



**LAS VEGAS
CITY COUNCIL**

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December 17, 2020

Mr. Mike Janssen
City of Las Vegas
495 South Main Street, 7th Floor
Las Vegas, Nevada 89101

**RE: 20-0204-SUP1
CITY COUNCIL MEETING OF DECEMBER 16, 2020**

Dear Mr. Janssen:

The City Council at a regular meeting held on **December 16, 2020** voted to **APPROVE** the following Land Use Entitlement project request for a Special Use Permit FOR A PROPOSED MONORAIL (TUNNEL) USE WITH A WAIVER TO ALLOW ENTITLEMENT CONSIDERATION PRIOR TO LICENSING AND OPERATIONAL AGREEMENT APPROVAL generally located beneath the rights-of-way of Las Vegas Boulevard from Sahara Avenue to Ogden Avenue, Ogden Avenue from Las Vegas Boulevard to Main Street, and Main Street from Ogden Avenue to Las Vegas Boulevard (APNs Multiple), Ward 3 (Diaz) and Ward 5 (Crear).

This approval is subject to the following conditions:

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Monorail use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A Waiver has been approved to allow entitlement consideration prior to the approval of required license and operational agreements. All required licenses and agreements shall be finalized prior to the issuance of permits for construction.
4. Future stations will require an appropriate design review per the provisions of Title 19.16.

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5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8. Prior to the issuance of any permits, coordinate with the Department of Public Works to determine final requirements for use of rights-of-way and/or easements. The applicant shall work with the City to determine the most appropriate form of permission for the use of the public right-of-way, be that a License Agreement or Franchise Agreement. Such permissions, and compliance with any additional conditions thereon attached must be obtained prior to the issuance of any construction permits.
9. The applicant shall work with staff to provide a preliminary design and cost estimate (at no cost to the City) for a civic-use station to service the Civic and Business District (Las Vegas City Hall Complex) and an additional station servicing the Arts District at locations acceptable to the City. These shall be provided to the City prior to final design of the main artery tunnel so that it can be designed in such a way to allow these future stations to be added more easily.
10. Design and Construction of this facility shall reference and comply with all appropriate design standards for tunnels including National Fire Protection Association Standards, International Building Code, and others as appropriate.
11. The applicant is estimating the main artery tunnel portion of the project that falls within City limits will cost \$35-45 Million. This will result in applicant paying an estimated right of way work activity plan check and inspection fee of \$787,500-1,012,500. A portion of these funds will cover the cost of the City's staff augmentation to include an outside tunnel engineering specialty firm to assist in the review of the design documents.

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12. The applicant is responsible for the cost of Special Inspection and Testing as required by Chapter 17 of the International Building Code.
13. The Applicant shall propose for approval by the City a binding Dispute Resolution Plan that shall govern issues that may arise due to differing site conditions or events.
14. Provide a geologic survey and geotechnical report identifying existing faults and known issues and providing recommendations for addressing such within the area proposed for this facility during the design and construction of this project.
15. Provide a plan acceptable to the Department of Public Works to monitor and detect surface settlement associated with this project, and to mitigate any such subsidence that may occur.
16. Provide a plan acceptable to the Environmental Compliance Section of the Department of Public Works to monitor and detect groundwater intrusions and / or contaminants and to mitigate any such intrusions or contaminants that may occur, both during construction and subsequent operation of the facility.
17. Provide a plan acceptable to the City for monitoring Air Quality within the facility and maintaining public safety for users of the system. Such plan shall also address emergency accessibility, life safety, fire control, and all aspects of emergency response within the system both under construction and during operation. Coordinate with the City Fire Services Department for specific requirements for Fire, Life Safety, and emergency response.
18. A conceptual Traffic Impact Analysis (TIA) shall be submitted for approval by the City Traffic Engineer prior to approval of any construction drawings for stations associated with this project. The TIA shall identify the primary traffic sources for users of the stations, as well as significant secondary sources (such as park and ride users) that may use the stations, to estimate vehicular impacts to the adjacent roadway networks and address potential vehicular or pedestrian impacts to existing facilities, such as Porte Cochere operations, etc., if so determined by the City Traffic Engineer.

