST
S TONOPAH DR
BEAUMONT ST
VANDALIA ST
DEAUVILLE ST
SHADOW LN
CENTER ST
PARK WAY EAST
ALTA DR
KENYON PL
HAMILTON LN
ROSE ST
PINTO LN

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 9, 2009

Re: Report of Expenses for the abatement of Vacant or Abandoned Dangerous Building at 1921 Sunland 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 the main structure and accessory structure, removing all trash, debris and cutting and removing all high grass and weeds on the entire property. The abatement was completed by Weaver Construction Inc on July 28, 2009 at a cost of $1,145.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board/secure all open doors and windows on main structure to City of Las Vegas specifications	$190.00
Board/secure all open doors and windows on accessory structure to City of Las Vegas specifications	$255.00
Remove all trash, debris, refuse (discarded items in all yards)	$450.00
Cut and remove all high grass and weeds entire property.	$250.00
AMOUNT DUE:	$1,145.00
Administrative Processing Fee:	$171.75
Sub-Total:	$1,316.75
Reinspection Fees (w/late fees):	$330.00
Civil Penalties:	$150.00
Payment:	**0**
TOTAL AMOUNT DUE:	**$1,796.75**
Daily Civil Penalties – 60 days @ $500 a day (excluding civil penalty fees already assessed) May 30, 2009 to July 28, 2009	**$29,850.00**
MAXIMUM TOTAL:	**$31,646.75**
OWNER OF RECORD:	CITIMORTGAGE INC – C/O REO DEPT – C/O CR TITLE SERV
PROPERTY ABATED:	1921 Sunland Avenue
ASSESSOR PARCEL:	139-33-110-071
LEGAL DESCRIPTION:	RANCHO MANOR UNIT #1
	PLAT BOOK 7 PAGE 27
	LOT 9 BLOCK 5

DSS:jl

WEAVER CONSTRUCTION
"GENERAL ENGINEERING"
2590 NORTH NELLIS BLVD.
LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and all persons and entities holding more than a 1% interest in Weaver Construction or any principal of Weaver Construction are the following:

	FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1.	Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2.			
3.			
4.			
5.			
6.			

Continue list until full and complete disclosure is made

I certify under penalty of perjury, that the foregoing list is full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
STEPHANIE D. DUNN
Appt. No. 91-2737-1
My Appointment Expires March 1, 2000

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

OCTOBER 7, 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, OCTOBER 7, 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 **1921 SUNLAND AVENUE.** The Director of Neighborhood Services certifies that the sum of **$1,796.75** was expended and Civil Penalties in the sum of **$29,850.00** may be imposed for a total of **$31,646.75.** Owner of record at time of abatement: **CITIMORTGAGE, INC. – C/O REO DEPT – C/O CR TITLE SERV - 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 78262 ABANDB **02424-31**

Address: **1921 SUNLAND AVE** **CITZ**

HIGH WEEDS

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13933110071	0.15 ACRE	RANCHO MANOR UNIT #1

Owner Information:

21-May-03	17-Dec-03	FEDERAL HOME LOAN MORTGAGE CORP % WELLS FARGO HOME MTGE INC P O BOX 1225; CHARLOTTE, NC 28201-1225
10-Aug-02	21-May-03	MARTIR SALVADOR 1921 SUNLAND AVE; LAS VEGAS, NV 89106-3917
17-Dec-03	06-Aug-09	ARROYO RUBEN 1921 SUNLAND AVE; LAS VEGAS, NV 89106-3917
06-Aug-09		CITIMORTGAGE INC % CR TITLE SERV 1000 TECHNOLOGY DR MS-314; O'FALLON, MO 63368-2239

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
970581	Failed		5/20/2009	05/09/2009 15:05	05/09/2009 15:25	20
970581	Passed	Partial	5/22/2009	05/22/2009 16:30	05/22/2009 16:40	10
970581	Failed		6/1/2009	06/01/2009 12:55	06/01/2009 12:58	2
970581	Passed	Partial	6/12/2009	06/12/2009 12:45	06/12/2009 12:50	5
970581	Failed		7/13/2009	07/13/2009 11:15	07/13/2009 11:23	7
960066	Passed		7/31/2009	07/31/2009 10:15	07/31/2009 10:15	0
					Time in Minutes:	45

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-BLD DNGR	5/20/2009		PROPERTY
SECURE ALL OPENINGS TO CLV SPECIFICATIONS OR REPAIR ALL DOORS AND WINDOWS TO PROPERLY SECURE STRUCTURES.			
AN-006	7/13/2009	7/31/2009	PROPERTY
REMOVE ALL HIGH VEGETATION			

Log

Type:	*Date:*	*Employee:*	*Min:*
LETTER	9/9/2009 11:02:00 AM	JESSICA LARRAMENDY	0
JL) Report of Expense Letter and Memo mailed to property owner both certified and regular mail.			
MEET	9/8/2009 11:00:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on October 7, 2009			
MISC	8/4/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) $1,145 PAID TO WEAVER			
VIDPST	7/31/2009 10:14:00 AM	ANTHONY GUARINO	0
21)post video and photos done in CC items file/ close.do not release			

VIDREQ	7/30/2009 7:57:00 AM	LIDIA MCKENZIE	0
lm) completion notice sent; request for post-abatement video to #21 w/paperwork; file returned to Ld.			
VIDPRE	7/23/2009 1:16:00 PM	ANTHONY GUARINO	0
21)pre video and photos done in cc items file			
VIDREQ	7/21/2009 10:56:00 AM	LAURA DEARMOND	0
Ld) RECEIVED WEAVER START DATE 7-27 FAX & SENT VIDEO REQUEST EMAIL TO #21			
BIDA	7/17/2009 11:16:00 AM	LAURA DEARMOND	0
Ld) BID AWARDED TO WEAVER CONSTRUCTION			
INSP	7/13/2009 11:15:00 AM	ROBERT KAEMPFER	8
26) Property remains the same, all violations remain: o/s-all yards, r/w-all yards, high weeds-all yards, open and accessible structure in rear yard, house is open and accessible, took pixs, CONTINUE ABATEMENT			
MISC	7/9/2009 1:00:00 PM	LAURA DEARMOND	1440
Ld) RECEIVED CERTIFIED CARD FROM NEW OWNER CitiMortgage Inc. c/o REO Department c/o CR Title Services 1000 Technology Drive, MS-314 O'Fallon, MO 63368-0000			
RECORD	7/2/2009 9:52:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O Regarding Vacant or Abandoned Dang Bldg dated July 1, 2009 at Clark County. Recorded in Book: 20090702 Inst: 00641			
MISC	7/1/2009 1:59:00 PM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO NEW OWNER CitiMortgage Inc. c/o REO Department c/o CR Title Services 1000 Technology Drive, MS-314 O'Fallon, MO 63368-0000			
MEMO	6/29/2009 9:05:00 AM	ANTHONY GUARINO	0
21)continue abatement, contacted Steve Boiln WF, this is not in his control.			
LETTER	6/17/2009 1:21:00 PM	LAURA DEARMOND	0
Ld) CERTIFIED & REGULAR LETTERS TO OWNER Ruben Arroyo 1921 Sunland Avenue Las Vegas, NV 89106-3917 RETURNED ATTEMPTED NOT KNOWN UNABLE TO FORWARD			
NTCABT	6/12/2009 12:45:00 PM	ROBERT KAEMPFER	5
26) POSTED 10 N&O ON FRONT DOOR, TOOK PIXS, CB 6-22			
MISC	6/9/2009 1:50:00 PM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER Ruben Arroyo 1921 Sunland Avenue Las Vegas, NV 89106-3917			
BIDR	6/9/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) WEAVER $1,145 (2) NDX $1,949 (3) DISASTER KLEEN-UP OF NV $2,599			
RECORD	6/3/2009 3:42:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O to Comply Regarding Vacant or Abandoned Dangerous Building dated May 20, 2009 at Clark County. Recorded in Book: 20090603 Inst: 04597.			
BIDS	6/3/2009 9:22:00 AM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 6-8			
MISC	6/3/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 6/3/09 IN FILE.			
DBPROJ	6/1/2009 1:00:00 PM	ROBERT KAEMPFER	10
26) Property remains the same, all violations remain, took pixs, CONTINUE ABATEMENT			
LETTER	5/26/2009 1:52:00 PM	LAURA DEARMOND	0
Ld) CERTIFIED & REGULAR LETTERS TO OWNER Ruben Arroyo 1921 Sunland Avenue Las Vegas, NV 89106-3917 RETURNED UNCLAIMED UNABLE TO FORWARD			
NOPOST	5/22/2009 4:30:00 PM	ROBERT KAEMPFER	10
26) No Improvement, posted N&O on front door, took pixs, cb 6-1			
DBPROJ	5/20/2009 8:35:00 AM	LAURA DEARMOND	0
Ld) SENT NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING TO OWNER Ruben Arroyo 1921 Sunland Avenue Las Vegas, NV 89106-3917			
CONTCT	5/19/2009 2:28:00 PM	LYNN NIHIPALI	0
Ld) PLEASE COMPLAINANT JEAN ZORN 382-7686 & LET HER KNOW WHEN THIS WILL BE TAKEN CARE OF			
FORCLO	5/19/2009 2:27:00 PM	LYNN NIHIPALI	0
16)BREACH RECORDED ON 2-17-2009			

CASENO 78262 ABANDB **02424-31**

NOREQ 5/19/2009 2:27:00 PM LYNN NIHIPALI 0

16)NOTICE AND ORDER PREPARED AND FORWARDED TO 21 FOR REVIEW.

Time in minutes: **1473**

APN 139-33-110-071

NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **CITIMORTGAGE INC – C/O REO DEPT**
C/O CR TITLE SERV
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**139-33-110-071**
Commonly known as:	**1921 Sunland Avenue**
Legal Description:	**RANCHO MANOR UNIT #1**
	PLAT BOOK 7 PAGE 27
	LOT 9 BLOCK 5

On **July 28, 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 **$1,796.75** 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 **$29,850** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$31,646.75** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **October 7, 2009** ordered the above charges in the amount of **$31,646.75**, 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 October, 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 # - 78262

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Hearing Review for the vacant or abandoned buildings located at 901 West McWilliams Avenue Units 101-104, 106, 201-202, 205-206, 301-306, 401-406, 501-505, 601-606, 701-702, 704-706, 801-803, 806, 808-810, 902-904, 906-907, 1001 West McWilliams Avenue, 840 West Bonanza Road and 920 West Bonanza Road. PROPERTY OWNER: LAS VEGAS APARTMENT LENDERS LLC - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The subject property was determined to be substandard, dangerous and declared a public nuisance as defined in Las Vegas Municipal Code (LVMC), Title 9.04.020, LVMC 16.08 and 16.31. Notice and Orders Regarding Vacant or Abandoned Dangerous Building and Dangerous Building Demolition were mailed to the property owners to correct the violations. Today's hearing is a final review regarding the status of violations from the public hearing item on August 5, 2009 and review hearing on September 2, 2009.

RECOMMENDATION:
Review status of violations listed in the Revised and Re-Recorded Notice and Order Regarding Vacant or Abandoned Dangerous Building and the Revised and Re-Recorded Notice and Order to Abate Dangerous Building Demolition mailed on June 18, 2009. Neighborhood Response recommends a one-year review.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Notice and Orders Regarding Vacant or Abandoned Dangerous Building and Notice and Orders to Abate Dangerous Building Demolition
4. Review Hearing Notification Letters
5. Las Vegas Fire & Rescue Report dated July 14, 2009
6. Agreement of Terms and Conditions dated August 5, 2009
7.

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: October 7, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Hearing review for the vacant or abandoned buildings located at 901 West McWilliams Avenue Units 101-104, 106, 201-202, 205-206, 301-306, 401-406, 501-505, 601-606, 701-702, 704-706, 801-803, 806, 808-810, 902-904, 906-907, 1001 West McWilliams Avenue, 840 West Bonanza Road and 920 West Bonanza Road

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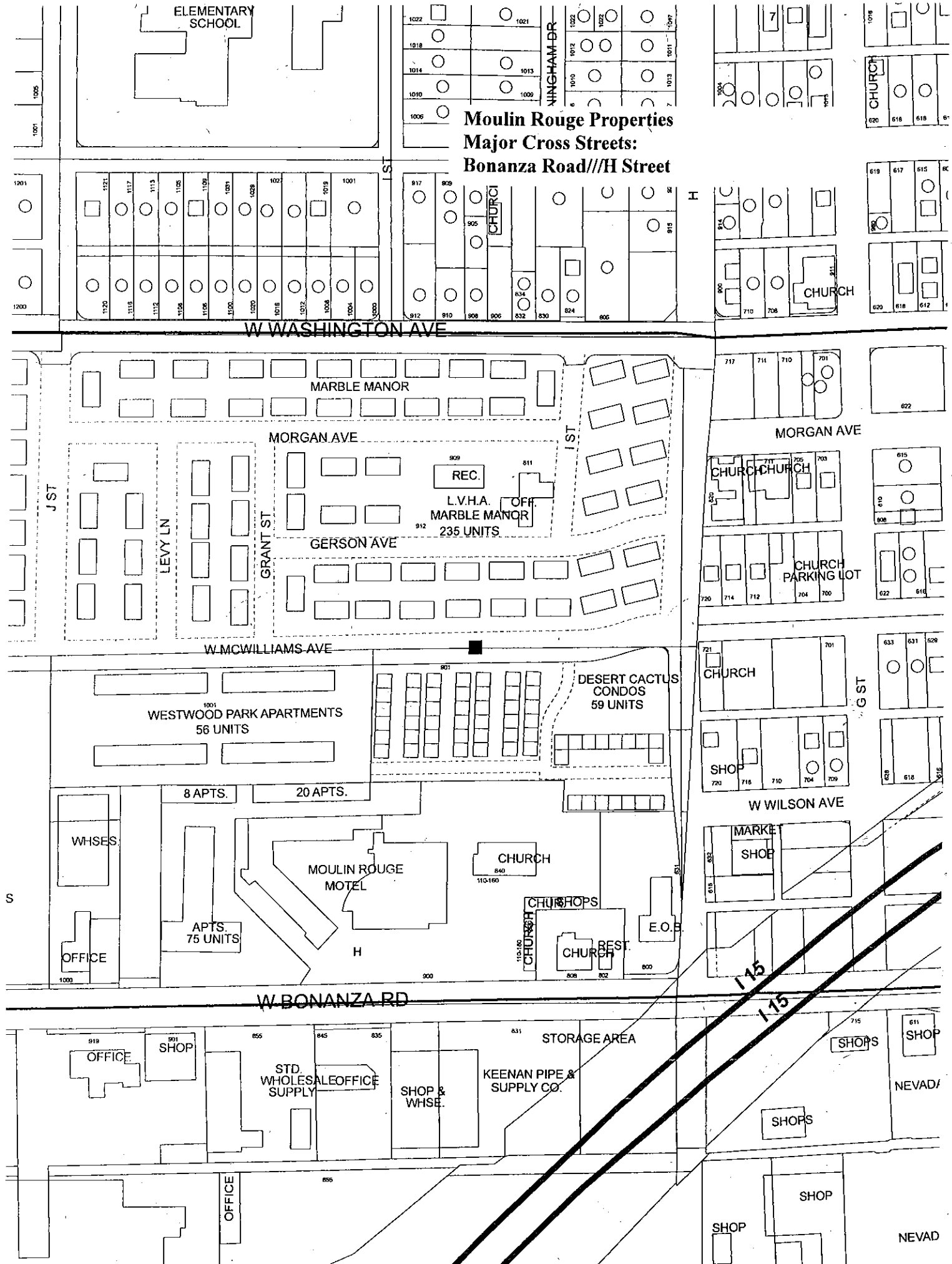
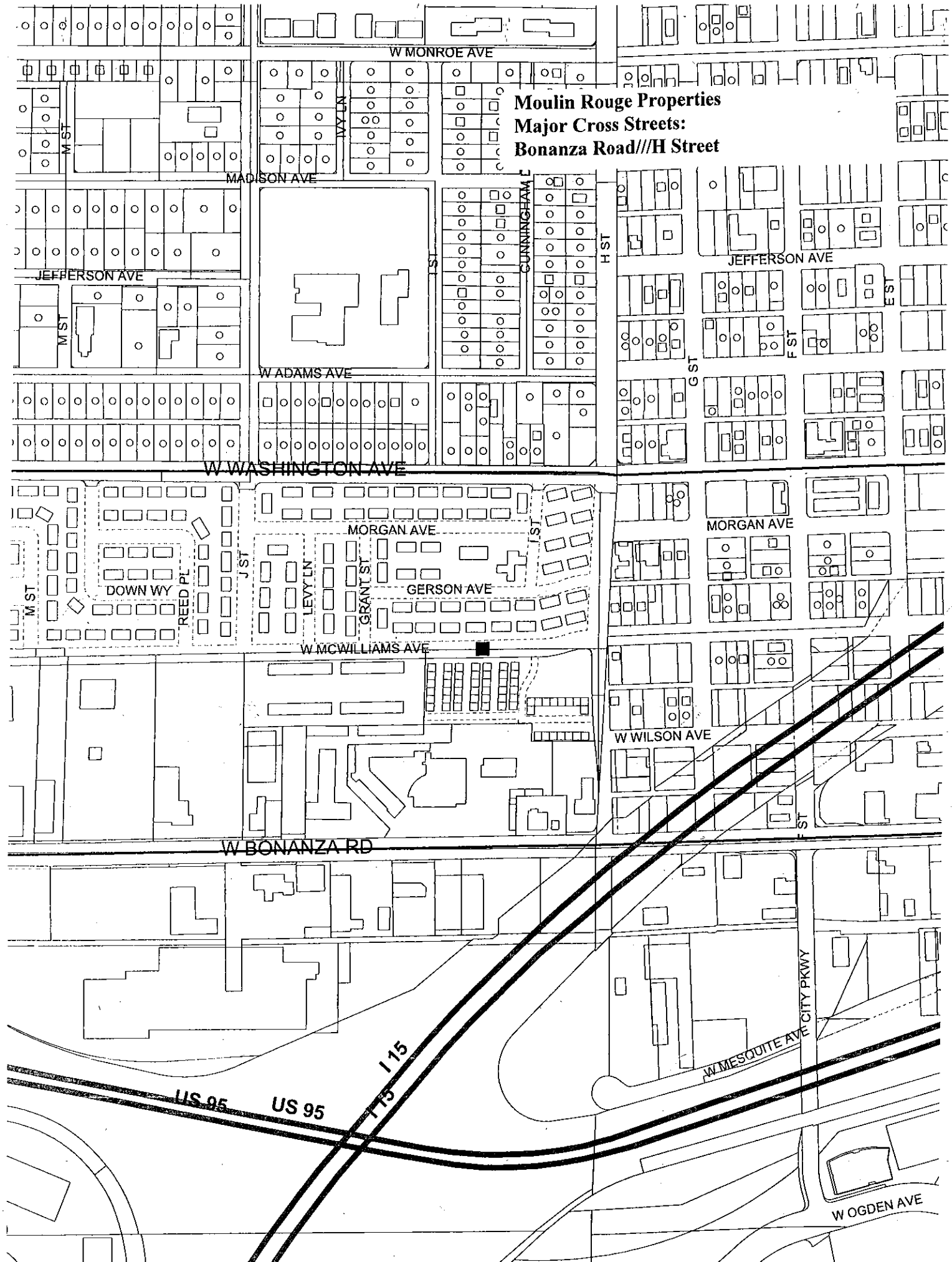
The subject properties were determined to be substandard, dangerous and declared a public nuisance as defined in Las Vegas Municipal Code (LVMC), Title 9.04.020, LVMC 16.08 and 16.31.

Notice and Orders Regarding Vacant or Abandoned Dangerous Building and Dangerous Building Demolition were mailed to the property owners by regular mail and certified mail requesting they correct the nuisance per Title 9.04 – Refuse and Waste, Weeds/Turf; LVMC 16.08 - Building/Dangerous and 16.31 - Vacant Buildings. A copy of the notice was also posted on the property.

Today's hearing is a final review of the status of violations listed in Revised and Re-Recorded Notice and Order Regarding Vacant or Abandoned Dangerous Building and Revised and Re-Recorded Notice and Order to Abate Dangerous Building Demolition mailed on June 18, 2009. Neighborhood Response recommends a one-year review.


Moulin Rouge Properties
Major Cross Streets:
Bonanza Road///H Street
ELEMENTARY SCHOOL
W WASHINGTON AVE
MARBLE MANOR
MORGAN AVE
REC.
L.V.H.A.
MARBLE MANOR
235 UNITS
OFF.
GERSON AVE
J ST
I ST
H
LEVY LN
GRANT ST
W MCWILLIAMS AVE
WESTWOOD PARK APARTMENTS
56 UNITS
DESERT CACTUS
CONDOS
59 UNITS
8 APTS.
20 APTS.
WHSES.
MOULIN ROUGE
MOTEL
CHURCH
SHOPS
REST.
E.O.B.
APTS.
75 UNITS
OFFICE
W BONANZA RD
I 15
I 15
STORAGE AREA
OFFICE
SHOP
STD.
WHOLESALE
OFFICE
SUPPLY
SHOP &
WHSE.
KEENAN PIPE &
SUPPLY CO.
CHURCH PARKING LOT
G ST
W WILSON AVE
MARKET
SHOP
SHOPS
NEVAD


Moulin Rouge Properties
Major Cross Streets:
Bonanza Road///H Street
W MONROE AVE
MADISON AVE
JEFFERSON AVE
W ADAMS AVE
W WASHINGTON AVE
MORGAN AVE
GERSON AVE
W MCWILLIAMS AVE
W WILSON AVE
W BONANZA RD
W MESQUITE AVE
W OGDEN AVE
M ST
IVY LN
I ST
CUNNINGHAM LN
H ST
G ST
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Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003713
Notice Page Count: 7
Fees: $20.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-014

December 4, 2008

Case #69895
Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., Suite #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **840 W. Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-014,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Building Safety Department:

LVMC 16.01.010 (A) – 2006 International Building Code

Section 115.1 – Unsafe Structures and Equipment Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute afire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section, A vacant structure that is not secured against entry shall be deemed unsafe.

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
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

**** Further detail of stipulating recommendations, by the Building Department, can be found in the Evaluation Report dated October 29, 2008.**

Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

(8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used. a deleterious effect on the values of neighboring properties.

(11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(12) Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent or if any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) Whenever any building or structure, or any portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition, as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others or have a deleterious effect on the values of neighboring properties.

Per 9.04 – Refuse and Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code.
Per 9.12 – Litter (Maintain litter free): Remove all trash, litter, paper, cans, bags, etc. and maintain litter free on a consistent basis.

Per 9.12 – Outside Storage: Remove all visible storage of materials and goods from all yards and other areas to comply with code.

9.04 – Imminent Hazard:

Violations supporting demolition by City of Las Vegas Fire Prevention:

LVMC 16.16.010 (A) – 2003 National Fire Protection Agency 1 – (NFPA-1)

Section 10.14.1 – Vacant Buildings and Premises.
Every person owning or having charge or control of any vacant building or premises shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure all windows, doors, and other openings to prohibit entry by unauthorized persons.

Section 12.3.2.1 – Maintenance of Fire-Resistive Construction.
Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (16) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(16) Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Violations supporting demolition by Southern Nevada Health District:

LVMC 16.20.010 – 2004 Uniform Housing Code

Section 401 (3, 7, 8) - Definitions – Nuisance
The following shall be defined as nuisances:
(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
(7) Uncleanliness, as determined by the health officer.
(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings Section 302 (15) – Dangerous Building.

For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Closure of 840 Bonanza due to significant health hazards are as follows:

- Severe plumbing problems causing sewer backup
- Insufficient operational toilet fixtures to accommodate occupants
- Severe pest infestation problems throughtout property
- Lack of proper heating and cooling equipment due to inoperable equipment condition.
- Insufficient mattresses and box springs maintained in proper condition
- Uncontrolled feral cat and dog population on property
- Structural disrepair throughout property (i.e., broken windows, doors, stairs, ceilings and flooring)
- Swimming pool closure from mechanical disrepair of pools filtration system.

<u>Post</u>: 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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

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

cc: Olympic Coast Investment, Inc.
Attn: Mr. John Hoss
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
12/08/2008 09:34:52 T20080302214
Book/Instr: 20081208-0001383
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: 139-28-703-014

December 4, 2008

Case #69895

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W. Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **840 W. Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-014,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Building Safety Department:

LVMC 16.01.010 (A) – 2006 International Building Code

Section 115.1 – Unsafe Structures and Equipment Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute afire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section, A vacant structure that is not secured against entry shall be deemed unsafe.

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

**** Further detail of stipulating recommendations, by the Building Department, can be found in the Evaluation Report dated October 29, 2008.**

Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

(8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used. a deleterious effect on the values of neighboring properties.

(11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(12) Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent or if any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) Whenever any building or structure, or any portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition, as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others or have a deleterious effect on the values of neighboring properties.

Per 9.04 – Refuse and Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code.
Per 9.12 – Litter (Maintain litter free): Remove all trash, litter, paper, cans, bags, etc. and maintain litter free on a consistent basis.

Per 9.12 – Outside Storage: Remove all visible storage of materials and goods from all yards and other areas to comply with code.

9.04 – Imminent Hazard:

Violations supporting demolition by City of Las Vegas Fire Prevention:

LVMC 16.16.010 (A) – 2003 National Fire Protection Agency 1 – (NFPA-1)

Section 10.14.1 – Vacant Buildings and Premises.
Every person owning or having charge or control of any vacant building or premises shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure all windows, doors, and other openings to prohibit entry by unauthorized persons.

Section 12.3.2.1 – Maintenance of Fire-Resistive Construction.
Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (16) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(16) Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Violations supporting demolition by Southern Nevada Health District:

LVMC 16.20.010 – 2004 Uniform Housing Code

Section 401 (3, 7, 8) - Definitions – Nuisance
The following shall be defined as nuisances:
(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
(7) Uncleanliness, as determined by the health officer.
(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings Section 302 (15) – Dangerous Building.

For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Closure of 840 Bonanza due to significant health hazards are as follows:

- Severe plumbing problems causing sewer backup
- Insufficient operational toilet fixtures to accommodate occupants
- Severe pest infestation problems throughtout property
- Lack of proper heating and cooling equipment due to inoperable equipment condition.
- Insufficient mattresses and box springs maintained in proper condition
- Uncontrolled feral cat and dog population on property
- Structural disrepair throughout property (i.e., broken windows, doors, stairs, ceilings and flooring)
- Swimming pool closure from mechanical disrepair of pools filtration system.

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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

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

cc: Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
900 W. Bonanza Rd.
Las Vegas, NV 89106

14

20081016-0001788

Fee: $17.00
N/C Fee: $0.00
10/16/2008 09:36:40
T20080246615
Requestor:
LAS VEGAS CITY
Debbie Conway BRT
Clark County Recorder Pgs: 4

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(4)

APN: 139-28-703-014

October 10, 2008

Case #69895

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **840 W Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-014,** 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 **commercial hotels located at 840 W Bonanza Rd.**

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, cinder block, concrete chunks, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 9.04 – Dead Vegetation: Remove all dead trees, plants or other vegetation from all areas of property to prevent fire hazard or threat to health and safety to the public.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications - attached.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

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

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 commercial hotels located at 840 W Bonanza Rd.

- 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 commercial hotels located at 840 W Bonanza Rd.

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 Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulin Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulin Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003711
Notice Page Count: 6
Fees: $19.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-013

December 4, 2008

Case #69644

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **920 W. Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-013,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) Whenever any building or structure, or any portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition, as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others or have a deleterious effect on the values of neighboring properties.

Per 9.04 – Refuse and Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code.
Per 9.12 – Litter (Maintain litter free): Remove all trash, litter, paper, cans, bags, etc. and maintain litter free on a consistent basis.
Per 9.12 – Outside Storage: Remove all visible storage of materials and goods from all yards and other areas to comply with code.

9.04 – Imminent Hazard:

Violations supporting demolition by City of Las Vegas Building Safety Department:

LVMC 16.01.010 (A) – 2006 International Building Code

Section 115.1 - Unsafe Structures and Equipment – Conditions.
Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section, A vacant structure that is not secured against entry shall be deemed unsafe.

Violations supporting demolition by City of Las Vegas Fire Prevention:

LVMC 16.16.010 (A) – 2003 National Fire Protection Agency 1 – (NFPA-1)

Section 10.14.1 – Vacant Buildings and Premises.
Every person owning or having charge or control of any vacant building or premises shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure all windows, doors, and other openings to prohibit entry by unauthorized persons.
Section 12.3.2.1 – Maintenance of Fire-Resistive Construction.
Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (16) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(16) Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Violations supporting demolition by Southern Nevada Health District:

LVMC 16.20.010 – 2004 Uniform Housing Code

Section 401 (3, 7, 8) - Definitions – Nuisance
The following shall be defined as nuisances:
(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
(7) Uncleanliness, as determined by the health officer.
(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (15) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Findings of 920 Bonanza – Desert Breeze 1 by Southern Nevada Health Officer are as follows:

- Severe pest problems
- Plumbing issues in both kitchen and bathroom areas
- Insufficient hot water

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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

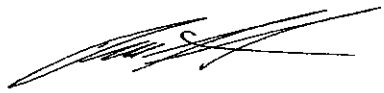
Moreover, you are hereby given notice:

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

cc: Olympic Coast Investment, Inc.
Attn: Mr. John Hoss
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
12/08/2008 09:34:52 T20080302214
Book/Instr: 20081208-0001381
Notice Page Count: 6
Fees: $19.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-013

December 4, 2008

Case #69644

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W. Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **920 W. Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-013,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) Whenever any building or structure, or any portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition, as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others or have a deleterious effect on the values of neighboring properties.

Per 9.04 – Refuse and Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code.
Per 9.12 – Litter (Maintain litter free): Remove all trash, litter, paper, cans, bags, etc. and maintain litter free on a consistent basis.
Per 9.12 – Outside Storage: Remove all visible storage of materials and goods from all yards and other areas to comply with code.

9.04 – Imminent Hazard:

Violations supporting demolition by City of Las Vegas Building Safety Department:

LVMC 16.01.010 (A) – 2006 International Building Code

Section 115.1 - Unsafe Structures and Equipment – Conditions.
Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section, A vacant structure that is not secured against entry shall be deemed unsafe.

Violations supporting demolition by City of Las Vegas Fire Prevention:

LVMC 16.16.010 (A) – 2003 National Fire Protection Agency 1 – (NFPA-1)

Section 10.14.1 – Vacant Buildings and Premises.
Every person owning or having charge or control of any vacant building or premises shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure all windows, doors, and other openings to prohibit entry by unauthorized persons.

Section 12.3.2.1 – Maintenance of Fire-Resistive Construction.
Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (16) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(16) Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction,

faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Violations supporting demolition by Southern Nevada Health District:

LVMC 16.20.010 – 2004 Uniform Housing Code

Section 401 (3, 7, 8) - Definitions – Nuisance
The following shall be defined as nuisances:
(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
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Section 302 (15) – Dangerous Building.
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(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Findings of 920 Bonanza – Desert Breeze 1 by Southern Nevada Health Officer are as follows:

- Severe pest problems
- Plumbing issues in both kitchen and bathroom areas
- Insufficient hot water

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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

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

cc: Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
900 W. Bonanza Rd.
Las Vegas, NV 89106

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/30/2008 12:36:26 T20080263975
Book/Instr: 20081030-0003215
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-013

October 21, 2008

Case #69644

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **920 W Bonanza Rd., Las Vegas, NV, Parcel # 139-28-703-013,** 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 **commercial motels located at 920 W Bonanza Rd.**

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, metal, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 9.04 – Dead Vegetation: Remove all dead trees, plants or other vegetation from all areas of property to prevent fire hazard or threat to health and safety to the public.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications - attached.

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 commercial motels located at 920 W Bonanza Rd.**

- **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 commercial motels located at 920 W Bonanza Rd.**

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 Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003712
Notice Page Count: 6
Fees: $19.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-005

December 4, 2008

Case #69582
Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **1001 W. Mc Williams Ave., Las Vegas, NV, Parcel # 139-28-703-005,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Building Safety Department:

LVMC 16.01.010 (A) – 2006 International Building Code

Section 115.1 – Unsafe Structures and Equipment Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute afire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section, A vacant structure that is not secured against entry shall be deemed unsafe.

Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used. a deleterious effect on the values of neighboring properties.

(12) Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent or if any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) Whenever any building or structure, or any portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition, as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others or have a deleterious effect on the values of neighboring properties.

Per 9.04 – Refuse and Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code.
Per 9.12 – Litter (Maintain litter free): Remove all trash, litter, paper, cans, bags, etc. and maintain litter free on a consistent basis.
Per 9.12 – Outside Storage: Remove all visible storage of materials and goods from all yards and other areas to comply with code.

9.04 – Imminent Hazard:

Violations supporting demolition by City of Las Vegas Fire Prevention:

LVMC 16.16.010 (A) – 2003 National Fire Protection Agency 1 – (NFPA-1)

Section 10.14.1 – Vacant Buildings and Premises.
Every person owning or having charge or control of any vacant building or premises shall remove all combustible storage, waste, refuse, and vegetation and shall lock, barricade, or otherwise secure all windows, doors, and other openings to prohibit entry by unauthorized persons.

Section 12.3.2.1 – Maintenance of Fire-Resistive Construction.
Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings

Section 302 (16) – Dangerous Building.
For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(16) Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

Violations supporting demolition by Southern Nevada Health District:

LVMC 16.20.010 – 2004 Uniform Housing Code
Section 401 (3, 7, 8) - Definitions – Nuisance
The following shall be defined as nuisances:
(3) Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
(7) Uncleanliness, as determined by the health officer.
(8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings
Section 302 (15) – Dangerous Building.

For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Findings of 1001 McWilliams Ave. – Desert Breeze 2 by Southern Nevada Health Officer are as follows:

- Severe pest problems
- Plumbing issues in both kitchen and bathroom areas
- Insufficient hot water

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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

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

cc: Olympic Coast Investment, Inc.
Attn: Mr. John Hoss
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
12/08/2008 09:34:52 T20080302214
Book/Instr: 20081208-0001380
Notice Page Count: 6
Fees: $19.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-005

December 4, 2008

Case #69582

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W. Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **1001 W. Mc Williams Ave., Las Vegas, NV, Parcel # 139-28-703-005,** the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

Violations supporting demolition by City of Las Vegas Building Safety Department:

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Violations supporting demolition by City of Las Vegas Neighborhood Response:

LVMC 16.08.010 – 2004 Uniform Code for the Abatement of Dangerous Buildings Section 302 – Dangerous Building.

For the purpose of this code, any building which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used. a deleterious effect on the values of neighboring properties.

(12) Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent or if any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 or the Las Vegas Municipal Code, or as amended from time to time.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

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Violations supporting demolition by Southern Nevada Health District:

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The following shall be defined as nuisances:
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Findings of 1001 McWilliams Ave. – Desert Breeze 2 by Southern Nevada Health Officer are as follows:

- Severe pest problems
- Plumbing issues in both kitchen and bathroom areas
- Insufficient hot water

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 code enforcement Inspector #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

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.

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).
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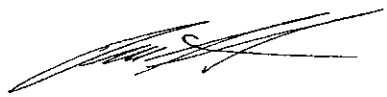
The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

cc: Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Dale L. Scott
900 W. Bonanza Rd.
Las Vegas, NV 89106

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/16/2008 09:36:40 T20080246615
Book/Instr: 20081016-0001789
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-703-005

October 10, 2008

Case #69582

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **1001 W McWilliams Ave., Las Vegas, NV, Parcel # 139-28-703-005,** 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 **residential apartments dwelling located at 1001 W McWilliams Ave.**

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, metal, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications - attached.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

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

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 residential apartments dwelling located at 1001 W McWilliams Ave.

- 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 residential apartments located at 1001 W McWilliams Ave.

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 Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003703
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-054 copy

September 29, 2008

Case #69326

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #902, Las Vegas, NV, Parcel # 139-28-711-054,** 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 townhouse located at 901 W McWilliams Ave. - #902.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #902.**

- **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 townhouse located at 901 W McWilliams Ave. - #902.**

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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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: Olympic Coast Investment, Inc.
801 Second Ave., - Ste. 315
Seattle, WA 98104

16

20081002-0004755

Fee: $17.00
N/C Fee: $0.00
10/02/2008 14:54:55
T20080232768
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 4

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(4)

APN: 139-28-711-054

September 29, 2008

Case #69326

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #902, Las Vegas, NV, Parcel # 139-28-711-054,** 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 townhouse located at 901 W McWilliams Ave. - #902.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

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

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #902.**

- **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 townhouse located at 901 W McWilliams Ave. - #902.**

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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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.

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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: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003704
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-055

September 29, 2008

Case #69327

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #903, Las Vegas, NV, Parcel # 139-28-711-055,** 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 townhouse located at 901 W McWilliams Ave. - #903.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

LAS VEGAS CITY COUNCIL
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MAYOR PRO TEM GARY REESE . STEVE WOLFSON . LOIS TARKANIAN
STEVEN D. ROSS . RICKI Y. BARLOW . STAVROS S. ANTHONY
CITY MANAGER ELIZABETH N. FRETWELL
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #903.**

- **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 townhouse located at 901 W McWilliams Ave. - #903.**

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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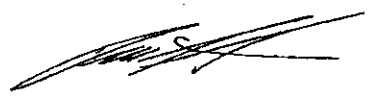
LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional 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: Olympic Coast Investment, Inc.
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/02/2008 14:54:55 T20080232768
Book/Instr: 20081002-0004754
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-055

September 29, 2008

Case #69327

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #903, Las Vegas, NV, Parcel # 139-28-711-055,** 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 townhouse located at 901 W McWilliams Ave. - #903.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #903.**

- **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 townhouse located at 901 W McWilliams Ave. - #903.**

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 Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003705
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-056

September 29, 2008

Case #69328

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #904, Las Vegas, NV, Parcel # 139-28-711-056,** 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 townhouse located at 901 W McWilliams Ave. - #904.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #904.**

- **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 townhouse located at 901 W McWilliams Ave. - #904.**

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.

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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: Olympic Coast Investment, Inc.
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/02/2008 14:54:55 T20080232768
Book/Instr: 20081002-0004753
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-056

September 29, 2008

Case #69328

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #904, Las Vegas, NV, Parcel # 139-28-711-056,** 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 townhouse located at 901 W McWilliams Ave. - #904.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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:

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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 buildings; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

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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 townhouse located at 901 W McWilliams Ave. - #904.**

- **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 townhouse located at 901 W McWilliams Ave. - #904.**

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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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: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003706
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-058

September 29, 2008

Case #69329

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #906, Las Vegas, NV, Parcel # 139-28-711-058,** 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 townhouse located at 901 W McWilliams Ave. - #906.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 vacant or abandoned building(s), plans to demolish, rehabilitate, 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 townhouse located at 901 W McWilliams Ave. - #906.**

- **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 townhouse located at 901 W McWilliams Ave. - #906.**

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:

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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: Olympic Coast Investment, Inc.
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/02/2008 14:54:55 T20080232768
Book/Instr: 20081002-0004752
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-058

September 29, 2008

Case #69329

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #906, Las Vegas, NV, Parcel # 139-28-711-058,** 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 townhouse located at 901 W McWilliams Ave. - #906.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 townhouse located at 901 W McWilliams Ave. - #906.

- 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 townhouse located at 901 W McWilliams Ave. - #906.

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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: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
800 W. Bonanza Rd.
Las Vegas, NV 89106

Rod Bickerstaff
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
06/22/2009 14:14:17 T20090216831
Book/Instr: 20090622-0003707
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-059

September 26, 2008

Case #69322

Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders, LLC
801 Second Ave., #315
Seattle, WA 98104

REVISED and RE-RECORDED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #907, Las Vegas, NV, Parcel # 139-28-711-059,** 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 townhouse located at 901 W McWilliams Ave. - #907.**

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, etc., to include rear of building.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards, to include dead bushes and trees.

Per 16.08 Building/Dangerous: Secure all structures to CLV specifications (attached).

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

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
CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.598.3938 . TDD 702.302.3045 . www.lasvegasnevada.gov

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 or abandoned buildings on this 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 demolish; rehabilitate, maintain, or reestablish lawful occupancy of the building(s), 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 buildings; 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 townhouse located at 901 W McWilliams Ave. - #907.**

- **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 townhouse located at 901 W McWilliams Ave. - #907.**

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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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: Olympic Coast Investment, Inc.
801 Second Ave., - Ste. 315
Seattle, WA 98104

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
10/02/2008 14:54:55 T20080232768
Book/Instr: 20081002-0004751
Notice Page Count: 4
Fees: $17.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-28-711-059

September 26, 2008

Case #69322

Certified/Regular Mail
Return Receipt Requested

Moulin Rouge Properties, LLC
800 W Bonanza Rd.
Las Vegas, NV 89106-3525

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **901 W McWilliams Ave. - #907, Las Vegas, NV, Parcel # 139-28-711-059,** as follows:

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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, etc., to include rear of building.

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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.

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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 townhouse located at 901 W McWilliams Ave. - #907.**

- **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 townhouse located at 901 W McWilliams Ave. - #907.**

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 Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: Chauncey Moore
900 W. Bonanza Rd.
Las Vegas, NV 89106

Moulan Rouge Development Corp.
Attn: Dale L. Scott
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Las Vegas, NV 89106

Rod Bickerstaff
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Las Vegas, NV 89106

Moulan Rouge Development Corp.
800 W. Bonanza Rd.
Las Vegas, NV 89106

Matthew Rexroad
8100 W. Sahara Ave. – Suite 200
Las Vegas, NV 89117

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

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.2330
FAX 702.382.3901
TTY 702 386.3045
www.lasvegasnevada.gov

September 9, 2009

Multiple Cases
Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders LLC
801 Second Ave #315
Seattle, WA 98104-1512

RE: 901 and 1001West McWilliams Avenue
840 and 920 West Bonanza Road

Dear Property Owner:

At the City Council meeting held on September 2, 2009, Agenda Item #40 was approved for a final review hearing. The hearing will be scheduled to be heard on October 7, 2009. This will be a review regarding status of violations for the properties listed above.

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 S. Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

cc: Las Vegas Apartment Lenders LLC, John Hoss, Olympic Coast Investment, Inc., 801 Second Ave, Ste 315, Seattle, WA 98104-1512

Jory P. Shoell, Esq. Snell & Wilmer, 3883 Howard Hughes Parkway #1100, Las Vegas, NV 89169

DSS:jl

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

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.2330
FAX 702.382.3901
TTY 702 386.3045
www.lasvegasnevada.gov

August 13, 2009

Multiple Cases
Certified/Regular Mail
Return Receipt Requested

Las Vegas Apartment Lenders LLC
801 Second Ave #315
Seattle, WA 98104-1512

RE: 901 and 1001West McWilliams Avenue
840 and 920 West Bonanza Road

Dear Property Owner:

At the City Council meeting held on August 5, 2009, Agenda Items #66 and #67 were approved for a review hearing. The hearing will be scheduled to be heard on September 2, 2009. This will be a review regarding status of violations for the properties listed above.

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 S. Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

cc: Las Vegas Apartment Lenders LLC, John Hoss, Olympic Coast Investment, Inc., 801 Second Ave, Ste 315, Seattle, WA 98104-1512

Jory P. Shoell, Esq. Snell & Wilmer, 3883 Howard Hughes Parkway #1100, Las Vegas, NV 89169

DSS:jl

Las Vegas Fire & Rescue
Fire Prevention Division

July 14, 2009

The current Risk Assessment has been established for the Moulin Rouge and surrounding adjacent property including addresses.

840 W. Bonanza
900 W. Bonanza
920 W. Bonanza
901 W. Mc Williams
1001 W. McWilliams
1100 W Mc Williams

General overall site status:

The gate nearest to the 840 / 900 W. bonanza address (South/East entrance) is open and not secured allowing free access. The West side of the (casino/tower sign) remaining building is open and accessible. The 840 / 900 building (hotel) is accessible with broken windows, removed doors, combustible materials present on the inside and outside of the building. Empty swimming pool is not covered or secured. Partially damaged and remaining buildings at 920 W. Bonanza Apartment buildings (North/West) are open and accessible for vagrants and or trespassers. Rear access to the site from W. McWilliams locked and inaccessible gate at this time. Two trailers are present behind the 840 / 900 address on site. There is carpet, furniture, removed electrical equipment, and air conditioning units present in this area to the property line to the Treeline senior condos/apartments (901 W. McWilliams accessible from H Street or Mc Williams)

Primary Hazard: Dangerous site conditions, limited access onto site, limited site security. There is a single guard, no appearance of roving unless someone appears on property.

Recommendation for site: Secure, provide additional; roving guards, secure all access points, remove all combustible materials from site.

840 and 900 W. Bonanza

Current Condition:

The posted building address as 900 W. Bonanza includes the tower sign and what remains of the casino facility. (CLV interactive map reflects as 840 W. Bonanza). Only the 40' tower sign is in place with structural support devices holding up what remains of the casino and the sign structure. The supports were placed into service as a result of a fire in 2003 that consumed the entire casino complex. This section of the building is open, not secure. The stand alone 840 W. Bonanza building is not secure with electrical and mechanical equipment removed.

Address has had Five emergency medical responses documented to this location as recent as 2008.

Primary Hazard: Collapse possible due to previous fires, asbestos material may be present in what remains of the remaining structure, additional hazard to emergency response staff to presumed vacant building.

Recommendation: Demo entire group of buildings, remove empty swimming pool.

920 W. Bonanza

Current Condition: This address consists of four standalone 2 story buildings. The first building facing W. bonanza and the second running North/South were most recently converted to apartment buildings. Both buildings are accessible, with major rehab and demo work started. This has left the buildings with no windows, doors, electrical equipment, or mechanical equipment.

Address had single response 04/06/2008. Buildings were vacant at the time.

Primary Hazard: Fire and safety hazards as the units not secure and open to the environment. Possible asbestos material present, safety risk to responding personnel as a result of building and site condition.

920 W. Bonanza (cont).

Current Condition: These are the two remaining 2 story buildings at the North of the complex running East / West. Buildings are unsecure with broken glass, mechanical and electrical equipment removed and visible damage to both buildings.

Primary Hazard: Fire and safety hazards as the units not secure and open to the environment. Possible asbestos material present, safety risk to responding personnel as a result of building and site condition.

Recommendation: Confirm no existence of asbestos and demo entire group of buildings.

1001 W. Mc Williams

Current Condition: Buildings appear to be vacant at this time. Buildings are boarded up with no outward signs of vagrants entering buildings. Site has limited access.

Address has had no reported fire or emergency responses reported.

Primary Hazard: As no site security is present the chance of fire as a result of intentionally set fire is high. Site has substantial amount of combustible material and plants in the center courtyard and surrounding areas.

Recommendation: Secure site, allow approved access to 840, 900, 920 W. bonanza and 901 W. McWilliams locations, remove all combustible material and provide additional security.

901 W. Mc Williams

Current Condition: Two groups of single story buildings. The units designated as "Treeline Senior Condos" (closest to H Street) appear to only have approximately ½ of the units occupied, others are boarded and secured. Limited access only from H Street. Secondary access is through 1001 W. McWilliams location. Secondary emergency access gate is locked and secured. Available water supply is on West side of locked gate and not accessible for use in the event of fire in occupied units to East.

Primary Hazard: Fire hazard, delay in emergency response due to limited access. Substantial fire loss as a result of limited available water supply. Site has substantial fire loading due to no maintenance of landscaping.

Recommendation: Secure site and provide additional roving security, provide approved access to fire hydrants.

The second group of single story apartment buildings to the West of the Condo buildings appears to have partial occupancy at this time. Access is a single opening from W. McWilliams. Numerous locations have broken windows and have the appearance of been vandalized.

Primary Hazard: Fire hazard, delay in emergency response due to limited access.

Address had eleven Emergency medical calls and four fire responses documented in the last two years.

Recommendation: Open additional emergency response access, remove all combustible material form unoccupied units, and provide address numbers for emergency response.

AGREEMENT

The City of Las Vegas (the "*City*"), on the one hand, and Las Vegas Apartment Lenders, L.L.C., a Washington limited liability company ("*LVAL*") and Olympic Coast Investment, Inc., a Washington corporation ("*OCI*," and together with LVAL, the "*Owners*"), on the other, enter into this Agreement as of August 5, 2009 (the "*Effective Date*") and agree to the terms and conditions set forth below. The City and the Owners are sometimes referred to as a "*Party*" and together as the "*Parties*."

RECITALS

A. On or about November 20, 2006, OCI loaned funds to Moulin Rouge Properties, LLC, a Nevada limited liability company ("*Borrower*") to purchase the real property described in attached **Exhibit A** (the "*OCI Property*"). That loan was secured by a Deed of Trust dated November 20, 2006 and recorded against the OCI Property on or about November 27, 2006, in Book 20061127 as Instrument No. 0001126 in the Office of the County Recorder of Clark County, State of Nevada (the "*Official Records*").

B. On or about January 29, 2007, LVAL loaned funds to Borrower to purchase the real property described in attached **Exhibit B** (the "*LVAL Property*"). That loan was secured by a Deed of Trust dated January 29, 2007 and recorded against the LVAL Property on or about February 2, 2007, in Book 20070202 as Instrument No. 0002668 in the Official Records.

C. Borrower defaulted on both of the loans and OCI and LVAL initiated foreclosure proceedings in accordance with Nevada law and the Deeds of Trust.

D. On May 5, 2009, at a public foreclosure sale, OCI and LVAL credit bid the amount due under their respective loans, were the high-bidders, and took title to their respective Properties by Trustee's Deed Upon Sale.

E. On or about July 2, 2009, LVAL and OCI received a letter from the City (the "*City's Letter*") informing LVAL of, among other matters, (i) several notices and orders relating to violations or alleged violations of the Las Vegas Municipal Code (the "*Code*") previously submitted to Borrower, and of the recent re-recording of the notices and orders against the Properties in the Official Records (references to the specific notices and orders are set forth in the attached **Exhibit C** and are referred to in this Agreement as the "*Notices*"), (ii) of the City's abatement efforts with respect to certain condominium buildings located on the LVAL Property (the "*Treeline Condominiums*,") and (iii) of a pending hearing to be conducted before the City Council on July 15, 2009 (the "*Initial Hearing*").

F. Immediately upon receipt of the City's Letter, representatives of LVAL and OCI contacted the City to discuss the City's Letter, the Notices and the Initial Hearing.

G. On or about July 8, 2009, and pursuant to Code, LVAL and OCI filed a Notice of Appeal with the City Clerk, appealing the Notices.

H. To afford more time for resolving matters related to the Notices, the City and the Owners agreed to an abeyance of hearing of the Notices at the Initial Hearing to August 5, 2009.

I. It is the understanding of the Owners and the City that the Owners do not intend to develop or hold the Properties as a long-term investment, but rather, that the Owners are actively looking for and pursuing opportunities to sell the Properties to a developer or long-term investor (a "*Developer*").

J. With this understanding, the Owners and the City have reached an agreement with respect to the violations or alleged violations of the Code as identified in the Notices and other matters related thereto, as further set forth below.

AGREEMENT

The Owners and the City agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are incorporated into this Agreement.

2. Obligations Relating to the Properties.

A. OCI Property.

(i) The Bell Tower. OCI shall obtain the opinion of a structural engineer, mutually acceptable to the City and OCI (the "*Engineer*"), to evaluate the structural soundness of the bell tower and the structure immediately attached to such bell tower (the "*Bell Tower*"), located on that portion of the OCI Property commonly known as 840 West Bonanza Road. OCI and the City specifically agree that the Engineer shall not take into account (a) the effects of an earthquake in determining the steps needed to prevent the collapse of the Bell Tower or (b) any work needed to make the Bell Tower habitable. The Engineer shall be advised of the foregoing items (a) and (b) by the City and OCI prior obtaining the Engineers recommendations. OCI shall take such steps, as recommended by the Engineer, to prevent the Bell Tower from collapsing. The recommendations of the Engineer and the steps necessary to prevent the Bell Tower from collapsing shall be completed no later than September 30, 2009; ***provided, however***, that if the implementation of the recommendations of the Engineer would reasonably take longer than September 30, 2009, OCI shall have such additional time to complete the recommendations so long as it has begun the work necessary to meet such recommendations and diligently prosecutes them to completion.

(ii) The Pool. OCI agrees to completely fill the emptied pool located on the OCI Property with dirt no later than August 31, 2009.

B. LVAL Property.

(i) Lien for Abatement Costs. The City will record a lien against the LVAL Property for $46,613.60 for abatement activities related to the Treeline Condominiums (the "*Abatement Lien*"). The City agrees it shall take no action to foreclose on or otherwise enforce the Abatement Lien, and that the City shall be paid for the Abatement Lien at the time of the sale of the LVAL Property to a Developer, at which time, the City shall assign its related claims against Borrower to the Owners, and shall execute and record a release of the Administrative Costs Lien as against the OCI Property and the LVAL Property.

(ii) Treeline Condominiums Substandard. The City shall duly notice and record documentation related to the condemnation of Buildings 1 through 8 of the Treeline Condominiums known commonly as 901 West McWilliams (the "*Substandard Buildings*") as soon as practicable based on the City's determination that the Substandard Buildings are substandard and must, therefore, be demolished; ***provided, however***, that the City shall not take action to demolish or cause the demolition of the Substandard Buildings if (a) a tenant or resident is in legal or physical possession of a unit within the Substandard Buildings, or (b) no tenants or residents of a Substandard Building are in legal or physical possession of a unit within a Substandard Building, and LVAL has initiated reasonable steps to board the vacated units (such units to be boarded consistent with the requirements of ***Section C.*** below, except for the time frame required therein) and completes such boarding activities within a reasonable time. As used in the foregoing sentence, "*reasonable steps*" shall mean that the City has full authority to authorize LVAL to board the vacated units, even if not owned by LVAL, and the City has provided LVAL with written notice of such authority, including granting LVAL ten business days to commence boarding of the vacated units after the giving of such written notice. Notwithstanding anything in this *subsection (ii)* to the contrary, the City shall not be entitled to demolish or cause the demolition of the Substandard Buildings if the City has not obtained the authorization for LVAL to board the vacated units. To the extent LVAL is authorized by the City to board such vacant units and LVAL proceeds to board the units, the City agrees to indemnify, defend and hold LVAL harmless for and from any damages, liabilities, actions, suits, claims, costs or attorney's fees incurred in connection with or relating to the boarding of such vacant units. The foregoing indemnity obligation shall survive the expiration or earlier termination of this Agreement.

(iii) Substandard Designation. The Parties acknowledge that the City anticipates recording substandard and vacate notices and vacating the units located in the Substandard Buildings. The Owners agree not to contest the designation of the Substandard Buildings as substandard, or the vacation of the units, so long as all of the owners of other units within the Substandard Buildings are required to bear their proportionate share of any costs, penalties, or fees associated with the designation of the Substandard Buildings as substandard and the vacation of the units.

C. Both Properties.

(i) Boarding. The Owners of the Properties agree to board to the City's specifications, which have previously been provided to OCI and LVAL, all windows and doors of those buildings located on the Properties (the "*Buildings*") on all levels no later than August 31, 2009. The City acknowledges that Owners have already contracted with a contractor who is currently boarding windows and doors on the Buildings and that the City's inspectors have been on-site to observe the boarding activities of the contractor. The City agrees that the materials and methods being used in connection with such boarding activities comply in all respects with the Code and the specifications required by the City.

(ii) Lien for Administrative Costs. The City will record a lien against the Properties for $8,800 relating to administrative costs and inspection fees for the Notices (the "*Administrative Costs Lien*"). The City agrees it shall take no action to foreclose on or otherwise enforce the Administrative Costs Lien, and that the City shall be paid the Administrative Costs Lien at the time of the sale of the Properties to a Developer, at which time, the City shall assign

its related claims against Borrower to the Owners, and shall execute and record a release of the Administrative Costs Lien; ***provided, however***, that if the OCI Property or the LVAL Property are sold at different times, one-half of the Administrative Costs Lien shall be paid and assigned at the time of such sale and from the proceeds of such sale and the City shall execute and record a release of the Administrative Costs Lien as to the Properties sold and an amendment to the remaining Administrative Costs Lien acknowledging its reduction to $4,400.

(iii) Trash and Debris Removal. The Owners shall abate the following existing nuisance issues on the Property which constitute a fire hazard: removal of high/dead vegetation, debris/trash removal, and debris located within the Buildings (e.g., mattresses, furniture, and trash, located inside a vacant unit). The City acknowledges that the Owners have already contracted with a contractor who is currently abating such existing nuisances on the Properties and that the City's inspectors have been on-site to observe such abatement activities of the contractor. The City agrees that the methods being used and the clean-up activities being conducted comply in all respects with the Code and the specifications required by the City, and that provided such clean-up activities are carried out consistently throughout the Properties, such existing nuisance issues shall be deemed cured, including any Notices related to such nuisance issues.

(iv) Security. The Owners shall continue to maintain 24-hour/7-day security personnel on the Properties and shall keep the Properties securely fenced and locked against intrusion for the period of its or any of its subsidiaries' ownership.

3. Civil Penalties. The civil penalties accruing in connection with the uncured Notices, in the amount of $1,437,000 as of [ ], shall continue to accrue in accordance with applicable laws and regulations; ***provided, however***, that the civil penalties shall stop accruing and shall be deemed waived by the City upon satisfaction of the obligations set forth in ***Section 2*** above; ***and, provided, further,*** that notwithstanding the foregoing language indentifying the continuing accrual of civil penalties, for those civil penalties relating to a violation set forth in a specific Notice, such civil penalties shall stop accruing on the earlier of (i) the date that the violation cited under such Notice is cured, or (ii) the date that an obligation relating to the Properties, as set forth in ***Section 2*** above, is satisfied. Upon satisfaction of the aforementioned conditions for abatement and waiver of the civil penalties as against the Owners, the OCI Property and the LVAL Property, the City shall assign to the Owners any related civil penalty claims the City may have against Borrower.

4. Interim Review. The Owners (or the then current owners) shall come before the City on September 2, 2009 to evaluate the progress made in connection with obligations set forth in ***Section 2*** (the "*Interim Review*"). The City agrees to provide notice of such hearing to the Owners at the addresses specified herein and, if the ownership has changed, to the then current owners of the Properties.

5. Final Review. The Owners (or the then current owners) shall come before the City on October 7, 2009 to perform a final review of the obligations set forth in ***Section 2*** (the "*Final Review*") and the extent to which the Owners have met or satisfied the obligations set forth in this Agreement.

6. Outstanding Violations. The Owners and City acknowledge and agree that this Agreement is entered into for the purpose of resolving all outstanding violations of the Code with respect to the Properties. The Owners and City agree that upon the Owners' satisfaction of their obligations in connection with this Agreement all Notices and violations of the Code (whether referenced in a Notice or not) with respect to the Properties as of the Effective Date (collectively, the "*Current Violations*") shall be deemed satisfied and resolved to the City's full and complete satisfaction and that the Owners and the Properties shall thereafter be deemed fully and completely released from the Current Violations and the effects thereof, including any costs, penalties (including the civil penalties), fees, or charges related thereto.

7. Notification under this Agreement.

A. Addresses. All notices, demands, requests, directions and other communications (collectively, "***Notices***") required or expressly authorized to be made in this Agreement will be written and addressed (a) if to Owners, to the address set forth for Owners below or such other address as shall be notified in writing to the City after the date hereof; and (b) if to the City, at the address set forth for the City below. Notices may be given by overnight delivery service, freight prepaid; or by U.S. mail, postage paid and sent certified, return receipt requested. Electronic transmission (such as facsimile transmission or email) is not an acceptable manner for the giving of any Notice.

Owners' Address:	Olympic Coast Investment, Inc. (or Las Vegas Apartment Lenders, LLC, as applicable) c/o John Hoss 801 Second Ave., Ste. 315 Seattle, WA 98104-1512
With a copy to:	Snell & Wilmer L.L.P. 15 West South Temple, Suite 1200 Beneficial Tower Salt Lake City, Utah 84101 Attention: David E. Leta, Esq.
The City:	City of Las Vegas Office of the City Attorney 400 Stewart Avenue, Ninth Floor Las Vegas, Nevada 89101-2986

B. Effectiveness. Notices given as described above shall be effective and be deemed to have been received (i) one business day after delivery to an overnight delivery service, if the Notice is given by overnight delivery service; and (ii) five business days following deposit in the U.S. mail, if the Notice is given by U.S. mail and sent certified, return receipt requested.

8. Assignability. The Owners may freely assign their respective obligations in connection with this Agreement to any affiliate or subsidiary of Owners; ***provided, however***, in the event of any assignment to a third-party, the Owners may only assign this Agreement if the third-party is taking title to one of the Properties. Upon the assignment of this Agreement, the Owner assigning its rights and obligations in connection with this Agreement shall provide evidence thereof to the City in writing, which assignment shall require the assumption by the

assignee of all rights and obligations in connection with this Agreement. Upon delivery of the effective assignment and assumption agreement to the City, and the assignee's meeting with the City to confirm outstanding obligations in connection with this Agreement (which meeting shall occur prior to the transfer of the real property), the assigning Owner shall be deemed released from its obligations in connection with this Agreement.

9. Good Faith and Cooperation.

The Parties shall cooperate with each other and provide all documentation and other items as may reasonably be required to carry into effect the provisions of this Agreement.

10. Representations and Warranties of the Parties.

The Parties hereby represent and warrant the individuals executing this Agreement have the full right and authority to enter into this Agreement on behalf of the Parties, and the full right and authority to fully bind the Parties to the terms and obligations of this Agreement.

11. Law.

The validity, construction, and performance of this Agreement shall be construed and enforced in accordance with the laws of the State of Nevada.

12. Attorneys' Fees.

In any action or proceeding arising out of this Agreement or the enforcement or interpretation thereof, the prevailing party shall be entitled to its reasonable attorneys' fees, expert fees, and litigation costs incurred in such action or proceeding.

13. Successors and Assigns.

This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns; ***provided, however***, that any assignment of this Agreement shall be consistent with ***Section 8*** above.

14. Severability.

If any provision of this Agreement is declared to be illegal, unenforceable or void, the remainder of this Agreement shall be enforced to the extent permitted by law, and the illegal, unenforceable or void provision shall be replaced with a mutually acceptable provision which comes closest to the intention of the Parties underlying the original provision.

15. Counterparts.

This Agreement may be executed in counterparts with the same force and effect as if executed in one complete document. Furthermore, the acceptance by any Party to the terms of this Agreement may be evidenced by a facsimile or electronic transmission of a Party's signature.

{Signatures follow on the next page.}

IN WITNESS WHEREOF, the Parties are executing this Agreement as of the Effective Date.

THE OWNERS:

LAS VEGAS APARTMENT LENDERS, L.L.C., a Washington limited liability company

By: _____

Printed Name: _____

Its: _____

OLYMPIC COAST INVESTMENT, INC., a Washington corporation

By: _____

Printed Name: _____

Its: _____

THE CITY:

City of Las Vegas

By: BRADFORD R. JERBIC

Title: City Attorney

By: _____

HEIDI ALMASE
Deputy City Attorney
Nevada Bar No. 7839
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101

EXHIBIT A

Legal Description of the OCI Property

The real property and improvements located in Las Vegas, Clark County, Nevada, described in the attached.

THAT PORTION OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER (SE COR.) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 28 AS SHOWN ON RECORD OF SURVEY MAP FILE 3, PAGE 44 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA THENCE NORTH 02°50'40" EAST ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 50.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BONANZA ROAD; THENCE SOUTH 89°18'00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER (SE COR.) OF THAT CERTAIN PARCEL OF LAND CONVEYED TO WALLACE THEREON PETERSON ET UX, BY DEED RECORDED OCTOBER 11, 1944 AS DOCUMENT NO. 187391 OF SAID COUNTY RECORDS, THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°18'00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 492.86 FEET; THENCE NORTH 44°18'00" EAST, A DISTANCE OF 40.65 FEET; THENCE NORTH 45°42'00" WEST, A DISTANCE OF 226.02 FEET; THENCE NORTH 01°24'00" EAST, A DISTANCE OF 146.30 FEET; THENCE NORTH 89°18'00" EAST, A DISTANCE OF 384.43 FEET; THENCE NORTH 00°42'00" WEST, A DISTANCE OF 66.65 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVVEYED TO DOUGLAS SPENCER AND ASSOCIATES, LTD., DESCRIBED AS PARCEL ONE (1) IN THE DEED RECORDED APRIL 30, 1965 AS DOCUMENT NO. 501362 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE NORTH 89°18'00" EAST ALONG THE SOUTH LINE OF SAID PARCEL AND ITS EASTERLY PROLONGATION, A DISTANCE OF 295.27 FEET; THENCE SOUTH 01°24'00" WEST, A DISTANCE OF 66.68 FEET; THENCE NORTH 89°18'00" EAST, A DISTANCE OF 72.00 FEET TO A POINT LYING 150.00 FEET WEST OF THE WEST LINE OF "H" STREET AS DESCRIBED IN THE DEED BETWEEN LEROY CORPORATION AND THE CITY OF LAS VEGAS, RECORDED JUNE 21, 1963 AS DOCUMENT NO. 366484 OF OFFICIAL RECORDS; THENC SOUTH 01°24'30" EAST ALONG A LINE PARALLEL WITH AND DISTANT 150.00 FEET FROM THE WESTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED "H" STREET, A DISTANCE OF 194.80 FEET; THENCE SOUTH 89°18'00" WEST ALONG THE LINE PARALLEL WITH AND DISTANCE 140.00 FEET FROM THE NORTH RIGHT-OF-WAY LINE OF BONANZA ROAD, A DISTANCE OF 140.82 FEET TO THE

NORTHEAST CORNER (NE COR.) OF THE AFOREMENTIONED PARCEL OF LAND CONVEYED BY DOCUMENT NO. 187391; THENCE SOUTH 00°42'00" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT B

Legal Description of the LVAL Property

The real property and improvements located in Las Vegas, Clark County, Nevada, described in the
attached.

PARCEL II

THAT PORTION OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST,M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, AS SHOWN ON RECORD OF SURVEY MAP, FILE 3, PAGE 44 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA; THENCE NORTH 02°50'40" EAST, ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 50.09 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BONANZA ROAD; THENCE SOUTH 89°18'00" WEST ALONG THE NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 792.86 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°18'00" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BONANZA ROAD, A DISTANCE OF 284.00 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF ALND CONVEYED TO LEROY CORPORATION BY DEED RECORDED FEBRUARY 26, 1963 AS DOCUMENT NO. 342071 OF SAID OFFICIAL RECORDS; THENCE NORTH 01°24'00" EAST, ALONG THE WEST LINE OF SAID DESCRIBED PARCEL A DISTANCE OF 401.58 FEET TO A POINT ON THE SOUT HLINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO MINGO TULSA CORPORATION BY DEED RECORDED JUNE 3, 1963 AS DOCUMENT NO. 362431 OF SAID OFFICIAL COUNTY RECORDS; THENCE 89°18'00" EAST ALONG SAID SOUTH LINE A DISTANCE OF 423.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE North 01°24'00" EAST A DISTANCE OF 0.11 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO DOUGLAS AND ASSOCIATES, LTD., DESCRIBED AS PARCEL ONE (1) IN THE DEED RECORDED APRIL 30, 1965 AS DOCUMENT NO. 501362 OF SAID OFFICIAL RECORDS; THENCE NORTH 89°18'00" EAST ALONG THE SOUTH LINE OF SAID PARCEL AND ITS EASTERLY PROLONGATION, A DISTANCE OF 105.00 FEET; THENCE SOUTH 00°42'00" EAST A DISTANCE OF 66.65 FEET; THENCE SOUTH 89°18'00" WEST 384.43 FEET; THENCE SOUTH 01°24'00" WEST A DISTANCE OF 146.30 FEET; THENCE SOUTH 45°42'00" EAST A DISTANCE OF 226.02 FEET; THENCE SOUTH 44°18'00" WEST A DISTANCE OF 40.65 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL III:

THAT PORTION OF THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER (NE ¼) AS SAID CORNER IS SHOWN ON THE MAP RECORDED SEPTEMBER 15, 1954 IN FILE 3 PAGE 44 AS DOCUMENT NO. 20160 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EAST LINE OF SAID SECTION 28, NORTH 02°50'40" EAST 50.09 FEET TO THE NORTH LINE OF BONANZA ROAD (80.00 FEET WIDE) AS SAID ROAD IS DESCRIBED IN THE DEED TO THE STATE RECORDED JULY 8, 1943 AS DOCUMENT NO. 167920 OF RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTH LINE SOUTH 89°18'00" WEST 653.86 FEET; THENCE NORTH 01°24'00" EAST 401.58 FEET TO THE TRUE POINT OF BEGINNING IN THE WEST LINE OF THE LAND DESCRIBED IN DEED TO F.W. SMITH RECORDED JANUARY 23, 1918 AS DOCUEMTN NO. 11346 IN BOOK 5 OF DEEDS, PAGE 386 RECORDS OF SAID COUNTY, SAID TRUE POINT OF BEGINNING BEARING NORTH 01°24'00" EAST 66.58 FEET FROM THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN THE LAST MENTIONED DEED; THENCE FROM SAID TRUE POINT OF BEGINNING CONTINUING ALONG SAID WEST LINE AND ITS NORTHERLY PROLONGATION, NORTH 01°24'00" EAST 268.42 FEET TO THE NORTH LINE OF SAID SOUTH HALF (S ½); THENCE ALONG THE LAST MENTIONED NORTH LINE SOUTH 89°18'00" WEST 650.00 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN THE DEED TO W.S. MILLER RECORDED OCTOBER 22, 1920 AS DOCUMENT NO. 14547 IN BOOK 7 OF DEEDS, PAGE 178 OF RECORDS OF SAID COUNTY; THENCE ALONG THE LAST MENTIONED WEST LINE SOUTH 01°24'00" WEST 268.42 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO LILLIAN SWARTZ, RECORDED FEBRUARY 18, 1955 AS DOCUMENT NO. 35827 OF SAID OFFICIAL RECORDS; THENCE ALONG THE NORTH LINE OF THE LAND DESCRIBED IN THE LAST MENTIONED DEED AND ITS EASTERLY PROLONGATION NORTH 89°18'00" EAST 650.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE INTEREST IN AND TO THE NORTH 30.00 FEET THEREOF AS CONVEYED TO THE CITY OF LAS VEGAS BY DEED RECORDED FEBRUARY 5, 1959 AS INSTRUMENT NO. 151518, OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

PARCEL IV-A:

UNITS 104 AND 106 IN BUILDING 1, UNITS 201, 202, 205 AND 206 IN BUILDING 2; UNITS 301 THROUGH 306 IN BUILDING 3; UNITS 401 THROUGH 406 IN BUILDING 4; UNITS 501 THROUGH 505 IN BUILDING 5; UNITS 601 THROUGH 606 IN BUILDING 6; UNITS 701, 702, AND 704 THROUGH 706 IN BUILDING 7; UNITS 801 THROUGH 804, 806, 808

THROUGH 810 IN BUILDING 8; UNITS 902 THROUGH 904, 906 AND 907 IN BUILDING 9, AS SHOWN BY MAP ENTITLED DESERT CACTUS (A CONDOMINIUM) RECORDED DECEMBER 15, 1982 AS INSTRUMENT NO. 1619711 IN BOOK 1660 OF OFFICIAL RECORDS, AND AS SHOWN IN BOOK 28 OF PLATS, PAGE 76, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

TOGETHER WITH THAT PORTION OF "H" STREET AS DESCRIBED IN THAT CERTAIN ORDER OF VACATION BY THE CITY OF LAS VEGAS, NEVADA DATED FEBRUARY 20, 1985 AND RECORDED OCTOBER 30, 1985 IN BOOK 2209 AS INSTRUMENT NO. 2166951, OFFICIAL RECORDS. /

EXCEPTING THEREFROM THAT CERTAIN SPANDREL AREA AS DESCRIBED IN THAT CERTAIN DEED TO THE CITY OF LAS VEGAS RECORDED SEPTEMBER 25, 2001 IN BOOK 20010925 AS INSTRUMENT NO. 00360, OFFICIAL RECORDS.

PARCEL IV-B:

AN UNDIVIDED 5D/59TH INTEREST IN AND TO THE COMMON AREA.

EXHIBIT C

Revised and Re-recorded Notices and Orders

(i) that certain Revised and Re-recorded Notice and Order re Vacant or Abandoned Dangerous Building, Case # 69326, dated September 29, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003703 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-711-057;

(ii) that certain Revised and Re-recorded Notice and Order re Vacant or Abandoned Dangerous Building, Case # 69327, dated September 29, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003704 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-711-055;

(iii) that certain Revised and Re-recorded Notice and Order re Vacant or Abandoned Dangerous Building, Case # 69328, dated September 29, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003705 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-711-056;

(iv) that certain Revised and Re-recorded Notice and Order re Vacant or Abandoned Dangerous Building, Case # 69329, dated September 29, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003706 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-711-058;

(v) that certain Revised and Re-recorded Notice and Order re Vacant or Abandoned Dangerous Building, Case # 69322, dated September 29, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003707 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-711-059;

(vi) that certain Revised and Re-recorded Notice and Order to Abate Dangerous Building/Demolition, Case # 69644, dated December 4, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003711 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-703-013;

(vii) that certain Revised and Re-recorded Notice and Order to Abate Dangerous Building/Demolition, Case # 69582, dated December 4, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003712 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-703-005; and

(viii) that certain Revised and Re-recorded Notice and Order to Abate Dangerous Building/Demolition, Case # 69644, dated December 4, 2008 and recorded on June 22, 2009 in Book No. 20090622, as Instrument No. 0003713 by Las Vegas City in the Clark County, Nevada real estate records with respect to Parcel #139-28-703-014

City of Las Vegas Agenda Item No.: **77.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The subject property (pay telephone) was determined to be a chronic nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title 9, Title 6.58.040(G) and 6.58.090. Today's hearing is to consider the Appeal to the Notice and Declaration of Chronic Nuisance filed by Ilbert Mednicoff, President, CCN, Inc.

RECOMMENDATION:
That the City Council approve the Notice and Declaration of Chronic Nuisance.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Notice and Declaration of Chronic Nuisance
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Voluntary Witness Statements
7. Letter from Ted Wiens Tire and Auto Center

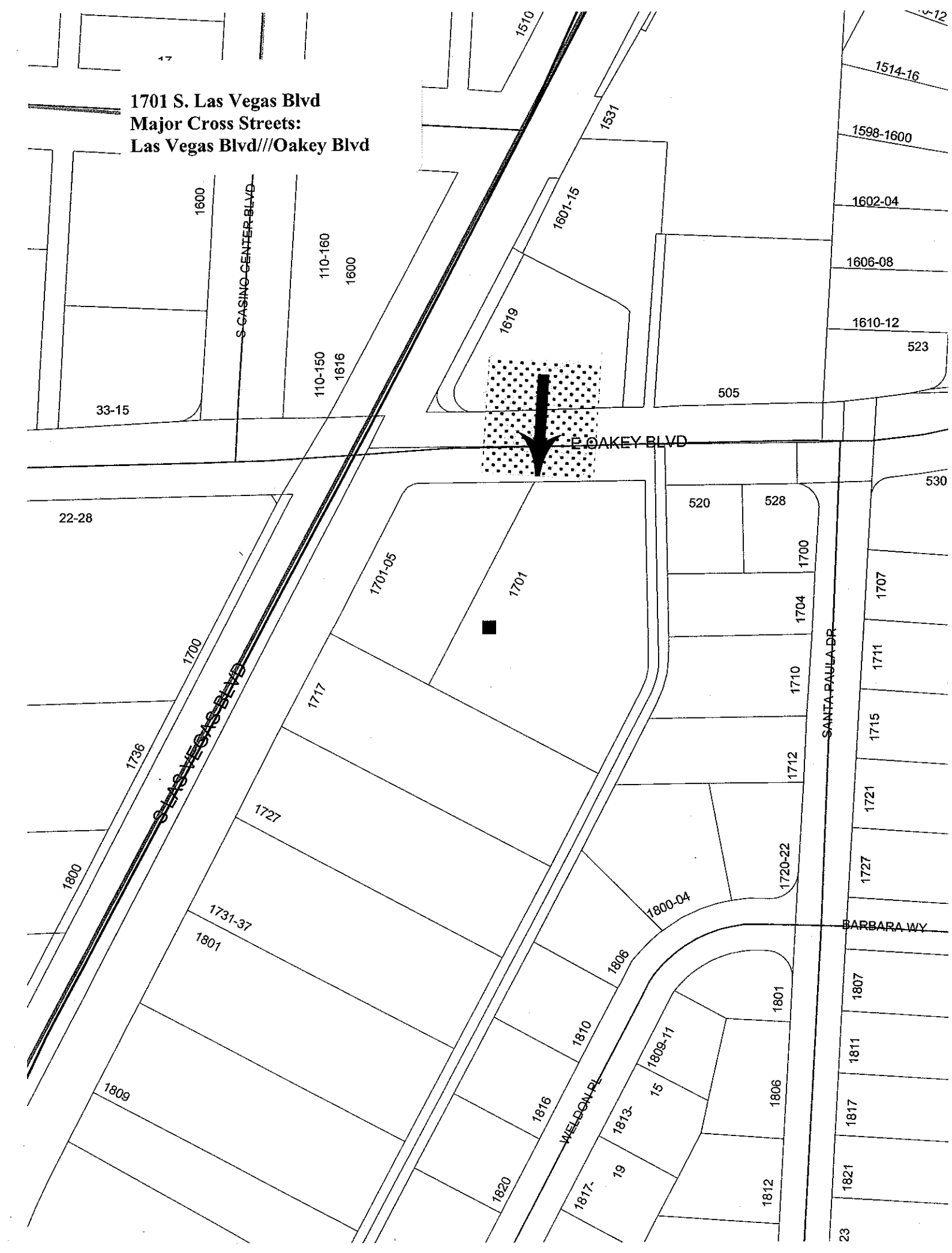
City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: October 7, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard.
PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

The subject property (pay telephone) was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was sent to the property owners requesting they correct the nuisance per Title 9, Title 6.58.040(G) and 6.58.090.

On August 24, 2009, a Notice and Declaration of Chronic Nuisance was sent to the property owner advising them that the pay telephone was determined to be a nuisance due to reported criminal activity associated with the use of the telephone. In the notification letter the responsible party was advised to remove the pay telephone within 14 days.


1701 S. Las Vegas Blvd
Major Cross Streets:
Las Vegas Blvd///Oakey Blvd
S CASINO CENTER BLVD
S LAS VEGAS BLVD
E OAKEY BLVD
SANTA PAULA DR
BARBARA WY
WELDON PL
1510
1514-16
1598-1600
1602-04
1606-08
1610-12
523
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1601-15
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505
1600
110-160
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110-150
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33-15
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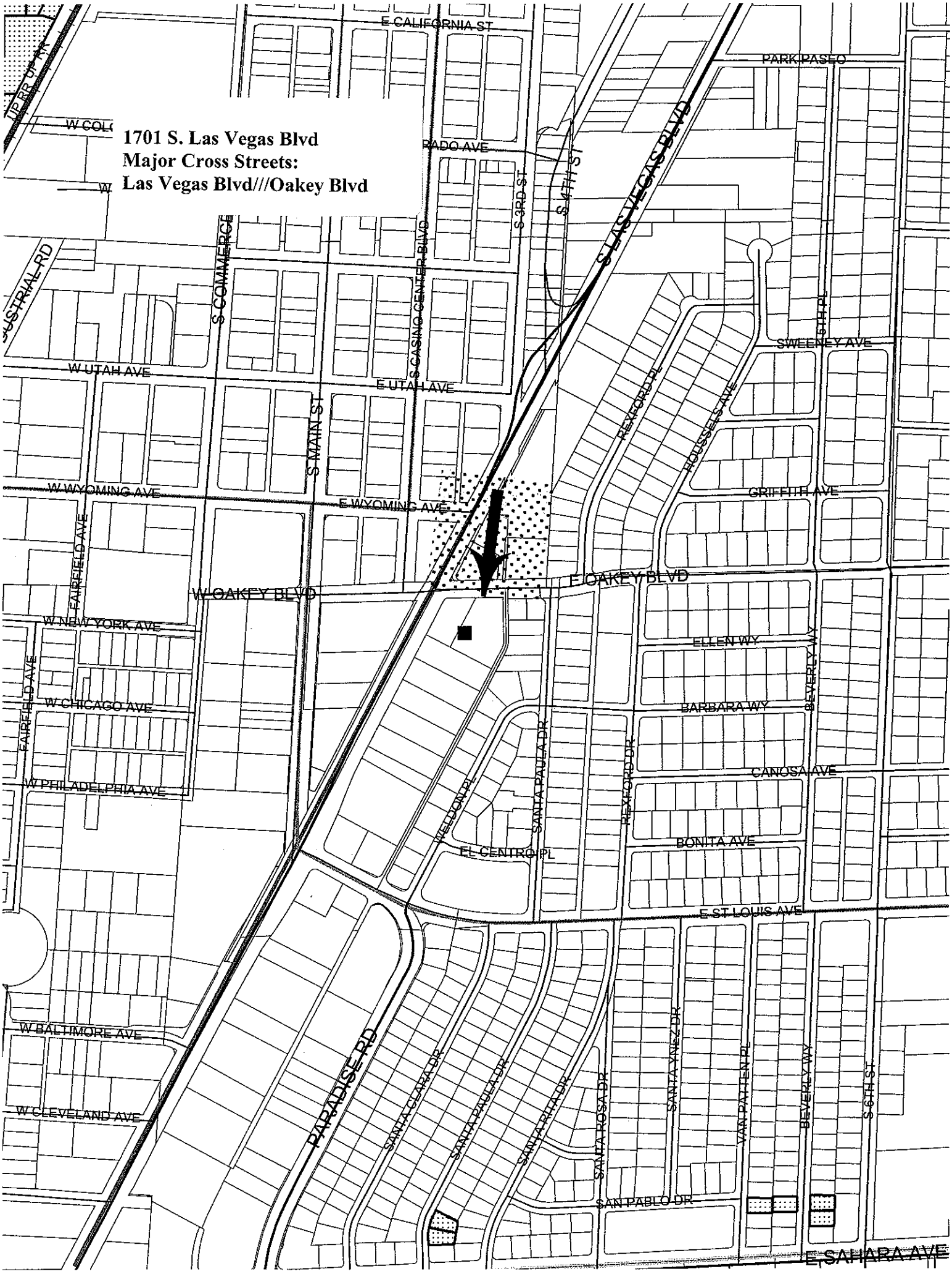
1701 S. Las Vegas Blvd
Major Cross Streets:
Las Vegas Blvd///Oakey Blvd
E CALIFORNIA ST
PARK PASEO
S LAS VEGAS BLVD
S 3RD ST
S 4TH ST
S COMMERCE
S CASINO CENTER BLVD
W UTAH AVE
E UTAH AVE
S MAIN ST
W WYOMING AVE
E WYOMING AVE
FAIRFIELD AVE
W OAKEY BLVD
E OAKEY BLVD
REXFORD PL
HOUSSELS AVE
SWEENEY AVE
GRIFFITH AVE
W NEW YORK AVE
W CHICAGO AVE
W PHILADELPHIA AVE
ELLEN WY
BEVERLY WY
BARBARA WY
CANOSA AVE
BONITA AVE
E ST LOUIS AVE
WELDON PL
EL CENTRO PL
SANTA PAULA DR
W BALTIMORE AVE
W CLEVELAND AVE
PARADISE RD
SANTA CLARA DR
SANTA ROSA DR
SANTA YNEZ DR
VAN PATTEN PL
S 6TH ST
SAN PABLO DR
E SAHARA AVE

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 9, 2009

CCN, Inc.
625 S. Decatur Blvd
Las Vegas, Nevada 89107
Attention: Ilbert Mednicoff, President

RE: CORRECTED: Outdoor pay telephone at 1701 S. Las Vegas Boulevard

Dear Mr. Mednicoff:

An outdoor pay telephone located at 1701 S. Las Vegas Boulevard, near Ted Weins Tire & Auto Center, has been determined to be a nuisance due to reported criminal activity associated with the use of the telephone. A sticker on the telephone indicates that it belongs to your company.

Section 6.58.040(G) of the Las Vegas Municipal Codes states:

> *"It is unlawful for any person to install, construct or maintain an outdoor pay telephone...on any property or location which has been determined by Metro, the Department of Finance & Business Services or the Department of Neighborhood Services to create a nuisance..."*

Section 6.58.090 requires removal of outdoor pay telephones determined to be a nuisance within fourteen (14) days after notification to the licensee.

This letter is notification that the previously-mentioned pay telephone has been determined to be a nuisance and is a formal request to have this telephone removed within 14 days from the date of this letter. You may appeal this notification under section 9.04.070 of the Las Vegas Municipal Code (copy attached). However, if you fail to file the required appeal or should the appeal be denied, the Department of Neighborhood Services will proceed with the removal of the telephone. I appreciate your cooperation in this matter.

Sincerely,

Victoria Rosemore

Victoria Rosemore
Business License Supervisor
Business Services Division
Finance & Business Services Department

cc: Maynard J. Wiens, Jr., ETAL, 1701 S. Las Vegas Boulevard, Las Vegas, Nevada 89104-1301
Devin Smith, Neighborhood Services Manager
Jim DiFiore, Business Services Manager
Carol Meyer, Business Services Supervisor

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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9.04.070 Appeal procedures.

(A) 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. Any 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.

(B) Civil liability under Section 9.04.040 may be imposed by the City Council, or the Council's designee, in connection with:

(1) An appeal hearing held pursuant to this Section; or

(2) Another hearing to establish liability concerning which the owner or responsible party has been provided notice and an opportunity to be heard. Service of such notice is sufficient if in accordance with Subsection (B) of Section 9.04.050.

(Ord. 5873 § 12 (part), 2006)

CCN, INC.
625 S. DECATUR BLVD.
LAS VEGAS, NV. 89107

LETTER VIA FAX TO: City of Las Vegas
ATTENTION: Beverly Kay Bridges
RE: Outdoor Payphone Request to Remove
702-382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV. 89101
Beverly Kay Bridges

2009 AUG 31 P 3:32
RECEIVED
CITY CLERK

8/31/2009

Dear Ms Bridges,

We are in receipt of a letter dated August 24, 2009 from the City of Las Vegas requesting that we remove our phone near Ted Weins Tire & Auto Center. However, we are disputing the removal be made. CCN is requesting an appeal at this time. Please confirm that you have received our letter by fax either by returning a fax letter or by calling us at 702-822-1225. Please ask for Donna or Lisa.

Yours Truly,

Ilbert Mednicoff, President

CCN, Inc.

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 22, 2009 CERTIFIED & REGULAR MAIL

Ilbert Mednicoff, President
CCN, Inc.
625 South Decatur Boulevard
Las Vegas, Nevada 89107

Re: Appeal of the Outdoor Payphone Removal Notice

Dear Mr. Mednicoff:

You are hereby notified that the hearing that had been rescheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 7th day of October, 2009, at the hour of 9:00 a.m. has been changed. A new notice is being sent to you by the Finance and Business Services Department concerning the Outdoor Payphone Removal Notice located at 1701 S. Las Vegas Boulevard. The previous letter noted the incorrect address.

You will have an appeal period after the new notice is issued.

If you have any questions or need further information please do not hesitate to contact Victoria Rosemore, Business License Supervisor, Business Services Division, Finance and Business Services Department at 229-6927.

Sincerely,

Beverly K. Bridges, MMC
City Clerk

cc: Mark Vincent, Director, Finance & Business Services
Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
James W. Erbeck, Chief Deputy City Attorney
Jim DiFiore, Manager, Business Services Division
Susie Martinez, Ward 3 Council Liaison

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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518902

September 23, 2009

City of Las Vegas
City Council Office
400 Stewart Avenue
Las Vegas, NV 89128

To Whom It May Concern:

I am the store manager for the Ted Wiens Tire and Auto Center located at 1701 Las Vegas Boulevard South. On behalf of Ted Wiens Tire & Auto, I would like to request that the outdoor pay telephone located on our property at that address be ordered removed. The telephone attracts people that are not customers of our business and that pose a nuisance to us and to our customers and we would like it removed.

Yours truly,



Darrell Wade, Store Manager
Ted Wiens Tire & Auto Center
1701 Las Vegas Blvd. South
Las Vegas, NV 89104

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ADMINISTRATIVE:

Report on the development status and financing status of the City Hall project, which is proposed to be constructed on real property bounded by Lewis Avenue, Clark Avenue, Main Street and First Street (APNs 139-34-210-007 through -013 inclusive and APNs 139-34-210-019 through -023 inclusive) – Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
On April 28, 2009, the Nevada Department of Taxation approved a lease-purchase agreement to fund the cost of acquiring, constructing, improving and equipping a new City Hall project in an amount not-to-exceed $267,000,000. On July 1, 2009, staff presented a report concerning the financial feasibility of the City Hall project. Staff would like to update the Las Vegas City Council on the development status and the financing status of the project.

RECOMMENDATION:
Receive report.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☐ **Consent** ☒ **Discussion**

SUBJECT:
Report and possible action on the status of the 2011 Federal Legislative Action Plan and municipal issues at the 111th United States Congress - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
Our Federal Lobbyist, Vicki Cram of Ball Janik LLP, will present an updated report on federal issues regarding the City of Las Vegas from the 111th US Congress.

RECOMMENDATION:
Accept the report and direct staff accordingly.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Report on Purchasing and Contracts Bid Processes

Fiscal Impact

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

PURPOSE/BACKGROUND:
Due to the economy, competition has greatly increased for City of Las Vegas contracts, especially construction contracts. This is welcomed, as the competition helps provide a broader blend of potential businesses and helps lower the City's costs. One aspect of the competition in this economic environment is that bid protests have increased. As a result, we issued a City Manager Information Report on September 14, 2009 regarding the City's bid processes. This report will serve to communicate this information to the public.

RECOMMENDATION:
No action required.

BACKUP DOCUMENTATION:
Overview of Bid and Bid Protest Process

City of Las Vegas

CMIR No.: 015.09

CITY MANAGER INFORMATION REPORT

9/14/09

DEPARTMENT: Finance & Business Services

NAME: Kathy Rainey, Manager
Purchasing & Contracts

SUBJECT: Overview of Bid and Bid Protest Process

1.0 PUBLIC BIDDING PROCESS

The bid process for public procurement is governed by NRS 332 for Goods & Services and NRS 338 for Public Works Construction. The statutes vary but generally have similar requirements in several key areas such as advertising bid opportunities, defining bidder qualifications, determination of responsive and responsible bidders, and protest procedures that apply. NRS 332 requires formal bids for contracts valued over $50,000 and NRS 338 requires formal bidding for contracts valued over $100,000. NRS 338 authorizes three methods of delivering public work construction: design-bid-build, design-build, and construction-manager-at-risk. These methods are discussed in more detail below in the discussion of "Bidder Qualification Criteria." NRS 332 authorizes a 5% bidder's preference for recycled products and NRS 338 requires a 5% local bidder's preference for contracts valued over $250,000. No other bidder's preferences are authorized in either statute.

Goods & Services Bids and Requests for Proposals

Bids are prepared by the Purchasing and Contracts Division with consultation from requesting City Department. The City Department provides technical specifications and/or a scope of work to initiate the project. Purchasing drafts the bid or RFP document and it is reviewed and approved by the Department before advertised to potential bidders.

Construction Bids

Bids are prepared by the Purchasing and Contracts Division with the assistance of the Public Works, Field Operations or Neighborhood Services Department, as applicable. Most projects are initiated by the Public Works Department who provide the Technical Specifications and permitted plans to Purchasing. Purchasing prepares the Instructions to Bidders (ITB) and General Conditions (GCs) to the contract. The ITB, GCs, Technical Specs and Plans are the bid document issued to contractors interested in bidding the work.

2.0 PRE-BID MEETINGS

The purpose of a pre-bid meeting is to discuss the bid document and any prospective bidder questions about the bid documents and bid process. The pre-bid meetings

are recorded. The Purchasing Representative leads the meeting and reviews the ITB with the attendees to ensure the prospective bidder understand the bid instructions, the submittal requirements, all submittal forms and submittal deadline. The Department Representative provides an overview of the project scope and technical specifications.

Prospective bidders are given the opportunity to ask questions. If a firm is unfamiliar with the public bidding process, firms can obtain training upon request immediately following the pre-bid meeting. Bidders are notified in the pre-bid meeting and on the Invitation to Bid that questions regarding the bid should be referred in writing to the Purchasing Representative by a given deadline. To ensure a level playing field and prevent the potential for bid collusion, questions regarding the bid are required to be made to the Purchasing Representative. The Purchasing Representative coordinates with appropriate technical staff to obtain answers to technical questions regarding specifications. Questions received by bidders are answered in a formal addendum issued by the Purchasing Representative to all prospective bidders to ensure all prospective bidders have identical information on which to establish their bid pricing.

Mandatory Pre-Bid Meetings

City Council passed Resolution 109-98 on October 12, 1998, which established certain requirements for mandatory pre-bid meetings. The Resolution requires mandatory pre-bid meetings for public works construction projects with an estimated value of $5 million or greater; any project with a time critical completion date; and other project for goods, services and public works construction as may be deemed appropriate. The Resolution further states that a bidder who fails to attend the mandatory pre-bid meeting will be deemed non-responsive and their bid will be returned unopened. In addition, the Resolution states the City Council will not entertain any protest submitted by a prospective bidder who does not attend a mandatory pre-bid meeting.

It is important to note that mandatory pre-bid meetings can limit competition because a bidder who misses a meeting is precluded from bidding. Bidders who are very familiar with the public bidding process and especially the City's bidding process, can find all of the information required to submit a bid in the bid document. In practice, bidders who have scheduling conflicts on the date of a pre-bid meeting, often send a staff member to sit in the pre-bid meeting in order to meet the "attendance requirement" to ensure they have the opportunity to bid. Bidders are provided a copy of the mandatory pre-bid attendees and they monitor the bid opening process to ensure the City only accepts bids from eligible bidders.

3.0 BID CONTENT/CONTRACTS

Bids – Construction and Goods & Services

Bid documents include the instructions to bidders, scope of work and technical specifications. In addition, the bid includes the contractual terms and conditions required if the successful bidder is awarded the contract. The contractual terms and conditions have been "approved to form" by the City Attorney's Office prior to incorporation in the bid. As a condition of bidding, the bidder is required to accept the contractual terms and conditions without exception and execute such acceptance on a bid submittal form. Upon award of the bid, no contract document is executed because the successful bidder has already executed the bid accepting the contract terms. The City issues a Purchase Order after the City Council awards the bid to the lowest responsive and responsible bidder. These actions constitute acceptance by each party and such acceptance consummates a contract between the parties.

Requests for Proposals (RFP)– Construction (Design-Build & CMAR) and Goods & Services

RFP documents include instructions for submittal of proposals, the scope of work, and performance specifications or requirements. In addition, the RFP includes a sample contract with the terms and conditions contemplated if a contract is awarded. The terms and conditions of the contract are subject to customization and negotiation. Prior to submitting the contract for City Council approval, the contract must be signed off by the City Attorney's Office as "approved to form" and the company recommended for award. After the City Council awards the contract, it is executed by the City's designee.

Competitive Bidding Exceptions (CBEs)

When contracts are awarded without soliciting bids or RFPs, a contract is prepared by Purchasing & Contracts staff in coordination with the applicable City Department providing the scope of work and technical specifications. The terms and conditions of the contract are subject to customization and negotiation. Prior to submitting the contract for City Council approval, the City Attorney's Office must sign off on the contract as "approved to form" and the company recommended for award. After the City Council awards the contract, it is executed by the City's designee.

Purchase Orders

In some circumstances, purchases are made without the use of a formal contract. In those cases, standard purchase order terms and conditions apply and no document is executed by both parties. The purchase order is issued after receipt of a quote or if of a dollar value requiring City Council approval, the purchase order is issued after

City Council approved the purchase. The purchase order states, "the supplier's delivery against the order constitutes acceptance of the purchase order terms and conditions." These actions constitute acceptance by each party and such acceptance consummates a contract between the parties.

4.0 BIDDER QUALIFICATION CRITERIA

Goods and Services

NRS 332 governs the procurement of goods and services and contains licensing and licensing limits as the minimum requirement for determining if a supplier is a responsible bidder. The statute states that local government may also consider financial responsibility, experience, adequacy of the equipment offered, past performance, delivery date and ability to perform the contract, and other criteria deemed in the best interest of the public. In practice, Purchasing works with the requesting Departments to develop the qualification requirements and evaluation criteria that will be incorporated in the bid documents and utilized in the bid evaluation process.

Construction – Design-Bid-Build

NRS 338 governs the procurement of public works construction and contains specific language in the statute for determining the qualification of bidders. The City Attorney's Office, Public Works Department and Purchasing & Contracts Division has chosen to utilize verbatim language from the statute in construction documents to state the requirement for determining if a bidder is responsible. Most of the criteria used to determine bidder qualification are verifiable; however, other criteria are more difficult to validate. City Attorney, Public Works and Purchasing is looking into supplemental methods of validation, which would provide a more comprehensive assessment of a bidder's qualifications and less likelihood of protests from other bidders. Areas under evaluation include effectively or efficiently verifying a bidder's claim of no prior breach of contract, no bankruptcy filing, and no discrimination complaint and safety program compliance to NRS 618. With regard to the contractor's project experience requirements, the bid document template has already been updated to include a section that will communicate to the bidders how their project experience will be evaluated. The bid document lists the criteria that will be considered in evaluating whether the bidder's submitted project experience is determined to be similar in scope to the bid.

Construction – Alternative Construction Delivery Methods

NRS provides for two alternative methods for delivering public works construction, which include design-build and construction-manage-at- risk (CMAR). The design-build team or CMAR is selected through a competitive RFP process on the basis of qualifications. NRS specifies a 2-step process and criteria which must be used for

selecting the Design/Build Team and the CMAR. The selection criteria are assigned a relative weight and the proposals are scored by an evaluation panel.

The decision to use these alternative methods is typically a collaborative decision between Pubic Works and Purchasing based on the scope, complexity of the project and value of the project. NRS limits the use of design-build for building projects valued over $10M; no limits are defined in NRS for CMAR projects. The benefit of these alternative methods is that both involve the general contractor in the design phase of the project to incorporate the constructability expertise of the contractor throughout design phase as a means of controlling cost and avoiding change orders during construction.

5.0 BID EVALUATION PROCESS

Goods & Services

The criteria used to determine bidder responsibility includes licensing, financial responsibility, qualifications, experience, adequacy of equipment, past performance, conformance to specifications, delivery date and quality and utility of services and ability of the bidder to perform the contract. Bidder responsiveness varies and is subject to the bidder complying with the submittal requirements defined in the instructions to bidders. The contract is awarded to the lowest responsive and responsible bidder.

Requests for Proposals (RFP) Evaluation Process – Goods & Services

Requests for Proposal solicitations are used when the city is relying on the responding firms to propose solutions or specifications for consideration by the city. Though the same criteria are used for determining the responsibility and responsiveness of a company responding to an RFP, price is not the primary factor under consideration in determining contract award. The evaluation team is formed of cross functional members who independently review the proposals and then meet to discuss their evaluation results until a consensus is reached on the selection on the most responsive and responsible firm. Purchasing and Contracts establishes a negotiation plan with the applicable department procuring the services and then conducts the negotiation until contract terms and pricing is agreed. If the negotiation is not successful, negotiations may be canceled and Purchasing can either reconvene the evaluation team or at the direction of the evaluation team begin negotiations with the next most qualified company.

Construction Evaluation Process (Design-Bid-Build)

There are 13 criteria used to determine bidder responsibility and 6 criteria used to determine bidder responsiveness, subject to variation depending on the bid and discretion of the city to add additional criteria that is not prohibited by statute. The bid evaluation process commences after bid opening for the purposes of ensuring the

low bidder meets all of the criteria stated in the bid document for determining responsibility and responsiveness. Purchasing and Public Works perform the bid evaluation and involve the City Attorney's Office when necessary.

6.0 PROTEST PROCESS

Protest regulations have been effect since 2003 for NRS 338 (construction) and since 2005 for NRS 332 (goods & services). City Council passed Resolution 89-2004 on May 19, 2004 adopting procedures for the protest of the proposed award of a contract. The requirement for the notice of protest submittal and bond are stated differently in NRS 332 and 338; however, the Resolution sets forth a consistent procedure for construction protests and goods & services protests.

Protest Statute – Goods & Services

NRS 332 permits the governing body to establish the timeframe to allow the protesting person to submit the notice of protest after the opening of the bids. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated. If required by the public body the person filing the notice of protest must post, at the time of notice of protest, a bond in an amount equal to the lesser of 25% of the total value of the bid or $250,000. The purpose of the bond is to reimburse the city for the cost of defending itself against the protest if the city prevails; otherwise, the bond is returned to the bidder.

Protest Statute – Construction

NRS 338 requires the protest submission within 5 business days after the bid opening date. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated. If required by the public body the person filing the notice of protest must post, at the time of notice of protest, a bond in an amount equal to the lesser of 25% of the total value of the bid or $250,000. The purpose of the bond is to reimburse the city for the cost of defending itself against the protest if the City prevails; otherwise, the bond is returned to the bidder.

COMPETITIVE AWARD & PROTEST HISTORY FY08 - YTD FY10					
	Competitive Awards	Awards to other than lowest bidder	NRS Compliant Protests	Protests where CLV prevailed	NRS Non-Compliant Protests
FY08	75	2	0	0	0
FY09	67	2	2	2	1
YTD FY10	14	4	0	0	1

Note that the increase in awards to other than lowest bidder for fiscal year 2010 to date (2 months) is directly related to unqualified bidders trying to get contracts because they need the work; for example we are seeing more construction bids outside the bidder's licensing classifications.

7.0 CONCLUSION

Purchasing has seen a two or three-fold increase in the number of bidders in this economic environment. This is very positive for driving competitive pricing and challenging because it attracts new bidders who are unfamiliar with the public bidding process. Purchasing has increased the time spent reviewing bid documents and the bidding process in the pre-bid meetings. Purchasing has also accommodated an increased number of requests for training on the bidding process by companies who are unfamiliar with the City's bidding process. The bid documents have continued to be enhanced to ensure ease of understanding of the documents and include a checklist of bid submittal items as a tool to increase a bidder's success in meeting the requirements as a "responsive" bidder. Bid opening dates have more frequently been extended due to the number of questions received by bidders and the City's commitment to ensure bidders clearly understand the specifications by having their questions answered prior to bid opening.

There will also be increased communication with City Council on the bid opening schedule, bid results, more details on any rejection of bidders, and protests, if any. Non-routine bid results will be discussed in Council Briefings. Contracts that are executed by both parties will be added as backup to agenda items (RFPs and CBEs) as defined in Section 3.0 above.

Elizabeth Fretwell
City Manager

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Discussion and possible action regarding a Review of a Temporary Restricted Gaming License, Wash N Fun Laundromat, LLC, dba Wash N Fun Laundromat, 4425 Stewart Avenue, Suite 101, Sanford K. Feld, Mgr Mmbr, 100% - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Review of a Temporary Restricted Gaming License for 4 slots.

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.: **82.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Discussion and possible action regarding a Change of Business Name and a Change of Ownership for a Pawn Broker License, a Class II Secondhand Dealer License, and a Pistol Permit subject to the provisions of the fire codes, From: Park One Properties, LLC, dba Sahara Pawn, To: Max Pawn, LLC, dba Max Pawn, 2400 South Jones Boulevard, Suite 15, Michael L. Mack, Mgr, 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 Change of Business Name and a Change of Ownership for a Pawn Broker License, a Class II Secondhand Dealer License, and a Pistol Permit.

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.: **83.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
ABEYANCE ITEM - 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.: **84.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
Discussion and possible action regarding a new Locksmith License, Speedy Locksmith & Key, Inc., dba Able Lock & Key, 1913 East Charleston Boulevard, Sonia I. Osbourne, Pres, Secy, Treas, 100% - Ward 3 (Reese)

Fiscal Impact

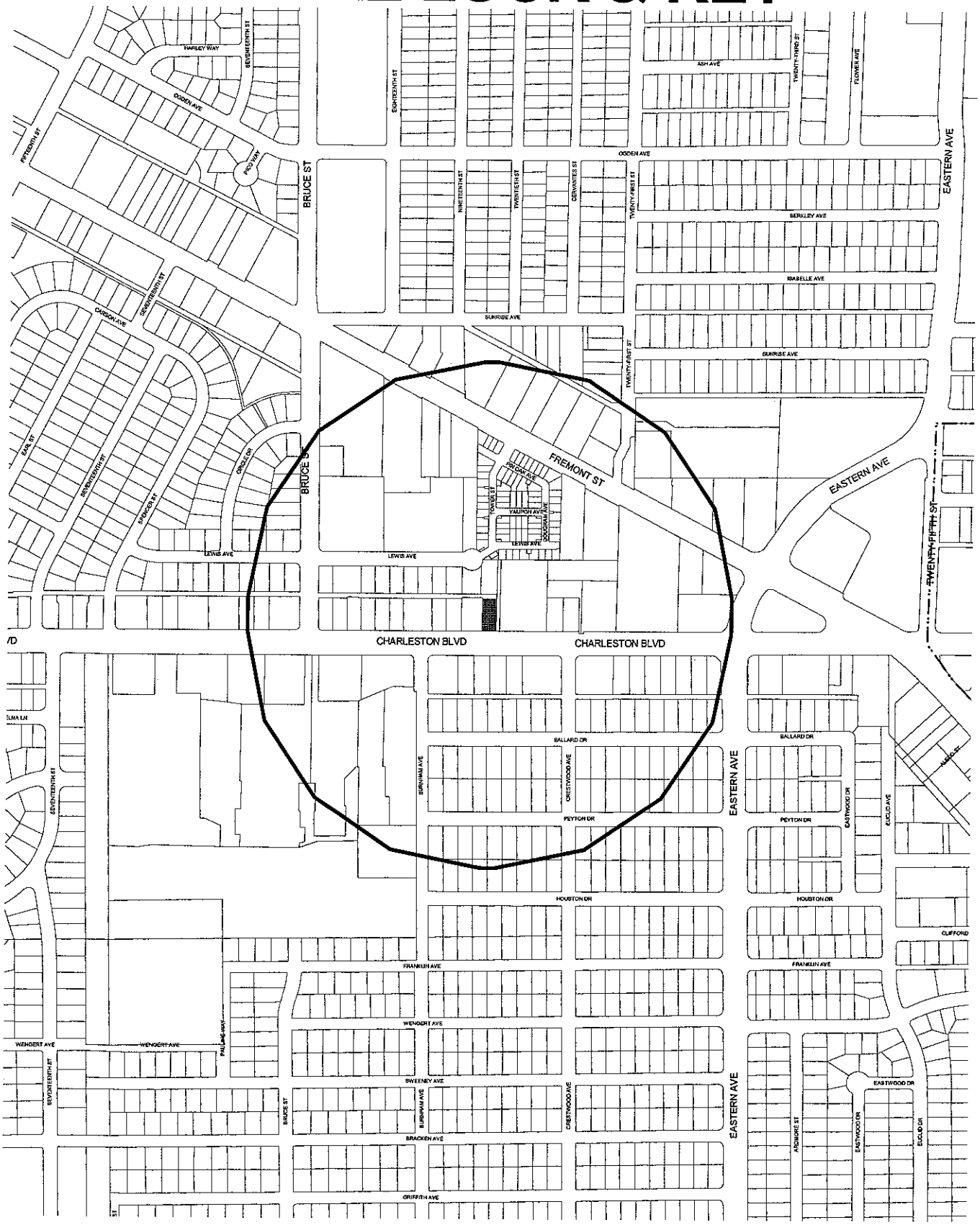
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Locksmith License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
Map

ABLE LOCK & KEY



City of Las Vegas Agenda Item No.: **85.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☐ **Consent** ☒ **Discussion**

SUBJECT:
Report on Project Neon, a freeway improvement project that will address short and long term transportations needs for the I-15 corridor from Sahara Avenue to the Spaghetti Bowl interchange, presented by John Taylor, Project Manager with CH2MHill - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
Project Neon is a freeway improvement project that will address short and long term transportation needs for the busy stretch of the I-15 corridor from Sahara Avenue to the Spaghetti Bowl interchange. The project objectives include improving freeway capacity, improving safety by addressing congestion-related incidents, providing better access to area neighborhoods and businesses, and exploring further mass transit opportunities. The PowerPoint Presentation will be given by John Taylor, Project Manager with CH2MHill.

RECOMMENDATION:
Report only. No action required.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **86.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
RESOLUTIONS:

R-75-2009 - 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 Hennessey's Las Vegas, Inc., d/b/a Las Vegas Country Saloon (Participant) located at 425 Fremont Street (APN 139-34-610-045) 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 Redevelopment Agency Item 5 (RA-17-2009)]

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 Hennessey's Las Vegas, Inc., d/b/a Las Vegas Country Saloon with the cost of neon signage and exterior improvements to the commercial building located at 425 Fremont Street, 2nd Floor. 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:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-75-2009
2. Before Photo and After Renderings
3. Site Map

RESOLUTION NO._____

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 HENNESSEY'S LAS VEGAS, INC. D/B/A LAS VEGAS COUNTRY SALOON ("PARTICIPANT") FOR THE PROJECT CONCERNING THE DEVELOPMENT OF IMPROVEMENTS TO REAL PROPERTY DESCRIBED AS APN 139-34-610-045

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/or for the development of a vacant parcel with a new commercial building; and;

WHEREAS, HENNESSEY'S LAS VEGAS, INC. D/B/A LV COUNTRY SALOON (the "PARTICIPANT") has a lease hold interest for real property and improvements

located at 425 FREMONT STREET, and which parcel is commonly known as APN 139-34-610-045 (the "Site"); and

WHEREAS, HENNESSEY'S LAS VEGAS, INC. d/b/a LAS VEGAS COUNTRY SALOON (the "PARTICIPANT") is the tenant of the real property located at 425 Fremont Street and is undertaking certain exterior improvements to the property or the redevelopment of an underdeveloped 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 HENNESSEY'S LAS VEGAS, INC. d/b/a LAS VEGAS COUNTRY SALOON for making physical, visual improvements to the building or property 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 "Participant" 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:

J. Perkins 9/16/09
Date

EXHIBIT A

CITY OF LAS VEGAS REDEVELOPMENT AGENCY
COMMERCIAL VISUAL IMPROVEMENT AGREEMENT

THIS COMMERCIAL VISUAL IMPROVEMENT AGREEMENT (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 HENNESSEY'S LAS VEGAS D/B/A LAS VEGAS COUNTRY SALOON ("Participant")

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 Agency's Commercial Visual Improvement Program ("Commercial VIP"), the Agency agrees to rebate a portion of the cost of Pre-approved Qualified Exterior Improvements on qualifying commercial properties located within the Redevelopment Area of the City of Las Vegas, up to a maximum of one-half (1/2) of the approved contract cost of such improvements or $50,000, whichever is lesser; and

WHEREAS, the PARTICIPANT 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 PARTICIPANT 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 PARTICIPANT warrants it has a valid and binding leasehold interest in (as defined hereinafter), the Site and as demonstrated by Attachment " 2 ", "Proof of Ownership or Leasehold Interest",

which is attached hereto and is incorporated herein by reference. "PARTICIPANT", as used in this Agreement, includes not only the PARTICIPANT 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 PARTICIPANT individually may be referred to as "party" or collectively as "parties" hereinafter.

SECTION 3: IMPROVEMENTS TO THE SITE AND PROJECT BUDGET. The PARTICIPANT 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 " 3 " 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 30 days of execution of this Agreement by the Agency, PARTICIPANT agrees to commence, or cause the commencement of, rehabilitation and improvement of the Site, pursuant to the plans and other documents submitted by PARTICIPANT and approved by Agency in accordance with the CVIP Guidelines. PARTICIPANT shall complete the improvements within 180 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 PARTICIPANT a minimum of twenty-four (24) hours written, advance notice prior to entering the Site.

SECTION 4: CONTRACTOR SELECTION REQUIREMENTS. If the Project exceeds $10,000, then the PARTICIPANT in compliance with NRS 279.478 must obtain three (3) or more competitive bids from properly licensed contractors. If the PARTICIPANT is unable to obtain (3) or more competitive bids, the PARTICIPANT shall provide the Agency, upon request, with documentation detailing when and which licensed contractor(s) were contacted.

SECTION 5: 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 PARTICIPANT to make changes to the proposed Scope of Work.

SECTION 6: COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS. The PARTICIPANT 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 7: FAILURE TO COMPLETE WORK. If the contractor selected by the PARTICIPANT 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 8: UNRELATED IMPROVEMENTS. Nothing herein is intended to limit, restrict or prohibit the PARTICIPANT from undertaking any other work in or about the subject premises which is unrelated to Commercial VIP provided for in this Agreement.

SECTION 9: 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 PARTICIPANT 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 PARTICIPANT would not undertake the full set of improvements contemplated in the Agreement through resources reasonably available to the PARTICIPANT pursuant to the Participant Affidavit and Employment Plan, attached hereto as Attachment " 5 " and by this reference made a part hereof.

The PARTICIPANT has also declared and provided the Agency with an Employment Plan, which is attached hereto as Attachment "5 " and by this reference is made a part hereof. The PARTICIPANT, for itself and its successors and assigns, represents that in the construction of improvements on the Site provided for in this Agreement, the PARTICIPANT shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, marital status, ancestry or national origin.

SECTION 10: 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 PARTICIPANT 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 PARTICIPANT in the event of any default or breach by the Agency or for any amount which may become due to the PARTICIPANT 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, PARTICIPANT warrants that it has disclosed, on the Disclosure of Principals form attached hereto as Attachment " 4 " and incorporated herein by reference, all persons and entities holding more than 1% (one percent) interest in PARTICIPANT or any principal member of PARTICIPANT. Throughout the term hereof, PARTICIPANT shall notify City in writing of any material change in the above disclosure within 15 (fifteen) days of any such change.

SECTION 11: 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 PARTICIPANT 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 PARTICIPANT 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 PARTICIPANT or such other date as may be specified in the written notice. In the event of termination of this Agreement by the Agency, the PARTICIPANT agrees to return any and all Agency Funds heretofore paid to the PARTICIPANT 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 PARTICPANT shall entitle the Agency to sue the PARTICPANT 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 12: 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 13: 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 14: 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 15: GOVERNING LAW. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

SECTION 16: 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 PARTICIPANT 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 17: 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 18: 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 " 5 " 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 PARTICIPANT 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 19: 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:

J. Pandullo 9/16/09
Counsel to the Agency Date

ATTEST:

_____
BEVERLY BRIDGES, CMA
Secretary

HENNESSEY'S LAS VEGAS, INC. D/B/A LAS VEGAS COUNTRY SALOON

By: _____
PAUL HENNESSEY
Its: President

LIST OF ATTACHMENTS

ATTACHMENT " 1 "	LEGAL DESCRIPTION OF THE PROPERTY
ATTACHMENT " 2 "	PROOF OF OWNERSHIP OR LEASEHOLD INTEREST
ATTACHMENT " 3 "	SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS
ATTACHMENT " 4 "	DISCLOSURE OF PRINCIPALS
ATTACHMENT " 5 "	PARTICIPANT AFFIDAVIT & EMPLOYMENT PLAN

ATTACHMENT 1

LEGAL DESCRIPTION OF THE PROPERTY

Legal Description: All of block 35 of Clark's Las Vegas Townsite as shown by a map thereof on file in book 1 of plats, Page 37, in the office of the County Recorder of Clark County, Nevada, including, without limitation, all alleys in such block.

EXCEPTING THEREFROM

That portion of the Northwest Quarter (NE ¼) of section 34, Township 20 South, Range 61 East, M. D. M., in the city of Las Vegas, County of Clark, State of Nevada, Being that portion of Block 35 of CLARK'S LAS VEGAS TOWNSITE as shown on the plat thereof on file in book 1 of plats, page 37 of Clark County, Nevada Records, described as follows:

Lots 23 and 24 in block 35 of said CLARK'S LAS VEGAS TOWNSITE.

ATTACHMENT 2

LEASEHOLD INTEREST

Copy of Lease By and Between

Fremont Street Experience Parking Corporation (Landlord)

and

Hennessey's Las Vegas, Inc. d/b/a Brass (Tenant)

is on file with the City of Las Vegas - Office of Business Development

ATTACHMENT 3

SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS

1. Install Neon signage	**$35.652.00**
2. Painting	**$20,500.00**
3. Light Fixture and Control	**$15,000.00**
TOTAL ESTIMATED PROJECT COSTS	**$71,152.00**
20% Contingency (If Necessary)	**$14,230.40**
TOTAL	**$85,382.40**

Estimated CVIP Grant	$35,576.00
plus Contingency (If necessary)	$7,115.20
Maximum Reimbursement for CVIP Grant	**$42,691.20**

Completed Portion of Project

4. Pictographs (Completed)	$2,310.75
5. Largo Logo Window (Completed)	$3,591.12
6. Remodel Front Entrance (Completed)	$26,740.00
TOTAL	**$32,641.87**

*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 60 – 90 days, depending on contractor's work schedule/work load.

VIP Disclosure of Ownership/Principals

Attachment 4

VIP Contracting Entity Information

Name Hennessey's Las Vegas, Inc

Mailing Address 1845 S. Elena Ave. Redondo Beach, CA 90277

Business Phone 310-540-2274

Tax ID or Social Security Number 20-2444126

Type of Business

Sole Proprietor_____ Partnership_____ Limited Liability Company_____ Corporation ✓

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 business.

Full Name & Title	Business Address	Business Phone
Paul E Hennessey	1845 S. Elena Ave Redondo Beach, CA 90277	310-540-2274

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*:_____

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 - Business

I certify, under penalty of perjury, that all the information provided in this certificate is current, complete, and accurate.

Signature Paul Hennessy

Date 1/12/2009

State of Nevada
County of Clark

This instrument was acknowledged before me on

January 12, 2009 (date) by

Paul Hennessy (name of person)

Megan E. Conklin

Notary Public

Megan E. Conklin
Notary Public, State of Nevada
Cert#: 05-96372-1
Commission Exp 4-16-2009

Attachment 5

VIP Participant Affidavit and Employment Plan

STATE OF NEVADA }
} ss:
COUNTY OF CLARK }

I, Paul Hennessey, 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 Hennessey's Las Vegas, Inc, a company duly organized in the State of Nevada as a Corp, (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 425 Fremont Street ("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; ☑
   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; ☑
   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. ☐ 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

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 8th day of August, 2008.

Authorized Signature: _____

SIGNED AND SWORN TO before

me this 8th day of August, 2008, by Ellen C. Frantz

NOTARY PUBLIC

My Commission Expires: 6/29/2010

ELLEN C. FRANTZ
Commission # 1674520
Notary Public - California
Los Angeles County
My Comm. Expires Jun 29, 2010

Before Photos – Las Vegas Country Saloon
(425 Fremont Street, 2nd Floor)



After Rendering – Las Vegas Country Saloon
(425 Fremont Street, 2nd Floor)



After Rendering – Las Vegas Country Saloon
(425 Fremont Street, 2nd Floor)



SITE MAP – Las Vegas Country Saloon
(425 Fremont Street, 2nd Floor)



City of Las Vegas Agenda Item No.: **87.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

Discussion and possible action regarding amendments to the by-laws of the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Youth Neighborhood Association Partnership Program Grant Review Board was established by Council action on March 1, 2000, as a service-learning program encouraging young people to take an active role in their neighborhood. The changes to the by-laws will allow for two alternate Board appointments appointed by the Mayor, one youth member and one adult member; decrease the requirement for a quorum from 9 members to 8 members; makes changes to the requirements to remove a member or officer from the board; and procedural changes for the administration of the board.

RECOMMENDATION:
Approve amendments to the Youth Neighborhood Association Partnership Program by-laws

BACKUP DOCUMENTATION:
Amended By-Laws

BYLAWS OF
CITY OF LAS VEGAS
YOUTH NEIGHBORHOOD ASSOCIATION PARTNERSHIP PROGRAM
BOARD

ARTICLE ONE
OFFICES

The principal offices of the Youth Neighborhood Association Partnership Program ("Board") shall be located at 400 East Stewart Avenue, 2nd Floor, Las Vegas, Nevada. The Board may have such other offices as the City of Las Vegas may determine from time to time.

ARTICLE TWO
MEMBERS

Section 1. **Members and Alternate Members.** The Board shall consist of fifteen (15) members. There shall also be two (2) alternate members to serve in the absence of a Board member.

Section 2. **Election of Members and Alternate Members.** All members and alternate members of the Board shall be appointed by the Mayor and City Council ("City Council") of the City of Las Vegas. The Board shall be comprised of the Mayor's two (2) designees, one (1) Council designee from each of the six Council Wards. The Mayor shall also appoint one (1) alternate adult member designee. The Mayor shall also appoint seven (7) youth designees as members to the Board and one (1) youth designee to serve as an alternate member. All youth designees shall come from geographically diverse locations throughout the City of Las Vegas.

Section 3. **Voting Rights.** Each member in good standing shall be entitled to one vote on each matter submitted to a vote of the Board. An alternate member who serves on the Board in the absence of a member, said alternate member shall be entitled to one vote on each matter submitted to a vote of the Board.

Section 4. **Termination of Membership.** If any member of the Board misses two (2) consecutive meetings without prior authorization of the Chairperson, the Board shall send a letter to the member suggesting the member's resignation. If said resignation is not forthcoming, the City of Las Vegas staff may recommend to the City Council that the member be removed from the Board.

Section 5. **Resignation.** Any member may resign by filing a written resignation with the Chairperson of the Board.

Section 6. **Term.** The initial term of office for each member shall be one year. Members may be reappointed to consecutive one year terms as necessary.

Section 7. **Transfer of Membership.** Membership on this Board is not transferable or assignable.

ARTICLE THREE
MEETINGS OF MEMBERS

Section 1. **Notice of Meetings.** Written notice stating the place, day, and hour of any meeting of members shall be posted in accordance with the Open Meeting Laws of the State of Nevada and delivered, either personally, by mail, or electronic mail to each member entitled to vote at such meeting and to the alternate members not less than three (3) nor more than seven (7) days before the date of such meeting, by or at the direction of the Chairperson of the officers or two (2) members of the Board calling the meeting. If mailed, the notice of a meeting shall be deemed to be delivered when deposited to the United States mail addressed to the member and alternate member at his or her address as it appears on the records of the Board, with postage thereon prepaid.

Section 2. **Quorum.** Attendance by eight (8) members of the Board shall constitute a quorum at such meeting. Alternate members who fill in for an absent member shall be included for the purpose of constituting a quorum at such meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice.

ARTICLE FOUR
BOARD OF MEMBERS

Section 1. **General Purpose.** The purpose of the Board is to review Youth Neighborhood Association Partnership Program applications and recommend awards to the City of Las Vegas City Council.

Section 2. **Number, Tenure, and Qualifications.** The number of Board members shall be fifteen (15) and two (2) alternate members to serve in the absence of a member. All members and alternate members of the Board shall be appointed by the Mayor and City Council ("City Council") of the City of Las Vegas and need not be City residents.

Section 3. **Regular Meetings.** A regular meeting of the Board members shall be held without any other notice than the requirements in these bylaws. The Board may provide, by resolution, the time and place for holding additional regular meetings and provide notice of the additional regular meetings as required in these bylaws. Additional regular meetings shall be held at a location to be designated by the City's Neighborhood Services Department or appropriate City Department.

Section 4. **Board Decisions.** The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board members, unless the act of a greater number is required by law or by these bylaws.

Section 5. **Vacancies.** Any vacancy occurring in the Board members and any membership to be filled by reason of any increase in the number of members, shall be filled by an appointment by the City Council of the City of Las Vegas. A member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor in office.

Section 6. **Compensation.** Members of such Board shall not receive any stated salaries for their services.

ARTICLE FIVE
OFFICERS

Section 1. **Officers.** The officers of the Board shall be a Chairperson, one Vice-Chairperson, and such other officers as may be appointed in accordance with the provisions of this article.

Section 2. **Election and Term of Office.** All officers of the Board shall be elected by the Board. Members may be reappointed to consecutive one-year terms as necessary.

Section 3. **Removal.** Any officer appointed may be removed by the Board members whenever an officer misses two (2) consecutive meetings without prior authorization from the Chairperson and the Board sends a letter to the officer suggesting resignation. If said resignation does not occur, the Board may recommend to the City Council that the officer be removed.

Section 4. **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the City Council for the remaining portion of the term.

Section 5. **Powers and Duties.** The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in boards having the same or similar general purposes and objectives as this Board. The Chairperson shall preside at all meetings and has general supervision of the matters of the Board. The Vice-Chairperson will assist and assume the duties of the Chairperson in his or her absence.

ARTICLE SIX
BOOKS AND RECORDS

The Board shall keep correct and complete minutes of the proceedings of its members, the Board, and exercising any of the authority of this Board, and shall keep at the principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Board may be inspected by any member, or his or her agent or attorney, or any member of the public, for any proper purpose at any reasonable time.

ARTICLE SEVEN
AMENDMENT OF BYLAWS

These bylaws may be altered, amended, or repealed, and new bylaws may be adopted by the City Council of the City of Las Vegas.

APPROVED AS TO FORM:

_____
Date

City of Las Vegas Agenda Item No.: **88.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
BOARDS & COMMISSIONS:

Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Youth Neighborhood Association Partnership Program Grant Review Board was established by Council action on March 1, 2000. YNAPP is a service-learning program encouraging young people to take an active role in their neighborhood. The Board consists of 15 members, eight adults and seven youth. Terms of office are one year, and members may be reappointed to consecutive one-year terms. Expiration of this Board occurs yearly. October 7, 2009 Council action amending the by-laws allows for the appointment of two alternate members by the Mayor, one youth member and one adult member.

RECOMMENDATION:
Procedure for this Board is appointment by the City Council. The Department of Neighborhood Services recommends the following appointments and reappointments:

Appointments: (Adult Representatives) Anthony Ruggerio, Nicole Wright, (Alternate) Jocelyn Cortez
(Youth Representatives) Irene De La Rosa, David Alexander Lopez, Alvin Kang, Mayra Pacheco, Emma Tagliaferri, Nicole Vigil, (Alternate) Clarissa Millard-Pena

Reappointments: (Adult Representatives) Elena Milano, Robin Munier, Gia Rodriguez, Michelle Thackston, Donna Toussaint, Ydoleena Yturrtalde, Patrick Lee Dillon (Youth)

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Current Listing and Authority

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: CITY CLERK
ITEM DESCRIPTION: Appointment and Reappointment of members of the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

	FY 2009-2010 Youth Neighborhood Association Partnership Program (YNAPP) Board
Elected Official	**Designee**
Adult Designees:	
Mayor or his designee	Elena Milano 813 Carpenter Drive Las Vegas, NV 89107
Mayor or his designee	Nicole Wright 3975 N. Nellis Boulevard #2042 Las Vegas, NV 89115
Ward 1 Designee	Robin Munier, City Hall
Ward 2 Designee	Donna Toussaint 9030 W. Sahara Avenue #465 Las Vegas, NV 89117
Ward 3 Designee	Gia Rodriguez, City Hall
Ward 4 Designee	Anthony Ruggiero, City Hall
Ward 5 Designee	Ydoleena Yturrtalde, City Hall
Ward 6 Designee	Michelle Thackston, City Hall
Mayor or his designee (Adult Alternate)	Jocelyn Cortez 4525 E. Philadelphia Avenue Las Vegas, NV 89104
Youth Designees:	
Mayor or his designee	Patrick Lee Dillon 3981 Vulcan Street Las Vegas, NV 89122
Mayor or his designee	Irene De La Rosa 6400 Brandywine Way Las Vegas, NV 89107
Mayor or his designee	David Alexander Lopez 1418 Bracken Avenue Las Vegas, NV 89104
Mayor or his designee	Mayra Pacheco 809 Hedge Way #1 Las Vegas, NV 89110

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: CITY CLERK
ITEM DESCRIPTION: Appointment and Reappointment of members of the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

	FY 2009-2010 Youth Neighborhood Association Partnership Program (YNAPP) Board
Elected Official	**Designee**
Mayor or his designee	Nicole Vigil 8532 W. Gilmore Avenue Las Vegas, NV 89129
Mayor or his designee	Alvin Kang 9349 Fort Bayard Avenue Las Vegas, NV 89178
Mayor or his designee	Emma Tagliaferri 6280 N. Hualapai Way Las Vegas, NV 89149
Mayor or his designee (Youth Alternate)	Clarissa Pena 8737 Honey Vine Avenue Las Vegas, NV 89143

THIS BOARD HAS EXPIRED AS OF 12/19/2008. APPOINTMENTS WILL BE MADE IN 2009.

Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

	Name		Appointment Date	Expiration Date	Appointed/ Recommended By:
1	**Elena Milano** Mayor's Staff Designee	**Reapp: N/A**	12/19/2007	12/19/2008	Mayor
2	**Ms. AJ Powell** Mayor's Community Leader Replaced Minerva Gomez, Resigned 1-11-2008	**Reapp: N/A**	2 /20/2008	12/19/2008	Mayor
3	**Robin Munier** Ward 1 Staff Designee	**Reapp: 11/15/2006 12/19/2007**	12/3 /2005	12/19/2008	Tarkanian
4	**Donna Toussaint** Ward 2 Community Leader	**Reapp: 12/19/2007**	12/3 /2006	12/19/2008	Wolfson
5	**Gia Rodriguez** Ward 3 Staff Designee Replaces Loretta Arrington	**Reapp:**	11/19/2008	12/19/2008	Reese
6	**Darcy Hayes** Ward 4 Staff Designee	**Reapp: 12/3/2003 12/1/2004 11/16/2005 11/15/2006 12/19/2007**	2 /5 /2003	12/19/2008	Brown
7	**Ydoleena Yturralde** Ward 5 Staff Designee Replaced Joshua D. Swackhamer, Resigned 1-3-2008	**Reapp: N/A**	2 /6 /2008	12/19/2008	Barlow
8	**Michelle Thackston** Ward 6 Staff Designee	**Reapp: N/A**	12/19/2007	12/19/2008	Ross
9	**Carina Chang** Youth Designee Replaces Ricky Pullan, Resigned 7/28/2008	**Reapp: N/A**	10/1 /2008	12/19/2008	Mayor
10	**Patrick Dillon** Youth Designee Replaces Adler Chang, Resigned 8/28/2008	**Reapp: N/A**	10/1 /2008	12/19/2008	Mayor

Name			Appointment Date	Expiration Date	Appointed/ Recommended By:
11 **Derris Edwards**			10/1 /2008	12/19/2008	Mayor
Youth Designee		**Reapp: N/A**			
Replaces Ashlee Burke, Resigned 7/22/2008					
12 **Ms. Mica Sabas**	**Clark High School**		12/19/2007	12/19/2008	Mayor
Youth Designee		**Reapp: N/A**			
13 **Mr. Corey Paris**	**Shadow Ridge High School**		12/3 /2006	12/19/2008	Mayor
Youth Designee		**Reapp: 12/19/2007**			
14 **Nicole Redford**	**Las Vegas Academy**		12/3 /2006	12/19/2008	Mayor
Youth Designee		**Reapp: 12/19/2007**			
15 **Miguel Gomez**	**Rancho High School**		12/19/2007	12/19/2008	Mayor
Youth Designee		**Reapp: N/A**			

GENERAL PURPOSE: Service learning program designed to encourage middle and high school youth to take an active role in their community. Youth and adults will serve side-by-side and select exemplary proposals for funding. Board reviews YNAPP applications and recommends awards to the City Council. Service learning grants are offered to registered neighborhood association youth groups for neighborhood and community improvement projects.

AUTHORITY: Created by City Council action on 3-1-2000 and members appointed on 5-3-2000. By-laws adopted 3-1-2000. By-Laws Amended by City Council on 11-5-2003 (changes the renewal date for members to a date specified by the City).

TERMS: ONE-YEAR TERM - May be reappointed to consecutive one-year terms.
Must fill un-expired term.
Membership is not transferable or assignable.
Board expires yearly on date specified by the City (11-5-2003 Council action, amended By-Laws).

MEMBERS: 15 members appointed by the Mayor and City Council as follows:

Mayor: Two (2) Adult Designees
Seven (7) Youth Designees from geographically diverse locations
Council One (1) Adult Designee from each of the six Council Wards

NOTE: NO CITY RESIDENCY REQUIREMENT.
NO FINANCIAL DISCLOSURE REQUIRED.

CONTACT: Principal Office: City Hall, 400 Stewart Avenue, Dept. of Neighborhood Services, 2nd Floor
Contact Person: Kelly Woods - 229-5267

City of Las Vegas Agenda Item No.: **89.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

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

SUBJECT:
BOARDS & COMMISSIONS:

Appointment of Members to the Community Development Recommending Board

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Community Development Recommending Board reviews all Community Development Block Grant and other funding sources and makes recommendations to the City Council on the applicants eligible to receive these funds. Members of this board either reside or work in the City of Las Vegas and are appointed by the Mayor and City Council. This board consists of 13 members who represent target neighborhoods and populations, including low-income, disabled, minorities, elderly and the community at large. The previous board members terms expired July 3, 2009; the term of office is nine-months with no limit to the number of terms that may be served.

RECOMMENDATION:
The Department of Neighborhood Services recommends the following:

Reappointments: Mike Aker, Anne Blue, Verlia Davis-Hoggard, Debbie Kinsora, Pam Kowalski, Tom McGrath, Karmen La'Shaun Miller, Dev Inder Pappas, Peggy Pound, Fateen Sefullah, Phyllis McFadden

New Appointments: Brian "Paco" Alvarez, Amy Brewster

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Current Listing and Authority

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: October 7, 2009
DEPARTMENT: CITY CLERK
ITEM DESCRIPTION: Appointment of members to the Community Development Recommending Board

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Following is the list of the proposed appointees to the Community Development Recommending Board.

Ward	First Name	Last Name	Address	City	State	Zip
CM Reese	Mike	Aker	172 Marion Drive	LV	NV	89110
CM Reese	Brian "Paco"	Alvarez	801 Las Vegas Blvd. S. #331	LV	NV	89101
CM Barlow	Anne	Blue	800 Chabot Drive	LV	NV	89107
CM Anthony	Amy	Brewster	4024 Bennett Mountain	LV	NV	89129
CM Barlow	Verlia	Davis-Hoggard	1401 Sharon Road	LV	NV	89106
CM Ross	Debbie	Kinsora	6013 Golden Saddle	LV	NV	89130
CM Reese	Pam	Kowalski	1050 Bonita Ave.	LV	NV	89104
CW Tarkanian	Phyllis	McFadden	204 Fig Ct.	LV	NV	89145
CW Tarkanian	Tom	McGrath	1413 Vista Drive	LV	NV	89102
Mayor	Karmen La'Shaun	Miller	7965 Lions Rock Way #202	LV	NV	89128
CW Tarkanian	Dev Inder	Pappas	5332 Del Rey Avenue	LV	NV	89146
CM Wolfson	Peggy	Pound	6324 Shady Valley Ct.	LV	NV	89130
CM Barlow	Fateen	Sefullah	711 Morgan Avenue	LV	NV	89106

Community Development Recommending Board

	Name/Category	Appointment Date	Expiration Date	Recommended By:
1	**Mike Aker**	10/3 /2007 **Reapp: 10/1/2008**	7/1/2009	Reese
2	**Anne Blue**	9 /20/2006 **Reapp: 10/3/2007 10/1/2008**	7/1/2009	Barlow
3	**Anthony Bruges**	9 /7 /2005 **Reapp: 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Brown
4	**Verlia Davis-Hoggard**	1 /18/2006 **Reapp: 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Barlow
5	**Israel Fuentes**	11/5 /2003 **Reapp: 10/20/2004 9/7/2005 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Reese
6	**Pam Hartley**	9 /7 /2005 **Reapp: 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Reese
7	**Debbie Kinsora**	1 /7 /2004 **Reapp: 10/20/2004 9/7/2005 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Ross
8	**Phyllis McFadden**	10/1 /2008 **Reapp: N/A**	7/1/2009	Tarkanian
9	**Tom McGrath**	12/7 /2005 **Reapp: 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Tarkanian
10	**Karmen La'Shaun Miller**	12/6 /2006 **Reapp: 10/3/2007 10/1/2008**	7/1/2009	Mayor
11	**Ms. Dev Inder Pappas**	12/6 /2006 **Reapp: 10/3/2007 10/1/2008**	7/1/2009	Mayor
12	**Peggy Pound**	11/5 /2003 **Reapp: 10/20/2004 9/7/2005 9/20/2006 10/3/2007 10/1/2008**	7/1/2009	Wolfson
13	**Fateen Seifullah**	10/3 /2007 **Reapp: 10/01/2008**	7/1/2009	Barlow

Name/Category	Appointment Date	Expiration Date	Recommended By:

GENERAL PURPOSE: Review all Community Development Block Grant, HOME Investment Partnership, and Housing Opportunities for Persons with AIDS (HOPWA) applications for funding and make recommendations to the City Council on those applicants that should receive funding.

AUTHORITY: Created by City Council action on 1-8-1997 and members appointed on 1-8-1997. (By-laws amended 12/15/99 to increase membership by four (4) members for a total of 31 members)(By-Laws amended 12/6/2000 to decrease term of office to six months) (By-Laws amended 8/15/2001 to reduce membership to 24 members) (By-Laws amended 7/20/2005 to increase term of office to nine months, to delete number of term limits, and to delete the specific areas of expertise of background designations.) (By-Laws amended 9/20/2006 to remove HOME and LIHTF funds from the Board's process.) (By-Laws amended 9-3-2008 to reduce the membership from 24 to 13 members)

TERMS: NINE MONTH TERMS – No limit to number of terms. **NO FINANCIAL DISCLOSURE REQUIRED.**
(May fill unexpired term.) (Membership is not transferable or assignable)
(Initially, 14 members appointed for 2 yr. terms to insure continuity on the Board.)

MEMBERS: 13 members who reside or work in the City of Las Vegas appointed by the Mayor and City Council. Board members represent target neighborhoods and populations, including low-income, disabled, minorities, elderly and the community at large.

City of Las Vegas Agenda Item No.: **90.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

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.: **91.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

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.: **92.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. Z-2009-2 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will amend the zoning map to change the zoning designations of approximately 20 parcels along Jones Boulevard. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

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. Z-2009-2

BILL NO. Z-2009-2

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ATLAS OF THE CITY OF LAS VEGAS BY CHANGING THE ZONING DESIGNATIONS OF CERTAIN PARCELS OF LAND, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Official Zoning Map Atlas of the City of Las Vegas, as adopted in Title 19, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by changing the zoning designations for the parcels of land listed in the attached document. The parcels of land have been approved for rezoning by vote of the City Council or by means of a resolution of intent to rezone pursuant to applicable zoning regulations. In each case the conditions of rezoning have been fulfilled, and changing the corresponding zoning designations on the Official Zoning Map Atlas is now indicated. On the attached document, the parcels are listed by Assessor's Parcel Number. The attached document shows, for each parcel, the zoning designation currently shown on the Official Zoning Map Atlas (indicated as "Current Zoning") and the new zoning designation to be shown for the parcel (indicated as "New Zoning").

SECTION 2: The Planning and Development Department is authorized and directed to make such changes to the Official Zoning Map Atlas as are necessary to reflect the amendments described in Section 1 of this Ordinance. In accordance with LVMC 19.02.010, the Official Zoning Map Atlas is stored and maintained in the offices of the Planning and Development Department.

SECTION 3: Of the parcels referred to in Section 1 of this Ordinance whose rezoning was approved by means of a resolution of intent to rezone, few if any of those resolutions have been reduced to writing–as was the practice previously. All actions and proceedings by the City concerning the rezoning of those parcels are hereby ratified, approved and confirmed as if the resolutions of intent had been reduced to writing, and the City Council deems that no additional action in that regard is necessary.

SECTION 4: 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 5: 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:

Val Steed 9-23-09
_____
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

PARCEL	CURRENT ZONING	NEW ZONING
13835515002	R-1	P-R
13835515001	R-1	P-R
13836112002	R-1	P-R
13836112005	R-1	P-R
13836112007	R-1	P-R
13836210002	R-1	P-R
13836210003	R-1	P-R
13836210007	R-1	P-R
13836210010	R-1	P-R
13836210011	R-1	P-R
13836210012	R-1	P-R
13836210013	R-1	P-R
13836210014	R-1	P-R
13836210015	R-1	P-R
13836210017	R-1	P-R
13836210019	R-1	P-R
13836310007	R-1	P-R
13836316007	R-1	P-R
13836401001	R-1	P-R
13836401003	R-1	P-R

City of Las Vegas Agenda Item No.: **93.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development. (TXT-34891) Sponsored by: Councilman Stavros S. Anthony

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approximately two years ago the City Council adopted development standards and guidelines for hillside areas, defined as areas with a slope of 15% or greater. The standards and guidelines address issues of preservation, design, conservation and protection that are unique to hillside areas. The standards and guidelines were adopted primarily with residential development in mind. This bill will clarify that they are applicable to nonresidential development as well.

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. 2009-41

BILL NO. 2009-41

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES TO REFLECT THEIR APPLICABILITY TO NONRESIDENTIAL DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (2), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(2) Site Design. (See Figures 1 and 2)

(a) Structures shall be sited in a manner that will fit into the hillside's contour and relate to the form of the terrain. This may be done through a variety of methods, such as varying setbacks and structure heights; the use of innovative building techniques (e.g., earth shelter or earth berm construction); and retaining walls.

(b) Site design should take into account the need to do the following, while maintaining the natural character of a hillside area:

(i) Preserve vistas of natural hillside areas and ridgelines from "key vantage points";

(ii) Preserve views from existing development; and

(iii) Allow new [dwellings] <u>development</u> access to views similar to those enjoyed from existing [dwellings.] <u>development.</u>

(c) Site design should allow for different lot shapes and sizes, as well as split development pads, with the prime determinant being the natural terrain.

SECTION 2: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(4) Architecture/Building Design. [Dwellings built] <u>Development</u> within hillside areas shall conform to the following:

(a) Reflective building materials (i.e., mirror finishes or metal roofs) are not permitted unless treated to eliminate glare.

(b) Limited slab-on-grade, with staggered floor elevations, shall be utilized to avoid massive building forms, excessive cuts and fill, and surfaces which contrast with the surrounding terrain.

(c) All external mechanical equipment shall be screened, and required vents shall be architecturally compatible with the structure.

(d) Building architecture should have predominant horizontal features. Vertical features should be minimized and generally used to accentuate entryways, garages, main doors and any type of vertical embellishment.

(e) No portion of a structure shall exceed a height of two stories or thirty-five feet, and a minimum of twenty feet of the structure must be lower than the elevation of the primary ridgeline. (See Figure 5)

(f) [Dwellings shall use wall] Wall articulation (e.g., insets, pop-outs, etc.) and roof orientation shall be used as a means to prevent a massive look.

(g) Rooflines and elements shall reflect the naturally occurring ridgeline silhouettes and topographical variation in order to blend with the hillside. (See Figure 6)

(h) Building materials and colors shall be compatible with the natural setting. Whenever possible, exterior colors shall be limited to earthtones that are found in nearby natural vegetation or soil, that come from natural sources (e.g., rock, stone, wood), or that resemble a natural appearance.

SECTION 3: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (5), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(5) Clustered Development. Clustered development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under this concept, [dwelling units are grouped in] development is grouped on the more level portions of the site, while steeper areas are preserved in a natural state. Clustering can enhance the environmental sensitivity of a development project, and facilitate the permanent protection of key features of the natural environment, such as biological habitats, open space areas, scenic areas, ridgelines, and steep slopes.

(See Figure 7) Also, it is often more feasible to provide the needed infrastructure for a cluster development, since clustering results in shorter roads and water, sewer, and utility lines. Clustering does not allow an increase in the overall density of an area beyond that which is otherwise permitted by the General Plan.

(a) Clustered [dwelling units shall be placed] development shall occur in a staggered or stepped manner so [their] that the visual impact is lessened.

(b) Clustered subdivisions shall be sited so they do not have a dominant presence within the hillside.

(c) The location of clustered units shall be restricted to the flatter portions of a site, unless another location better minimizes impacts as relates to public safety, visual impact or environmental issues.

(d) Clustered development must preserve open space in its undeveloped form. Appropriate documents must be recorded to ensure the preservation of the open space areas in perpetuity. Open space areas shall be identified on the final subdivision map or parcel map as common lots.

SECTION 4: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (6), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(6) Walls and Fences.

(a) The height of walls shall be in accordance with Section 19.12.075.

(b) Walls shall conform to the topography of the site. (See Figure 8)

(c) Walls shall either incorporate the use of native materials or be earthtone colors to match the native soils and rocks. Walls and fences (other than retaining walls) should be made of natural materials (e.g., stone, wood, split rail) whenever possible and, at a minimum, shall be a color that blends with the surrounding environment. Where retaining walls front on or are visible from public streets or public vantage points, they shall be constructed of (or faced with) materials that are appropriate in color and texture to help visually blend the wall into the terrain. (See Figure 9)

(d) The use of retaining walls and retaining structures is encouraged when it significantly reduces site grading.

(e) Large retaining walls in a uniform plane should be avoided. Retaining walls should

be broken up into elements and terraces, with landscaping used to screen them from view. (See Figure 10)

(f) Retaining structures shall be located so that they do not become a dominating visual feature.

(g) Tall retaining structures that are absolutely necessary should be located behind [the dwelling] development so as to be screened from view.

(h) Whenever possible, the location of walls and fences (other than retaining walls) should be limited to areas within fifty feet of [dwellings] primary buildings and accessory structures in order to limit their impact on hillside viewsheds.

(i) Solid walls and fences shall be prohibited within fifty vertical feet of a ridgeline in order to prevent impacts on wildlife corridors and maintain the natural area surrounding the ridgeline.

(j) Fences that have pointed vertical elements shall not be permitted.

SECTION 5: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(4) Other elements that should be considered in a successful design and, where indicated, reflected in submittal documents are the following:

(a) Preservation of distinctive natural features, the general existing topographical forms, significant trees, landscaping, natural water courses and wildlife corridors, with data and aerial maps to be provided showing the location, type and nature of existing major vegetation, including significant clusters or contiguous areas of dense growth and existing vegetation to be preserved;

(b) Preservation of prominent skyline ridges, which must be shown by providing a graph or other visual analysis indicating rooftop in relation to ridgeline; (See Figure 14)

(c) The location of roads and structures below the skyline ridge, with a visual analysis to be provided indicating circulation related to existing contours;

(d) The location and construction of roadways, with drawings and explanations to be provided showing how roadways will be constructed in a manner compatible with the natural terrain and with scarring eliminated;

(e) Incorporation of hiking, biking, walking and equestrian trails, where appropriate;

(f) Variation in lot size, building placements, setbacks, and orientation;

(g) Variable changes in elevation and siting of buildings to ensure views and avoid monotony;

(h) Preservation of steep hillsides by clustering buildings or use of other innovative approaches;

(i) Sensitivity to the project's appearance from lower or adjacent development;

(j) Placement of equipment and other unsightly forms below ridgelines and in bermed and landscaped areas.

(k) [Dwelling] Development design, with documentation to be provided indicating that significant effort has been made towards incorporating energy-conservation and water saving techniques;

(l) Maintenance of natural drainage/water runoff characteristics where possible;

(m) The use of exterior lighting for buildings that is:

(i) Of a "cut-off" type designed to ensure that excess light does not spill over; and

(ii) Of the lowest intensity feasible so as to be adequate for the purposes intended but not likely to attract undue attention.

SECTION 6: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (6), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(6) A [final] grading plan must first be approved by the Director of Planning and Development before Site Development Plan Review is considered by the Planning Commission. The Director's review shall coincide with staff review of the Site Development Plan and drainage study.

SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.170 is deemed to be a subchapter rather than a section.

SECTION 8: 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 9: 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:

Val Steed 9-23-09
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

City of Las Vegas Agenda Item No.: **94.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit. (TXT-34880) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Downtown Centennial Plan includes development standards for the various districts located within the Plan area. The standards for the Parkway Center District currently do not allow alcohol-related uses. This bill will allow a number of the typical alcohol-related uses within that district by means of special use permit. Doing so will encourage development within that district and is consistent with the standards for the nearby Symphony Park District.

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. 2009-42

BILL NO. 2009-42

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO ALLOW CERTAIN ALCOHOL-RELATED USES WITHIN THE PARKWAY CENTER DISTRICT BY MEANS OF SPECIAL USE PERMIT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 6051, is hereby amended as set forth in Section 2 of this Ordinance.

SECTION 2: Section VII(E)(2)(e) is amended by adding to the list of uses permitted under the category of "Retail and Personal Services" the following uses:

- Beer/Wine/Cooler Off-Sale Establishment (Special Use Permit required)*
- Beer/Wine/Cooler On- and Off-Sale Establishment (Special Use Permit required)*
- Beer/Wine/Cooler On-Sale Establishment (Special Use Permit required)*
- Liquor Establishment (Tavern) (Special Use Permit required)*
- Package Liquor Off-Sale Establishment (Special Use Permit required)*
- Restaurant with Service Bar (Special Use Permit required)*
- Retail Establishment with Accessory Package Liquor Off-Sale (Special Use Permit required)*
- Supper Club (Special Use Permit required)*

*In addition to complying with all criteria listed in Title 19, the use shall be permitted only in conjunction with (1) a hotel, or (2) a commercial or mixed-use development with a minimum gross floor area of 250,000 square feet.

SECTION 3: The Planning and Development Department is authorized and directed to incorporate into the Downtown Centennial Plan the amendment contained in this Ordinance.

SECTION 4: 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 5: 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:

Val Steed 9-23-09
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

City of Las Vegas Agenda Item No.: **95.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Town Center Development Standards currently allow the sale of used motor vehicles, but only in conjunction with new vehicle sales. In order to respond to the closing of vehicle dealerships that has occurred during the economic downturn, it has been proposed to allow the sale of used motor vehicles in Town Center as a "stand-alone" use, but on a temporary basis only. Approval by the City Council would be required and the use would be subject to conditions designed to ensure compatibility with surrounding uses.

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. 2009-43

BILL NO. 2009-43

ORDINANCE NO. _____

AN ORDINANCE TO TEMPORARILY ALLOW THE SALE OF USED MOTOR VEHICLES IN TOWN CENTER WITHOUT THE REQUIREMENT THAT THE USE BE INCIDENTAL TO NEW VEHICLE SALES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Notwithstanding any contrary provision of LVMC Title 19 or the Town Center Development Standards Manual adopted thereunder, the sale of used motor vehicles, where not incidental to new car sales, may be allowed on a temporary basis in the TC-GC District within Town Center, but only in accordance with Sections 2 to 5, inclusive, of this Ordinance.

SECTION 2: An application to allow the sale of used motor vehicles on a temporary basis pursuant to this Ordinance shall not be deemed to be a Temporary Commercial Permit application or a Special Use Permit application. However, except as otherwise provided in Sections 3 to 5, inclusive, of this Ordinance, an application made pursuant to this Ordinance shall be filed and processed in accordance with LVMC 19.18.060 in the same manner as a Special Use Permit application.

SECTION 3: An application made pursuant to this Ordinance may be approved upon a determination that the temporary sale of used motor vehicles:

(A) Is likely to be conducted in a manner compatible with surrounding uses; and

(B) Will not have a materially greater impact on the surrounding area than the sale of new motor vehicles (including any incidental used vehicle sales), as permitted by the Town Center Development Standards Manual.

SECTION 4: The minimum requirements for approval of an application pursuant to this Ordinance, which are not waivable, are as follows:

(A) The minimum site area shall be 25,000 square feet.

(B) The installation and use of an outside public address or bell system is prohibited.

(C) No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

(D) All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

(E) Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

(F) Accessory automobile rental is permitted.

(G) Parking of vehicles in landscaped areas is prohibited.

(H) Additional conditions may be imposed, including limitations regarding the days and hours of operation and the establishment of an expiration date for the special use permit approval.

SECTION 5: Unless otherwise extended or modified by ordinance, this Ordinance shall expire by limitation on November 30, 2010, and any approval granted under this Ordinance shall expire on that same date.

SECTION 6: 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

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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.

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:

Val Steed 9-23-09
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

City of Las Vegas Agenda Item No.: **96.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 7, 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.: **97.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

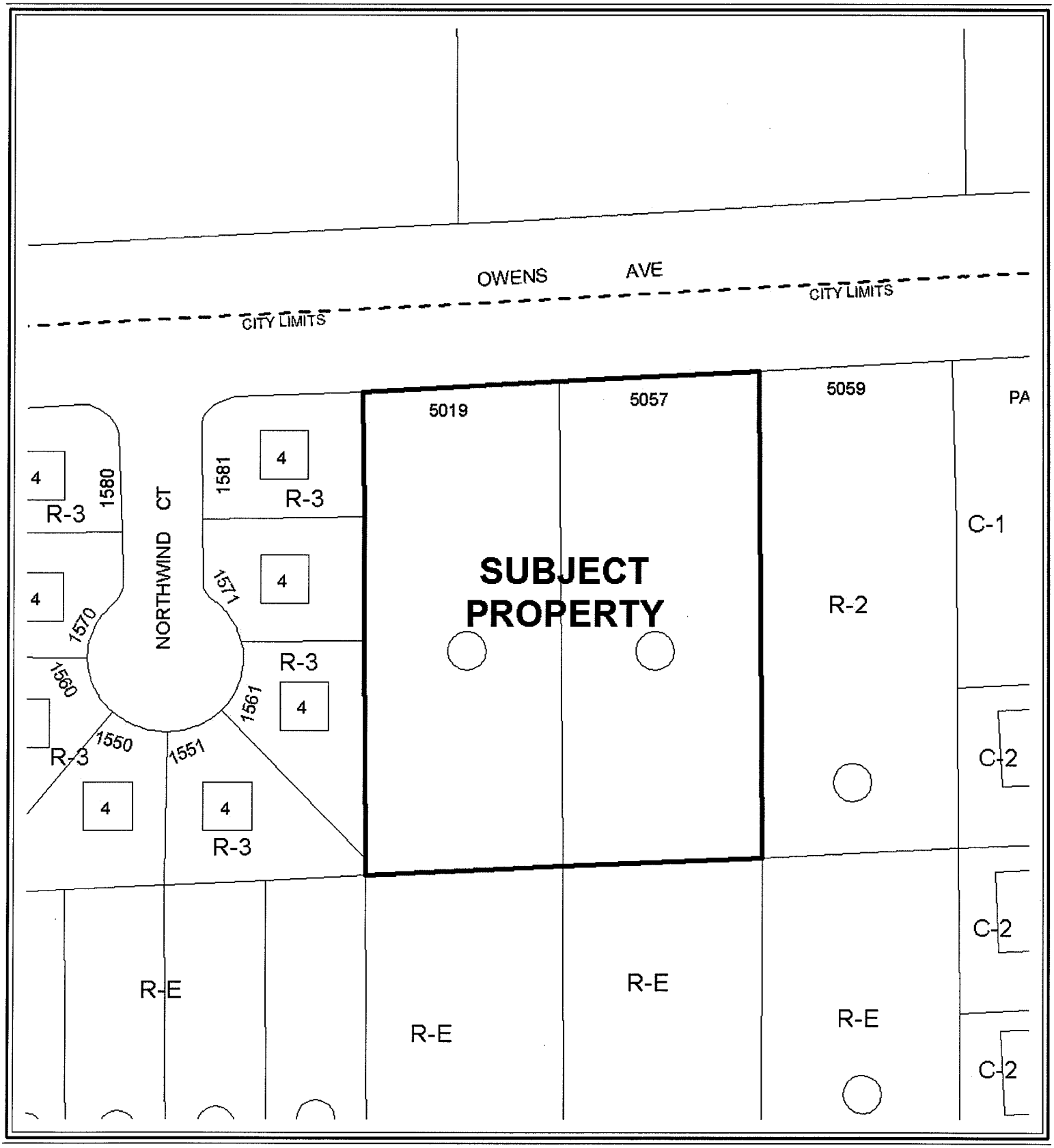
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35550 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC - Request for an Extension of Time of a previously approved Variance (VAR-22675) TO ALLOW A 22-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 75 FEET IS REQUIRED FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APN 140-29-510-017 and 140-29-510-018), R-3 (Medium Density Residential) 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**	**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 VAR-22675



0 100 200 Feet

CASE: **EOT-35550**

ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

N



0 100 200 Feet

CASE: **EOT-35550**

ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35550 – EXTENSION OF TIME – VARIANCE -
APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-22675) 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 the Variance (VAR-22675) 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 undeveloped land with a previously approved Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required for a proposed two-story, 32-unit multi-family residential development. Since the approval of the Variance (VAR-22675), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. No building permits have been issued for the proposed project. Though Code Enforcement has processed six (6) different cases for the subject site, only one has occurred since the approval of the Variance (VAR-22675) for an abandoned vehicle, which Code Enforcement closed on 08/22/07. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

The applicant is requesting an extension of time due to the poor market conditions in the area. Staff is recommending approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/02/86	The City Council approved a request for a Rezoning (Z-0045-86) from R-2 (Two Family Residence) to R-3 (Limited Multiple Residential) of property located at 5057 East Owens Avenue. The Planning Commission recommended approval on 06/12/86.
03/15/89	The City Council approved a request for Rezoning (Z-0002-89) from R-2 (Two Family Residences) to R-3 (Limited Multiple Residence) of property located at 5019 East Owens Avenue. The Planning Commission recommended approval on 02/09/89.
04/13/04	A Code Enforcement case (12680) was processed for the property at 5057 East Owens looking like a junk yard with car parts, trucks, and debris all over the lot. Code Enforcement closed the case on 12/10/04.
04/15/04	A Code Enforcement case (13045) was processed for vehicles, equipment, junk, trash, and debris being stored on a vacant lot located at 5019 East Owens Avenue. Code Enforcement closed the case on 12/10/04. being stored
05/06/05	A Code Enforcement case (29659) was processed for vagrants living in a vacant house, and car parts in and around the building at 5057 East Owens Avenue. Code Enforcement closed the case on 07/25/05.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/06/05	A Code Enforcement case (29660) was processed for vagrants living in a vacant house, and car parts in and around the building at 5019 East Owens Avenue. Code Enforcement closed the case on 08/02/05.
09/21/05	A Code Enforcement case (34754) was processed for a vacant building at 5019 East Owens Avenue. Code Enforcement closed the case on 01/26/08.
08/15/07	The City Council approved a request for Rezoning (ZON-22673) from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential) on 1.97 acres on the south side of Owens Avenue approximately 570 feet west of Nellis Boulevard. The Planning Commission recommended approval on 07/12/07.
	The City Council approved a related request for a Site Development Plan Review (SDR-22674) for a proposed two-story, 32-unit multi-family residential development.
	The City Council approved a related request for a Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required.
08/21/07	A Code Enforcement case (56961) was processed for an abandoned Chevy Suburban on the lot at 5057 East Owens Avenue. Code Enforcement closed the case on 08/22/07.
Related Building Permits/Business Licenses	
12/28/07	Permits #104872 and #104867 were issued for the demolition of existing structures at 5019 and 5057 East Owens Avenue. The buildings were subsequently demolished.

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	1.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land-Proposed Multi-Family Residential Development	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Single-Family Residences	RH (Residential High)- Clark County	R-E (Rural Estates Residential)- Clark County
	Apartments	RH (Residential High)- Clark County	R-3 Multiple Family Residential)- Clark County
South	Undeveloped Land	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residences	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Single-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required for a two-story, 32-unit multi-family residential development on 1.97 acres located on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard. Since the approval of the Variance (VAR-22675), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. No new building permits have been issued for the proposed project. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

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-22675) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits have not yet been issued for the proposed project. The applicant is requesting an extension of time to allow the housing market to improve in the Las Vegas area. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-22675) 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-35550 APN: 140-29-510-017 & 018

Name of Property Owner: H.R. HERITAGE VILLAGE LLC

Name of Applicant: H.R. HERITAGE VILLAGE LLC

Name of Representative: JOHN VORNSAND

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: ✓ CLW

Print Name: Chen-Lin Wu

Subscribed and sworn before me

This 20th day of July, 2009.

Jennifer Cordova

Notary Public in and for said County and State

JENNIFER CORDOVA
COMM. # 1817555
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Comm. Expires Oct. 18, 2012

07/18/2009 21:48 7024852755 #1157 P.003 /004

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35550** APN: 140-29-510-017 & 018

Name of Property Owner: CARDINAL GLOBAL HOLDING CORP

Name of Applicant: CARDINAL GLOBAL HOLDING CORP

Name of Representative: JOHN VORNSAND

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: Margaret Ina Huang

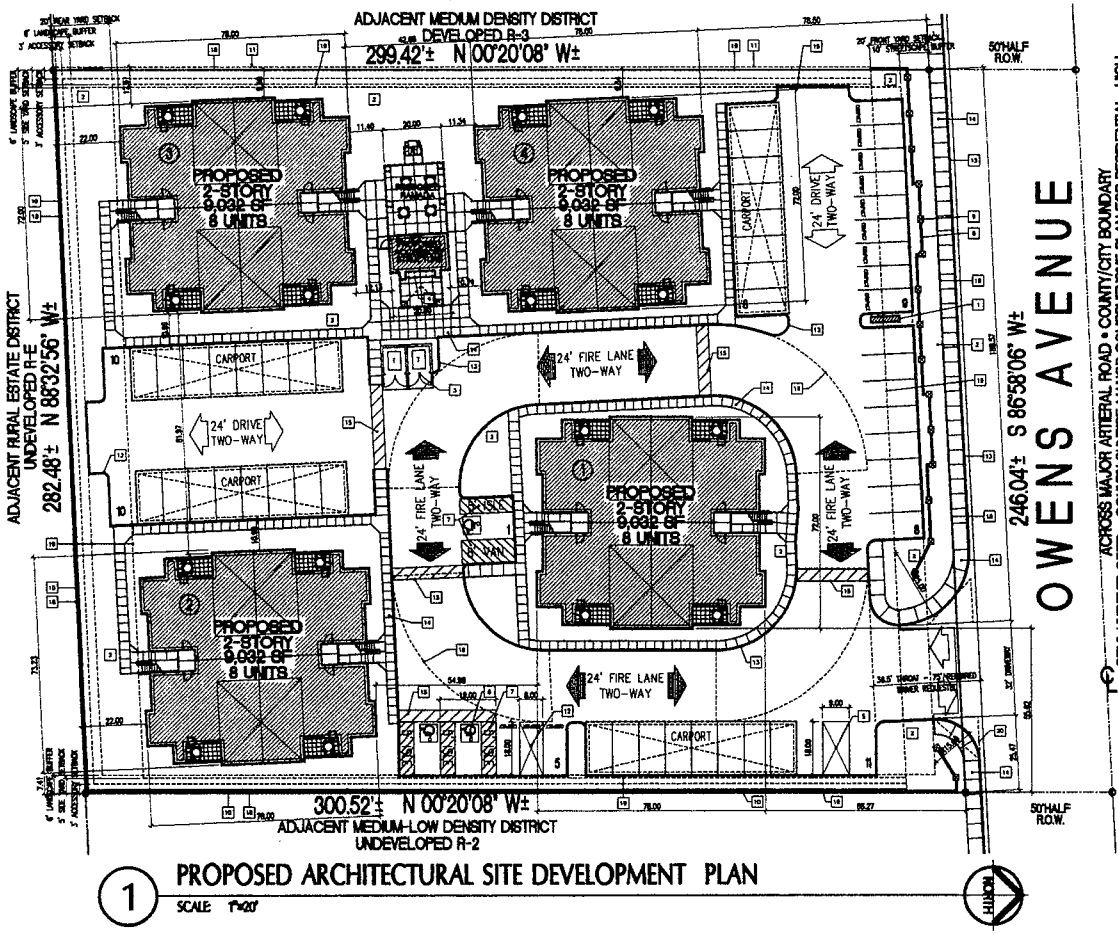
Subscribed and sworn before me

This 20th day of July, 2009

Vinisha Kelley

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
VINISHA KELLEY
No: 00-62328-1
My Appointment Expires April 21, 2012



1 PROPOSED ARCHITECTURAL SITE DEVELOPMENT PLAN

SCALE: 1"=20'

SITE PLAN KEYNOTES

	DESCRIPTION
1	PROPOSED PROJECT SIGN LOCATION - UNDER SEPARATE APPLICATION - "NOT DESIGNED". DESIGNED TO 19.14 SIGN STANDARDS.
2	PROPOSED LANDSCAPE LOCATION. REFER TO SHT. A-LS.
3	PROPOSED TRASH ENCLOSURE LOCATION.
4	PROPOSED GROUP MAIL - INTERIOR LOCATION.
5	TYP. 9' X 18' PARKING STALL.
6	TYP. 9' X 18 ' H.C. ACCESSIBLE PAINTED PARKING STALL.
7	8' VAN OR 5' X 18' ACCESSIBLE PAINTED RAMP AISLE AS INDICATED.
8	PROPOSED 32' HIGH DECORATIVE CMU LANDSCAPE WALL WITH 8'± FENCE TO 6' HIGH
9	24" SQ. X 6' DECORATIVE FENCE PILASTER @ 10' O.C. TYPICAL.
10	PROPOSED 6' HIGH DECORATIVE CMU FENCE/WALL. (ZONE BOUNDARY).
11	EXISTING 6' HIGH DECORATIVE CMU FENCE/WALL. (ZONE BOUNDARY).
12	TYP. 8' X 18' COMPACT PARKING STALL.
13	PROPOSED CURB AND GUTTER.
14	PROPOSED ANEW/OR EXISTING SIDEWALK - TYP.
15	PROPOSED A.D.A. ACCESS ROUTE.
16	TYP. 28' X 52' FIRELANE TURNING RADII.
17	NOT USED.
18	PROPERTY LINE.
19	BUILDING SETBACK LINE.
20	15' X 15' VIS. TRIANGLE.
21	NOT USED.
22	NOT USED.

UNIT MIX TABULATION

BUILDING TYPE	QUAN.	UNIT/ BLDG.	UNIT TYPE / BEDROOMS / AREA (SF) A-2BD 1129 SF	TOTAL
BLDG '1'	1	8	8	8
BLDG '2'	1	8	8	8
BLDG '3'	1	8	8	8
BLDG '4'	1	8	8	8
TOTAL	4		32	32
PRCT. %			100%	100%

PROJECT DATA

ZONING:	LAS VEGAS, NEVADA - TITLE 19
APN:	140-29-510-017 + 18
APPLICATION:	GENERAL PLAN AMENDMENTS, REZONING, and SITE DEVELOPMENT PLAN REVIEW
PRESENT ZONE:	R-2 (MED.-LOW DENSITY RESIDENTIAL DISTRICT)
REQ. OF INTENT:	APP. NO: N/A
PROPOSED ZONE:	R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT)
COMP. PLAN:	SOUTH EAST SECTOR
USE CATAGORY:	MEDIUM - UP TO 25.49 DU/AC
PERMISSABLE USES:	YES
PROPOSED USES:	DWELLING - MULTIPLE FAMILY
PERMISSABLE USES:	PERMITTED

LOT AREA:			
NET SITE AREA:	73,722.82± SF 1.69± ACRES	GROSS SITE AREA:	86,024.82± SF 1.97± ACRES
MIN. LOT AREA:	6,500 SF		
MAX. COVERAGE:	N/A		>6,500 SF THEREFORE O.K.

DWELLING UNIT DENCITY:	MAXIMUM	PROPOSED
	25/GROSS ACRE 49 UNITS	32 UNITS THEREFORE O.K.

BUILDING / USE / REQUIRED PARKING TABULATIONS:

DWELG. UNIT	QUAN.	AREA/UNIT SQ. FT.	BEDRMS	RATIO	REQUIRED SPACES
A	32	1129± SF	2	1.75/UNIT	56
GUEST				1/6 UNITS	6
TOTAL	32	36,128± SF			62

PROPOSED PARKING:	
9x18 STANDARD	47
(30% MAX) 8x16 COMPACT	12
9x21 PARALLEL	0
12x18 HANDICAPPED	3
TOTAL	62

YARD SETBACKS:	MIN. REQ'D	PROPOSED
YARD: FRONT (NORTH)	20' MIN.	>20' THEREFORE O.K.
INTERIOR SIDE (WEST)	5' MIN.	>5' THEREFORE O.K.
(ASSESSORY)	3' MIN.	>3' THEREFORE O.K.
INTERIOR SIDE (EAST)	5' MIN.	>5' THEREFORE O.K.
(ASSESSORY)	3' MIN.	>3' THEREFORE O.K.
SIDE STREET (N/A)	5' MIN.	N/A
REAR (SOUTH)	20' MIN.	>20' THEREFORE O.K.
(ASSESSORY)	3' MIN.	>3' THEREFORE O.K.
COND. USE	N/A	N/A

BUILDING HEIGHT:	MAXIMUM	PROPOSED
	135' MAX. 2 STORY MAX.	<35'THEREFORE O.K. 2 STORY O.K.

ACCESSORY STRUCTURE SEPARATION:	MIN. REQ'D	PROPOSED
	6' MIN.	>10' THEREFORE O.K.

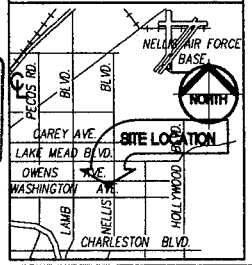
LANDSCAPE BUFFERING / SCREENING / FENCES

BOUND./AREA	MINIMAL WALL REQUIREMENT	SCREENING/BUFFERING SEE THIS SHT.A-0
STREET (NORTH)	19A.08.040 B.2.	19A.12.050 + UDOS MULTI-FAMILY
SIDE (EAST)	EXISTING	19A.12.050 + UDOS MULTI-FAMILY
(WEST)	19A.08.040 B.2.	19A.12.050 + UDOS MULTI-FAMILY
REAR (SOUTH)	19A.08.040 B.2.	19A.12.050 + UDOS MULTI-FAMILY
PARKING LOT	19A.12.040 C.	19A.12.040 C.

LOT COVERAGE (F.A.R.)

RATIO/PERCENTAGE OF NET LOT AREA	AREA	
TOTAL GROSS LOT AREA	86,024.82± SF	100.00%
GROSS LIVE AREA: APT. + ACCESSORIES	36,128.00 SF	42.26%
RATIO/PERCENTAGE OF NET LOT AREA	AREA	
TOTAL NET LOT AREA	73,722.82± SF	85.69%
SKY/FOOTPRINT AREA		
BUILDING '1' - '4'	20,984 SF	
LAUNDRY	944.0 SF	
CARPORTS	5184.0 SF	
NET TOT. COVERAGE	30,886 SF	41.89%
GROSS LANDSCAPE AREA	27,888.30± SF	37.83%

VICINITY MAP



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EOT-35550
10-07-09 CC

REVISION CONSTRUCTION

D.J. BUTTKE & ASSOCIATES P.C.
ARCHITECTURAL DESIGN STUDIO
(702) 233-8877 • FAX (702) 233-5155
851 S. DURANGO DR.-SUITE 110-LAS VEGAS-NEVADA 89145

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REVISION:
1 N/A
2 N/A
3 N/A
4 N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 3051 E. OWENS AVE., LAS VEGAS, NEVADA - APN: 140-29-510-017 & 018

DATE: 24 APR. 2007
SCALE: 1"=20'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

SITE DEVELOPMENT PLAN
A-0



1 BUILDING "1" NORTH/SOUTH ELEVATION - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"



2 BUILDING "1" EAST/WEST ELEVATION - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

CONSTRUCTION MATERIALS

CONCRETE ROOF TILE - SLATE PROFILE
STUCCO WALLS/FASCIA/TRIM/WAINSCOT
SAND FINISH 3 COAT
VINYL CLAC WINDOWS/PATIO DOORS
METAL ENTRY DOORS - PANELIZED
WROUGHT IRON RAILING - TUBE STEEL
CONC./STEEL PREFAB STAIRS
REFER TO MATERIAL SAMPLE BD. FOR COLORS

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D.J. BUTTKE & ASSOCIATES P.C.
ARCHITECTURAL DESIGN STUDIO
(702) 233-5817 • FAX (702) 233-5955
810 S. DURANGO DR. • SUITE 110 • LAS VEGAS • NEVADA 89145

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A
5 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLDINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 5051 E OWENS AVE, LAS VEGAS, NEVADA - APN 140-29-510-007 & 018

DATE:	24 APR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M0516

TYP. APT. BUILDING BUILDING ELEVATIONS

A-4

EOT-35550
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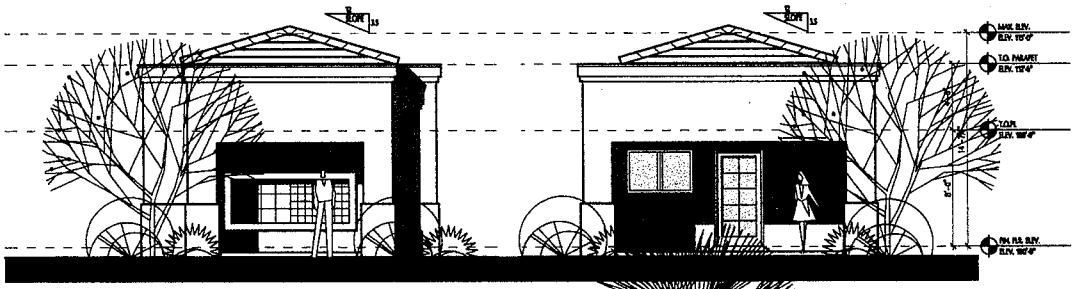
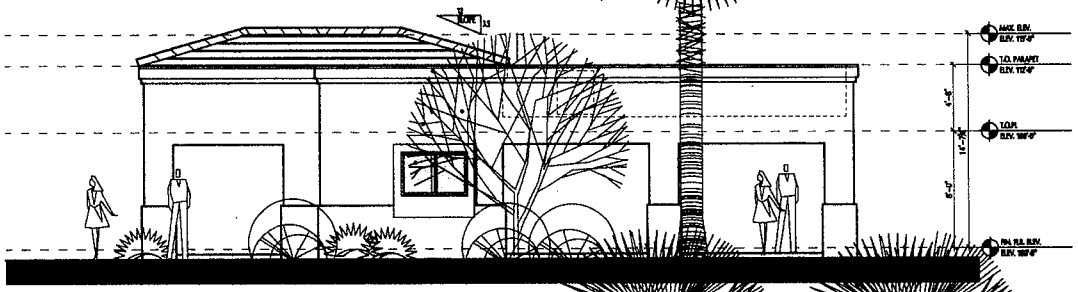
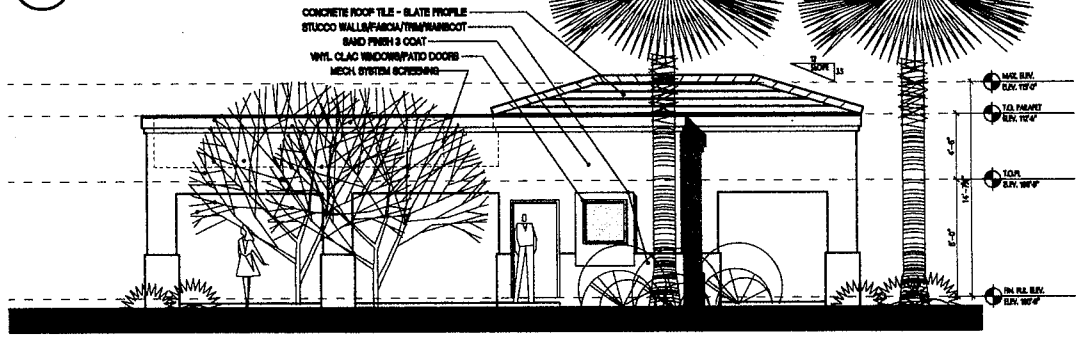


1 ACCESSORY STRUCTURE FRONT/EAST
SCALE: 1/4"=1'-0"



2 ACCESSORY STRUCTURE NORTH BUILDING ELEVATION
SCALE: 1/4"=1'-0"



3 ACCESSORY STRUCTURE SOUTH BUILDING ELEVATION
SCALE: 1/4"=1'-0"

CONSTRUCTION MATERIALS
CONCRETE ROOF TILE - SLATE PROFILE
STUCCO WALLS/FASCIA/TRIM/WAINSCOT
SAND FINISH 3 COAT
VINYL CLAC WINDOWS/PATIO DOORS
METAL ENTRY DOORS - PANELIZED
REFER TO MATERIAL SAMPLE BD. FOR COLORS

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D.J. BUTTKE & ASSOCIATES P.C
ARCHITECTURAL DESIGN STUDIO
(702) 233-9877 * FAX (702) 233-5155
818 S. DURANGO DR. - SUITE 100 - LAS VEGAS, NEVADA 89145

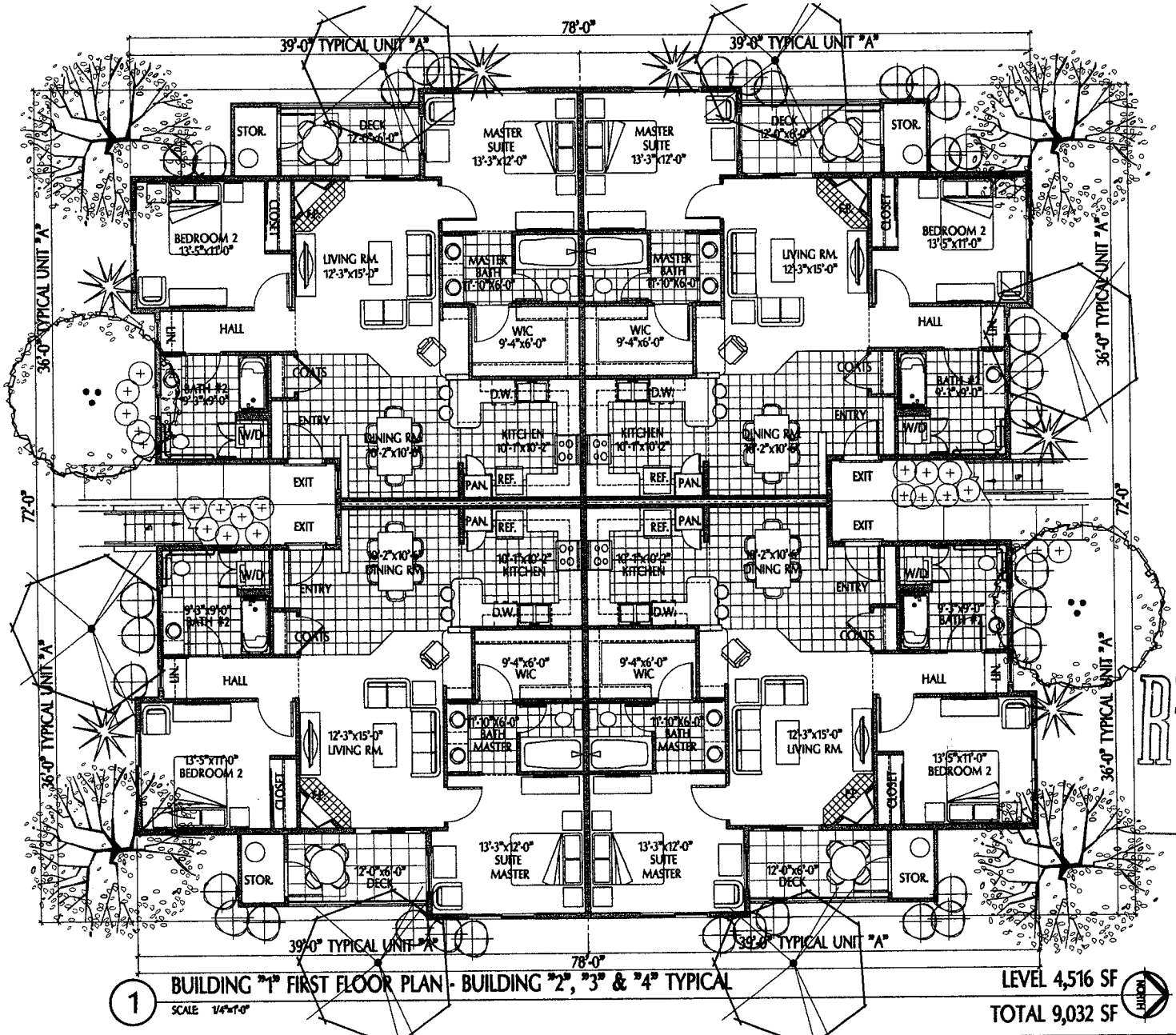
REVISION:
1 N/A
2 N/A
3 N/A
4 N/A
5 N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: SOUTH E. OWENS AVE, LAS VEGAS, NEVADA - APN 140-25-501-007 & 018

DATE:	24 APR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

ACCESSORY STRUCTURE BUILDING ELEVATIONS
A-5

FILE: FILE



1 BUILDING "1" FIRST FLOOR PLAN - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

LEVEL 4,516 SF

TOTAL 9,032 SF

NORTH

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D.J. BURKE & ASSOCIATES, P.C.

REVISION:

1	N/A N/A
2	N/A N/A
3	N/A N/A
4	N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL.
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 5051 E. OWENS AVE, LAS VEGAS, NEVADA - APN 140-29-510-017 & 018

DATE:	30 MAR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

TYP. BUILDING FIRST FLOOR PLANS

A-2

FILE: FILE

EOT-35550

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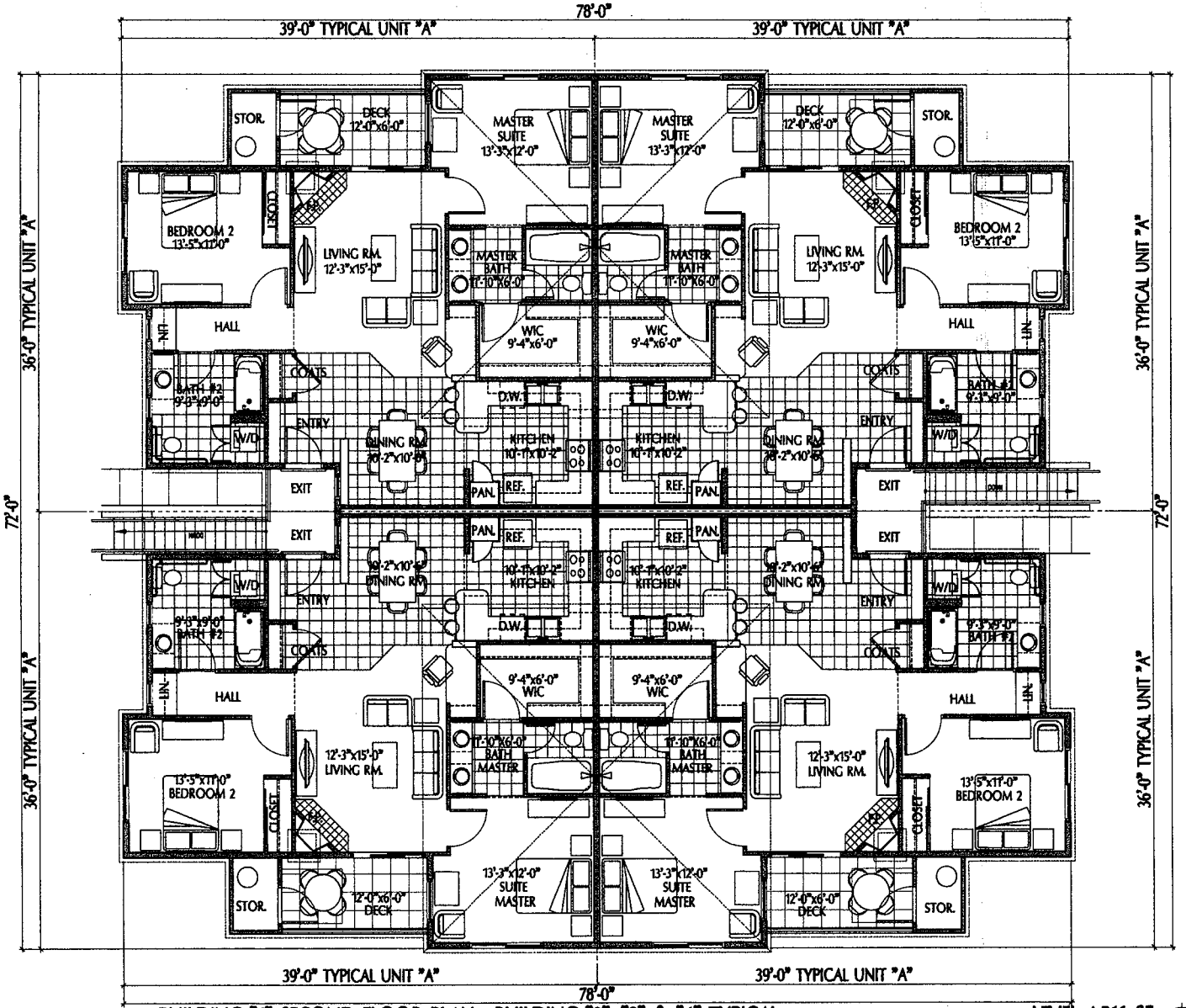

2 BUILDING "1" SECOND FLOOR PLAN - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

LEVEL 4,516 SF

TOTAL 9,032 SF

NORTH

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D.J. BUTTKE & ASSOCIATES P.C.

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL.
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 5051 E. OWENS AVE., LAS VEGAS, NEVADA - APN 140-25-510-017 & 018

DATE:	30 MAR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

TYP. BUILDING SECOND FLOOR PLANS

A-3

FILE: FILE

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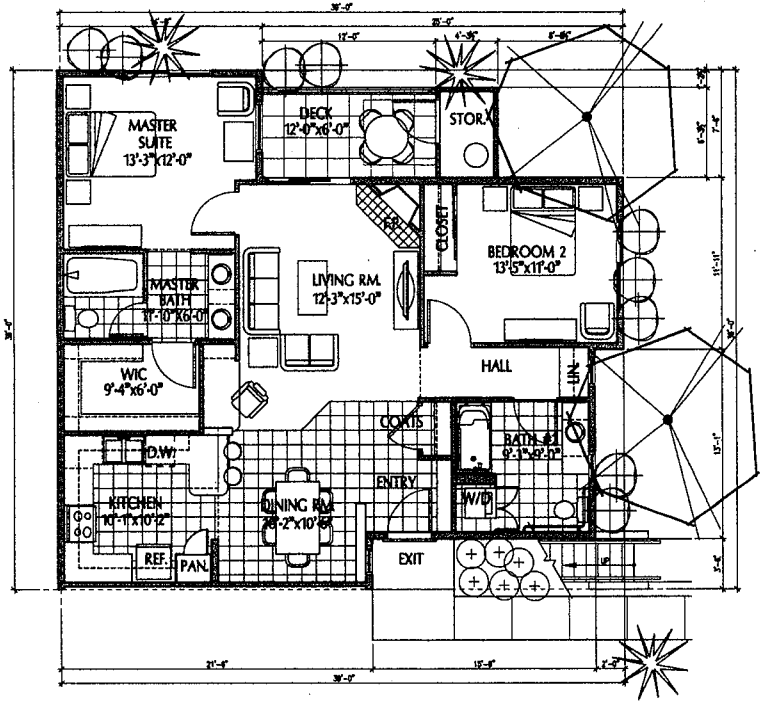
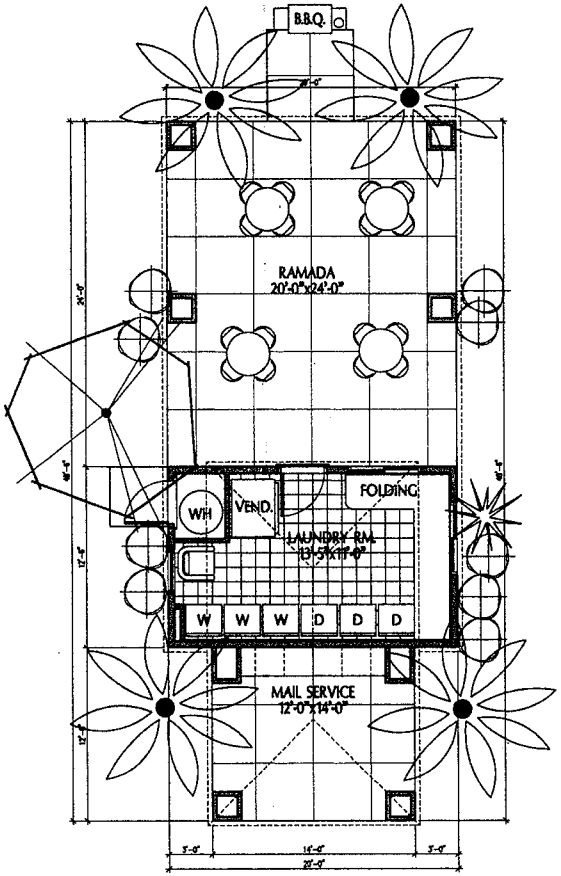


A UNIT 'A'
SCALE: 1/4"=1'-0"

2-BEDROOM
1,129.0SF
EXT. STOR. 27.0 SF
PATIO DECK 75.5 SF
ENTRY LANDING 19.8
GROSS 1,251.3 SF



1 ACCESSORY STRUCTURE
SCALE: 1/4"=1'-0"

LAUNDRY 250.0 SF
RAMADA 480.0 SF
MAIL 168.0 SF

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EOT-35550
10-07-09 CC

D.J. BUTTKE & ASSOCIATES P.C.

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
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FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 5051 E. OWENS AVE., LAS VEGAS, NEVADA - APN 140-29-510-017 & 018

DATE: 30 MAR. 2007
SCALE: 1/4"=1'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

UNIT/ ACCESSORY STRUCTURE PLANS
A-1

VORNSAND CONSULTING
Planning & Zoning Services

Mailing address:
2657 WINDMILL PARKWAY #212
HENDERSON, NEVADA 89074
Phone (702) 896-2932
Fax (702) 896-2932
Email landuseplanning@embarqmail.com

August 10, 2009

RE: Justification Letter - Request for Extension of Time for SDR-22674 and VAR-22675 - APN 140-29-510-017, 018 - Multi-family complex @ Owens & Nellis

The applicant is requesting an Extension of Time for a previously approved multi-family complex consisting of 32 dwelling units on 1.97 gross acres located on the South side of Owens Avenue approximately 400 feet West of Nellis Boulevard. Construction has not commenced on the project due to the state of existing economic conditions of the apartment market. The owners feel that given additional time, demand for apartments will increase in the future and construction will commence. The approved apartment development remains compatible in this area as the area has not changed since the time of the original approval. There has been no new development in the vicinity since the time of the original approval. The owners respectfully request additional time to commence the project.

SINCERELY



John Vornsand, AICP

EOT-35550
10-07-09 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

August 17, 2007

S. P. Young
HR Heritage Village LLC
5009 Indian River Drive, #154
Las Vegas, Nevada 89103

RE: VAR-22675 - VARIANCE
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-22673 AND SDR-22674

Dear Applicant:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Variance TO ALLOW A 22-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 75 FEET IS REQUIRED FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APNs 140-29-510-017 and 018), R-2 (Medium-Low Density Residential) Zone [PROPOSED: R-3 (Medium Density Residential) 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. Conformance to the conditions for Rezoning (ZON-22673) and Site Development Plan Review (SDR-22674) 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.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

EOT-35550
10-07-09 CC

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas Agenda Item No.: **98.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

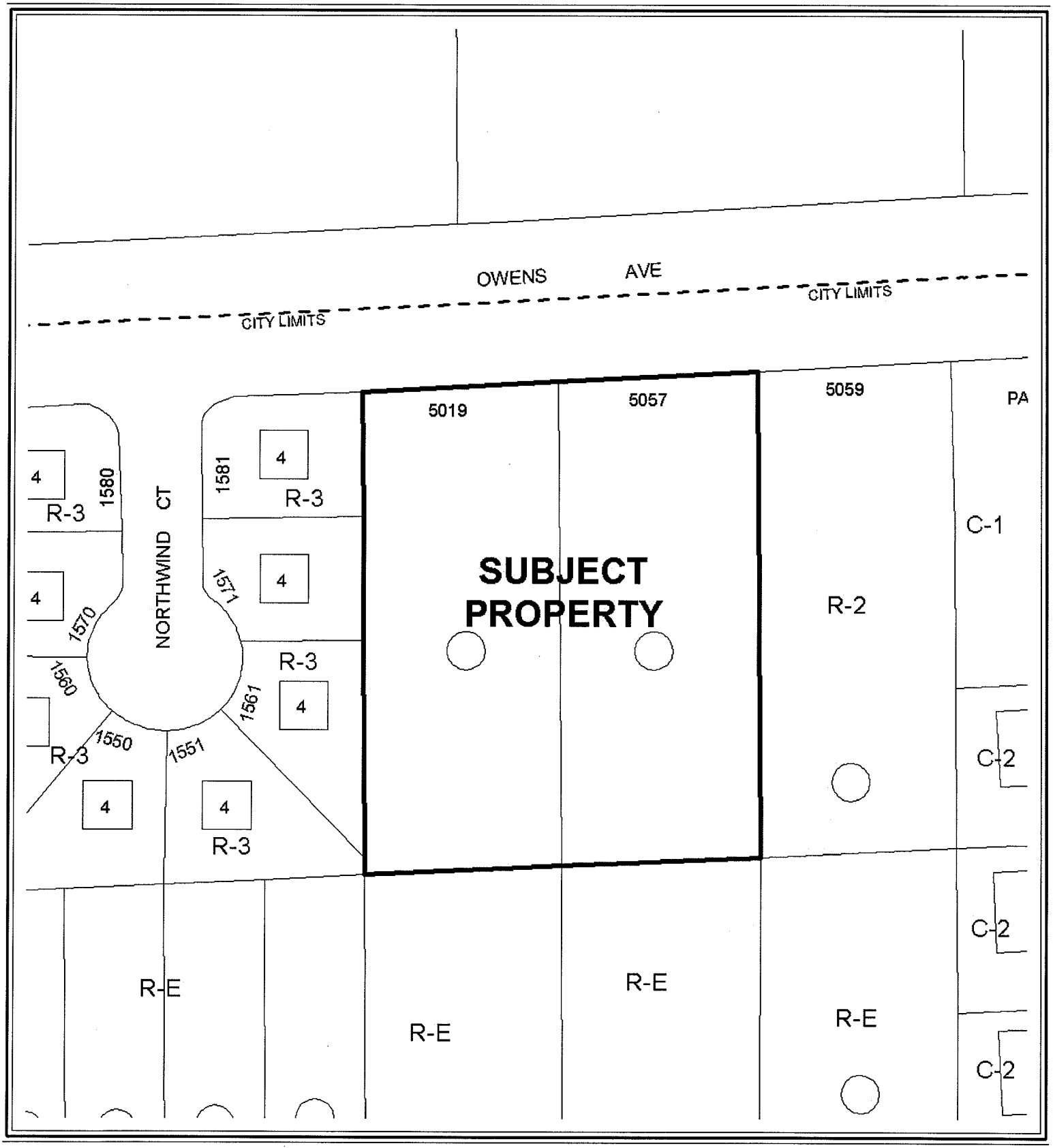
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35548 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22674) FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APN 140-29-510-017 and 140-29-510-018), R-3 (Medium Density Residential) 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**	**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 SDR-22674



0 100 200 Feet

CASE: **EOT-35548**

ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

N



0 100 200 Feet

CASE: **EOT-35548**

ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35548 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: H.R. HERITAGE VILLAGE, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-22674) 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-22674) 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 undeveloped land with a previously approved Site Development Plan Review (SDR-22674) for a proposed two-story, 32-unit multi-family residential development. Since the approval of the Site Development Plan Review (SDR-22674), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. Though Code Enforcement has processed six (6) different cases for the subject site, only one has occurred since the approval of the Site Development Plan Review (SDR-22674) for an abandoned vehicle, which Code Enforcement closed on 08/22/07. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

The applicant is requesting an extension of time due to the poor market conditions in the area. Staff is recommending approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/02/86	The City Council approved a request for a Rezoning (Z-0045-86) from R-2 (Two Family Residence) to R-3 (Limited Multiple Residential) of property located at 5057 East Owens Avenue. The Planning Commission recommended approval on 06/12/86.
03/15/89	The City Council approved a request for Rezoning (Z-0002-89) from R-2 (Two Family Residences) to R-3 (Limited Multiple Residence) of property located at 5019 East Owens Avenue. The Planning Commission recommended approval on 02/09/89.
04/13/04	A Code Enforcement case (12680) was processed for the property at 5057 East Owens looking like a junk yard with car parts, trucks, and debris all over the lot. Code Enforcement closed the case on 12/10/04.
04/15/04	A Code Enforcement case (13045) was processed for vehicles, equipment, junk, trash, and debris being stored on a vacant lot located at 5019 East Owens Avenue. Code Enforcement closed the case on 12/10/04. being stored
05/06/05	A Code Enforcement case (29659) was processed for vagrants living in a vacant house, and car parts in and around the building at 5057 East Owens Avenue. Code Enforcement closed the case on 07/25/05.

Related Relevant City Actions by P&D, Fire, Bldg, etc.	
05/06/05	A Code Enforcement case (29660) was processed for vagrants living in a vacant house, and car parts in and around the building at 5019 East Owens Avenue. Code Enforcement closed the case on 08/02/05.
09/21/05	A Code Enforcement case (34754) was processed for a vacant building at 5019 East Owens Avenue. Code Enforcement closed the case on 01/26/08.
08/15/07	The City Council approved a request for Rezoning (ZON-22673) from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential) on 1.97 acres on the south side of Owens Avenue approximately 570 feet west of Nellis Boulevard. The Planning Commission recommended approval on 07/12/07.
	The City Council approved a related request for a Site Development Plan Review (SDR-22674) for a proposed two-story, 32-unit multi-family residential development.
	The City Council approved a related request for a Variance (VAR-22675) to allow a 22-foot residential adjacency setback where 75 feet is required.
08/21/07	A Code Enforcement case (56961) was processed for an abandoned Chevy Suburban on the lot at 5057 East Owens Avenue. Code Enforcement closed the case on 08/22/07.
Related Building Permits/Business Licenses	
12/28/07	Permits #104872 and #104867 were issued for the demolition of existing structures at 5019 and 5057 East Owens Avenue. The buildings were subsequently demolished.

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	1.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land-Proposed Multi-Family Residential Development	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Single-Family Residences	RH (Residential High)- Clark County	R-E (Rural Estates Residential)- Clark County
	Apartments	RH (Residential High)- Clark County	R-3 Multiple Family Residential)- Clark County
South	Undeveloped Land	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residences	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Single-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22674) for a proposed two-story, 32-unit multi-family residential development on 1.97 acres located on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard. Since the approval of the Site Development Plan Review (SDR-22674), the applicant was issued demolition permits #104872 and #104867 on 12/28/07 to demolish existing structures located at 5019 and 5057 East Owens Avenue, which were subsequently destroyed. No building permits have been issued for the proposed project. There is new development in the surrounding area that involves a proposed 9,790 square-foot commercial building located to the east of the subject site.

