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DEPARTMENT OF PLANNING

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cityoflasvegas
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November 26, 2018

Mr. Ron Frye
Sam Will, Inc.
200 Fremont Street
Las Vegas, Nevada 89101

**RE: SDR-74303 [PRJ-74241] – SITE DEVELOPMENT PLAN REVIEW
RELATED TO SUP-74299, SUP-74300, SUP-74301, SUP-74302
AND VAC-74304
CITY COUNCIL MEETING OF NOVEMBER 21, 2018**

Dear Mr. Frye:

The City Council at a regular meeting held on November 21, 2018 voted to **APPROVE** a request for a Site Development Plan Review FOR A 610,463 SQUARE-FOOT PHASED EXPANSION TO AN EXISTING HOTEL/CASINO INCLUDING A NEW 320-FOOT TALL HOTEL TOWER, EXTERIOR FAÇADE IMPROVEMENTS, AND A NEW PARKING GARAGE WITH WAIVERS OF TITLE 19 APPENDIX F DEVELOPMENT STANDARDS on 2.68 acres at the southwest corner of Ogden Avenue and 3rd Street (APNs Multiple), C-2 (General Commercial) Zone, Ward 5 (Crear) [PRJ-74241].

This approval is subject to the following conditions.

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-74299, SUP-74300, SUP-74301 and SUP-74302) and Vacation (VAC-74304) shall be required, if approved.
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. All proposed signage shall be reviewed in accordance with the provisions of Title 19 10.100 - Downtown Casino Overlay District.
4. All development shall be in conformance with the site plans date stamped 09/10/18, and landscape plan, and building elevations, date stamped 08/30/18.

- 5 The following Waivers from Title 19 Appendix F Development Standards are hereby approved
 - a To allow glazing that exceeds a 22 percent reflectivity index, and to allow alternative glazing on the ground floor where clear, non-tinted glass is required
 - b. To allow no amenity zone or street trees on 3rd Street where a five-foot amenity zone with 36-inch box shade trees planted 20 feet on-center and a 10-foot wide sidewalk is required.
 - c To allow no ground level retail, office, or restaurant space incorporated into the proposed parking structure.
 - d To allow a zero landscape setback along Casino Center Boulevard where 10 feet is required for new parking garages that do not incorporate ground level commercial
 - e To allow a zero-foot setback and no landscaping along Casino Center Boulevard adjacent to the new parking garage where Appendix F Special Setback Standards require a five-foot setback from the property line along Casino Center Boulevard for new development
 - f To allow above ground utility vaults and power lines where they are required to be located underground or incorporated within the building footprint
 - g To allow an unscreened, exposed loading dock adjacent to Ogden Avenue where it is required to be screened and set back from the street frontage.
 - h To allow outdoor dining 10 feet from an intersection where 20 feet is the minimum required
 - i To allow no arcades, awnings or canopies on the north and west building face where such is required
- 6 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.
- 7 These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit
- 8 The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots The mapping action shall be completed and recorded prior to the issuance of any building permits

- 9 A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner, the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
- 10 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.
- 11 A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning 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.
- 12 Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
 - a Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation,
 - b No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.
 - c Applicant is advised that FAA's airspace determinations are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments.

- d Applicant is advised that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment
- 13 Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
- 14 All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein

Public Works

- 15 A Petition of Vacation, such as VAC-74304, shall record prior to the issuance of any permits to vacate the public alley
- 16 The developer shall coordinate with the City of Las Vegas Department of Public Works to determine the final layout and geometrics for 3rd Street prior to the submittal of any construction drawings for any improvements overlying or abutting 3rd Street
- 17. Correct all American's with Disabilities Act (ADA) deficiencies, if any, on the sidewalk along Ogden Avenue, Third Street and Casino Center Boulevard adjacent to this site in accordance with code requirements of Title 13 56.040 to the satisfaction of the City Engineer 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
- 18 If a lot consolidation map is not recorded due to differences in owners then this site shall construct a public sewer in Third Street and connect to the sewer line in Ogden Avenue
- 19 Prior to the issuance of any permits, meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable point of connection to the 18-inch sewer line in Ogden Avenue

- 20 Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. 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.
- 21 Submit a License Agreement for landscaping and private improvements, if any, in the Ogden Avenue, Third Street and Casino Center Boulevard public rights-of-way adjacent to this site prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).
- 22 A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. 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. 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.

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- 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 or submittal of any construction drawings, 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.

The Notice of Final Action was filed with the Las Vegas City Clerk on November 26, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Summerfield". The signature is fluid and cursive, with the first name "Robert" and last name "Summerfield" clearly distinguishable.

Robert Summerfield, AICP[®]
Director
Department of Planning

RTS:PL:clb

cc Mr Russell Rowe
Rowe Law Group
7435 South Eastern Avenue, Suite #510
Las Vegas, Nevada 89123