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19. Prior to the submittal of construction drawings for the main artery tunnel, a Flood Control Technical Memorandum shall be approved by the Department of Public Works. It shall address the minimum vertical separation required between the proposed tunnel facility and the future Clark County Regional Flood Control Master Plan Facilities. It shall identify all existing and future Master Planned Facilities within the proposed footprint of this project; this includes the crossings at Charleston Boulevard & Las Vegas Boulevard, Charleston Boulevard & Main Street, and Sahara Avenue & Las Vegas Boulevard. It shall also address the impacts of potential groundwater, dewatering, and protection of storm water facilities from contamination. A groundwater permit from Nevada Division of Environmental Protection will be required if any groundwater is to be pumped or diverted in any way into the storm drain system. Additionally, prior to the submittal of construction drawings for stations, a Technical Drainage Study shall be approved. The scope of the drainage study will be dependent on the amount of on-site features impacted by the stations and historical flow patterns that may, among other things, require tunnel design countermeasures to reduce the chance of projected flows entering the tunnel.
20. Each proposed Station shall be the subject of an appropriate design review per the provisions of Title 19.16, as well as any related above-ground features such as entrances/exits, vents, emergency or maintenance access points, etc. that may affect the surface improvements. It is understood that stations will be separate phases of the project with the main artery tunnels being phase 1.
21. Prior to issuance of construction permits, the applicant shall demonstrate, through bond or insurance policy, sufficient resources to cover liabilities associated with the construction and operation of the proposed main artery tunnels, and shall maintain such resources throughout the life of the project. The project developer shall be financially responsible for any damage to any existing facilities and utilities within the public rights-of-way (including surface and sub-surface improvements and Franchised utilities) caused by the main artery tunnels during construction and operation. Additional liability coverage shall be provided for the construction and operation of stations and related improvements prior to issuance of separate construction permits for those stations.

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22. The applicant shall demonstrate appropriate rights to encroach into private properties, such as easement or notarized letter of parcel Owner's permission, for the construction, maintenance, and operations of this facility for every private parcel impacted by this project prior to the issuance of any permits for construction or demolition within or underlying said properties.
23. All plans and related engineering drawings shall be submitted to the City as digital design files using the City's coordinate system. Coordinate with the Survey Section of the Department of Public Works for assistance with the City's coordinate system.
24. The applicant shall provide proof of coordination with Utility Companies and other Franchise holders within the rights-of-way and give them 45 days from receipt of final plans to issue written approval or concern. Any concerns raised shall be addressed by the applicant prior to issuance of permits.
25. Prior to the issuance of any permits for construction of this project, the applicant shall provide a Tunnel Decommission Plan and associated bond or other surety sufficient to cover costs associated with termination of the project either before completion, including restoration of existing conditions, or at the cessation of operations, in the event that the project is abandoned or otherwise terminated.
26. The applicant shall provide a plan for approval by the City depicting the proposed haul route and disposition of excavated material, as well as an estimated schedule of trips (how many trucks, how many trips) required to excavate this project, as well as a plan for detection and mitigation, if needed, of any contaminated material excavated during this project construction.
27. Contact the City Engineer's Office to coordinate design and construction with any Capital Improvement Projects within the areas of proposed improvements. This includes, but is not limited to, the Wyoming Ave CIP, Utah Ave CIP, Colorado Ave CIP, California Ave CIP, Charleston Blvd Storm Drain CIP, Las Vegas Blvd CIP, Downtown Civic Center Plaza south of City Hall, Ogden Ave CIP, and any other public projects within the scope of this project at time of development.

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28. Final as-constructed tunnel alignments and profiles shall be submitted to the City certified by a Nevada Professional Land Surveyor.

The Notice of Final Action was filed with the Las Vegas City Clerk on December 17, 2020.

Sincerely,



Robert Summerfield, AICP[®]
Director
Department of Planning

RTS:PL:clb

cc: Mr. Mike Thompson
TBC - The Boring Company
3395 Cambridge Street
Las Vegas, Nevada 89169