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-22674) has not met the requirements outlined in Title 19.18.050, since no permits have been issued for the principal structure. Though there has been some new development in the area, the proposed project will not have a negative impact on the surrounding area. The applicant is requesting an extension of time to allow the housing market in the area to recover. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review (SDR-22674) 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-35548 APN: 140-29-510-017 & 018

Name of Property Owner: H.R. HERITAGE VILLAGE LLC

Name of Applicant: H.R. HERITAGE VILLAGE LLC

Name of Representative: JOHN VORNSAND

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: Chen-Lin Wu

Subscribed and sworn before me

This 20th day of July, 2009

_____
Notary Public in and for said County and State

JENNIFER CORDOVA
COMM. # 1817555
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Comm. Expires Oct. 18, 2012

Revised 11-14-06

F:\Epo\Application Packet\Statement of Financial Interest.pdf

#1157 P.001 /004

07/18/2009 21:45 7024852755

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35548** APN: 140-29-510-017 & 018

Name of Property Owner: CARDINAL GLOBAL HOLDING CORP

Name of Applicant: CARDINAL GLOBAL HOLDING CORP

Name of Representative: JOHN VORNSAND

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: Lisa Hung manager

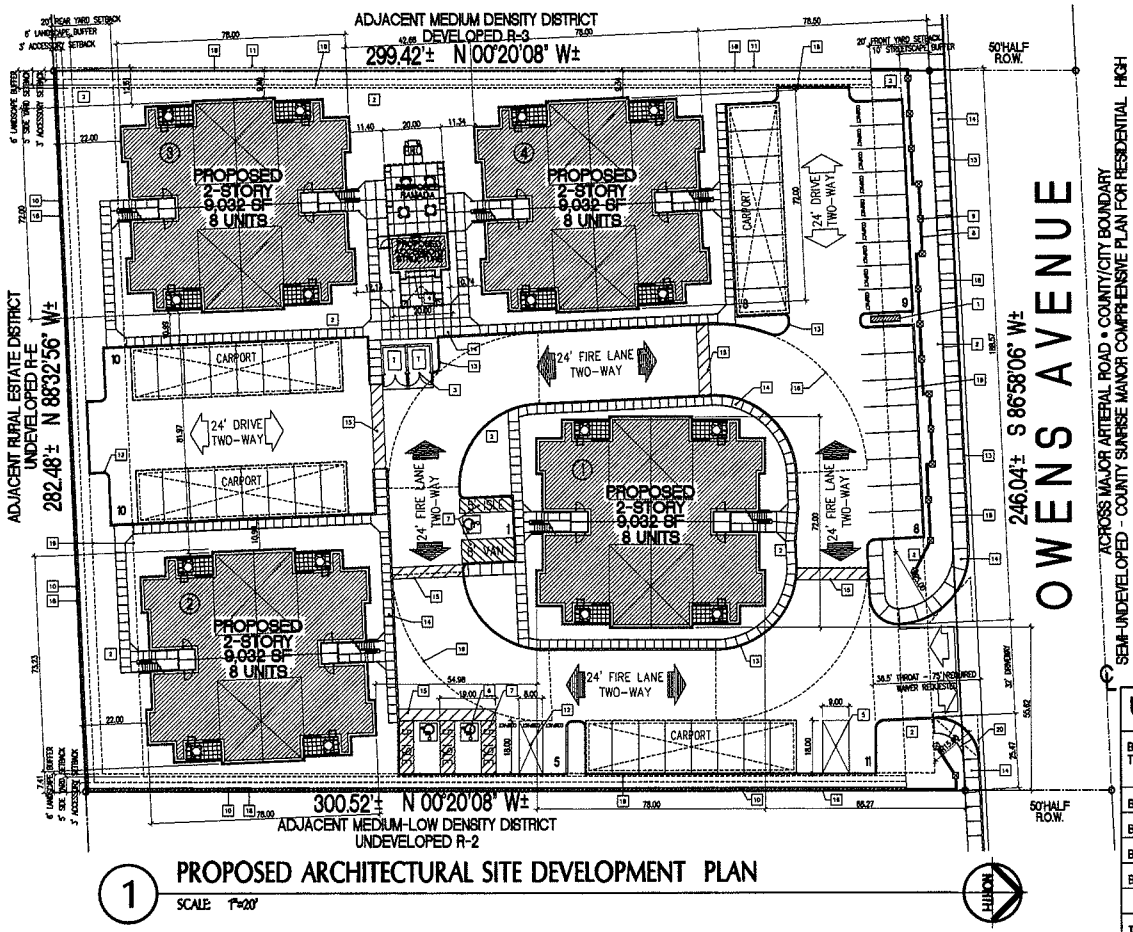
Subscribed and sworn before me

This 20th day of July, 2009

Vinisha Kelley

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
VINISHA KELLEY
No: 00-62328-1
My Appointment Expires April 21, 2012



1 PROPOSED ARCHITECTURAL SITE DEVELOPMENT PLAN

SCALE: 1"=20'

SITE PLAN KEYNOTES

#	DESCRIPTION
1	PROPOSED PROJECT SIGN LOCATION - UNDER SEPARATE APPLICATION - "NOT DESIGNED". DESIGNED TO 19.14 SIGN STANDARDS.
2	PROPOSED LANDSCAPE LOCATION. REFER TO SHT. A-LS.
3	PROPOSED TRASH ENCLOSURE LOCATION.
4	PROPOSED GROUP MAIL - INTERIOR LOCATION.
5	TYP. 8' X 18' PARKING STALL.
6	TYP. 8' X 18 ' H.C. ACCESSIBLE PAINTED PARKING STALL.
7	8' VAN OR 5' X 18' ACCESSIBLE PAINTED RAMP ASLE AS INDICATED.
8	PROPOSED 32' HIGH DECORATIV CMU LANDSCAPE WALL WITH WI. FENCE TO 8' HIGH
9	24" SQ. X 6' DECORATIVE FENCE PILASTER @ 10' O.C. TYPICAL.
10	PROPOSED 6' HIGH DECORATIVE CMU FENCE/WALL. (ZONE BOUNDARY).
11	EXISTING 5' HIGH DECORATIVE CMU FENCE/WALL. (ZONE BOUNDARY).
12	TYP. 8' X 16' COMPACT PARKING STALL.
13	PROPOSED CURB AND GUTTER.
14	PROPOSED AND/OR EXISTING SIDEWALK - TYP.
15	PROPOSED A.D.A. ACCESS ROUTE.
16	TYP. 28' X 52' FIRELANE TURNING RADII.
17	NOT USED.
18	PROPERTY LINE.
19	BUILDING SETBACK LINE.
20	15' X 15' VIS. TRIANGLE.
21	NOT USED.
22	NOT USED.

UNIT MIX TABULATION

BUILDING TYPE	QUAN.	UNIT/ BLDG.	UNIT TYPE / BEDROOMS / AREA (SF) A-2BD 1129 SF				TOTAL
BLDG '1'	1	8	8				8
BLDG '2'	1	8	8				8
BLDG '3'	1	8	8				8
BLDG '4'	1	8	8				8
TOTAL	4		32				32
PRCT. %			100%				100%

PROJECT DATA

ZONING:	LAS VEGAS, NEVADA - TITLE 19		
APN:	140-29-510-017 + 18		
APPLICATION:	GENERAL PLAN AMENDMENTS, REZONING, and SITE DEVELOPMENT PLAN REVIEW		
PRESENT ZONE:	R-2 (MED.-LOW DENSITY RESIDENTIAL DISTRICT)		
REQ. OF INTENT	APP. NO- N/A		
PROPOSED ZONE:	R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT)		
COMP. PLAN:	SOUTH EAST SECTOR		
USE CATAGORY:	MEDIUM - UP TO 25.49 DU/AC		
PERMISSABLE USES:	YES		
PROPOSED USES:	DWELLING - MULTIPLE FAMILY		
PERMISSABLE USES:	PERMITTED		
LOT AREA:			
NET SITE AREA:	73,722.82± SF 1.69± ACRES	GROSS SITE AREA:	86,024.82± SF 1.97± ACRES
MIN. LOT AREA:	6,500 SF	>6,500 SF THEREFORE O.K.	
MAX. COVERAGE:	N/A		

DWELLING UNIT DENCITY:	MAXIMUM	PROPOSED
	25 GROSS ACRE 49 UNITS	32 UNITS THEREFORE O.K.

BUILDING / USE / REQUIRED PARKING TABULATIONS:

DWELG. UNIT	QUAN.	AREA/UNIT SQ. FT.	BEDRMS	RATIO	REQUIRED SPACES
A	32	1129± SF	2	1.75/UNIT	56
GUEST				1/8 UNITS	6
TOTAL	38	36,128± SF			62

PROPOSED PARKING:		
	9'x18' STANDARD	47
	(30% MAX.) 8'x16' COMPACT	12
	9'x21' PARALLEL	0
	12'x18' HANDICAPPED	3
	TOTAL	62

YARD SETBACKS:	MIN. REQ'D	PROPOSED
YARD: FRONT (NORTH)	20' MIN.	>20' THEREFORE O.K.
INTERIOR SIDE (WEST) (ASSESSORY)	5' MIN. 3' MIN.	>5' THEREFORE O.K. >3' THEREFORE O.K.
INTERIOR SIDE (EAST) (ASSESSORY)	5' MIN. 3' MIN.	>5' THEREFORE O.K. >3' THEREFORE O.K.
SIDE STREET (N/A)	5' MIN.	N/A
REAR (SOUTH) (ASSESSORY)	20' MIN. 3' MIN.	>20' THEREFORE O.K. >3' THEREFORE O.K.
COND. USE	N/A	N/A

BUILDING HEIGHT:	MAXIMUM	PROPOSED
	>35' MAX. 2 STORY MAX.	<35' THEREFORE O.K. 2 STORY O.K.

ACCESSORY STRUCTURE SEPARATION:	MIN. REQ'D	PROPOSED
	6' MIN.	>10' THEREFORE O.K.

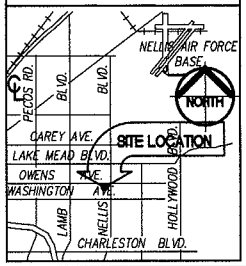
LANDSCAPE BUFFERING / SCREENING / FENCES

BOUND./AREA	MINIMAL WALL REQUIREMENT	SCREENING/BUFFERING SEE THIS SHT.A-0
STREET (NORTH)	19A.08.040 B.2.	19A.12.050 + UDGS MULTI-FAMILY
SIDE (EAST)	EXISTING	19A.12.050 + UDGS MULTI-FAMILY
SIDE (WEST)	19A.08.040 B.2.	19A.12.050 + UDGS MULTI-FAMILY
REAR (SOUTH)	19A.08.040 B.2.	19A.12.050 + UDGS MULTI-FAMILY
PARKING LOT	19A.12.040 C.	19A.12.040 C.

LOT COVERAGE (F.A.R.)

RATIO/PERCENTAGE OF NET LOT AREA	AREA	
TOTAL GROSS LOT AREA	86,024.82± SF	100.00%
GROSS LIVE AREA	36,128.00± SF	42.28%
APT. + ACCESS/BLDG.S		
RATIO/PERCENTAGE OF NET LOT AREA	AREA	
TOTAL NET LOT AREA	73,722.82± SF	85.69%
SKY/FOOTPRINT AREA		
BUILDING '1' - '4'	20,964 SF	
LAUNDRY	944.0 SF	
CARPORTS	5184.0 SF	
NET TOT. COVERAGE	30,888 SF	41.89%
GROSS LANDSCAPE AREA	27,888.00± SF	37.83%

VICINITY MAP



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D.J. BUTTKE & ASSOCIATES P.C.
ARCHITECTURAL DESIGN STUDIO
(702) 233-8877 - FAX (702) 233-5155
851 S. DURANGO DR. - SUITE 170 - LAS VEGAS - NEVADA 89145

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLDINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 5051 E OWENS AVE, LAS VEGAS, NEVADA - APN: 140-29-510-017 & 018

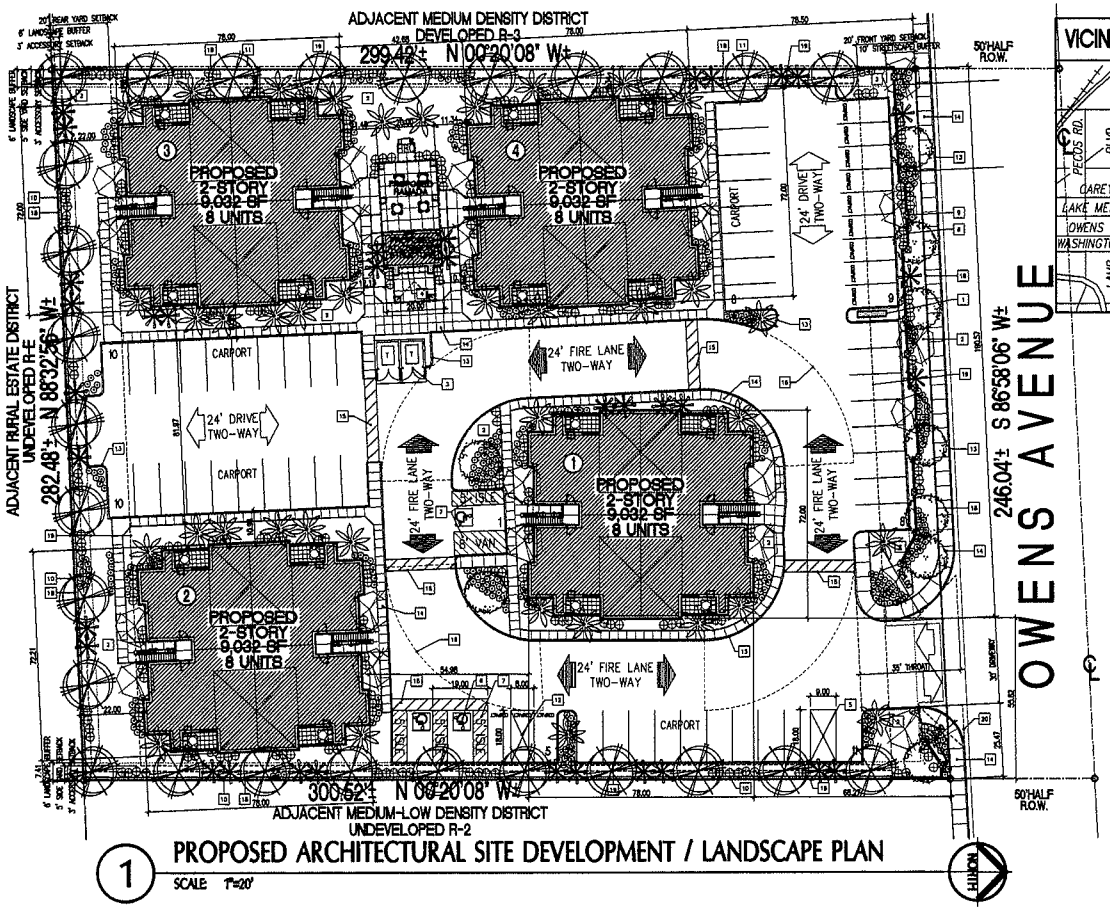
DATE: 24 APR. 2007
SCALE: 1"=20'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

SITE DEVELOPMENT PLAN
A-0

FOR MIN. REVIEW
NOT FOR CONSTRUCTION

FILE FILE

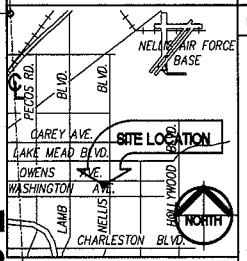
SCALE: 1"=40' SCALE: 1"=30' SCALE: 1"=20' SCALE: 1"=16' SCALE: 1/16"=1'-0" SCALE: 3/32"=1'-0" SCALE: 1/8"=1'-0" SCALE: 3/16"=1'-0" SCALE: 1/4"=1'-0" SCALE: 1/2"=1'-0" SCALE: 3/4"=1'-0" SCALE: 1"=1'-0"



1 PROPOSED ARCHITECTURAL SITE DEVELOPMENT / LANDSCAPE PLAN

SCALE: 1"=20'

VICINITY MAP



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8	PROPOSED 32' HIGH DECORATIVE CMU LANDSCAPE WALL WITH WI. FENCE TO 8' HIGH
9	24" SQ. X 8' DECORATIVE FENCE PILASTER @ 10' O.C. TYPICAL.
10	PROPOSED 6' HIGH DECORATIVE CMU FENCE/WALL (ZONE BOUNDARY).
11	EXISTING 6' HIGH DECORATIVE CMU FENCE/WALL (ZONE BOUNDARY).
12	TYP. 8' X 18' COMPACT PARKING STALL.
13	PROPOSED CURB AND GUTTER.
14	PROPOSED AND/OR EXISTING SIDEWALK - TYP.
15	PROPOSED A.D.A. ACCESS ROUTE.
16	TYP. 28' X 52' FIRELANE TURNING RADII.
17	NOT USED.
18	PROPERTY LINE.
19	BUILDING SETBACK LINE.
20	15' X 15' VIS. TRIANGLE.
21	NOT USED.
22	NOT USED.

UNIT MIX TABULATION

BUILDING TYPE	QUAN.	UNIT/ BLDG.	UNIT TYPE / BEDROOMS / AREA (SF) A-2BD 1129 SF				TOTAL
BLDG '1'	1	8	8				8
BLDG '2'	1	8	8				8
BLDG '3'	1	8	8				8
BLDG '4'	1	8	8				8
TOTAL	4		32				32
PRCT. %			100%				100%

PROJECT DATA

ZONING:	LAS VEGAS, NEVADA - TITLE 19		
APN:	140-29-510-017 + 18		
APPLICATIONS:	GENERAL PLAN AMENDMENTS, REZONING, and SITE DEVELOPMENT PLAN REVIEW		
PRESENT ZONE:	R-2 (MED.-LOW DENSITY RESIDENTIAL DISTRICT)		
REQ. OF INTENT	APP. NO: N/A		
PROPOSED ZONE:	R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT)		
COMP. PLAN:	SOUTH EAST SECTOR		
USE CATAGORY:	MEDIUM - UP TO 25.49 DU/AC		
PERMISSABLE USE:	YES		
PROPOSED USES:	DWELLING - MULTIPLE FAMILY		
PERMISSABLE USE:	PERMITTED		
LOT AREA:			
NET SITE AREA:	73,722.82± SF 1.69± ACRES	GROSS SITE AREA:	86,024.82± SF 1.97± ACRES
MIN. LOT AREA:	6,500 SF	>6,500 SF THEREFORE O.K.	
MAX. COVERAGE:	N/A		

DWELLING UNIT DENCITY:	MAXIMUM	PROPOSED
	25 GROSS ACRE 48 UNITS	32 UNITS THEREFORE O.K.

BUILDING / USE / REQUIRED PARKING TABULATIONS:

DWELG. UNIT	QUAN.	AREA/UNIT SQ. FT.	BEDRMS	RATIO	REQUIRED SPACES
A	32	1129±	2	1.75/UNIT	56
GUEST				1/6 UNITS	6
TOTAL	38				62

PROPOSED PARKING:		
	9x18 STANDARD	47
	(30% MAX.) 8x18 COMPACT	12
	9x21 PARALLEL	0
	18x18 HANDICAPPED	3
	TOTAL	62

YARD SETBACKS:	MIN. REQ'D	PROPOSED
YARD: FRONT (NORTH)	20' MIN.	>20' THEREFORE O.K.
INTERIOR SIDE (WEST) (ASSESSORY)	5' MIN. 3' MIN.	>5' THEREFORE O.K. >3' THEREFORE O.K.
INTERIOR SIDE (EAST) (ASSESSORY)	5' MIN. 3' MIN.	>5' THEREFORE O.K. >3' THEREFORE O.K.
SIDE STREET (N/A)	5' MIN.	N/A
REAR (SOUTH) (ASSESSORY)	20' MIN. 3' MIN.	>20' THEREFORE O.K. >3' THEREFORE O.K.
COND. USE	N/A	N/A

BUILDING HEIGHT:	MAXIMUM	PROPOSED
	>35' MAX. 2 STORY MAX.	<35' THEREFORE O.K. 2 STORY O.K.

ACCESSORY STRUCTURE SEPARATION:	MIN. REQ'D	PROPOSED
	6' MIN.	>10' THEREFORE O.K.

LANDSCAPE BUFFERING / SCREENING / FENCES

BOUND/AREA	MINIMAL WALL REQUIREMENT	SCREENING/BUFFERING SEE THIS SHT.A-0
STREET (NORTH)	19A.08.040 B.2.	19A.12.050
SIDE (EAST)	EXISTING	19A.12.060
(WEST)	19A.08.040 B.2.	19A.12.060,
REAR (SOUTH)	19A.08.040 B.2.	19A.12.060
PARKING LOT	19A.12.040 C.	19A.12.040 C.

LOT COVERAGE (F.A.R.)

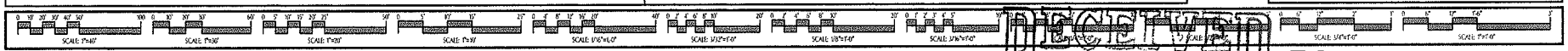
AREA	RATIO/PERCENTAGE OF GROSS LOT AREA
TOTAL GROSS LOT AREA:	86,024.82± SF 100.00%
SKY/FOOTPRINT AREA:	
BUILDING '1' - '4'	41,328 SF
LAUNDRY	272.5 SF
CARPORTS	5180.0 SF
TOT. COVERAGE	9,524.5 SF
GROSS FLOOR AREA	

LANDSCAPE LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	USE	SIZE	REMARKS	QUAN.
TREES						
	PINUS ELDARICA AND/OR EUCALYPTUS SPECIES	MONDEL PINE EUCALYPTUS	BUFFER BUFFER	LARGE 24' BOX LARGE 24' BOX		27
	PROSOPIS CHILENSIS AND/OR	CHILEAN MESQUITE	SHADE	MED. 24' BOX	ALLOWABLE >20' SPACING AT STREET FRONTAGE MULTI-TRUNK	9
	CERCIDIUM	BLUE PALO VERDE	SHADE	MED. 24' BOX	ALLOWABLE >20' SPACING AT STREET FRONTAGE MULTI-TRUNK	22
	PHOENIX CANARIENSIS AND/OR WASHINGTONONIA FILIFERA	CANARY ISLAND DATE PALM CALIFONRIA FAN PALM	ACCENT	LARGE 12'-18' BTH LARGE 12'-18' BTH	DIAMOND CUT TRUNK DIAMOND CUT TRUNK	38

SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	QUAN.
✳	CHAMEROPS HUMILIS	MEDITERRANEAN FAN PALM	24" BOX		35
	LANTANA CAMARA 'RADIATION' AND/OR	SHRUB LANTANA	5 GALLON		273
⊕	PENNESETUM SETACEUM 'RUBRUM'	PURPLE FOUNTAIN GRASS	5 GALLON		
	RAPHIOLEPIS INDICA	BALLERINA INDIAN HAWTHORN	5 GALLON		
	SALVIA GREGGII	AUTUMN SAGE	5 GALLON		
GROUND COVER					
	LANTANA MONTEVIDENSIS AND/OR	PURPLE LANTANA	1 GALLON	2' O.C.	448
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	1 GALLON	2' O.C.	
⊙	ACACIA RED 'DESERT CARPET	DESERT CARPET ACACIA	1 GALLON	3' O.C.	
	ACACIA RED 'DESERT CARPET	DESERT CARPET ACACIA	1 GALLON		
ROCK					

MOHAVE GOLD DECOMPOSED GRANITE, 3/8" SCREENED AT 2" DEPTH IN ALL PLANTING AREAS. AS REQ'D



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PRELIMINARY NOT FOR CONSTRUCTION

D.J. BUTTKE & ASSOCIATES P.C.

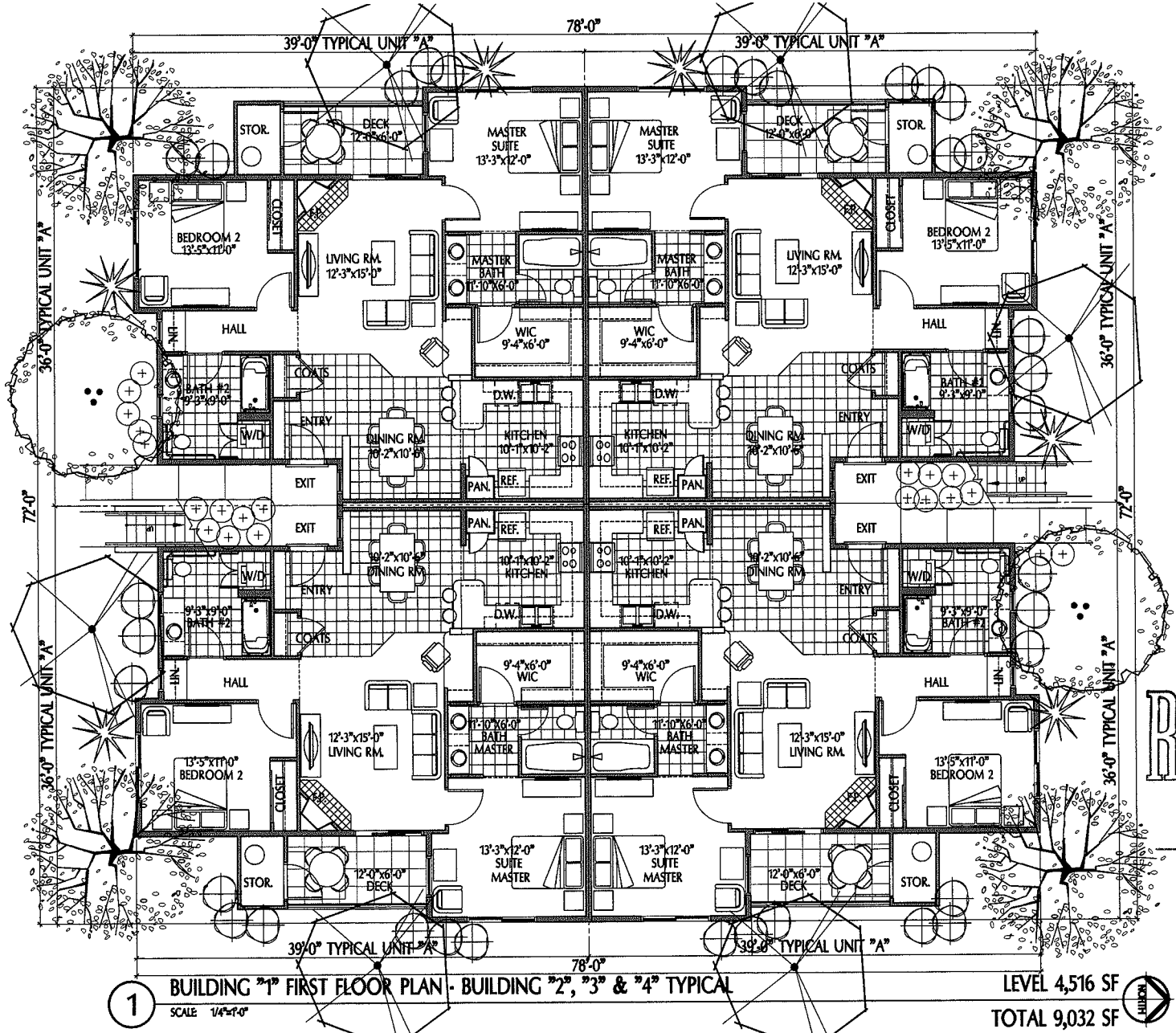
REVISION:
1 N/A
2 N/A
3 N/A
4 N/A
5 N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL.
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 3951 E OWENS AVE, LAS VEGAS, NEVADA - APN 140-29-510-017 & 018

DATE: 30 MAR. 2007
SCALE: 1"=20'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

SITE DEVELOPMENT/ LANDSCAPE PLAN

A-0



1 BUILDING "1" FIRST FLOOR PLAN - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

LEVEL 4,516 SF

TOTAL 9,032 SF

NORTH

RECEIVED

AUG 1 1 2009

PRELIMINARY NOT FOR CONSTRUCTION

D.J. BUTTKE & ASSOCIATES P.C.

REVISION:

1	N/A N/A
2	N/A N/A
3	N/A N/A
4	N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX SITE DEV. PLAN REVIEW APPL

FOR: CARDINAL GLOBAL HOLINGS CORP. H R HERITAGE VILLAGE, LLC

LOC: 3651 E. OWENS AVE., LAS VEGAS, NEVADA - APN: 140-25-501-017 & 018

DATE:	30 MAR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

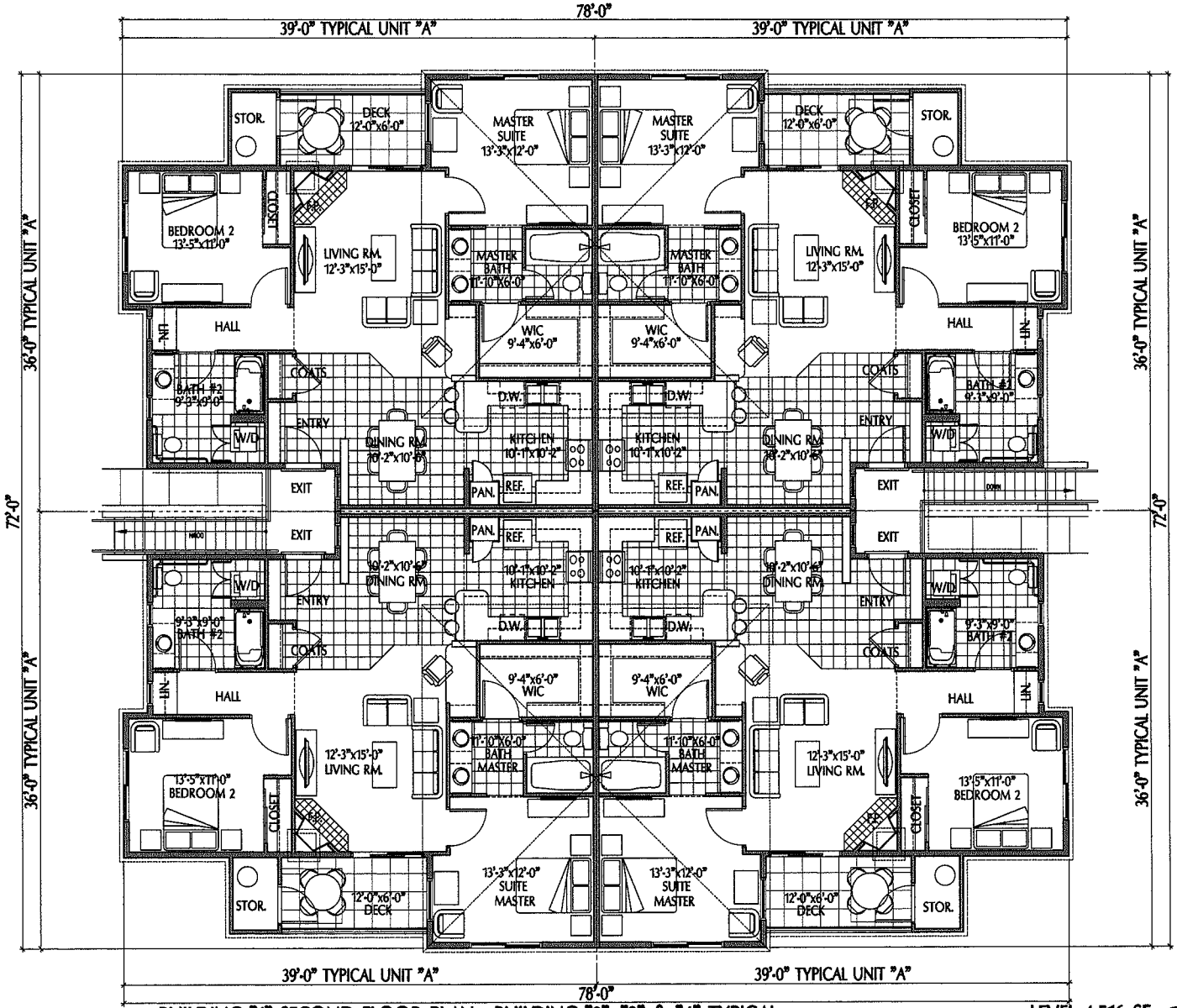
TYP. BUILDING FIRST FLOOR PLANS

A-2

FILE: FILE

EOT-35548

10-07-09 CC



2 BUILDING "1" SECOND FLOOR PLAN - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

LEVEL 4,516 SF

TOTAL 9,032 SF

NORTH

RECEIVED
AUG 11 2009

PRELIMINARY NOT FOR CONSTRUCTION

D.J. BUTTKE & ASSOCIATES P.C.

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

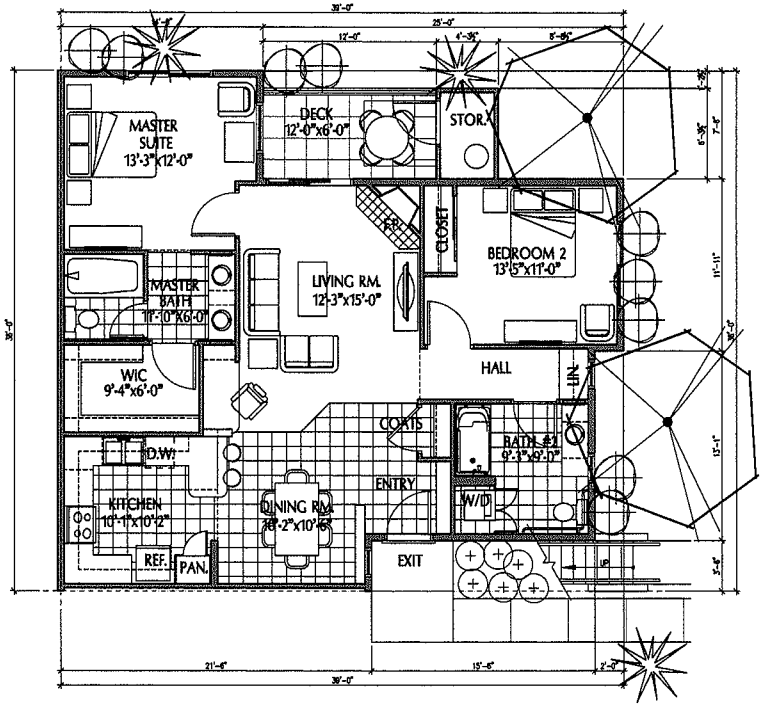
PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 3501 E. OWENS AVE, LAS VEGAS, NEVADA - APN: 140-20-510-017 & 018

DATE: 30 MAR. 2007
SCALE: 1/4"=1'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

TYP. BUILDING SECOND FLOOR PLANS
A-3

FILE FILE

EOT-35548
10-07-09 CC



A UNIT 'A' — SCALE: 1/4"=1'-0"

2-BEDROOM

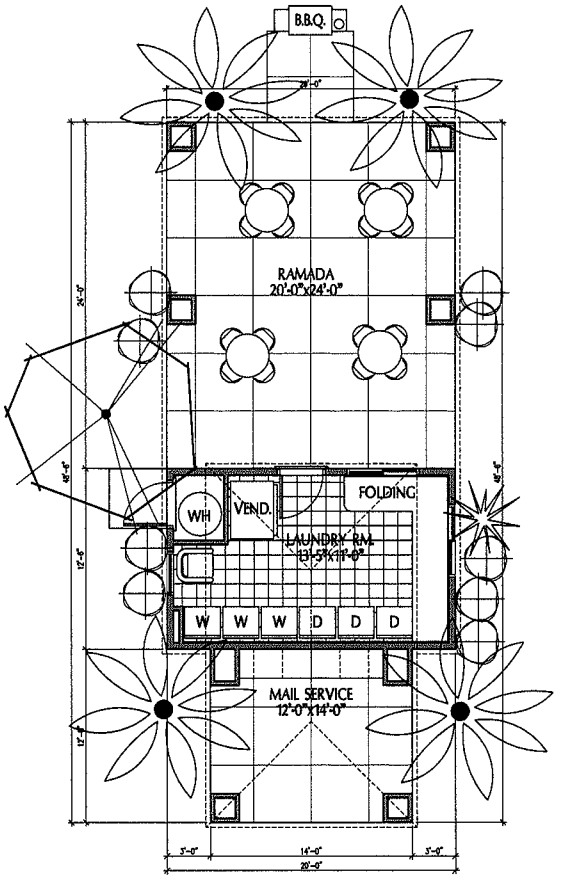
1,129.0SF

EXT. STOR. 27.0 SF

PATIO DECK 75.5 SF

ENTRY LANDING 19.8

GROSS 1,251.3 SF



1 ACCESSORY STRUCTURE — SCALE: 1/4"=1'-0"

NORTH

LAUNDRY 250.0 SF

RAMADA 480.0 SF

MAIL 168.0 SF

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AUG 11 2009

PRELIMINARY NOT FOR CONSTRUCTION

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10-07-09 CC

D.J. BUTTKE & ASSOCIATES P.C.

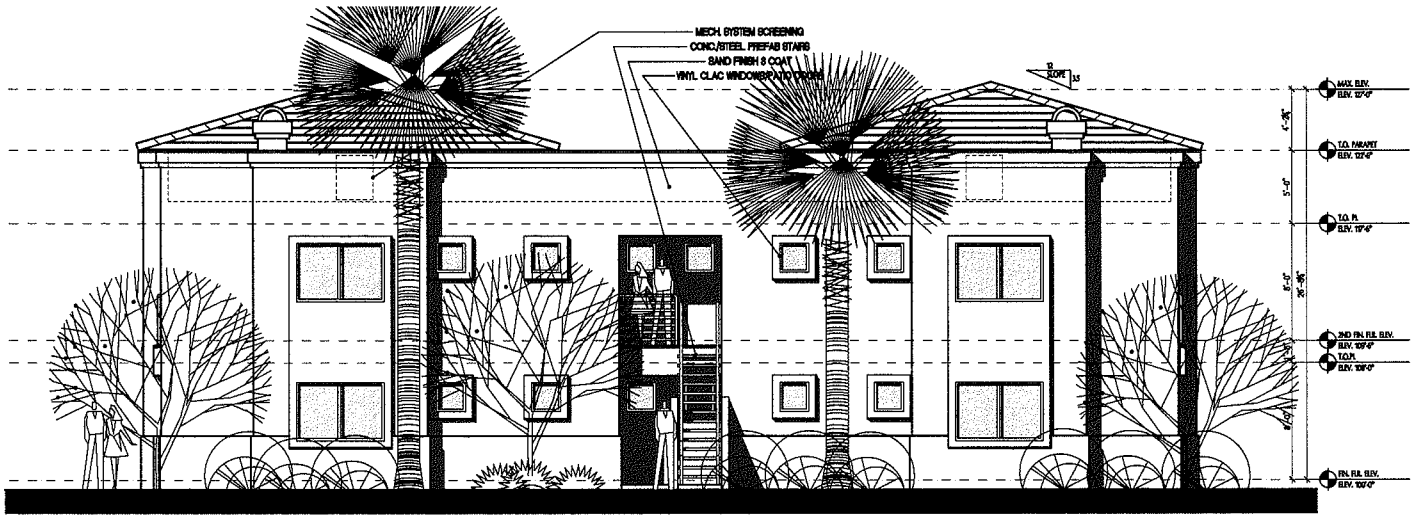
REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 2651 E. OWENS AVE, LAS VEGAS, NEVADA - APN: 140-29-510-017 & 018

DATE: 30 MAR. 2007
SCALE: 1/4"=1'-0"
DESIGNED: DJB
DRAWN: DJB
JOB NO. M06116

UNIT/ ACCESSORY STRUCTURE PLANS
A-1

FILE: FILE



1 BUILDING "1" NORTH/SOUTH ELEVATION - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"



2 BUILDING "1" EAST/WEST ELEVATION - BUILDING "2", "3" & "4" TYPICAL

SCALE: 1/4"=1'-0"

CONSTRUCTION MATERIALS

CONCRETE ROOF TILE - SLATE PROFILE
STUCCO WALLS/FASCIA/TRIM/WAINSCOT
SAND FINISH 3 COAT
VINYL CLAC WINDOWS/PATIO DOORS
METAL ENTRY DOORS - PANELIZED
WROUGHT IRON RAILING - TUBE STEEL
CONC./STEEL PREFAB STAIRS
REFER TO MATERIAL SAMPLE BD. FOR COLORS

PRELIMINARY NOT FOR CONSTRUCTION

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AUG 11 2009

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D.J. BUTTKE & ASSOCIATES P.C.
ARCHITECTURAL DESIGN STUDIO
(702) 233-9877 • FAX (702) 233-9155
895 S. DURANGO DR. - SUITE 110 - LAS VEGAS - NEVADA 89145

REVISION:	
1	N/A N/A
2	N/A N/A
3	N/A N/A
4	N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX
SITE DEV. PLAN REVIEW APPL.
FOR: CARDINAL GLOBAL HOLINGS CORP.
H R HERITAGE VILLAGE, LLC
LOC: 3051 E. OWENS AVE., LAS VEGAS, NEVADA - APN 140-25-310-017 & 018

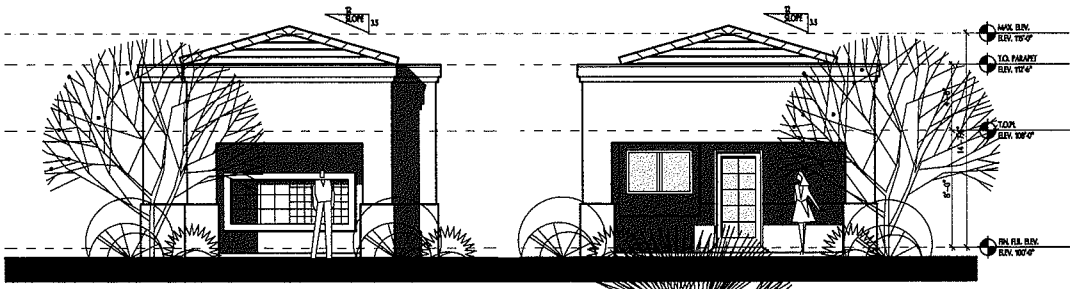
DATE:	24 APR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

TYP. APT. BUILDING BUILDING ELEVATIONS

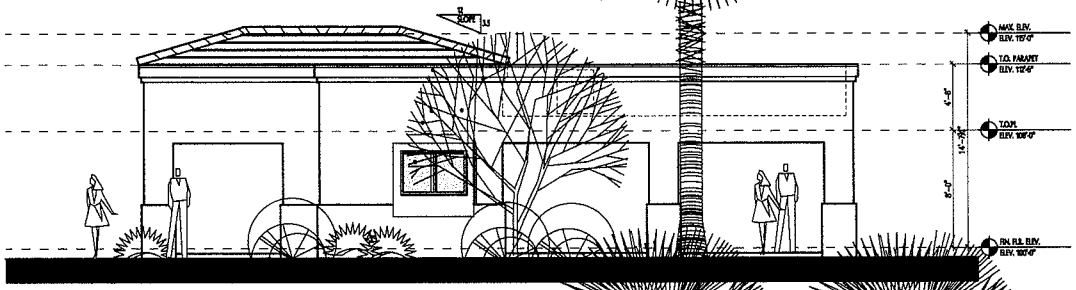
A-4

FILE: RE

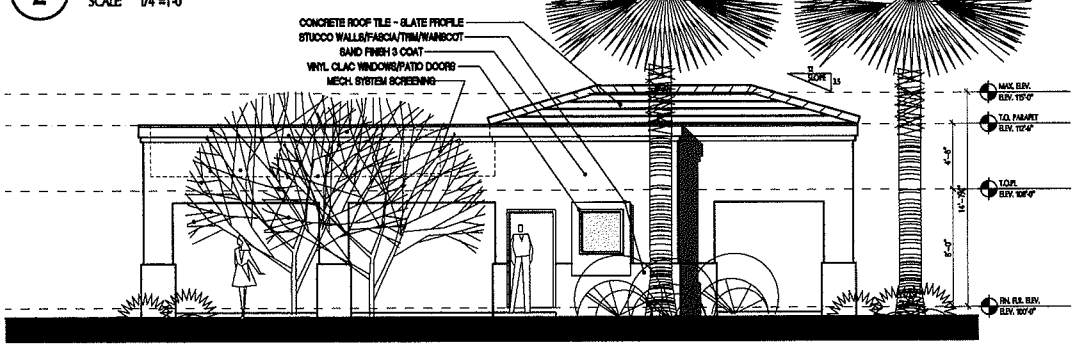
EOT-35548
10-07-09 CC



1 ACCESSORY STRUCTURE FRONT/EAST
SCALE 1/4"=1'-0"



2 ACCESSORY STRUCTURE NORTH BUILDING ELEVATION
SCALE 1/4"=1'-0"



3 ACCESSORY STRUCTURE SOUTH BUILDING ELEVATION
SCALE 1/4"=1'-0"

CONSTRUCTION MATERIALS

CONCRETE ROOF TILE - SLATE PROFILE
STUCCO WALLS/FASCIA/TRIM/WAINSCOT
SAND FINISH 3 COAT
VINYL CLAC WINDOWS/PATIO DOORS
METAL ENTRY DOORS - PANELIZED

REFER TO MATERIAL SAMPLE BD. FOR COLORS

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AUG 11 2009

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D.J. BUTTKE & ASSOCIATES P.C.
ARCHITECTURAL DESIGN STUDIO
(702) 233-8817 • FAX (702) 233-5155
810 S. DURANGO DR. • SUITE 110 • LAS VEGAS • NEVADA 89145

REVISION:
1 N/A N/A
2 N/A N/A
3 N/A N/A
4 N/A N/A

PROJ: MULTI-FAMILY APT. COMPLEX SITE DEV. PLAN REVIEW APPL.
FOR: CARDINAL GLOBAL HOLINGS CORP. H R HERITAGE VILLAGE, LLC
LOC: 5051 E. OWENS AVE, LAS VEGAS, NEVADA - APN 140-29-510-017 & 018

DATE:	24 APR. 2007
SCALE:	1/4"=1'-0"
DESIGNED:	DJB
DRAWN:	DJB
JOB NO.	M06116

ACCESSORY STRUCTURE BUILDING ELEVATIONS
A-5

FILE: FILE

VORNSAND CONSULTING
Planning & Zoning Services

Mailing address:
2657 WINDMILL PARKWAY #212
HENDERSON, NEVADA 89074
Phone (702) 896-2932
Fax (702) 896-2932
Email landuseplanning@embarqmail.com

August 10, 2009

RE: Justification Letter - Request for Extension of Time for SDR-22674 and VAR-22675 - APN 140-29-510-017, 018 - Multi-family complex @ Owens & Nellis

The applicant is requesting an Extension of Time for a previously approved multi-family complex consisting of 32 dwelling units on 1.97 gross acres located on the South side of Owens Avenue approximately 400 feet West of Nellis Boulevard. Construction has not commenced on the project due to the state of existing economic conditions of the apartment market. The owners feel that given additional time, demand for apartments will increase in the future and construction will commence. The approved apartment development remains compatible in this area as the area has not changed since the time of the original approval. There has been no new development in the vicinity since the time of the original approval. The owners respectfully request additional time to commence the project.

The overall density of the project is at 16.2 du/per gross acre. The project consists of four, two-story buildings containing eight, two bedroom, two bath units in each building. Each unit contains a gross floor area of 1,251.3 square feet with 1,129 square feet of actual living space. An accessory structure containing laundry and mail rooms is also proposed. At the rear of the accessory structure is a covered ramada with seating areas and BBQ.

Landscaping is provided along the East, West and South property lines at a depth of 6 feet in accordance to Title 19A.12 standards. A ten foot deep landscape buffer is provided along the Owens Avenue frontage. The landscape buffer provided by this project is far in excess of and superior to other existing multi-family developments in this area. In addition, a decorative CMU landscape wall and wrought iron fence is proposed at the rear of the front landscape area. A total of 62 parking spaces are provided as required by Code consisting of 42 standard spaces, 12 compact spaces and 3 handicapped stalls. Thirty-two of the spaces are covered with carports. A 32 foot wide driveway provides access to the site from Owens Avenue. The buildings are frame and stucco with a sand finish. Color palates are submitted with this application. The overall heights of buildings are 27 feet. The roofs will be concrete tile with a slate profile. The accessory structure is at a height of 15 feet and architecturally similar to and constructed of the same materials as the other buildings.

The applicant is also requesting a Variance to allow a reduction of the residential adjacency setback to 22 feet where 75 feet is required to meet the 3:1 Proximity Slope Standard per Section 19.08.060 of the City Code. The adjacent property to the rear is presently zoned R-E and is vacant. A six foot block wall will be constructed at the rear property line and the 22 foot setback area will be entirely landscaped including 24" box trees along the rear property line. A 75 foot rear setback would require moving the buildings forward on the property and relocating parking along the rear property line. Moving the

EOT-35548
10-07-09 CC

buildings forward would result in placing the residential units closer to Owens Avenue, a 100 foot wide major street. The proposed front setback is 65 feet which results in a more desirable streetscape than placing the buildings at the minimum 20 foot front setback. The existing rear setback for the apartment project adjacent to the West is also at a similar setback.. In the past, an additional 10 feet of right of way was taken for Owens Avenue reducing the available lot depth shown on the original plat of Happy Valley Ranchos. This reduction in lot depth, coupled with the residential adjacency setback, creates a hardship and practical difficulties with creating a viable, well designed project. The property owner to the rear is also in agreement with the reduction of the rear setback..

SINCERELY



John Vornsand, AICP

EOT-35548
10-07-09 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

September 27, 2007

S. P. Young
HR Heritage Village LLC
5009 Indian River Drive, #154
Las Vegas, Nevada 89103

RE: SDR-22674 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-22673 AND VAR-22675

Dear Applicant:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 32-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard (APNs 140-29-510-017 and 018), R-2 (Medium-Low Density Residential) Zone [PROPOSED: R-3 (Medium Density Residential) 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. Conformance to the conditions for Rezoning (ZON-22673) and Variance (VAR-22675), 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, landscape plan, and building elevations, date stamped 08/14/07, with a single row of 36-inch box trees 20-feet on center, except as amended by conditions herein. South facing windows shall have awnings.

4. Deleted at City Council.

5. The minimum distance between buildings shall be ten feet.

6. 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-35548
10-07-09 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 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: increase the parking area trees by one 24-inch box tree and all spacing requirements of LVMC Title 19.12.040 should be met; specifically, all perimeter trees planted a maximum of 20 feet on center, unless in conformance with an approved alternative.

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. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. Air conditioning units shall not be mounted on rooftops.

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 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.

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. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

EOT-35548
10-07-09 CC

16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary; comply with the recommendations of the City Surveyor.

18. 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.

19. 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 Owens Avenue.

20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

21. 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 drainageways 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.

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

Mr. John Vornsand, AICP
2564 Wigwam Parkway, #308
Henderson, Nevada 89074

EOT-35548
10-07-09 CC

City of Las Vegas Agenda Item No.: **99.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

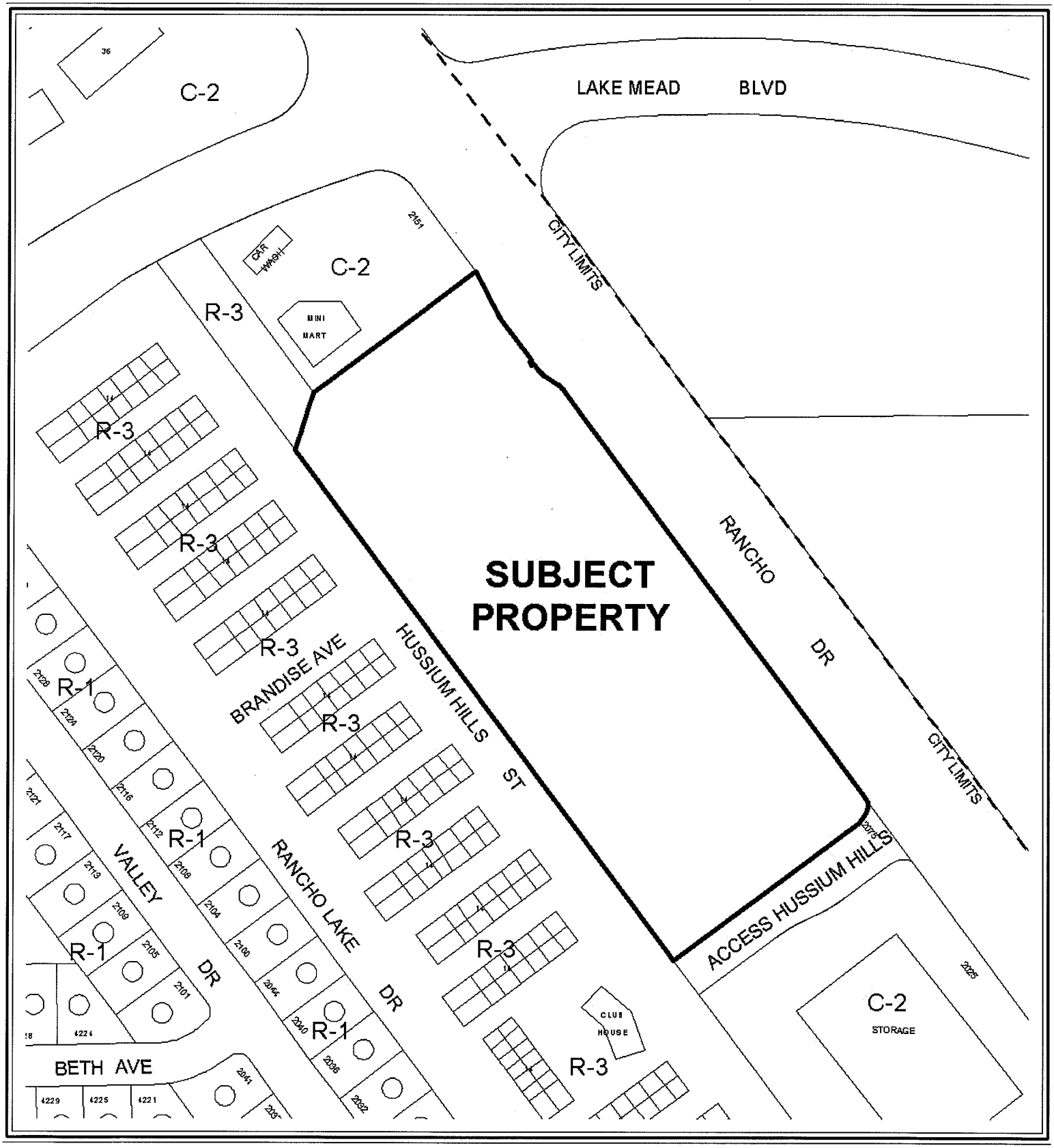
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35610 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Variance (VAR-6952) TO ALLOW A ZERO FOOT STEPBACK RATIO WHERE A 1:1 STEPBACK RATIO IS REQUIRED ALONG A COLLECTOR OR LARGER STREET FOR A 197-FOOT TALL BUILDING on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), 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**

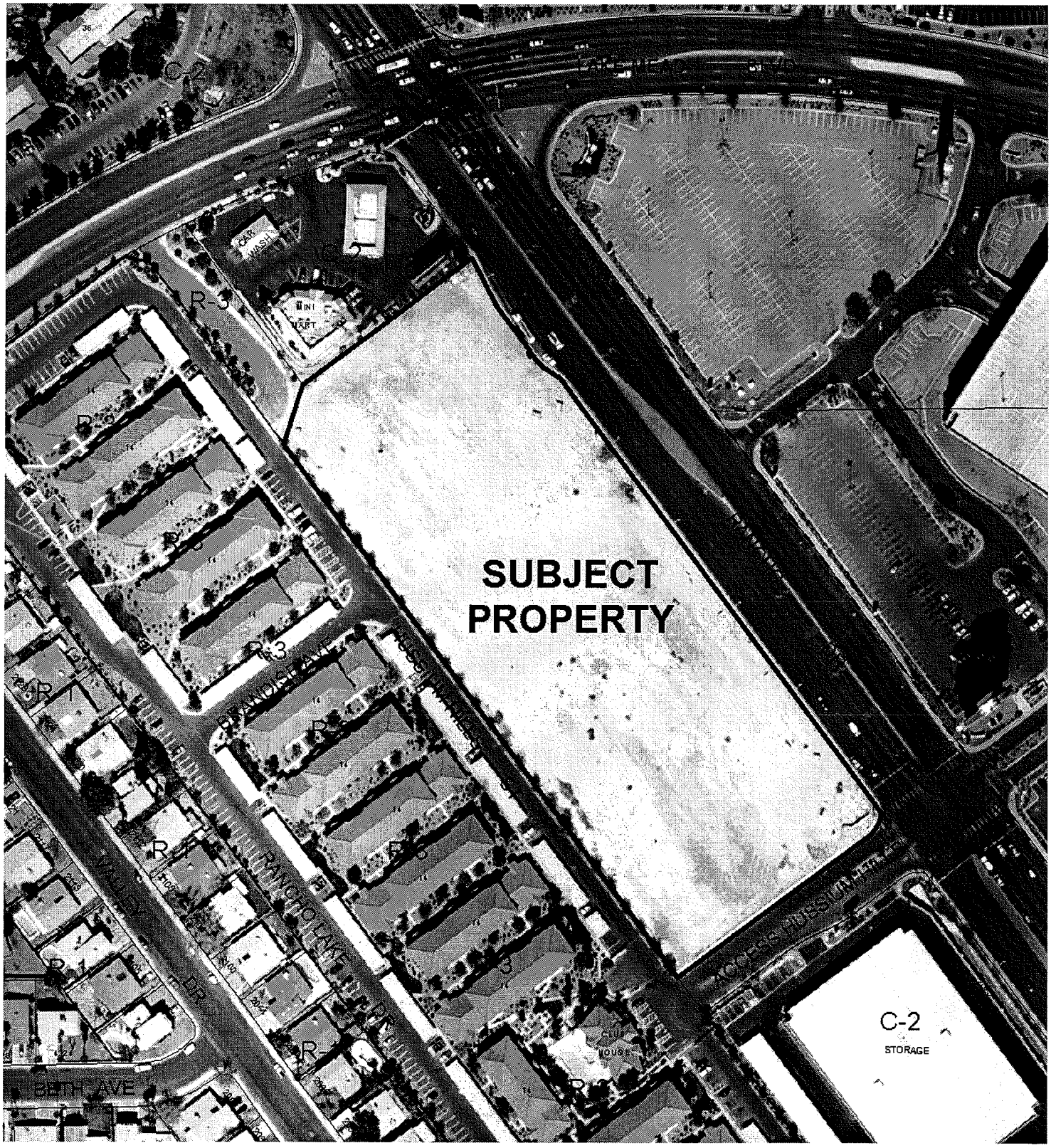
RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for VAR-6952



CASE: **EOT-35610**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)


SUBJECT
PROPERTY
C-2
C-2
STORAGE
R-3
R-3
R-3

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35610 – EXTENSION OF TIME – VARIANCE -
APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-6952) shall expire on August 17, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Variance (VAR-6952) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The current site is undeveloped with a proposed mixed-use development consisting of two 16-story, 197 feet tall buildings with a total of 300 residential units and 12,548 square feet of commercial space with a Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required. The applicant has not met Title 19.18.070 requirements to exercise the entitlement since a building permit nor business license have been issued for the project. There have not been any significant changes in development or land use since the original approval of the Variance (VAR-6952) in August 2005. The applicant is requesting a second Extension of Time due to poor economic conditions within Las Vegas. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/18/01	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0030-00) from GC (General Commercial) to M (Medium Density Residential) on 15.3 acres located approximately 320 feet west of Rancho Drive between Lake Mead Boulevard and Coran Lane. The Planning Commission recommended denial on 04/26/01.
	The City Council approved a related request for Rezoning (Z-0096-00) from C-2 (General Commercial) to R-3 (Apartments).
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission recommended approval on 07/14/05.
	The City Council approved a related request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for a Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building

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-23843) of a previously approved Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive.
	The City Council approved a related request for an Extension of Time (EOT-23838) of a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-23841) of a previously approved Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-23836) of a previously approved Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements
Related Building Permits/Business Licenses	
There have been no building permits or business licenses issued for the subject site.	
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	5.48

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Mixed-Use Development	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
South	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
East	Casino/Hotel	North Las Vegas	North Las Vegas
West	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
A-O (Airport Overlay) District (35 feet)	X		N*
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

* The City Council approved a Special Use Permit (SUP-6947) to allow a 197-foot tall building where 35 feet is the maximum allowed in the Airport Overlay District.

ANALYSIS

This is the second request for an Extension of Time of a previously approved Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector street or larger street for a 197-foot tall building on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard. The applicant has not made any progress on the proposed project since the original approval in August 2005, nor has the surrounding area experienced any significant changes in development or land use.

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-6952) has not met the requirements outlined in Title 19.18.070, since neither building permits or a business license have been issued for the proposed project. The applicant is requesting an extension of time due to the poor economic conditions in Las Vegas. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-6952) 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-35610** APN: 139-19-611-002

Name of Property Owner: O.R Investment Group, LLC

Name of Applicant: O.R Investment Group, LLC

Name of Representative: Arik Moav

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: ARIK MOAV (Agent by POA)

Subscribed and sworn before me

This 13th day of August, 2009

Cheryl Ross

Notary Public in and for said County and State of Clark, NV

Notary Public - State of Nevada
County of Clark
CHERYL ROSS
My Appointment Expires
February 20, 2012
No: 00-60564-1

Humphreys and Partners Architects, L.P.
5350-ALPHA ROAD-DALLAS-TEXAS-75240-972.701 9636

ARCHITECTURAL SITE PLAN

TABULATION

LOT AREA - 5.84 ACRES

SETBACK
FRONT - 20'-0"
LEFT - 20'-0"
RIGHT - 20'-0"
REAR - 60'-0

UNIT MIX
33% 1 BDRM - 100 (50 +50)
42% 2 BDRM - 126 (50+26+50)
24% 3 BDRM - 74 (50+24 Penthouses)

RETAIL AREA - 12,548 SF
TOTAL RESIDENTIAL UNITS - 300
DENSITY - 51.36 UNITS/ACRE
BUILDING AREA - 756514 sf
F.A.R. - 3

UNIT TYPE	AREA*	NO
A2	853 SF	50
A3	1124 SF	50
B1	1193 SF	50
B2	1334 SF	26
B3	1471 SF	50
C1	1526 SF	50
Penthouse 1	2020 SF	8
Penthouse 2	2057 SF	8
Penthouse 3	3057 SF	8

TOWER HEIGHT - 196'-2"
*UNIT AREA SUBJECT TO CHANGE PENDING FINAL UNIT DESIGN

PARKING REQUIRED FOR UNIT TYPES

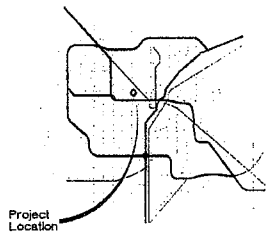
No	Unit types	Parking ratio	Spaces	h.c. spaces	van spaces
	1 BEDROOM	1.25	125	2%	1 of 8 h.c. sp
	2 BEDROOM	1.75	221		
	3 BEDROOM	2.00	148		
	GUESTS	1.6	50		
TOTAL REQ			544		

PARKING PROVIDED FOR UNIT TYPES

STANDARD SPACES	=	576
HANDICAPPED SPACES	=	10
VAN SPACES	=	2
LOADING SPACES	=	0
TOTAL PROVIDED	=	588

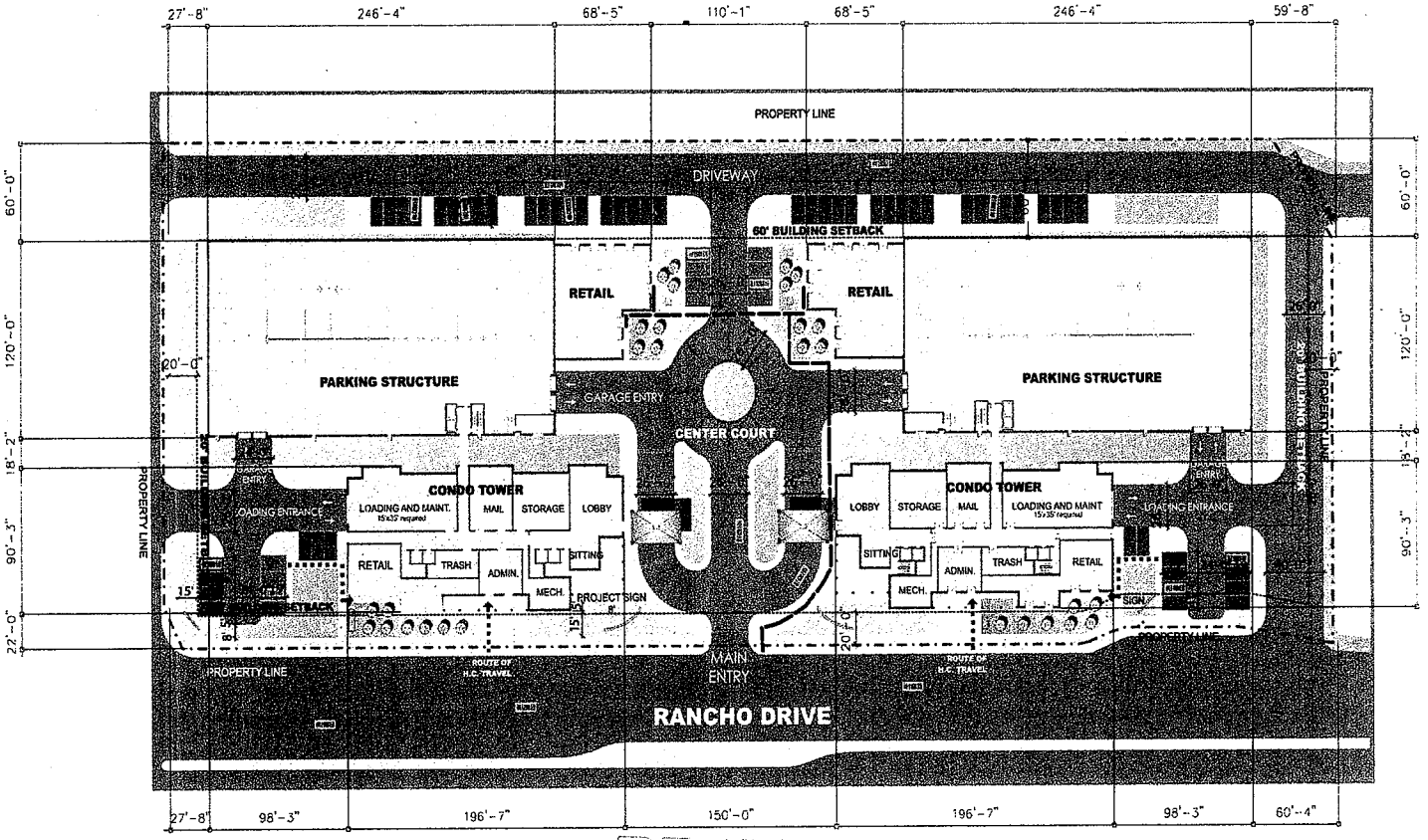
RETAIL PARKING

Type	Required	Provided
STANDARD SPACES (1:250)	48	48
HANDICAPPED SPACES	2	2
VAN SPACES (1 of 8 h.c. spaces)	1	1
LOADING SPACES	1	1
TOTAL REQ./PROVIDE	52	52



VICINITY MAP

C2



C2

C2

C2

UNLIMITED HOTEL/CASINO RESORT

UNLIMITED HOTEL/CASINO RESORT

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SCALE: 1" = 40'-0"

PACIFIC TOWERS

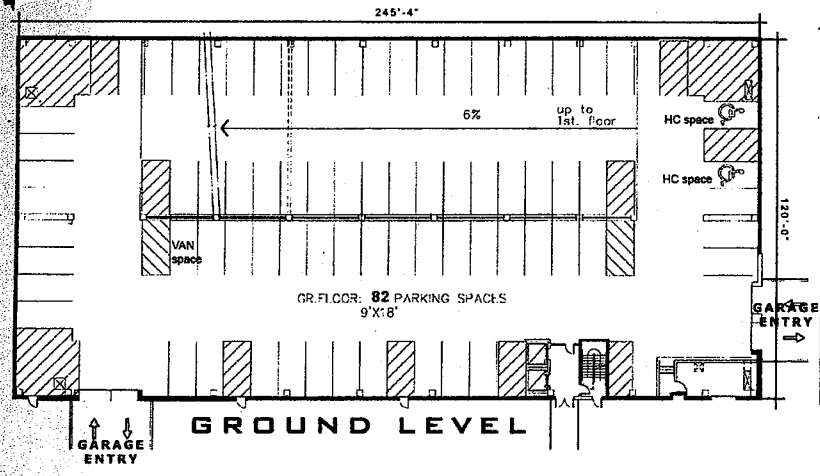
LAS VEGAS, NV.

APRIL 27, 2005 HPA #04348

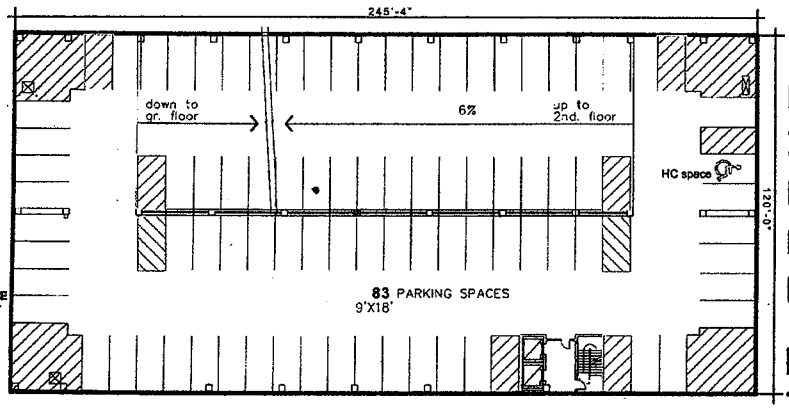
O. R INVESTMENT GROUP

Humphreys and Partners Architects, L.P.
5350 ALPHA ROAD DALLAS TEXAS 75240 972.701.9636

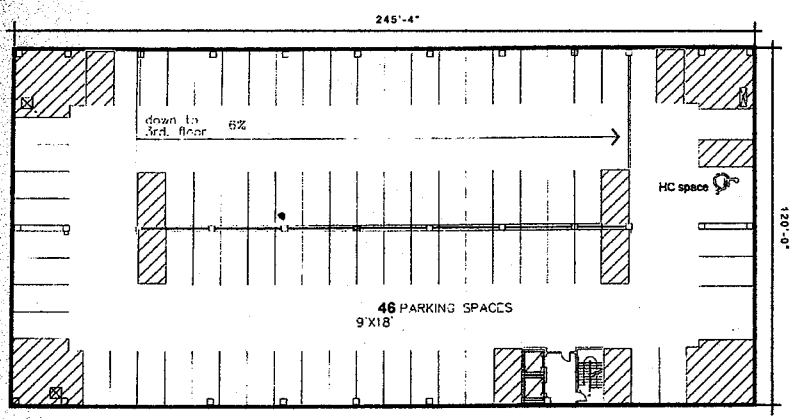
GARAGE PLANS



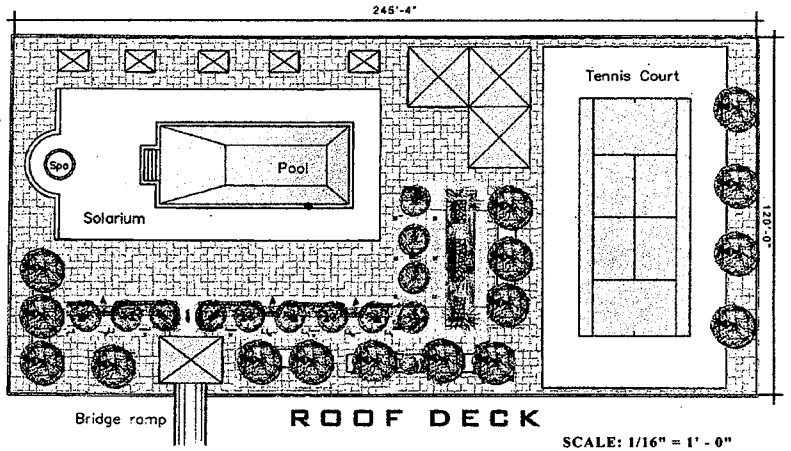
GROUND LEVEL



1ST & 2ND LEVEL



3RD LEVEL



ROOF DECK

SCALE: 1/16" = 1' - 0"

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LAS VEGAS, NV.

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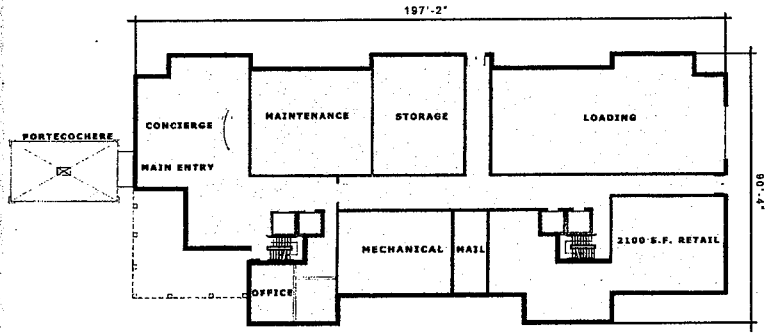
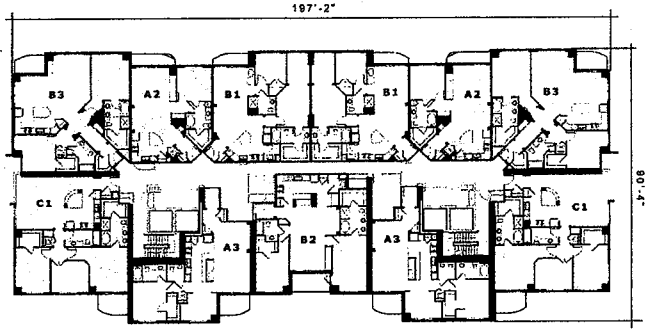
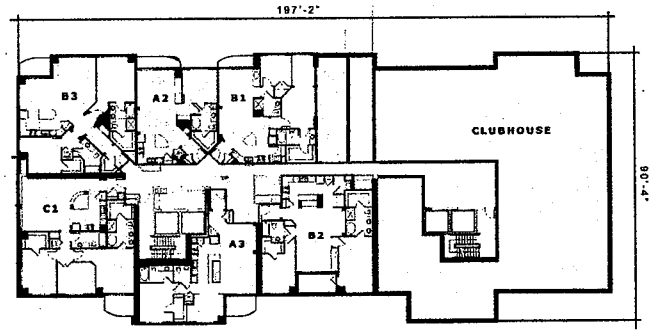
FLOOR PLANS



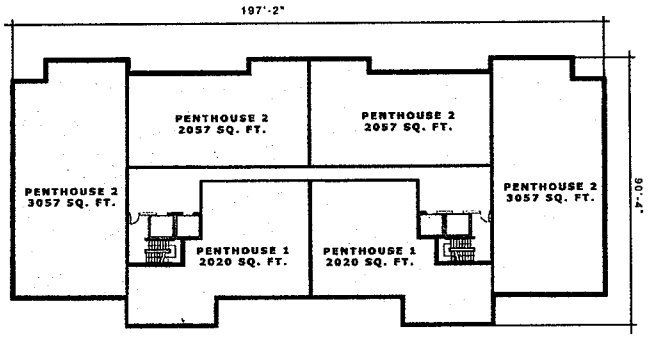
GROUND FLOOR



TYPICAL FLOOR



5TH FLOOR



PENTHOUSE

SCALE: 1/16" = 1' - 0"

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PACIFIC TOWERS

LAS VEGAS, NV.

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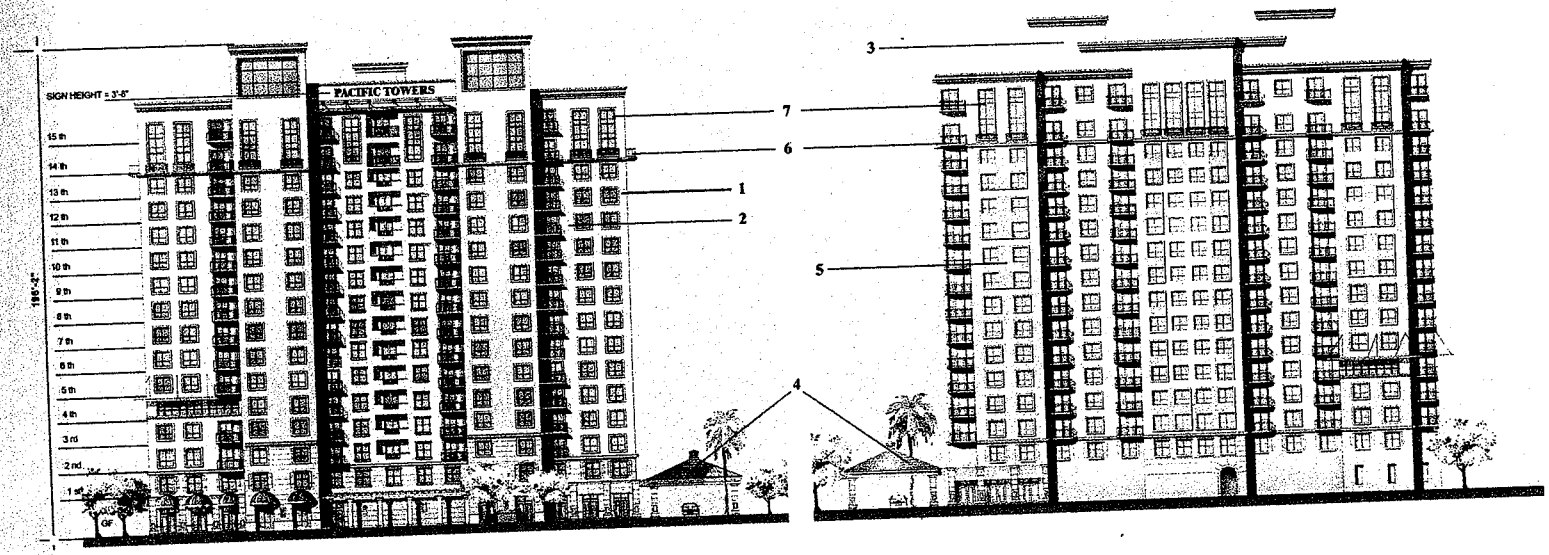
TOWER ELEVATIONS



NORTH-EAST ELEVATION

SOUTH-WEST ELEVATION

SCALE: 1/24" = 1'-0"

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LAS VEGAS, NV.

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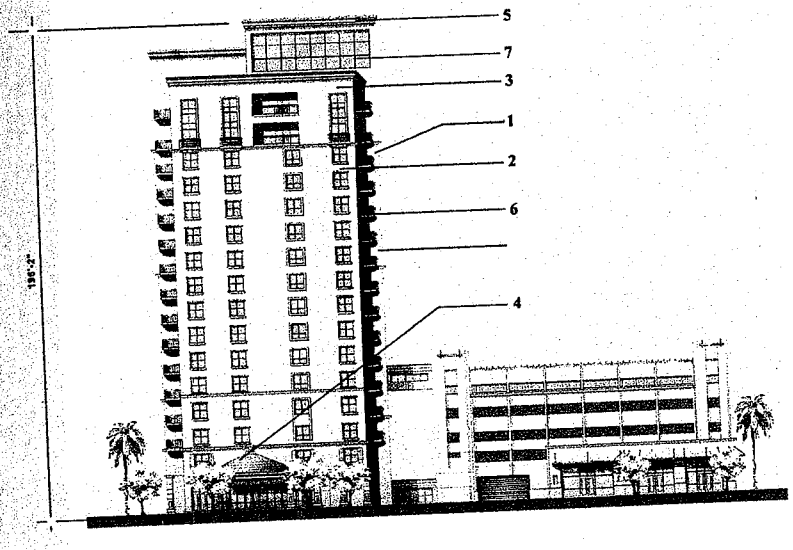
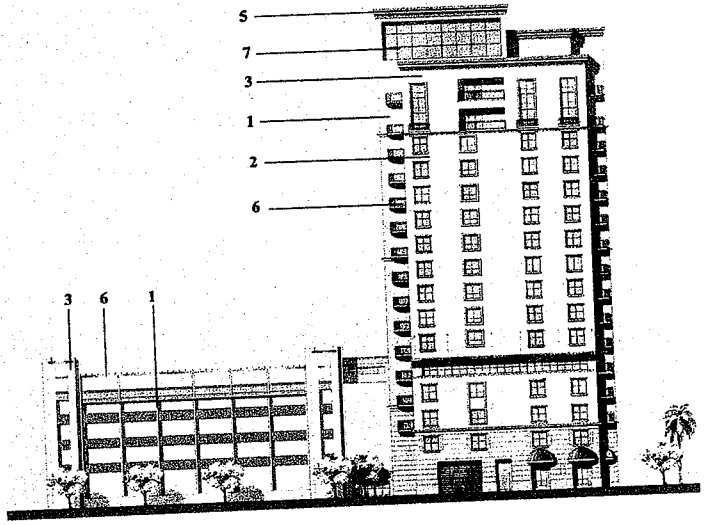
TOWER ELEVATIONS



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

SCALE: 1/24" = 1' - 0"

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O. R INVESTMENT GROUP

PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27,2005 HPA #04348

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EOT-35610
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RECEIVED

August 12, 2009

The Honorable
Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Application / Request for: Extension of Time
VAR-6952 – VARIANCE
Related to SUP-6947, SUP-6948, SDR-6946

Honorable City Council,

This Applicant, by this letter, the Application/Petition and all required supporting documents respectfully requests an Extension of Time to the August 18, 2005 Approved request for a Variance TO ALLOW A ZERO FRONT STEPBACK RATIO WHERE A 1:1 STEPBACK RATIO IS REQUIRED ALONG A COLLECTOR OR LARGER STREET FOR A 197 FOOT TALL BUILDING on a 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN-139-19-611-002), C-2 (General Commercial) Zone, (Extension Approval Letter dated September 21, 2007, attached).

Justifications for Request for Extension of Time

1. Due to the current economic factors, financing for the project is currently not available.

2. The Applicant intends to fulfill its plans to develop the parcel as approved, once the economic environment in Las Vegas improves.

3. There are no perceived changes to the project as previously submitted and extended. The original and approved plans (attached) for the development of this parcel remain the highest and best use of the land with the greatest benefit to the community.

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4. All conditions of the August 18, 2005 APPROVAL are an integral part of the development plan and no changes or requests for changes are anticipated. The development plan continues to be in complete compliance with all of the applicable conditions of the August 18, 2005 Approval.

5. Though no site activity has occurred to date, the development was heavily in the final throes of completing all pre-construction activities (financing approvals, engineering, bidding, pre-marketing, etc.), which was held back due to the sudden economic downturn.

Respectfully submitted,

Reuven Ofry
For Applicant
O. R. Investment Group LLC

EOT-35610
10-07-09 CC



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

August 18, 2005

Mr. Ofry Ruven
OR Investment
2900 South Rancho Drive, Suite #204
Las Vegas, Nevada 89102

RE: VAR-6952 - VARIANCE
CITY COUNCIL MEETING OF AUGUST 17, 2005
RELATED TO SUP-6947, SUP-6948, AND SDR-6946

Dear Mr. Ruven:

The City Council at a regular meeting held August 17, 2005 APPROVED the request for a Variance TO ALLOW A ZERO FRONT STEPBACK RATIO WHERE A 1:1 STEPBACK RATIO IS REQUIRED ALONG A COLLECTOR OR LARGER STREET FOR A 197 FOOT TALL BUILDING on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 18, 2005. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-6947), Special Use Permit (SUP-6948), and Site Development Plan Review (SDR-6946).

2. This Variance 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.

3. Acquire all necessary permits from the Department of Building and Safety.

Sincerely,

Stacey Campbell

Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

EOT-35610
10-07-09 CC

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Bill Curran
Curran & Parry
300 S. 4th Street, Suite #1201
Las Vegas, Nevada 89101

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 Agenda Item No.: **100.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

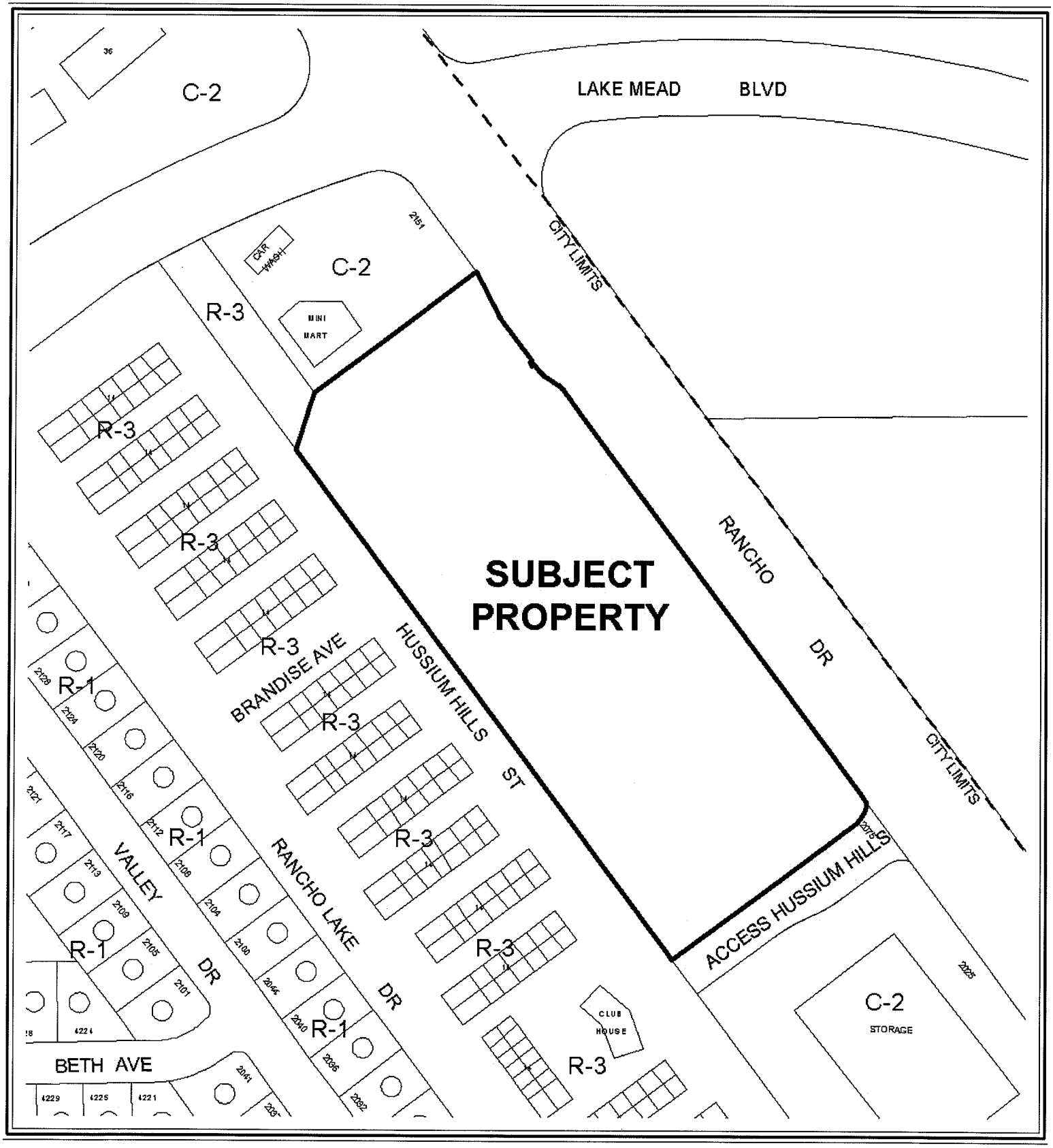
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35611 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-6947) FOR A 197-FOOT TALL BUILDING WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE AIRPORT OVERLAY ZONE on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), 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. Justification Letter
5. City Council Approval Letter for SUP-6947



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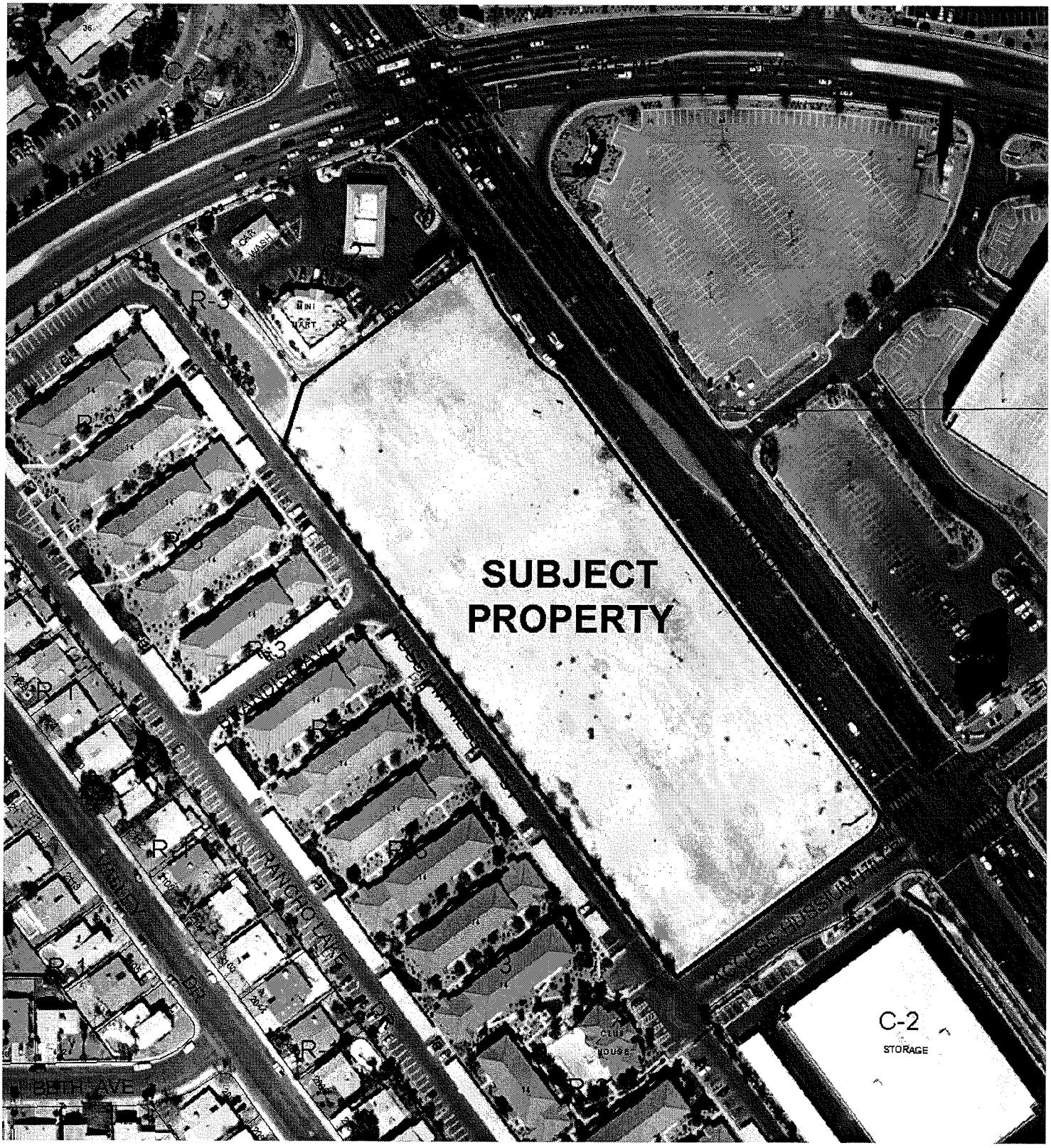
CASE: **EOT-35611**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



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CASE: **EOT-35611**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35611 – EXTENSION OF TIME – SPECIAL USE PERMIT - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-6947) shall expire on August 17, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-6947) and all other site related action as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site is currently undeveloped with a proposed mixed-use development including a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height permitted in the Airport Overlay Zone. The proposed site is located to the west of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard on 5.48 acres. The applicant has not met Title 19.18.060 requirements to exercise the entitlement as a building permit nor business license have not been issued for the proposed project. There have not been any significant changes in development or land use since the approval of the Special Use Permit (SUP-6947). The applicant is requesting an extension of time due to the poor economic conditions within Las Vegas. Staff is recommending approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/18/01	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0030-00) from GC (General Commercial) to M (Medium Density Residential) on 15.3 acres located approximately 320 feet west of Rancho Drive between Lake Mead Boulevard and Coran Lane. The Planning Commission recommended denial on 04/26/01.
	The City Council approved a related request for Rezoning (Z-0096-00) from C-2 (General Commercial) to R-3 (Apartments).
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission recommended approval on 07/14/05.
	The City Council approved a related request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for a Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building

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-23843) of a previously approved Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive.
	The City Council approved a related request for an Extension of Time (EOT-23838) of a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-23841) of a previously approved Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-23836) of a previously approved Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements
Related Building Permits/Business Licenses	
There have been no building permits or business licenses issued for the subject site.	
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	5.48

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Mixed-Use Development	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
South	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
East	Casino/Hotel	North Las Vegas	North Las Vegas
West	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (35 feet)	X		N*
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

* The City Council approved a Special Use Permit (SUP-6947) to allow a 197-foot tall building where 35 feet is the maximum allowed in the Airport Overlay District.

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in an Airport Overlay Zone for a mixed-use development located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard. Since the approval of the Special Use Permit (SUP-6947), the applicant has not made any progress on the proposed project. There have not been any significant changes in land use or new development in the surrounding area.

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-6947) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement as no building permits have been issued. The applicant is requesting an extension of time due to the poor economic conditions in Las Vegas. 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-6947) 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-35611** APN: 139-19-611-002

Name of Property Owner: O.R Investment Group, LLC

Name of Applicant: O.R Investment Group, LLC

Name of Representative: Arik Moav

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: ARIK MOAV (Agent by POA)

Subscribed and sworn before me

This 13th day of August, 2009

Cheryl Ross

Notary Public in and for said County and State of Clark NV

Notary Public - State of Nevada
County of Clark
CHERYL ROSS
My Appointment Expires
No: 00-60564-1 February 20, 2012

Humphreys and Partners Architects, L.P.
5350-ALPHA ROAD-DALLAS-TEXAS-75240-972.701 9636

ARCHITECTURAL SITE PLAN

TABULATION

LOT AREA - 5.84 ACRES
SETBACK
FRONT - 20'-0"
LEFT - 20'-0"
RIGHT - 20'-0"
REAR 60'-0

UNIT MIX
33% 1 BDRM - 100 (50 +50)
42% 2 BDRM - 126 (50+26+50)
24% 3 BDRM - 74 (50+24 Penthouse)

RETAIL AREA - 12,548 SF
TOTAL RESIDENTIAL UNITS - 300
DENSITY - 51.36 UNITS/ACRE
BUILDING AREA - 756514 sf
F.A.R. - 3

UNIT TYPE	AREA*	NO
A2	853 SF	50
A3	1124 SF	50
B1	1193 SF	50
B2	1334 SF	26
B3	1471 SF	50
C1	1926 SF	50
Penthouse 1	2020 SF	8
Penthouse 2	2057 SF	8
Penthouse 3	3057 SF	8

TOWER HEIGHT - 196'-2"
*UNIT AREA SUBJECT TO CHANGE PENDING FINAL UNIT DESIGN

PARKING REQUIRED FOR UNIT TYPES

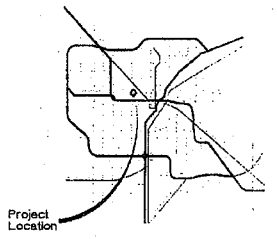
No	Unit types	Parking ratio	Spaces	h.c. spaces	van spaces
	1 BEDROOM	1.25	125	2%	1 of 8 h.c. sp
	2 BEDROOM	1.75	221		
	3 BEDROOM	2.00	148		
	GUESTS	1.6	50		
TOTAL REQ			544		

PARKING PROVIDED FOR UNIT TYPES

STANDARD SPACES	=	576
HANDICAPPED SPACES	=	10
VAN SPACES	=	2
LOADING SPACES	=	0
TOTAL PROVIDED	=	588

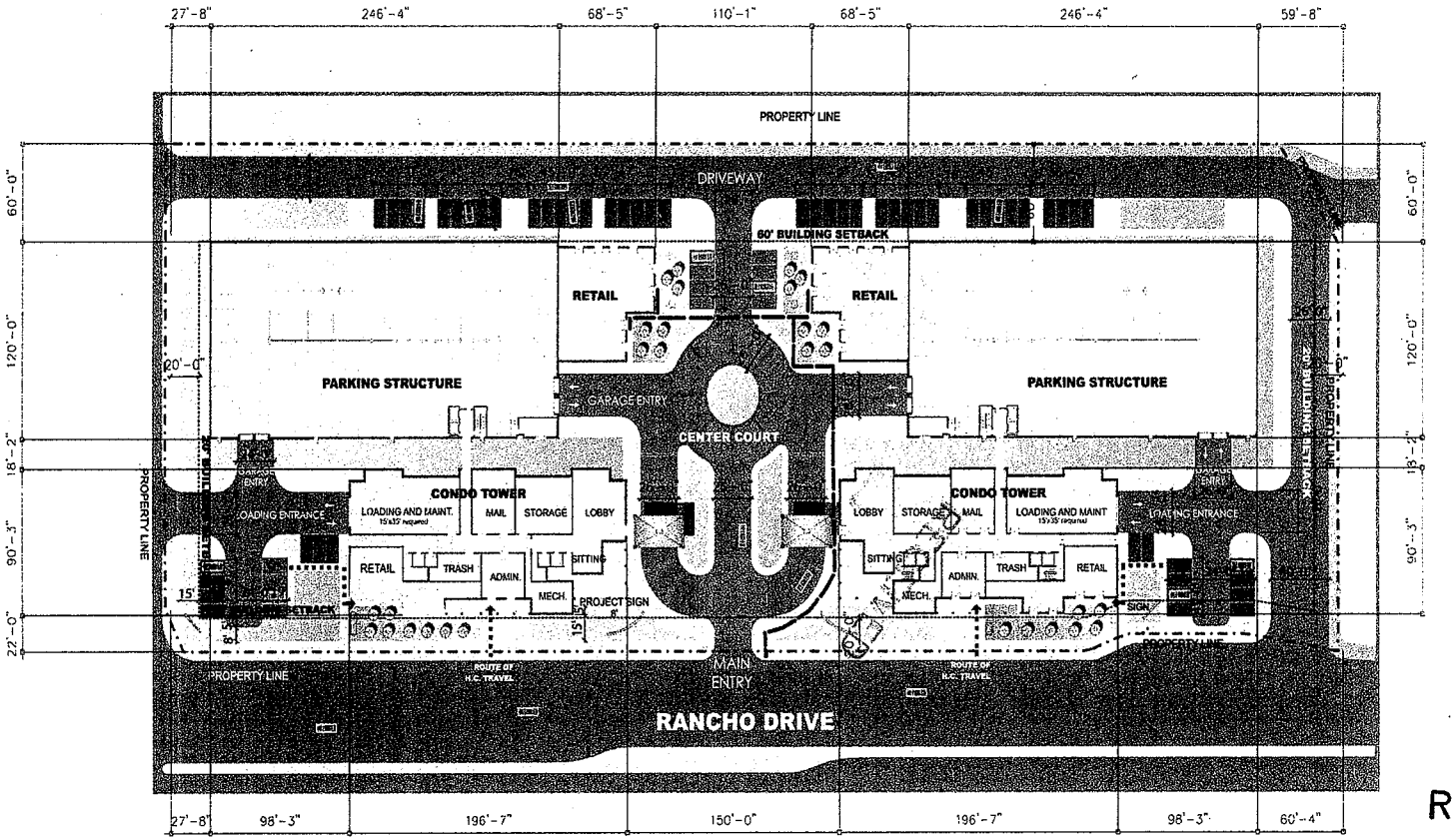
RETAIL PARKING

Type	Required	Provided
STANDARD SPACES (1:250)	48	48
HANDICAPPED SPACES	2	2
VAN SPACES (1 of 8 h.c. spaces)	1	1
LOADING SPACES	1	1
TOTAL REQ./PROVIDE	52	52



VICINITY MAP

C2



UNLIMITED HOTEL/CASINO RESORT

UNLIMITED HOTEL/CASINO RESORT

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SCALE: 1" = 40' - 0"

EOT-35611
10-07-09 CC

PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27, 2005 HPA #04240

O. R. INVESTMENT GROUP

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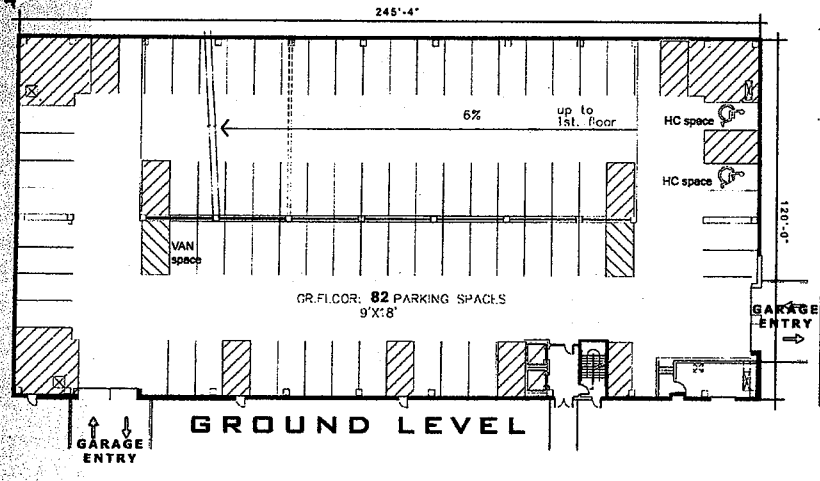
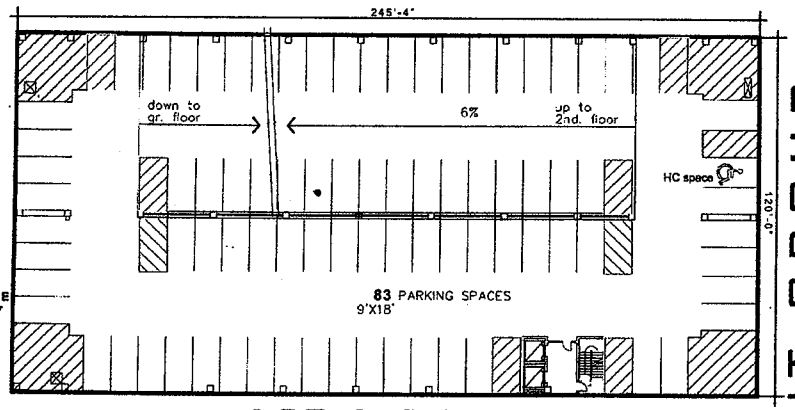
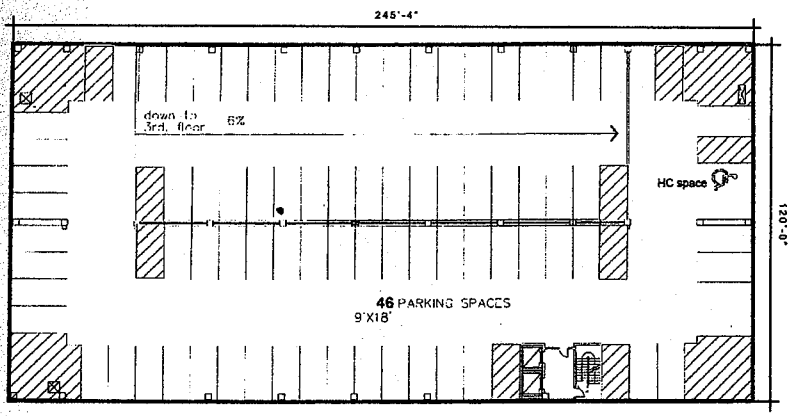
GARAGE PLANS



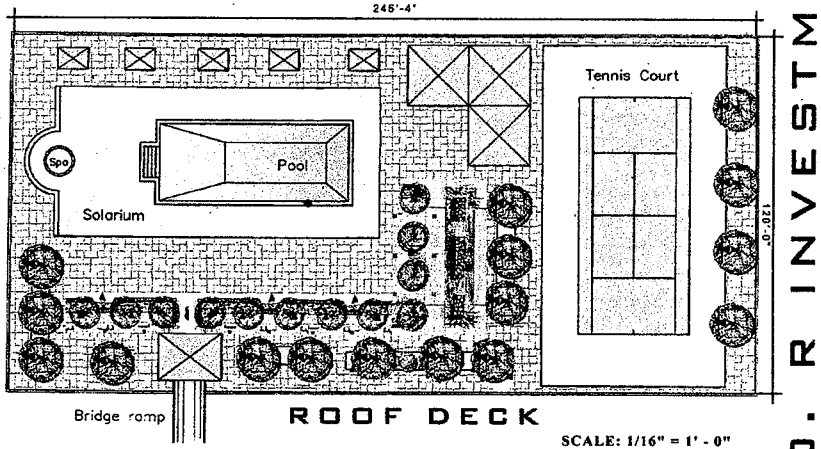
GROUND LEVEL



1ST & 2ND LEVEL



3RD LEVEL



ROOF DECK

SCALE: 1/16" = 1' - 0"

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O. R INVESTMENT GROUP

PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27, 2005 HPA #04340

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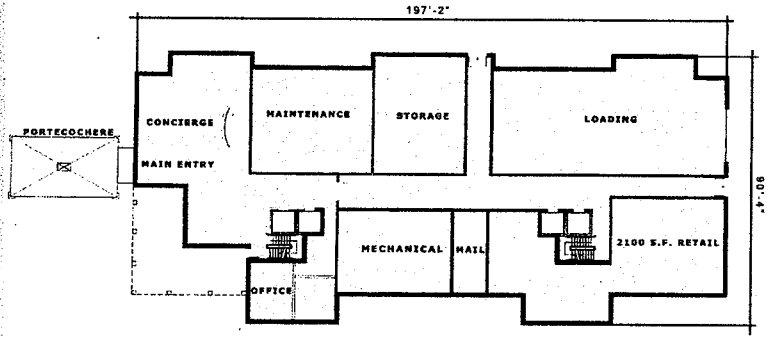
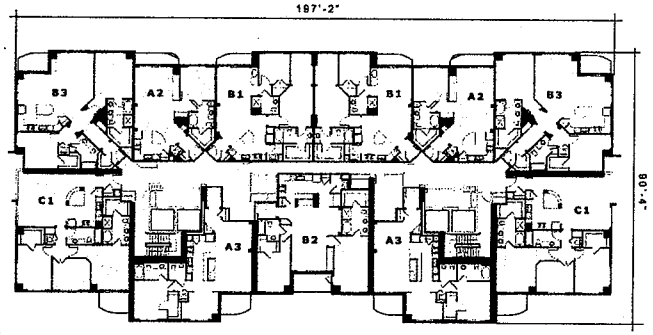
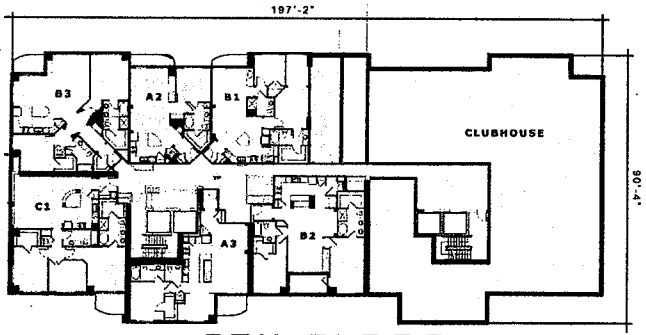
FLOOR PLANS



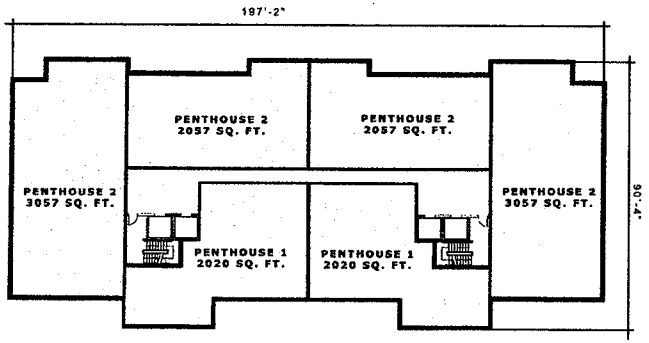
GROUND FLOOR



TYPICAL FLOOR



5TH FLOOR



PENTHOUSE

SCALE: 1/16" = 1' - 0"

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O. R INVESTMENT GROUP

PACIFIC TOWERS

LAS VEGAS, NV.

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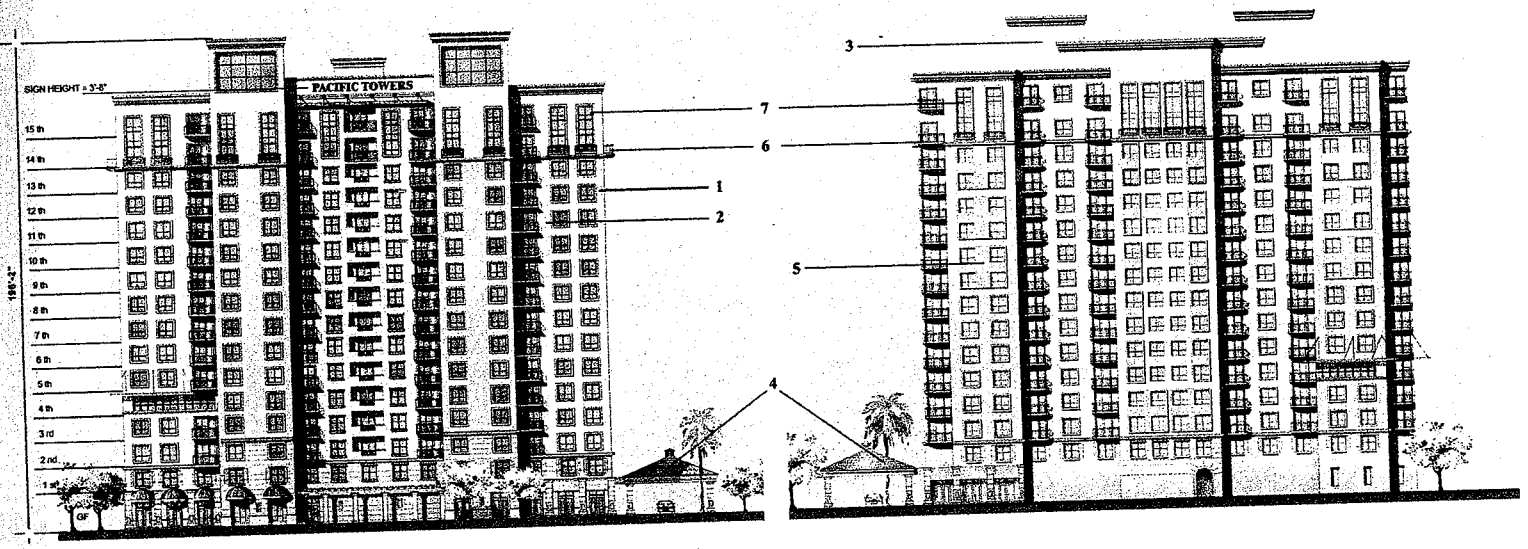
Humphreys and Partners Architects, L.P.
5350 ALPHA ROAD · DALLAS · TEXAS · 75240 · 972.701 9630

TOWER ELEVATIONS



NORTH-EAST ELEVATION

SOUTH-WEST ELEVATION

SCALE: 1/24" = 1'-0"

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PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27, 2005 HPA #04340

D. R. INVESTMENT GROUP

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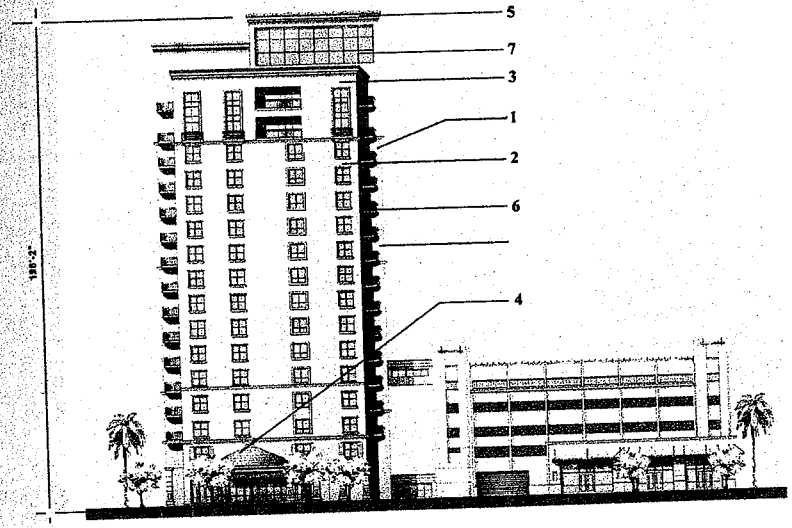
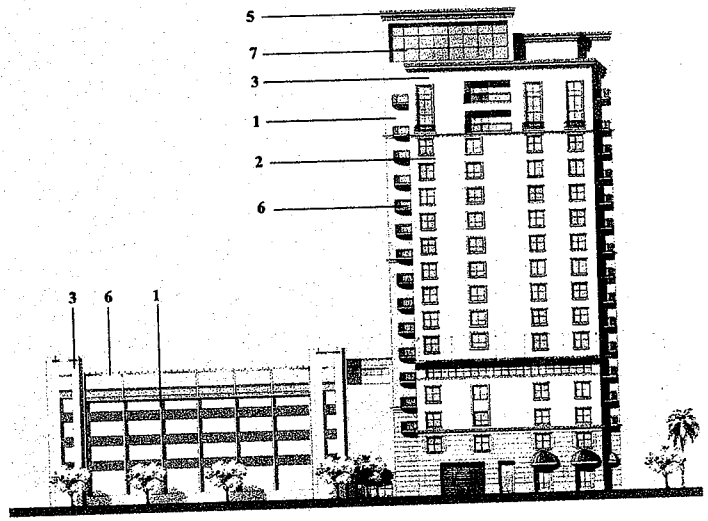
TOWER ELEVATIONS



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

SCALE: 1/24" = 1' - 0"

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PACIFIC TOWERS
LAS VEGAS, NV.

APRIL 27.2005 HPA #04340

O. INVESTMENT GROUP

EOT-35611
10-07-09 CC

RECEIVED
AUG 14 2009

August 12, 2009

The Honorable
Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Application / Request for: Extension of Time
SUP-6947 – Special Use Permit
Related to VAR-6952, SUP-6948, and SDR-6946

Honorable City Council,

This Applicant, by this letter, the Application/Petition and all required supporting documents respectfully requests an Extension of Time to the August 18, 2005 Approved request for a Special Use Permit FOR A 197 FOOT TALL BUILDING WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE AIRPORT OVERLAY ZONE adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive 9apn 139-19-611-002), C-2 (General Commercial Zone. (Extension Approval Letter dated September 21, 2007, attached).

Justifications for Request for Extension of Time

1. Due to the current economic factors, financing for the project is currently not available.

2. The Applicant intends to fulfill its plans to develop the parcel as approved, once the economic environment in Las Vegas improves.

3. There are no perceived changes to the project as previously submitted and extended. The original and approved plans (attached) for the development of this parcel remain the highest and best use of the land with the greatest benefit to the community.

EOT-35611
10-07-09 CC

3135 S. Mojave Rd, Las Vegas NV 89121 | (702) 474 7474 (F) (702) 733 9242

4. All conditions of the August 18, 2005 APPROVAL are an integral part of the development plan and no changes or requests for changes are anticipated. The development plan continues to be in complete compliance with all of the applicable conditions of the August 18, 2005 Approval.

5. Though no site activity has occurred to date, the development was heavily in the final throes of completing all pre-construction activities (financing approvals, engineering, bidding, pre-marketing, etc.), which was held back due to the sudden economic downturn.

Respectfully submitted,

Reuven Ofry
For Applicant
O. R. Investment Group LLC

EOT-35611
10-07-09 CC



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

August 18, 2005

Mr. Ofry Ruven
OR Investment
2900 South Rancho Drive, Suite #204
Las Vegas, Nevada 89102

RE: SUP-6947 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 17, 2005
RELATED TO VAR-6952, SUP-6948, AND SDR-6946

Dear Mr. Ruven:

The City Council at a regular meeting held August 17, 2005 APPROVED the request for a Special Use Permit FOR A 197 FOOT TALL BUILDING WHERE 35 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE AIRPORT OVERLAY ZONE adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 18, 2005. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.06.080 for a project in the Airport Overlay District.

2. Approval of and conformance to the Conditions of Approval for applications submitted for a Variance (VAR-6952), Special Use Permit (SUP-6948) and a Site Development Plan Review (SDR-6946).

3. 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.

4. All City Code requirements and design standards of all City departments must be satisfied

Sincerely,

Stacey Campbell

Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

EOT-35611
10-07-09 CC

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Bill Curran
Curran & Parry
300 S. 4th Street, Suite #1201
Las Vegas, Nevada 89101

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 Agenda Item No.: **101.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

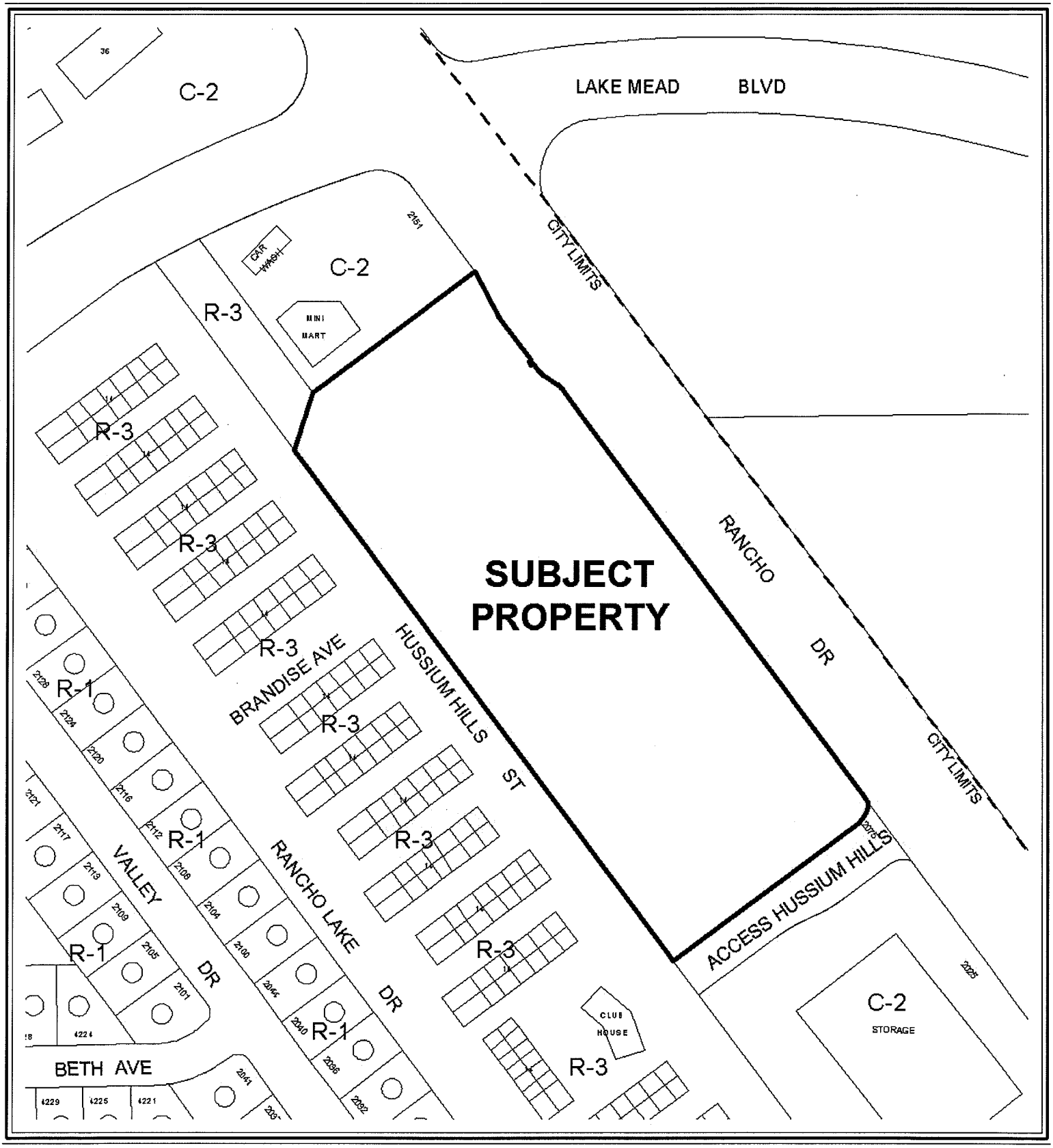
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35612 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-6948) FOR A MIXED USE DEVELOPMENT on 5.48 acres located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial), 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. Justification Letter
5. City Council Approval Letter for SUP-6948



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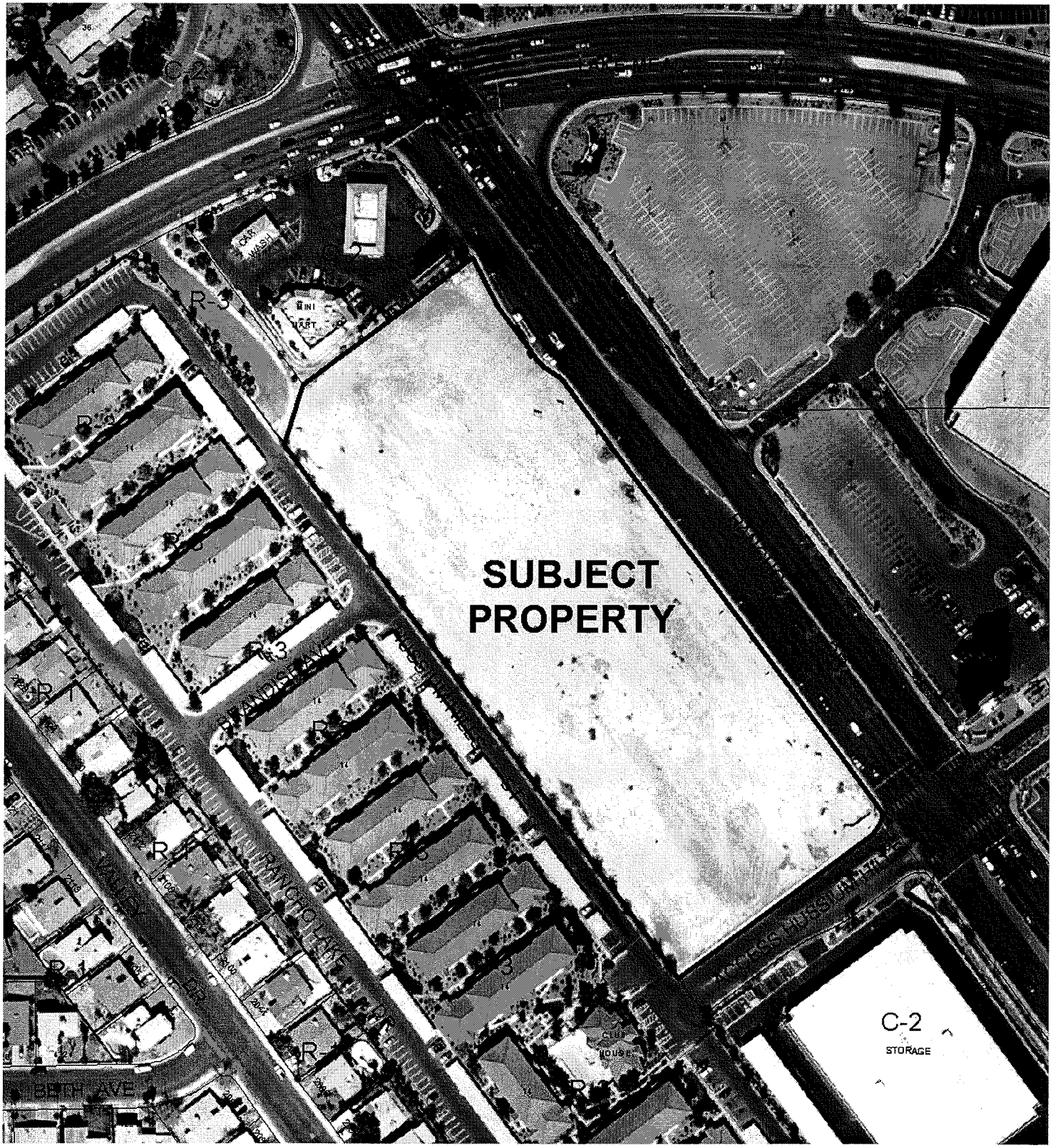
CASE: **EOT-35612**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 200 400 Feet

CASE: **EOT-35612**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35612 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Special Use Permit (SUP-6948) shall expire on August 17, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-6948) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site is currently undeveloped with a previous approved Special Use Permit (SUP-6948) for a mixed-use development consisting of 300 residential units and 12,548 square feet of commercial space located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard on 5.48 acres. The applicant has not met Title 19.18.060 requirements to exercise the entitlement as a building permit nor business license have not been issued for the proposed project. There have not been any significant changes in development or land use since the approval of the Special Use Permit (SDR-6948). The applicant is requesting an extension of time due to the poor economic conditions within Las Vegas. Staff is recommending approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/18/01	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0030-00) from GC (General Commercial) to M (Medium Density Residential) on 15.3 acres located approximately 320 feet west of Rancho Drive between Lake Mead Boulevard and Coran Lane. The Planning Commission recommended denial on 04/26/01.
	The City Council approved a related request for Rezoning (Z-0096-00) from C-2 (General Commercial) to R-3 (Apartments).
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission recommended approval on 07/14/05.
	The City Council approved a related request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for a Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building

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-23843) of a previously approved Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive.
	The City Council approved a related request for an Extension of Time (EOT-23838) of a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-23841) of a previously approved Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-23836) of a previously approved Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements
Related Building Permits/Business Licenses	
There have been no building permits or business licenses issued for the subject site.	
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	5.48

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Mixed-Use Development	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
South	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
East	Casino/Hotel	North Las Vegas	North Las Vegas
West	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (35 feet)	X		N*
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

* The City Council approved a Special Use Permit (SUP-6947) to allow a 197-foot tall building where 35 feet is the maximum allowed in the Airport Overlay District.

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-6948) for a mixed-use development consisting of two-16-story towers with 300 residential units and 12,548 square feet of commercial space on property located on the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard. Since the approval of the Special Use Permit (SUP-6948), the applicant has not made any progress on the proposed project. There have not been any significant changes in land use or new development in the surrounding area.

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-6948) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement as no building permits have been issued. The applicant is requesting an extension of time due to the poor economic conditions in Las Vegas. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-6948) 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-35612** APN: 139-19-611-002

Name of Property Owner: O.R Investment Group, LLC

Name of Applicant: O.R Investment Group, LLC

Name of Representative: Arik Moav

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: ARIK MOAV (Agent by POA)

Subscribed and sworn before me

This 13th day of August, 2009

Cheryl Ross

Notary Public in and for said County and State of Clark, NV

Notary Public - State of Nevada
County of Clark
CHERYL ROSS
My Appointment Expires
February 20, 2012
No: 00-60564-1

Humphreys and Partners Architects, L.P.
5350-ALPHA ROAD-DALLAS-TEXAS-75240-972.701 9836

ARCHITECTURAL SITE PLAN

TABULATION

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REAR 60'-0

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A3	1124 SF	50
B1	1153 SF	90
B2	1334 SF	26
B3	1471 SF	50
C1	1526 SF	50
Penthouse 1	2020 SF	8
Penthouse 2	2057 SF	8
Penthouse 3	3057 SF	8

TOWER HEIGHT - 196'-2"
*UNIT AREA SUBJECT TO CHANGE PENDING FINAL UNIT DESIGN

PARKING REQUIRED FOR UNIT TYPES

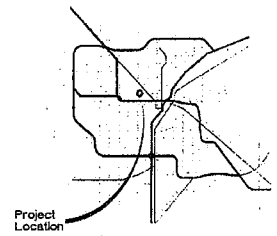
No	Unit types	Parking ratio	Spaces	h c spaces	van spaces
	1 BEDROOM	1.25	125	2%	1 of 8 h c sp
	2 BEDROOM	1.75	221		
	3 BEDROOM	2.00	148		
	GUESTS	1.6	50		
TOTAL REQ			544		

PARKING PROVIDED FOR UNIT TYPES

STANDARD SPACES	=	576
HANDICAPPED SPACES	=	10
VAN SPACES	=	2
LOADING SPACES	=	0
TOTAL PROVIDED	=	588

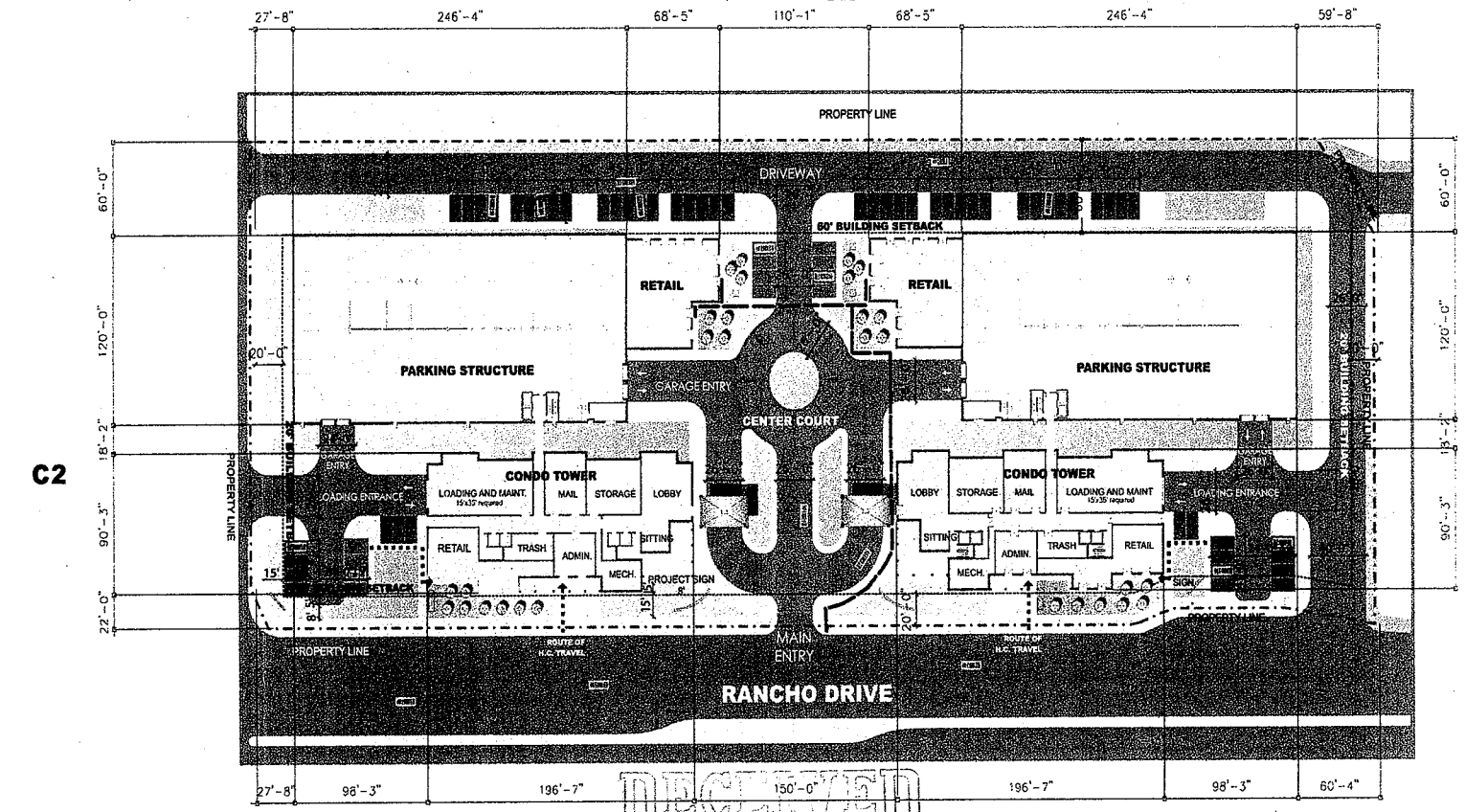
RETAIL PARKING

Type	Required	Provided
STANDARD SPACES (1:250)	48	48
HANDICAPPED SPACES	2	2
VAN SPACES (1 of 8 h c spaces)	1	1
LOADING SPACES	1	1
TOTAL REQ /PROVIDE	52	52



VICINITY MAP

C2



C2 C2 C2

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UNLIMITED HOTEL/CASINO RESORT UNLIMITED HOTEL/CASINO RESORT

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N

SCALE: 1" = 40' - 0"

EOT-35612
10-07-09 CC

PACIFIC TOWERS

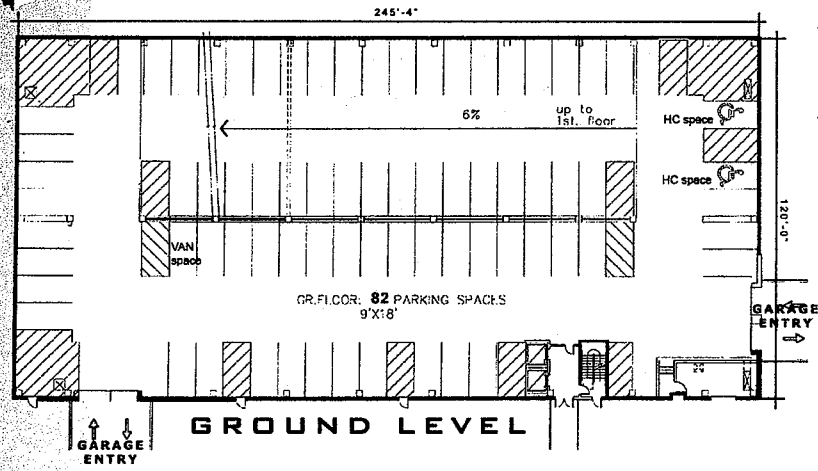
LAS VEGAS, NV.

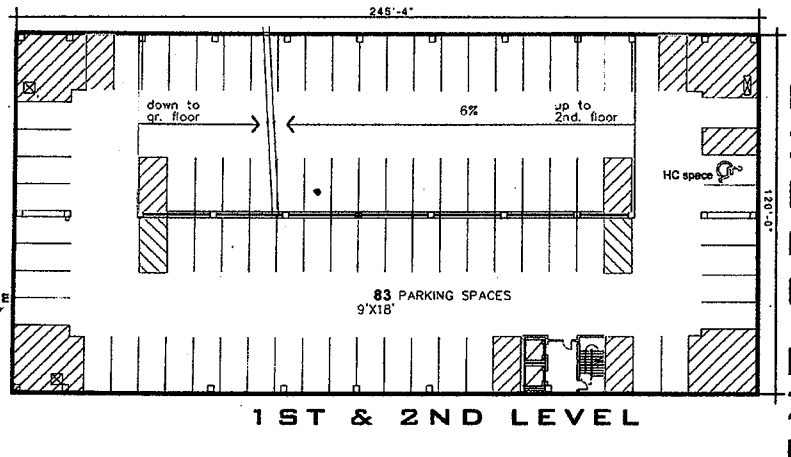
APRIL 27, 2005 HPA #04340

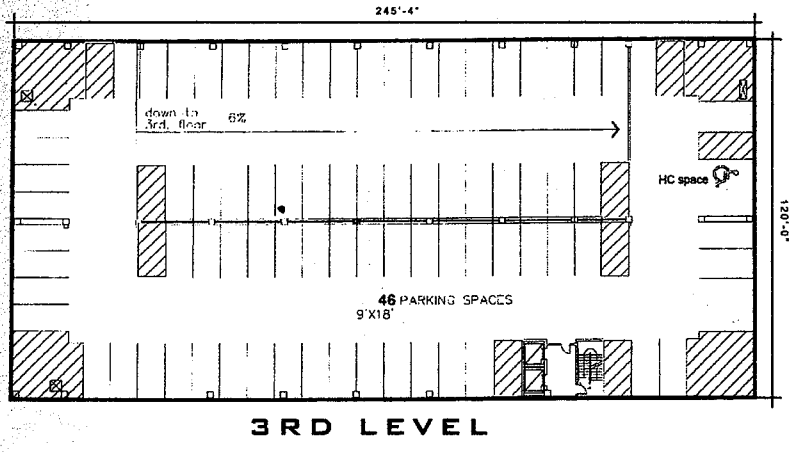
O. R INVESTMENT GROUP

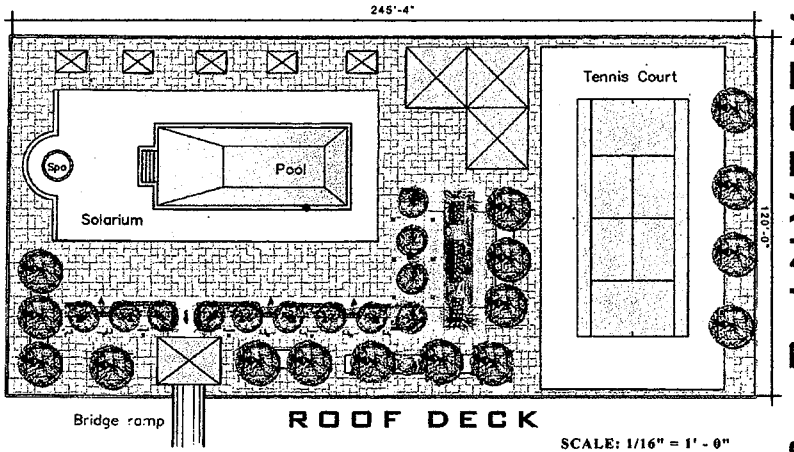
Humphreys and Partners Architects, L.P.
5350 ALPHA ROAD DALLAS TEXAS 75240 972.701.9636

GARAGE PLANS









SCALE: 1/16" = 1' - 0"

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PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27,2005 HPA #04340

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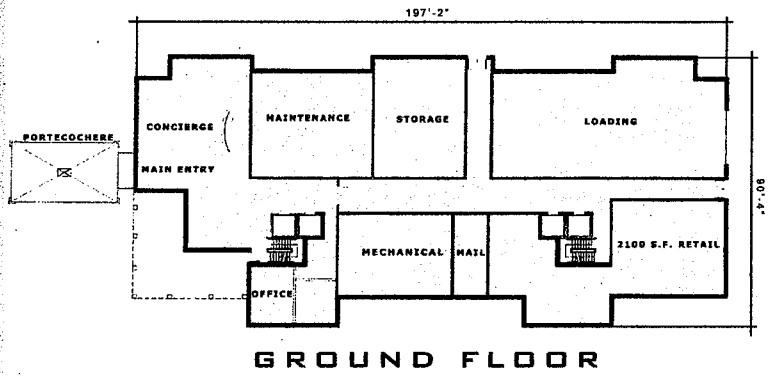
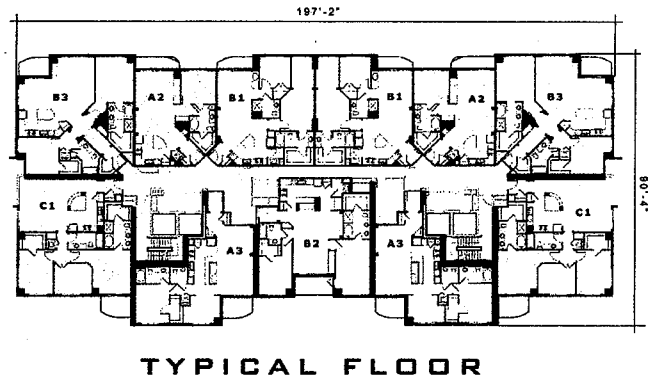
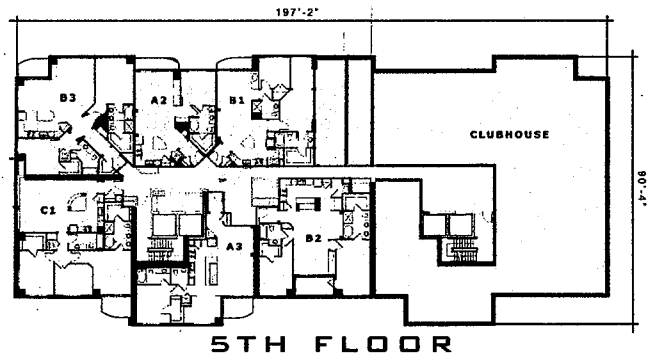
FLOOR PLANS



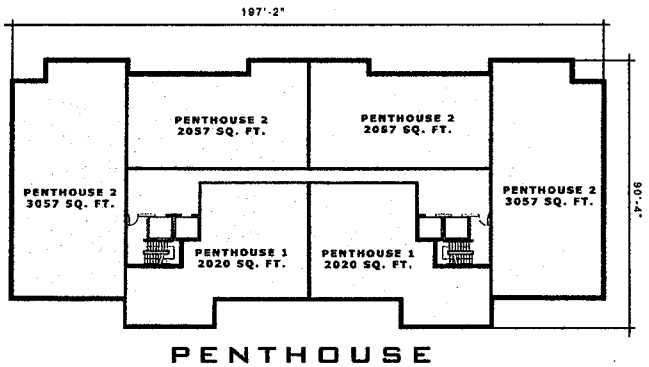
GROUND FLOOR



TYPICAL FLOOR



5TH FLOOR



PENTHOUSE

SCALE: 1/16" = 1' - 0"

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PACIFIC TOWERS

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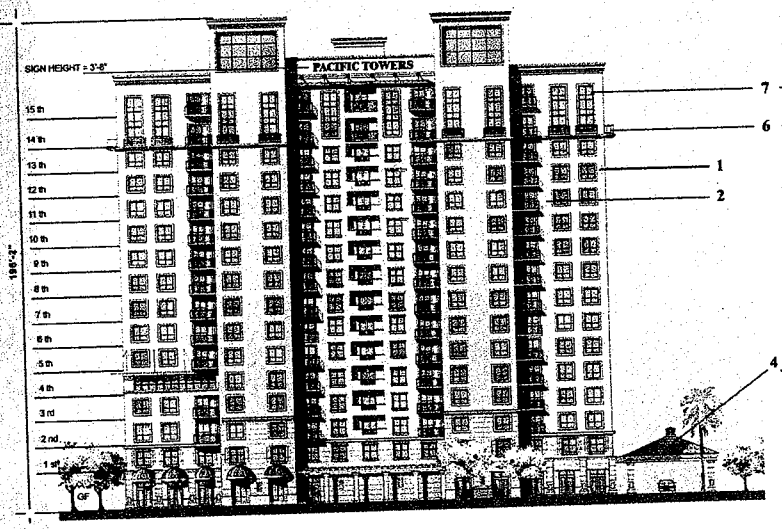
5350-ALPHA ROAD-DALLAS-TEXAS-75240-972.701 9630

TOWER ELEVATIONS



NORTH-EAST ELEVATION



SOUTH-WEST ELEVATION

SCALE: 1/24" = 1' - 0"

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PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27,2005 HPA #04348

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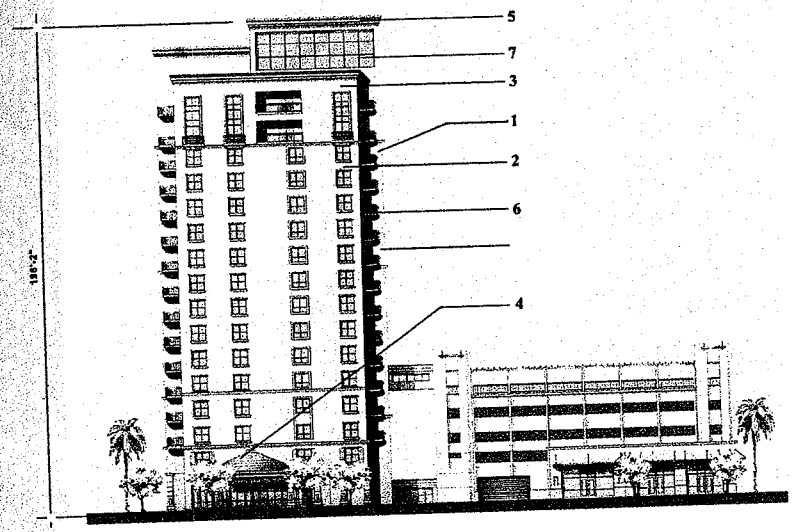
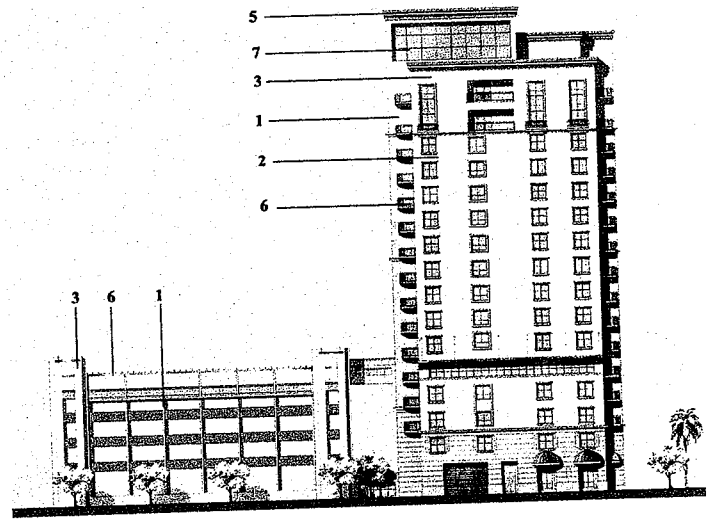
TOWER ELEVATIONS



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

SCALE: 1/24" = 1' - 0"

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PACIFIC TOWERS
LAS VEGAS, NV.

APRIL 27,2005 HPA #04340

O. R INVESTMENT GROUP

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EOT-35612
10-07-09 CC

RECEIVED

August 12, 2009

The Honorable
Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Application / Request for: Extension of Time
SUP-6948 – Special Use Permit
Related to VAR-6952, SUP-6947, and SDR-6946

Honorable City Council,

This Applicant, by this letter, the Application/Petition and all required supporting documents respectfully requests and Extension of Time to the August 18, 2005 Approved request for a Special Use Permit FOR A MIXED USE DEVELOPMENT adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. (Extension Approval Letter dated September 21, 2007, attached)

Justifications for Request for Extension of Time

1. Due to the current economic factors, financing for the project is currently not available.

2. The Applicant intends to fulfill its plans to develop the parcel as approved, once the economic environment in Las Vegas improves.

3. There are no perceived changes to the project as previously submitted and extended. The original and approved plans (attached) for the development of this parcel remain the highest and best use of the land with the greatest benefit to the community.

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3135 S. Mojave Rd, Las Vegas NV 89121 | (702) 474 7474 (F) (702) 733 9242

4. All conditions of the August 18, 2005 APPROVAL are an integral part of the development plan and no changes or requests for changes are anticipated. The development plan continues to be in complete compliance with all of the applicable conditions of the August 18, 2005 Approval.

5. Though no site activity has occurred to date, the development was heavily in the final throes of completing all pre-construction activities (financing approvals, engineering, bidding, pre-marketing, etc.), which was held back due to the sudden economic downturn.

Respectfully submitted,

Reuven Ofry
For Applicant
O. R. Investment Group LLC

EOT-35612
10-07-09 CC



055232

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

August 18, 2005

Mr. Ofry Ruven
OR Investment
2900 South Rancho Drive, Suite #204
Las Vegas, Nevada 89102

RE: SUP-6948 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 17, 2005
RELATED TO VAR-6952, SUP-6947, AND SDR-6946

Dear Mr. Ruven:

The City Council at a regular meeting held August 17, 2005 APPROVED the request for a Special Use Permit FOR A MIXED USE DEVELOPMENT adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 18, 2005. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Mixed Use development.

2. Approval of and conformance to the Conditions of Approval for applications submitted for a Variance (VAR-6952), Special Use Permit (SUP-6947) and a Site Development Plan Review (SDR-6946).

3. 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.

4. All City Code requirements and design standards of all City departments must be satisfied

Sincerely,

Stacey Campbell

Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

EOT-35612
10-07-09 CC

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Bill Curran
Curran & Parry
300 S. 4th Street, Suite #1201
Las Vegas, Nevada 89101

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 Agenda Item No.: **102.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35613 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-6946) FOR A MIXED USE DEVELOPMENT INCLUDING TWO 16-STORY TOWERS WITH A TOTAL OF 300 RESIDENTIAL UNITS AND 12,548 SQUARE FEET OF COMMERCIAL SPACE AND WAIVERS OF THE RESIDENTIAL ADJACENCY STANDARDS AND PERIMETER LANDSCAPING REQUIREMENTS on 5.48 acres adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard (APN 139-19-611-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

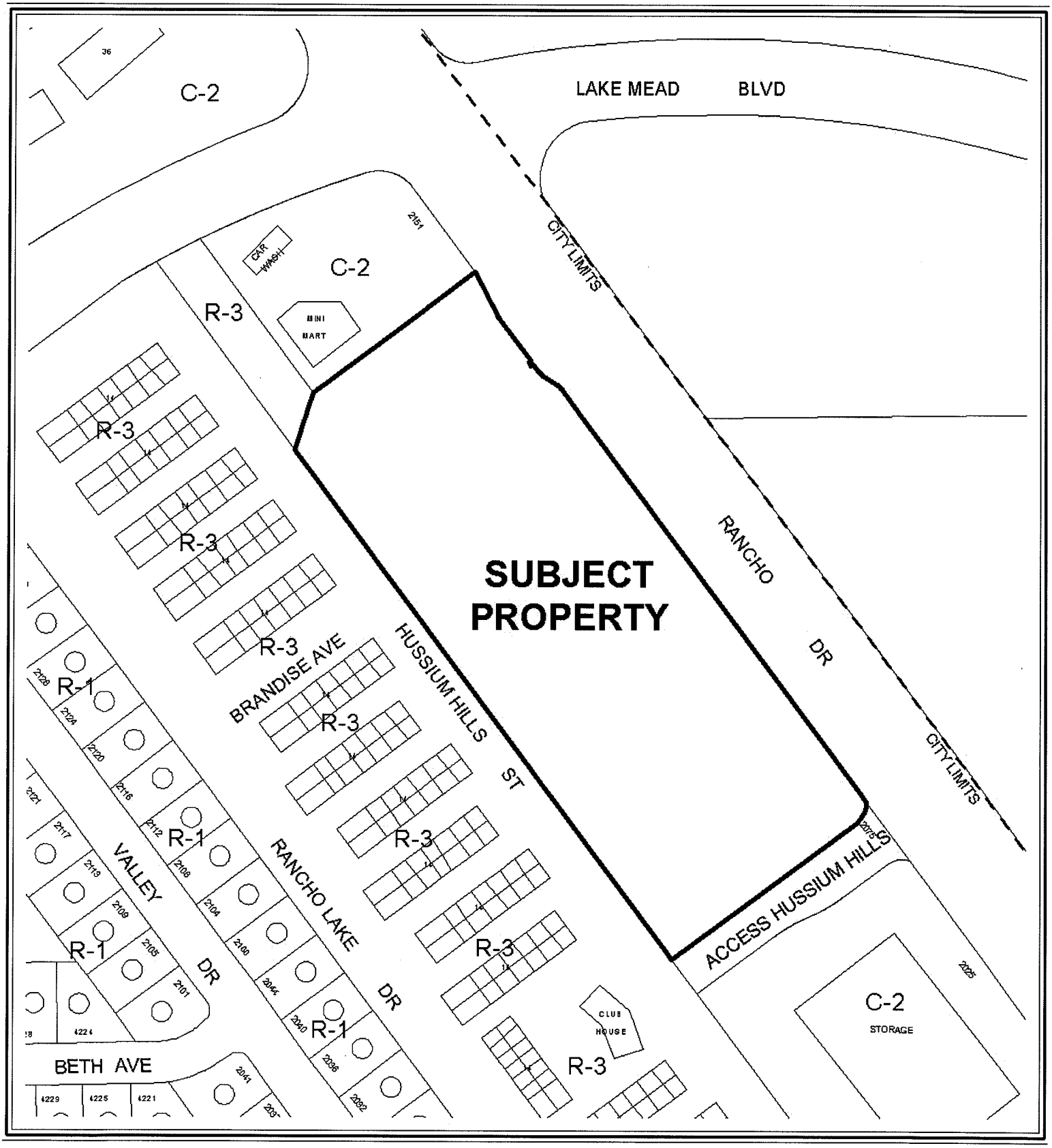
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

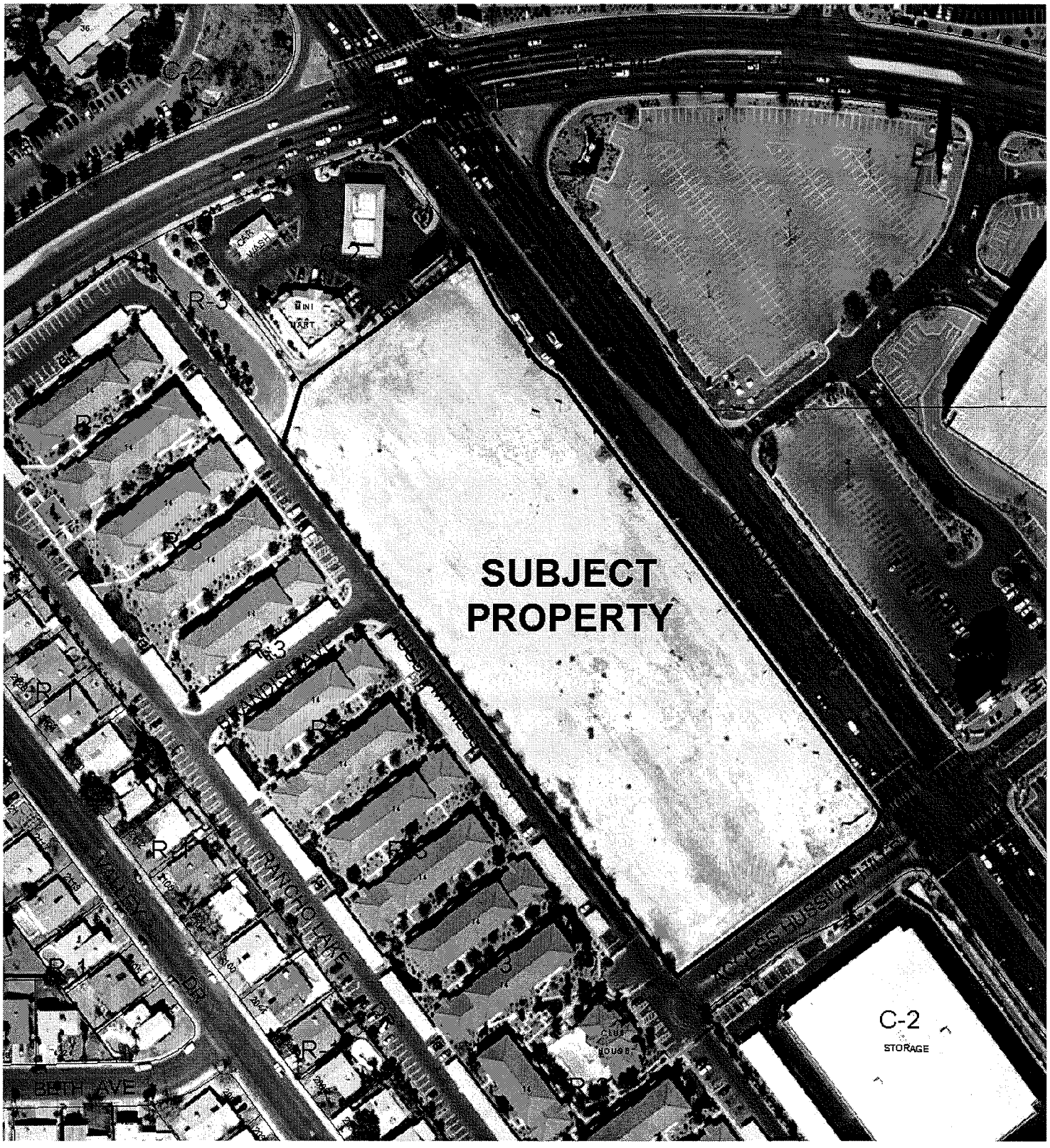
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SDR-6946



CASE: **EOT-35613**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



0 200 400 Feet

CASE: **EOT-35613**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35613 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: O.R. INVESTMENT GROUP, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-6946) shall expire on August 17, 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-6946) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site is currently undeveloped with a previously approved Site Development Plan Review (SDR-6946) for a proposed mixed-use development consisting of two 16-story, 197 feet tall buildings with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements. The site is located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard on 5.48 acres. The applicant received previous approval for a Special Use Permit (SUP-6947) to allow a 197-foot tall building located within an Airport Overlay Zone that restricts the height of buildings to 35 feet. The applicant has not made any progress on the proposed project as no building permits have been issued for the new development. There have not been any significant changes in development or land use since the approval of the Site Development Plan Review (SDR-6946). The applicant is requesting an extension of time due to the poor economic conditions in Las Vegas. Staff is recommending approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/18/01	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0030-00) from GC (General Commercial) to M (Medium Density Residential) on 15.3 acres located approximately 320 feet west of Rancho Drive between Lake Mead Boulevard and Coran Lane. The Planning Commission recommended denial on 04/26/01.
	The City Council approved a related request for Rezoning (Z-0096-00) from C-2 (General Commercial) to R-3 (Apartments).
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission recommended approval on 07/14/05. The City Council approved a related request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone. The City Council approved a related request for a Special Use Permit (SUP-6948) for a mixed-use development. The City Council approved a related request for a Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building

09/19/07	The City Council approved a request for an Extension of Time (EOT-23843) of a previously approved Variance (VAR-6952) to allow a zero front step back ratio where a 1:1 step back ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive.
	The City Council approved a related request for an Extension of Time (EOT-23838) of a previously approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-23841) of a previously approved Special Use Permit (SUP-6948) for a mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-23836) of a previously approved Site Development Plan Review (SDR-6946) for a mixed-use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements
Related Building Permits/Business Licenses	
There have been no building permits or business licenses issued for the subject site.	
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	5.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mixed-Use Development	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
South	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
East	Casino/Hotel	North Las Vegas	North Las Vegas
West	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)

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 (35 feet)	X		N*
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

* The City Council approved a Special Use Permit (SUP-6947) to allow a 197-foot tall building where 35 feet is the maximum allowed in the Airport Overlay District.

ANALYSIS

This is the second request for an Extension of Time of a previously approved Site Development Plan Review (SDR-6946) for a mixed-use development consisting of two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements on property located adjacent to the west side of Rancho Drive, approximately 190 feet south of Lake Mead Boulevard. Since the approval of the Site Development Plan Review (SUP-6946), the applicant has not made any progress on the proposed project. There have not been any significant changes in land use or new development in the surrounding area.

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-6946) has not met the requirements outlined in Title 19.18.050, as no building permits have been issued for the proposed mixed-use development. The applicant is requesting an extension of time due to the poor economic conditions in Las Vegas. Staff is recommending approval of the extension of time with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review (SDR-6946) 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-35613** APN: 139-19-611-002

Name of Property Owner: O.R Investment Group, LLC

Name of Applicant: O.R Investment Group, LLC

Name of Representative: Arik Moav

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: ARIK MOAV (Agent by POA)

Subscribed and sworn before me

This 13th day of August, 2009

Cheryl Ross

Notary Public in and for said County and State of Clark, NV

Notary Public - State of Nevada
County of Clark
CHERYL ROSS
My Appointment Expires
No: 00-60564-1 February 20, 2012

Humphreys and Partners Architects, L.P.
5350-ALPHA ROAD-DALLAS-TEXAS-75240-972.701 9636

ARCHITECTURAL SITE PLAN

TABULATION

LOT AREA - 5.84 ACRES
SETBACK
FRONT - 20'-0"
LEFT - 20'-0"
RIGHT - 20'-0"
REAR 60'-0

UNIT MIX
33% 1 BDRM - 100 (50 +50)
42% 2 BDRM - 126 (50+26+50)
24% 3 BDRM - 74 (50+24 Penthouses)

RETAIL AREA - 12,548 SF
TOTAL RESIDENTIAL UNITS - 300
DENSITY - 51.36 UNITS/ACRE
BUILDING AREA - 756514 sf
F.A.R. - 3

UNIT TYPE	AREA*	NO
A2	853 SF	50
A3	1124 SF	50
B1	1153 SF	50
B2	1334 SF	26
B3	1471 SF	50
C1	1526 SF	50
Penthouse 1	2020 SF	8
Penthouse 2	2057 SF	8
Penthouse 3	3057 SF	8

TOWER HEIGHT - 196'-2"
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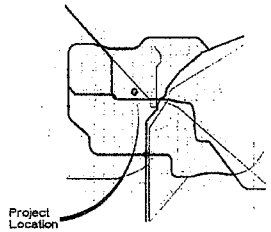
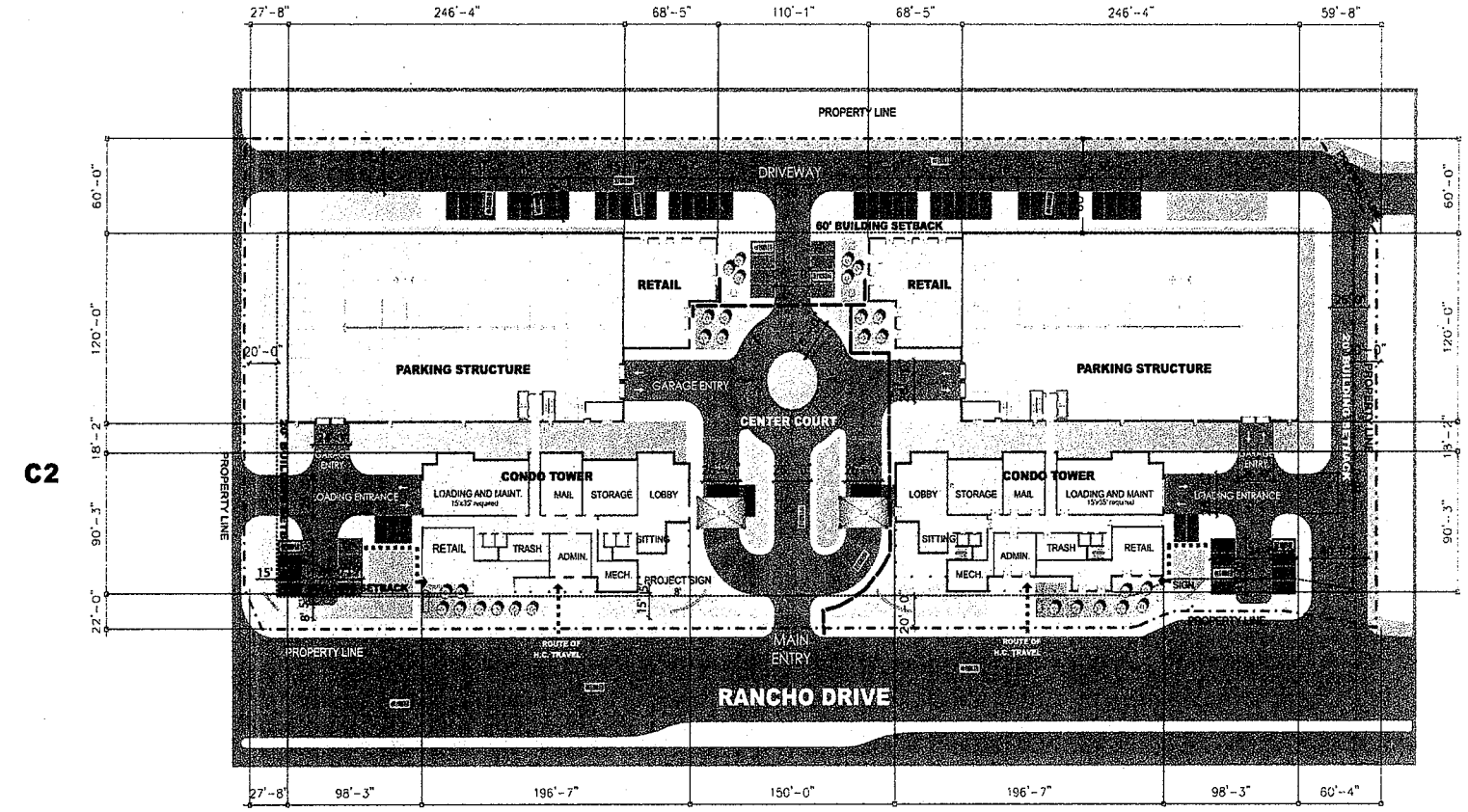


VICINITY MAP

C2



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UNLIMITED HOTEL/CASINO RESORT **EOT-35613** UNLIMITED HOTEL/CASINO RESORT

10-07-09 CC

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SCALE: 1" = 40' - 0"

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PACIFIC TOWERS

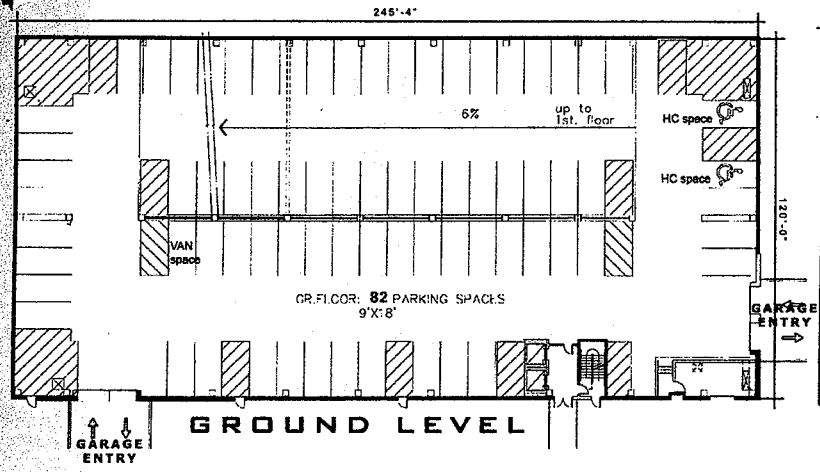
LAS VEGAS, NV.

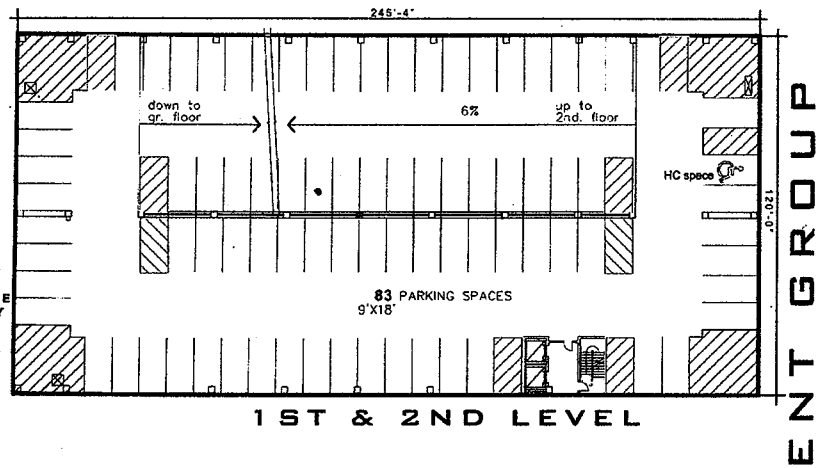
APRIL 27, 2005 HPA #04348

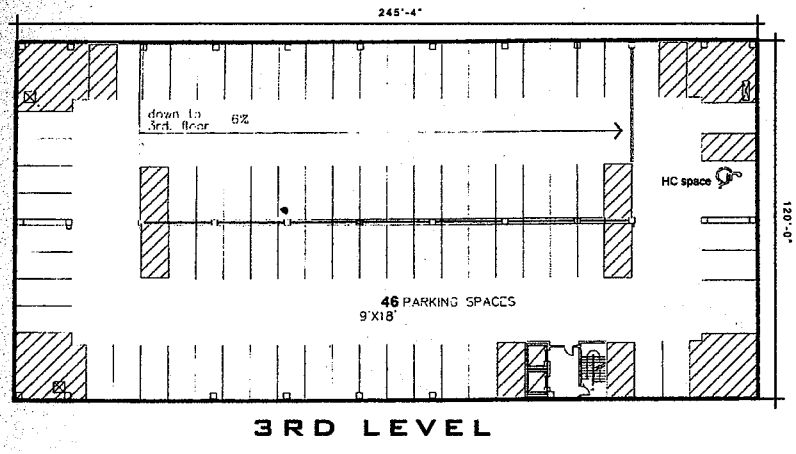
O. R INVESTMENT GROUP

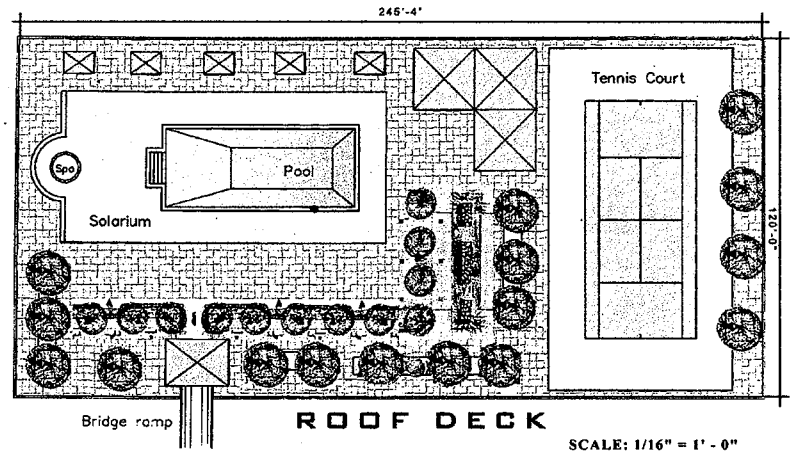
Humphreys and Partners Architects, L.P.
5353-ALPHA ROAD-DALLAS-TEXAS-75240-972.701.9636

GARAGE PLANS









SCALE: 1/16" = 1' - 0"

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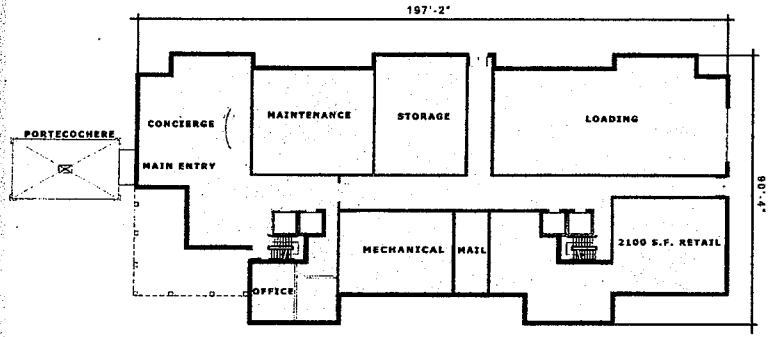
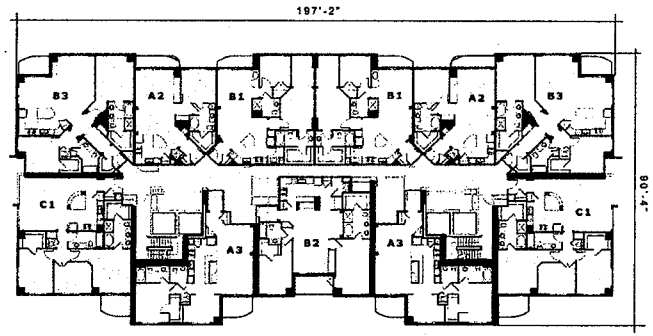
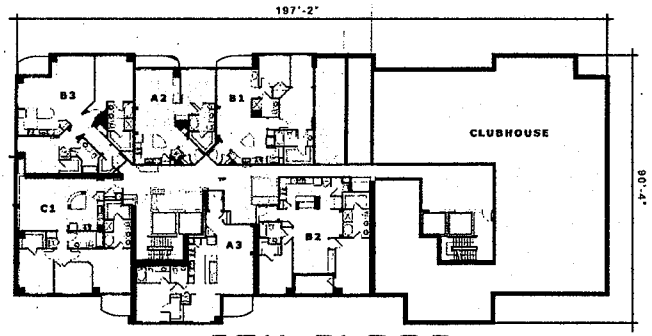
FLOOR PLANS



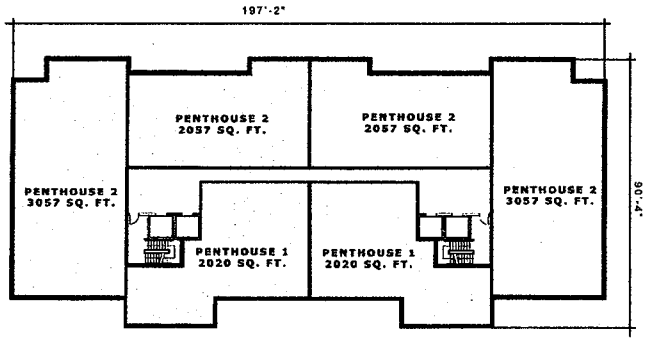
GROUND FLOOR



TYPICAL FLOOR



5TH FLOOR



PENTHOUSE

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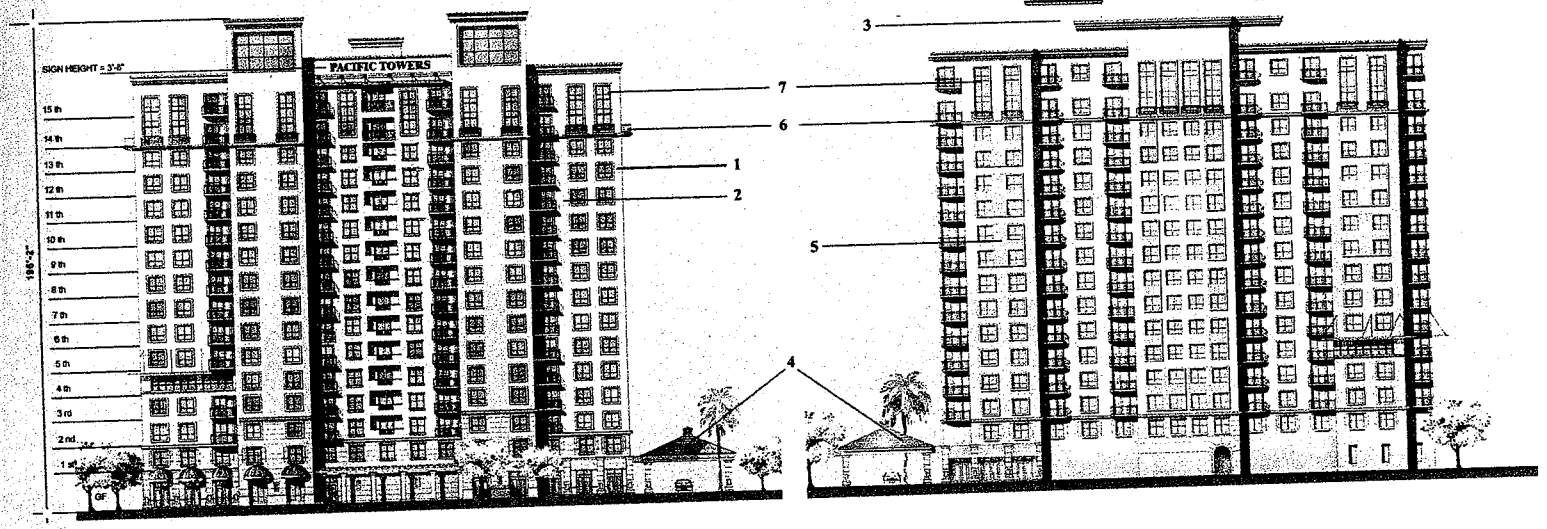
TOWER ELEVATIONS



NORTH-EAST ELEVATION

SOUTH-WEST ELEVATION

SCALE: 1/24" = 1' - 0"

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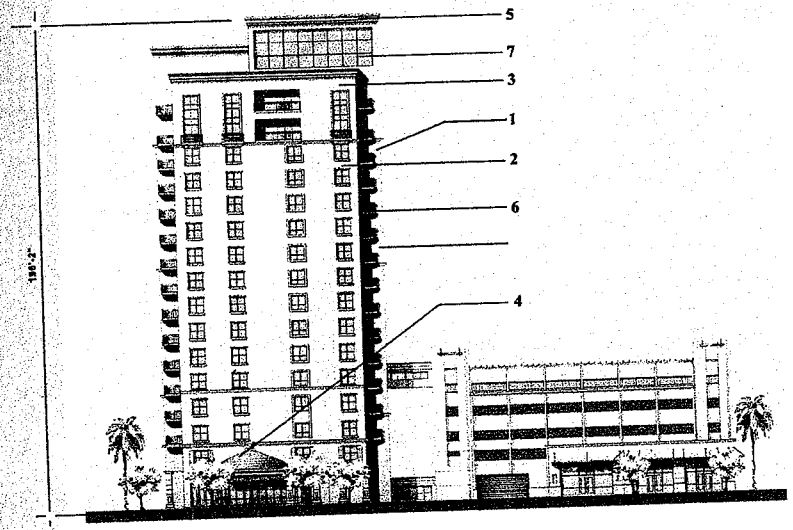
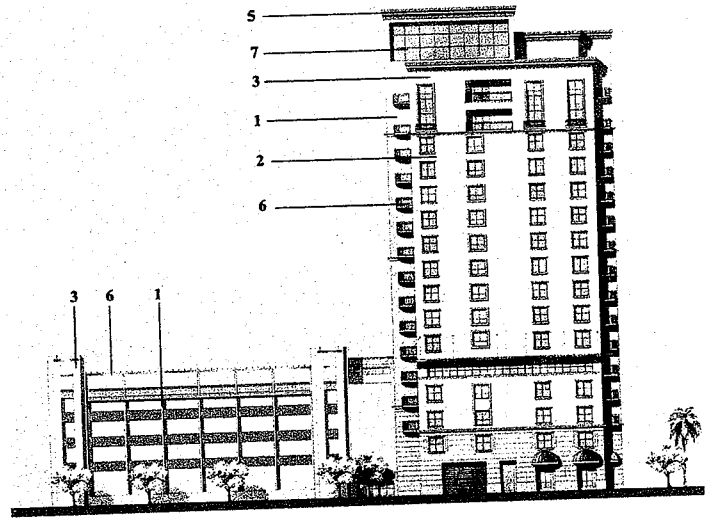
TOWER ELEVATIONS



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

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PACIFIC TOWERS

LAS VEGAS, NV.

APRIL 27.2005 HPA #04340

O. R INVESTMENT GROUP

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August 12, 2009

The Honorable
Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Application / Request for: Extension of Time
SDR 6946 – Site Development Plan Review
Related to VAR -6952, SUP-6947, and SUP-6948

Honorable City Council,

This Applicant, by this letter, the Application/Petition and all required supporting documents respectfully requests an Extension of Time to the August 18, 2005 Approved request for a Site Development Plan Review FOR A MIXED USE DEVELOPMENT INCLUDING; TWO 16-STORY TOWERS WITH A TOTAL OF 300 RESIDENTIAL UNITS AND 12,548 SQUARE FEET OF COMMERCIAL SPACE AND WAIVERS OF THE RESIDENTIAL ADJACENCY STANDARDS AND PREIMETER LANDSCAPING REQUIREMENTS on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. (Extension Approval Letter dated September 21, 2007, attached).

Justifications for Request for Extension of Time

1. Due to the current economic factors, financing for the project is currently not available.

2. The Applicant intends to fulfill its plans to develop the parcel as approved, once the economic environment in Las Vegas improves.

3. There are no perceived changes to the project as previously submitted and extended. The original and approved plans (attached) for the development of this parcel remain the highest and best use of the land with the greatest benefit to the community.

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4. All conditions of the August 18, 2005 APPROVAL are an integral part of the development plan and no changes or requests for changes are anticipated. The development plan continues to be in complete compliance with all of the applicable conditions of the August 18, 2005 Approval.

5. Though no site activity has occurred to date, the development was heavily in the final throes of completing all pre-construction activities (financing approvals, engineering, bidding, pre-marketing, etc.), which was held back due to the sudden economic downturn.

Respectfully submitted,

Reuven Ofry
For Applicant
O. R. Investment Group LLC

EOT-35613
10-07-09 CC

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

August 18, 2005

Mr. Ofry Ruven
OR Investment
2900 South Rancho Drive, Suite #204
Las Vegas, Nevada 89102

RE: SDR-6946 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF AUGUST 17, 2005
RELATED TO VAR-6952, SUP-6947, AND SUP-6948

Dear Mr. Ruven:

The City Council at a regular meeting held August 17, 2005 APPROVED the request for a Site Development Plan Review FOR A MIXED USE DEVELOPMENT INCLUDING; TWO 16-STORY TOWERS WITH A TOTAL OF 300 RESIDENTIAL UNITS AND 12,548 SQUARE FEET OF COMMERCIAL SPACE AND WAIVERS OF THE RESIDENTIAL ADJACENCY STANDARDS AND PERIMETER LANDSCAPING REQUIREMENTS on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive (APN 139-19-611-002), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 18, 2005. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for applications submitted for a Variance (VAR-6952), Special Use Permit (SUP-6947) and a Special Use Permit (SUP-6948).

2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

3. All development shall be in conformance with the site plan date stamped 7/06/05 and building elevations, date stamped 5/31/05, except as amended by conditions herein.

4. A Waiver from the 3:1 residential adjacency standards is hereby approved, to allow a 60- foot set back.

5. A Waiver from the perimeter landscape buffer standards is hereby approved, to allow less than 15 feet along Rancho Drive per the landscape plan date stamped 7/06/05.

EOT-35613
10-07-09 CC

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect a maximum lot coverage of 50% per Title 19.08.

7. The conceptual landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center on the western property line with a minimum of four five-gallon shrubs for each tree within provided planters.

8. A permanent underground sprinkler system shall be installed in all landscape areas as required by the City of Las Vegas and shall be permanently maintained in a satisfactory manner.

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. The landscape plan shall include irrigation specifications.

10. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

11. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum of 22% reflectivity.

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 Municipal Code Section 19.12.050.

14. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials, and shall conform with the requirements listed in Title 19.08. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

15. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize downward-directed lights. 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.

16. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

17. 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.

18. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

19. 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; the connecting sidewalk shall be terminated on-site with a handicap ramp.

20. Provide a copy of a recorded Joint Access Agreement between this site and the following Assessor's Parcel Numbers: 139-19-611-004, 139-19-113-001, and 139-19-612-000 prior to the issuance of any permits.

21. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Rancho Drive right-of-way adjacent to this site prior to the issuance of any permits.

22. 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.

23. 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. This site is within a FEMA Flood Zone "A".

24. No structures shall be permitted within the existing 50-foot Public Drainage Easement located along the eastern perimeter of this site, unless the approved Drainage Plan/Study provides an alternative design that allows for the vacation of portions of said easement that are currently underlying the proposed structures.

25. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

26. Site development to comply with all applicable conditions of approval for Rancho/Lake Mead Commercial Subdivision and all other applicable site-related actions.

Sincerely,

Stacey Campbell

Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Bill Curran
Curran & Parry
300 South Fourth Street, Suite #1201
Las Vegas, Nevada 89101

EOT-35613
10-07-09 CC

City of Las Vegas Agenda Item No.: **103.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

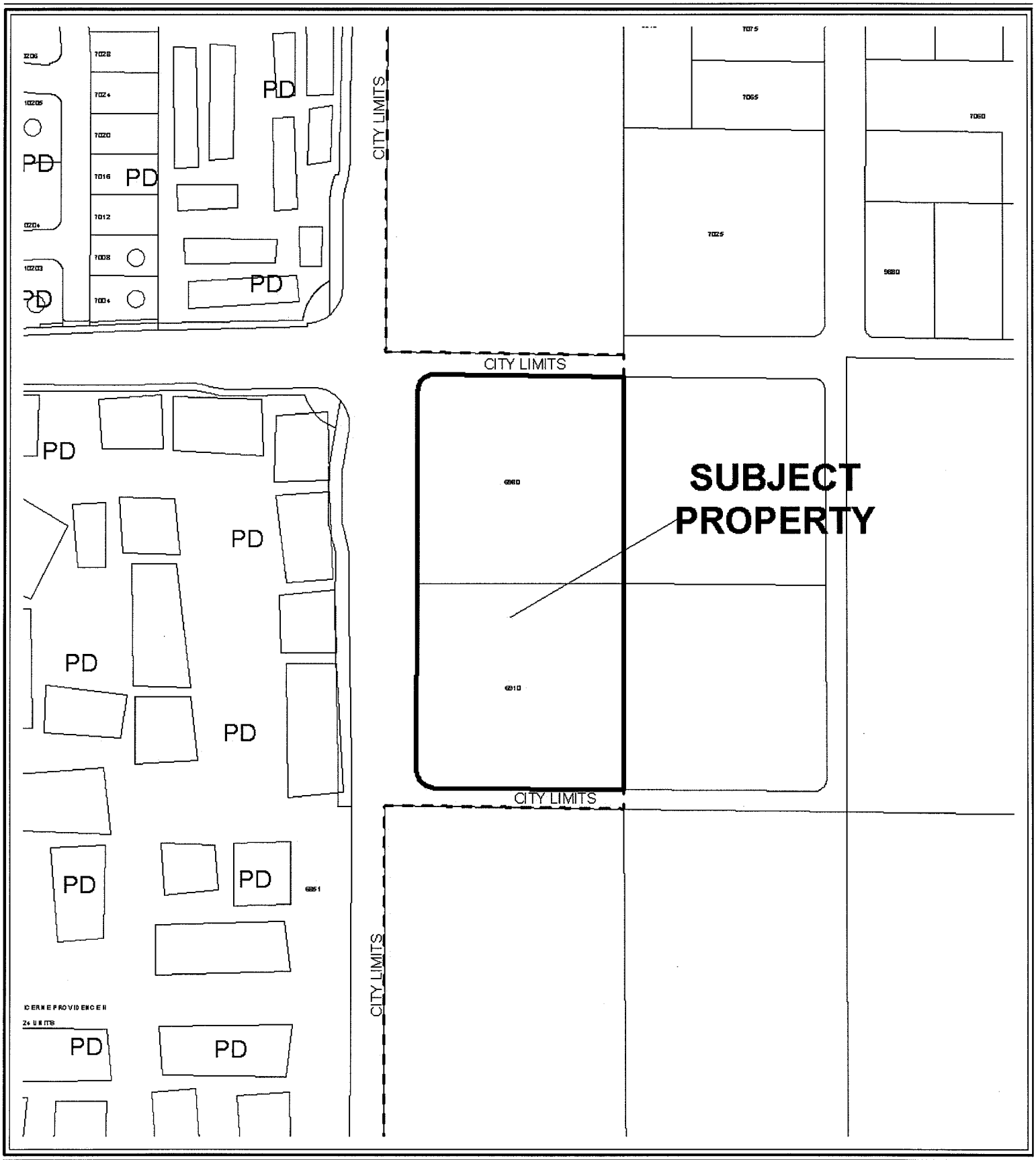
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35680 - EXTENSION OF TIME - WAIVER - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES - Request an Extension of Time of a previously approved Waiver (WVR-22255) of Title 18.12.160 TO ALLOW 210 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre), 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 WVR-22255

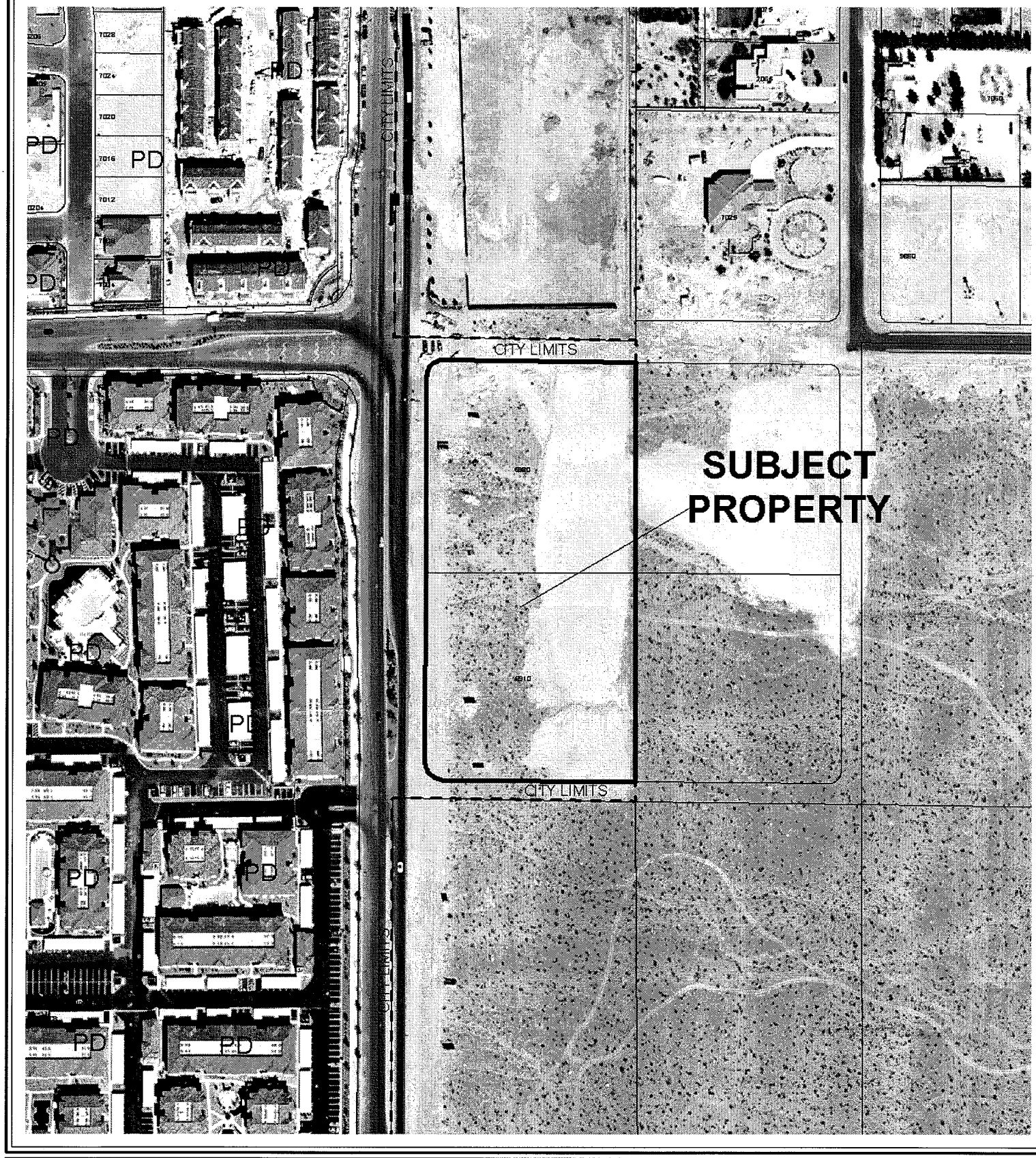


CASE: **EOT-35680**

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

N


SUBJECT PROPERTY
CITY LIMITS
CITY LIMITS
CITY LIMITS
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PD
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City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35680 – EXTENSION OF TIME – WAIVER - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Waiver (WVR-22255) shall expire on January 19, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Waiver (WVR-22255) 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 currently undeveloped with a previously approved Waiver to Title 18.12.160 to allow 210 feet between street intersections where 220 feet is the minimum distance separation required for a single-family residential development. The project is located adjacent to the northeast corner of Hualapai Way and Haley Avenue on 5.35 acres. The applicant received approval for a Tentative Map (TMP-24461) for the residential development on 10/25/07, but as of yet has not submitted a Final Map for review. No building permits or Code Enforcement cases have been processed for the proposed development. The applicant is requesting an extension of time to allow the housing market in Las Vegas to recover. The Department of Public Works has no objection to the extension of time; therefore, staff is recommending approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/04/04	The City Council approved a request for a Petition to Annex (ANX-4451) property located on the southeast corner of Hualapai Way and Dorrell Lane containing approximately 5.0 acres with an effective date of 08/13/04. The Planning Commission recommended approval on 06/24/04.
01/19/05	The City Council approved a request for Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission recommended approval on 12/16/04.
01/19/05	The City Council approved a request for a Site Development Plan Review (SDR-4626) for a 19-lot single-family residential development on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission recommended approval on 12/16/04.
	The City Council approved a request for a related Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single-family development on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission recommended approval on 12/16/04.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
04/06/05	The City Council approved a request for a Waiver (WVR-6035) of Title 18.12.160 to allow 209 feet between street intersections where 220 feet is the minimum distance separation required for a single-family residential development on 5.35 acres adjacent to the southeast corner of Dorrell lane and Hualapai Way. The Planning Commission recommended approval on 03/10/05.
06/09/05	The Planning Commission approved a request for a Tentative Map (TMP-6601) for a 19-lot single-family residential subdivision on 5.35 acres on the southeast corner of Hualapai Way and Dorrell Lane.
09/07/05	The City Council approved a request for a Petition to Vacate (VAC-7657) U.S. Government Patent Easements generally located on Hualapai Way between Dorrell Lane and Haley Avenue. The Planning Commission recommended approval on 08/11/05.
02/07/07	The City Council approved a request for an Extension of Time (EOT-18952) of a previously approved Site Development Plan Review (SDR-4626) that allowed a 19-lot single-family residential development on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane.
	The City Council approved a related request for an Extension of Time (EOT-18954) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required.
	The City Council approved a related request for an Extension of Time (EOT-18955) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre).
04/03/07	The Planning and Development Department and Department of Public Works approved a request for a Final Map Technical Review (FMP-20340) for a 19-lot single-family residential development adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The map was not recorded.
09/05/07	The City Council approved a request for a Major Amendment (SDR-22253) to a previously approved Site Development Plan Review (SDR-4626) for a 19-lot single-family residential development with access to Haley Avenue instead of Dorrell Lane located adjacent to the northeast corner of Hualapai Way and Haley Avenue. The Planning Commission recommended approval on 08/09/07.
	The City Council approved a related request for the subject Waiver (WVR-22255) of Title 18.12.160 to allow 210 feet between street intersections where 220 feet is the minimum distance separation required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/25/07	The Planning Commission approved a request for a Tentative Map (TMP-24461) for a 19-lot single-family residential development at the southeast corner of Hualapai Way and Dorrell Lane.
02/04/09	The City Council approved a request for an Extension of Time (EOT-32752) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane.
	The City council approved a related request for an Extension of Time (EOT-32753) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required.
Related Building Permits/Business Licenses	
The only permits issued for the subject site are for signs advertising the housing 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	5.35

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped Land-Proposed Single-Family Residential Development	R (Rural Density Residential)	U(Undeveloped) [R (Rural Density Residential) General Plan designation] with a Resolution of Intent to R-PD3 (Residential Planned Development-3 Units per Acre)
North	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County
South	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County
East	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
West	Apartments	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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Waiver (WVR-22255) to Title 18.12.160 to allow 210 feet between street intersections where 220 feet is the minimum distance separation required for a single-family residential development on 5.35 acres located adjacent to the northeast corner of Hualapai Way and Haley Avenue. Since the approval of the Waiver (WVR-22255), the applicant has received approval for a Tentative Map (TMP-24461), which will expire on 10/25/09. There have not been any significant changes in land use or new development in the surrounding areas.

FINDINGS

The applicant is requesting an extension of time to allow the housing market in Las Vegas to recover. The Department of Public Works has no objection on the request for the extension of time of the Waiver (WVR-22255) as long as all previously imposed conditions of approval and other subsequent site-related actions are ultimately complied with.

Staff recommends approval of this request with an expiration date of January 19, 2011 to align with the previously approved Rezoning (ZON-4623). Conformance to the conditions of approval of the Waiver (WVR-22255) 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

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35680** APN: 125-19-201-001 & 003

Name of Property Owner: Day Star Ventures L.L.C.

Name of Applicant: Wagner Homes

Name of Representative: Paul Wagner

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: Paul Wagner

Subscribed and sworn before me

This 18th day of August, 2009

Kathleen Dancho

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN DANCHO
Appt. No. 96-3704-1
My Appt. Expires Aug. 3, 2012

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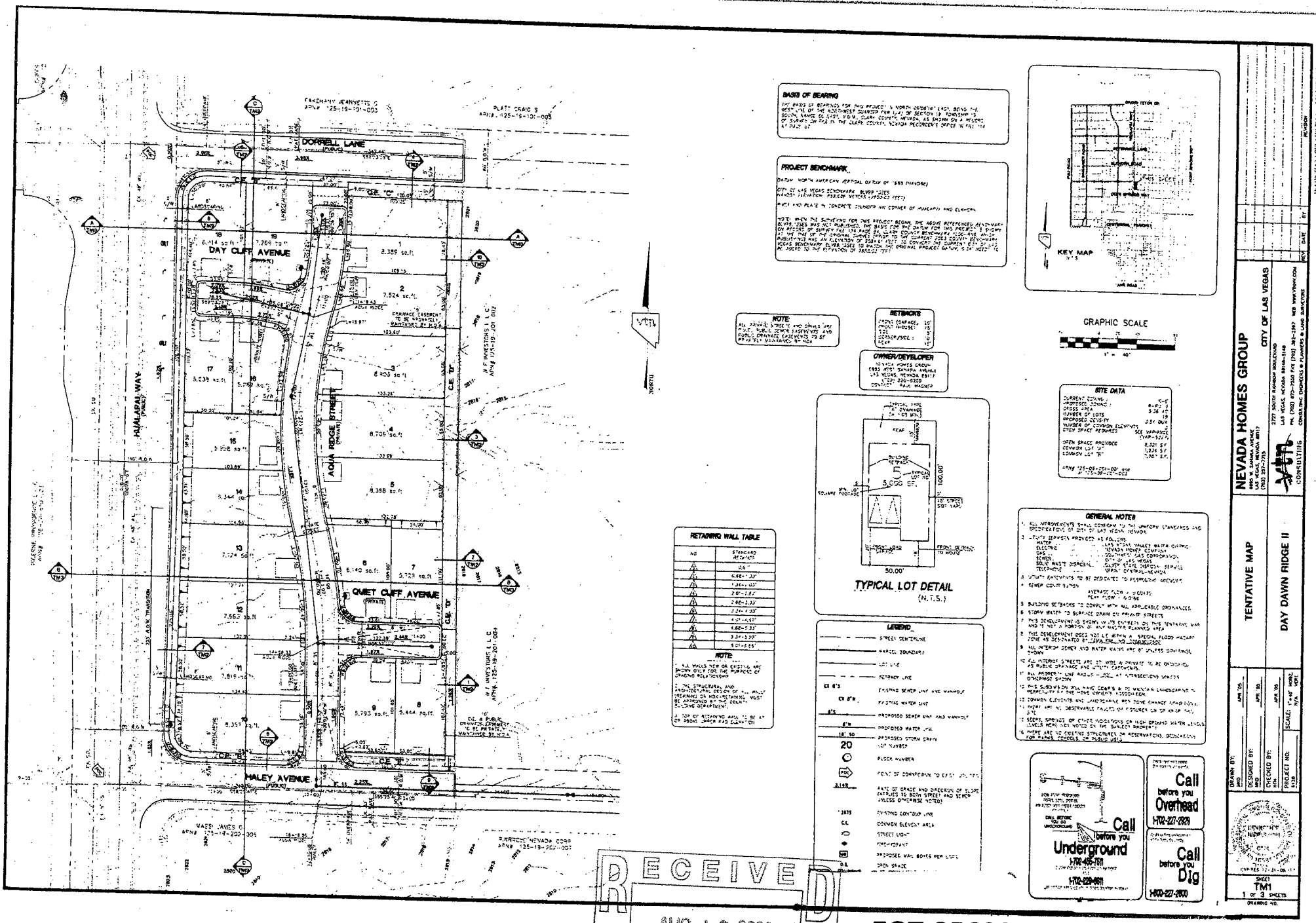

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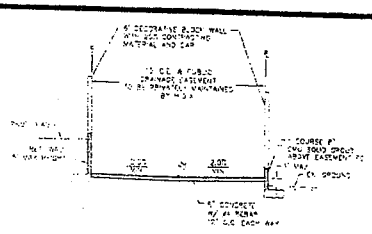
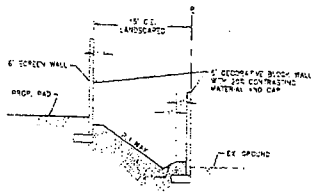
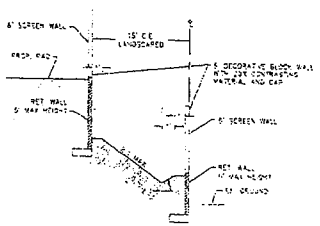
EOT-35680
10-07-09 CC



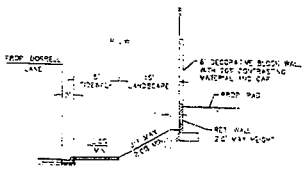
DRAINAGE EASEMENT 1



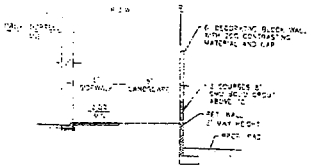
DRAINAGE EASEMENT 2



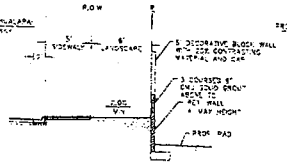
DRAINAGE EASEMENT 3



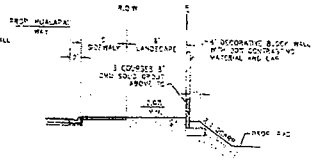
RETAINING WALL 4



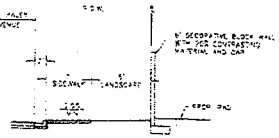
RET. WALL WALL 5



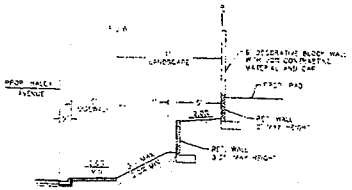
RETAINING WALL 6



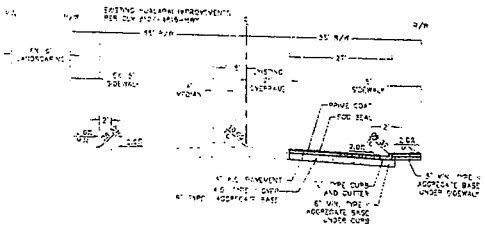
RETAINING WALL 7



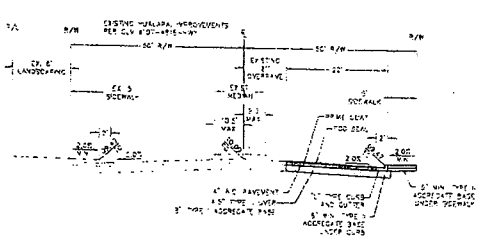
BLOCK WALL 8



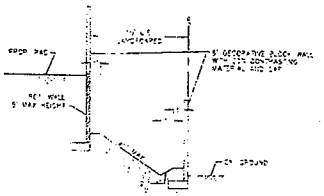
STEP RETAINING WALL 9



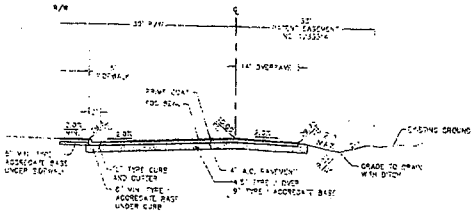
110' R.O.W. HUALAPAI WAY



100' R.O.W. HUALAPAI WAY

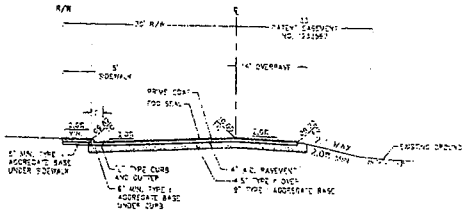


EAST BOUNDARY WALL 10



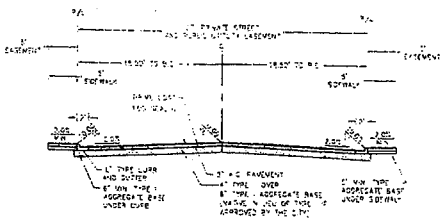
DORRELL LANE

N.T.S. PER STD DWG 209



HALEY AVENUE

N.T.S. PER STD DWG 209



37' PRIVATE STREET SECTION (INTERIOR)

N.T.S.

NEVADA HOMES GROUP
9960 S. SAHARA AVENUE
LAS VEGAS, NEVADA 89117
(702) 257-7710

CITY OF LAS VEGAS

2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5149
PH. (702) 873-7500 FAX (702) 362-2987 WEB WWW.CHMV.COM
CONSULTING ENGINEERS & PLANNERS & LAND SURVEYORS

CHM CONSULTING

TENTATIVE MAP

DAY DAWN RIDGE II

APN 125-31-610-005

DRAWN BY: MID
DESIGNED BY: MID
CHECKED BY: STH
PROJECT NO: 4336
SCALE: N/A
SHEET: TM2
2 OF 3 SHEETS
DRAWING NO.

REVISION | DATE | BY

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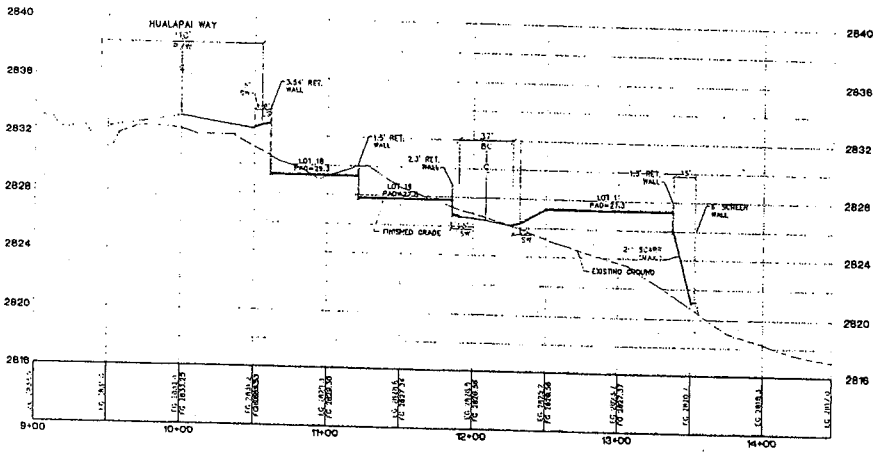
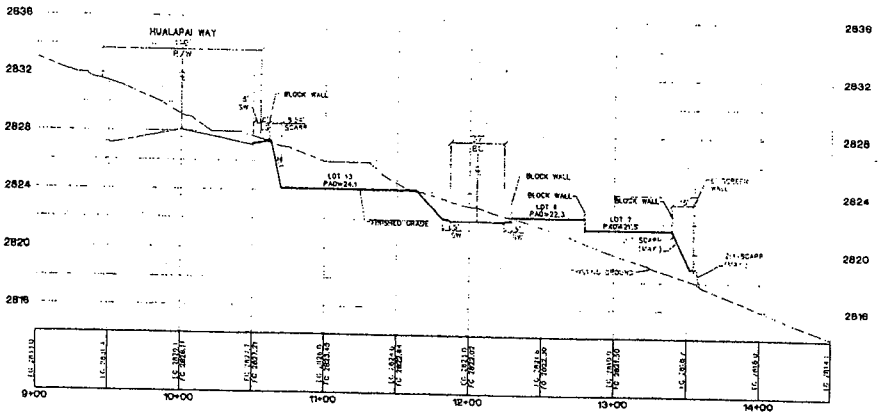
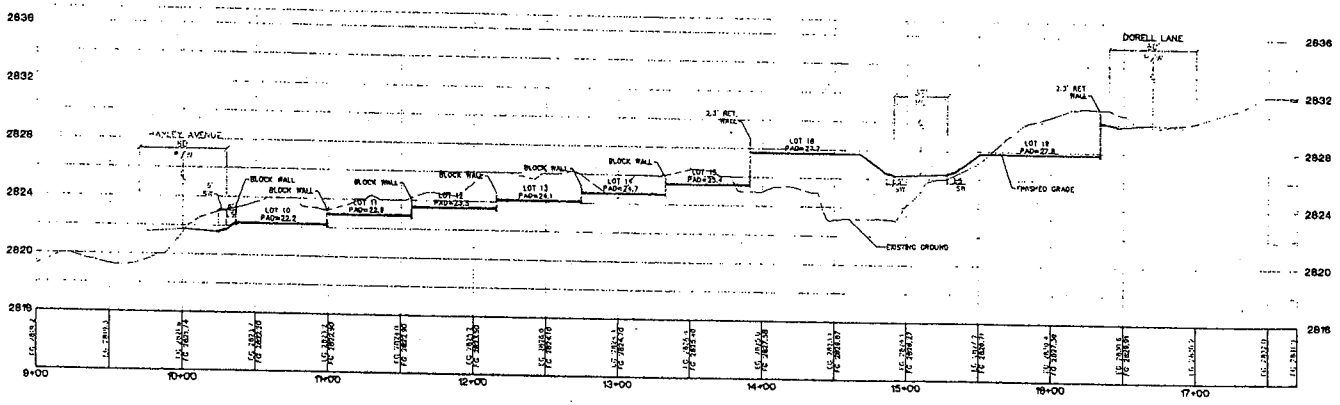
CROSS SECTION A



CROSS SECTION B



CROSS SECTION C



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CITY OF LAS VEGAS

3727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148
PH. (702) 873-7500 FAX (702) 362-2699 WEB WWW.VTNNV.COM
CONSULTING ENGINEERS & PLANNERS & LAND SURVEYORS

REVISION | DATE | BY

TENTATIVE MAP
CROSS SECTIONS

DAY DAWN RIDGE II

DRAWN BY: RM | APR '09
DESIGNED BY: MMS | APR '09
CHECKED BY: GDV | APR '09
PROJECT NO. 5.2.3 | SCALE: 1"=40' HORIZ. 1"=4' VERT.

EXPIRES 12-31-09

SHEET TM3
3 OF 3 SHEETS
DRAWING NO.

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SERVICES SINCE 1960

August 19, 2009
W.O. 6438

City of Las Vegas Planning & Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Day Dawn Ridge - Extension of Time for Waiver - WVR-22255

On behalf of our client, Wagner Homes, VTN Nevada respectfully submits this letter and application for a 2 year Extension of Time for the above Waiver.

An extension of time is requested to allow time for the housing market to recover. The product proposed for this site is the same product that is being offering in the existing subdivisions that Wagner homes is currently selling. The existing subdivisions will need to be nearly sold out prior to offering this product on a new site so Wagner Homes will not be competing against themselves.

This site will be developed as a single family residential subdivision located at the corner of Hualapai Way and Dorrell Lane. Extension of time application is also being filed on related SDR-22253 for this project.

We appreciate your consideration of this application. Should you have any questions please do not hesitate to contact me.

Sincerely,

VTN NEVADA

Kathy Dancho

Kathy Dancho
Process Coordinator

EOT-35680
10-07-09 CC

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TEL. (702) 873-7550 FAX: 362-2597

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

September 7, 2007

Mr. Paul Wagner
Day Star Ventures LLC
6985 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

RE: WVR-22255 - WAIVER
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007
RELATED TO SDR-22253

Dear Mr. Wagner:

The City Council at a regular meeting held September 5, 2007 APPROVED the request for a Waiver of Title 18.12.160 TO ALLOW 210 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre). The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Rezoning (ZON-4623), and Site Development Plan Review (SDR-4626) and (SDR-22253) 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.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

EOT-35680
10-07-09 CC

cc: See Attached List

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PLANNING & DEVELOPMENT

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Paul Wagner
Wagner Homes
6985 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

Mr. Jeffrey Armstrong
VTN Nevada
2727 South Rainbow Boulevard
Las Vegas, Nevada 89146

EOT-35680
10-07-09 CC

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

City of Las Vegas Agenda Item No.: **104.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

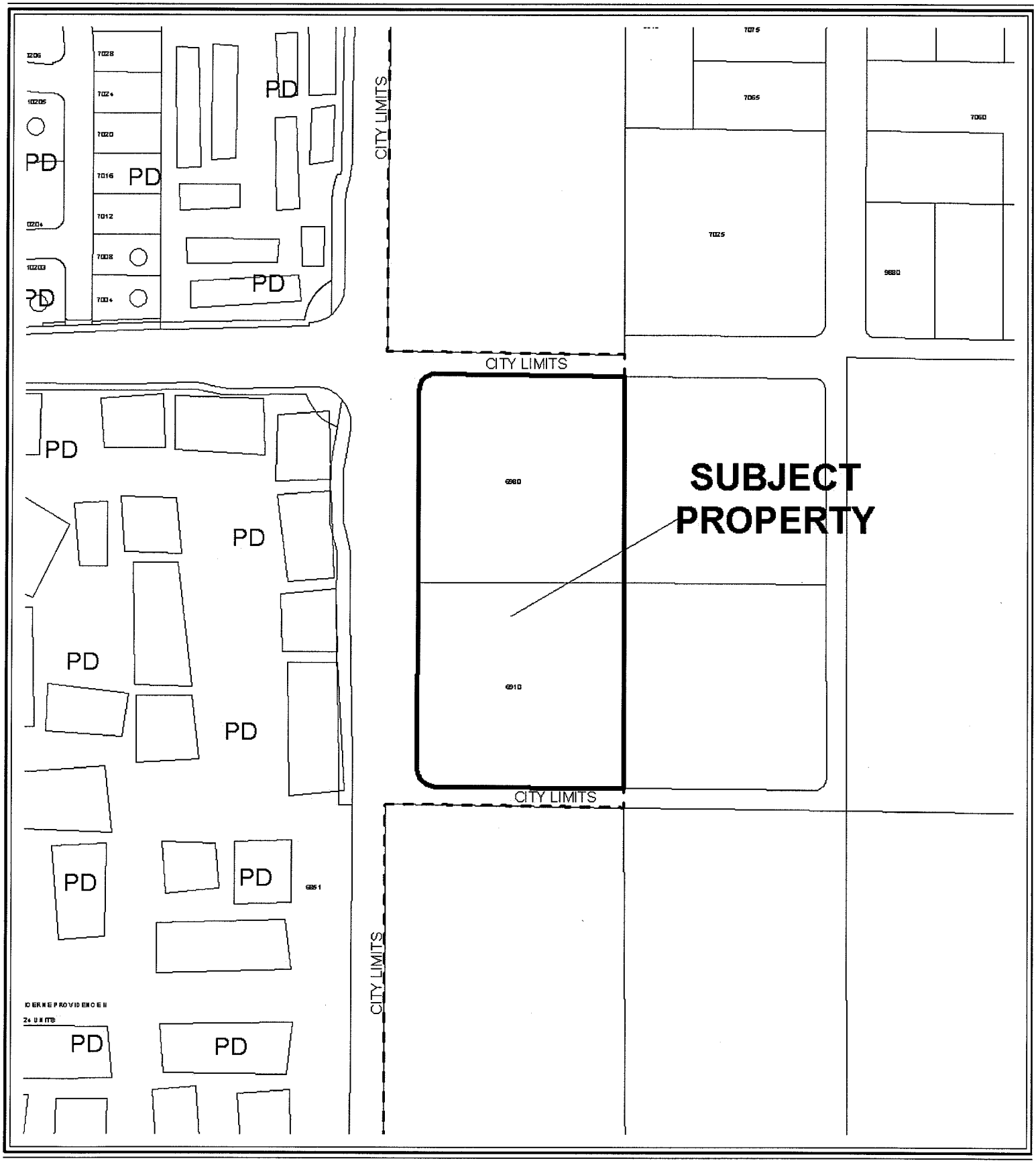
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35681 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES, LLC - Request an Extension of Time of a previously approved Site Development Plan Review (SDR-22253) FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH ACCESS TO HALEY AVENUE INSTEAD OF DORRELL LANE on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre), 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 SDR-22253

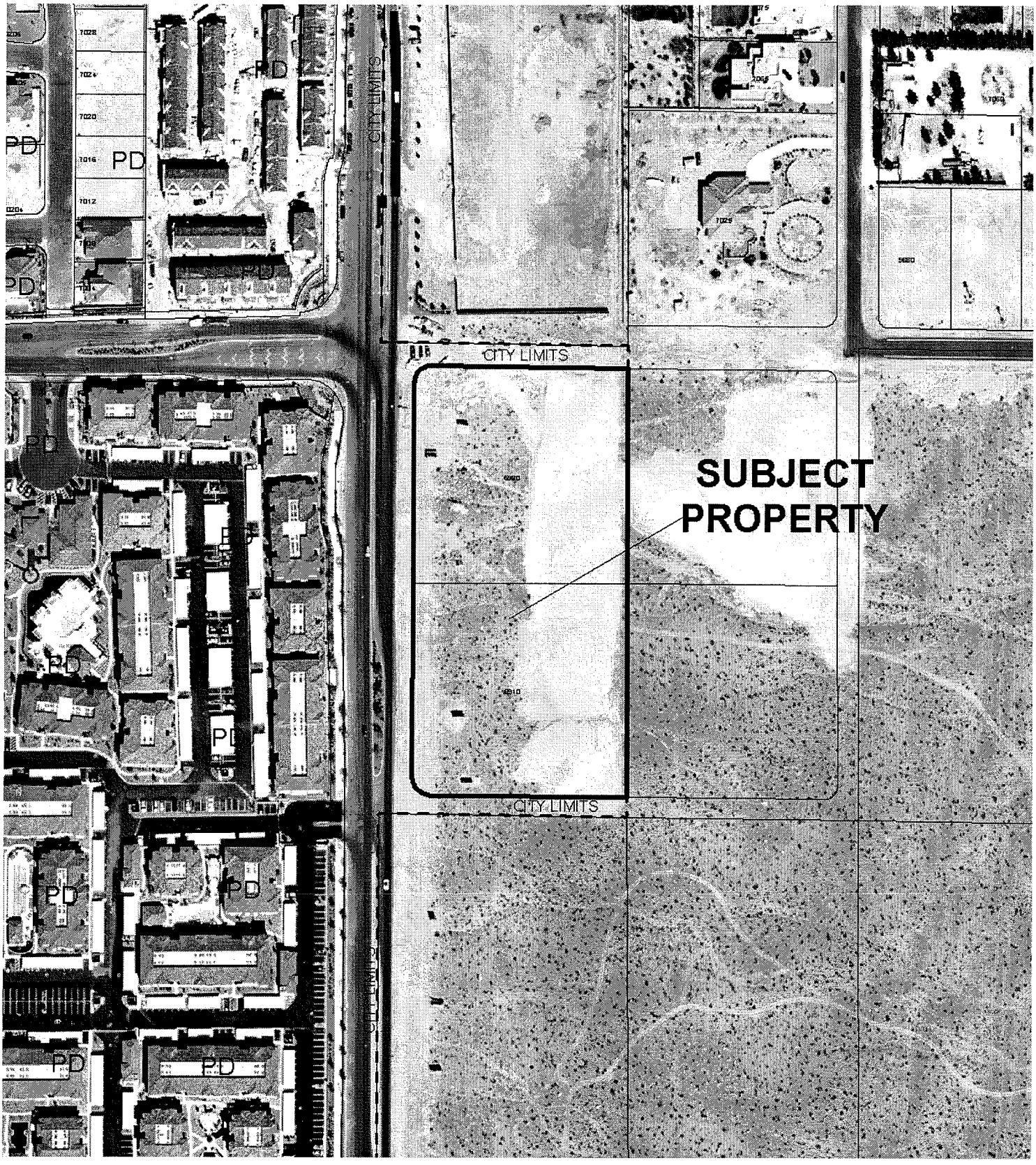


CASE: **EOT-35681**

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

N



CASE: **EOT-35681**

0 300 600 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35681 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW - APPLICANT: WAGNER HOMES - OWNER: DAY STAR VENTURES LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-22253) shall expire on January 19, 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-22253) 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 currently undeveloped with a previously approved Site Development Plan Review (SDR-22253) for a 19-lot single-family residential development with access to Haley Avenue instead of Dorrell Lane. The project is located adjacent to the northeast corner of Hualapai Way and Haley Avenue on 5.35 acres. The applicant received approval for a Tentative Map (TMP-24461) for the residential development on 10/25/07, but as of yet has not submitted a Final Map for review. No building permits or Code Enforcement cases have been processed for the proposed development. The applicant is requesting an extension of time to allow the housing market in Las Vegas to recover. Staff is recommending approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/04/04	The City Council approved a request for a Petition to Annex (ANX-4451) property located on the southeast corner of Hualapai Way and Dorrell Lane containing approximately 5.0 acres with an effective date of 08/13/04. The Planning Commission recommended approval on 06/24/04.
01/19/05	The City Council approved a request for Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission recommended approval on 12/16/04.
	The City Council approved a related request for a Site Development Plan Review (SDR-4626) for a 19-lot single-family residential development.
	The City Council approved a related request for a Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required.
04/06/05	The City Council approved a request for a Waiver (WVR-6035) of Title 18.12.160 to allow 209 feet between street intersections where 220 feet is the minimum distance separation required for a single-family residential development on 5.35 acres adjacent to the southeast corner of Dorrell Lane and Hualapai Way. The Planning Commission recommended approval on 03/10/05.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/09/05	The Planning Commission approved a request for a Tentative Map (TMP-6601) for a 19-lot single-family residential subdivision on 5.35 acres on the southeast corner of Hualapai Way and Dorrell Lane.
09/07/05	The City Council approved a request for a Petition to Vacate (VAC-7657) U.S. Government Patent Easements generally located on Hualapai Way between Dorrell Lane and Haley Avenue. The Planning Commission recommended approval on 08/11/05.
02/07/07	The City Council approved a request for an Extension of Time (EOT-18955) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane.
	The City Council approved a related request for an Extension of Time (EOT-18952) of a previously approved Site Development Plan Review (SDR-4626) that allowed a 19-lot single-family residential development.
	The City Council approved a related request for an Extension of Time (EOT-18954) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required.
04/03/07	The Planning and Development Department and Department of Public Works approved a request for a Final Map Technical Review (FMP-20340) for a 19-lot single-family residential development adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The map was not recorded.
09/05/07	The City Council approved a request for a Major Amendment (SDR-22253) to a previously approved Site Development Plan Review (SDR-4626) for a 19-lot single-family residential development with access to Haley Avenue instead of Dorrell Lane located adjacent to the northeast corner of Hualapai Way and Haley Avenue. The Planning Commission recommended approval on 08/09/07.
	The City Council approved a related request for the subject Waiver (WVR-22255) of Title 18.12.160 to allow 210 feet between street intersections where 220 feet is the minimum distance separation required.
10/25/07	The Planning Commission approved a request for a Tentative Map (TMP-24461) for a 19-lot single-family residential development at the southeast corner of Hualapai Way and Dorrell Lane.
02/04/09	The City Council approved a request for an Extension of Time (EOT-32752) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development – 3 Units per Acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane.
	The City council approved a related request for an Extension of Time (EOT-32753) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required.
Related Building Permits/Business Licenses	
The only permits issued for the subject site are for signs advertising the housing 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	5.35

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed Single-Family Residential Development	R (Rural Density Residential)	U(Undeveloped) [R (Rural Density Residential) General Plan designation] with a Resolution of Intent to R-PD3 (Residential Planned Development- 3 Units per Acre)
North	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County
South	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County
East	Undeveloped Land	RL (Residential Low)- Clark County	R-E (Rural Estates Residential)- Clark County
West	Apartments	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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22253) for a 19-lot single-family residential development with access to Haley Avenue instead of Dorrell Lane on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue. Since the approval of the Site Development Plan Review (SDR-22253), the applicant has received approval for a Tentative Map (TMP-24461), but as of yet has not submitted a Final Map for review. There have not been any significant changes in land use or new development in the surrounding areas.

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-22253) has not met the requirements outlined in Title 19.18.050 to exercise the entitlement as no building permits have been issued for the principal structure. The applicant is requesting an extension of time to allow the housing market in Las Vegas time to recover. Staff is recommending approval of this request with an expiration date of January 19, 2011 to align with the previously approved Rezoning (ZON-4623). Conformance to the conditions of approval of the Site Development Plan Review (SDR-22253) 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-35681** APN: 125-19-201-001 & 003

Name of Property Owner: Day Star Ventures L.L.C.

Name of Applicant: Wagner Homes

Name of Representative: Paul Wagner

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: Paul Wagner

Subscribed and sworn before me

This 18th day of August, 2009

Kathleen Dancho

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KATHLEEN DANCHO
Appt. No. 96-3704-1
My Appt. Expires Aug. 3, 2012

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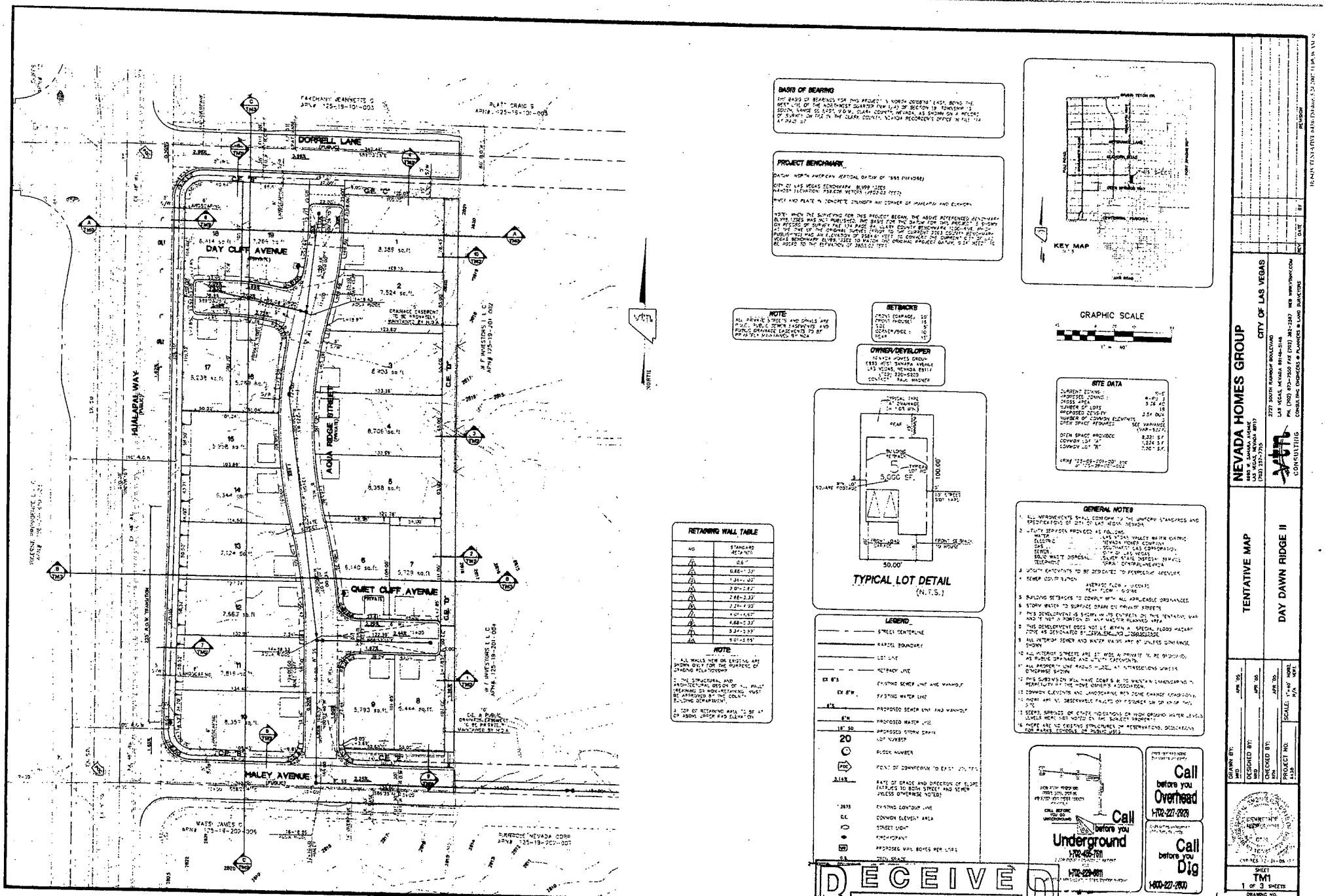

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EOT-35681

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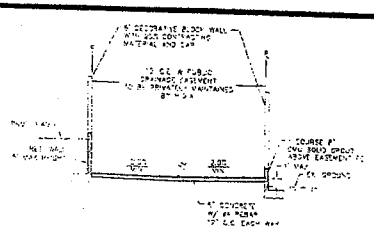
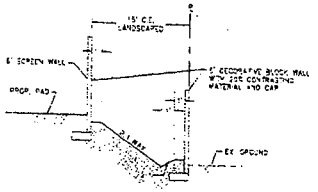
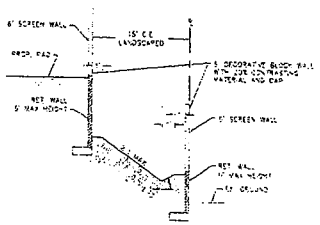


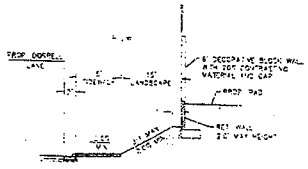
DRAINAGE EASEMENT 1



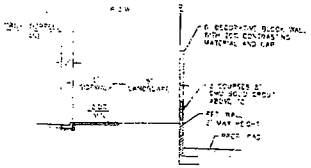
DRAINAGE EASEMENT 2



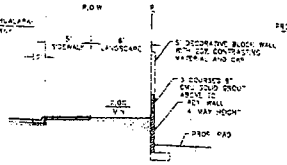
DRAINAGE EASEMENT 3



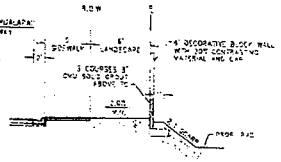
RETAINING WALL 4



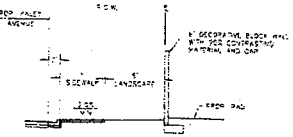
RET. WALL WALL 5



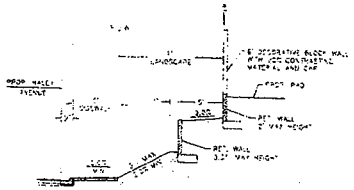
RETAINING WALL 6



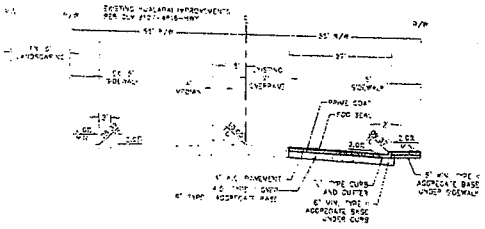
RETAINING WALL 7



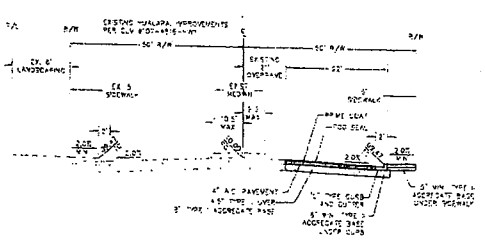
BLOCK WALL 8



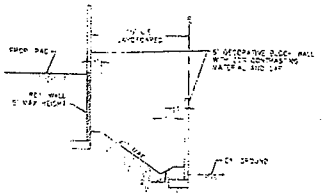
STEP RETAINING WALL 9



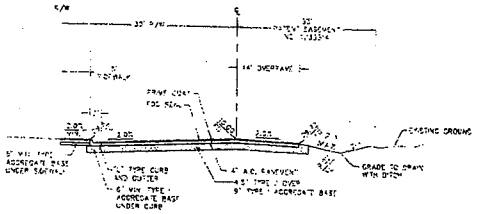
110' R.O.W. HUALAPAI WAY



100' R.O.W. HUALAPAI WAY

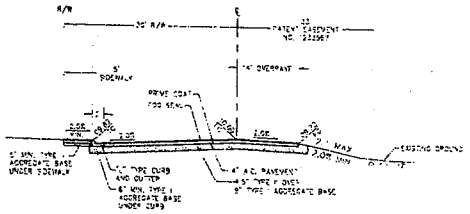


EAST BOUNDARY WALL 10



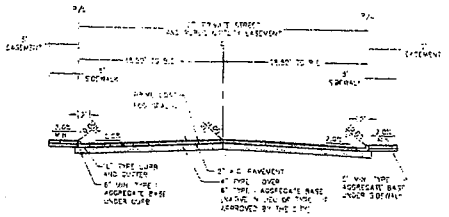
DORRELL LANE

N.T.S. PER STD DWG 206



HALEY AVENUE

N.T.S. PER STD DWG 206



37' PRIVATE STREET SECTION (INTERIOR)

N.T.S.

NEVADA HOMES GROUP
8950 W. SAHARA AVENUE
LAS VEGAS, NEVADA 89117
(702) 255-7715

CITY OF LAS VEGAS

TENTATIVE MAP

DAY DAWN RIDGE II

2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5149
PH. (702) 873-7500 FAX (702) 362-2987 WEB WWW.KNVV.COM
CONSULTING ENGINEERS ■ PLANNERS ■ LAND SURVEYORS

KNV CONSULTING

REVISION	BY	DATE

DRAWN BY: MKD — APR '09
DESIGNED BY: MKD — APR '09
CHECKED BY: MTM — APR '09
PROJECT NO. 4530 — SCALE: N/A — HORIZ. N/A

EXPIRES 12-31-09

SHEET TM2 OF 3 SHEETS
DRAWING NO.

H:\KNV TENTATIVE MAPS\DAYDAWN_2-24-2009 11:18:51 AM.dwg

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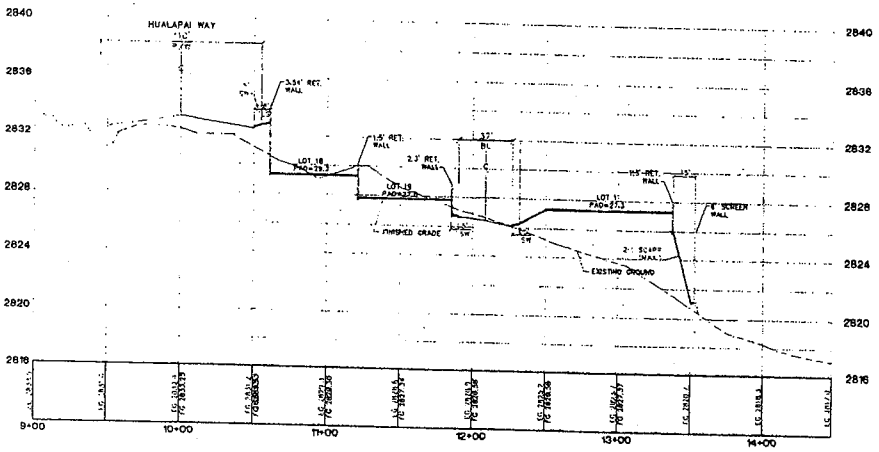
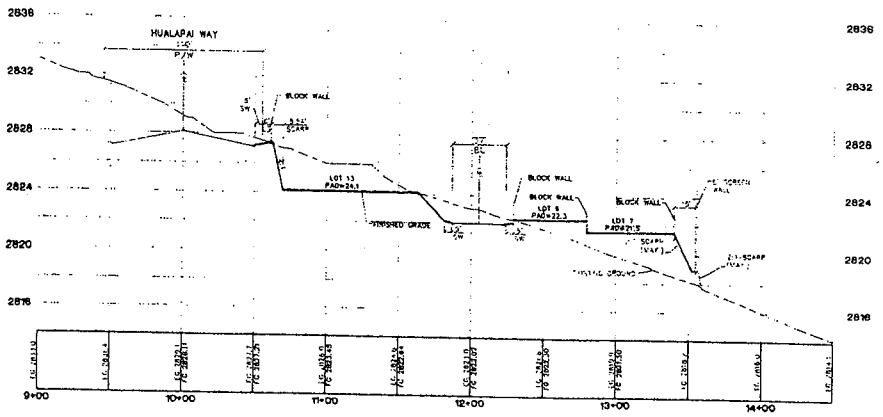
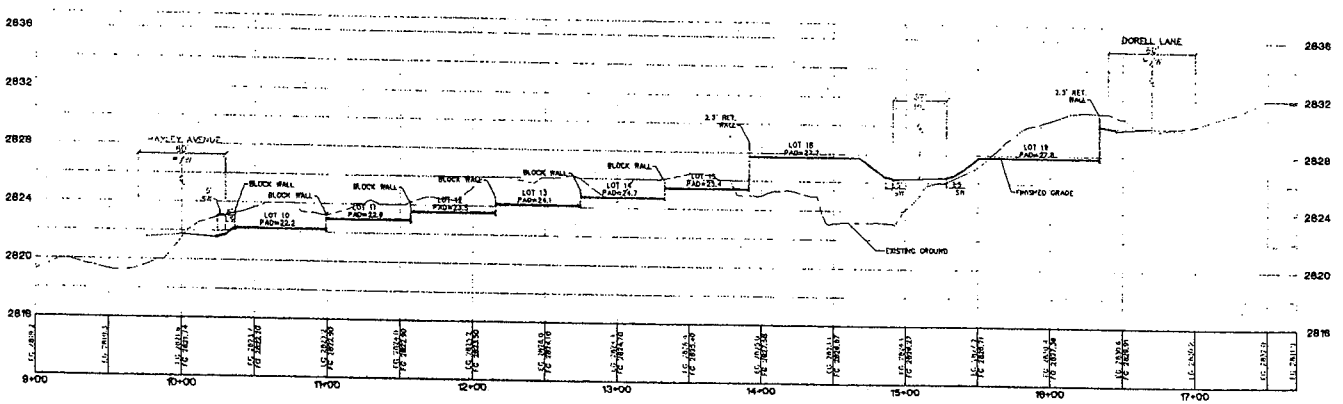
CROSS SECTION A



CROSS SECTION B



CROSS SECTION C



NEVADA HOMES GROUP
CITY OF LAS VEGAS

TENTATIVE MAP
CROSS SECTIONS

DAY DAWN RIDGE II

SHEET
TM3
3 OF 3 SHEETS
DRAWING NO.

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VTN nevada
CONSULTING ENGINEERS • PLANNERS • SURVEYORS
PROVIDING QUALITY PROFESSIONAL
SERVICES SINCE 1960

August 19, 2009
W.O. 6438

City of Las Vegas Planning & Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Day Dawn Ridge - Extension of Time for Site Development Plan Review
SDR-22253

On behalf of our client, Wagner Homes, VTN Nevada respectfully submits this letter and application for a 2 year Extension of Time for the above Site Development Plan Review.

An extension of time is requested to allow time for the housing market to recover. The product proposed for this site is the same product that is being offering in the existing subdivisions that Wagner homes is currently selling. The existing subdivisions will need to be nearly sold out prior to offering this product on a new site so Wagner Homes will not be competing against themselves.

This site will be developed as a single family residential subdivision located at the corner of Hualapai Way and Dorrell Lane. Extension of time application is also being filed on related WVR-22255 for this project.

We appreciate your consideration of this application. Should you have any questions please do not hesitate to contact me.

Sincerely,

VTN NEVADA

Kathy Dancho

Kathy Dancho
Process Coordinator

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2727 SOUTH RAINBOW BOULEVARD LAS VEGAS, NEVADA 89146-5148
TEL. (702) 873-7550 FAX: 362-2597

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

September 7, 2007

Mr. Paul Wagner
Day Star Ventures LLC
6985 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

RE. SDR-22253 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007
RELATED TO WVR-22255

Dear Mr. Wagner:

The City Council at a regular meeting held September 5, 2007 APPROVED the request for a Major Amendment to an approved Site Development Plan Review (SDR-4626) FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITH ACCESS TO HALEY AVENUE INSTEAD OF DORRELL LANE on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue (APNs 125-19-201-001 and 003), U (Undeveloped Zone [R (Rural Density Residential) General Plan Designation] under a Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre). The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Rezoning (ZON-4623), Site Development Plan Review (SDR-4626) and Waiver (WVR-22255), 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, landscape plan, and building elevations, date stamped May 29, 2007, except as amended by conditions herein.

4 A Waiver from 18.12.160 is hereby approved, to allow 210 feet between street intersections where 220 feet is the minimum distance separation required.

5. The standards for this development shall include a Minimum lot size of 5,200 square feet and Building height shall not exceed two stories or 35 feet, whichever is less

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6. The setbacks for this development shall be a minimum of 18 feet to the front of the house, 20 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 15 feet in the rear.

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. Air conditioning units shall not be mounted on rooftops.

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 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.

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 Install a crash gate at the north end of Aqua Ridge Street.

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16. The onsite street shall be labeled as a private street, be designated as a common lot and shall be labeled as a private street, public utility easement (P.U.E.), public sewer easement and public drainage easement to be privately maintained by the Homeowners' Association on the Final Map for this site.

17. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development All private improvements and landscaping 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.

18. Landscape and maintain all unimproved rights-of-way, if any, on adjacent to this site.

19. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.

20. Site development to comply with all applicable conditions of approval for ZON-4623, WVR-22255, and all other applicable site-related actions.

21. 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. Approval of this Site Development Plan does not constitute approval of any deviations.

22. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

Sincerely,

Lean Coleman

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

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cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Paul Wagner
Wagner Homes
6985 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

Mr. Jeffrey Armstrong
VTN Nevada
2727 South Rainbow Boulevard
Las Vegas, Nevada 89146

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City of Las Vegas Agenda Item No.: **105.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

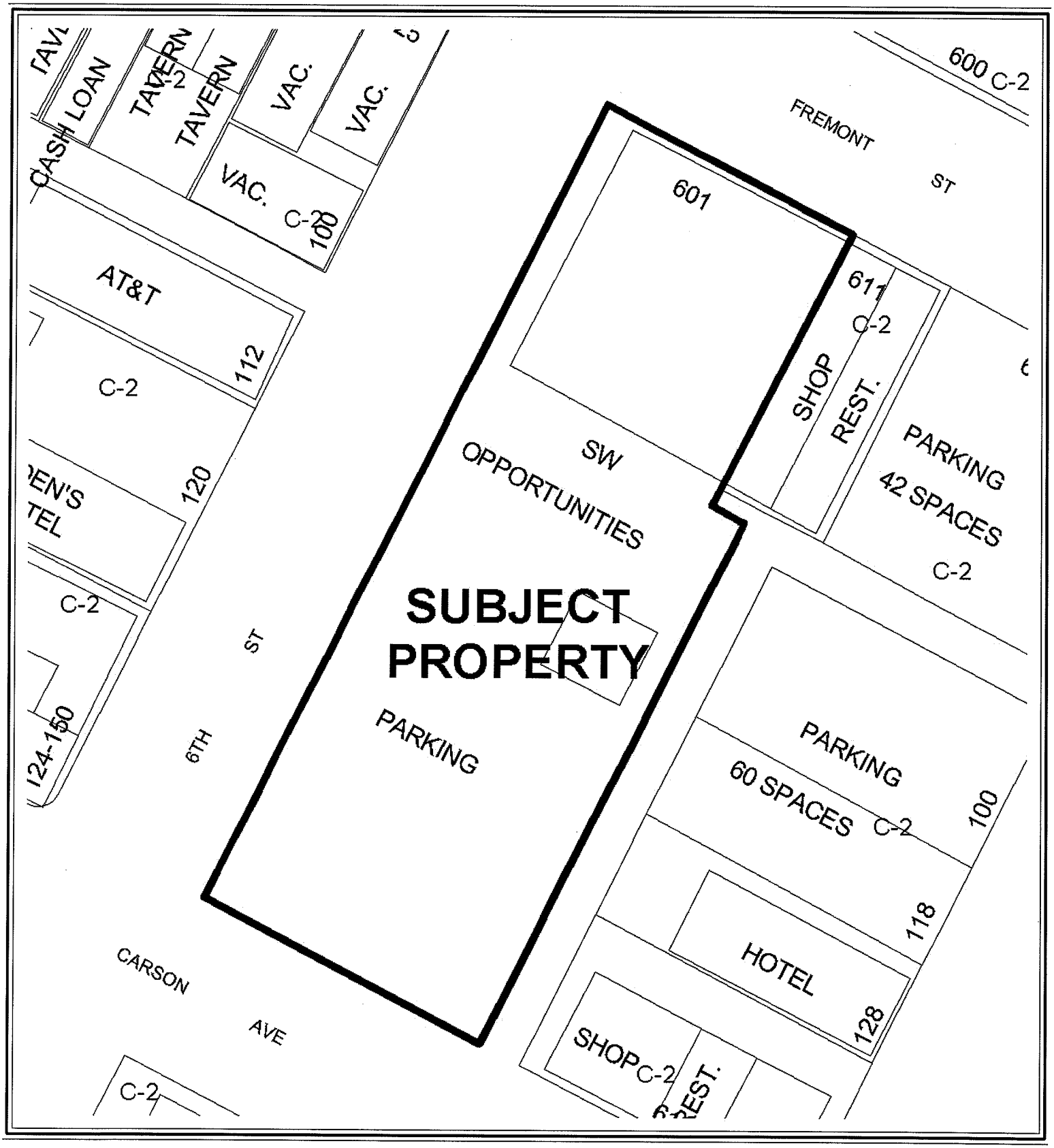
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35796 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for an Extension of Time of a previously approved Special Use Permit (SUP-15037) FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 601 Fremont Street (APN 139-34-611-018), 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. Justification Letter
5. City Council Approval Letter for SUP-15037



0 50 100 Feet

CASE: EOT-35796

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 50 100 Feet

CASE: EOT-35796

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35796 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-15037) shall expire on September 20, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-15037) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site has a three-story structure that is currently vacant with a previously approved Special Use Permit (SUP-15037) for a proposed Tavern-Limited Establishment to be located on the first floor of the building at 601 Fremont Street. There have been numerous building permits issued and finalized, along with business licenses for former occupants. The City of Las Vegas Redevelopment Agency is currently negotiating with a preferred tenant or buyer for the building and anticipates the need for the Tavern-Limited use to remain as a focal point for the project; therefore, is requesting an Extension of Time to complete negotiations. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a request for a Rezoning (Z-0100-64) from R-1 (Single Family Residences), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval on 12/10/64.
03/01/06	The City Council approved a request to amend a portion of the Southeast Sector Plan of the Master Plan (GPA-10830) from PF (Public Facilities) to C (Commercial) on 1.23 acres at 601 Fremont Street. The Planning Commission recommended approval on 01/26/06.
03/15/06	The City Council approved a request for a Site Development Plan Review (SDR-11026) for a proposed mixed use development consisting of two 35 story buildings with 25,000 square feet of commercial, 163 hotel/condominium units, and 464 residential units; and waivers of the Downtown Centennial Plan build to line, streetscape, and step back requirements on 1.92 acres at 601 Fremont Street. The Planning Commission recommended approval on 02/09/06.
03/15/06	The City Council approved a request for a Special Use Permit (SUP-11028) for a proposed mixed-use development on 1.23 acres at 601 Fremont Street. The Planning Commission recommended approval on 02/09/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/08/06	The Downtown Entertainment Overlay District- Design Review Committee (DEOD-DRC) approved a request for a Master Sign Plan and Exterior Elevation Review (ARC-15449) for a proposed tavern-limited establishment at 601 Fremont Street.
09/20/06	The City Council approved a request for a Special Use Permit (SUP-15037) for a proposed tavern-limited establishment at 601 Fremont Street with an expiration date of 09/20/07. The Planning Commission recommended approval on 08/24/06.
12/07/06	The Planning Commission approved a request for a Tentative Map (TMP-17685) for a one-lot commercial subdivision on 1.24 acres at 601 Fremont Street.
12/21/06	The Planning Commission approved a request for a Tentative Map (TMP-18029) for a mixed-use development on 1.92 acres at 601 Fremont Street.
11/07/07	The City Council approved a request for an Extension of Time (EOT-24712) of a previously approved Special Use Permit (SUP-15037) for a proposed tavern-limited establishment at 601 Fremont Street with an expiration date of 09/20/09.
03/11/08	The Downtown Entertainment Overlay District- Design Review Committee (DEOD-DRC) approved a request for a Master Sign Plan and Exterior Elevation Review (ARC-27073) to allow an 11'-6" aerial encroachment for a proposed tavern-limited establishment at 601 Fremont Street.
05/07/08	The City Council approved a request for an Extension of Time (EOT-27347) of a previously approved Special Use Permit (SUP-11028) for a proposed mixed-use development on 1.92 acres at 601 Fremont Street.
05/07/08	The City Council approved a request for an Extension of Time (EOT-27348) of a previously approved Site Development Plan Review (SDR-11026) for a proposed mixed use development consisting of two 35-story buildings with 25,000 square feet of commercial, 163 hotel/condominium units, and 464 residential units; and waivers of the Downtown Centennial Plan build to line, streetscape, and step back requirements on 1.92 acres at 601 Fremont Street. The Extension of Time will expire on 03/15/10.
Related Building Permits/Business Licenses	
10/10/06	A business license (A01-01318) was issued for Administrative Offices at 601 Fremont Street. The license is still active.
There have been numerous building permits issued and finalized for 601 Fremont Street.	
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	1.92

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Mixed-Use Development	C (Commercial)	C-2 (General Commercial)
North	Retail Establishments	C (Commercial)	C-2 (General Commercial)
South	Apartments	C (Commercial)	C-2 (General Commercial)
East	Retail Establishments and Hotels	C (Commercial)	C-2 (General Commercial)
West	Hotels, Retail Establishments, and a Restaurant	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay 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 second request for an Extension of Time of a previously approved Special Use Permit (SUP-15037) for a proposed Tavern-Limited Establishment located at 601 Fremont Street. There have been numerous building permits issued and finalized for the construction of the building, but a Certificate of Occupancy has not been issued for the proposed use. There has been changes in development and land use in the surrounding areas that includes a Body Piercing/Tattoo shop and a Tavern-Limited Establishment to the southeast, and a Tavern-Limited Establishment to the northwest of the subject site.

FINDINGS

Title 19.18.060 requirements to exercise the entitlements of the Special Use Permit (SUP-15037) have not been met. The applicant is requesting an extension of time to allow additional time to negotiate the sale of the building or secure a preferred tenant. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-15037) 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

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35796 APN: 139-34-611-018

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas

Name of Representative: n/a

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: Elizabeth N. Fretwell

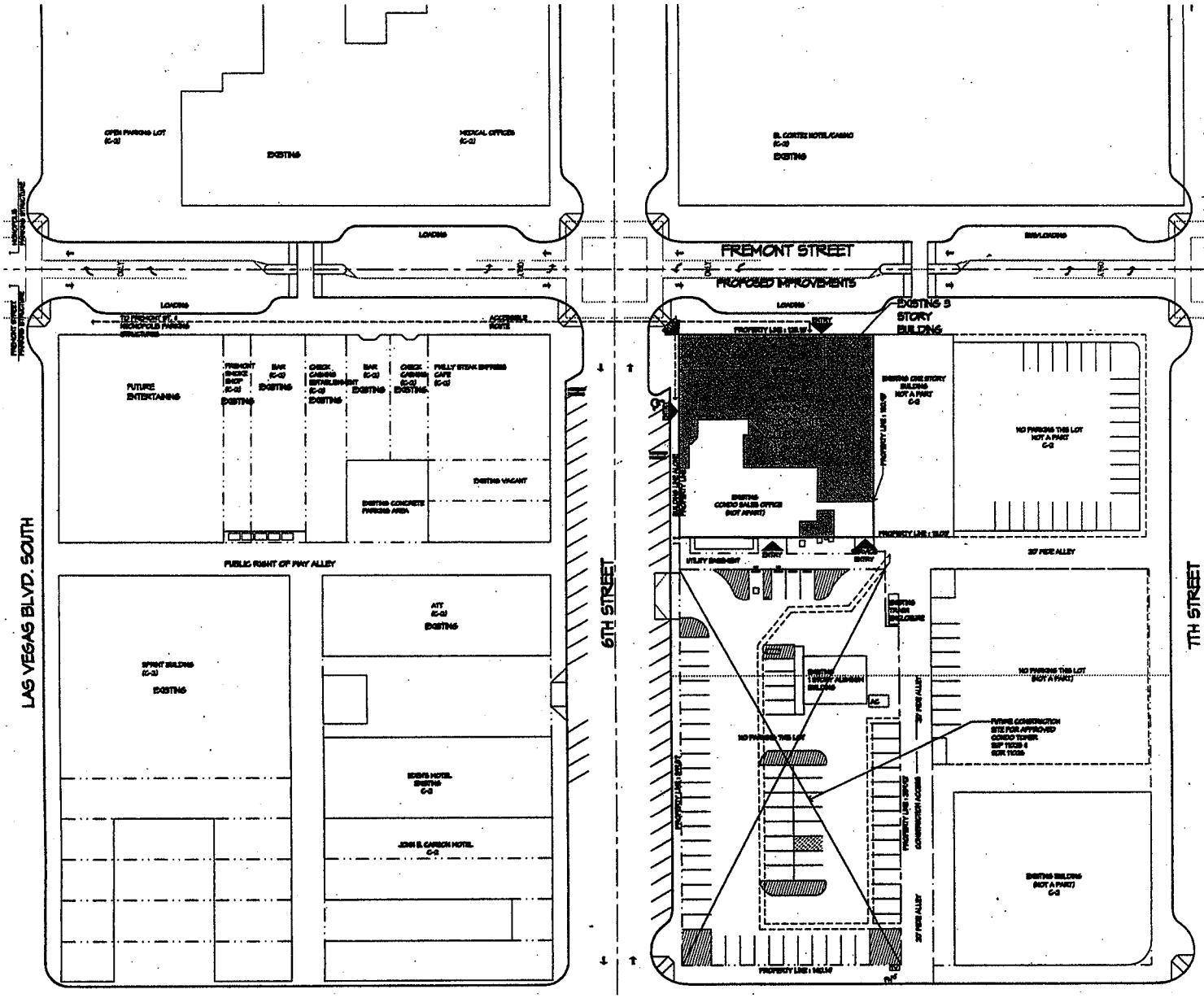
Print Name: Elizabeth N. Fretwell

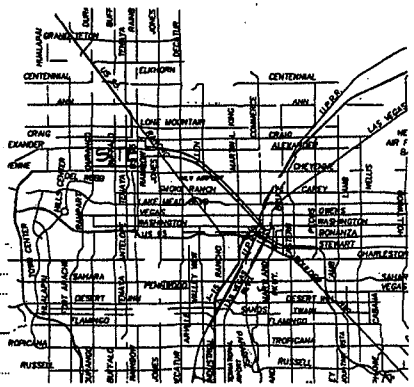
Subscribed and sworn before me

This 20 day of August, 20 09

Notary Public in and for said County and State

KIM A. BARRERA
Notary Public State of Nevada
No. 99-50021-1
My appt. exp. Nov. 25, 2010





VICINITY MAP

NOT TO SCALE



LOCATION MAP

NOT TO SCALE

ACCESSOR'S PARCEL NUMBER	194-34-611-018

SITE INFORMATION

ZONING- C2 - DOWNTOWN CENTENNIAL DISTRICT
CASINO DISTRICT OVERLAY

LOT AREA 1.34 ACRES (54,014 SQ. FT.)

	(GROSS PER FLOOR)	PROVIDED
BUILDING AREA	16,250 SF PER FLOOR	
T.I. AREA	11,085 SF	
Total Parking		See Justification Letter

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EOT-35796
10-07-09 CC

601 Fremont

601 Nite Club TI

601 Fremont St.
Las Vegas, Nevada

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.878.1200
P 702.878.1313
info@aptusarchitecture.com

APTUS PROJECT NO. 06.036

ARCHITECT

ENGINEER

NOTES

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NO.	DESCRIPTION	DATE
	City of Las Vegas SUP Submittal	7.11.06

ISSUED

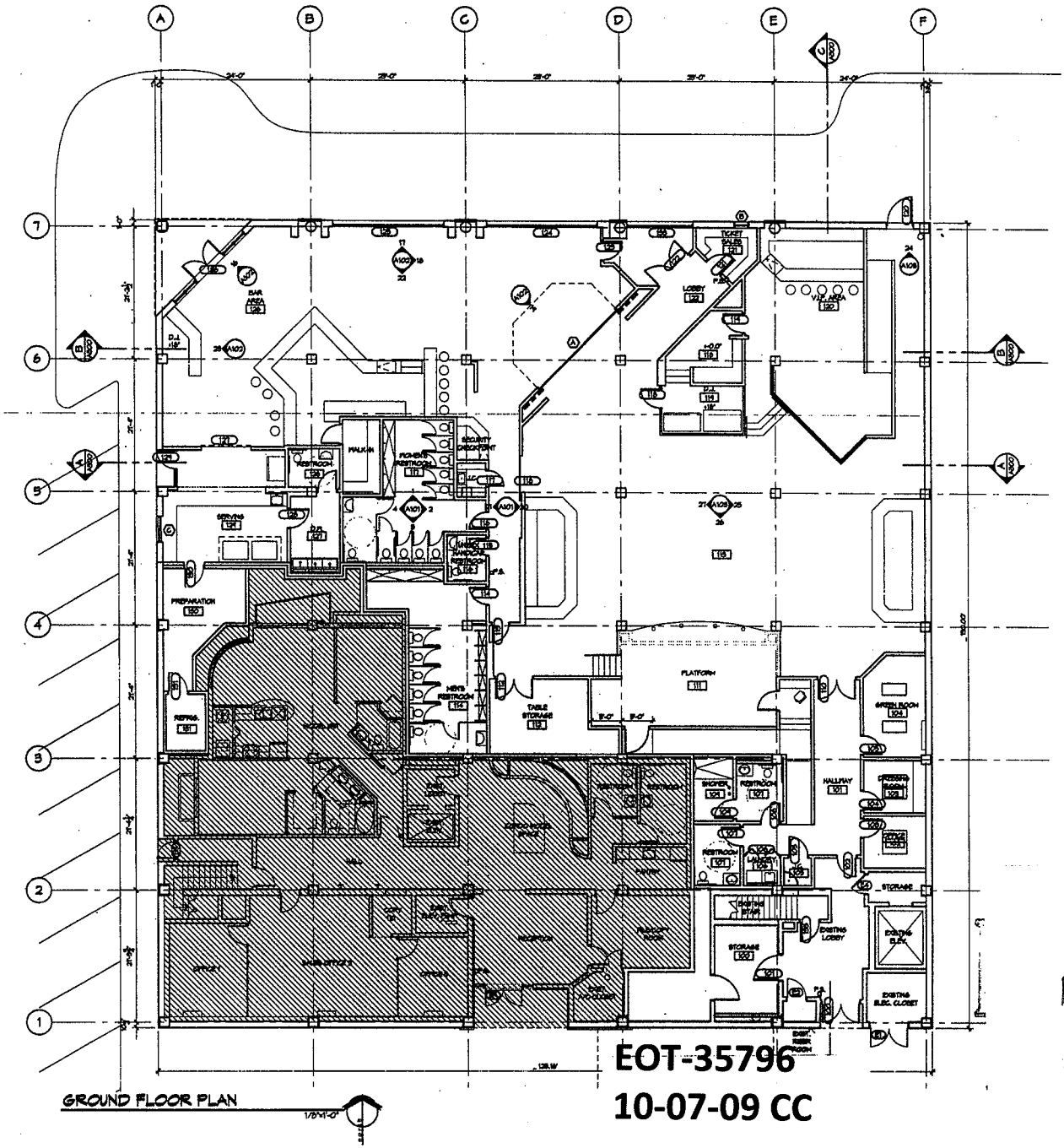
TITLE
SITE PLAN

DRAWING NO.
601 FREMONT NITE CLUB

AC100

NOTES

NOT A PART



GROUND FLOOR PLAN

EOT-35796

10-07-09 CC

Emo's Nite Club

Tenanat Improvement

601 Fremont St.

Las Vegas, Nevada

APTUS Architecture

1300 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.829.1300
F 702.829.1313
info@aptusarchitecture.com

APTUS PROJECT NO. 06.036

ARCHITECT

ENGINEER

NOTES

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NO.	DESCRIPTION	DATE
	City of Las Vegas Site Development Review	9.20.07
	ISSUED	

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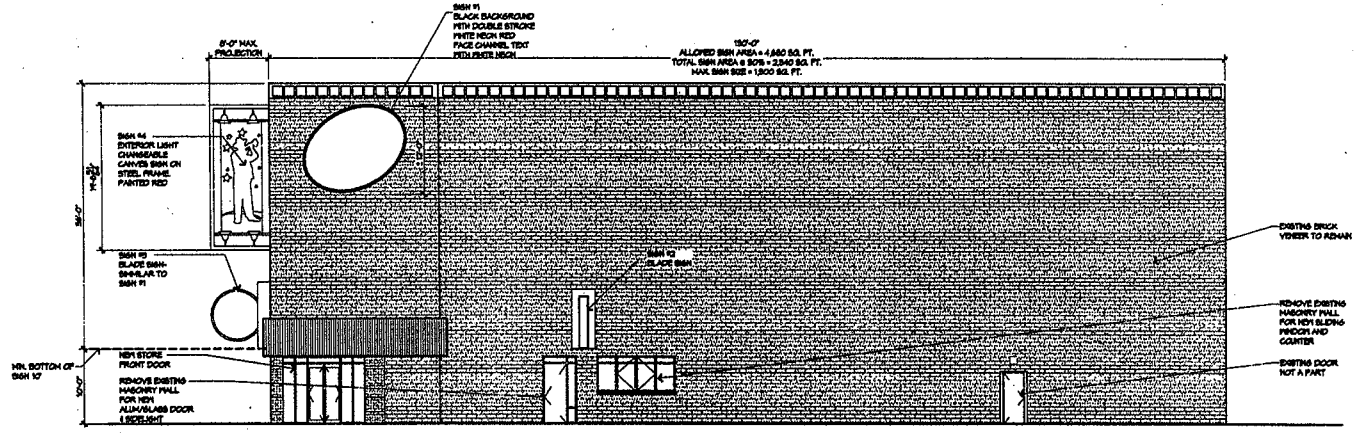
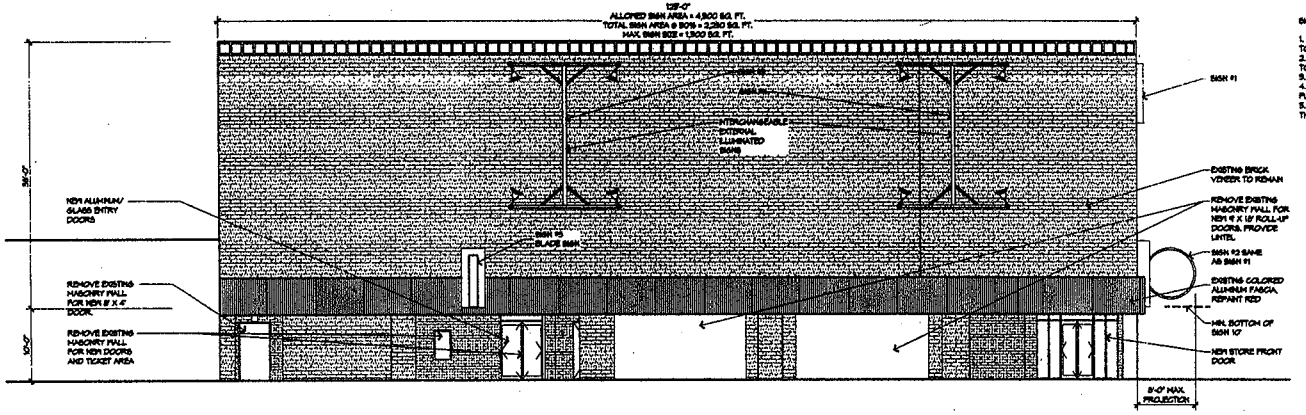
FLOOR PLAN

DRAWING NO. 601 FREMONT NITE CLUB

A100



EXISTING WEST ELEVATION
6TH STREET 1/8"=1'-0"



EXISTING NORTH ELEVATION
FREMONT STREET 1/8"=1'-0"

SIGNAGE CRITERIA

1. MIN. 80% OF SIGNAGE CRITERIA TO BE NEON
2. INDIVIDUAL SIGN SURFACE NOT TO EXCEED 1800 SQ. FT.
3. MIN. SIGN SEPARATION 5 FT.
4. MAX SIGN PROJECTION OVER PUBLIC R.O.W.- 8 F.T.
5. SIGNAGE TO BE APPROVED BY THE DESIGN REVIEW COMMITTEE

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Emo's Nite Club
Tenanat Improvement
601 Fremont St.
Las Vegas, Nevada

APTUS Architecture
1300 South 4th Street
Suite 204
Las Vegas, Nevada 89104
P 702.EVR.1200
F 702.EVR.1313
info@aptusarchitecture.com

APTUS PROJECT NO. 06.036
ARCHITECT

ENGINEER

NOTES

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	City Of Las Vegas	9.30.07
	Site Development Review	
NO.	DESCRIPTION	DATE
	ISSUED	

TITLE
EXTERIOR ELEVATIONS

DRAWING NO.
601 FREMONT NITE CLUB

A200

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

August 27, 2009

City of Las Vegas
Planning and Development Department
731 S. 4th St
Las Vegas, NV 89101

RE: Justification Letter for Extension of Time Request

Please accept this letter as justification for an Extension of Time request on a previously approved Special Use Permit (SUP-15037) and subsequent Extension of Time (EOT-24712) for a proposed Tavern-Limited Establishment at 601 Fremont Street.

The proposed use and design of the facility remains unchanged from previous entitlement approvals.

The City of Las Vegas Redevelopment Agency is currently negotiating with the preferred tenant or buyer for 601 Fremont Street and anticipates the need for the Tavern-Limited use to remain as a focal point for the project.

The description of this facility can be found in the attached Justification Letter, along with the site and floor plans under the original submittal. At this time, no modifications are being proposed to the approved plans.

Please let me know if you have any additional questions.

Tom Burkart
Senior Economic Development Officer - Fast Track Team
Office of Business Development
Las Vegas Redevelopment Agency
City Hall, 400 Stewart Ave., 2nd Fl.
Las Vegas, NV 89101
Direct: 702-229-6853
Fax: 702-385-3128
tburkart@lasvegasnevada.gov

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10-07-09 CC

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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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 21, 2006

Mr. Doug Selby
City of Las Vegas
400 Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

RE: SUP-15037 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 20, 2006

Dear Applicant:

The City Council at a regular meeting held September 20, 2006 APPROVED the request for a Special Use Permit FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 601 Fremont Street (APN 139-34-611-018), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 21, 2006. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.

2. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.

3. All exterior signage shall be reviewed and approved by the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC).

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. 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.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

EOT-35796
10-07-09 CC

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AUG 27 2009

6. 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
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Louis Birdman
Club 601, LLC
425 North Federal Highway
Hallandale, Florida 33009

Mr. John Laspaluto
Aptus Architecture
1200 South Fourth Street
Las Vegas, Nevada 89104

EOT-35796
10-07-09 CC

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AUG 27 2009

City of Las Vegas Agenda Item No.: **106.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

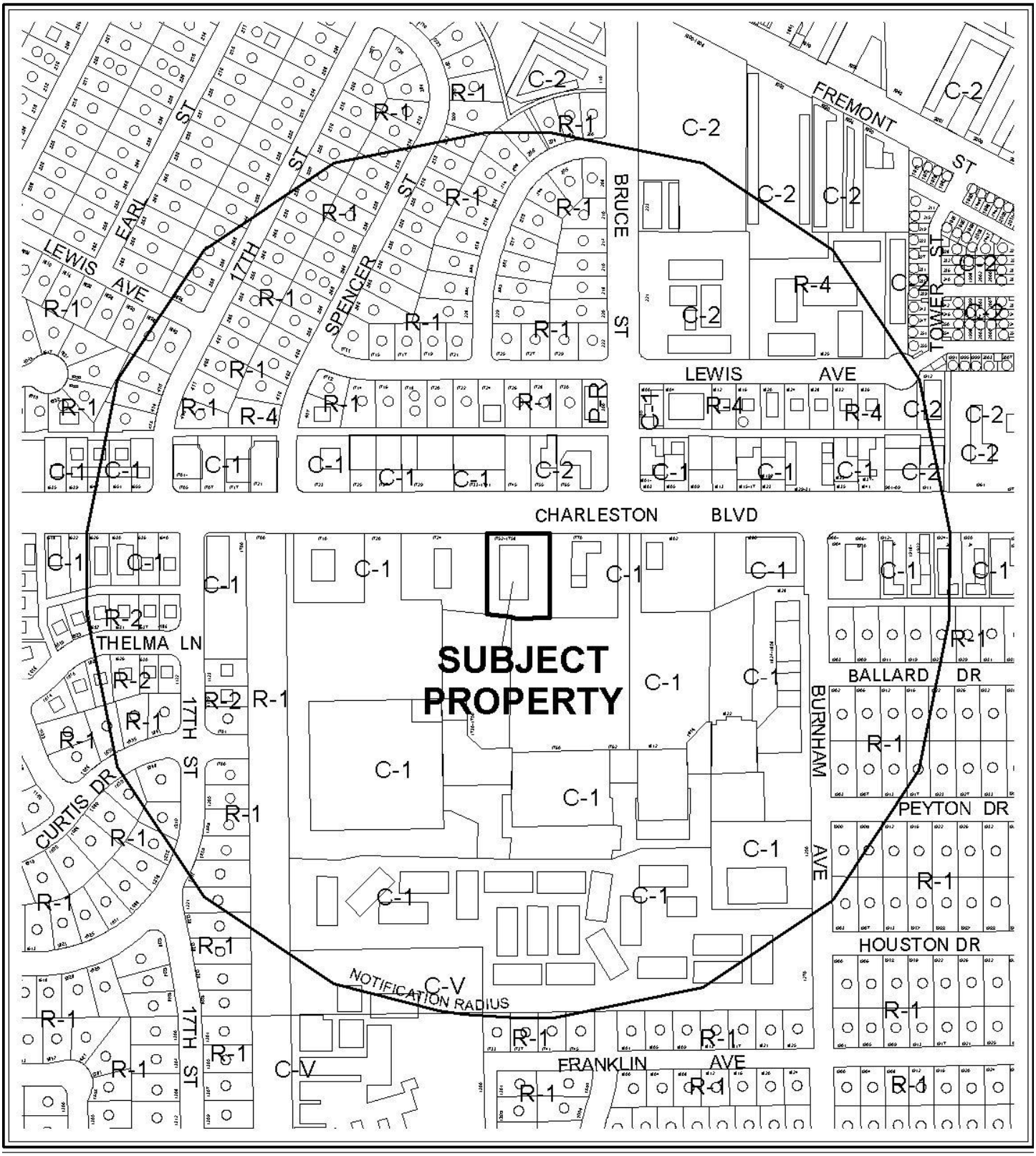
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35049 – ABEYANCE ITEM - 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



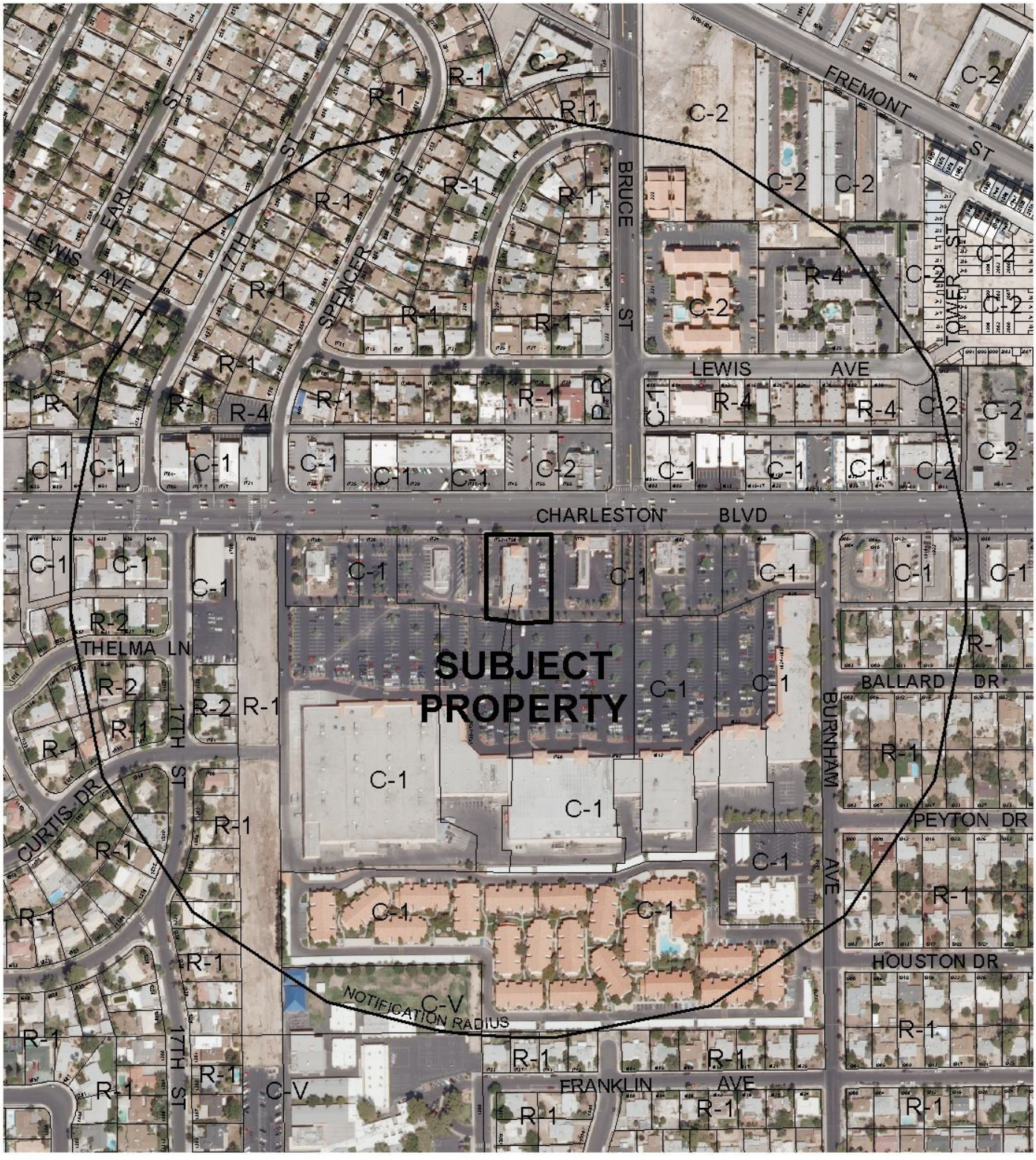
0 300 600 Feet

CASE: **SUP-35049**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

** 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

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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

RECEIVED
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.

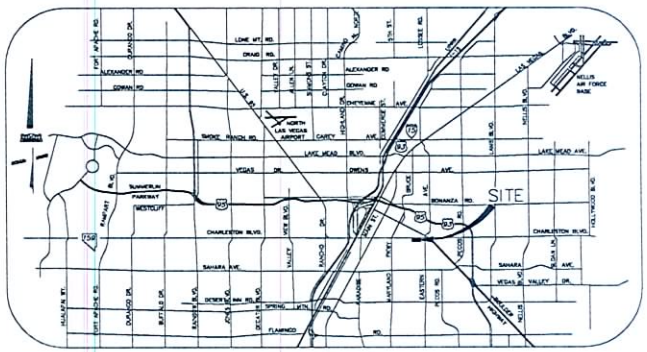
PARCEL TWO (2):

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

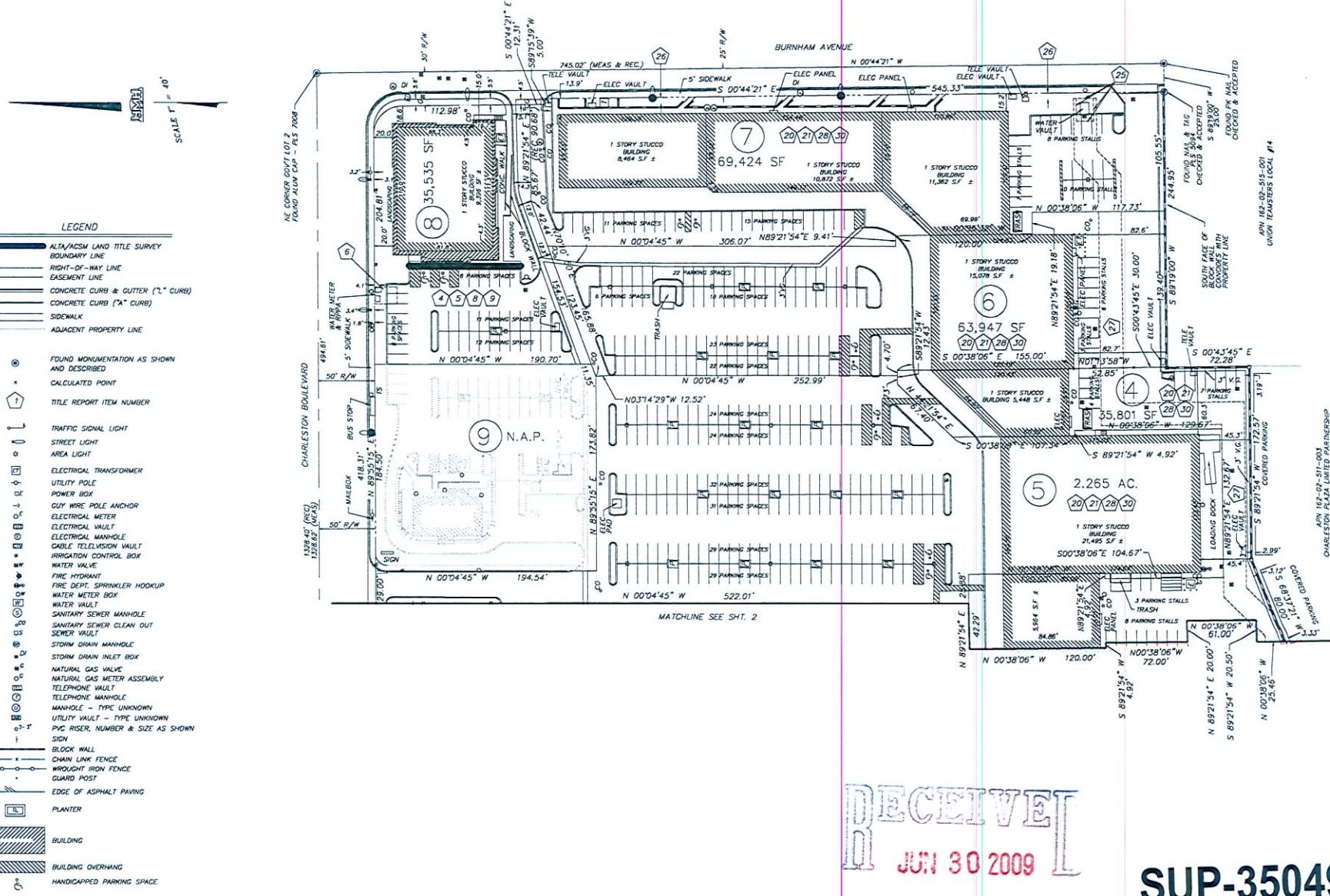
PLOTTED:

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

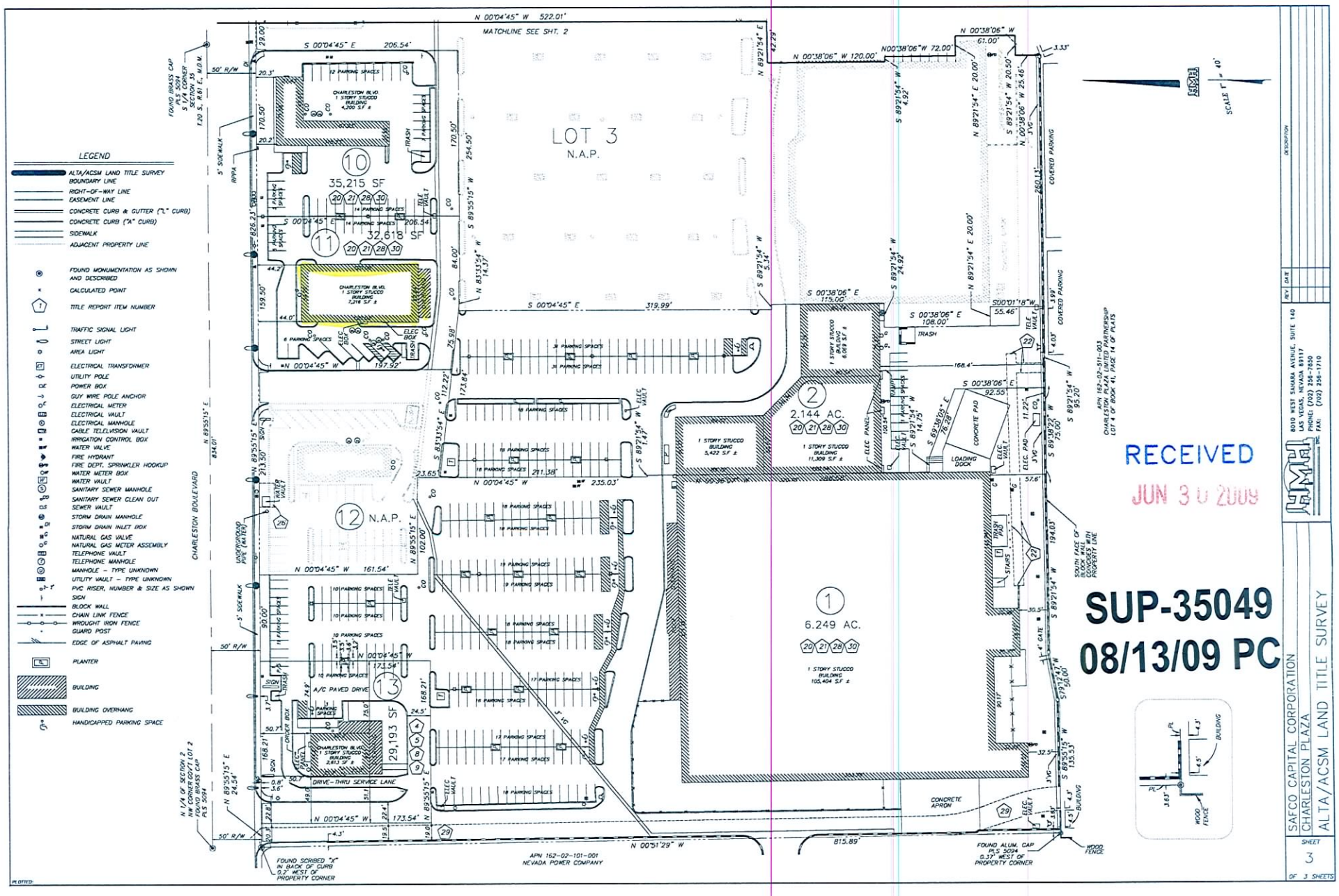
SAFCO CAPITAL CORPORATION
CHARLESTON PLAZA
ALTA/ACSM LAND TITLE SURVEY

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

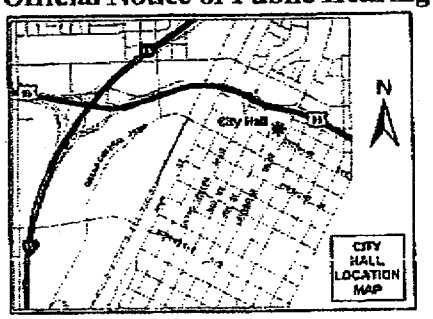
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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.: **107.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

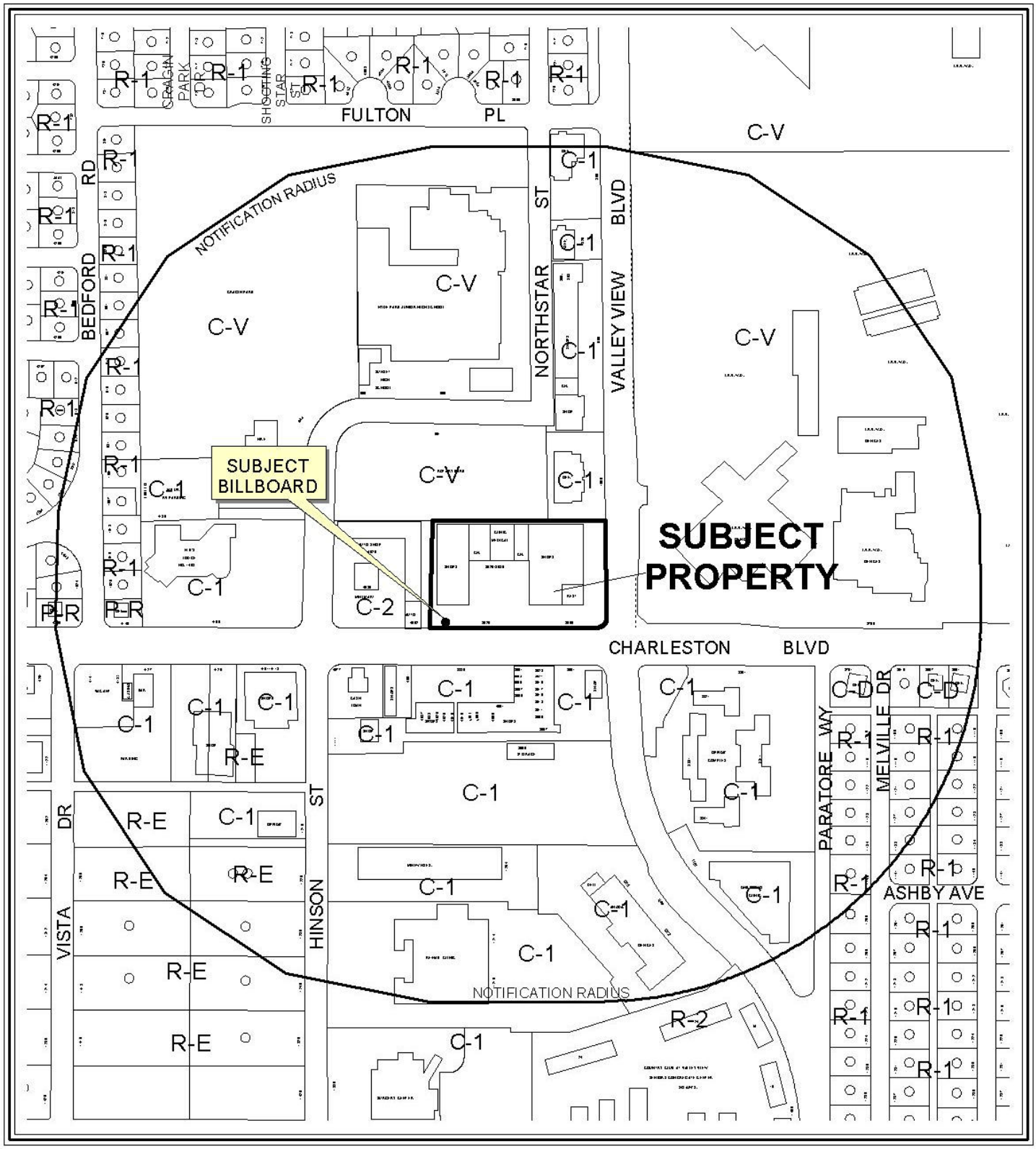
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34974 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES - Required Review of an approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), 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	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

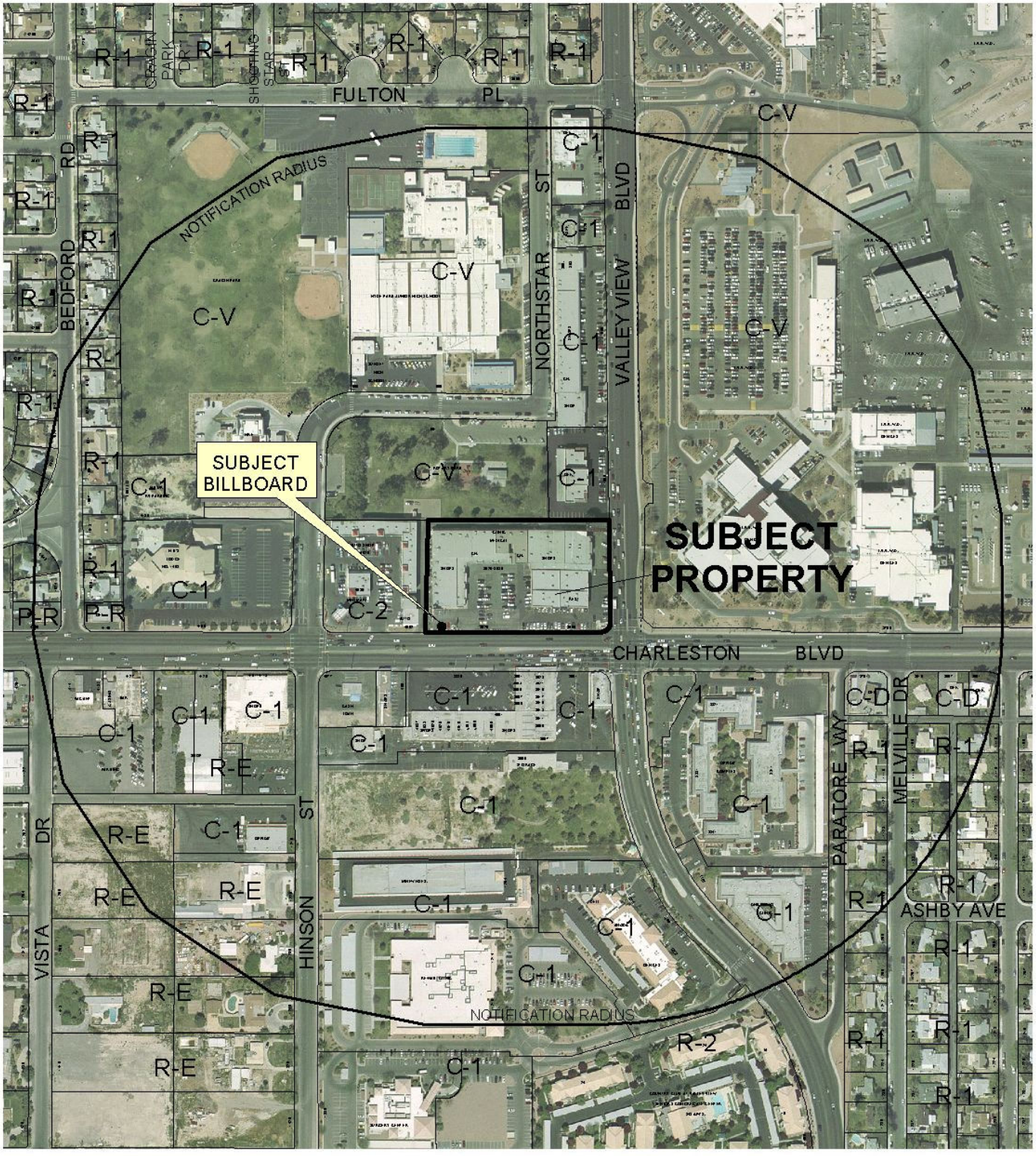
BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-21510
6. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 6



CASE: **RQR-34974**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



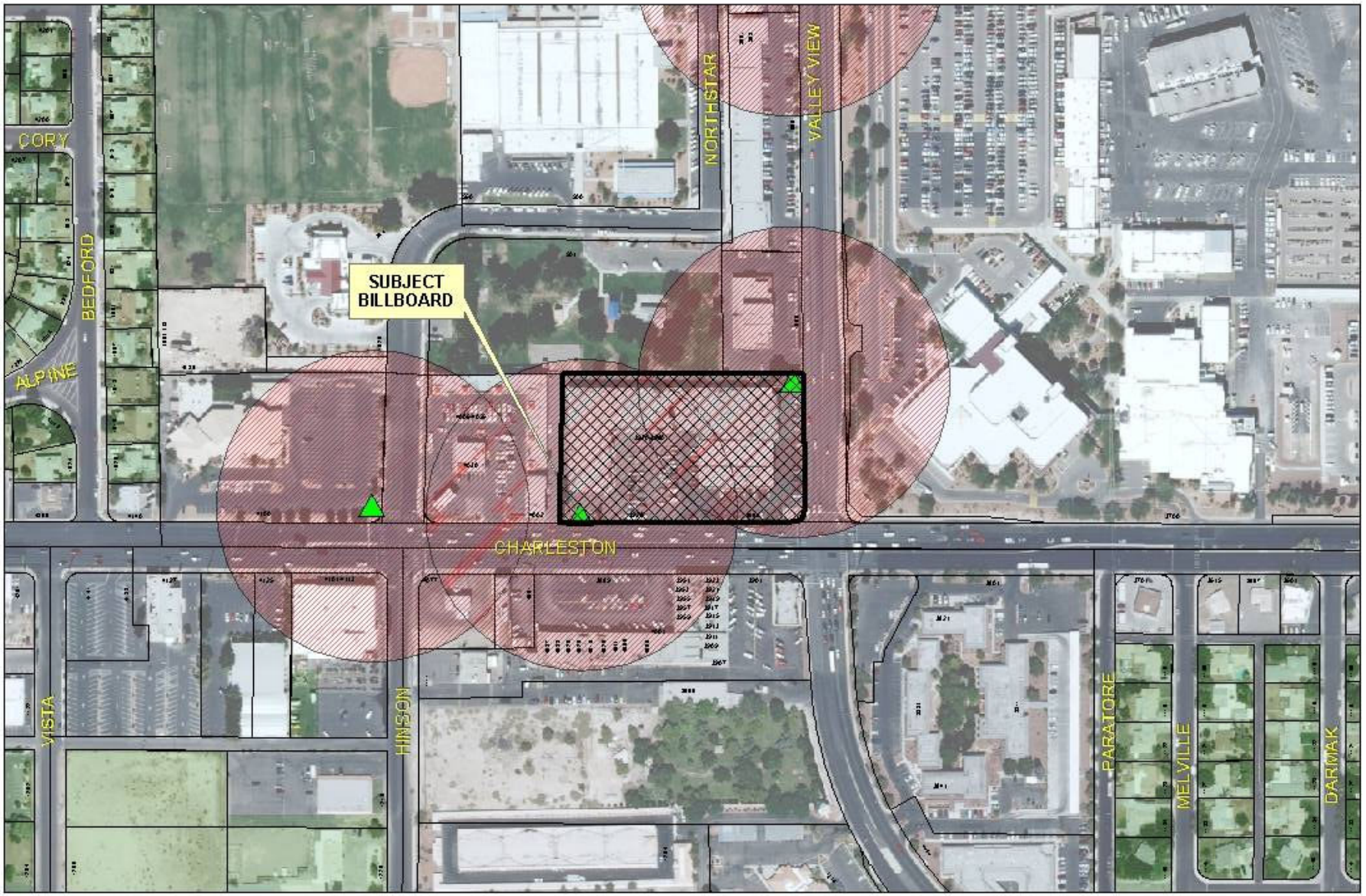
0 200 400 Feet

CASE: **RQR-34974**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-34974

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34974 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL

Planning and Development

1. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require that 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 be 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. 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 two 55-foot tall, 14-foot by 48-foot Off-Premise Signs, along with a 48,440 square-foot commercial development at 3920 West Charleston Boulevard. This is the seventh Required Review of the subject sign, which is located on the southwestern corner of the subject parcel. If this request is denied, the subject sign must be removed and Special Use Permit (U-0043-94) will be expired.

ISSUES

- Staff can support the request as the sign 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. and Property Sales	
04/20/94	The City Council approved a Special Use Permit (U-0043-94) for two 55-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Signs on property located at 3900 and 3920 West Charleston Boulevard. The Board of Zoning and Adjustment recommended approval of the request.
05/24/99	The City Council approved the Required Review [U-0043-94(1)] on an approved Special Use Permit (U-0043-94) which allowed two 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located at 3900 and 3920 West Charleston Boulevard. The Planning Commission recommended approval of the request.
07/05/01	The City Council approved the Required Review [U-0043-94(2)] on the approved Special Use Permit (U-0043-94) which allowed two 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located at 3900 and 3920 West Charleston Boulevard. Subject to a one-year review for the billboard located at 3900 West Charleston Boulevard, and a two-year review for the billboard located at 3920 West Charleston Boulevard. The Planning Commission recommended denial of the request.

08/21/02	The City Council approved the Required Review [U-0043-94(3)] on the approved Special Use Permit (U-0043-94) which allowed two 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3920 West Charleston Boulevard; and the Required Review [U-0043-94(4)] on the approved Special Use Permit (U-0043-94) which allowed two 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3900 West Charleston Boulevard. The Planning Commission recommended denial of the request.
11/05/03	The City Council approved the Required Review (RQR-2860) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3900 West Charleston Boulevard; and Required Review (RQR-2861) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot x 48-foot Off Premise Sign (Billboard) on property located 3920 West Charleston Boulevard. The Planning Commission recommended denial of the request.
03/02/05	The City Council approved the Required Review (RQR-5168) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3920 West Charleston Boulevard. The Planning Commission recommended denial of the request.
05/18/05	The City Council approved the Required Review (RQR-5171) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3900 West Charleston Boulevard. The Planning Commission recommended denial of the request.
06/07/06	The City Council approved the Required Review (RQR-12172) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3900 West Charleston Boulevard. The Planning Commission recommended denial of the request.
08/01/07	The City Council approved the Required Review (RQR-21510) of the approved Special Use Permit (U-0043-94) which allowed a 55-foot high, 14-foot by 48-foot Off Premise Sign (Billboard) on property located 3920 West Charleston Boulevard. The Planning Commission recommended denial of the request.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/jb).

Related Building Permits/Business Licenses	
06/02/94	A building permit (#94334347) was issued for an Off-Premise Sign (Billboard) at 3920 West Charleston Boulevard. A final sign inspection was conducted on 06/24/94.
07/18/94	A building permit (#94340573) was issued for the electrical work on the subject Off-Premise Sign (Billboard) at 3920 West Charleston Boulevard. A final sign inspection was conducted on 10/04/94.

Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
07/23/09	During a routine site inspection, staff observed a well maintained Off-Premise Sign.

Details of Application Request	
Site Area	
Gross Acres	3.06

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
	Park	PR/OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Offices	PF (Public Facilities)	C-V (Civic)
West	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)

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 (175-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

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	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located within a 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	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 55 feet tall per approved Special Use Permit (U-0043-94)	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)	There are no Off-Premise Signs located within 300 feet of the subject sign.	Y
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 C-1 (Limited Commercial) zoned property.	Y

ANALYSIS

This is the Required Review of the approved Special Use Permit (U-0043-94) which allowed two 55-foot tall, 14-foot by 48-foot Off-Premise Signs (Billboards) at 3920 West Charleston Boulevard. During a field check of the site, staff found the sign and supporting structure in good condition. There has been no significant change in development or land use since the previous Required Review (RQR-21510). The subject Off-Premise Sign has been issued a building permit and has received a final inspection. Therefore, staff is recommending approval of the subject Required Review

FINDINGS

This is the seventh review of an Off-Premise Sign (Billboard) that was constructed in 1994. The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary zone. Since the area surrounding the sign has not experienced any significant development or land use changes, staff recommends approval of this review, subject to a required review in three years.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 34

SENATE DISTRICT 11

NOTICES MAILED 68 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34974** APN: 139-31-801-018

Name of Property Owner: ZJ&R Properties, LLC

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: Same as Applicant

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: Susan Zager

Subscribed and sworn before me

This _____ day of _____, 20____

_____

Notary Public in and for said County and State

SEE ATTACHED JURAT

RECEIVED

JUN 23 2009

Jurat

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on this 28th day of May,

2009 by Susan Zager,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Beverly Bonanno
Signature

(Notary seal)

BEVERLY BONANNO
COMM. # 1829692
NOTARY PUBLIC CALIFORNIA
ORANGE COUNTY
My comm. expires Jan. 6, 2013

OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

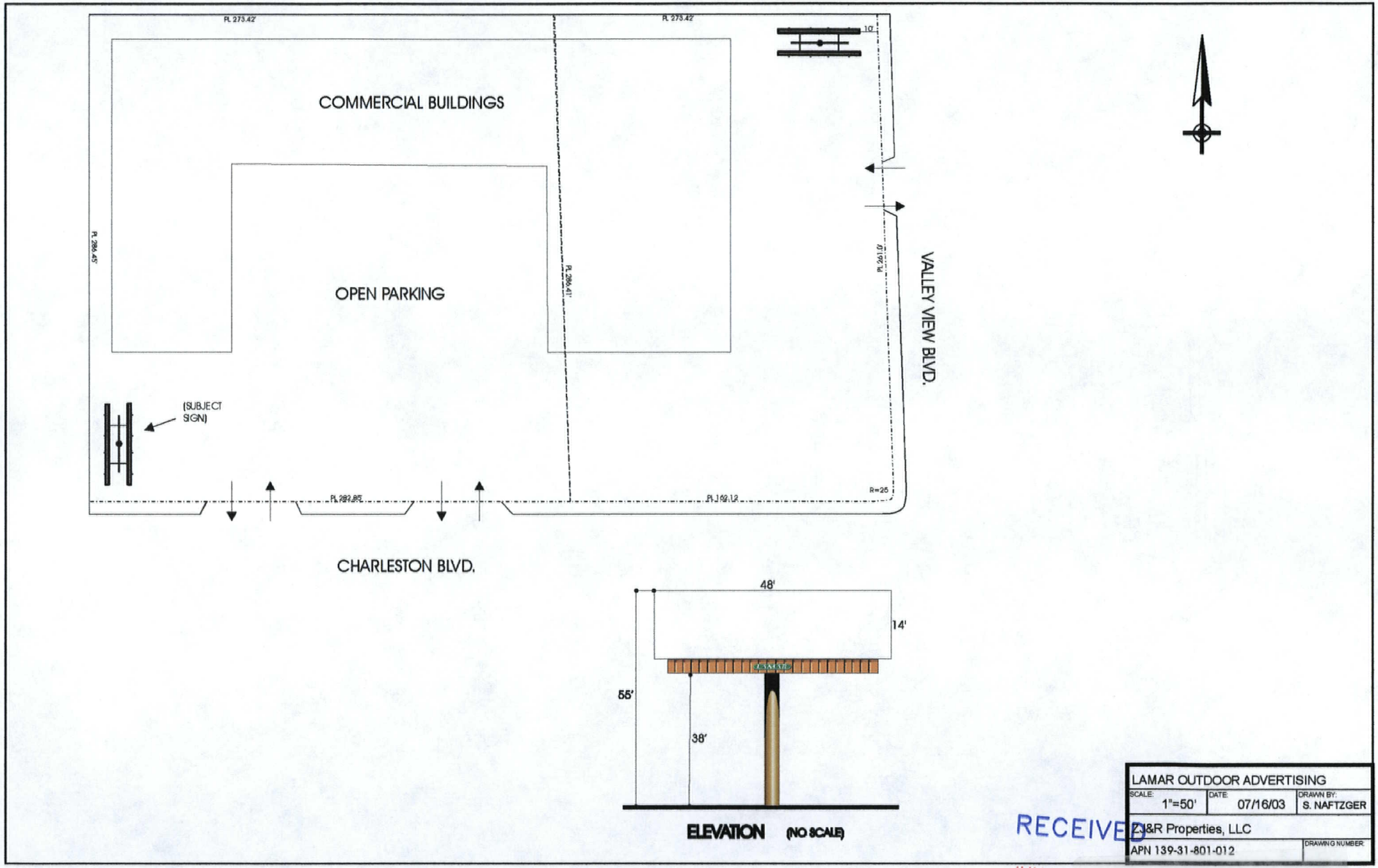
(Additional information)

INSTRUCTIONS FOR COMPLETING THIS FORM

The wording of all Jurats completed in California after January 1, 2008 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document

RECEIVED
JUN 23 2009



RECEIVED
JUN 23 2009

RQR-34974
08/27/09 PC



RQR-34974 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES
3920 WEST CHARLESTON BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34974 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES
3920 WEST CHARLESTON BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34974 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES
3920 WEST CHARLESTON BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09

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
TDD 702.386.9108
www.lasvegasnevada.gov

August 3, 2007

Ms. Susan Zager
ZJ & R Properties, LLC
PO Box 1800-438
Corona Del Mar, California 92625

RE: RQR-21510 – REQUIRED REVIEW
CITY COUNCIL MEETING OF AUGUST 1, 2007

Dear Ms. Zager:

The City Council at a regular meeting held August 1, 2007 considered the appeal of the Planning Commission's denial of a Required One Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone.

The City Council granted the Appeal, thereby APPROVING the review of the Special Use Permit. The Notice of Final Action was filed with the Las Vegas City Clerk on August 2, 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-34974
08/27/09 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Lean Coleman

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

Mr. Scott Naftzger
Lamar Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

Ms. Stephanie Allen
KKBRF
3800 Howard Hughes Parkway, Suite #700
Las Vegas, Nevada 89169

RQR-34974
08/27/09 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

SUBJECT: *RQR-34974 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: Z J & R PROPERTIES*

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***AUGUST 27, 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 ***Carman Burney at (702) 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 and return to our office by 5:00PM ***AUGUST 26, 2009***.

Signature — 8/21/09 Date

Scott Naftzger
Please Print Name

Lamar Central Outdoor, LLC
Company Name

Sincerely,

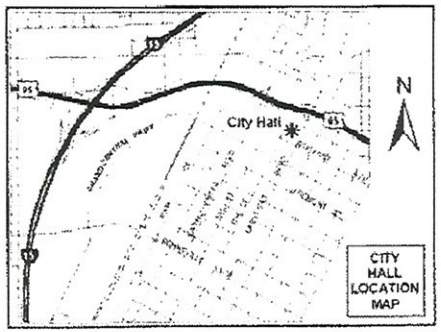
Steve Gebeke
Planning Supervisor
Case Planning Division

RECEIVED
AUG 25 2009

Submitted after final agenda
Date 8-27-09 PC Item 6

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-34974

Planning Commission Meeting of 8/27/2009



Case: RQR-34974

16206502018
VALLEY VIEW LAS VEGAS L L C
%P GAINES
P O BOX 1106
RANCHO SANTA FE CA 92067-1106

RECEIVED
AUG 20 2009

Aug 20 09 02:44p Don & Pam Gaines

FAVOS11 92067

Submitted after final agenda

SP

Date 8/20/09 Item 6

City of Las Vegas Agenda Item No.: **108.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

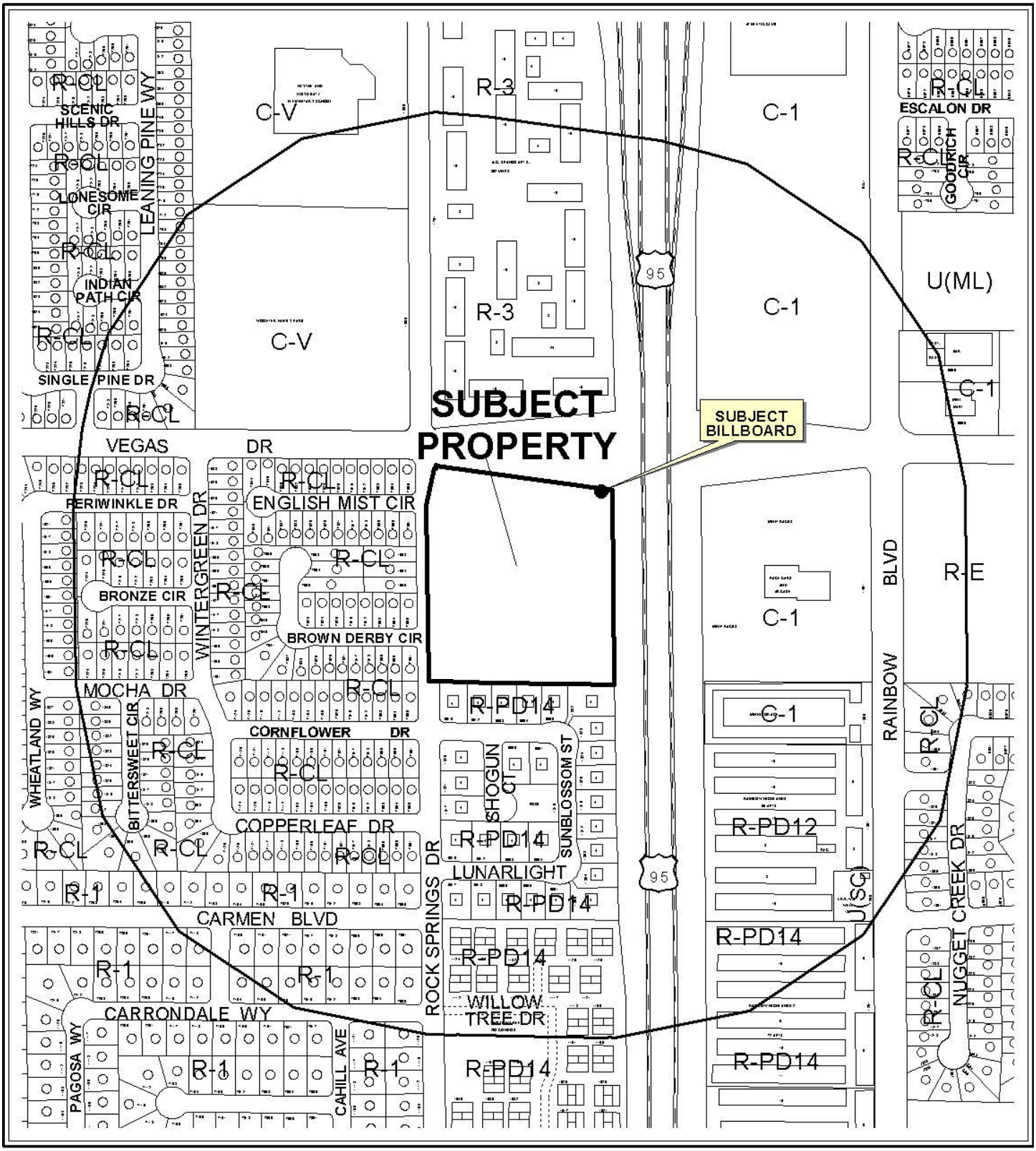
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34975 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP - Required Review of an approved Special Use Permit (U-0065-92) WHICH ALLOWED A 55-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN on the west side of the Oran K. Gragson Highway (US-95), south of Vegas Drive (APN 138-27-501-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**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 and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-21508
6. Protest Postcards
7. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 7



0 400 800 Feet

CASE: **RQR-34975**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

N



0 400 800 Feet

CASE: **RQR-34975**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP

** 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 an Off-Premise Sign use.

2. Conformance to the conditions for Special Use Permit (U-0065-92), if approved.

3. This Special Use Permit shall be reviewed in 3 year(s) at which time the City Council may require that 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 be removed.

4. 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.

5. 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.

6. 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.

7. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0065-92) 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.

8. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.

9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The is a request for a Required Review for an approved Special Use Permit (U-0065-92) to allow a 55-foot tall, 14-foot by 48-foot Off-Premise Sign to continue to be located on a vacant lot at 1459 Rock Springs Drive. This is the fourth Required Review of the subject sign which is located on the northeastern corner of the subject parcel. If this request is denied, the subject sign must be removed and Special Use Permit (U-0065-92) will be expired. Staff can support the request as the sign faces and supporting structure of the Off-Premise Sign are in good condition with no discrepancies noted; therefore, staff is recommending approval with a three-year review.

ISSUES

There is a small amount of graffiti on the base portion of the supporting structure; a condition has been added to require repainting of the base to match the supporting structure.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/21/84	The City Council approved a request for a Rezoning (Z-0074-84) from N-U (Non-Urban) to C-1 (Limited Commercial) on the property located at 1459 Rocks Springs. The Planning Commission recommended approval of the request.
05/20/92	The City Council approved a request for a Special Use Permit (U-0065-92) to allow a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign on the property located at 1459 Rocks Springs. The City Council recommended approval of the request.
05/27/97	The City Council approved a request for a Five-Year Review on an approved Special Use Permit [U-0065-92 (1)] for a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign on the property located at 1459 Rocks Springs. The Board of Zoning Adjustment recommended denial of the request.
06/19/02	The City Council approved a request for a Five Year Review of an approved Special Use Permit [U-0065-92 (2)] which allowed a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign on the property located at 1459 Rock Springs Drive. The Planning Commission recommended approval of the request.

08/01/07	The City Council approved a request for Required Review (ROC-21508) of an approved Special Use Permit [U-0065-92 (2)] which allowed a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign on the property located at 1459 Rock Springs. The Planning Commission recommended approval of the request.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/ao).
Related Building Permits/Business Licenses	
07/29/92	A building permit (#92154741) was issued for the subject sign located at 1459 Rock Springs Drive. The permit expired on 02/20/93.
11/13/92	A building permit (#92167042) was issued for illumination the subject sign located at 1459 Rock Springs Drive. The permit expired on 05/29/93.
Pre-Application Meeting	
A pre-application meeting was not required, nor was one conducted.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
07/23/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays and the sign faces appeared in good condition. • All the structural elements have been properly secured. • There is graffiti on a small portion on the base of the sign structure.

Details of Application Request	
Site Area	
Gross Acres	7.09 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]
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Residences	M (Medium Density Residential)	R-PD14 (Residential Planned Development-14 Units per Acre)
East	U.S. 95 Right of Way	U.S. 95 Right-of-Way	U.S. 95 Right of Way
West	Single-Family Residences	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	Y		
A-O Airport Overlay District	Y		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

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	Y
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	Sign is located within a U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]	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	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 55 feet tall	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

Standards	Code Requirement	Provided	Compliance
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)	There is an Off-Premise Sign located within 665 feet of the subject sign.	Y*
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 is an "R" zoned district within 225 feet North of the subject sign.	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 a U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] property.	Y

*As approved by Special Use Permit (U-0065). The sign is non-conforming for distance separation.

ANALYSIS

This is the fourth Required Review of the approved Special Use Permit (U-0065-92) which allowed a 55-foot tall, 14-foot by 48-foot Off-Premise Sign. A research of the building permit activity found that permit #92154741 was issued on 07/29/92 for the installation of a billboard sign under the address of 1459 Rock Springs Drive, which received a final inspection on 11/24/92. The applicant filed for building permits at the time of construction, however, the permits had expired. There have been no recent changes in the land use or new development in the surrounding area since the approval of the previous Required Review (RQR-21508). The sign is located in a U (Undeveloped) zone [SC (Service Commercial) General Plan Designation] and is within the Off-Premise Sign Exempt zone.

FINDINGS

The Off-Premise Sign meets Title 19.14.100 requirements, and is in good condition. During a field inspection of the site, the sign and the supporting structure were in good condition with no discrepancies noted, however, there is a small amount of graffiti on the base portion of the supporting structure; the base will require repainting to match the supporting structure. Staff finds that there is no adverse impact regarding the continued use of the sign, nor does the sign lack any history of acquiring a building permit or final inspection; therefore, staff is recommending approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 434 by City Clerk

APPROVALS 0

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34975** APN: 138-27-501-001

Name of Property Owner: GES Family LP

Name of Applicant: Lamar Central Outdoor, LLC

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: GES FAMILY LP Geraldene E Silva

Print Name: GERALDINE E. SILVA

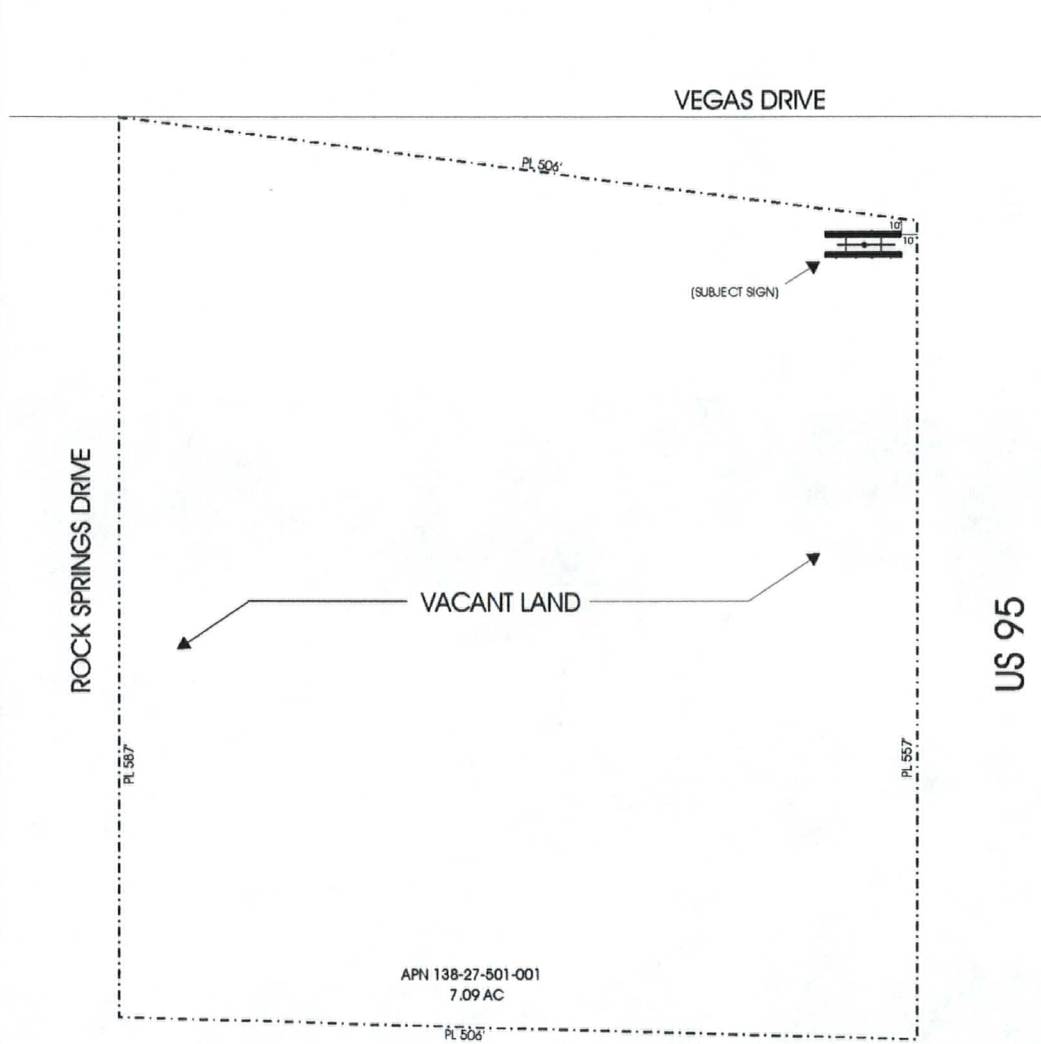
Subscribed and sworn before me

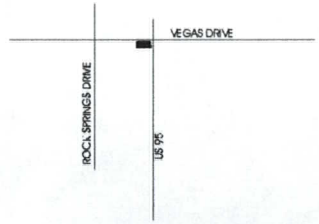
This 26 day of May, 2009

Notary Public in and for said County and State

OFFICIAL SEAL
LORRE ANN JONES
NOTARY PUBLIC-OREGON
COMMISSION NO. 438077
MY COMMISSION EXPIRES: APRIL 2, 2013

RECEIVED
JUN 23 2009





VICINITY MAP (NO SCALE)



ELEVATION (NO SCALE)

LAMAR OUTDOOR ADVERTISING		
SCALE: 1" = 80'	DATE: 4/07/07	DRAWN BY: S.NAFTZGER
MCCALL VEGAS DRIVE SITE PLAN		
APN 138-27-501-001		DRAWING NUMBER:

RECEIVED
JUN 23 2009

RQR-34975
08/27/09 PC



RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP
WEST SIDE OF THE ORAN K. GRAGSON HIGHWAY (US-95), SOUTH OF VEGAS DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP
WEST SIDE OF THE ORAN K. GRAGSON HIGHWAY (US-95), SOUTH OF VEGAS DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP
WEST SIDE OF THE ORAN K. GRAGSON HIGHWAY (US-95), SOUTH OF VEGAS DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP
WEST SIDE OF THE ORAN K. GRAGSON HIGHWAY (US-95), SOUTH OF VEGAS DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP
WEST SIDE OF THE ORAN K. GRAGSON HIGHWAY (US-95), SOUTH OF VEGAS DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09

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
TDD 702.386.9108
www.lasvegasnevada.gov

August 3, 2007

Mr. James McCall
GES Family Limited Partnership
3219 South Torrey Pines Drive
Las Vegas, Nevada 89146

RE: RQR-21508 – REQUIRED REVIEW
CITY COUNCIL MEETING OF AUGUST 1, 2007

Dear Mr. McCall:

The City Council at a regular meeting held August 1, 2007 APPROVED the Required Five Year Review of an approved Special Use Permit (U-0065-92) WHICH ALLOWED A 55-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN on the west side of the Oran K. Gragson Highway (US-95), south of Vegas Drive (APN 138-27-501-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on August 2, 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. 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.

RQR-34975
08/27/09 PC

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Lean Coleman

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

Mr. Scott Naftzger
Lamar Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

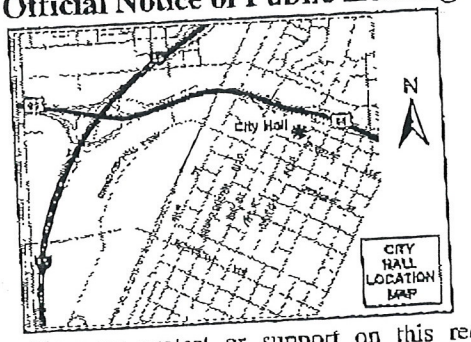
Ms. Stephanie Allen
KKBRF
3800 Howard Hughes Parkway, Suite #700
Las Vegas, Nevada 89169

RQR-34975
08/27/09 PC

WELLS FARGO BANK NA NO. 2658 P. 1

of Las Vegas
e Of The City Clerk
Stewart Avenue
as Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



you wish to file your protest or support on this request, check the propriate 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 rd 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

lease use available blank space on card for your comments.

RQR-34975
City Council Meeting of 10/7/2009

PRESORTED FIRST CLASS

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MAILED FROM ZIP CODE 89101

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2009 SEP 28 A 9:3[illegible]
CITY CLERK

HENLEY ROBERT
2325 WINDMILL PKWY #522
HENDERSON NV 89074-5438

APN#13827517006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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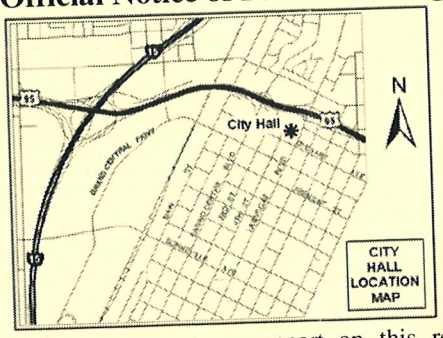
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34975
City Council Meeting of 10/7/2009

This is the second time this has been sent & returned

GAVOS11 89128

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2009 SEP 29 A 11:12
CITY CLERK

L G S-1996 FAMILY TRUST
7105 CARMEN BLVD
LAS VEGAS NV 89128-3433

APN#13827610008

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

SUBJECT: *RQR-34975 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: GES FAMILY, LP*

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *AUGUST 27, 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 *Carman Burney at (702) 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 and return to our office by 5:00PM *AUGUST 26, 2009*.

Signature

8/21/09
Date

Scott Nattzer
Please Print Name

Lamar Central Outdoor, LLC
Company Name

RECEIVED
AUG 25 2009

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

Submitted after final agenda
Date 8-27-09 PC Item 7

AUG. 17. 2009 9:29AM WELLS FARGO BANK NA NO. 2213 P. 1

as Vegas
& Development Department
ment Services Center
S. Fourth Street
Vegas, Nevada 89101-2986

PRES RTED
FIRS CLASS

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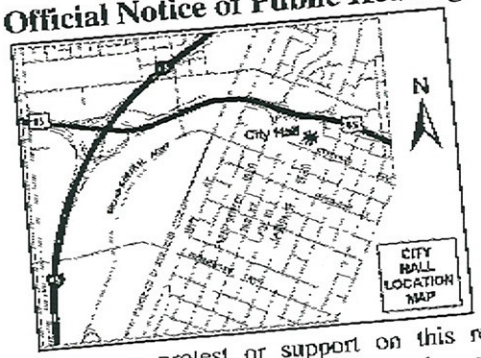
Return Service Requested

Official Notice of Public Hearing



Case: RQR

13827517006
HENLEY ROBERT
2325 WINDMILL PKWY #522
HENDERSON NV 89074-5438

/ou 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 nning & Development Department at the address listed above or fax this e of this card to (702) 385-7268. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

lease use available blank space on card for your comments.

RQR-34975

Planning Commission Meeting of 8/27/2009

7P

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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MAILED FROM ZIP CODE 89101

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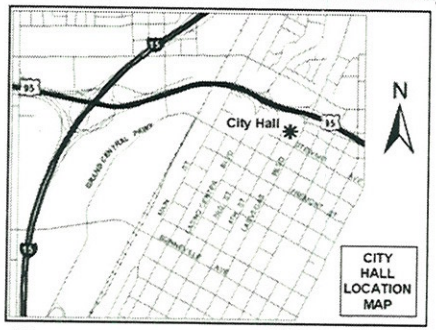

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34975

Planning Commission Meeting of 8/27/2009

Case: RQR-34975

13827610008
L G S-1996 FAMILY TRUST
7105 CARMEN BLVD
LAS VEGAS NV 89128-3433

FAVDF11 89128

79

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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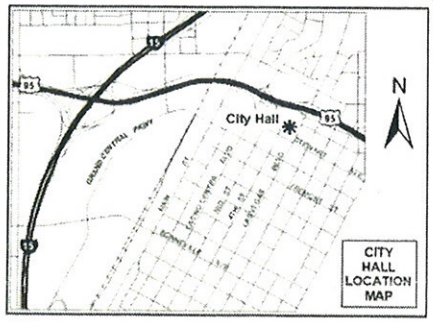
Official Notice of Public Hearing



8/17/09

PLEASE DECLINE APPROVAL OF U-0065-92 BECAUSE:

1. BILLBOARDS ARE A DISTRACTION TO DRIVERS;
2. BILLBOARD SERVICE LADDERS ARE UNMANNED & AN ATTRACTION TO ADOLESCENTS; AND
3. BILLBOARDS HAVE A NEGATIVE IMPACT ON PROPERTY VALUES.

Marilyn K. Metzger

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-34975

Planning Commission Meeting of 8/27/2009

RECEIVED AUG 25 2009 CLV

Case: RQR-34975

13827517009
METZGER T G & M R TRUST
5522 N PASEO PESCADO
TUCSON AZ 85718-5126

FAVDP11 85718

Submitted after final agenda

Date 8/25/09 Item 7

ZP

City of Las Vegas Agenda Item No.: **109.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

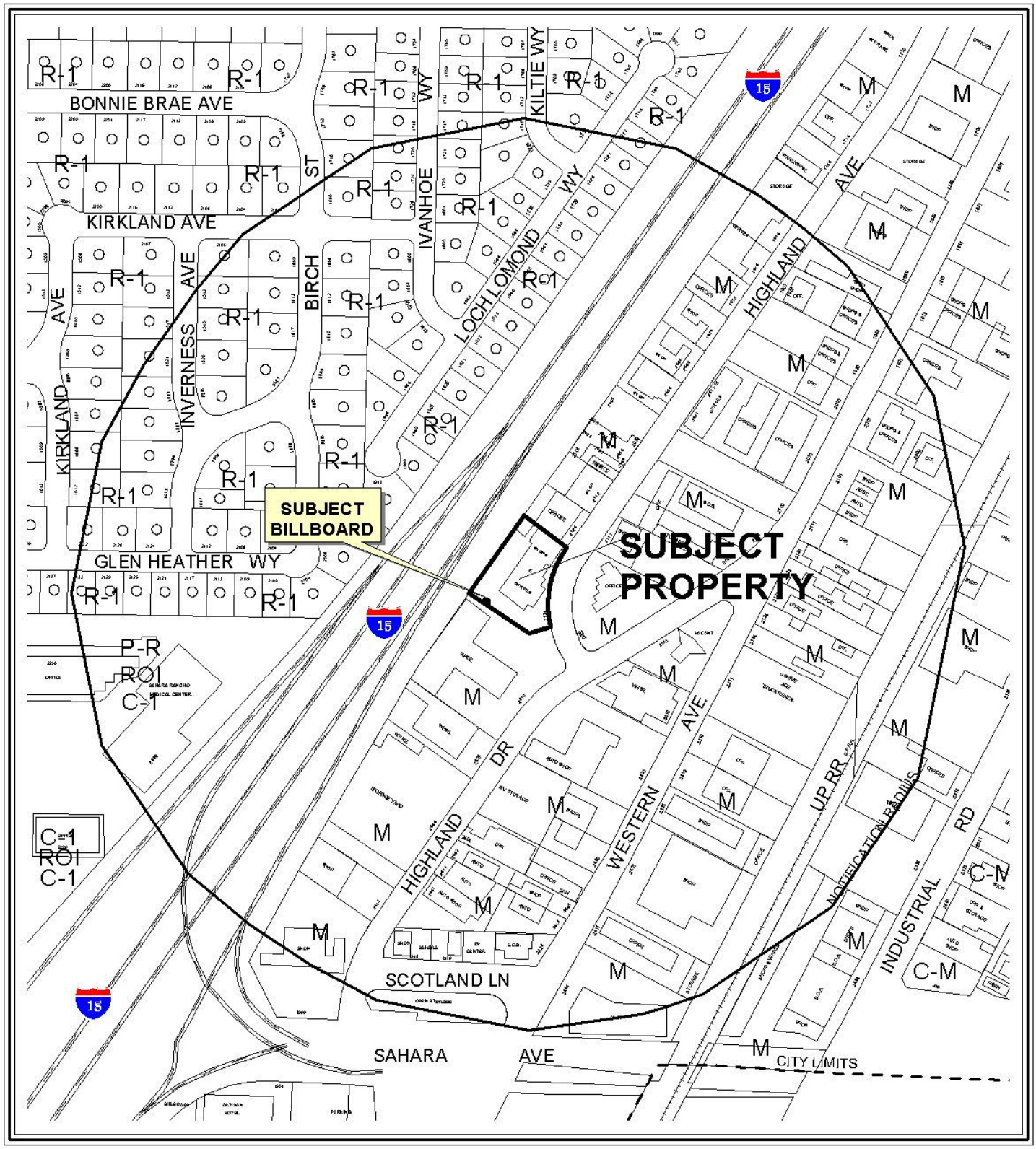
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35241 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER - CLEAR CHANNEL OUTDOOR - Request for a Required Review of a previously approved Variance (V-0025-88), WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2130 Highland Avenue (APN 162-04-402-001), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**0**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-0-1 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. Photos
5. City Council Action Letter for V-25-88(2)
6. City Council Action Letter for RQR-21346
7. Protest Postcards
8. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 12



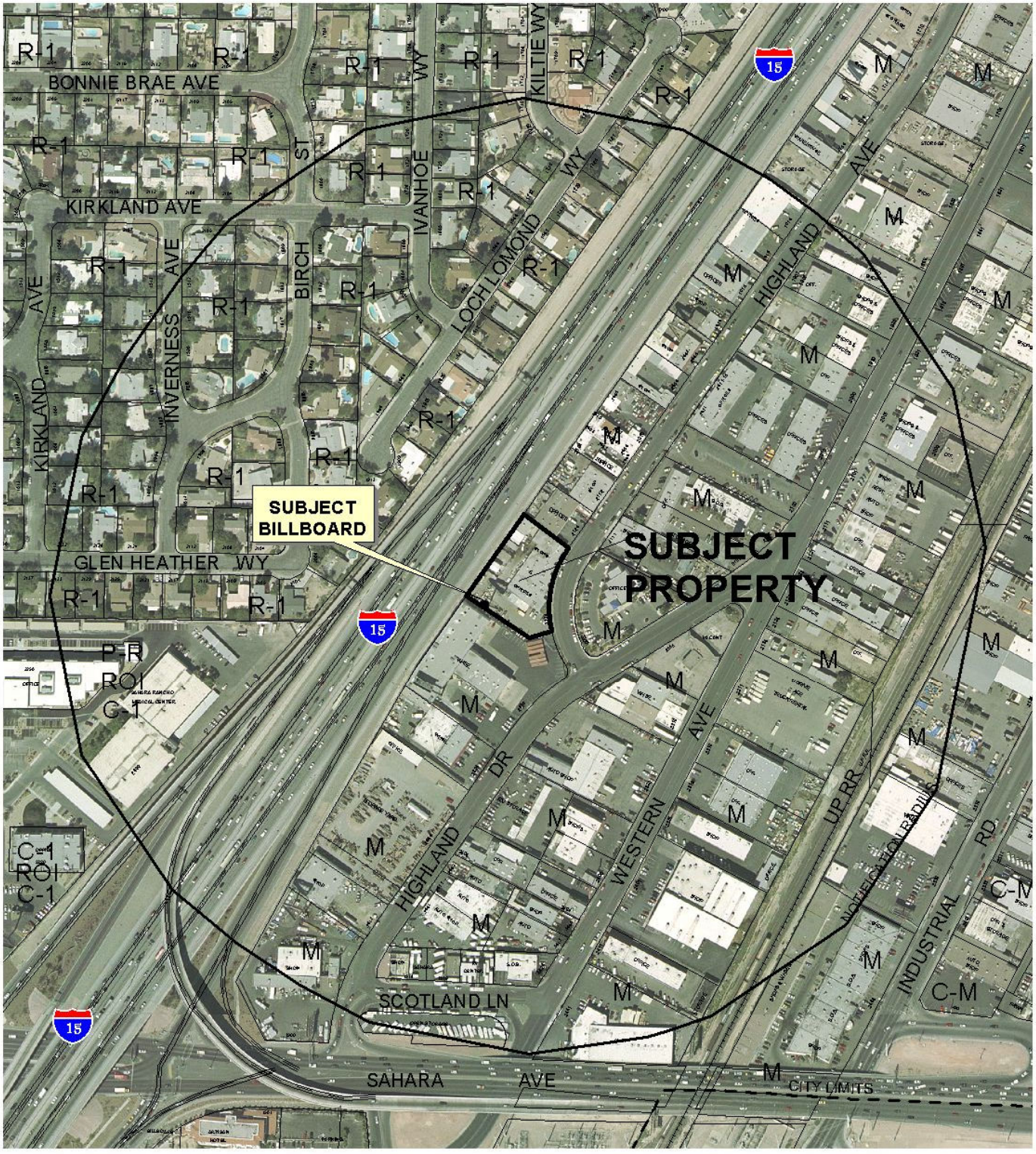
CASE: **RQR-35241**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet

N



CASE: **RQR-35241**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet

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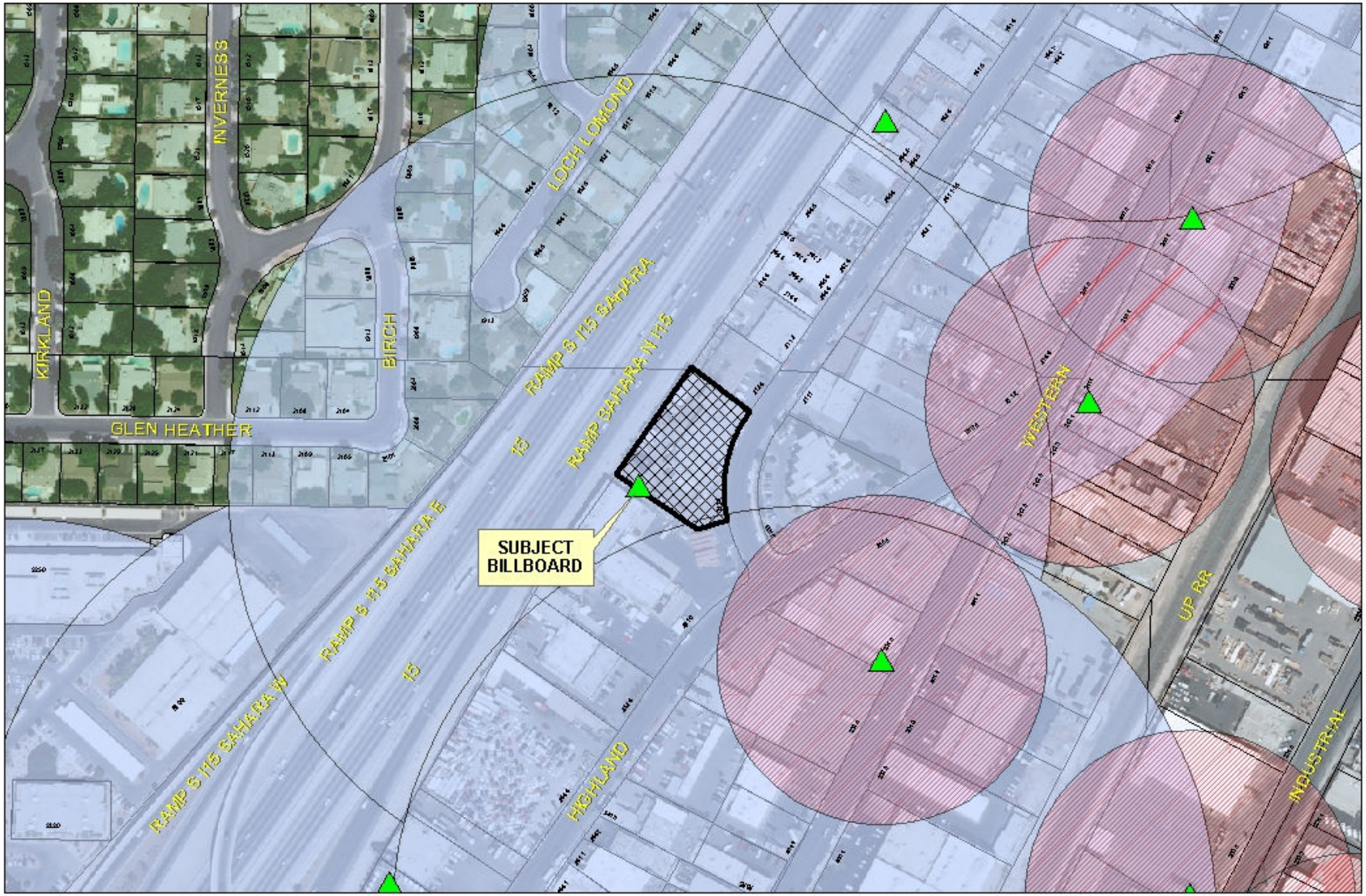

RQR-35241

Subject Parcel

City of Las Vegas Billboard Location

Clark County Billboard Location

City of Las Vegas Billboard Data

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35241 - APPLICANT/OWNER - CLEAR CHANNEL OUTDOOR

** CONDITIONS **

The Planning Commission (5-0-1/vq vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Variance (V-0025-88).

2. This Required Review shall be placed on the agenda closest to June 15, 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 be removed.

3. A Building Permit final inspection shall be obtained within 30 days of final action.

4. 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.

5. If the existing Off-Premise Sign is voluntarily demolished, this Variance (V-0025-88) shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a new Special Use Permit is approved for the new structure by the City Council.

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 Required Review of a previously approved Variance (V-0025-88), which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue. If denied, the existing billboard would no longer be permitted on the subject site without a new Special Use Permit. The applicant has been issued for a Building Permit (#144844) for the sign, but has not received a final inspection. A condition of approval has been added, which requires a Building Permit final inspection to be obtained within 30 days of final action. Therefore, staff recommends approval of the request as the billboard and support structure are in good condition.

Issues:

- A Building Permit (#144844) for the subject sign was issued on 08/21/09. The sign has not received its final inspection.
- A condition of approval has been added, which requires a final inspection within 30 days of final action.
- The billboard and support structure were in good condition and free of graffiti and bird droppings.
- This is the sixth review of the subject billboard, which was originally approved on 06/15/88.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/15/88	The City Council approved a Variance (V-0025-88) which allowed a 80-foot high, 14-foot by 48-foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended denial on 05/26/88.
07/21/93	The City Council approved a Required Review [V-0025-88(1)] of an approved Variance (V-0025-88), which allowed a 80-foot high, 14-foot by 48-foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 06/22/93.
07/27/98	The City Council approved a Required Review [V-0025-88(2)] of an approved Variance (V-0025-88), which allowed a 80-foot high, 14-foot by 48-foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 07/07/98.

04/16/03	The City Council approved a Required Review (RQR-1706) of an approved Variance (V-0025-88), which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Sign where 40 feet was the maximum height allowed on this site, subject to a two-year review. The Planning Commission recommended approval on 02/27/03. Staff recommendation was for denial.
08/29/03	A deed was recorded for a change of ownership.
06/01/05	The City Council approved a request for a Required Review (RQR-6151) of an approved Variance (V-0025-88), which allowed a 14 foot by 48 foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue. The Planning Commission and staff recommended approval.
09/05/07	The City Council approved a Required Review (RQR-21346) of an approved Variance (V-0025-88), which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 80 feet where 40 feet is the maximum height allowed at 2130 Highland Avenue.
09/10/09	The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #12/bts).
Related Building Permits/Business Licenses	
08/21/09	A Building Permit (#144844) was issued for the subject Off-Premise Sign at 2130 South Highland Drive. The billboard has not received its Building Permit final inspection.
Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
08/06/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard and support structure were free of graffiti and bird droppings. • Graffiti and debris were identified on the subject site, but were not within the easement/lease area occupied by the subject billboard.

Details of Application Request	
Site Area	
Net Acres	0.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
North	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
South	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)

East	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
West	Interstate 15 (Right-of-Way)	Interstate 15 (Right-of-Way)	Interstate 15 (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Redevelopment Plan Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay 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

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not located within the Exclusionary Zone or Right-of-Way	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a M (Industrial) zoning district	Y

Area	No Off-Premise Advertising (Billboard) Signs 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.	672 SF	Y
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 80 feet from grade	N
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Distance Separation	At least 750 feet to another Off Premise Sign	795 feet to another Off Premise Sign	Y
Distance Separation	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	280 feet from "R" zoned property to the west.	N

ANALYSIS

This is the sixth review of the subject Off-Premise Sign. The subject billboard is legal non-conforming with respect to minimum distance separation requirements. The subject Off-Premise Sign does have a building permit, which was issued on 08/21/09, but has not received a final inspection. Staff conducted a site inspection and found the sign and support structure in good condition and being properly maintained. A condition of approval has been added, which requires the applicant to obtain a final building inspection within 30 days of final action; approval of this request is recommended.

FINDINGS

The subject Off-Premise Sign is located within an M (Industrial) district. Staff finds that there is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area. Also, the billboard is in good condition, and the applicant is working towards obtaining final building inspections; therefore, staff is recommending approval, subject to a three-year review.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 142 by City Clerk

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-35241 APN: 162 04 402 001

Name of Property Owner: Clear Channel Outdoor Easement

Name of Applicant: Clear Channel Outdoor

Name of Representative: Rod Carter

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: Rod Carter * Authorized Representative of Clear Channel Outdoor

Subscribed and sworn before me

This 23rd day of June, 2009

_____
Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
J. DeFALCO
My Appointment Expires
No: 01-66461-1 February 1, 2010

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

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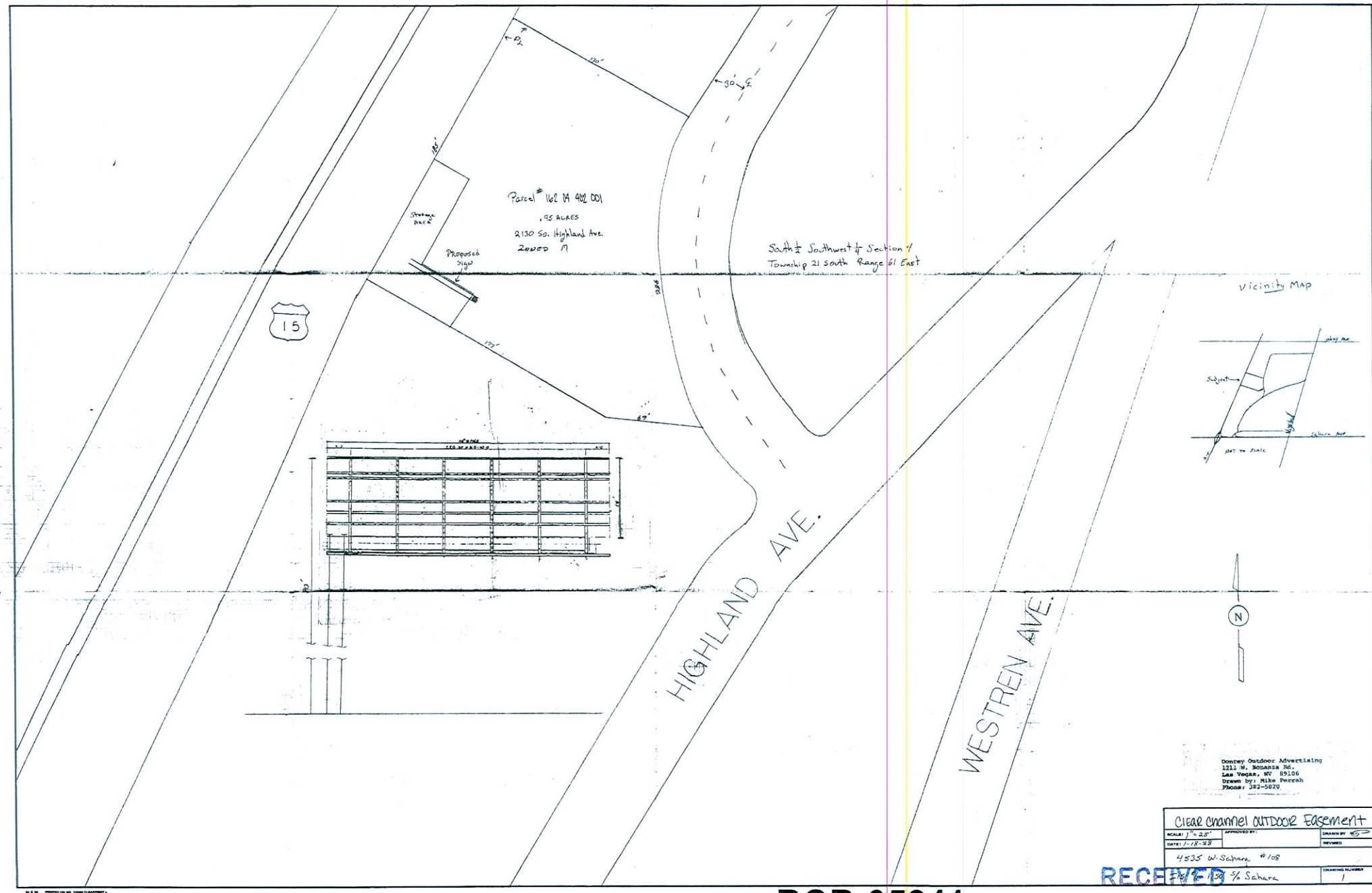
JUL 19 2009



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JUL 19 2009

RQR-35241

09/10/09 PC



RQR-35241 - APPLICANT/OWNER - CLEAR CHANNEL OUTDOOR
2130 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35241 - APPLICANT/OWNER - CLEAR CHANNEL OUTDOOR
2130 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

July 30, 1998

Mr. Mordechai Yerushalmi
c/o Highland Partnership
2400 Western Avenue, #B
Las Vegas, Nevada 89102

RE: V-25-88(2) - REQUIRED FIVE YEAR REVIEW

Dear Mr. Yerushalmi:

The City Council at a regular meeting held July 27, 1998 APPROVED the required Five Year Review of an approved Variance on property located at 2130 Highland Avenue WHICH ALLOWED AN 80 FOOT HIGH, 14 X 48 FOOT OFF-PREMISE ADVERTISING SIGN (BILLBOARD) WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED, M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on July 28, 1998. This approval is subject to:

1. The Board shall hold a public hearing to review this use in five years and at that time may require the sign to be removed.

2. The applicant shall obtain an off-premise sign certificate from the Planning and Development Department.

3. 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

Ms. Renee Rose
Donrey Outdoor Advertising Company
1211 West Bonanza Road
Las Vegas, Nevada 89106

RQR-35241
09/10/09 PC

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

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

September 7, 2007

Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #350
Las Vegas, Nevada 89102

RE: RQR-21346 – REQUIRED REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007

Dear Mr. Carter:

The City Council at a regular meeting held September 5, 2007 APPROVED the request for a Required Review of an approved Required Review [V-0025-88(2)], WHICH ALLOWED A 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AT A HEIGHT OF 80 FEET WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 2130 Highland Avenue (APN 162-04-402-001), M (Industrial) Zone The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to

Planning & Development

1. This Variance 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-35241
09/10/09 PC

5. If the existing off-premise sign is voluntarily demolished, this Variance 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 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

RQR-35241
09/10/09 PC

382-4803

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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MAILED FROM ZIP CODE 89101

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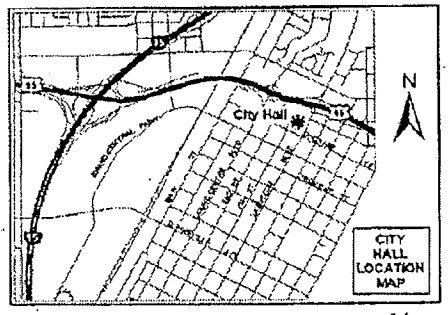
Official Notice of Public Hearing



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-35241
City Council Meeting of 10/7/2009

KRUGER MABEL A REVOCABLE TR
KRUGER MABEL A TRS
1720 IVANHOE WY
LAS VEGAS NV 89102-4426

APN#16204311006

GAYDE11 89102

2009 SEP 28 A 8:00
RECEIVED
CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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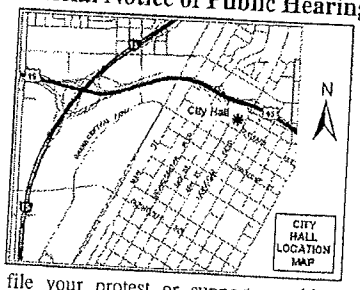

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35241

City Council Meeting of 10/7/2009

2009 SEP 28 P 4:48

CITY CLERK

FELDMAN SAM TRUST
FELDMAN ROBERT L TRS
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

APN#16204301010

GAU0511 89107

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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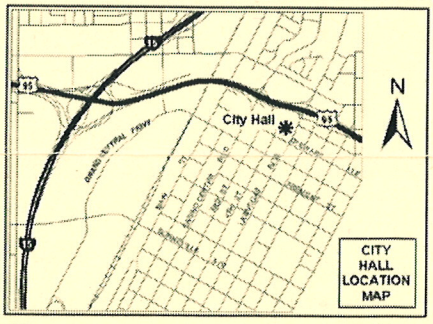

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-35241
City Council Meeting of 10/7/2009

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CITY CLERK
2009 SEP 29 A 11:11

KOHLER ALEXANDER & MARION FAM
KOHLER ALEXANDER E & MARION TRS
1605 INVERNESS AVE
LAS VEGAS NV 89102-4427

APN#16204312028

CAVDS11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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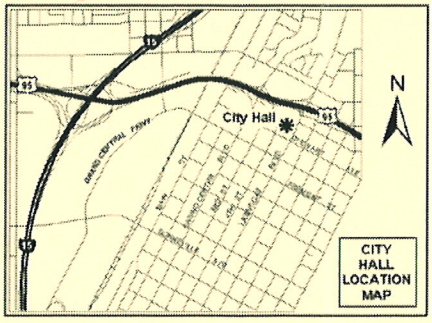

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RQR-35241
City Council Meeting of 10/7/2009

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CITY CLERK
2009 SEP 29 A 11:12

DRYDEN NORMA L LIVING TRUST
DRYDEN NORMA L TRS
1725 IVANHOE WY
LAS VEGAS NV 89102-4425

APN#16204311056

CAVDS11 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

ity of Las Vegas
lanning & Development Department
levelopment Services Center
31 S. Fourth Street
as Vegas, Nevada 89101-2986

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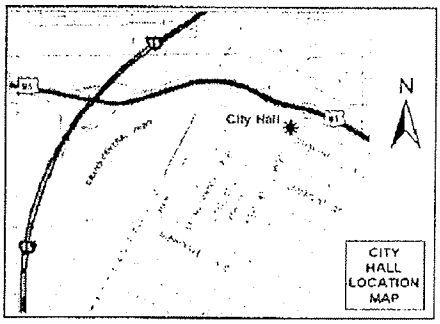
Official Notice of Public Hearing



RECEIVED
SEP 01 2009

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 lanning & Development Department at the address listed above or fax this de of this card to (702) 385-7268. If you would like to contact your Council epresentative, please call (702) 229-6405.

Case: RQR-35241
16204312049
ENGSTROM DEREK E & GLADYS REV TR
1512 INVERNESS AVE
LAS VEGAS NV 89102-4422

☐ I SUPPORT this Request ☑ I OPPOSE this Request

lease use available blank space on card for your comments.

QR-35241

lanning Commission Meeting of 9/10/2009

FAV0511 A8102

12P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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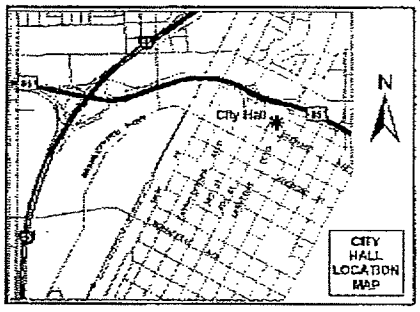

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35241

Planning Commission Meeting of 9/10/2009

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Case: RQR-35241
16204301010
FELDMAN SAM TRUST
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

FAVDP11 A3107

12P

Look I'm old & crippled up Veteran - I love the small amount of tranquility I have remaining in my back yard.

The traffic sounds from I-15 can be heard 24 hrs a day now & your going to widen it more & bring it closer to my house.

I think we should end all variances in this area NOW as when the I-15 is widened there will be a ton of new request for variances.

So - I have to say no-no-no more to this - please our neighborhoods have really had enough don't you think. Sincerely

Paul & Sharon Elam

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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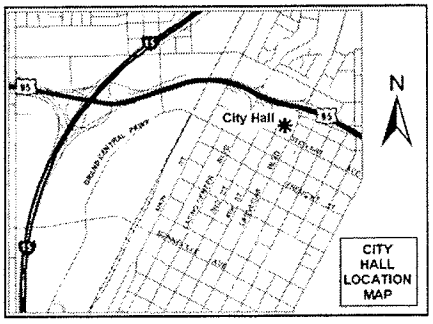

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-35241
Planning Commission Meeting of 9/10/2009

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Case: RQR-35241
16204311011
ELAM PAUL M & SHARON K
1808 IVANHOE WY
LAS VEGAS NV 89102-4428

12P

FAV0511 89102

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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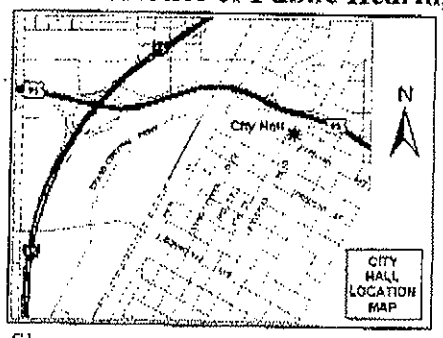

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35241

Planning Commission Meeting of 9/10/2009

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Case: RQR-35241

16204302009
FISCHER INVESTMENTS L L C
1529 LUCANO LN
LAS VEGAS NV 89117-1153

FAU0511 89117

Submitted after final agenda

Date 9/8/09 Item 12 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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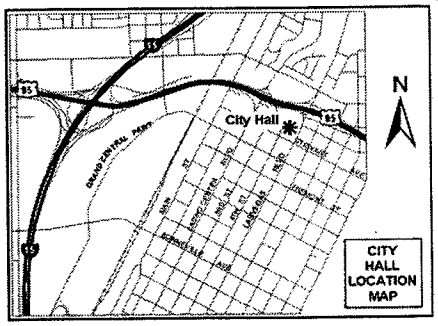

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35241
Planning Commission Meeting of 9/10/2009

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SEP 11 2009

Case: RQR-35241

16204311028
DECKER ANTHONY P
1725 LOCH LOMOND WY
LAS VEGAS NV 89102-4438

FAV0511 89102

City of Las Vegas Agenda Item No.: **110.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

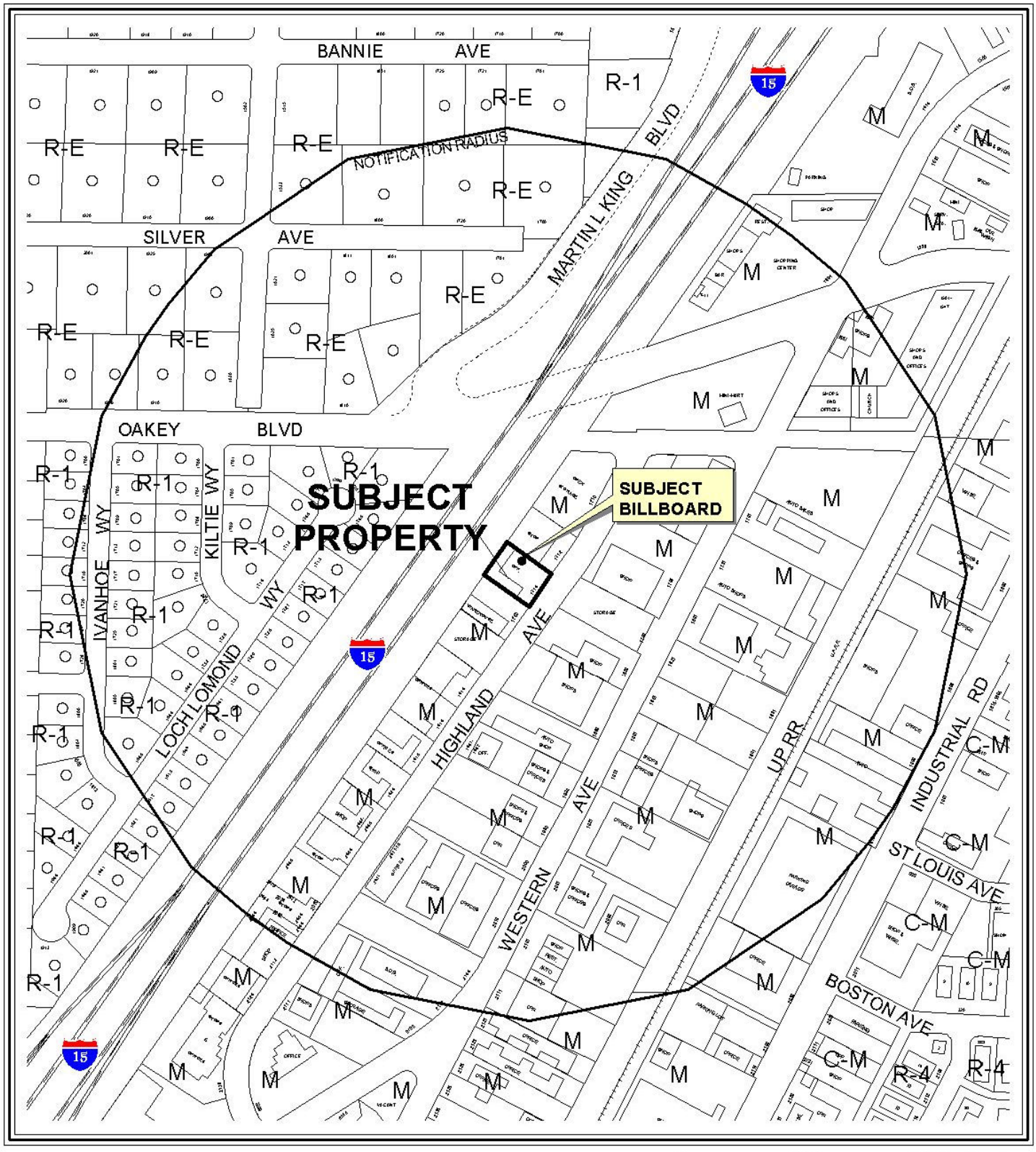
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35242 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O"ROURKE FAMILY, LP - Request for Required Review of a previously approved Variance (V-0024-88) WHICH ALLOWED A 65-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 1716 Highland Avenue (APN 162-04-301-002), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**0**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-0-1 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. Photos
5. City Council Action Letter for V-24-88(2)
6. City Council Action Letter for RQR-21348
7. Protest Postcards
8. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 13



CASE: **RQR-35242**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 300 600 Feet

N



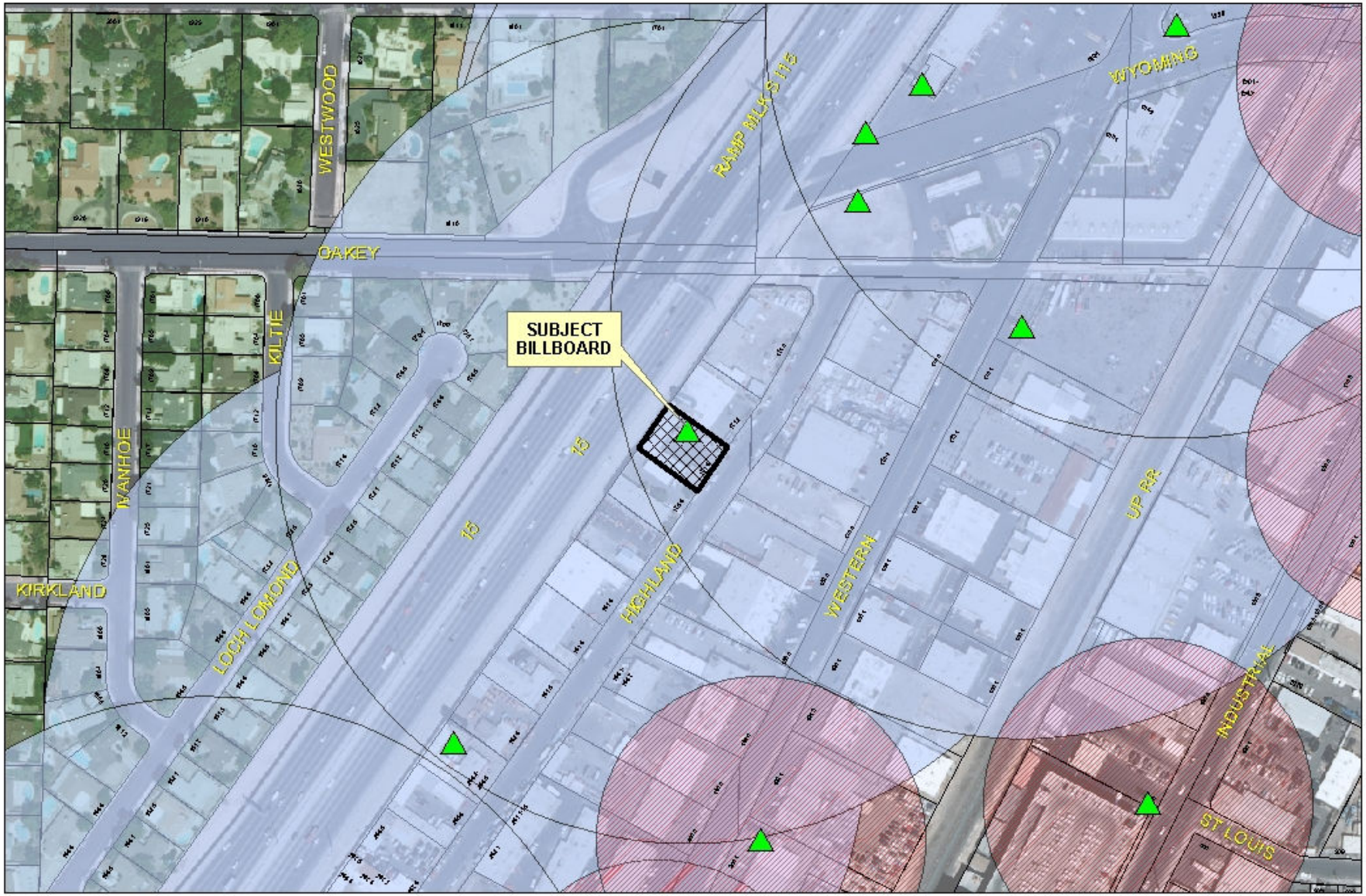
0 300 600 Feet

CASE: **RQR-35242**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



RQR-35242

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35242 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O'ROURKE FAMILY, LP

** CONDITIONS **

The Planning Commission (5-0-1/vq 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. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Off-Premise Sign use.

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. 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.

5. If the existing Off-Premise Sign is voluntarily demolished, this Variance 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. 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 Required Review of a previously approved Variance (V-0024-88) which allowed a 14-foot x 48-foot Off-Premise Sign at a height of 65 feet, where 40 feet is the maximum height allowed, and to allow the sign to be 730 feet from another Off-Premise Sign where 750 feet is the minimum distance separation required at 1716 South Highland Avenue. The sign is located on a parcel occupied by an office complex, and is zoned M (Industrial). There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area; therefore staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/15/88	The City Council approved a Variance (V-0024-88) which allowed a 65-foot high, 14-foot x 48-foot Off-Premise Sign where 40-feet was the maximum height allowed and to allow the sign to be 730 feet from another Off-Premise Sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended denial.
07/21/93	The City Council approved a Required Review [V-0024-88(1)] of a previously approved Variance which allowed a 65-foot high, 14-foot x 48-foot Off-Premise Sign where 40-feet was the maximum height allowed and to allow the sign to be 730 feet from another off-premise advertising sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval.
07/27/98	The City Council approved a Required Review [V-0024-88(2)] of a previously approved Variance which allowed a 65-foot high, 14-foot x 48-foot Off-Premise Sign where 40-feet was the maximum height allowed and to allow the sign to be 730 feet from another off-premise advertising sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval.

04/16/03	The City Council approved a Required Review (RQR-1708) of a previously approved Variance (V-0024-88) which allowed a 65-foot high, 14-foot x 48-foot Off-Premise Sign where 40-feet was the maximum height allowed and to allow the sign to be 730 feet from another Off-Premise Sign on this site, subject to a five-year review. The Planning Commission recommended approval. Staff recommendation was for denial.
05/18/05	The City Council approved a Required Review (RQR-6152) of a previously approved Variance (V-0024-88) which allowed a 14-Foot X 48-Foot Off-Premise Sign at a height of 65 feet, where 40 feet is the maximum height allowed and to allow the sign to be 730 feet from another Off-Premise Sign where 750 feet is the minimum distance separation required at 1716 Highland Avenue. The Planning Commission recommended approval.
09/05/07	The City Council approved a Required Review (RQR-21348) of a previously approved Variance (V-0024-88) which allowed a 14-Foot X 48-Foot Off-Premise Sign at a height of 65 feet, where 40 feet is the maximum height allowed and to allow the sign to be 730 feet from another Off-Premise Sign where 750 feet is the minimum distance separation required. Planning Commission recommended approval. Staff recommended denial.
07/08/09	A Minor Site Development Plan Review (SDR-35120) to construct a 63.75 square foot embellishment was submitted. The applicant has requested this item be held, pending issuance of a building permit and approval of a final inspection for the Off-Premise Sign.
09/10/09	The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #13/gk).
Related Building Permits/Business Licenses	
08/26/09	A building permit application (#144845) was issued for an existing Billboard sign. The permit was finaled on 08/28/09.
Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
08/06/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard and support structure were free of graffiti and bird droppings.

Details of Application Request	
Site Area	
Net Acres	0.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	LI/R (Light Industry/Research)	M (Industrial)
North	Office	LI/R (Light Industry/Research)	M (Industrial)
South	Warehouse	LI/R (Light Industry/Research)	M (Industrial)
East	Warehouse	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Right of Way	I-15 Right of Way	I-15 Right of Way

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Redevelopment Plan Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 200 Feet	X		Y
Live/Work Overlay 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

DEVELOPMENT STANDARDS

Standards	*Code Requirement*	*Provided*	*Compliance*
Location	No Off-Premise Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not located within the public ROW or the Exclusionary Zone	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a M (Industrial) zoning district	Y
Area	No Off-Premise Signs 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.	672 SF	Y

Height	No higher than 40 feet from grade at the point of construction	Maximum height of 65 feet from grade	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Screened	Y
Distance Separation	At least 750 feet to another Off-Premise Sign	520 feet to another Off-Premise Sign	N*
Distance Separation	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	305 feet from "R" zoned property to the east.	Y
Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; No residential uses are present on the site.	Y

**Approved by Variance (V-0024-88).*

ANALYSIS

This is the sixth review of the subject Off-Premise Sign. The Off-Premise Sign received a building permit and a final inspection approval on 08/26/09. The sign is located on a parcel occupied by an office complex, and is zoned M (Industrial). There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area.

FINDINGS

There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area, and staff is recommending approval, subject to a three-year review.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting. Condition #1 must be changed to reference five.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 108 by City Clerk

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-35242** – APN: 162 04 301 002

Name of Property Owner: O'ROURKE Family LP

Name of Applicant: Clear Channel Outdoor

Name of Representative: Rod Carter

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: Timothy P. O'Rourke

Print Name: TIMOTHY P. O'ROURKE

Subscribed and sworn before me

This 29th day of June, 2009

Sara J. Fagnant

Notary Public in and for said County and State
State of Nevada
County of Clark

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SARA J. FAGNANT
Appt. No. 08-7591-1
My Appt. Expires July 15, 2012

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

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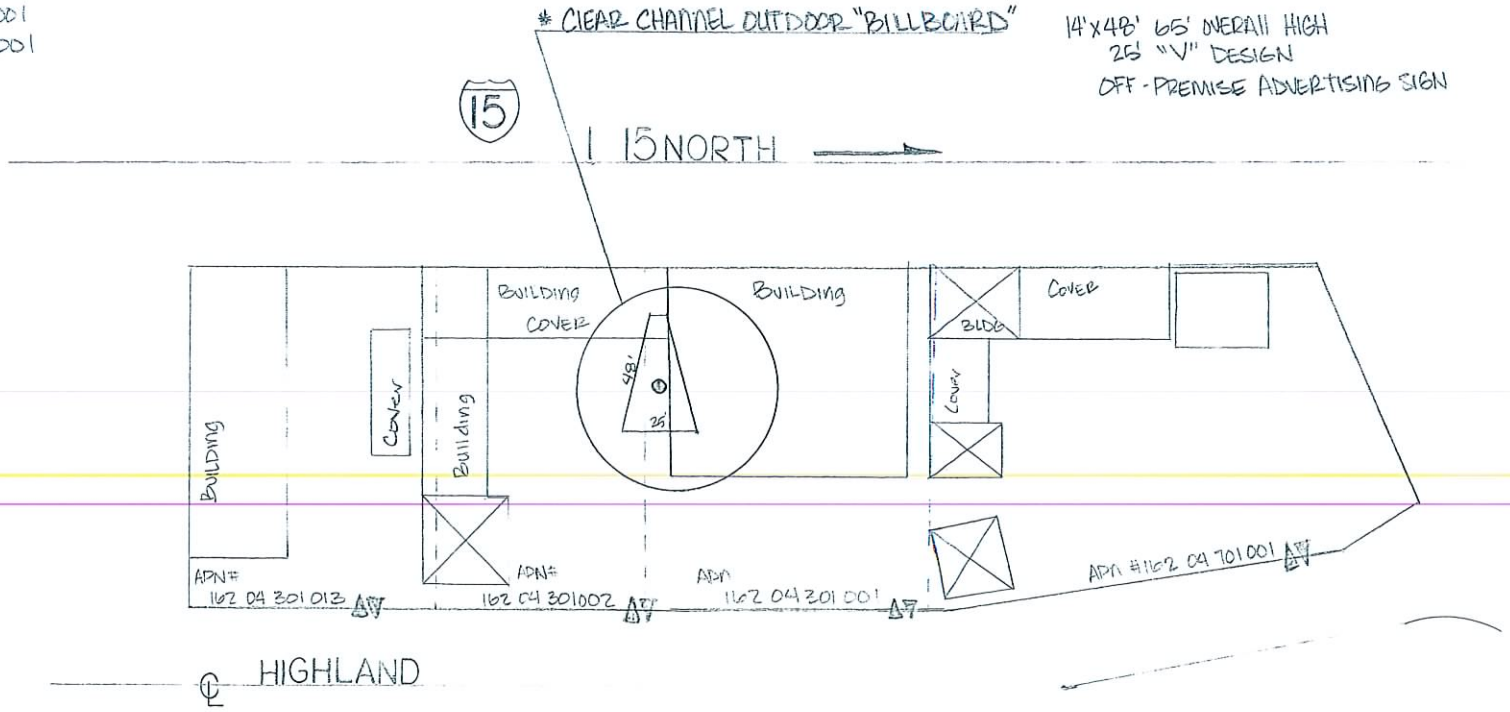
JUL 19 2009

FAMILY
HLAND AVE 84102

301 013
301 002
301 001
701 001



DRAWN BY: Rod Carter Scale: 1"=50'

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RQR-35242
09/10/09 PC



RQR-35242 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O'ROURKE FAMILY, LP
1716 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35242 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O'ROURKE FAMILY, LP
1716 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35242 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: O'ROURKE FAMILY, LP
1716 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

July 30, 1998

Ms. Mary Jane O'Rourke
P & M Investments
1716 South Highland Drive
Las Vegas, Nevada 89102

RE: V-24-88(2) - REQUIRED FIVE YEAR REVIEW

Ms. Mary Jane O'Rourke:

The City Council at a regular meeting held July 27, 1998 APPROVED the required Five Year Review of an approved Variance on property located at 1716 South Highland Avenue WHICH ALLOWED A 65 FOOT HIGH, 14 X 48 FOOT OFF-PREMISE ADVERTISING SIGN (BILLBOARD) WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED; AND WHICH ALLOWED THE SIGN TO BE 730 FEET FROM ANOTHER OFF-PREMISE SIGN WHERE 750 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED, M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on July 28, 1998. This approval is subject to:

1. The Board shall hold a public hearing to review this use in five years and at that time may require the sign to be removed.

2. The applicant shall obtain an off-premise sign certificate from the Planning and Development Department.

3. 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

Ms. Renee Rose
Donrey Outdoor Advertising Company
1211 West Bonanza Road
Las Vegas, Nevada 89106

RQR-35242
09/10/09 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

September 7, 2007

Ms. Mary Jane O'Rourke
O'Rourke Family Limited Partnership
1716 South Highland Avenue
Las Vegas, Nevada 89102

RE: RQR-21348 – REQUIRED REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007

Dear Applicant·

The City Council at a regular meeting held September 5, 2007 APPROVED the request for Required Two Year Review of an approved Variance (V-0024-88) WHICH ALLOWED A 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AT A HEIGHT OF 65 FEET, WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED AND TO ALLOW THE SIGN TO BE 730 FEET FROM ANOTHER OFF-PREMISE ADVERTISING (BILLBOARD) SIGN WHERE 750 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED at 1716 Highland Avenue (APN 162-04-301-002), M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to:

Planning & Development

1. This Variance 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. 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 Variance 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.

RQR-35242
09/10/09 PC

5 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

Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #350
Las Vegas, Nevada 89102

RQR-35242
09/10/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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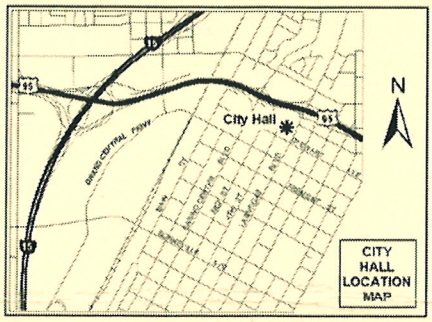

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35242
City Council Meeting of 10/7/2009

2009 SEP 29 A 11:13
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CITY CLERK

TILLMAN CURT ALLEN
1811 SILVER AVE
LAS VEGAS NV 89102-2426

APN#16204210079

GAVOS11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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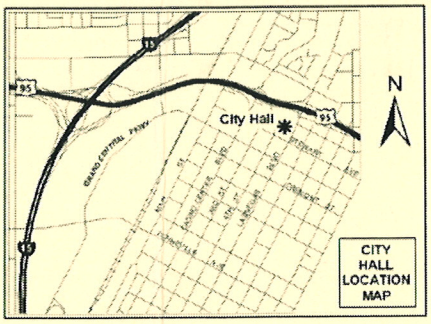

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RQR-35242
City Council Meeting of 10/7/2009

2009 SEP 29 A 11:12
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CITY CLERK

DRYDEN NORMA L LIVING TRUST
DRYDEN NORMA L TRS
1725 IVANHOE WY
LAS VEGAS NV 89102-4425

APN#16204311056

GAVOS11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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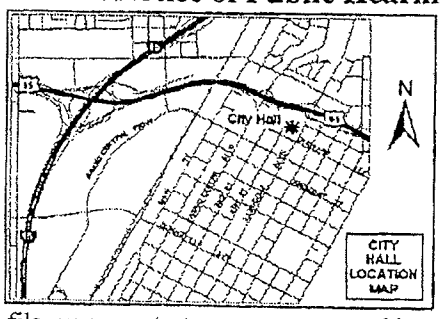

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RQR-35242

City Council Meeting of 10/7/2009

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CITY CLERK

KRUGER MABEL A REVOCABLE TR
KRUGER MABEL A TRS
1720 IVANHOE WY
LAS VEGAS NV 89102-4426

APN#16204311006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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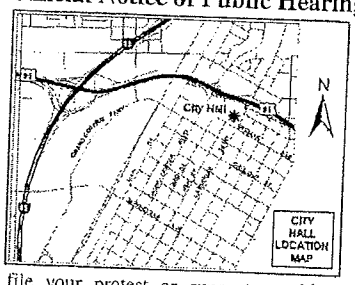

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RQR-35242

City Council Meeting of 10/7/2009

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FELDMAN SAM TRUST
FELDMAN ROBERT L TRS
800 N RAINBOW BLVD #20
LAS VEGAS NV 89107-1193

APN#16204301010

GAV0811 89107

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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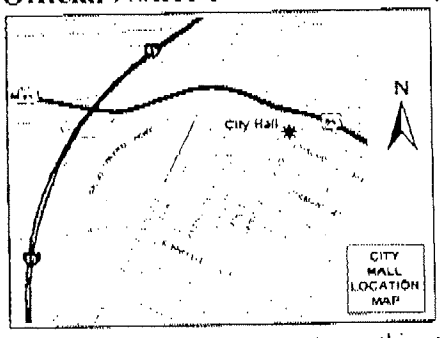

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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35242
Planning Commission Meeting of 9/10/2009

Case: RQR-35242
16204210054
ARLT FAMILY TRUST
1721 BANNIC AVE
LAS VEGAS NV 89102-2452

13P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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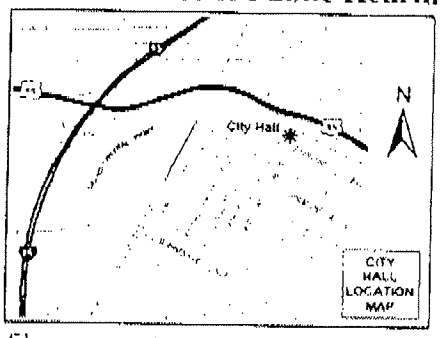

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35242

Planning Commission Meeting of 9/10/2009

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Case: RQR-35242
16204210114
ARLT THOMAS M & LINDA D
1721 BANNIE AVE
LAS VEGAS NV 89102-2452

13P

08/31/2009 16:33 7029485001 SAMSON EQUITIES PAGE 01/02

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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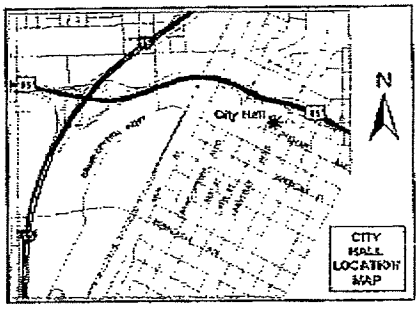

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-35242

Planning Commission Meeting of 9/10/2009

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Case: RQR-35242
16204301010
FELDMAN SAM TRUST
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

FAVDS11 89107

13P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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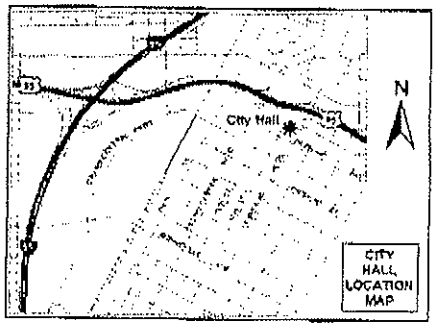

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35242

Planning Commission Meeting of 9/10/2009

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Case: RQR-35242

16204302009
FISCHER INVESTMENTS L L C
1529 LUCANO LN
LAS VEGAS NV 89117-1153

Submitted after final agenda

Date 9/8/09 Item 13P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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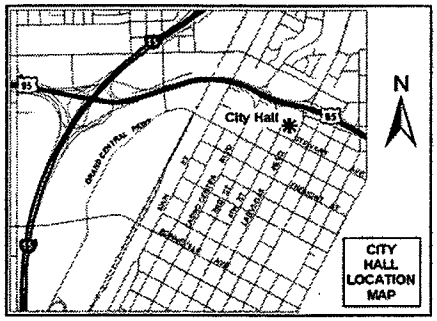

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35242
Planning Commission Meeting of 9/10/2009

Case: RQR-35242
16204311028
DECKER ANTHONY P
1725 LOCH LOMOND WY
LAS VEGAS NV 89102-4438

FAVOS11 89102

City of Las Vegas Agenda Item No.: **111.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

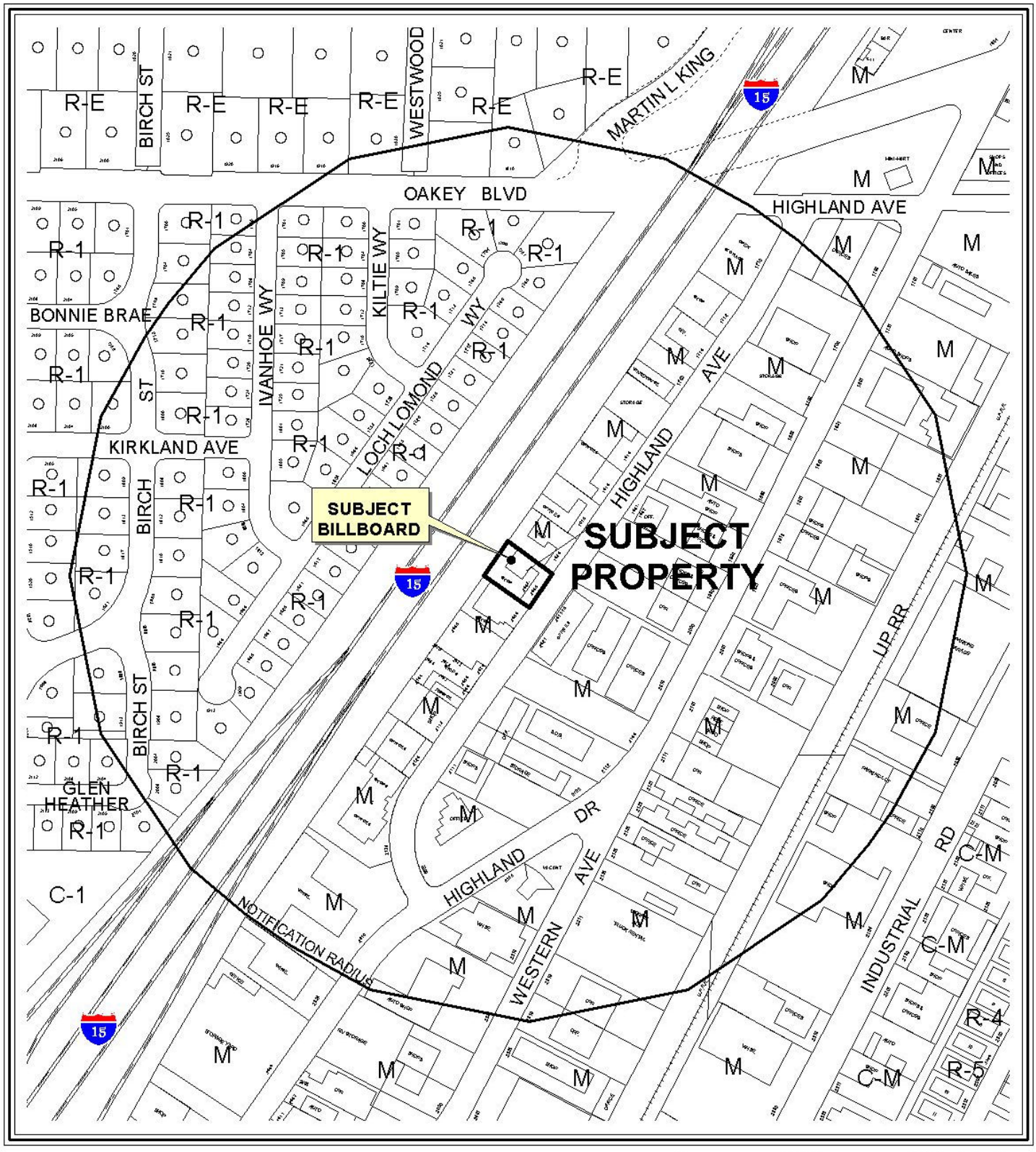
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35243 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC - Request for Required Review of a previously approved Variance (V-0026-88) WHICH ALLOWED A 65-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2002 Highland Avenue (APN 162-04-301-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-0-1 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. Photos
5. City Council Action Letter for V-26-88(2)
6. City Council Action Letter for RQR-21344
7. Protest Postcards
8. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 14



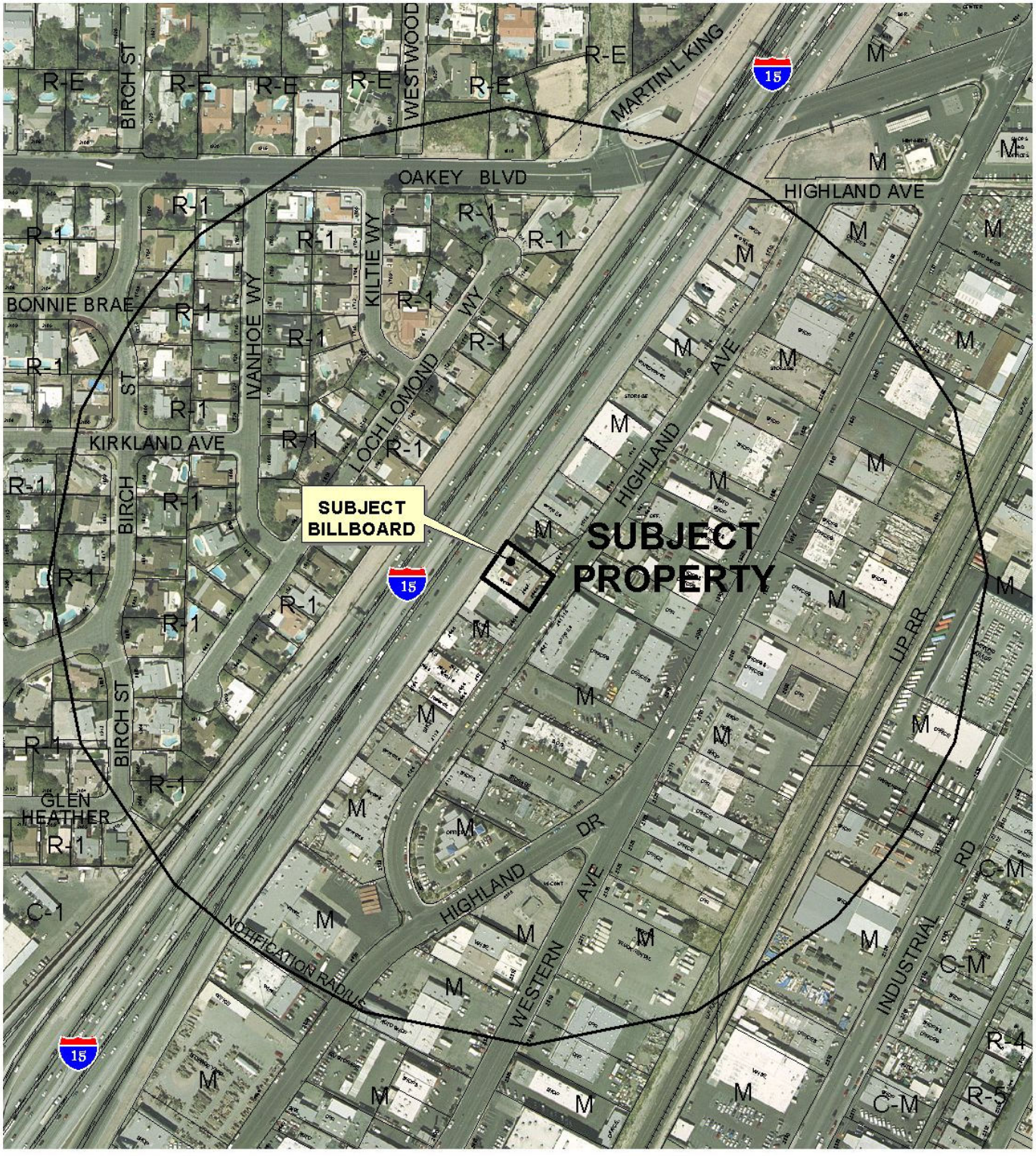
0 300 600 Feet

CASE: **RQR-35243**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



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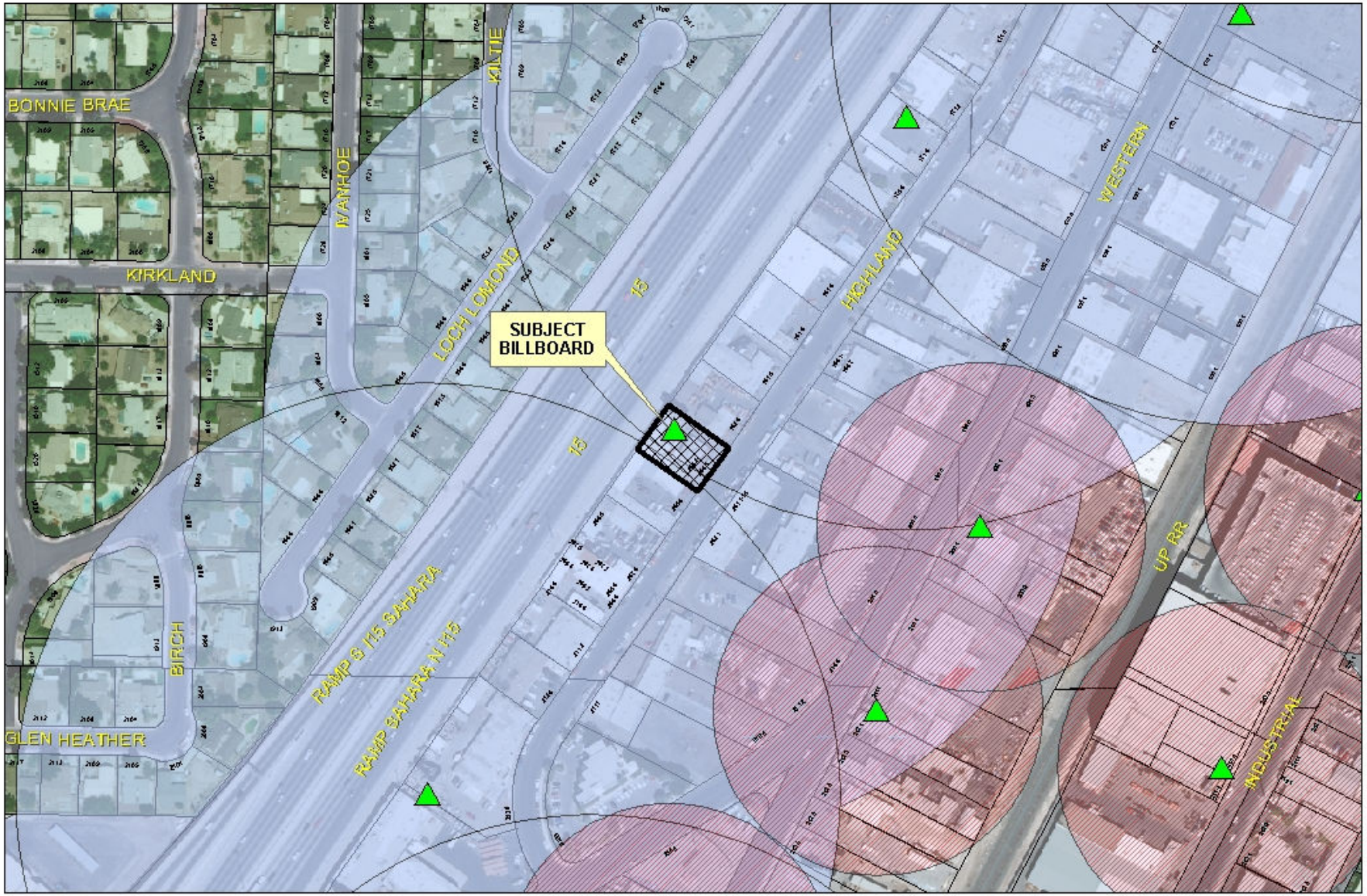

RQR-35243

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35243 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC

** CONDITIONS **

The Planning Commission (5-0-1/vq vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Off-Premise Sign use.

2. Conformance to the conditions for Variance (V-26-88).

3. This Variance shall be reviewed in 3 years 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 is removed.

4. 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 Sign.

5. 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.

6. If the existing off-premise sign is voluntarily demolished, this Variance (V-26-88) 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.

7. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.

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 for a Required Review for a previously approved Variance (V-0026-88) allowed a 65-foot tall, 14-foot by 48-foot Off-Premise Sign to continue at 2000 Highland Avenue. The sign is located on, and surrounded by, parcels zoned M (Industrial) and used for offices and contractor's yards. There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area; staff is recommending denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
02/24/82	A deed was recorded for change of ownership.
06/15/88	The City Council approved a Variance (V-26-88) which allowed a 14-foot by 48-foot Off-Premise Advertising Sign to a height of 65-feet where 40-feet is the maximum height allowed. The Board of Zoning Adjustment recommended denial of the request.
07/21/93	The City Council approved a required Five Year Review for the Variance [V-26-88(1)] which allowed a 14-foot by 48-foot Off-Premise Sign to a height of 65-feet where 40-feet is the maximum height allowed.
04/16/03	The City Council approved a required Five Year Review of an approved Variance [V-0026-88(2)] which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 65-feet where 40-feet is the maximum height allowed at 2002 Highland Avenue. The Planning Commission recommended approval of the request.
06/01/05	The City Council approved a Required Two Year Review of an approved (V-26-88) which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 65-feet where 40-feet is the maximum height allowed at 2002 Highland Avenue. The Planning Commission recommended approval of the request.
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.

09/05/07	The City Council approved a required Two Year Review of an approved Required Review [V-26-88(2)] which allowed a 14-foot by 48-foot Off-Premise Sign at a height of 65-feet where 40-feet is the maximum height allowed at 2002 Highland Avenue. The Planning Commission recommended approval of the request.
09/10/09	The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #14/ao).
Related Building Permits/Business Licenses	
01/01/51	A business license (#C11-00791) was issued for a contractor at 2002 Highland Avenue. The permit was reclassified and issued on 03/28/03.
08/21/09	A building permit (#144843) was issued for a billboard sign at 2000 Highland Avenue. The permit was finalized on 08/26/09.
Pre-Application Meeting	
A pre-application meeting was not required, nor was one conducted.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
08/06/09	Staff conducted a field check of the subject site with the following observations: • The subject billboard had no embellishments, animated signage, or electronic displays and the sign faces appeared in good condition. • All the structural elements have been properly secured.

Details of Application Request	
Site Area	
Gross Acres	0.3 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Contractor's Plant Shop & Storage Yard	LI/R (Light Industry/ Research)	M (Industrial)
North	Contractor's Plant Shop & Storage Yard	LI/R (Light Industry/ Research)	M (Industrial)
South	Contractor's Plant Shop & Storage Yard	LI/R (Light Industry/ Research)	M (Industrial)
East	Offices	LI/R (Light Industry/ Research)	M (Industrial)
West	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way	U.S. 95 Right-of-Way

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
Las Vegas Redevelopment Plan	X		Y
A-O Airport Overlay District	X		Y
Live/Work Overlay 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

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	Y
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	Sign is located within an M (Industrial)	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 has a surface area of 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 65-feet tall per approved Variance (V-26-88)	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
Distance Separation	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)	There is an Off-Premise Sign located within 710 feet of the subject sign.	Y*
Distance Separation	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	There are is an "R" zoned district within 277 feet West of the subject sign on the other side of U.S. 95 Public Right-of-Way.	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. No residential uses are present on the site.	Y

***** The Off-Premise Sign is legally nonconforming for distance separation.

ANALYSIS

This is the fifth Required Review of the approved Variance (V-26-88) which allowed a 65-foot tall, 14-foot by 48-foot Off-Premise Sign. The sign is situated on the northern portion of the property and is oriented toward northbound and southbound traffic along Interstate 15. The sign is visible to vehicles travelling north and southbound on Highland Avenue. The site is bounded by interstate 15 to the west and industrially zoned properties to the east, south, and north. The applicant filed for building permits at the time of construction; however, the permits were never finalized. A research of the building permit activity found that permit #144843 was issued on 08/21/09 for a billboard sign under the address of 2000 Highland Avenue, and received a final inspection on 08/26/09. The sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary zone. There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area.

FINDINGS

The Off-Premise Sign meets Title 19.14.100 requirements, and is in good condition. During a field inspection of the site, the sign and the supporting structure were in good condition with no discrepancies noted. There are no embellishments, staff finds that there is no adverse impact regarding the continued use of the sign; therefore, staff is recommending denial.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting. The Planning Commission changed condition #3 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 143 by City Clerk

APPROVALS 0

PROTESTS 2

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-35243.3 APN: 162 04 301 008

Name of Property Owner: Ferris Investments

Name of Applicant: Clear Channel Outdoor

Name of Representative: Rod Carter

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: H. C. FERRIS

Subscribed and sworn before me

This 18TH day of June, 2009

[signature]

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
J. DeFALCO
My Appointment Expires
February 1, 2010
No: 01-66461-1

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Revised 11-14-06

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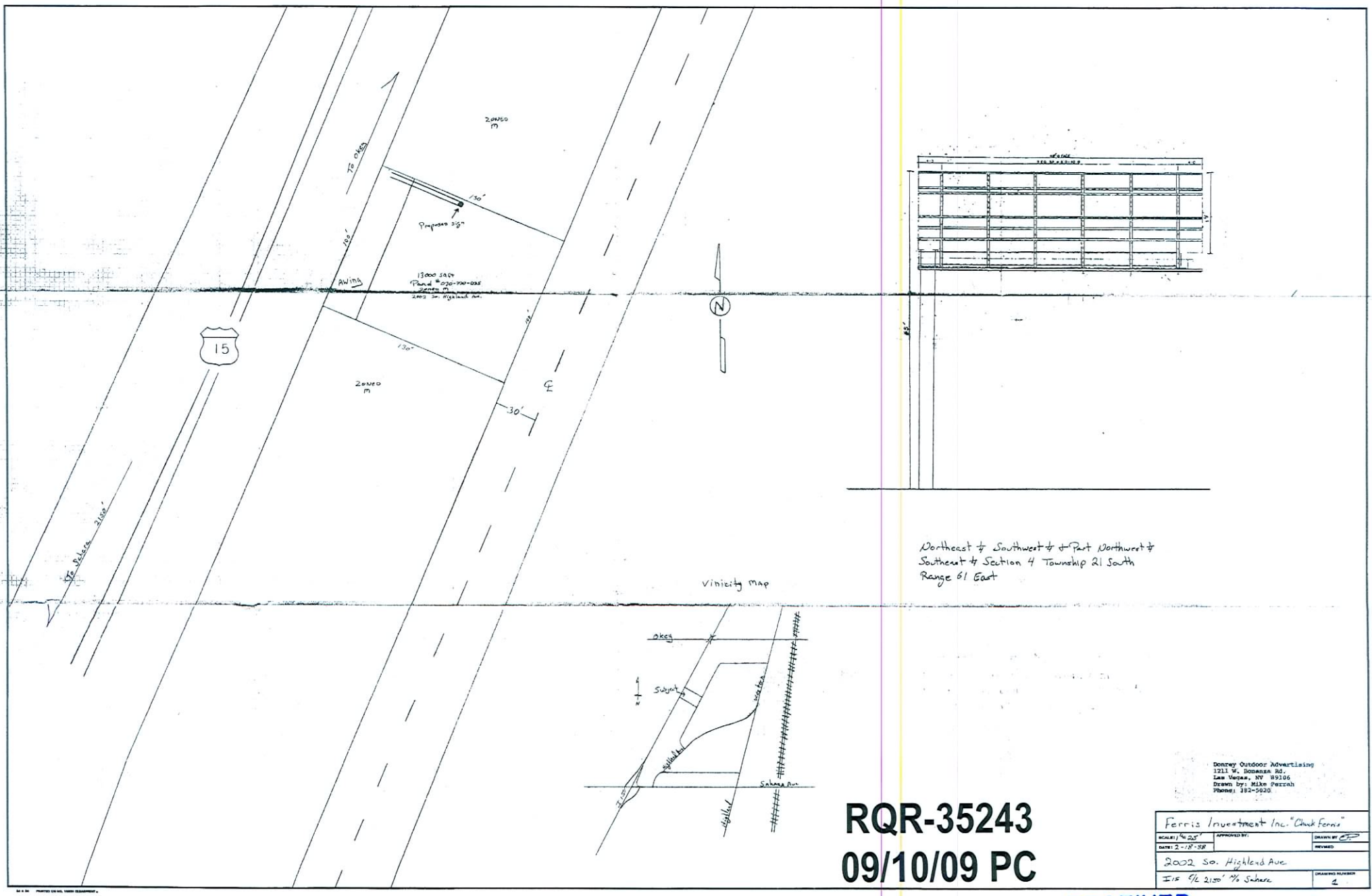

RQR-35243
09/10/09 PC

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RQR-35243 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC
2002 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35243 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC
2002 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35243 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC
2002 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35243 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: FERRIS INVESTMENTS, INC
2002 HIGHLAND AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

July 30, 1998

Mr. Chuck Ferris
Ferris Investments, Inc.
2002 South Highland Drive
Las Vegas, Nevada 89102

RE: V-26-88(2) - REQUIRED FIVE YEAR REVIEW

Dear Mr. Ferris:

The City Council at a regular meeting held July 27, 1998 APPROVED the required Five Year Review of an approved Variance on property located at 2002 Highland Avenue WHICH ALLOWED A 65 FOOT HIGH, 14 X 48 FOOT OFF-PREMISE ADVERTISING SIGN (BILLBOARD) WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED, M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on July 28, 1998. This approval is subject to:

1. The Board shall hold a public hearing to review this use in five years and at that time may require the sign to be removed.

2. The applicant shall obtain an off-premise sign certificate from the Planning and Development Department.

3. 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

Ms. Renee Rose
Donrey Outdoor Advertising Company
1211 West Bonanza Road
Las Vegas, Nevada 89106

RQR-35243
09/10/09 PC

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

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

September 7, 2007

Ferris Investment, Inc.
2705 Fulano Way
Las Vegas, Nevada 89102

RE: RQR-21344 – REQUIRED REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007

Dear Applicant:

The City Council at a regular meeting held September 5, 2007 APPROVED the required Two Year Review of an approved Required Review [V-26-88(2)] WHICH ALLOWED A 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AT A HEIGHT OF 65 FEET WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 2002 Highland Avenue (APN 162-04-301-008), M (Industrial) Zone The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to.

Planning & Development

1 This Variance 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-35243
09/10/09 PC

5 If the existing off-premise sign is voluntarily demolished, this Variance 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 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

Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #350
Las Vegas, Nevada 89102

RQR-35243
09/10/09 PC

[redacted]

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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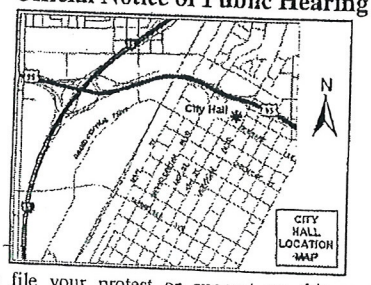

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-35243

City Council Meeting of 10/7/2009

FELDMAN SAM TRUST
FELDMAN ROBERT L TRS
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

APN#16204301010

GAVDS11 89107

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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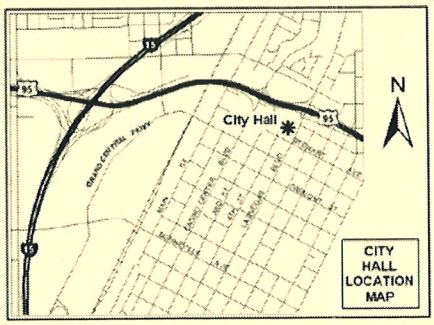

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-35243

City Council Meeting of 10/7/2009

DRYDEN NORMA L LIVING TRUST
DRYDEN NORMA L TRS
1725 IVANHOE WY
LAS VEGAS NV 89102-4425

APN#16204311056

GAVDS11 89102

382-4803

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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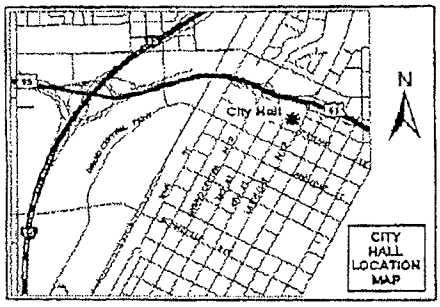

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RQR-35243
City Council Meeting of 10/7/2009

2009 SEP 28 A 8:00
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KRUGER MABEL A REVOCABLE TR
KRUGER MABEL A TRS
1720 IVANHOE WY
LAS VEGAS NV 89102-4406

APN#16204311006

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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

PAGE 02/02
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08/31/2009 16:33 7029485001

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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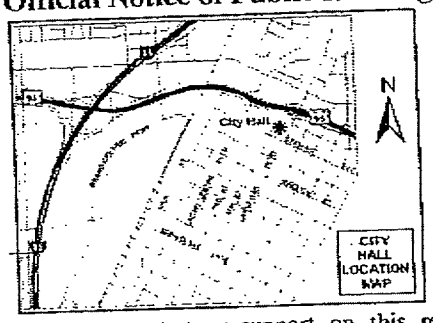
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-35243

Planning Commission Meeting of 9/10/2009

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SEP 01 2009

Case: RQR-35243
16204301010
FELDMAN SAM TRUST
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

FAV0511 89107

14P

LOOK I'm OLD & CRIPPLED UP VETERAN. I LOVE THE SMALL AMOUNT OF TRANQUILITY I HAVE REMAINING IN MY BACK YARD.

THE TRAFFIC SOUNDS FROM I-15 CAN BE HEARD 24 hrs A DAY NOW & YOUR GOING TO WIDEN it more & BRING it closer TO MY HOUSE.

I THINK WE SHOULD END ALL VARIANCES IN THIS AREA NOW AS when THE I-15 IS WIDENED there will BE A TON OF NEW REQUEST FOR VARANCES.

SO - I HAVE TO SAY NO-NO-NO more TO THIS - PLEASE our neighbor HOODS HAVE REALLY HAD ENOUGH DON'T YOU THINK. SINCERELY PAUL & SHARON ELAM

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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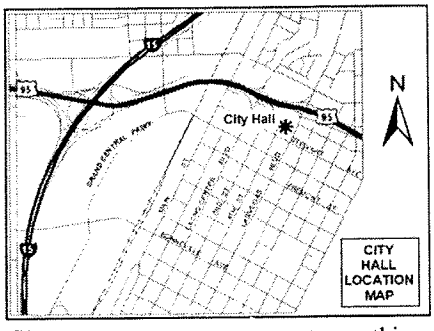
Return Service Requested
Official Notice of Public Hearing



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-35243
Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 02 2009

Case: RQR-35243
16204311011
ELAM PAUL M & SHARON K
1808 IVANHOE WY
LAS VEGAS NV 89102-4428

14P

FAV0511 89102

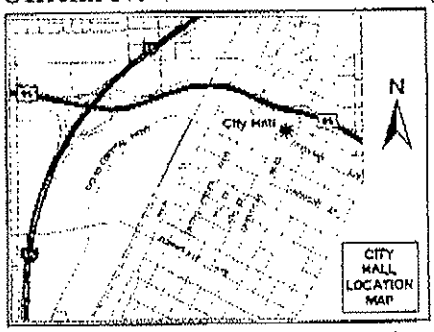
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 1M
0004279218
$ 00.41⁴
AUG 28 2009
MAILED FROM ZIPCODE 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.

RQR-35243
Planning Commission Meeting of 9/10/2009

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SEP 08 2009

Case: RQR-35243

16204302009
FISCHER INVESTMENTS L L C
1529 LUCANO L N
LAS VEGAS NV 8(117-1153

PAGE 1 OF 1

Submitted after final agenda

Date 9/8/09 Item 14p

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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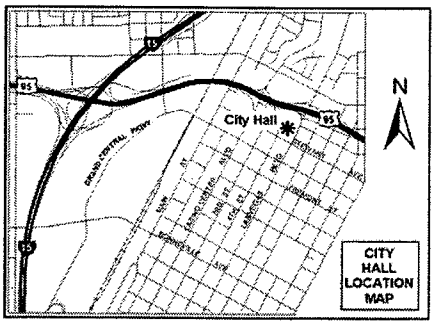
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35243
Planning Commission Meeting of 9/10/2009

Case: RQR-35243
16204311028
DECKER ANTHONY P
1725 LOCH LOMOND WY
LAS VEGAS NV 89102-4438

FAU0511 89102

City of Las Vegas Agenda Item No.: **112.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

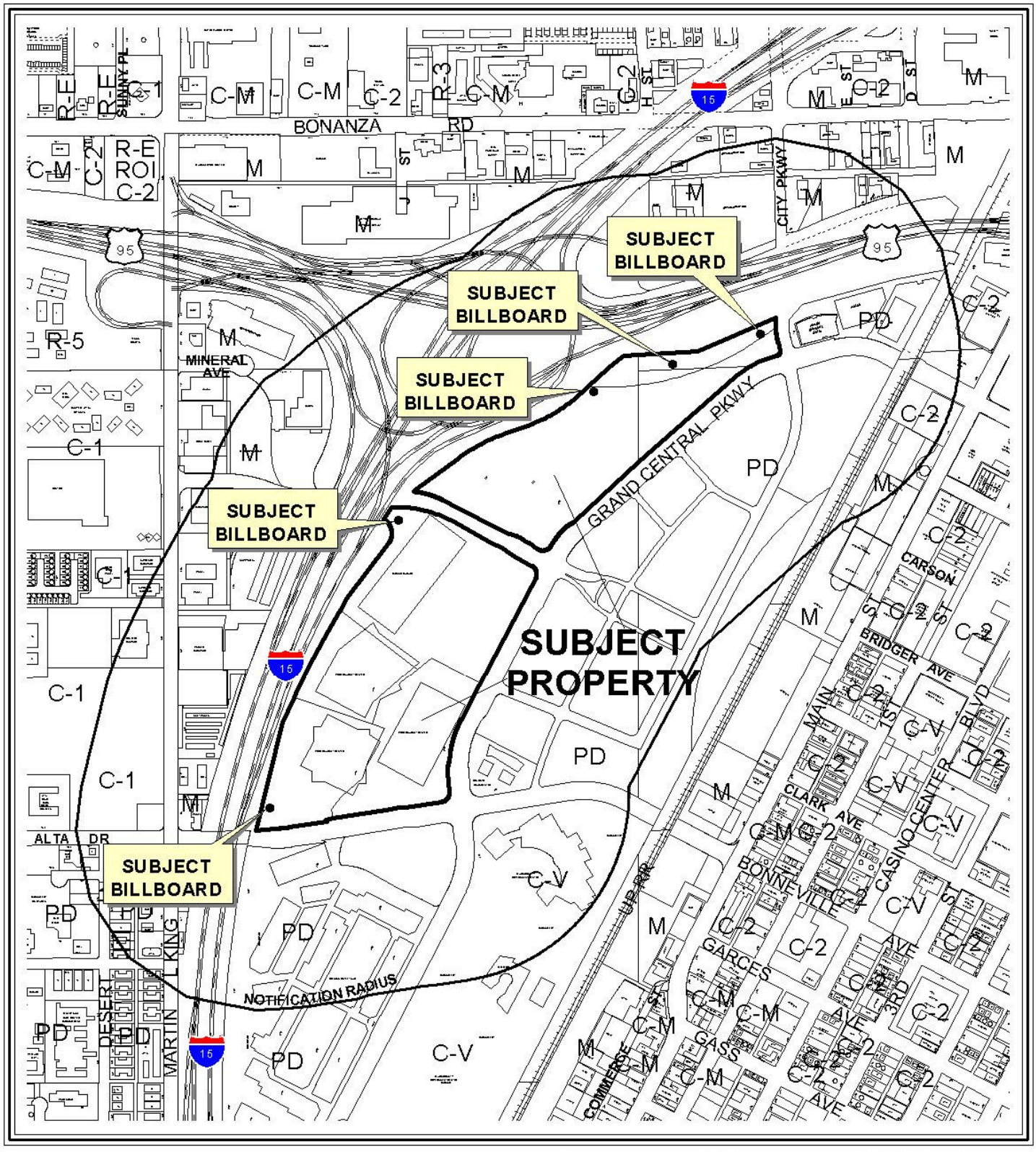
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35268 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: W M C III ASSOCIATES, LLC - Required Review of a previously approved Rezoning (Z-0100-97) WHICH ALLOWED FIVE EXISTING OFF-PREMISE SIGNS on property bounded by U.S.95, I-15 and Grand Central Parkway (APNs 139-33-511-004; 139-33-511-007; 139-33-610-014; and 139-27-410-005), PD (Planned Development) Zone, Ward 5 (Barlow). The Planning Commission (6-0 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**	**0**

RECOMMENDATION:
The Planning Commission (6-0 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. Photos
5. City Council Action Letter for Z-100-97
6. City Council Action Letter for RQR-21345
7. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 8



0 900 1800 Feet

CASE: **RQR-35268**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



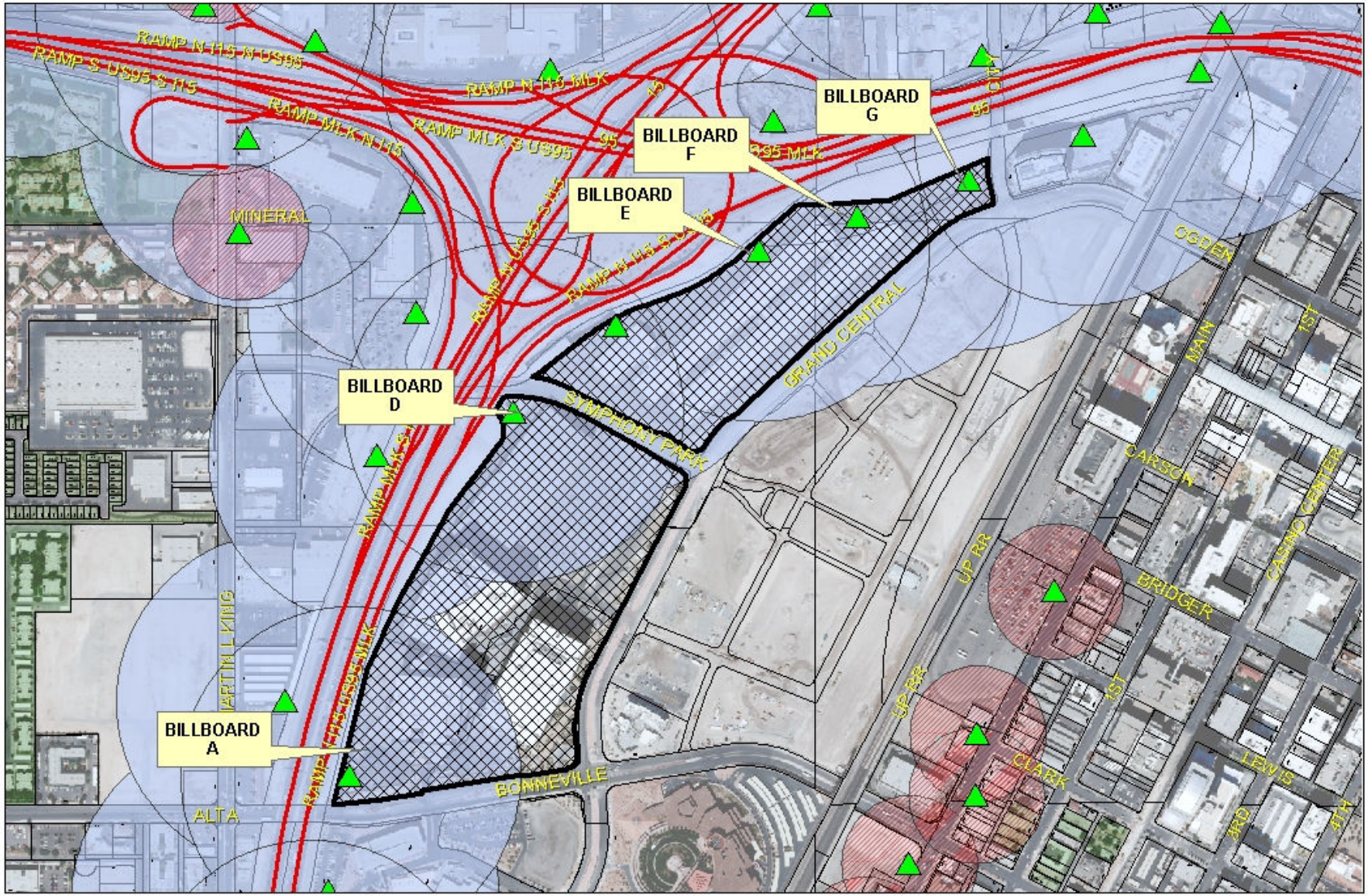
0 900 1800 Feet

CASE: **RQR-35268**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



RQR-35268

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35268 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: W M C III ASSOCIATES, LLC

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions of Rezoning (Z-0100-97).

2. All required building permits shall be obtained, fees paid, and final inspections approved within 30 days of final action.

3. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require that 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.

4. 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.

5. 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.

6. 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.

7. The Off-Premise Sign shall be removed upon the commencement of any new development on this site.

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 for a Required Review of a previously approved Rezoning (Z-0100-97) which allowed five existing Off-Premise Signs on property bounded by U.S. 95, I-15 and Grand Central Parkway. If this request is denied, the subject signs must be removed.

ISSUES

- Staff can not support the request as final inspections were not completed for two of the five signs (Signs A & D), and the building permits have expired; therefore, staff is recommending denial of the request. If approved, a condition has been added which will require all required building permits to be obtained, fees paid, and final inspections approved within 30 days of final action.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) for this site as part of an action on a 222-acre site including the subject site. The approval allowed 13 existing Off-Premise Signs to remain.
02/07/01	The City Council approved a Required Review [Z-0100-97(2)] of 13 existing Off-Premise Signs on the larger site including the subject parcel. The Planning Commission and staff had 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 (Furniture Mart) on approximately 36.11 acres at the northwest corner of the intersection of Bonneville Avenue and Grand Central Parkway. The Planning Commission and staff both recommended approval of the development.
04/03/02	The City Council approved a Required Review [Z-0100-97(7)] of 12 existing Off-Premise Signs on a larger site including the subject parcel, subject to a one-year review. The Planning Commission recommended approval of the request.
05/21/03	The City Council approved a Required Review (RQR-1974) of twelve Off-Premise Signs on a larger site including the subject parcel. Planning Commission and staff recommended approval.
10/06/04	The City Council approved a request for a Site Development Plan Review (SDR-4841) for a 345,670 square foot temporary exhibit space on the subject site. Staff and the Planning Commission both recommended approval of the request.

04/20/05	The City Council approved a Required Review (RQR-5683) of eight Off-Premise Signs on a larger site including the subject parcels. Planning Commission and staff recommended approval.
04/20/05	The City Council approved a Required Review (RQR-6003) of one Off-Premise Sign on one of the subject parcels. Planning Commission and staff recommended approval.
05/18/05	The City Council approved a Review of Condition (ROC-6466) and (ROC-6467) to allow the required landscaping to be installed in phases and to change the location of a required trail.
06/15/05	The City Council approved a Master Sign Plan (MSP-6344) for signage of the World Market Center. The Planning Commission recommended approval.
07/06/05	The City Council approved a Site Development Plan Review (SDR-6593) for a 1,619,219 square foot Phase II commercial center. The Parkway Center Architecture Review Committee (PC-ARC) recommended approval.
01/12/06	The Planning Commission approved a Site Development Plan Review (SDR-10427) for a four-level, 2,175 space parking garage.
06/07/06	The City Council approved a Site Development Plan Review (SDR-12636) for a 2,097,925 square foot Phase III commercial building. The Planning Commission recommended approval of the application.
06/07/06	The City Council approved a Review of Condition (ROC-13357) to remove a condition that required that the Off-Premise Signs on the subject site be removed prior to the issuance of a Certificate of Occupancy for the Phase II building. Signs “B” and “C” were still required to be removed, all others were required to be reviewed at later dates. Staff recommended denial.
06/07/06	The City Council approved a Required Review (RQR-11403) of eight Off-Premise Signs on a larger site including the subject parcels. This approval required the removal of Signs “B” on APN 139-33-610-014 and “C” on APN 139-33-511-005 to be removed within 60 days. Further, it required Signs “C” and “D” on APN 139-33-511-005 to be removed prior to the issuance of permits for the Phase III parking structure. Planning Commission and staff recommended approval.
06/07/06	The City Council approved a Required Review (RQR-12065) of one Off-Premise Sign on one of the subject parcels. Planning Commission and staff recommended approval.
06/07/06	The City Council approved a Special Use Permit (SUP-12635) for a 305-foot tall building within the North Las Vegas Airport portion of the A-O (Airport Overlay) District on one of the subject parcels. Planning Commission and staff recommended approval.
09/07/06	Staff administratively approved a Minor Amendment (SDR-16509) to an approved Site Development Plan Review (SDR-12636) for a reduction in the commercial square footage and revisions to the parking requirements for a commercial development.

10/18/06	The City Council approved an amended Master Sign Plan (MSP-15823) to include Phase II of the World Market Center development. Planning Commission and staff recommended approval.
08/15/07	The City Council approved a Required Review (RQR-21496) of one Off-Premise Sign on one of the subject parcels. A condition of approval requires that the sign be removed prior to the issuance of building permits for any new development on the site. Planning Commission and staff recommended approval.
09/05/07	The City Council approved a Required Review (RQR-21345) of multiple Off-Premise 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.
09/10/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #8/jb).
Related Building Permits/Business Licenses	
04/29/99	A building permit (#99008210) was issued for "Sign A" at 413 South Grand Central Parkway. The permit expired on 10/30/99. A final inspection was not conducted.
04/29/99	A building permit (#99008202) was issued for "Sign D" at 1399 Discovery Drive. The permit expired on 10/30/99. A final inspection was not conducted.
04/29/99	A building permit (#99008206) was issued for "Sign E" at 157 South Grand Central Parkway. A final inspection was conducted on 01/11/00.
04/29/99	A building permit (#99008205) was issued for "Sign F" at 13 South Grand Central Parkway. A final inspection was conducted on 01/10/00.
04/29/99	A building permit (#99008204) was issued for "Sign G" 11 South F Street. A final inspection was conducted on 01/10/00.
Pre-Application Meeting	
A pre-application meeting is not required for this application.	
Neighborhood Meeting	
A neighborhood meeting is not required for this application.	
Field Check	
08/06/09	During a routine site inspection, staff observed a well maintained Off-Premise Sign.

Details of Application Request	
Site Area	
Gross Acres	17.97

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Wholesale Showroom Facility [World Market Center (under construction)]	MXU (Downtown Mixed-Use)	PD (Planned Development)
North	ROW (US 95)	ROW (US 95)	ROW (US 95)
South	Shopping Center	MXU (Mixed-Use)	PD (Planned Development)
East	Undeveloped (Symphony Park)	MXU (Mixed-Use)	PD (Planned Development)
West	ROW (I-15)	ROW (I-15)	ROW (I-15)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan (Parkway Center)	X		Y
PD (Planned Development) District	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Downtown Overlay District	X		Y
A-O (Airport Overlay) District (175-foot)	X		Y
Downtown Casino Overlay 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

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
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	All signs are located within a PD (Planned Development) 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.	All signs are 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 signs range from a height of 55 feet to 80 Feet tall	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 Signs does not require repainting to match the structural supports	Y
Distance Separation	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)	One sign is located 450 feet from another Off-Premise Sign along I-95	Y*
	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*

* Per approved Rezoning (Z-0100-97)

ANALYSIS

This is the eighth review of a previously approved Rezoning (Z-0100-97) which allowed existing Off-Premise Signs to remain on property bounded by U.S. 95, I-15 and Grand Central Parkway. There are currently six signs remaining on the subject site, of which five are part of this review. During a field check of the site, staff found the signs and supporting structures in good condition. There has been no significant change in development or land use since the previous Required Review (RQR-21345). The subject Off-Premise Signs have been issued building permits; however Signs A and D, as designated on the site plan, do not have approved final inspections. Therefore, staff is recommending denial of the subject Required Review.

FINDINGS

Though the area surrounding the signs has not experienced any significant development or land use changes since the previous review, Signs A and D have not received a final building inspection; therefore, staff is recommending denial.

PLANNING COMMISSION ACTION

Delete condition #2.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 59 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-35268** APN: 13927410005, 13933511004, 13933511007, 13933610014

Name of Property Owner: World Market Center

Name of Applicant: Clear Channel Outdoor

Name of Representative: Rod Carter

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: Jack Kashani

Subscribed and sworn before me

This 20 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

LICENSE EXHIBIT B
dated July 28, 1999

LEGEND

- STREET CENTERLINE
- ORIGINAL PROPERTY LINE
- NEW PROPERTY LINE (LOT LINE)
- NDOT PERMANENT EASEMENT LINE
- NDOT PERMANENT EASEMENT AREA
- ACCESS ROADWAY

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	15.13	242.50	7.57	03°34'31"
C2	294.96	975.00	148.62	17°20'00"
C3	289.90	825.00	146.46	20°08'00"
C4	19.39	775.00	9.70	01°26'01"
C5	309.85	775.00	156.50	22°54'59"
C6	328.24	775.00	166.62	24°16'00"
C7	68.54	765.00	34.29	05°08'00"
C8	45.39	120.00	22.97	21°34'25"

LINE TABLE

LINE	LENGTH	BEARING
L1	6.31	N50°22'00"E
L2	7.64	S01°17'49"E
L3	16.18	S01°17'49"E
L4	5.00	S15°22'00"E

SCALE 1" = 100'

INTERSTATE – 15 FREEWAY

INTERSTATE – 515 FREEWAY

TAKEN DOWN

TAKEN DOWN to be REBUILT BY MOLASKY GROUP

CBS OUTDOOR

EXISTING

PROPOSED 14'x48' FULL FLAG BILLBOARD (SEE DETAIL "A" ON SIGNBOARD SITE # 6)

PROPOSED 14'x48' FULL FLAG BILLBOARD (SEE DETAIL "A" ON SIGNBOARD SITE # 7)

PROPOSED 14'x48' FULL FLAG BILLBOARD (SEE DETAIL "A" ON SIGNBOARD SITE # 8)

PERMANENT EASEMENT AREA 13,408 SQUARE FEET (0308 ACRE)

PERMANENT EASEMENT AREA 28,839 S.F. (0.662 ACRE)

NEW PROPERTY LINE

30' WIDE ACCESS ROAD (TYPICAL)

Not a part of WMC & Molasky

OGDEN ROAD

UNION PACIFIC RAIL ROAD RIGHT-OF-WAY

DISCOVERY DRIVE

BAUGHMAN & TURNER, INC.
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS
3210 HILLCREST STREET, LAS VEGAS, NEVADA 89109
(702) 873-5577

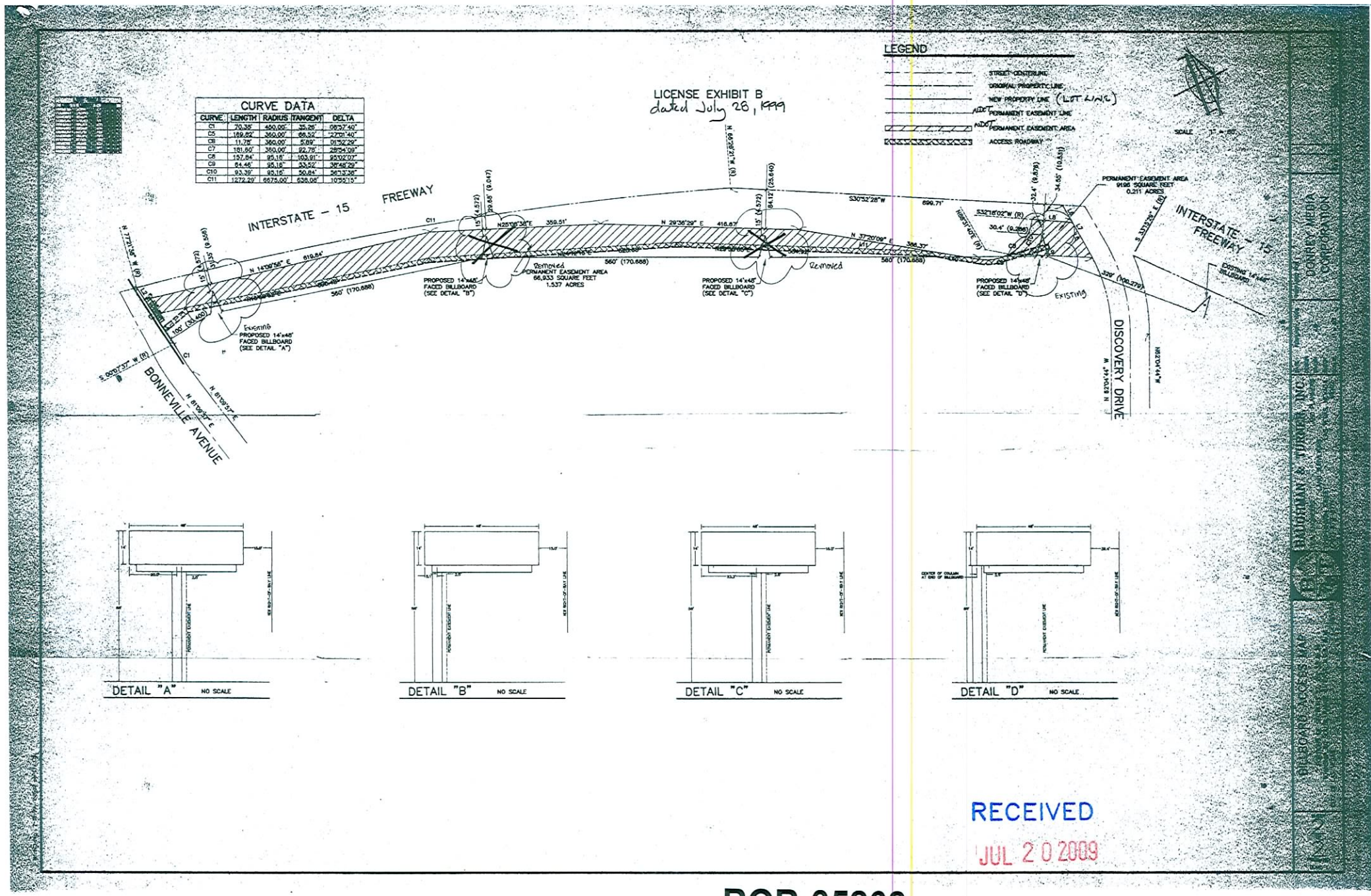
DOWNEY MEDIA CORPORATION

BILLBOARD ACCESS MAP
PORTIONS OF SECTIONS 27, 28, 33 & 34
TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.B. & M.
CITY OF LAS VEGAS

SHEET 2 of 2 SHEETS
DM-ACC

RECEIVED
JUL 20 2009

RQR-35268
09/10/09 PC



RECEIVED
JUL 20 2009

RQR-35268
09/10/09 PC



RQR-35268 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: W M C III ASSOCIATES, LLC
PROPERTY BOUNDED BY U.S.95, I-15 AND GRAND CENTRAL PARKWAY
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



RQR-35268 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: W M C III ASSOCIATES, LLC
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SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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-35268
09/10/09 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-35268
09/10/09 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

October 9, 2007

Mr. Robert Holgate
WMC VI
475 South Grand Central Parkway
Las Vegas, Nevada 89109

RE: RQR-21345 – REQUIRED REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007

Dear Mr. Holgate:

The City Council at a regular meeting held September 5, 2007 APPROVED the Required One Year Review of an approved Rezoning (Z-0100-97) WHICH APPROVED THE EXISTING OFF-PREMISE ADVERTISING (BILLBOARD) SIGNS on property bounded by U.S.-95, I-15 and Grand Central Parkway (APNs 139-33-511-004; 139-33-511-007; 139-33-610-014; and 139-27-410-005), PD (Planned Development) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to:

Planning & Development

1. This application shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Signs 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 of signs (A, E, F, and G) 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. Deleted at City Council

4. The Off-Premise Advertising (Billboard) Signs 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.

5. 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) Signs.

RQR-35268
09/10/09 PC

6. If the existing off-premise signs are voluntarily demolished, this application 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.

7. 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

Margo Wheeler, AICP
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

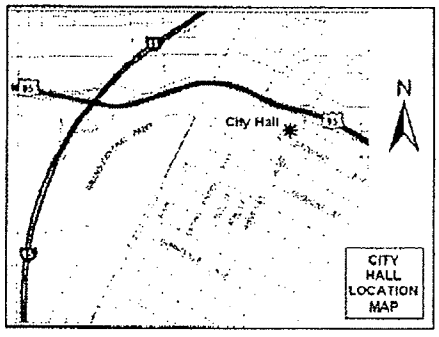
Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #350
Las Vegas, Nevada 89102

RQR-35268
09/10/09 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
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-35268

Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 01 2009

Case: RQR-35268

13927401023
MESQUITEWOOD L L C
107 E CHARLESTON
LAS VEGAS NV 89104-1060

FAUOP11 89104

OP

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
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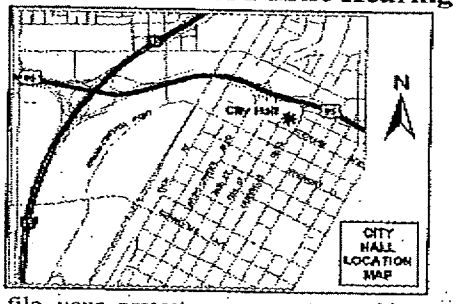
AUG 28 2009
MAILED FROM ZIPCODE 89101

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.

RQR-35268

Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 01 2009

Case: RQR-35268

13927401001
HAYCOCK FAMILY L P
715 W BONANZA RD
LAS VEGAS NV 89106-3230

FAU0511 A910E

8A

City of Las Vegas Agenda Item No.: **113.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

GPA-34610 – ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

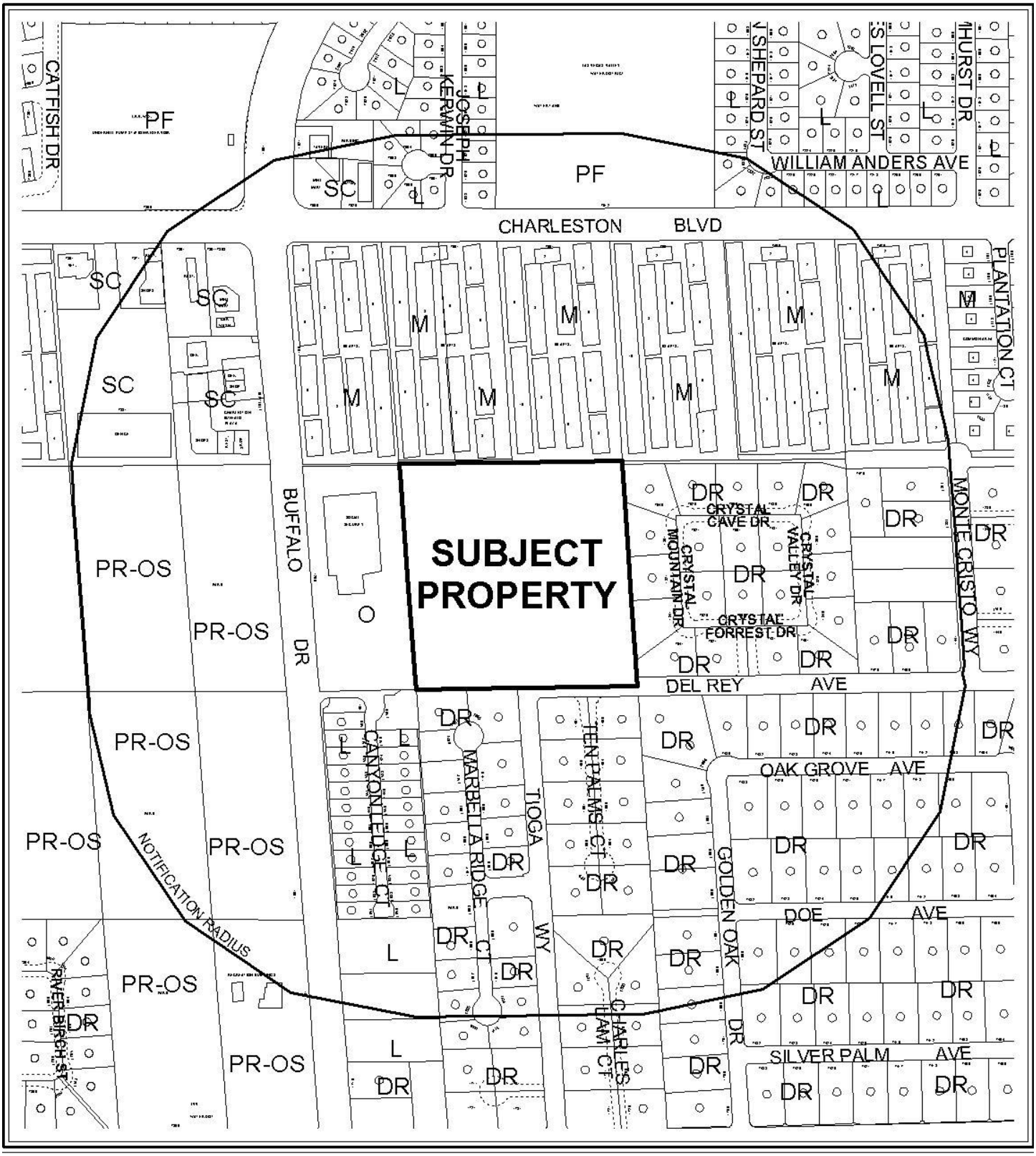
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**0**
City Council Meeting	**53**	**City Council Meeting**	**0**

RECOMMENDATION:

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards and Protest Petition submitted with 43 signatures by Jorina Garetto
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 6



0 300 600 Feet

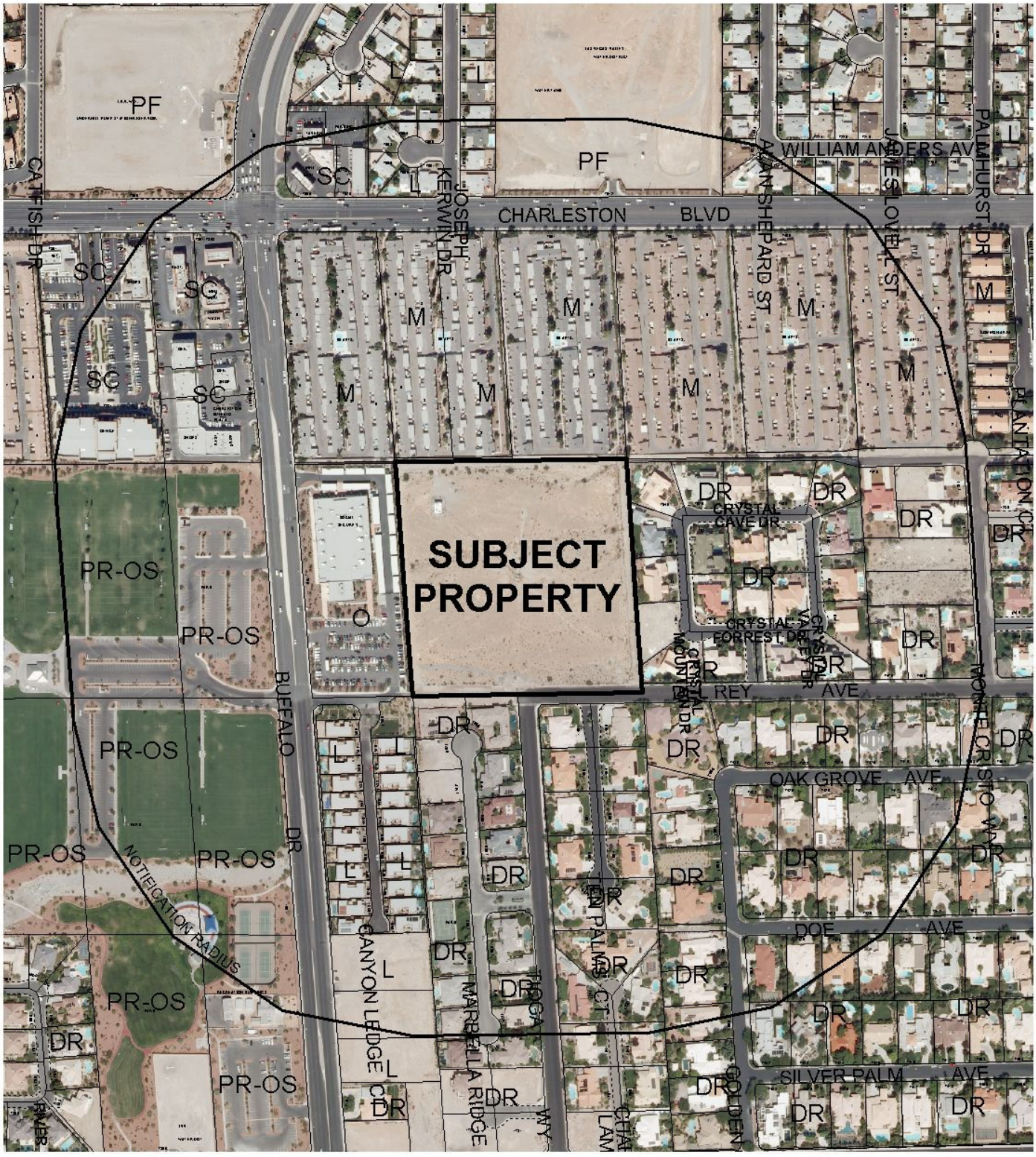
CASE: **GPA-34610**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
DR (DESERT RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARKS/RECREATION/OPEN SPACE)

N



0 300 600 Feet

CASE: **GPA-34610**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
DR (DESERT RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARKS/RECREATION/OPEN SPACE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

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) recommends DENIAL. Staff recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an unimproved lot containing an existing 321-foot tall, non-conforming Radio, TV or Microwave Communication Tower, located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is proposing to expand the use by adding an antenna to the tower and related support equipment on the ground. As the expansion of this non-conforming use of the site is not permitted, the applicant is requesting this General Plan Amendment to change the General Plan designation from DR (Desert Rural Density Residential) to PF (Public Facilities). The result of this change, combined with the approval of an associated request for Rezoning (ZON-34611), will be that the existing use of the site will become a conforming use, and could then be expanded through the approval of a Site Development Plan Review (SDR-34612). Denial of this request will require that the associated requests also be denied, and the use will remain as a non-conforming use in its current configuration. Staff is recommending approval of this request as the use of the site for the communications tower has been in existence since 1975, and the requested change in the General Plan is compatible with the adjacent surrounding uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.
10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.

07/23/09	The Planning Commission recommended denial of companion items ZON-34611 and SDR-34612 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #6/bts).
Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed. • Staff discussed the proposed General Plan Amendment from DR (Desert Rural Density Residential) to PF (Public Facilties).
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is graffiti and debris on the subject site. A condition of approval has been added to the Site Development Plan Review (SDR-34612) to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

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		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The existing use of the subject site for a communication tower is a non-conforming use of the land and cannot be expanded, pursuant to Title 19.16.030 (D). Approval of the subject General Plan Amendment to PF (Public Facilities) land use designation and related Rezoning (ZON-34611) from DR (Desert Rural Residential) to C-V (Civic) zoning district, will allow the proposed Radio, TV or Microwave Communication Tower as a conforming use. The surrounding parcels to the south and east are also designated as DR (Desert Rural Density Residential), O (Office) to the west and M (Medium Density Residential) to the north.

The proposed (PF) Public Facilities land use designation is compatible with the surrounding land use designations and is an appropriate category for the Radio, TV or Microwave Communication Tower use proposed for this property through Site Development Plan Review (SDR-34612); therefore, staff recommends 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 applicant has proposed an addition of one antenna at a height of 300 feet on an existing tower on an existing 321-foot Radio, TV or Microwave Communication Tower. The proposed General Plan Amendment to PF (Public Facilities) allows large governmental building sites, complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, schools, parks and other uses considered public or quasi-public such

as libraries, clubs and public utility facilities, which will help to establish the use and expansion the Radio, TV or Microwave Communication Tower on the subject site. The adjacent land use designations include O (Office) to the west and DR (Desert Rural Density Residential) to the east and south, and M (Medium Density Residential) to the north, all of which are compatible with the proposed designation.

In regard to "2":

The zoning district allowed under the proposed General Plan designation is the C-V (Civic) district. The applicant has requested a zone change from R-E (Residence Estates) district as a companion item (ZON-34611). Minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

In regard to "3":

Access to the site is provided by Del Rey Avenue, a 60-foot Local Street as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

In regard to "4":

There are no other applicable plans and policies that apply to the subject site.

PLANNING COMMISSION ACTION

There were 3 speakers in opposition of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 0

PROTESTS 11

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-34610 APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

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: Janice Manley

STATE OF NEVADA
COUNTY OF CLARK

Print Name: Janice Manley

Subscribed and sworn before me

This 18 19th day of JUNE, 2009

Eddie LaRue

Notary Public in and for said County and State

EDDIE LARUE
Notary Public State of Nevada
No. 93-1085-1
My appt. exp. Mar. 15, 2013

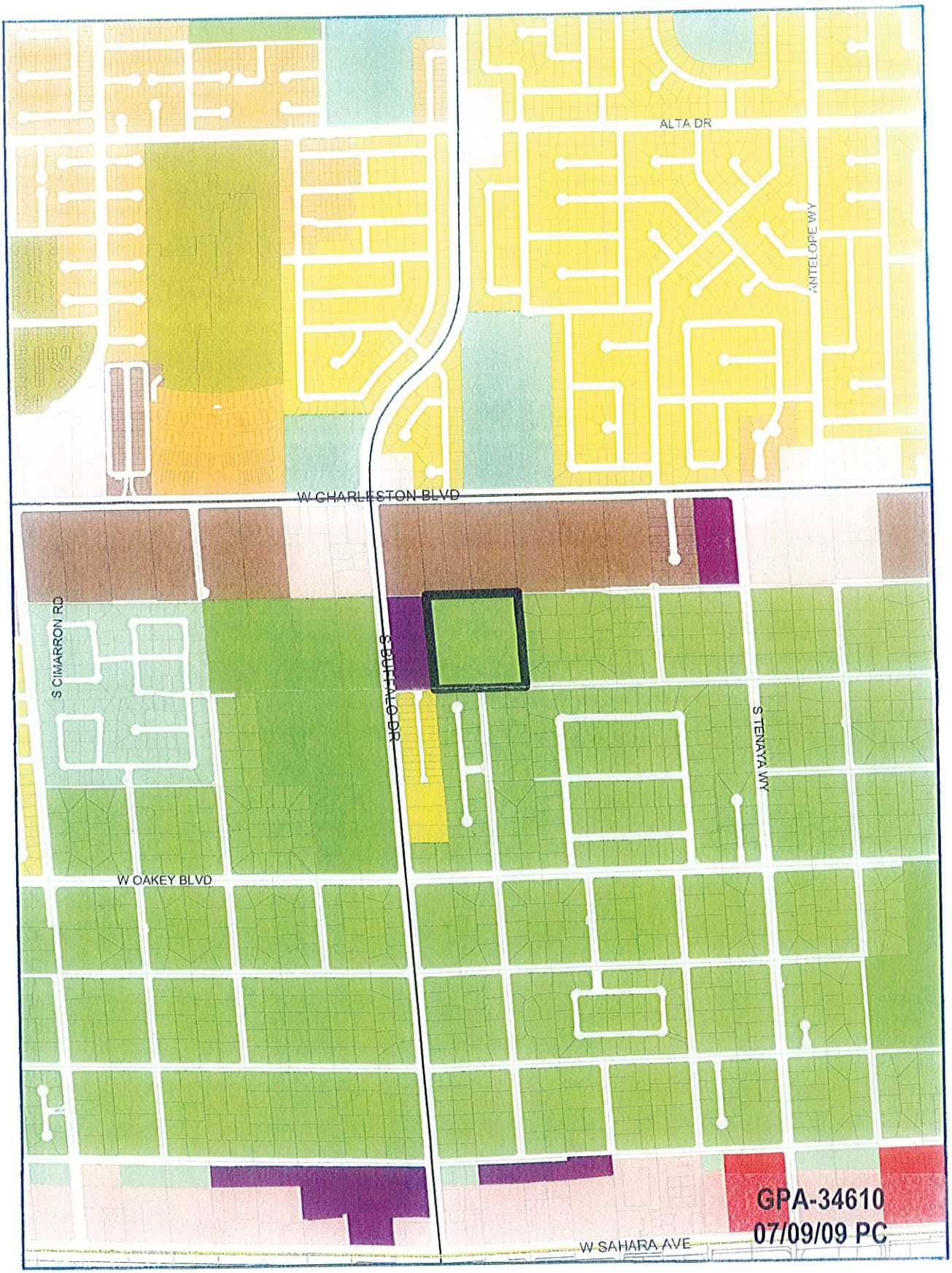
Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED

JUN 19 2009

General Plan
Parcel 163-03-101-001



Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
Medium
High
Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
Light Industrial / Research
Planned Community Development
Downtown Redevelopment Area
Park / Recreation / Open Space
Public Facility
Public Facility - School
Public Facility - Clark County
Town Center
Resource Conservation
Downtown - Commercial
Downtown - Mixed Use
Non-City
Right-of-Way

FROM DR TO PR-OS

RECEIVED
MAY 26 2009

PLANNING & DEVELOPMENT

Date Current as: May 18, 2009



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

GPA-34610
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

RECEIVED
JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

RECEIVED

JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

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JUN 19 2003

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Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

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JUN 19 2003

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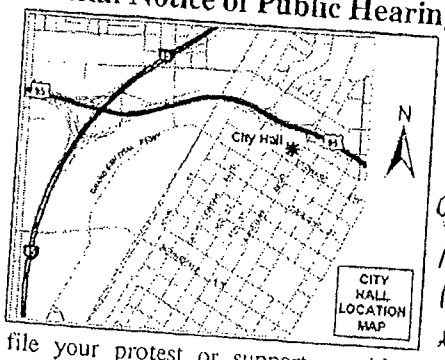
CITY CLERK

2009 AUG 10 A 9:26

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



We oppose SRD-34612 on the same grounds as listed for GPA-34610 & ZON 34611. We further request that if the antenna cannot be removed, then we ask to stipulate in the lease that an 8FT wall be erected on the Del Ray Ave. side with a sidewalk to meet the existing walk already present. We further ask that trees be planted to obstruct the present view.

8/8/09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

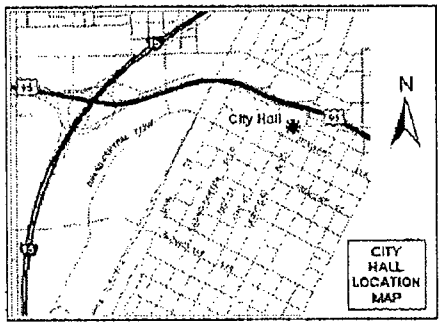
BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Aug 10 09 08:58a Benjamin Bruk P.1

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 OPPOSE this Request

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GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

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CITY CLERK
2009 AUG 11 A 8:00

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

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CITY CLERK

2009 AUG 11 A 10:20

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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AUG07 2009
MAILED FROM ZIP CODE 89101

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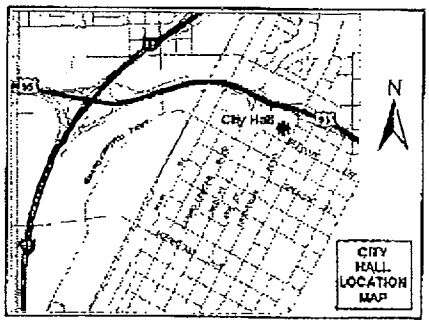
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611

City Council Meeting of 8/19/2009

ANSPACH LAWRENCE C REVOCABLE
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

APN#16303210008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.41⁴
0004278215 AUG 07 2009
MAILED FROM ZIPCODE 89101

2009 AUG 11 P 3:15
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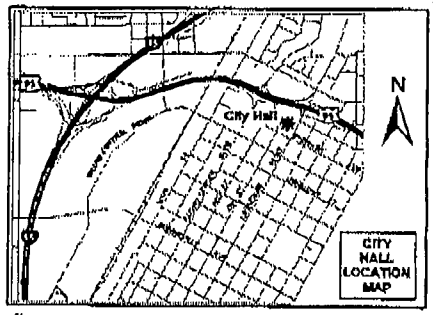

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

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
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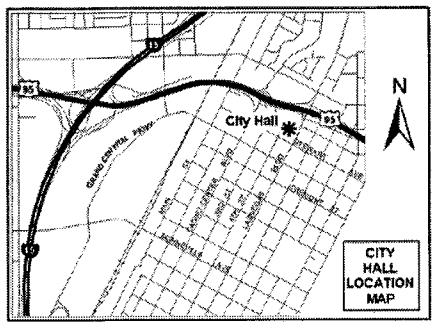

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BB/bb

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Submitted At Meeting
Date 8/19/09 Item 84985
W-2

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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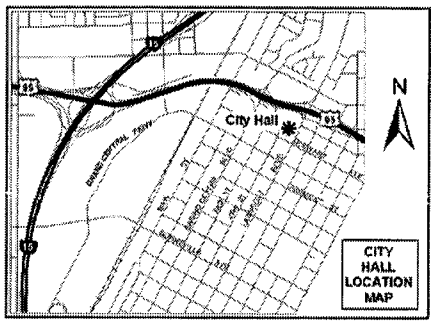

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comment.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

APN#16303211002

Submitted after final agenda

Date 8/12/09 Item 84485
W-2

of Las Vegas
e Of The City Clerk
Stewart Avenue
Vegas, Nevada 89101

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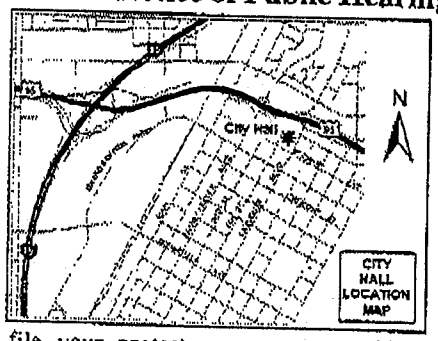

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to (702) 382-4803. If you would like to contact your Council
sentative, please call (702) 229-6405.

☐ I SUPPORT this Request

▨ I OPPOSE this Request

se use available blank space on card for your comments.

SDR-34610 & ZON-34611
Council Meeting of 8/19/2009

STONE JAY B & CAROLYN T
1509 TEN PALMS CT
LAS VEGAS NV 89117-1478

APN#16303211005

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

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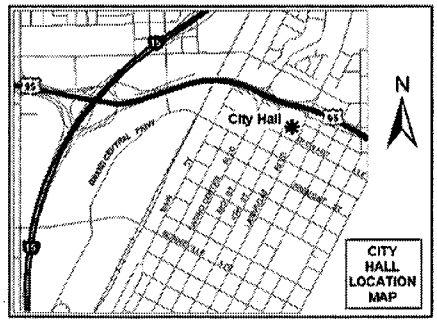
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

2009 AUG 14 A10:37
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BOYER JOHN WALTER & ROBIN LYNN
BOYER JOHN W 2005 LIV TR AGMT
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

APN#16303210005

Submitted after final agenda
Date 8/19/09 Item 84185
W-2

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
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MAILED FROM ZIP CODE 89101

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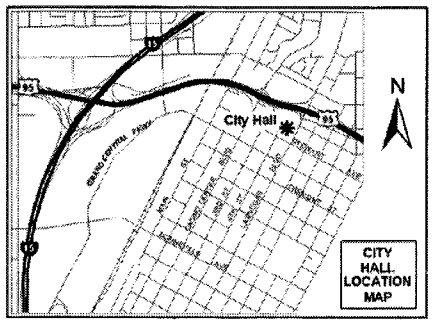
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

RECEIVED
2009 AUG 17 A 10:53
CITY CLERK

RAMIREZ JOSEPH M LIVING TR 1990
RAMIREZ RICHARD J TRS
1501 CANYON LEDGE CT
LAS VEGAS NV 89117-1491

APN#16303216017

Submitted after final agenda
Date 8/17/09 Item 84485
W-2

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CITY CLERK

2009 AUG 18 P 1:35

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.41
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

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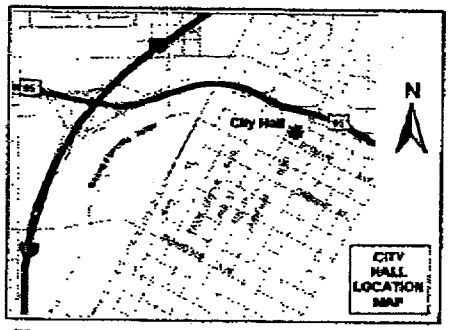
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

KESSLER MICHAEL & MELINDA R
1401 TEN PALMS CT
LAS VEGAS NV 89117-1404

APN#16303211001

FAVOSIT 89117

Submitted after final agenda

Date 8/18/09 Item 84985
W-2

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

"Flo TV" provides wireless TV viewing on your cell phone.

Flo TV has approached the City of Las Vegas regarding a Zoning Change to allow an antenna, along with 2 small satellite dishes and support equipment at or on the exiting radio tower that sits on BLM property which is located south of Charleston Ave. East of Buffalo, and North of Del Rey Ave. (It's the area that has the large radio antenna just East of the new Social Security building on Buffalo.)

In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

The city's current zoning laws will require this land to be re-zoned to "Public Facilities" in order to allow Flo TV to put up the equipment. This change in zoning is the only way Flo TV can use the proposed site. "Public Facilities" zoning means that any of the following could be built on this property (Note, this is not a complete list):

Government Building(s) of any kind
Police Station or Fire Station
School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

Ward 2 Councilman Steve Wolfson, has asked that we survey local residents to gauge their acceptance of this proposed zoning change.

Councilman Wolfson feels that he might be able to get "Flow TV" to do some "improvements" at the site, which may be in the form of a "chain link fence" in place of the existing barbed wire fencing and some "asphalt curbing" or "pathway" along Del Rey Ave. A gate would be installed for purposes of blocking the access road, which borders the east edge of the BLM property and Crystal Canyon Estates. This gate may help in preventing dumping of trash in this area.

☐ I am willing to accept a zoning change to "Public Facilities" if improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Anna Williams

Print Name Anna Williams

Address 7451 O'Bannon Drive

Phone Number (702) 363-9745 Date: 9-1-09

Submitted at City Council
Date 9/2/09 Item 69-71

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Anne Spinetti

Print Name Anne Spinetti

Address 4116 Marbella Ridge Ct. L.V. NV 89117

Phone Number: (702) 499-5078 Date: 9-1-09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ **I do not want the zoning change. I want this property's zoning to remain "Desert Rural".**

Signature: [signature]

Print Name Herbert Eberle

Address 8501 W. University Ave #2103

Phone Number: 702-876-9196 **Date:** Aug 31-09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: Susie Goin

Print Name: Susie GOIN

Address: 1071 BLACKWATER CT.

Phone Number: 243-7179 Date: 1 SEPT. 09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: M. O. Green

Print Name MARY O. GREEN

Address 1870 BLACKWATER CT.

Phone Number: 243-9130 Date: 1 SEPT. 09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☐ I am willing to accept a zoning change to "Public Facilities" if improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Maggie Fitzgerald

Print Name MAGGIE FITZGERALD

Address 1930 BLACKWATER CT

Phone Number: 256-1906 Date: SEPT 1, 09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Maurine R Thiesing

Print Name Maurine R Thiesing

Address 1861 Blackwater Ct

Phone Number: (702) 593-0572 Date: 9/2/09

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Signature: Carsten P. Owens

Print Name CARSTEN P. OWENS

Address 1620 REMEMBRANCE HILL ST.

Phone Number: (702) 235-9556 **Date:** 8/31/05

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☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Gail A García

Print Name Carlos A. & Gail A. García

Address 7460 Crystal Cave Drive, Las Vegas, NV 89117

Phone Number: 415-571-8379 Date: Aug. 31, 2009

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: [signature]

Print Name SCOTT OBER

Address 1404 TEN PALMS CT. LV. 89117

Phone Number: 702-242-1848 Date: 8/30/09

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Signature: _____

Print Name Robert X. Leeds

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31- 2009

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Signature: Peggy Leeds

Print Name PEGGY LEEDS

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31, 2009

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Signature: Mark Adair

Print Name Mark Adair

Address 1401 Marbella Ridge Ct

Phone Number: 702 617-0177 Date: 8/31/09

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Signature: _____

Print Name MICHAEL TURNER

Address 1632 MARBELLA RIDGE CT.

Phone Number: (702) 233-8240 Date: 8/31/09

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Signature: P J

Print Name PATRICIA T. LAVENDER

Address 1633 MARBELLA RIDGE CT

Phone Number: 702 656 6564 Date: AUG 31, 2006

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Signature: Jeffrey A. Hammack

Print Name JEFFREY A. HAMMACK

Address 1501 MARBELLA RIDGE

Phone Number: 702-363-5859 Date: 08-31-09

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Signature: Janice R Hammack

Print Name JANICE R. HAMMACK

Address 1501 Marbella Ridge Crt

Phone Number: 363-5859 Date: 8-31-09

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Signature: Maria T. Torres

Print Name Maria T. Torres

Address 1512 Marbella Ridge Ct.

Phone Number: 233 9402 Date: 8-31-09

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Signature: Melinda Jackson Kessler

Print Name MELINDA JACKSON KESSLER

Address 1401 TEN PALMS CT LV NV 89117

Phone Number: 702-445-7194 Date: 8/28/09

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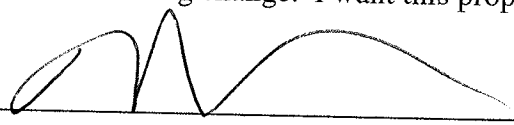
Signature: 

Print Name MICHAEL KESSLER

Address 1401 TEN PALMS CT

Phone Number: 702-445-7194 Date: 8/28/09

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Thomas Garetto

Print Name THOMAS GARETTO

Address 1500 TEN PALMS CT

Phone Number: 233 5232 Date: 8/29/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Jorina Garetto

Print Name Jorina Garetto

Address 1500 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)233-5232 Date: 08·29·09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Kathleen Madigan

Print Name KATHLEEN MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: 8-29-09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Julie Longley

Print Name: Julie Longley

Address: 1400 Ten Palms Ct. 89117

Phone Number: (702) 233-1119 Date: 8/29/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: William Madigan

Print Name WILLIAM MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: AUGUST 29-05

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Signature: Joyce Brwk

Print Name JOYCE BRWK

Address 1508 TEN PALMS CT. LAS VEGAS 89117

Phone Number: 228-0502 Date: 8/29/09

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Signature: _____

Print Name BENJAMIN BRUK

Address 1508 Ten Palms Ct.

Phone Number: 702-228-0502 Date: 8/29/09

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Signature: Sherlee Edison

Print Name Sherlee Edison

Address 1505 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)228-0158 Date: 08-29-09

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Signature: Carolyn T. Stone

Print Name Carolyn T. Stone

Address 1509 Ten Palms Ct.

Phone Number: 363-1284 Date: 8/30/09

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Signature: _____

Print Name Cody R Tomlin

Address 7475 Holmby Ave.

Phone Number: 7023607886 Date: 9-1-09

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Signature: _____

Print Name LILIA SIOSON

Address 7450 DEL REY

Phone Number: 702 240-6102 Date: Sept 1 2009

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Signature: Deborah Reiter Robert J Reiter

Print Name DEBORAH REITER ROBERT J REITER

Address 1441 So. Monte Cristo Way, Las Vegas, NV 89117

Phone Number: 702-562-2368 Date: August 31, 2009

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Signature: Christine Whitaker David A. Whitaker

Print Name Christine Whitaker DAVID A. WHITAKER

Address 1430 S. Monte Cristo Way

Phone Number: 363-7811 Date: Sept. 1, 2009

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Signature: Earl D. Crinite

Print Name Earl D. Crinite

Address 1420 S. Monte Cristo Way, L.V.N. 89117

Phone Number: 682-8223
363-0524

Date: 9-1-09

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Signature: Don Leshinski Samra Leshinski

Print Name Don Leshinski Samra Leshinski

Address 1311 S. Monte Cristo Way Las Vegas, NV 89117

Phone Number: 702-870-2918 Date: 09/01/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: _____

Print Name TERRENCE L ARMSTRONG

Address 1440 S. MONTE CRISTO WAY LAS VEGAS NV, 89117

Phone Number: 326-9456 Date: 9/1/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

"Flo TV" provides wireless TV viewing on your cell phone.

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In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

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Signature: Larry Anspach

Print Name Larry ANSPACH

Address 1509 Golden OAK DR, LV, NV 89117

Phone Number: 869-5521 Date: 9/1/09

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Signature: [signature]

Print Name Thomas R. Barson

Address 2120 Americas Cup Circle, LV, NV, 89117

Phone Number: 702 256-9105 Date: 9/1/09

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Signature: Carroll A Barson

Print Name CARROLL A BARSON

Address 2120 AMERICAS Cup Cir

Phone Number: 702. 497 8335 Date: Sept 1 '09

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Signature: _____

Print Name Steve Wilson

Address 2101 Palm Canyon Ct.

Phone Number: 491-8278 Date: 9/2/09

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Signature: Matthew Sweeney

Print Name MATTHEW SWEENEY

Address 1800 Madera Canyon Place

Phone Number: 251-4055 Date: 9-2-09

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Signature: Donna Hoffman

Print Name DONNA HOFFMAN

Address 1505 N GOLDEN OAK #LV, NV 89117

Phone Number: 702-374-3955 Date: 9-1-09

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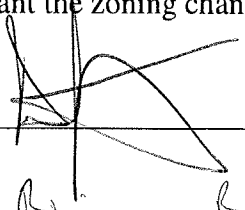
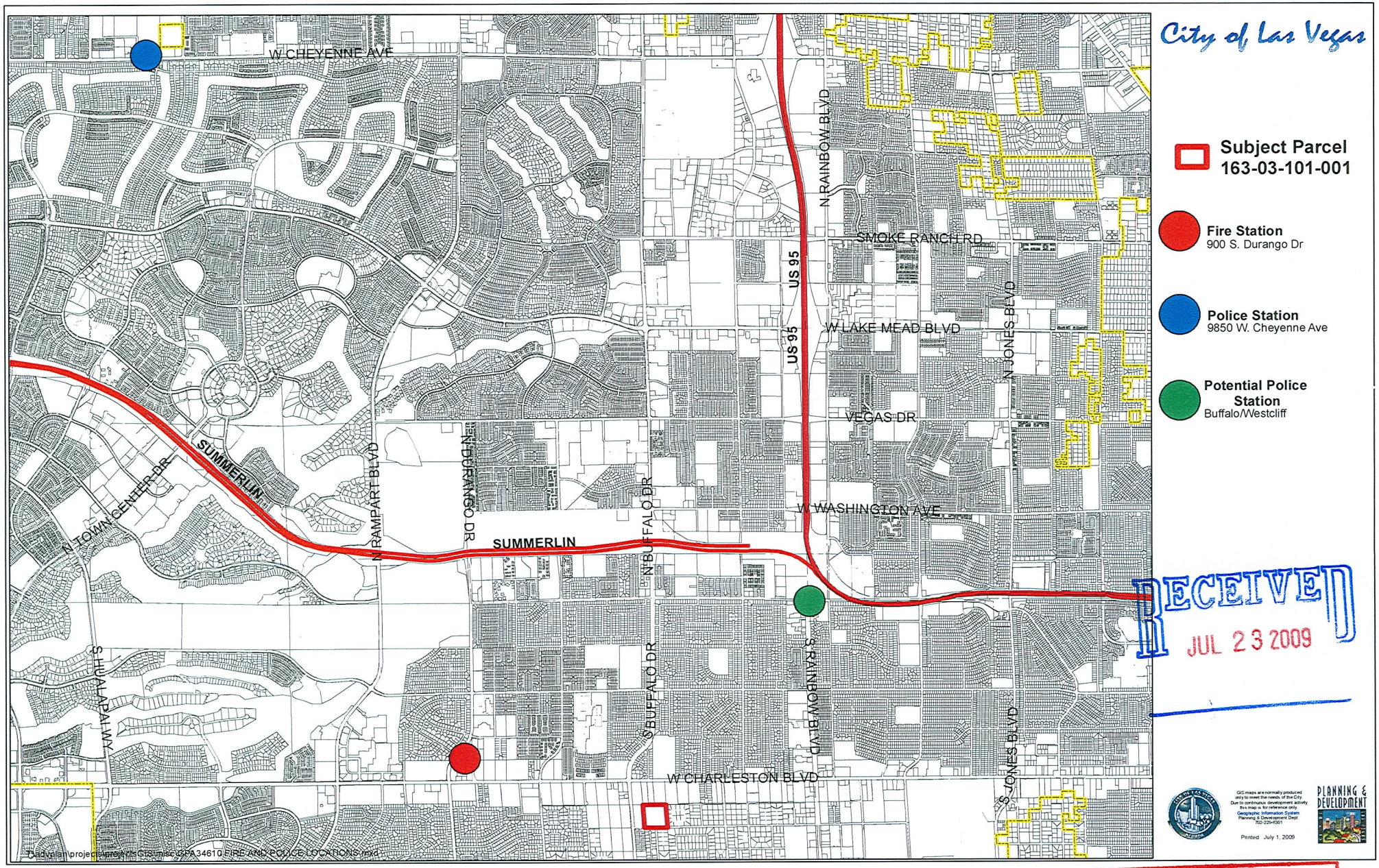
Signature: 

Print Name Brian Barson

Address 2120 America's Cup Cir. LV, NV

Phone Number: 702-575-0504 Date: 9/1/09

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



Submitted after final agenda

Date 7.23.09 PC Item 6

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
0004279213 JUN 26 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.

GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 30 2009

Case: GPA-34610

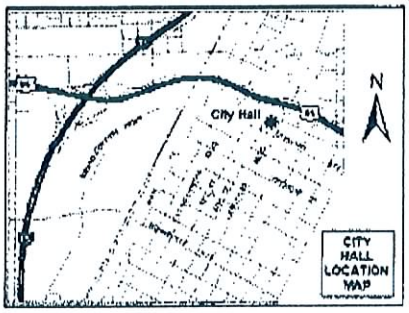
16303110012
DELDIN MICHAEL B
802 IOWA ST
LOS BANOS CA 93635-3450

DAVDP11 93635

29P

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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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
ORNEY BOWES
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0004279219 JUN 26 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUN 29 2009

Case: GPA-34610
16303210008
ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

89117814518 0067

29P

City of Las Vegas Agenda Item No.: **114.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

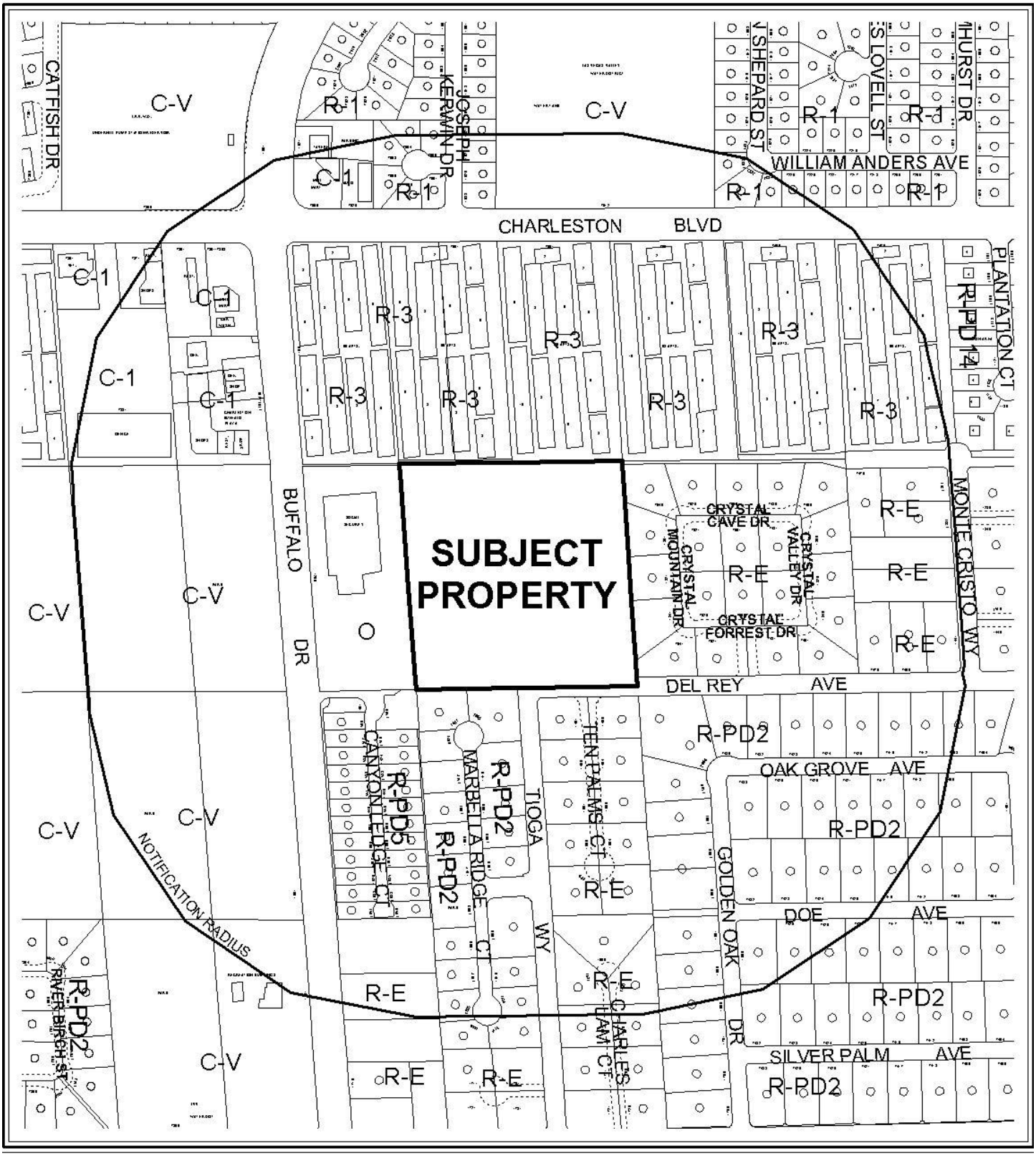
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-34611 - ABEYANCE ITEM - REZONING RELATED TO GPA-34610 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-V (CIVIC) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**0**
City Council Meeting	**47**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards and Protest Petition submitted with 43 signatures by Jorina Garetto
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 7



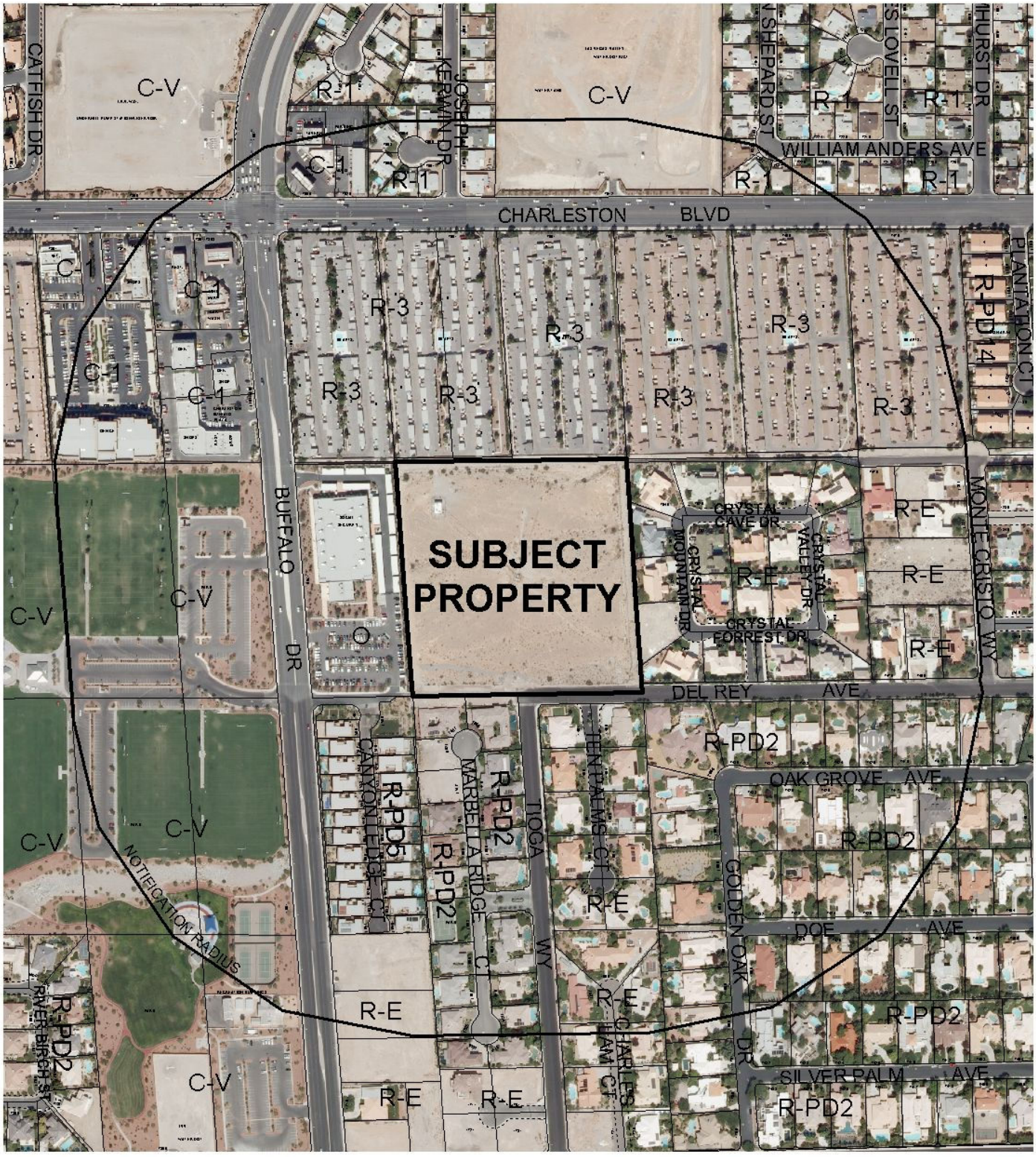
0 400 800 Feet

CASE: **ZON-34611**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)



0 400 800 Feet

CASE: **ZON-34611**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

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) recommends DENIAL. Staff recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an unimproved lot containing an existing 321-foot tall, non-conforming Radio, TV or Microwave Communication Tower, located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is proposing to expand the use by adding an antenna to the tower and related support equipment on the ground. As the expansion of this non-conforming use of the site is not permitted, the applicant is requesting this Rezoning from the R-E (Residence Estates) to the C-V (Civic) zoning district. The result of this change, combined with the approval of an associated request for a General Plan Amendment (GPA-34610), will be that the existing use of the site will become a conforming use, and could then be expanded through the approval of a Site Development Plan Review (SDR-34612). Denial of this request will require that the associated requests also be denied, and the use will remain as a non-conforming use in its current configuration. Staff is recommending approval of this request as the use of the site for the communications tower has been in existence since 1975, and the requested Rezoning is compatible with the adjacent surrounding zoning districts.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.
10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.
07/23/09	The Planning Commission recommended denial of companion items GPA-34610 and SDR-34612 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #7/bts).

Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed.
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is graffiti and debris on the subject site. A condition of approval has been added to the Site Development Plan Review (SDR-34612) to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

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		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	***Provided***
Min. Lot Size	A portion of a 10.89 acre site
Min. Setbacks • Front (Del Rey Avenue) • Side (East property line) • Side (West property line) • Rear (North property line)	 548 Feet 554 Feet 106 Feet 114 Feet
Max. Building Height (Structure)	321 Feet
Mech. Equipment	Screened

ANALYSIS

The subject site has a General Plan designation of DR (Desert Rural Density Residential). The applicant is proposing a General Plan designation of PF (Public Facilities). The PF (Public Facilities) land use designation will allow conformance with the proposed C-V (Civic) zoning designation.

This request would Rezone the subject site from R-E (Residence Estates) to C-V (Civic), which is intended for a 321-foot Radio, TV or Microwave Communication Tower. The C-V (Civic) district is consistent with the PF (Public Facilities) category of the General Plan

As the proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) General Plan designation, and the proposal is compatible with the surrounding land uses, staff is recommending approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) land use category and conforms to the General Plan.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The uses allowed by the C-V (Civic) zoning district are compatible with the surrounding land uses and zoning districts.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The existing Radio, TV or Microwave Communication Tower is non-conforming in the existing R-E (Residence Estates) zoning district. Rezoning the subject site will bring the property into conformance with Title 19 and establish the existing use and its expansion.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   The site is accessed from Del Rey Avenue, a 60-foot Local Street, as designated by the Master Plan of Streets and Highways. This street is adequate to meet the requirement of the proposed zoning district. The subject use will produce a negligible increase in traffic volumes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 0

PROTESTS 11

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-34611** APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

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: Janice Manley

Print Name: Janice Manley

Subscribed and sworn before me

This 19 day of JUNE, 2009

Notary Public in and for said County and State

EDDIE LARUE
Notary Public State of Nevada
No. 93-1085-1
My appt. exp. Mar. 15, 2013

State of Nevada
County of Clark

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
JUN 19 2009

Zoning
Parcel 163-03-101-001



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MAY 26 2009

FROM RE TO CV

ZON-34611
07/09/09 PC

Zoning		
U	R-2	C-1
R-A	R-3	C-2
R-E	R-4	C-M
R-D	R-5	M
R-PD	R-MHP	C-V
R-1	P-R	C-PB
R-MH	N-S	P-C
R-CL	O	PD
	C-D	TC

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity, this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Data Current as: May 18, 2009



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

ZON-34611
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

RECEIVED
JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

RECEIVED

JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

RECEIVED

JUN 19 2003

RECEIVED
Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

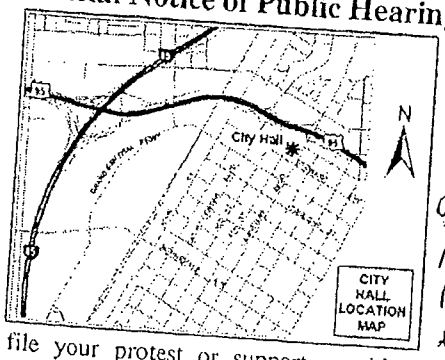
RECEIVED
JUN 19 2003

RECEIVED
CITY CLERK

2009 AUG 10 A 9:26

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



We oppose SRD-34612 on the same grounds as listed for GPA-34610 & ZON 34611. We further request that if the antenna cannot be removed, then we ask to stipulate in the lease that an 8FT wall be erected on the Del Ray Ave. side with a sidewalk to meet the existing walk already present. We further ask that trees be planted to obstruct the present view.

8/8/09

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 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-34610 & ZON-34611
City Council Meeting of 8/19/2009

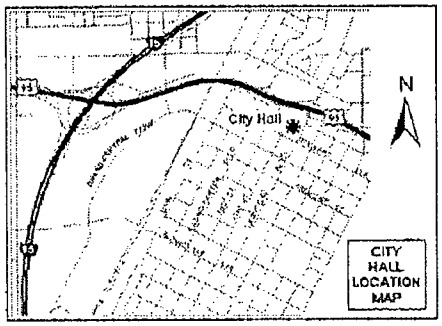
BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Aug 10 09 08:58a Benjamin Bruk P.1

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

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GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

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CITY CLERK
2009 AUG 11 A 8:00

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

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CITY CLERK

2009 AUG 11 A 10:20

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
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$ 00.41⁴
AUG07 2009
MAILED FROM ZIP CODE 89101

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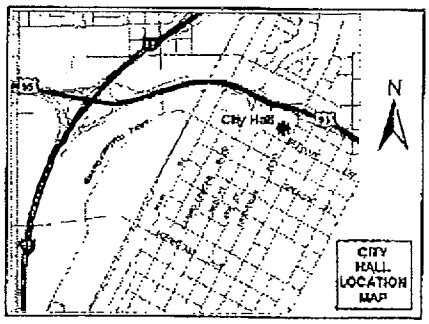

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611

City Council Meeting of 8/19/2009

ANSPACH LAWRENCE C REVOCABLE
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

APN#16303210008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.41⁴
0004278215 AUG 07 2009
MAILED FROM ZIPCODE 89101

2009 AUG 11 P 3:15
RECEIVED CITY CLERK

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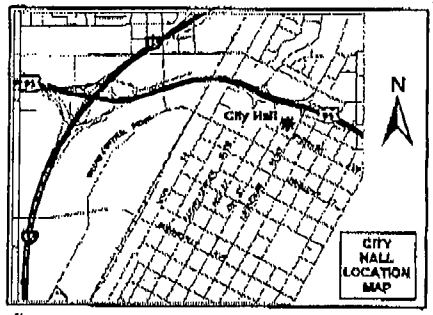
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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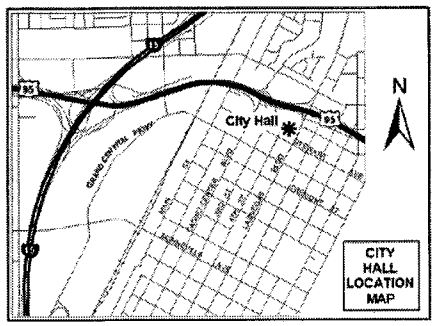

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BB/bb

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Submitted At Meeting
Date 8/19/09 Item 84985
W-2

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004279218 AUG07 2009
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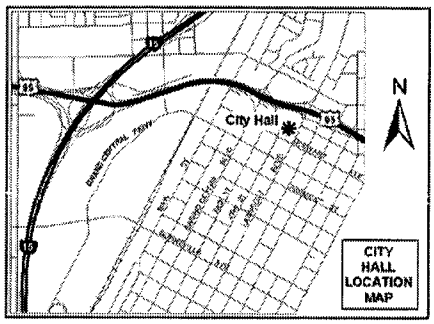

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comment.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

APN#16303211002

Submitted after final agenda

Date 8/12/09 Item 84485
W-2

of Las Vegas
e Of The City Clerk
Stewart Avenue
Vegas, Nevada 89101

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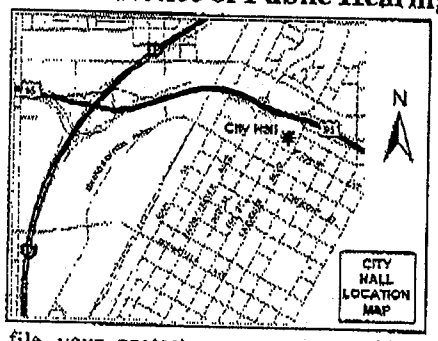

ou wish to file your protest or support on this request, check the
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e Of The City Clerk at the address listed above or fax this side of this
to (702) 382-4803. If you would like to contact your Council
sentative, please call (702) 229-6405.

☐ I SUPPORT this Request

▨ I OPPOSE this Request

se use available blank space on card for your comments.

SDR-34610 & ZON-34611
Council Meeting of 8/19/2009

STONE JAY B & CAROLYN T
1509 TEN PALMS CT
LAS VEGAS NV 89117-1478

APN#16303211005

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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02 1M $ 00.41⁴
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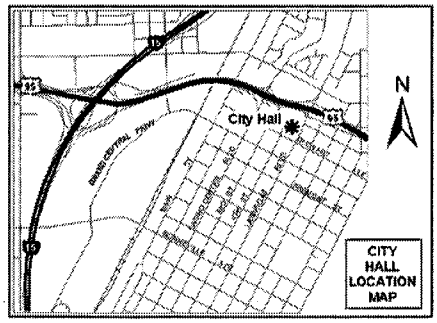
MAILED FROM ZIP CODE 89101

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.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

2009 AUG 14 A10:37
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CITY CLERK

BOYER JOHN WALTER & ROBIN LYNN
BOYER JOHN W 2005 LIV TR AGMT
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

APN#16303210005

Submitted after final agenda
Date 8/19/09 Item 84185
W-2

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

UNITED STATES POSTAGE
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02 1M $ 00.41[4]
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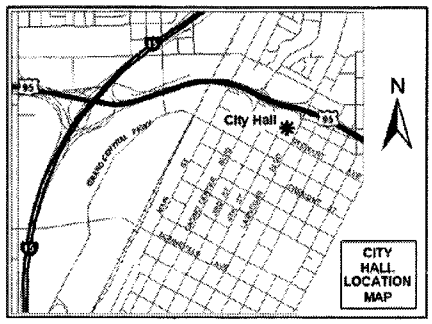
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

RECEIVED
2009 AUG 17 A 10:53
CITY CLERK

RAMIREZ JOSEPH M LIVING TR 1990
RAMIREZ RICHARD J TRS
1501 CANYON LEDGE CT
LAS VEGAS NV 89117-1491

APN#16303216017

Submitted after final agenda
Date 8/17/09 Item 84485
W-2

RECEIVED
CITY CLERK

2009 AUG 18 P 1:35

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.41
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

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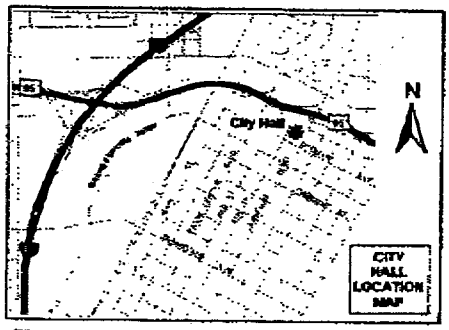
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

KESSLER MICHAEL & MELINDA R
1401 TEN PALMS CT
LAS VEGAS NV 89117-1404

APN#16303211001

FAVOSIT 89117

Submitted after final agenda

Date 8/18/09 Item 84985
W-2

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

"Flo TV" provides wireless TV viewing on your cell phone.

Flo TV has approached the City of Las Vegas regarding a Zoning Change to allow an antenna, along with 2 small satellite dishes and support equipment at or on the exiting radio tower that sits on BLM property which is located south of Charleston Ave. East of Buffalo, and North of Del Rey Ave. (It's the area that has the large radio antenna just East of the new Social Security building on Buffalo.)

In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

The city's current zoning laws will require this land to be re-zoned to "Public Facilities" in order to allow Flo TV to put up the equipment. This change in zoning is the only way Flo TV can use the proposed site. "Public Facilities" zoning means that any of the following could be built on this property (Note, this is not a complete list):

Government Building(s) of any kind
Police Station or Fire Station
School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

Ward 2 Councilman Steve Wolfson, has asked that we survey local residents to gauge their acceptance of this proposed zoning change.

Councilman Wolfson feels that he might be able to get "Flow TV" to do some "improvements" at the site, which may be in the form of a "chain link fence" in place of the existing barbed wire fencing and some "asphalt curbing" or "pathway" along Del Rey Ave. A gate would be installed for purposes of blocking the access road, which borders the east edge of the BLM property and Crystal Canyon Estates. This gate may help in preventing dumping of trash in this area.

☐ I am willing to accept a zoning change to "Public Facilities" if improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Anna Williams

Print Name Anna Williams

Address 7451 O'Bannon Drive

Phone Number (702) 363-9745 Date: 9-1-09

Submitted at City Council
Date 9/2/09 Item 69-71

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Government Building(s) of any kind
Police Station **or** Fire Station
School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Anne Spinetti

Print Name Anne Spinetti

Address 4116 Marbella Ridge Ct. L.V. NV 89117

Phone Number: (702) 499-5078 Date: 9-1-09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ **I do not want the zoning change. I want this property's zoning to remain "Desert Rural".**

Signature: [signature]

Print Name Herbert Eberle

Address 8501 W. University Ave #2103

Phone Number: 702-876-9196 **Date:** Aug 31-09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Susie Goin

Print Name: Susie GOIN

Address: 1071 BLACKWATER CT.

Phone Number: 243-7179 Date: 1 SEPT. 09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: M. O. Green

Print Name MARY O. GREEN

Address 1870 BLACKWATER CT.

Phone Number: 243-9130 Date: 1 SEPT. 09

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☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Maggie Fitzgerald

Print Name MAGGIE FITZGERALD

Address 1930 BLACKWATER CT

Phone Number: 256-1906 Date: SEPT 1, 09

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Signature: Maurine R Thiesing

Print Name Maurine R Thiesing

Address 1861 Blackwater Ct

Phone Number: (702) 593-0572 Date: 9/2/09

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Signature: Carsten P. Owens

Print Name CARSTEN P. OWENS

Address 1620 REMEMBRANCE HILL ST.

Phone Number: (702) 235-9556 **Date:** 8/31/05

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Signature: Gail A García

Print Name Carlos A. & Gail A. García

Address 7460 Crystal Cave Drive, Las Vegas, NV 89117

Phone Number: 415-571-8379 Date: Aug. 31, 2009

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: [signature]

Print Name SCOTT OBER

Address 1404 TEN PALMS CT. LV. 89117

Phone Number: 702-242-1848 Date: 8/30/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: _____

Print Name Robert X. Leeds

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31- 2009

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: Peggy Leeds

Print Name PEGGY LEEDS

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31, 2009

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Signature: Mark Adair

Print Name Mark Adair

Address 1401 Marbella Ridge Ct

Phone Number: 702 617-0177 Date: 8/31/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: _____

Print Name MICHAEL TURNER

Address 1632 MARBELLA RIDGE CT.

Phone Number: (702) 233-8240 Date: 8/31/09

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Signature: P J

Print Name PATRICIA T. LAVENDER

Address 1633 MARBELLA RIDGE CT

Phone Number: 702 656 6564 Date: AUG 31, 2006

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: Jeffrey A. Hammack

Print Name JEFFREY A. HAMMACK

Address 1501 MARBELLA RIDGE

Phone Number: 702-363-5859 Date: 08-31-09

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Shooting range (included to illustrate the broad range allowable in this zoning designation)

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Janice R Hammack

Print Name JANICE R. HAMMACK

Address 1501 Marbella Ridge Crt

Phone Number: 363-5859 Date: 8-31-09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Maria T. Torres

Print Name Maria T. Torres

Address 1512 Marbella Ridge Ct.

Phone Number: 233 9402 Date: 8-31-09

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Signature: Melinda Jackson Kessler

Print Name MELINDA JACKSON KESSLER

Address 1401 TEN PALMS CT LV NV 89117

Phone Number: 702-445-7194 Date: 8/28/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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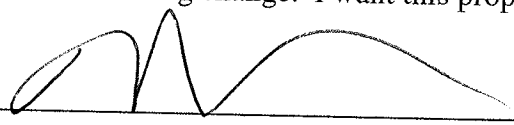
Signature: 

Print Name MICHAEL KESSLER

Address 1401 TEN PALMS CT

Phone Number: 702-445-7194 Date: 8/28/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Thomas Garetto

Print Name THOMAS GARETTO

Address 1500 TEN PALMS CT

Phone Number: 233 5232 Date: 8/29/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Jorina Garetto

Print Name Jorina Garetto

Address 1500 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)233-5232 Date: 08·29·09

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Signature: Kathleen Madigan

Print Name KATHLEEN MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: 8-29-09

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Signature: Julie Longley

Print Name: Julie Longley

Address: 1400 Ten Palms Ct. 89117

Phone Number: (702) 233-1119 Date: 8/29/09

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Signature: William Madigan

Print Name WILLIAM MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: AUGUST 29-05

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Signature: Joyce Brwk

Print Name JOYCE BRWK

Address 1508 TEN PALMS CT. LAS VEGAS 89117

Phone Number: 228-0502 Date: 8/29/09

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Signature: _____

Print Name BENJAMIN BRUK

Address 1508 Ten Palms Ct.

Phone Number: 702-228-0502 Date: 8/29/09

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Signature: Sherlee Edison

Print Name Sherlee Edison

Address 1505 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)228-0158 Date: 08-29-09

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Signature: Carolyn T. Stone

Print Name Carolyn T. Stone

Address 1509 Ten Palms Ct.

Phone Number: 363-1284 Date: 8/30/09

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Signature: _____

Print Name Cody R Tomlin

Address 7475 Holmby Ave.

Phone Number: 7023607886 Date: 9-1-09

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Signature: _____

Print Name LILIA SIOSON

Address 7450 DEL REY

Phone Number: 702 240-6102 Date: Sept 1 2009

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Deborah Reiter Robert J Reiter

Print Name DEBORAH REITER ROBERT J REITER

Address 1441 So. Monte Cristo Way, Las Vegas, NV 89117

Phone Number: 702-562-2368 Date: August 31, 2009

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Signature: Christine Whitaker David A. Whitaker

Print Name Christine Whitaker DAVID A. WHITAKER

Address 1430 S. Monte Cristo Way

Phone Number: 363-7811 Date: Sept. 1, 2009

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Signature: Earl D. Crinite

Print Name Earl D. Crinite

Address 1420 S. Monte Cristo Way, L.V.N. 89117

Phone Number: 682-8223
363-0524

Date: 9-1-09

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Signature: Don Leshinski Samra Leshinski

Print Name Don Leshinski Samra Leshinski

Address 1311 S. Monte Cristo Way Las Vegas, NV 89117

Phone Number: 702-870-2918 Date: 09/01/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: _____

Print Name TERRENCE L ARMSTRONG

Address 1440 S. MONTE CRISTO WAY LAS VEGAS NV, 89117

Phone Number: 326-9456 Date: 9/1/09

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Signature: Larry Anspach

Print Name Larry ANSPACH

Address 1509 Golden OAK DR, LV, NV 89117

Phone Number: 869-5521 Date: 9/1/09

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Signature: [signature]

Print Name Thomas R. Barson

Address 2120 Americas Cup Circle, LV, NV, 89117

Phone Number: 702 256-9105 Date: 9/1/09

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Signature: Carroll A Barson

Print Name CARROLL A BARSON

Address 2120 AMERICAS Cup Cir

Phone Number: 702. 497 8335 Date: Sept 1 '09

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Signature: _____

Print Name Steve Wilson

Address 2101 Palm Canyon Ct.

Phone Number: 491-8278 Date: 9/2/09

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Signature: Matthew Sweeney

Print Name MATTHEW SWEENEY

Address 1800 Madera Canyon Place

Phone Number: 251-4055 Date: 9-2-09

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Signature: Donna Hoffman

Print Name DONNA HOFFMAN

Address 1505 N GOLDEN OAK #LV, NV 89117

Phone Number: 702-374-3955 Date: 9-1-09

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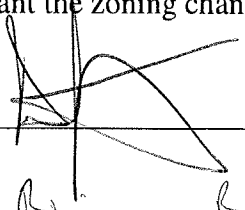
Signature: 

Print Name Brian Barson

Address 2120 America's Cup Cir. LV, NV

Phone Number: 702-575-0504 Date: 9/1/09

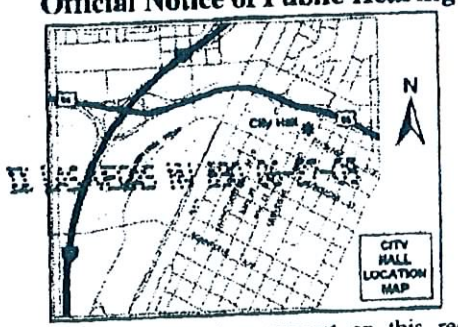
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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
0004279213 JUN 26 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.

GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 30 2009

Case: GPA-34610

16303110012
DELDIN MICHAEL B
802 IOWA ST
LOS BANOS CA 93635-3450

DAVDF11 93635

30P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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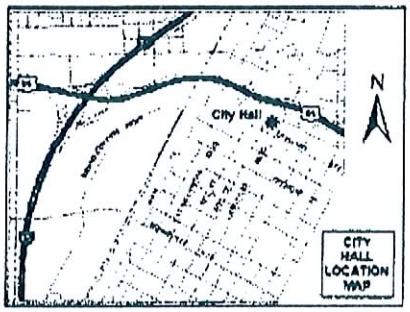
Official Notice of Public Hearing



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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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02 1M $ 00.41⁴
0004279218 JUN 26 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUN 29 2009

Case: GPA-34610
16303210008
ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

89117814518 00067

30P

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Development Services Center
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Las Vegas, Nevada 89101-2986

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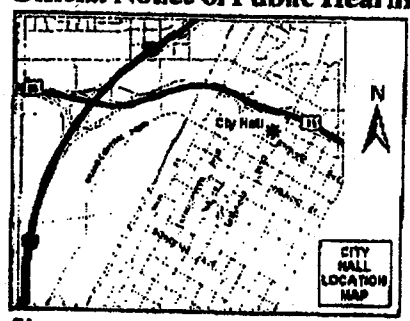

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GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

02 1M
C004279216 JUN 29 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUL 02 2009

16303110006 Case: GPA-34610
SCHENKEL FAMILY TRUST
7540 CRYSTAL CAVE DR
LAS VEGAS NV 89117-1480

DAVDP11 89117

Submitted after final agenda

Date 7/2/09 Item 30P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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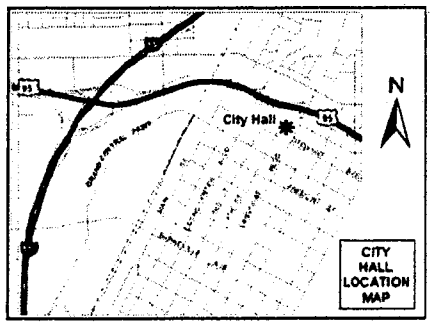
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 02 2009

Case: GPA-34610
16303211002
LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

DAVDS11 A9117

Submitted after final agenda
Date 7/2/09 Item 30P

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 JUN 26 2009
MAILED FROM ZIP CODE 89101

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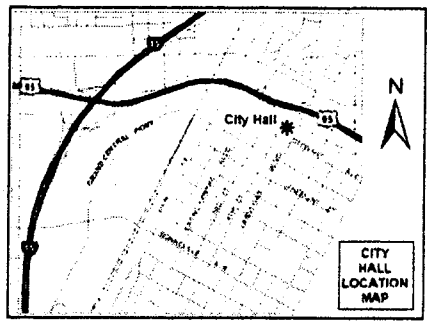
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 02 2009

Case: GPA-34610
16303210005
BOYER JOHN WALTER & ROBIN LYNN
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

89117814529003

Submitted after final agenda
Date 7/2/09 Item 30P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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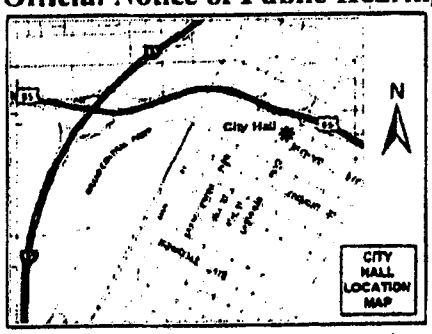
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 07 2009

Case: GPA-34610

16303211007
MADIGAN KATHLEEN A TRUST
1504 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVIDS11 89117

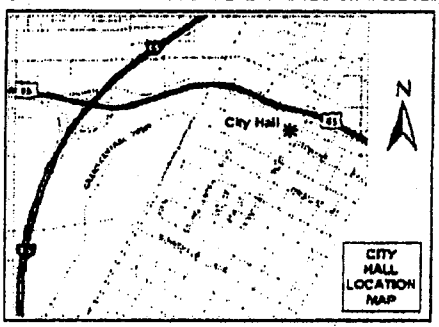
Submitted after final agenda

Date 7/7/09 Item 30P

Jul 05 09 02:42p Thomas & Jorina Garetto 7022439516 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.
GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 0 7 2009

Case:
16303211008
GARETTO THOMAS P & JOR
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVDP11 89117

Submitted after final agenda

Date 7/7/09 Item 30P

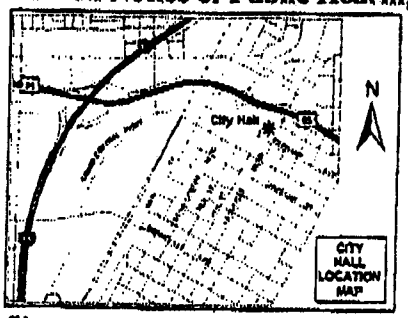
RECEIVED

JUL 07 2009

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.

GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

Case: GPA-34610

16303211010
LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

DAVIS11 A3117

Submitted after final agenda

Date 7/7/09 Item 30P

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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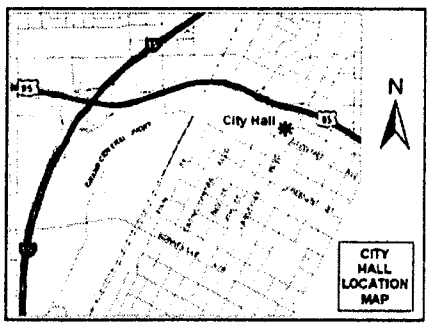

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Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 07 2009

Case: GPA-34610
13833803001
MAHILL L L C
8144 MADDINGLY AVE
LAS VEGAS NV 89117-7638

DAVDF11 89117

Submitted after final agenda

Date 7/7/09 **Item** 30P

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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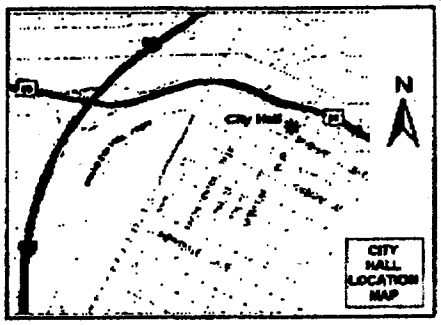

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Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 29 2009

Case: GPA-34610
16303211001
KESSLER MICHAEL & MELINDA R
1401 TEN PALMS CT
LAS VEGAS NV 89117-1404

DAVDP11 89117

Submitted after final agenda

Date 7/9/09 Item 30P

Douglas and Jo Ann Soule'
7520 Crystal Cave Drive
Las Vegas, Nevada 89117
Ph: 451-9535

RECEIVED
JUL 02 2009

June 29, 2009

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Re: GPA-34610 ZON-34611 SDR-34612
Existing 319-Foot Radio, TV or Microwave Communication Tower

We have received several notices regarding the above proposed amendment, rezoning request and plan review. We have lived at our present address, in close proximity to the tower site, since December 1999. During that time we have had to add filters to every phone in our home, and to our intercom system. The radio station comes over our intercom loud and clear, making it almost impossible to hear what anyone says over our intercom system until we installed a filter. The filter makes it slightly more tolerable but with a filter it is hard to understand what anyone says on the intercom, and we can still hear the station. It is the same with our phones although the filters pretty much solved the problem.

Our complaint is that the radio tower is not doing everything they can to make sure they do not impact the residents in transmitting programs, such as our intercom problem. We have had the filter problem addressed several times hoping to find a filter that works well but have had no luck with that. It was our understanding that the FCA had specific rules for stations to avoid impacting the residents in their homes. However, this is a misunderstanding on our part, or it is being ignored.

The Tower Site is surrounded on three sides by residential housing. We also think it is a mistake to do any type of amendment or rezoning that locks the station to this site.

Thank you for your attention to the above matter.

Sincerely,

The Soules

The Soule's

Submitted after final agenda

Date 7/2/09 Item 30P

City of Las Vegas Agenda Item No.: **115.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

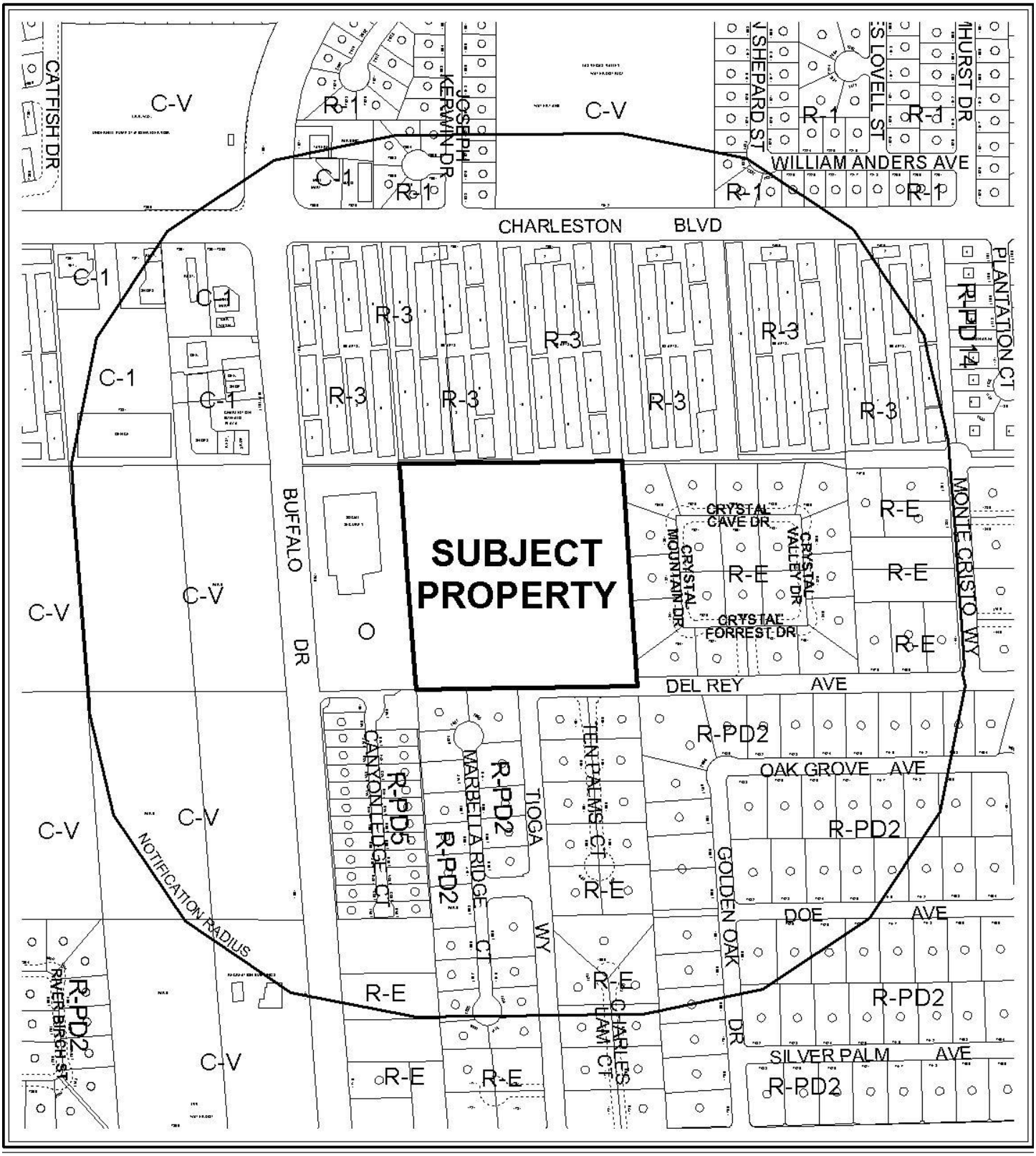
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34612 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34610 AND ZON-34611 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR AN EXISTING 321-FOOT RADIO, TV OR MICROWAVE COMMUNICATION TOWER AND THE INSTALLATION OF ONE ANTENNA AT A HEIGHT OF 300 FEET ON AN EXISTING TOWER on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), R-E (Residence Estates) Zone [PROPOSED: C-V (Civic)], Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**8**	**Planning Commission Mtg.**	**1**
City Council Meeting	**50**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 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. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards and Protest Petition submitted with 43 signatures by Jorina Garetto
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 8



0 400 800 Feet

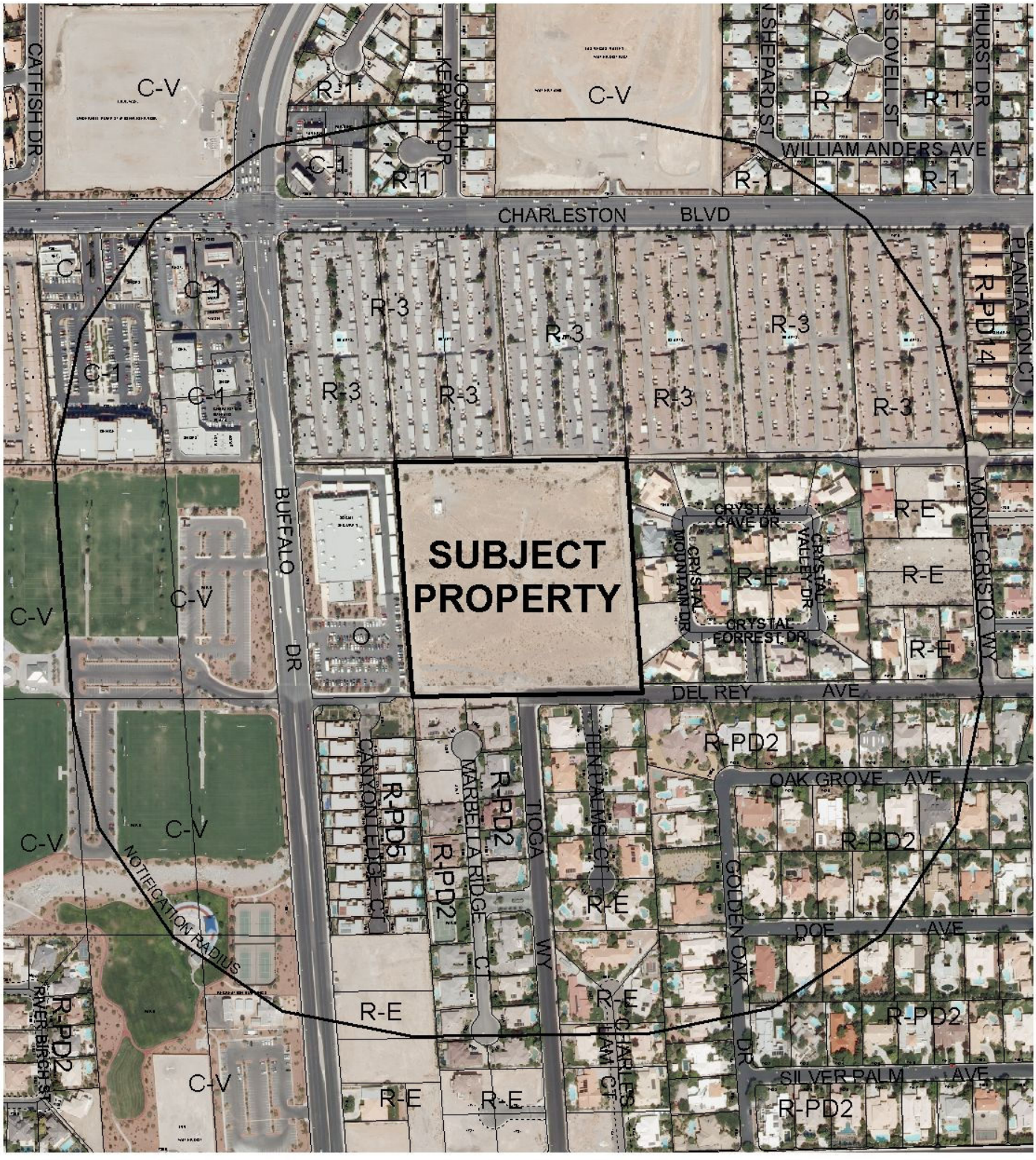
CASE: **SDR-34612**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



0 400 800 Feet

CASE: **SDR-34612**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

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) recommends DENIAL. Staff recommends 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 05/26/09, except as amended by conditions herein.

3. The subject site shall be cleared of all debris, trash and graffiti, prior to the issuance of building permits, and maintained thereafter.

4. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

5. 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.

6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

7. Construct all incomplete half-street improvements on Del Rey Avenue adjacent to this site and those portions of Tioga Way necessary to connect Del Rey Avenue and Tioga Way in a manner acceptable to the City Engineer concurrent with development of this site.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to add an additional 25-foot antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication Tower located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and the area between the storage area and the existing tower. The addition of the 25-foot antenna and related equipment will have a minimal impact upon the existing site and the surrounding neighborhood; therefore, staff is recommending approval.

Issues:

- Staff can support the additional 25-foot antenna on the existing 321-foot tower. The existing tower has been in existence since 1975. The building permit for the existing tower was finaled on 07/31/75.

- The current use of the site for a communications tower is non-conforming. Approval of an associated General Plan Amendment (GPA-34610) to PF (Public Facilities) and a Rezoning (ZON-34611) to C-V (Civic) district is required prior to approval of this request. If the associated requests are denied, this Site Development Plan Review cannot be approved, pursuant to Title 19.16.030 (D).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.

10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.
07/23/09	The Planning Commission recommended denial of companion items GPA-34610 and ZON-34611 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #8/bts).
Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed.
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is existing graffiti and debris on the subject site. A condition of approval has been added to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

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		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	*Provided*
Min. Lot Size	A portion of a 10.89 acre site
Min. Setbacks • Front (Del Rey Avenue) • Side (East property line) • Side (West property line) • Rear (North property line)	 548 Feet 554 Feet 106 Feet 114 Feet
Max. Building Height (Structure)	321 Feet
Mech. Equipment	Screened

ANALYSIS

The applicant is proposing to co-locate one antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication tower. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and between the storage area and the existing tower. A related General Plan Amendment (GPA-34610) and Rezoning (ZON-34611) will accompany the subject application. The proposed Rezoning from R-E (Residence Estates) to Civic (Civic) and the General Plan Amendment for DR (Desert Rural Density Residential) to PF (Public Facilities) will allow the existing tower and any related improvements as a conforming use. The subject site also contains a chain-link fence with barbed wire, which was built as a part of the subject site in 1975. The subject Site Development Plan Review will establish the Radio, TV or Microwave Communication tower use on the subject site pursuant to Title 19.06.

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 development is compatible with adjacent development and development in the area. The site has existed in its current configuration since1975, and the proposed changes will have a minimal impact on the site.

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 all applicable City plans, policies and standards for a development within a proposed C-V (Civic) zoning district.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed from Del Rey Avenue, a 60-foot Local Street, as designated by the Master Plan of Streets and Highways. This street is adequate to meet the requirement of the proposed zoning district. The subject use will produce a negligible increase in traffic volumes.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials are appropriate for this area and for 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 overall design will remain largely unchanged with the addition of a 25-foot antenna on the side of an existing 321-foot tower and related equipment will be located at the ground level, thereby remaining compatible with existing development.

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 1

PROTESTS 8

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34612 APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

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: Janice Manley

Print Name: Janice Manley

Subscribed and sworn before me

This 19 day of June, 2009

EDDIE LARUE
Notary Public State of Nevada
No. 98-1085-1
My appt. exp. Mar. 15, 2013

Notary Public in and for said County and State

State of Nevada County of Clark

Revised 11-14-06 f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED

JUN 19 2009

FLO TV

live mobile tv

5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

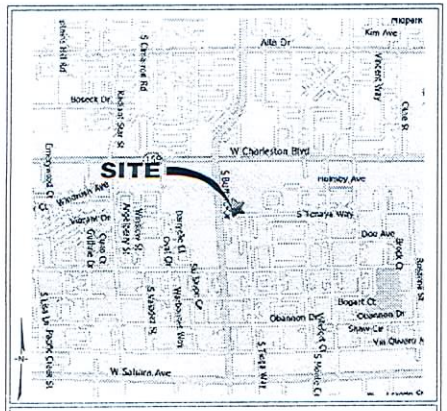
RECEIVED
MAY 26 2009

SITE INFORMATION

SITE NAME:	LAS VEGAS
SITE NUMBER:	LAS-006BP
SITE ADDRESS:	NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD. LAS VEGAS, NV 89102
ASSESORS PARCEL NUMBER:	163-03-101-001
JURISDICTION:	CITY OF LAS VEGAS
SITE COORDINATES:	N 36° 09' 21.9" (NAD 83) W 115° 15' 38" (NAD 83)
GROUND ELEVATION:	2823.1'± (NAVD 88)
STRUCTURE TYPE:	GUYED TOWER
STRUCTURE HEIGHT:	318.9'± AGL (TOP OF GUYED TOWER)
ANTENNA RAD CENTER:	287'± AGL
PROPERTY OWNERS NAME:	BUREAU OF LAND MANAGEMENT
PROPERTY OWNERS ADDRESS:	WASHINGTON, DC 20260
APPLICANT:	FLO TV USA 5775 MOREHOUSE DRIVE SAN DIEGO, CALIFORNIA 92121
AGENT:	WIRELESS FACILITIES, INC. JANICE MANLEY (505)250-6389 10820 NELLE AVE NE ALBUQUERQUE, NM 87111
ENGINEER:	CMX 3100 WEST RAY ROAD, SUITE 201 CHANDLER, AZ 85226

CODE ANALYSIS

BUILDING CODE:	2006 IBC
ELECTRICAL CODE:	2005 NEC
USE GROUP:	U (UTILITY)
CONSTRUCTION TYPE:	IIB



VICINITY MAP

DIRECTIONS:
FROM MCCARREN AIRPORT HEAD EAST ON WAYNE NEWTON BLVD, TAKE THE RAMP TOWARD I-215/HENDERSON/I-15/RENTAL CAR RETURN, MERGE ONTO PARADISE RD, MERGE ONTO I-215 W, MERGE ONTO I-15 N VIA EXIT 12A, TAKE THE SAHARA AVE EXIT, TURN LEFT ONTO W SAHARA AVE, TURN RIGHT ONTO S TENAYA WAY, TURN LEFT ONTO DEL RAY AVE, CONTINUE ON DEL RAY AVE UNTIL IT ENDS AT SITE.

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PROJECT DESCRIPTION

1. NEW EQUIPMENT TO BE INSTALLED WITHIN AN EXISTING TELECOMMUNICATIONS SHELTER.
2. NEW GENERATOR, HEAT EXCHANGER, AND ISO COIL TO BE INSTALLED ON A NEW CONCRETE PAD.
3. NEW ELECTRICAL SERVICE
4. NEW TELEPHONE SERVICE
5. INSTALLATION INCLUDES NEW ANTENNA AND SATELLITE DISHES

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SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
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2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080205501

DRAWING TITLE:
TITLE BLOCK

DRAWING SHEET:
T-1

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 1 OF 27

GENERAL CONSTRUCTION NOTES:

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL BUILDING CODE, THE LATEST EDITION AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
2. CONTRACT SHALL VISIT THE JOB SITE AND SHALL FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF THE WORK. NO COMPENSATION WILL BE AWARDED BASED ON CLAIM OF LACK OF KNOWLEDGE OF FIELD CONDITIONS.
3. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT AND APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS. OWNER PROVIDED MATERIALS WILL INCLUDE THE FOLLOWING, UNLESS NOTED OTHERWISE:
   A. TRANSMITTER
   B. RF FILTER
   C. MFTS RACK
   D. AUXILIARY EQUIPMENT IN MFTS RACK
   E. PUMP ASSEMBLY
   F. HEAT EXCHANGER
   G. HOSE AND HOSE MANIFOLDS (ANY COPPER OR STEEL SECTIONS PROVIDE BY CONTRACTOR)
   H. UHF ANTENNA AND MOUNTING BRACKETS, GPS ANTENNAS AND KU ANTENNAS
   I. UHF COAX AND HANGERS
   J. LMR COAX (HANGERS, CONDUIT AND ACCESSORIES BY CONTRACTOR)
   K. 480-208 AND 208-400 ELECTRICAL TRANSFORMERS (RE: E-2 FOR SPECIALIZED TRANSFORMERS PROVIDED BY CONTRACTOR)
   L. AUTOMATIC TRANSFER SWITCH AND GENERATOR
   M. EQUIPMENT SHELTER (SHELTERS FURNISHED IN FACTORY WITH HVAC EQUIPMENT AND ELECTRICAL DISTRIBUTION PANEL)
4. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS, SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM AN AUTHORIZED REPRESENTATIVE OF THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. DETAILS ARE INTENDED TO SHOW DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS AND CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
6. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE STATED.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
9. CONTRACTOR SHALL COORDINATE HIS WORK WITH THE SUPERINTENDENT OF THE BUILDINGS & GROUNDS AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
11. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
12. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING ETC. AND IMMEDIATELY REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.
13. IN DRILLING HOLES INTO CONCRETE WHETHER FOR FASTENING OR ANCHORING PURPOSES, OR PENETRATIONS THROUGH THE FLOOR FOR CONDUIT RUNS, PIPE RUNS, ETC., IT MUST BE CLEARLY UNDERSTOOD THAT REINFORCING STEEL SHALL NOT BE DRILLED INTO, CUT OR DAMAGED UNDER ANY CIRCUMSTANCES (UNLESSOTHERWISE NOTED). LOCATIONS OF REINFORCING STEEL ARE NOT DEFINITELY KNOWN AND THEREFORE MUST BE SEARCHED FOR BY APPROPRIATE METHODS AND EQUIPMENT.
14. REPAIR ALL EXISTING WALL SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND IN WITH ADJACENT SURFACES.
15. SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH U.L. LISTED AND FIRE CODE APPROVED MATERIALS.
16. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
17. MINIMUM BEND RADIUS OF ANTENNA CABLES SHALL BE IN ACCORDANCE WITH CABLE MANUFACTURERS RECOMMENDATIONS.
18. ALL EXISTING INACTIVE SEWER, WATER, GAS ELECTRICAL AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE ENGINEER.
19. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION SHALL BE IN CONFORMANCE WITH JURISDICTIONAL OR STATE AND LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL AND COORDINATED WITH LOCAL REGULATORY AUTHORITIES.
20. LIGHT SHADED LINES AND NOTED REPRESENT WORK PREVIOUSLY DONE. DARK SHADED LINES AND NOTES REPRESENT THE SCOPE OF WORK FOR THIS PROJECT. CONTRACTOR SHALL VERIFY IF EXISTING CONSTRUCTION IS COMPLETE. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY EXISTING CONDITIONS THAT DEVIATE FROM THE DRAWINGS PRIOR TO BEGINNING CONSTRUCTION.
21. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND/OR WIRING CERTIFICATES REQUIRED FOR THE ELECTRICAL SERVICE UPGRADES. IN ADDITION, CONTRACTOR SHALL PROVIDE ALL NECESSARY COORDINATION AND SCHEDULING WITH THE SERVING ELECTRICAL UTILITY AND LOCAL INSPECTION AUTHORITIES.

STRUCTURAL STEEL NOTES:

1. ALL STEEL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE AISC "MANUAL OF STEEL CONSTRUCTION". STEEL SECTIONS SHALL BE IN ACCORDANCE WITH ASTM AS INDICATED BELOW:
   A. W-SHAPES: ASTM A992, 50 KSI
   B. ANGLES, BARS, CHANNELS: ASTM A36, 36 KSI
   C. HSS SECTIONS: ASTM 500, 46 KSI
   D. PIPE SECTIONS: ASTM A53-E, 35 KSI
2. ALL EXTERIOR EXPOSED STEEL AND HARDWARE SHALL BE HOT DIPPED GALVANIZED.
3. ALL WELDING SHALL BE PREFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINED SURFACES SHALL BE TOUCHED UP.
4. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (¾"Ø) CONNECTIONS AND SHALL HAVE A MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
5. NON-STRUCTUAL CONNECTIONS FOR STEEL GRATING MAY USE (⅝"Ø) ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

SITE WORK NOTES:

1. DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
2. DO NOT SCALE BUILDING DIMENSIONS FROM DRAWING.
3. SIZE, LOCATION AND TYPE OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS SHALL BE ACCURATELY NOTED AND PLACED ON AS-BUILT DRAWINGS BY GENERAL CONTRACTOR AND ISSUED TO ARCHITECT/ENGINEER AT COMPLETION OF PROJECT.
4. ALL EXISTING UTILITIES, FACILITIES, CONDITIONS AND THEIR DIMENSIONS SHOWN ON PLANS HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THE ENGINEER AND OWNER ASSUME NO RESPONSIBILITY WHATSOEVER AS TO THE SUFFICIENCY OR ACCURACY OF THE INFORMATION SHOWN ON THE PLANS OR THE MANNER OF THEIR REMOVAL OR ADJUSTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING EXACT LOCATION OF ALL EXISTING UTILITIES AND FACILITIES PRIOR TO START OF CONSTRUCTION.CONTRACTOR SHALL ALSO OBTAIN FROM EACH UTILITY COMPANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDULES AND METHODS OF REMOVING OR ADJUSTING EXISTING UTILITIES.
5. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES BOTH HORIZONTALLY AND VERTICALLY PRIOR TO START OF CONSTRUCTION, ANY DISCREPANCIES OR DOUBTS AS TO THE INTERPRETATION OF PLANS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT/ENGINEER FOR RESOLUTION AND INSTRUCTION, AND NO FURTHER WORK SHALL BE PREFORMED UNTIL THE DISCREPANCY IS CHECKED AND CORRECTED BY THE ARCHITECT/ENGINEER. FAILURE TO SECURE SUCH INSTRUCTION MEANS CONTRACTOR WILL HAVE WORKED AT HIS/HER OWN RISK AND EXPENSE.CONTRACTOR SHALL CALL LOCAL DIGGER HOT LINE FOR UTILITY LOCATIONS 48 HOURS PRIOR TO START OF CONSTRUCTION.
6. ALL NEW AND EXISTING UTILITY STRUCTURES ON SITE AND IN AREAS TO BE DISTURBED BY CONSTRUCTION SHALL BE ADJUSTED TO FINISH ELEVATIONS PRIOR TO FINAL INSPECTION OF WORK.
7. GRADING OF THE SITE WORK AREA IS TO BE SMOOTH AND CONTINUOUS IN SLOPE AND IS TO FEATHER INTO EXISTING GRADES AT THE GRADE LIMITS.
8. ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
9. STRUCTURAL FILLS SUPPORTING PAVEMENTS SHALL BE COMPACTED TO 95% OF MAXIMUM STANDARD PROCTOR DRY DENSITY.
10. NEW GRADES NOT IN BUILDING AND DRIVEWAY IMPROVEMENT AREA TO BE ARCHIVED BY FILLING WITH APPROVED CLEAN FILL AND COMPACTED TO 95% OF STANDARD PROCTOR DENSITY.
11. ALL FILL SHALL BE PLACED IN UNIFORM LIFTS. THE LIFTS THICKNESS SHOULD NOT EXCEED THAT WHICH CAN BE PROPERLY COMPACTED THROUCHOUT ITS ENTIRE DEPTH WITH THE EQUIPMENT AVAILABLE.
12. ANY FILLS PLACED ON EXISTING SLOPES THAT ARE STEEPER THAN (10) HORIZONTAL TO (1) VERTICAL SHALL BE PROPERLY BENCHED INTO THE EXISTING SLOPE AS DIRECTED BY A GEOTECHNICAL ENGINEER.
13. CONTRACTOR SHALL CLEAN ENTIRE SITE AFTER CONSTRUCTION SUCH THAT NO PAPERS, TRASH, WEEDS, BRUSH OR ANY OTHER DEPOSITS WILL REMAIN. ALL MATERIALS COLLECTED DURING CLEANING OPERATIONS SHALL BE DISPOSED OF OFF-SITE BY THE GENERAL CONTRACTOR.
14. ALL TREES AND SHRUBS WHICH RE NOT IN DIRECT CONFLICT WITH THE IMPROVEMENTS SHALL BE PROTECTED BY THE GENERAL CONTRACTOR.
15. ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY GENERAL CONTRACTOR WITH LOCAL UTILITY COMPANY, TELEPHONE COMPANY, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.

RF NOTES:

1. ALL ANTENNAS PROVIDE BY OWNER UNLESS NOTED OTHERWISE.
2. ALL COAX PROVIDED BY OWNER UNLESS NOTED OTHERWISE.
3. CONTRACTOR TO FIELD VERIFY ANTENNA CABLE LENGTH.
4. COAX SHALL BE PROPERLY SUPPORTED PER MANUFACTURES RECOMMENDATIONS, MFTS SPECIFICATIONS, AND CONSTRUCTION DRAWINGS.
5. LMR COAX SHALL BE INSTALLED IN 1" RIGID CONDUIT OR AS OTHERWISE SHOWN ON DRAWINGS.
6. ALL COAX (EXICEPT RIGID UHF COAX) SHALL BE GROUNDED AT FIRST POINT OF ENTRY INTO BUILDING WITH COAX GROUNDING KIT. ADDITIONALLY, ALL FLEXIBLE COAX SHALL BE GROUNDED AT INTERVALS NOT TO EXCEED 200'.
7. ALL COAX CONNECTIONS SHALL BE PROPERLY WEATHER PROOFED AND SEALED.
8. PROVIDE DRIP LOOP AT ALL CONNECTIONS AT ANTENNA.
9. ALL ANTENNA AZIMUTHS SHALL BE VERIFIED PRIOR TO FINAL INSTALLATION OF ANTENNA. ANTENNA AZIMUTHS ON DRAWINGS ARE RELATIVE TO TRUE NORTH. CONTRACTOR RESPONSIBLE FOR ADJUSTMENTS TO MAGNETIC NORTH.
10. CONTRACTOR SHALL VERIFY EACH ANTENNA HAS A CLEAR VIEW AT ITS REQUIRED AZIMUTH PRIOR TO INSTALLATION OF THE ANTENNA. SUPPORT FRAMING, ICE SHIELDS OR COAX CONDUIT. CONTRACTOR SHALL PROVIDE WRITTEN REPORT TO CONSTRUCTION MANAGER DESCRIBING ANY POSSIBLE OBSTRUCTIONS OF SATELLITE VIEW INCLUDING, BUT NOT LIMITED TO, TREES, BUILDINGS. EXISTING ANTENNAS, TOWERS OR ICE BRIDGES.
11. ALL COAX IN ELEVATOR MACHINE ROOM SHALL BE INSTALLED IN RIDGED STEEL CONDUIT.

STRUCTURAL CONCRETE NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301-89, ACI 318-95 AND THE SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH fc'=2,500 PSI AT 28 DAYS UNLESS NOTED OTHERWISE.
3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES CLASS "B" AND AT HOOKS SHALL BE STANDARD UNLESS NOTED OTHERWISE.
4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:
   A. CONCRETE CAST AGAINST EARTH.....3 IN.
   B. CONCRETE EXPOSED TO EARTH OR WEATHER:
      #6 AND LARGER.....2 IN.
      #5 AND SMALLER & WWF .....1-1/2 IN.
   C. CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND.
      SLAB AND WALL .....3/4 IN.
      BEAMS AND COLUMNS:.....1-1/2 IN.
5. A 3/4" CHAMFER SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE U.N.O. IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.
6. HOLES TO RECEIVE EXPANSION/WEDGE ANCHORS SHALL BE 1/8" LARGER IN DIAMETER THAN THE ANCHOR BOLT, DOWEL OR ROD AND SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. LOCATE AND AVOID CUTTING EXISTING REBAR WHEN DRILLING HOLES IN ELEVATED CONCRETE SLABS.
7. USE AND INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER ICBO & MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURES.

CONCRETE MASONRY UNITS:

1. CONCRETE MASONRY UNITS SHALL BE MEDIUM WEIGHT UNITS CONFORMING TO ASTM C90, GRADE N-1, (F'M=1,500 PS). MEDIUM WEIGHT (115 PCF).
2. MORTAR SHALL BE TYPE "S" (MINIMUM 1,800 PSI AT 28 DAYS).
3. GROUT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2,000 PSI AT 28 DAYS.
4. ALL CELLS CONTAINING REINFORCING STEEL OR EMBEDDED ITEMS AND ALL CELLS IN RETAINING WALLS AND WALLS BELOW GRADE SHALL BE SOLID GROUTED.
5. ALL HORIZONTAL REINFORCEMENT SHALL BE PLACED IN BOND BEAM OR LINTEL BEAM UNITS.
6. WHEN GROUTING IS STOPPED FOR ONE HOUR OR LONGER, HORIZONTAL CONSTRUCTION JOINTS SHALL BE FORMED BY STOPPING THE GROUT POUR 1-1/2" BELOW TOP OF THE UPPERMOST UNIT.
7. ALL BOND BEAM BLOCK SHALL BE "DEEP CUT" UNITS.
8. PROVIDE INSPECTION AND CLEAN-OUT HOLES AT BASE OF VERTICAL CELLS HAVING GROUT LIFTS IN EXCESS OF 4'-0" OF HEIGHT.
9. ALL CROUT SHALL BE CONSOLIDATED WITH A MECHANICAL VIBRATOR.
10. CEMENT SHALL BE AS SPECIFIED FOR CONCRETE.
11. REINFORCING BARS - SEE NOTES UNDER "REINFORCING STEEL" FOR REQUIREMENTS.
12. PROVIDE ONE BAR DIAMETER (A MINIMUM OF 1/2") GROUT BETWEEN MAIN REINFORCING AND MASONRY UNITS.
13. LOW LIFT CONSTRUCTION, MAXIMUM GROUT POUR HEIGHT IS 4 FEET.
14. HIGH LIFT GROUTED CONSTRUCTION MAY BE USED IN CONFORMANCE WITH PROJECT SPECIFICATIONS AND SECTION 2104.6.1, OF U.B.C.
15. ALL CELLS IN CONCRETE BLOCKS SHALL BE FILLED SOLID WITH GROUT, EXCEPT AS NOTED IN THE DRAWINGS OR SPECIFICATIONS.
16. CELLS SHALL BE IN VERTICAL ALIGNMENT. DOWELS IN FOOTINGS SHALL BE SET TO ALIGN WITH CORES CONTAINING REINFORCING STEEL.
17. REFER TO ARCHITECTURAL DRAWINGS FOR SURFACE AND HEIGHT OF UNITS, LAYING PATTERN AND JOINT TYPE.
18. SAND SHALL BE CLEAN, SHARP AND WELL GRADED, FREE FROM INJURIOUS AMOUNTS OF DUST, LUMPS, SHALE, ALKALI OR ORGANIC MATERIAL.
19. BRICK SHALL CONFORM TO ASTM C-62 AND SHALL BE GRADE MW OR BETTER.

GENERATOR NOTES:

1. GENERATOR SHALL BE PROVIDED BY FLO TV.
2. CONTRACTOR SHALL INSTALL GENERATOR IN ACCORDANCE WITH LOCAL AND NATIONAL BUILDING AND FIRE CODES. LOCAL ORDINANCE SHALL GOVERN IN THE EVENT OF CONFLICTING CODES.
3. CONTRACTOR RESPONSIBLE FOR ALL MATERIALS REQUIRED FOR GENERATOR INSTALLATION.
4. GENERATOR IS UL 2200 LISTED.
5. CONTRACTOR TO INSTALL OWNER PROVIDED ISOLATION PAD UNDER GENERATOR BASE.
6. GENERATOR IS NFPA COMPLIANT.

DIESEL TANK NOTES:

1. DIESEL GENERATOR SUPPLIED WITH 214 GALLON MAXIMUM, SUB-BASE FUEL TANK.
2. DIESEL TANK SHALL BE INSTALLED IN ACCORDANCE WITH NFPA AND LOCAL REQUIREMENTS.
3. FUEL TANK IS UL-142 LISTED, DOUBLE WALLED, HEAVY GAUGE CONSTRUCTION.
4. FUEL TANK IS IN ACCORDANCE WITH NFPA 30 REQUIREMENTS.
5. FUEL TANK PROVIDED WITH INNER TANK ALARM, LEAK DETECTION ALARM, LOW FUEL LEVEL ALARM, AND EMERGENCY PRESSURE RELEASE VALVES IN INNER AND OUTER TANKS.
6. FUEL TANK PROVIDED WITH OVERSPILL AND OVERFILL CONTAINMENT DEVICES WHEN REQUIRED.

PROPANE TANK NOTES:

1. CONTRACTOR TO ACQUIRE UL LISTED, LP TANK NOT TO EXCEED 500 GALLONS, UNLESS NOTED OTHERWISE.
2. LP TANK SHALL BE INSTALLED IN ACCORDANCE WITH NFPA AND LOCAL REQUIREMENTS.
3. LP TANK REGULATOR, VENT, AND FILLING CONNECTION SHALL NOT BE LOCATED WITHIN 10 FEET OF ANY EXTERNAL SOURCE OF IGNITION, ELECTRICAL COMPONENTS, DIRECT OR MECHANICAL VENTILATION SYSTEM.
4. CONTRACTOR TO PROVIDE 2" PVC CONDUIT (BELOW GRADE) BETWEEN TANK AND GENERATOR FOR INSTALLATION OF ALARM AND CONTROL WIRING.
5. CONTRACTOR TO PROVIDE 2" PVC CONDUIT (BELOW GRADE) BETWEEN TANK AND GENERATOR FOR INSTALLATION OF LP FUEL LINE. TANK SUPPLIER RESPONSIBLE FOR INSTALLATION OF FUEL LINE.
6. CONTRACTOR TO PROVIDE AND INSTALL MICRO-DESIGN INC. LPG STATIONARY TANK MONITOR P#/ 94442A-LPG. MONITOR SHALL BE WALL MOUNTED IN MFTS EQUIPMENT ROOM.

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DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

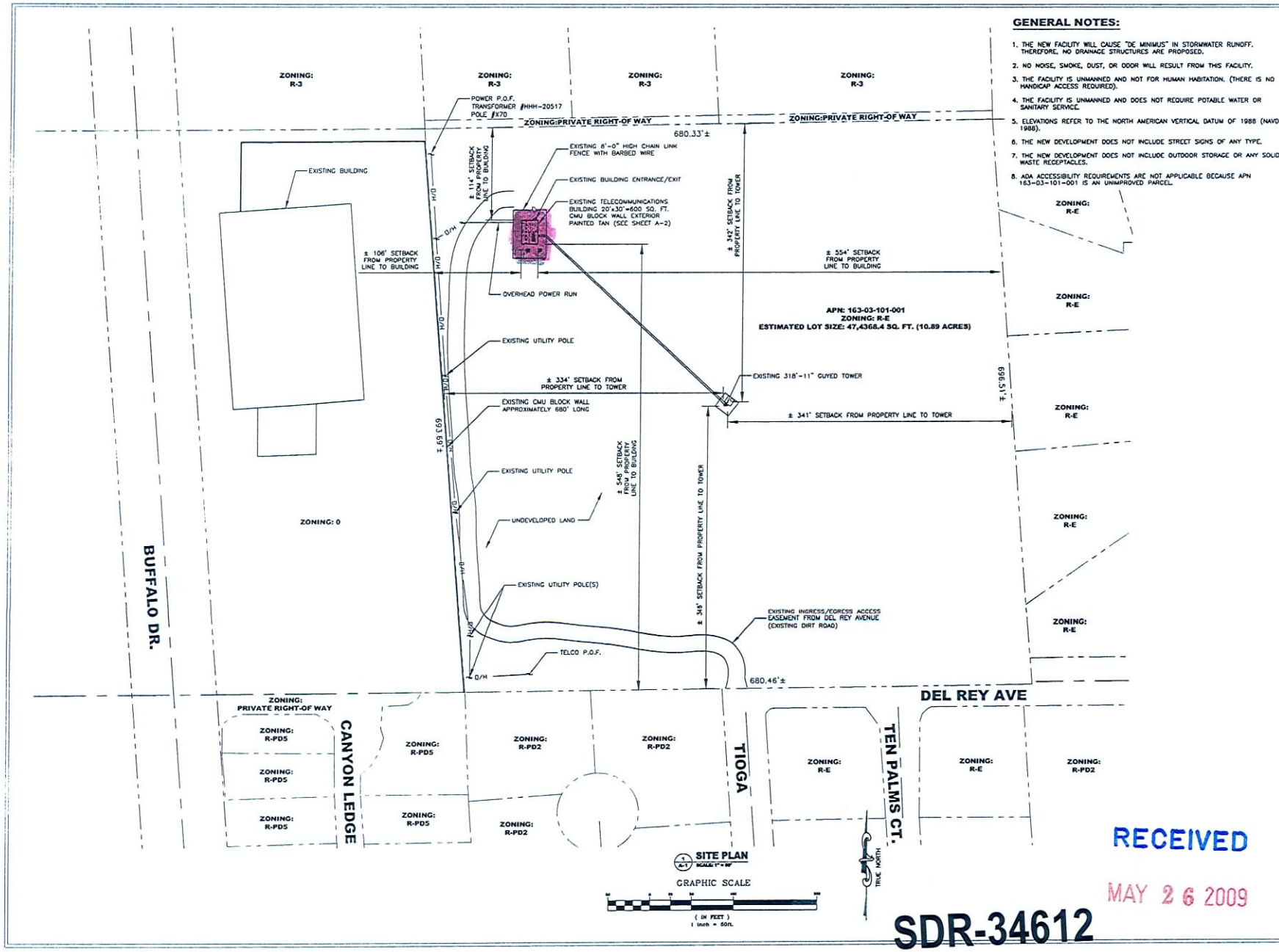
GENERAL NOTES, ABBREVIATIONS AND SYMBOLS

DRAWING SHEET:

T-2

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 2 OF 27



GENERAL NOTES:

1. THE NEW FACILITY WILL CAUSE "DE MINIMUS" IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
2. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. (THERE IS NO HANDICAP ACCESS REQUIRED).
4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
5. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
6. THE NEW DEVELOPMENT DOES NOT INCLUDE STREET SIGNS OF ANY TYPE.
7. THE NEW DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
8. ADA ACCESSIBILITY REQUIREMENTS ARE NOT APPLICABLE BECAUSE APN 163-03-101-001 IS AN UNIMPROVED PARCEL.

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DRAWING TITLE:

SITE PLAN

DRAWING SHEET:

A-1

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 3 OF 27

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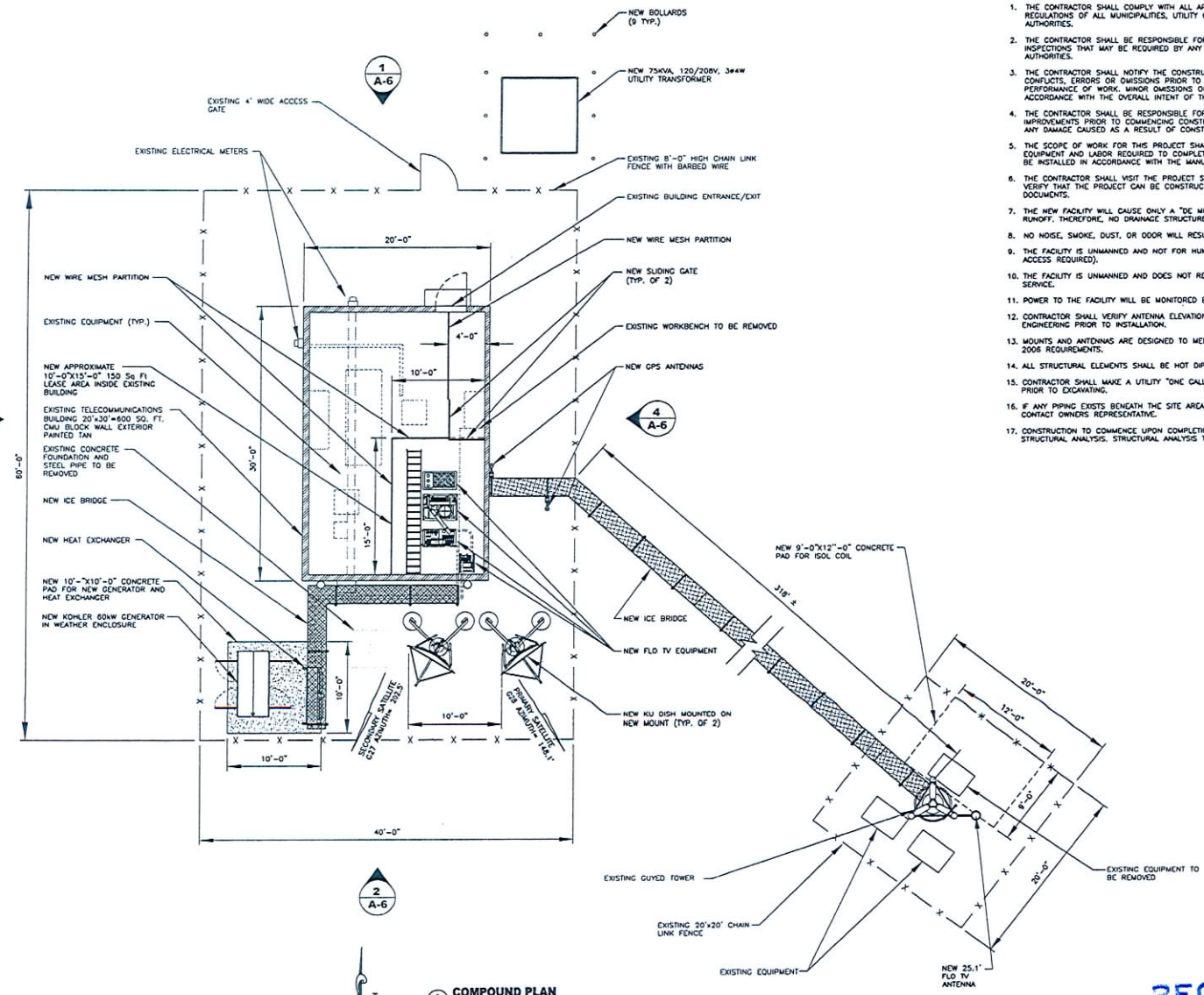
SDR-34612
07/09/09 PC



1 A-6 — 3 A-6 — 4 A-6 — 2 A-6 — 1 A-5

1 A-2 COMPOUND PLAN SCALE: 3/16" = 1'-0"

GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID PROJECT IN ACCORDANCE WITH THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. THE NEW FACILITY WILL CAUSE ONLY A "DE MINIMUS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARENEW.
8. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
9. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION (THERE IS NO HANDICAP ACCESS REQUIRED).
10. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
11. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
12. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
13. MOUNTS AND ANTENNAS ARE DESIGNED TO MEET EIA/TIA-222-F AS PER IBC 2006 REQUIREMENTS.
14. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
15. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
16. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNERS REPRESENTATIVE.
17. CONSTRUCTION TO COMMENCE UPON COMPLETION OF A PASSING STRUCTURAL ANALYSIS. STRUCTURAL ANALYSIS TO BE PERFORMED BY OTHERS.

FLO TV
live mobile tv
5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121
PH (858) 651-1645

WFA
10802 NELLE AVE. NE
ALBUQUERQUE, NM 87111
(505) 250-6389

CMX
3100 WEST RAY ROAD, SUITE 201
CHANDLER, AZ. 85226
TEL (480) 648-1900 FAX (480) 648-1918
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SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

COMPOUND PLAN

DRAWING SHEET:

A-2

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 4 OF 27

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SDR-34612

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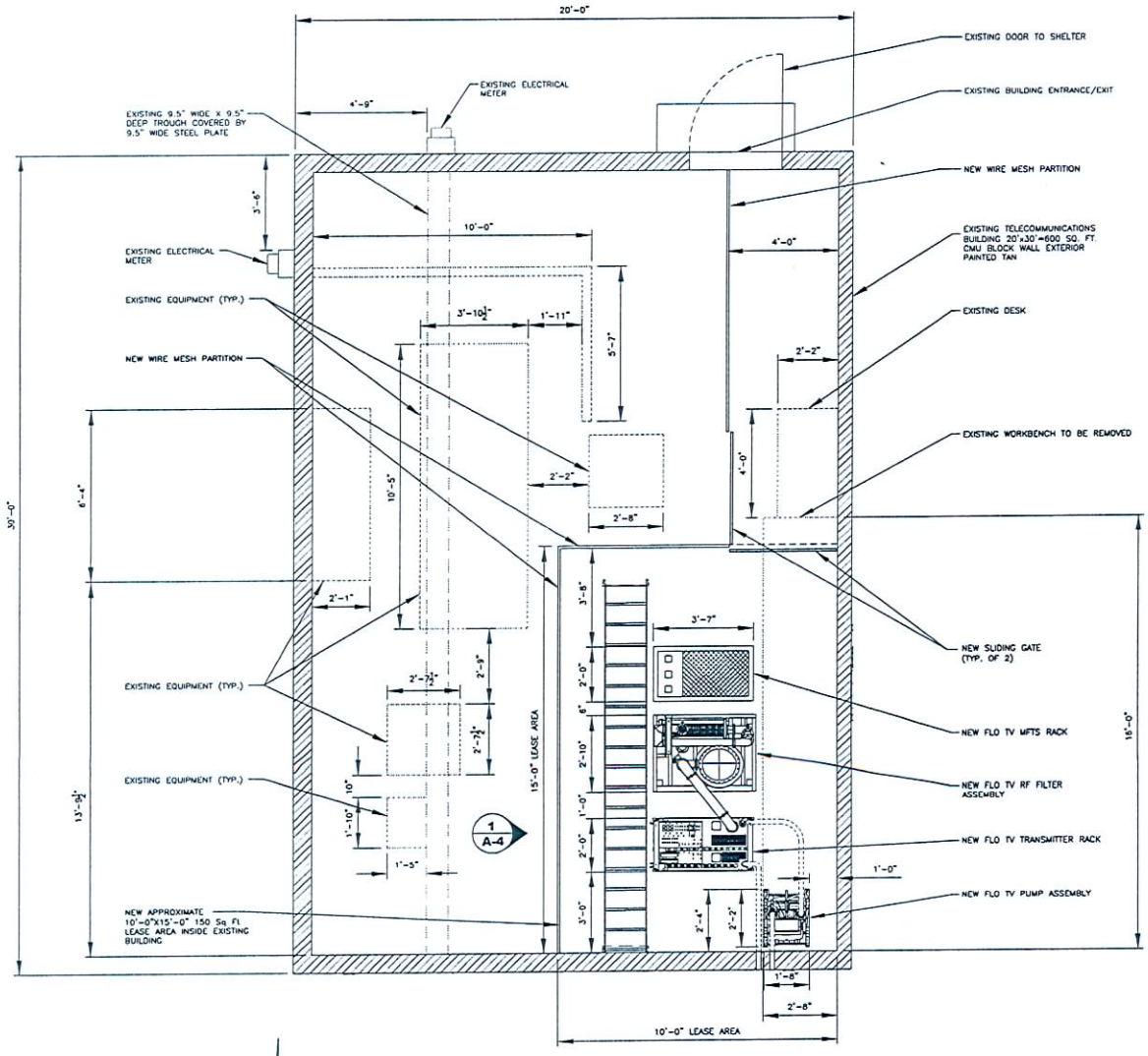

TRUE NORTH

1/A-3 EQUIPMENT ROOM PLAN
SCALE: 1/2" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1/2 inch = 1 ft.

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07/09/09 PC

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5		
4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/26/09	100% CD'S

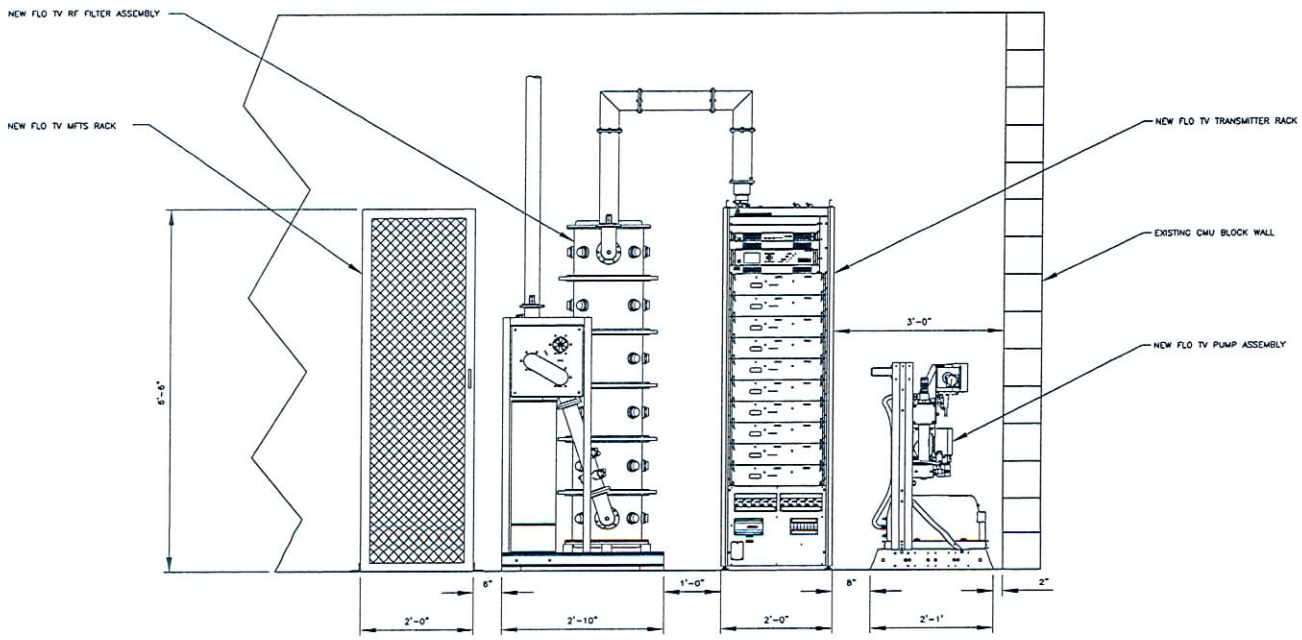
DRAWN BY:	GE
CHECKED BY:	SA
JOB NO:	080305001

DRAWING TITLE:
EQUIPMENT ROOM PLAN

DRAWING SHEET:
A-3

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 5 OF 27



1 A-4 EQUIPMENT ROOM INTERIOR ELEVATION
SCALE: 1" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1 inch = 1 ft.

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SDR-34612
07/09/09 PC

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4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/26/09	100% CD'S

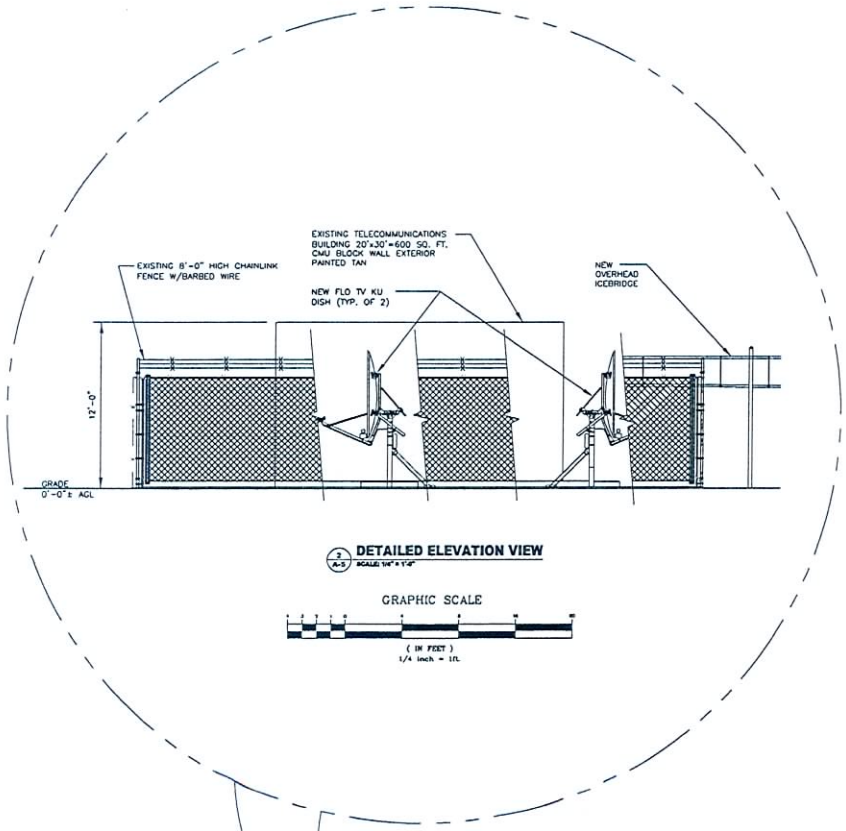
DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305G01

DRAWING TITLE:
EQUIPMENT ROOM INTERIOR ELEVATION

DRAWING SHEET:
A-4

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 6 OF 27



2 A-5 **DETAILED ELEVATION VIEW**

SCALE: 1/4" = 1'-0"

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.

1 A-5 **SOUTH ELEVATION (OVERALL)**

SCALE: 1" = 20'-0"

GRAPHIC SCALE

(IN FEET)
1 inch = 20ft.

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2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/26/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

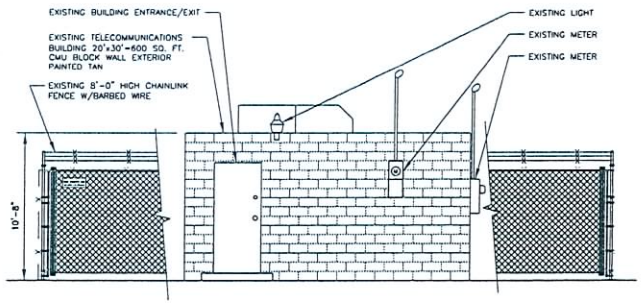
SOUTH ELEVATION (OVERALL)

DRAWING SHEET:

A-5

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

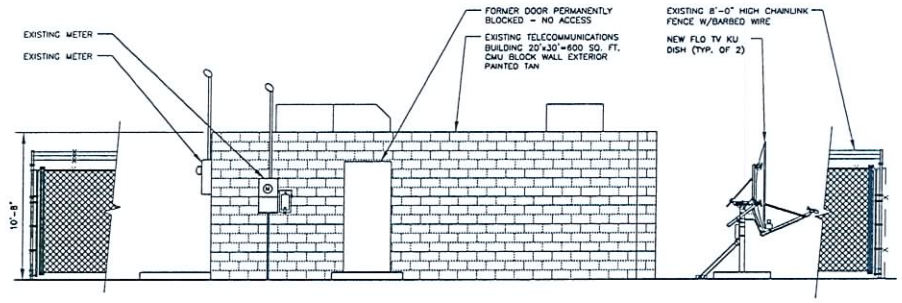
SHEET NO. 7 OF 27



1 A-6 **NORTH ELEVATION**

GRAPHIC SCALE

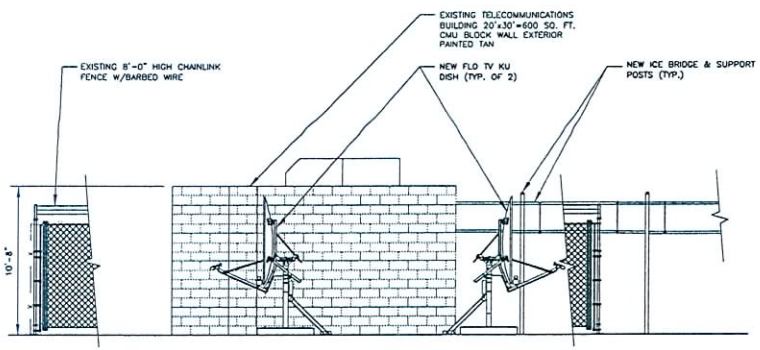
(IN FEET)
1/4 inch = 1ft.



3 A-6 **WEST ELEVATION**

GRAPHIC SCALE

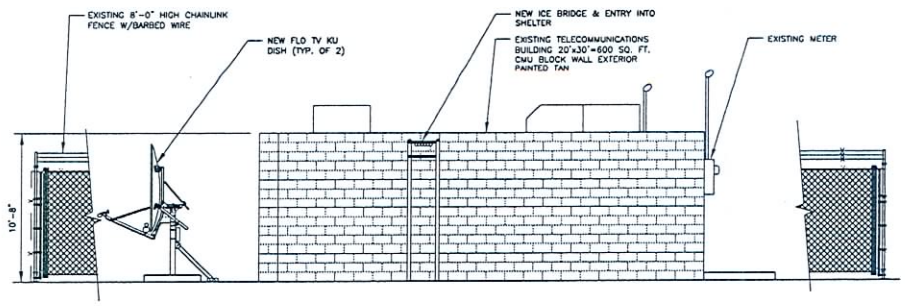
(IN FEET)
1/4 inch = 1ft.



2 A-6 **SOUTH ELEVATION**

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.



4 A-6 **EAST ELEVATION**

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.

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(505) 250-6389

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1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

EXISTING BUILDING ELEVATIONS

DRAWING SHEET:

A-6

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 8 OF 27



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

SDR-34612
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

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JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

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JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

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JUN 19 2003

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Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

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JUN 19 2003

p. 2
7022280502
Benjamin Bruk
Aug 10 09 08:59a

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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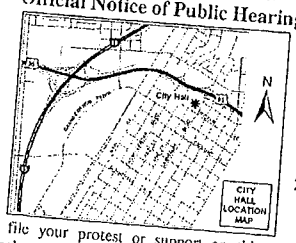
2009 AUG 10 A 9:26

Return Service Requested
Official Notice of Public Hearing



We opposed amend GPA-34610 from DR to PF
We oppose rezoning ZON-34612 from R-E to C-V.
The following is our reasons:
1. The present antenna is illegal in the area designated DR which is densly populated.
2. The lot in question is undeveloped and is a source for garbage dumping and the disposal of old furniture TVs, matresses, tires etc...
It also attracts drug dealers and homeless people.

B. Bruk / Joyce Bruk

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-34612

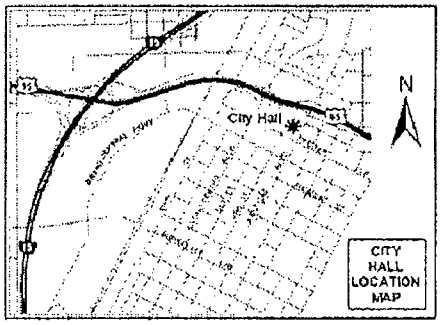
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

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.

SDR-34612
City Council Meeting of 8/19/2009

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2009 AUG 11 A 8:00
CITY CLERK

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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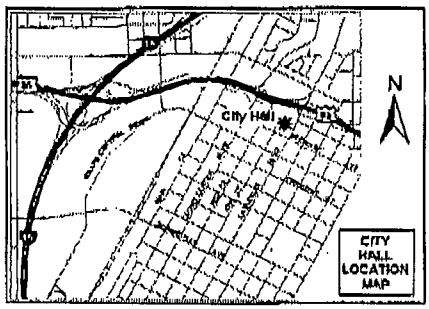

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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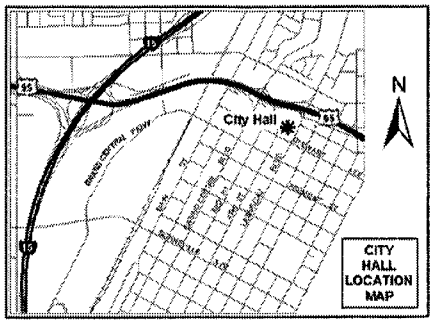
Return Service Requested
Official Notice of Public Hearing



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-34612
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 12 A 11:10

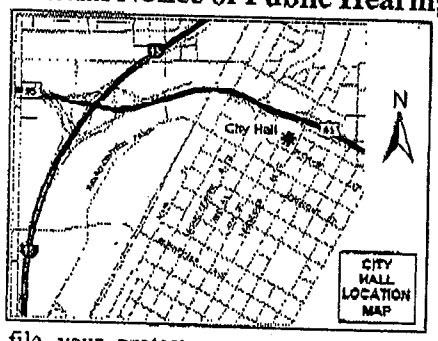
LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

APN#16303211002

Submitted after final agenda
Date 8/19/09 Item 86
W-2

of Las Vegas
e Of The City Clerk
Stewart Avenue
Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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SDR-34612

Council Meeting of 8/19/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

2009 AUG 13 P 2:20

RECEIVED
CITY CLERK

STONE JAY B & CAROLYN T
1509 TEN PALMS CT
LAS VEGAS NV 89117-1478

APN#16303211005

FAVDS11 89117

/02/2008 04:18 7023639111 BLUE CUBE PAGE 01/01

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

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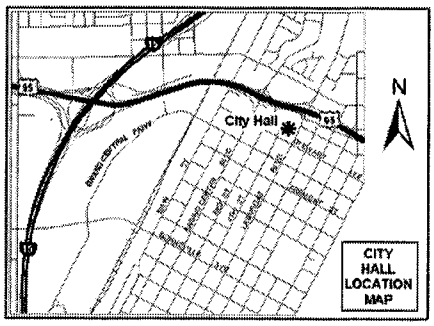

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SDR-34612
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 14 A 10:38

BOYER JOHN WALTER & ROBIN LYNN
BOYER JOHN W 2005 LIV TR AGMT
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

APN#16303210005

Submitted after final agenda
Date 8/4/09 Item 86
W-2

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

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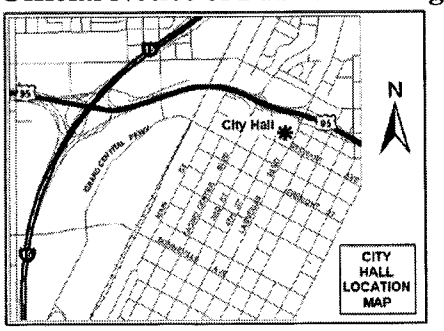
Official Notice of Public Hearing



We oppose to amend GPA-34610 from DR to RE.
We oppose rezoning ZON-34611 from R-E to C-V.
The following is our reason:
1. The present antenna is illegal in the area designated DR which is densly populated.
2. The lot in question is undeveloped and is a source for garbage dumping and the disposal of old furniture TVs, matresses, tires ect... It also attracts drug dealers and homeless people.

B. Bruk / Joyce Bruk

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Submitted At Meeting
Date 8/19/09 Item 86
W-2

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

The city's current zoning laws will require this land to be re-zoned to "Public Facilities" in order to allow Flo TV to put up the equipment. This change in zoning is the only way Flo TV can use the proposed site. "Public Facilities" zoning means that any of the following could be built on this property (Note, this is not a complete list):

Government Building(s) of any kind
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School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

Ward 2 Councilman Steve Wolfson, has asked that we survey local residents to gauge their acceptance of this proposed zoning change.

Councilman Wolfson feels that he might be able to get "Flow TV" to do some "improvements" at the site, which may be in the form of a "chain link fence" in place of the existing barbed wire fencing and some "asphalt curbing" or "pathway" along Del Rey Ave. A gate would be installed for purposes of blocking the access road, which borders the east edge of the BLM property and Crystal Canyon Estates. This gate may help in preventing dumping of trash in this area.

☐ I am willing to accept a zoning change to "Public Facilities" if improvements can be made according to the attached Landscape Designs.

☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Anna Williams

Print Name Anna Williams

Address 7451 O'Bannon Drive

Phone Number (702) 363-9745 Date: 9-1-09

Submitted at City Council
Date 9/2/09 Item 69-71

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Signature: Anne Spinetti

Print Name Anne Spinetti

Address 4116 Marbella Ridge Ct. L.V. NV 89117

Phone Number: (702) 499-5078 Date: 9-1-09

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☒ **I do not want the zoning change. I want this property's zoning to remain "Desert Rural".**

Signature: [signature]

Print Name Herbert Eberle

Address 8501 W. University Ave #2103

Phone Number: 702-876-9196 **Date:** Aug 31-09

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Signature: Susie Goin

Print Name: Susie GOIN

Address: 1071 BLACKWATER CT.

Phone Number: 243-7179 Date: 1 SEPT. 09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: M. O. Green

Print Name MARY O. GREEN

Address 1870 BLACKWATER CT.

Phone Number: 243-9130 Date: 1 SEPT. 09

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Signature: Maggie Fitzgerald

Print Name MAGGIE FITZGERALD

Address 1930 BLACKWATER CT

Phone Number: 256-1906 Date: SEPT 1, 09

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Signature: Maurine R Thiesing

Print Name Maurine R Thiesing

Address 1861 Blackwater Ct

Phone Number: (702) 593-0572 Date: 9/2/09

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Signature: Carsten P. Owens

Print Name CARSTEN P. OWENS

Address 1620 REMEMBRANCE HILL ST.

Phone Number: (702) 235-9556 **Date:** 8/31/05

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Signature: Gail A García

Print Name Carlos A. & Gail A. García

Address 7460 Crystal Cave Drive, Las Vegas, NV 89117

Phone Number: 415-571-8379 Date: Aug. 31, 2009

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: [signature]

Print Name SCOTT OBER

Address 1404 TEN PALMS CT. LV. 89117

Phone Number: 702-242-1848 Date: 8/30/09

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Signature: _____

Print Name Robert X. Leeds

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31- 2009

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Signature: Peggy Leeds

Print Name PEGGY LEEDS

Address 1405 Ten Palms Court Las Vegas, NV 89117

Phone Number: (702) 248-7263 Date: August 31, 2009

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

"Flo TV" provides wireless TV viewing on your cell phone.

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Mark Adair

Print Name Mark Adair

Address 1401 Marbella Ridge Ct

Phone Number: 702 617-0177 Date: 8/31/09

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Signature: _____

Print Name MICHAEL TURNER

Address 1632 MARBELLA RIDGE CT.

Phone Number: (702) 233-8240 Date: 8/31/09

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Signature: P J

Print Name PATRICIA T. LAVENDER

Address 1633 MARBELLA RIDGE CT

Phone Number: 702 656 6564 Date: AUG 31, 2006

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Signature: Jeffrey A. Hammack

Print Name JEFFREY A. HAMMACK

Address 1501 MARBELLA RIDGE

Phone Number: 702-363-5859 Date: 08-31-09

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Signature: Janice R Hammack

Print Name JANICE R. HAMMACK

Address 1501 Marbella Ridge Crt

Phone Number: 363-5859 Date: 8-31-09

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Signature: Maria T. Torres

Print Name Maria T. Torres

Address 1512 Marbella Ridge Ct.

Phone Number: 233 9402 Date: 8-31-09

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Signature: Melinda Jackson Kessler

Print Name MELINDA JACKSON KESSLER

Address 1401 TEN PALMS CT LV NV 89117

Phone Number: 702-445-7194 Date: 8/28/09

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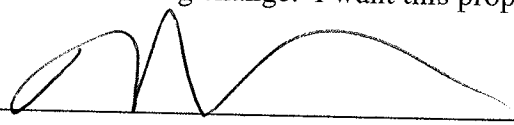
Signature: 

Print Name MICHAEL KESSLER

Address 1401 TEN PALMS CT

Phone Number: 702-445-7194 Date: 8/28/09

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Signature: Thomas Garetto

Print Name THOMAS GARETTO

Address 1500 TEN PALMS CT

Phone Number: 233 5232 Date: 8/29/09

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Signature: Jorina Garetto

Print Name Jorina Garetto

Address 1500 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)233-5232 Date: 08·29·09

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Signature: Kathleen Madigan

Print Name KATHLEEN MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: 8-29-09

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Signature: Julie Longley

Print Name: Julie Longley

Address: 1400 Ten Palms Ct. 89117

Phone Number: (702) 233-1119 Date: 8/29/09

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Signature: William Madigan

Print Name WILLIAM MADIGAN

Address 1504 TEN PALMS CT.

Phone Number: 702-363-9330 Date: AUGUST 29-05

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Signature: Joyce Brwk

Print Name JOYCE BRWK

Address 1508 TEN PALMS CT. LAS VEGAS 89117

Phone Number: 228-0502 Date: 8/29/09

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Signature: _____

Print Name BENJAMIN BRUK

Address 1508 Ten Palms Ct.

Phone Number: 702-228-0502 Date: 8/29/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Flo TV has approached the City of Las Vegas regarding a Zoning Change to allow an antenna, along with 2 small satellite dishes and support equipment at or on the exiting radio tower that sits on BLM property which is located south of Charleston Ave. East of Buffalo, and North of Del Rey Ave. (It's the area that has the large radio antenna just East of the new Social Security building on Buffalo.)

In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

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Government Building(s) of any kind
Police Station **or** Fire Station
School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

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☐ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Sherlee Edison

Print Name Sherlee Edison

Address 1505 Ten Palms Court Las Vegas NV 89117

Phone Number: (702)228-0158 Date: 08-29-09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Carolyn T. Stone

Print Name Carolyn T. Stone

Address 1509 Ten Palms Ct.

Phone Number: 363-1284 Date: 8/30/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: _____

Print Name Cody R Tomlin

Address 7475 Holmby Ave.

Phone Number: 7023607886 Date: 9-1-09

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Signature: _____

Print Name LILIA SIOSON

Address 7450 DEL REY

Phone Number: 702 240-6102 Date: Sept 1 2009

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Signature: Deborah Reiter Robert J Reiter

Print Name DEBORAH REITER ROBERT J REITER

Address 1441 So. Monte Cristo Way, Las Vegas, NV 89117

Phone Number: 702-562-2368 Date: August 31, 2009

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Signature: Christine Whitaker David A. Whitaker

Print Name Christine Whitaker DAVID A. WHITAKER

Address 1430 S. Monte Cristo Way

Phone Number: 363-7811 Date: Sept. 1, 2009

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☑ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: Earl D. Crinite

Print Name Earl D. Crinite

Address 1420 S. Monte Cristo Way, L.V.N. 89117

Phone Number: 682-8223
363-0524

Date: 9-1-09

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Signature: Don Leshinski Samra Leshinski

Print Name Don Leshinski Samra Leshinski

Address 1311 S. Monte Cristo Way Las Vegas, NV 89117

Phone Number: 702-870-2918 Date: 09/01/09

Neighborhood Survey Regarding GPA-34610 ZON-34611 SDR-34612

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Signature: _____

Print Name TERRENCE L ARMSTRONG

Address 1440 S. MONTE CRISTO WAY LAS VEGAS NV, 89117

Phone Number: 326-9456 Date: 9/1/09

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Signature: Larry Anspach

Print Name Larry ANSPACH

Address 1509 Golden OAK DR, LV, NV 89117

Phone Number: 869-5521 Date: 9/1/09

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☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: [signature]

Print Name Thomas R. Barson

Address 2120 Americas Cup Circle, LV, NV, 89117

Phone Number: 702 256-9105 Date: 9/1/09

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Signature: Carroll A Barson

Print Name CARROLL A BARSON

Address 2120 AMERICAS Cup Cir

Phone Number: 702. 497 8335 Date: Sept 1 '09

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Signature: _____

Print Name Steve Wilson

Address 2101 Palm Canyon Ct.

Phone Number: 491-8278 Date: 9/2/09

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Signature: Matthew Sweeney

Print Name MATTHEW SWEENEY

Address 1800 Madera Canyon Place

Phone Number: 251-4055 Date: 9-2-09

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Signature: Donna Hoffman

Print Name DONNA HOFFMAN

Address 1505 N GOLDEN OAK #LV, NV 89117

Phone Number: 702-374-3955 Date: 9-1-09

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"Flo TV" provides wireless TV viewing on your cell phone.

Flo TV has approached the City of Las Vegas regarding a Zoning Change to allow an antenna, along with 2 small satellite dishes and support equipment at or on the exiting radio tower that sits on BLM property which is located south of Charleston Ave. East of Buffalo, and North of Del Rey Ave. (It's the area that has the large radio antenna just East of the new Social Security building on Buffalo.)

In the city's master plan this property is currently zoned "Desert Rural". This means that only homes can be built here if the BLM ever sells the property and the radio tower is removed.

The city's current zoning laws will require this land to be re-zoned to "Public Facilities" in order to allow Flo TV to put up the equipment. This change in zoning is the only way Flo TV can use the proposed site. "Public Facilities" zoning means that any of the following could be built on this property (Note, this is not a complete list):

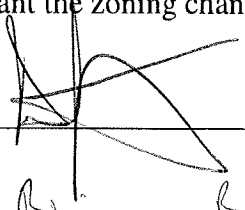
Government Building(s) of any kind
Police Station **or** Fire Station
School
Shooting range (included to illustrate the broad range allowable in this zoning designation)

Ward 2 Councilman Steve Wolfson, has asked that we survey local residents to gauge their acceptance of this proposed zoning change.

Councilman Wolfson feels that he might be able to get "Flow TV" to do some "improvements" at the site, which may be in the form of a "chain link fence" in place of the existing barbed wire fencing and some "asphalt curbing" or "pathway" along Del Rey Ave. A gate would be installed for purposes of blocking the access road, which borders the east edge of the BLM property and Crystal Canyon Estates. This gate may help in preventing dumping of trash in this area.

❑ I am willing to accept a zoning change to "Public Facilities" **if** improvements can be made according to the attached Landscape Designs.

☒ I do not want the zoning change. I want this property's zoning to remain "Desert Rural".

Signature: 

Print Name Brian Barson

Address 2120 America's Cup Cir. LV, NV

Phone Number: 702-575-0504 Date: 9/1/09

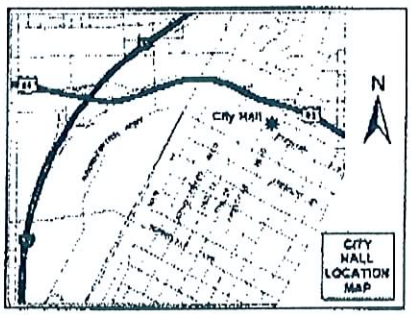
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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
0004279216 JUN 26 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-34612
Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 29 2009

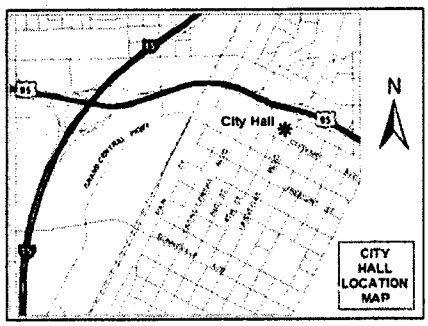
Case: SDR-34612
16303210008
ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

DAVDF11 89117

31P

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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SDR-34612

Planning Commission Meeting of 7/9/2009

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JUL 02 2009

Case: SDR-34612
16303210005
BOYER JOHN WALTER & ROBIN LYNN
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

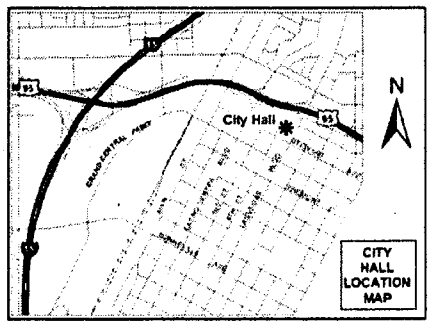
89117-1452 8008

Submitted after final agenda

Date 7/2/09 Item 31P

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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SDR-34612
Planning Commission Meeting of 7/9/2009

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PITNEY BOWES
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0004279218 JUN 26 2009
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JUL 02 2009

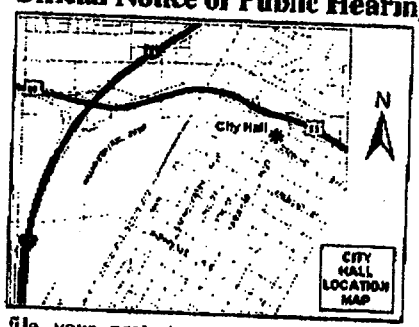
Case: SDR-34612
16303211002
LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

89117314046 80637

Submitted after final agenda
Date 7/2/09 Item 31P

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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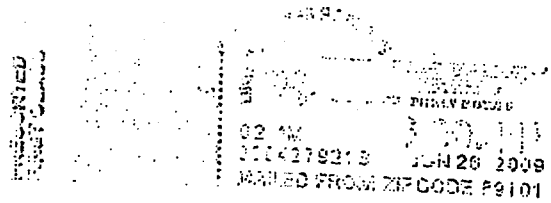
☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612

Planning Commission Meeting of 7/9/2009



RECEIVED
JUL 02 2009

16303110006 Case: SDR-34612
SCHENKEL FAMILY TRUST
7540 CRYSTAL CAVE DR
LAS VEGAS NV 89117-1480

DAVDP11 89117

Submitted after final agenda

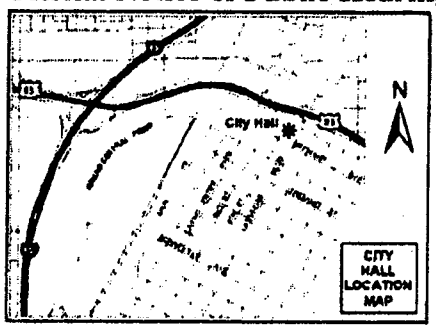
Date 7/2/09 Item 31P

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 JUN 26 2009
MAILED FROM ZIPCODE 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.

SDR-34612
Planning Commission Meeting of 7/9/2009

Case: SDR-34612
16303211007
MADIGAN KATHLEEN A TRUST
1504 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVDE11 A3117

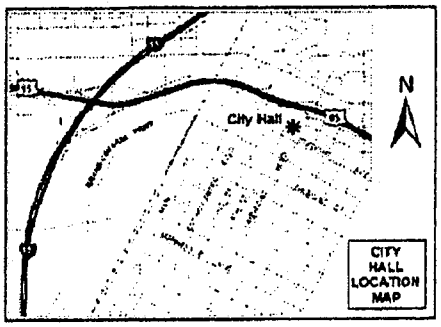
Submitted after final agenda

Date 7/7/09 Item 31P

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-34612

Planning Commission Meeting of 7/9/2009

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JUL 0[illegible] 2009

Case: SDR-34

16303211008
GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

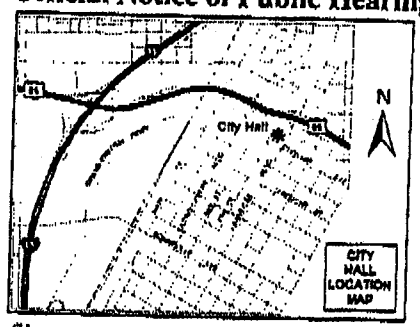
DAVDF11 A811F

Submitted after final agenda

Date 7/7/09 Item 31P

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-34612

Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 07 2009

Case: SDR-34612

16303211010
LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

DAVDP11 89117

Submitted after final agenda

Date 7/7/09 Item 31P

Douglas and Jo Ann Soule'
7520 Crystal Cave Drive
Las Vegas, Nevada 89117
Ph: 451-9535

RECEIVED
JUL 02 2009

June 29, 2009

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Re: GPA-34610 ZON-34611 SDR-34612
Existing 319-Foot Radio, TV or Microwave Communication Tower

We have received several notices regarding the above proposed amendment, rezoning request and plan review. We have lived at our present address, in close proximity to the tower site, since December 1999. During that time we have had to add filters to every phone in our home, and to our intercom system. The radio station comes over our intercom loud and clear, making it almost impossible to hear what anyone says over our intercom system until we installed a filter. The filter makes it slightly more tolerable but with a filter it is hard to understand what anyone says on the intercom, and we can still hear the station. It is the same with our phones although the filters pretty much solved the problem.

Our complaint is that the radio tower is not doing everything they can to make sure they do not impact the residents in transmitting programs, such as our intercom problem. We have had the filter problem addressed several times hoping to find a filter that works well but have had no luck with that. It was our understanding that the FCA had specific rules for stations to avoid impacting the residents in their homes. However, this is a misunderstanding on our part, or it is being ignored.

The Tower Site is surrounded on three sides by residential housing. We also think it is a mistake to do any type of amendment or rezoning that locks the station to this site.

Thank you for your attention to the above matter.

Sincerely,

The Soules

The Soule's

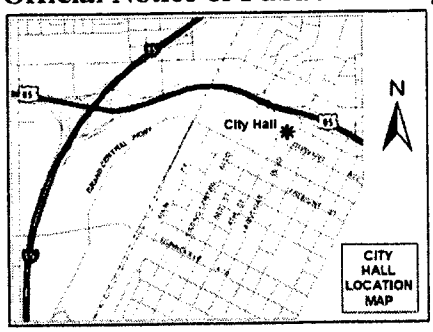
Submitted after final agenda
Date 7/2/09 Item 31P

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 JUN 26 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.

SDR-34612
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL [illegible] 2009

Case: SDR-34612
13833803001
MAHILL L L C
8144 MADDINGLY AVE
LAS VEGAS NV 89117-7638

DAVDP11 49117

Submitted after final agenda
Date 7/7/09 Item 31A

City of Las Vegas Agenda Item No.: **116.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

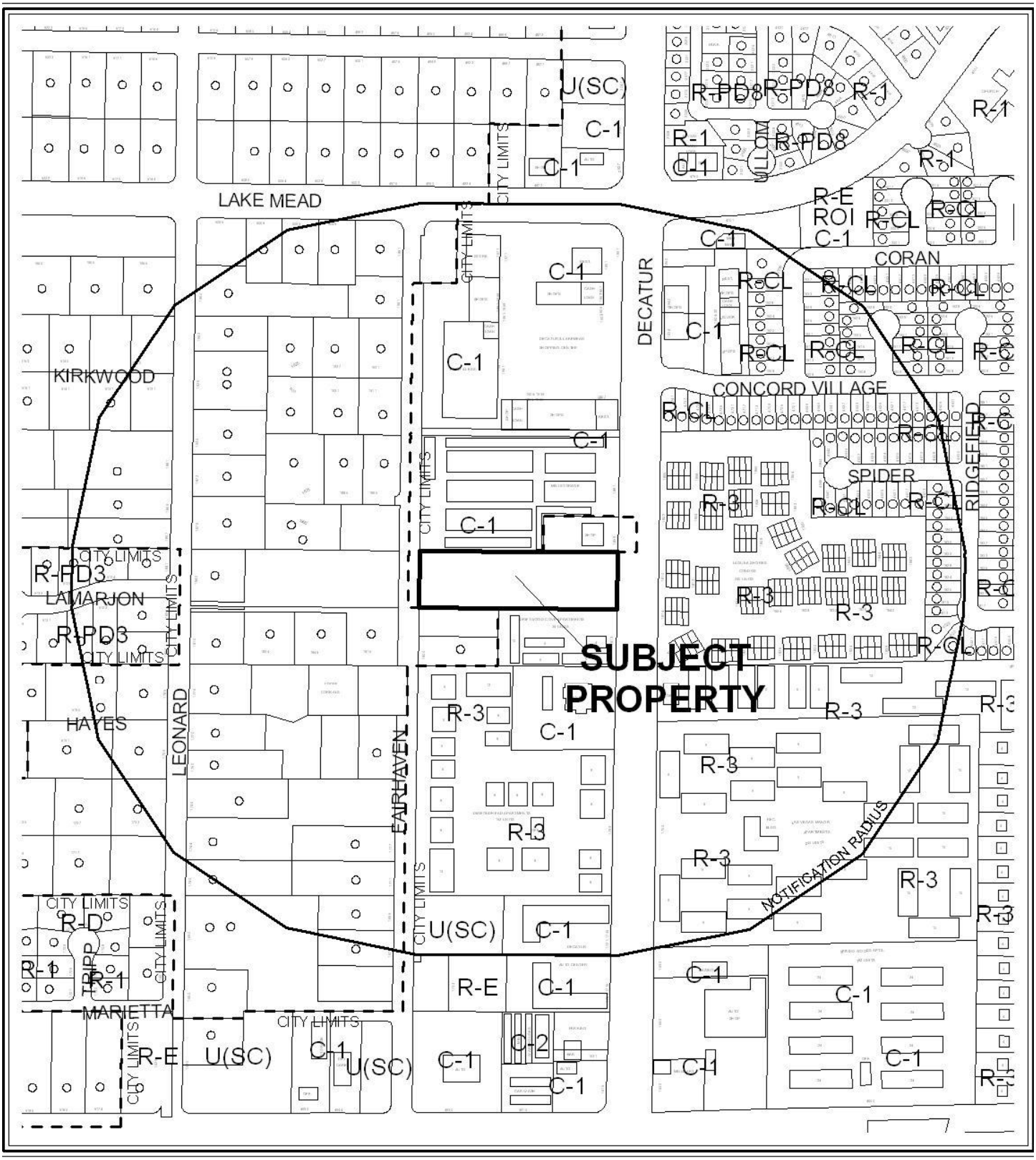
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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

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: OCTOBER 7, 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 SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** 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

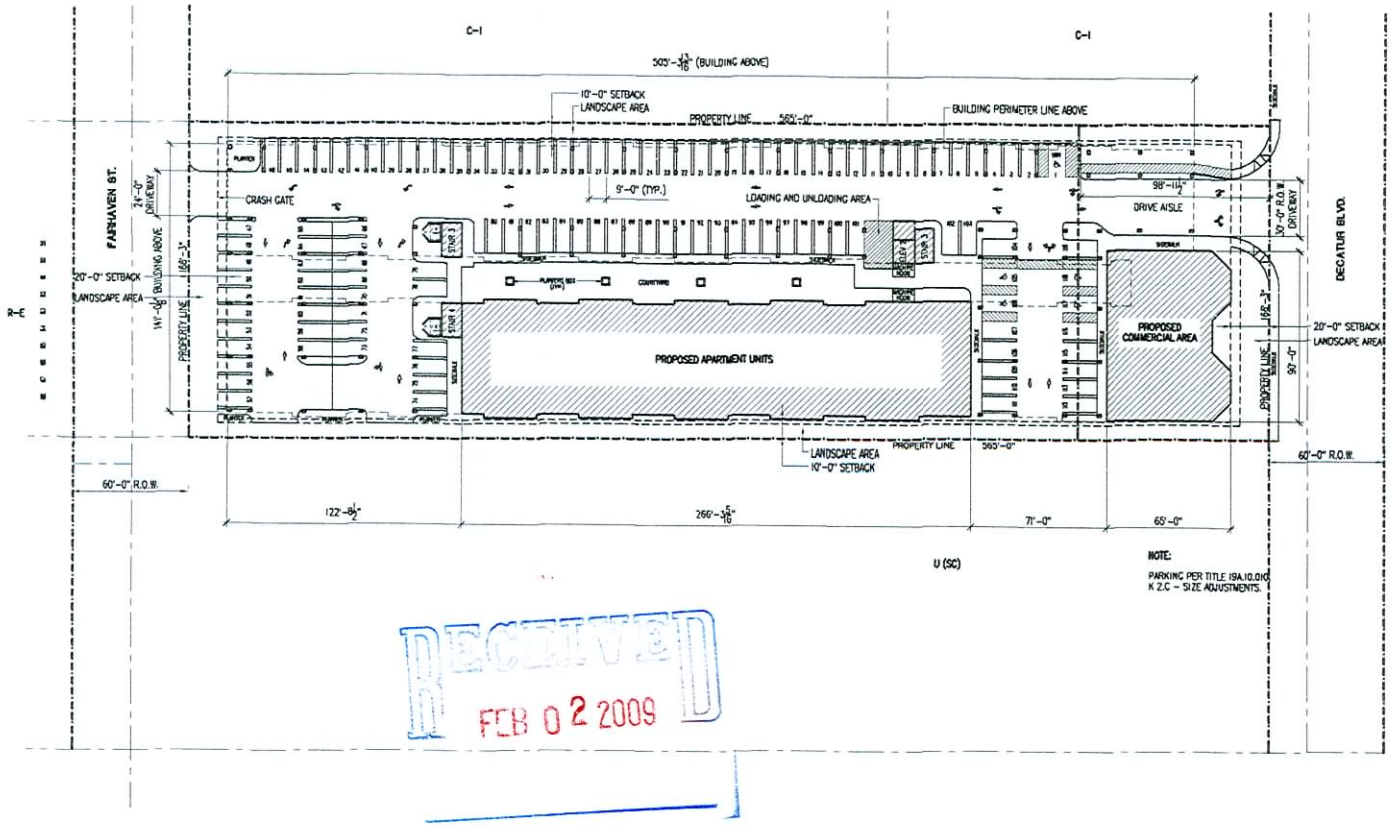
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

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
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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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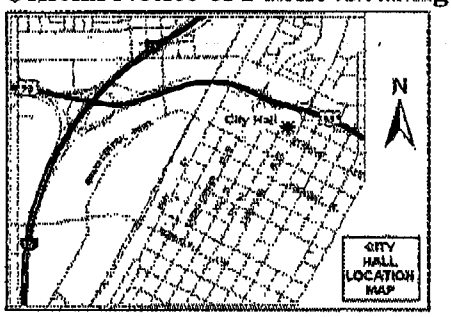
Official Notice of Public Hearing



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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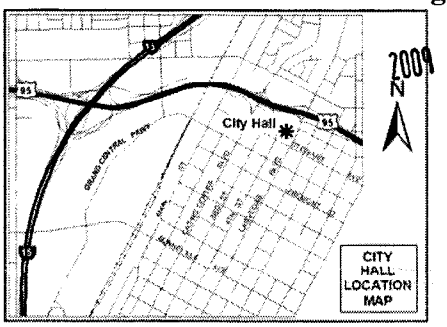

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
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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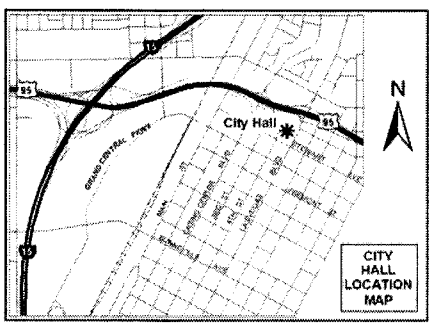

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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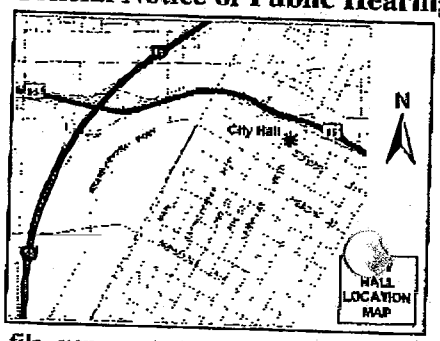

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

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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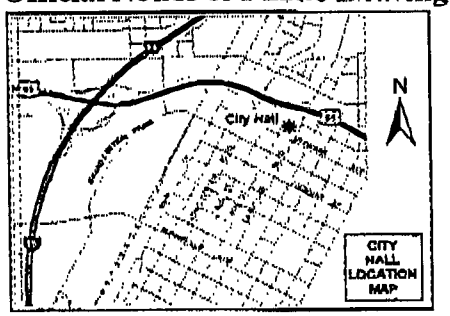

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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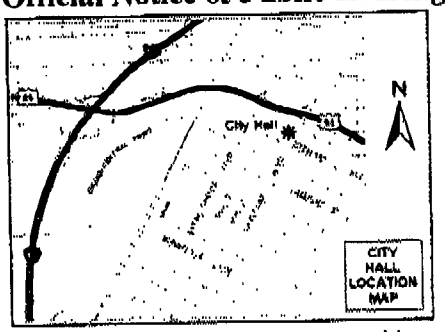

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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
400 Stewart Avenue
Las Vegas, Nevada 89101

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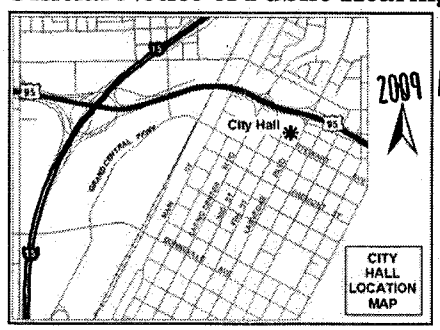
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

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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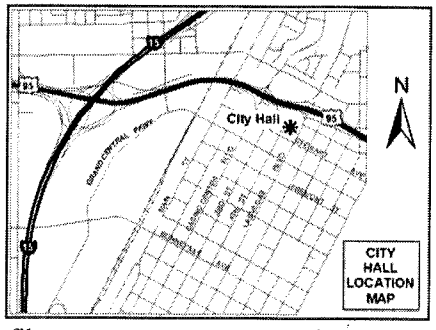

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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

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
	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,

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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

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
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

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
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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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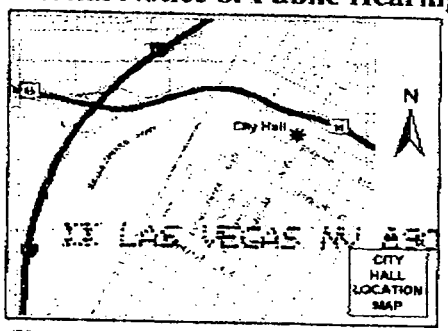
0004239654 FEB 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

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FEB 25 2009

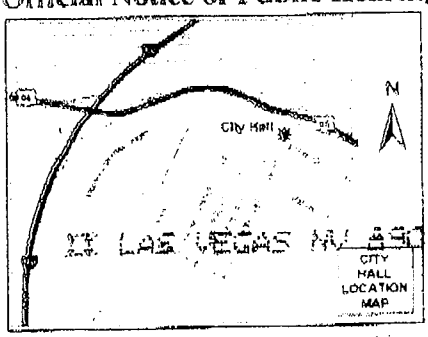
89108-2336 A 80789

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

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-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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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

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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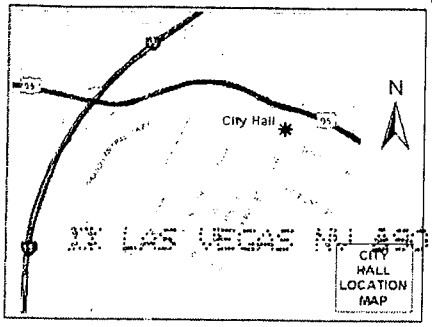
MAILED FROM ZIPCODE 89101

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.

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

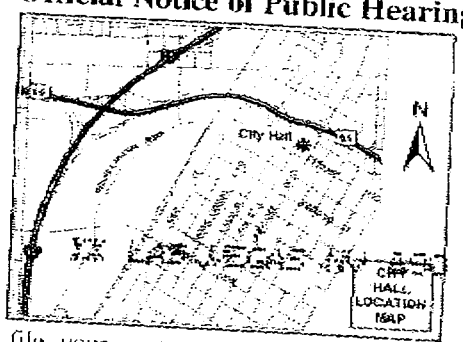
77066$1031 R035

34A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



02-14-05

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

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
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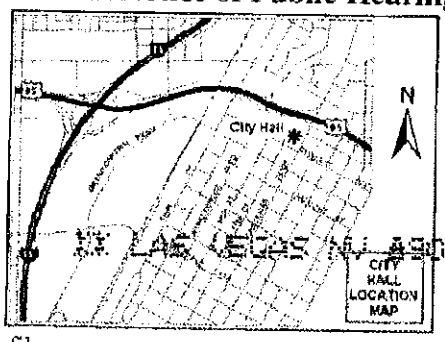
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 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

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.: **117.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

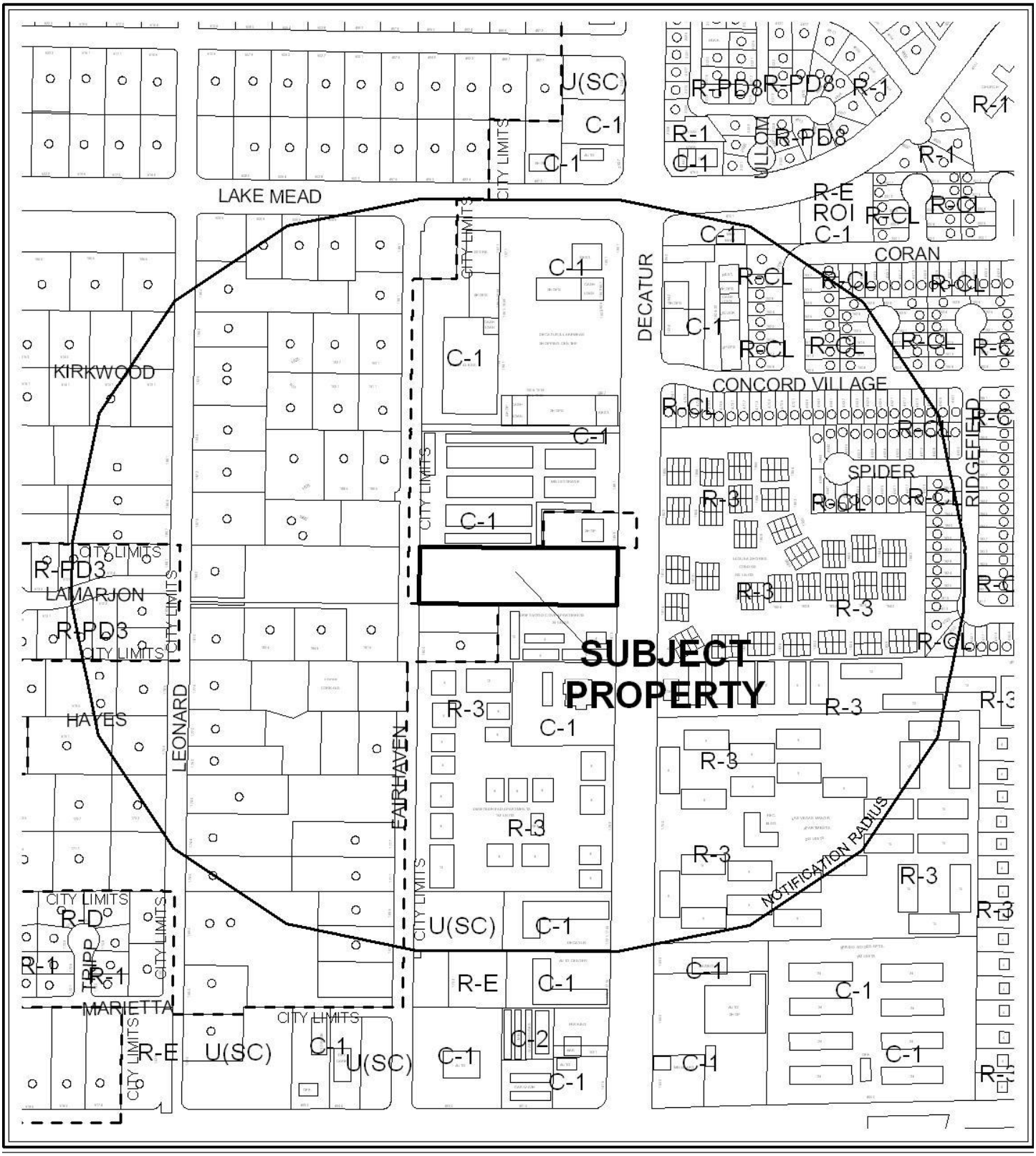
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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: OCTOBER 7, 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 SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** 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

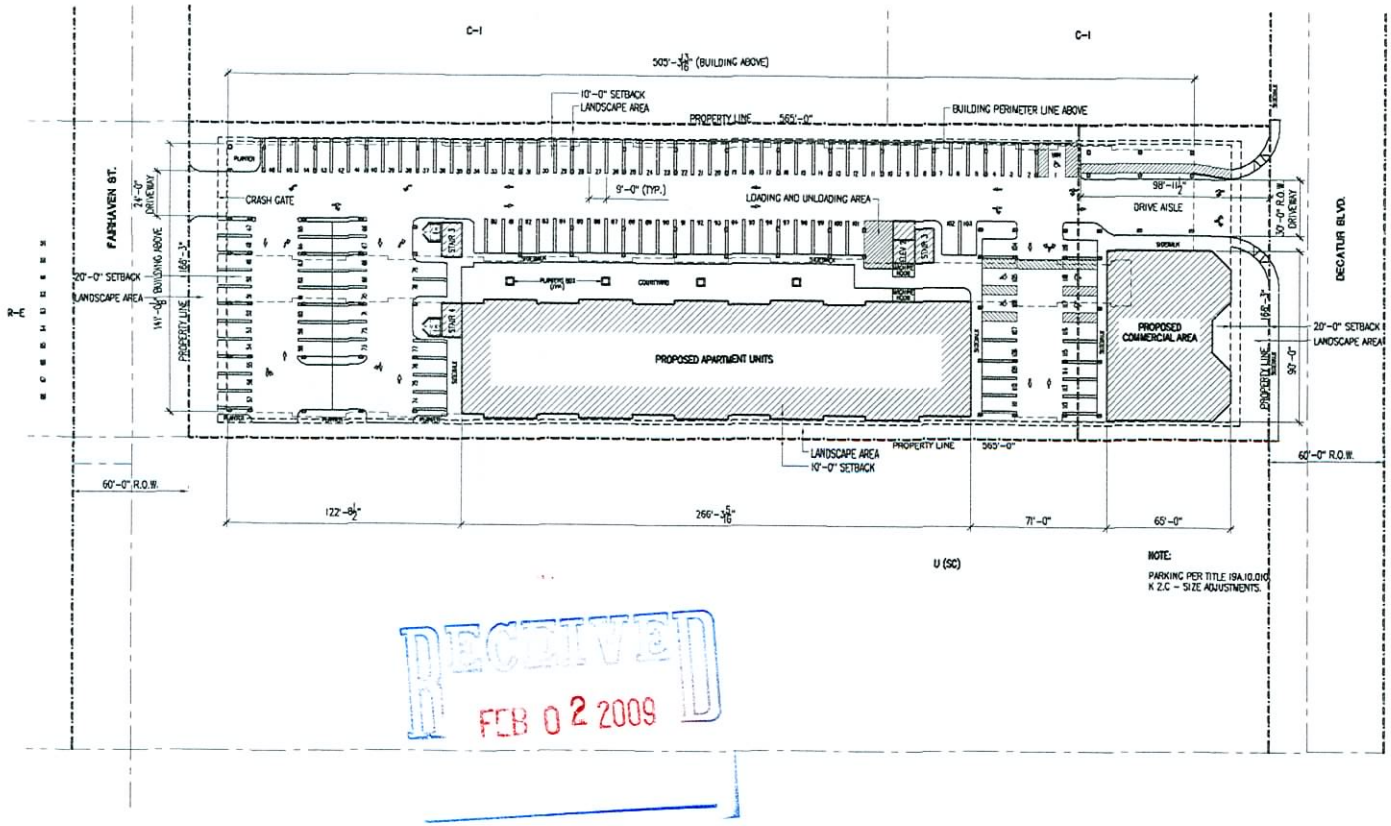
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

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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FEB 02 2009

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

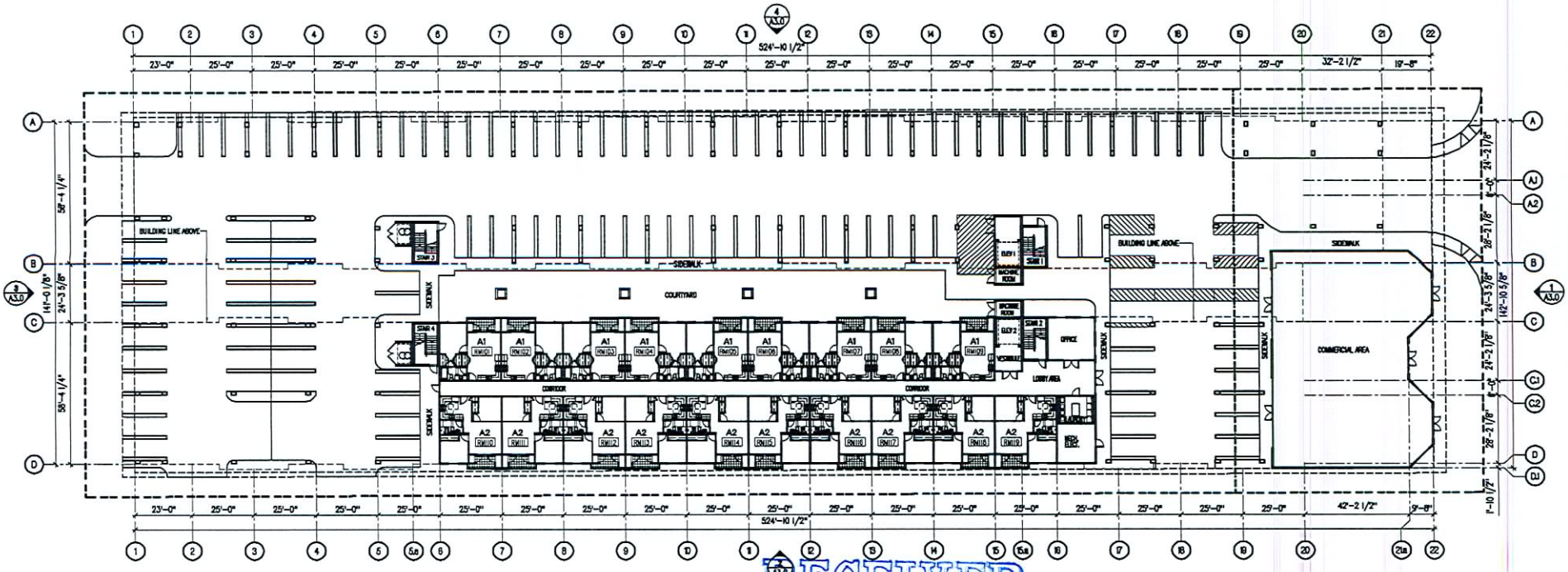
DECATUR SENIOR HOUSING

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



FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

RECEIVED
JAN 13 2009

VAR-33015

02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

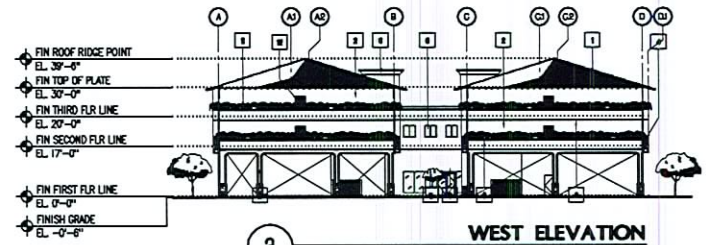
Revisions:

Date: 1-8-09
Project No.: 08100
Drawn By: JDL
Check By: DERUS
Sheet No.: A1.0

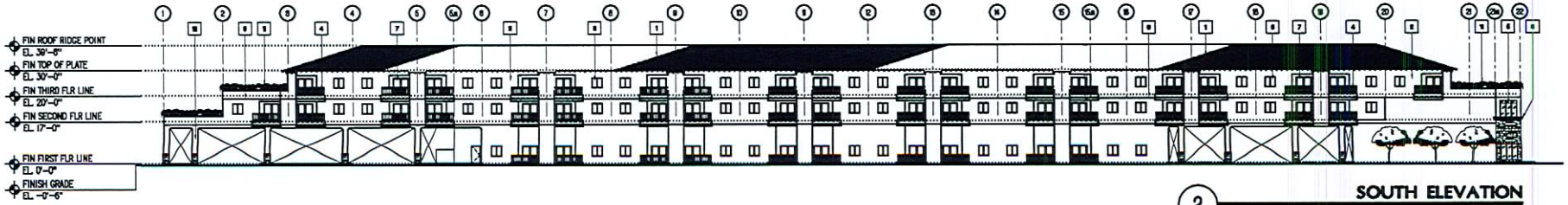
A1.0



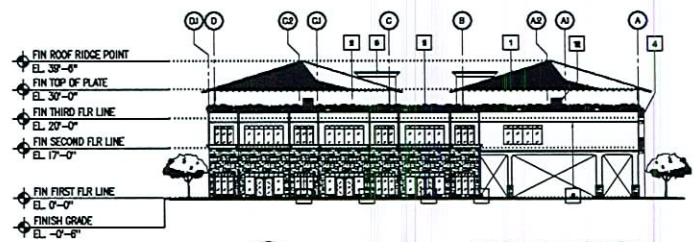
4 NORTH ELEVATION
SCALE: 1"=20'-0"



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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02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

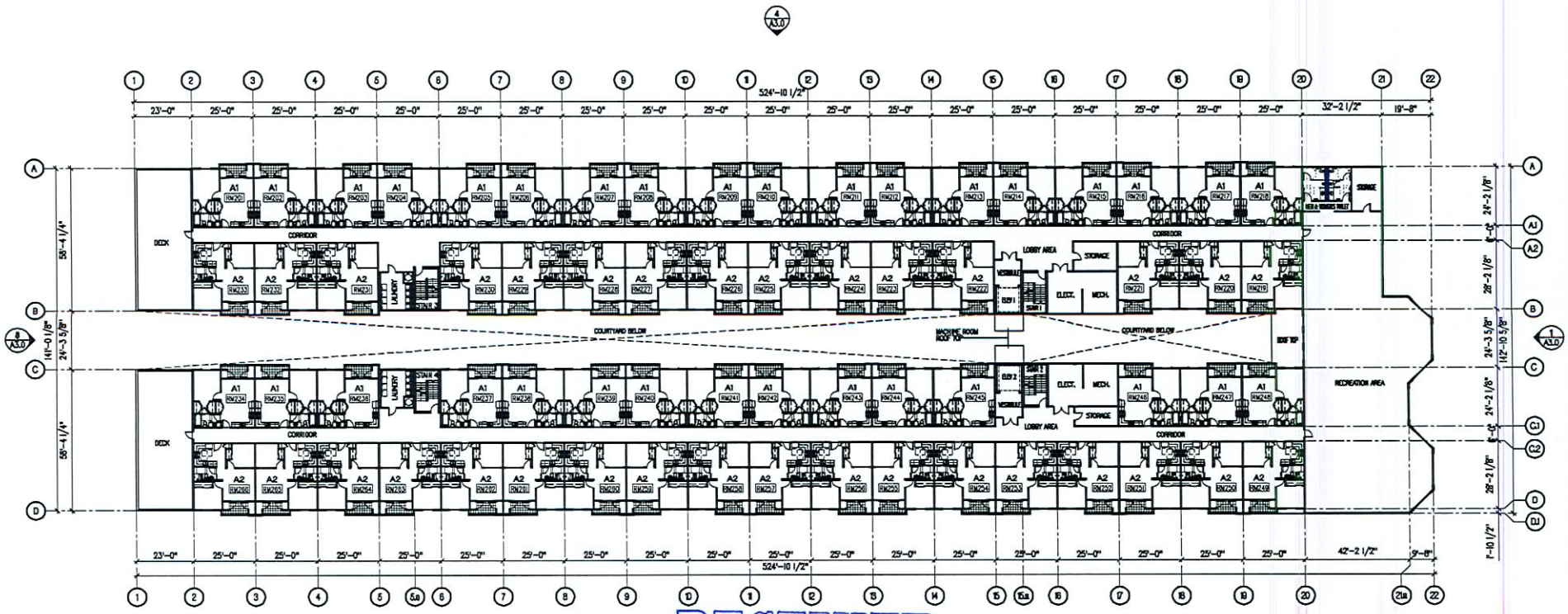
BUILDING ELEVATIONS

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

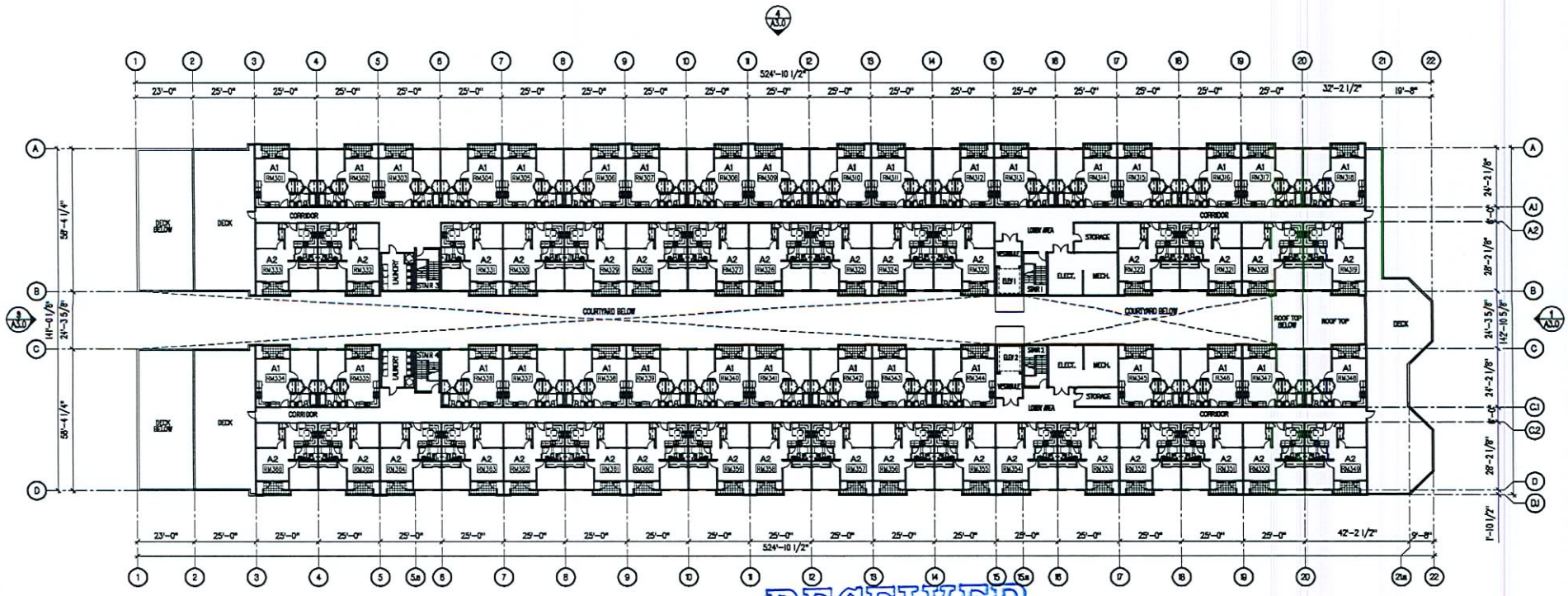
SECOND FLOOR PLAN

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



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



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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VAR-33015
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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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VAR-33015
02/26/09 PC

y of Las Vegas
ice Of The City Clerk
) Stewart Avenue
s Vegas, Nevada 89101

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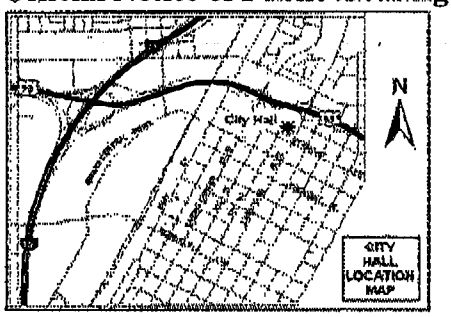

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please 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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City of Las Vegas
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TO

LAS VEGAS, NV 890

08 APR 2009

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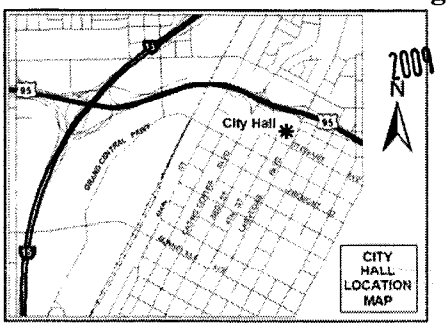

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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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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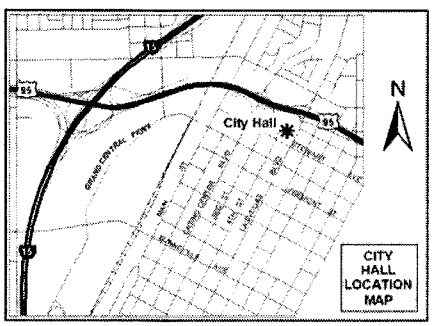

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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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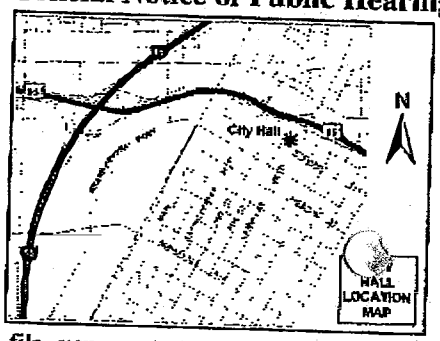

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☐ I SUPPORT this Request

☑ 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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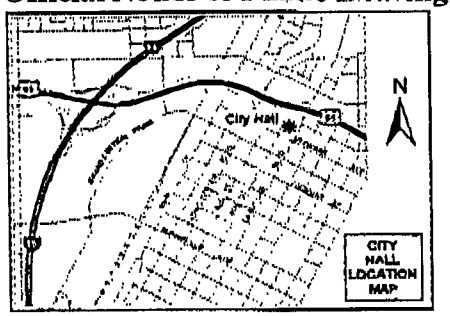

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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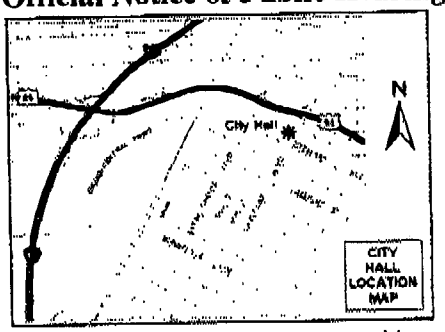

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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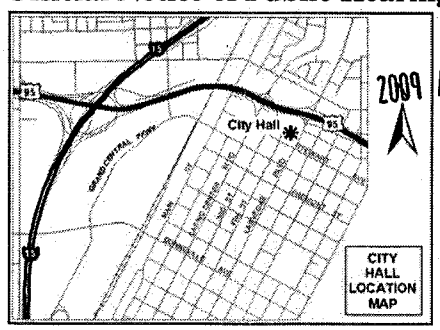

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-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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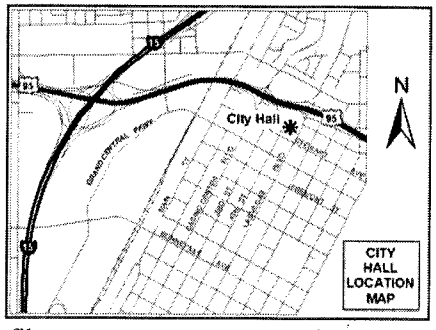

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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

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,

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

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
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

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
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

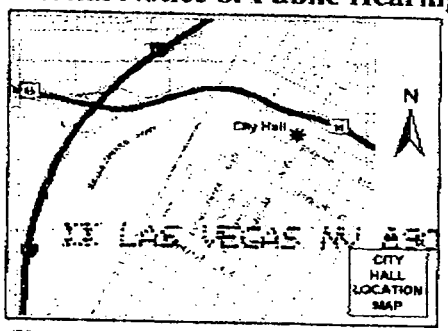
01/09/1996 12:14 7023639198 WEEDEN III PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239854 FEB 13 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

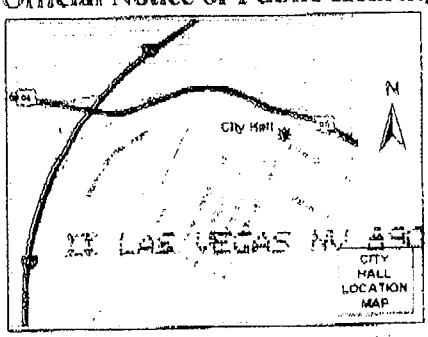
89108-2336 A 80789

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

Return Service Requested

Official Notice of Public Hearing



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☒ I OPPOSE this Request

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VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

FEB 13 2009

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

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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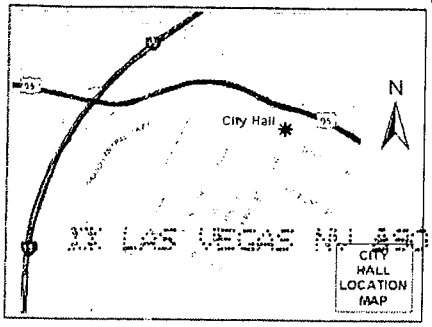
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



1X LAS VEGAS NV 890 02-14-09

RECEIVED
FEB 23 2009

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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

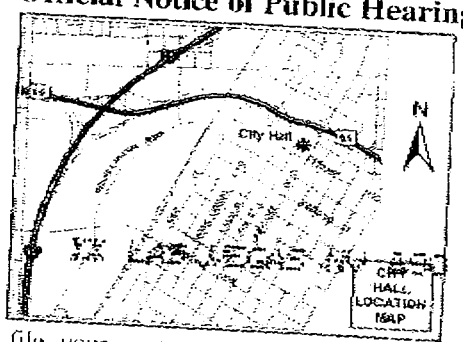
77066$1031 R035

34A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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

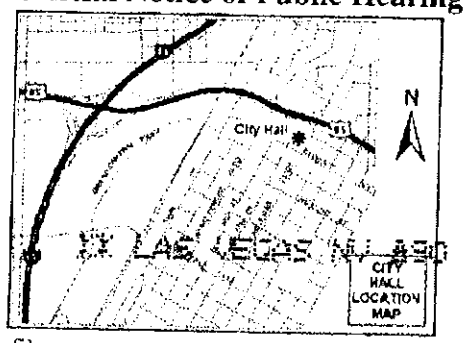
13919311171 Case: VAR-32640
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
$ 00.39[4]
0004239954 FEB 13 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 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

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.: **118.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

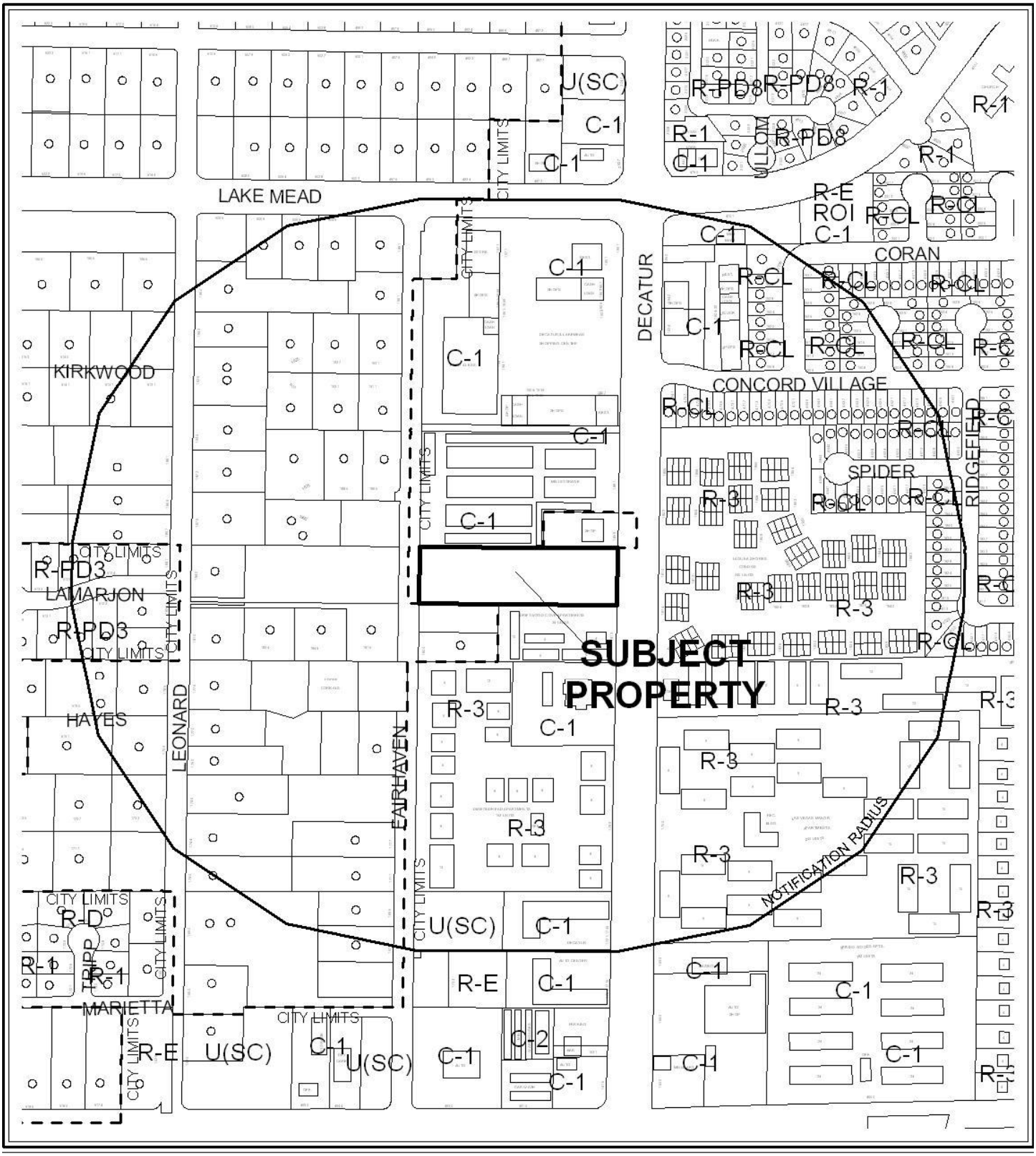
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 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 SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** 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

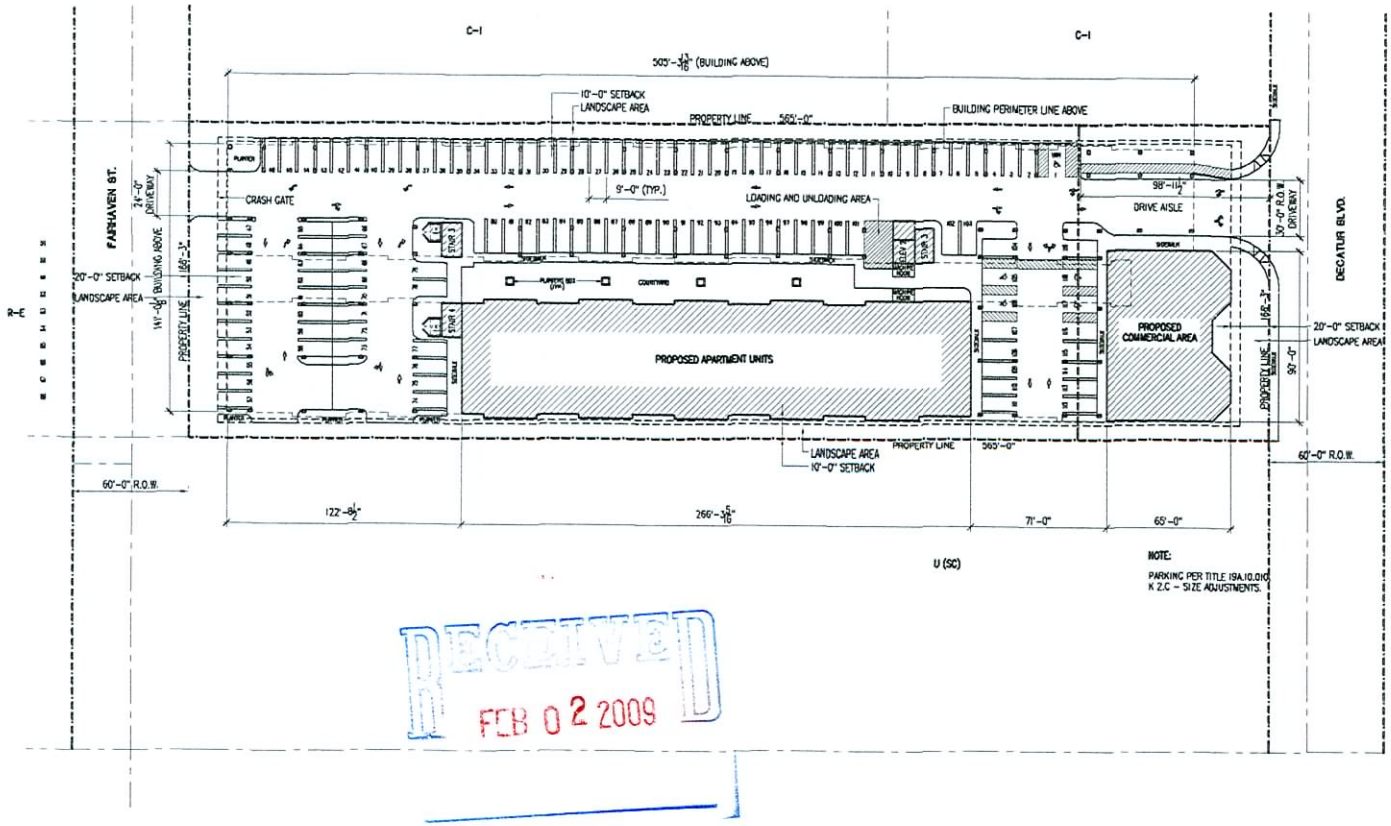
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

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

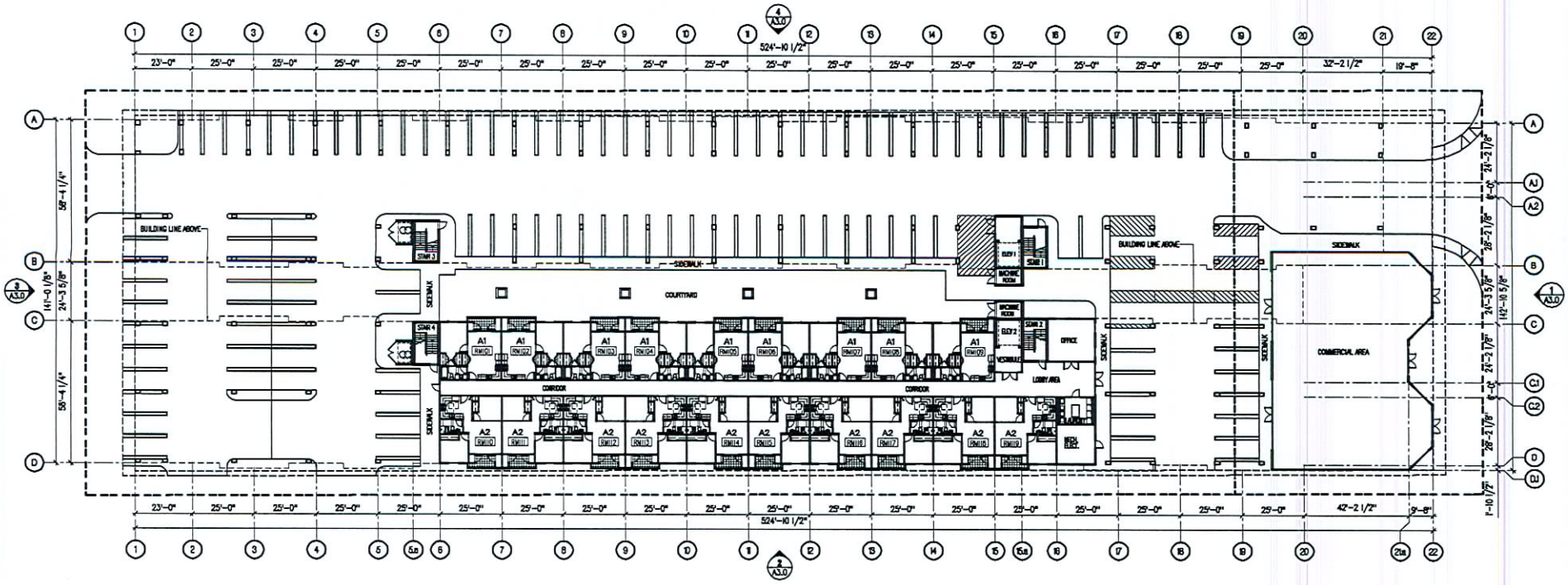
DECATUR SENIOR HOUSING

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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DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

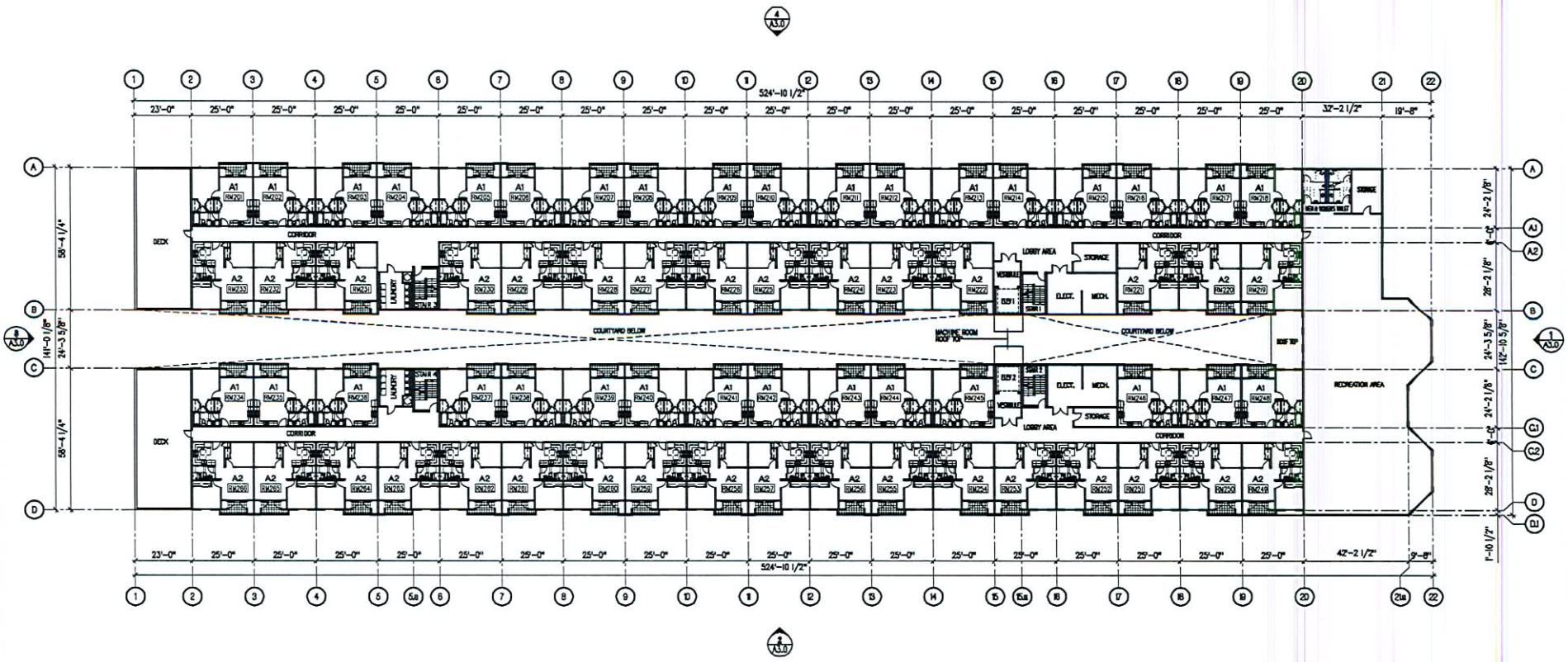
DECATUR SENIOR HOUSING

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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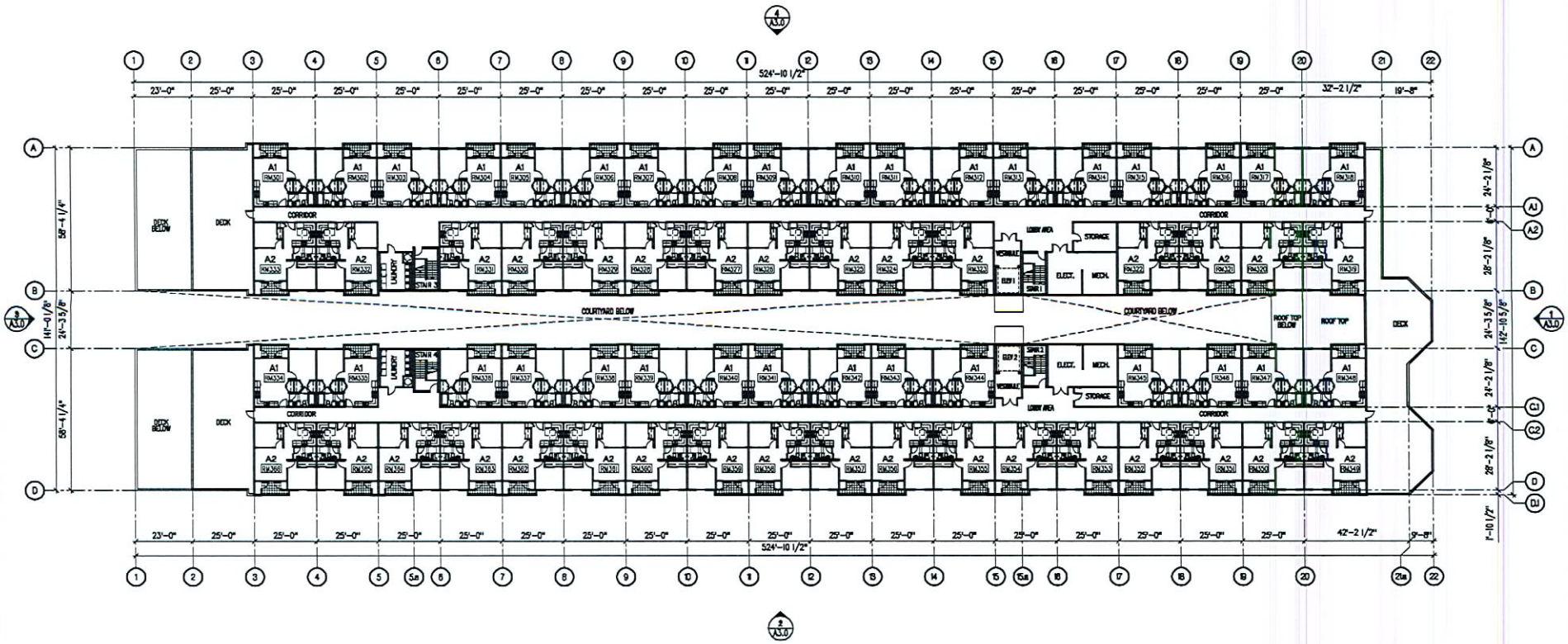

THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

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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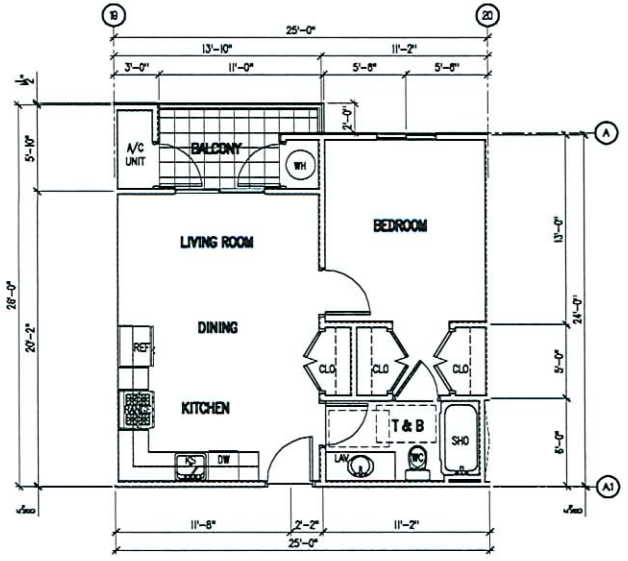
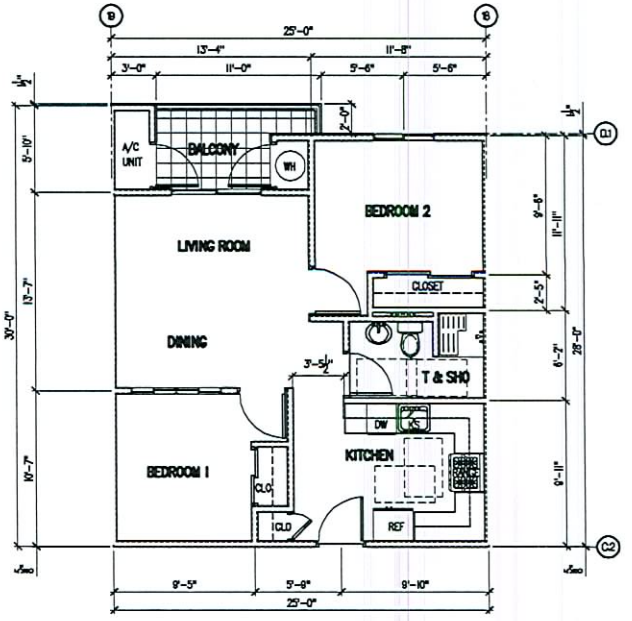


1 ENLARGED FLOOR PLAN - TYPE A1
SCALE: 1/4" = 1'-0"



1 ENLARGED FLOOR PLAN - TYPE A2
SCALE: 1/4" = 1'-0"

SUP-32639

02/26/09 PC

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JAN 13 2009

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 89120 PHONE (702) 303-8800 FAX (702) 303-8171



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



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



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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BALTIMORE, MD
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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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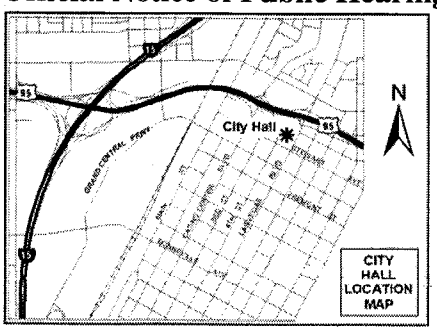

2009 APR -9 A 11:01

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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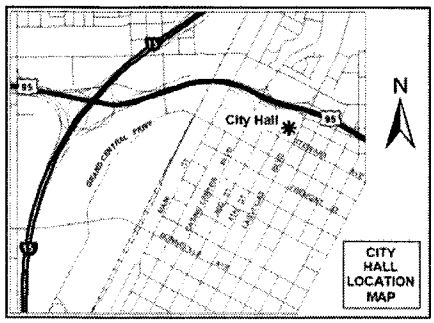

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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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
REBEL OIL CO
7026438530
04/13/2009 13:32

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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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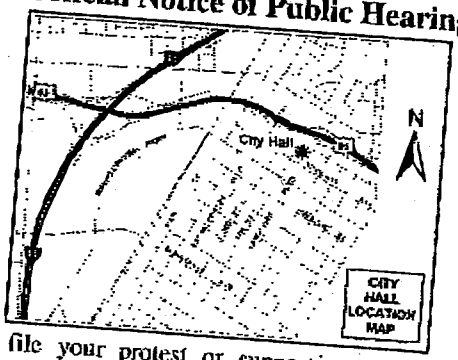

If you wish to file your protest or support on this reque check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☑ I OPPOSE this Request

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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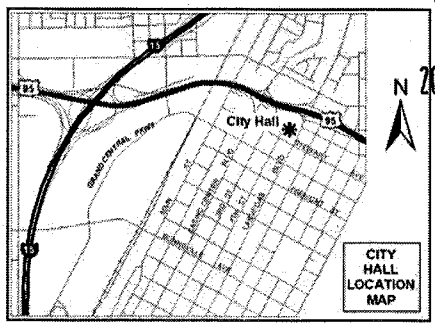

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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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

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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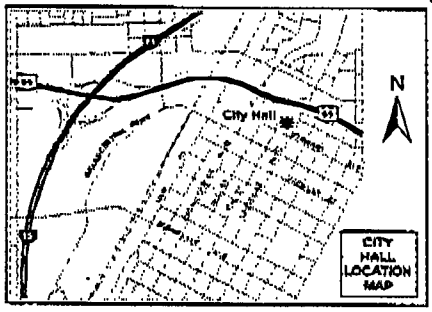

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, 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

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

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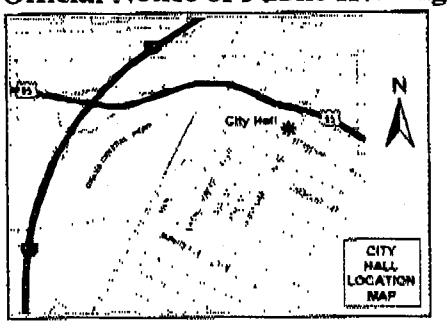

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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ity of Las Vegas
ffice Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

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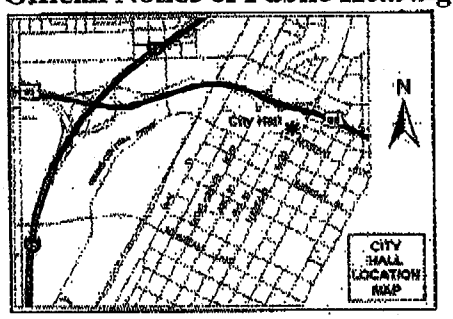

f you wish to file your protest or support on this request, check the ppropriate box below and return this card in an envelope with postage to the)ffice Of The City Clerk at the address listed above or fax this side of this ard to (702) 382-4803. If you would like to contact your Council :epresentative, please call (702) 229-6405.

☑ I SUPPORT this Request ☐ I OPPOSE this Request

'lease use available blank space on card for your comments.

;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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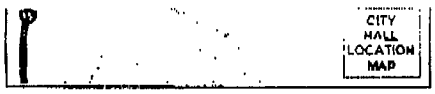
2009 APR -7 P 2:17



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) 382-1803. 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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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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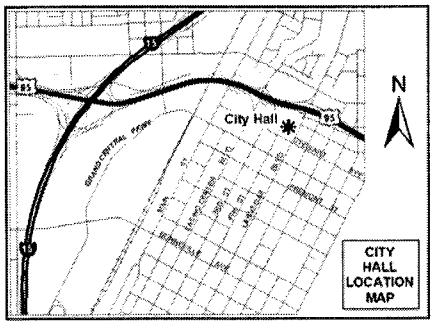

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, 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

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

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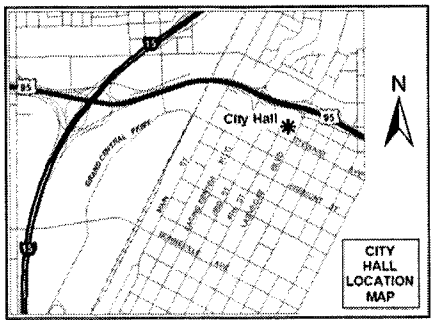

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-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

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
	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

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
	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

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
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

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
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

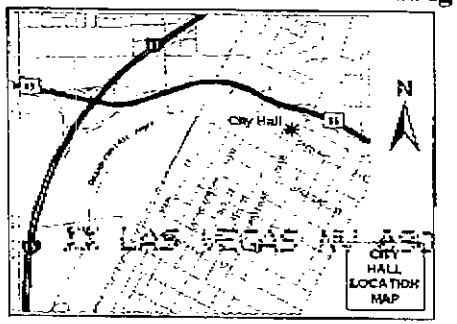
By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
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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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

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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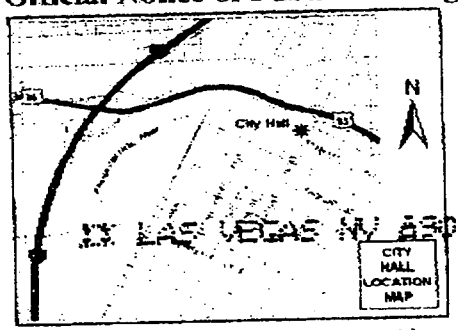
FEB 13 2009
MAILED FROM ZIPCODE 89101

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
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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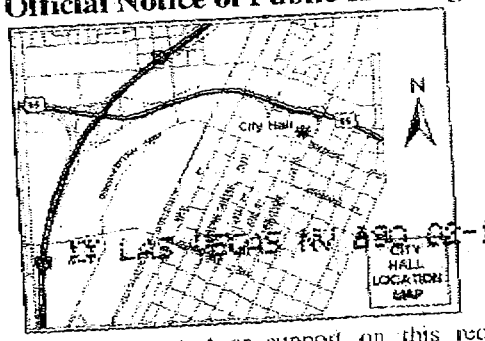
Official Notice of Public Hearing



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☒ I OPPOSE this Request

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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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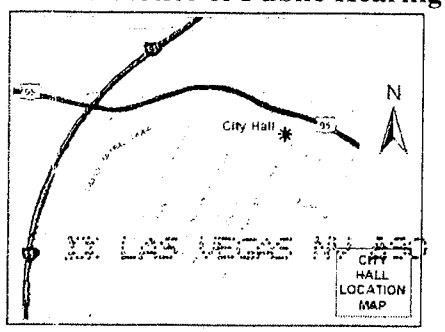
Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

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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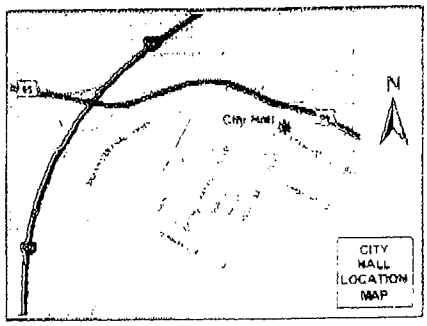
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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MAILED FROM ZIPCODE 89101

RECEIVED

FEB 20 2009

Case: SUP-32639

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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

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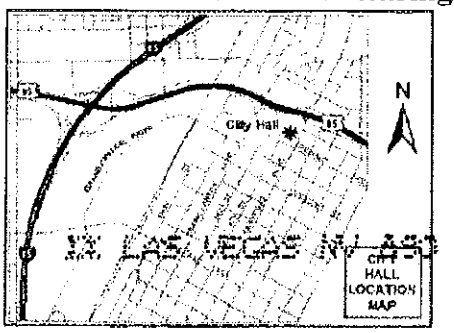
Return Service Requested
Official Notice of Public Hearing



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.: **119.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

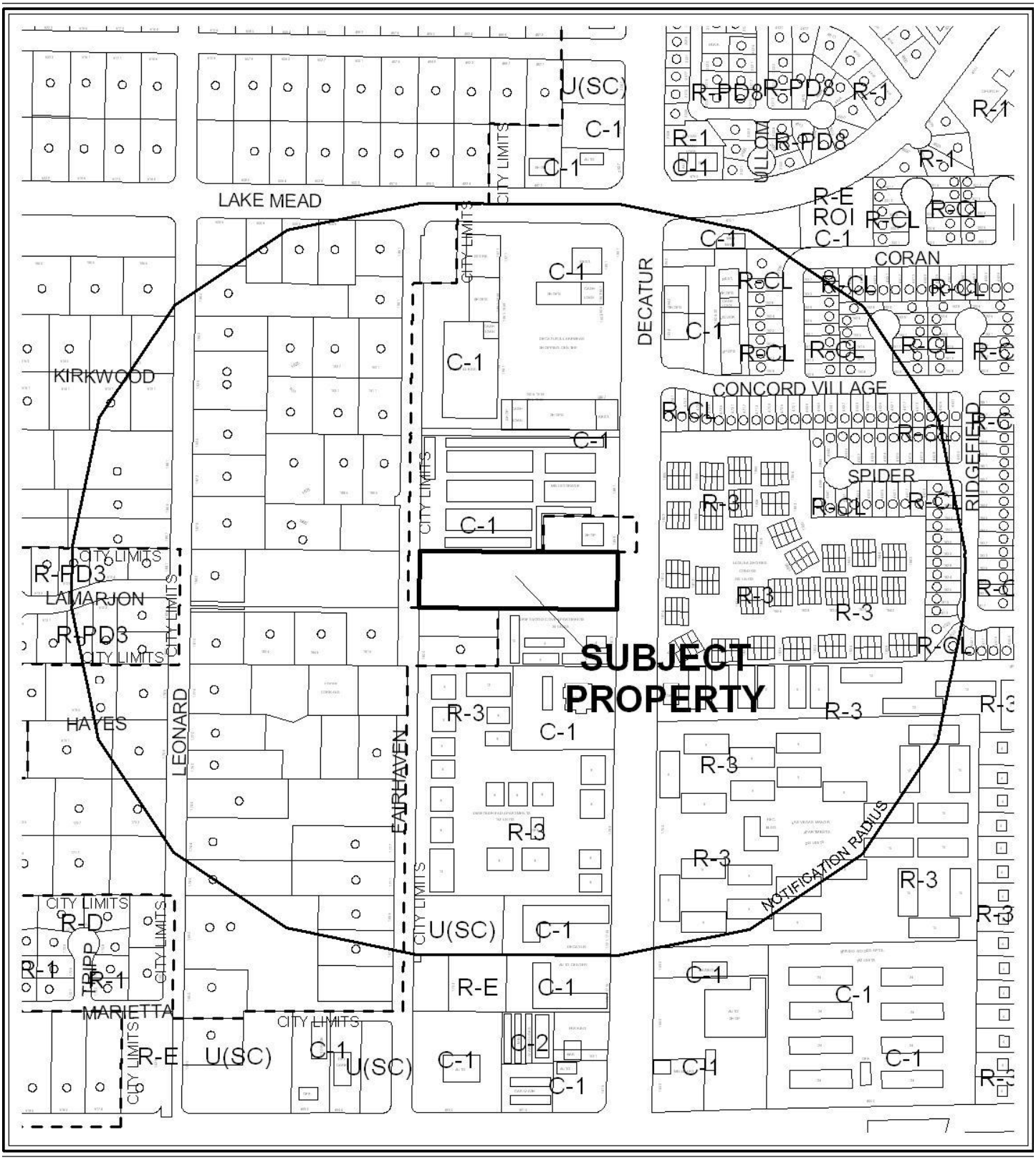
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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)

N



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: OCTOBER 7, 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 SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** 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

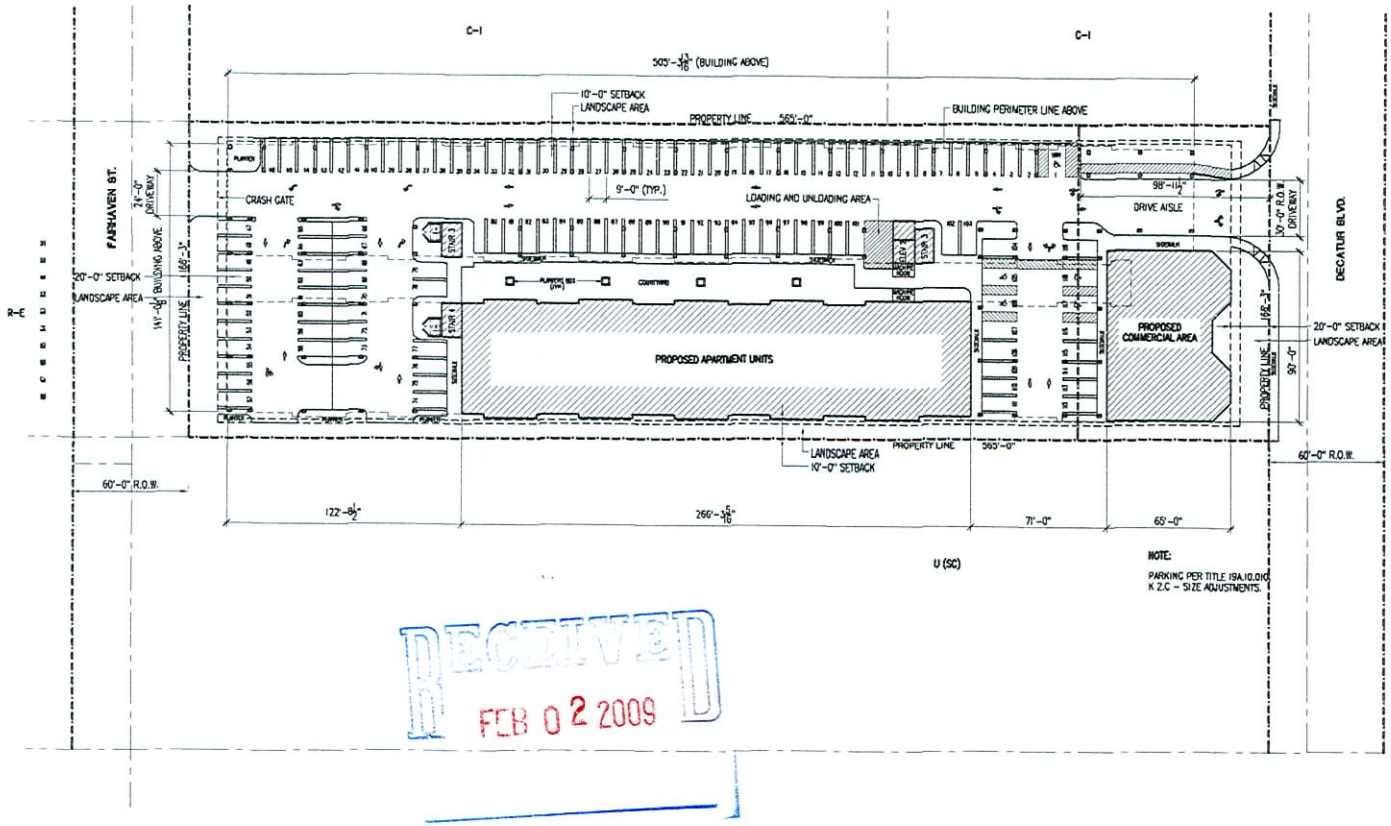
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

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.

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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

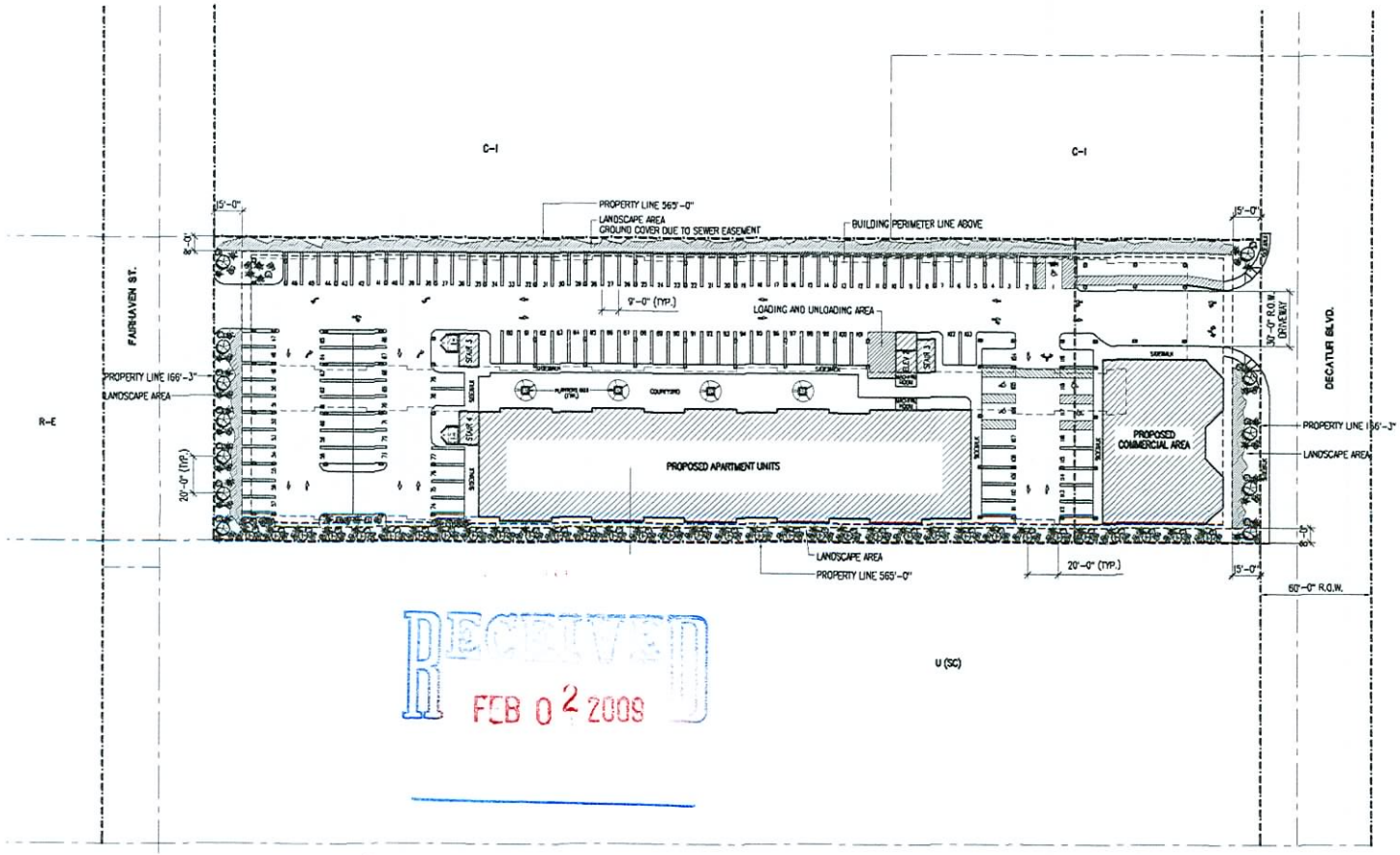
Revisions:

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

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



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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

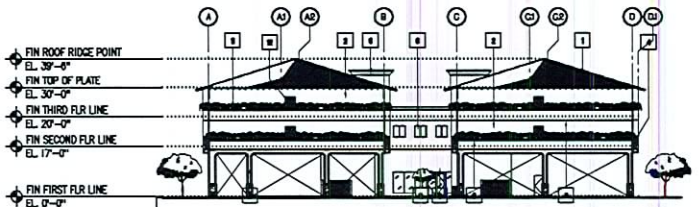
1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

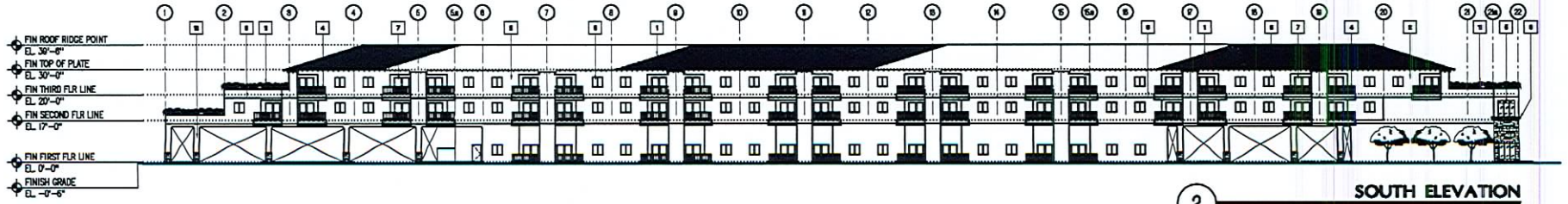
Date: 1-8-09
Project No.: 0321
Drawn By: JGL/RCB
Check By: DER/RJB
Sheet No.: LP1.0
of



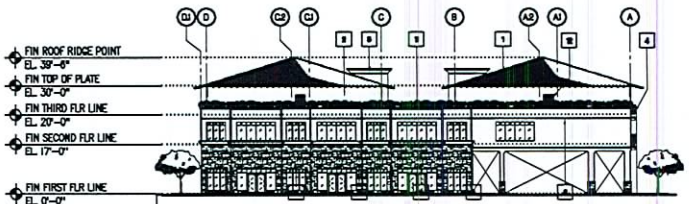
4 **NORTH ELEVATION**
SCALE: 1"=20'-0"



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		

SDR-32638
02/26/09 PC

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DENNIS E. RUSK
ARCHITECT, LLC

BUILDING ELEVATIONS

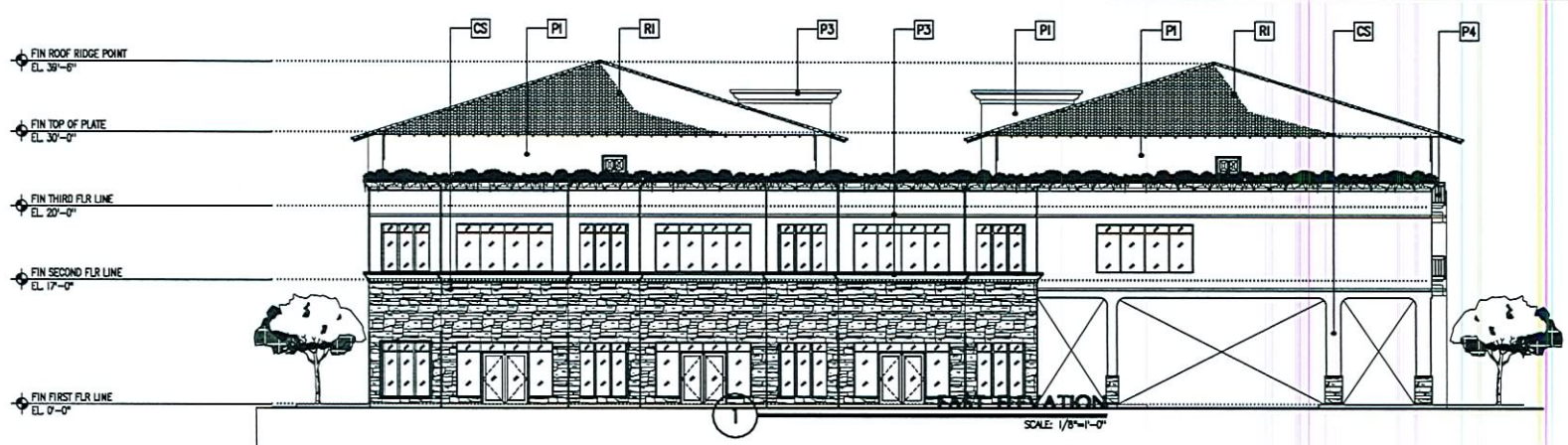
DECATUR SENIOR HOUSING

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
Sheet No.: A4.0

SDR-32638
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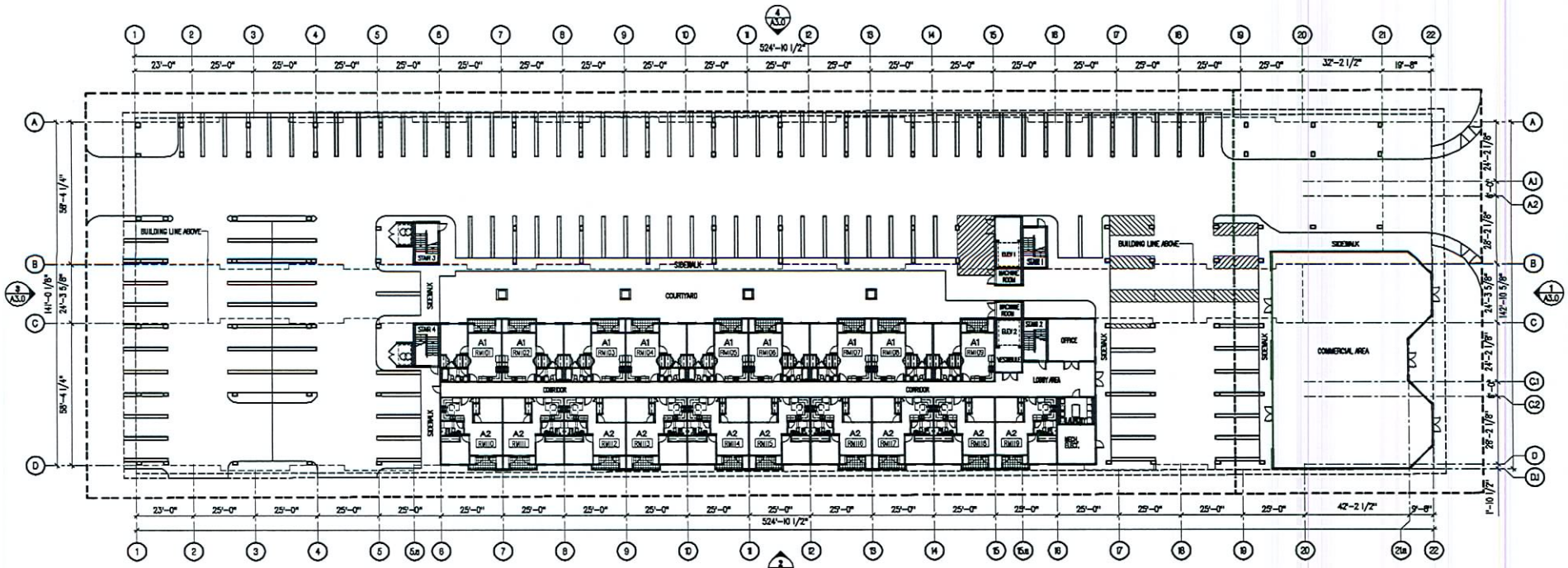

FIRST FLOOR PLAN
SCALE: 1" = 20'-0"
NORTH

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
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0

SDR-32638
02/26/09 PC

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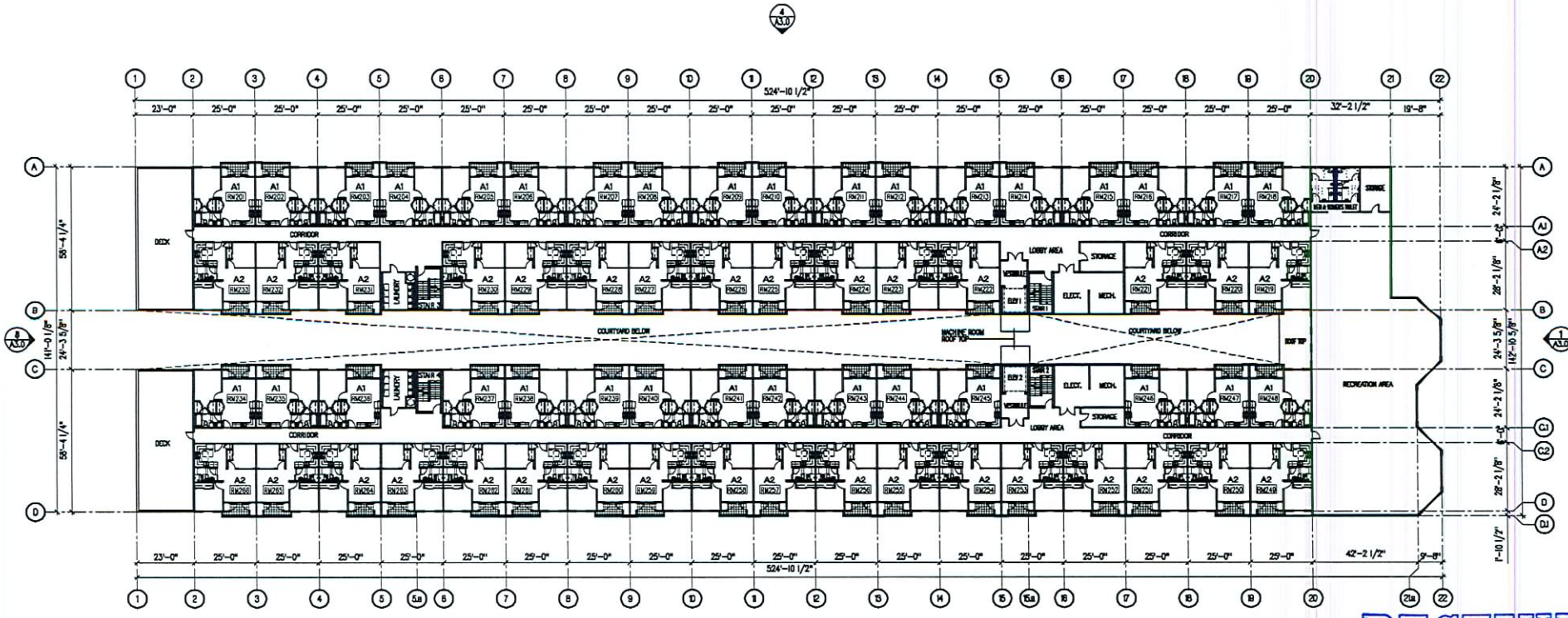

SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SDR-32638

02/26/09 PC

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JAN 13 2009

DENNIS E. RUSK
ARCHITECT, LLC

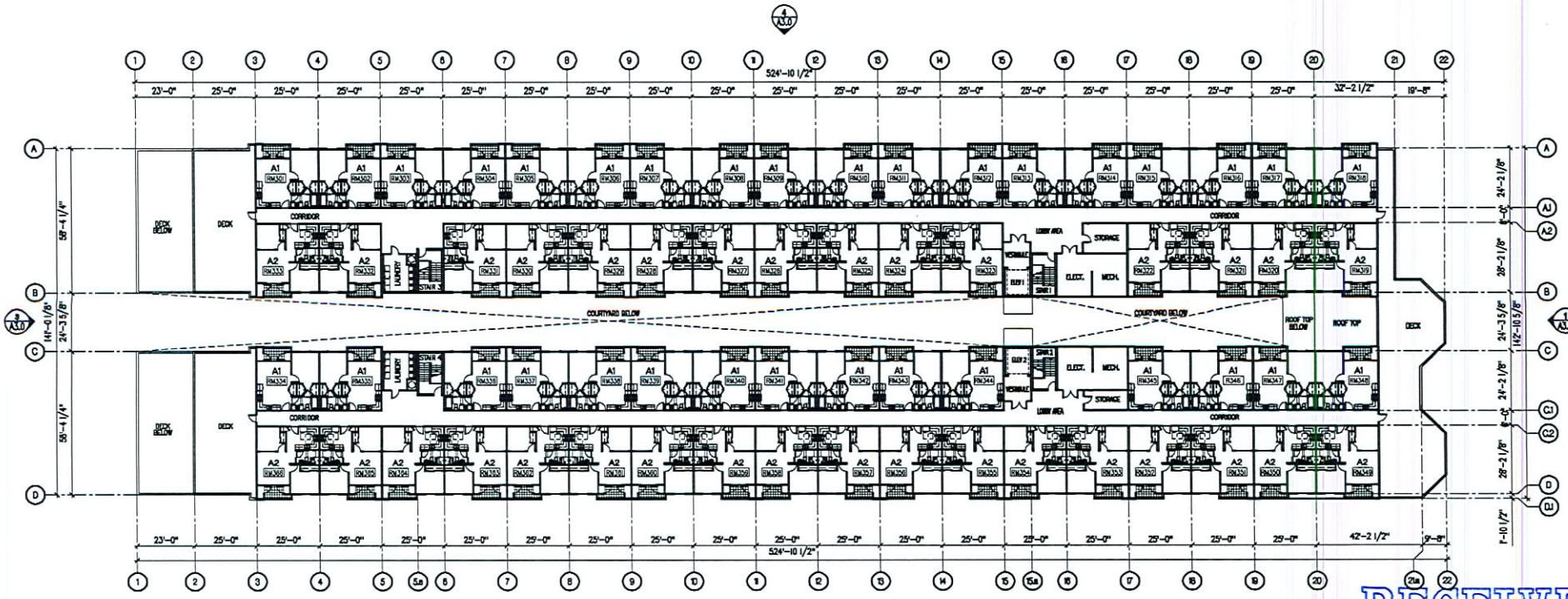
SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0a



1 THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SDR-32638

02/26/09 PC

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JAN 13 2009

DENNIS E. RUSK ARCHITECT, LLC

THIRD FLOOR PLAN

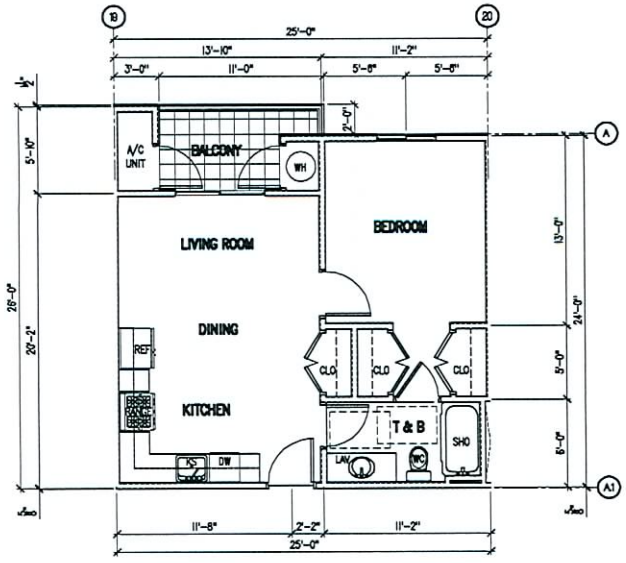
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

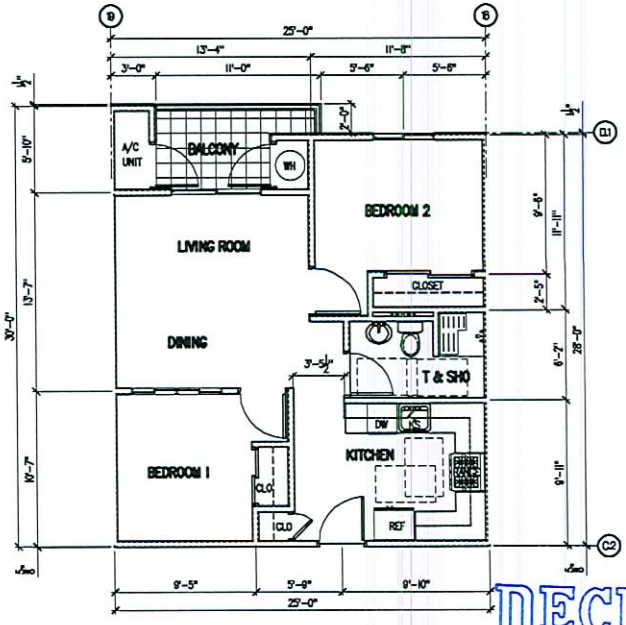
Revisions:

Date: 1-8-09
Project No.: 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"

SDR-32638

02/26/09 PC

RECEIVED
JAN 13 2009

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



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

LAW OFFICES
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100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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BALTIMORE, MD
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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

SDR-32638
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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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

LAS VEGAS NV 890

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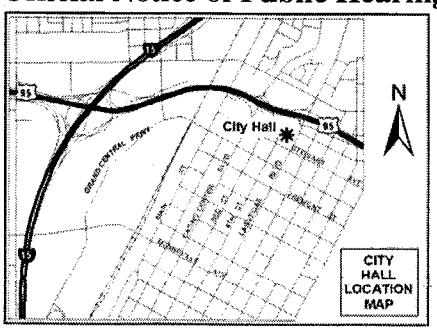

2009 APR -9 A 11:01

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
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Las Vegas, Nevada 89101

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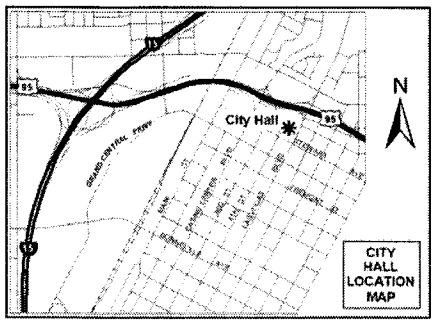

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

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
REBEL OIL CO
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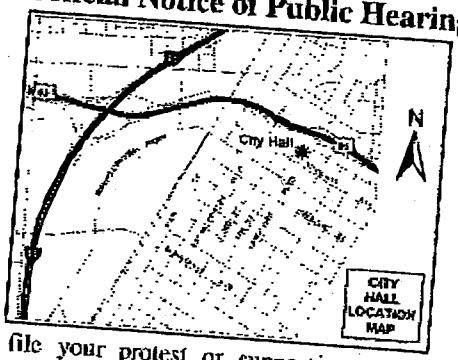

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☐ I SUPPORT this Request

☑ 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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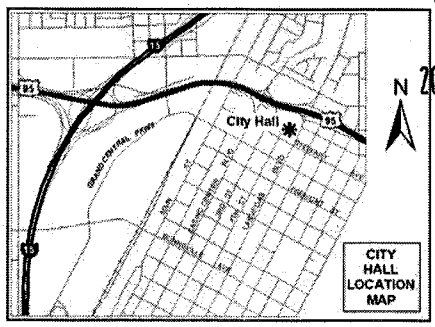

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Please use available blank space on card for your comments.

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
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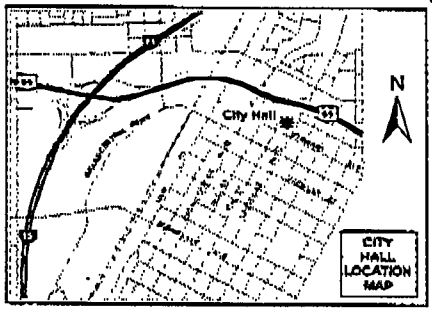

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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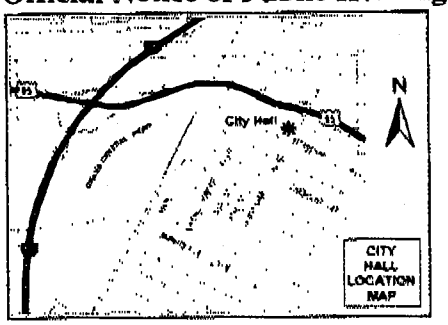

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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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00 Stewart Avenue
as Vegas, Nevada 89101

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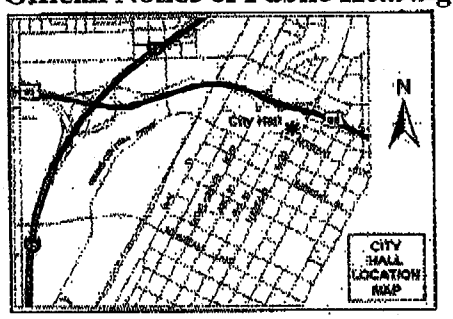

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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;UP-32639 & SDR-32638

:ity Council Meeting of 4/15/2009

SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

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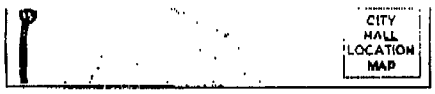

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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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

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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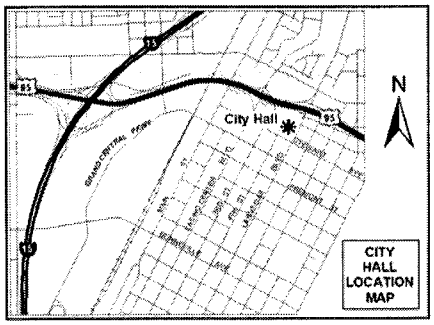

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

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

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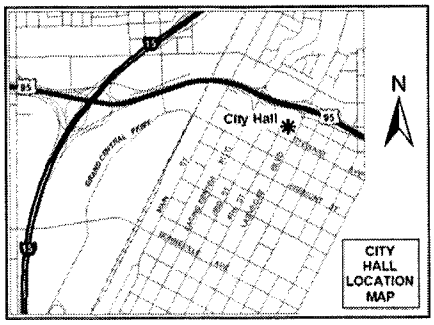

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-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,

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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,

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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,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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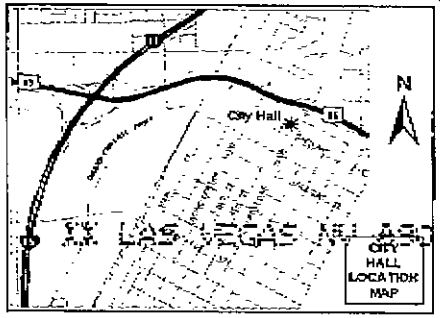
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 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

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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

Planning Commission Meeting of 2/26/2009

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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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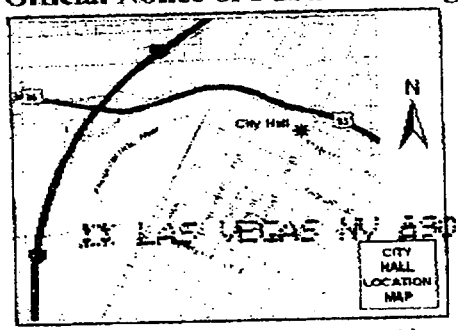

LV LAS VEGAS NV 890 02-14-09

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

Case: SUP-32639
13824701005
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

89108$2336 C075

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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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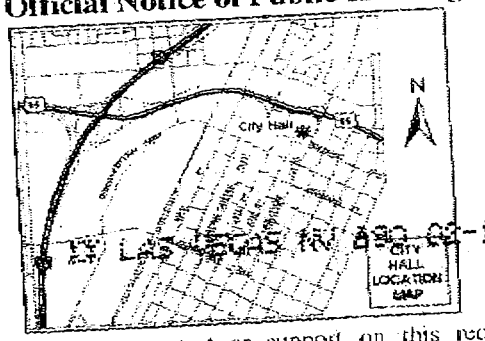
Official Notice of Public Hearing



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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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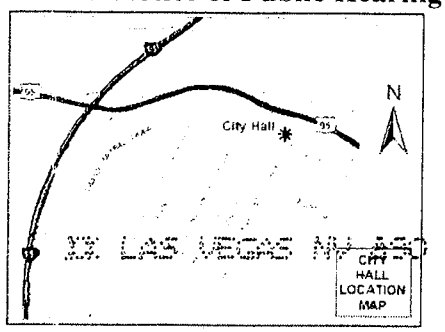

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SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 P095

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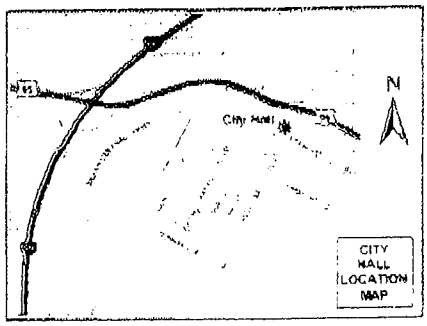
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

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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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

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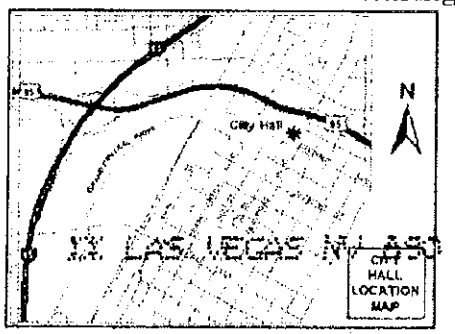

LAS VEGAS NV 890 02-14-09

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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.: **120.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

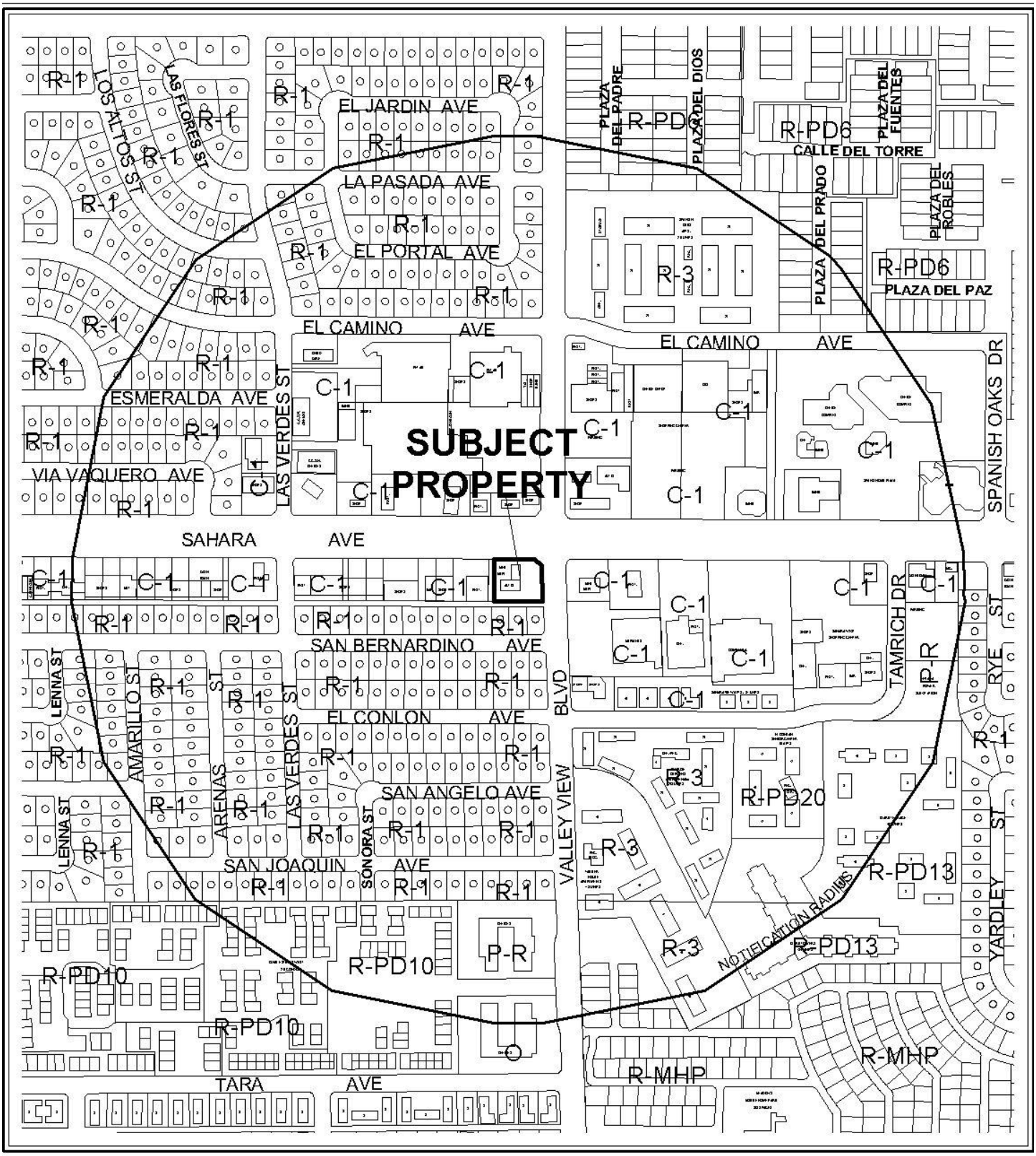
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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



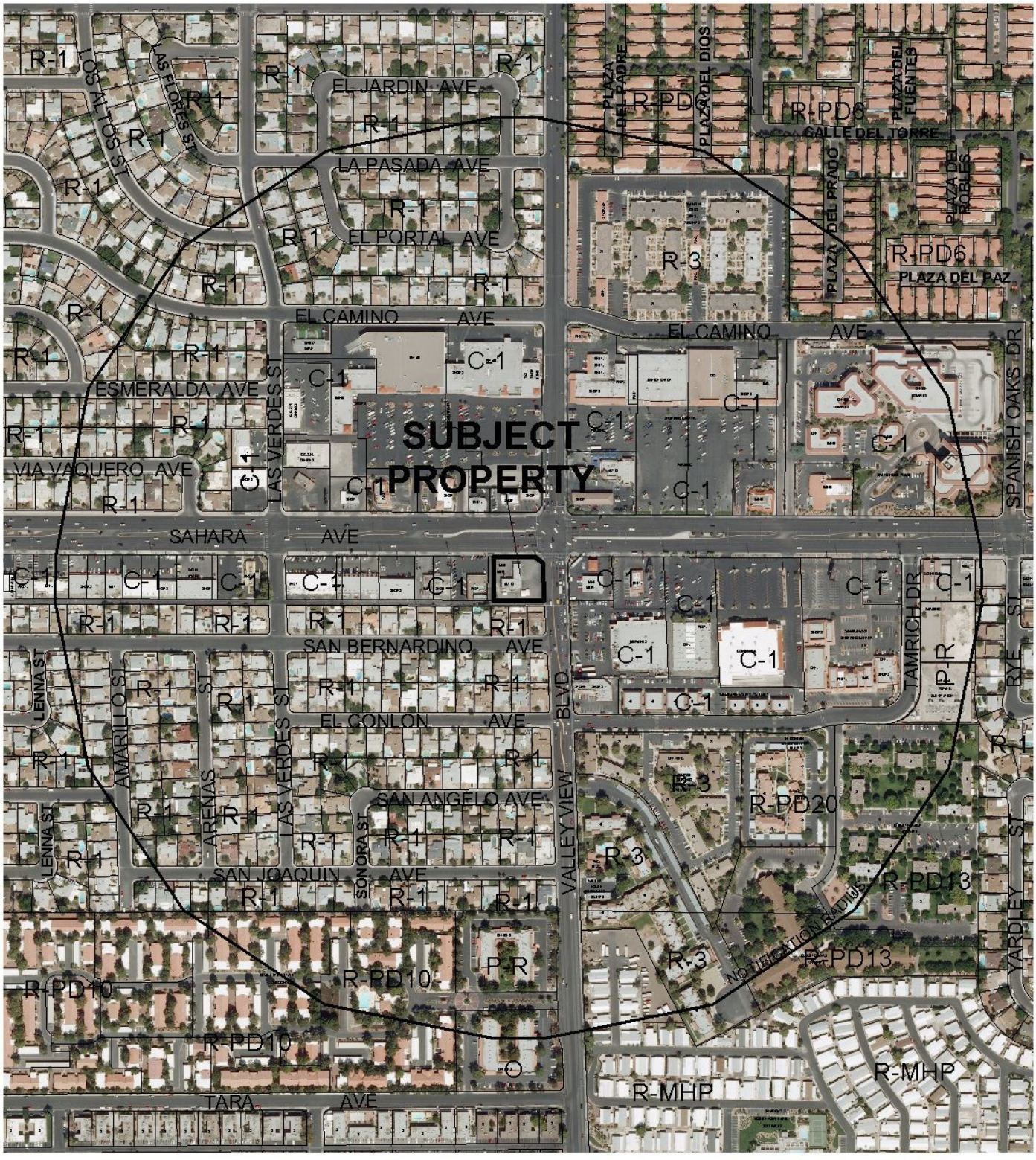
0 400 800 Feet

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)

0 400 800 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 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 16, 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

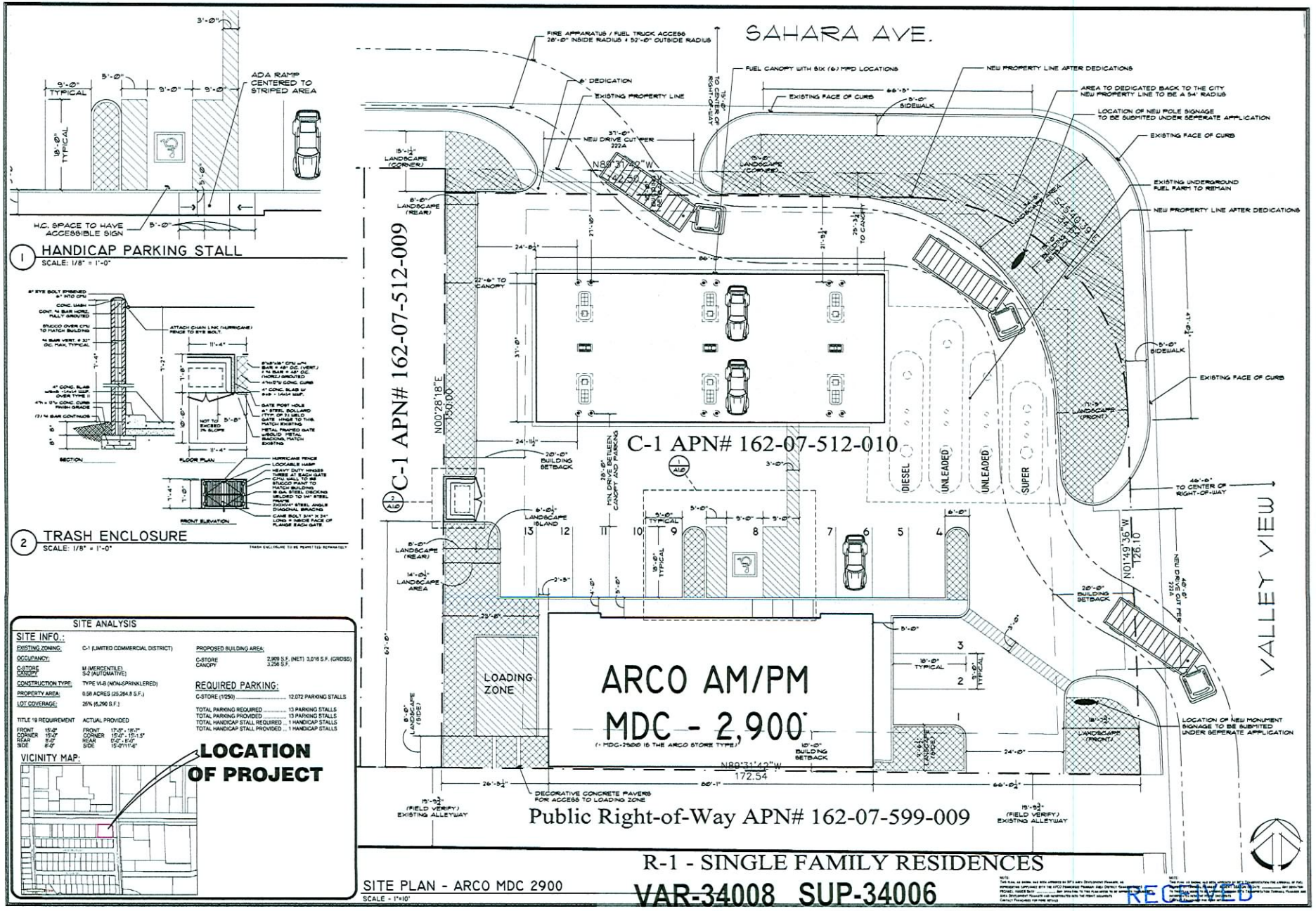
Subscribed and sworn before me

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



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

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

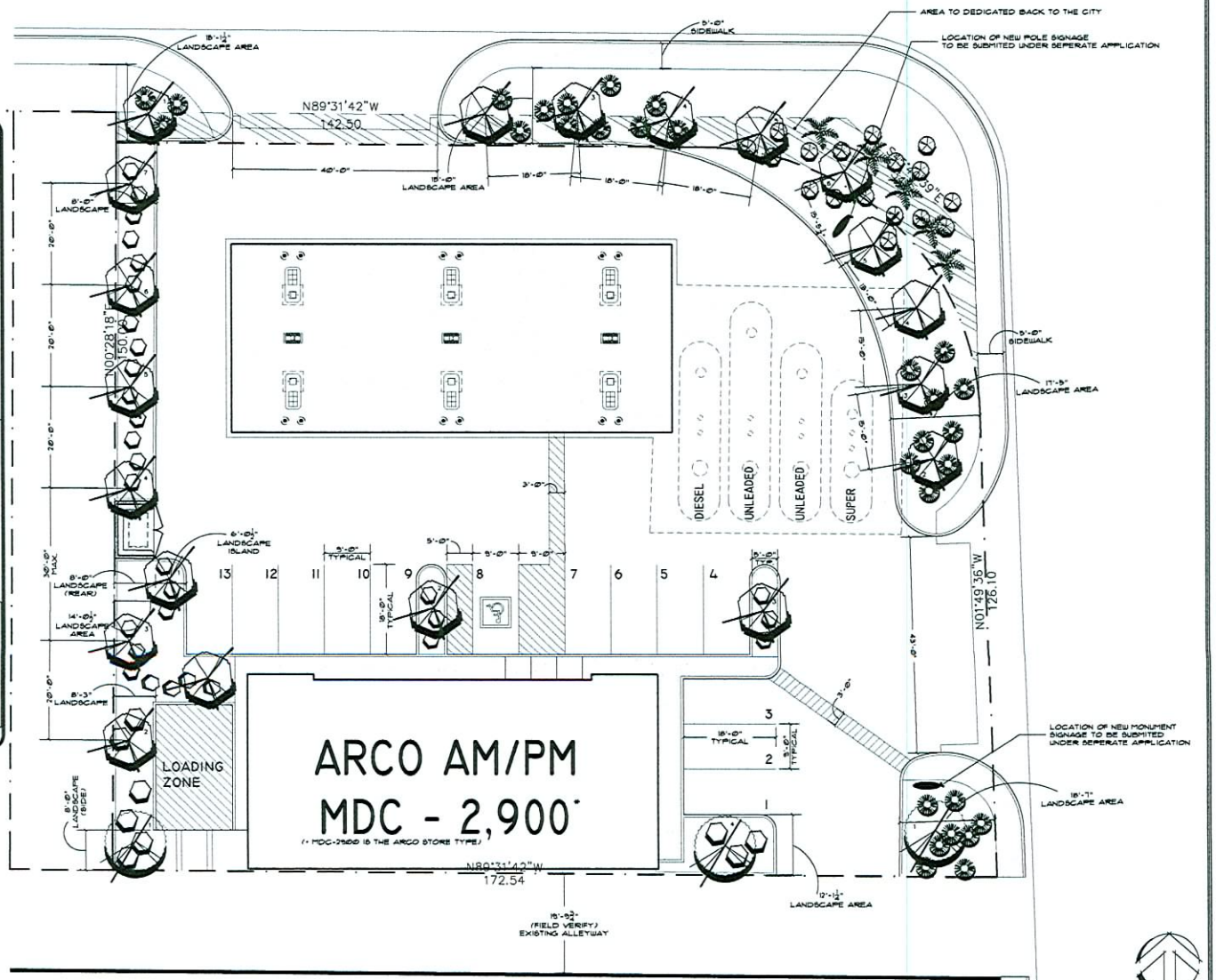
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	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
REVISED

RECEIVED
APR 09 2009

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Telephone (702) 263-6176
Fax (702) 361-2562
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, NOTES AND DETAILS AND REPORT ANY DISCREPANCIES TO THE OFFICE PRIOR TO CONSTRUCTION. ALL "PLOT DRAWINGS" ARE NOT TO BE SCALED. ANY USE OR REPRODUCTION OF THIS DOCUMENT OR THE ATTACHED DRAWINGS, OR THE USE OF THE DESIGN APPEARING HEREIN IN CONNECTION WITH ANY WORK OTHER THAN THE ONE FOR WHICH THEY WERE PREPARED AND THE ATTACHED DRAWINGS, IN WHOLE OR IN PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED EXCEPT BY SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT, AS THE ARCHITECT OF RECORD FOR THE PROJECT AND WITH THE SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT.

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A PROFESSIONAL CORPORATION

ENCROACHMENT IN SUBMITTING A SET FOR A CONSTRUCTION OF 2,500 PERMIT, WHEREVER IT HAS REPRESENTS THAT CLIENT HAS BEEN FURNISHED A COMPLETE SET OF SUCH DRAWINGS AND HAS NOTIFIED ARCHITECT IN WRITING OF ANY DISCREPANCIES WITH THE ARCHITECTS PRODUCT AS PREPARED BY THE ARCHITECTS AND CLIENT HAS SIGNED THIS SET.
ENCROACHMENT OF ANY OF THE ARCHITECTS RIGHTS, ALL UNAUTHORIZED USE OF, OR ENCROACHMENT ON AND/OR MODIFICATIONS TO, ARCHITECTS WORK SHALL RESULT IN IMMEDIATE LEGAL ACTION.

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

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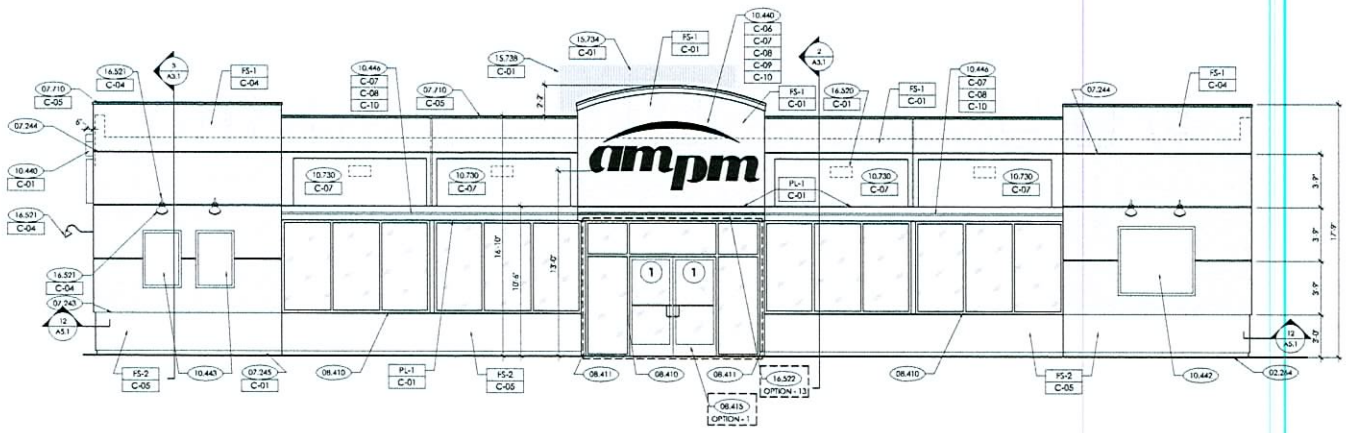
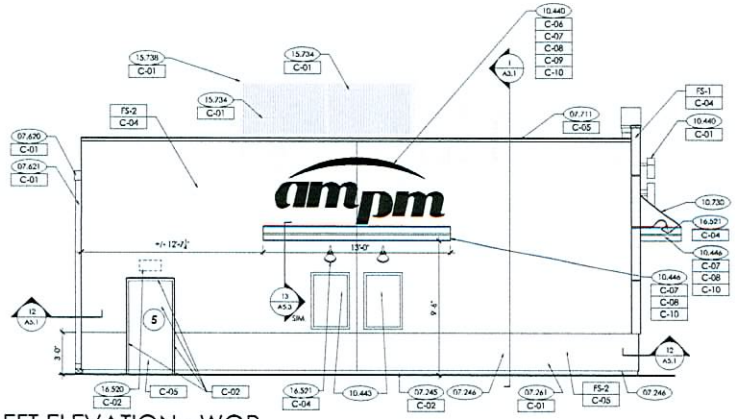


1 FRONT ELEVATION - WOR
1/4"=1'-0"



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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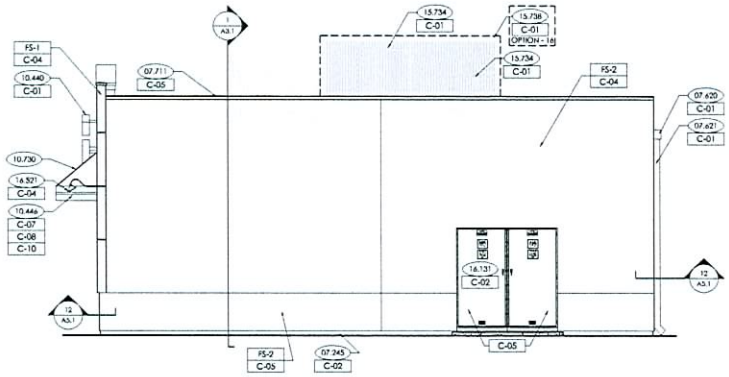
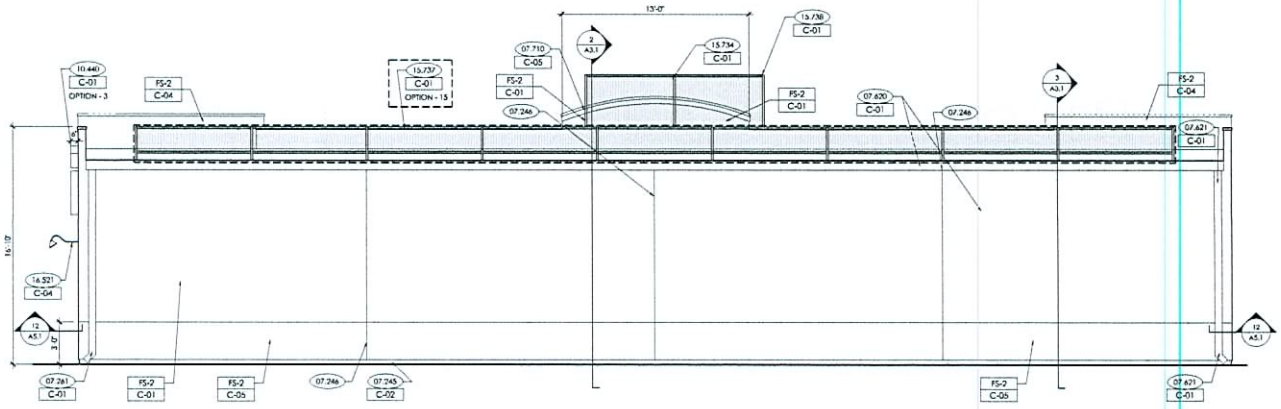


1 RIGHT ELEVATION - WOR
1/4"=1'-0"



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**
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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

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LAST CONTRACTOR IS REQUIRED TO BE A LIST FOR A CONSTRUCTION OF THIS PROJECT. WARRANTIES AND APPROVALS FINALLY BE HAS REVIEWED A COMPLETE SET OF BUILDING CONSTRUCTION DOCUMENT DRAWINGS AND SPECIFICATIONS FOR THE PROJECT AS DESIGNED BY THE ARCHITECT AND IS FULLY SUBMITTED BY THE CONTRACTOR TO HAVE ENTERED THE COMPLETE SET OF BUILDING CONSTRUCTION DOCUMENTS AND SPECIFICATIONS AS PROVIDED BY THE ARCHITECT FOR THIS PROJECT.

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

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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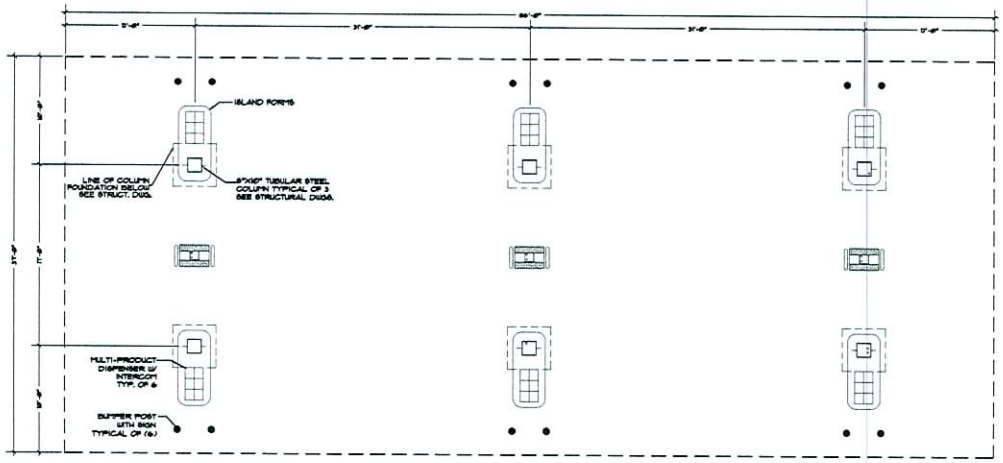
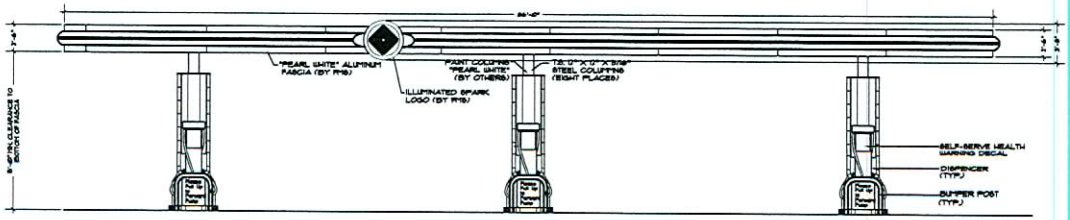
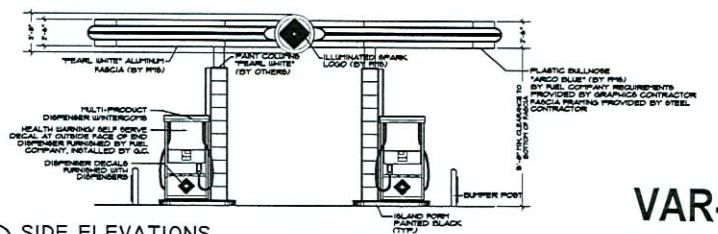


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



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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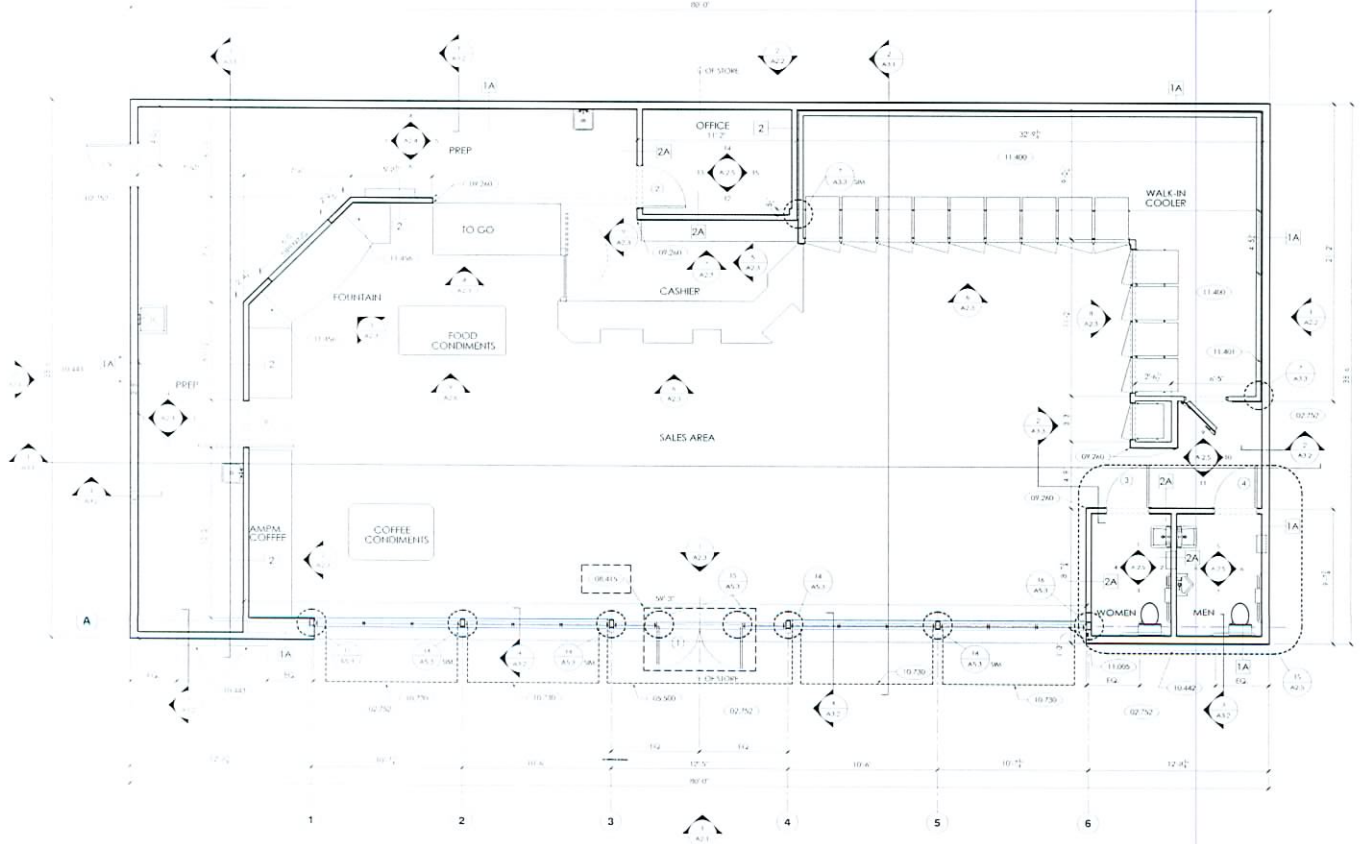
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO.: 2003-ARC_ENT
DATE: 7.27.09
DRAWN BY: KAR
CHECKED BY: KAR

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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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



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

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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SDR-34010 05/14/09 PC
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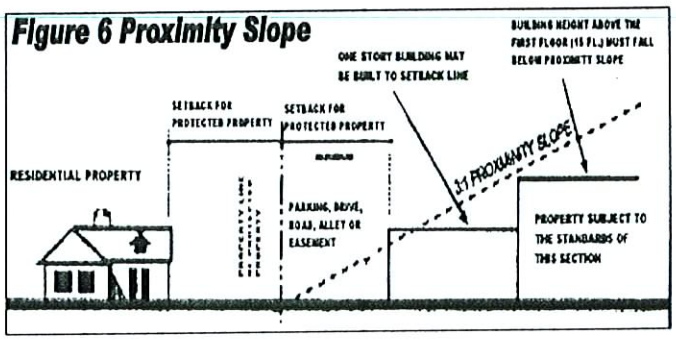
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

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

RECEIVED
APR 09 2009

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

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

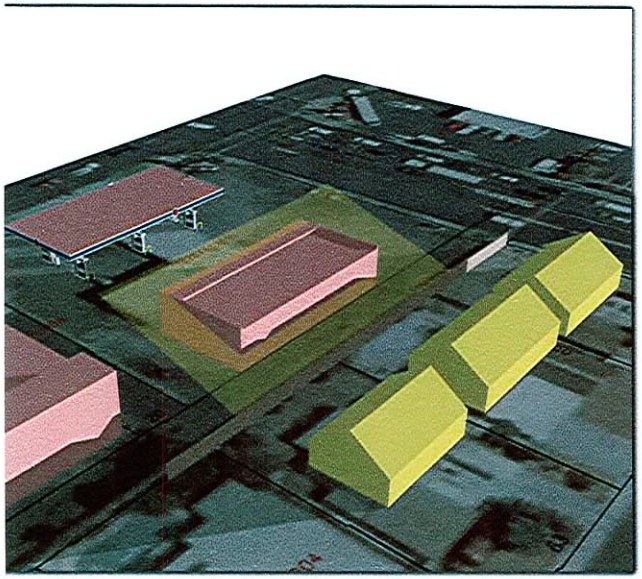
1950 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

RECEIVED
APR 09 2009

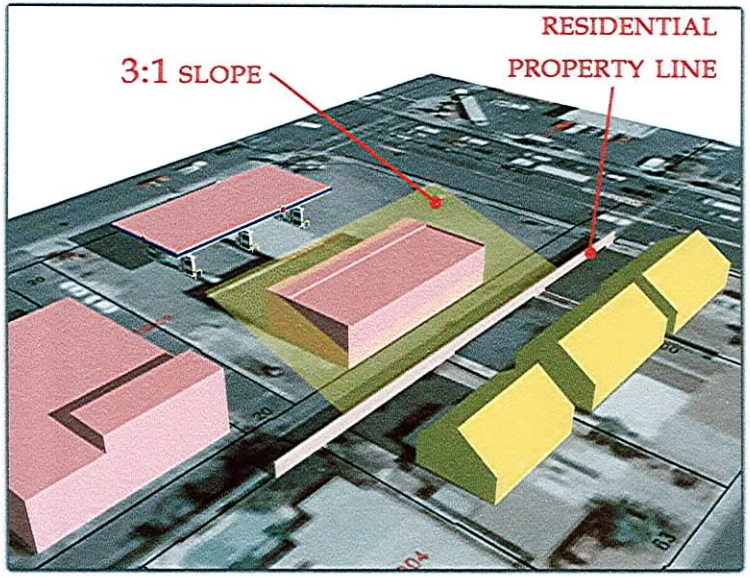
VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

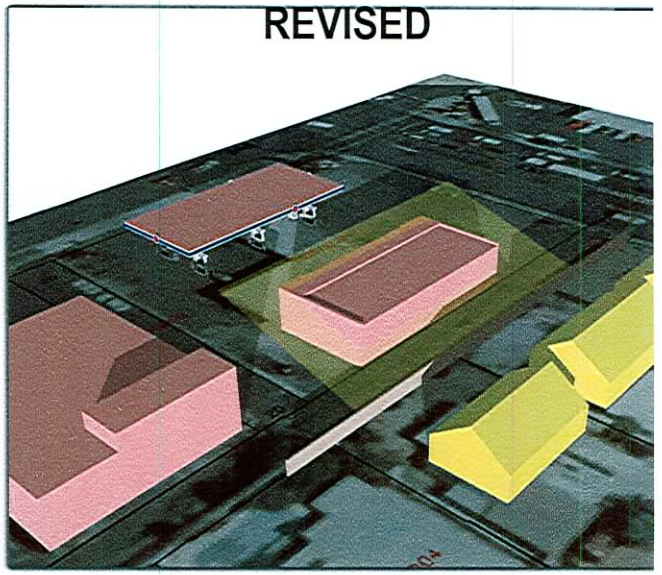
REVISED



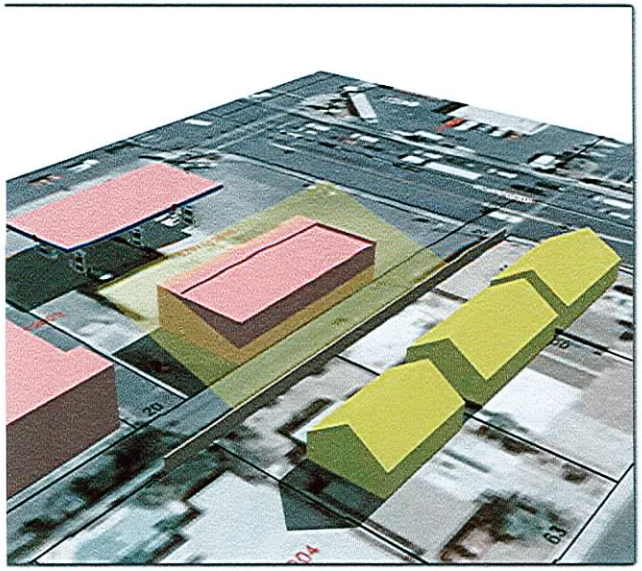
DECEMBER 21, 8:00 AM



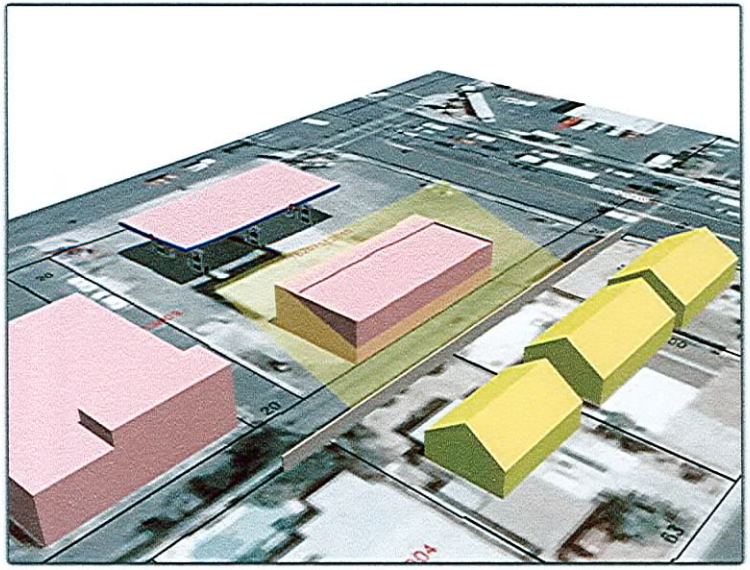
DECEMBER 21, 12:00 PM



DECEMBER 21, 3:30 PM



JUNE 21, 8:00 AM



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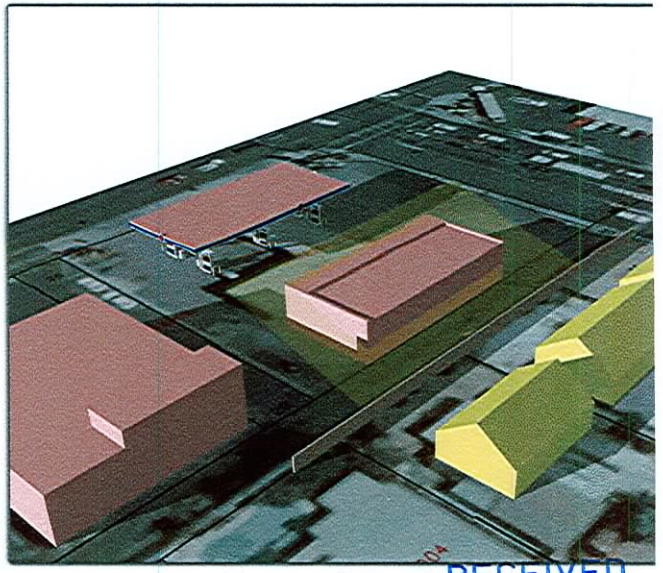

JUNE 21, 6:00 PM

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APR 09 2009

RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

RECEIVED
CITY CLERK

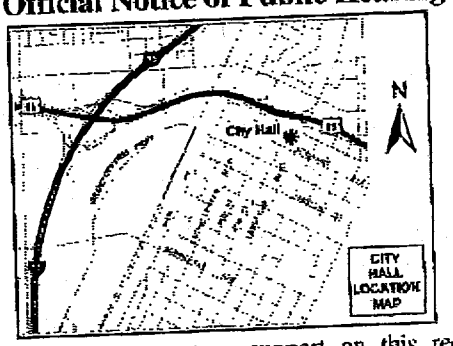
2009 JUL -6 A 8:21

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
$ 00.41⁴
JUL 02 200
MAILED FROM ZIPCODE 8910

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.

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

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
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0004279218 JUL 02 2009
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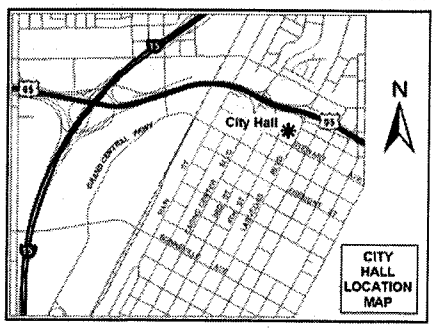

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 10:41
CITY CLERK

WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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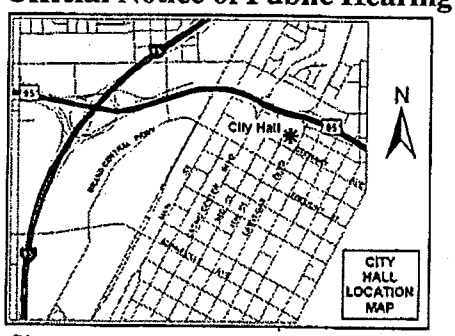
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ■ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 8:11
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:

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
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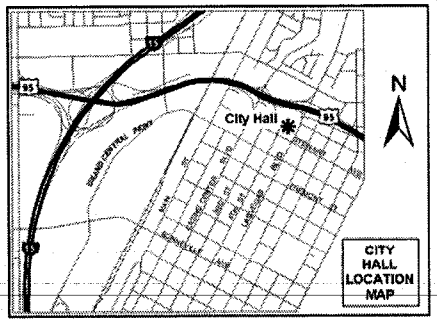
$ 00.41⁴
JUL 02 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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CITY CLERK
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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UNITED STATES POSTAGE PITNEY BOWES
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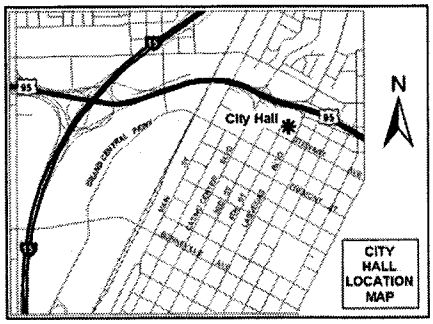
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL 13 A 11:17

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

PRESORTED FIRST CLASS

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0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

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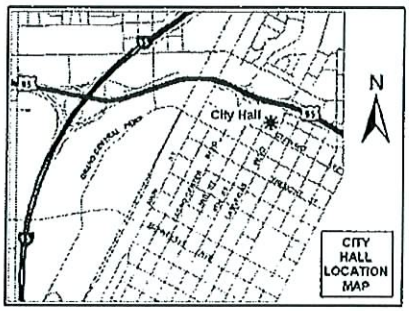
Official Notice of Public Hearing



RECEIVED
MAY 05 2009

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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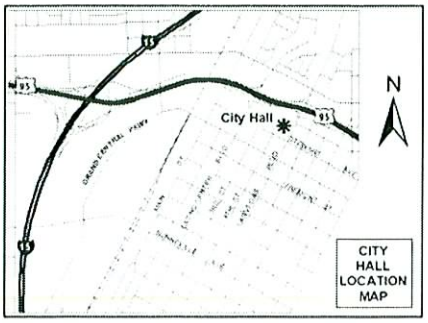
MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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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

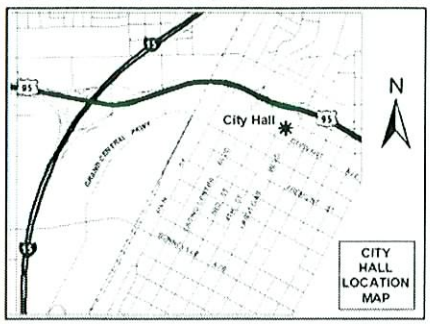
27P

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
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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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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UNITED STATES POSTAGE
PITNEY BOWES
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MAILED FROM ZIP CODE 89101

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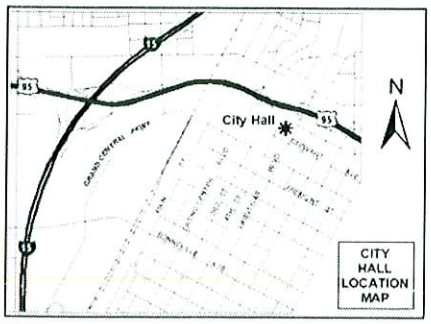
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

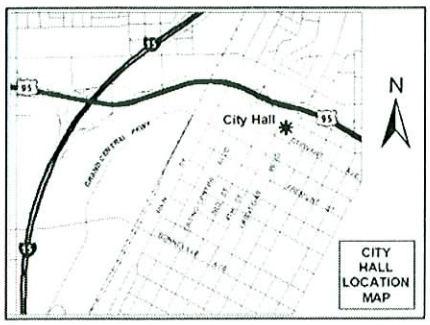
Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207612024
FAULKNOR [redacted] & MARY
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

89102$3917 C029

ZIP



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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 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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UNITED STATES POSTAGE
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02 1M
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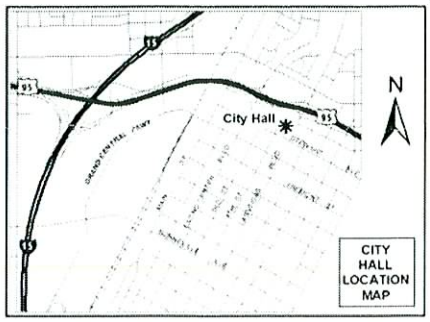
$ 00.39⁴
MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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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

89102855C0 C017

27P

RECEIVED

MAY 07 2009

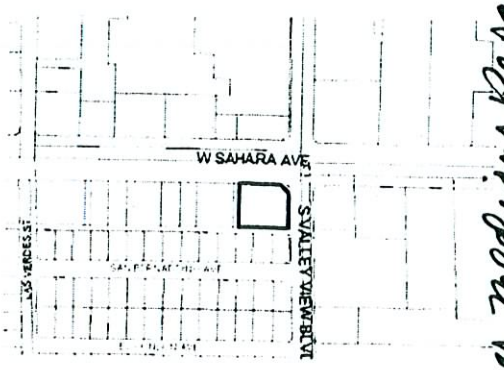
Application Information

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

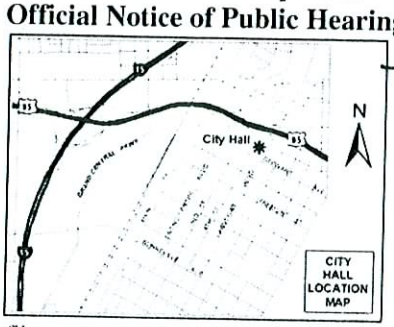
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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!

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

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

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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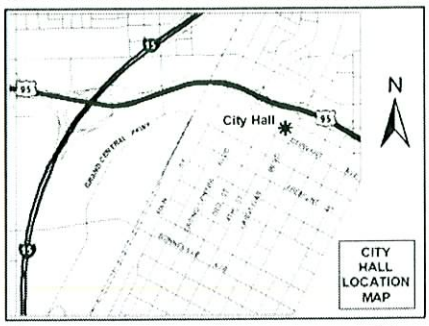
Official Notice of Public Hearing



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.

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

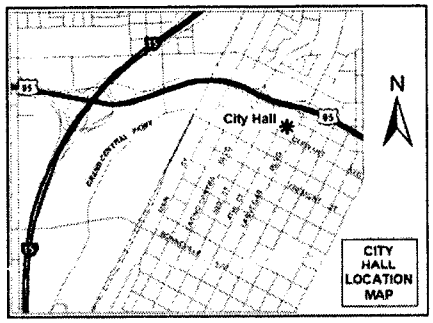
21P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004239954
$ 00.394
MAY 01 2009
MAILED FROM ZIPCODE 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.

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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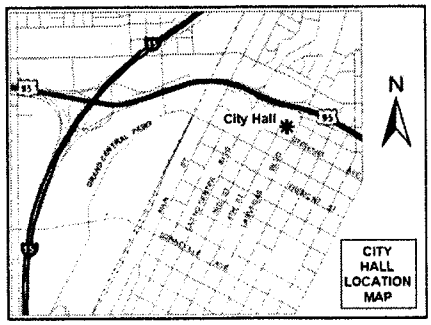
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

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.

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.: **121.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

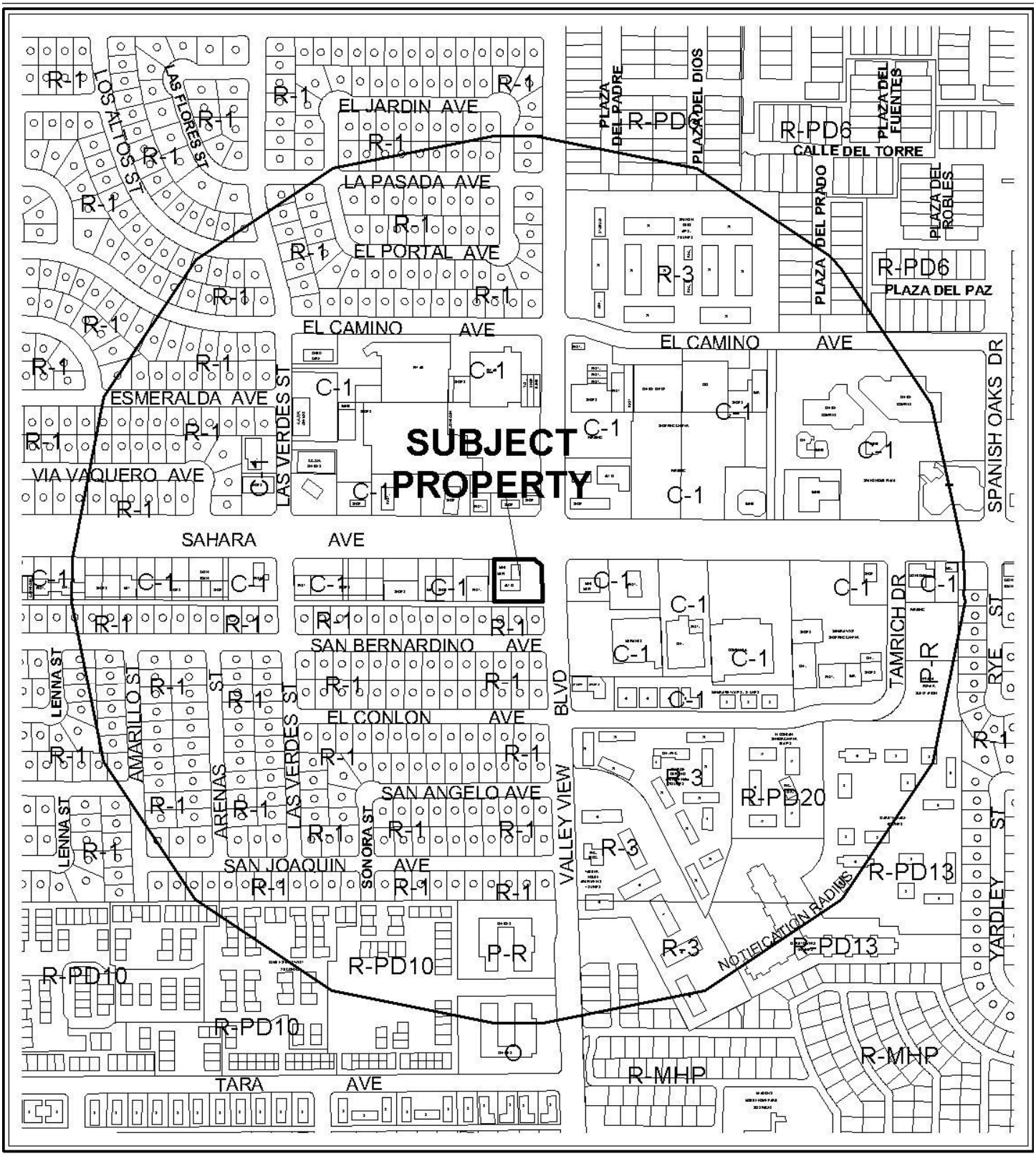
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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



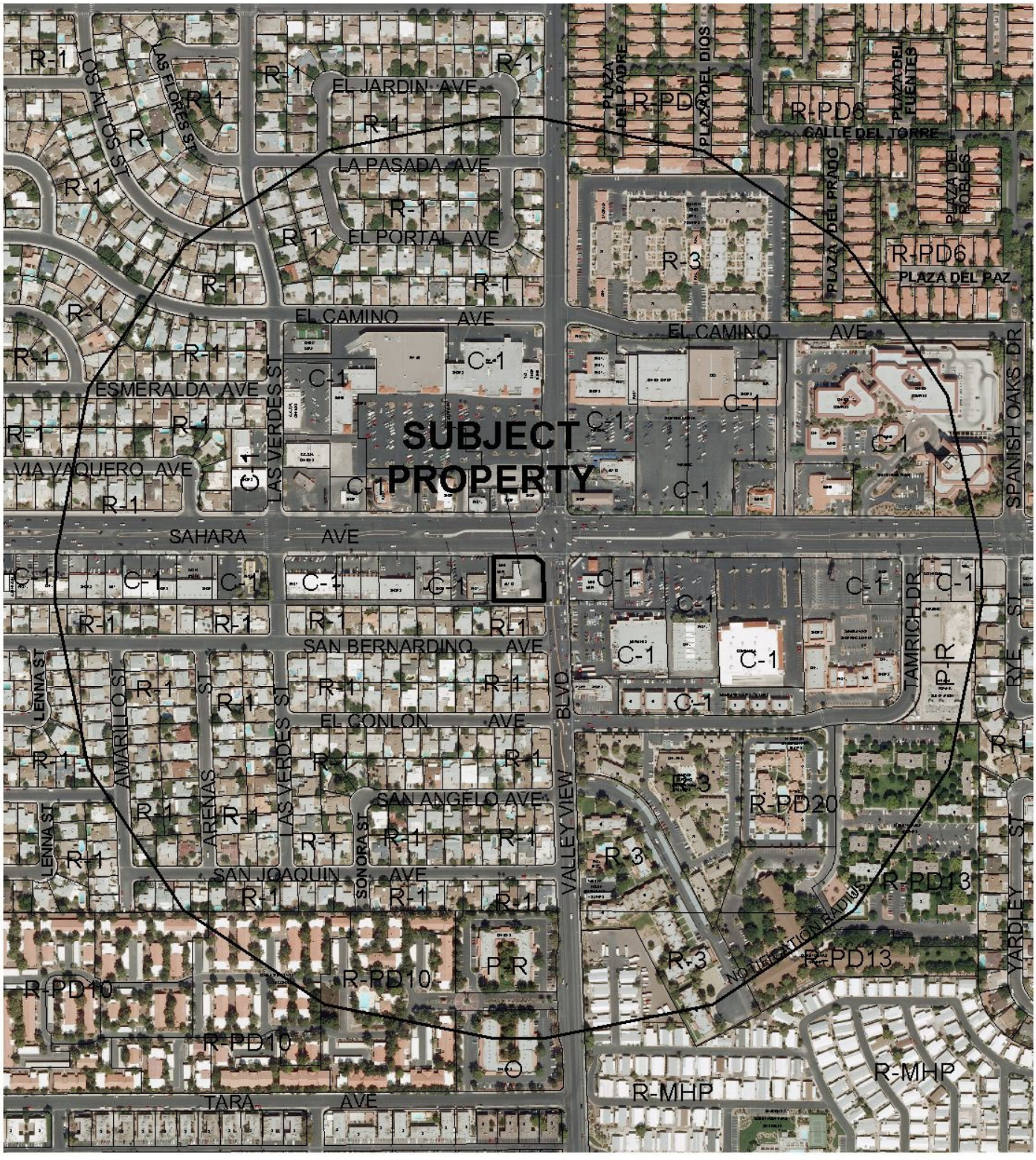
0 400 800 Feet

CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



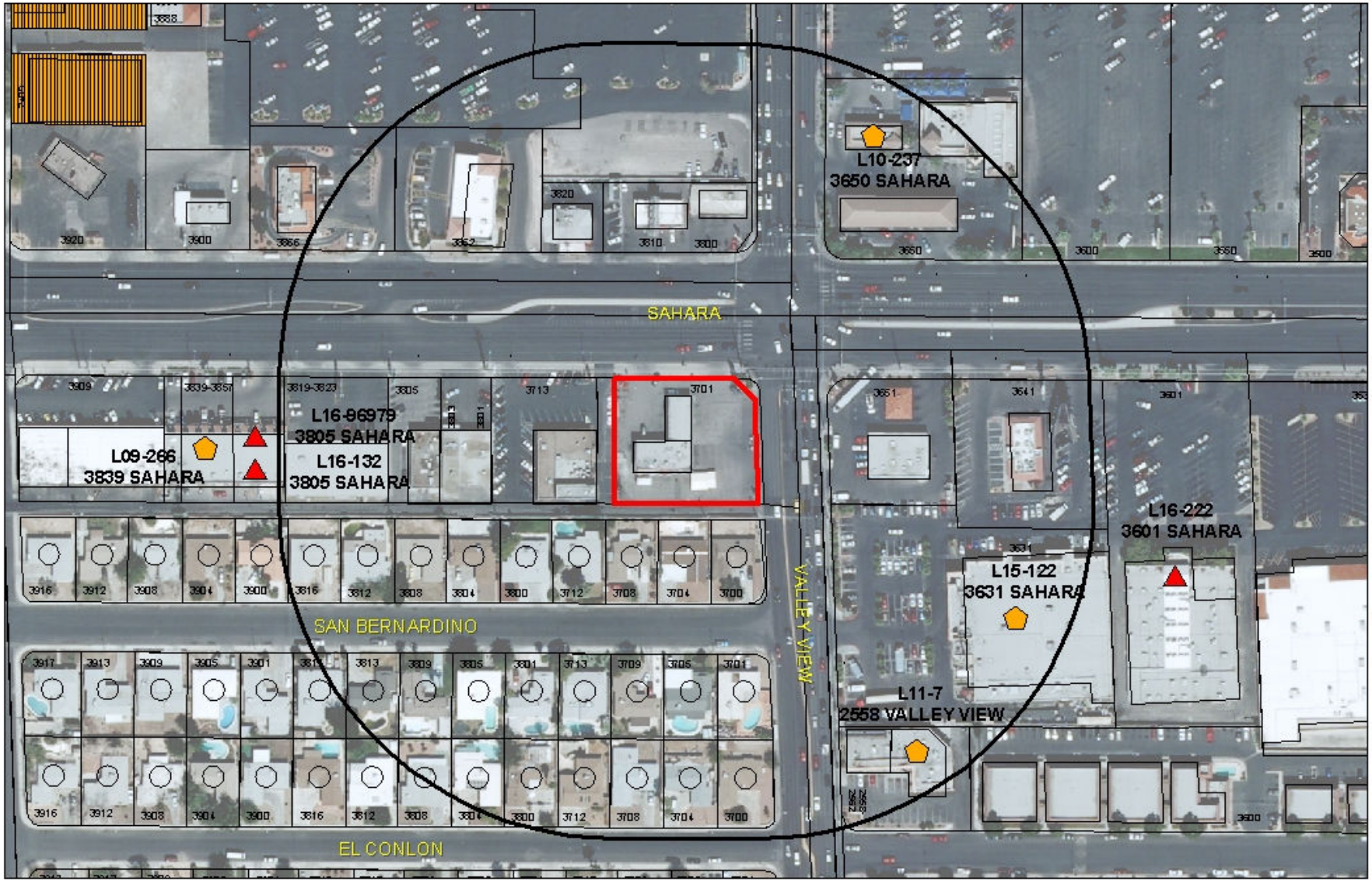
0 400 800 Feet

CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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: OCTOBER 7, 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 16, 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

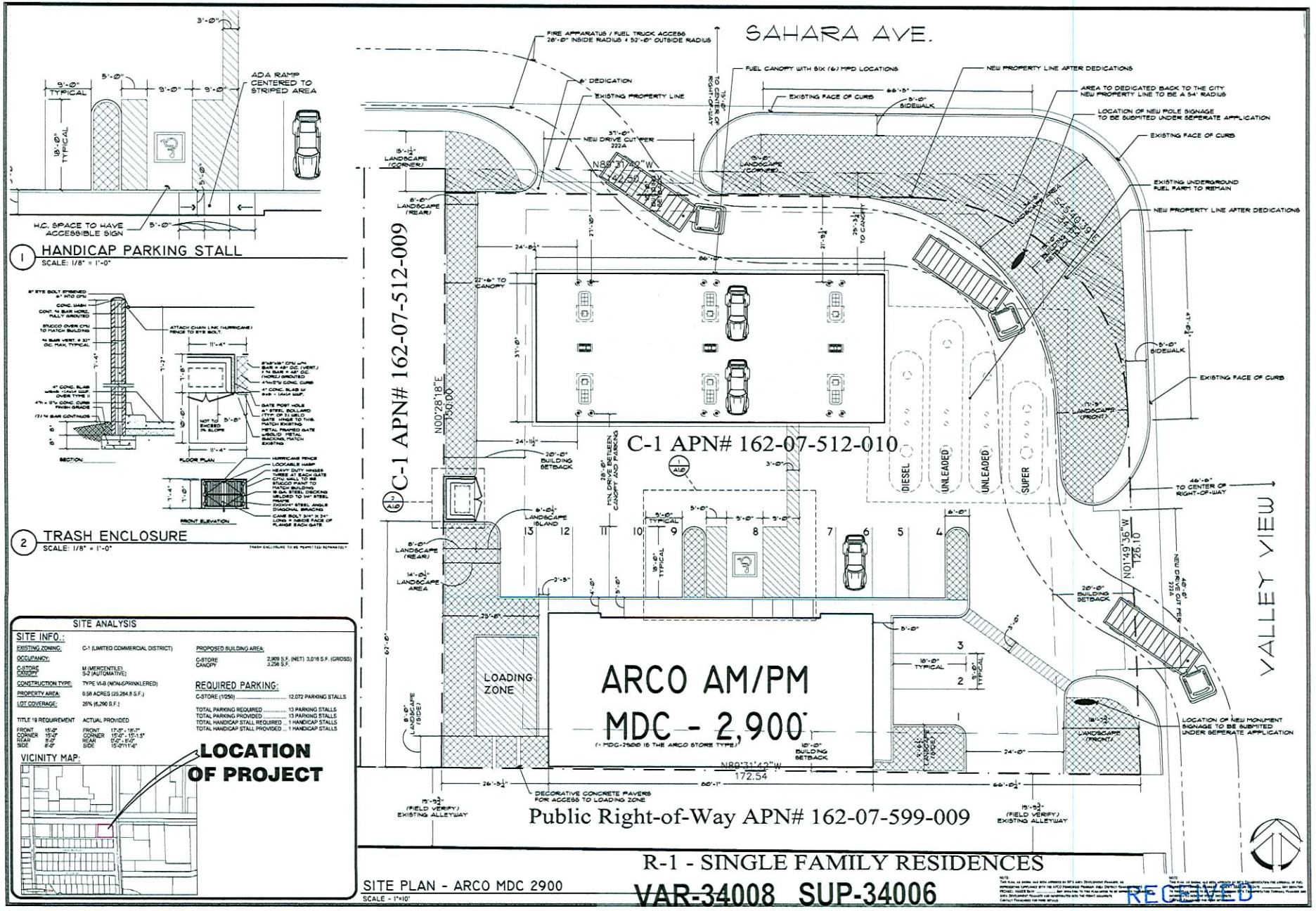
Subscribed and sworn before me

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



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

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

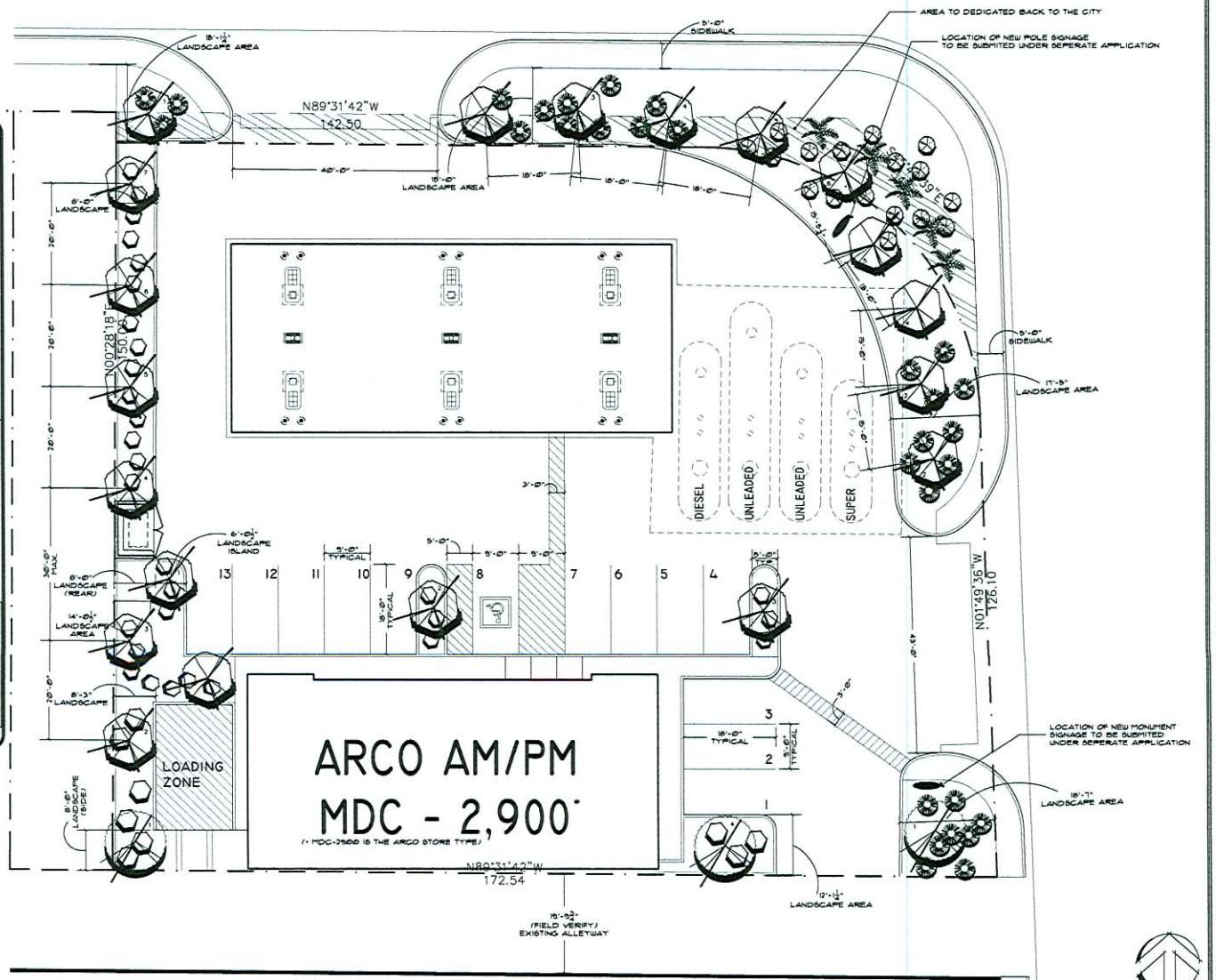
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	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
REVISED

RECEIVED
APR 09 2009

SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-6176
Fax (702) 361-2562
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, NOTES AND DETAILS AND REPORT ANY DISCREPANCIES TO THE OFFICE PRIOR TO CONSTRUCTION. ALL "PLOT DRAWINGS" ARE NOT TO BE SCALED. ANY USE OR REPRODUCTION OF THIS DOCUMENT OR THE ATTACHED DRAWINGS, OR THE USE OF THE DESIGN APPEARING HEREIN IN CONNECTION WITH ANY WORK OTHER THAN THE ONE FOR WHICH THEY WERE PREPARED AND THE ATTACHED DRAWINGS, IN WHOLE OR IN PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED EXCEPT BY SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT, AS THE ARCHITECT OF RECORD FOR THE PROJECT AND WITH THE SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT.

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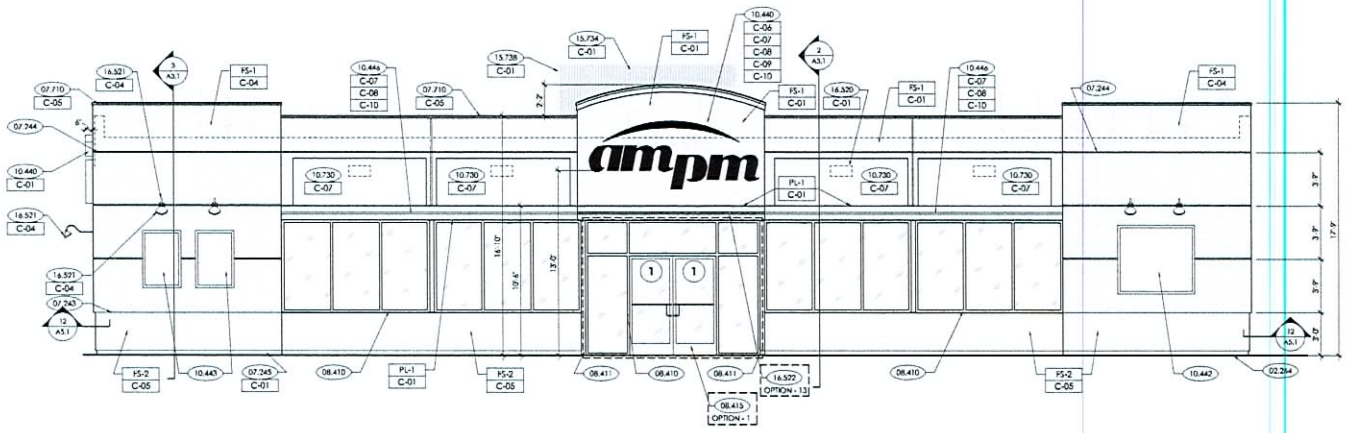
LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

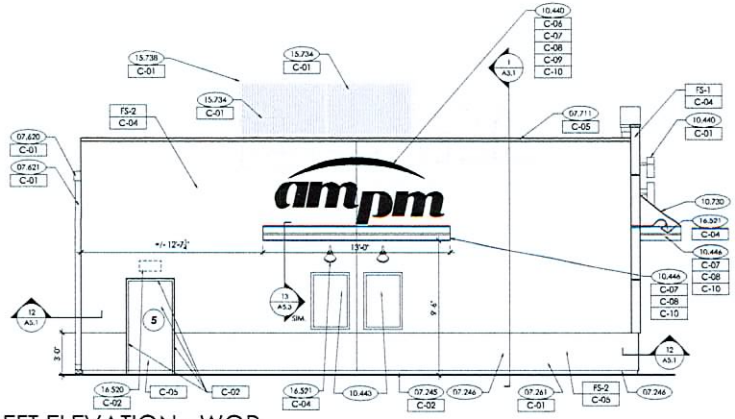
PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.:
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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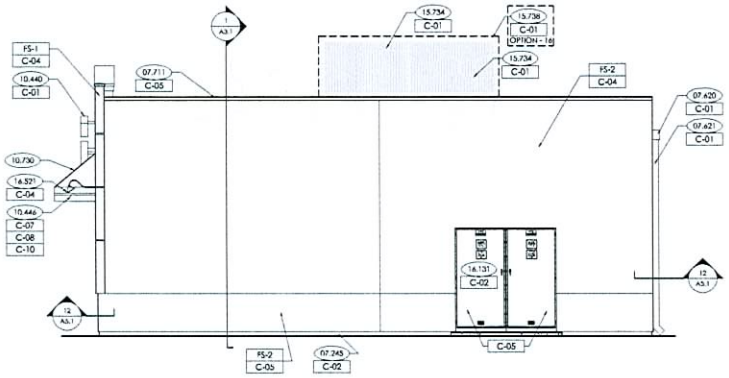
PROJECT TITLE:
FRONT & LEFT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW
CLIENT
OWNER'S NAME
CITY OF LAS VEGAS

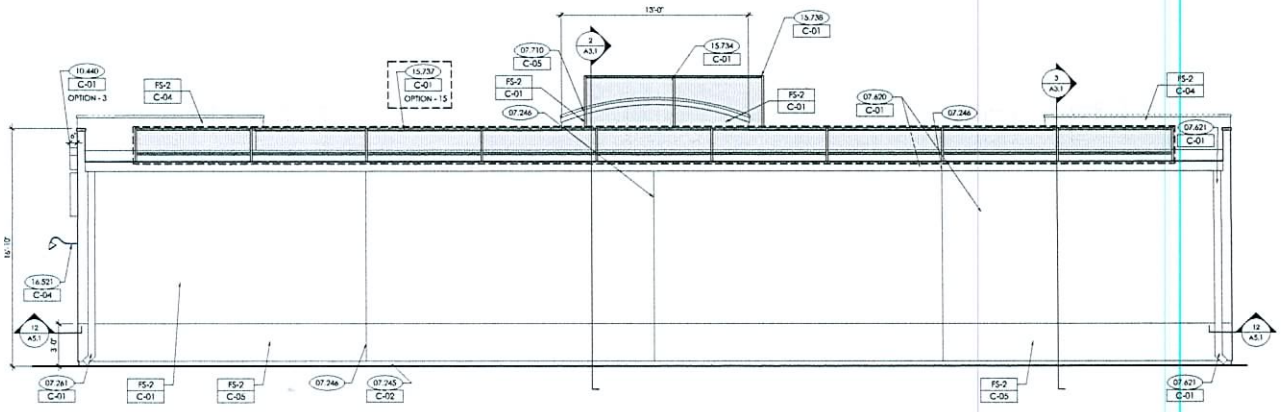
PROJECT NO.: 2905-ARC_PAT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

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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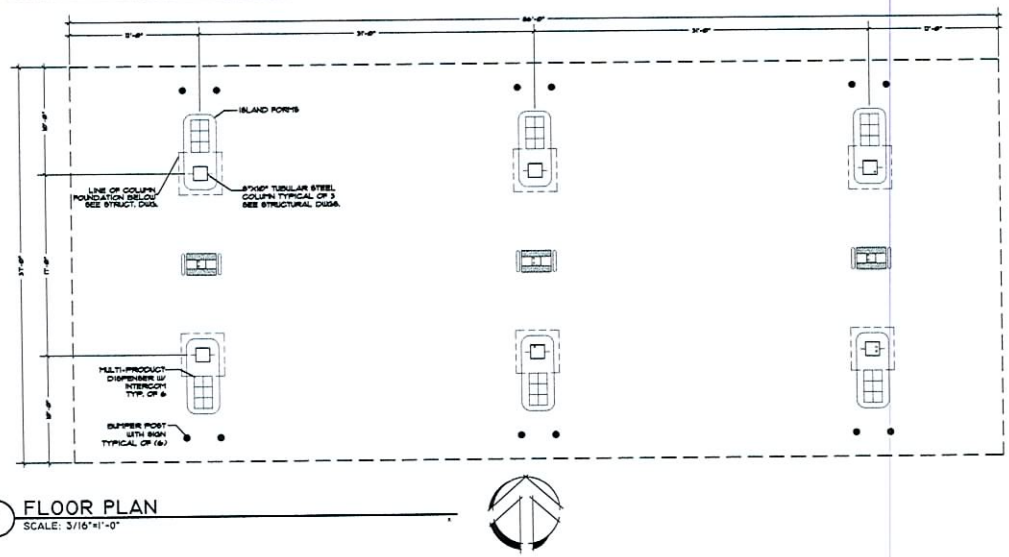
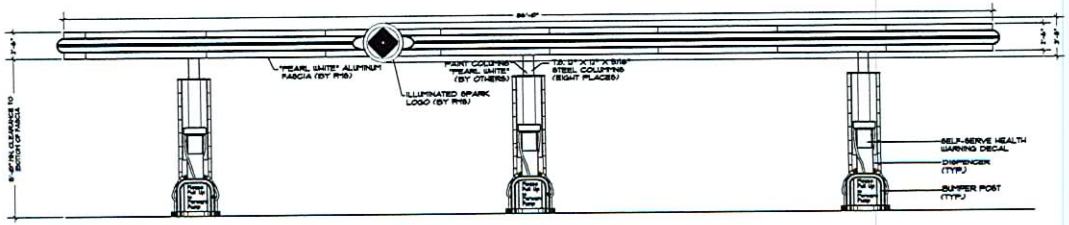
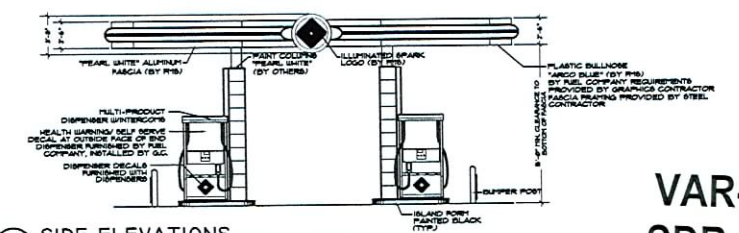


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

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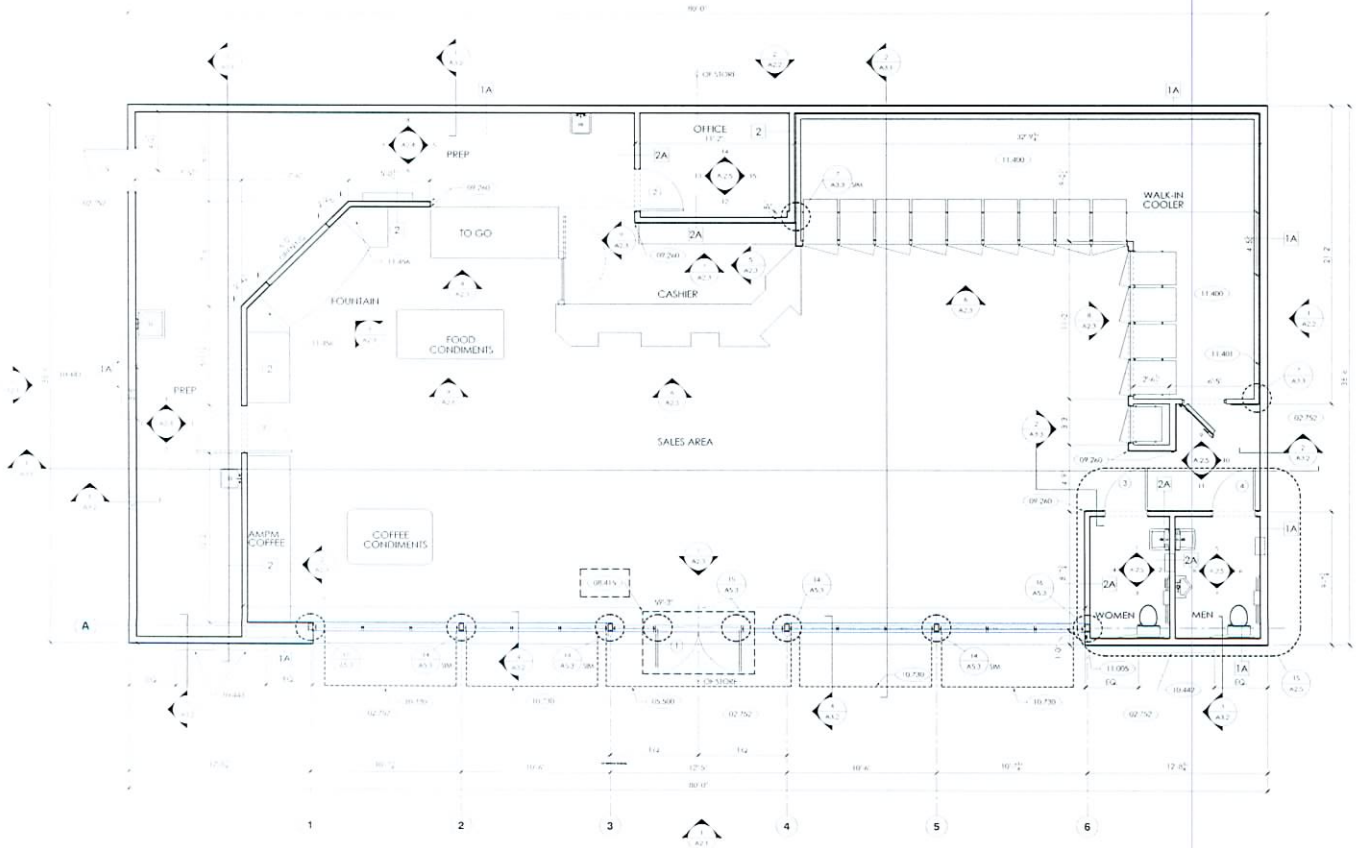
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 2005-ARC_ENT
DATE 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

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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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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
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

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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VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
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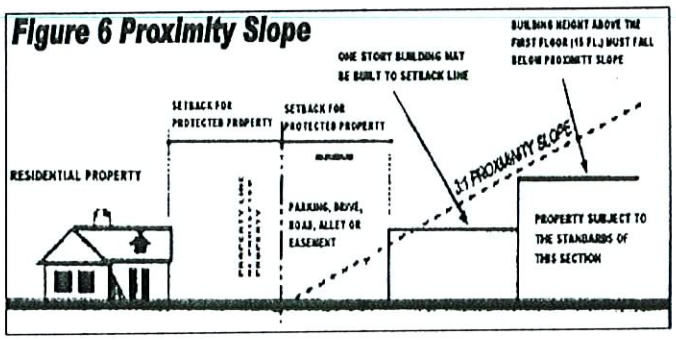
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

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

RECEIVED
APR 09 2009

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

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

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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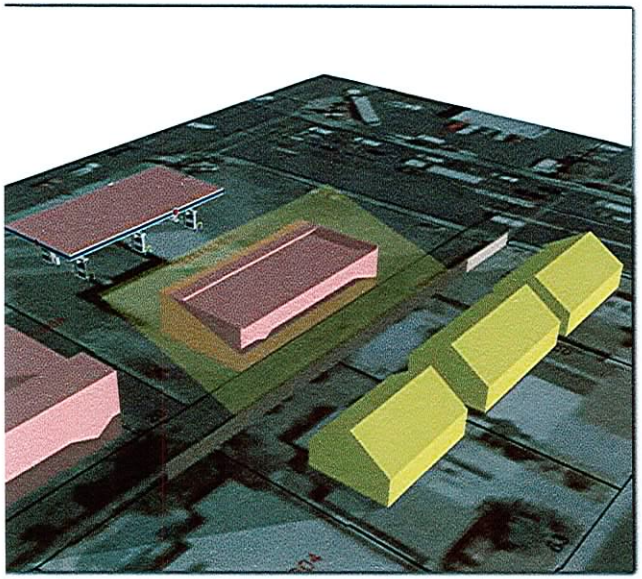
APR 09 2009

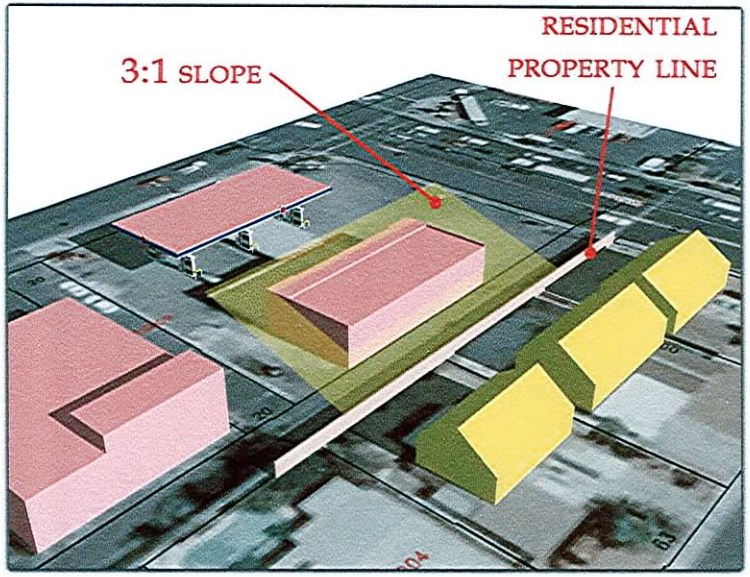
VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

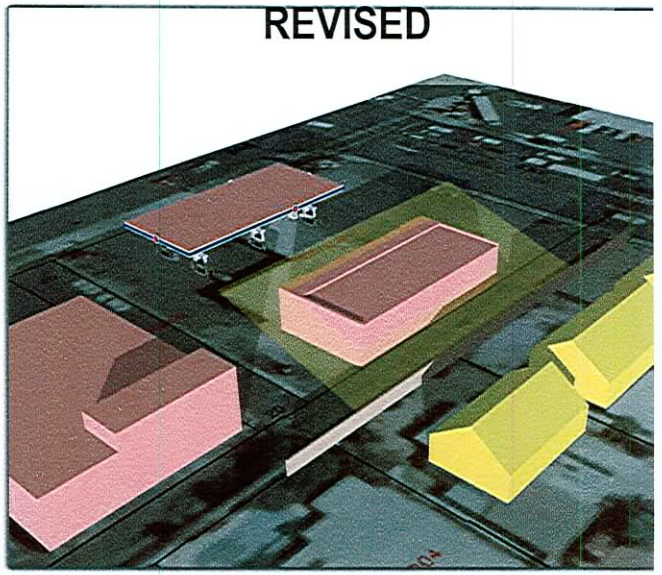
REVISED



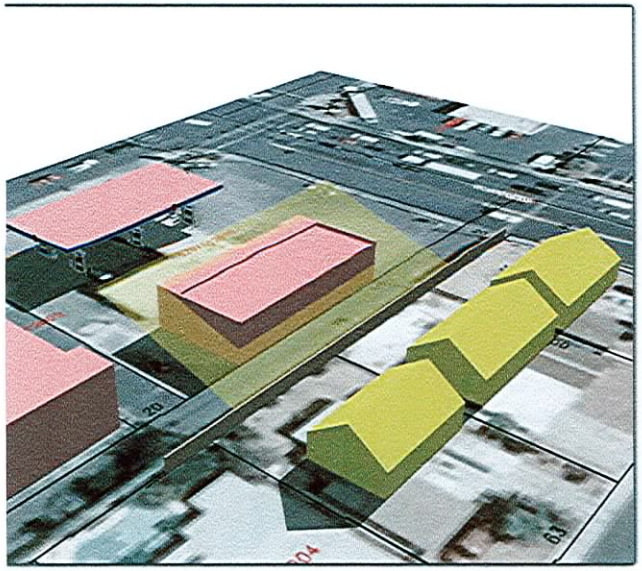
DECEMBER 21, 8:00 AM



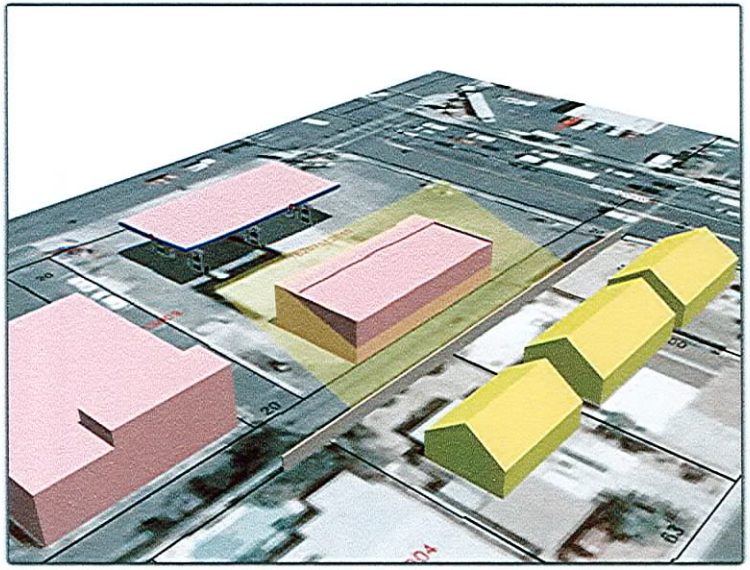
DECEMBER 21, 12:00 PM



DECEMBER 21, 3:30 PM



JUNE 21, 8:00 AM



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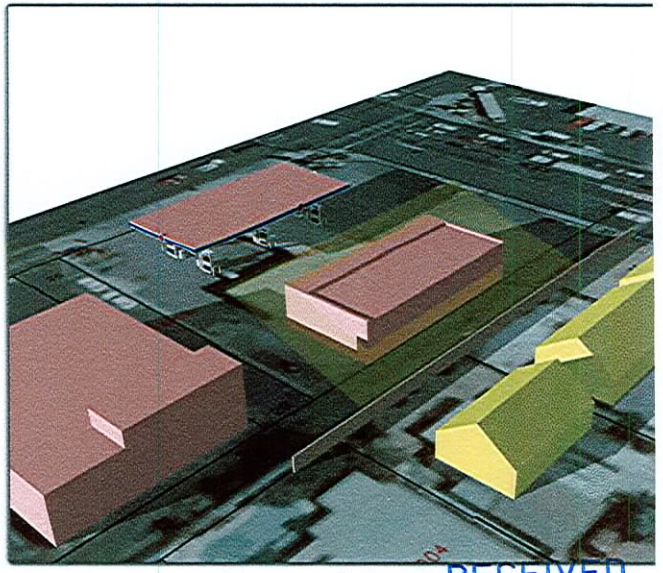

JUNE 21, 6:00 PM

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APR 09 2009

RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

RECEIVED
CITY CLERK

2009 JUL -6 A 8:21

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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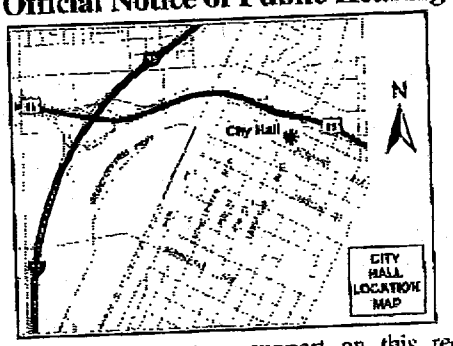
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 02 200
MAILED FROM ZIPCODE 8910

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.

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

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004279218 JUL 02 2009
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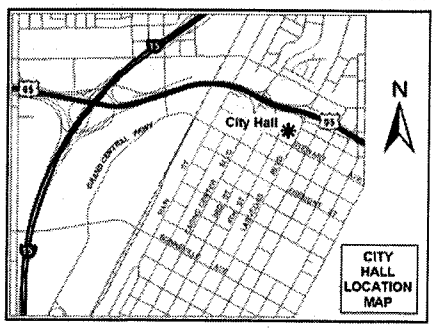

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 10:41
CITY CLERK

WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDP11 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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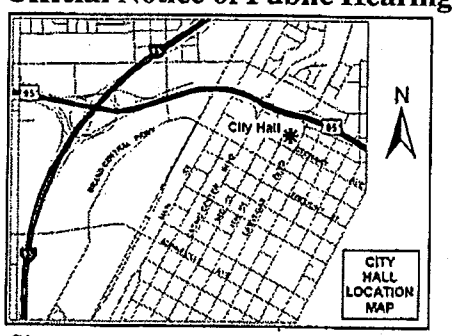
Return Service Requested
Official Notice of Public Hearing



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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
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 8:11
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:

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
0004279218
$ 00.41⁴
JUL 02 2009
MAILED FROM ZIP CODE 89101

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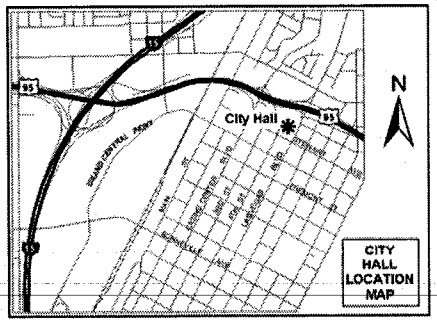
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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CITY CLERK
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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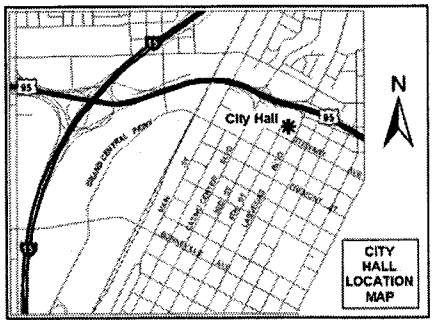
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL 13 A 11:17

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

PRESORTED FIRST CLASS

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02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

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MAY 05 2009

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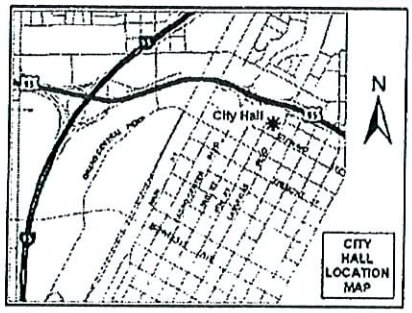
Official Notice of Public Hearing



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 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.

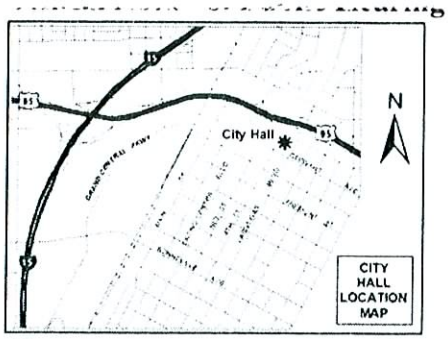
VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

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

Please use available blank space on card for your comments.

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

28P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

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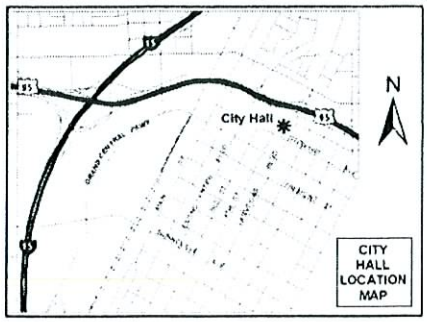
Official Notice of Public Hearing



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MAY 06 2009

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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

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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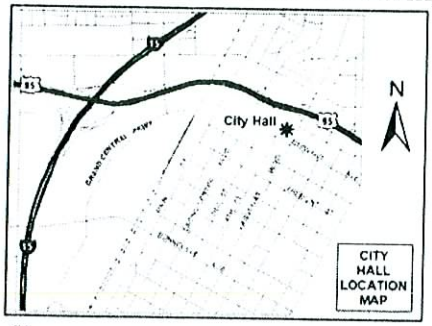
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

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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FIRST CLASS

UNITED STATES POSTAGE
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0004239954
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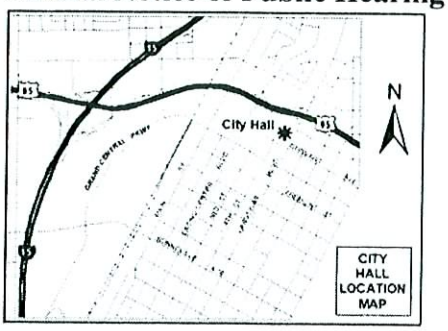

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MAY 06 2009

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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

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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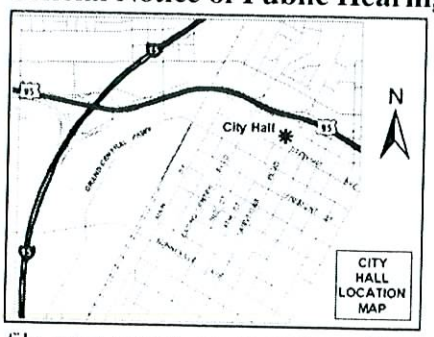
UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004239954
$ 00.39⁴
MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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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

28 P

RECEIVED
MAY 07 2009

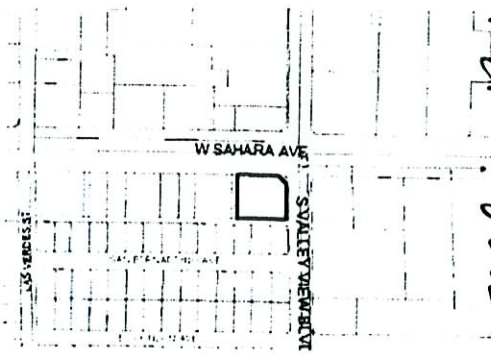
Application Information

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

Return Service Requested
Official Notice of Public Hearing

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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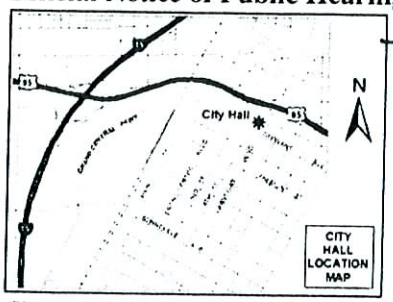
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101



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

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.

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

PRESORTED FIRST CLASS

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PITNEY BOWES
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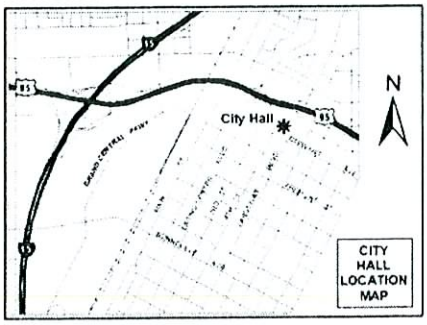
Official Notice of Public Hearing



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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

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
Las Vegas, Nevada 89101-2986

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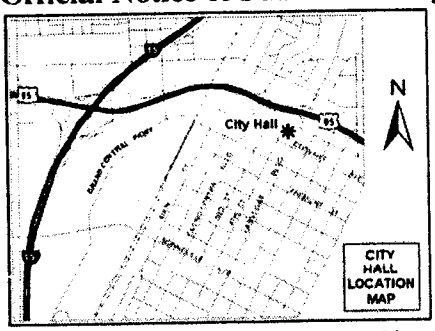

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VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

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 28 P

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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02 1M $ 00.39⁴
0004239954 MAY 01 2009
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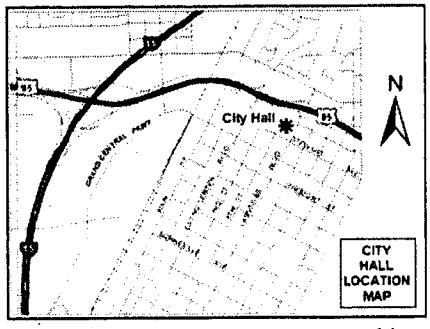

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

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.: **122.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 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

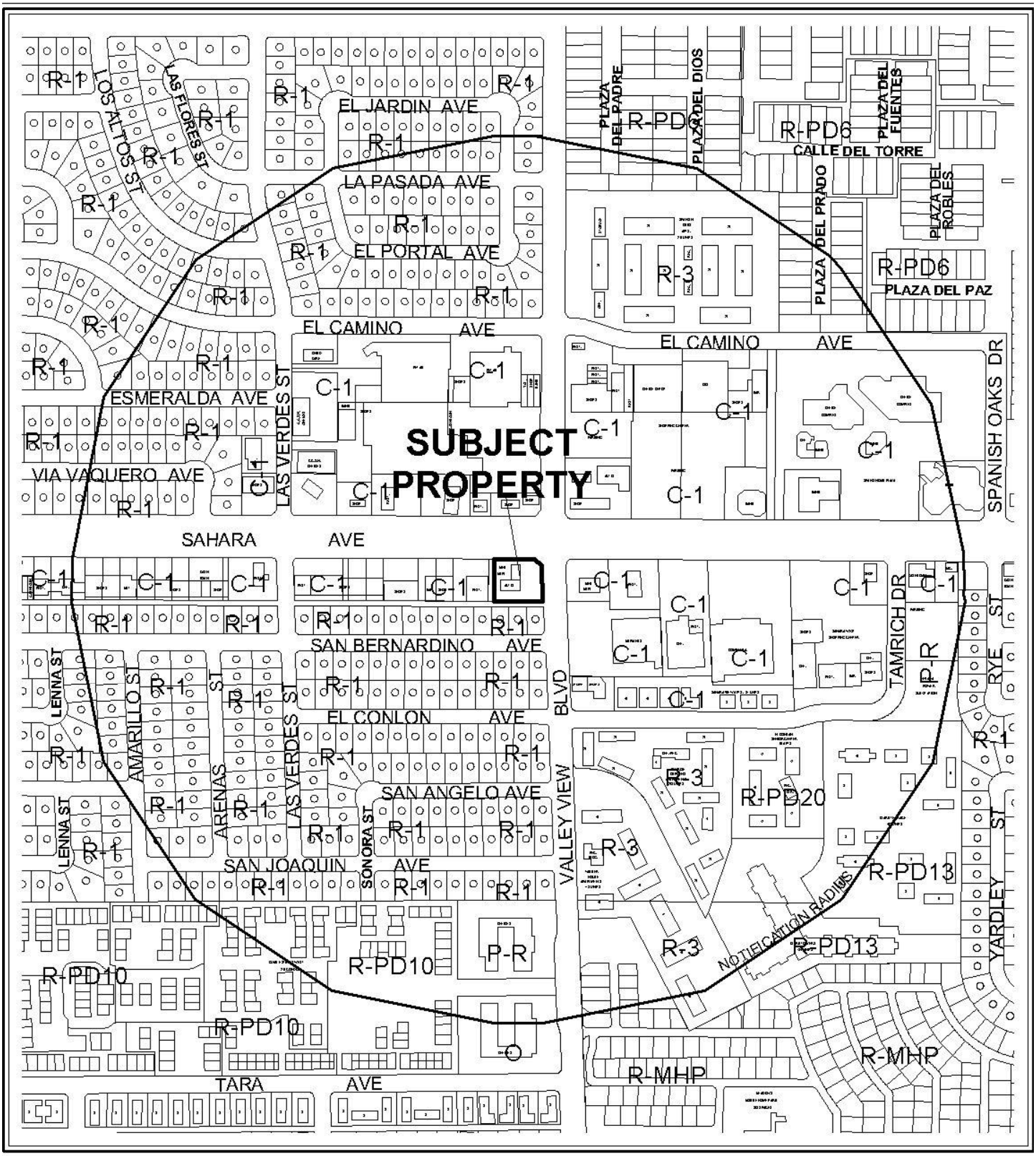
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**2**
City Council Meeting	**4**	**City Council Meeting**	**3**

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



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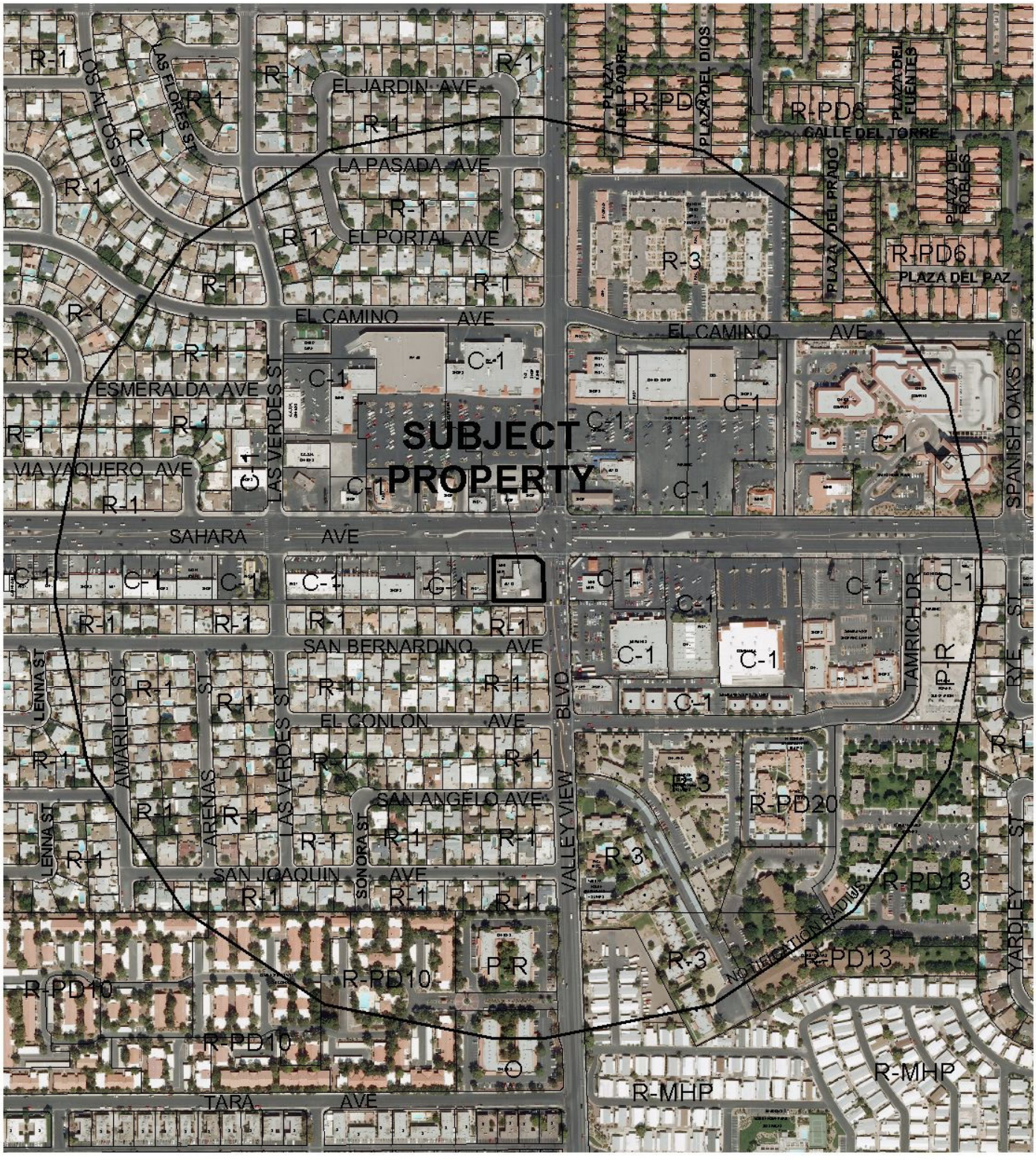
CASE: **SDR-34010**

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: OCTOBER 7, 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 16, 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

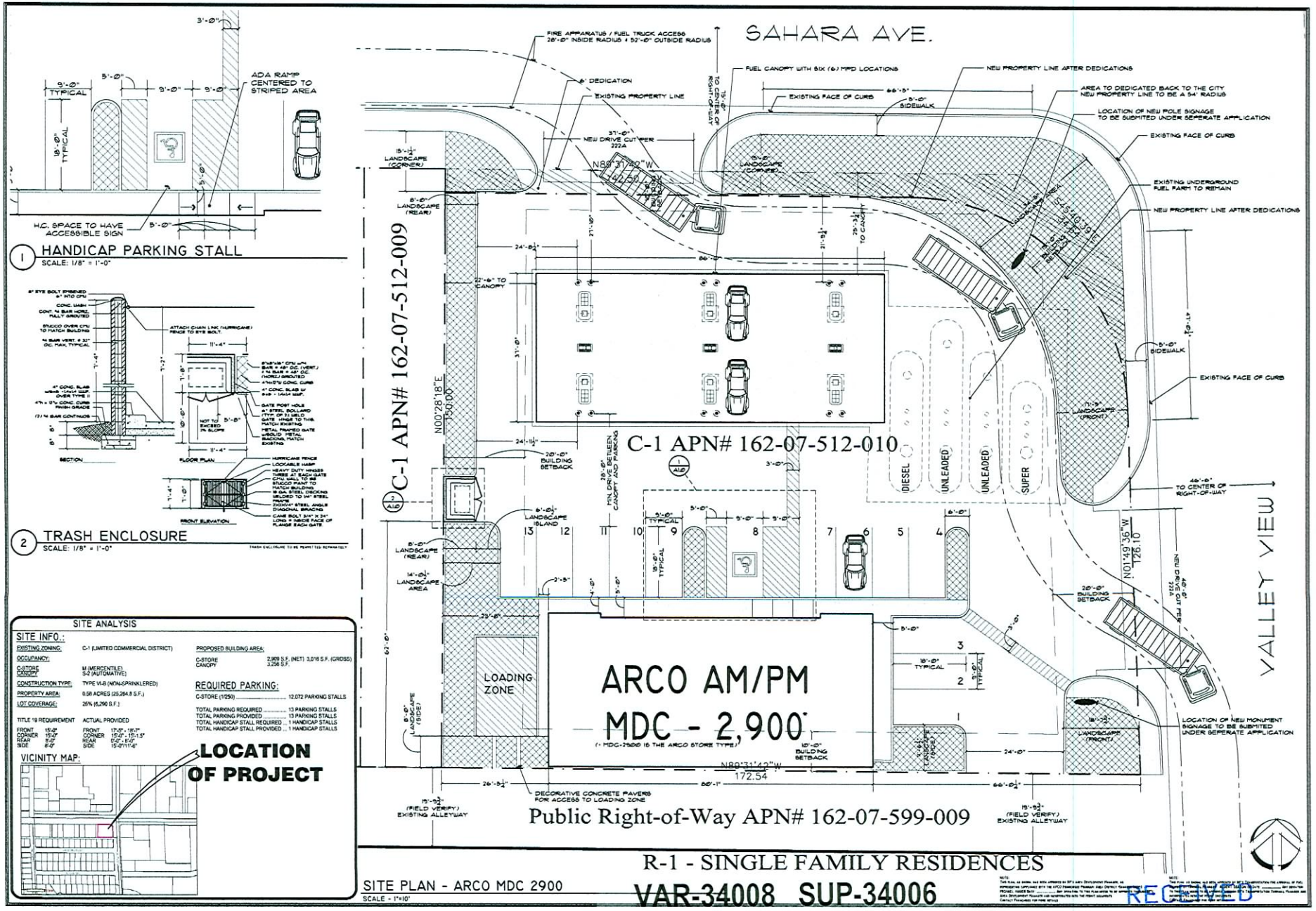
Subscribed and sworn before me

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



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

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

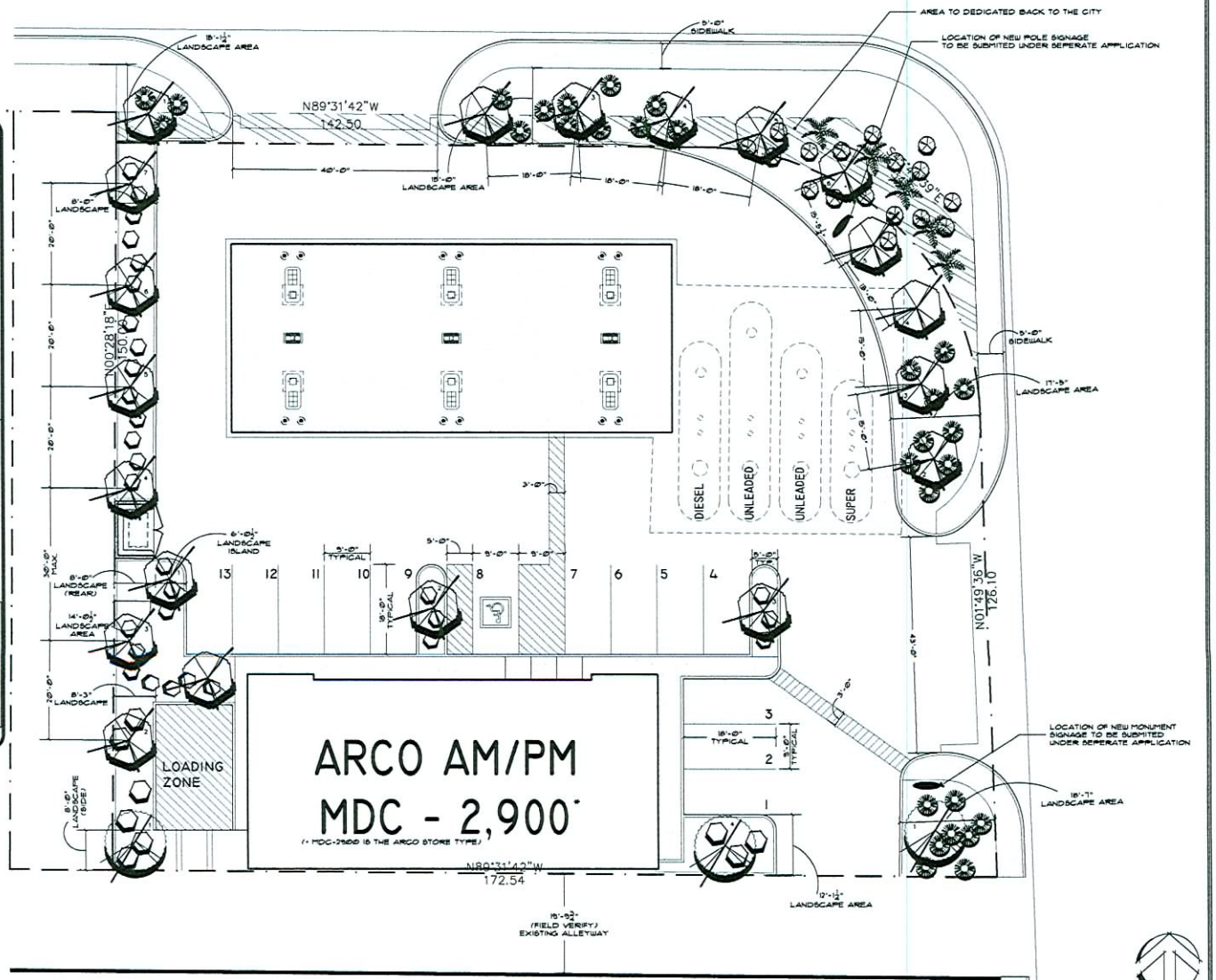
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	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'

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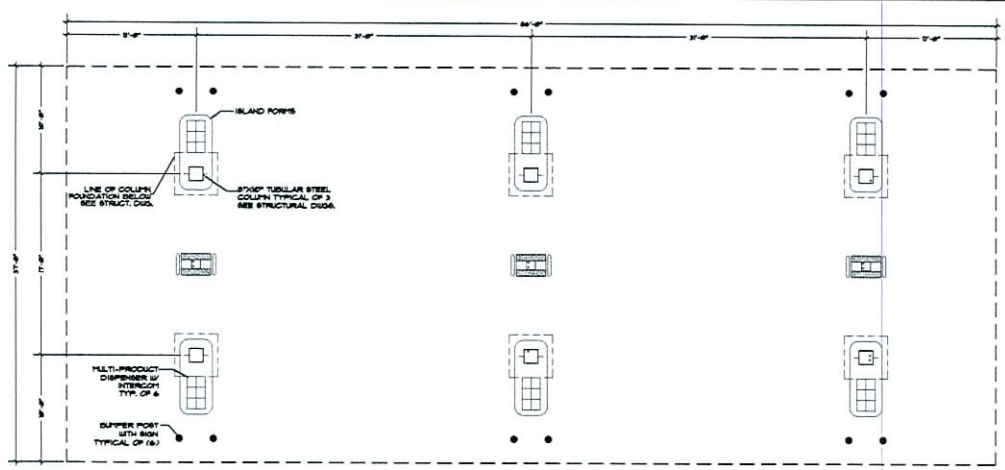
LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

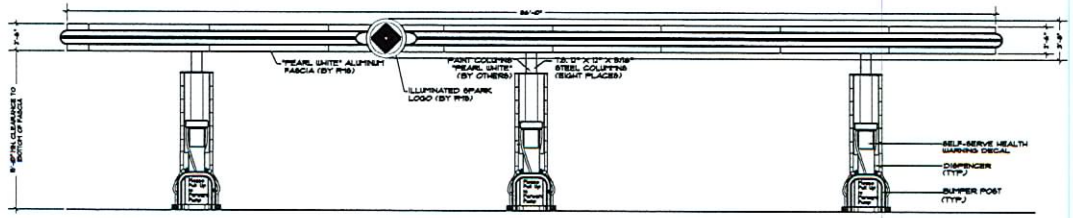
PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

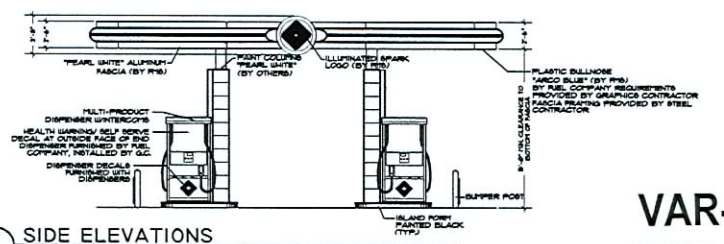
DRAWING NO.:
LI.0



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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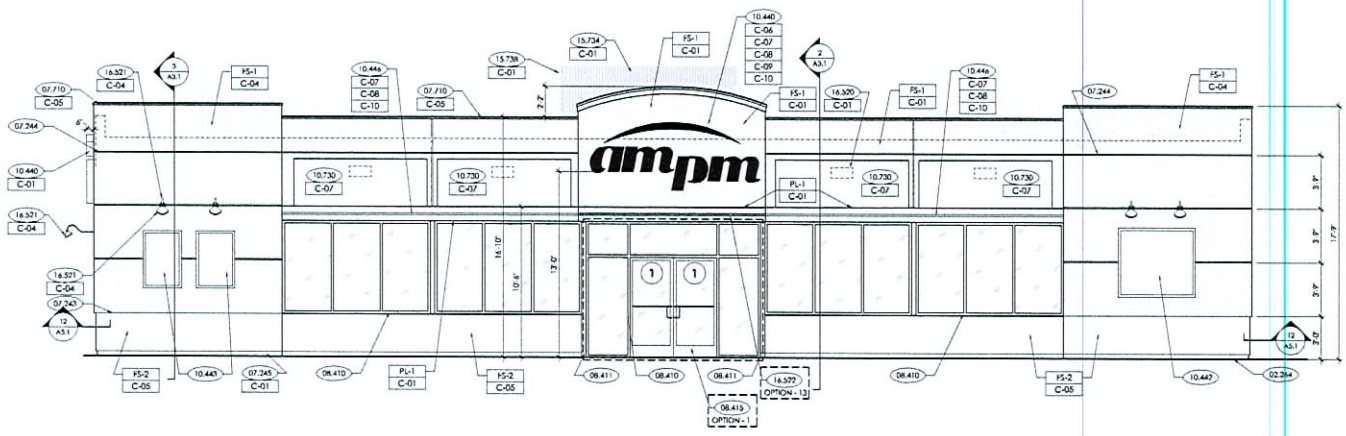
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

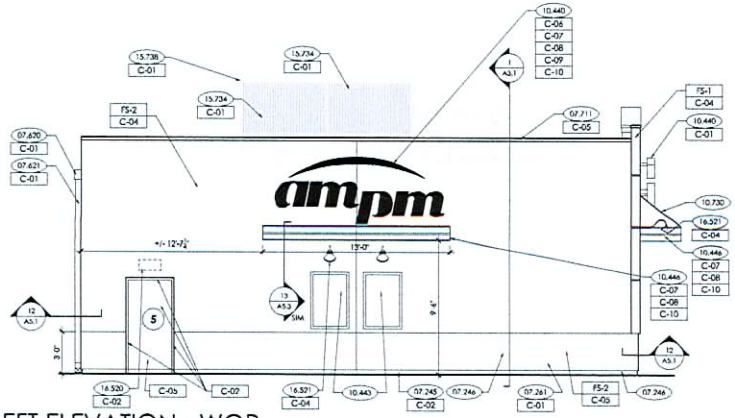
CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 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
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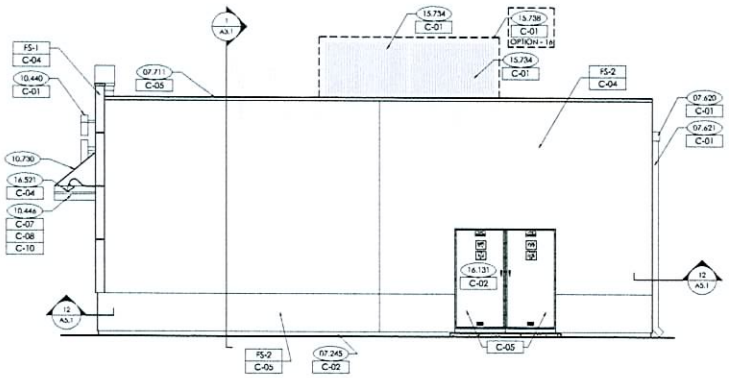
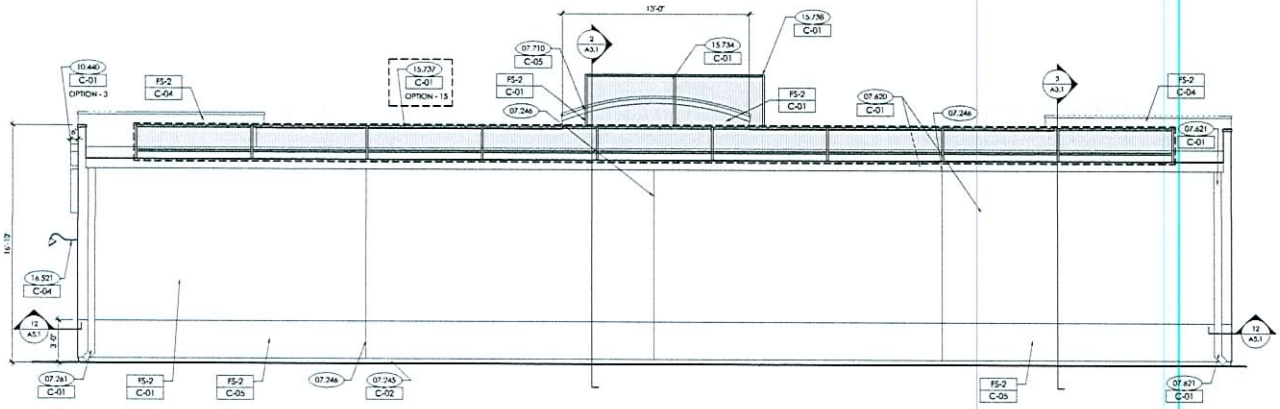


1 RIGHT ELEVATION - WOR
1/4"=1'-0"



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
08.413 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
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DRAWING NO.: A2.2
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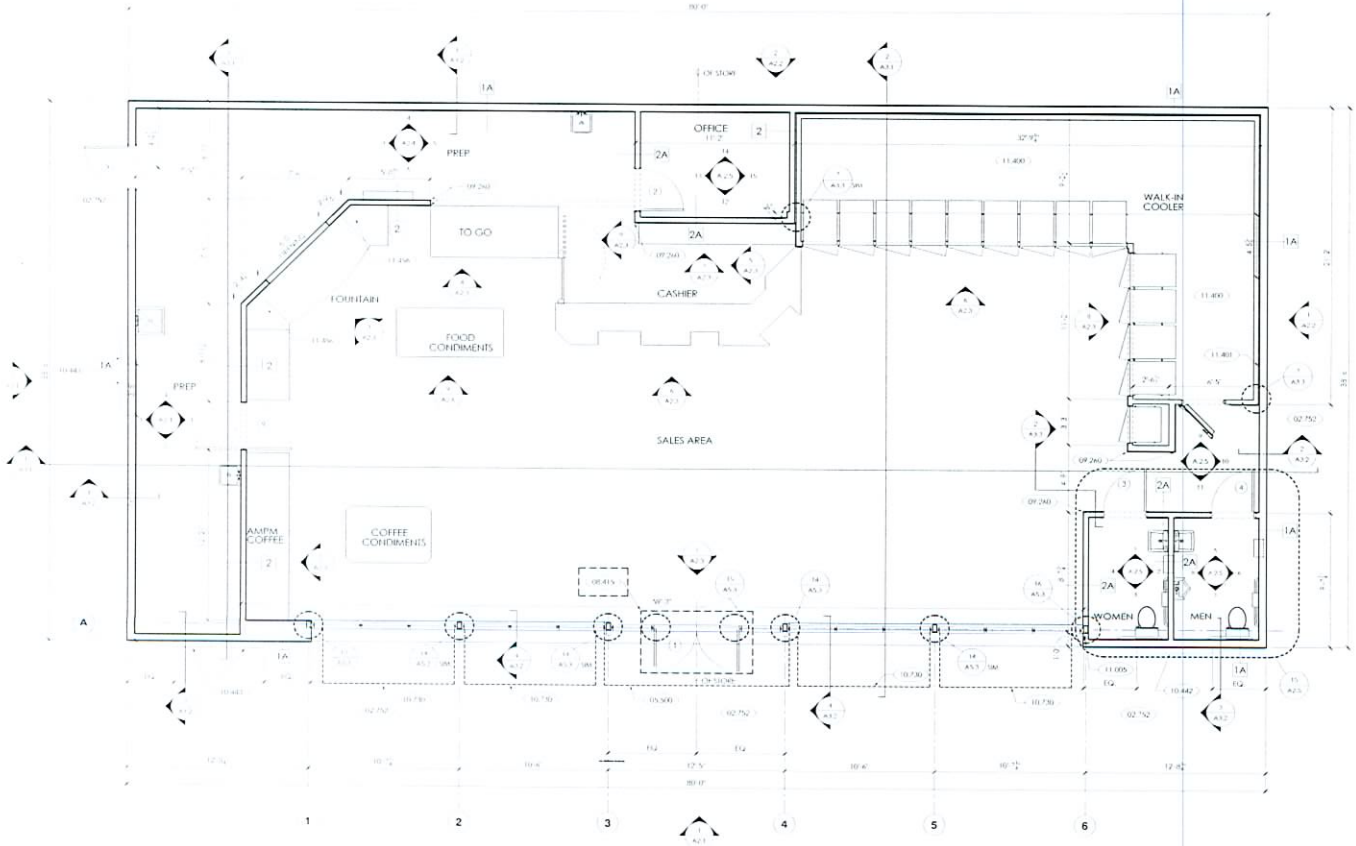

1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

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

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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



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



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

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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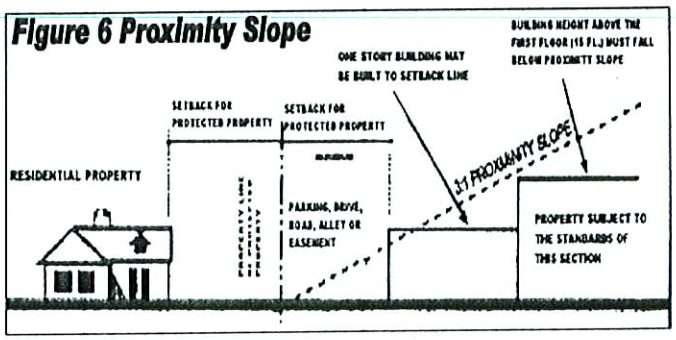
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

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
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SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

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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VAR-34008 SUP-34006
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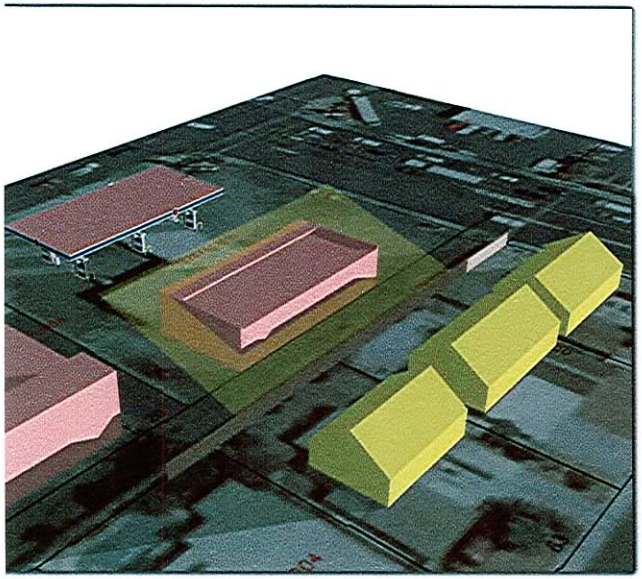

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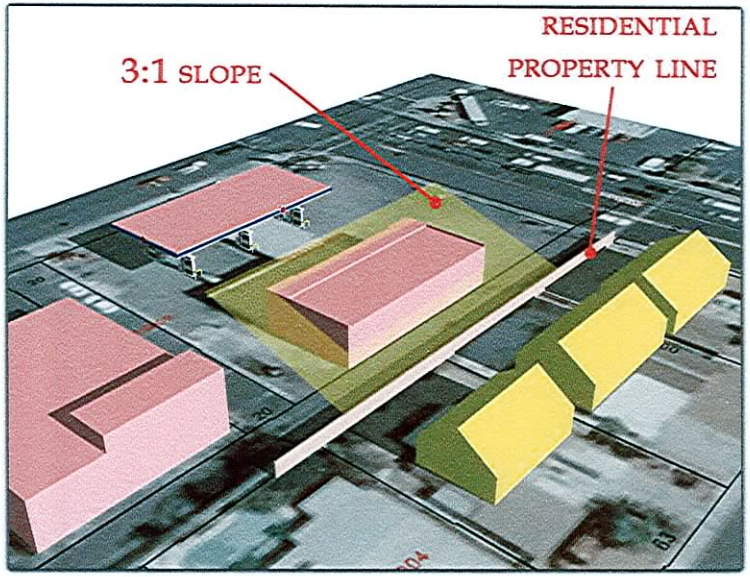

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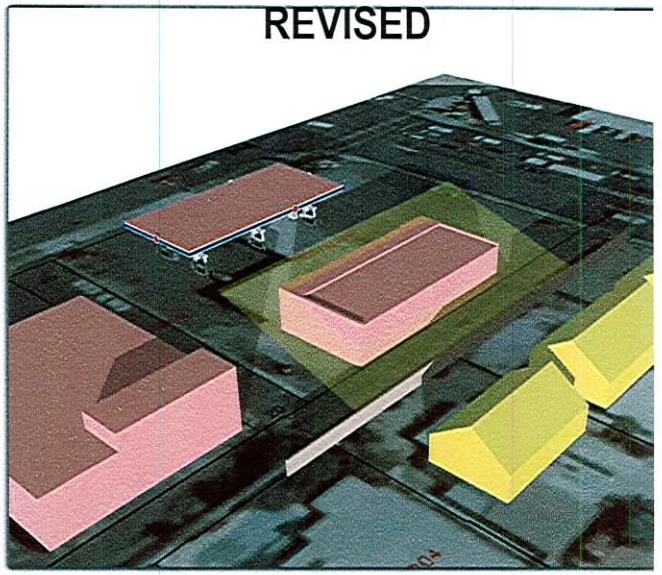

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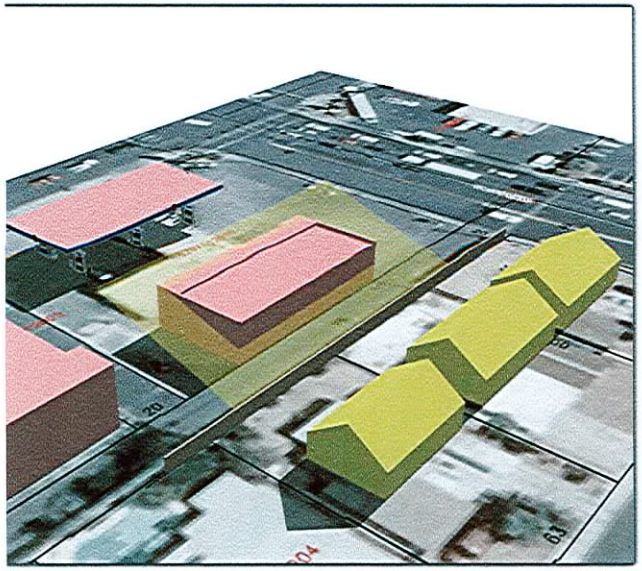
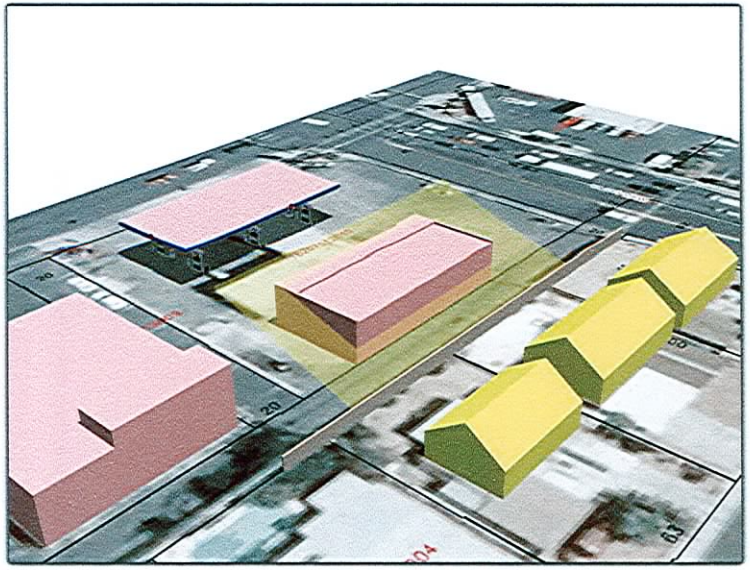


JUNE 21, 8:00 AM



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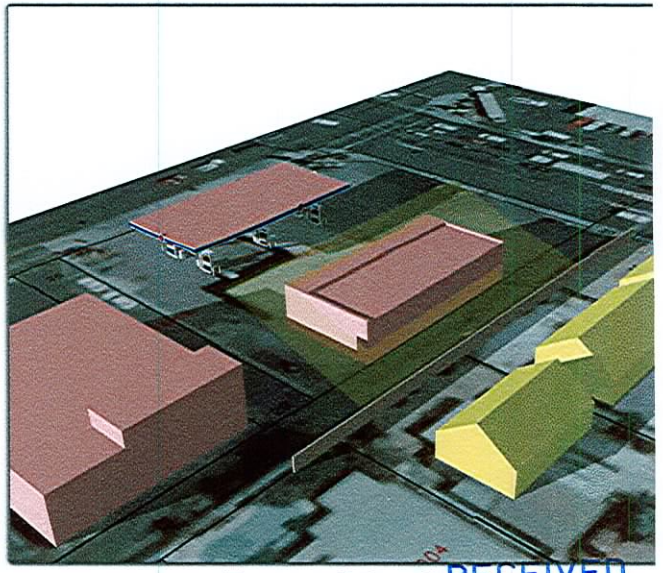

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RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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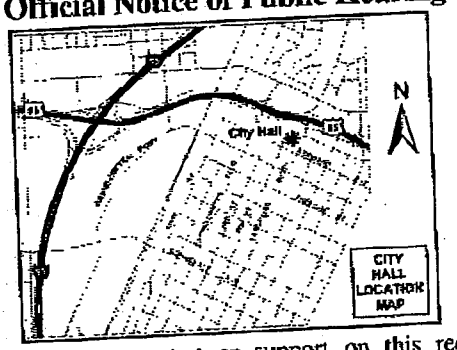

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, 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

SDR-34010
City Council Meeting of 7/15/2009

EAVDP11 89108

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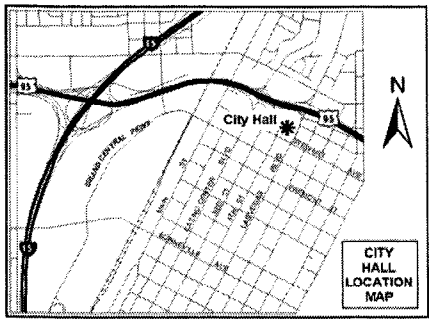

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SDR-34010

City Council Meeting of 7/15/2009

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2009 JUL -7 A 10:44

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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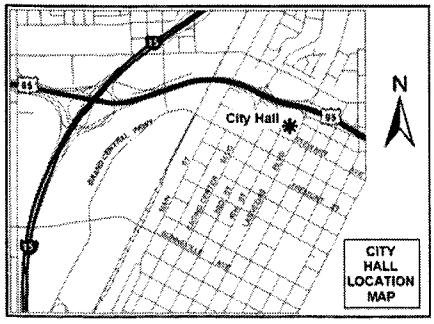

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SDR-34010

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

EAVDS11 A9102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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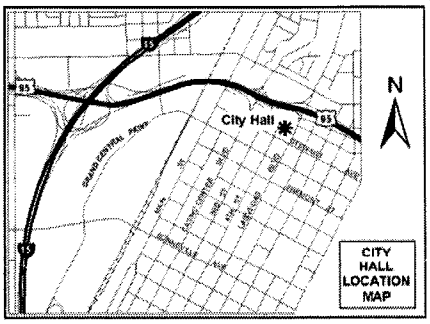

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SDR-34010
City Council Meeting of 7/15/2009

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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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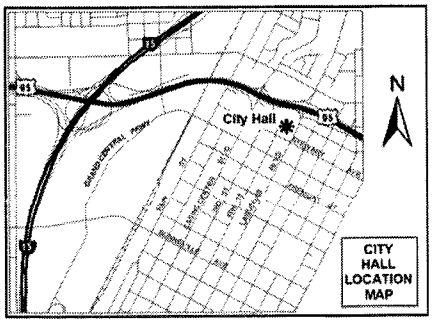

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SDR-34010
City Council Meeting of 7/15/2009

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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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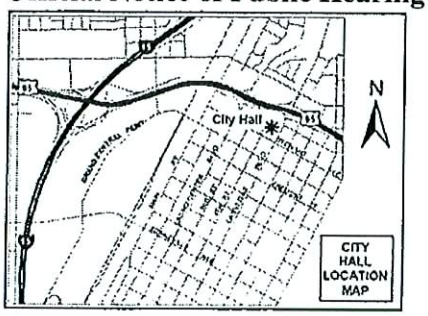

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MAY 05 2009

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

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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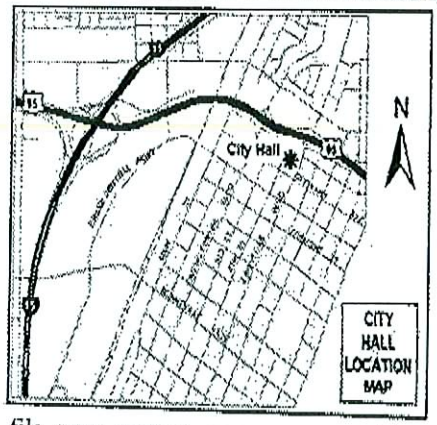

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MAY 05 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010

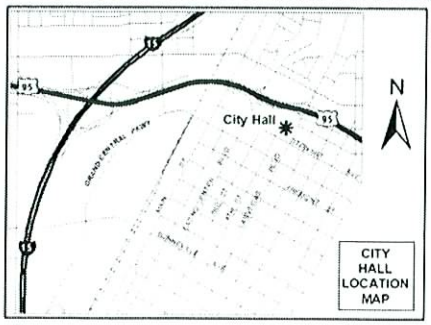
Planning Commission Meeting of 5/14/2009

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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☐ 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 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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0004239954
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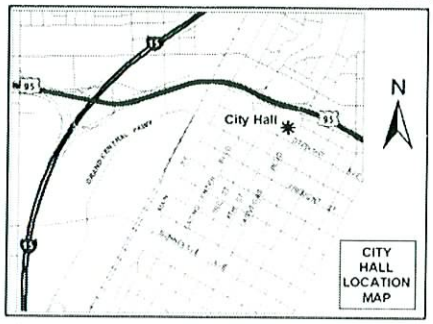

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☐ I SUPPORT this Request ☐ I OPPOSE this Request

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SDR-34010
Planning Commission Meeting of 5/14/2009

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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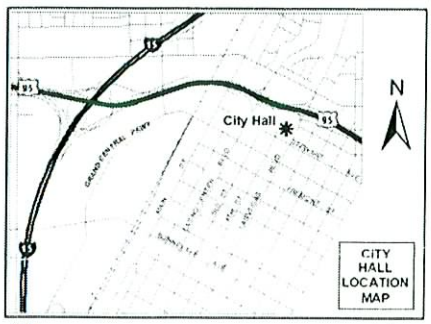

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☐ I SUPPORT this Request

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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

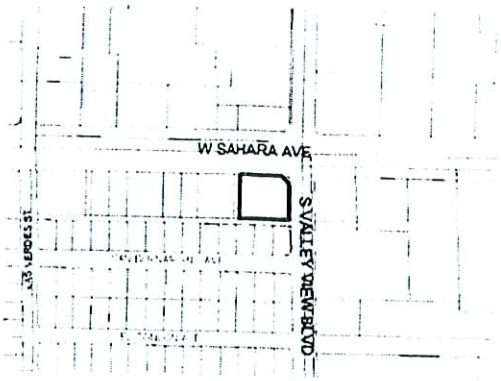
Application Information

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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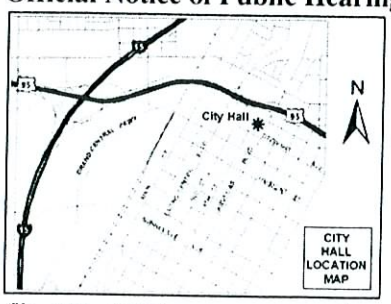

P.S. No bus stop should be a few feet from an intersection. It blocks Traffic flow in all directions & God forbid you get behind one - You are stuck - Cars trying to make Right turns are in a totally hazardous position - Many times not knowing a bus is stopped!

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

Please use available blank space on card for your comments.

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

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Planning & Development Department
Development Services Center
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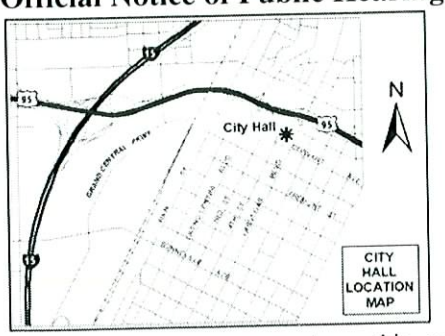

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010
Planning Commission Meeting of 5/14/2009

RECEIVED
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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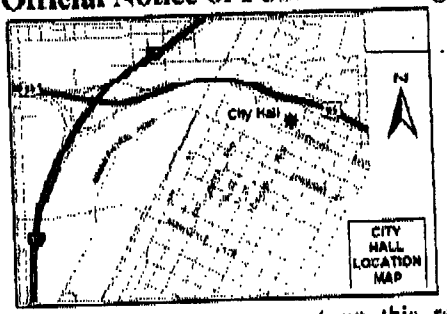

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

↑ Homeless & Crime Graffitee

No more

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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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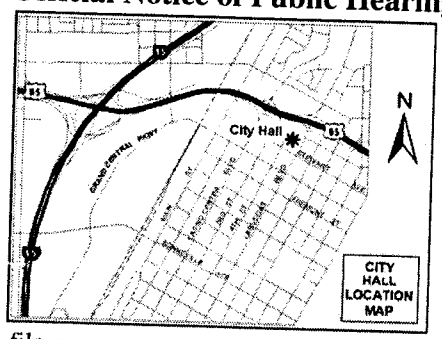

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010

Planning Commission Meeting of 5/14/2009

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MAY 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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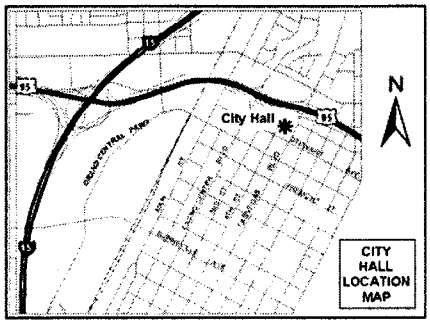

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SDR-34010
Planning Commission Meeting of 5/14/2009

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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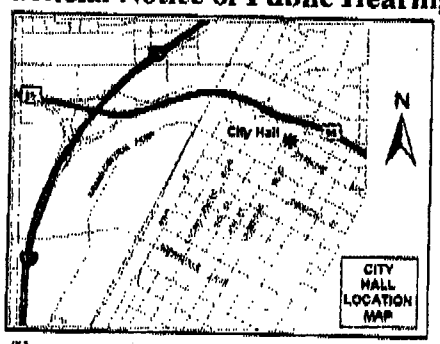

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☐ I SUPPORT this Request

☒ 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

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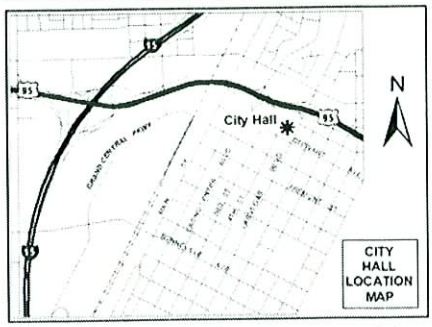

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Case: SDR-34010

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

☒ I SUPPORT this Request ☐ I OPPOSE this Request

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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

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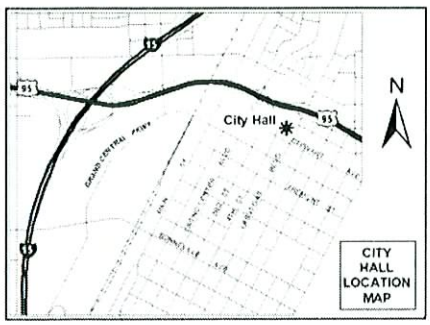

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SDR-34010

Planning Commission Meeting of 5/14/2009

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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.: **123.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 7, 2009

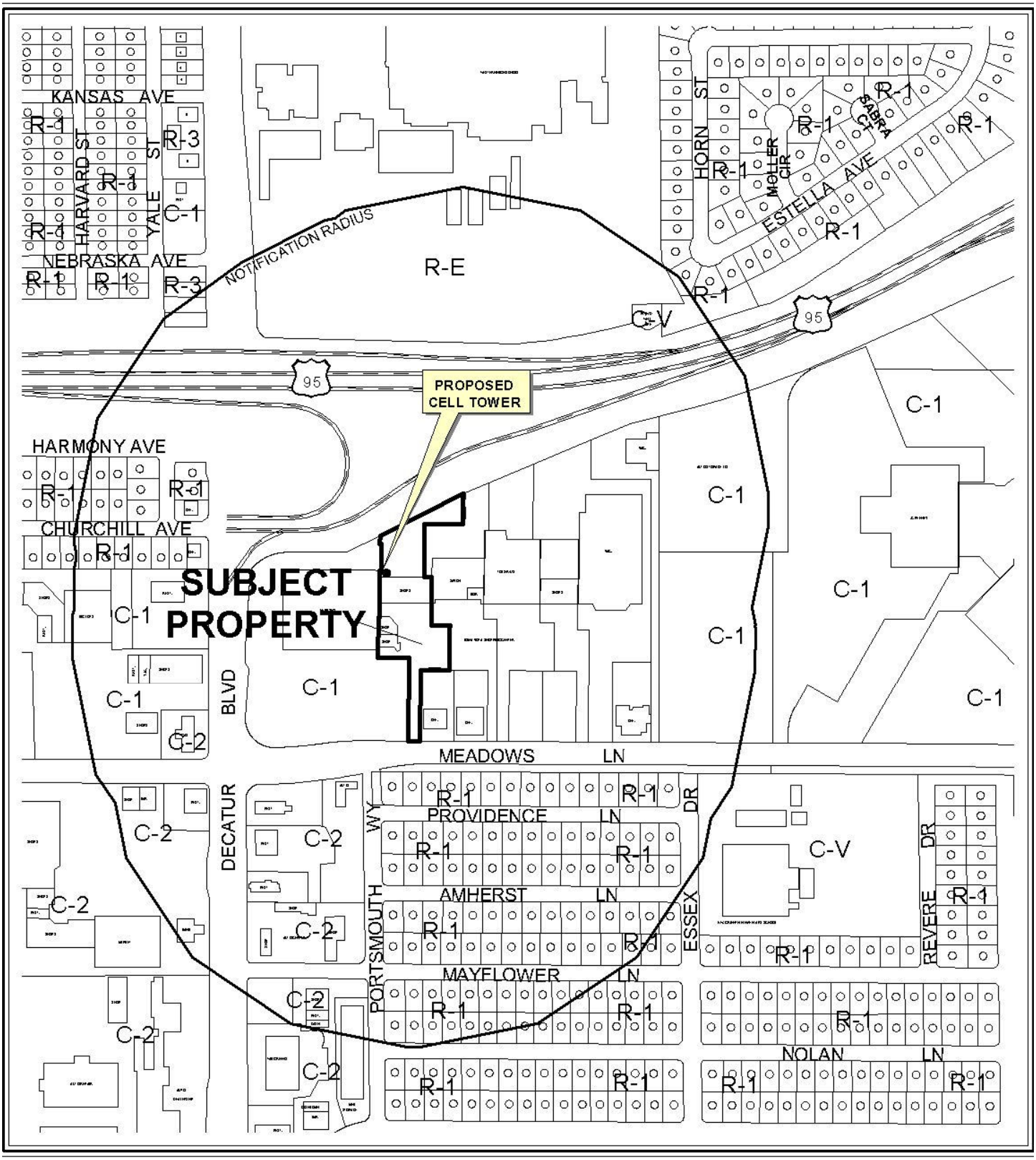
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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



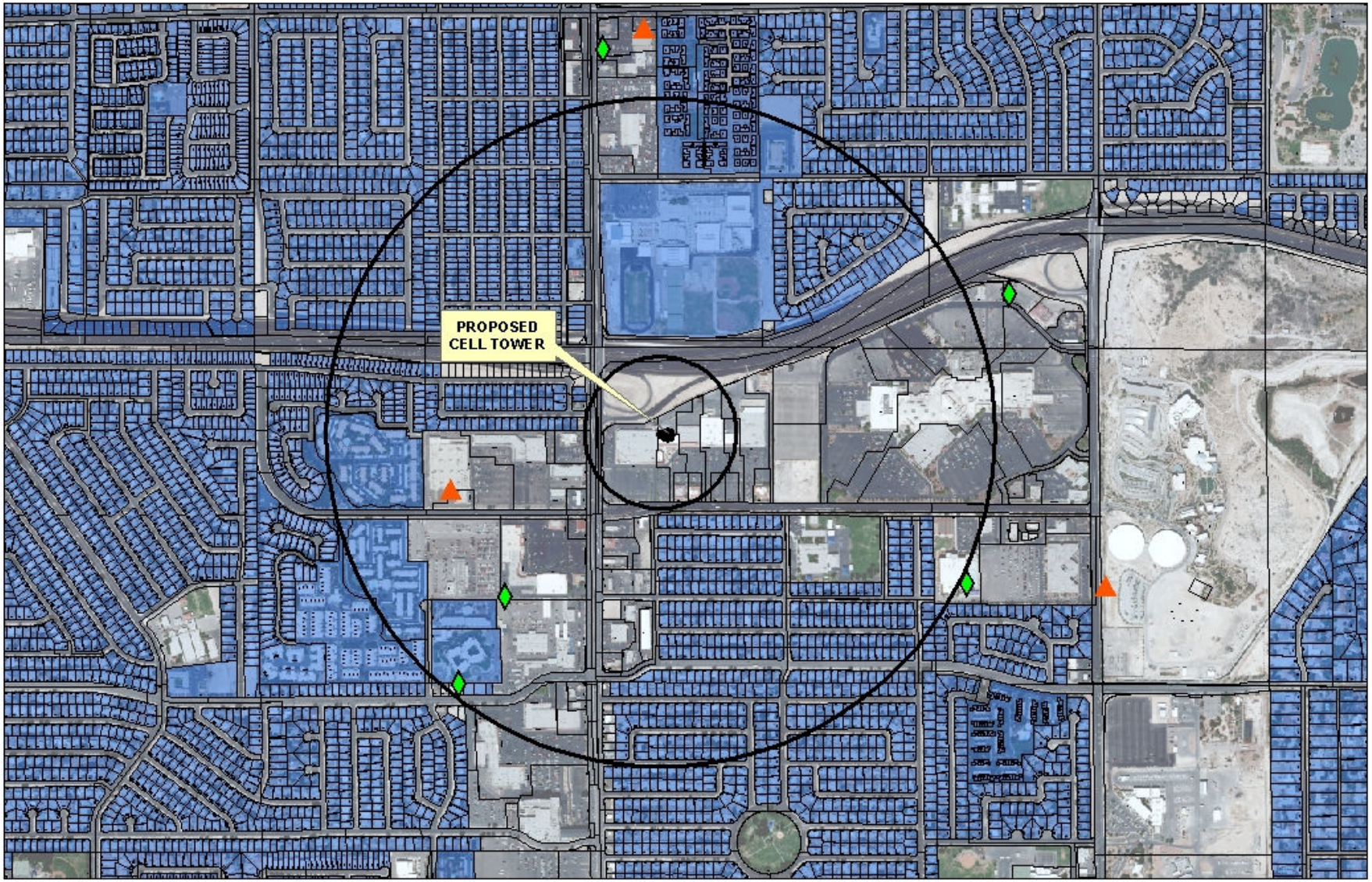
0 400 800 Feet

CASE: **SUP-34016**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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: OCTOBER 7, 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 16, 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

CMX
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

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DRAWING TITLE:

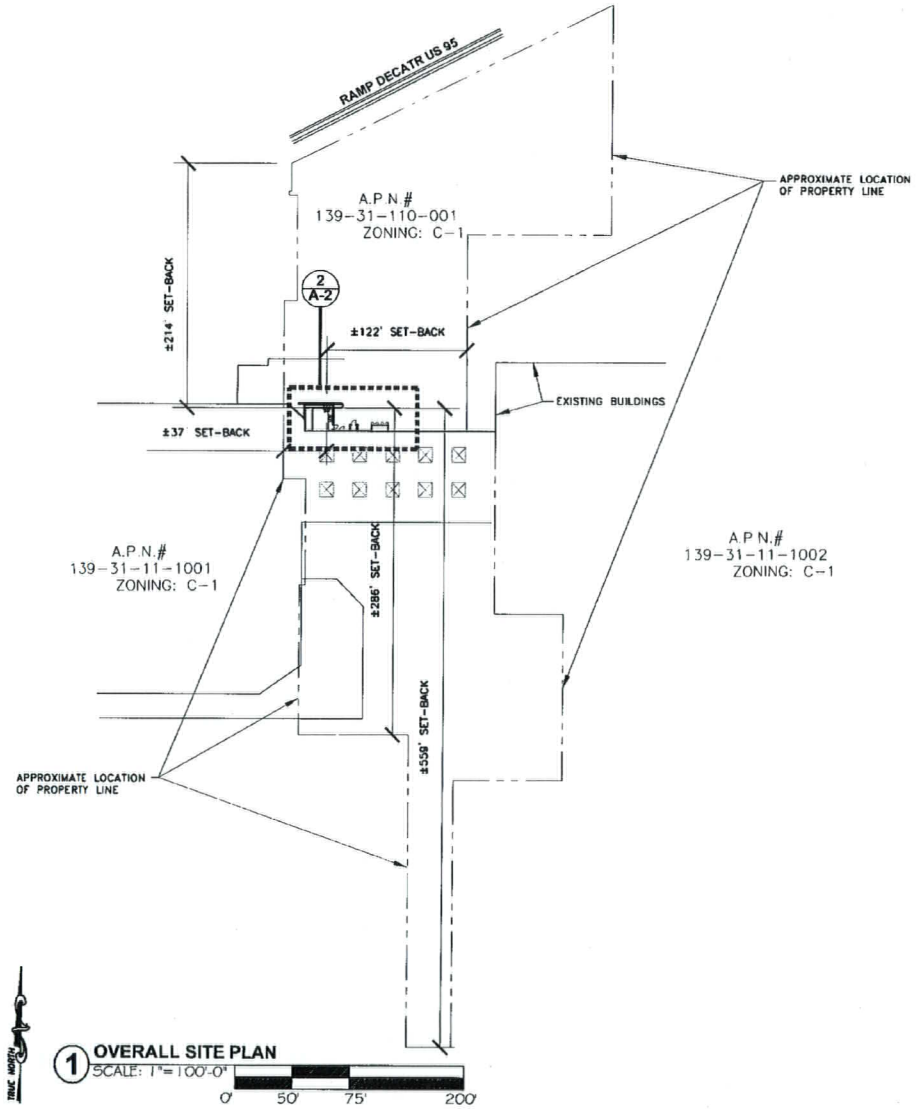
TITLE SHEET

DRAWING SHEET:

T-1

SUP-34016
REVISED
05/14/09 PC

RECEIVED
APR 15 2009



clear Wireless LLC
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 2, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4901 FAX (702) 220-5338
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• NEW YORK • PENNSYLVANIA • TEXAS

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
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1	--	--
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DRAWN BY: BG CHECKED BY: RAB

CMX JOB #: 08056210.2

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DRAWING TITLE:

ENLARGED SITE PLAN

DRAWING SHEET:

A-1

SUP-34016
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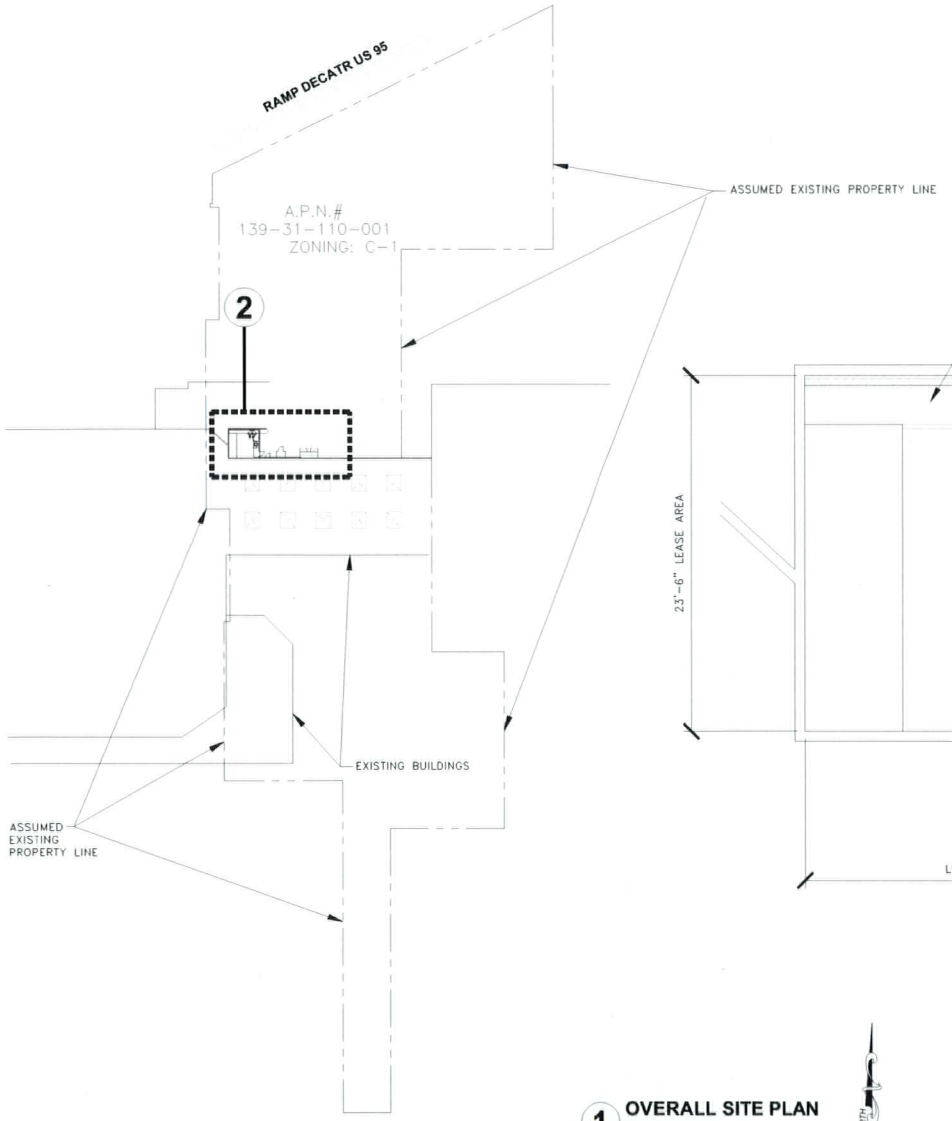
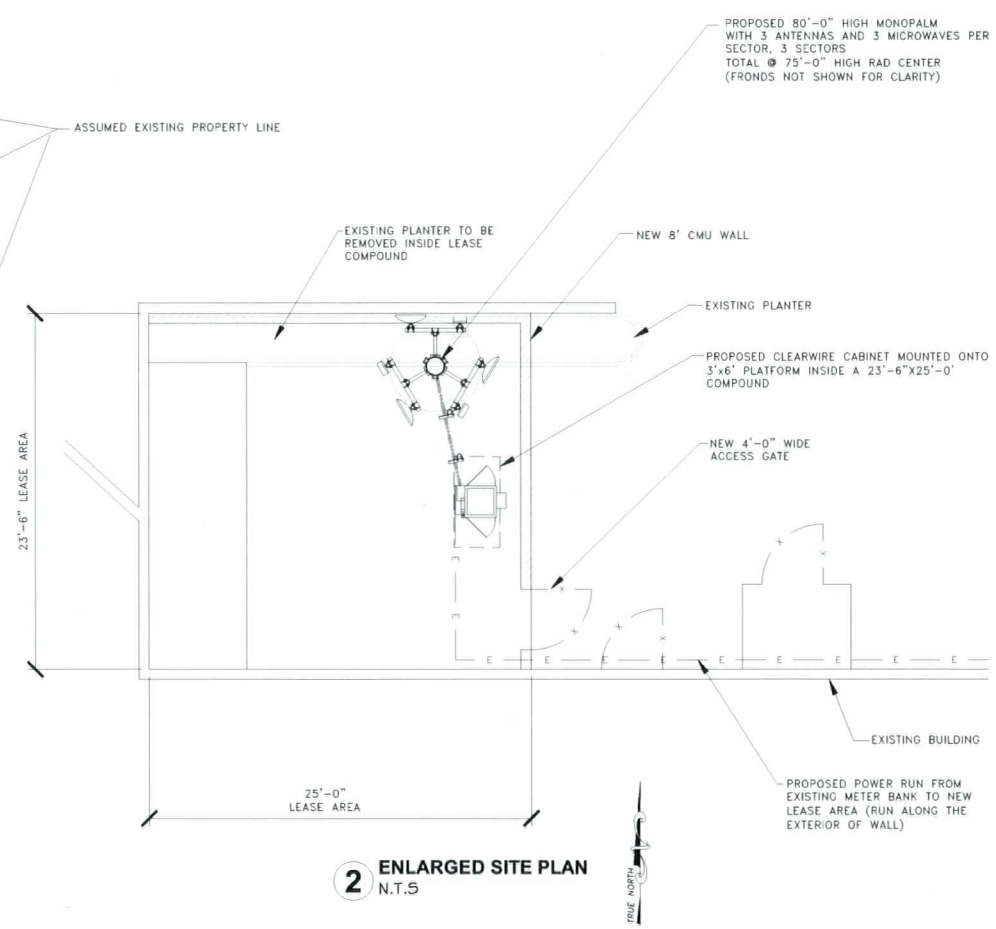
05/14/09 PC

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
A.P.N. # 139-31-110-001

CMX
2200 W SAHARA AVE
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LAS VEGAS, NV 89102
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SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
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1	1/15/09	100% ZONING DRAWINGS
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CMX JOB #: 080562102

ENGINEERING SEAL:

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DRAWING TITLE:

ENLARGED SITE PLAN

DRAWING SHEET:

A-2

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APR 15 2009

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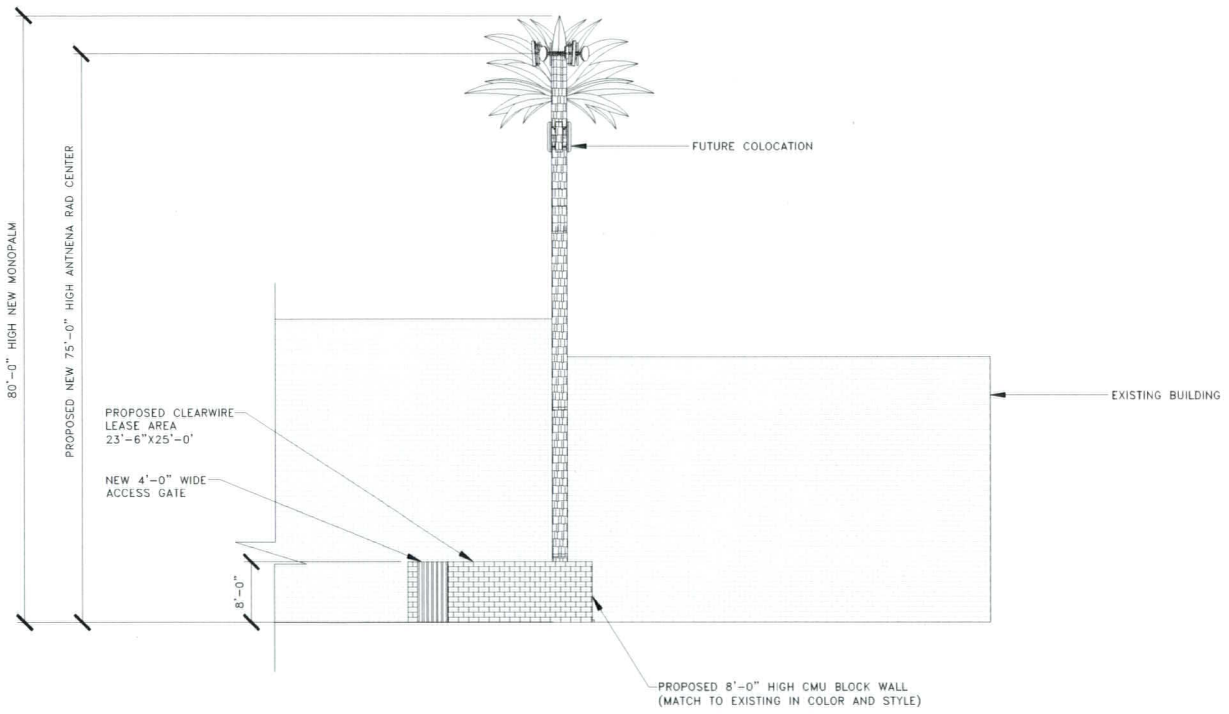
05/14/09 PC



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
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NEW YORK • PENNSYLVANIA • MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
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CMX JOB #: 080562102

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ELEVATION

DRAWING SHEET:

A-3

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APR 15 2009

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

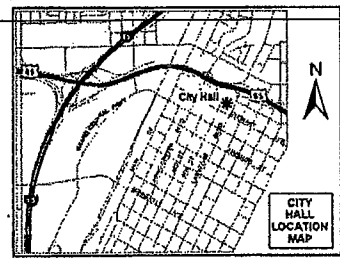
SUP-34016

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

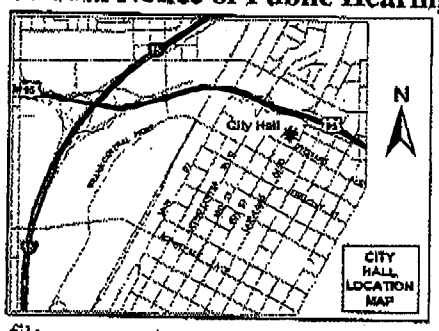
6/10/09 pm 164

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

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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

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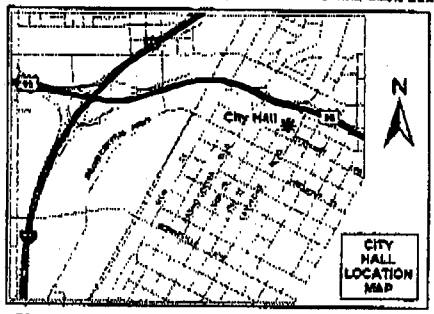
Return Service Requested
Official Notice of Public Hearing



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

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

RECEIVED
CITY CLERK

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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JUN 05 2009
MAILED FROM ZIP CODE 89101

2009 JUN -9 A 10:44

Return Service Requested
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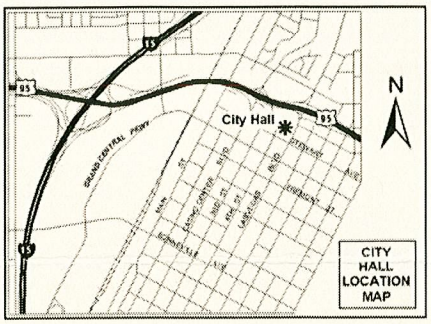

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

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

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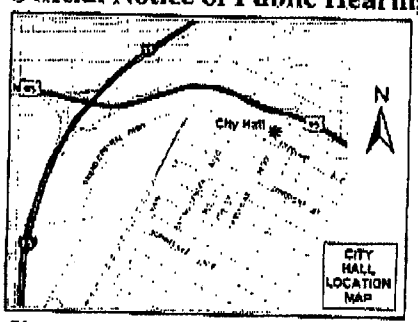
MAILED FROM ZIP CODE 891

Return Service Requested
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

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UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 89101

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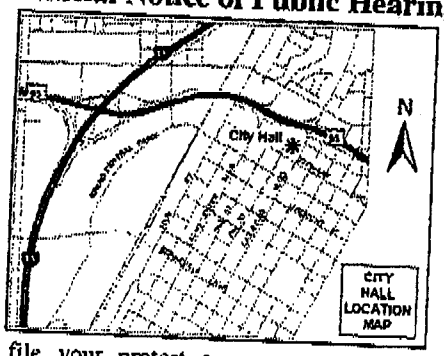
Official Notice of Public Hearing



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

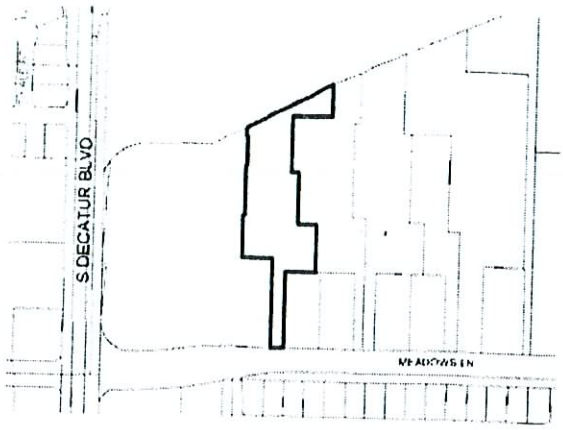
Date 5/11/09 Item 13P

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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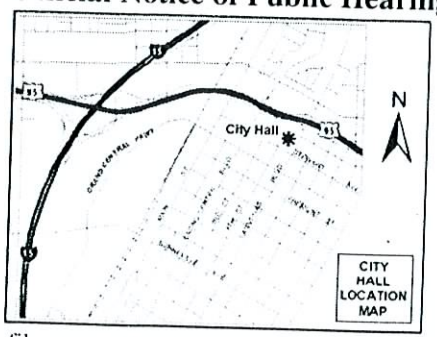

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☐ I SUPPORT this Request

☒ 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

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MAILED FROM ZIPCODE 89101

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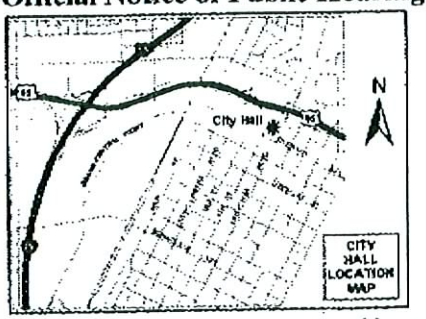
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

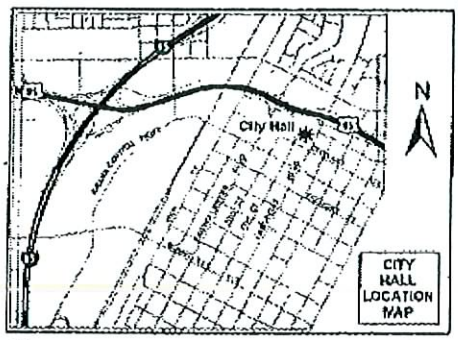
RECEIVED
MAY 05 2009

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.: **124.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

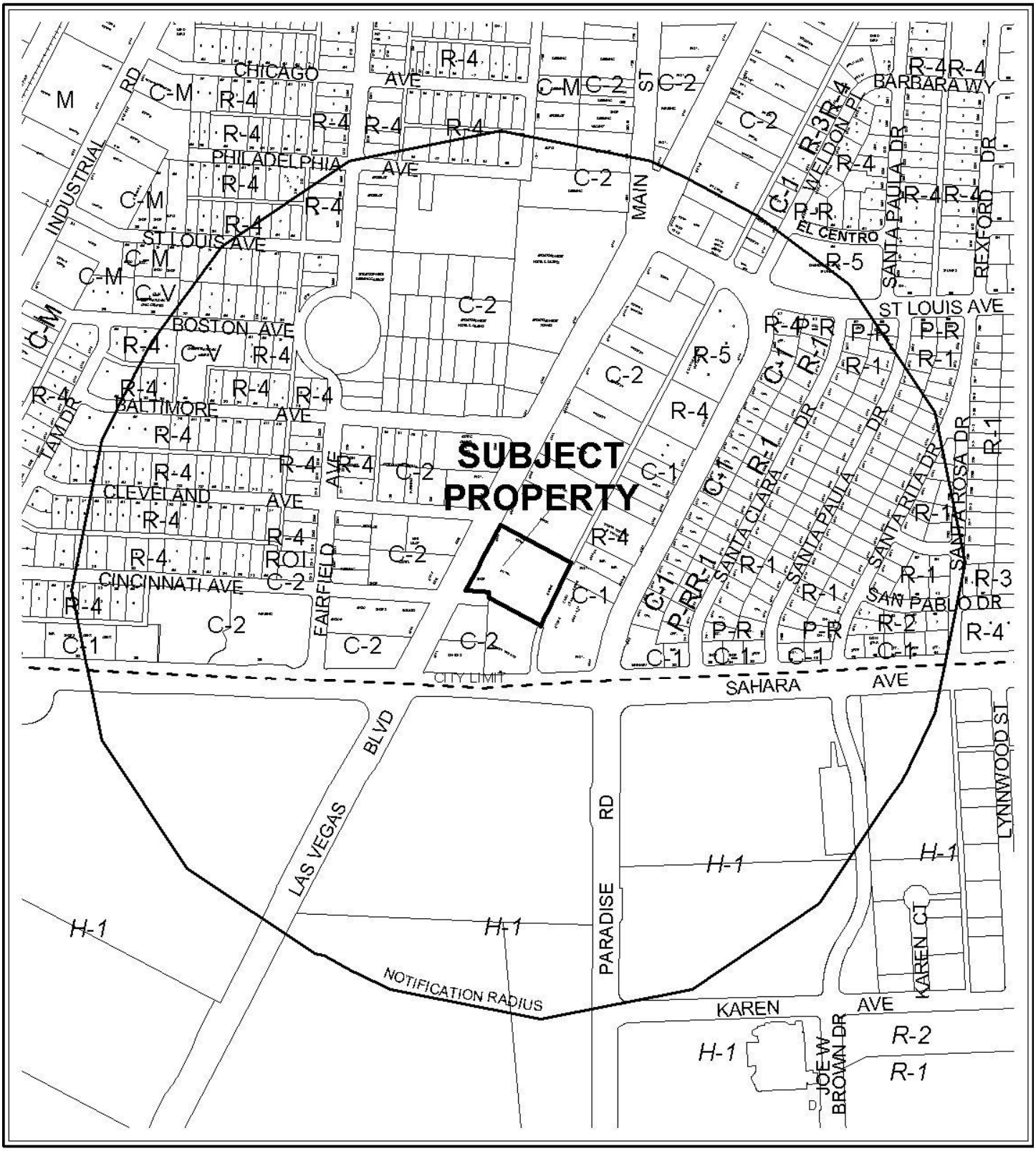
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34859 – ABEYANCE ITEM - 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	**3**	**City Council Meeting**	**4**

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. Protest/Support Postcards
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)

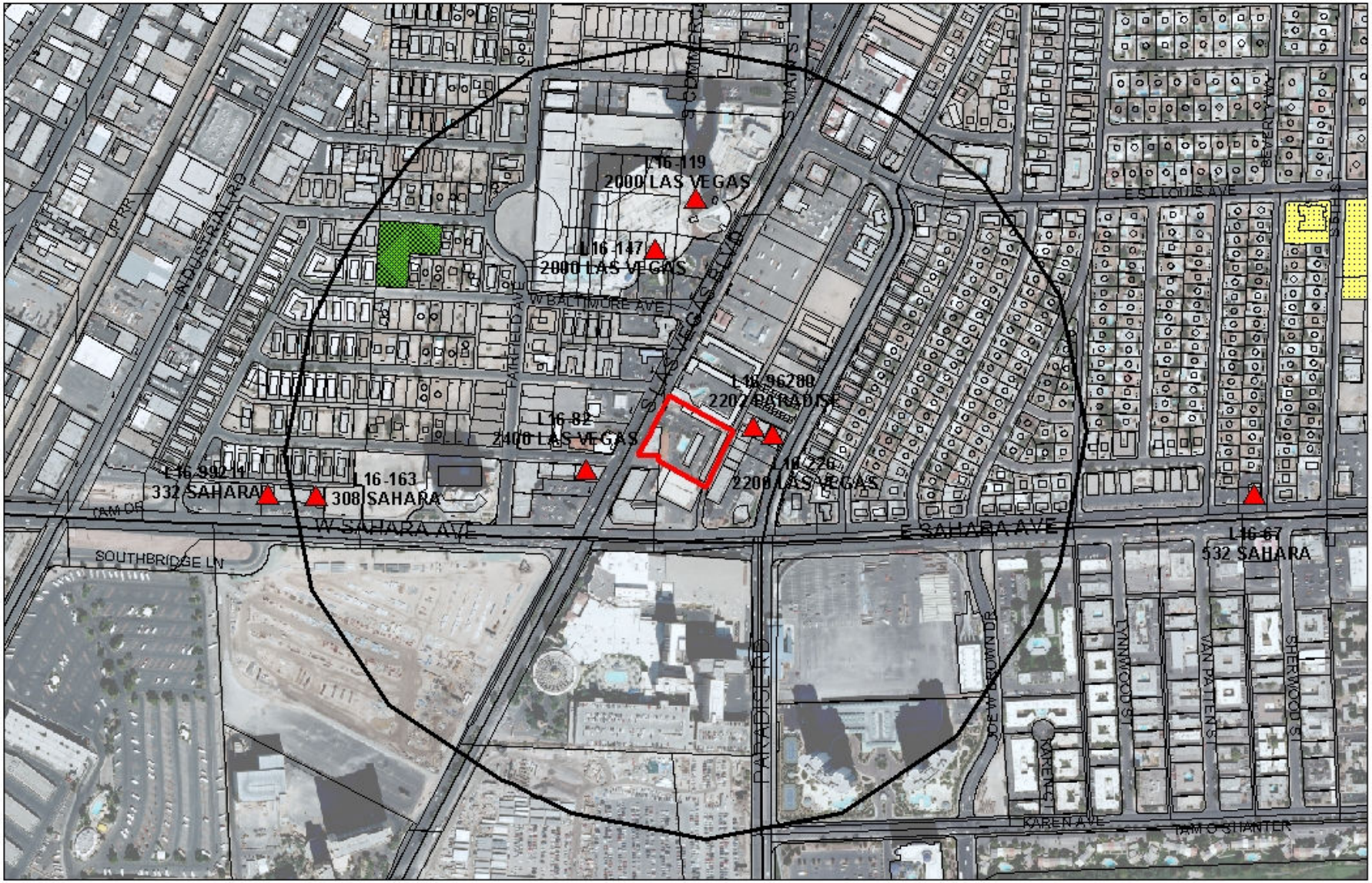


0 400 800 Feet

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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

** 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

f:\depot\Application Packet\Statement of Financial Interest.doc

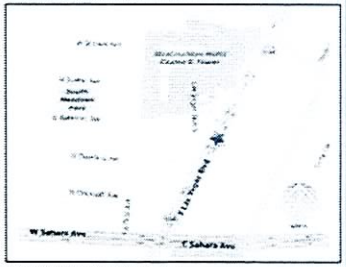


1 AS1.01 **ENLARGED SITE PLAN** SCALE: 1:250

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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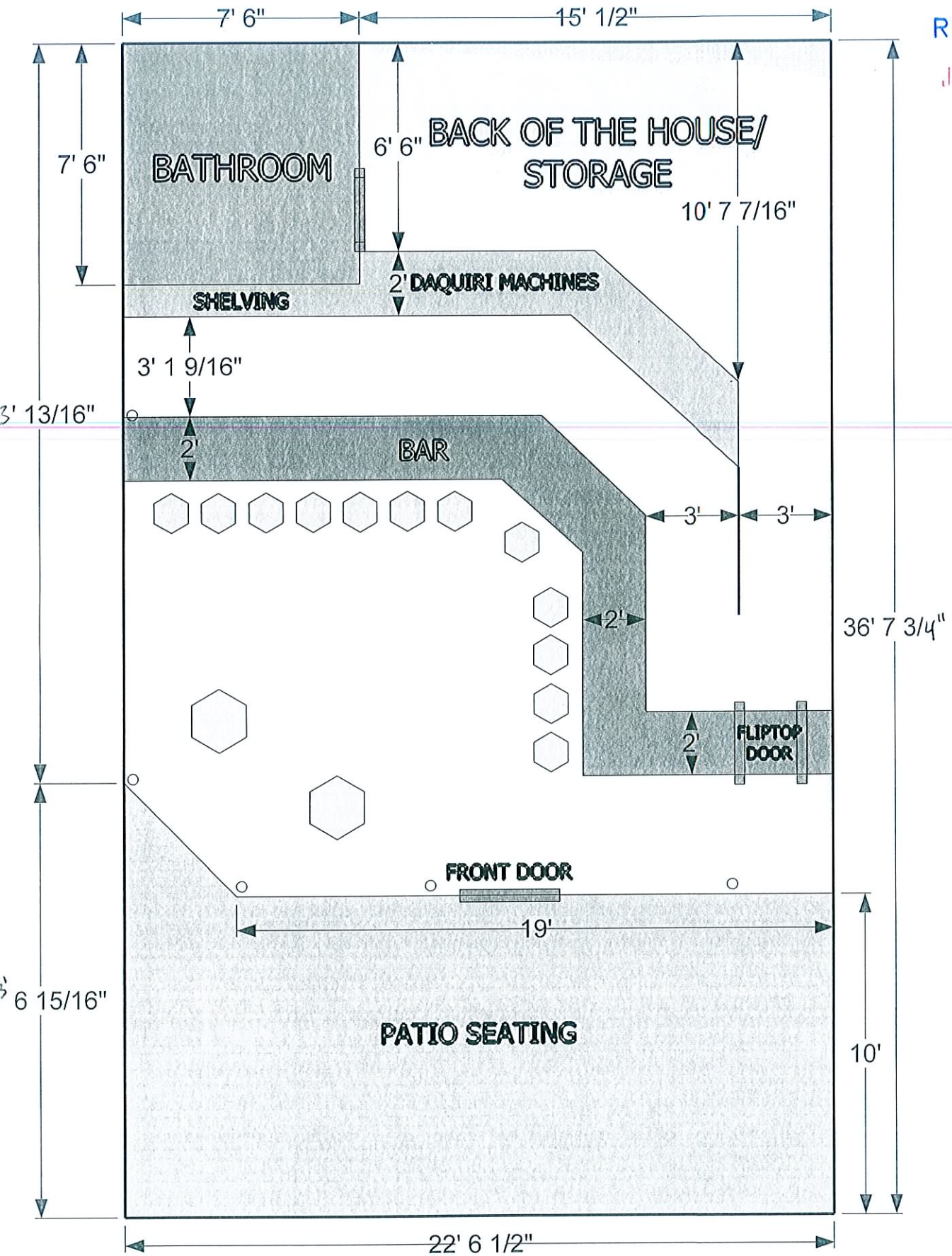
JUL 17 2009

SUP-34859
REVISED
08/13/09 PC



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JUN 10 2009

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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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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08/13/09 PC

Cornerstone Company
Commercial Real Estate Services

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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

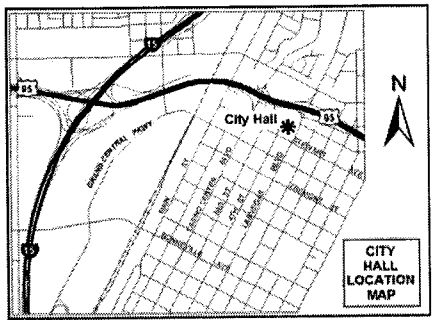
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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.

SUP-34859
Planning Commission Meeting of 8/13/2009

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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

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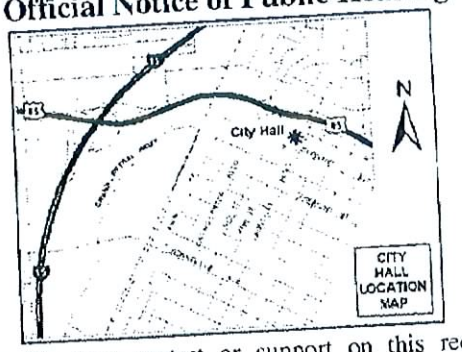

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Planning Commission Meeting of 8/13/2009

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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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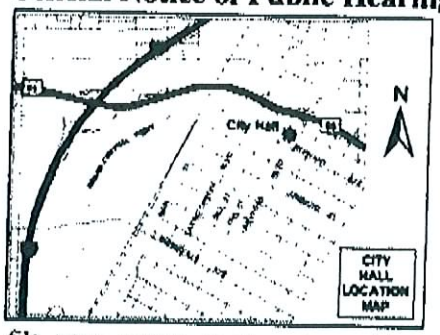

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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Planning Commission Meeting of 8/13/2009

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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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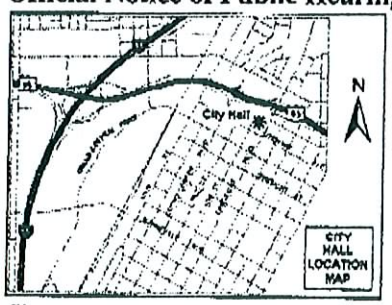

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16210114305 Case: SUP-34859
DELPRINCIPE ROBERT M
2777 PARADISE ARD #2204
LAS VEGAS NV 89109-0400

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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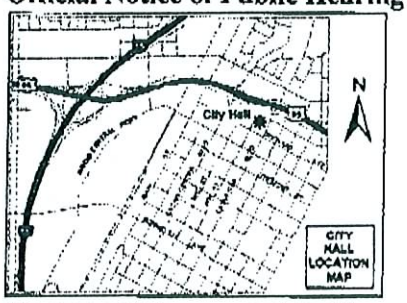

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Case: SUP-34859
16210114550
TYRE R & C LIVING TRUST
2777 PARADISE RD #3602
LAS VEGAS NV 89109-0403

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Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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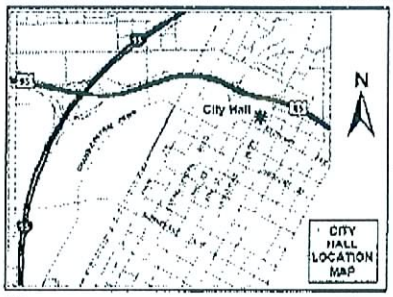

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

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

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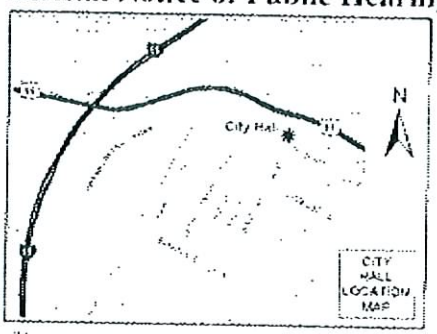
Official Notice of Public Hearing



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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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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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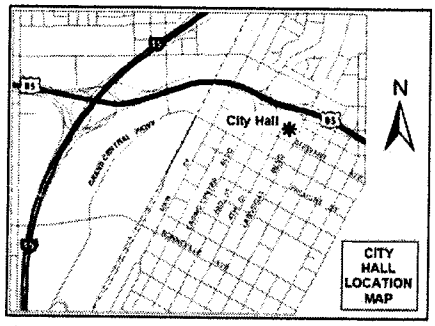

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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.: **125.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

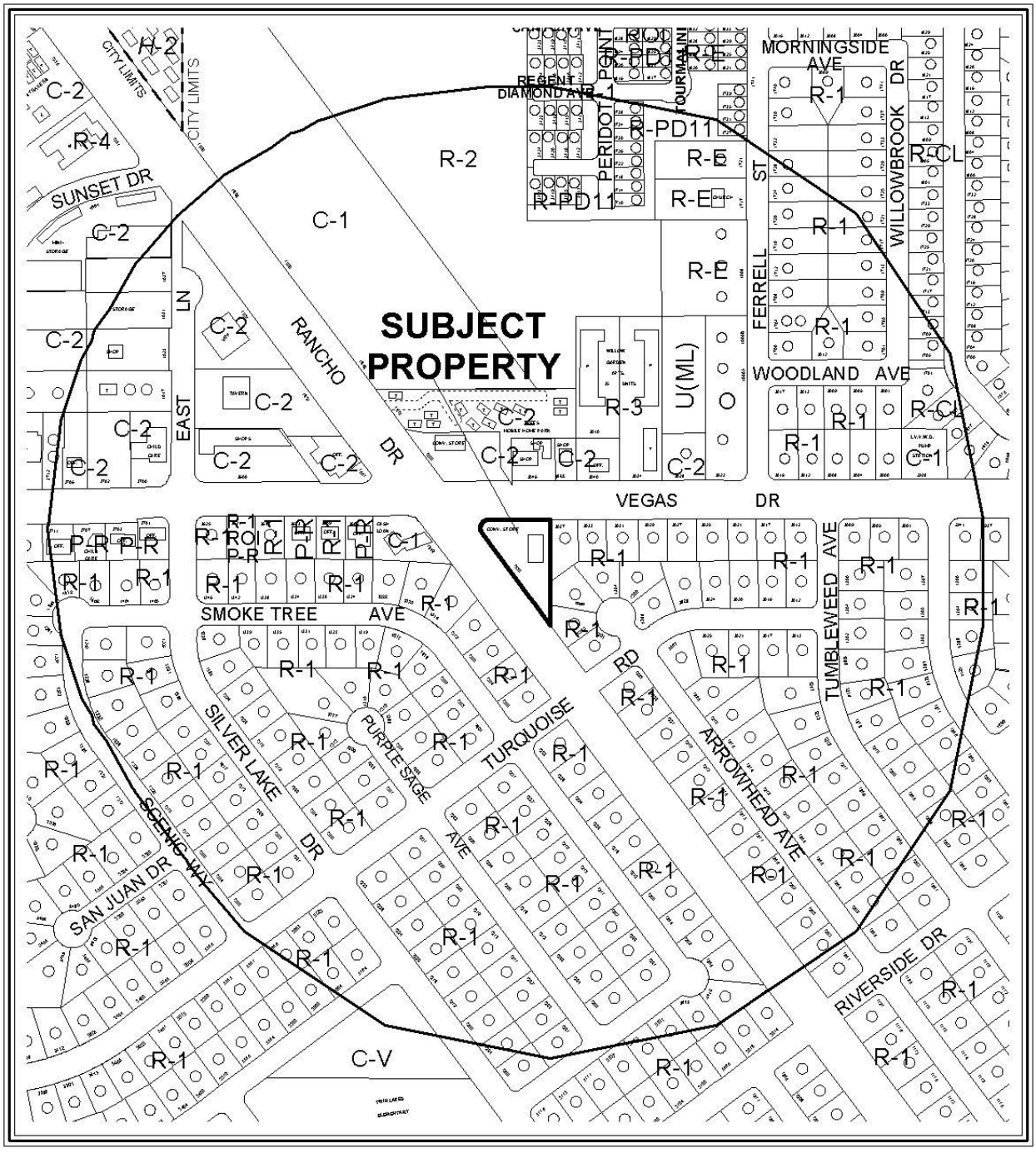
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35347 – ABEYANCE ITEM - 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	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

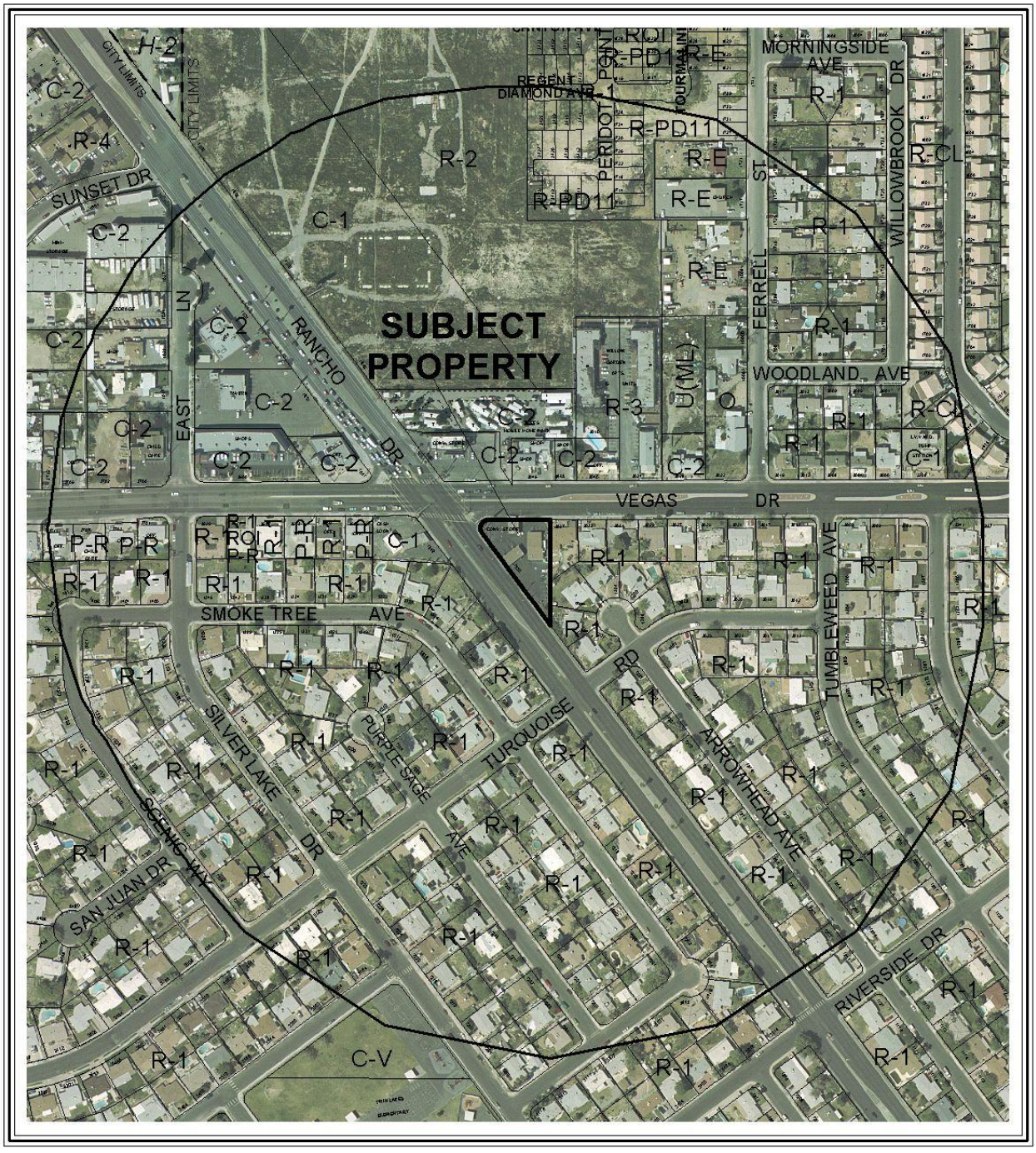
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-31367
6. Planning Department Approval Letter for SDR-33534
7. Protest Postcard



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: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35347 – REQUIRED REVIEW – SPECIAL USE PERMIT-
APPLICANT/OWNER: MARIO PENA PENA

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** 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

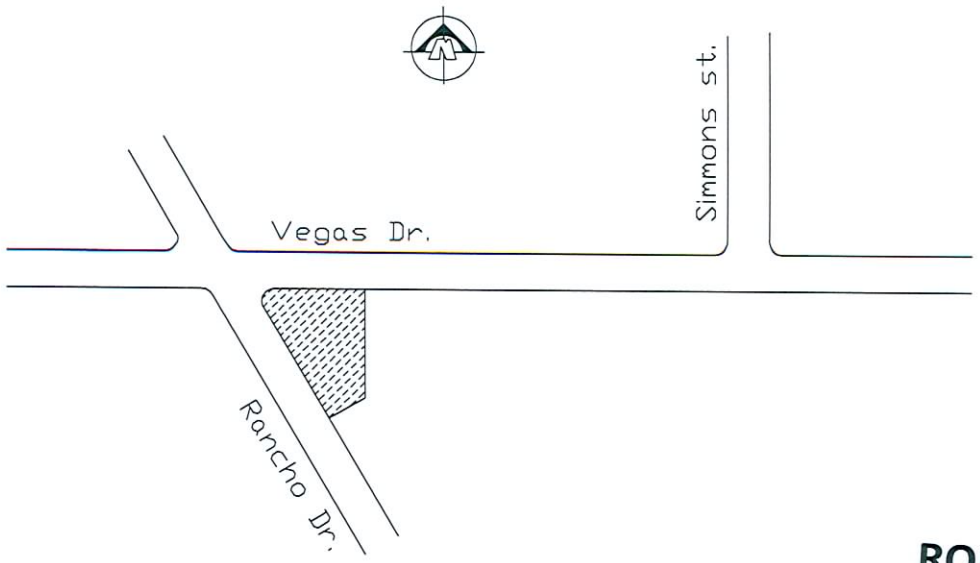
GENERAL INFORMATION .

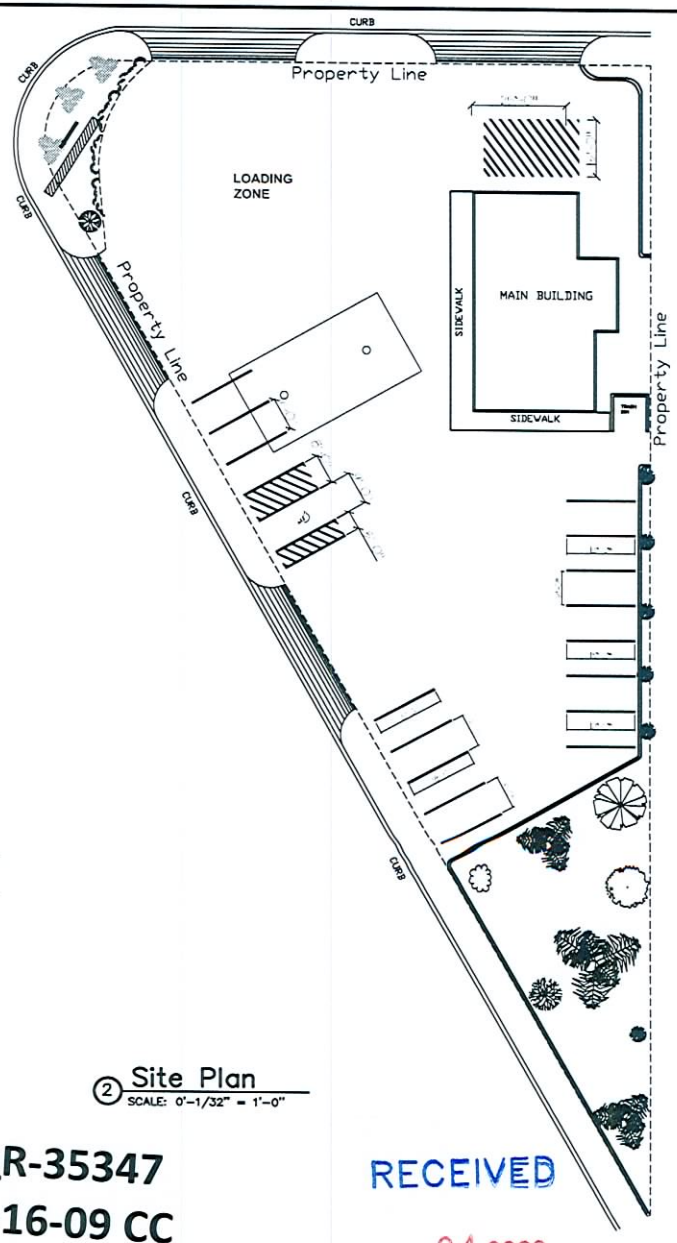
OWNER:
MARIO PENA
1550 N. RANCHO DR.
LAS VEGAS, NEVADA 89106

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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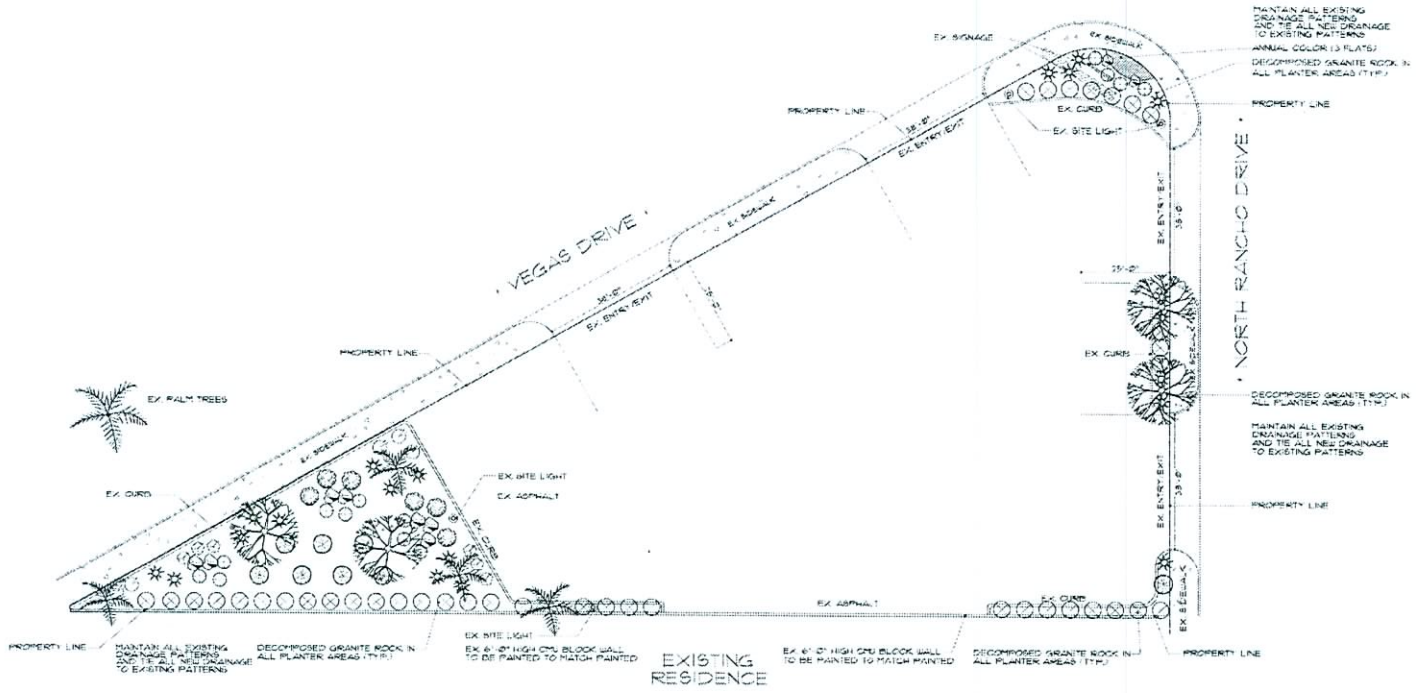
09-16-09 CC

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

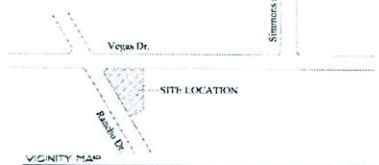
SYM.	QTY.	SIZE	SCIENTIFIC NAME	COMMON NAME
TREES				
	4	24" Box	Prosopis chilensis	Chilean mesquite (Multi-trunk)
SHRUBS				
	5	5 Gal	Cassia artemisioides	Feathery cassia
	20	5 Gal	Dasylirion wheeleri	Desert spoon
	13	5 Gal	Hesperaloe parviflora	Red yucca
	36	5 Gal	Leucophyllum sp.	Green texas rangers (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 TO 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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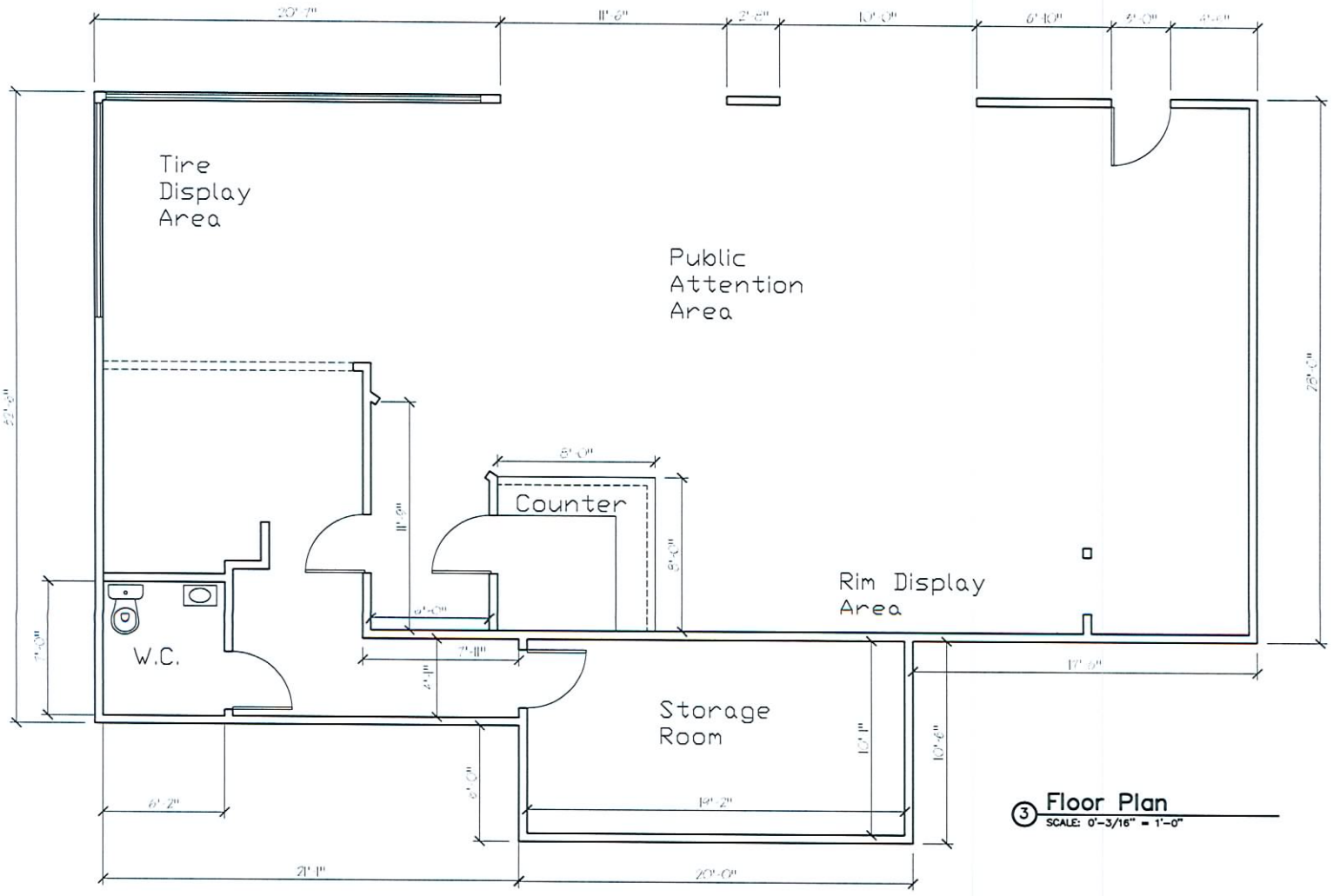

③ Floor Plan
SCALE: 0'-3/16" = 1'-0"

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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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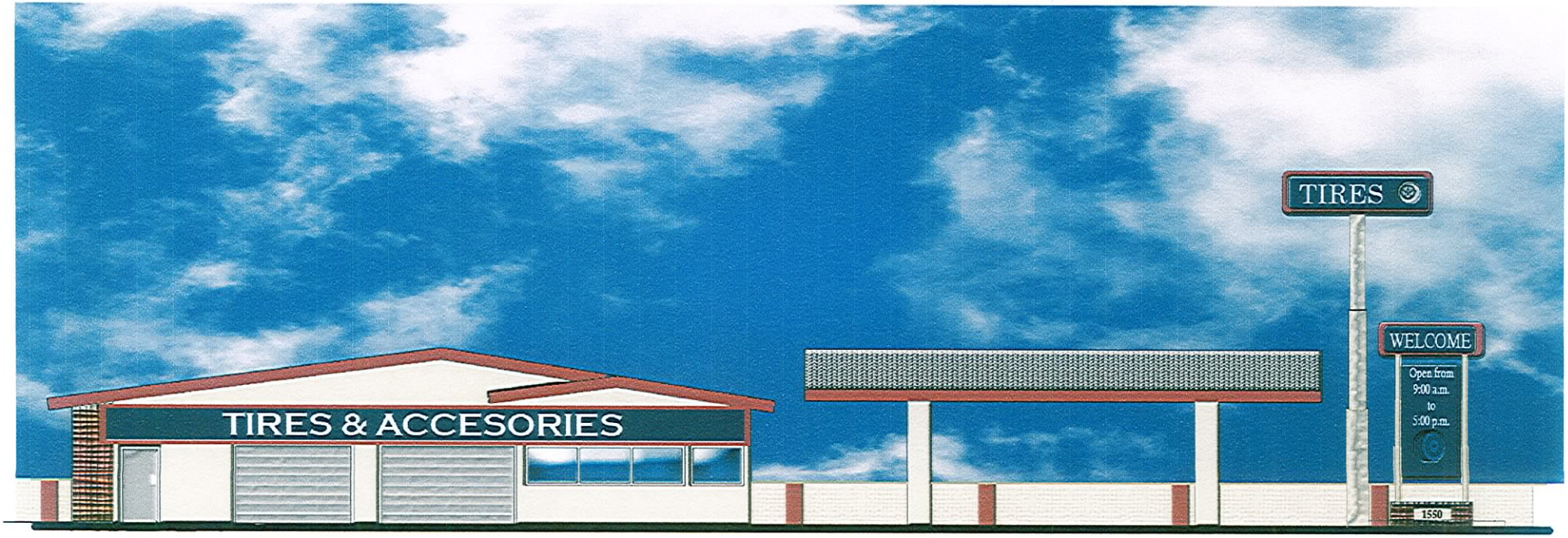
RQR-35347
09-16-09 CC

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
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JUL 24 2009

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.***

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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.

RECEIVED
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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JUL 24 2009

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09-16-09 CC

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 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
TTY 702.386.9108
www.lasvegasnevada.gov

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JUL 24 2009

RQR-35347
09-16-09 CC

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

RQR-35347
09-16-09 CC

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JUL 24 2009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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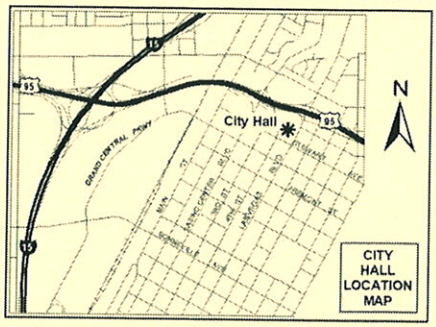

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-35347
City Council Meeting of **09/16/2009**

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Case: RQR-35347

13929111035
SCHAMAUN PERRY J & MARIE LIV TR
3107 ARROW PL
LAS VEGAS NV 89108-1001

Submitted after final agenda
Date 9/9/09 Item 84

GAVOS11 A310A

Application Information

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).

NO - NO - NO - Rancho Dr. is an extremely busy Drive as well as Vegas Drive, I also feel it would create more accidents on this busy intersection, as well as an eye sore. We do not need Repair Shops on this busy corner, enough of this! Thank You

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 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.

We have a repair Stop on Washington & Rancho - No More

City of Las Vegas Agenda Item No.: **126.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

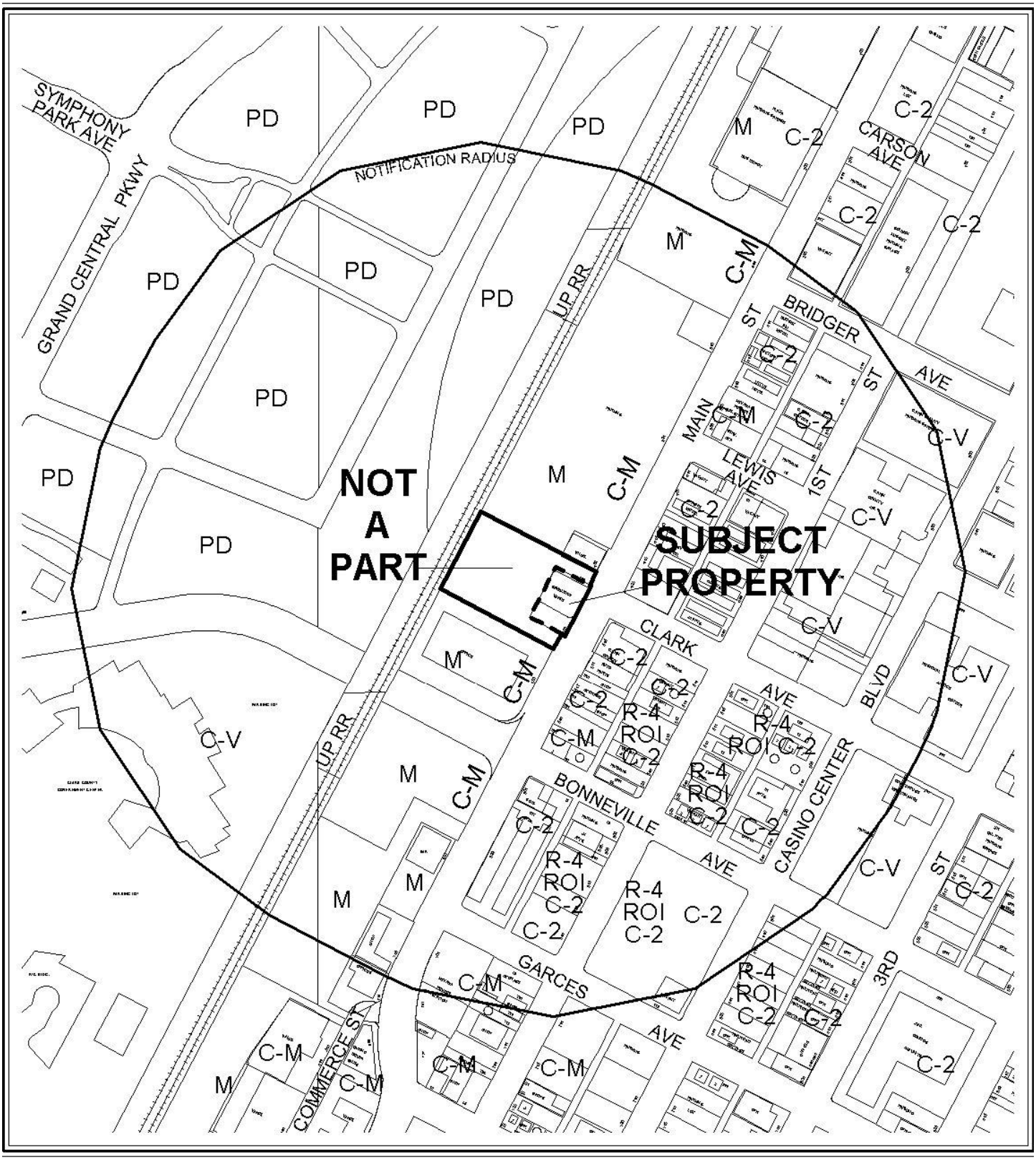
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-35382 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-M (COMMERCIAL/INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.39 acres at 500 South Main Street (APN 139-34-201-009), Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0 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. Support Postcard
7. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 9



0 400 800 Feet

CASE: **ZON-35382**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



0 400 800 Feet

CASE: **ZON-35382**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-35382 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to Rezone the subject parcel from C-M (Commercial/Industrial) to C-2 (General Commercial) on 0.39 acres at 500 South Main Street. If denied, the subject parcel would remain incompatible with the current land use designation. Also, the related Site Development Plan Review (SDR-35417) would not be permitted on the subject site. The proposed Rezoning to a C-2 (General Commercial) district will allow consistency with the existing General Plan designation of C (Commercial), therefore; staff is recommending approval of the subject Rezoning application.

Issues:

- Approval of the subject Rezoning and the associated Rezoning (ZON-35383) from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial) is required to approve the related Site Development Plan Review (SDR-35417).
- The Rezoning will allow compliance with the current land use designation of C (Commercial).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard. The Planning Commission and staff recommend approval of the request.
08/01/91	A deed was recorded for a change of ownership at 500 South Main Street.
10/28/99	The Planning Commission approved Site Development Plan Review (SD-0028-99) for a proposed 30,000 square foot two-story office building, C-M (Commercial/Industrial), M (Industrial) Zone, on 3.50 Acres on property located adjacent to the northwest corner of the intersection of Main Street and Bonneville Avenue.
01/12/04	A deed was recorded for a change of ownership at 400 South Main Street.
12/10/07	A Code Enforcement citation (#60486) was issued for business conducted on a vacant parcel at 500 South Main Street. Code Enforcement closed the case on 01/10/08.

02/18/09	The City Council approved a General Plan Amendment (GPA-32130) request to amend the trail alignment maps of the Master Plan Transportation Trails and Recreation Trails Elements to revise trail alignments. The Planning Commission and staff recommended approval of the request.
04/07/09	A Code Enforcement citation (#76531) was issued for razor wire, storage container, trucks with signage, lighting and parking on a dirt lot at 500 South Main Street. Code Enforcement closed the case on 04/15/09.
04/21/09	A Code Enforcement citation (#77366) was issued for illegal signage at 500 South Main Street. Code Enforcement closed the case on 05/06/09.
09/10/09	The Planning Commission recommended approval of companion items ZON-35383 and SDR-35417 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #9/bts).
Related Building Permits/Business Licenses	
11/18/91	A Building Permit (#91126487) was issued for a remodel at 500 South Main Street. The permit expired on 11/18/92.
01/08/92	A Building Permit (#92132230) was issued for a re-roof at 500 South Main Street. The permit expired on 11/18/92.
11/10/94	A Business License (M06-00468) was issued for Miscellaneous Sales at 500 South Main Street. The license was marked out of business on 07/04/06.
11/05/06	A Business License (R05-00517) was issued for Restaurant-Take Out Only at 500 South Main Street. The license was marked out of business on 04/23/09.
11/05/06	A Business License (S20-00493) was issued for Secondhand Dealer Class 1-A at 500 South Main Street. The license was marked out of business on 06/10/09.
06/04/09	A Business License (D02-00100) was issued for Distressed Merchandise Sale at 500 South Main Street. The license was marked out of business on 06/10/09.
Pre-Application Meeting	
A pre-application meeting was done internally, as the applicant is the City of Las Vegas.	
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 identified the following items: • The subject site contained an existing building with associated parking surrounded by a larger undeveloped parcel.

Details of Application Request	
Site Area	
Net Acres	0.39 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail and Vacant	C (Commercial)	C-M (Commercial/Industrial)
North	Warehouse and Parking Lot	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
South	Office	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
East	Office/Retail/Motel	C (Commercial)	C-M (Commercial/Industrial) and C-2 (General Commercial)
West	Undeveloped [Approved Site Development Plan Review (SDR-32128) and Site Development Plan Review (SDR-16267)]	MXU (Mixed Use)	PD (Planned Development)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan – (Office Core)	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District – (Office Core)	X		N
A-O Airport Overlay District – (200-Foot)	X		Y
Live/Work Overlay District	X		N/A
Trails - (Multi-Use Non-Equestrian Trail) and (Tortoise 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 a Rezoning request to change the subject site's zoning designation of C-M (Commercial/Industrial) to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use Developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors.

The C-2 (General Commercial) district is consistent with the existing C (Commercial) General Plan designation, which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

The proposed Rezoning from C-M (Commercial/Industrial) to C-2 (General Commercial) would allow for consistency with the C (Commercial) General Plan land use designation. The Rezoning would allow for compatibility with the C-2 (General Commercial) zoning districts to the north and east of the subject site, therefore; staff is recommending approval the subject Rezoning application.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed Rezoning from a C-M (Commercial/Industrial) and M (Industrial) district to a C-2 (General Commercial) district will allow conformance to the C (Commercial) land use designation.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. These uses are compatible with adjacent developments in the Downtown Las Vegas area.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The proposed Rezoning is appropriate due to the continuing redevelopment of Downtown Las Vegas area as the regional center for finance, business, governmental services, entertainment, recreation and gaming.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   Access to the site is provided from Main Street a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Main Street is adequate in size for the proposed parking structure.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 38 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON 35382 APN: 139-34-201-009

Name of Property Owner: Michael Vlaovich FOR CITY OF LAS VEGAS

Name of Applicant: Michael Vlaovich FOR CITY OF LAS VEGAS

Name of Representative: Michael Vlaovich FOR CITY OF LAS VEGAS

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: MICHAEL J. VLAOVICH

Subscribed and sworn before me

This 27th day of July, 2009

Rosana G. Cogle

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 93-27148-1
My Appt. Expires May 16, 2010

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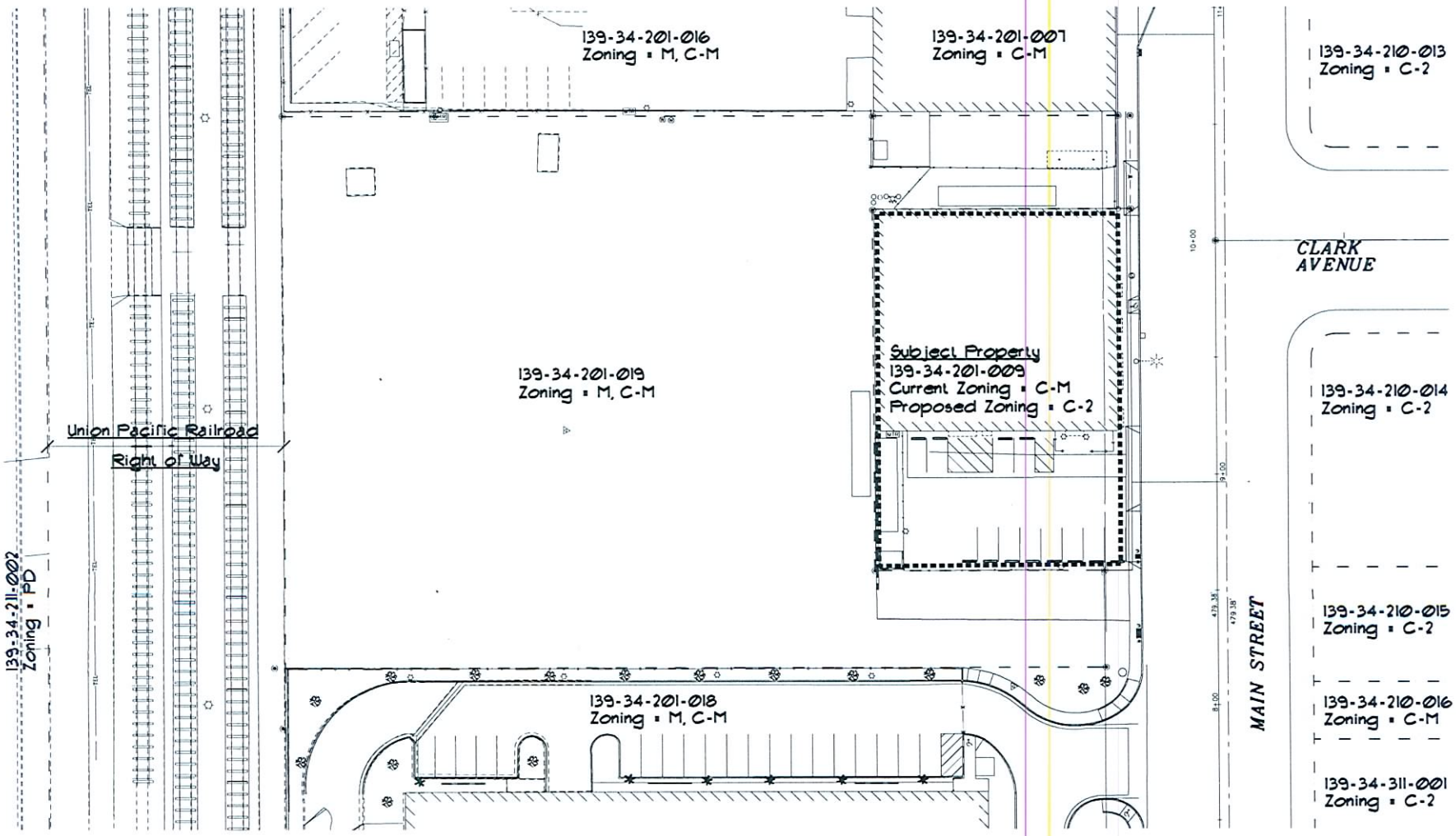

500 South Main Street Rezoning Site Plan

Scale: 1" = 40'

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JUL 28 2009

ZON-35382
09/10/09 PC

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

500 South Main Street
APN # 134-34-201-009
Rezoning

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

DATE: July 2009

A-1



ZON-35382 - APPLICANT/OWNER: CITY OF LAS VEGAS
500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35382 - APPLICANT/OWNER: CITY OF LAS VEGAS
500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35382 - APPLICANT/OWNER: CITY OF LAS VEGAS
500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35382 - APPLICANT/OWNER: CITY OF LAS VEGAS
500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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

JORGE CERVANTES
PUBLIC WORKS DIRECTOR

July 30, 2009 (Revised August 12, 2009)

City of Las Vegas
Department of Planning and Development
731 S. Fourth St.
Las Vegas, NV 89101

Attn: Current Planning:

Re: Justification Letter
Site Development Review – Existing 400/500 S. Main Street
A.P.N. 139-34-201-019 & 139-34-201-009, Approximately 1.92 acres

The applicant, the City of Las Vegas, intends to construct a parking structure on parcels A.P.N. 139-34-201-019 & 139-34-201-009 in order to provide parking for the proposed new City Hall facility to be located at 495 S. Main Street. This Site Development Review is related to a proposed zoning reclassification of these parcels. The two parcels will be remapped as a single parcel in order to allow construction of the parking structure, upon transfer of ownership of this parcel to the City of Las Vegas. The proposed new zoning classification is C-2.

These parcels are within the Office Core District of the Downtown Centennial Plan. The most recent Planning action related to the development of these parcels was by reference from SDR-31749 (new City Hall Office Building), Conditions of Approval (1-21-2009) reference to off-site parking. Construction of the parking structure is also a condition the City Hall building permit issuance, requiring construction of the garage to be complete prior to issuance of the new City Hall's Certificate of Occupancy.

In support of our application the following is presented:

-Parking structures are a permitted use under the proposed C-2 zoning, as well as the current zoning for these parcels per the City of Las Vegas Zoning Ordianance Chapter 19.04, and complies with and supports the objectives of the General Plan.
-The parking structure will help promote redevelopment of the Office Core District.
-The parking structure will adhere to the requirements of the Office Core District and the Downtown Centennial Special Area Plan.
-The parking structure will enable conditions of SDR-31749 to be met.

A waiver of the Downtown Centennial Plan Development Standards regarding non-compatible exterior walls is requested.

If you have any questions, please contact me at 229-1045.

Michael J. Vlaovich, AIA
Architectural Project Manager, City of Las Vegas Public Works
229-1045 (fax) 464-5701

ZON-35382
09/10/09 PC
REVISED

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

OFFICE 702.229.6535

FAX 702.384.4846

TDD 702.386.9108

www.lasvegasnevada.gov

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09-26-0

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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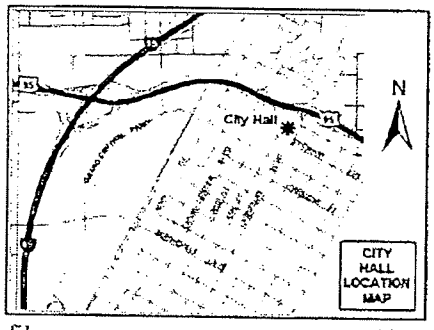

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-35382, ZON-35383 & SDR-35417
City Council Meeting of 10/7/2009

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2009 SEP 28 A 9:37
CITY CLERK

DECARO RUSSIANO
710 S 1ST ST
LAS VEGAS NV 89101-6411

APN#13934310017

GAVDE11 89101

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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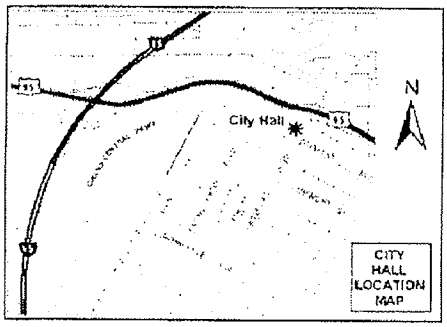
Official Notice of Public Hearing



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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.

Case: RQR-35268

13927401023
MESQUITEWOOD L L C
107 E CHARLESTON
LAS VEGAS NV 89104-1060

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-35382
Planning Commission Meeting of 9/10/2009

FAUST1 89104

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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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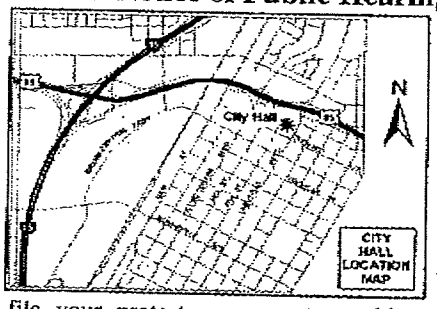
MAILED FROM ZIPCODE 89101

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.

ZON-35382

Planning Commission Meeting of 9/10/2009

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SEP 01 2009

13927401001 Case: RQR-35268
HAYCOCK FAMILY L P
715 W BONANZA RD
LAS VEGAS NV 89106-3230

FAU051 A910E

9A

City of Las Vegas Agenda Item No.: **127.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

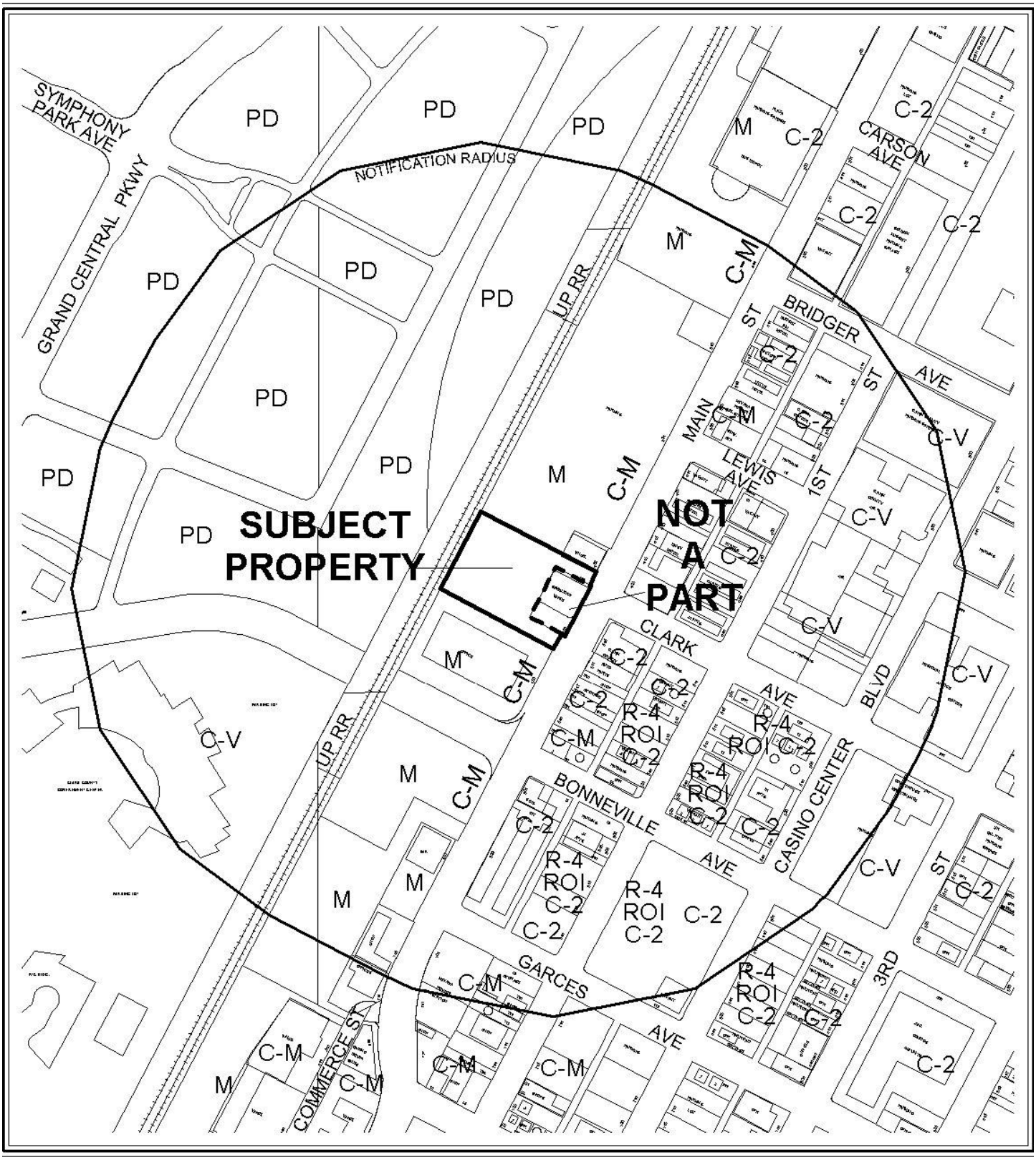
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-35383 - REZONING - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION - Request for a Rezoning FROM: M (INDUSTRIAL) and C-M (COMMERCIAL/INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.56 acres at 400 South Main Street (APN 139-34-201-019), Ward 3 (Reese). The Planning Commission (6-0 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**	**1**

RECOMMENDATION:
The Planning Commission (6-0 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. Support Postcard



0 400 800 Feet

CASE: **ZON-35383**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) AND C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



0 400 800 Feet

CASE: **ZON-35383**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) AND C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-35383 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to Rezone the subject parcel from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial) on 1.56 acres at 400 South Main. The proposed Rezoning is needed as the subject site is split zoned. If denied, the subject parcel would remain split zoned and incompatible with the current land use designation of C (Commercial). Also, the related Site Development Plan Review (SDR-34517) would not be permitted on the subject site. The proposed Rezoning to a C-2 (General Commercial) district will allow consistency with the existing General Plan designation of C (Commercial), therefore; staff is recommending approval of the subject Rezoning application.

Issues:

- Approval of the subject Rezoning and the associated Rezoning (ZON-35382) from C-M (Commercial/Industrial) to C-2 (General Commercial) is required to approve the related Site Development Plan Review (SDR-35417).
- Staff can support the Rezoning for the following reasons;
    - The Rezoning will allow compliance with the current land use designation of C (Commercial).
    - The Rezoning will allow one zoning designation on the subject site where a split zoned parcel currently exists.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
08/01/91	A deed was recorded for a change of ownership at 500 South Main Street.
10/28/99	The Planning Commission approved Site Development Plan Review (SD-0028-99) for a proposed 30,000 square foot two-story office building, C-M (Commercial/Industrial), M (Industrial) Zone, on 3.50 Acres on property located adjacent to the northwest corner of the intersection of Main Street and Bonneville Avenue.
01/12/04	A deed was recorded for a change of ownership at 400 South Main Street.

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04/21/09	A Code Enforcement citation (#77366) was issued for illegal signage at 500 South Main Street. Code Enforcement closed the case on 05/06/09.
09/10/09	The Planning Commission recommended approval of companion items ZON-35383 and SDR-35417 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/bts).
Related Building Permits/Business Licenses	
11/18/91	A Building Permit (#91126487) was issued for a remodel at 500 South Main Street. The permit expired on 11/18/92.
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06/04/09	A Business License (D02-00100) was issued for Distressed Merchandise Sale at 500 South Main Street. The license was marked out of business on 06/10/09.
Pre-Application Meeting	
A pre-application meeting was done internally, as the applicant is the City of Las Vegas.	
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 identified the following items: • The subject site contained an existing building with associated parking surrounded by a larger undeveloped parcel.

Details of Application Request	
Site Area	
Net Acres	1.56 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail and Vacant	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
North	Warehouse and Parking Lot	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
South	Office	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
East	Office/Retail/Motel	C (Commercial)	C-M (Commercial/Industrial) and C-2 (General Commercial)
West	Undeveloped [Approved Site Development Plan Review (SDR-32128) and Site Development Plan Review (SDR-16267)]	MXU (Mixed Use)	PD (Planned Development)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan – (Office Core)	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District – (Office Core)	X		N
A-O Airport Overlay District – (200-Foot)	X		Y
Live/Work Overlay District	X		N/A
Trails – (Multi-Use Non-Equestrian Trail) and (Tortoise 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 a Rezoning request to change the subject site's split zoning designation of C-M (Commercial/Industrial) and M (Industrial) to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use Developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors.

The C-2 (General Commercial) district is consistent with the existing C (Commercial) General Plan designation, which allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

The proposed Rezoning from C-M (Commercial/Industrial) and M (Industrial) to C-2 (General Commercial) would allow for consistency with the C (Commercial) General Plan land use designation. The Rezoning would allow for compatibility with the C-2 (General Commercial) zoning districts to the north and east of the subject site, therefore; staff is recommending approval the subject Rezoning application.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed Rezoning from a C-M (Commercial/Industrial) and M (Industrial) district to a C-2 (General Commercial) district will allow conformance to the C (Commercial) land use designation.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. These uses are compatible with adjacent developments in the Downtown Las Vegas area.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The proposed Rezoning is appropriate due to the continuing redevelopment of Downtown Las Vegas area as the regional center for finance, business, governmental services, entertainment, recreation and gaming.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   Access to the site is provided from Main Street a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Main Street is adequate in size for the proposed parking structure.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 38 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON 35383 APN: 139-34-201-019

Name of Property Owner: Jacob L. Snow FOR REGIONAL TRANSPORTATION COMMISSION

Name of Applicant: Michael Vlaovich FOR CITY OF LAS VEGAS

Name of Representative: Michael Vlaovich FOR CITY OF LAS VEGAS

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: Jacob L. Snow

Print Name: Jacob L. Snow

Subscribed and sworn before me

This 27th day of July, 2007

Shondra Summers-Armstrong

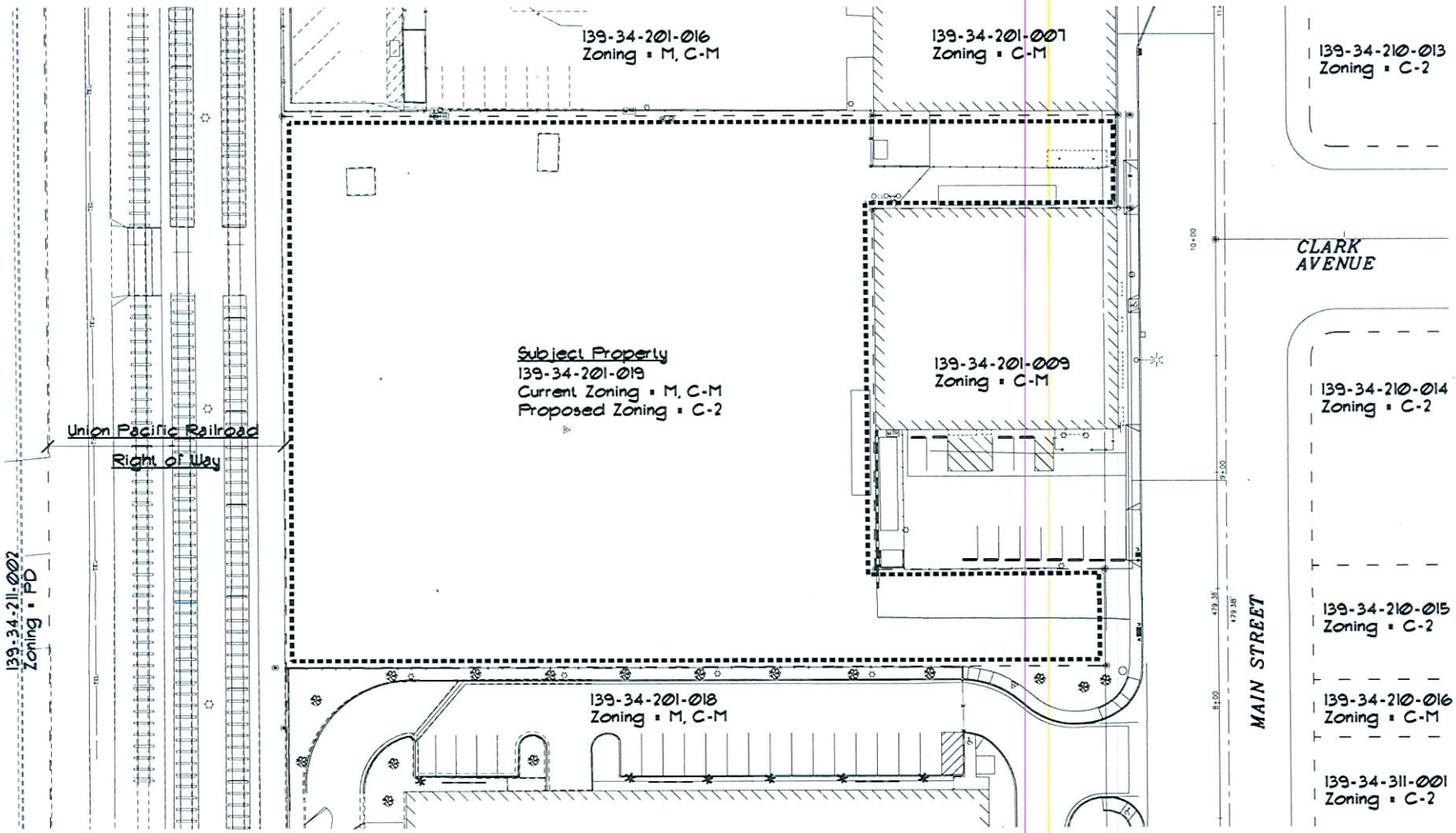
Notary Public in and for said County and State

SHONDRA SUMMERS-ARMSTRONG
Notary Public State of Nevada
No. 94-3347-1
My appt. exp. Apr. 18, 2010

RECEIVED

JUL 28 2009

RECEIVED
JUL 2 8 2009



400 South Main Street Rezoning Site Plan

Scale: 1" = 40'

DEPARTMENT OF PUBLIC WORKS

400 South Main Street
APN# 134-34-201-019
Rezoning

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

A-1

ZON-35383
09/10/09 PC



ZON-35383 - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION
400 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35383 - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION
400 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35383 - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION
400 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



ZON-35383 - APPLICANT: CITY OF LAS VEGAS - OWNER: REGIONAL TRANSPORTATION COMMISSION
400 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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

JORGE CERVANTES
PUBLIC WORKS DIRECTOR

July 30, 2009 (Revised August 12, 2009)

City of Las Vegas
Department of Planning and Development
731 S. Fourth St.
Las Vegas, NV 89101

Attn: Current Planning:

Re: Justification Letter
Site Development Review – Existing 400/500 S. Main Street
A.P.N. 139-34-201-019 & 139-34-201-009, Approximately 1.92 acres

The applicant, the City of Las Vegas, intends to construct a parking structure on parcels A.P.N. 139-34-201-019 & 139-34-201-009 in order to provide parking for the proposed new City Hall facility to be located at 495 S. Main Street. This Site Development Review is related to a proposed zoning reclassification of these parcels. The two parcels will be remapped as a single parcel in order to allow construction of the parking structure, upon transfer of ownership of this parcel to the City of Las Vegas. The proposed new zoning classification is C-2.

These parcels are within the Office Core District of the Downtown Centennial Plan. The most recent Planning action related to the development of these parcels was by reference from SDR-31749 (new City Hall Office Building), Conditions of Approval (1-21-2009) reference to off-site parking. Construction of the parking structure is also a condition the City Hall building permit issuance, requiring construction of the garage to be complete prior to issuance of the new City Hall's Certificate of Occupancy.

In support of our application the following is presented:

-Parking structures are a permitted use under the proposed C-2 zoning, as well as the current zoning for these parcels per the City of Las Vegas Zoning Ordianance Chapter 19.04, and complies with and supports the objectives of the General Plan.
-The parking structure will help promote redevelopment of the Office Core District.
-The parking structure will adhere to the requirements of the Office Core District and the Downtown Centennial Special Area Plan.
-The parking structure will enable conditions of SDR-31749 to be met.

A waiver of the Downtown Centennial Plan Development Standards regarding non-compatible exterior walls is requested.

If you have any questions, please contact me at 229-1045.

Michael J. Vlaovich, AIA
Architectural Project Manager, City of Las Vegas Public Works
229-1045 (fax) 464-5701

ZON-35383
09/10/09 PC
REVISED

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

OFFICE 702.229.6535

FAX 702.384.4846

TDD 702.386.9108

www.lasvegasnevada.gov

P.1/1
TO: 7023824803
7028938790
SEP-28-2009 09:35A FROM:

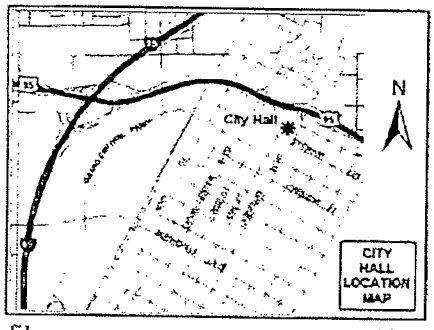
09-26-0

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 25 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 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.

ZON-35382, ZON-35383 & SDR-35417
City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 28 A 9:37
CITY CLERK

DECARO RUSSIANO
710 S 1ST ST
LAS VEGAS NV 89101-6411

APN#13934310017

GAVDE11 89101

City of Las Vegas Agenda Item No.: **128.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-35417 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-35382 AND ZON-35383 - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION - Request for a Site Development Plan Review FOR A PROPOSED 310,000 SQUARE-FOOT PARKING GARAGE WITH 675 SPACES AND 4,430 SQUARE FEET OF RETAIL WITH A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN DEVELOPMENT STANDARDS REGARDING NON-COMPATIBLE EXTERIOR WALLS on 1.95 acres at 400 and 500 South Main Street (APNs 139-34-201-009 and 019), M (INDUSTRIAL) Zone and C-M (COMMERCIAL/INDUSTRIAL) Zone [Proposed: C-2 (GENERAL COMMERCIAL) Zone], Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL

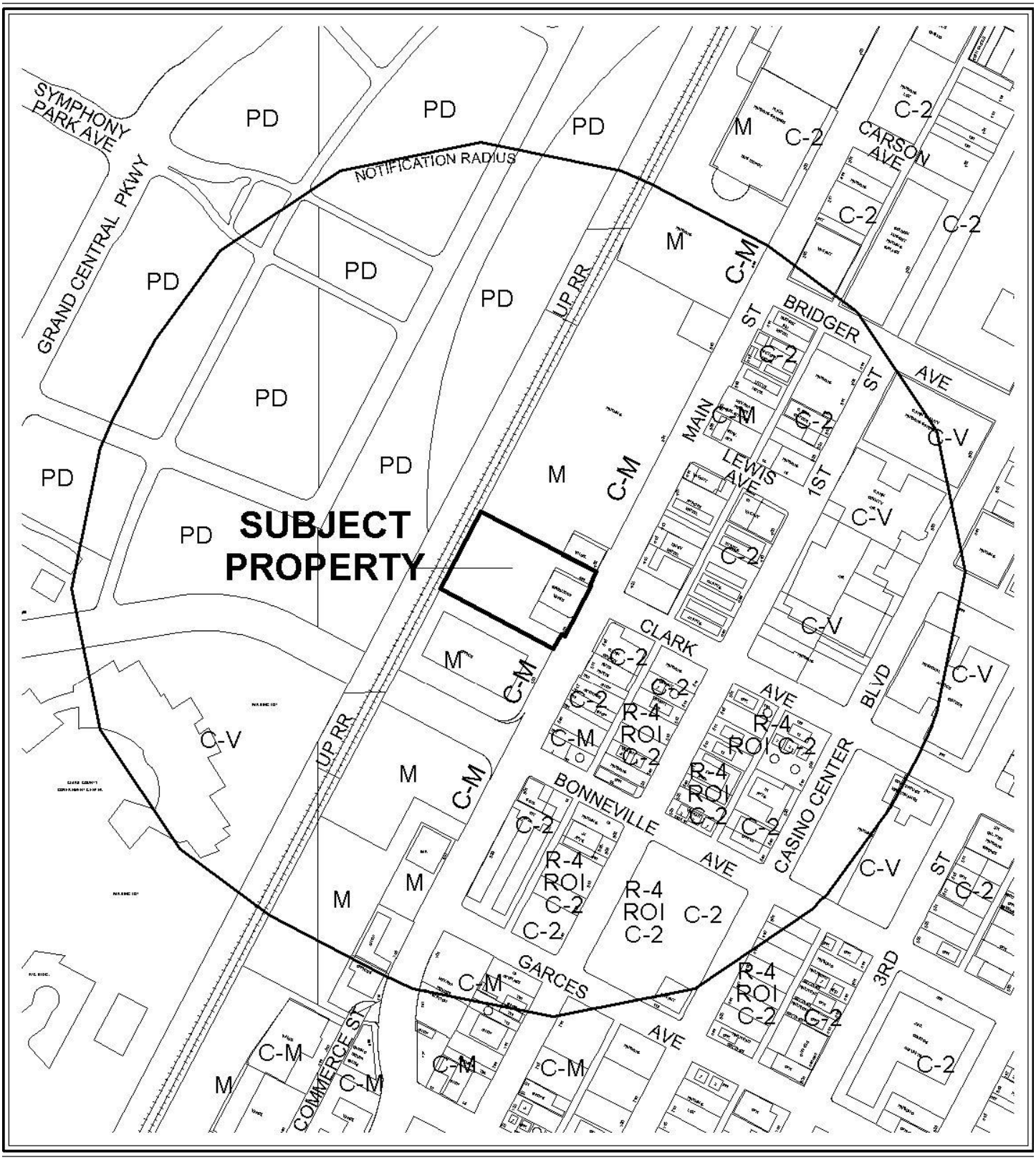
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:

The Planning Commission (6-0 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



0 400 800 Feet

CASE: **SDR-35417**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) AND C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



0 400 800 Feet

CASE: **SDR-35417**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL) AND C-M (COMMERCIAL/INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
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N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35417 - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION

** CONDITIONS **

The Planning Commission (6-0 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 07/31/09, except as amended by conditions herein, with a minimum 3,500 square feet of retail.

3. A Waiver from the Downtown Centennial Plan Development Standards is hereby approved to allow the Parking Structure to contain no architectural compatibility with adjacent buildings where parking structures shall be designed as a part of the architectural form of the primary and/or surrounding buildings.

4. The applicant shall work with City staff to determine the most appropriate mapping action necessary to consolidate all existing parcels. The mapping action shall be completed and recorded prior to issuance of any building permits.

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. Revised elevations shall be submitted and approved through a Minor Site Development Plan Review.

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 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.

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. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.

17. Dedicate an additional 5 feet of right-of-way for a total half-street width of 45 feet on Main Street adjacent to Assessor Parcel Number #139-34-201-009 and dedicate a taper in accordance with standard drawing #201.1 to connect the existing right turn lane to the proposed dedication prior to the issuance of any permits.

18. Construct all incomplete half-street improvements on Main Street to meet Downtown Centennial standards adjacent to this site concurrent with development of this site.

19. Remove all substandard public street improvements and unused driveway cuts on Main Street adjacent to this site concurrent with development, if any, and replace with new improvements meeting current City Standards.

20. Extend public sewer in Main Street to the north edge of this site concurrent with development of this site, unless otherwise allowed by the City Engineer. Contact the Collection System Planning section of the Department of Public Works to discuss sewer lateral relocation requirements.

21. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

22. Landscape and maintain all unimproved right-of-way, if any, on Main Street 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.

23. 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 or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

24. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-35282, ZON-35283 and all other applicable site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 675 space, 310,000 square-foot Parking Structure with 4,430 square feet of retail space on 1.95 acres at 400 and 500 South Main Street. The proposed development is generally found to be consistent with all development standards and streetscape standards associated with the Downtown Centennial Plan with the exception of the requested Waiver. If denied, the proposed parking structure could not be built on the subject site. Also, the related Rezoning (ZON-35382) and (ZON-38383) applications would remain split zoned and incompatible with the current land use designation of C (Commercial). The proposed parking facilities will satisfy the parking requirements of the proposed City Hall, which is to be located east of the subject site. The current design of the parking structure fails to meet the Downtown Centennial Plan requirements, which requires that parking structures to be designed to be consistent with the surrounding buildings. The proposed parking structure fails to comply with the design characteristics of the proposed City Hall; however a Waiver of this requirement has been requested. Minor issues of compliance with development standards can be satisfied through adherence to the proposed conditions of approval; consequently, approval of the application is recommended.

Issues:

- Approval of the related Rezonings (ZON-35382) and (ZON-35383) from both C-M (Commercial/Industrial) and M (Industrial) to C-2 (General Commercial) is required to approve the subject Site Development Plan Review.
- A condition of approval has been added to revise the building elevations through a Minor Site Development Plan Review application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
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Pre-Application Meeting	
A pre-application meeting was done internally, as the applicant is the City of Las Vegas.	
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 identified the following items: • The subject site contained an existing building with associated parking surrounded by a larger undeveloped parcel.

Details of Application Request	
Site Area	
Net Acres	1.95

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail and Vacant	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
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South	Office	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)
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West	Undeveloped [Approved Site Development Plan Review (SDR-32128) and Site Development Plan Review (SDR-16267)]	MXU (Mixed Use)	PD (Planned Development)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan – (Office Core)	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District – (Office Core)	X		N
A-O Airport Overlay District – (200-Foot)	X		Y
Live/Work Overlay District	X		N/A

Trails – (Multi-Use Non-Equestrian Trail) and (Tortoise Trail)	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 the Las Vegas Downtown Centennial Plan, the following development standards apply to the subject proposal:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	1.59 Acres	Y
Min. Lot Width	100 Feet	235 Feet	Y
Min. Setbacks	70% of the first story façade shall align along the front property line	100% along Main Street	Y
Min. Setbacks			
• Front (east – Main Street)	N/A	0 Feet	Y
• Side (north property line)	N/A	10 Feet	Y
• Side (south property line)	N/A	14.5 Feet	Y
• Rear (west property line)	N/A	10.75 Feet	Y
Max. Lot Coverage	N/A	83%	Y
Max. Building Height	N/A	64.9 Feet	Y
Mech. Equipment	Screened	By Condition	By Condition

Title 19.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and parking requirements.

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	*Required*	*Provided*	*Compliance*
Right-of-Way Improvements	All streets shall have a five-foot amenity zone and a 10-foot wide sidewalk	All streets shall have a five-foot amenity zone and a 10-foot wide sidewalk	Y

North-South Streets	Major north-south streets (Main) shall be designed with Deglet-Noor Date Palms or similar type palms as the primary landscape element; min. height of 25 feet and spaced 30' o.c. Southern Live Oak, Shoestring Acacia, African Sumac, Ash and Pistache shade trees may be provided between the palm trees with a height of 15'.	25-foot high Canary Island Date Palm spaced at 30 fete on-center with 48-inch Fan Texas Ash trees.	Y

Pursuant to the Downtown Centennial Plan, the following parking standards apply:

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	
Parking Structure	305,570 SF	N/A	N/A		657	18	
General Retail	4,430 SF	1:175	24	2			
TOTAL	310,00 SF		26		675		Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

Waivers		
Requirement	**Request**	**Staff Recommendation**
Parking Structures shall be designed as a part of the architectural form of the primary and/or surrounding buildings and shall incorporate the same materials, finishes and proportions of the primary building.	Parking Structures to be designed without similar building materials to adjacent buildings.	Approval (By Condition)

ANALYSIS

The applicant is proposing a 310,000 square-foot parking structure, containing 675 total parking spaces with 18 spaces that are handicapped accessible, that is accessed via Main Street. The parking structure also includes; 4,430 square feet of retail space, which is to be located on the ground floor. The proposed parking structure is intended to serve as parking for the future City Hall facility, which is to be located east of the subject site on Main Street.

- **Site Plan**

  Two trails are located adjacent to the west and east sides of the subject site. The Tortoise Trail is located on the east side of the subject site. The applicant has complied with the trail requirement by constructing the required 10-foot sidewalk pursuant to the Downtown Centennial Plan requirements. The west side of the subject site is indicated as a Multi-Use Non-Equestrian Trail adjacent to the Union Pacific Railroad. This trail is not required, as this trail alignment will be removed from the Master Plan through a future General Plan Amendment.

- **Waivers/Elevations**

  The submitted elevations indicate a proposed height of 64.9 feet height with a total of four levels of parking. Each floor is indicated at a height of approximately 12 feet in height. The elevations are indicative of a typical parking structure, which utilizes colored concrete on the exterior of the building. The submitted elevations fail to comply with the Downtown Centennial Plan requirements by being architecturally incompatible with the proposed City Hall facility. Parking structures within the Downtown Centennial Plan are required to be architecturally compatible with adjacent buildings. A Waiver of this requirement has been requested by the applicant. Staff has added a condition of approval to the staff report, which requires that the applicant submit revised building elevations prior to the issuance of building permits, to the satisfaction of the Planning and Development Department.

- **Streetscape Plan/Landscape Plan**

  The landscape plan depicts a 10-foot wide sidewalk and five-foot amenity zone along all street fronts, with the exception for the plaza area as previously noted. The sidewalk treatment shall conform to the Downtown Centennial Plan standards. The proposed trees for the amenity zones conform to the size and spacing requirements listed by the Centennial Plan. Perimeter landscaping is not required for all projects within the Downtown Centennial Plan area. The applicant has provided perimeter landscaping on the north, south and west property lines with Acacia, Crape Myrtle and Chitalpa trees 20 feet on-center.

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 development is compatible, as conditioned, with adjacent and future development and is compatible with uses in the Downtown Centennial Plan 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, and is generally consistent with Title 19 and the Downtown Centennial Plan. A Waiver has been requested by the applicant for the development, but the requested deviations are generally minor in nature and are appropriate based on the proposed use.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The proposed parking garage is accessed from Main Street, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. Main Street will provide adequate access to the parking garage.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials, as conditioned, are appropriate for the area and for the City of Las Vegas. The proposed landscape materials are consistent with the Downtown Centennial Plan Streetscape requirements.

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 parking garage elevations are not harmonious or compatible with adjacent approved developments. A condition of approval has been added to require a Minor Site Development Plan Review to ensure that elevations are compatible and harmonious with adjacent development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed parking garage will be subject to final Building and Safety and Planning and Development inspections; therefore this development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #2 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 38 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-35417** APN: 139-34-201-009

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas

Name of Representative: Michael Vlaovich FOR CITY OF LAS VEGAS

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: MICHAEL J. VLAOVICH

Subscribed and sworn before me

This 31st day of July, 2009

Rosana G. Cogle

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 99-27148-1
My Appt. Expires May 16, 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-35417** APN: 139-34-201-019

Name of Property Owner: Jacob L. Snow FOR REGIONAL TRANSPORTATION COMMISSION

Name of Applicant: Michael Vlaovich FOR CITY OF LAS VEGAS

Name of Representative: Michael Vlaovich FOR CITY OF LAS VEGAS

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: Jacob L. Snow

Print Name: Jacob L. Snow

Subscribed and sworn before me

This 3rd day of August, 2009

Shondra Summers-Armstrong

Notary Public in and for said County and State

SHONDRA SUMMERS-ARMSTRONG
Notary Public State of Nevada
No. 94-3347-1
My appt. exp. Apr. 18, 2010

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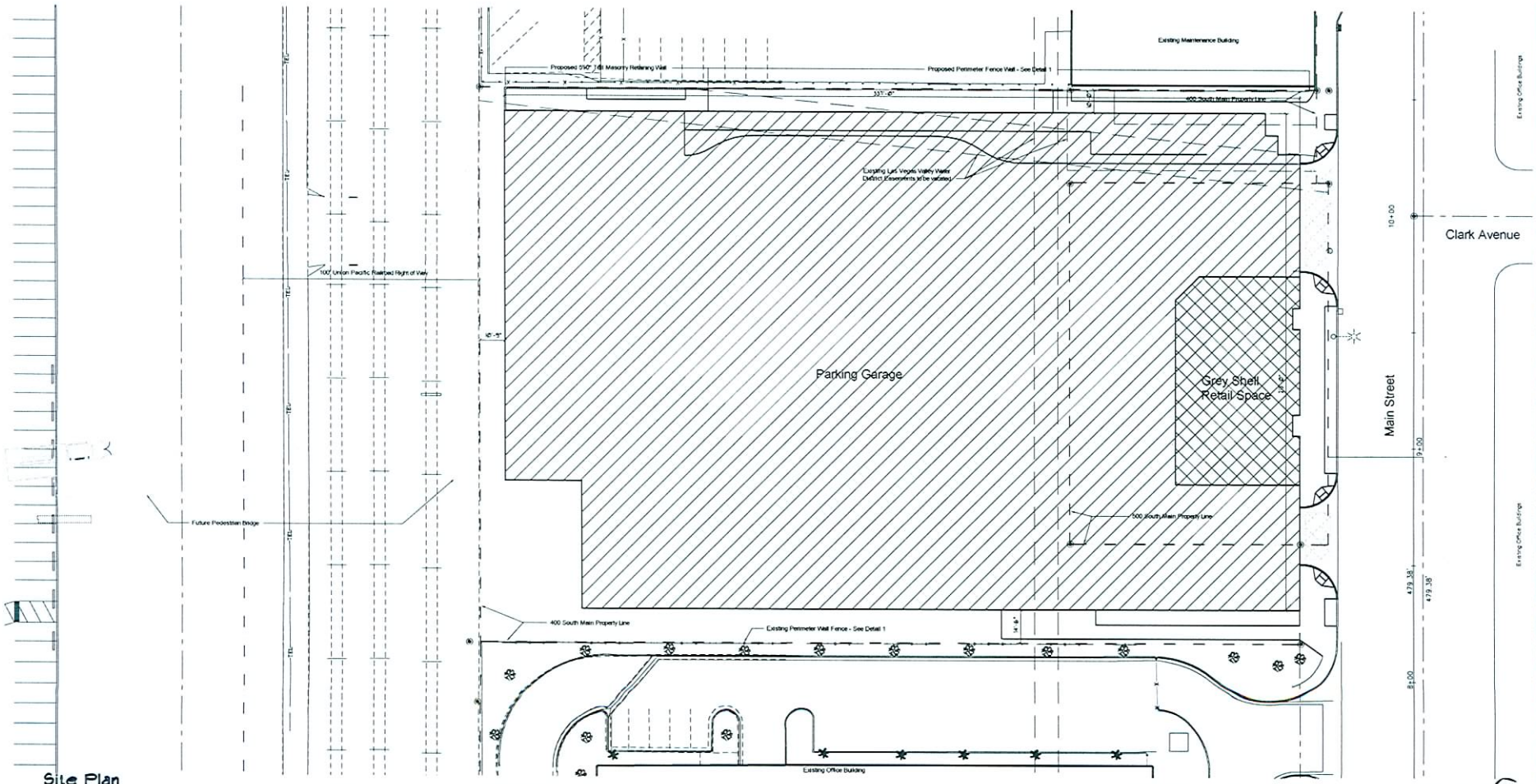
JUL 28 2009



Site Plan

Scale: 1" = 20'

GRAPHIC SCALE

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(IN FEET)
1" = 20'



Detail 1

Existing and Proposed Perimeter Wall Detail

Parking Space Count

675 Total Parking Spaces (9' x 18' for Standard spaces, 9' x 20' for 50" Spaces) Includes 18 Handicap Spaces (15 Standards, 3 Van)

Building Size

Ground Floor = 70,500 SF (includes 4,430 SF of retail spaces)
Second Tier = 44,400 SF
Third Tier = 70,500 SF
Fourth Tier = 65,000 SF
Fifth Tier = 60,000 SF
Total = 310,000 SF

Property Size

400 South Main Street (APN# 139-34-201-019) = 1.56 Acres
500 South Main Street (APN# 139-34-201-009) = 0.36 Acres
Total = 1.92 Acres

Floor Area Ratio

310,000 SF (Bldg Size) / 1.92 Acres (Lot Size) = 3.7 F.A.R.



Vicinity Plan

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JUL 31 2009

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-019 and 134-34-201-009

Site Development Review
Site Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

DRAWN: MAP
FILE: SDR
DATE: July 2009
SCALE:
BID NO:
CLV DWG NO:
SHT NO: AS-1

SDR-35417
09/10/09 PC

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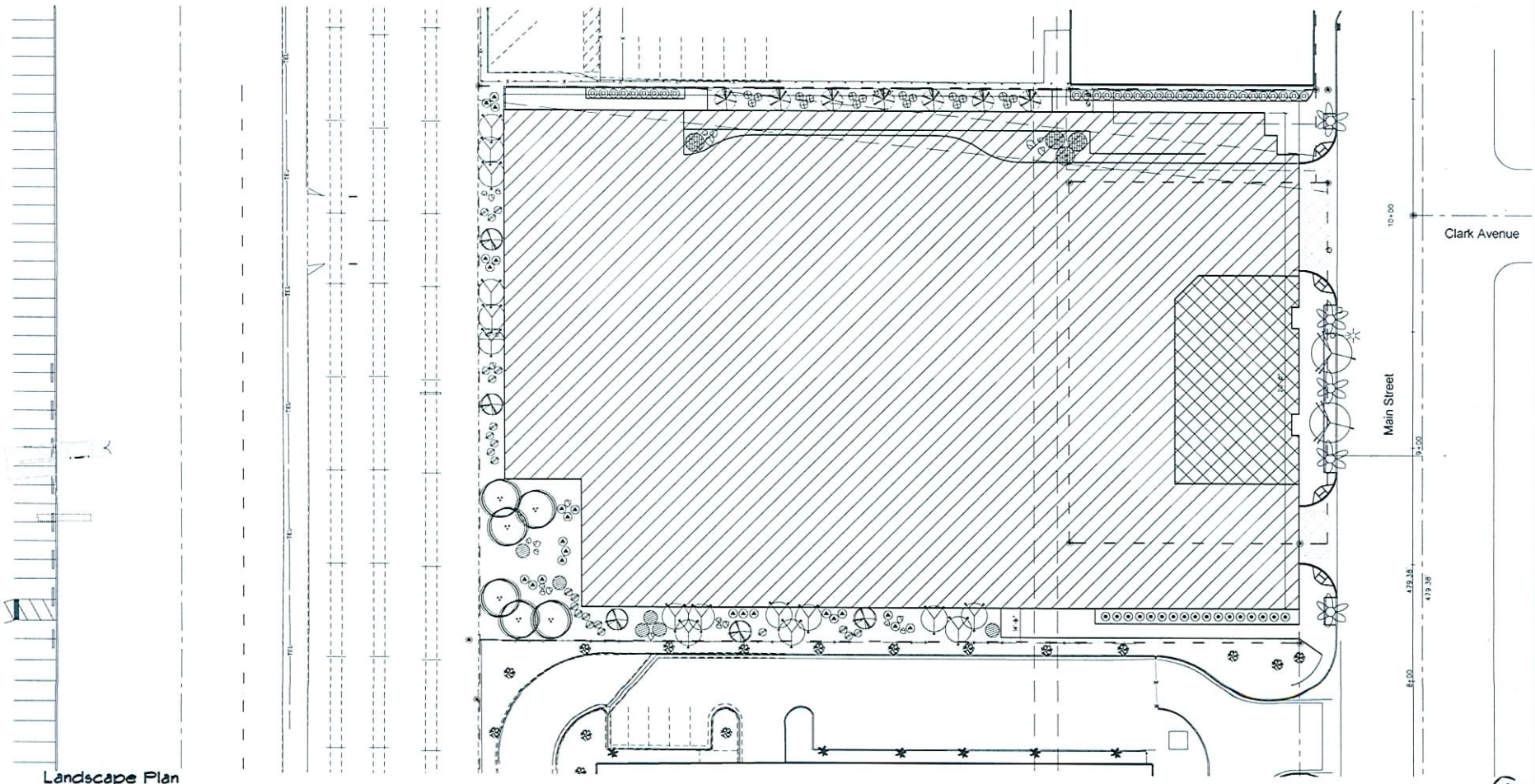

Landscape Plan

Scale: 1" = 20'

GRAPHIC SCALE
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(IN FEET)
1" = 20'

Plant Schedule

SYMBOL	QTY.	SIZE	BOTANICAL NAME	COMMON NAME
TREES				
	15	36" BOX	ACACIA STENOPHYLLA	SHOESTRING ACACIA
	2	48" BOX	FRAXINUS VELUTINA 'RIO GRANDE'	RIO GRANDE ASH
	5	36" BOX	CHITALPA TASHKENTENSIS	CHITALPA 'PINK DAWN'
	4	36" BOX	CYCAS REVOLUTA	SAGO PALM
	1	36" BOX	LAGERSTROEMIA INDICA 'GLENDORA WHITE'	GLENDORA WHITE CRAPE MYRTLE
	5	25' BTH	PHOENIX CANARIENSIS 'PINEAPPLE TOP'	CANARY ISLAND DATE PALM
	6	36" BOX	PROSOPOS CHILENSIS	CHILEAN MESQUITE (MULTI)

SYMBOL	QTY.	SIZE	BOTANICAL NAME	COMMON NAME
SHRUBS + GROUNDCOVER				
	6	15 GAL	CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
A	24	5 GAL	HESPERALOE PARVIFLORA	RED YUCCA
	22	5 GAL	LANTANA 'NEW GOLD'	NEW GOLD
D	23	5 GAL	PYRACANTHA KOIDZUMII 'VICTORY'	PYRACANTHA (ESPALIER)
	17	5 GAL	PYRACANTHA KOIDZUMII 'VICTORY'	PYRACANTHA (STANDARD)
	18	5 GAL	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE

BOULDERS - SIZE 3' AND 4' ORIENT FOR BEST APPEARANCE
COLOR : "HAULAPAI RED"

PLANTING AREAS: INSTALL A 3" LAYER OF 1/4" MINUS (60% 1/4", 40% MINUS) "HAULAPAI RED" DECOMPOSED GRANITE CONTINUOUS IN ALL PLANTERS UNDER ALL TREES AND SHRUBS



Vicinity Plan

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-019 and 134-34-201-009

Site Development Review
Landscape Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6335
FAX: (702) 386-6868
TDD: (702) 386-9108

DRAWN: RJD
FILE: SDR
DATE: JUL 2009
SCALE:
BID NO:
CLV DWG NO:
SHT NO: L-1

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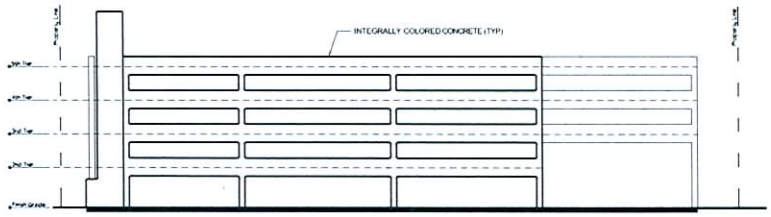

West Elevation

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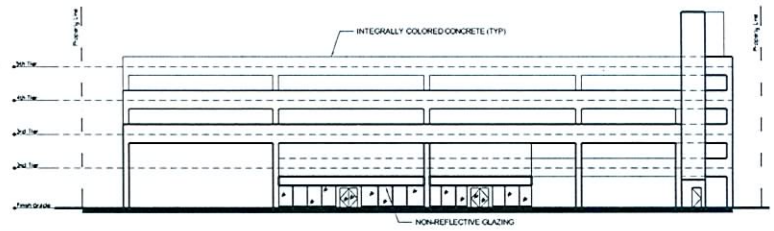

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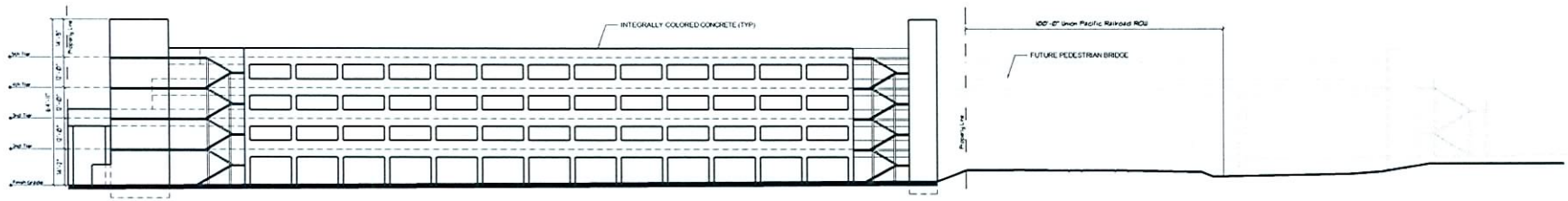

North Elevation

Scale: 1" = 20'



South Elevation

Scale: 1" = 20'

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-019 and 134-34-201-009

Site Development Review
Elevations

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

DRAWN: RAD
FILE: SDR
DATE: July 2009
SCALE:
WO NO:
CLV DWG NO:
SHT NO: E-1

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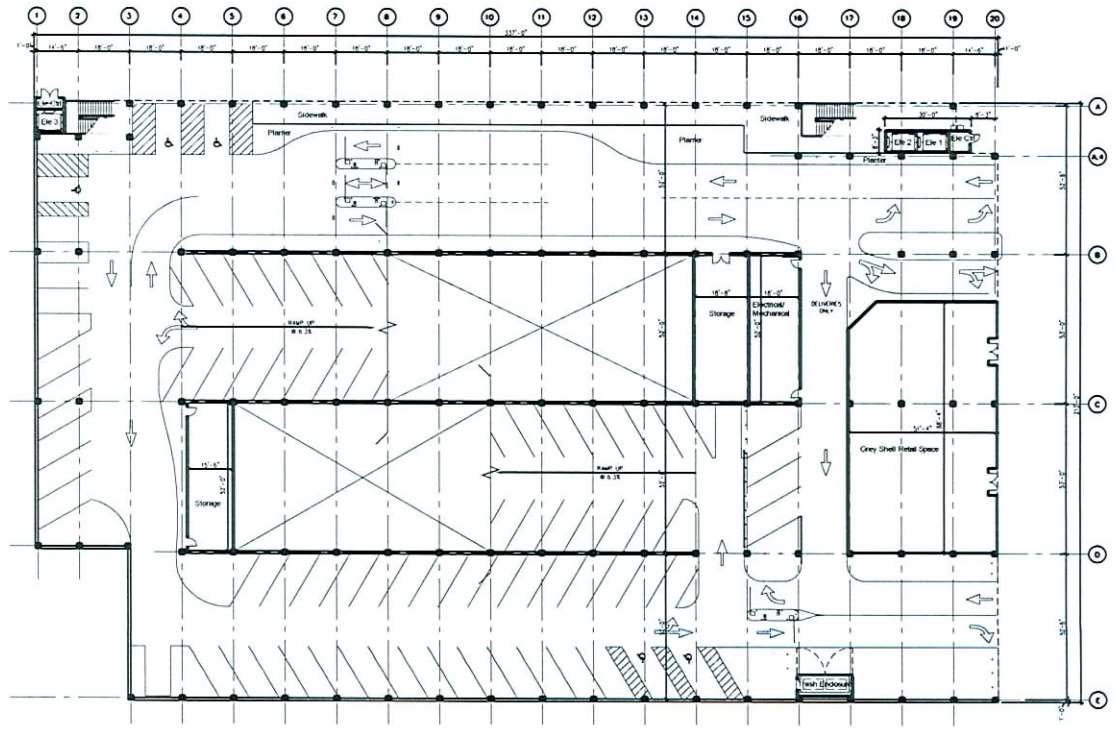

Ground Floor Plan

Scale: 1" = 20'

North

GRAPHIC SCALE

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(IN FEET)
1" = 20'

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-019 and 134-34-201-009

Site Development Review
Ground Floor Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 384-4646
TDD: (702) 384-9108

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FILE: SDR
DATE: July 2009
SCALE:
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SHT NO: A-1

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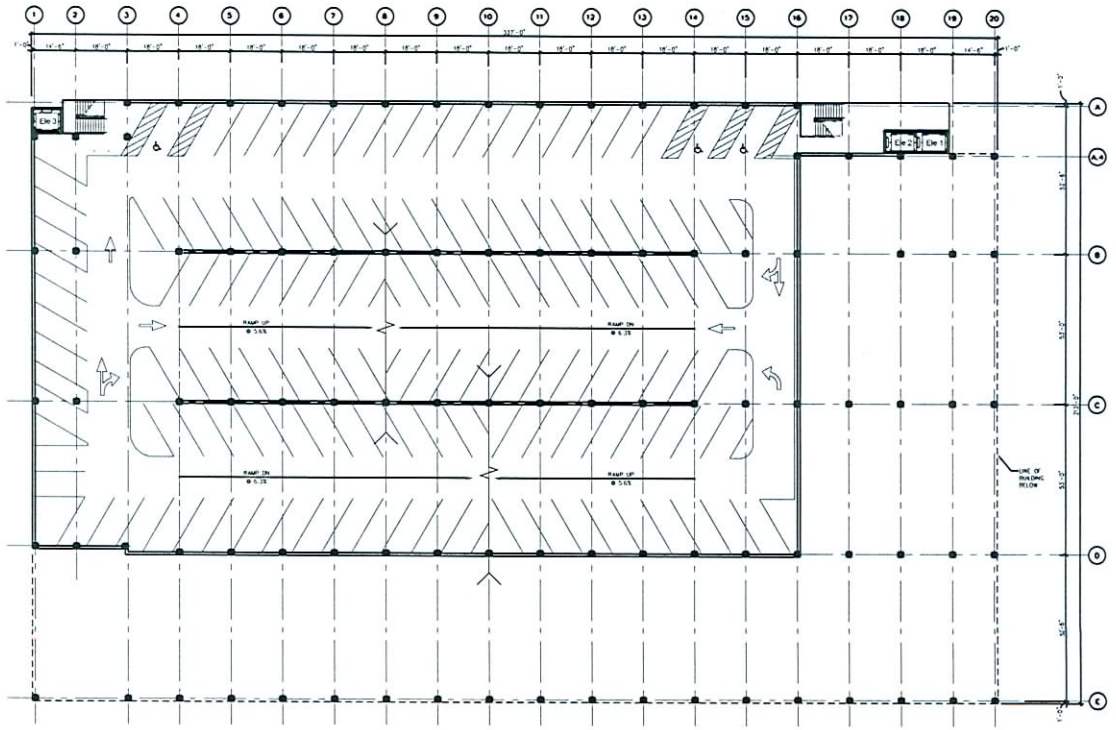

2nd Tier Plan

North

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-018 and 134-34-201-009

Site Development Review
2nd Tier Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6555
FAX: (702) 384-4845
TDD: (702) 386-9108

DRAWN: MBD
FILE: SDR
DATE: July 2009

A-2

GRAPHIC SCALE
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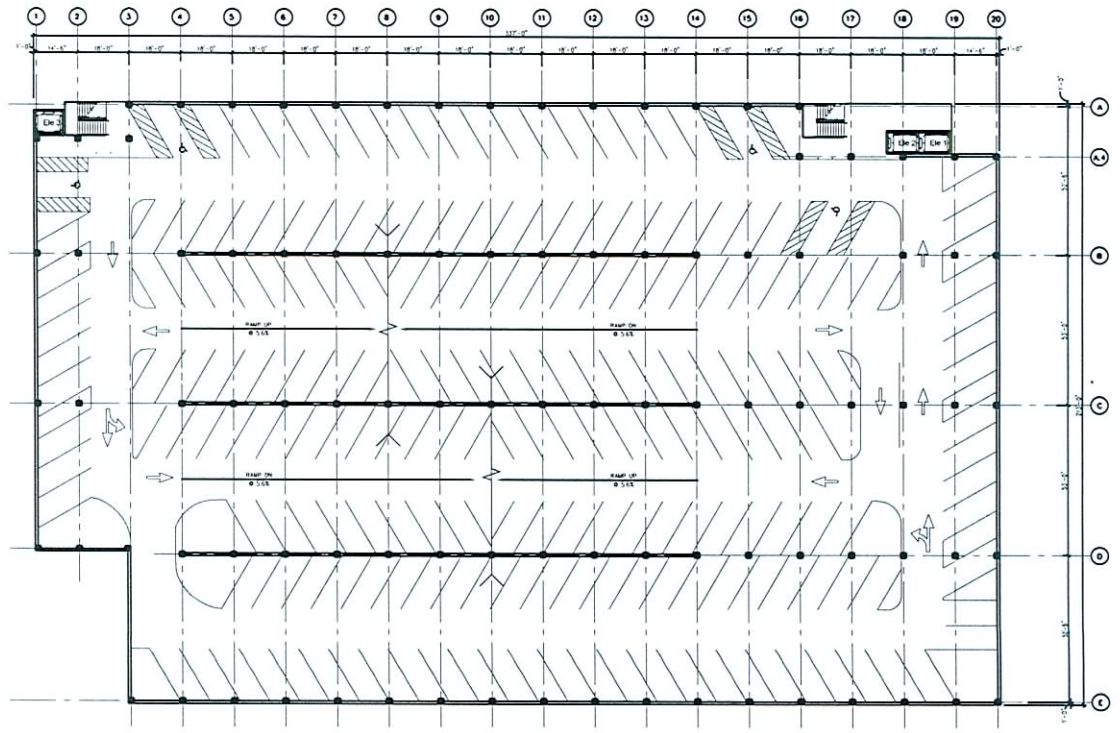

3rd Tier Plan

Scale: 1" = 20'

North

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN: 134-34-201-019 and 134-34-201-009

Site Development Review
3rd Tier Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 386-6868
TDD: (702) 386-9108

DRAWN: MAD
PLT: SDR
DATE: July 2009
SCALE:
BID NO:
CONTRACT NO:
SHT NO: A-3

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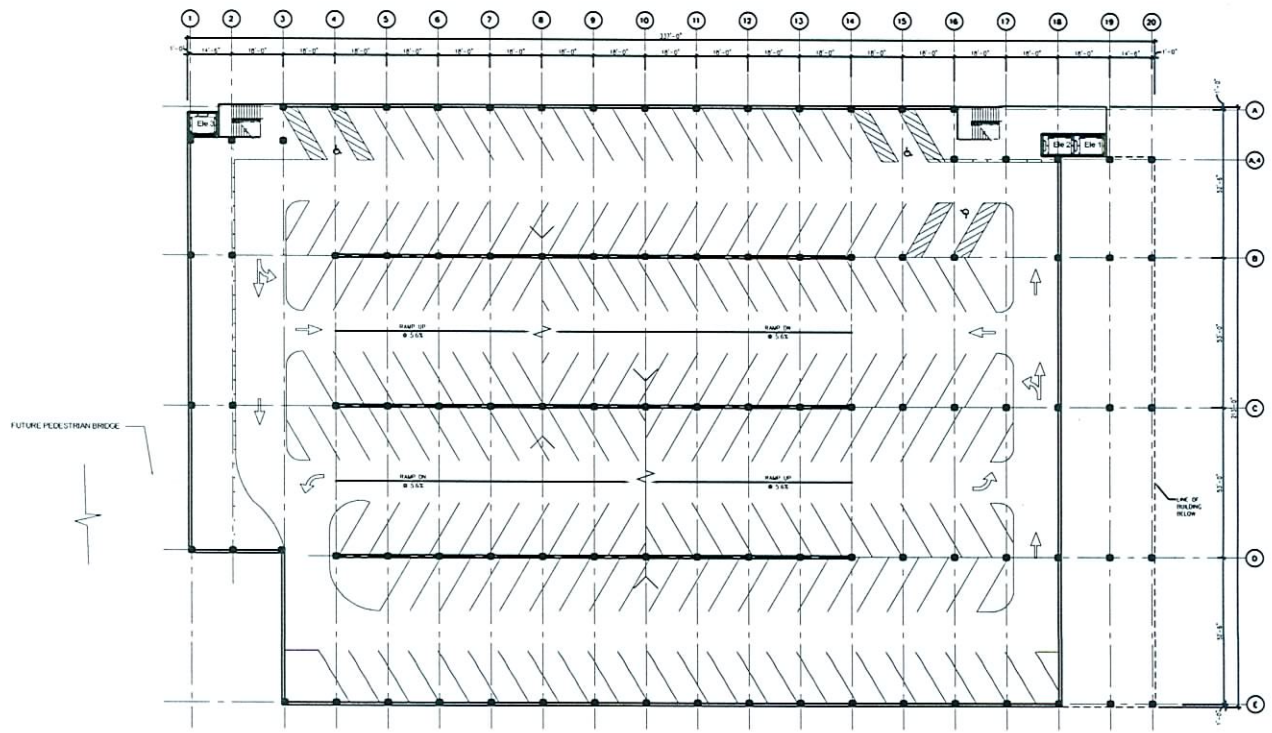

4th Tier Plan

Scale: 1" = 20'

North

GRAPHIC SCALE

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(IN FEET)

1" = 20'

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street

APN# 134-34-201-019 and 134-34-201-009

Site Development Review

4th Tier Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 384-4848
TDD: (702) 386-9108

DRAWN: RAP
FILE: SDR
DATE: July 2009
SCALE:
REG NO:
CLIENT NO:
UNIT NO:

A-4

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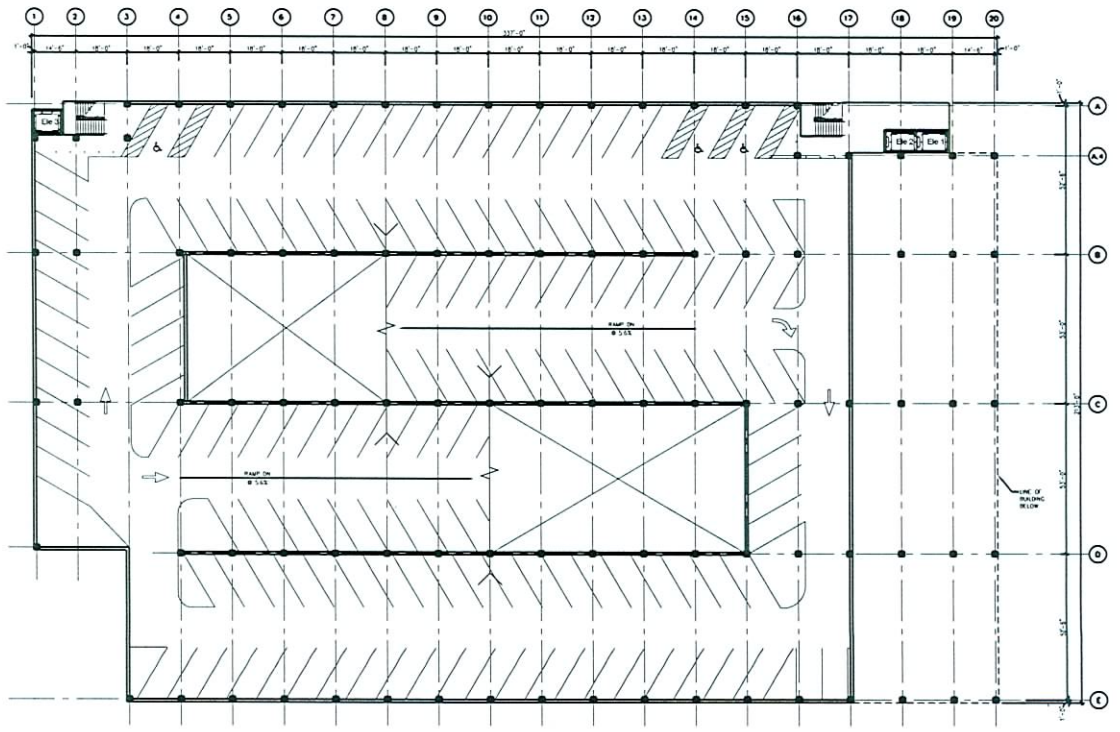

5th Tier Plan

Scale: 1" = 20'

North

GRAPHIC SCALE

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(IN FEET)
1" = 20'

DEPARTMENT OF PUBLIC WORKS

400 and 500 South Main Street
APN# 134-34-201-019 and 134-34-201-009

Site Development Review
5th Tier Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

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FILE: SDR
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CLV DWG NO:
SHT NO: A-5

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SDR-35417 - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION
400 AND 500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35417 - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION
400 AND 500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35417 - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION
400 AND 500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35417 - APPLICANT: CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS AND REGIONAL TRANSPORTATION COMMISSION
400 AND 500 SOUTH MAIN STREET
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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

JORGE CERVANTES
PUBLIC WORKS DIRECTOR

July 30, 2009 (Revised August 12, 2009)

City of Las Vegas
Department of Planning and Development
731 S. Fourth St.
Las Vegas, NV 89101

Attn: Current Planning:

Re: Justification Letter
Site Development Review – Existing 400/500 S. Main Street
A.P.N. 139-34-201-019 & 139-34-201-009, Approximately 1.92 acres

The applicant, the City of Las Vegas, intends to construct a parking structure on parcels A.P.N. 139-34-201-019 & 139-34-201-009 in order to provide parking for the proposed new City Hall facility to be located at 495 S. Main Street. This Site Development Review is related to a proposed zoning reclassification of these parcels. The two parcels will be remapped as a single parcel in order to allow construction of the parking structure, upon transfer of ownership of this parcel to the City of Las Vegas. The proposed new zoning classification is C-2.

These parcels are within the Office Core District of the Downtown Centennial Plan. The most recent Planning action related to the development of these parcels was by reference from SDR-31749 (new City Hall Office Building), Conditions of Approval (1-21-2009) reference to off-site parking. Construction of the parking structure is also a condition the City Hall building permit issuance, requiring construction of the garage to be complete prior to issuance of the new City Hall's Certificate of Occupancy.

In support of our application the following is presented:

-Parking structures are a permitted use under the proposed C-2 zoning, as well as the current zoning for these parcels per the City of Las Vegas Zoning Ordianance Chapter 19.04, and complies with and supports the objectives of the General Plan.
-The parking structure will help promote redevelopment of the Office Core District.
-The parking structure will adhere to the requirements of the Office Core District and the Downtown Centennial Special Area Plan.
-The parking structure will enable conditions of SDR-31749 to be met.

A waiver of the Downtown Centennial Plan Development Standards regarding non-compatible exterior walls is requested.

If you have any questions, please contact me at 229-1045.

Michael J. Vlaovich, AIA
Architectural Project Manager, City of Las Vegas Public Works
229-1045 (fax) 464-5701

SDR-35417
09/10/09 PC
REVISED

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

OFFICE 702.229.6535

FAX 702.384.4846

TDD 702.386.9108

www.lasvegasnevada.gov

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TO: 7023824803
7028938790
SEP-28-2009 09:35A FROM:

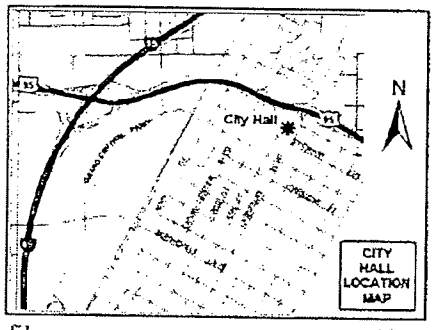
09-26-0

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 25 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 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.

ZON-35382, ZON-35383 & SDR-35417
City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 28 A 9:37
CITY CLERK

DECARO RUSSIANO
710 S 1ST ST
LAS VEGAS NV 89101-6411

APN#13934310017

GAVDE11 89101

City of Las Vegas Agenda Item No.: **129.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

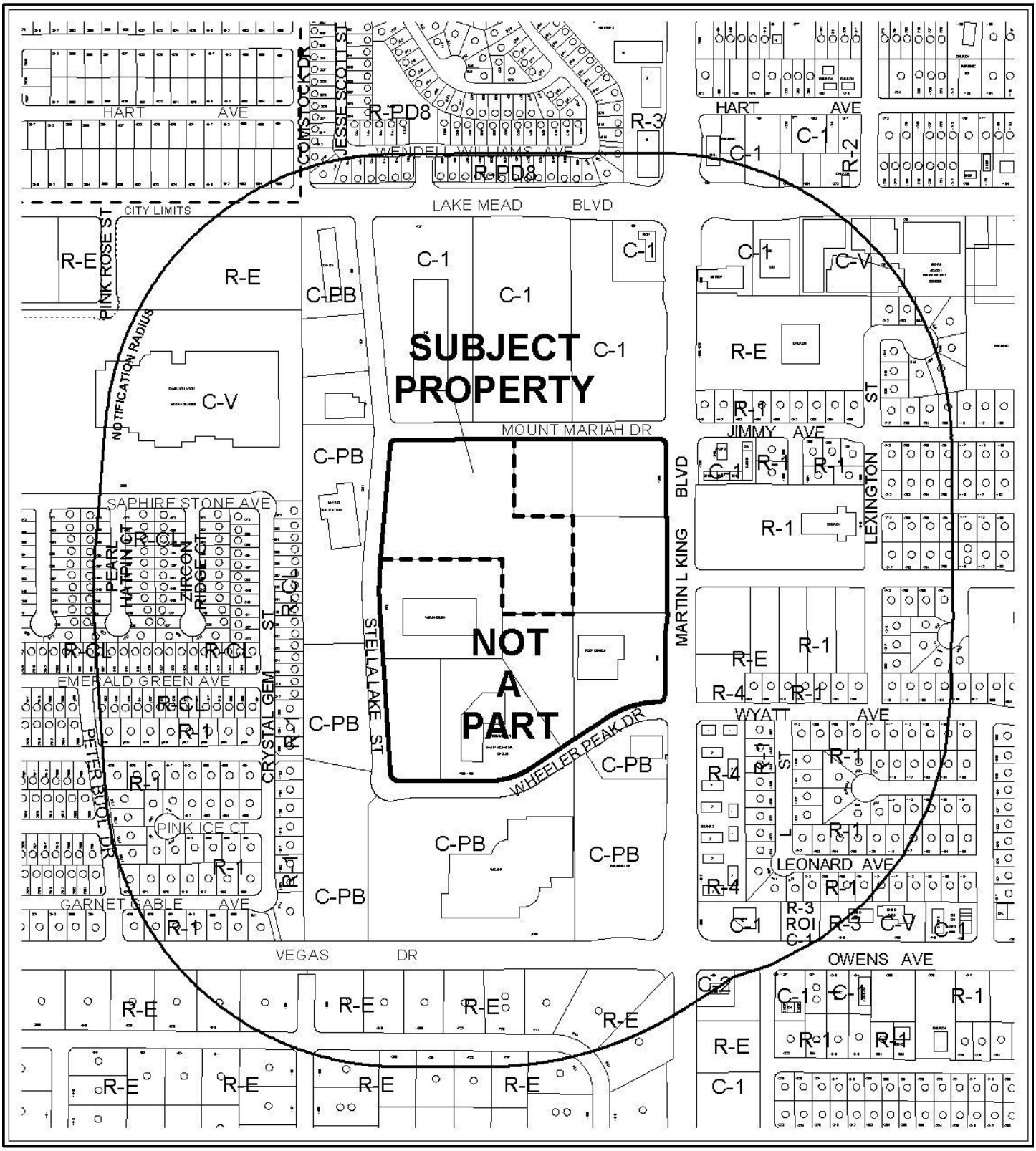
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-35381 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Variance TO ALLOW 18 PARKING SPACES WHERE 26 PARKING SPACES ARE REQUIRED FOR A PROPOSED GOVERNMENT FACILITY (FIRE STATION) on a portion of 6.06 acres at the southeast corner of Stella Lake Street and Mount Mariah Drive (APN 139-21-313-016), C-PB (Planned Business Park) Zone, Ward 5 (Barlow). The Planning Commission (6-0 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 (6-0 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 Postcards
7. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 15



0 500 1000 Fee

CASE: **VAR-35381**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N



0 500 1000 Fee

CASE: **VAR-35381**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Rezoning (SDR-35380) 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 18 parking spaces where 26 are required for a proposed 7,600 square-foot Fire Station on a portion of an undeveloped lot at the southeast corner of Stella Lake Street and Mount Mariah Drive. This represents a 31% deviation from the standard. Staff can support the Variance request as the parking provided is adequate to meet the maximum staffing level for the fire station, as well as the limited number of visitors expected at the site. If this application is denied, the proposed parking will need to be redesigned to comply with Title 19 and a new Site Development Plan Review would be required.

Issues

- Approval of this request is necessary for the approval of a companion Site Development Plan Review (SDR-35380) for a proposed 7,600 square-foot Fire Station..

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/94	The City Council approved an application to Rezone (Z-0136-94) the subject site as part of a larger request from R-E (Residence Estates) to C-PB (Planned Business Park). The Planning Commission recommended approval.
09/14/95	The Planning Commission approved a Plot Plan Review [Z-0136-94(1)] for an enterprise business park, which includes the subject property. The Planning Commission recommended approval.
02/07/96	The City Council approved an Extension of Time [Z-0136-94(3)] for an enterprise business park, which includes the subject property. The Planning Commission recommended approval. The Extension of Time expired on 12/21/96.
11/05/03	The City Council approved applications for a Special Use Permit (SUP-2909) and a Site Development Plan Review (SDR-2908) for a recording studio and for television broadcasting and other communication services adjacent to the west side of Martin L King Boulevard, approximately 330 feet north of Wheeler Peak Drive. The Planning Commission and staff recommended approval. The Las Vegas Enterprise Park Architectural Review Committee reviewed and approved the site plan on 08/20/03.
06/15/05	The City Council approved a Site Development Plan Review (SDR-6519) for a proposed three building, 27,672 square-foot corporate office and bank center adjacent to the southwest corner of Martin L King Boulevard and Mount Mariah Drive. The Planning Commission recommended approval. The application expired on 06/15/09.
09/10/09	The Planning Commission recommended approval of companion item SDR-35380 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/gk).

Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	
Pre-Application Meeting	
06/30/09	The submittal requirements for a Site Development Plan Review and Variance were discussed.
Neighborhood Meeting	
09/03/09	A neighborhood meeting was held from 6:00 to 6:00 pm at the Doolittle Community Center located at 1940 J street Las Vegas, Nevada 89106. There were six attendees for the general public, and seven staff members (Planning and Development, City Representatives, Councilman Barlow, plus two Ward 5 Liaisons). Concerns raised included: • Location in office park
Field Check	
08/06/09	Staff conducted a site inspection and noted a well maintained undeveloped lot.

Details of Application Request	
Site Area	
Net Acres	1.54 acres (limits of construction)
Gross Acres	6.06 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
North	Offices	LI/R (Light Industrial / Research)	C-1 (Limited Commercial)
South	Warehouse	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
East	Undeveloped	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
West	Metro Substation	PF (Public Facilities)	C-PB (Planned Business Park)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Enterprise Park	X		Y*
West Las Vegas Plan	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

**Per approval letter from the Architectural Review Committee of the Las Vegas Enterprise Park dated 08/05/09.*

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	
Government Facility	7,600	1:300	24	2	17	1	
Total			26		18		N

ANALYSIS

The site complies with all Title 19 requirements with the exception of required parking. Per Title 19.04, a Government Facility requires one space per 300 square feet of gross floor area, resulting in the need for 26 spaces, two of which are required to be handicap accessible. The site plan depicts a total of 18 spaces, including one handicap accessible space, which is a 31% deviation from the standard. Staff can support the request for the parking Variance (VAR-35381) as a fire station is unlike a traditional government facility in that it will provide both work and living space for a specific number of employees, with minimal public access. The facility is expected to house no more than 12 firefighters at any time, and the parking provided is adequate.

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."

The Variance is appropriate given the unique function of the facility, and the maximum staffing level of the proposed fire station, and will not jeopardize the health or safety of the general public; therefore, staff is recommending approval of the request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 336 by City Clerk

APPROVALS 3

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-35381 APN: 139-21-313-016

Name of Property Owner: City of Las Vegas

Name of Applicant: Saumuel D. Tolman, AIA, NCARB

Name of Representative: Saumuel D. Tolman, AIA, NCARB

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: Saumuel D. Tolman, AIA, NCARB

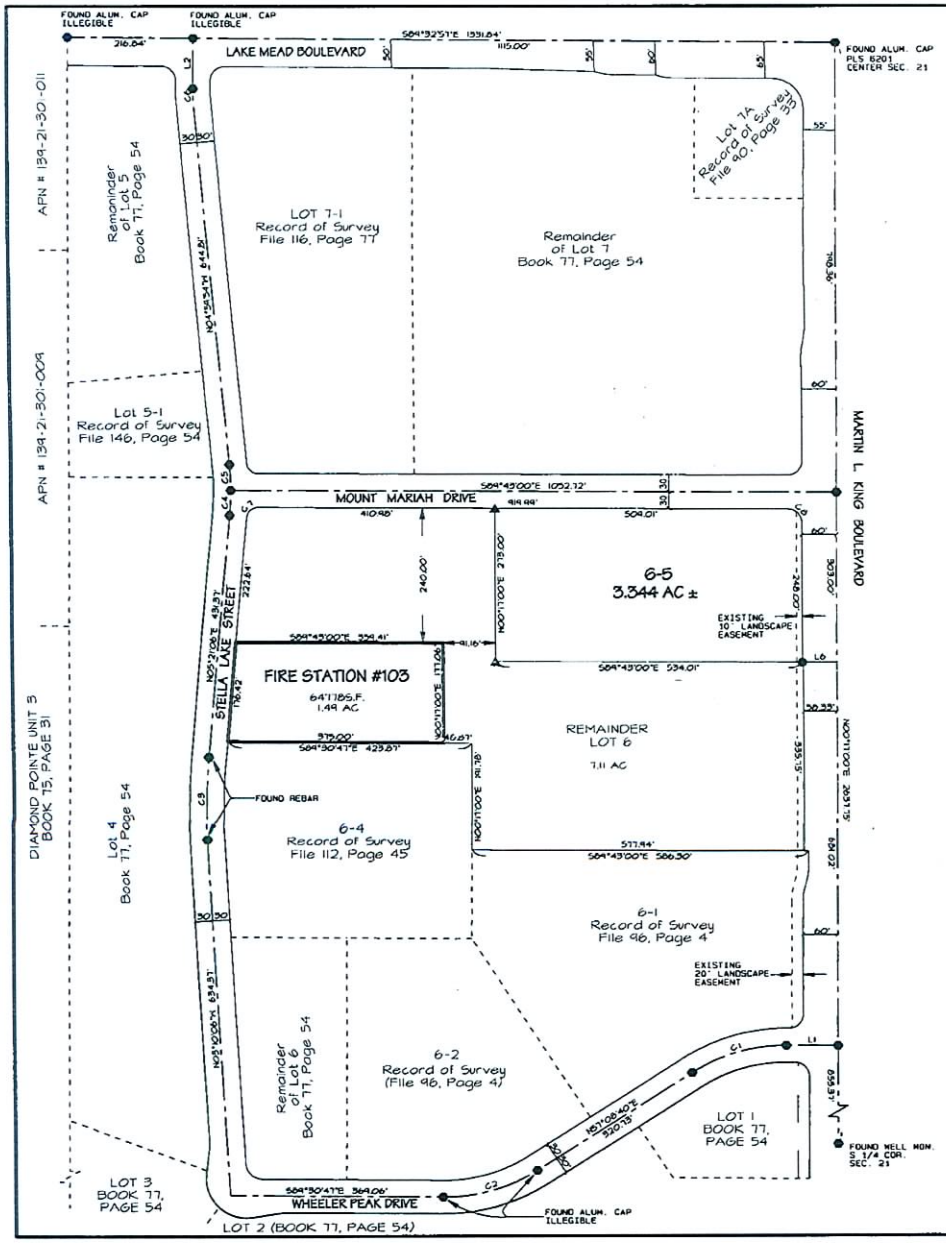
Subscribed and sworn before me

This 16th day of July, 2009

Gail D. Wilkinson

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
GAIL D. WILKINSON
Appt. No. 03-80551-1
My Appt. Expires March 6, 2011



SURVEYORS CERTIFICATE

I, Alan R. Riekki, a Professional Land Surveyor licensed in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my supervision at the instance of the City of Las Vegas.

2. The land surveyed lies within Section 21, T. 20 S., R. 61 E., M.D.M., Las Vegas, Nevada, and the survey was completed on May 1, 2007.

3. This plat complies with applicable statutes of this state and any local ordinances in effect on the date that the survey was completed, and the survey was conducted in accordance with Chapter 625 of the Nevada Administrative code.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated, and are of sufficient durability.

Alan R. Riekki
Professional Land Surveyor
Nevada Certificate No. 12469

BASIS OF BEARING

The east line of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., also being the centerline of Martin L. King Boulevard, bears N00°17'00" E as shown on the Amended Map for "Las Vegas Enterprise Park on file in the Clark County Recorder's Office in Book 77 of Plats, Page 54.

LEGEND

- ● Found Alum. Cap PLS 7008 unless otherwise noted
- ▲ Found Alum. Cap PLS 4541
- ● Set rebar and Alum. Cap PLS 12469
- Centerline
- Right of way line
- Boundary
- Adjoining Lot Lines

LINE	BEARING	DISTANCE
L1	N84°43'00"W	40.00'
L2	S00°21'03"W	84.78'
L3	N84°43'00"W	1.67'
L4	N07°12'33"E	0.24'
L5	N84°43'00"W	0.36'
L6	N84°43'00"W	60.00'

CURVE	RADIUS	DELTA	ARC LENGTH	TANGENT
C1	300.00'	93°08'11"	119.39'	84.26'
C2	300.00'	33°20'32"	174.56'	89.84'
C3	1000.00'	8°31'12"	148.70'	74.49'
C4	500.00'	5°04'06"	44.23'	22.13'
C5	500.00'	5°16'54"	46.04'	23.06'
C6	250.00'	5°26'51"	23.78'	11.90'
C7	20.00'	84°55'54"	29.65'	18.30'
C8	25.00'	90°00'00"	39.27'	25.00'

RECORDER'S NOTE

Any subsequent changes to this map should be examined and may be determined by reference to the County Recorder's Cumulative Map Index. (N.R.S. 278.5695)

SHEET 1 OF 1

RECORD OF SURVEY
FOR
CITY OF LAS VEGAS
PORTION OF LOT 6 OF
THE LAS VEGAS ENTERPRISE PARK, AMENDED
BOOK 77, PAGE 54 OF PLATS
PORTION OF SW 1/4 SECTION 21, T. 20 S., R. 61 E., M.D.M.
CITY OF LAS VEGAS CLARK COUNTY NEVADA

DRAWN BY: NJPA
CHECKED BY: ARR
DATE: APRIL 2007
FILE NAME: ENTERPRISE6.PRO

3001 ROMERUS DR., LAS VEGAS, NV. 89128 229-6217

INSTRUMENT NO. _____
FILED AT THE REQUEST OF
THE CITY OF LAS VEGAS
DATE _____ AT _____
FILE _____ PAGE _____
OF SURVEYS
OFFICIAL RECORDS BOOK NO. _____
CLARK COUNTY, NEVADA, RECORDS
DEBBIE CONWAY, RECORDER
FEE _____ DEPUTY _____

VAR-35381
09/10/09 PC

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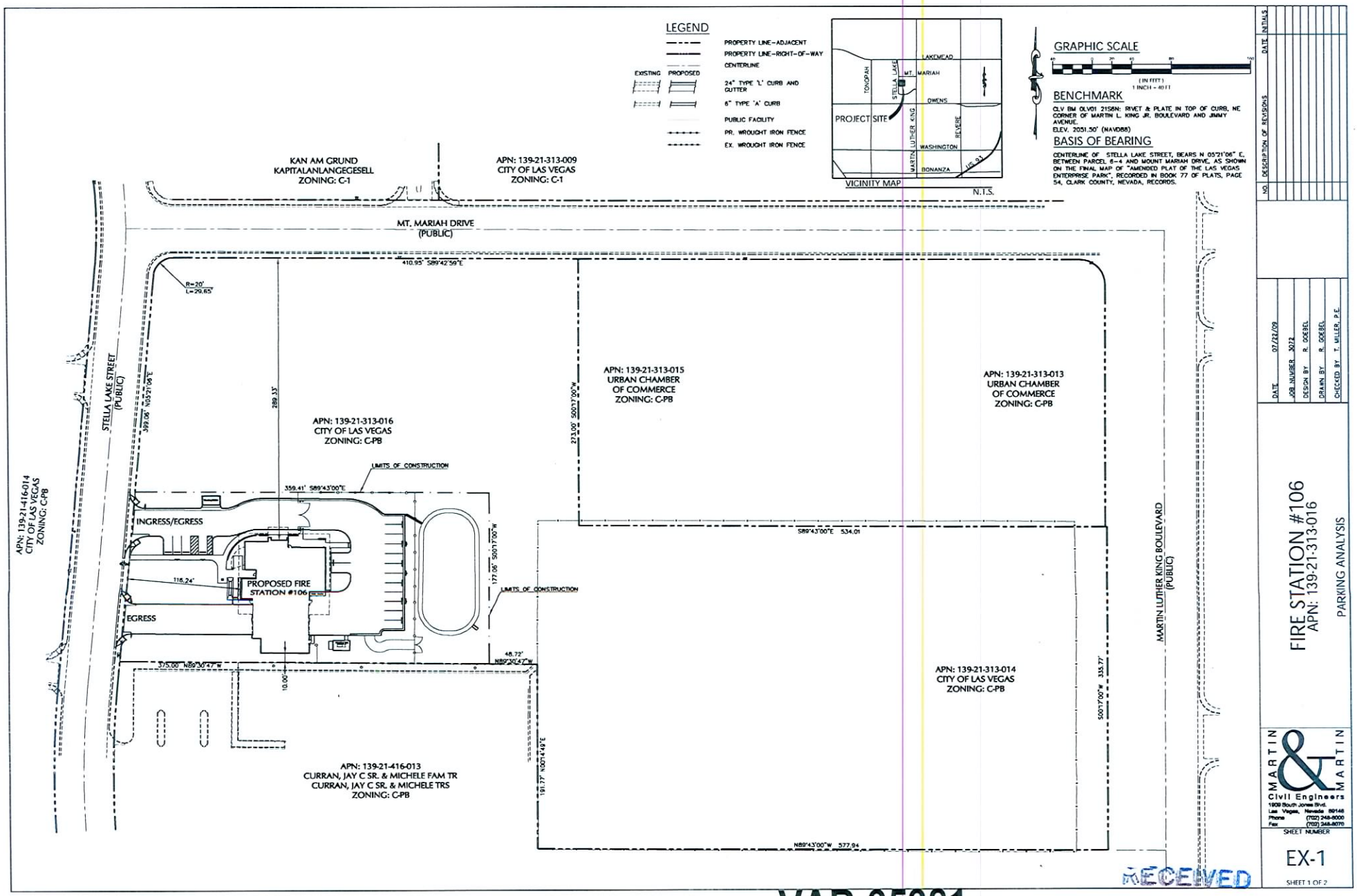

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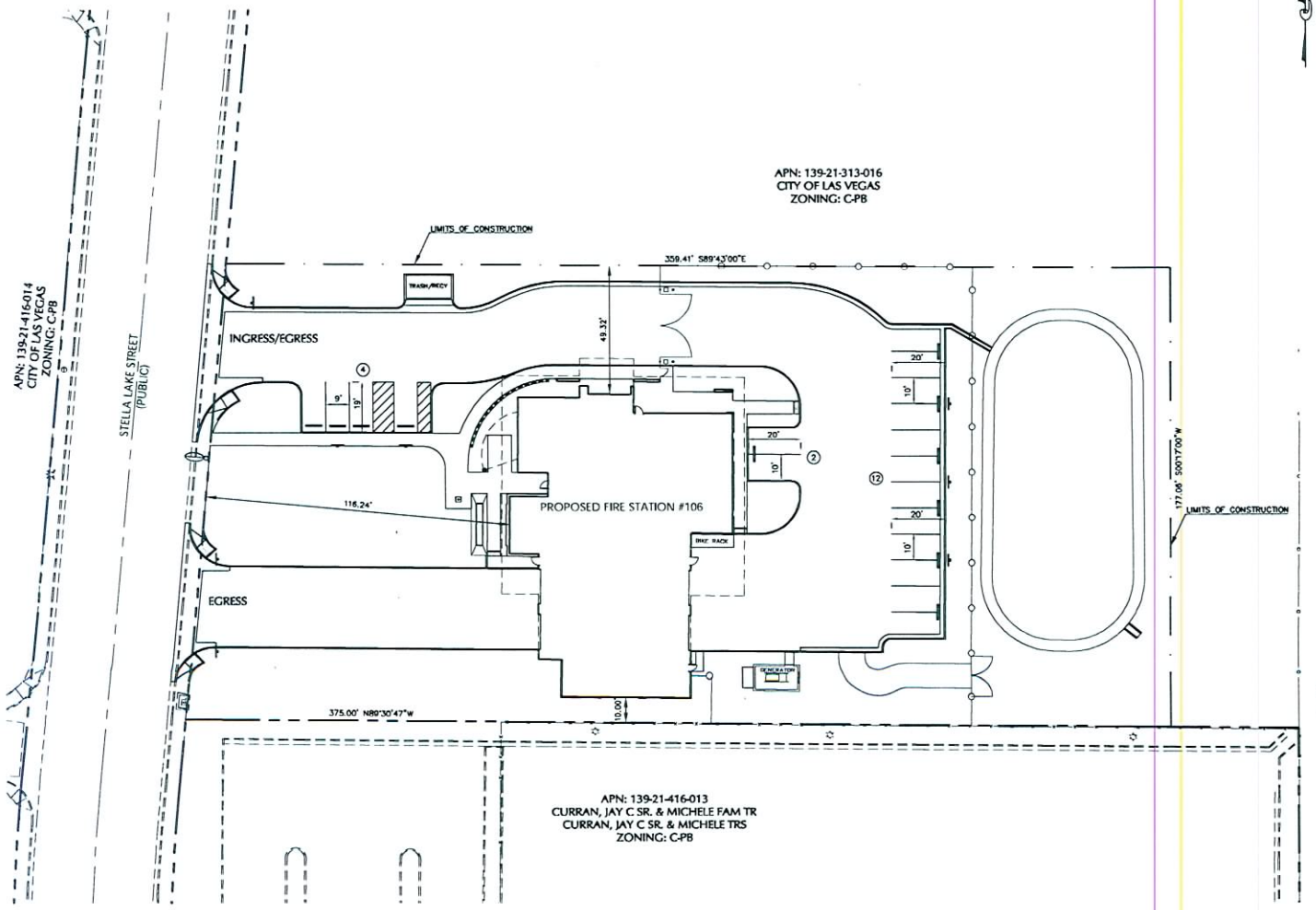
VAR-35381
09/10/09 PC



GRAPHIC SCALE

(IN FEET)
1 INCH = 20 FT

BENCHMARK

CLV BM CLV01 21S8N: RIVET & PLATE IN TOP OF CURB, NE CORNER OF MARTIN L. KING JR. BOULEVARD AND JIMMY AVENUE.
ELEV. 2051.50' (NAVD88)

BASIS OF BEARING

CENTERLINE OF STELLA LAKE STREET, BEARS N 05°21'06" E, BETWEEN PARCEL 6-4 AND MOUNT MARIAH DRIVE, AS SHOWN ON THE FINAL MAP OF "AMENDED PLAT OF THE LAS VEGAS ENTERPRISE PARK", RECORDED IN BOOK 77 OF PLATS, PAGE 54, CLARK COUNTY, NEVADA, RECORDS.

SITE PARKING ANALYSIS

REQUIRED PARKING PER CODE: 1 SPACE PER 300 S.F.

REGULAR SPACES:	26 SPACES
ADA SPACES:	1 SPACE
TOTAL SPACES REQUIRED PER CODE:	27 SPACES

PROPOSED PARKING:

REGULAR SPACES:	17 SPACES
ADA SPACES:	1 SPACE
TOTAL SPACES PROVIDED:	18 SPACES



LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE-ADJACENT
		PROPERTY LINE-RIGHT-OF-WAY
		CENTERLINE
		24" TYPE 'L' CURB AND GUTTER
		6" TYPE 'A' CURB
		PUBLIC FACILITY
		PR. WROUGHT IRON FENCE
		EX. WROUGHT IRON FENCE
		(2) NUMBER OF PARKING SPACES

RECEIVED
JUL 28 2009

NO.	DESCRIPTION OF REVISIONS	DATE	INITIALS

DATE 07/21/09
JOB NUMBER 3072
DESIGN BY R. OSEBEL
DRAWN BY R. OSEBEL
CHECKED BY T. MILLER, P.E.

FIRE STATION #106
APN: 139-21-313-016
PARKING ANALYSIS

MARTIN & MARTIN
Civil Engineers
1909 South Jones Blvd.
Las Vegas, Nevada 89146
Phone (702) 248-8000
Fax (702) 248-8070

SHEET NUMBER
EX-2
SHEET 2 OF 2

VAR-35381
09/10/09 PC



VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



VAR-35381 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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

JORGE CERVANTES
PUBLIC WORKS DIRECTOR

July 21, 2009

HAND DELIVERED

City of Las Vegas
Planning & Development Department
731 S. Fourth Street
Las Vegas, NV 89101

SUBJECT: Justification Letter for the request for parking variance of CLV Fire Station #106 (a.k.a. Fire Station #103)

To whom it may concern:

This is to serve as a justification letter for City of Las Vegas Fire Station #103, located on a portion of the property at the intersection of Stella Lake St. & Mt. Mariah Dr., assessor's parcel no 139-21-313-016. The fire station has been renumbered to fire station #106 at the request of Councilman Barlow (this request has been approved by Chief Greg Gammon and the City Manager).

The City of Las Vegas is building this fire station in order to keep up with the growing demands for providing fire and life safety services to the citizens of the Las Vegas valley and in order to maintain their present ISO Class 1 insurance rating. The fire station will be designed as a sustainable facility to attain LEED Silver certification to comply with the City Council's resolution for all new City facilities. The fire station is located on a parcel of land that has a zoning designation of C-PB.

Parking: The C-PB zoning designation requires 1 parking space per 300 square feet of building space. This would require that 26 parking spaces be provided for our 7,600 s.f. fire station. We are providing a total of 16 parking spaces for this project as the total maximum occupant load will be12 persons for this facility. The amount of parking we are providing will meet the needs of the fire station personnel during shift change and will also accommodate the parking needs for members of the public who occasionally visit the fire station. The fire department has approved the number of parking spaces provided at this facility.

Sincerely,

Erik Singman
Designer, CLV Office of Architectural Services

Enc:
1. Site Plan - 24X36 in size.
2. Site Plan - 8.5x11 in size.
3. Justification Letter
4. Deed & Legal Description
5. Application/Petition Form w/ original signature.
6. Pre-Application Submittal Checklist.
8. Statement of Financial Interest, w/ original signature.

VAR-35381
09/10/09 PC

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

OFFICE 702.229.6535

FAX 702.384.4846

TDD 702.386.9108

www.lasvegasnevada.gov

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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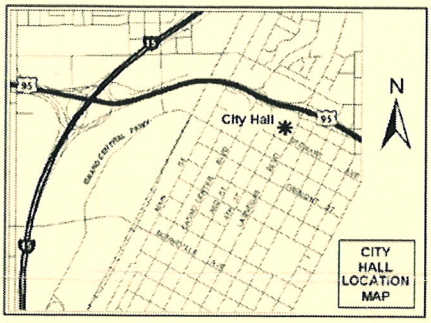

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35381 & SDR-35380
City Council Meeting of 10/7/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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2009 SEP 29 A 11:12

SPANN CLEVELAND & NORA
1213 DOOLITTLE AVE
LAS VEGAS NV 89106-2422

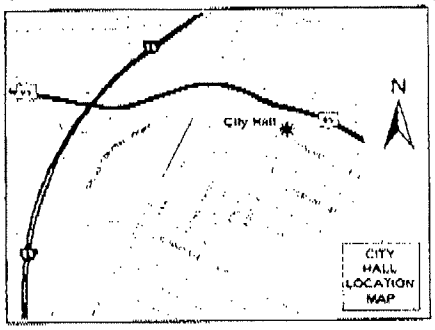
APN#13921810008

GAVDS11 89106

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.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

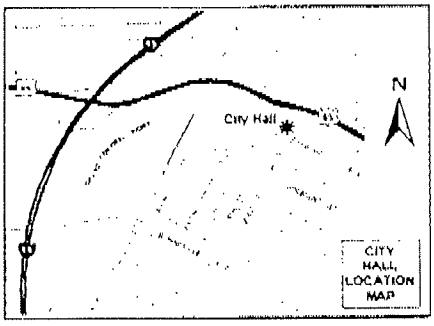
RECEIVED
SEP 01 2009

Case: ROR-35242
16204210114
ARLT THOMAS M & LINDA D
1721 BANNIE AVE
LAS VEGAS NV 89102-2452

15A

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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VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

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SEP 01 2009

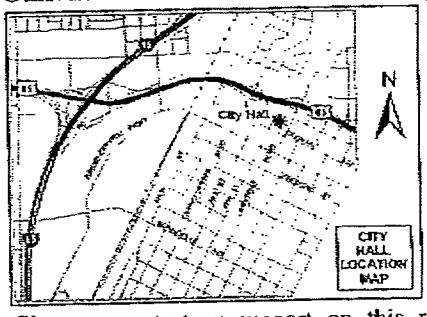
Case: RQR-35242
16204210054
ARLT FAMILY TRUST
1721 BANNIE AVE
LAS VEGAS NV 89102-2452

15A

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.

VAR-35381 & SDR-35380

Planning Commission Meeting of 9/10/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41[4]
0004279216 AUG28 2009
MAILED FROM ZIPCODE 89101

RECEIVED
SEP 01 2009

Case: RQR-35242

16204301010
FELDMAN SAM TRUST
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1183

FAVOS11 89107

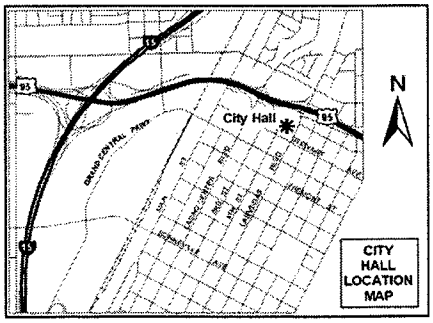
15A

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 AUG 28 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.

VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 11 2009

Case: RQR-35242

16204311028
DECKER ANTHONY P
1725 LOCH LOMOND WY
LAS VEGAS NV 89102-4438

FAVOS11 89102

City of Las Vegas Agenda Item No.: **130.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

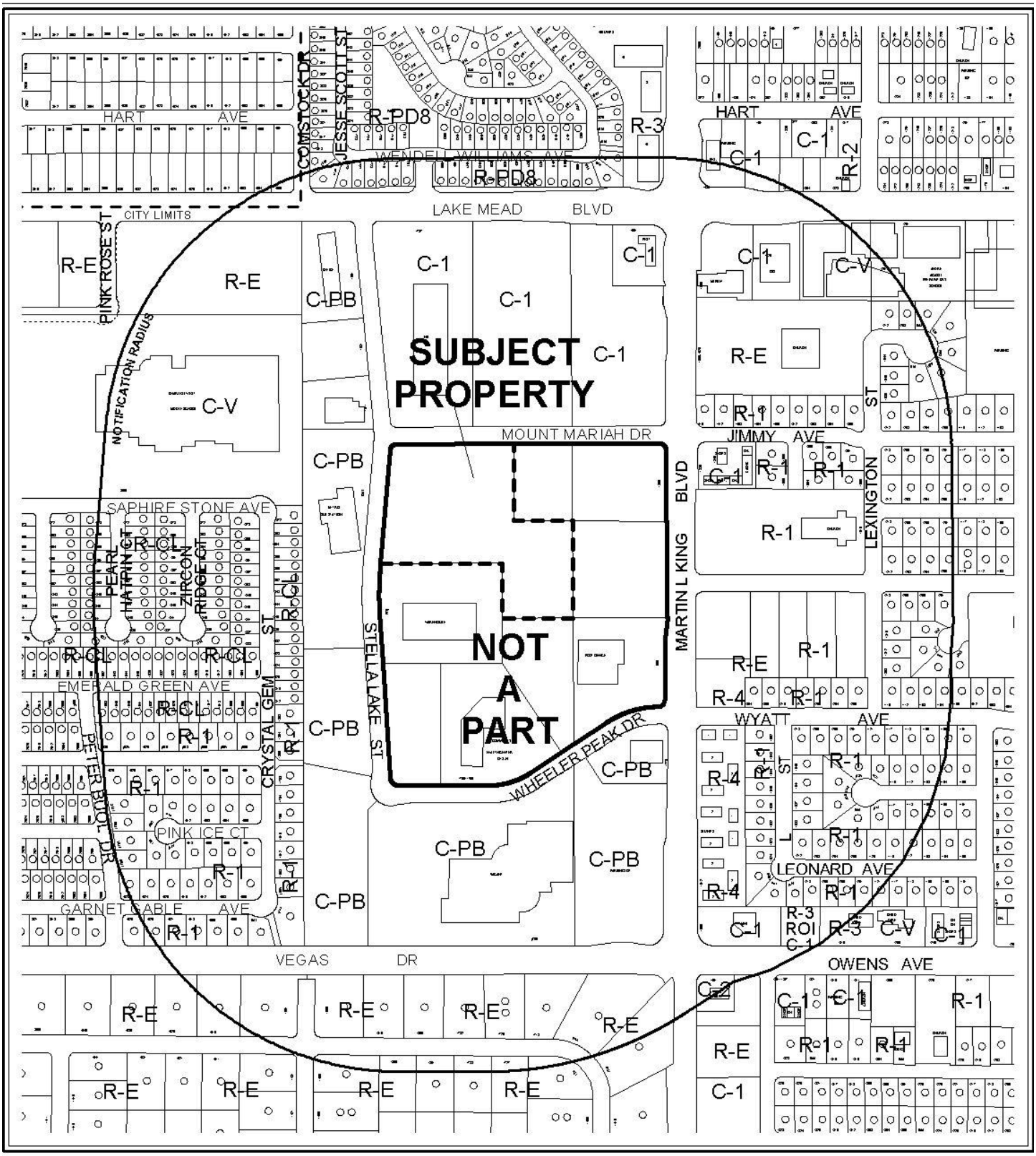
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-35380 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35381 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 7,600 SQUARE-FOOT GOVERNMENT FACILITY (FIRE STATION) on a portion of 6.06 acres at the southeast corner of Stella Lake Street and Mount Mariah Drive (APN 139-21-313-016), C-PB (Planned Business Park) Zone, Ward 5 (Barlow). The Planning Commission (6-0 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**	**1**

RECOMMENDATION:
The Planning Commission (6-0 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 September 10, 2009 Planning Commission Meeting Item 16



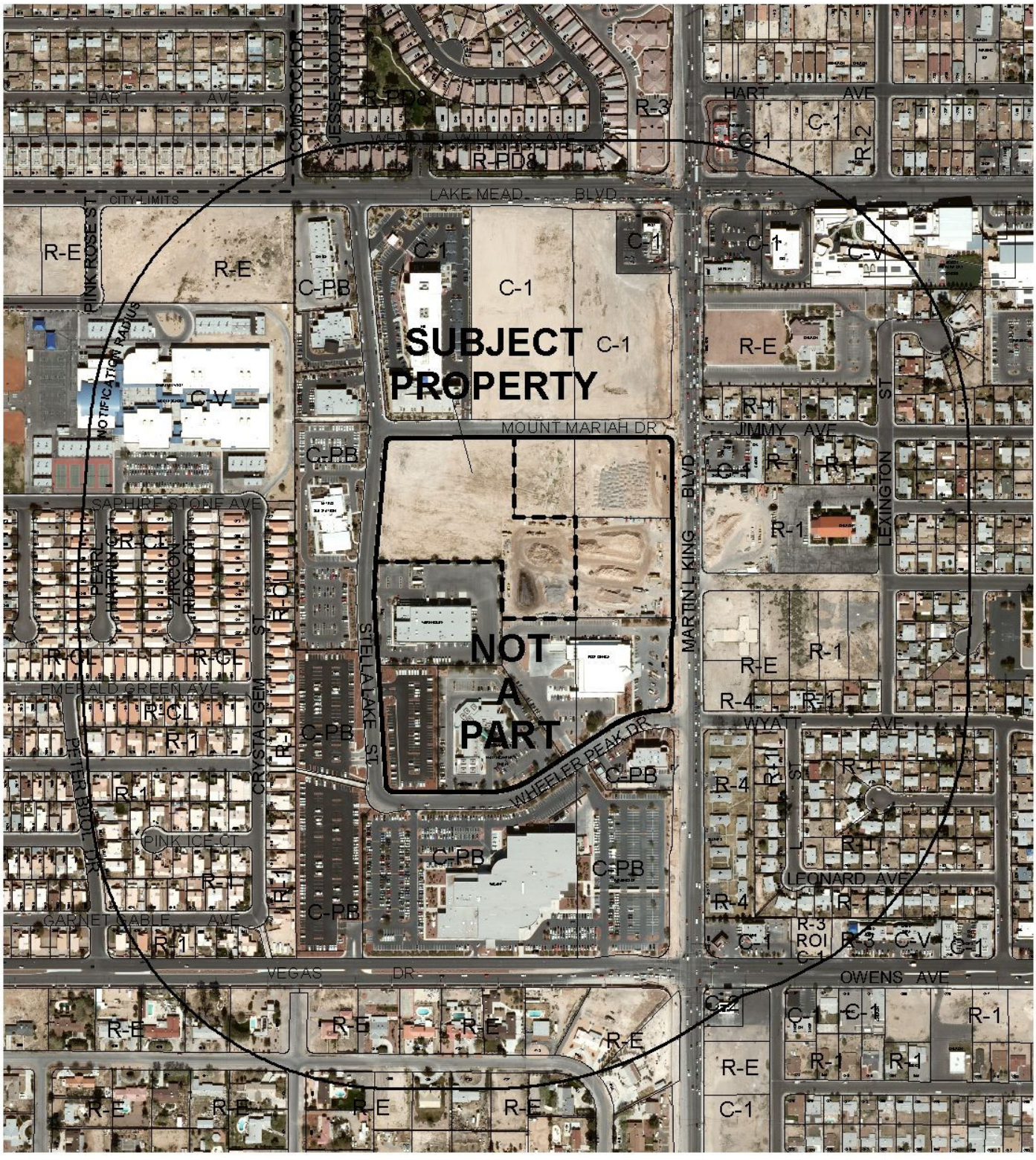
0 500 1000 Fee

CASE: **SDR-35380**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N



0 500 1000 Fee

CASE: **SDR-35380**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Variance (VAR-35381) 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 08/06/09 and the floor plan and elevation plan date stamped 07/28/09, except as amended by conditions herein.

4. Property lines must be established prior to issuance of building permits on the undeveloped portion of the site unless developed by the City of Las Vegas.

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 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.

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. Construct all incomplete half-street improvements (sidewalk) adjacent to this site concurrent with development of this site.

14. Remove all substandard public street improvements 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.

15. 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.

16. The submitted Drainage Plan and Technical Drainage Study must be accepted by the Department of Public Works prior to the issuance of any building permits for this site.

17. Site development to comply with all applicable conditions of approval for Z-136-94, the Las Vegas Enterprise Park (Commercial Subdivision) and all other subsequent site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 7,600 square-foot Fire Station on a portion of an undeveloped lot at the southeast corner of Stella Lake Street and Mount Mariah Drive. The proposed fire station is meant to keep up with the growing demand for providing life safety services to the citizens of the Las Vegas Valley. The fire station is to be constructed on 1.54 acres of the 6.06 acre site, and will be designed as a sustainable facility to attain LEED Silver certification. If this application is denied, approval of a new Site Development Plan Review would be required prior to development of the site. The proposed Fire Station is harmonious and compatible with the surrounding land uses; therefore, staff is recommending approval of this application.

Issues

- Approval of a companion Variance (VAR-35381) to allow 18 parking spaces where 26 are required is necessary for this request to be approved. Staff can support the companion Variance request as the parking provided is adequate to meet the maximum staffing level for the fire station, as well as the limited number of visitors expected at the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/94	The City Council approved an application to Rezone (Z-0136-94) the subject site as part of a larger request from R-E (Residence Estates) to C-PB (Planned Business Park). The Planning Commission recommended approval.
09/14/95	The Planning Commission approved a Plot Plan Review [Z-0136-94(1)] for an enterprise business park, which includes the subject property. The Planning Commission recommended approval.
02/07/96	The City Council approved an Extension of Time [Z-0136-94(3)] for an enterprise business park, which includes the subject property. The Planning Commission recommended approval. The Extension of Time expired on 12/21/96.
11/05/03	The City Council approved applications for a Special Use Permit (SUP-2909) and a Site Development Plan Review (SDR-2908) for a recording studio and for television broadcasting and other communication services adjacent to the west side of Martin L King Boulevard, approximately 330 feet north of Wheeler Peak Drive. The Planning Commission and staff recommended approval. The Las Vegas Enterprise Park Architectural Review Committee reviewed and approved the site plan on 08/20/03.
06/15/05	The City Council approved a Site Development Plan Review (SDR-6519) for a proposed three building, 27,672 square-foot corporate office and bank center adjacent to the southwest corner of Martin L King Boulevard and Mount Mariah Drive. The Planning Commission recommended approval. The application expired on 06/15/09.

09/10/09	The Planning Commission recommended approval of companion item VAR-35381 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #16/ao).

Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	
Pre-Application Meeting	
06/30/09	The submittal requirements for a Site Development Plan Review were discussed.
Neighborhood Meeting	
09/03/09	A neighborhood meeting was held from 6:00 to 6:00 pm at the Doolittle Community Center located at 1940 J street Las Vegas, Nevada 89106. There were six attendees for the general public, and seven staff members (Planning and Development, City Representatives, Councilman Barlow, plus two Ward 5 Liaisons). Concerns raised included: • Location in office park
Field Check	
08/06/09	Staff conducted a site inspection and noted a well maintained undeveloped lot.

Details of Application Request	
Site Area	
Net Acres	1.54 acres (limits of construction)
Gross Acres	6.06 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
North	Offices	LI/R (Light Industrial / Research)	C-1 (Limited Commercial)
South	Warehouse	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
East	Undeveloped	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
West	Metro Substation	PF (Public Facilities)	C-PB (Planned Business Park)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas Enterprise Park	X		Y*
West Las Vegas Plan	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

**Per approval letter from the Architectural Review Committee of the Las Vegas Enterprise Park dated 08/05/09.*

DEVELOPMENT STANDARDS

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Width	100 Feet	410 Feet	Y
Min. Setbacks			
• Front	20 Feet	116 Feet	Y
• Side	10 Feet	10 Feet	Y
• Side	10 Feet	289 Feet	Y
• Rear	15 Feet	91 Feet	Y
Max. Lot Coverage	50%	<50%	Y
Max. Building Height	N/A	31 Feet	N/A
Trash Enclosure	Screened, Gated, with a Roof or Trellis	Screened, Gated with a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree / 6 Spaces	3 Trees	6	Y
Buffer: Min. Trees	1 Tree / 20 Linear Feet	4 Trees	5 Trees	Y
TOTAL		7 Trees	11 Trees	Y
Min. Zone Width				
West	15 Feet		25 Feet	Y
South	8 Feet		8 Feet	Y
East	8 Feet		120 Feet	Y
North	N/A		6 Feet	Y
Wall Height	6-8 Feet		8 Feet	Y

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	
Government Facility	7,600	1:300	24	2	17	1	
Total			26		18		N

ANALYSIS

The site complies with all Title 19 requirements with the exception of required parking. Per Title 19.04, a Government Facility requires one space per 300 square feet of gross floor area, resulting in the need for 26 spaces, two of which are required to be handicap accessible. The site plan depicts a total of 18 spaces, including one handicap accessible space, which is a 31% deviation from the standard. A companion Variance (VAR-35381) has been submitted to address this issue. Staff can support the request for the companion parking Variance (VAR-35381) as a fire station is unlike a traditional government facility in that it will provide both work and living space for a specific number of employees, with minimal public access. The facility is expected to house no more than 12 firefighters at any time, and the parking provided is adequate.

The overall site is accessed from Stella Lake Street. This street is classified as a 60-foot Right-of-Way. The site provides adequate access and circulation for pedestrians, vehicles, and fire trucks.

The applicant has exceeded the minimum landscaping requirements with respect to the overall tree count, spacing and buffer widths throughout the site. The applicant has also added an abundant amount of landscaping at the eastern portion of the overall site. The landscaping is appropriate for the subject development.

The building is being designed to meet LEED Silver certification, in accordance with the City's Green Building Resolution. The elevations are well articulated by the use of variations in height and massing. The applicant has also included a variety of colors, materials and windows, including stone veneer and a double lock standing roof seam. The elevations and materials proposed are appropriate and harmonious with the surrounding neighborhood.

The proposed project is consistent the Las Vegas Enterprise Park Covenants, Conditions, and Restrictions, and has obtained approval from the Las Vegas Enterprise Park Architectural Review Committee.

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 Fire Station is compatible with adjacent 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 project is consistent with the General Plan and the Las Vegas Enterprise Park Covenants, Conditions, and Restrictions. The project has obtained approval from the Las Vegas Enterprise Park Architectural Review Committee. The development does not comply with the parking standards of Title 19; however, the applicant has requested a Variance from the parking standards in conjunction with this Site Development Plan Review.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site will have access to Lake Stella Street. The existing street network will be adequate to serve the proposed uses. The site access and on-site circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building and landscape materials are appropriate for the area and for the City, and meets all requirements of Title 19.

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 submitted building elevations create an orderly and aesthetically pleasing environment, and will be harmonious and compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 336 by City Clerk

APPROVALS 3

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-35380 APN: 139-21-313-016

Name of Property Owner: City of Las Vegas

Name of Applicant: Saumuel D. Tolman, AIA, NCARB

Name of Representative: Saumuel D. Tolman, AIA, NCARB

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: Saumuel D. Tolman, AIA, NCARB

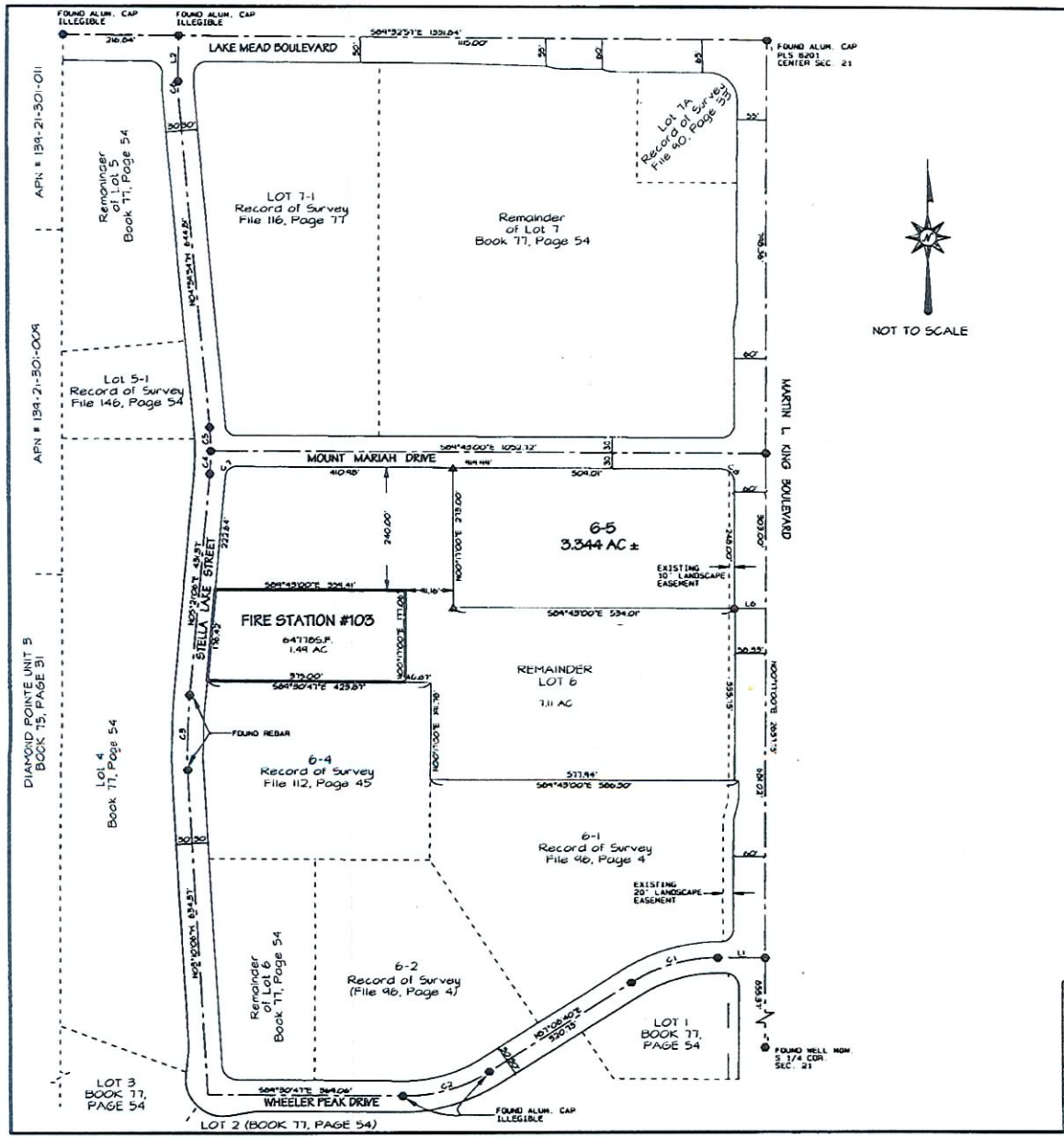
Subscribed and sworn before me

This 16th day of July, 2009

Gail D. Wilkinson

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
GAIL D. WILKINSON
Appt. No. 03-80551-1
My Appt. Expires March 6, 2011



SURVEYORS CERTIFICATE

I, Alan R. Riekki, a Professional Land Surveyor licensed in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my supervision at the instance of the City of Las Vegas.

2. The land surveyed lies within Section 21, T. 20 S., R. 61 E., M.D.M., Las Vegas, Nevada, and the survey was completed on May 1, 2007.

3. This plat complies with applicable statutes of this state and any local ordinances in effect on the date that the survey was completed, and the survey was conducted in accordance with Chapter 625 of the Nevada Administrative code.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated, and are of sufficient durability.

Alan R. Riekki
Professional Land Surveyor
Nevada Certificate No. 12469

BASIS OF BEARING

The east line of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., also being the centerline of Martin L. King Boulevard, bears N00°17'00" E as shown on the Amended Map for Las Vegas Enterprise Park on file in the Clark County Recorder's Office in Book 77 of Plats, Page 54.

LEGEND

- Found Alum. Cap PLS 7008 unless otherwise noted
- Found Alum. Cap PLS 4541
- Set rebar and Alum. Cap PLS 12469
- Centerline
- Right of way line
- Boundary
- Adjoining Lot Lines

LINE	BEARING	DISTANCE
L1	N89°43'00"W	90.00'
L2	S00°27'03"W	84.78'
L3	N89°43'00"W	1.67'
L4	N07°12'33"E	0.24'
L5	N89°43'00"W	0.36'
L6	N89°43'00"W	60.00'

CURVE	RADIUS	DELTA	ARC LENGTH	TANGENT
C1	300.00'	33°08'11"	173.51'	89.26'
C2	300.00'	33°20'32"	174.56'	89.84'
C3	1000.00'	8°31'12"	148.70'	74.49'
C4	500.00'	5°04'06"	44.23'	22.13'
C5	500.00'	3°16'54"	46.09'	23.06'
C6	250.00'	5°26'57"	23.78'	11.90'
C7	20.00'	84°55'54"	29.65'	18.30'
C8	25.00'	90°00'00"	39.27'	25.00'

RECORDER'S NOTE

Any subsequent changes to this map should be examined and may be determined by reference to the County Recorder's Cumulative Map Index. (N.R.S. 278.3695)

SHEET 1 OF 1

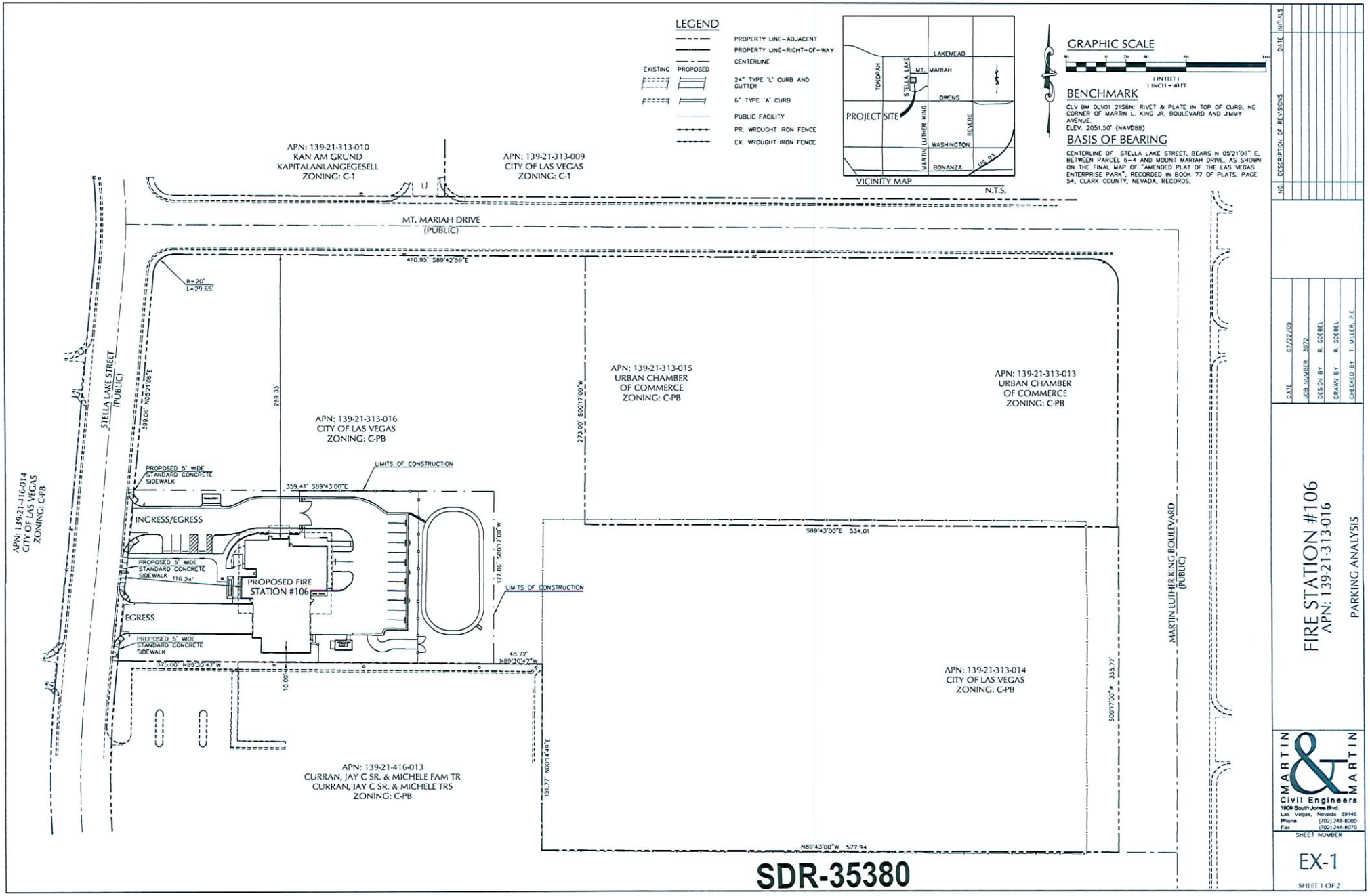
RECORD OF SURVEY
FOR
CITY OF LAS VEGAS
PORTION OF LOT 6 OF
THE LAS VEGAS ENTERPRISE PARK AMENDED
BOOK 77, PAGE 54 OF PLATS
PORTION OF SW 1/4 SECTION 21, T. 20 S., R. 61 E., M.D.M.
CITY OF LAS VEGAS CLARK COUNTY NEVADA

DRAWN BY: NJPA
CHECKED BY: ARR
DATE: APRIL 2007
FILE NAME: ENTERPRISES.PRO
3001 ROMANUS DR., LAS VEGAS, NV. 89122 229-6217

INSTRUMENT NO. _____
FILED AT THE REQUEST OF
THE CITY OF LAS VEGAS
DATE _____ AT _____
FILE _____ PAGE _____
OF SURVEYS
OFFICIAL RECORDS BOOK NO. _____
CLARK COUNTY, NEVADA, RECORDS
DEBBIE CONWAY, RECORDER
FEE _____ DEPUTY _____

RECEIVED
JUL 28 2009

SDR-35380
09/10/09 PC



NO.	DESCRIPTION OF REVISIONS	DATE	INITIALS

DATE 07/22/09
JOB NUMBER 3072
DESIGN BY R. GOEBEL
DRAWN BY R. GOEBEL
CHECKED BY T. MILLER, P.E.

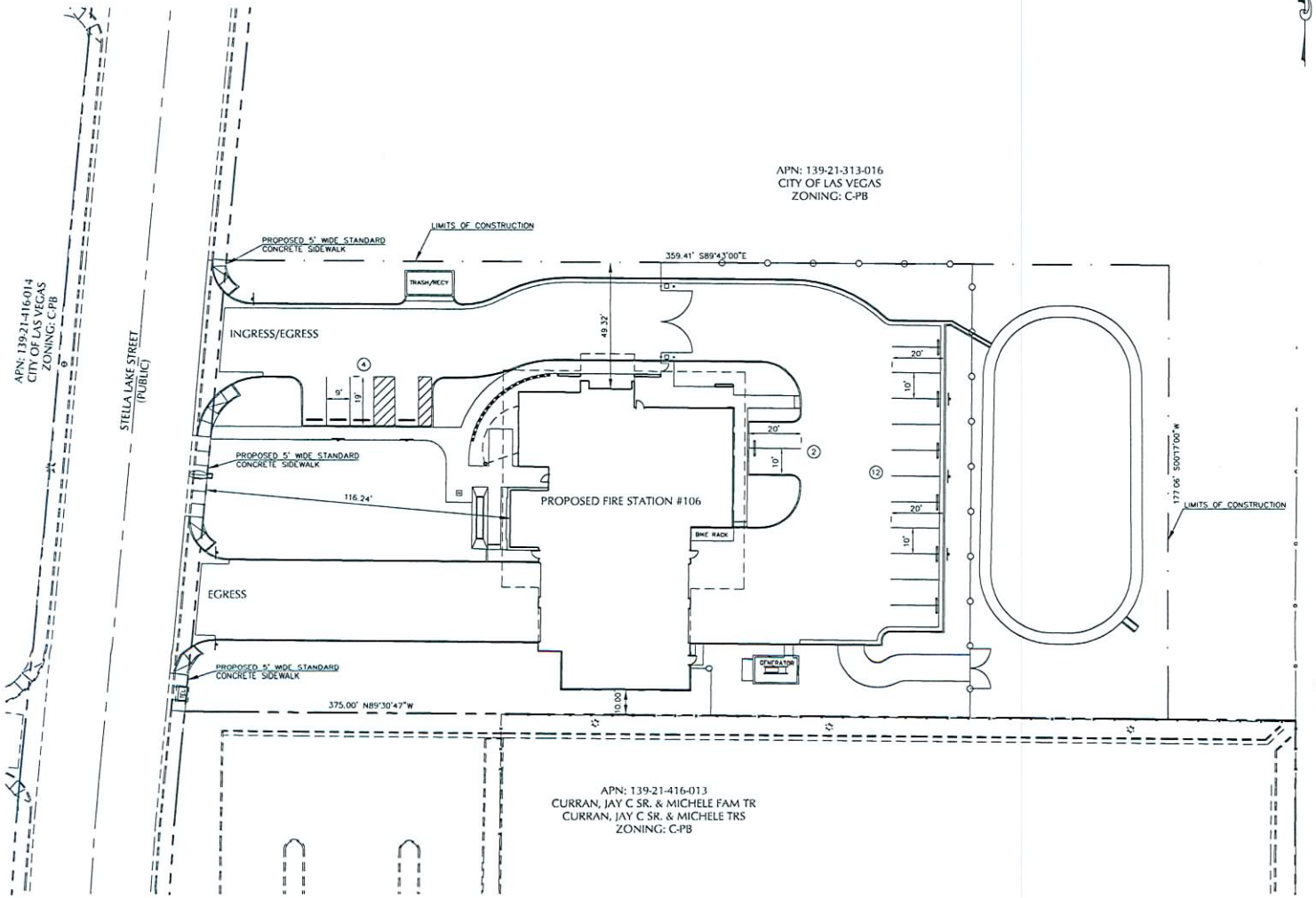
FIRE STATION #106
APN: 139-21-313-016
PARKING ANALYSIS

MARTIN & MARTIN
Civil Engineers
1909 South Jones Blvd.
Las Vegas, Nevada 89146
Phone (702) 248-8000
Fax (702) 248-8070

SHEET NUMBER
EX-1
SHEET 1 OF 2

SDR-35380
REVISED
09/10/09 PC

AUG 0 6 2009



GRAPHIC SCALE

(IN FEET)
1 INCH = 20 FT

BENCHMARK

CLV BM CLV01 2156N: RIVET & PLATE IN TOP OF CURB, NE CORNER OF MARTIN L. KING JR. BOULEVARD AND JIMMY AVENUE.
ELEV. 2051.50' (NAV088)

BASIS OF BEARING

CENTERLINE OF STELLA LAKE STREET, BEARS N 05°21'06" E, BETWEEN PARCEL 6-4 AND MOUNT MARIAH DRIVE, AS SHOWN ON THE FINAL MAP OF "AMENDED PLAT OF THE LAS VEGAS ENTERPRISE PARK", RECORDED IN BOOK 77 OF PLATS, PAGE 54, CLARK COUNTY, NEVADA, RECORDS.

SITE PARKING ANALYSIS

REQUIRED PARKING PER CODE: 1 SPACE PER 300 S.F.

REGULAR SPACES:	26 SPACES
ADA SPACES:	1 SPACE
TOTAL SPACES REQUIRED PER CODE:	27 SPACES

PROPOSED PARKING:

REGULAR SPACES:	17 SPACES
ADA SPACES:	1 SPACE
TOTAL SPACES PROVIDED:	18 SPACES



VICINITY MAP N.T.S.

LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE-ADJACENT
		PROPERTY LINE-RIGHT-OF-WAY
		CENTERLINE
		24" TYPE 'L' CURB AND GUTTER
		6" TYPE 'A' CURB
		PUBLIC FACILITY
		PR. WROUGHT IRON FENCE
		EX. WROUGHT IRON FENCE
	(2)	NUMBER OF PARKING SPACES

NO.	DESCRIPTION OF REVISIONS	DATE	INITIALS

DATE 08/04/09
JOB NUMBER 3072
DESIGN BY R. GOEBEL
DRAWN BY R. GOEBEL
CHECKED BY T. MILLER, P.E.

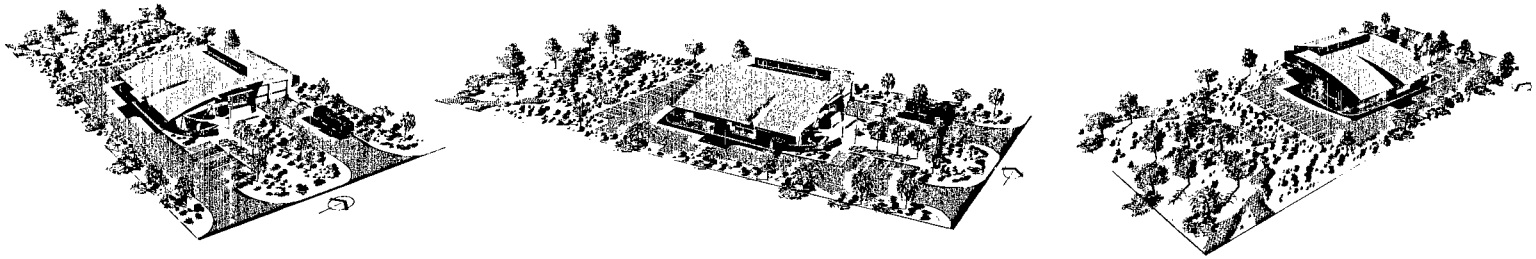
FIRE STATION #106
APN: 139-21-313-016
PARKING ANALYSIS

MARTIN & MARTIN
Civil Engineers
1909 South Jones Blvd.
Las Vegas, Nevada 89146
Phone (702) 248-8000
Fax (702) 248-8070

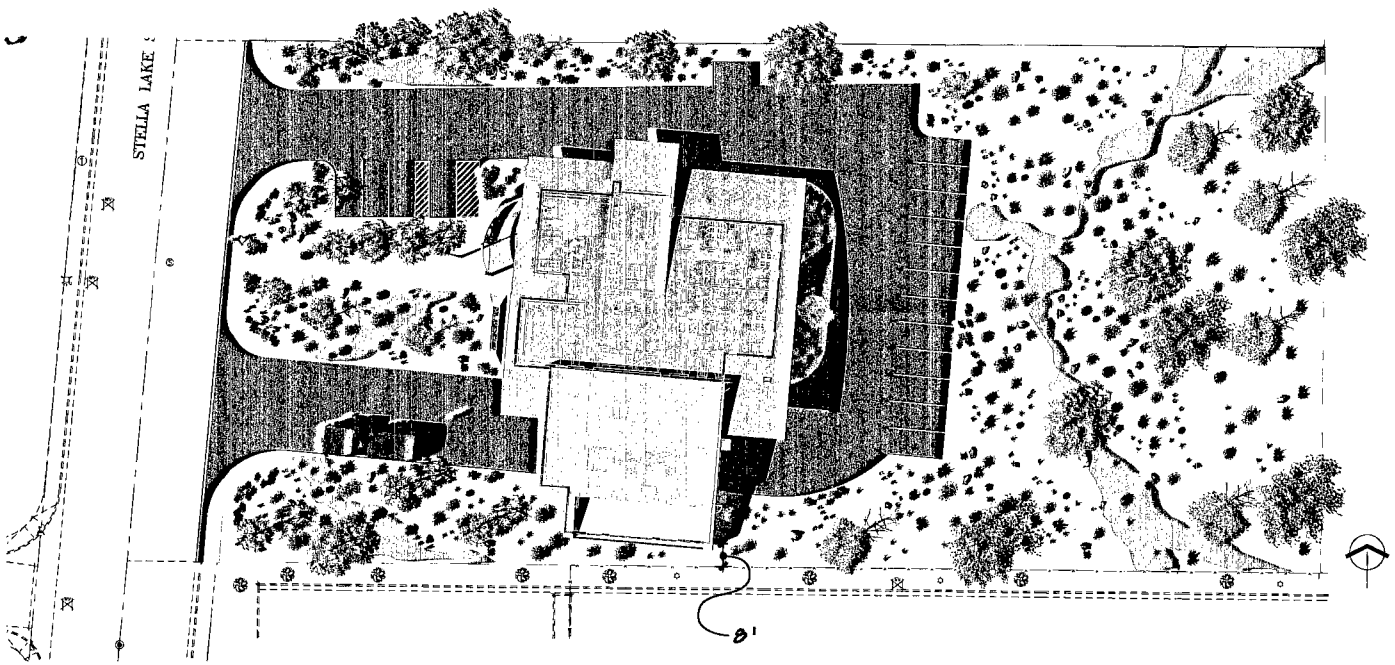
SHEET NUMBER
EX-2
SHEET 2 OF 2

SDR-35380
REVISED
09/10/09 PC

AUG 0 6 2009

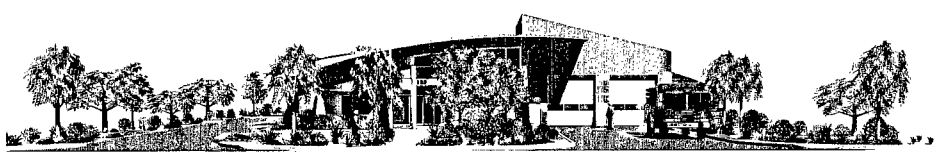


AERIAL PERSPECTIVE VIEWS



PLAN VIEW

SCALE: 1"=50'



FRONT VIEW

PLANT SCHEDULE

SYMB.	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
			TREES		
	8	24" BOX	ERIOBOTRYA FLORIDIUM	BLUE FIELD VERDE	5" MIN. CAL.
	13	24" BOX	CHITALPA TASHKENTENSIS	CHITALPA	1-1/4" MIN. CAL.
	9	24" BOX	GLEDITSIA TRIA 'HERITAGE'	HERITAGE OAK	3" MIN. CAL.
	6	24" BOX	VITEX AGNUS-CASTUS	CHASTE TREE	1-1/4" MIN. CAL.
			SHRUBS & GROUNDCOVER		
	45	5 GAL.	BACCHARIS 'CENTENNIAL'	CENTENNIAL BACCH.	FULL & BUSHY
	54	10 GAL.	CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE	
	23	5 GAL.	CASSIA PHYLLODINEA	SILVER CASSIA	FULL & BUSHY
	18	5 GAL.	DASYLIRION ACROTRICHE	GREEN DESERT SPOON	FULL & BUSHY
	1	5-D CANES	*LAGERSTROEMIA SPECIOSA*	*GIANT CRAPE MYRTLE*	
	55	5 GAL.	*LEUCOPHYLLUM FRUT. 'ORIG. CLOUD'*	*ORIG. CLOUD TEXAS RANGER*	
	18	5 GAL.	MUHLENBERGIA CAP. 'REGAL MIST'	REGAL MIST DEER GRASS	FULL & BUSHY
	17	5 GAL.	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	FULL & BUSHY
	28	5 GAL.	NERIUM OLEANDER 'PETITE PINK'	PETITE PINK OLEANDER	FULL & BUSHY
	14	5 GAL.	PHOTINIA FRASERI 'RED ROBIN'	RED ROBIN	FULL & BUSHY
	14	5 GAL.	PITTOSPORUM TOBIRA 'WHEELERS DWARF'	DWARF MOCK ORANGE	FULL & BUSHY
	14	5 GAL.	PODOCARPUS MACROPHYLLUS 'MAKI'	SHORT LEAF YEW	FULL & BUSHY
	14	5 GAL.	RAPHIOLEPIS INDICA 'CLARA'	CLARA INDIAN HAWTHORN	FULL & BUSHY
	14	5 GAL.	RHAPHIOLEPIS INDICA 'SPRINGTIME'	SPRINGTIME INDIAN HAWTHORN	FULL & BUSHY
	14	5 GAL.	ROSMARINUS OFFICINALIS 'PROSTRATUS'	DWARF ROSEMARY	FULL & BUSHY
	14	5 GAL.	SALVIA GREGGII 'RED'	RED AUTUMN SAGE	FULL & BUSHY
	14	5 GAL.	SALVIA GREGGII 'WHITE'	WHITE AUTUMN SAGE	FULL & BUSHY
	14	5 GAL.	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	FULL & BUSHY
	14	5 GAL.	TECOMARIA CAPENSIS 'ORANGE'	ORANGE CAPE HONEYSUCKLE	FULL & BUSHY
	14	5 GAL.	TECOMARIA CAPENSIS 'YELLOW'	YELLOW CAPE HONEYSUCKLE	FULL & BUSHY
	14	5 GAL.	TECOMA STANS 'ORANGE JUBILEE'	ORANGE JUBILEE	FULL & BUSHY
	14	5 GAL.	TECOMA STANS 'SUNRISE'	SUNRISE	FULL & BUSHY
	14	5 GAL.	TECOMA STANS 'YELLOW'	YELLOW BELLS	FULL & BUSHY
	14	5 GAL.	VITEX AGNUS-CASTUS	CHASTE TREE	FULL & BUSHY
	14	5 GAL.	XYLOSMA CONGESTUM	SHINY XYLOSMA	FULL & BUSHY
	14	5 GAL.	YUCCA FILAMENTOSA 'GOLDEN SWORD'	GOLDEN SWORD YUCCA	FULL & BUSHY
	14	5 GAL.	YUCCA RUPICOLA	TWISTLEAF YUCCA	FULL & BUSHY
	14	5 GAL.	YUCCA WHIPPLEI	OUR LORD'S CANDLE	FULL & BUSHY
	14	5 GAL.	ZAUSCHNERIA CALIFORNICA	CALIFORNIA FUCHSIA	FULL & BUSHY
	14	5 GAL.	ZAUSCHNERIA CANA	HUMMINGBIRD TRUMPET	FULL & BUSHY

PLANTING AREAS: DECOMPOSED GRANITE SHALL BE INSTALLED IN ALL PLANTING AREAS
INSTALL 1" @ HEAD 6" DEEP

BOULDERS: PINK CORAL GRANITE BOULDERS, SIZES 3' AND 4' DIGHENT FOR SCALE APPEARANCE.

MISCELLANEOUS

RECOMPOSED GRANITE SOURCE:	PLANT MATERIAL SOURCES:
KALAMAZOO MATERIALS INC	MOUNTAIN STATES NURSERY
84 NORTH RAINBOW BLVD	10959 WEST BLOSSOM AVE.
LAS VEGAS, NEVADA 89170	P.O. BOX 1268
(702) 645-8000	LITCHFIELD PARK, ARIZONA 85340
(602) 935-3060	(602) 935-3060

PLANTING NOTES:

1) CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS, COORDINATION, SCHEDULING, UTILITY VERIFICATIONS AND DAMAGE TO OTHER YARDS AND / OR UTILITIES, AS PER CONTRACT GENERAL CONDITIONS
2) CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS AND REPORT ANY AND ALL DISCREPANCY TO THE LANDSCAPE ARCHITECT AND CONSTRUCTION PROJECT REPRESENTATIVE PRIOR TO START OF CONSTRUCTION.
3) CONTRACTOR SHALL VERIFY LOCATIONS OF EXISTING UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION. CALL BEFORE YOU DIG 1-800-227-2600
4) CONTRACTOR SHALL LIMIT WORK AREAS TO TOP 3-INCHES IN THE PLANTING
5) CONTRACTOR SHALL PERFORM FINISH GRADING ADJUSTMENTS TO ASSURE ENGINEERED GRADING, OR AS DIRECTED BY THE CONSTRUCTION PROJECT REPRESENTATIVE. GRADE AREAS SMOOTH TO MINIMIZE IRREGULARITIES AND LOW SPOTS
6) LAYOUT OF ALL PLANT MATERIAL IN PLANTING AREAS SHALL BE APPROVED BY THE CONSTRUCTION PROJECT REPRESENTATIVE PRIOR TO INSTALLATION. SUBSTITUTE MATERIALS WITH PROPER APPROVAL.
7) PLANT QUANTITIES ARE FOR CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE TO VERIFY.
8) SEE DETAILS AND SPECIFICATIONS FOR PLANTING PROCEDURES
9) SEE DETAILS AND SPECIFICATIONS FOR RECOMPOSED GRANITE PROCEDURES
10) CONTRACTOR SHALL DISPOSE OF EXCESS AND WASTE ALL DEBRIS ENCOUNTERED DURING PLANTING OPERATIONS. ADJACENT TO THE REQUIRED DEPTH AS DIRECTED BY THE CONSTRUCTION PROJECT REPRESENTATIVE AND PROPERLY DISPOSE OF EXCAVATED DEBRIS FROM SITE.

SDR-35380
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09/10/09 PC

AUG 06 2009

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

DIVISION:

CONSULTANT:

CITY OF LAS VEGAS, NEVADA
FIRE STATION #106 (AKA FS #103)

LANDSCAPE PLAN

STAMP:

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS

ARCHITECT OF RECORD
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PHONE: (702) 229-6239
FAX: (702) 382-3232
TDD: (702) 386-9108

DRAWN: D

FILE: fs103-A42

DATE: 7/27/09

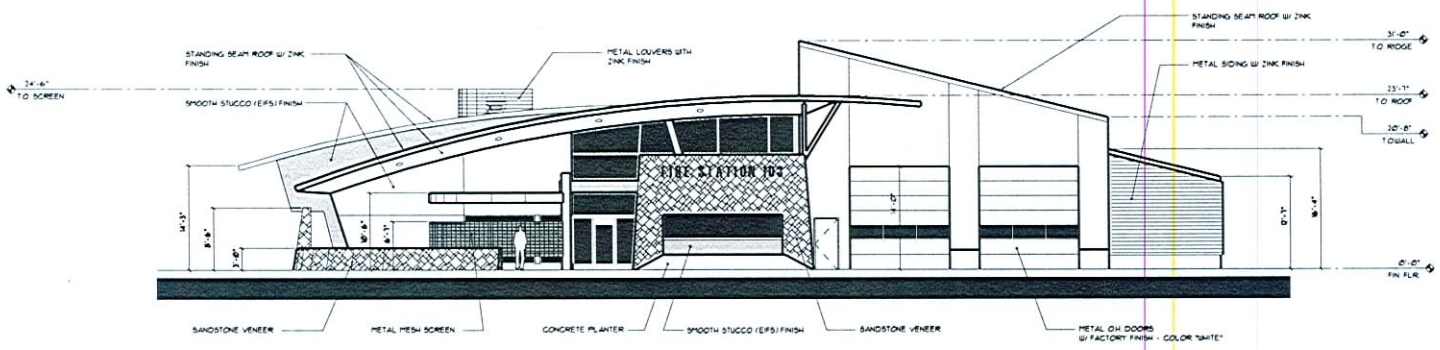
SCALE: N T S

JOB NO: 08.15341.08

CLV DWG NO:

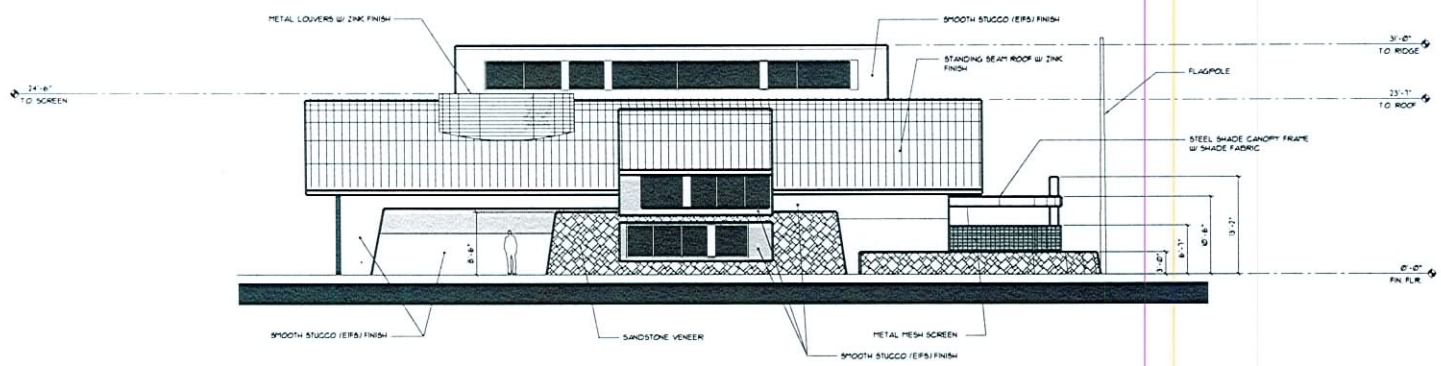
SUP NO:

L1.0



1 West Elevation

Scale: 1/8"=1'-0"



2 North Elevation

Scale: 1/8"=1'-0"

Keynotes

1. CMU BOLLARD. SEE DETAIL 1/A10.1
2. NOT USED
3. NOT USED
4. OVERFLOW ROOF SCUPPER. SEE DTL. 4/A10.5 + SHT. A3 FOR EXACT LOCATION
5. NOT USED
6. ROOF DRAIN OUTLET, PROVIDE DOWNSPOUT NOZZLE PER PLUMBING DWGS.
7. NOT USED
8. WINDOW CANOPY - SEE DETAIL ON SHEET A10.2
9. FIRE DEPARTMENT CONNECTION. SEE PLUMBING DRAWINGS AND FIRE PROTECTION DWGS.
10. NOT USED
11. FLAGPOLE. SEE CIVIL DRAWINGS FOR DETAILS
12. METAL COPING, MATCH (MR-2) COLOR, FINISH, GUAGE, UNLESS NOTED OTHERWISE.
13. NOT USED
14. EXTERIOR LIGHT. SEE SPECIFICATIONS FOR DIFFERENT LIGHTS + LOCATIONS
15. GABLE FLASHING - MATCH (MR-2) ROOF COLOR/GUAGE. SEE FINISH SCHEDULE + SEE DETAILS 4/A10.3.
16. EXPOSED CMU BASE - SEE DETAIL 2/A10.1

Keynotes

17. 3'-6" ROCK UNDER ROOF DRAIN SPOUT IN LIEU OF SPLASH BLOCK - 3'-6" ROCK TO MATCH DECOMPOSED GRANITE LANDSCAPE MAT'L
18. CMU WALL. SEE FINISH SCHEDULE, SPECIFICATIONS + WALL LEGEND.
19. SMOOTH STUCCO (EIFS) FINISH - SEE EXTERIOR FINISH SCHEDULE THIS SHEET + SPEC'S
20. ENTRY WALL W/ MTL. PLATE FINISH. SEE WALL LEGEND.
21. HORN + STROBE. SEE SHEET FP-01 FOR ALL INFORMATION
22. NOT USED
23. METAL FRAMED SURROUND AT GARAGE DOOR W/ STUCCO FINISH - SEE DETAILS (TYP.)
24. STANDING SEAM ROOF. SEE FINISH SCHEDULE, SPECIFICATIONS + ROOF PLAN
25. GABLE END POPOUT AND FLASHING - SEE DETAIL 11/A10.2
26. APPROXIMATE LINE OF FINISH GRADE. SEE CIVIL DRAWINGS
27. 8"X8"X16" EXPOSED CMU WALL (CMU-1)
28. CLERESTORY WINDOW IN APPARATUS RM. WALL BEHIND PARAPET. SEE WINDOW SCHEDULE + DETAIL 11/A5.1 (TYP. OF 10 WINDOWS TOTAL)
29. SPEAKERS. SEE ELECTRICAL DWGS. FOR ALL INFORMATION. MOUNT CENTER OF SPEAKERS AT 10'-0" AFF.

General Notes:

1. ALL EXTERIOR METAL TO BE SHOP PRIMED AND PAINTED PER FINISH SCHEDULE.
2. SEE FINISH SCHEDULE ON THIS SHEET FOR COLORS OF ALL MATERIALS KEYNOTED ON ELEVATIONS.
3. ANY PLACE WHERE A "C" IS SHOWN INDICATES A CONTROL JOINT RUNNING THE FACE OF THE WALL.
4. ANY PLACE WHERE A "T" IS SHOWN INDICATES A CONTROL JOINT RUNNING THE FACE OF THE EXPOSED CMU VENEER ONLY. (THIS IS NOT THE SAME AS THE CMU EXPANSION JOINT AS SHOWN IN THE STRUCTURAL DRAWINGS)

Exterior Finish Schedule

ABBREV.	MATERIAL / LOCATION	FINISH	COLOR / MFR
EP-1	MAIN EXTERIOR COLOR ON STUCCO WALLS.	SMOOTH STUCCO FINISH, PAINTED	COLOR* 541 "DESERT CASTLE" MFR: (C) (OR APPROVED EQ.)
EP-2	EXTERIOR ACCENT STUCCO WALLS.	SMOOTH STUCCO FINISH, PAINTED	COLOR #543 "WHITE MOUNTAIN" MFR: (C) (OR APPROVED EQ.)
	EXTERIOR DOORS + FRAMES	PAINT (DOORS)	COLOR #543 "WHITE MOUNTAIN" MFR: (C) (OR APPROVED EQ.)
EP-3	METAL + TRASH ENCL. TUBE STEEL ROOF SUPPORTS	PAINTED / SHOP PRIMED EXTR METAL, PAINTED	COLOR #93 "BENTWOOD" MFR: (C) (OR APPROVED EQ.)
	STUCCO ACCENT COLOR	SMOOTH STUCCO FINISH, PAINTED.	COLOR #93 "BENTWOOD" MFR: (C) (OR APPROVED EQ.)
NUMBER-1	BLDG. ADDRESS NUMBERS. (18" HIGH)	BRUSHED ALUMINUM FINISH	FONT: "HELVETICA", FINISH "BRUSHED ALUMINUM"
NUMBER-2	FIRE STATION NUMBER. (3'-0" HIGH)	BRUSHED ALUMINUM FINISH	MFR GEMINI FONT: "HELVETICA" FINISH "BRUSHED ALUMINUM"
MR-1	STND'G SEAM METAL ROOF'G. -	FACTORY FINISH.	MFR + STYLE: SEE SPEC'S COLOR: "ZINC" DURATECH 70000/ZINCALUME

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CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

REVISIONS

CONSULTANT

CITY OF LAS VEGAS, NEVADA
FIRE STATION #106 (AKA FS #103)

Exterior Elevations + Exterior Finish Schedule

STAMP

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

ARCHITECT OF RECORD
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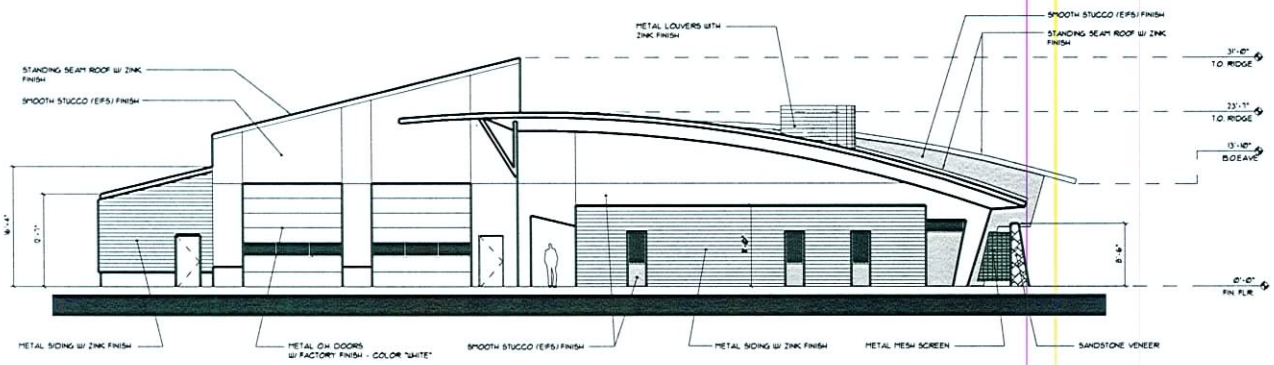
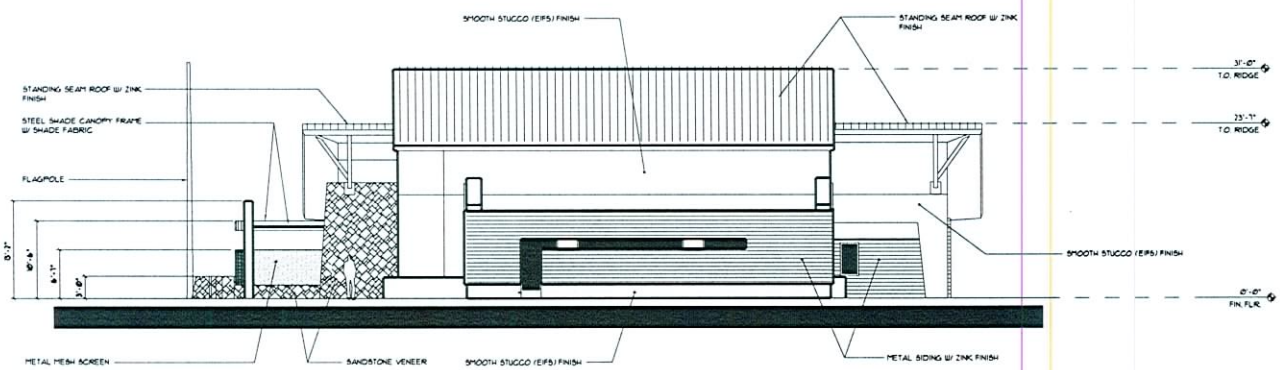
DRAWN	EPS
FILE	1403-A41
DATE	7/21/09
SCALE	1/8"=1'-0"
ASD NO	08153410.08
CCN (PMS) NO	630-107
SHT NO	A4.1



1 South Elevation

Scale: 1/8"=1'-0"



2 North Elevation

Scale: 1/8"=1'-0"

Keynotes

1. CONCRETE PEDESTAL, PEDESTAL TO HAVE ARCHITECTURAL CONCRETE FINISH, SEE DETAIL 1/A4.0.
2. PIPE BOLLARD, SEE CIVIL PLANS FOR DETAIL OF BOLLARD.
3. CURVED FRAMED POPOUT, SEE DET 2/A9.3 + DETAIL 8, PAINT PER FINISH SCHEDULE.
4. 13"-0" H.) W/ 3" RETURN - 20 GA. GALV. STEEL REVERSE PAN CHANNEL NUMBER 48 W/ SINGLE TUBE, 15MM WHITE NEON LIGHTING. SUBMIT SHOP DWGS. PRIOR TO FABRICATION.
5. 18" H. BAKED ENAMEL FINISH ADDRESS NUMBERS (COLOR: OPAQUE WHITE.) CONCEALED MOUNT TO WALL. NUMBERS SHALL BE BY "GEMINI", "ARK RAPIDS", OR APPROVED EQ. HELVETICA FONT, SPACED 7" APART. (CONTRACTOR SHALL VERIFY NUMBERS W/ OWNER PRIOR TO ORDERING.)
6. EMERGENCY TELEPHONE NICHE, SEE DETAIL 4/A4.0a.
7. 12"X12" SIGNS FOR ELECTRICAL DISCONNECT + ALTERNATE ELECT'L POWER SOURCE.
8. STEEL PLATED WINDOW CANOPY W/ POWDER COATED FINISH (COLOR: PLATINUM)- SEE DETAIL ON SHT A4D3
9. ENTRANCE CANOPY - SEE DETAIL 5
10. METAL COPING TO MATCH MFR.'s COLOR, GAUGE, FINISH U.N.O.
11. SCREEN FOR ROOFTOP HVAC UNITS, SEE SHEET A3.1 + DETAIL 12/A4D3.
12. DASHED LINE INDICATES LINE OF SINGLE PLY ROOF BEHIND ROOF PARAPET.
13. SECTIONAL GARAGE DOOR W/ WINDOW "LITES" AS SHOWN - PAINT DOOR AS PER EXTERIOR FINISH SCHEDULE AND SEE DOOR SCHEDULE AND SPEC'S.
14. EXTERIOR LIGHT, SEE ELECT. DWGS. FOR DIFFERENT LIGHTING SCHEDULE. CENTER LIGHTS OVER GARAGE DOORS.

Keynotes

15. STUCCO POPOUT @ GABLE END - SEE DETAIL 9/A4D3.
16. EXPOSED CMU WAINSCOT - SEE DETAIL 2/A4D1.
17. 8'-0" HIGH - 8"X8"X16" EXPOSED CMU WALL W/ MTL. COPING.
18. CMU WALL, SEE FINISH SCHEDULE, SPECIFICATIONS + WALL LEGEND.
19. LIGHT SAND STUCCO FINISH - PAINT PER EXTERIOR FINISH LEGEND + SEE SPECIFICATIONS.
20. 14" WIDE MTL STUD FRAMED ENTRY WALL - SEE WALL LEGEND + DETAIL 1/A6.1.
21. CMU BOLLARD - SEE DTL. 1/A4D1.
22. PAINTED METAL CANOPY FRAMING, SEE FINISH SCHEDULE.
23. OVERFLOW ROOF SCUPPER, SEE DTL. 4/A4D3 + ROOF PLAN, (ALSO SEE GEN. NOTES THIS SHT.) PAINT ALL ROOF SCUPPERS COLOR: EP-3.
24. STANDING SEAM ROOF PANEL, SEE FINISH SCHEDULE AND SPECIFICATIONS + ROOF PLAN.
25. MTL. COPING SHALL MATCH STANDING SEAM ROOF (FINISH, GAUGE, COLOR)
26. 4" DEEP METAL FRAMED POPOUT @ MAN DOORS W/ STUCCO FINISH (TYP. ALL LOCATIONS)
27. 12" SI. ACCENT WALL W/ METAL PLATE (POWDER COATED) FINISH, - SEE SHEET A6.1 FOR ELEVATIONS + SHT. A1.2 FOR PLAN VIEW.
28. LINE OF ROOF DECK BEHIND PARAPET, SEE DETAIL 3/A4D3 FOR ROOF FLASHING REQUIREMENTS.
29. BUTT-JOINTS IN POWDER-COATED STEEL PLATE WALL FINISH - BOTH SIDES OF WALL.

Keynotes

30. LINE OF HVAC UNITS BEHIND SCREEN.
31. EXPOSED CMU MASONRY VENEER JOINT.
32. HORN + STROBE, SEE SHEET FP-0.
33. PAINT OVERHEAD GARAGE DOORS FACTORY FINISH MATE, TYPICAL ALL OVERHEAD DOORS.
34. MTL FRAMED SURROUND AT GARAGE DOOR W/ STUCCO - SEE DTL'S)
35. ROOF DRAIN OUTLET + DOWNSPOUT NOZZLE, SEE PLUMBING DWGS.
36. HOSE BIBB, SEE PLUMBING DWGS.

General Notes:

1. ALL EXTERIOR METAL TO BE SHOP PRIMED AND PAINTED PER FINISH SCHEDULE.
2. SEE FINISH LEGEND FOR COLORS OF ALL FINISHES KEYNOTED ON ELEVATIONS.
3. SEE SHEET A4.1 FOR EXTERIOR FINISH SCHEDULE.
4. ANY PLACE WHERE A "CJ" IS SHOWN INDICATES A CONTROL JOINT RUNNING ALONG THE FACE OF THE WALL.
5. COORDINATE MOUNTING HT'S OF BOTTOM OF OVERFLOW SCUPPERS W/ ROOFING CONTRACTOR AND DETAIL 4/A4D3.
6. DENOTES ACCENT WALLS TO BE PAINTED EP-3 / EP-4 AS NOTED.

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CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION #106 (AKA FS 103)

Exterior Elevations

REVISIONS

CONSULTANT

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

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DRAWN: EPS
FILE: (W03-A42
DATE: 7/21/09
SCALE: 1/8"=1'-0"
BID NO: 08153410B
CIP/PWD NO: 630-107
SHT NO: A4.2

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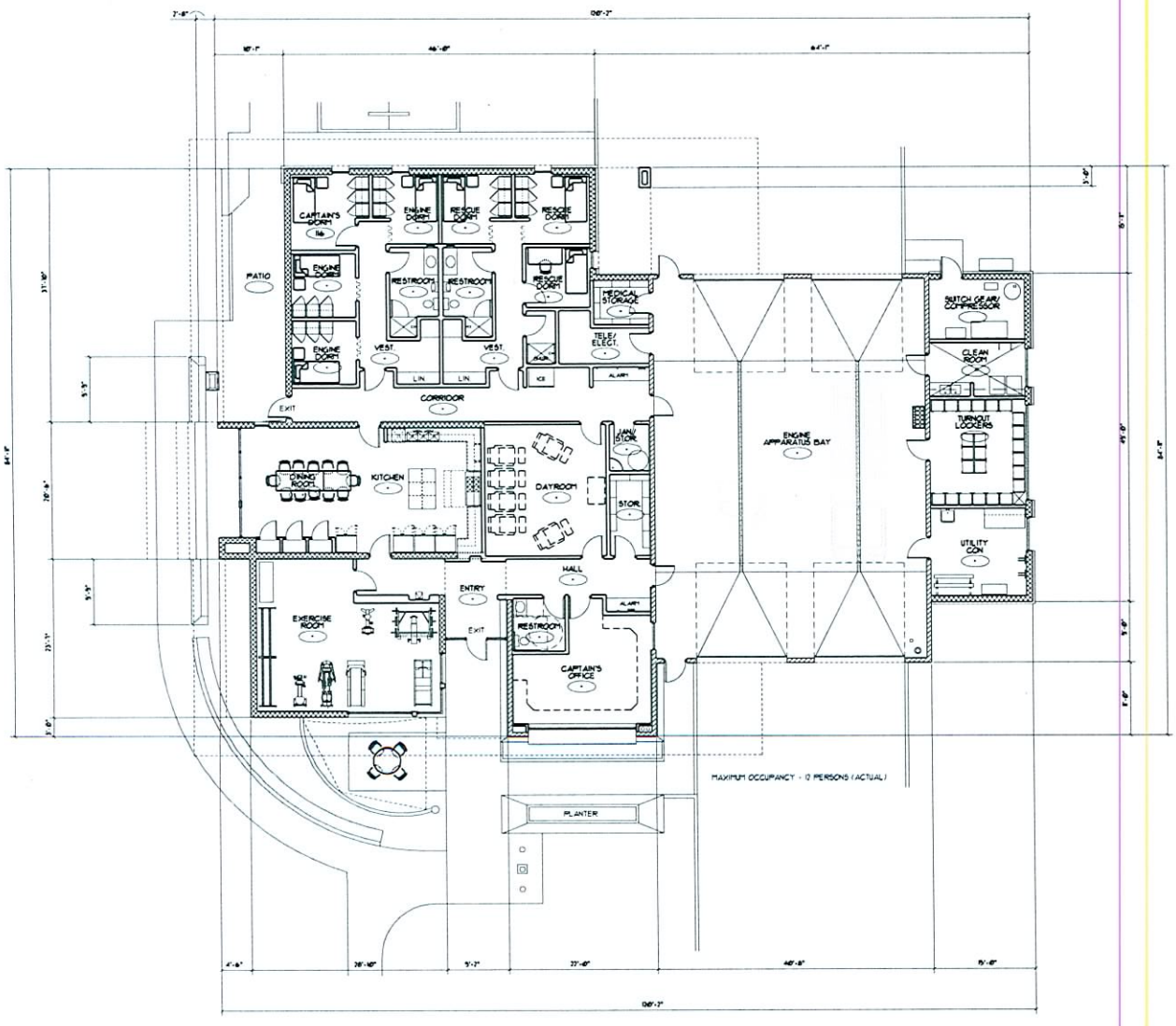

Floor Plan

Scale: 1/8" = 1'-0"

Project North

SDR-35380
09/10/09 PC

Keynotes

for Floor Plan + Dimension Floor Plan

1. CMU BOLLARD, SEE DETAIL 5/A101
2. PIPE BOLLARD, SEE CIVIL DWGS
3. EXPOSED CMU WAINSCOT - SEE DTL 1 + 2/A101 AND WALL LEGEND
4. TRENCH DRAIN, GOORD. W/ PLUMBG. CONTRACTOR - SEE PLUMBG. + STRUCTURAL DRAWINGS
5. JAMB CONDITION AT ROLL-UP DOOR, SEE DETAIL 4/A101
6. EMERGENCY TELEPHONE ALCOVE, SEE DETAIL 4/A101 & 1 & 4/A101
7. WALL TYPES "F" + "J" SHALL BE ONE-HOUR FIRE RESISTIVE CONST. PER GEN NOTE 9.
8. PRIVACY CURTAIN, BY OWNER. 1". (1)-A101 CHROME CURTAIN ROD + FLANGES. CONTRACTOR FURNISHED + INSTALLED - 80" TOP OF ROD FROM FINISH FLOOR (PROVIDE SUPPORT BACKING FOR ROD IN WALL) (TYP.)
9. FLOOR-TO-CEILING CABINET SHELVING - SEE DETAIL 7/A101
10. ROOF LADDER, SEE DETAIL 1/A53, CENTER LADDER ON LADDER "RUN DOWN"
11. METAL TURN OUT LOCKERS, SEE SPECIFICATIONS. 24 EA. IN ROOM 136, 11 EA. IN ROOM 108
12. TRI-LOCKER DORM WARDROBE UNIT, SEE DETAIL 12/A104
13. UPPER CABINETS, SEE ELEVATION 2/A81
14. EXTEND WALLS AROUND JANITOR #35 UP TO ROOFDECK + SEAL W/ FIRE CAULKING
15. HOSE RACK - 3 TIER HIGH, SEE DETAIL 3/A104
16. AIR BOTTLE RACK WITH ADJUSTABLE SHELVES ABOVE, SEE DETAIL 1/A104
17. FUTURE WASHER/EXTRACTOR - FURNISHED BY OWNER. CONTRACTOR TO PROVIDE WATER AND ELECTRICAL CONNECTIONS PER EXTRACTOR SPECIFICATIONS.
18. LINE OF GARAGE DOOR OVERHEAD
19. INSTALL 2" FURRING (W/ 5/8" GWB - PAINTED + TEXTURED) O/ CMU. FURRING SHALL RETURN TO BACK SIDE OF WINDOW FRAME AT WINDOW MULLIONS AS SHOWN.
20. STL. PLATE O/ 3/8" PLYWOOD O/ 2" MTL HAT CHANNELS TO BE APPLIED O/ CMU WALL, SEE DETAIL 1/A81
21. LINE OF CANOPIES ABOVE, SEE SHEETS A3, A41, A42 + A5 AND KEYED DETAILS
22. NOT USED
23. LINE OF CONCRETE WALK + PLAZA, WITH LIGHT BROOM FINISH, SEE CIVIL PLANS FOR CONTINUATION OF SIDEWALK + PLAZA
24. 3 5/8" - 20 GA. MTL. STUD FURRING @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. OVER CMU. (PROVIDE WATER RETARDANT GYP. BD. AT ALL RESTROOM WALLS WHERE THEY OCCUR.)
25. FIRE DEPARTMENT DEDICATION PLAQUE - SEE DETAILS 2/A2 + 6/A402
26. SEE SHEET A41 FOR CLERESTORY WINDOWS LOCATED IN THIS WALL
27. 7'-0" H. STORAGE CABINET (PLAM FINISH), SEE ELEVATION 29/A82
28. ROOF DRAIN LEADER - SEE PLUMBING DRAWINGS
29. PIPE BOLLARD FOR FIRE RISER PROTECTION, SEE CIVIL DWGS
30. FIRE RISER, SEE SHEET FP1
31. FURRING TO BE 2" - 25 GA. HAT CHANNELS W/ 5/8" TYPE "X" GYP. BD., FLOOR TO CEILING.
32. NOT USED.
33. FREE STANDING STAINLESS STEEL ISLAND (OWNER FURNISHED)
34. STAINLESS STEEL CEILING MOUNTED POTRACK (CONTRACTOR FURNISHED, CONTRACTOR INSTALLED) ADVANCE TABCO 9C-48 (PHONE: STATE RESTAURANT EQUIPMENT - (702)-733-1515)
35. FIRE ALARM CONTROL PANEL, SEE FIRE ALARM PLAN
36. FLOOR DRAIN, SEE PLUMBING DRAWINGS FOR LOCATIONS
37. LEAVE OUT GROUT AT HEAD JOINTS BETWEEN EVERY BLOCK AT FIRST COURSE OF MASONRY ABOVE PATIO SLAB ONLY. (VOIDS IN HEAD JOINTS SHALL ACT TO PROVIDE POSITIVE DRAINAGE FOR PATIO SLAB)
38. 6" - 20 GA MTL STUDS - SEE WALL TYPE "D" SHEET G2
39. SURFACE MOUNTED PAPER TOWEL DISPENSER (BOBRICK MODEL #6620) SEE BATH ACCESSORY SCHEDULE. T.O. DISPENSER @ 78" AFF.
40. COORDINATE EXACT LOCATION OF GROMMETS IN COUNTERTOP W/ OWNER PRIOR TO FABRICATION OF COUNTERTOP
41. FLOOR SINK, SEE PLUMBING AND MECHANICAL DRAWINGS
42. ELECTRICAL PANELS INSIDE 6" MTL. STUD FURRED WALL (WALL SHALL BE 5'-10" W. X 14'-0" H.) WALL SHALL BE FINISHED W/ GWB AT TOP + SIDES
43. PROVIDE ADJUSTABLE 3/4" PLYWOOD SHELVES, (18" DEEP X WIDTH OF PANTRIES) BUILD SHELVES PER DTL #2/A104
44. PROVIDE TWO-TIER LOCKERS ALONG THIS WALL ONLY, SEE SPECIFICATIONS
45. WORK BENCH FURNISHED AND INSTALLED BY OWNER
46. WALL IN PANTRY 102A CONTAINING DOORS 102A, 102B + 102C AND DIVIDER WALLS BETWEEN THESE DOORS SHALL BE CONSTRUCTED OF 2" - 20 GA. METAL STUDS @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. @ BOTH SIDES OF WALL, FULL HT.
47. BACK BOARD RACK - SEE DETAIL 12/A102
48. ENGINEERED STONE PHONE SHELF @ 36" AFF. SEE DETAIL 12/A7
49. HAZ-MAT STORAGE CABINET FURNISHED + INSTALLED BY OWNER
50. REFERIDGERATOR - OWNER FURNISHED, OWNER INSTALLED
51. FLAGPOLE, SEE DETAILS
52. CURVED POPOUT, STUCCO FINISH, SEE EXTERIOR ELEVATIONS.
53. PROVIDE 2" - 25 GA. "Z" FURRING OVER END OF CMU WALL AND OFFSET ADJACENT WALL FRAMING TO BE FLUSH WITH OUTSIDE FACE OF "Z" FURRING AT ALARM STATION SIDE OF WALL
54. 4' HIGH CERAMIC TILE WAINSCOT BEHIND BOTH SIDES OF JANITOR'S SINK, SEE FINISH SCHEDULE AND EXTEND WAINSCOT 12" PAST EDGES OF JANITOR'S SINK

RECEIVED

JUL 2 8 2009

CITY OF LAS VEGAS NEVADA

DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION #06 (AKA FS #03)

Noted Floor Plan

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

ARCHITECT OF RECORD
SAMUEL D. TOLMAN, AIA, NCARB
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE: (702) 229-6535
FAX: (702) 382-3232
TDD: (702) 386-9108

DRAWN: EPS
FILE: FM03-A11
DATE: 7/21/09
SCALE: 1/8" = 1'-0"
BID NO: 08153408
CITY LAND NO: 630-107
SHT NO: A1.1

EP-1: MAIN STUCCO COLOR
MFR. ICI #640 " IVORY SAMPLER"

EP-2: STUCCO ACCENT COLOR,
& DOORS/FRAMES/STEEL COLUMNS
MFR. ICI #1543 " WHITE MOUNTAIN"

EP-3: STUCCO ACCENT COLOR
& STEEL SHADE CANOPY
MFR. DE #513 "BENTWOOD"

STOREFRONT WINDOWS
COLOR: WHITE



MR-1: METAL ROOF - "PRE-WEATHERED BLUE-GRAY"
MFR: RHEINZINK



SINUSOIDAL PROFILE METAL PANELS



MR-1: METAL SIDING
COLOR: "PRE-WEATHERED BLUE-GRAY"
MFR: RHEINZINK



DOUBLE LOCK STANDING SEAM ROOF



STONE VENEER
BY MFR. "3 NORTH STONE"
COLOR: MELBOURNE FIELD STONE

DEPARTMENT OF PUBLIC WORKS

CITY OF LAS VEGAS, NEVADA
FIRE STATION #26 (aka. FS) #23)

Material / Color Board

OWNER: CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL SERVICES

630-167

CB

SDR-35380
09/10/09 PC

RECEIVED
JUL 2 8 2009



SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS
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SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SDR-35380 - APPLICANT/OWNER: CITY OF LAS VEGAS
SOUTHEAST CORNER OF STELLA LAKE STREET AND MOUNT MARIAH DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

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

JORGE CERVANTES
PUBLIC WORKS DIRECTOR

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

OFFICE 702.229.6535

FAX 702.384.4846

TDD 702.386.9108

www.lasvegasnevada.gov

July 21, 2009

HAND DELIVERED

City of Las Vegas
Planning & Development Department
731 S. Fourth Street
Las Vegas, NV 89101

SUBJECT: Justification Letter for the Site Development Plan Review of CLV Fire Station #106 (a.k.a. Fire Station #103)

To whom it may concern:

This is to serve as a justification letter for City of Las Vegas Fire Station #103, located on a portion of the property at the intersection of Stella Lake St. & Mt. Mariah Dr., assessor's parcel no 139-21-313-016. The fire station has been renumbered to fire station #106 at the request of Councilman Barlow (this request has been approved by Chief Greg Gammon and the City Manager).

The City of Las Vegas is building this fire station in order to keep up with the growing demands for providing fire and life safety services to the citizens of the Las Vegas valley and in order to maintain their present ISO Class 1 insurance rating. The fire station will be designed as a sustainable facility to attain LEED Silver certification to comply with the City Council's resolution for all new City facilities. The fire station is located on a parcel of land that has a zoning designation of C-PB.

Colors – A light color palette has been chosen for the fire station in order to comply with LEED requirements. The color palette compliments that of the existing commercial developments around the site. Please see the attached color board and colored building elevations.

Parking – The C-PB zoning designation requires 1 parking space per 300 square feet of building space. This would require that 26 parking spaces be provided for our 7,600 s.f. fire station. We have submitted a parking variance as a separate submittal in which we are providing a total of 16 parking spaces for this project as the total maximum occupant load will be12 persons for this facility. The amount of parking we are providing is sufficient for the needs of the fire station personnel and has been approved by the fire department.

Landscaping – The 1.49 acre fire station property sits on a portion of a larger 8.60 acre parcel owned by CLV. We will be providing drought tolerant landscaping around the site and we will be using plant species which are native to the desert in order to provide a sustainable site design.

Sincerely,

Erik Singman
Designer, CLV Office of Architectural Services

SDR-35380
09/10/09 PC

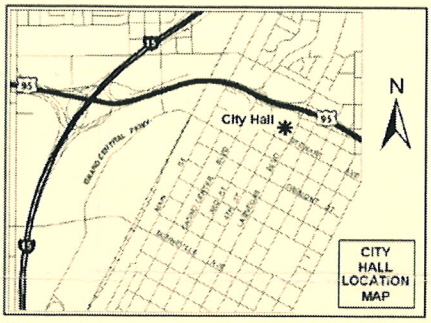
Enc:
1. Site Plan, Floor Plan, Landscape Plan, Exterior Building Elevations, - 24X36 in size.
2. Site Plan, Floor Plan, Landscape Plan, Exterior Building Elevations, - 8.5x11 in size.
3. Justification Letter
4. Deed & Legal Description
5. Application/Petition Form w/ original signature.
6. Pre-Application Submittal Checklist.
7. Color and Material Board.
8. Statement of Financial Interest, w/ original signature
9. Colored renderings of fire station #106 – 11X17 in size.
10. Copy of assessor's parcel map.

cc: Samuel D. Tolman, AIA, NCARB

SDR-35380
09/10/09 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.

VAR-35381 & SDR-35380
City Council Meeting of 10/7/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 25 2009
MAILED FROM ZIP CODE 89101

RECEIVED
CITY CLERK
2009 SEP 29 A 11:12

SPANN CLEVELAND & NORA
1213 DOOLITTLE AVE
LAS VEGAS NV 89106-2422

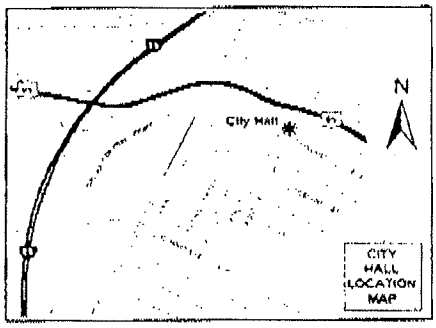
APN#13921810008

GAVDS11 89106

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.

VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

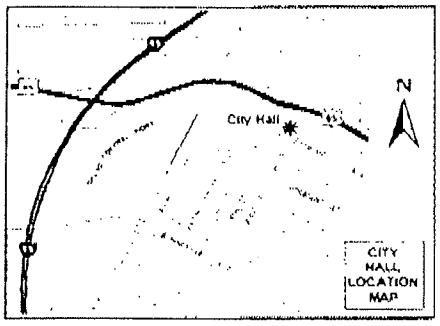
RECEIVED
SEP 01 2009

Case: ROR-35242
16204210114
ARLT THOMAS M & LINDA D
1721 BANNIE AVE
LAS VEGAS NV 89102-2452

16A

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.

VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 01 2009

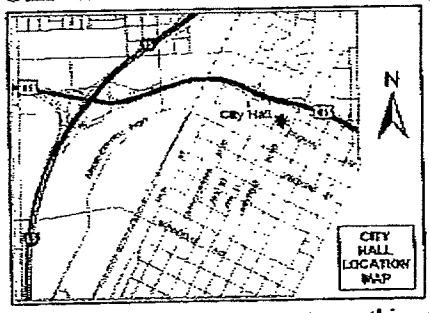
Case: RQR-35242
16204210054
ARLT FAMILY TRUST
1721 BANNIE AVE
LAS VEGAS NV 89102-2452

16A

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.

VAR-35381 & SDR-35380

Planning Commission Meeting of 9/10/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279216 AUG 28 2009
MAILED FROM ZIPCODE 89101

RECEIVED
SEP 01 2009

Case: RQR-35242

16204301010
FELDMAN SAM TRUST
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

FAVDS11 89107

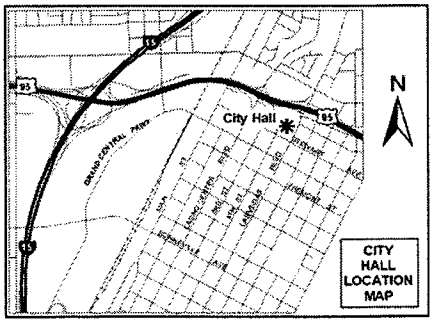
16A

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 AUG 28 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.

VAR-35381 & SDR-35380
Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 11 2009

Case: RQR-35242

16204311028
DECKER ANTHONY P
1725 LOCH LOMOND WY
LAS VEGAS NV 89102-4438

FAVOS11 89102

City of Las Vegas Agenda Item No.: **131.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-35154 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC - Request for a Special Use Permit FOR A PROPOSED 3,658 SQUARE-FOOT SUPPER CLUB WITHIN A FORMER RESTAURANT at 750 Rampart Boulevard, Suite #7 (APN 138-32-312-005), PD (Planned Development) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

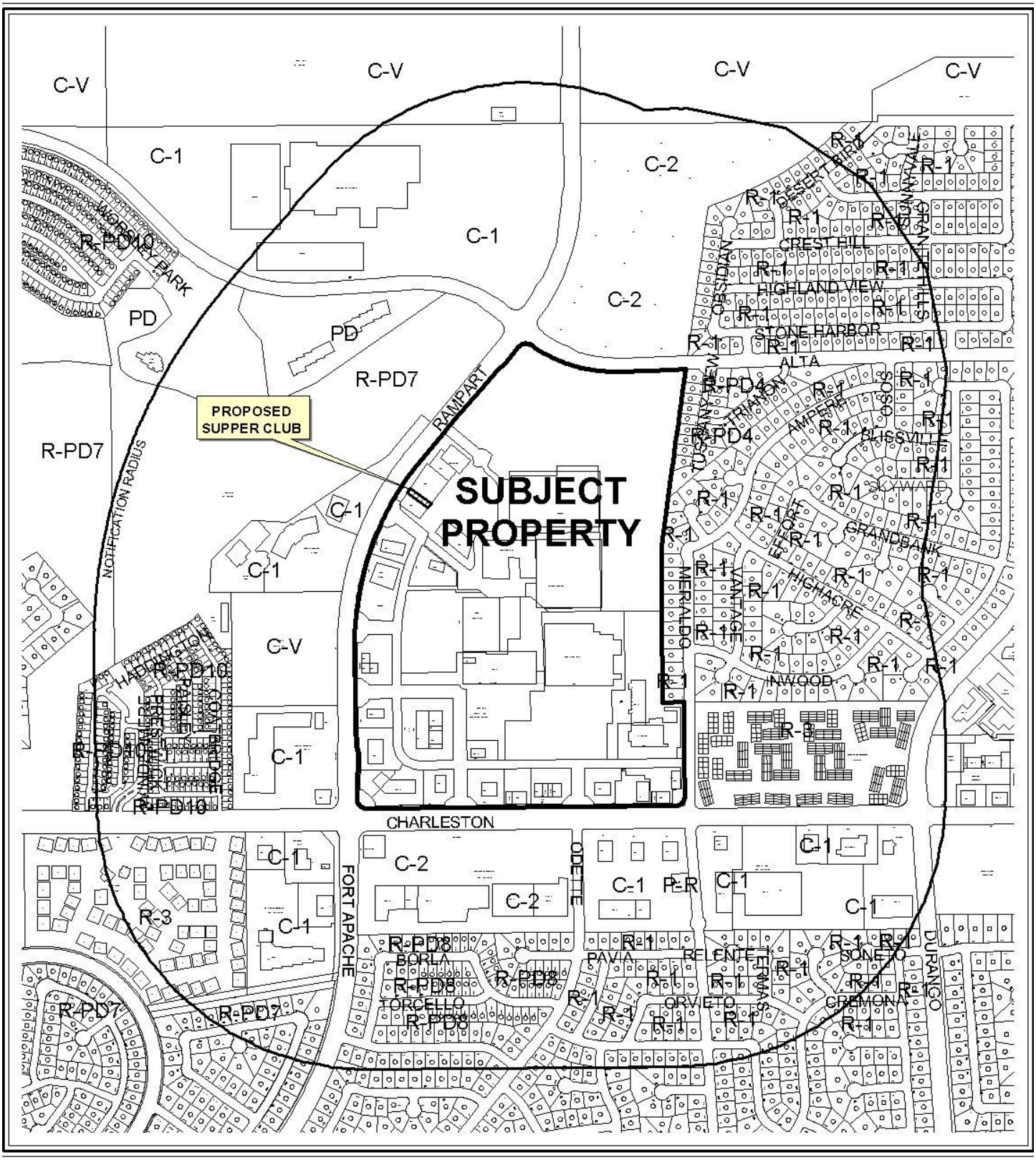
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**6**	**Planning Commission Mtg.**	**13**
City Council Meeting	**0**	**City Council Meeting**	**7**

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. Photos
5. Justification Letter
6. Support Postcards
7. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 17



0 500 1000 Feet

CASE: **SUP-35154**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) AND C-1 (LIMITED COMMERCIAL)



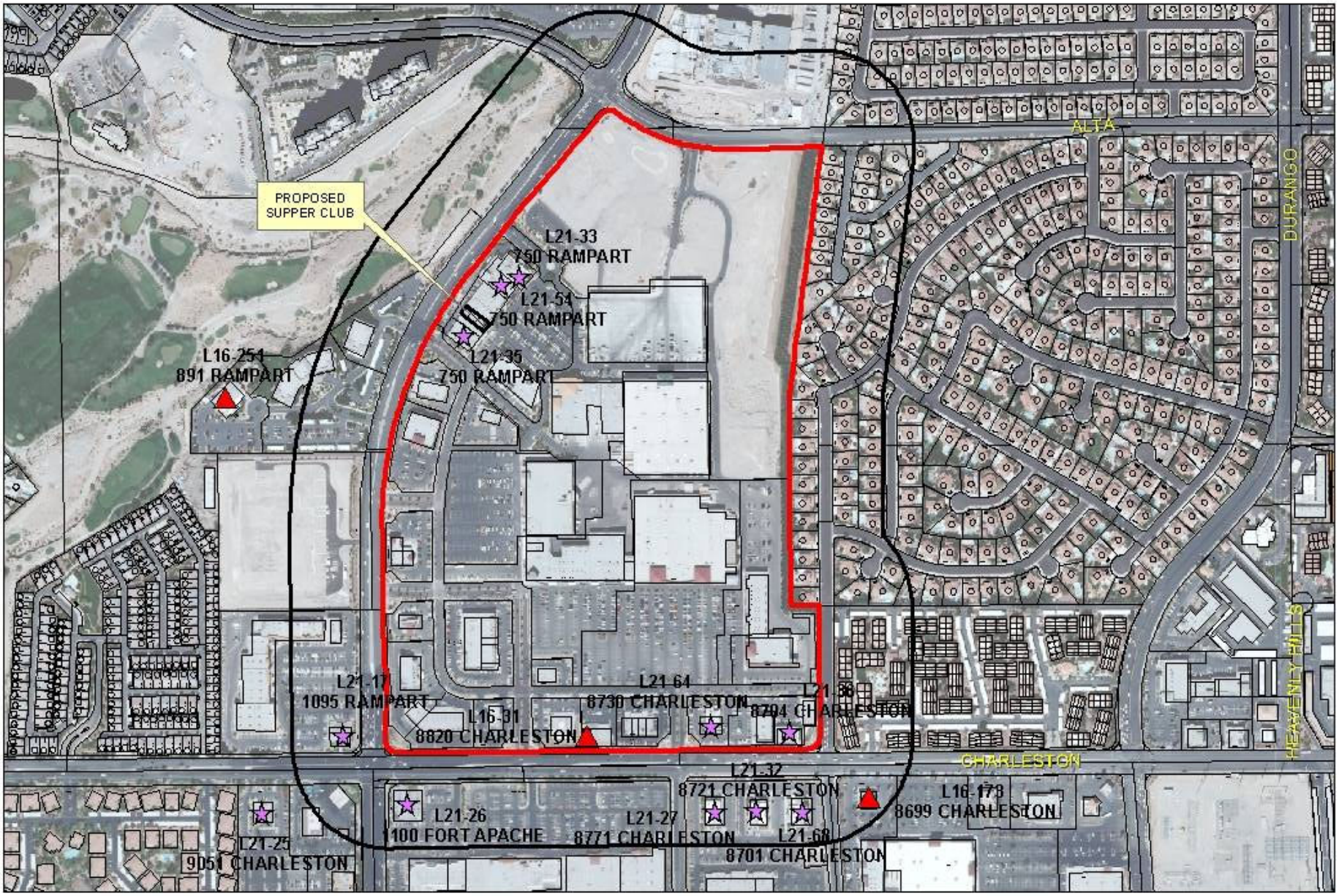
0 500 1000 Feet

CASE: **SUP-35154**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) AND C-1 (LIMITED COMMERCIAL)



SUP-35154

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35154 - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, 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 Title 19.04.010 for a Supper Club use.

2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

3. Approval of this Special Use Permit does not constitute approval of a liquor license.

4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

5. 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 3,646 square-foot Supper Club at 750 South Rampart Boulevard Suite #7. The subject site was previously utilized for a restaurant, and is located within an existing 641,664 square-foot Shopping Center (Boca Park). The Boca Park shopping center is capable of accommodating a variety of uses, and the addition of a Supper Club within this center is compatible with the existing and future land uses. Therefore, staff recommends approval. If this application is denied, a supper club use will not be allowed at the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
04/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval.
04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval.
07/05/01	The City Council approved a request for a Special Use Permit (U-0054-01) for a 6,218 square foot Supper Club on 1.15 acres on the east side of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard within Boca Park Phase 1. The Planning Commission recommended approval.
02/20/02	The City Council approved a Special Use Permit (U-0151-01) for a Supper Club in conjunction with a proposed restaurant (Cheesecake Factory) on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission recommended approval.
12/23/04	A deed was recorded for change of ownership.
12/21/05	The City Council approved a Special Use Permit (SUP-9430) for a proposed Supper Club located along the east side of Rampart Boulevard, approximately 900 feet south of Alta Drive. The Planning Commission and staff recommended approval on 11/17/05. This approval was for the subject site, but expired when the use was not exercised.

06/21/06	The City Council approved a Special Use Permit (SUP-12804) for a beer/wine/cooler on-sale establishment at 750 South Rampart Boulevard #7. Planning Commission recommended approval.
11/15/06	The City Council approved a Special Use Permit (SUP-16488) for a Supper Club at 740 South Rampart Boulevard #4. Planning Commission recommended approval.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/gk).
Related Building Permits/Business Licenses	
04/01/02	A business license was issued for a Supper Club at 750 South Rampart Boulevard #17. The business license is currently active.
03/04/04	A business license was issued for a Supper Club at 750 South Rampart Boulevard #3. The business license is currently active.
09/15/06	A business license was issued for a Beer/Wine/Cooler On-Sale use in conjunction with a restaurant (45 or more seats) at 750 South Rampart Boulevard #7. The uses were marked out of business on 06/17/07.
10/20/06	A business license was issued for a Supper Club at 750 South Rampart Boulevard #16. The business license is currently active.
11/01/06	A building permit (#74395) was approved by the Planning Department for an ornamental wrought iron fence at 750 South Rampart #7. The permit has not been finaled.
Pre-Application Meeting	
06/15/09	The requirements for a Special Use Permit regarding a Supper Club use were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
07/23/09	Staff conducted a field check and noted a well maintained, vacant suite within a shopping center.

Details of Application Request	
Site Area	
Net Acres	6.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	PD (Planned Development
North	Shopping Center	SC (Service Commercial)	PD (Planned Development)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)

East	Shopping Center	SC (Service Commercial)	PD (Planned Development)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Boca Park Phase III Master Development Plan	X		Y
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 19.10, 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	641,664 S.F.	1:250	2,531	36	2,639	36	
			2,567		2,639		Y

ANALYSIS

The applicant is proposing a 3,658 square-foot Supper Club located within the Boca Park shopping center. The proposed use is consistent with the conditions of approval for a Supper Club use as conditioned. Also, the proposed use is consistent with adjacent uses within Boca Park as there are similar restaurants within the center.

The proposed floor plan depicts a dining room capable of seating 150 guests, with a 1,810 square-foot interior dining room with seating available for 116 guests and a 657 square foot outdoor dining patio available for 34 guests. The floor plan is in compliance with Title 19 which requires the site to have a minimum capacity for 125 guests. Also, the floor plan depicts a 187 square foot indoor bar area separated from the indoor dining room by a 42-inch tall full metal stud sheet rock wall, which meets the Title 19 requirement that the bar area be separated from the restaurant area by a barrier sufficient enough to prevent access to the bar by minors.

The addition of the Supper Club will be compatible with similar uses as conditioned; 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 Supper Club is located within the Boca Park shopping center, and can be conducted in a manner that is harmonious with the existing and future 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 suitable for a variety of retail and restaurant uses. There are several similar businesses within the existing development. Therefore, the subject Supper Club is appropriate for the subject site as 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."**

   The subject site has access via Rampart Boulevard, a 100-foot Primary Arterial and Alta Drive, an 80-foot Secondary Collector. Given the size of the existing development, the addition of the Supper Club will only have a negligible effect on the transportation infrastructure currently serving the site.

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 proposal conforms to the goals and objectives of the General Plan designation in which it is located. As such, it will not endanger the public health, safety, or welfare of the populace or be inconsistent with the objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The site meets all applicable conditions per Title 19.04 for a Supper Club. The use conforms to Title 19 as conditioned.

PLANNING COMMISSION ACTION

There were additional protests and supports submitted for this project at the Planning Commission Meeting. There was one speaker in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 1,343 by City Clerk

APPROVALS 5

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35154** APN: 138-32-312-005

Name of Property Owner: Boca Fashion Village, LLC a NV limited liability co.

Name of Applicant: Boca Fashion Village Pizzeria, Inc. a NV Corp

Name of Representative: Joseph Ciolli

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: Martin Walrath

Print Name: Martin Walrath

Subscribed and sworn before me

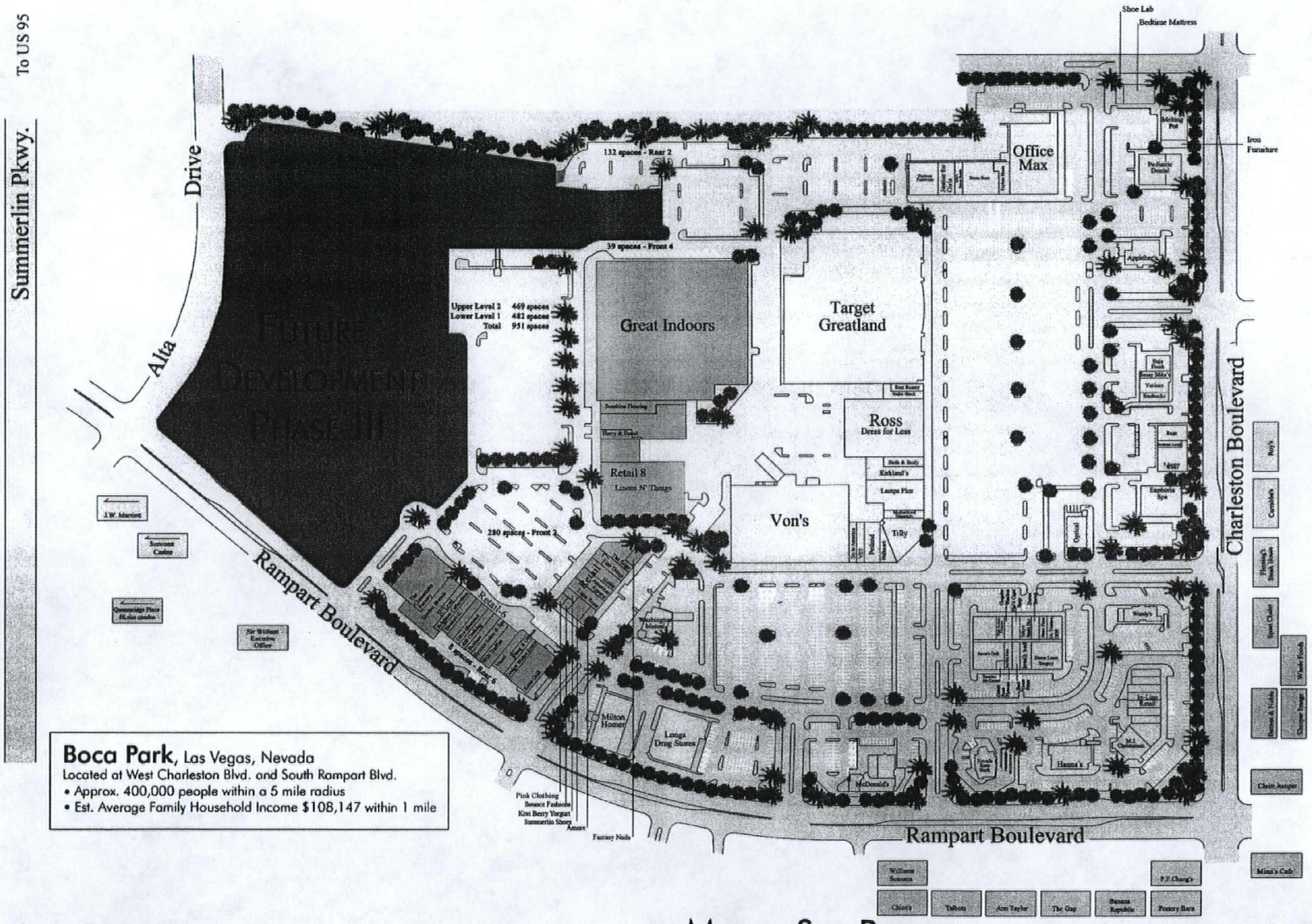
This 28th day of May, 2009

Susan J. Azuse

Notary Public in and for said County and State

SUSAN J. AZUSE
Notary Public-State of Nevada
APPT. NO. 99-50718-1
My App. Expires January 09, 2011

RECEIVED
JUL 09 2009



Boca Park, Las Vegas, Nevada
Located at West Charleston Blvd. and South Rampart Blvd.
- Approx. 400,000 people within a 5 mile radius
- Est. Average Family Household Income $108,147 within 1 mile

SITE INFORMATION

ZONING
PD - Planned Development District

AREA (Approximate)
Net Area: 1,823,760 sf

BUILDING AREA

	Retail Area	Common	Total Area
Retail Area - 1 Common	10,355 gsf	80 gsf	10,435 gsf
Retail Area - 2 Common	11,320 gsf	80 gsf	11,400 gsf
Retail Area - 3 Common	10,330 gsf	100 gsf	10,430 gsf
Retail Area - 4 Common	26,495 gsf	105 gsf	26,600 gsf
Retail Area - 5 Common	54,838 gsf	150 gsf	54,988 gsf
Retail Area - 6 Common	56,127 gsf	402 gsf	56,529 gsf
Retail Area - 7 Common	22,785 gsf	252 gsf	23,037 gsf
Retail Area - 8 Common	50,250 gsf	172 gsf	50,422 gsf
Retail Area - 9 Common	12,400 gsf	120 gsf	12,520 gsf
Retail Area - 10 Common	54,007 gsf	258 gsf	54,265 gsf
Retail Area - 11 Common	65,960 gsf	680 gsf	66,640 gsf
Great Indoors	139,320 gsf		139,320 gsf
Total Retail Area	514,187 gsf		
Total Common Area		2,399 gsf	
Total Building Area			516,586 gsf
FAR (net 1,823,760 sf)			0.283
Office Areas Office 12 (3 stories)			108,000 gsf
Storage Areas Storage 12 (lower level)			7,250 gsf
Storage Building 8			9,828 gsf
Total Office/Storage Area			125,078 gsf
Total Building Area			641,664 gsf
FAR (net 1,823,760 sf)			0.352

PARKING REQUIREMENTS

Anchor Required:	1 per 250 of Public	110,000/250 =	440
	1 per 2500 of WH	29,320/2500 =	12
			452
Retail Required:	1 per 250 sf	352,266/250 =	1,410
Restaurant Required:	1 per 50 of Public	16,000/50 =	320
	1 per 200 of Service	9,000/200 =	45
			365
Office Required:	1 per 300 sf	108,000/300 =	360
Storage Required:	1 per 1000 sf	17,078/1000 =	18
Total Parking Required:			2,605

Parking Provided:	Front of Center (1-4)	645
	Upper Deck	469
	Lower Deck	482
	Parking Garage (3 story)	582
	Parking Office Basement	64
	Rear of Center (1-6)	397
Total Provided:		2,639

Parking Ratio: 4.1 per 1000 1 per 245 sf

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This Drawing is Conceptual in Nature and no Guarantee of its accuracy is implied. The Owner/Architect Reserves the Right to make Design Modifications without notice. All Colors, Dimensions, Size and Architectural Features are Conceptual and subject to Change.

North

Project No. 100185.2 May 7, 2007

Master Site Plan

Boca Park
Las Vegas, Nevada

555
Triple Five Nevada Development Corporation

Perlman Design Group
Architecture • Planning • Interiors
Las Vegas • Scottsdale • Newport Beach

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SEATING CAPACITY

DESCRIPTION	QTY.	SEATING
TWO PERSON TABLE	12	24
FOUR PERSON TABLE	11	44
SIX PERSON TABLE	2	12
FOUR PERSON HIGH TOP	5	20
FOUR PERSON BOOTH	2	8
COMMUNITY HIGH TOP	0	0
BAR STOOLS		8
TOTALS	32	116

PATIO SEATING CAPACITY

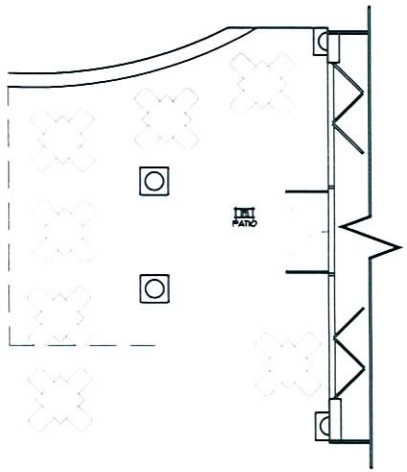
DESCRIPTION	QTY.	SEATING
TWO PERSON TABLE	3	6
FOUR PERSON TABLE	7	28
SIX PERSON TABLE	0	0
BAR STOOLS		0
TOTALS	10	34

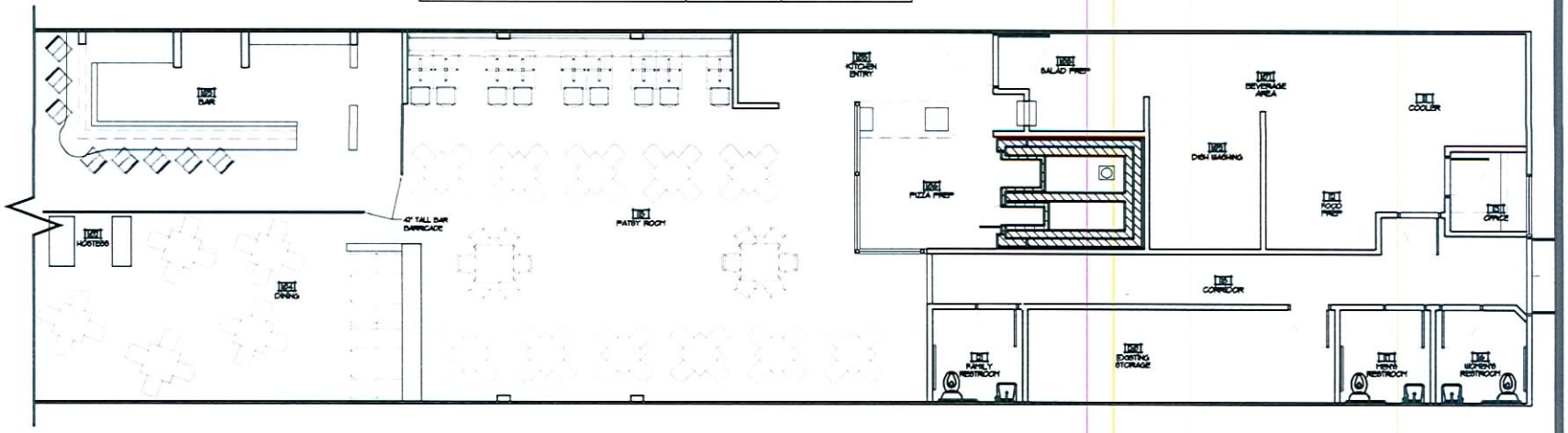
AREA CALCULATIONS

DESCRIPTION	QUANTITY
DINING AREA	1810 S.F.
BAR SERVICE AREA	187 S.F.
KITCHEN AREA	1114 S.F.
RESTROOMS	159 S.F.
PATIO	657 S.F.
TOTAL LEASE AREA	3658 S.F.

SEATING CAPACITY

DESCRIPTION	QTY.	SEATING
INSIDE DINING	32	116
PATIO DINING	10	34
TOTALS	42	150





1 NOTED FLOOR PLAN

BOCA PARK
GRIMALDI'S PIZZERIA
750 S. RAMPART SUITE #7
LAS VEGAS, NV 89117

NOTED FLOOR PLAN

A102

SUP-35154
REVISED
08/27/09 PC

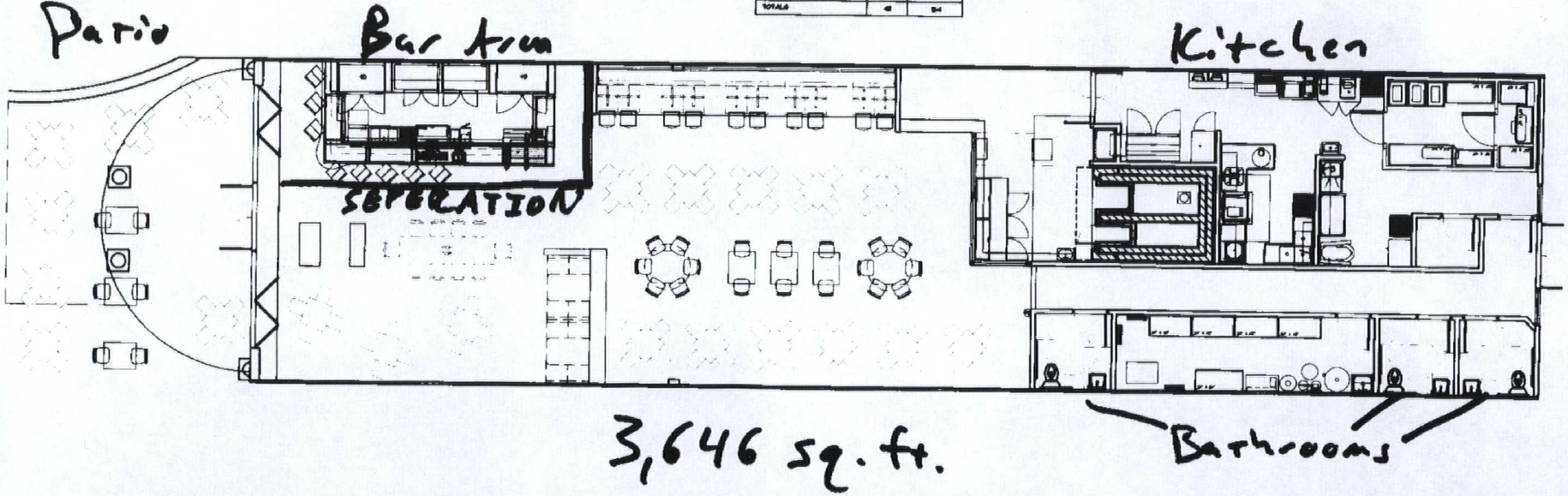
JUL 24 2009

SEATING CAPACITY		
DESCRIPTION	QTY.	SEATING
TWO PERSON TABLE	9	18
FOUR PERSON TABLE	11	44
SIX PERSON TABLE	2	12
FOUR PERSON HIGH TOP	2	8
FOUR PERSON BOOTH	2	8
COMMUNITY HIGH TOP	1	10
BAR STOOLS		4
TOTALS	30	104

PATIO SEATING CAPACITY		
DESCRIPTION	QTY.	SEATING
TWO PERSON TABLE	3	6
FOUR PERSON TABLE	7	28
SIX PERSON TABLE	0	0
BAR STOOLS		0
TOTALS	10	34

SEATING CAPACITY		
DESCRIPTION	QTY.	SEATING
INSIDE DINING	30	104
PATIO DINING	10	34
TOTALS	40	138

North



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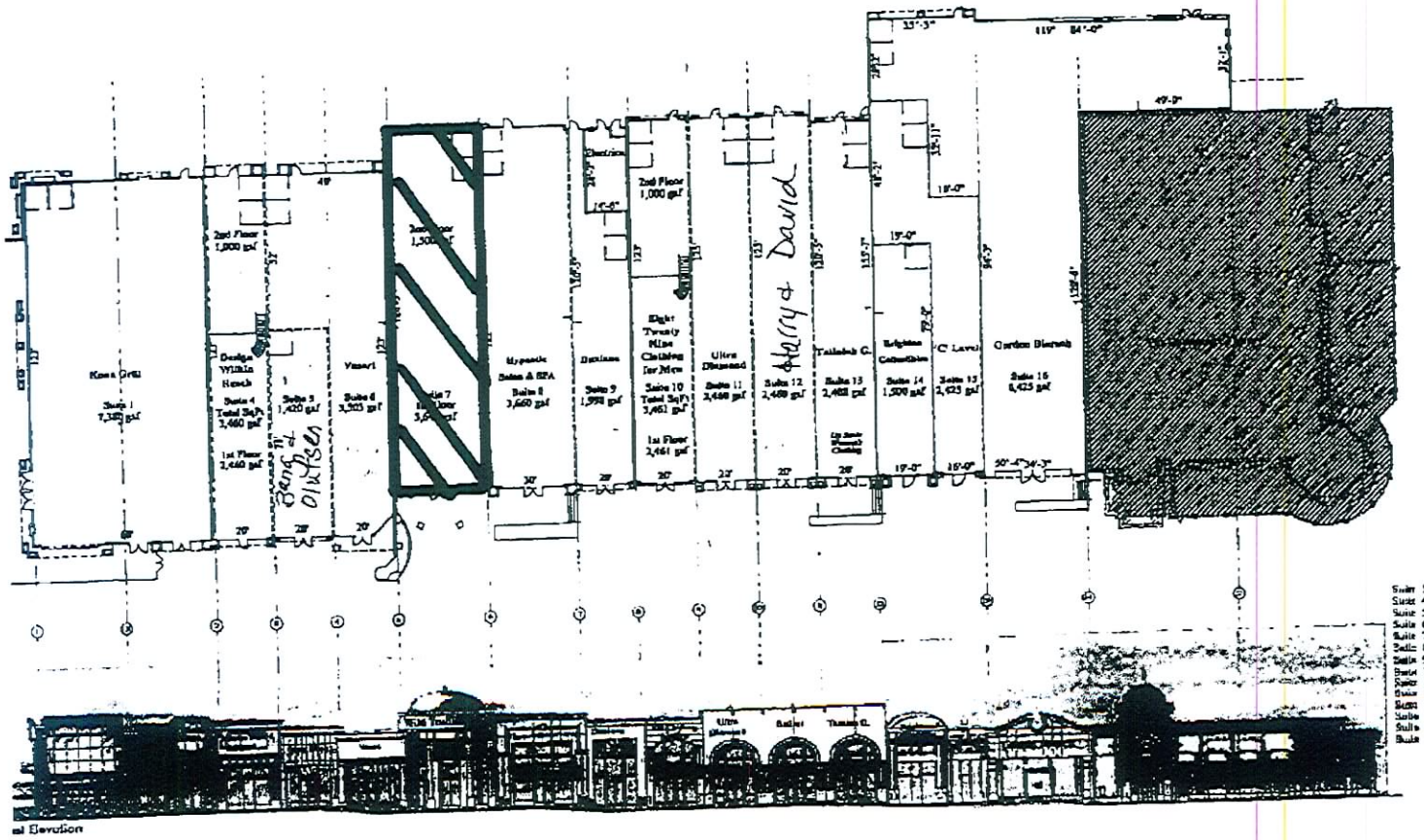

Area Calculation

		Suite gsf
Suite 1	Koma Grill	7,380 gsf
Suite 4	Design Within Reach	2,460 gsf
Suite 5	Bling Bling	1,420 gsf
Suite 6	Vasari	3,503 gsf
Suite 7	Wild Trollin Cafe	3,646 gsf
Suite 8	Hypnotic Salon & SPA	3,660 gsf
Suite 9	Dumont	1,998 gsf
Suite 10	8 29 Clothing for Men	2,461 gsf
Suite 11	Ultra Diamond	2,460 gsf
Suite 12	Bottini	2,460 gsf
Suite 13	Tallulah G.	2,468 gsf
Suite 14	Brighton Collectives	1,500 gsf
Suite 15	"C" Level	2,425 gsf
Suite 16	Garden Biersch	8,425 gsf
	Chesapeake Factory	9,850 gsf
	Common	402 gsf
	Total	56,432 gsf

Leasing Plan

Project # 100185.2 April 28, 2006

555 TRIPLE FIVE LLC.

BUILDING SIX

BOCA PARK

Las Vegas, Nevada

Perkman

SUP-35154
SUPPLEMENTAL
08/27/09 PC

JUL 24 2009



SUP-35154 - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC
750 RAMPART BOULEVARD, SUITE #7
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35154 - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC
750 RAMPART BOULEVARD, SUITE #7
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35154 - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC
750 RAMPART BOULEVARD, SUITE #7
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09

MORAN LAW FIRM LLC
MORAN BRANDON BENDAVID MORAN
ATTORNEYS AT LAW

JOHN T. MORAN, JR.
LEW BRANDON, JR.
JEFFERY A. BENDAVID
J.T. MORAN III

ADAM S. DAVIS
JUSTIN W. SMERBER

May 29, 2009

HAND DELIVERY

City of Las Vegas
Planning and Development Department
731 South 4th Street
Las Vegas, NV 89101

RE:	**Justification Letter/ Pre-Application Conference**	
	APPLICATION:	**Special Use Permit**
	APPLICANT:	**Boca Fashion Village Pizzeria, Inc.**
	APN:	**138-323-12-005**

To Whom This May Concern:

This letter serves as a Justification Letter regarding why a Special Use Permit should be granted to Boca Fashion Village Pizzeria, Inc. The Moran Law Firm, LLC, represents the interests of Boca Fashion Village Pizzeria, Inc., owner of the property - APN 138-323-12-005 - that is requesting a Special Use Permit. The property is to be used for a Restaurant with a Supper Club Liquor License. The property is located in Summerlin, in the Boca Park strip mall subdivision, at 750 South Rampart Boulevard, Building 6, Suite 7, Las Vegas, NV 89145.

As the Boca Fashion Village Pizzeria, Inc., will be requesting a Supper Club Liquor License, the property will be a pizzeria restaurant in which the restaurant operation is the principal portion of the business. Since the Boca Fashion Village Pizzeria, Inc.'s primary business will be operating the restaurant, the bar area will be separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors, full-course meals will be available during all hours the bar area will be open to the public, alcoholic beverages will be served in the restaurant area only in conjunction with the service of food, and a cook and food server - other than a bartender - shall be available at all times the bar area is open to the public. Hence, since the actual seating available at all times within the restaurant area will accommodate at least One Hundred Twenty-Five (125) persons and since the property is not located within Four Hundred (400) feet of any church, synagogue, school, child care facility, or City park, Boca Fashion Village Pizzeria, Inc.'s property is suited for a Supper Club License. Therefore, a Special Use Permit should be granted to Boca Fashion Village Pizzeria, Inc.

Regarding the Boca Park strip mall subdivision in Summerlin, this area has become highly popular with the public for its vast array of upscale clothing stores, restaurants, bars, popular department stores, and other attractions. Many consumers frequent the area for shopping, enjoying the atmosphere, socializing, drinking, and/or dining. The addition of another Restaurant with a Supper Club Liquor license would hence serve to compliment the existing businesses of Boca Park, as well as compliment the essence of the Summerlin community and the City of Las Vegas.

The existing restaurants of the Boca Park strip mall subdivision in Summerlin are complimentary to one another in that they provide consumers a variety of dining choices to suit ones' preference. Some of the

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existing restaurants located within the Boca Park strip mall subdivision in Summerlin are: (1) Kona Grill, located at 750 South Rampart Boulevard, Building 6, Suite 1; (2) Gordon Biersch, located at 750 South Rampart Boulevard, Building 6, Suite 16; and (3) the Cheesecake Factory, located at 750 South Rampart Boulevard, Building 6, Suite 17. All of these existing restaurants compliment one another by providing a wide array of dining choices for the numerous consumers who frequent the area. There is a sushi restaurant, a Brewery bar and grill, a nationwide chain restaurant serving a wide variety of cuisines, and with Boca Fashion Village Pizzeria, Inc., there would also be a pizzeria. Allowing Boca Fashion Village Pizzeria, Inc., a Special Use Permit would thus further add to the variety of restaurants and other business located within the Boca Park strip mall subdivision in Summerlin, making consumers more likely to frequent the area and stay longer once in Boca Park. Therefore, the addition of Boca Fashion Village Pizzeria, Inc., would safeguard the interests of the City and the public by creating an additional restaurant for consumers to enjoy in a highly trafficked area, potentially providing an economic boost to the Summerlin area and the City of Las Vegas.

Furthermore, the addition of Boca Fashion Village Pizzeria, Inc.'s Restaurant with a Supper Club License would be replacing the "Wild Truffles" Restaurant which has since closed. Boca Fashion Village Pizzeria, Inc. is leasing the property that formerly held the "Wild Truffles Café," which has since gone out of business, and hence, the addition of a Restaurant with a Supper Club Liquor License in the location formerly held by "Wild Truffles" is a logical fit since having a restaurant in this location has formerly been deemed to promote the well-being of the City of Las Vegas, while also safeguarding the interests of the City and the public.

Therefore, for the aforementioned reasons, a Special Use Permit should be granted to the Boca Fashion Village Pizzeria, Inc. If you have any additional questions, comments, and/or concerns regarding Boca Fashion Village Pizzeria, Inc., please do not hesitate to contact me personally. I remain,

Very truly yours,

John T. Moran III, Esq.
MORAN LAW FIRM, LLC

JT3/ajw

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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

STEVEN S HOLT

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09/29/2009 07:45 6264499746 TEA PAGE 01/01

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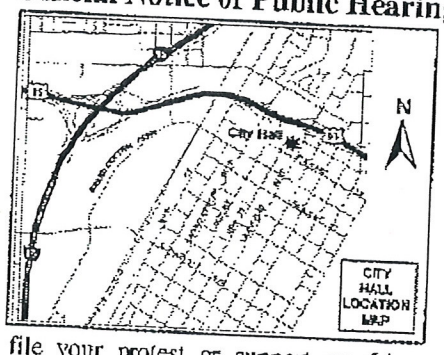

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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City Council Meeting of 10/7/2009

BORGNA REAL ESTATE THREE L L C
10624 S EASTERN AVE #A-124
HENDERSON NV 89052-2982

APN#13832619195

09/29/2009 07:45 6264499746 TEA PAGE 01/01

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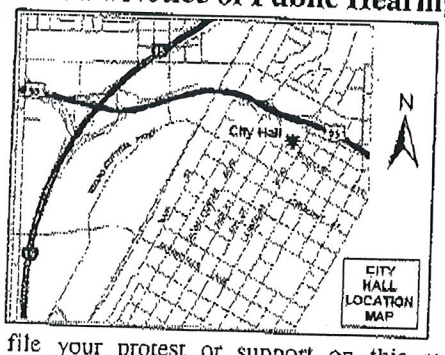

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GRAF EDWARD JR
123 SAN MIGUEL RD
PASADENA CA 91105-1442

APN#13832614001

GAUDS11 91105

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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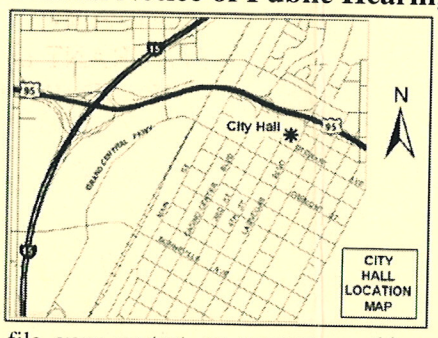

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CORR HOWARD A REVOCABLE TR
CORR HOWARD A TRS
993 COATBRIDGE ST
LAS VEGAS NV 89145-8526

APN#13832415085

GAVOS11 89145

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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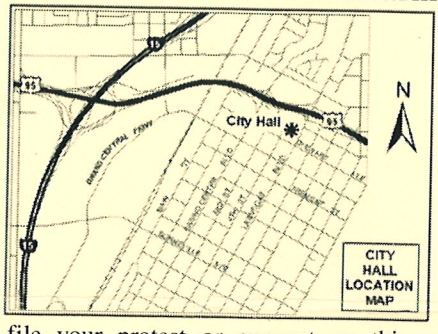

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MANNING MARTIN J
1513 ODETTE LN
LAS VEGAS NV 89117-1120

APN#16305613002

GAVOS11 89117

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08:57:07 a.m.

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Las Vegas, Nevada 89101

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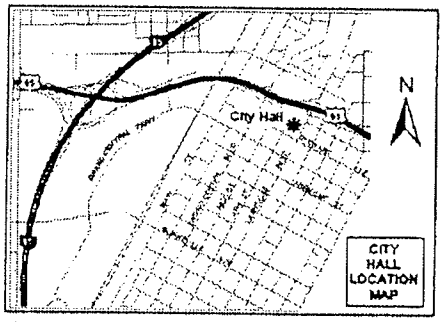

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GURULE JOSEPH EDWARD
725 VANTAGE LN
LAS VEGAS NV 89145-4820

APN#13832812017

VA
702 303 9015

GAVDS11 89145

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Las Vegas, Nevada 89101

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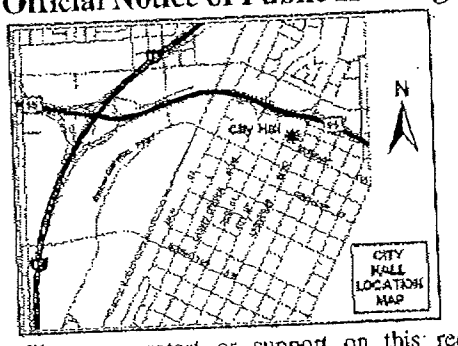

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☑ I SUPPORT this Request

☐ I OPPOSE this Request

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City Council Meeting of 10/7/2009

AU'S BOCA PARK L L C
1360 BAILEY DR
HANFORD CA 93230-5921

APN#13832412012

GAVDS11 93230

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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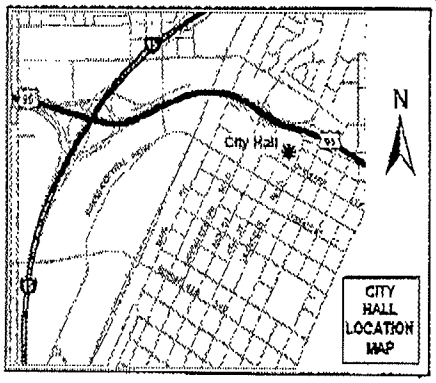

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City Council Meeting of 10/7/2009

HOOGE JOHN L & JUDITH M REV TR
HOOGE JOHN L & JUDITH M TRS
8620 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5708

APN#13832613007

GAVDS11 89145

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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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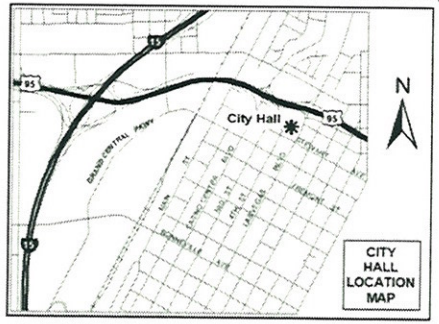

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

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Planning Commission Meeting of 8/27/2009

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Case: SUP-35154

13832719022
KAZEMINI MATTHEW R
501 TUSCANY VIEW ST
LAS VEGAS NV 89145-4877

FAVDP11 89145

MP

MP

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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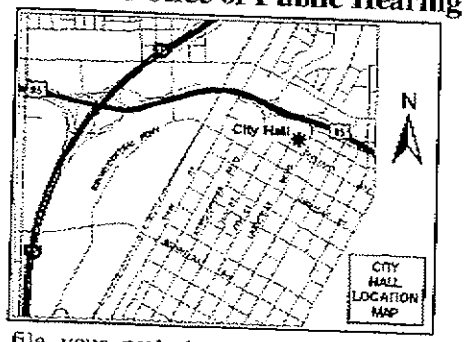

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-35154

Planning Commission Meeting of 8/27/2009

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Case: SUP-35154

13832612007
AYRES CAROL S 2003 TRUST
8628 DESERT BIRD DR
LAS VEGAS NV 89145-4860

FAUDF11 89145

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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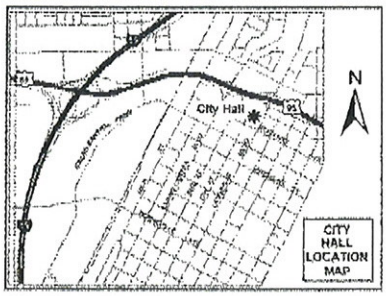

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832614001
GRAF EDWARD JR
123 SAN MIGUEL RD
PASADENA CA 91105-1442

FAVDS11 91105

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AUG 20 2009

Submitted after final agenda

Date 8/20/09 Item 17

17P

CI~8202
FM~4201
RM~5201

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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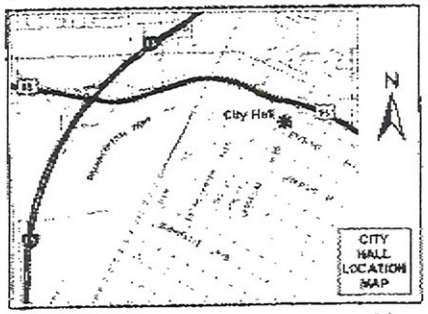

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

16305502001
MICAH 6:8 HOLDING L P
%OUTBACK STEAKHOUSE INC
2202 N WESTSHORE BLVD 5TH FL
TAMPA FL 33607-5747

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RECEIVED
AUG 20 2009

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CI~ 8202
FM~ 4201
RM~ 5201

City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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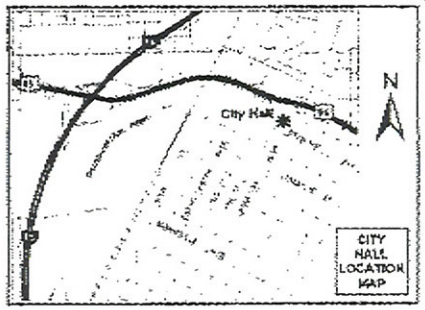

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154
16305502001
MICAH 6:8 HOLDING L P
%OUTBACK STEAKHOUSE INC
2202 N WESTSHORE BLVD 5TH FL
TAMPA FL 33607-5747

FAVOR 11 33607

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City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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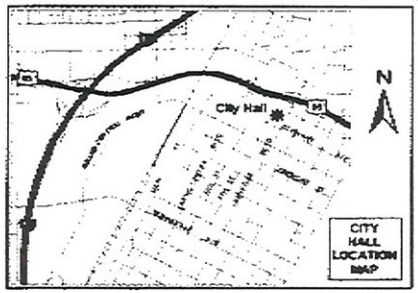

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SUP-35154

Planning Commission Meeting of 8/27/2009

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Case: SUP-35154

13832719024
KLINKHAMMER CLIFFORD J & CAROL A
424 SURF VIEW DR
GLENEDEN BEACH OR 97388-0000

2009-08-23 13:08 CLIFF 7022429482 >>

97388

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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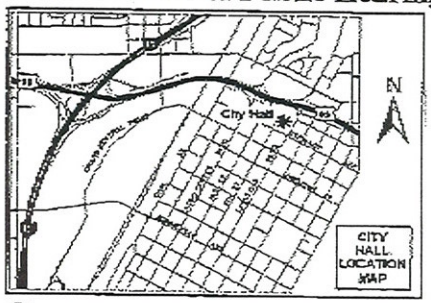

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832213136
PENINI ERAN E & GUY
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

FAVOR11 A5117

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Aug. 24. 2009 10:26AM No. 3765 P. 6

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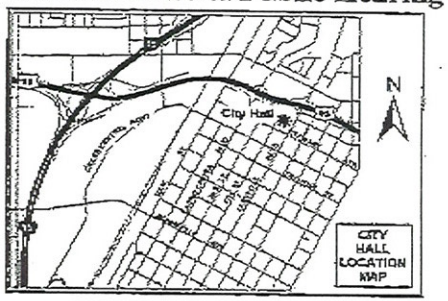

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832213017
Q TOWERS M L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

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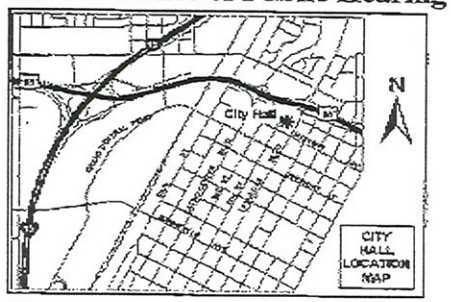

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832213080
PENINI GUY
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

FAVOR 11 89117

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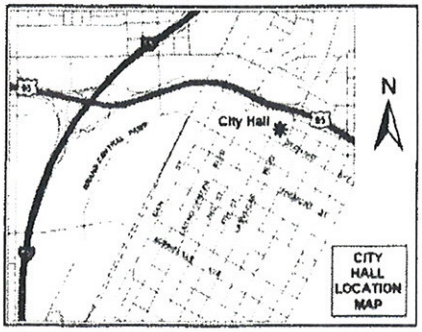

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832812017
GURULE JOSEPH EDWARD
725 VANTAGE LN
LAS VEGAS NV 89145-4820

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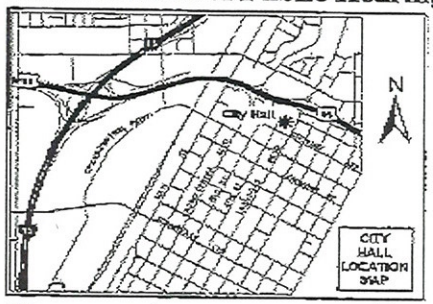

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

16305116005
FORT APACHE COMMONS PARK L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832210005
QUEENSRIDGE TOWERS L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

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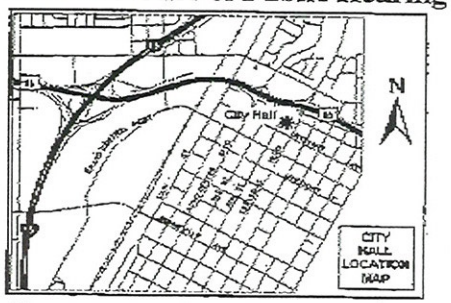

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832601003
GREAT WASH PARK L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

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Las Vegas, Nevada 89101-2986

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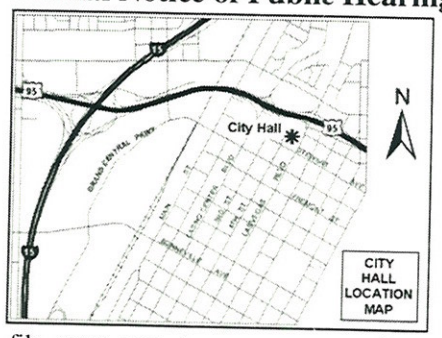

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SUP-35154

Planning Commission Meeting of 8/27/2009

13832415085 Case: SUP-35154
CORR HOWARD A REVOCABLE TR AGMT
993 COATBRIDGE ST
LAS VEGAS NV 89145-8526

FAVDP11 89145

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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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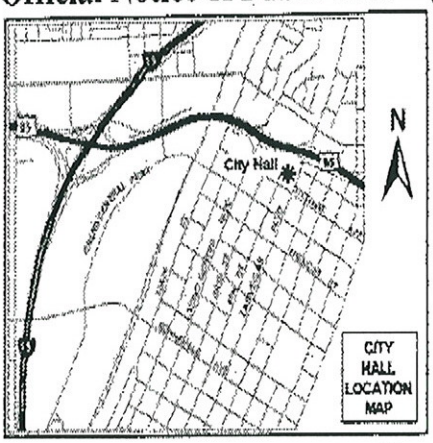

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154
13832613007
HOOGE JOHN L & JUDITH M
8620 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5708

PAUDF14 89145

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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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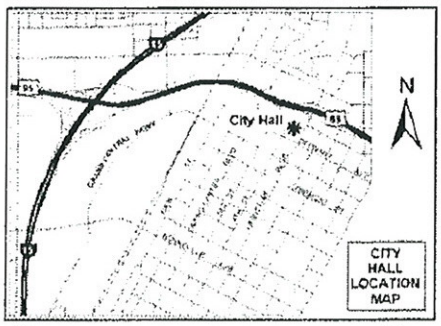

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832613012
WHITEHOUSE JOHN C & SANDY L
8600 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5708

FAVDP11 89145

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Development Services Center
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Las Vegas, Nevada 89101-2986

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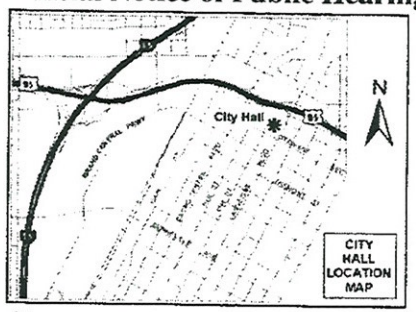

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

16305511011
KINKADE PAMELA M
5757 N TEE PEE LN
LAS VEGAS NV 89149-2333

FAVOS11 89149

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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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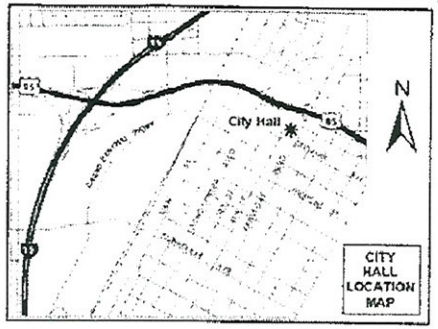

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SUP-35154

Planning Commission Meeting of 8/27/2009

Case: SUP-35154

13832415017
PACE CYNTHIA D
953 CONTADERO PL
LAS VEGAS NV 89138-4545

FAV0511 8128

174

City of Las Vegas Agenda Item No.: **132.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-35176 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA - Request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN AN EXISTING RESTAURANT at 3641 West Sahara Avenue (APN 162-08-101-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

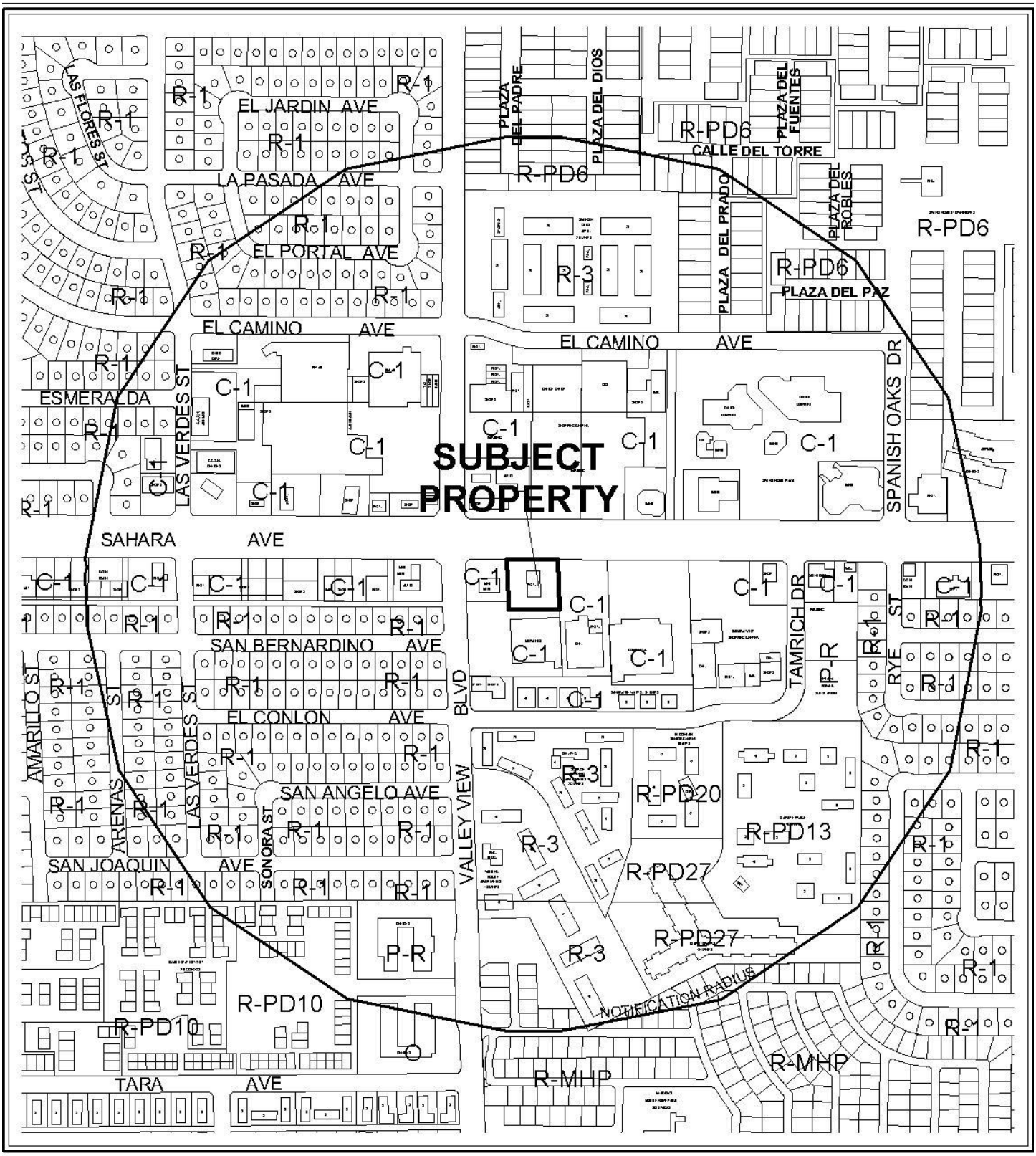
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**2**

RECOMMENDATION:

The Planning Commission (6-0-1 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. Photos
5. Justification Letter
6. Support Postcards
7. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 8



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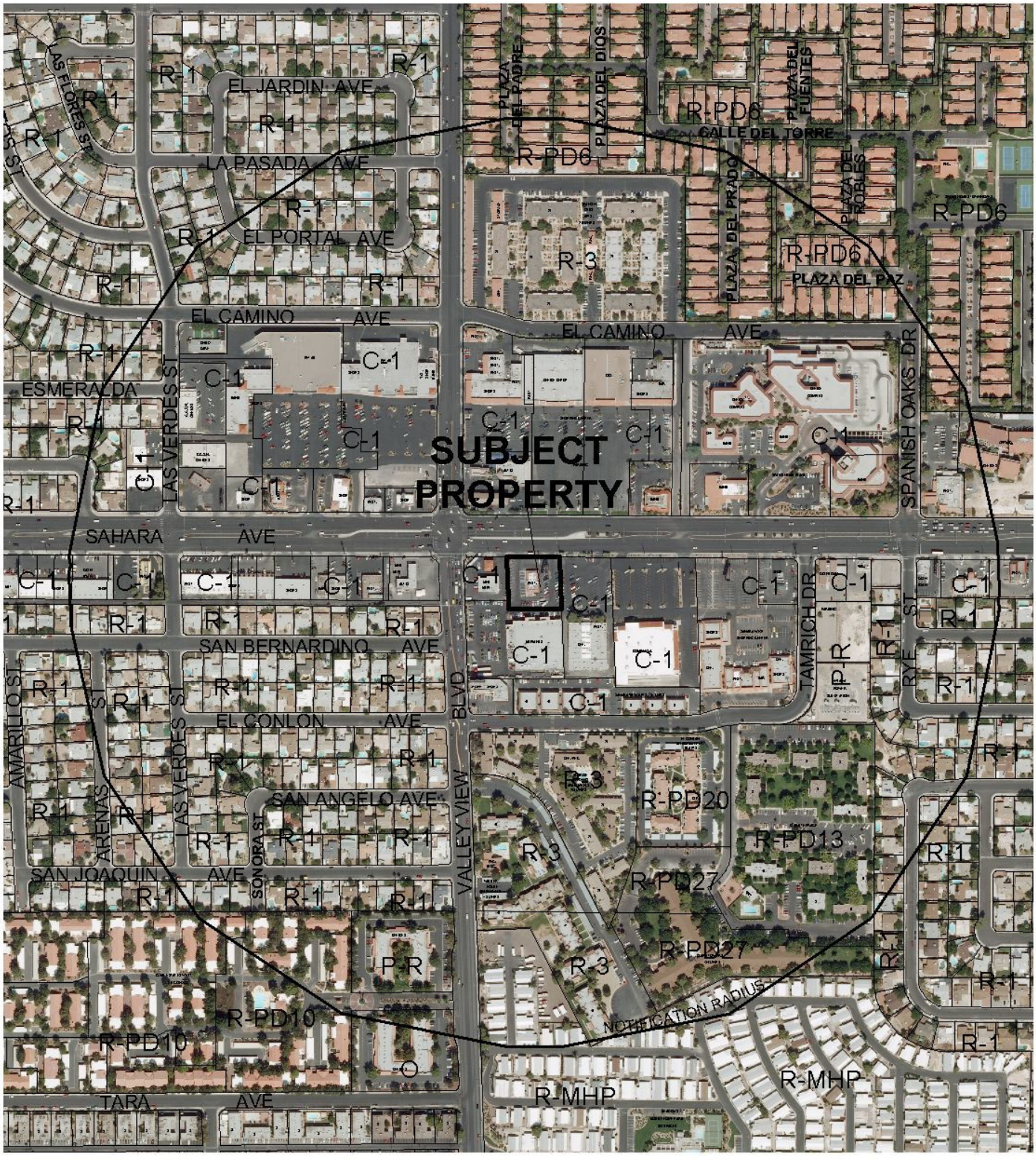
CASE: **SUP-35176**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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CASE: **SUP-35176**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

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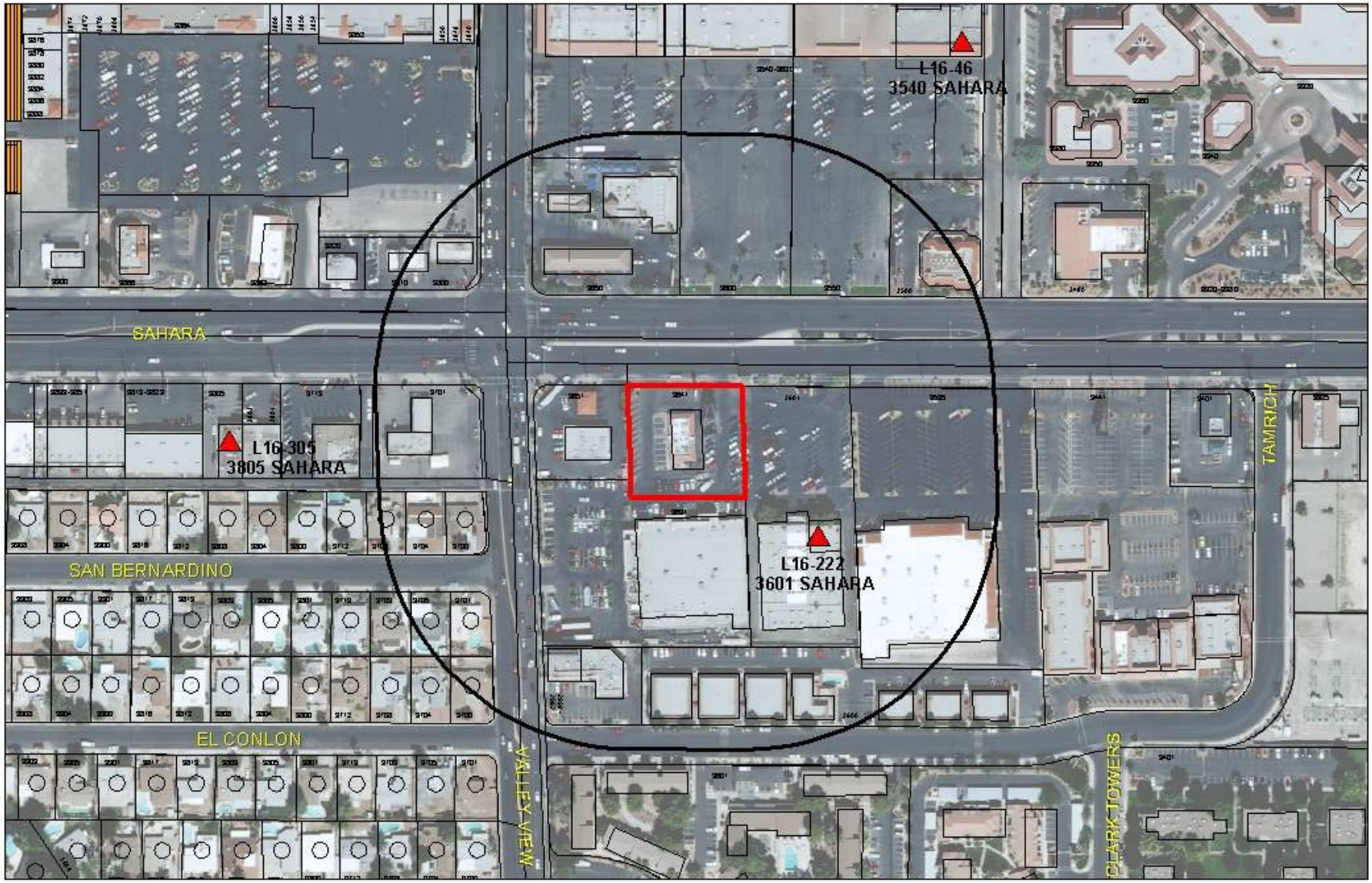


SUP-35176

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA

** CONDITIONS **

The Planning Commission (6-0-1/gt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment 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. Approval of this Special Use Permit does not constitute approval of a liquor license.

4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

5. 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 Beer/Wine/Cooler On-Sale Establishment within an established restaurant at 3641 West Sahara Avenue. The restaurant is 2,618 square feet in size with seating for 56 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. As this request meets all the Minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing shopping center, staff is recommending approval of this application. If denied the restaurant will be unable to serve alcoholic beverages.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
07/17/96	The City Council approved a request for a Special Use Permit (U-0040-96) to allow a 55-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) sign which exceeded the 40-foot height permitted at the subject site located at 3641 West Sahara Avenue. The Board of Zoning Adjustment recommended approval of the request but denied the height increase for the sign.
07/01/00	The City Council approved a request for a Required Review (RQR-33828) of a previously approved Special Use Permit (U-0040-96) for a 50-foot high, 14-foot by 48-foot Off-Premise sign at 3641 West Sahara Avenue. The Planning Commission recommended approval of the request and a condition change.
02/05/03	The City Council approved a request for a withdrawal without prejudice request for a Site Development Plan Review (SDR-1338) for a reduction of the perimeter landscape requirement for a proposed restaurant with drive through to be located at 3641 West Sahara Avenue. The Planning Commission recommended denial.
02/05/03	The City Council approved a request for a withdrawal without prejudice for a Variance (VAR-1337) to allow a zero foot side setback where ten feet is the minimum required for a proposed restaurant with drive through to be located at 3641 West Sahara Avenue. The Planning Commission recommended denial of the request.
05/23/05	The Planning Commission accepted a request for a withdrawal without prejudice request for a Rezoning [Z-0012-67(2)] a Site Development Plan Review and a Reduction in the amount of Required Perimeter Landscaping for a proposed 1,900 square foot retail building and a prefabricated water kiosk to be located at 3641 West Sahara Avenue.
01/30/07	A deed was recorded for change of ownership.
04/28/09	A Code Enforcement case (#77564) was processed to check landscaping, illegal sign, and graffiti. The case is still opened.
08/27/09	The Planning Commission voted 6-0-1/gt to recommend APPROVAL (PC Agenda Item #8/ao).

Related Building Permits/Business Licenses	
03/14/94	A building permit (#94322822) was issued for a new water stop kiosk at 3641 West Sahara Avenue. The permit expired on 09/10/94.
10/06/94	A building permit (#94350951) was issued for drain and water for aqua vending machine at 3641 West Sahara Avenue. The permit was completed on 11/09/94.
10/17/94	A building permit (#94352308) was issued for a renewal of permit for a new water stop kiosk at 3641 West Sahara Avenue. The permit was completed on 11/14/94.
10/11/95	A business license (#R09-00265) was issued for a restaurant with seating for 45 or more at 3641 West Sahara Avenue. The license expired on 06/16/08.
05/26/09	A business license (#R09-01507) was issued for a restaurant with seating for 45 or more at 3641 West Sahara Avenue. The license expired on 05/20/09.
Pre-Application Meeting	
07/01/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Beer/Wine/Cooler on Sale were discussed. Topics included: • The submittal of application materials, meeting dates, and deadlines were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
07/23/09	Staff conducted a field check of the subject site with the following observations: • A few of the on-site landscaping planters contained dead vegetation which needs to be replaced.

Details of Application Request	
Site Area	
Gross Acres	.73 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Restaurant Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center / Parking Lot	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store / Gas Station	SC (Service 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		
A-O Airport Overlay 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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
		Required			*Provided*		*Compliance*
			Parking		*Parking*		
Use	*Gross Floor Area or Number of Units*	*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,618 S F	1:100	26	1	43	2	Y
TOTAL (including handicap)	2,618 S F		27		45		

ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 3641 West Sahara Road. The restaurant currently has 2,618 square-feet, with seating for 56 people. The proposed location is part of an established shopping center at the southeast corner of South Valley View Boulevard and Sahara Avenue, which supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores. The addition of a Beer/Wine/Cooler On-Sale Establishment use is ancillary to the existing restaurant within this shopping center, and is compatible with the existing and future land uses as specified by the General Plan. Because the Beer/Wine/Cooler On-Sale Establishment use is ancillary to the approved restaurant use, no additional parking is required. Therefore, staff recommends approval. The proposed Beer/Wine/Cooler On-Sale Establishment use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

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 is compatible with the SC (Service Commercial) General Plan designation and can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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 been 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 Sahara Avenue, a 100-foot Primary Arterial, and Valley View Boulevard, an 80-foot Secondary Collector, as designated on the Master Plan of Streets and Highways. These streets provide 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 should not compromise public health, safety, or welfare as the proposed Beer\Wine\Cooler On-Sale Establishment use 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-Sale Establishment use complies with the Minimum Special Use Permit requirements set forth by Title 19.04.

PLANNING COMMISSION ACTION

There was one additional person in support at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 491 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35176** APN: 162-08-101-007

Name of Property Owner: Andrew S. Fonfa

Name of Applicant: Loka N. Mishra

Name of Representative: Januka Mishra

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: Andrew S. Fonfa

Subscribed and sworn before me

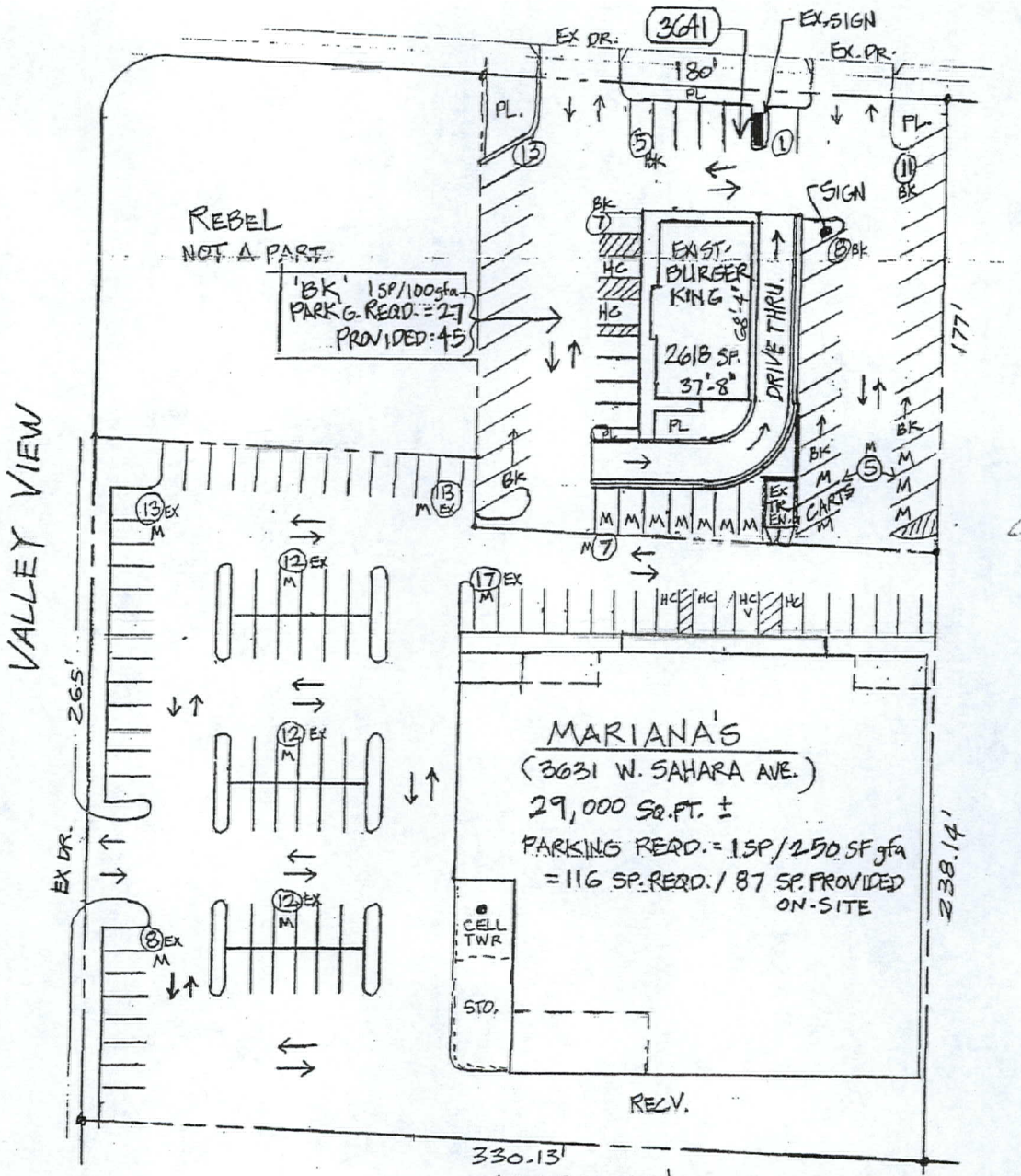
This 9th day of July, 2009

Cynthia S. Pineda

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CYNTHIA S. PINEDA
Appt. No. 94-1380-1
My Appt. Expires March 28, 2010

SAHARA AVE



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JUL 13 2009

MARIANA'S
PARKING - ONSITE: 87 SP.
(EX. BK) OFFSITE: 12 SP.
TOTAL PARKING: 99 SP.

PROPOSED MASTER SITE PLAN

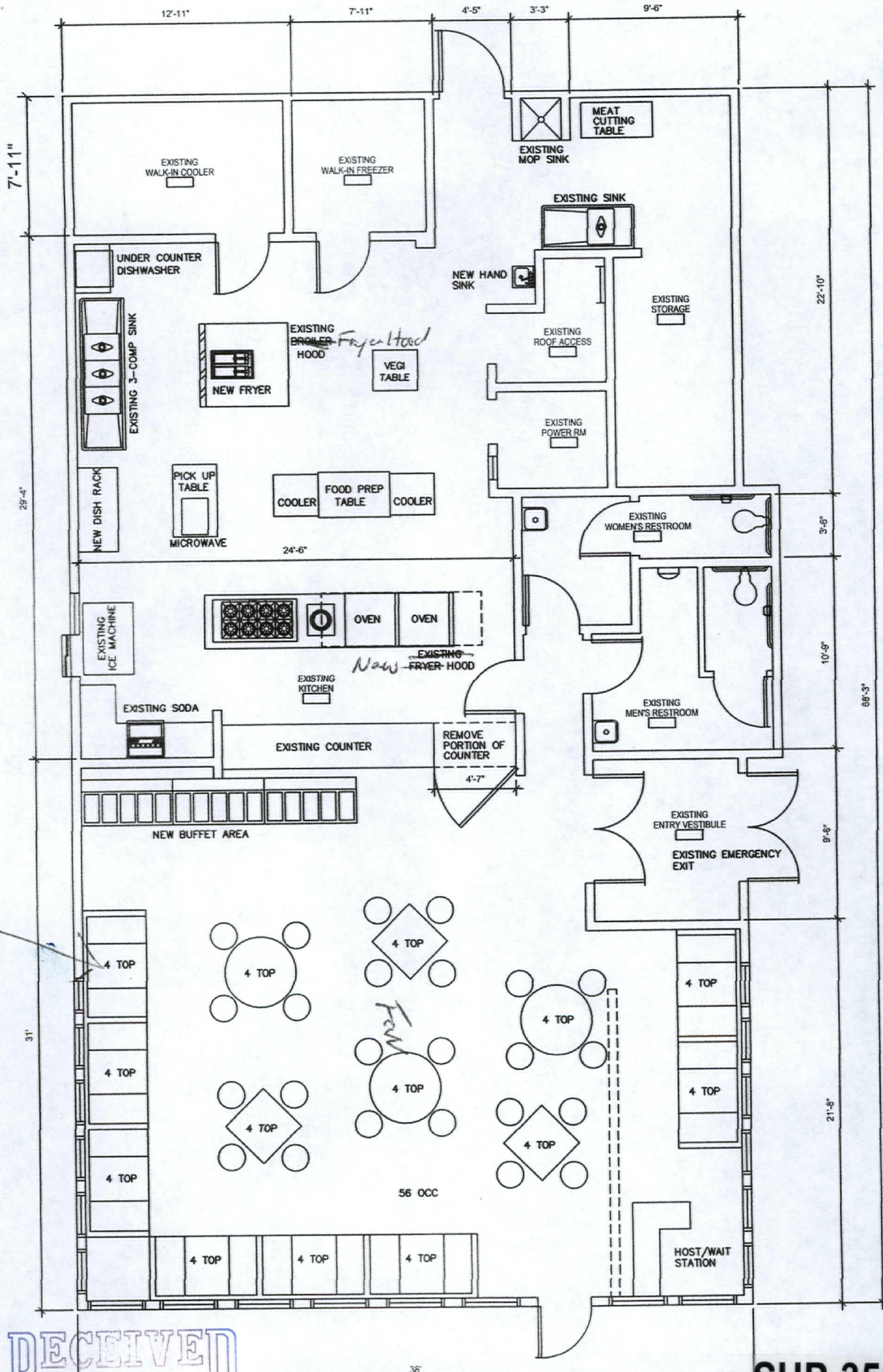
4/22/08 © ASF/GDC

SCALE: 1" = 50'

3631 & 3641 W. SAHARA AVE.

N

SUP-35176
08/27/09 PC



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JUL 13 2009

1,238.25 S.F. = KITCHEN = 6.19 OCCUPANTS
288.68 S.F. = RESTROOMS/VESTIBULE = 1 OCCUPANT
FIXED SEATING = RESTAURANT = 56 OCCUPANTS
63 TOTAL OCCUPANT LOAD

SUP-35176
08/27/09 PC



SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA
3641 WEST SAHARA AVENUE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA
3641 WEST SAHARA AVENUE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA
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07/23/09



SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA
3641 WEST SAHARA AVENUE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA
3641 WEST SAHARA AVENUE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09

Planning and Development Department

I, Loka N. Mishra, as the owner of Mt. Everest India's Cuisine, would like to apply for Beer and Wine License. Mt. Everest India's Cuisine is located in 3641 W. Sahara Ave. in the city of Las Vegas, NV. It recently opened in the building that was formerly Burger King. It is open seven days a week. The opening hours for lunch buffet is 11 am to 3 pm. We are closed everyday from 3 pm to 5 pm. And, the dinner starts from 5 pm and ends in 10:30 pm. We serve food that is mostly North Indian but our menu includes many other specialties from all over the world.

In the past 2 months we were open, customer mostly asked for beer and wine. People wanted to order beer and wine from India and other parts of the world. Dinner at my restaurant includes some hot and spicy curries, so beer and wine is necessary for refreshment. An Indian restaurant without beer and wine is incomplete in itself. Beer and wine has been an inseparable part of Indian culture.

Also, I am willing to follow all the rules and regulations required in order to obtain a Special Use Permit of Beer and Wine.

Loka N. Mishra
Owner:
Mt. Eerest India's Cuisine
3641 W. Sahara Avenue,
Las Vegas, NV 89102
Ph: 702-588-1230

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JUL 13 2009

SUP-35176
08/27/09 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
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0004279218 SEP 25 2009
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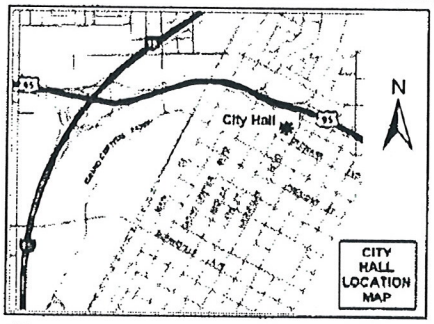
Official Notice of Public Hearing



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.

SUP-35176
City Council Meeting of 10/7/2009

10-7-2009 SUP-35176
Mr. Loka Mishra
5909 Gentleslope Street
Henderson, Nevada 89011

RECEIVED
2009 SEP 29 P 2:33
CITY CLERK

GAVDS11 AS011

OCT-9-2004 03:45A FROM: TO:7023824803 P.1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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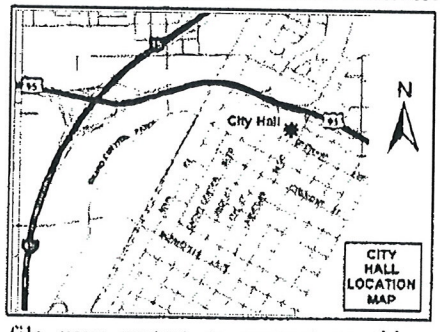

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Please use available blank space on card for your comments.

SUP-35176
City Council Meeting of 10/7/2009

10-7-2009 SUP-35176
Ms. Januka Mishra
5909 Gentleslope Street
Henderson, Nevada 89011

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2009 SEP 29 P 2:32
CITY CLERK

GAVDS11 AS011

OCT-9-2004 03:44A FROM: TO:7023824803 P.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

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

SUBJECT: ***SUP-35176 - APPLICANT: LOKA N. MISHRA - OWNER: ANDREW S. FONFA***

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***AUGUST 27, 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 ***Carman Burney at (702) 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 and return to our office by 5:00PM ***AUGUST 26, 2009***.

[signature] 08/25/2009

Signature Date

Loka Mishra

Please Print Name

Mt. Everest India's Cuisine

Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

RECEIVED
AUG 26 2009

Submitted after final agenda

Date 8/27/09 PC Item 8

Attn: Carman Burney

SEP-5-2004 01:01A FROM: TO:7023857268 P.1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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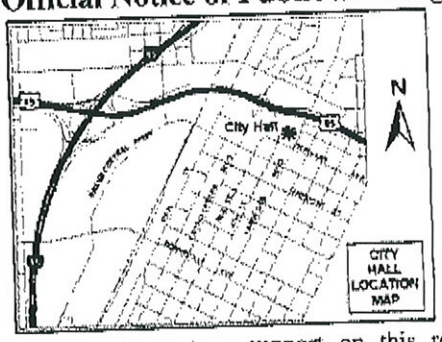

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35176

Planning Commission Meeting of 8/27/2009

Case: SUP-35176

16207516003
STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

FAUCP11 89108

8P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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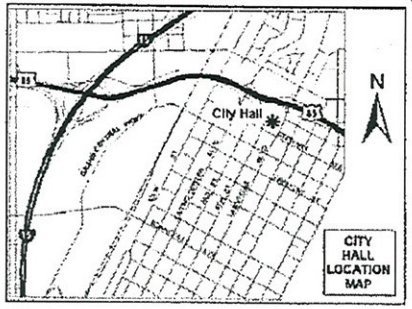

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35176

Planning Commission Meeting of 8/27/2009

Indian rest.

Case: SUP-35176

16208101007
FONFA ANDREW
9710 W TROPICANA #110
LAS VEGAS NV 89147-8498

FAVDF11 89147

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AUG 18 2009

702-221-1090 p.1
Aug 18 09 02:52p ASF Realty

SA

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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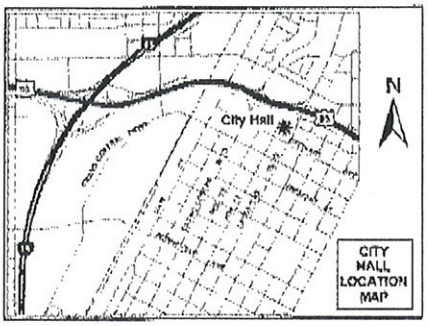

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35176

Planning Commission Meeting of 8/27/2009

Case: SUP-35176
16205412006
FOYT ELIZABETH ANN
2216 PLAZA DEL PRADO
LAS VEGAS NV 89102-3914

FAVDF11 89102

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AUG 25 2009

Submitted after final agenda

Date 8/25/09 Item 8

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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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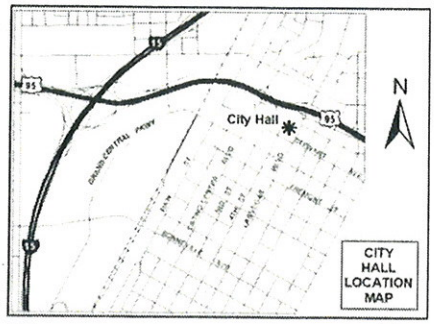

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AUG 2 2009

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35176

Planning Commission Meeting of 8/27/2009

Case: SUP-35176

16205412004 Carmen
BOGGIANO DINO
2208 PLAZA DEL PRADO
LAS VEGAS NV 89102-3914

FAVOP11 A910Z

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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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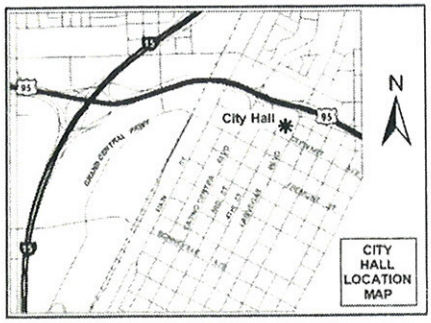

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35176
Planning Commission Meeting of 8/27/2009

Case: SUP-35176
16207614043
CUSIMANO GERALD N
2851 S VALLEY VIEW BLVD #2149
LAS VEGAS NV 89102-0136

FAV0811 89102

8A

City of Las Vegas Agenda Item No.: **133.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

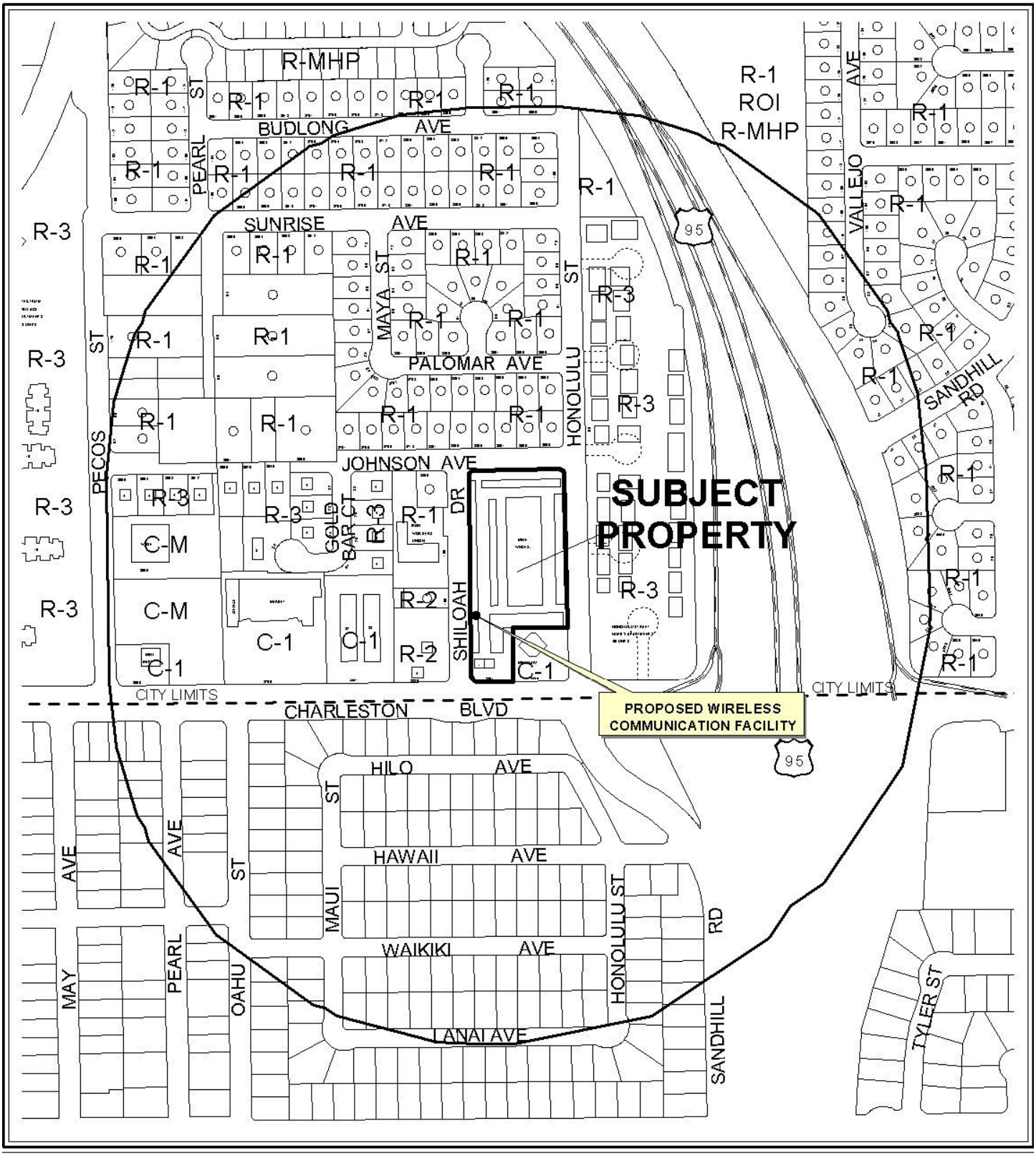
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35196 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV - Request for a Special Use Permit FOR A PROPOSED 60-FOOT WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (FLAG POLE) at the northeast corner of East Charleston Boulevard and Shiloah Drive (APN 140-31-403-001), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**2**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (7-0 vote) 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. Protest Postcard
7. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 18

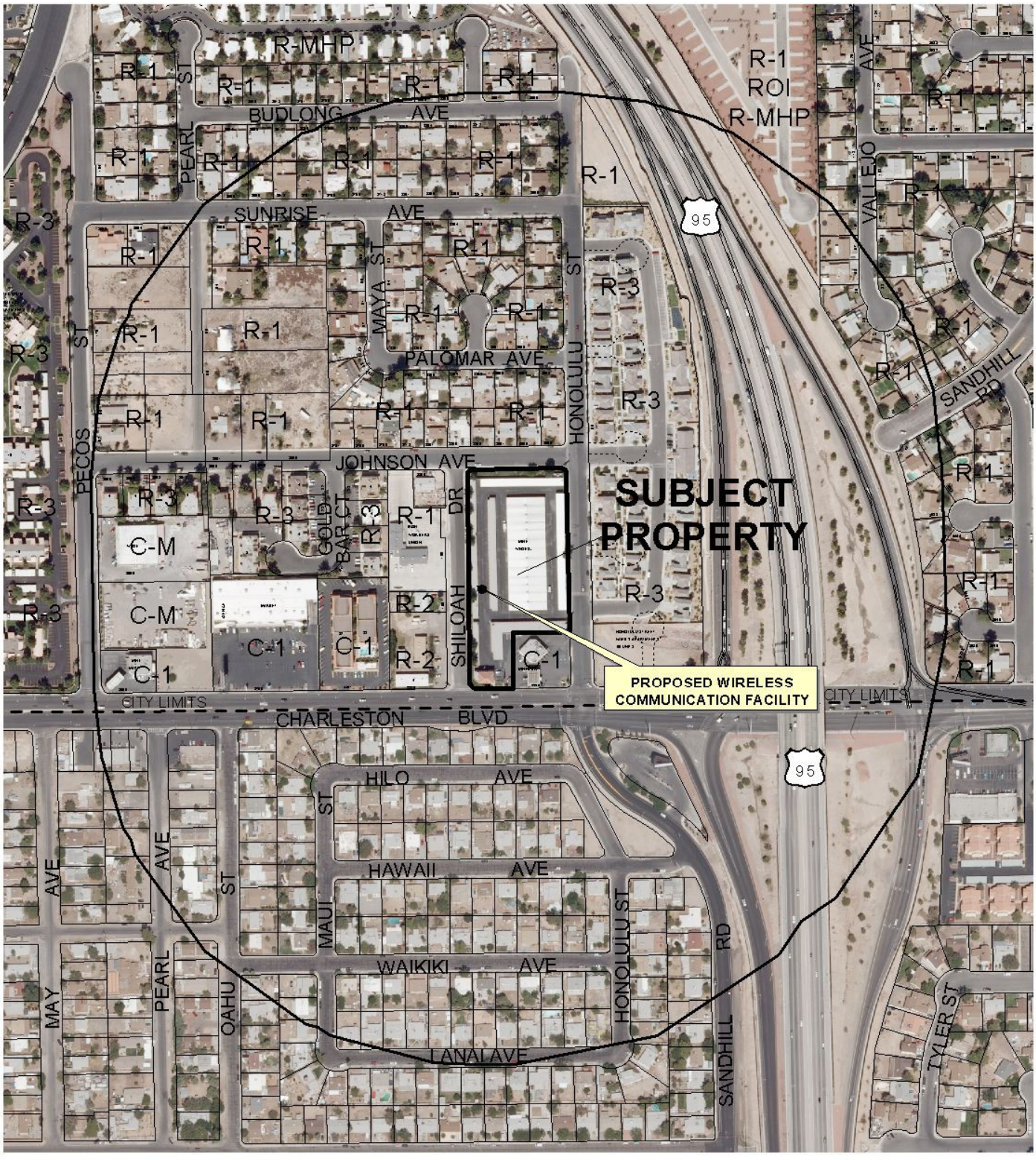


0 300 600 Feet

CASE: **SUP-35196**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



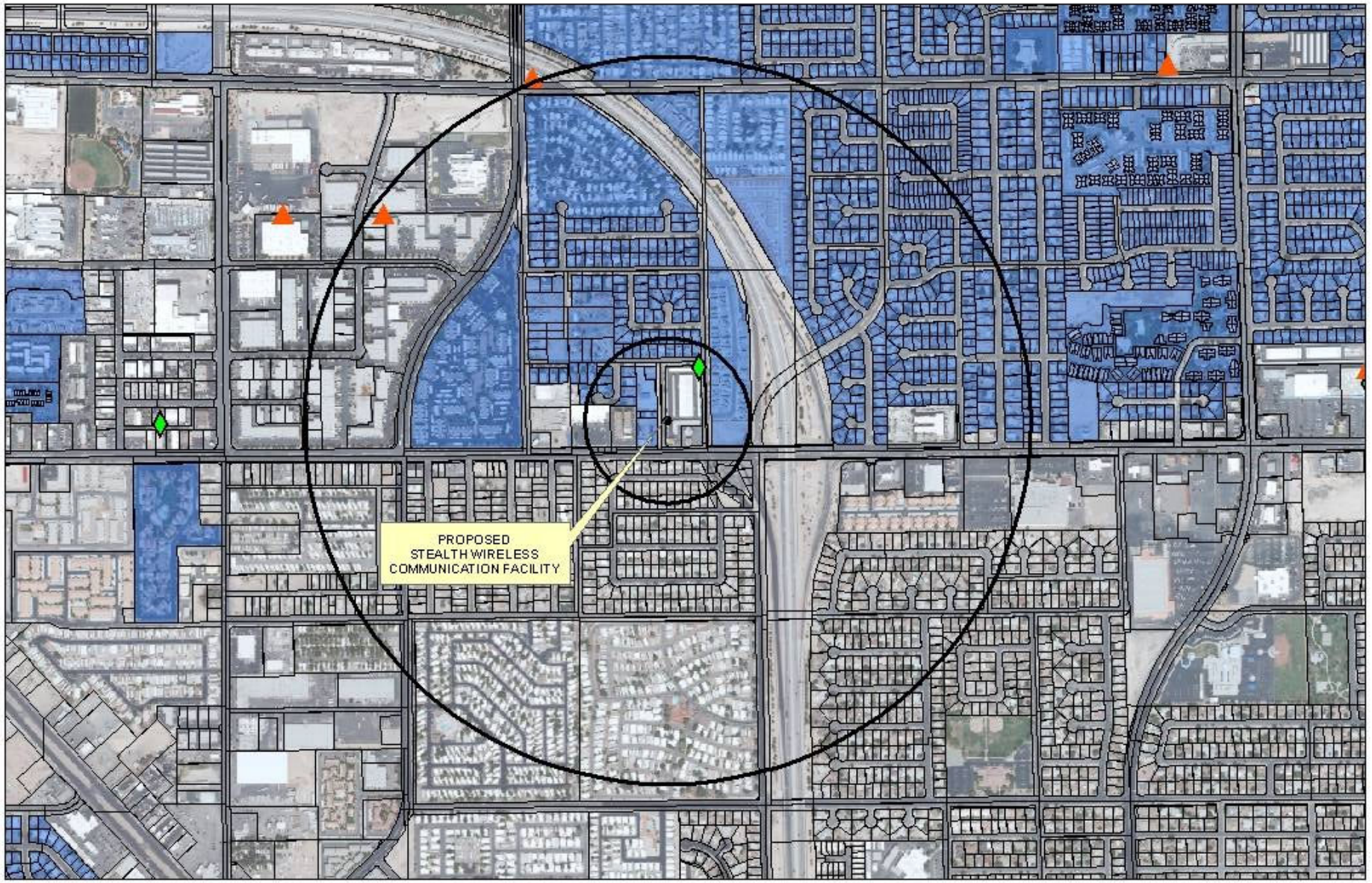
0 300 600 Feet

CASE: **SUP-35196**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-35196

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

N

0 625 1,250 2,500 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35196 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) 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 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.

4. All City Code requirements and design standards of all City departments must be satisfied.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 60-foot tall Wireless Communication Facility, Stealth Design (Flagpole) at the northeast corner of East Charleston Boulevard and Shiloah Drive. The cellular facility and equipment will be located inside of an existing mini-storage facility site between two buildings. The proposed 60-foot tall cellular facility will provide antennas concealed within a flag pole. The equipment enclosure will house the proposed cellular facility and associated electrical equipment. If denied, the cellular facility would not be permitted on the subject site. The proposed Wireless Communication Facility, Stealth Design (Flagpole) is not compatible or harmonious with surrounding residential development. Also, there is an existing Wireless Communication Facility, Stealth Design (Sign pole) located on the subject site. The addition of a second cellular facility creates additional visual clutter and over-saturates the existing site; therefore, staff cannot support the subject application and recommends denial of the request.

ISSUES

- The proposed Wireless Communication Facility, Stealth Design (Flagpole) cellular is approximately 435 feet from an additional cellular facility.
- The nearest residentially zoned property R-2 (Medium-Low Density Residential) is 75 feet to the west. Although not subject to Residential Adjacency Standards, the proposed facility will have a negative visual impact on the surrounding residential development.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
05/01/90	A deed was recorded for a change of ownership at 3851 East Charleston Boulevard.
06/30/09	A Code Enforcement citation (#79570) was issued for graffiti and barbed wire at 3851 East Charleston Boulevard. The citation remains open.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/bts).
Related Building Permits/Business Licenses	
04/02/90	A Building Permit (#90073760) was issued for storage building 'B' at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.
04/02/90	A Building Permit (#90073761) was issued for storage building 'C' at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.

04/02/90	A Building Permit (#90073765) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finaled on 02/15/90.
04/02/90	A Building Permit (#90073764) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.
04/02/90	A Building Permit (#90073763) was issued for storage building 'E' at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.
06/28/90	A Building Permit (#90073762) was issued for storage building 'D' at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.
07/04/90	A Building Permit (#90074989) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finaled on 02/05/91.
07/11/90	A Building Permit (#90074319) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finaled on 10/05/90.
07/12/90	A Building Permit (#90074990) was issued for storage building 'E' at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
07/12/90	A Building Permit (#90074992) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finaled on 02/15/90.
07/12/90	A Building Permit (#90074991) was issued for a storage building at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
07/12/90	A Building Permit (#90074987) was issued for storage building 'B' at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
07/12/90	A Building Permit (#90074988) was issued for storage building 'C' at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
07/12/90	A Building Permit (#90074989) was issued for storage building 'D' at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
07/17/90	A Building Permit (#9074986) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finaled on 10/25/90.
08/07/90	A Building Permit (#90077857) was issued for storage building 'A' at 3851 East Charleston Boulevard. The permit was finaled on 10/23/90.
09/26/90	A Building Permit (#90083801) was issued for a double faced pole sign at 3851 East Charleston Boulevard. The permit was finaled on 10/25/90.
05/14/96	A Business License (#W07-00049) was issued for warehouse or storage at 3851 East Charleston Boulevard. The license remains active.
09/29/00	A Business License (#M06-01525) was issued for miscellaneous sales at 3851 East Charleston Boulevard. The license remains active.
09/09/04	A Building Permit (#4019639) was issued for the addition of three antennas to an existing pole at 3851 East Charleston Boulevard. The permit was finaled on 05/27/05.
Pre-Application Meeting	
09/10/09	A pre-application meeting was held on the indicated date. The following items were noted: • Proximity to existing residential developments. • Proximity to existing cellular facilities on the subject site.

Neighborhood Meeting	
A neighborhood meeting is not required nor was one held.	
Field Check	
07/23/09	A field check was completed on the indicated date. The following items were noted: • The location of an existing cellular facility on the subject site. • The proximity to residential developments.

Details of Application Request	
Site Area	
Gross Acres	3.07 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mini-Storage Facility and Cellular Facility	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)/
South	Convenience Store and Single-Family Dwellings	SC (Service Commercial) and Clark County	C-1 (Limited Commercial)/Clark County
East	Multi-Family Housing	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Multi-Family Housing and Iron Workers Union	M (Medium Density Residential)	R-1 (Single Family Residential)/R-2 (Medium-Low Density Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	
Trails (Multi-Use Non-Equestrian Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards the following requirements apply

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	133,729 SF	Y
Min. Lot Width	100 Feet	112 Feet	Y
Min. Setbacks			
• Front (South)	20 Feet	182 Feet	Y
• Corner (West)	15 Feet	22 Feet	Y
• Corner (East)	15 Feet	252 Feet	Y
• Rear (North)	20 Feet	393 Feet	Y
Max. Lot Coverage	50%	N/A	N/A
Max. Building Height	N/A	60 Feet	N/A

Residential Adjacency Standards per Title 19.08.060

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	180 Feet	307 Feet	Y

ANALYSIS

The applicant is proposing a 60-foot Wireless Communication Facility, Stealth Design (Flagpole) and a six-foot fenced in enclosure, which is within an existing Mini-Storage Facility located at the northeast corner of East Charleston Boulevard and Shiloah Drive. The proposed cellular facility is in over-saturation of use and a negative impact on surrounding residential development; therefore staff is recommending denial of the proposed Wireless Communication Facility, Stealth Design (Flagpole).

- **Use**

  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.

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 use is not harmonious and compatible with existing surrounding residential land uses. The addition of a second cellular facility on the subject site is visually obnoxious and intrusive to the adjacent residential developments.

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 Wireless Communication Facility, Stealth (Flagpole). A second cellular facility fails to adequately protect the overall quality of life for the existing residences and multi-family developments. The proposed cellular facility is an over saturation on the existing site.

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 site is accessed from Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. This thoroughfare is capable of accommodating any additional traffic flow created by the proposed Wireless Communication Facility, Stealth facility.

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 Wireless Communication Facility, Stealth Design (Flagpole) use fails to comply with Objective 2.2 of the Las Vegas Master Plan 2020. Objective 2.2 seeks compatibility between low density residential land uses within mature neighborhoods to exist in close proximity to non-residential land uses, by incorporating appropriate design or buffer elements to mitigate adverse visual, audible or aesthetic impacts. The proposal for an additional cellular facility immediately adjacent to residentially zoned properties will not mitigate these adverse impacts, but rather increase them.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed cellular facility meets the minimum requirements for a Wireless Communication Facility, Stealth Design (Flagpole) with the exception of Condition #5, as the site has been determined to be incompatible with surrounding uses. Therefore, this Special Use Permit is required.

PLANNING COMMISSION ACTION

There were questions regarding the existing towers at the Planning Commission Meeting. Additional protests and approvals were submitted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 10

SENATE DISTRICT 11

NOTICES MAILED 279 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35196** APN: 140-31-403-001

Name of Property Owner: Public Storage Fund IV

Name of Applicant: Clear Wireless, LLC

Name of Representative: Wireless Facilities, Inc. -- Jamie Lisle

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: David F. Doll

Subscribed and sworn before me

This 30th day of June, 2009

_____

Notary Public in and for said County and State

MEREDITH A. ALLEN
Commission # 1658982
Notary Public - California
Los Angeles County
My Comm. Expires Apr 18, 2010

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
JUL 14 2009

clear Wireless LLC

NV-LSV667E
3851 E CHARLESTON
LAS VEGAS, NV 89110
A.P.N. #140-31-403-001

CONSULTANT TEAM

ENGINEERING SERVICES:
CMX
2800 W SAHARA AVE SUITE F BUILDING 2
LAS VEGAS, NV 89102
CONTACT: SHANE ARCHULETA
E-MAIL: sarchuleta@cmxengineering.com
OFFICE: (702)220-5172
MOBILE: (702)378-7410

ZONING MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH ROAD
LAS VEGAS, NV 89128
CONTACT: JAMIE LISLE
OFFICE: (702) 586-2178 FAX: (702) 586-3685
MOBILE: (702) 338-3447

CONSTRUCTION MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: NICHOLAS BURKE
E-MAIL: NICHOLAS.BURKE@WFINET.COM
PHONE: (702) 572-5069 FAX:(702) 446-8159

SITE ACQUISITION:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH ROAD
LAS VEGAS, NV 89128
CONTACT: JAMIE LISLE
OFFICE: (702) 586-2178 FAX: (702) 586-3685
MOBILE: (702) 338-3447

POWER:
NEVADA ENERGY
(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.

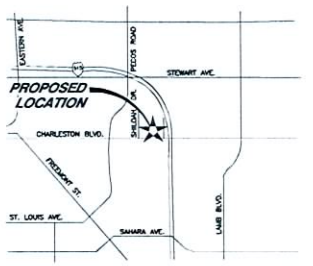
INTERNATIONAL BUILDING CODE 2006 EDITION

NATIONAL ELECTRIC CODE 2005 EDITION

ANSI/EIA/TIA-222-F STANDARDS FOR BROADCAST STRUCTURES

IN THE EVENT OF A CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

VICINITY MAP



COORDINATES: (NAD 83) LATITUDE: 36.159035 LONGITUDE: -115.09430868

DRIVING DIRECTIONS

DEPART MARY CREST RD, TURN LEFT ONTO N GIBSON RD, TURN RIGHT ONTO AUTO SHOW DR, TAKE RAMP LEFT AND FOLLOW SIGNS FOR I-515 NORTH / LAS VEGAS EXPY. AT EXIT 72, TAKE RAMP RIGHT AND FOLLOW SIGNS FOR CHARLESTON BLVD, TURN LEFT ONTO SR-159 WEST / E CHARLESTON BLVD. ARRIVE AT 3851 E CHARLESTON BLVD.

PROJECT SUMMARY

APPLICANT/LESSEE

CLEARWIRELESS
4400 CARILLON POINT
KIRKLAND, WASHINGTON 98033
PHONE: 425-246-7600
FAX: 425-216-7900

LOCAL ADDRESS:
1051 MARY CREST ROAD, SUITE K
HENDERSON, NEVADA 89074
CONTACT: ALEX BLASSCYK
PHONE: (949) 282-7666

PROPERTY INFORMATION

PROPERTY OWNER:	PUBLIC STORAGE FUND IV 3851 E CHARLESTON BLVD LAS VEGAS, NV 89110
JURISDICTION:	CITY OF LAS VEGAS
ASSESSORS PARCEL NUMBER:	140-31-403-001
CURRENT ZONING:	LIMITED COMMERCIAL DISTRICT (C-1)
PROPOSED AREA OF CONSTRUCTION:	142 SQ. FT.
EXISTING OCCUPANCY:	U
PROJECT OCCUPANCY:	NONE
TYPE OF CONSTRUCTION:	IIB
PROJECT INFORMATION	
EQUIPMENT LOCATION:	OUTDOOR
ANTENNA LOCATION:	NEW SUM LINE POLE

SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN AN 11" X 17" FORMAT.

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 SHEET
Z-1	PARCEL PLAN
Z-2	ENLARGED SITE PLAN
Z-3	ELEVATION

PROJECT DESCRIPTION

THE PROPOSED PROJECT INCLUDES THE FOLLOWING:

NEW CLEARWIRELESS ANTENNAS MOUNTED WITHIN NEW FLAG POLE.

INSTALLATION OF ONE COMMUNICATIONS CABINET.

INSTALLATION INCLUDES 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		

clear Wireless LLC
1051 MARY CREST RD, STE K
HENDERSON, NV 89074

CMX
2800 W SAHARA AVE
BUILDING 2, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4901 FAX (702) 220-5336
ARIZONA FLORIDA MARYLAND NEVADA NEW JERSEY NEW YORK PENNSYLVANIA MEXICO

NV-LSV667E
3851 E CHARLESTON
LAS VEGAS, NV 89110
JURISDICTION: CITY OF LAS VEGAS

CMX PROJECT NO.: 090408201
DRAWN BY: GR
CHECKED BY: RB

SUBMITTALS

1	07/17/09	CHANGED DESIGN TO FLAG POLE
0	06/30/09	100% ZDs FOR FINAL REVIEW

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

ZONING APPROVAL ONLY

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

SUP-35196
08/27/09 PC

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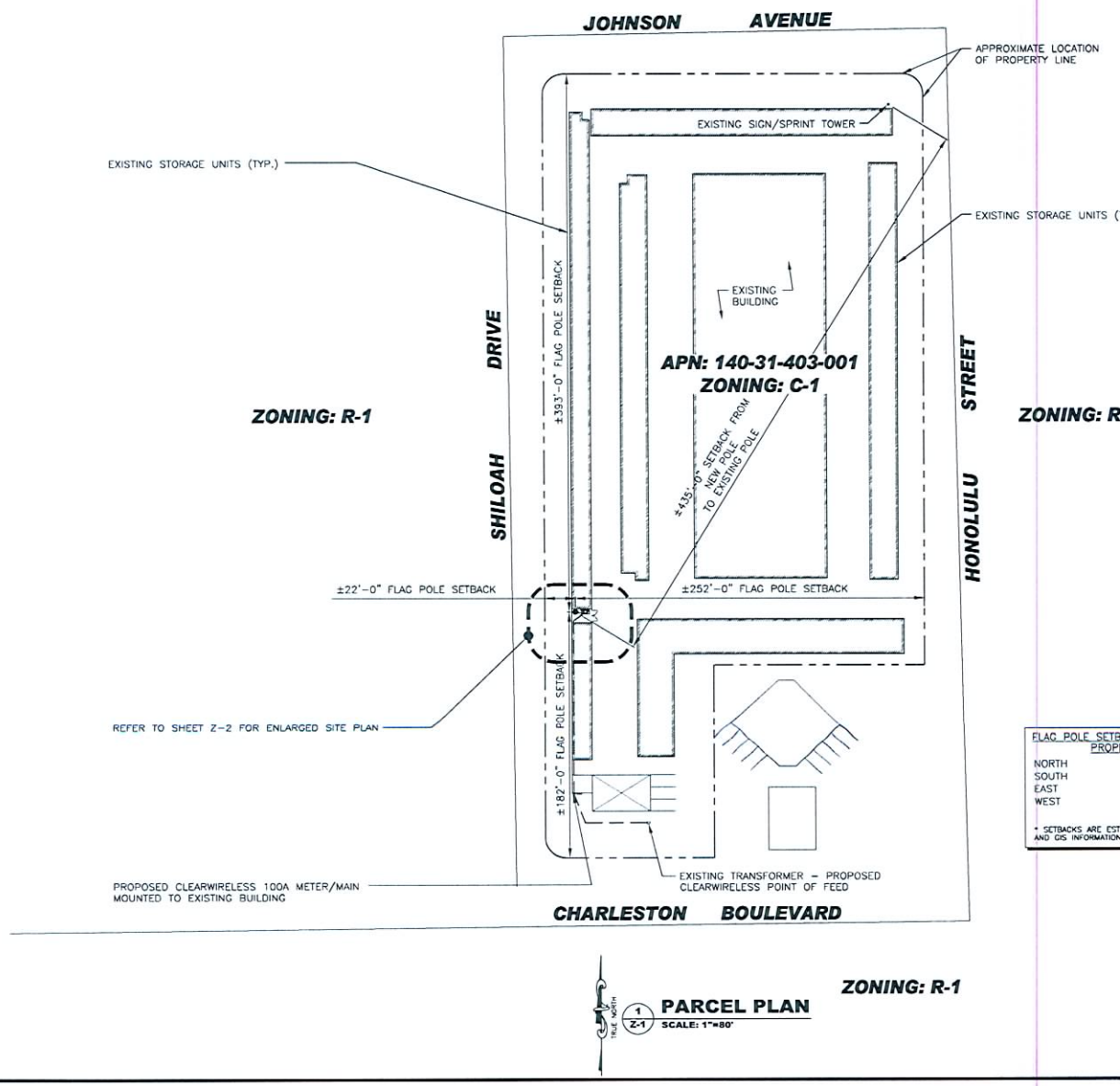
JUL 21 2009



FLAG POLE SETBACKS TO RESIDENTIAL PROPERTY LINES	
NORTH	±457'
SOUTH	±282'
EAST	±308'
WEST	±60'

* SETBACKS ARE ESTIMATED FROM THE ASSESORS MAPS AND GIS INFORMATION.

clear Wireless LLC
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HENDERSON, NV 89074

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NV-LSV667E

3851 E CHARLESTON
LAS VEGAS, NV 89110
JURISDICTION: CITY OF LAS VEGAS

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SHEET TITLE:

PARCEL PLAN

SHEET NUMBER:

Z-1

SUP-35196
08/27/09 PC

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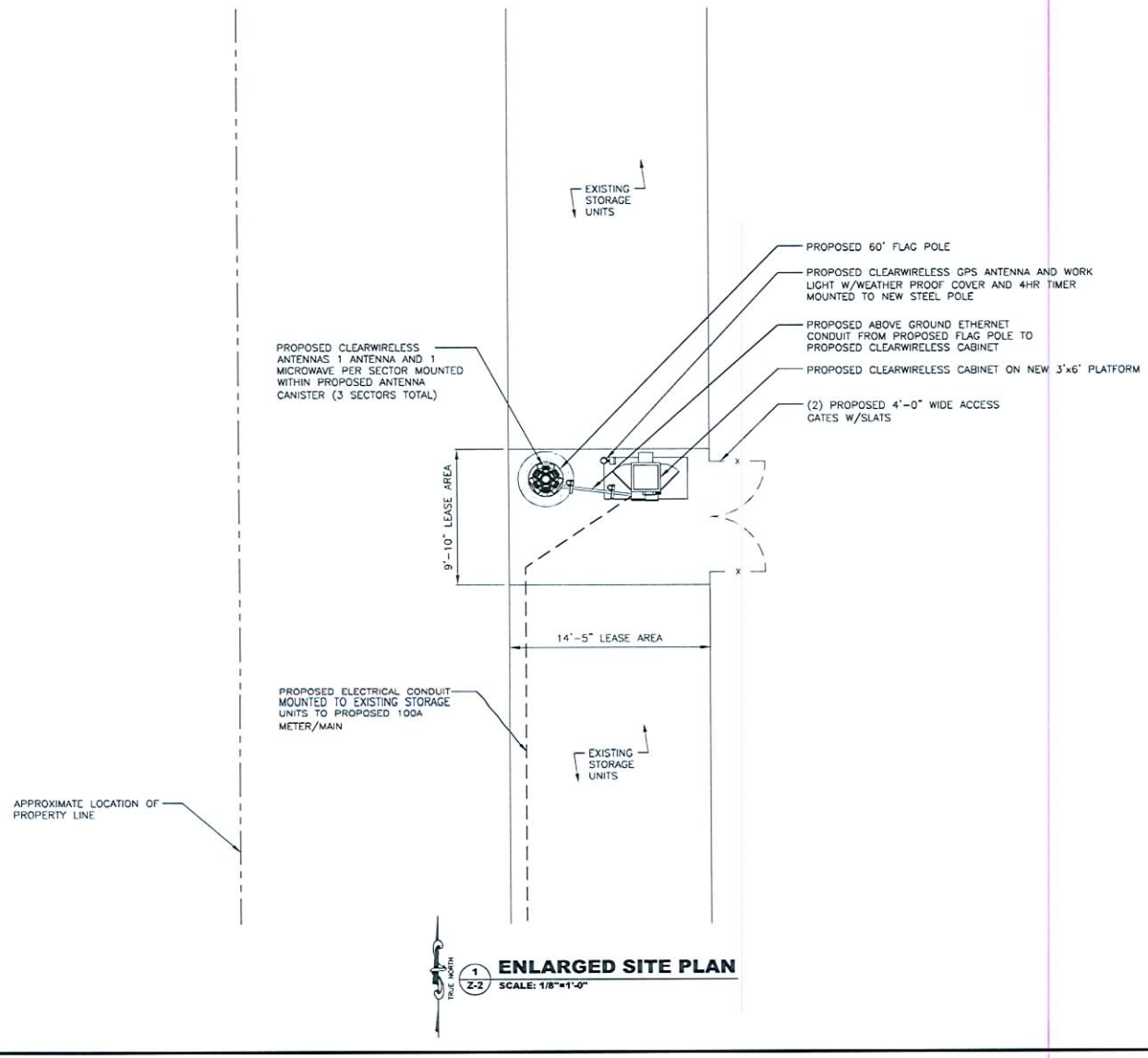
JUL 21 2009



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HENDERSON, NV 89074

CMX
2600 W SAHARA AVE
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TEL (720) 220-4901 FAX (702) 220-5336
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NV-LSV667E

3851 E CHARLESTON
LAS VEGAS, NV 89110
JURISDICTION: CITY OF LAS VEGAS

CMX PROJECT NO.:	090408201
DRAWN BY:	GR
CHECKED BY:	RB

SUBMITTALS

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ZONING APPROVAL ONLY

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
Z-2

SUP-35196
08/27/09 PC

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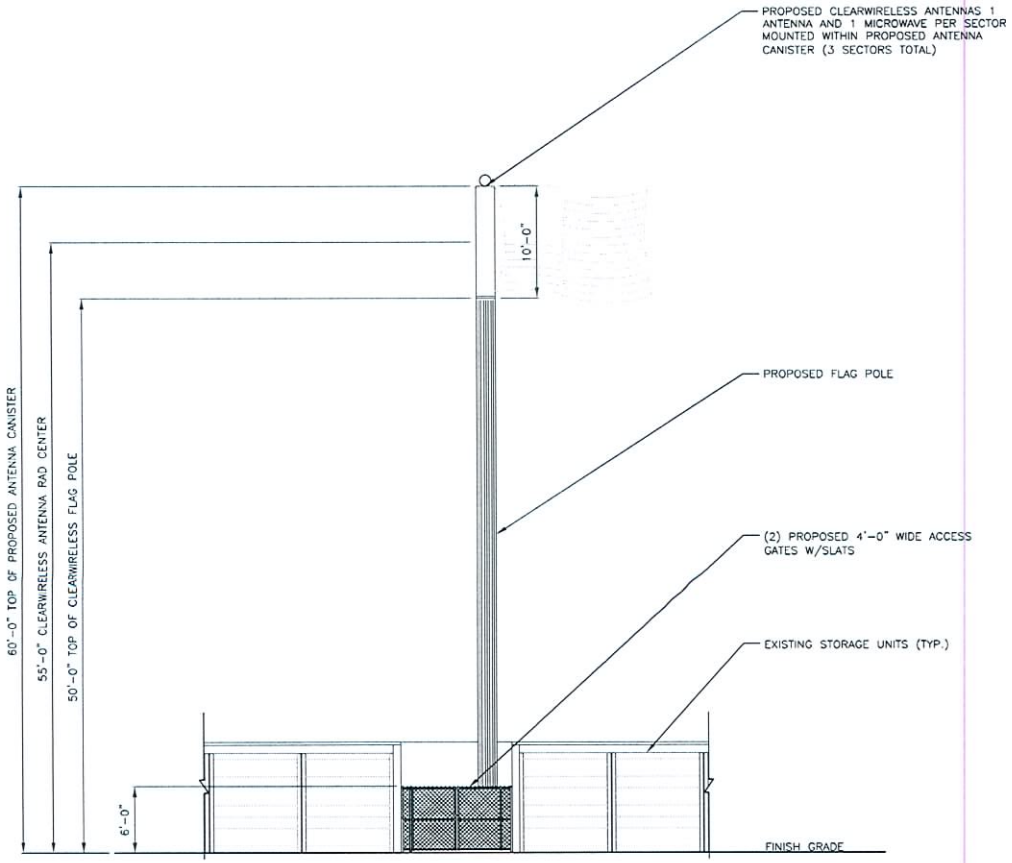
JUL 21 2009



1 / Z-3 SITE ELEVATION
SCALE: 3/32"=1'-0"

clear Wireless LLC
1051 MARY CREST RD, STE K
HENDERSON, NV 89074

CMX
2200 W SAHARA AVE
BUILDING 2, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4901 FAX (702) 220-0336

NV-LSV667E

3851 E CHARLESTON
LAS VEGAS, NV 89110
JURISDICTION: CITY OF LAS VEGAS

CMX PROJECT NO.:	090408201
DRAWN BY:	GR
CHECKED BY:	RB

SUBMITTALS

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ZONING APPROVAL ONLY

SHEET TITLE:
SITE ELEVATION

SHEET NUMBER:
Z-3

SUP-35196
08/27/09 PC

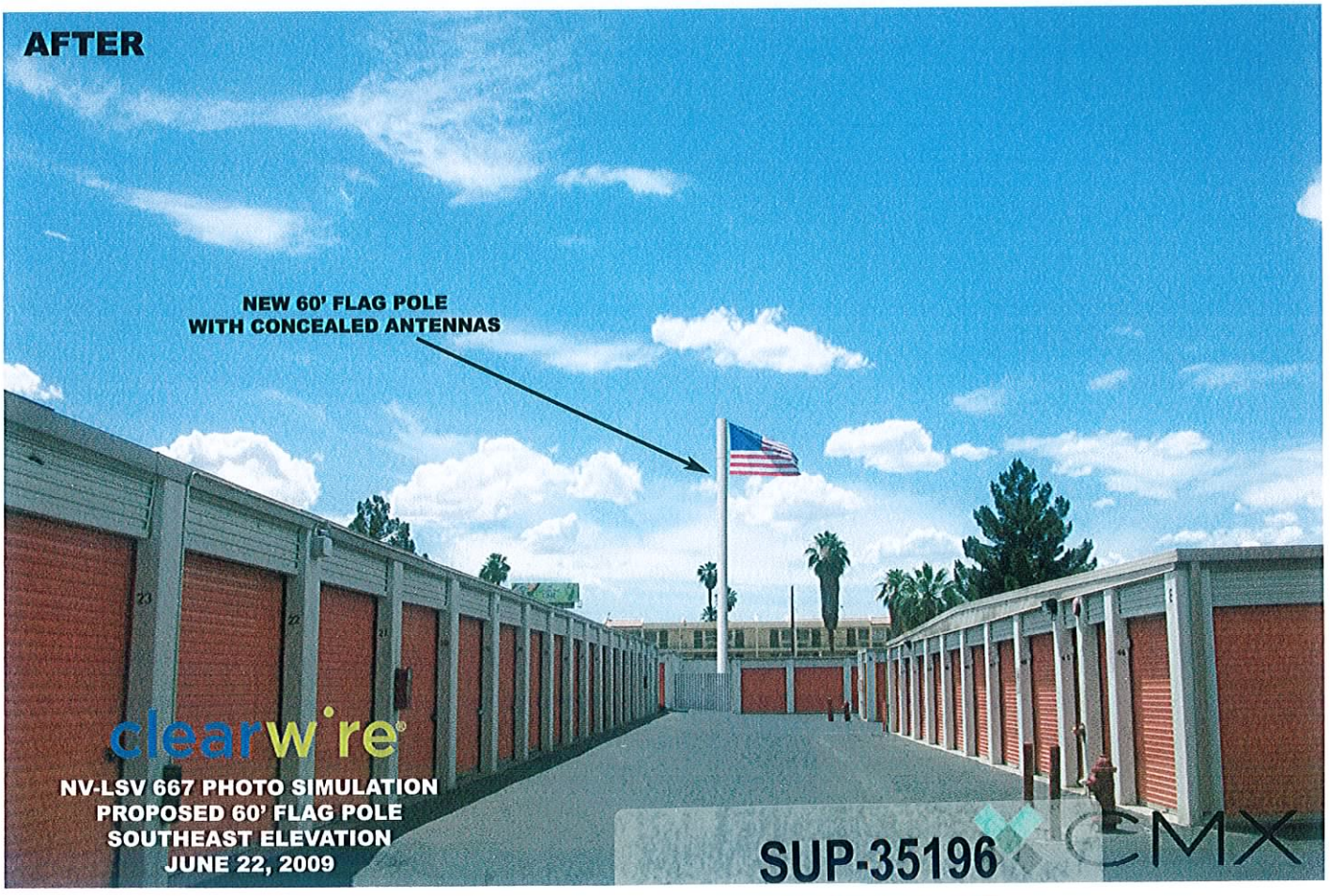
RECEIVED
JUL 21 2009

BEFORE

RECEIVED
JUL 21 2009



AFTER



SUP-35196

08/27/09 PC

BEFORE

RECEIVED
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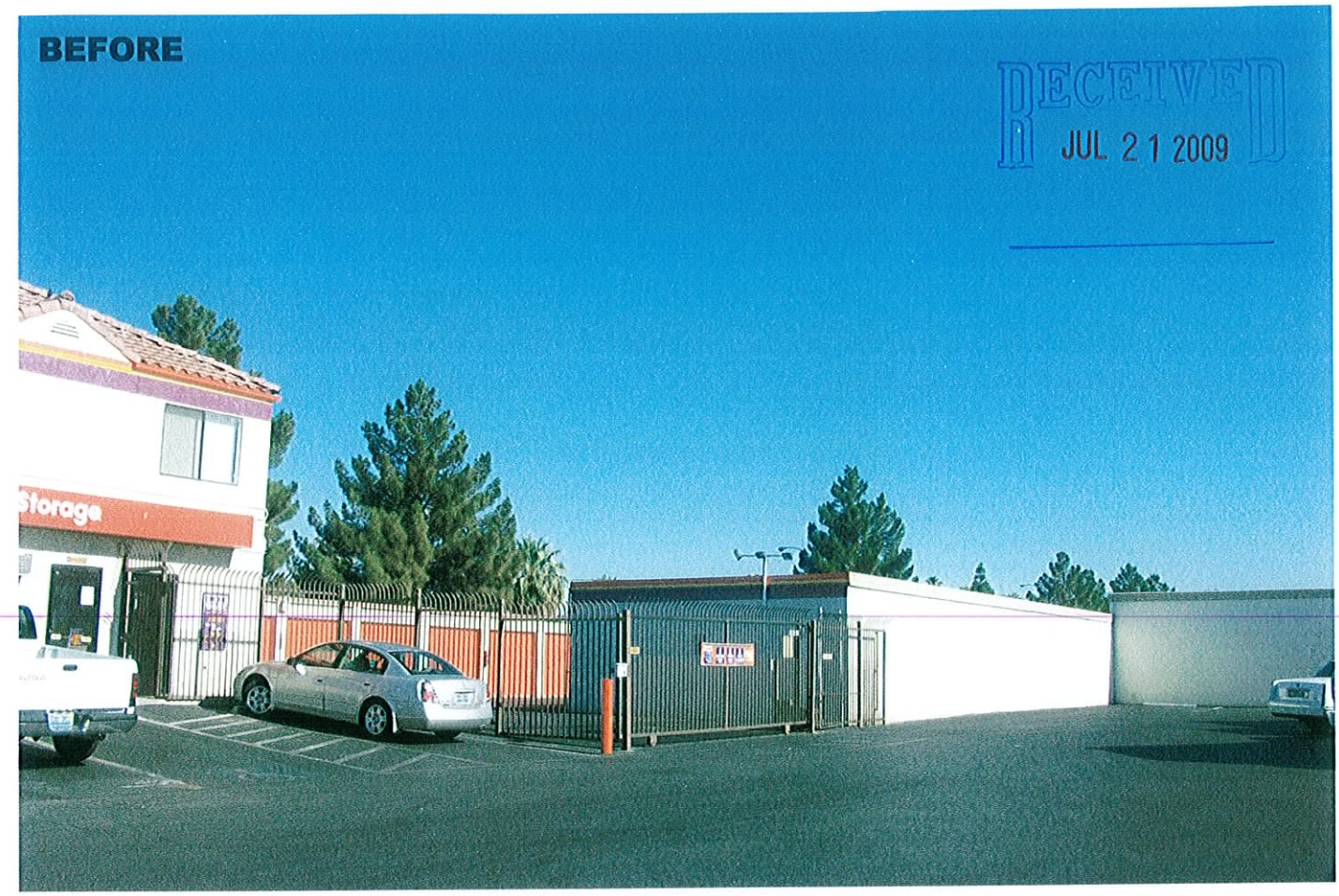

AFTER



clearwire

NV-LSV 667 PHOTO SIMULATION
PROPOSED 60' FLAG POLE
SOUTHEAST ELEVATION
JUNE 22, 2009

CMX

SUP-35196

08/27/09 PC



SUP-35196 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV
NORTHEAST CORNER OF EAST CHARLESTON BOULEVARD AND SHILOAH DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35196 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV
NORTHEAST CORNER OF EAST CHARLESTON BOULEVARD AND SHILOAH DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09



SUP-35196 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV
NORTHEAST CORNER OF EAST CHARLESTON BOULEVARD AND SHILOAH DRIVE
AUGUST 27, 2009 PLANNING COMMISSION

07/23/09

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

July 21, 2009

RECEIVED
JUL 21 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Wireless Communication Facility Special Use Permit and Variance Land Use Application
Self-Storage Facility – APN 140-31-403-001 – near the crossing of E. Charleston Blvd & US-95

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 140-31-403-001 on the north side of Charleston Boulevard, east of the US-95 on & off-ramps and directly adjacent to the ARCO gas station & self-storage facility. The wireless communication facility is designed as a 60-foot stealth flag pole with all equipment screened, concealing the installation of wireless communication antennas and equipment within the pole's top canister. It will accommodate 3 small antennas and 3 microwave dishes.

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,

SUP-35196
08/27/09 PC

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 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 does not meet all residential adjacency standards as required by the City of Las Vegas Development Code Title 19 – three foot setback for every foot in height for the tower (ratio 3:1). The site is located ±457′ from R-1 residential to the North, ±308′ from the R-3 residential to the East, ±282′ from the residential to the South but the residential (R-2) property in concern is located to the west of the proposed facility – 60-feet where a 180-foot setback is required. Please refer to the included site plan, page Z-1, for all additional information.

Also, a Variance is required because this proposal sits ±435-feet from an existing, Sprint communication facility. Clearwire attempted to collocate our equipment to the existing site, but unfortunately it did not have the structural integrity to accommodate the additional loading created by Clearwire's small installation and thus creating the need for this current application and new, stealth flag pole.

This application located on APN 140-31-403-001 is for 3 Clear Wireless antennas and 3 microwave dishes with a centerline of 55-feet to simply be installed within a new 60-foot, stealth flag-pole communication facility at the self-storage property. The small antennas inside the top canister 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 a compound which is currently dead space between two self-storage buildings, with plenty of space – both ground and inside the pole – available for additional collocations by others. If you have any concerns regarding this application, please do not hesitate to contact me at (702) 812-3338.

Sincerely,

Shane Hennessy-York
WFI, representing Clear Wireless

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JUL 21 2009
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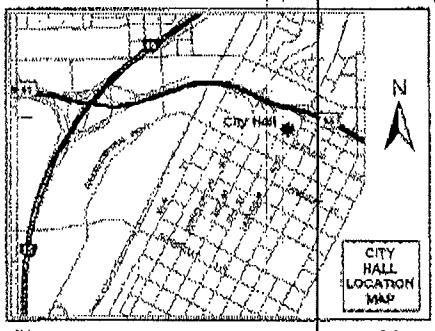
08/27/09 PC

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-35196
City Council Meeting of 10/7/2009

PRESORTED FIRST-CLASS

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2009 SEP 29 A 8:55
CITY CLERK

HILPIPRE JOE E & SANDY J
3717 E WAIKIKI AVE
LAS VEGAS NV 89104-4662

APN#16106112095

GAVOE11 48104

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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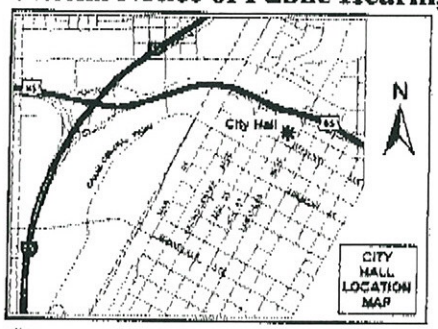
Return Service Requested
Official Notice of Public Hearing



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-35196

Planning Commission Meeting of 8/27/2009

Case: SUP-35176

16207516003
STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

18P

FAUOF11 89108

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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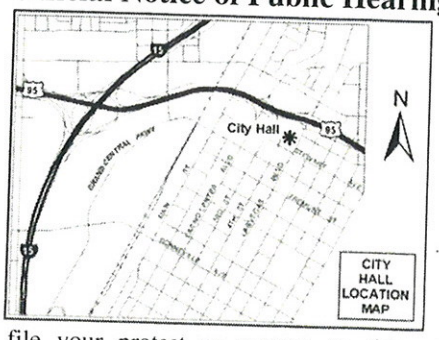

DUPLICATION IS A COMMON OCCURENCE

ONE IS ENOUGH!

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-35196

Planning Commission Meeting of 8/27/2009

Case: SUP-35176

16207614043
CUSIMANO GERALD N
2851 S VALLEY VIEW BLVD #2149
LAS VEGAS NV 89102-0136

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AUG 20 2009

FAVDF11 89102

Submitted after final agenda

Date 8/20/09 Item 18

18P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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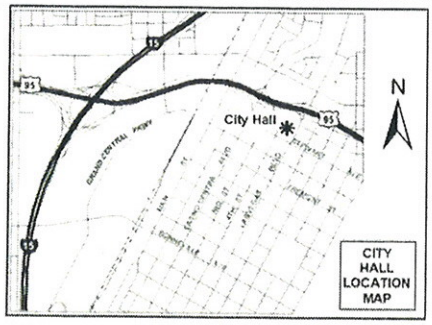
Return Service Requested
Official Notice of Public Hearing



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Case: SUP-35176

16205412004
BOGGIANO DINO
2208 PLAZA DEL PRADO
LAS VEGAS NV 89102-3914

☒ I SUPPORT this Request ☐ I OPPOSE this Request

RECEIVED
AUG 2 0 2009

Please use available blank space on card for your comments.

SUP-35196

Planning Commission Meeting of 8/27/2009

16A

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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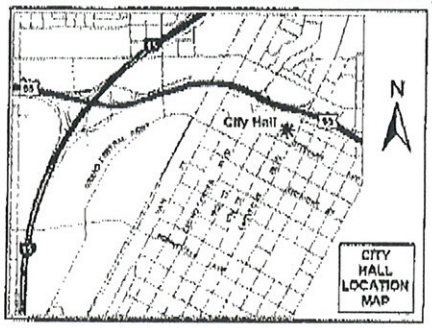
Return Service Requested
Official Notice of Public Hearing



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Case: SUP-35176

16205412006
FOYT ELIZABETH ANN
2216 PLAZA DEL PRADO
LAS VEGAS NV 89102-3914

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35196

Planning Commission Meeting of 8/27/2009

FAVOF11 89102

RECEIVED
AUG 25 2009

18A

City of Las Vegas Agenda Item No.: **134.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

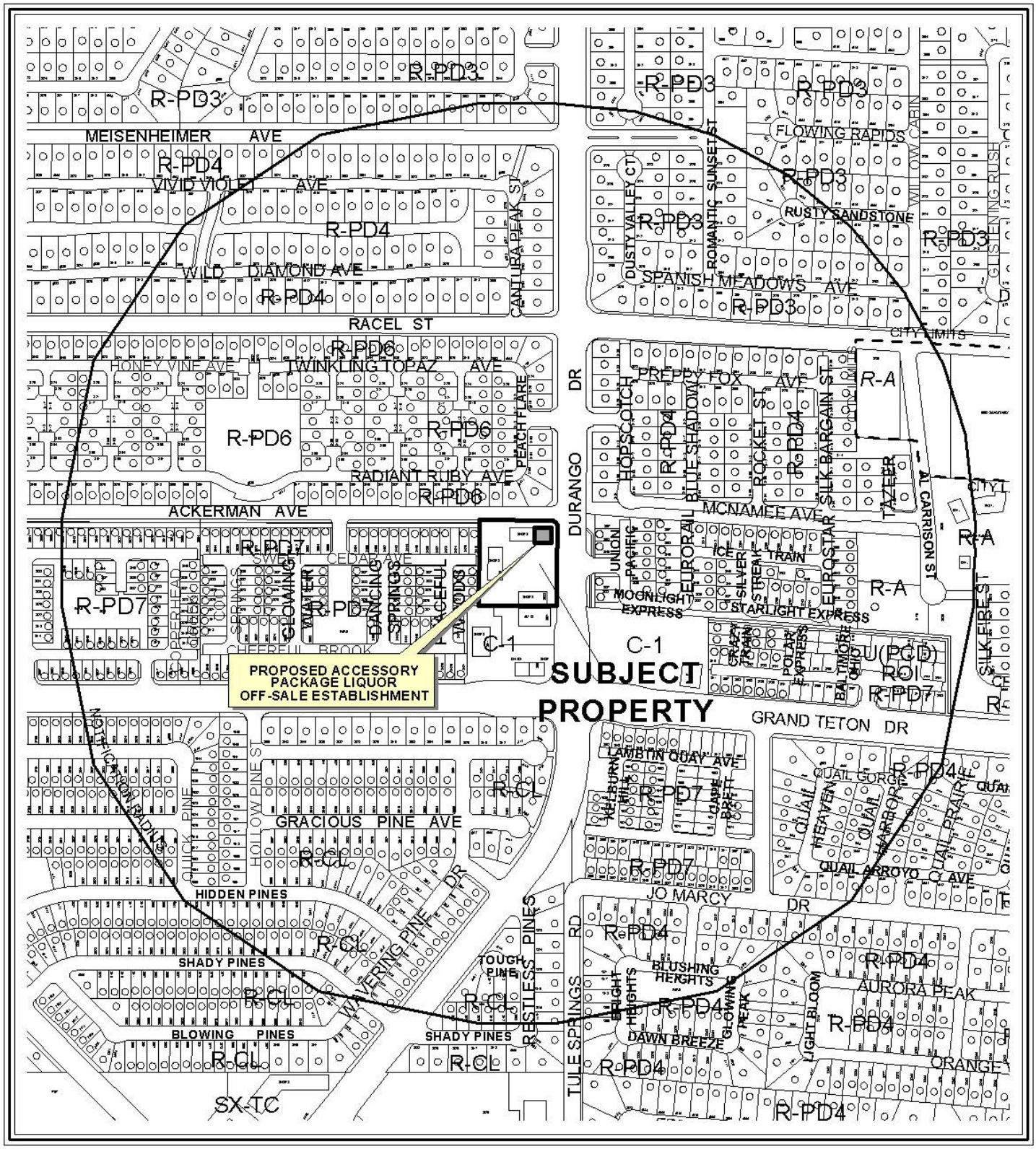
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35224 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC - Request for a Special Use Permit FOR ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN A PROPOSED 2,510 SQUARE-FOOT CONVENIENCE STORE at 8053 North Durango Drive, Suite #160 (APN 125-08-806-003), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (4-1-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**17**	**Planning Commission Mtg.**	**7**
City Council Meeting	**5**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (4-1-1 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. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 17



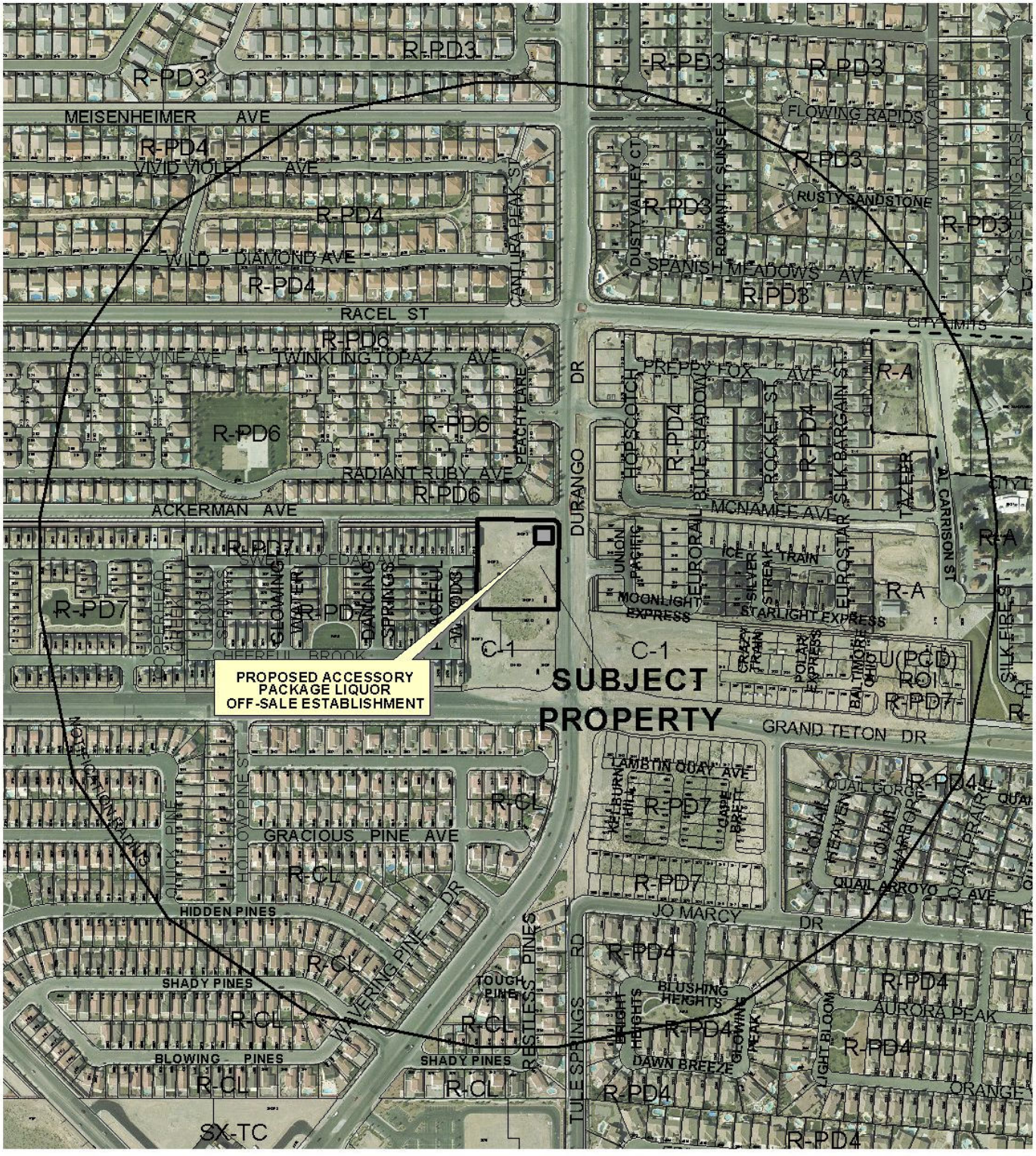
0 500 1000 Feet

CASE: **SUP-35224**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



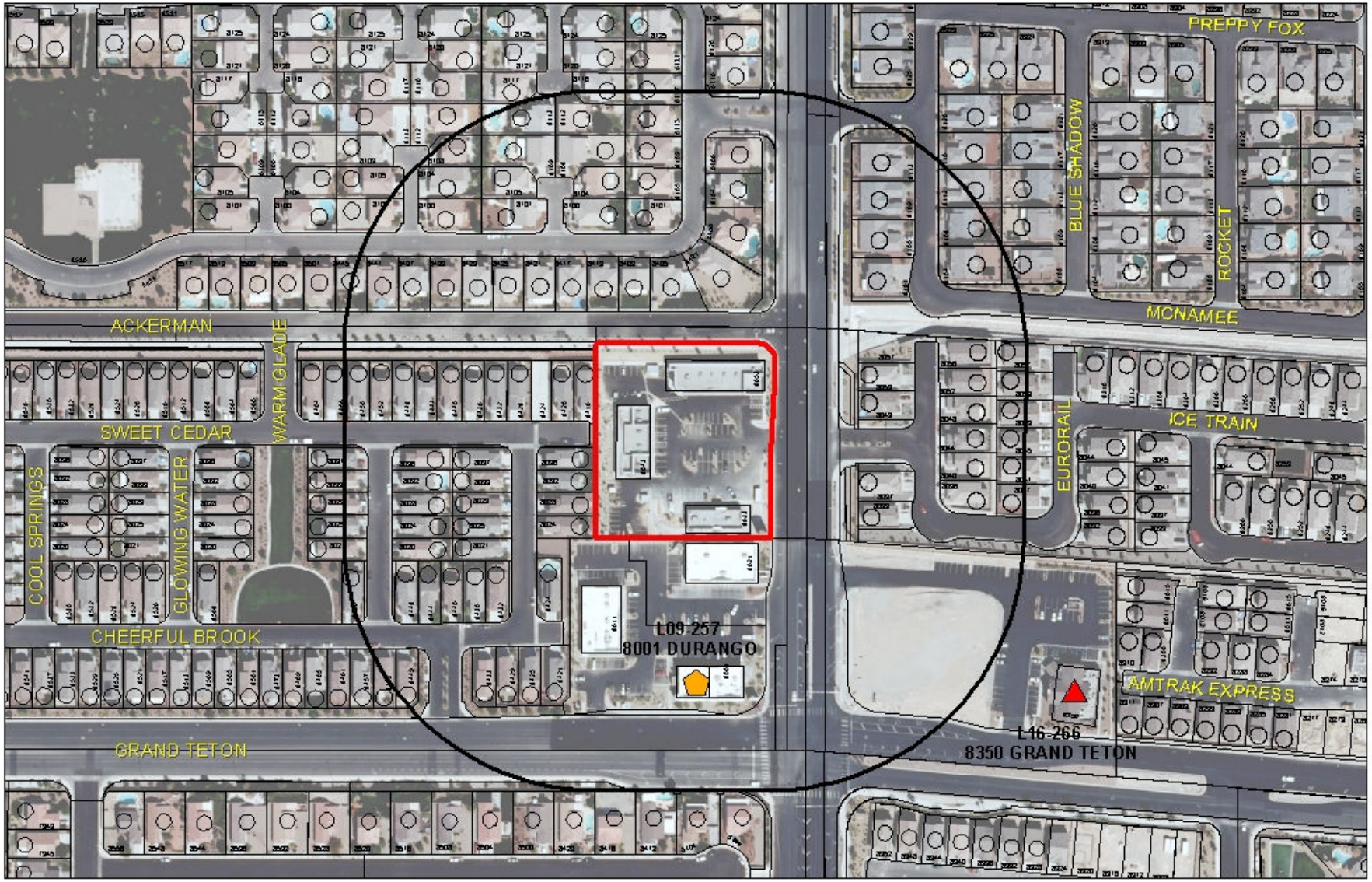
0 500 1000 Feet

CASE: **SUP-35224**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



SUP-35224

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35224 - APPLICANT: HOUSE OF VINO - OWNER: TETON DURANGO 2008, LLC

** CONDITIONS **

The Planning Commission (4-1/bg-1/rt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. The hours of operation shall be from 5:00 am to 10:00 pm Sunday through Thursday, and 5:00 am to 12:00 am Friday and Saturday.

2. The floor area used for alcohol sales shall be limited to a maximum of 8.5% of the total floor area.

3. There shall be a review at a Public Hearing by the Planning Commission one year after issuance of a business license.

4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Retail Establishment with Accessory Package Liquor Off-Sale use.

5. 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.

6. Approval of this Special Use Permit does not constitute approval of a liquor license.

7. The sale of individual containers of any size of beer or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

9. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or in the parking lot of the subject property without the appropriate permits.

10. 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 Retail Establishment with Accessory Package Liquor Off-Sale within a proposed 2,510 square-foot Convenience Store located at 8053 North Durango Drive. The applicant has proposed to establish a Convenience Store which will feature and display liquors, beers and wines that cannot be found in standard Convenience Stores, in addition to other household items and pre-packaged foods.

ISSUES

- 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	
02/05/03	The City Council approved a request for Annexation (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b), containing approximately 495 acres. The Planning Commission recommended approval of the request.
01/24/06	A Code Enforcement case (#37811) was processed for a large dump truck repeatedly parking on the vacant lot.
04/05/06	The City Council approved a Site Development Plan Review (SDR-10071) for a proposed 13,722 square-foot commercial development on 2.12 acres at the southwest corner of Ackerman Avenue and Durango Drive. The Planning Commission recommended approval of the request.
05/10/07	The Planning Commission denied a request for a Special Use Permit (SUP-20814) for a proposed Auto Title Loan with a Waiver to allow no distance separation from a residential property where 200 feet is required and a Waiver to allow a 1,288 square-foot establishment where 1,500 is the minimum square footage required on property located on the southwest corner of Durango Drive and Ackerman Avenue.
09/10/09	The Planning Commission voted 4-1/bg-1/rt to recommend APPROVAL (PC Agenda Item #17/jb).
Related Building Permits/Business Licenses	
10/11/07	A building permit (#99632) was issued for an engineered design flood wall rear only at 8053 North Durango Drive. The permit has not received a final inspection.
03/30/09	A building permit (#7002791) was issued for a retail shell building certificate of completion at 8053 North Durango Drive. The permit has not received a final inspection.

Pre-Application Meeting	
07/15/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed. Topics included: • Title 19 minimum Special Use Permit requirements for a Retail Establishment with Accessory Package Liquor Off-Sale • On-site parking requirements • Application materials and documents • Meeting dates and deadlines
Neighborhood Meeting	
08/12/09	A neighborhood meeting was held at 6:00pm at the YMCA Centennial Hills Community Center located at 6601 N. Buffalo Dr. Nine members for the applicant attended the meeting, along with one staff member from the Ward 6 City Council office, one member of the Planning and Development staff, and 37 members of the public. Topics discussed included: • Suburban residential area • Additional alcohol • Additional gaming with loitering • New business model, no existing operation • 24/7 hrs • Vagrancy, tagging / outside security • Need appropriate lighting • Delivery hours • Ensure large numbers of students off buses are monitored in store
09/08/09	A neighborhood meeting was held from 6:00 to 6:30 pm at the YMCA Centennial Hills Community Center located at 6601 N. Buffalo Dr. There were nine attendees for the general public, and two staff members (one member of Planning and Development and on member of the Council Staff). Concerns raised included: • Too much alcohol in the area • Too close to schools • Increase in crime • Increase in traffic • Opposed to Gaming and Liquor
Field Check	
08/06/09	During a routine site inspection performed by staff, the subject property was noted as a well maintained retail development.

Details of Application Request	
Site Area	
Gross Acres	1.93

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
North	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
South	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
East	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single-Family Residences	PCD (Planned Community Development)	R-PD7 (Residential Planned Development – 7 Units per Acre)

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 19.10, 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	2,510 sq. ft.	1:175	14		82	4	Y
Commercial Recreation/ Amusement (Indoor)	2,800 sq. ft.	1:200	14				

Use	*Gross Floor Area or Number of Units*	*Required*			*Provided*		*Compliance*
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, 2,000 S.F. or more (with drive-through)	2,513 sq. ft.	1:100	25		82	4	Y
General Retail (Less than 25,000 sq. ft.)	5,752 sq. ft.	1:175	33				
SubTotal	13575 sq. ft.		82	4	82	4	
TOTAL	13575 sq. ft.		86		86		Y

ANALYSIS

This request is for a Special Use Permit for a proposed 2,510 square-foot Convenience Store with Accessory Package Liquor Off-Sale within an existing General Retail Development at 8053 North Durango Drive. A Retail Establishment with Accessory Package Liquor Off-Sale is defined in Title 19.04 as a retail establishment:

1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

The applicant has indicated that the proposed Convenience Store will sell produce, dairy, dry groceries, packaged goods with 8.5% of its gross floor space dedicated to the sale of package liquor. The hours of operation will be 5:00am – 12:00am seven days a week. Staff is recommending approval of this application, as the proposed use will be ancillary to the Convenience Store 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 use is compatible with the PCD (Planned Community Development) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed Convenience Store with Accessory Package Liquor Off-Sale use will be located in an existing retail development, 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 via a driveway from Durango Drive, which is classified as a 100-foot wide Primary Arterial according to the Master Plan of Streets and Highways, and is adequate to facilitate the traffic generated by the proposed 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 public health, safety, or welfare as the proposed Convenience Store with Accessory Package Liquor Off-Sale use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Convenience Store with Accessory Package Liquor Off-Sale use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 to which the applicant agreed. There were three speakers in opposition to the project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED	955 by City Clerk
APPROVALS	6
PROTESTS	6

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-35224 APN: 125 08 806003

Name of Property Owner: Teton Durango 2008 LLC

Name of Applicant: House of Vino Market

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer 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, Planning Commission or Hearings Officer 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/Authorized Agent: W. P. Allmon Jr.

Subscribed and sworn before me

This 13th day of July, 2009

Brenda J. W. Louis

Notary Public in and for said County and State

BRENDA J. W. LOUIS
Notary Public State of Nevada
No. 93-5144-1
My appt. exp. Mar. 10, 2013

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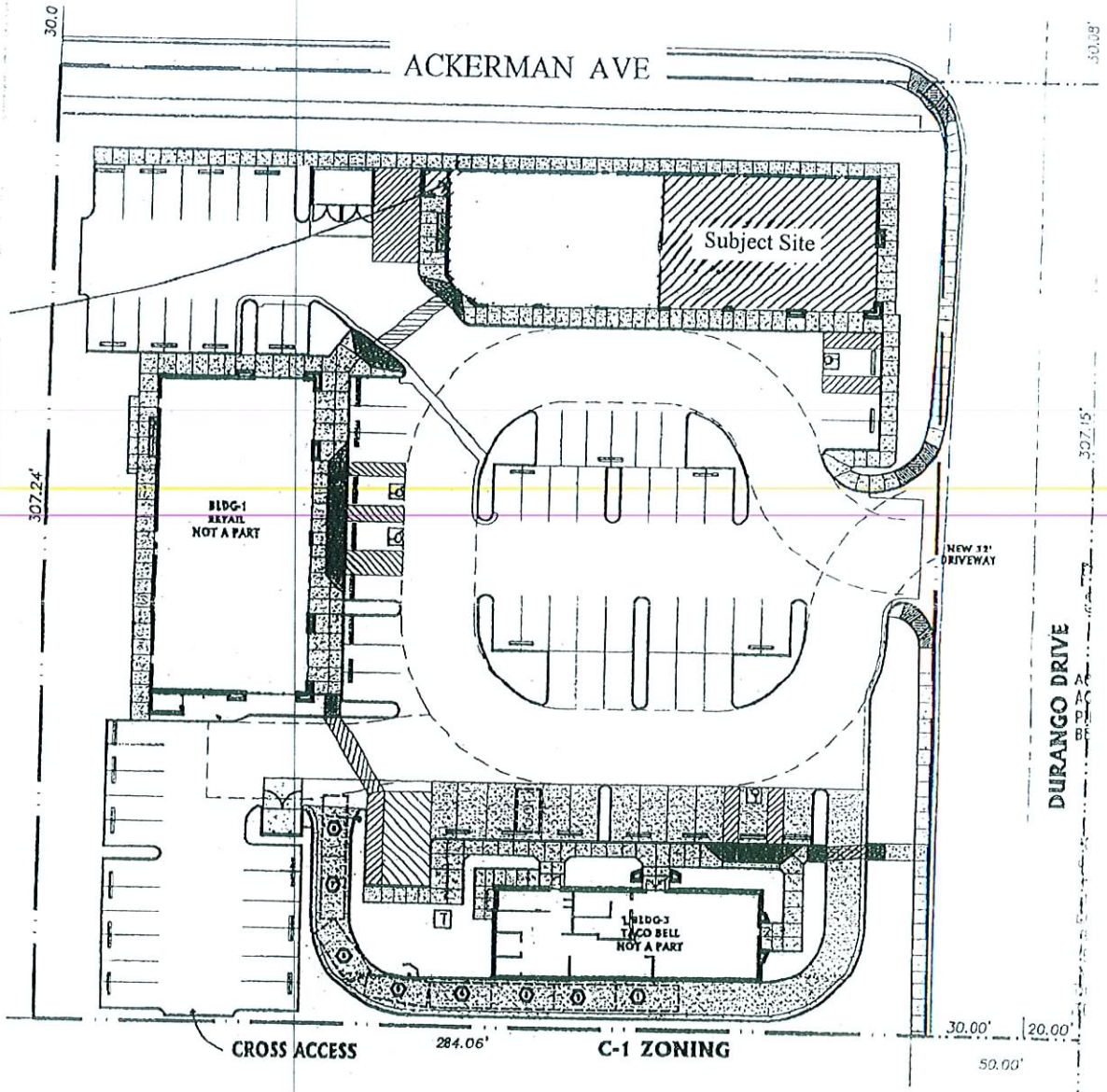
JUL 15 2009



NORTH

REFERENCE SITE PLAN

SCALE: 1" = 40'-0"

Parking Spaces Provided	70
Parking Spaces Required	14
Handicap Spaces Provided	3



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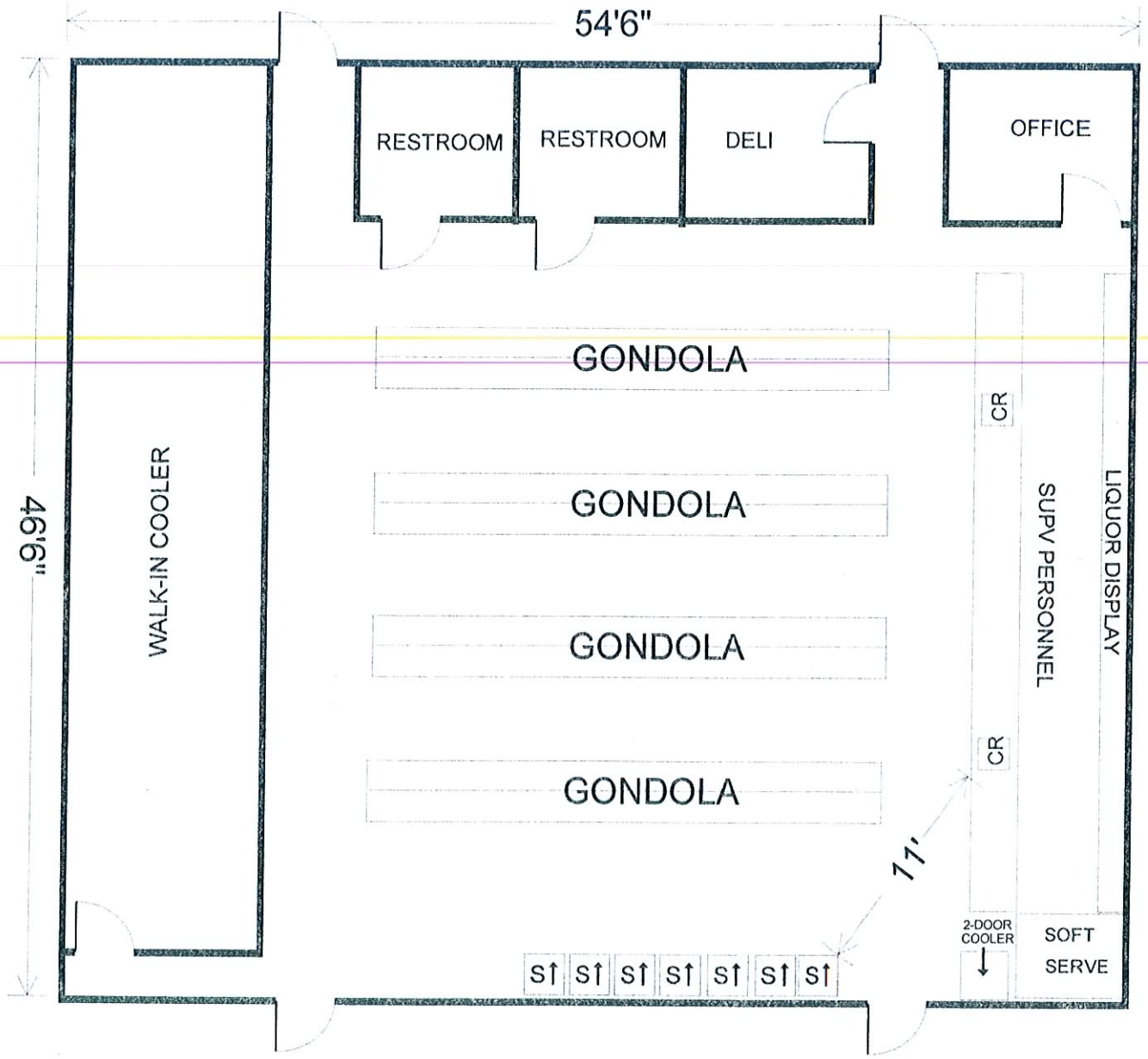

House of Vino
8053 N. Durango Dr. #160
Las Vegas, NV 89143

NO ATM

Date Prepared: 7/14/09
Total Sq. Ft: 2,510
Customer Area: 1,786

NOTE: PROPOSED - NOT YET BUILT-OUT

SUP-35224
09/10/09 PC

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JUL 15 2009



SUP-35224 - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC
8053 NORTH DURANGO DRIVE, SUITE #160
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SUP-35224 - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC
8053 NORTH DURANGO DRIVE, SUITE #160
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

House of Vino
8053 N. Durango Dr. #160, Las Vegas, NV 89143
Interior







RECEIVE
JUN 15 20

SUP-35224
09/10/09 PC

House of Vino
8053 N. Durango Dr. #160, Las Vegas, NV 89143
Elevations









RECE
SUP-35224
09/10/09 PC

Justification Letter
House of Vino
8053 N. Durango Dr.
Las Vegas NV 89143

The House of Vino will be located in a strip center at 8053 N. Durango Dr. Las Vegas NV 89143. The House of Vino will be an upscale convenience store carrying dairy products like milk, eggs & butter, household items and pre packaged foods. A deli and soft serve will also be available.

The House of Vino feature and display liquors and beer & wines that can not be found in the standard local convenience stores.
The Liquor Dept. will be 68 sq ft. offering selected liquors, the cold beer & wine dept. will be 100 sq. ft. along with 41.6 sq. ft. of shelved wines. Total square footage dedicated to liquor, beer & wine is 205.6 sq. ft. 8.5% of the total square footage.

During the past few years the surrounding area, has experienced a very rapid growth. Convenience services have not yet caught up with the developing area. The House of Vino will be able to serve hundreds of residences; many will be within walking distance. Thus helping reduce the auto traffic flow to the area.

The owners are local experienced operators who know what their customers want in a convenience store. The owners stride to provide a safe & friendly environment, along with a well stocked store, and competitive pricing. Thus the owners have always been good business neighbors.

The Hours of operation will be 5:00 AM -- 12:00AM 7days.

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AUG 21 2009

SUP-35224
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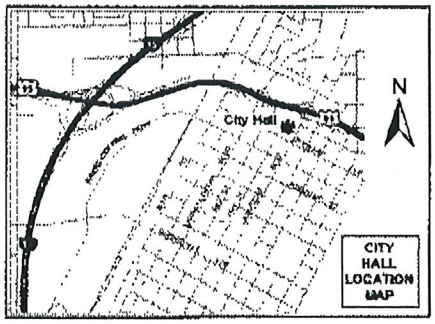
REVISED

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 25 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.

SUP-35224
City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 29 P 4:15
CITY CLERK

GHEE ROBERT & MARIA LIV TR 2003
GHEE ROBERT H & MARIA TRS
8632 WATER BUCKET AVE
LAS VEGAS NV 89143-5176

APN#12508814028

GAVDS11 89143

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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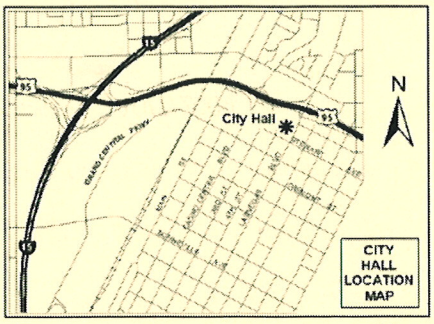

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SUP-35224
City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 29 A 11:12
CITY CLERK

LUNSFORD JAMES W & BETTY REV TR
7945 HOLLOW PINE ST
LAS VEGAS NV 89143-4613

APN#12517515002

GAVDS11 89143

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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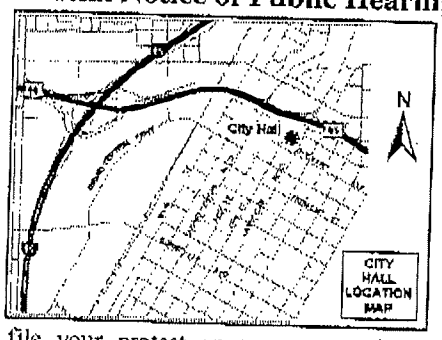

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City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 29 A 7:52
CITY CLERK

ENRIQUEZ R F & L V LIV TR 2004
ENRIQUEZ REYNALDO & LORELEY
50 CORONA ST
SAN FRANCISCO CA 94127-2806

APN#12508812085

GAVOS11 94127

FROM : David/Martyna/Gonzalez0 PHONE NO. : 01702 253 9382 Dec. 24 1998 11:18PM P1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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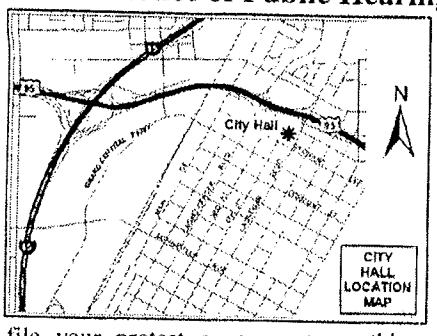

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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SUP-35224
City Council Meeting of 10/7/2009

RECEIVED
2009 SEP 28 A 8:05
CITY CLERK

BATT ROBERT B
FORTIN ROMY
8032 COOPERHEAD CREEK ST
LAS VEGAS NV 89143-5174

APN#12508814019

GAVOS11 89143

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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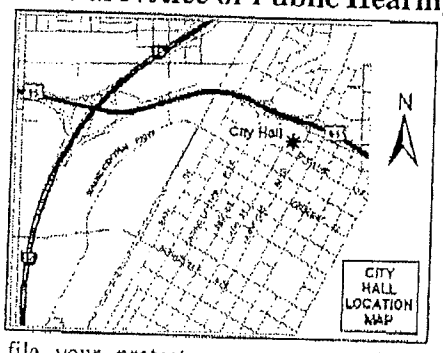

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☑ I OPPOSE this Request

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SUP-35224

City Council Meeting of 10/7/2009

2009 SEP 28 A 8:07

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CITY CLERK

BROWN HERMAN JR & GLORIA
8133 HOPSCOTCH ST
LAS VEGAS NV 89131-3936

APN#12509411007

GAVDS11 89131

PAGE 01
THOMAS
702-396-6940
09/27/2009 13:14

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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$ 00.41⁴
SEP 25 2009
MAILED FROM ZIP CODE 89101

2009 SEP 28 A 8:06
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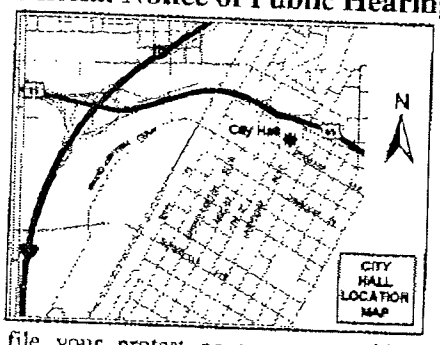

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35224

City Council Meeting of 10/7/2009

TEMPLETON THOMAS J
8616 GRAND PINE AVE
LAS VEGAS NV 89143-1352

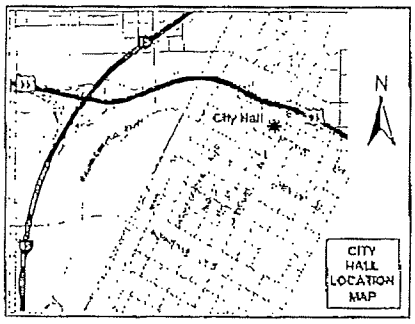
APN#12517516014

GAUDS11 89143

09-27-2009 07:35 FROM-SUNCOST HOTEL FRONTDESK +7026367288 T-245 P.001/001 F-041

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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SUP-35224

City Council Meeting of 10/7/2009

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02 1M $ 00.41[4]
0004279218 SEP 23 2009
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2009 SEP 28 A 8:06

RECEIVED CITY CLERK

HOLMSTROM HARRY J & DONNA F
8617 RADIANT RUBY AVE
LAS VEGAS NV 89143-5163

APN#12508811062

GAVDS11 89143

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

9/2/09

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02 1M $ 00.41⁴
0004279218 AUG 28 2009
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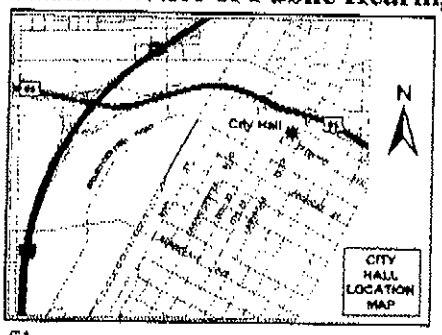
Official Notice of Public Hearing



No Convenience Store
No Sale of Liquor Store

Have Convenience Store
& Alberston 2 Block
AWAY

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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SUP-35224

Planning Commission Meeting of 9/10/2009

Case: SUP-35224
12517528015
DIRAFFAELE FAMILY SELF-DEC TR
1009 E OAK AVE
LA GRANGE PARK IL 60526-5728

RECEIVED
SEP 03 2009

FAVDS11 60526

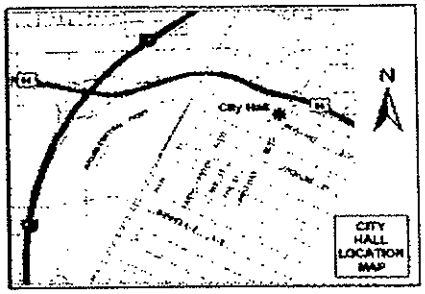
Submitted after final agenda

Date 9/3/09 Item 17P

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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SUP-35224

Planning Commission Meeting of 9/10/2009

$ 00.41

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SEP 03 2009

Case: SUP-35224
12516117001
KENNEDY GEORGIA TRUST
2044 PECAN TREE ST
HEMET CA 92545-8181

FAVOS11 92545

2009-09-02 14:34 UZZI 19517666301 >>

Submitted after final agenda

Date 9/3/09 Item 17 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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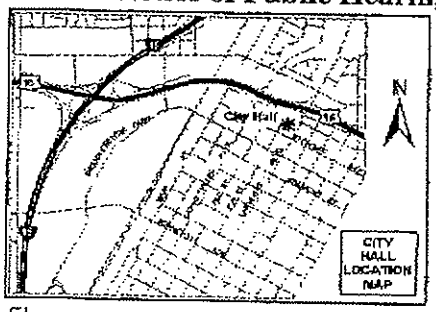

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☐ I SUPPORT this Request

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SUP-35224

Planning Commission Meeting of 9/10/2009

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Case: SUP-35224

12509313001
DOWNING DENNIS & NANCY
8213 ROMANTIC SUNSET ST
LAS VEGAS NV 89131-1446

FAV0511 89131

Submitted after final agenda

Date 9/3/09 Item 17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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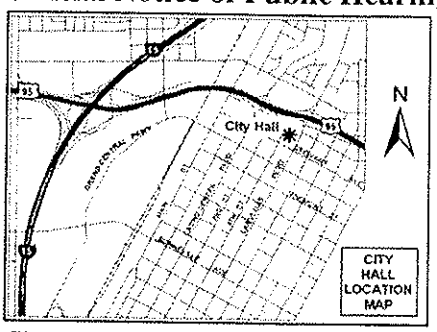

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☐ I SUPPORT this Request

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SUP-35224

Planning Commission Meeting of 9/10/2009

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SEP 08 2009

Case: SUP-35224
12508812081
WADDOUPS JERRY VEE & KATHLEEN M
8101 ARTISTIC HEIGHTS CT
LAS VEGAS NV 89143-5171

FAV0511 89143

Submitted after final agenda

Date 9/8/09 Item 17 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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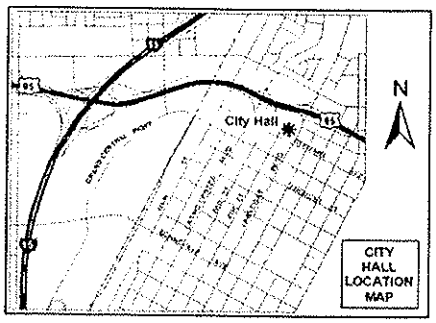

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SUP-35224

Planning Commission Meeting of 9/10/2009

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SEP 08 2009

Case: SUP-35224
12508812064
MCDONALD LAURISTON & NADENE
1348 MISTY STREAM WY
CORONA CA 92881-8607

FAUOF11 92881

Submitted after final agenda

Date 9/8/09 Item 17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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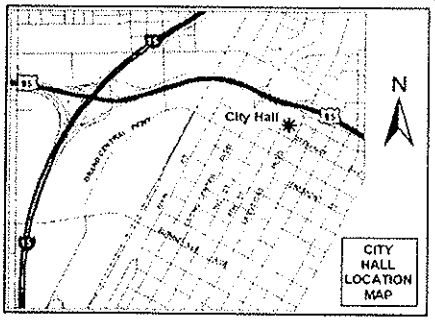

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SUP-35224

Planning Commission Meeting of 9/10/2009

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SEP 08 2009

Case: SUP-35224

12509313037
BRANDOM CAROLYN LIVING TRUST
8212 SPANISH MEADOWS AVE
LAS VEGAS NV 89131-1447

FAVOF11 89131

Submitted after final agenda

Date 9/8/09 Item 17 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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UNITED STATES POSTAGE
PITNEY BOWES
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0004279218
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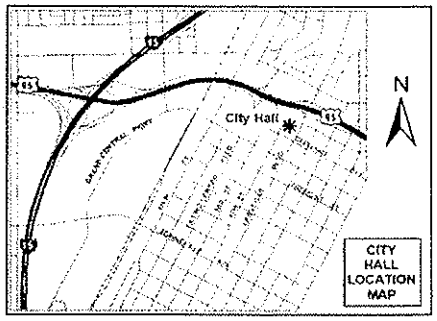
Official Notice of Public Hearing



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SEP 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-35224

Planning Commission Meeting of 9/10/2009

Case: SUP-35224
12509411014
STETSON KELLY E & SCOTT A
8308 PREPPY FOX AVE
LAS VEGAS NV 89131-3938

FAVOS11 89131

Submitted after final agenda

Date 9/8/09 Item 17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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PITNEY BOWES
02 1M $ 00.41⁴
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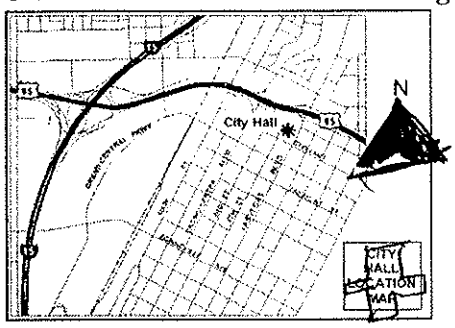

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☐ I SUPPORT this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

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SEP 09 2009

Case: SUP-35224
12508815086
JACOBY ROBERT
8028 GLOWING WATER
LAS VEGAS NV 89143-5187

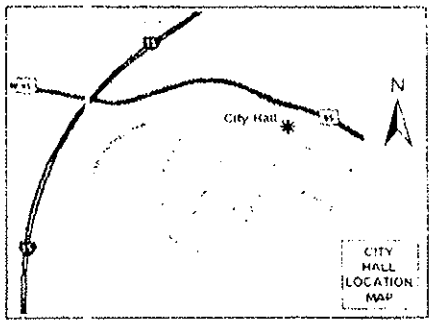
FAV0311 89143

Submitted after final agenda

Date 9/9/09 Item 17P

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-35224

Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 09 2009

Case: SUP-35224
12517516001
SAMPSON ROLAND JR & GLORIA D
8601 GRAND PINE AVE
LAS VEGAS NV 89143-1352

FAU031 89143

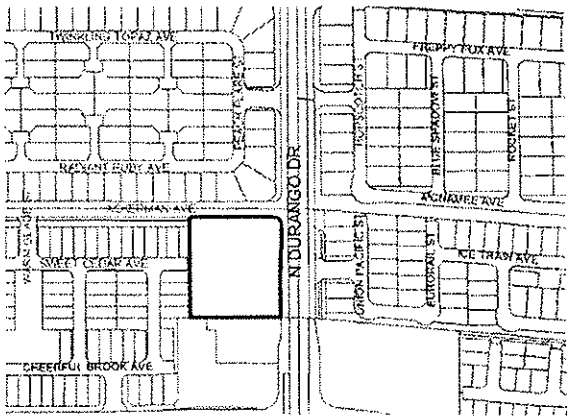
Submitted after final agenda
Date 9/9/09 Item 17P

Application Information

SUP-35224 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC - Request for a Special Use Permit FOR ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN A PROPOSED 2,510 SQUARE-FOOT CONVENIENCE STORE at 8053 North Durango Drive, Suite #160 (APN 125-08-806-003), C-1 (Limited Commercial) Zone, Ward 6 (Ross)

My neighborhood does not need another liquor store! There is an Albertson's grocery store, Lodge at Grand Teton, and other places that sell liquor. What is so hard about keeping liquor stores out of residential areas? I don't want more drunk drivers on the streets of Las Vegas. Let Vino open in a commercial area and stay away from residential areas

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***September 10, 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

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AUG 28 2009
MAILED FROM ZIP CODE 89101

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SEP 09 2009

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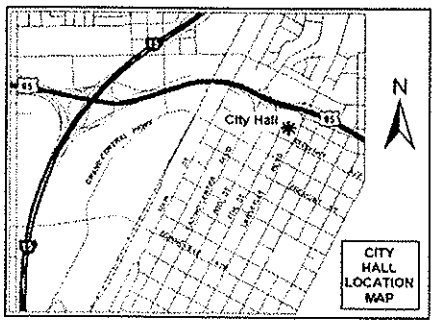

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35224 comments on other side

Planning Commission Meeting of 9/10/2009

Case: SUP-35224

12509313022
HORN DAVID R
8305 SPANISH MEADOWS AVE
LAS VEGAS NV 89131-1448

Submitted after final agenda

Date 9/9/09 **Item** 17P

FAVOF11 89131

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Las Vegas, Nevada 89101-2986

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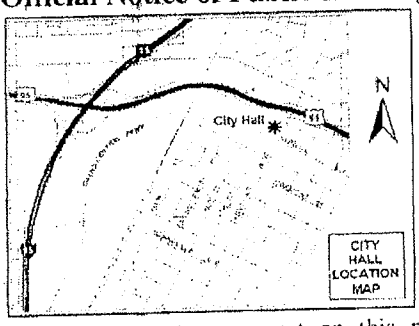

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

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Case: SUP-35224
12508713018
LEE KENSEN & RUFINA D
8228 CANTURA PEAK ST
LAS VEGAS NV 89143-5121

FAV0511 89143

My reason for opposing is because normally convenience stores do a poor job of ID'ING underage young adults and not recognizing fake ID's. They need to give a mandatory training class to their employees if they are given a license. I see teens purchase cigarettes and liquor all the time at convrence stores.

Thank you,

17P

Aug 29 09 04:06p Herman Brown Jr. 1-702-445-6268 p.1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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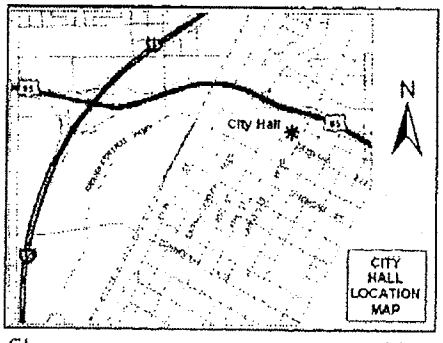

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

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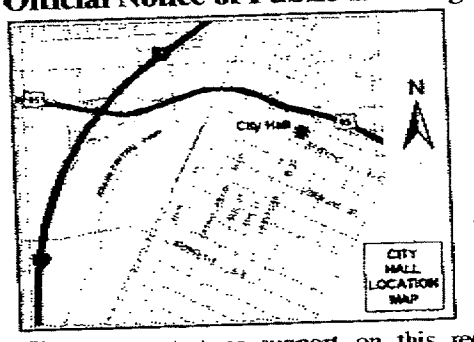
Case: SUP-35224
12509411007
BROWN HERMAN JR & GLORIA
8133 HOPSCOTCH ST
LAS VEGAS NV 89131-3936

17P

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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SUP-35224

Planning Commission Meeting of 9/10/2009

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Case: SUP-35224

12517510004
WILSON WILLIAM M & JENNIFER K
8540 GRACIOUS PINE AVE
LAS VEGAS NV 89143-4610

FAVDS11 89143

SEP-01-2009 06:26 PM WILSON

17P

City of Las Vegas
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Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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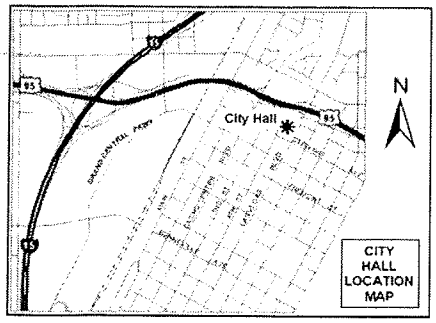

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

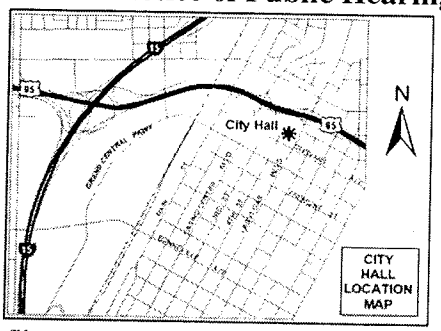
Case: SUP-35224
12517516018
MITCHELL REGINALD M
8600 GRAND PINE AVE
LAS VEGAS NV 89143-1352

FAVOS11 89143

17P

Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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Planning & Development Department at the address listed above or fax this
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Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-35224

Planning Commission Meeting of 9/10/2009

PRESORT FIRST CL

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MAILED FROM ZIP CODE 89101

In my opinion, liquor stores bring nothing good to neighborhoods. There are already at least 12 establishments in the local area that supply alcohol, and I don't think we need another in our neighborhood. I've already witnessed two instances of underage youth stealing booze from local stores, and I feel that allowing a package liquor store in our community will do nothing to improve our kids' future nor the well being of our families. I plead with the Planning & Development Dept. NOT to allow the permit request to go forward. Thank you.

RECEIVED
SEP 02 2009

Case: SUP-35224
12508815041
MINER JARRETT M & KATHY M
8464 SWEET CEDAR AVE
LAS VEGAS NV 89143-5190

17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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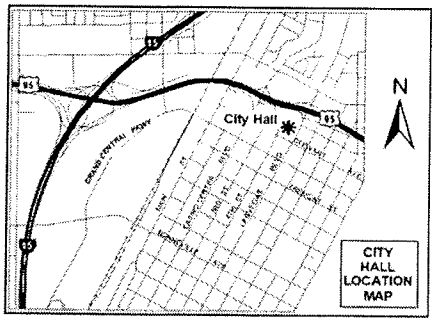

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SUP-35224

Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35224
12508812040
HAMMOND HERBERT F & SANDRA D
8124 JASMINE HOLLOW CT
LAS VEGAS NV 89143-5154

FAV0511 89143

17P

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Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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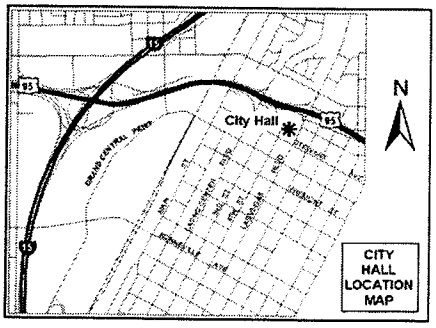

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

Case: SUP-35224
12516110001
MITCHELL JONATHAN & AMANDA
8345 JO MARCY DR
LAS VEGAS NV 89131-4607

FAVDS11 89131

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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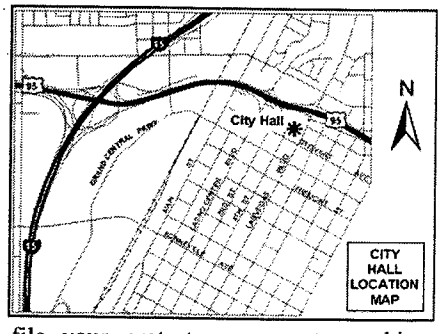

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☐ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35224
Planning Commission Meeting of 9/10/2009

Case: SUP-35224
12509310006
ROSAL LEONARDO & DANIELA
8220 ROMANTIC SUNSET ST
LAS VEGAS NV 89131-1446

FAVDS11 89131

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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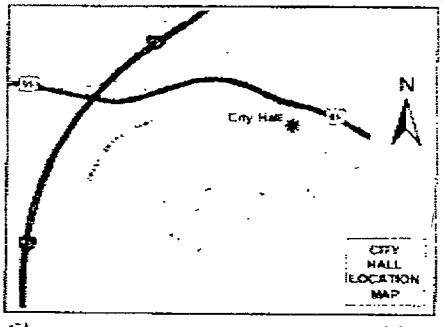

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SUP-35224

Planning Commission Meeting of 9/10/2009

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Case: SUP-35224
12508811043
BEAMAN DALE R & GAIL A
8100 SIENNA HOLLOW CT
LAS VEGAS NV 89143-5135

FAV0511 89143

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08-30-2009 07:36 FROM-SUNCOST HOTEL FRONTDESK +7026367288 T-075 P.001/001 F-598

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Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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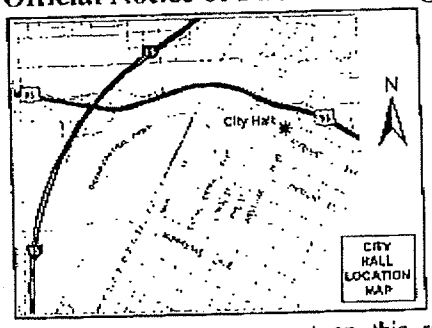

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SUP-35224
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Case: SUP-35224
12508811062
HOLMSTROM HARRY J & DONNA F
8617 RADIANT RUBY AVE
LAS VEGAS NV 89143-5163

FAVDS11 89143

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Las Vegas, Nevada 89101-2986

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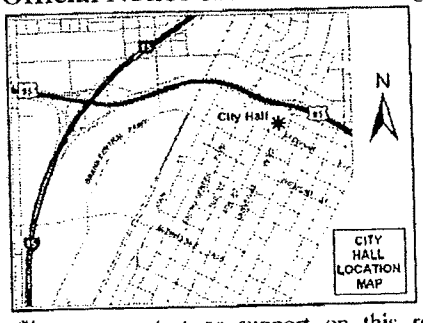

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SUP-35224

Planning Commission Meeting of 9/10/2009

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Case: SUP-35224
12509411068
RUCKER DONALD L
8120 HOPSCOTCH ST
LAS VEGAS NV 89131-3936

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Las Vegas, Nevada 89101-2986

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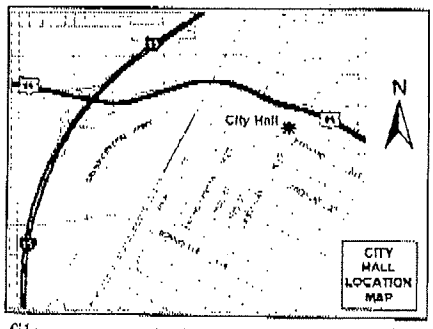

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35224

Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35224

12509411056
WALKER KRISTEN R
8116 BLUE SHADOW ST
LAS VEGAS NV 89131-3941

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Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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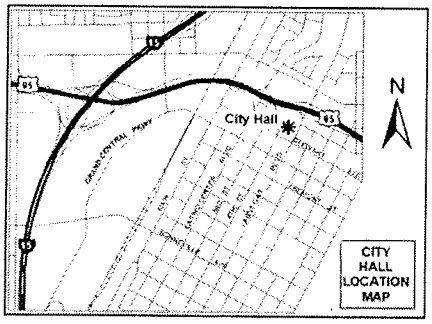

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SUP-35224
Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35224
12508713017
ROSS JOHN
8408 VIVID VIOLET AVE
LAS VEGAS NV 89143-5119

FAVDF11 89143

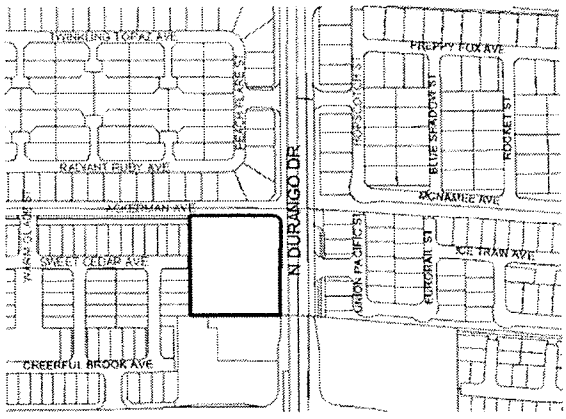
17A

Application Information

SUP-35224 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: TETON DURANGO 2008, LLC - Request for a Special Use Permit FOR ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN A PROPOSED 2,510 SQUARE-FOOT CONVENIENCE STORE at 8053 North Durango Drive, Suite #160 (APN 125-08-806-003), C-1 (Limited Commercial) Zone, Ward 6 (Ross)

We don't see any problem with issuing this permit to House of Vino.
Since you sell liquor at the corner restaurant - consumed there & across the street restaurant - consumed there. And Albertsons up the street that sell liquor - why not issue it to H of V. This store will be packaged and not consumed there.
Besides we need a good Italian store in are area.

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***September 10, 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

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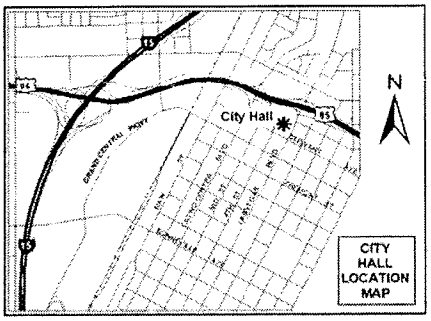

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☒ I SUPPORT this Request

Please use available blank space on card for your comments.

SUP-35224
Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35224

12509411025
GORE FAMILY TRUST
8116 SILK BARGAIN ST
LAS VEGAS NV 89131-3940

17A

FAU0511 89131

City of Las Vegas Agenda Item No.: **135.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

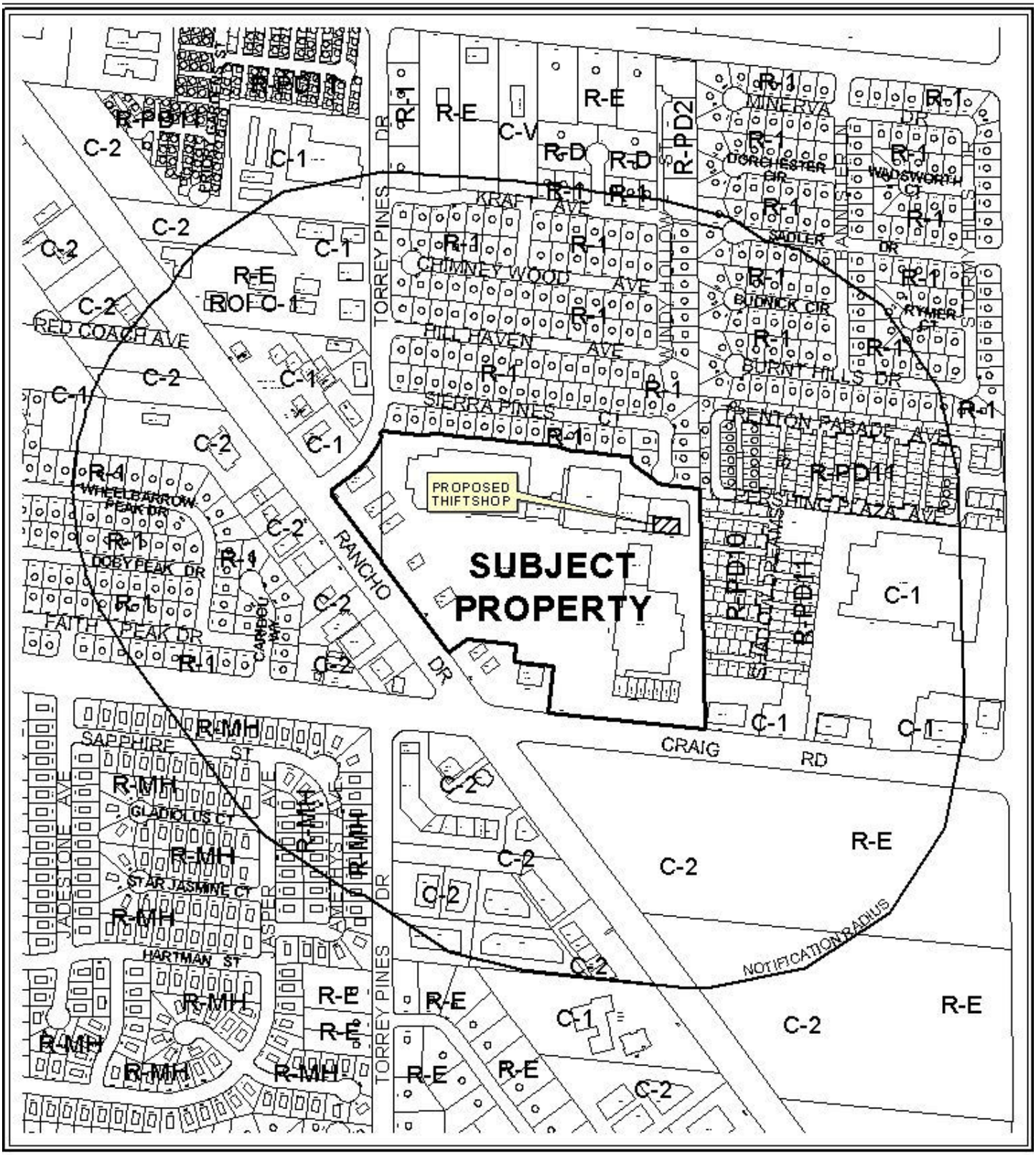
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35346 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LLP - Request for a Special Use Permit FOR A PROPOSED 6,000 SQUARE-FOOT THRIFTSHOP at 4460 North Rancho Drive (APNs 138-02-601-001 & 002, 138-02-204-001), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 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 September 10, 2009 Planning Commission Meeting Item 18

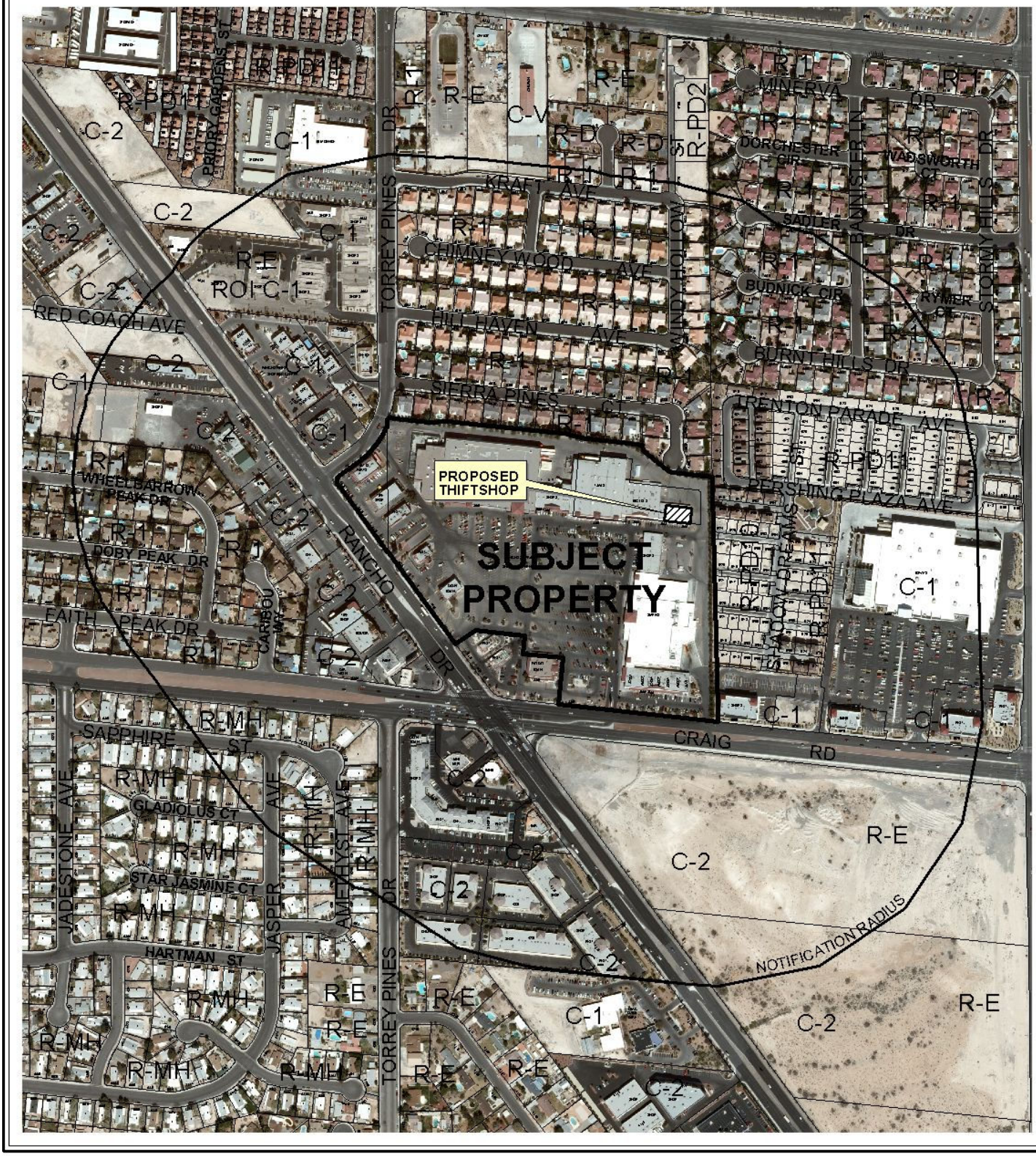


0 500 1000 Feet

CASE: **SUP-35346**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **SUP-35346**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35346 - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LP

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. There shall be an administrative review one year after issuance of a business license.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Thriftshop 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 Thriftshop in an existing retail space located at 4460 North Rancho Drive. The applicant intends to sell multiple used commodities such as tools, furniture, hardware, electronics, appliances, books, kitchen utensils, jewelry, clothes, antiques, collectables, and knickknacks. The proposed retail space is in good condition, and the proposed use can be conducted in a manner that is harmonious and compatible with surrounding land uses; therefore staff recommends approval for this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
01/18/89	The City Council approved a request for Rezoning (Z-109-88) to amend the Master Plan of the streets and highways to change the alignment of Torrey Pines Drive with its intersection at Rancho Drive.
11/01/89	The City Council approved a request for reclassification (Z-102-89) from R-E (Residence Estates) to C-1 (Limited Commercial) proposed use was for an expansion of an approved shopping center located on the east side of Torrey Pines Drive, north of Craig Road. The Planning Commission recommended approval of the request.
12/20/89	The City Council approved a request for reclassification (Z-126-89) of a property located east of Torrey Pines Drive and north of Craig Road, from R-E (Residence Estates) (under Resolution of Intent to R-1), to C-1 (Limited Commercial). The Planning Commission recommended approval of the request.
09/11/07	A deed was recorded for change of ownership.
09/10/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #18/ao).

Related Building Permits/Business Licenses	
10/05/00	A business license (#T07-00287) was issued for a travel & ticket agency at 4444 North Rancho Drive. The license is still active.
10/15/97	A building permit (#97021002) was issued for a shell building at 4460 North Rancho Drive. The permit was expired on 09/26/98.
12/29/97	A building permit (#97025464) was issued for a shell building at 4460 North Rancho Drive. The permit was expired on 09/26/98.
01/23/98	A building permit (#98001407) was issued for a tenant improvement build out at 4460 North Rancho Drive. The permit was completed on 03/24/98.

01/23/98	A building permit (#98001421) was issued for a tenant improvement build out at 4460 North Rancho Drive. The permit was completed on 03/11/98.
01/27/98	A building permit (#98001748) was issued for a tenant improvement at 4460 North Rancho Drive. The permit expired on 09/26/98.
04/03/98	A business license (#G04-03442) was issued for gifts and novelties at 4460 North Rancho Drive. The license was marked out of business on 11/10/08.

Pre-Application Meeting	
03/25/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Thriftshop were discussed. Topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
08/06/09	During a routine field check staff observed a well-maintained retail center.

Details of Application Request	
Site Area	
Gross Acres	1.94

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
South	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
East	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD10 (Residential Planned Development-10 Units per Acre)
West	Offices, Shops and Restaurants	SC (Service Commercial)	C-2 (General Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan	X		
Centennial Hills Sector Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		
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

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	318,326 SF	1:250	1,251	23	1,366	46	Y
TOTAL	318,326 SF		1,274		1,412		

ANALYSIS

This request is for a Special Use Permit for a proposed a Thriftshop use to be located at 4460 North Rancho Drive. "Thriftshop" means a business operation that deals primarily in secondhand wearing apparel. In the case of this establishment the proposal is to sell consignment or secondhand clothing, tools, furniture, hardware, electronic, appliances, books, kitchen utensils, jewelry, clothes, antiques, collectables, knickknacks and related items. The sale of secondhand goods by this applicant shall be limited to this location. The hours of operation will be 9:00am to 7:00pm seven days a week. There are no minimum separation distance requirements in the zoning code that apply to the proposed Secondhand Dealer use. The use is in compliance with all applicable plans and policies. The proposed Thriftshop meets all Special Use Permit Requirements; therefore, staff recommends approval of this Special Use Permit.

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 Thriftshop will be located in an existing shopping center. This location is intended to be used for retail and other commercial development, including the proposed Thriftshop. The proposed land use can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed location in an existing shopping center 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."**

   Access to this shopping center is provided via Craig Road, a 120-foot Parkway Arterial, and Rancho Drive, a Freeway-Expressway as designated on the City Master Plan of Streets and Highways. These streets provide adequate access for the shopping center, including the proposed Thriftshop.

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 or general welfare because the proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Thriftshop use complies with all applicable conditions, per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 377 by City Clerk

APPROVALS 1

PROTESTS 3

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-35346 APN: 138-02-601-001, 138-02-601-002, 138-02-601-003, 138-02-204-001

Name of Property Owner: Tonopah Craig Road Company, LLLP

Name of Applicant: Wynona Perdue

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: _____

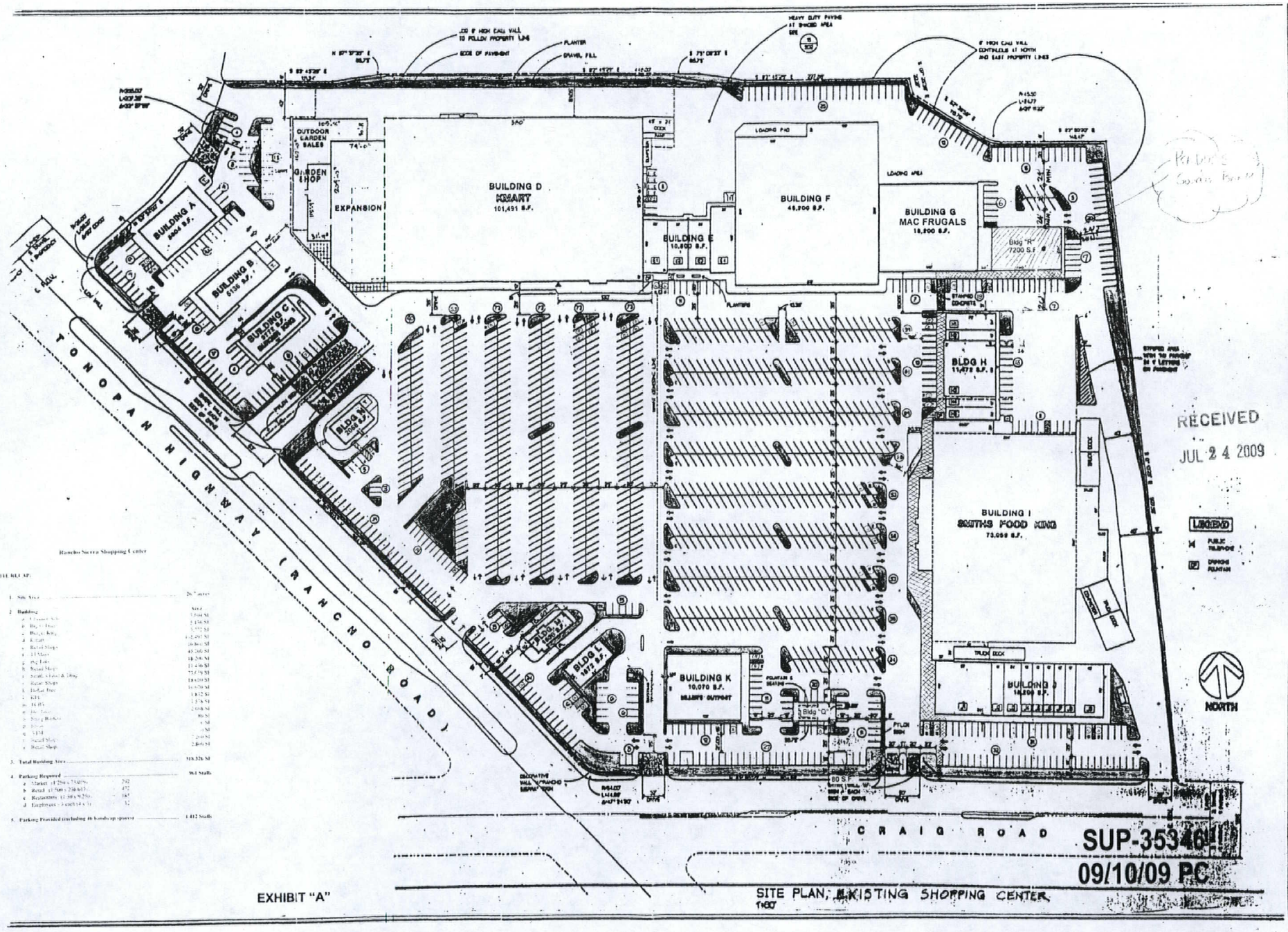
Print Name: Judd Abrams Trustee of the Judd Steven Abrams Family Trust
General Partner

Subscribed and sworn before me

This 22nd day of July, 2009

Sue Ellen Hollahan
Notary Public in and for said County and State

SUE ELLEN HOLLAHAN
Commission # 1656298
Notary Public - California
Los Angeles County
My Comm. Expires Apr 2, 2010



Rancho Sierra Shopping Center

SITE RECAP:

1. Site Area ..... 26.7 acres
2. Building ..... Area
   a. Chevron Ash ..... 3,504 SF
   b. Big O Tires ..... 5,136 SF
   c. Burger King ..... 3,772 SF
   d. Kmart ..... 101,491 SF
   e. Retail Shops ..... 10,800 SF
   f. 11 Mays ..... 45,200 SF
   g. Big Lots ..... 18,200 SF
   h. Retail Shops ..... 11,436 SF
   i. Smith's Food & Drug ..... 73,059 SF
   j. Retail Shops ..... 18,200 SF
   k. Holiday Tree ..... 10,070 SF
   l. KFC ..... 1,872 SF
   m. TCBY ..... 1,578 SF
   n. Dry Tires ..... 2,008 SF
   o. Sting Brothers ..... 80 SF
   p. Bldg ..... 6 SF
   q. VAM ..... 6 SF
   r. Retail Shops ..... 7,200 SF
   s. Retail Shop ..... 2,800 SF
3. Total Building Area ..... 318,326 SF
4. Parking Required ..... 961 Stalls
   a. Market (1 250 x 73,059) 292
   b. Retail (1 500 x 236,613) 472
   c. Restaurants (1 50 x 9,250) 185
   d. Employees - 3 each (4 x 3) 12
5. Parking Provided (including 46 handicap spaces) ..... 1,412 Stalls

EXHIBIT "A"

SITE PLAN, EXISTING SHOPPING CENTER
1"=80'

RECEIVED
JUL 24 2009

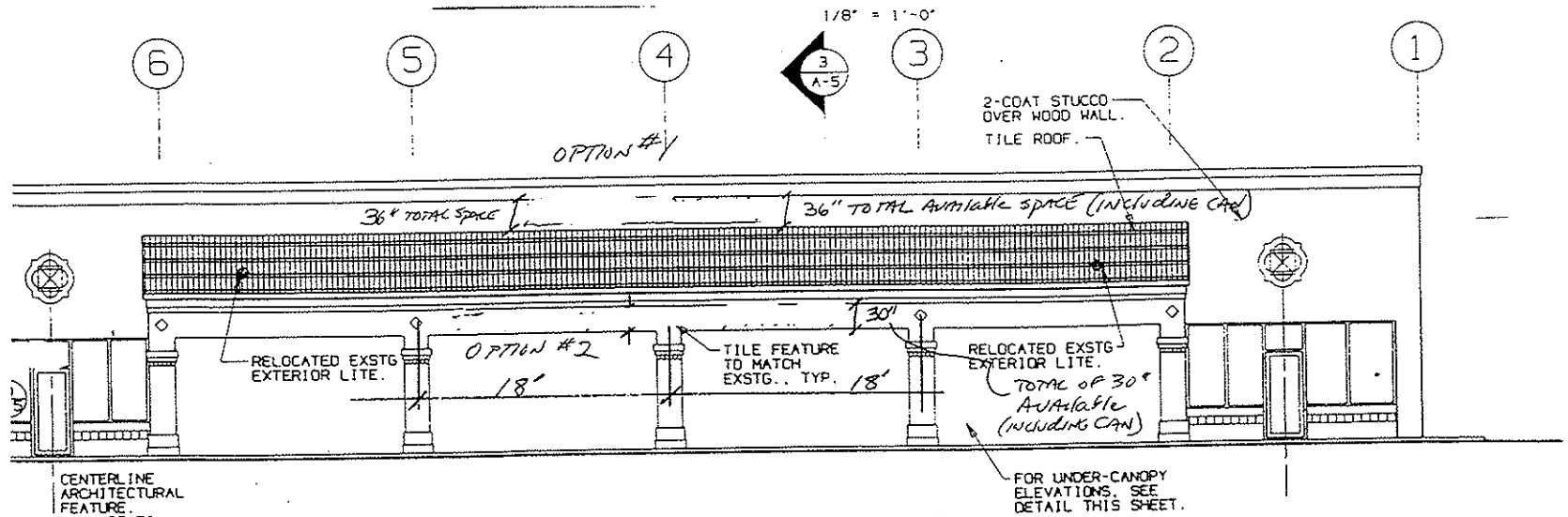
SUP-35346
09/10/09 PC

NO.	DATE	REVISION

CHK. BY.
PHASE
JOB. NO.
DATE 1-31-91

ABRAMS CONSTRUCTION COMPANY
16661 VENTURA BLVD.
SUITE 408
ENCINO CA. 91436
TELEPHONE: 818. 986.1455

Project Title: RANCHO SIERRA CENTER EXPANSION
Sheet Title: SITE PLAN
Sheet No. A-1



SOUTH ELEVATION

1/8" = 1'-0"

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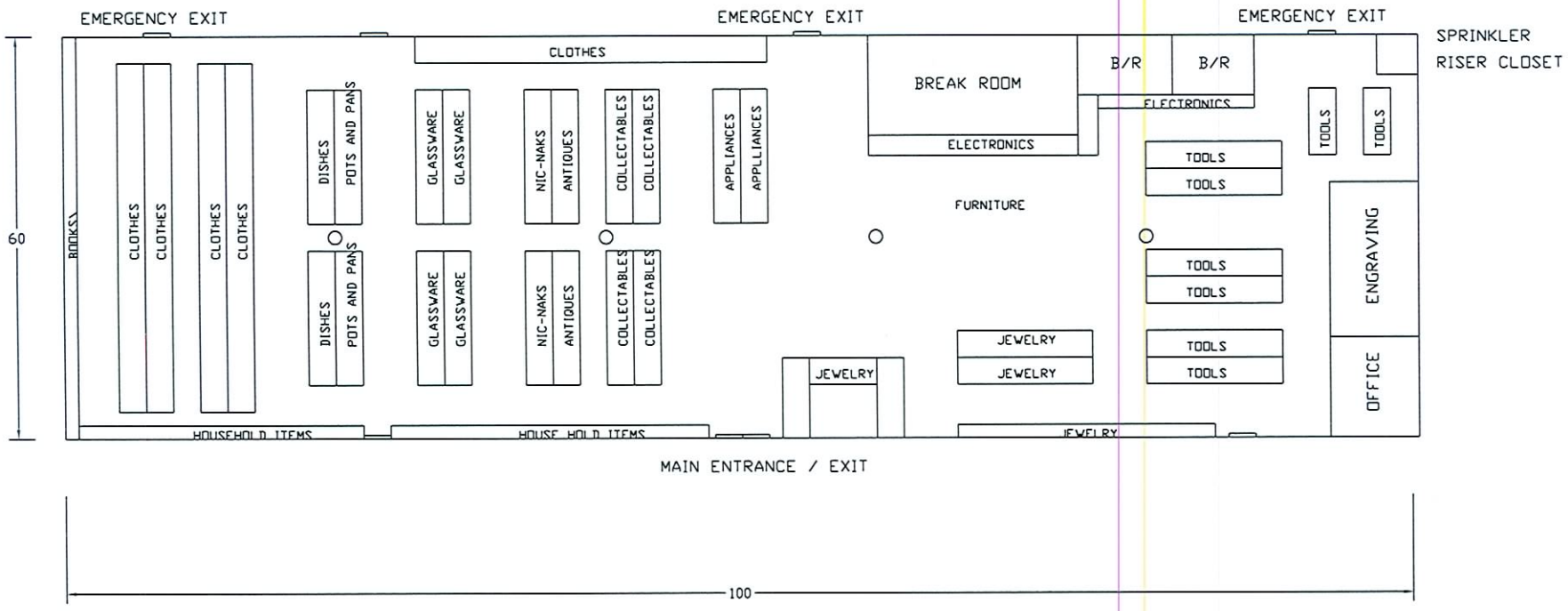
SUP-35346
09/10/09 PC



SUP-35346
09/10/09 PC

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JUL 24 2009

Autodesk

NO	DATE	REVISION	BY

ENGINEER	CHECKED BY
JOB NO	DRAWN BY
SCALE No Scale	DATE
DWG NO	
SHEET NO	OF

SUP-35346
09/10/09 PC

RECEIVED
JUL 24 2009

TENANT IMPROVEMENT

TUESDAY MORNING

1/8" =1'-0"



SUP-35346 - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LLP
4460 NORTH RANCHO DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SUP-35346 - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LLP
4460 NORTH RANCHO DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09



SUP-35346 - APPLICANT: WYNONA PERDUE - OWNER: TONOPAH CRAIG ROAD COMPANY, LLP
4460 NORTH RANCHO DRIVE
SEPTEMBER 10, 2009 PLANNING COMMISSION

08/06/09

Perdue's Goodie Barn, LLC
P.O. Box 28258
Las Vegas, NV 89126
702-798-3712
702-362-1337 fax

Perdue's Goodie Barn, LLC

July 24, 2009

City of Las Vegas
Planning and Development Department

Subject: Justification Letter

To whom it may concern,

It is my intent to lease Building R, Store 2 of the Rancho Sierra Shopping Center located at 4460 North Rancho Drive for the sole purpose of operating a Second Hand Store.
The Inventory for sale will be comprised of Tools, Furniture, Hardware, Electronics, Appliances, Books, Kitchen Utensils, Jewelry, Clothes, Antiques, Collectables and NicNaks.
I will accept consignments to help our customers.
There will be no food or beverages sold. There will be no firearms, ammunition, paints, solvents or any type of flammable items sold.
No Purchasing of items on site will be conducted. Isles and exits will be kept clear and unobstructed at all times during operating hours. All excess inventory will be kept off-site thus allowing for an unobstructed facility. Stocking will occur either before or after opening hours.

My sole purpose is to provide the public with quality items at a low cost. I feel that now, more than ever, that we can fill the needs of the public that is experiencing reduced income and rising costs with competitively priced products that they use every day.

I have been operating a company in Las Vegas since 1993 catering to the need of the commercial and industrial markets. I know the day to day requirements of operating a company and the obligations of ownership.

I thank you for your consideration.

Sincerely,

Wynona Perdue

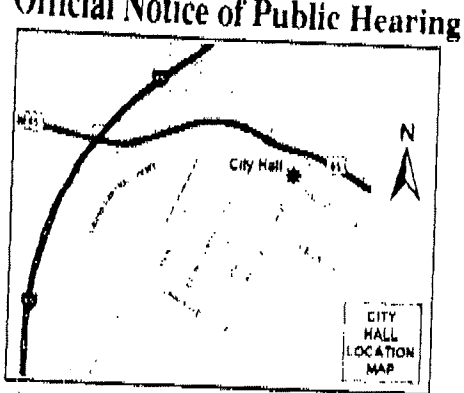
SUP-35346
09/10/09 PC

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
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.

SUP-35346

Planning Commission Meeting of 9/10/2009

PRESORTED FIRST CLASS

$ 00.41

RECEIVED
SEP 02 2009

13802511075 Case: SUP-35346
RUTKOWSKI FAMILY TRUST
6273 KRAFT AVE
LAS VEGAS NV 89130-2355

FAVDS11 89130

18P

SEP-01-09 05:37 PM RUTTER/TARABEK 3962704 P.01

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

UNITED STATES POSTAGE
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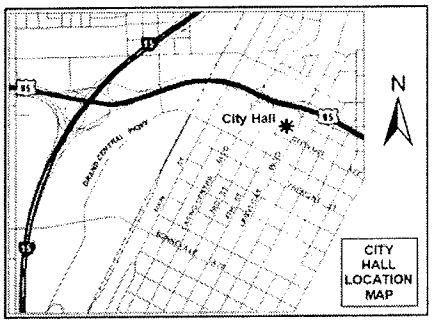
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

SUP-35346
Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35346
13802610026
CARNS DAVID C & SHIRLEY P
6237 SIERRA PINES CT
LAS VEGAS NV 89130-2342

FAU0511 A3130

18P

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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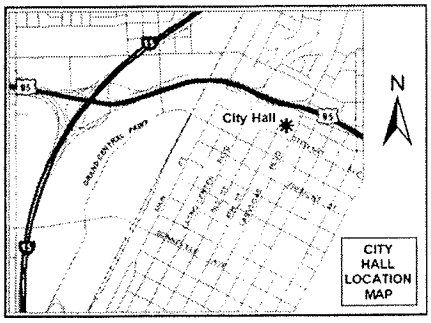

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35346
Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35346
13802212072
HIGGS FAMILY TRUST
7315 N MONTE CRISTO WY
LAS VEGAS NV 89131-3333

FAUDF11 89131

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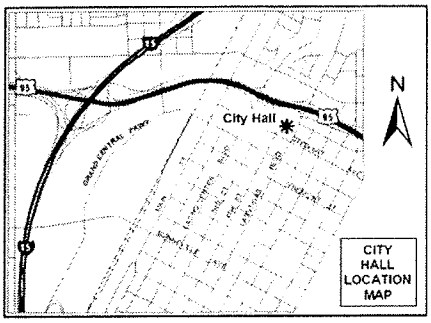
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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SUP-35346

Planning Commission Meeting of 9/10/2009

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SEP 02 2009

Case: SUP-35346
13802315066
CLERK COURT U S DISTRICT CT NV
%G J NOLAN
10732 HUNTER MOUNTAIN AVE
LAS VEGAS NV 89129-3255

FAVDS11 89129

18A

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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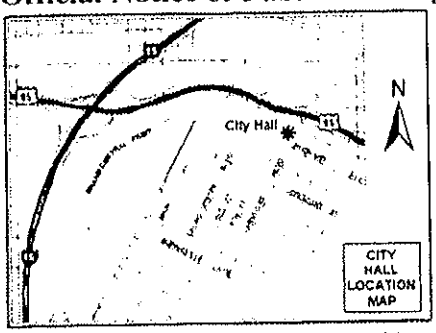
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

SUP-35346
Planning Commission Meeting of 9/10/2009

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SEP 03 2009

Case: SUP-35346
13802202016
RANCHO REFLECTIONS L L C
4553 N RANCHO DR
LAS VEGAS NV 89130-3403

FAUP11 89130

Submitted after final agenda

Date 9/3/09 Item 18A

City of Las Vegas Agenda Item No.: **136.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

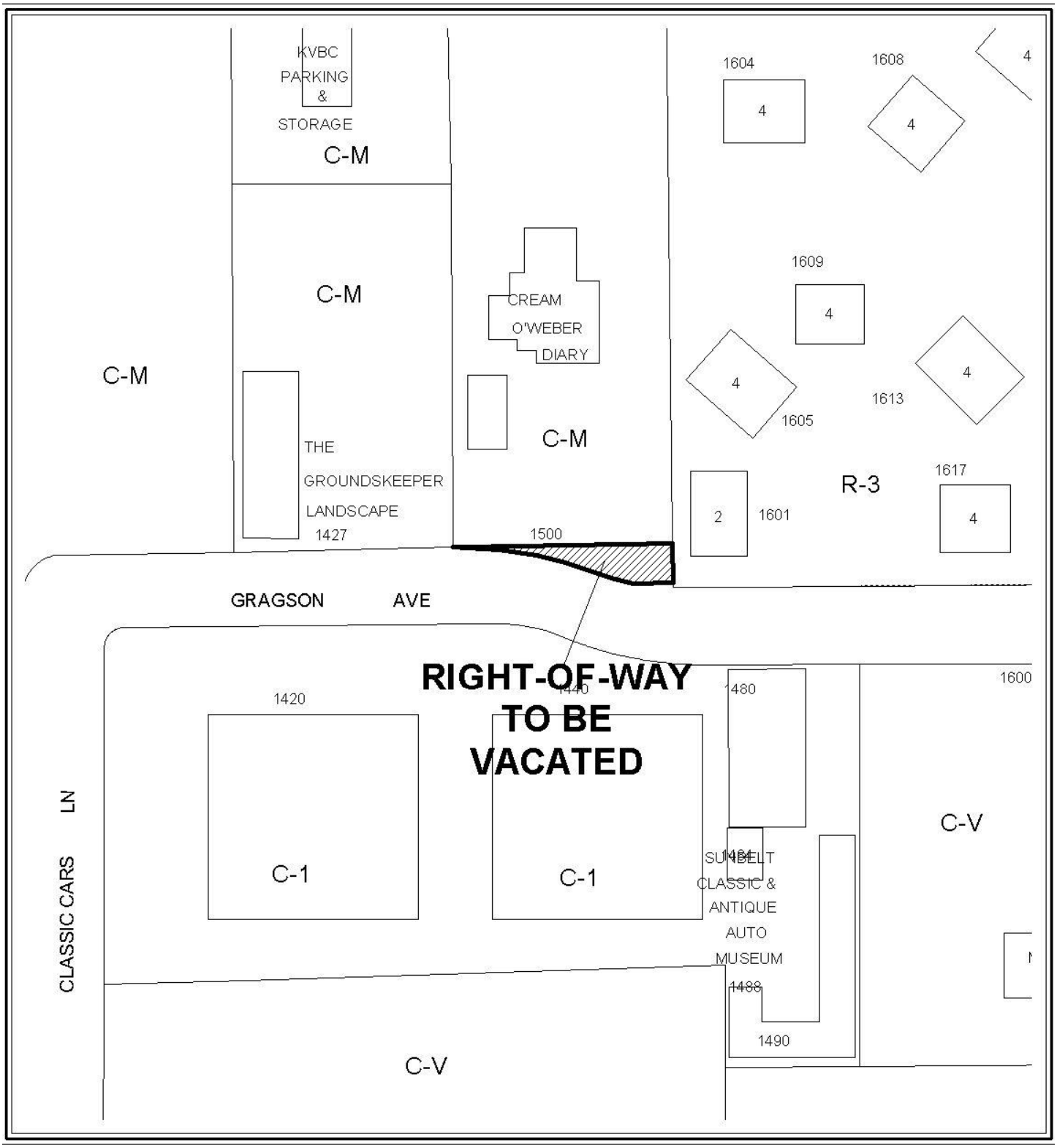
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-35193 - VACATION - PUBLIC HEARING - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 feet west of Bruce Street, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**54**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Support Postcard
6. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 19



0 100 200 Feet

CASE: VAC-35193

N



0 100 200 Feet

CASE: VAC-35193

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-35193 - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-0-1/vq vote) recommends APPROVAL, subject to conditions.

1. The limits of this Petition of Vacation shall be defined as a portion of right-of-way abutting APN #139-26-201-004 such that a minimum **60**-foot right-of-way is maintained.

2. 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.

3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

4. All development shall be in conformance with code requirements and design standards of all City Departments.

5. The Order of Vacation shall not be recorded until all of the above conditions 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. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. 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.

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

This is a request for a petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 west of Bruce Street. Planning and Development cannot support this Vacation as it is part of a proposed development that is not compatible and harmonious with the surrounding development.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
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 and staff recommended approval of the request.
08/07/08	A deed was recorded for a change of ownership at 1500 Searles Avenue.
06/18/09	A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.
09/10/09	The Planning Commission recommended approval of companion item SDR-35195 concurrently with this application. The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #19/bts).
Related Building Permits/Business Licenses	
03/02/93	A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.
09/17/97	A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.
03/05/02	A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finaled on 03/06/02.
05/29/08	A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09.

Pre-Application Meeting	
07/10/09	A pre-application meeting was held on the indicated date. The following items were discussed: • Concerns about existing buildings and proper permits. • Existing barbed wire/chain-link fencing around the site. • Existing storage containers on the site. • Intended use and hours of operation.
Neighborhood Meeting	
A neighborhood meeting was not required nor was one held.	
Field Check	
07/23/09	A field check was completed on the indicated date. The following items were observed by Planning and Development staff. • Four buildings are located on subject site, but no permits exist on the subject buildings • Eleven storage containers exist on the subject site. Several containers are located within the right-of-way. • An eight-foot wall, chain-link and razor wire exists on portions of the subject site. None of the screening devices contain permits.

Details of Application Request	
Site Area	
Gross Acres	1.89 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Building	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	Valley Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Jim Rogers Car Collection	C (Commercial)	C-1 (Limited Commercial)
East	Housing Authority	ML (Medium Low Density Residential)	R-3 (Medium Density Residential)
West	Valley Broadcasting and Landscape Company	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		
Downtown North Land Use Plan	X		Y
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

DESCRIPTION

This is a request for a Petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 west of Bruce Street.

The above property is legally described as a 3,126 square-foot portion of public right-of-way recorded in book 0375, as instrument number 0278554, and book 746, as instrument number 599206, official records of Clark County Nevada, lying within the southeast quarter (SE1/4) of the northwest quarter (NW1/4) of Section 26, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning discussion

Planning and Development cannot support the subject Vacation as it is a part of a proposed development that is incompatible and not harmonious with surrounding development.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

A. Does this vacation request result in uniform or non-uniform right-of-way widths?
The Vacation request results in a uniform right-of-way width.

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?
No, traffic handling will not be affected.

C. Does it appear that the vacation request involves only excess right-of-way?
Yes, the proposed area of vacation appears to be excess right-of-way.

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the vacation request is coincident to a site development plan (SDR-35195)*

E. Does this vacation request eliminate public street access to any abutting parcel? *No*

F. Does this vacation request result in a conflict with any existing City requirements? *No*

G. Does the Department of Public Works have an objection to this vacation request? *No*

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 8 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-35193** APN: 139-26-201-004

Name of Property Owner: 4444 South Valley View Drive LLC

Name of Applicant: A Cab Taxi CO.

Name of Representative: Ballard Spahr Andrews & Ingersoll, LLP

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: Creighton J. Nady

Subscribed and sworn before me

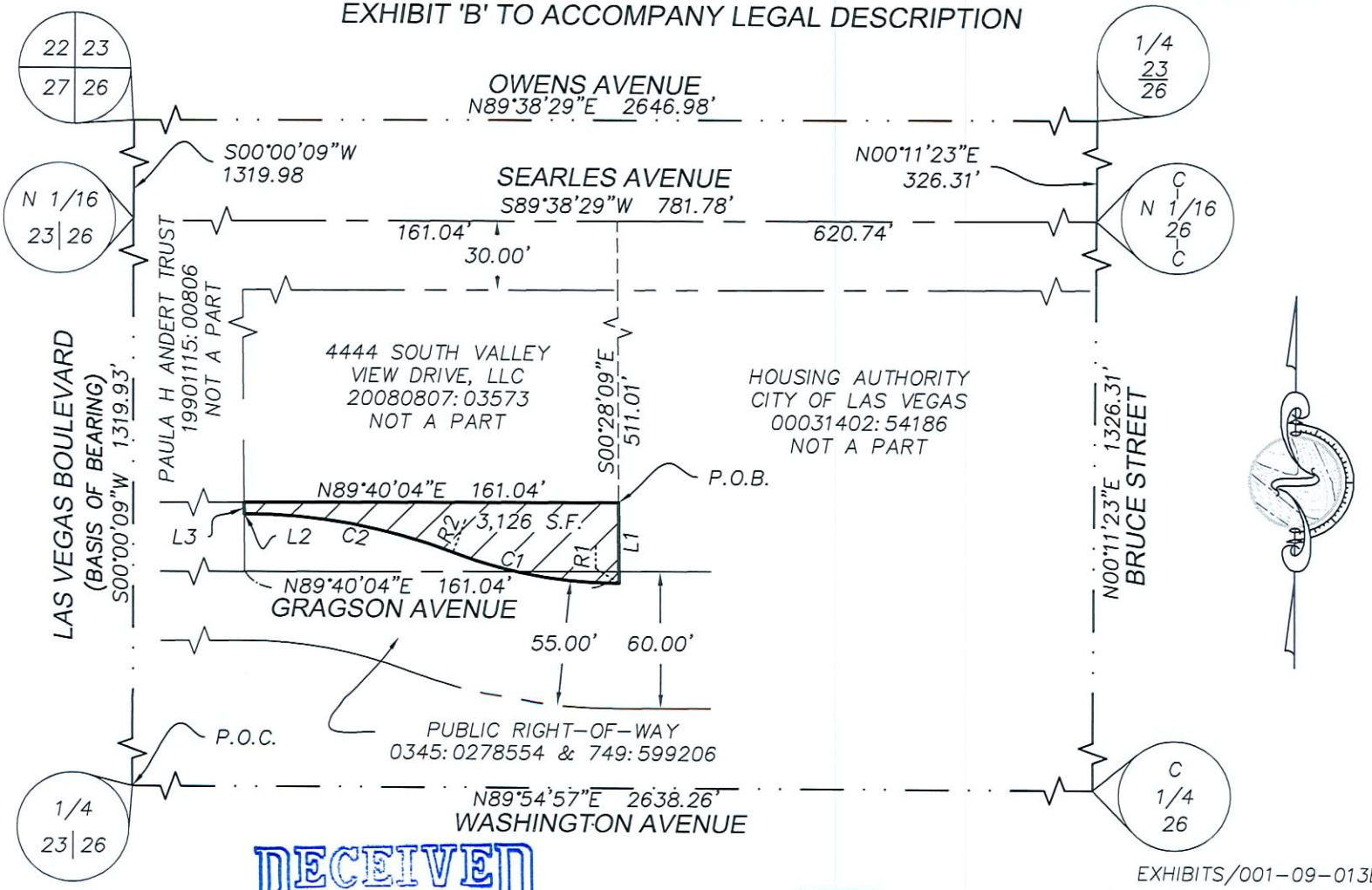
This 14th day of July, 2009

Cindy Lou Ord

Notary Public in and for said County and State

CINDY LOU ORD
Notary Public State of Nevada
No. 09-03415-1
My appt. exp. July 15, 2013

EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION



EXHIBITS/001-09-013EX01

RECEIVED
JUL 21 2009

JOB NO: 001-09-013
DRAWN BY: D. ENGELSEN
APN NUMBER: 139-26-201-004
GRANTOR: CITY OF LAS VEGAS
SHEET 2 OF 3

MSG Surveying
3277 E. WARM SPRINGS RD., SUITE 300
LAS VEGAS, NEVADA 89120
PHONE: (702) 932-2965
FAX: (702) 932-5599
HTTP://WWW.MSGSURVEYING.COM

VAC-35193
REVISED
09/10/09 PC

EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°28'09"E	35.00
L2	S89°40'04"W	0.14
L3	N00°28'09"W	5.00
R1	N00°19'04"W	
R2	S20°46'30"W	

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	198.57'	21°05'34"	73.10'	36.97'
C2	248.57'	21°06'26"	91.57'	46.31'

RECEIVED
JUL 21 2009

JOB NO: 001-09-013
DRAWN BY: D. ENGELSEN
APN NUMBER: 139-26-201-004
GRANTOR: CITY OF LAS VEGAS
SHEET 3 OF 3

EXHIBITS/001-09-013EX01

MSG Surveying
3277 E. WARM SPRINGS RD., SUITE 300
LAS VEGAS, NEVADA 89120
PHONE: (702) 932-2965
FAX: (702) 932-5599
HTTP://WWW.MSGSURVEYING.COM

VAC-35193
REVISED
09/10/09 PC

APTUS Architecture

July 31, 2009

Mr. Ben Sticka
City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, Nevada 89101

Re: REVISED Justification Letter
A Cab Taxi Dispatch Center
APN: 139-26-201-004
VAC-35193; SUP-35194; SDR-35195; VAR-35198
SUP-35194 (see separate request to withdraw the application)
VAR-35198 (CLV determined application not required; refund in progress)

Dear Ben:

Enclosed please find the required application materials associated with the following requests:

- Site Development Plan Review for a Taxi Yard with waivers of a portion of the landscaping requirement and sidewalk on Gragson Avenue, approval to retain limited existing barbed wire fencing, and to permit exceptions for landscape fingers within the parking lot.

A Cab has been operating at its existing site located at 4444 South Valley View since 2004 and received its first medallion from the Taxicab Authority in 2001. Its current site on .86 acres has continually met the company's needs since that time. The recent condemnation of the existing site to facilitate the expansion of Harmon Avenue has required that the business be relocated. The proposed 1.89 acre site located at 1500 Searles Avenue is a suitable location for the permitted use within a C-M zone.

The proposed site is appropriate for this use in that its shape and the layout of the existing and proposed buildings promote ideal circulation for a small taxi company. A vacation of 3,126 square feet along Gragson Avenue allows the new proposed property line to follow the path of an existing roadway and what was believed to be the site's boundary, and will facilitate the construction of entrances on the north and south ends of the property for both primary and secondary access for the relatively small number of taxis which will utilize the site. The site plan also requests a waiver to permit the site to continue in its current condition without a sidewalk on the south side of the property, but with an improvement to the screening and existing landscaping. The site plan requests a waiver of landscaping requirements to permit 6 to 7 feet of landscaping where 15 feet is required along Gragson, and an 8-foot decorative masonry wall is proposed to provide screening from the site's operations on both the north and south property lines. The applicant is currently reaching out to neighboring property owners to discuss making the design of the wall compatible with existing development.

The unique parking layout reflects the applicant's desire to meet the requirements of the Code while addressing the practical usage of the site. On the largest shift A Cab is permitted by the Nevada Taxicab Authority to dispatch a maximum of 53 cars. Upon shift changes, drivers are only briefly on the site, and dispatches are staggered throughout each shift in order to prevent internal and neighborhood congestion. When a taxi is returned to the site, it does not "park", but is quickly reviewed for safety and administration purposes and is then re-dispatched to the next driver. "Back up" taxis are parked on the site, but can be stacked in tandem since they act only as reserves in the event of a problem with one of the taxis in service. In the unlikely event that the entire business were to be closed for any period of time, all of the company's taxis could be

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AUG 03

VAC-35193 SDR-35195
REVISED
09/10/09 PC

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200

parked in tandem or along the periphery of the site but completely contained on the property itself without spilling out into the surrounding neighborhood. Although the company operates 24 hours a day, 7 days a week, the traffic on site at any one time is scheduled so as to minimize congestion and interference with neighboring development.

The existing office building will be remodeled to accommodate the company's approximately 12 non-driver employees. Adequate parking for both these employees, as well as those drivers who may bring a personal vehicle to work is provided, although experience has shown that many employees choose public transportation instead of driving private vehicles.

Outdoor Storage is a Conditional Use within a C-M zone. It is proposed that storage containers be located just inside the decorative block wall at the northern boundary of the site. At 8 feet high, the containers will not be a visual disturbance to the surrounding area over the 8 foot decorative masonry wall. The location of the containers will also provide an additional buffer to neighboring properties from the uses on site.

Accessory buildings on site reflect the site's use for limited maintenance of company owned vehicles. Auto Repair Garage (Minor) and Auto Paint and Body Repair Shop are both Conditional Uses in the C-M zone, and any maintenance performed on site will consist only of preventative or basic maintenance such as oil changes, tire changing, and minor paint jobs to keep the taxis prepared for their usual schedules. No fueling services will be offered, and more intense body work, such as that associated with vehicles involved in collisions, will be performed elsewhere. As required, the repair and service work will be performed within the proposed building in an area which will be completely enclosed.

If you have any questions or need additional information regarding anything with respect to these requests, please do not hesitate to contact my office.

Sincerely,

Kristen G. Neuman

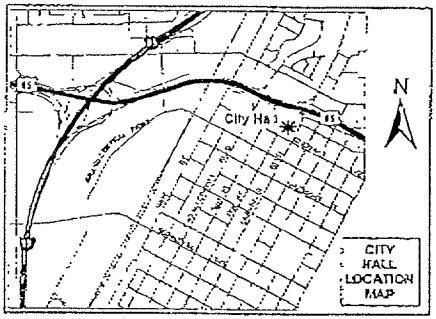
Kristen G. Neuman, AIA
APTUS Architecture

VAC-35193 SDR-35195 RECEIVED
REVISED
09/10/09 PC
AUG 03 2009

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.

VAC-35193

City Council Meeting of 10/7/2009

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 of Support

Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Kerry Chamberlain Ofc. Mgr.	1427 Gragson Ave LV, NV 89101	702-657-1120
	The Groundskeeper	
Vicki Phillips	1601 E Gragson ave	702-3997504
Carmen Chiles	1601 Gragson Ave. 120	702-399-3729
Robert Johnson	1605 GRAGSON #140-D	649-9140
[illegible]	1605 GRAGSON #130	
Brandie Hicks	1609 Gragson Ave #140	742-1788
Magda Moran	1613 GRAGSON #110 LVN	399-8760
Eddie Dannes	1600 SEARLES 120	657-6506
Aurora Valenzuela	1608 SEARLES RD #110	7152162
LeBronze Walker	1600 Searles #110 L.V.NV.	657-0070
Fortia Lyons	120	
YVONNE DELAROSA	1616 Searles 120	502-0849
Carmen Estrada	1616 SEARLES 120	684-9354
Bonnie Rainer	1616 Searles 110	444-7342
Sally Farrell	1616 Searles 140	(702) 384-4165
[illegible]	1921 Woodwell St	(702) 2033841
Patricia Montoya	1616 Searles #130	(702) 387-9595

Submitted at Planning Commission

Date 9/10/09 Item 14 & 20

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Sharon Merrick	1609 Gragson 120 LV NV 89101	none
Debbie Obregon	1704 Foremaster 89101	612-1278
Melanie DeGeorgetti	4314 HUNTER RUN RD.	684-2176
Victoria Walker	1600 Searles apt # 110	657-0040
Louise MURPHY	1613 SEARLES AV	6K13512
Sharon R. Kgda	1717 GRAGSON AVE 140	444-8309
NOEL HERNANDEZ	1705 GRAGSON # C	448-7966
STEPHEN REITTER	1709 GRAGSON AVE 120	444-3631
Shirley Hamilton	1709 Gragson Ave 130	444-0249
RAMIRO PELAEZ	1713 GRAGSON AV 110	371-7897
Mitchell Davis	1713 Gragson Ave 120	
[illegible]	1712 Gragson Ave	
George Spears Jr.	1717 Gragson Dr. Apt 120 B	399-5494
Janet R. Mullins	1721 Gragson Ave #110	450-1941

4

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

196

Name	Address	Telephone Number
Larry Hamilton	1400 Foremaster Lane.	702-642-7222
B+H Radiator Service		
Roger Saint Victor	1617 GRAGSON # 140	646 2096
Marrie Hall	1617 Gragson # 110	771-8382
Stephanie Mitchell	1617 GRAGSON 130	NONE
Cecilia Harper	1609 Searles Ave #140	309-2599
Co Lelia Ferreira	1613 SEARLES	169-6495
Marcie Samora	1601 Searles Ave	642-9738
Michael Bonassa	1601 Searles AV	557-3845
[illegible]	1605 B SEARLES	657-6848
Betty Marks	1609 Searles # B	459-6157
Beverly Warren	1608 Searles #B	No
Arian Smith	1617 Gragson #110	(702) 557-9963
[illegible]	1617 Gragson #B	No
[illegible]	1617 GRAGSON #120	
Jerry [illegible]	1705 Gragson 140	280-3607
Catalina Villanueva	1709 Gragson #110	399 8884

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Joyce Lulsa	1600 Gragson Moose Lodge	440-429-5430
Obdulia Elizalde G.	1213 Raph Clr	3801385
[signature]	1201 Searles Ave CV NV 89100	(702)649-8002
Veronica Wilson	1001 N. Bruce St. Blind Center of Nevada	(702) 642-6000
Ice Company	Mr Lee	

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

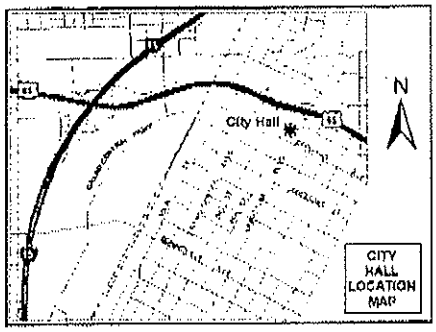
Name	Address	Telephone Number
ANDERSON DAIRY, INC. [illegible], Pres.	3/6/09 801 SEARLES AVE. 89101	702-642-7507

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 AUG 26 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.

VAC-35193
Planning Commission Meeting of 9/10/2009

RECEIVED
SEP 04 2009

Case: VAC-35193
13926201001
VALLEY BROADCASTING COMPANY
%H SMITH
1500 FOREMASTER LN
LAS VEGAS NV 89101-1103

FAX0311 89101

Submitted after final agenda

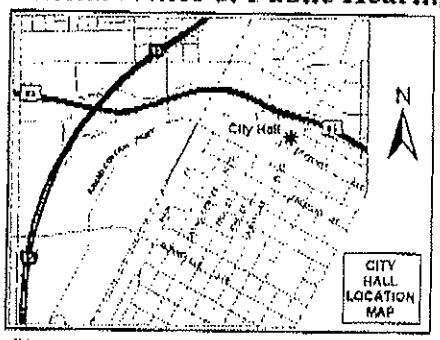
Date 9/4/09 Item 19 A

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 AUG 28 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
SEP 04 2009

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.

VAC-35193

Planning Commission Meeting of 9/10/2009

Case: VAC-35193
13926201018
ROGERS JAMES E & BEVERLY
1500 FOREMASTER LN
LAS VEGAS NV 89101-1103

FAVDS11 89101

Submitted after final agenda

Date 9/4/09 Item 19 A

City of Las Vegas Agenda Item No.: **137.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-35195 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAC-35193 - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 8,800 SQUARE-FOOT TAXICAB/LIMO YARD WITH ANCILLARY VEHICLE SERVICE AND AUTO REPAIR WITHIN 5,800 SQUARE FEET OF EXISTING BUILDINGS AND A PROPOSED 3,000 SQUARE-FOOT BUILDING WITH WAIVERS OF THE PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A ZERO-FOOT BUFFER ALONG THE WEST AND A PORTION OF THE EAST PERIMETERS WHERE EIGHT FEET IS REQUIRED, A SIX-FOOT BUFFER ALONG THE SOUTH PERIMETER WHERE 15 FEET IS REQUIRED, TO ALLOW A ZERO-FOOT SIDEWALK WHERE FIVE FEET IS REQUIRED AND TO ALLOW BARBED WIRE FENCING on 1.89 acres at 1500 Searles Avenue (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

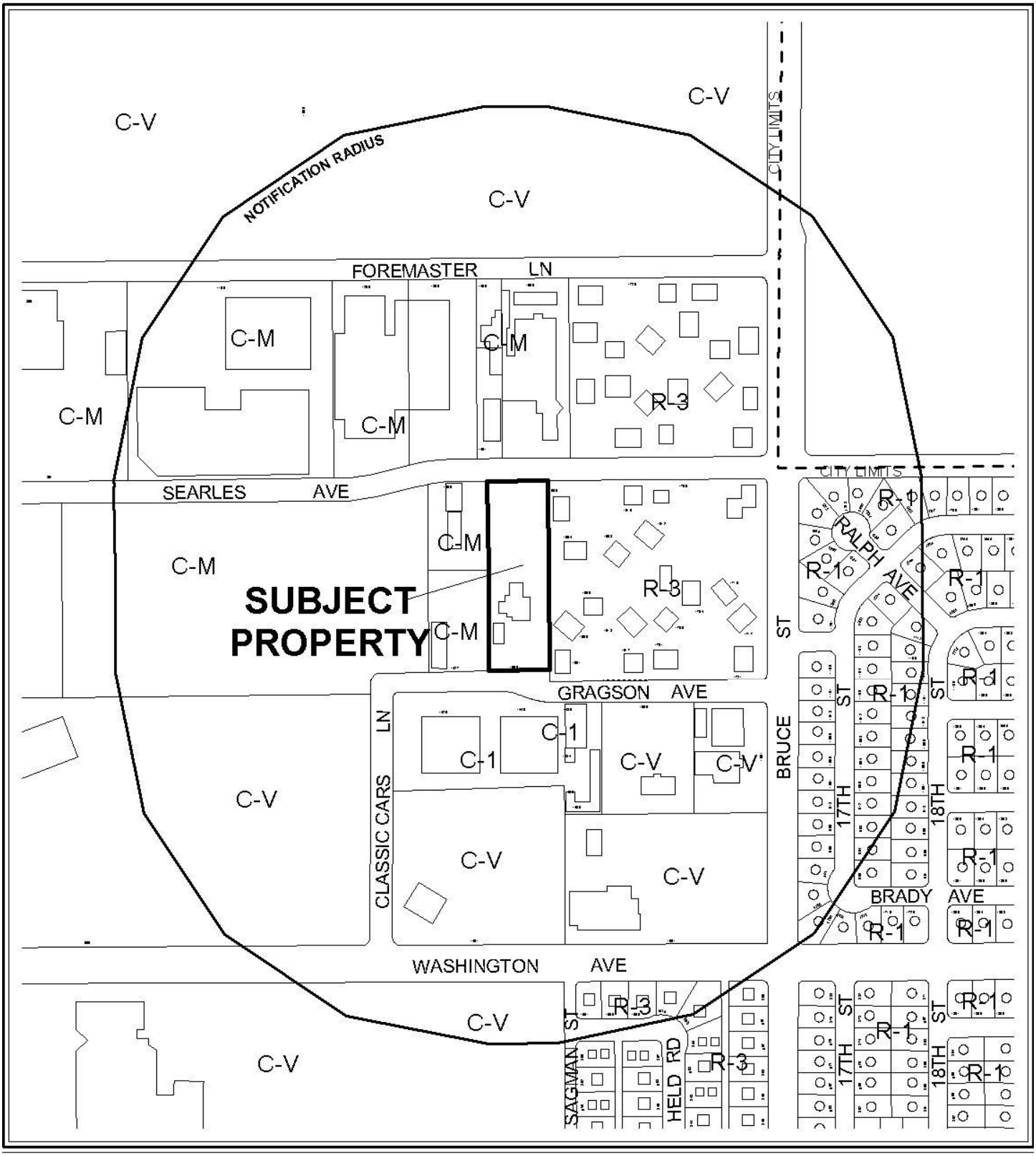
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**54**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 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. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 20

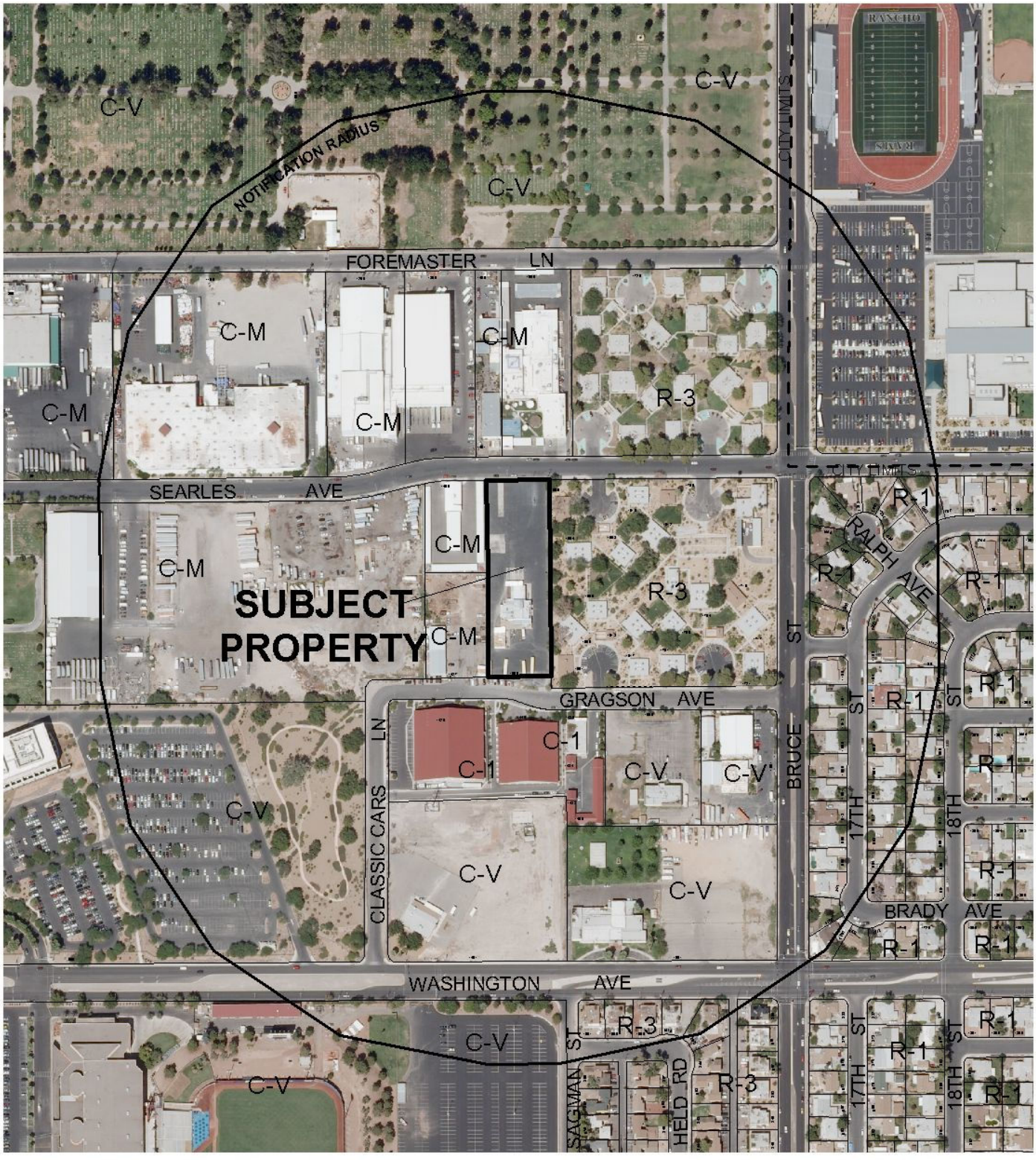


0 300 600 Feet

CASE: **SDR-35195**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)



0 300 600 Feet

CASE: **SDR-35195**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35195 - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-0-1/vq vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Submit an Encroachment Agreement for all landscaping and private improvements, if any, in the Gragson Avenue public right-of-way adjacent to this site prior to occupancy of this site.

2. Sign and record a Covenant Running with Land agreement for the possible future installation of sidewalk on Gragson Avenue waived or deferred by this action adjacent to this site prior to occupancy of this site.

3. Approval and conformance to the conditions for Vacation (VAC-35193), if approved.

4. 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.

5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 08/03/09, except as amended by conditions herein.

6. The applicant shall obtain all required building permits and final inspections for all buildings/structures on the subject site, prior to occupancy of the structures.

7. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a six-foot landscape buffer where 15 feet is required adjacent to Gragson Avenue and a zero-foot landscape buffer along the west property line and a zero-foot buffer along a portion of the east property line where eight feet is required along the west and east property lines.

8. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero-foot sidewalk where five feet is required adjacent to Gragson Avenue.

9. An Exception from Title 19.10 Landscape and Buffer Standards is hereby approved, to allow zero parking lot fingers where 23 are required.

10. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow 39 overall trees where 75 are required.

11. 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.

12. 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.

13. 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).

14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

16. 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.

17. 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.

18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

19. A Petition of Vacation such as (VAC-35193) shall be recorded prior to the issuance of any permits overlying or abutting the proposed vacated area.

20. Remove all substandard public street improvements and unused driveway cuts on Searles Avenue adjacent to this site concurrent with development, if any, and replace with new improvements meeting current City Standards.

21. Construct half-street improvements including appropriate overpaving on Gragson Avenue adjacent to this site concurrent with development of this site other than Tenant Improvements for Building A or Building B. All existing paving damaged or removed by this development shall be restored to its original location and to its original width concurrent with development of this site.

22. Prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first, for any construction other than Tenant Improvements for Building A or Building B, meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations, drainage patterns, and required flood protection for this site, and comply with the recommendations of the Flood Control Section. Alternatively, 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 grading or building permits, whichever may occur first, other than Tenant Improvements for Building A or Building B.

23. 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, whichever may occur first. Provide and improve all drainageways 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.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for an 8,800 square-foot Taxicab/Limo Yard with ancillary vehicle service and auto repair within 5,800 square feet of existing buildings and 3,000 square feet of a proposed building. The largest building will be utilized as offices, while the accessory structures will be used for auto repair, paint and mixing booths and storage. The Taxicab/Limo Yard will operate from 9:00 a.m. to 5:00 p.m., Monday through Friday. There are no building permits for Buildings "A" and "B", which were built circa the 1960's. Buildings "D" were both built without permits. The applicant fails to comply with minimum landscape and sidewalk width requirements, which are requested as Waivers. In the site's current configuration staff cannot support the application as proposed. If denied, the subject site would contain several illegally constructed buildings, which contain no building permits. The indicated deviations from standards will result in a development that is not compatible or harmonious with adjacent development. An alternate design and adherence to minimum landscape requirements would facilitate the elimination of Waivers, which would create a development that would be appropriate for this area of the City; therefore staff is recommending denial of the subject application.

ISSUES:

- Approval of the related Vacation (VAC-35193) is required for approval of the subject Site Development Plan Review.
- No building permits exist on all existing structure, screening device and/or barbed wire.
- Waivers of minimum sidewalk width and landscaping requirements are requested.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
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 and staff recommended approval of the request.
08/07/08	A deed was recorded for a change of ownership at 1500 Searles Avenue.
06/18/09	A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.
09/10/09	The Planning Commission recommended approval of companion item VAC-35193 concurrently with this application. The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #20/bts).

Related Building Permits/Business Licenses	
03/02/93	A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.
09/17/97	A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.
03/05/02	A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finaled on 03/06/02.
05/29/08	A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09.
Pre-Application Meeting	
07/10/09	A pre-application meeting was held on the indicated date. The following items were discussed: • Concerns about existing buildings and proper permits. • Existing barbed wire/chain-link fencing around the site. • Existing storage containers on the subject site. • Intended use and hours of operation.
Neighborhood Meeting	
A neighborhood meeting was not required nor was one held.	

Field Check	
07/23/09	A field check was completed on the indicated date. The following items were observed by Planning and Development staff. • Four buildings are located on subject site, but no permits exist on the subject buildings • Several storage containers exist on the subject site, but no permits exist for the storage containers • An eight-foot wall, chain-link and razor wire exists on portions of the subject site. None of the screening devices contain permits.

Details of Application Request	
Site Area	
Net Acres	1.89 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Building	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	Valley Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Jim Rogers Car Collection	C (Commercial)	C-1 (Limited Commercial)

East	Housing Authority	ML (Medium Low Density Residential)	R-3 (Medium Density Residential)
West	Valley Broadcasting and Landscape Company	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown North Land Use Plan	X		Y
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

EXISTING AND PROPOSED BUILDING/STRUCTURES

	Building 'A'	**Building 'B'**	**Building 'C'**	**Building 'D'**	**Buildings 'E'**
Quantity	1	1	1	2	4
Use	Office	Storage	Repair Garage	Paint Spray and Mixing	Shipping Containers
Existing or Proposed	Existing	Existing	Proposed	Existing	Existing
Building Permits	None	None	None	None	None
Square-Footage	4,400	1,100	3,000 enclosed 3,000 covered	300	320 per containers: total 1,280 SF
Height	14 Feet	12 Feet	30 Feet	10 Feet	10 Feet
Setbacks	Front: 277 ft Side: 36.09 ft Side: 44.09 ft Rear: 136 ft	Front: 15 ft Side: 8 ft Side: 50 ft Rear: 8 ft			8 Feet minimum setback

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards, the following standards apply

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Width	100 Feet	163 Feet	Y
Min. Setbacks (Building "A")			
• Front (north property line)	10 Feet	277.8 Feet	Y
• Side (west property line)	10 Feet	36.9 Feet	Y
• Side (east property line)	10 Feet	44.9 Feet	Y
• Rear (south property line)	20 Feet	136.1 Feet	Y
Min. Setbacks (Accessory Structures)			
• Front (north property line)	10 Feet	15 Feet	Y
• Side (west property line)	8 Feet	8 Feet	Y
• Side (east property line)	8 Feet	50 Feet	Y
• Rear (south property line)	8 Feet	8 Feet	Y
Max. Lot Coverage	N/A	8.5%	Y
Max. Building Height (Building "A")	N/A	16 Feet	Y
Max. Building Height (Accessory Buildings)	N/A	30 Feet	Y
Trash Enclosure	Screened	As Conditioned	As Conditioned
Mech. Equipment	Screened	As Conditioned	As Conditioned

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/ 6 Spaces	23 Trees	Zero Trees	N
Buffer:				
Min. Trees				
North property line	1 Tree/20 Linear Feet	9 Trees	10 Trees	Y
South property line	1 Tree/20 Linear Feet	9 Trees	8 Trees	N
West property line	1 Tree/30 Linear Feet	17 Trees	Zero Trees	N
East property line	1 Tree/30 Linear Feet	17 Trees	21 Trees	Y
TOTAL		75 Trees	39 Trees	N
Min. Zone Width				
North property line	15 Feet		15 Feet	Y
South property line	15 Feet		6 Feet	N
West property line	8 Feet		Zero Feet	N
East property line	8 Feet		Zero Feet	N
Wall Height	8 Feet		8 Feet	Y

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	
Taxicab/Limo Yard	66 Employees 67 Taxis	N/A	129	4	129	4	Y
TOTAL (including handicap)	133		133		133		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
15-foot landscape buffer along the north and south property lines and an eight-foot landscape buffer along the west and east property lines	Six-foot buffer along the south property line, zero-foot buffer along the west property line, and a zero-foot buffer along a portion of the east property line	Denial
Five-foot sidewalk adjacent to right-of-way (Gragson Avenue and Searles Avenue)	Zero-foot sidewalk adjacent to Gragson Avenue only	Denial

Exceptions		
Requirement	**Request**	**Staff Recommendation**
One tree shall be planted for every six uncovered parking spaces.	To allow zero trees where 23 trees are required	Denial
75 total perimeter trees are required in the landscape buffers	To allow 39 trees in the perimeter landscape buffers	Denial

ANALYSIS

- **Design Alternatives**

  A reduction in the number of cabs and employees would eliminate the need for the large number of parking spaces. Fewer parking spaces would allow the applicant to better design the overall site, which would eliminate the need for Waivers of Perimeter Landscaping requirements and the required sidewalk adjacent to the southern property line.

- **Site Plan**

  The applicant is proposing an 8,800 square-foot Taxicab/Limo Yard with ancillary vehicle service and Auto Repair within 5,800 square feet of existing buildings and 3,000 square feet of a proposed building. There are a total of four existing structures and two proposed buildings. There are also a total of four existing storage containers on the subject site. Each storage container is 320 square feet. The four storage containers total 1,280 square feet. None of the existing buildings or storage containers has proper building permits.

  The site is surrounded by a combination of chain-link, block walls and barbed wire fencing. The applicant indicates that they will be constructing two new walls along the north and south property lines. The east and west property lines will remain in their current condition, which includes the combination of block wall, chain-link fencing and barbed wire. Pursuant to Title 19.12.075 Fences, Walls and Architectural, the indicated barbed wire is prohibited unless otherwise approved as a part of an overall development plan. The site plan indicates that barbed wire will only be utilized on the west and east property lines.

- **Parking and Site Access**

  Pursuant to Title 19.04 Permissible Use, the parking requirement for a Taxicab/Limo Yard is one space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity. The applicant indicates that there will be 66 employees for the largest shift and 67 taxis when the facility is at maximum capacity. The subject site contains 133 parking spaces with five handicapped spaces, thereby complying with the proposed Taxicab/Limo Yard use. Primary access to the site is provided from access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

- **Waivers and Exceptions**

  The applicant has requested two Waivers and two Exceptions as a part of the subject application. The first Waiver is from Title 19.12.040 Perimeter Landscape Buffering for deviations for buffer widths on the east, west and south property lines. The second Waiver is from Title 19.12.040 Perimeter Landscape Buffer deviations of sidewalk width on the south property line. The first Exception is to allow no parking fingers where one is required for every six parking spaces. The second Exception is to allow 39 trees in the perimeter landscaping where 75 are required. The requested Waivers and Exceptions are not appropriate and could be mitigated through a better overall design.

- **Landscape Plan**

  The landscape plan indicates the following; 24-inch box Honey Locust, Shoestring Acacia, Purple Robe Locust and Mediterranean Fan Palm. The landscape plan fails to conform to all Perimeter Landscape Buffer Requirements with the exception of the north property line buffer. The landscape plan also fails to meet all parking lot landscaping and seeks a reduction in the overall required tree count.

- **Elevations and Floor Plans**

  The existing and proposed building elevations depict structures, which range in height from eight to 30 feet in height. The smallest buildings are the storage containers at eight feet in height, which are existing on-site. The tallest structure is the proposed auto repair facility. The buildings are either stucco or metal siding buildings, which is typical for these types of tenants. The submitted floor plans are typical for the intended Taxicab/Limo Yard use.

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 residential, commercial and industrial development in the area. The number of requested landscape Waivers, lack of sidewalks and use of barbed wire; all demonstrate the incompatible nature of the proposed development.

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 Parking, Loading and Traffic Standards and Title 19.12 Landscape and Buffer Standards. This is seen in the number of Waivers and Exceptions, which are requested as a part of the subject application. These deviations highlight the incompatibility with adjacent developments. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum requirements.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Adequate site access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets 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 and Exceptions of Title 19.10 and 19.12. The provided landscape materials are lacking in their overall width and quantity. None of the existing buildings have proper building permits, which is not appropriate for this or any area of 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 buildings fail to create an orderly and aesthetically pleasing environment. The non-permitted structures and overall lack of landscaping is not compatible with adjacent commercial and residential developments in the area. Inadequate mitigation measures have been taken to create an aesthetically pleasing environment.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The subject site contains several buildings and structures, which have no proper building permits. The applicant has not taken appropriate action to protect the public health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2, and amended conditions 10, 21 and 22 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 75 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-35195** APN: 139-26-201-004

Name of Property Owner: 4444 South Valley View Drive LLC

Name of Applicant: A Cab Taxi CO.

Name of Representative: Ballard Spahr Andrews & Ingersoll, LLP

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: Creighton J. Nady

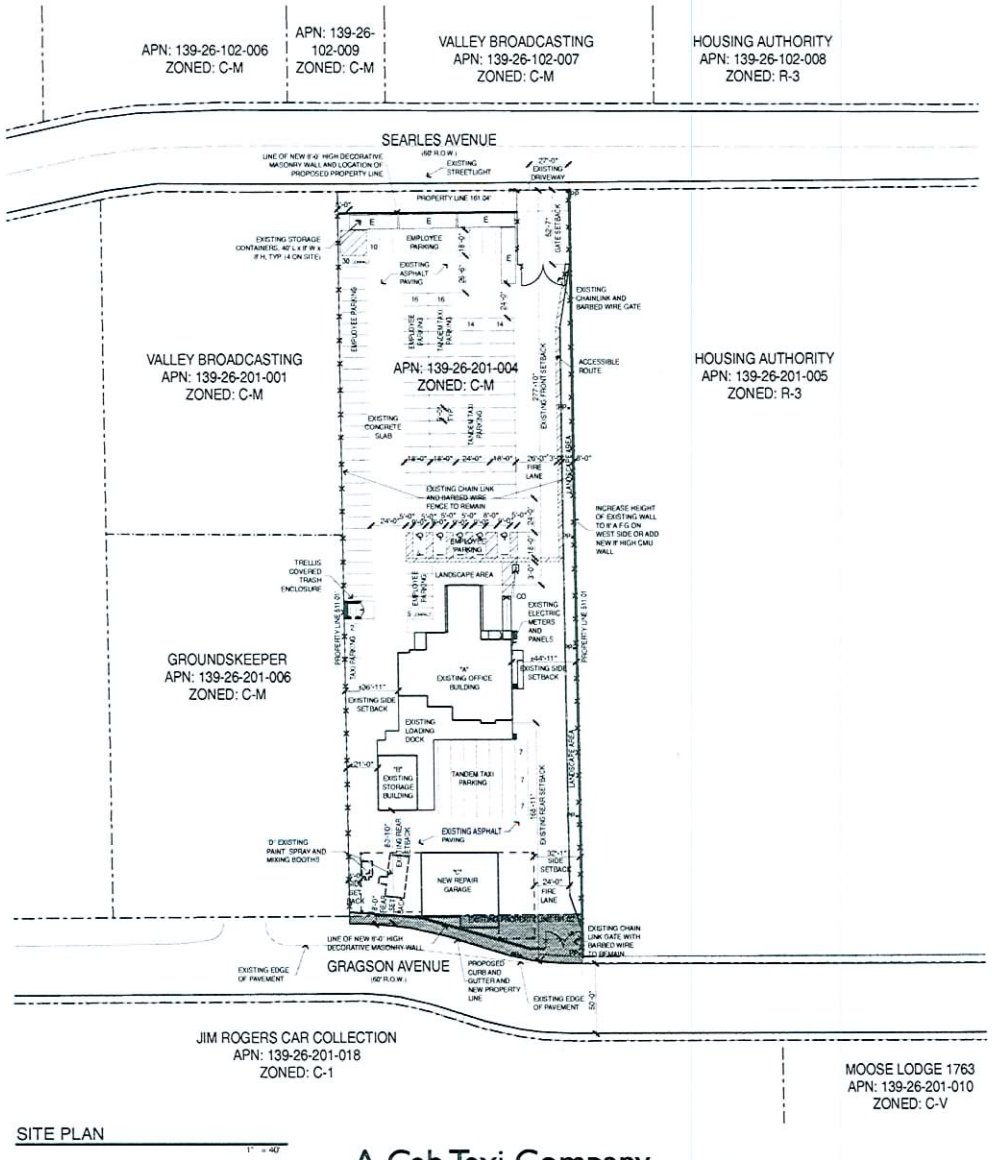
Subscribed and sworn before me

This 14th day of July, 2009

Cindy Lou Ord

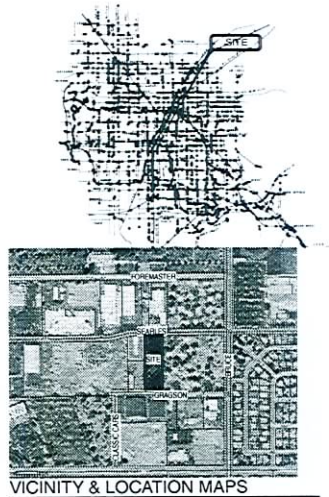
Notary Public in and for said County and State

CINDY LOU ORD
Notary Public State of Nevada
No. 93-0341.5-1
My appt. exp. July 15, 2013



SITE PLAN

1" = 40'



VICINITY & LOCATION MAPS

Site and Project Information

SITE DATA

PARCEL NUMBER	139-26-201-004
JURISDICTION	CITY OF LAS VEGAS - 89101
EXISTING GENERAL PLAN	LIGHT INDUSTRIAL / RESEARCH
EXISTING ZONING	C-M
PROPOSED USE	TAXI - LIMO YARD, AUTO REPAIR GARAGE - MINOR, AUTO PAINT AND BODY REPAIR SHOP, OUTDOOR STORAGE
SITE AREA	82,280 SF 1.89 GROSS ACRES

SETBACKS - (PRINCIPAL STRUCTURE)

	REQ'D	PROVIDED
FRONT	10'-0"	277'-10"
INTERIOR SIDE	10'-0"	36'-11", 44'-11"
REAR	20'-0"	166'-11"

SETBACKS - (ACCESSORY STRUCTURE)

	REQ'D	PROVIDED
FRONT	10'-0"	470'-0"
INTERIOR SIDE	8'-0"	8'-0", 32'-1"
REAR	8'-0"	8'-0", 80'-10"

MAX HEIGHT	N/A
ACTUAL HEIGHT	30'-0"
LOT COVERAGE ALLOWED	N/A
ACTUAL LOT COVERAGE	10.7%
% OF OUTSIDE STORAGE ALLOWED	5%
ACTUAL % OF OUTSIDE STORAGE	1.6%

BUILDING INFORMATION

CODE	2006 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	VB
OCCUPANCY	B/F-S-1
FIRE SPRINKLERS PROVIDED	NO

BUILDING AREAS

A EXISTING OFFICE BUILDING (1 @ 16' HIGH)	4,400 SF
B EXISTING STORAGE BUILDING (1 @ 16' HIGH)	1,100 SF
C NEW REPAIR GARAGE (30' HIGH)	3,000 ENCLOSED, 3,000 COVERED SF
D EXISTING PAINT SPRAY AND MIXING BOOTH (1 @ 11' HIGH)	300 SF
E STORAGE CONTAINER (8' X 40') TYP. OF 4 (4 @ 8' HIGH)	1,280 SF

PARKING AREA

BUILDING AREA	REQUIRED PARKING	PROVIDED
# OF EMPLOYEES ON LARGEST SHIFT	66	66
# OF TAXIS @ MAXIMUM CAPACITY	67	67
STANDARD PARKING SPACES PROVIDED		61
COMPACT PARKING SPACES PROVIDED		(20.37%) 56
HANDICAPPED SPACES PROVIDED		5
TOTAL PARKING		133

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0' 10' 20' 40'

A Cab Taxi Company
Site Development Review
1500 Searles Avenue
Las Vegas, Nevada 89101

City of Las Vegas SDR Submittal	07.14.09
City of Las Vegas SDR Submittal Rev.	07.28.09
City of Las Vegas SDR Submittal Rev.	07.21.09
City of Las Vegas SDR Submittal Rev.	07.30.09

SITE PLAN

AS100

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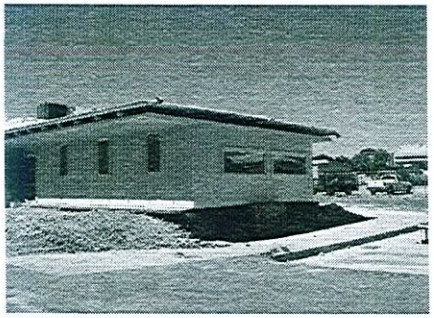
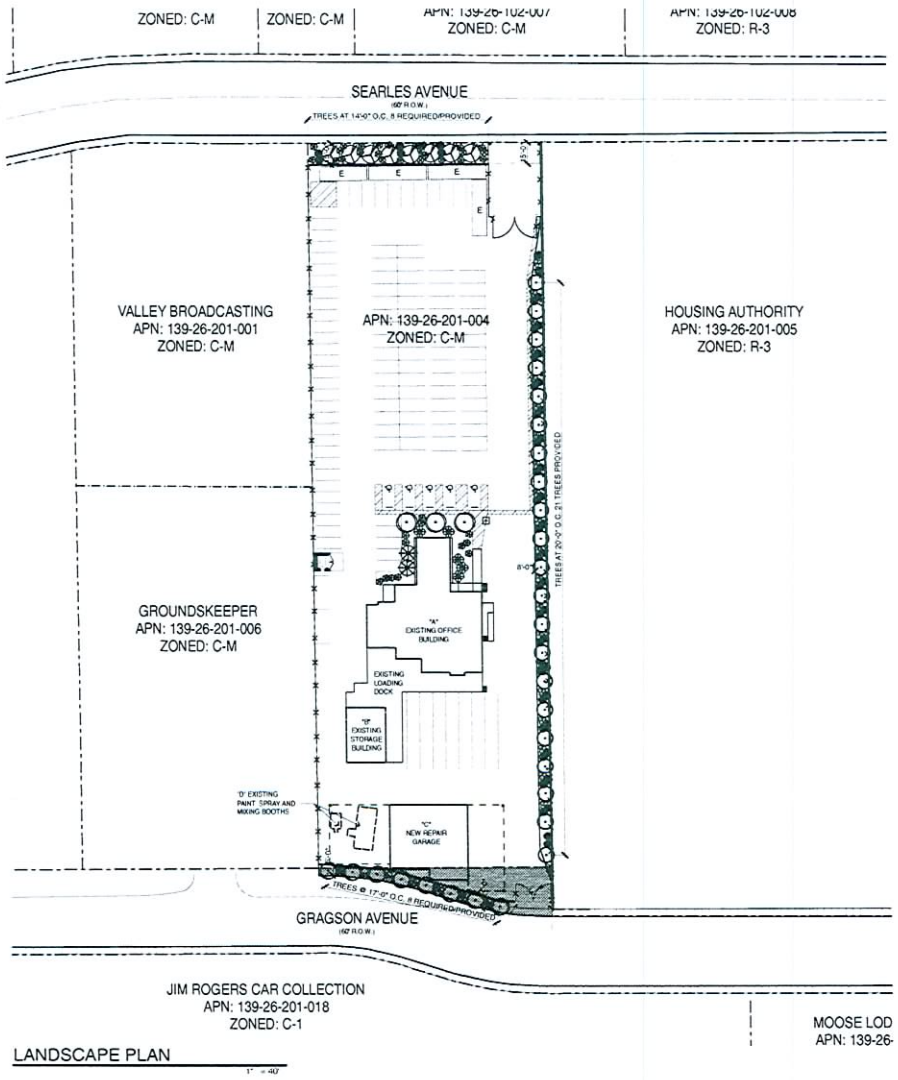
VAC-35193 SDR-35195
REVISED
09/10/09 PC

RECEIVED
AUG 0 3 2009

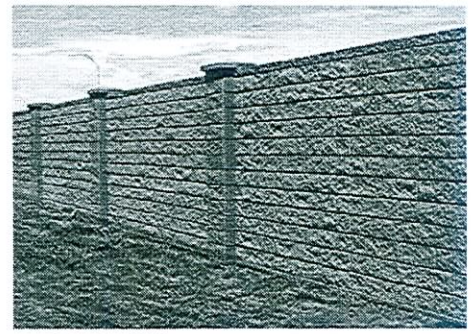


EXISTING OFFICE BUILDING



LANDSCAPE PLAN

1" = 40'



PROPERTY LINE WALL

LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
TREES			
	HONEY LOCUST	prosopis	24" Box
	SHOESTRING ACACIA	acacia stenophylla	24" Box
	PURPLE ROBE LOCUST	robinia pseudoacacia	24" Box
	MEDETERANIAN FAN PALM	chamaerops humilis	24" Box
	HOLLY OAK	quercus ilex	24" BOX
SHRUBS			
	TEXAS RANGER	leucophyllum frutescens 'Green Cloud'	5 gal
	GERMANDER	teucrium chamaedrys	5 gal
	SALVIA	salvia greggii	5 gal
	CREPE MYRTLE	lagerstroemia indica	5 gal
GROUND COVER			
	LANTANA	lantana	5 gal
	REGAL MIST FOUNTAIN GRASS	muhlenbergia capillaris 'regal mist'	5 gal
ROCK MULCH	**SIZE**	**COLOR**	**DEPTH**
	3/8" CRUSHED GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP

LANDSCAPE BUFFERS

	REQ'D	PROVIDED
FRONT (ADJ. TO ROW)	15'-0"	15'-0"
INTERIOR SIDE (ADJ. TO RESIDENTIAL)	8'-0"	8'-0"
INTERIOR SIDE (ADJ. TO INDUSTRIAL)	8'-0"	0'-0"
REAR (ADJ. TO ROW)	10'-0"	VARIES: 11'-0" TO 7'-0"

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F 702.839.1213

A Cab Taxi Company
Site Development Review
1500 Searles Avenue
Las Vegas, Nevada 89101

City of Las Vegas SDR Submittal 07.14.09
City of Las Vegas SDR Submittal Rev. 07.20.09
City of Las Vegas SDR Submittal Rev. 07.30.09

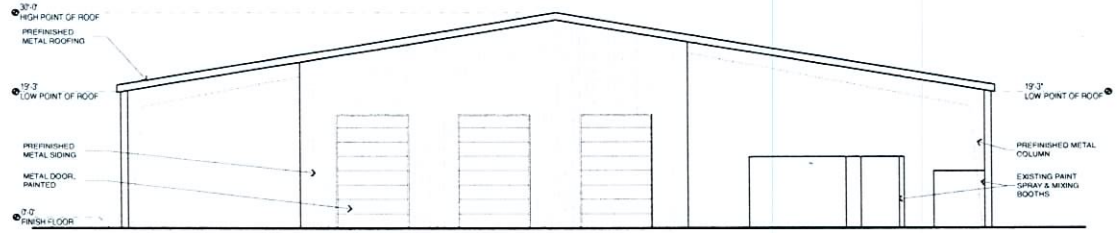
PLANTING PLAN

L100

09.065 A Cab Taxi Company

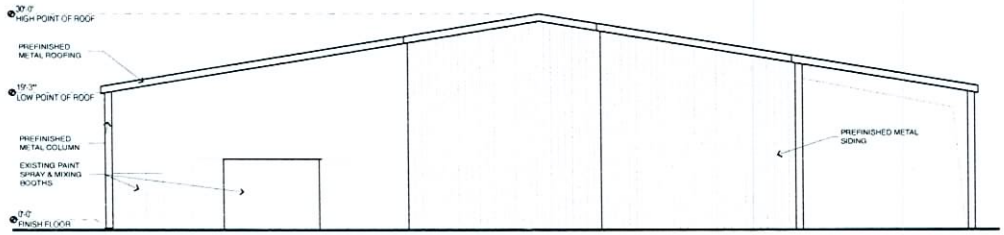
VAC-35193 SDR-35195
REVISED
09/10/09 PC

RECEIVED
AUG 0 3 2009



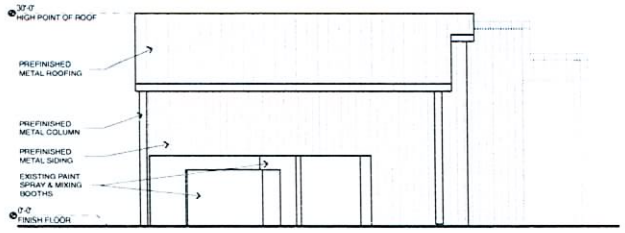
NORTH ELEVATION

1/8" = 1'-0"



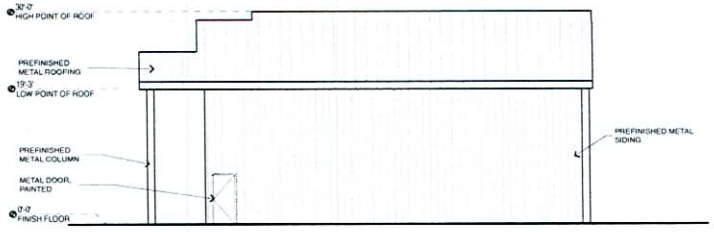
SOUTH ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

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APTUS Architecture
1200 South 4th Street
Suite 204
Las Vegas, Nevada 89104
P 702.499.1200
F 702.839.1213

A Cab Taxi Company
Site Development Review
1500 Searles Avenue
Las Vegas, Nevada 89101

City of Las Vegas SDR Submittal	07.14.09
City of Las Vegas SDR Submittal Rev.	07.20.09
City of Las Vegas SDR Submittal Rev.	07.21.09
City of Las Vegas SDR Submittal Rev.	07.30.09

VAC-35193 SDR-35195
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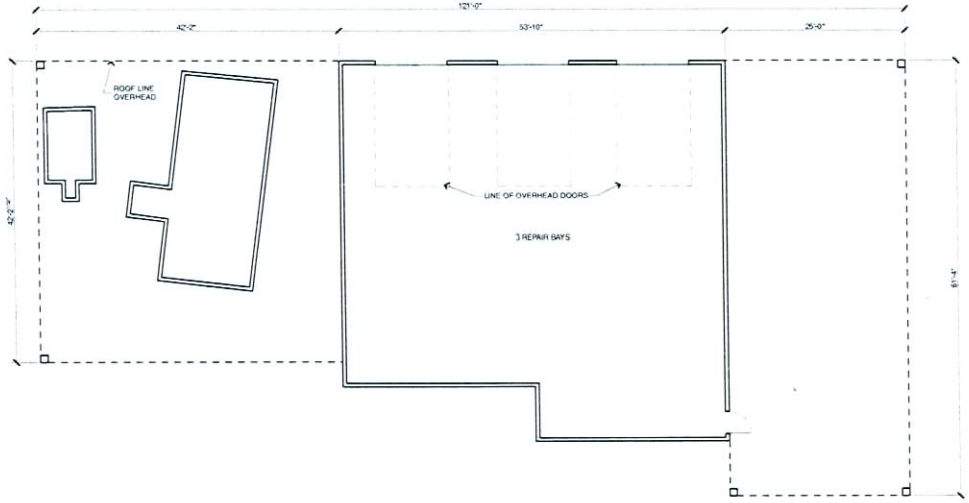
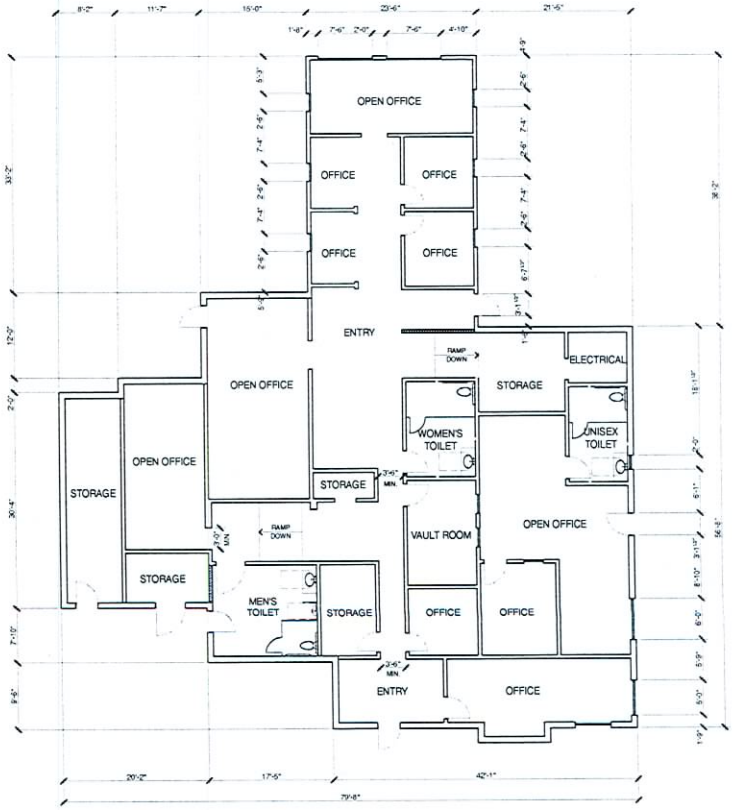
EXTERIOR
ELEVATIONS -
AUTO REPAIR

A201

07.06 A Cab Taxi Company



FLOOR PLAN - AUTO REPAIR
1/8" = 1'-0"



FLOOR PLAN - OFFICE
1/8" = 1'-0"

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A Cab Taxi Company
Site Development Review
1500 Searles Avenue
Las Vegas, Nevada 89101

City of Las Vegas SDR Submittal 07.14.09
City of Las Vegas SDR Submittal Rev. 07.20.09
City of Las Vegas SDR Submittal Rev. 07.30.09

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FLOOR PLANS
A100
09.065 - A Cab Taxi Company

SDR 35195				
A Cab Taxi, Co.				
1500 Searles Ave.				
Proposed 8.3 thousand square foot taxi-cab and service facility				
Traffic produced by proposed development:				
New Proposal	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GENERAL LIGHT INDUSTRIAL [1000 SF]	8.3	6.97	58
AM Peak Hour			0.92	8
PM Peak Hour			0.98	8
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Searles Ave.				
Average Daily Traffic (ADT)	1,742			
PM Peak Hour	139			
(heaviest 60 minutes)				
Bruce St.				
Average Daily Traffic (ADT)	13,232			
PM Peak Hour	1059			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets				
	Adjacent street ADT			
	Capacity			
Searles Ave.	16900			
Bruce St.	34500			
This project will add approximately 58 trips per day on Searles Ave. and Bruce St. This will increase the existing volumes by about 3 percent on Searles and by less than 1 percent on Bruce. Searles is at about 10 percent of capacity and Bruce is at about 38 percent of capacity.				
Based on Peak Hour use, this development will add roughly 8 additional cars into the area; which works out to about 2 every 15 minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-35195 - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC
1500 SEARLES AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

07/23/09



SDR-35195 - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC
1500 SEARLES AVENUE
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07/23/09



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SEPTEMBER 10, 2009 PLANNING COMMISSION

07/23/09



SDR-35195 - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC
1500 SEARLES AVENUE
SEPTEMBER 10, 2009 PLANNING COMMISSION

07/23/09

APTUS Architecture

July 31, 2009

Mr. Ben Sticka
City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, Nevada 89101

Re: REVISED Justification Letter
A Cab Taxi Dispatch Center
APN: 139-26-201-004
VAC-35193; SUP-35194; SDR-35195; VAR-35198
SUP-35194 (see separate request to withdraw the application)
VAR-35198 (CLV determined application not required; refund in progress)

Dear Ben:

Enclosed please find the required application materials associated with the following requests:

- Site Development Plan Review for a Taxi Yard with waivers of a portion of the landscaping requirement and sidewalk on Gragson Avenue, approval to retain limited existing barbed wire fencing, and to permit exceptions for landscape fingers within the parking lot.

A Cab has been operating at its existing site located at 4444 South Valley View since 2004 and received its first medallion from the Taxicab Authority in 2001. Its current site on .86 acres has continually met the company's needs since that time. The recent condemnation of the existing site to facilitate the expansion of Harmon Avenue has required that the business be relocated. The proposed 1.89 acre site located at 1500 Searles Avenue is a suitable location for the permitted use within a C-M zone.

The proposed site is appropriate for this use in that its shape and the layout of the existing and proposed buildings promote ideal circulation for a small taxi company. A vacation of 3,126 square feet along Gragson Avenue allows the new proposed property line to follow the path of an existing roadway and what was believed to be the site's boundary, and will facilitate the construction of entrances on the north and south ends of the property for both primary and secondary access for the relatively small number of taxis which will utilize the site. The site plan also requests a waiver to permit the site to continue in its current condition without a sidewalk on the south side of the property, but with an improvement to the screening and existing landscaping. The site plan requests a waiver of landscaping requirements to permit 6 to 7 feet of landscaping where 15 feet is required along Gragson, and an 8-foot decorative masonry wall is proposed to provide screening from the site's operations on both the north and south property lines. The applicant is currently reaching out to neighboring property owners to discuss making the design of the wall compatible with existing development.

The unique parking layout reflects the applicant's desire to meet the requirements of the Code while addressing the practical usage of the site. On the largest shift A Cab is permitted by the Nevada Taxicab Authority to dispatch a maximum of 53 cars. Upon shift changes, drivers are only briefly on the site, and dispatches are staggered throughout each shift in order to prevent internal and neighborhood congestion. When a taxi is returned to the site, it does not "park", but is quickly reviewed for safety and administration purposes and is then re-dispatched to the next driver. "Back up" taxis are parked on the site, but can be stacked in tandem since they act only as reserves in the event of a problem with one of the taxis in service. In the unlikely event that the entire business were to be closed for any period of time, all of the company's taxis could be

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1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200

parked in tandem or along the periphery of the site but completely contained on the property itself without spilling out into the surrounding neighborhood. Although the company operates 24 hours a day, 7 days a week, the traffic on site at any one time is scheduled so as to minimize congestion and interference with neighboring development.

The existing office building will be remodeled to accommodate the company's approximately 12 non-driver employees. Adequate parking for both these employees, as well as those drivers who may bring a personal vehicle to work is provided, although experience has shown that many employees choose public transportation instead of driving private vehicles.

Outdoor Storage is a Conditional Use within a C-M zone. It is proposed that storage containers be located just inside the decorative block wall at the northern boundary of the site. At 8 feet high, the containers will not be a visual disturbance to the surrounding area over the 8 foot decorative masonry wall. The location of the containers will also provide an additional buffer to neighboring properties from the uses on site.

Accessory buildings on site reflect the site's use for limited maintenance of company owned vehicles. Auto Repair Garage (Minor) and Auto Paint and Body Repair Shop are both Conditional Uses in the C-M zone, and any maintenance performed on site will consist only of preventative or basic maintenance such as oil changes, tire changing, and minor paint jobs to keep the taxis prepared for their usual schedules. No fueling services will be offered, and more intense body work, such as that associated with vehicles involved in collisions, will be performed elsewhere. As required, the repair and service work will be performed within the proposed building in an area which will be completely enclosed.

If you have any questions or need additional information regarding anything with respect to these requests, please do not hesitate to contact my office.

Sincerely,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

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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 of Support

Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Kerry Chamberlain Ofc. Mgr.	1427 Gragson Ave LV, NV 89101	702-657-1120
	The Groundskeeper	
Vicki Phillips	1601 E Gragson ave	702-3997504
Carmen Chiles	1601 Gragson Ave. 120	702-399-3729
Robert Johnson	1605 GRAGSON #140-D	649-9140
[illegible]	1605 GRAGSON #130	
Brandie Hicks	1609 Gragson Ave #140	742-1788
Magda Moran	1613 GRAGSON #110 LVN	399-8760
Eddie Dannes	1600 SEARLES 120	657-6506
Aurora Valenzuela	1608 SEARLES RD #110	7152162
LeBronze Walker	1600 Searles #110 L.V.NV.	657-0070
Fortia Lyons	120	
YVONNE DELAROSA	1616 Searles 120	502-0849
Carmen Estrada	1616 SEARLES 120	684-9354
Bonnie Rainer	1616 Searles 110	444-7342
Sally Farrell	1616 Searles 140	(702) 384-4165
[illegible]	1921 Woodwell St	(702) 2033841
Patricia Montoya	1616 Searles #130	(702) 387-9595

Submitted at Planning Commission

Date 9/10/09 Item 14 & 20

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Sharon Merrick	1609 Gragson 120 LV NV 89101	none
Debbie Obregon	1704 Foremaster 89101	612-1278
Melanie DeGeorgetti	4314 HUNTER RUN RD.	684-2176
Victoria Walker	1600 Searles apt # 110	657-0040
Louise MURPHY	1613 SEARLES AV	6K13512
Sharon R. Kgda	1717 GRAGSON AVE 140	444-8309
NOEL HERNANDEZ	1705 GRAGSON # C	448-7966
STEPHEN REITTER	1709 GRAGSON AVE 120	444-3631
Shirley Hamilton	1709 Gragson Ave 130	444-0249
RAMIRO PELAEZ	1713 GRAGSON AV 110	371-7897
Mitchell Davis	1713 Gragson Ave 120	
[illegible]	1712 Gragson Ave	
George Spears Jr.	1717 Gragson Dr. Apt 120 B	399-5494
Janet R. Mullins	1721 Gragson Ave #110	450-1941

4

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

196

Name	Address	Telephone Number
Larry Hamilton	1400 Foremaster Lane.	702-642-7222
B+H Radiator Service		
Roger Saint Victor	1617 GRAGSON # 140	646 2096
Marrie Hall	1617 Gragson # 110	771-8382
Stephanie Mitchell	1617 GRAGSON 130	NONE
Cecilia Harper	1609 Searles Ave #140	309-2599
Co Felicia Ferreira	1613 SEARLES	169-6495
Marcie Samora	1601 Searles Ave	642-9738
Michael Bonassa	1601 Searles AV	557-3845
[illegible]	1605 B SEARLES	657-6848
Betty Marks	1609 Searles # B	459-6157
Beverly Warren	1608 Searles #B	No
Arian Smith	1617 Gragson #110	(702) 557-9963
[illegible]	1617 Gragson #B	No
[illegible]	1617 GRAGSON #120	
Jerry [illegible]	1705 Gragson 140	280-3607
Catalina Villanueva	1709 Gragson #110	399 8884

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
Joyce Lulsa	1600 Gragson Moose Lodge	440-429-5430
Obdulia Elizalde G.	1213 Raph Clr	3801385
[signature]	1201 Searles Ave CV NV 89100	(702)649-8002
Veronica Wilson	1001 N. Bruce St. Blind Center of Nevada	(702) 642-6000
Ice Company	Mr Lee	

Petition of Support

We, the undersigned residents, occupants and/or property owners in the area of the currently unused property located on the north side of Gragson, the south side of Searles, roughly 600 feet west of Bruce Avenue (immediately adjacent to the Las Vegas Housing Authority property) wish to advise the City of Las Vegas of their support for the taxi yard to be developed by A Cab Taxi Company. We have seen the project's plans and are aware that this company operates on a 24/7 basis, but believe that this activity will help provide security to the neighborhood.

Name	Address	Telephone Number
ANDERSON DAIRY, INC. [illegible], Pres.	3/6/09 801 SEARLES AVE. 89101	702-642-7507

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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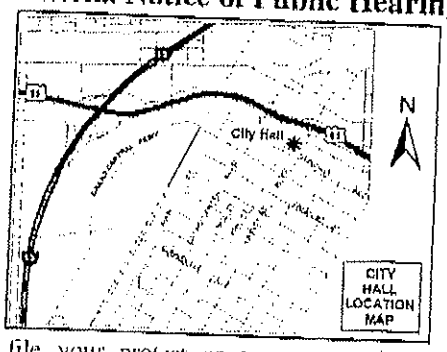

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council 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-35195

Planning Commission Meeting of 9/10/2009

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13926201018 Case: SDR-35195
ROGERS JAMES E & BEVERLY
1500 FOREMASTER LN
LAS VEGAS NV 89101-1103

POSTAGE

Submitted after final agenda

Date 9/4/09 Item 20A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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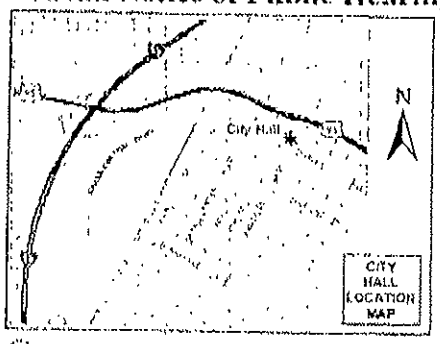

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SDR-35195

Planning Commission Meeting of 9/10/2009

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Case: SDR-35195

13926201017
ANDERSON DAIRY INC
801 SEARLES AVE
LAS VEGAS NV 89101-1131

PO BOX 1031

Submitted after final agenda

Date 9/3/09 Item 20A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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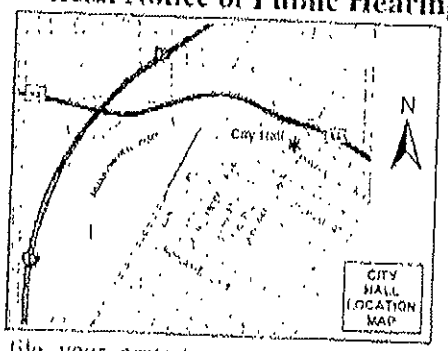

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-35195

Planning Commission Meeting of 9/10/2009

13926102003 Case: SDR-35195
BELLANGER FAMILY TRUST ETAL
801 SEARLES AVE
LAS VEGAS NV 89101-1131

FAVDS11 89101

Submitted after final agenda

Date 9/3/09 Item 20A

City of Las Vegas Agenda Item No.: **138.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 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.: **140.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 7, 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