

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400110 (UC-20-0493)-5051 SLV, LLC:

USE PERMITS SECOND EXTENSION OF TIME for the following: **1)** expand the Gaming Enterprise District; **2)** a resort hotel; **3)** public areas including the casino, showrooms, live entertainment, retail center, indoor and outdoor dining, entertainment, offices, conventions, back of house and parking structures; **4)** associated accessory and incidental commercial uses, buildings, and structures; and **5)** deviations from development standards.

DEVIATIONS for the following: **1)** increase the height of high-rise towers; **2)** encroachment into airspace; **3)** reduce setbacks; **4)** alternative landscaping; and **5)** all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** for non-standard improvements (landscaping) within the right-of-way; and **2)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** a resort hotel with all associated and accessory uses, structures and incidental buildings and structures; and **2)** finished grade on 4.68 acres in a CR (Commercial Resort) Zone and within the Airport Environs (AE-65) Overlay.

Generally located on the east side of Las Vegas Boulevard South, 500 feet south of Russell Road (alignment) within Paradise. JG/jm/kh (For possible action)

RELATED INFORMATION:

APN:

162-33-101-019

DEVIATIONS:

1. Increase building height for a resort hotel to 237 feet where 100 feet is the standard per Table 30.40-7 (a 137% increase).
2. Permit encroachment into airspace.
3. Reduce the setback for an arterial street (Las Vegas Boulevard South) to 41 feet where a minimum of 78 feet is required per Figure 30.56-4 (a 47.4% reduction).
4. Permit alternative landscaping along Las Vegas Boulevard South where landscaping per Figure 30.64-17 is required.
5. Permit all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit non-standard improvements (landscaping) within the right-of-way of Las Vegas Boulevard South where not permitted per Section 30.52.050.
2. Reduce driveway throat depth to a minimum of 37 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 75.3% reduction).

DESIGN REVIEWS:

1. A resort hotel with all associated and accessory uses, structures and incidental buildings and structures.
2. Increased finished grade by 108 inches (9 feet) where a maximum increase of 18 inches (1.5 feet) is permitted per Section 30.32.040 (a 500% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:**Project Description****General Summary**

- Site Address: 5051 Las Vegas Boulevard South
- Site Acreage: 4.68
- Project Type: Resort hotel
- Number of Stories: 20
- Building Height (feet): 237
- Parking Required/Provided: 749/750

Gaming Enterprise District Expansion

This site is located along the east side of and within 1,500 feet of the centerline of Las Vegas Boulevard South, which places the site within the Las Vegas Boulevard Gaming Corridor. However, the site is not currently within the Gaming Enterprise District (GED) for Las Vegas Boulevard South. Per Section 30.48.250, any property which is located within the Las Vegas Boulevard Gaming Corridor and was zoned H-1 as of July 16, 1997 is within the GED. In July 1997 this site was owned by Clark County (Department of Aviation) and was zoned P-F. The site was not reclassified to an H-1 zone until December 2000 by ZC-1732-00, which is why the use permit to expand the GED is required to allow a resort hotel at this location.

Site Plan

The previously approved site plan (UC-20-0493) depicts a resort hotel with access from Las Vegas Boulevard South. The building is located on the northern and eastern portion of the parcel. There are 2 driveways depicted on the plan that are located on the southwest and northwest corners of the property. A minimum 18 foot wide access drive is located along the south, east, and north sides of the site. The plans indicate that the narrowest portion of this access drive is located along the southern boundary of the site and will be a one-way drive traveling from west to east. The parking will be provided by a parking garage that is incorporated into the design of the building and will occupy the eastern portion of the facility. Along the west side of the building, between the building and an existing attached sidewalk along Las Vegas Boulevard South is a pedestrian plaza. The pedestrian plaza will connect to the existing attached sidewalk, providing a pedestrian connection between the resort hotel and the existing public sidewalk. The plans indicate that additional right-of-way will be taken for Las Vegas Boulevard South and that portions of the pedestrian plaza with landscape areas will be located within areas of the site that will be dedicated for right-of-way. The entrance to the hotel is located on the southwestern portion of the building facing Las Vegas Boulevard South.

In 2023, revised plans (UC-23-0128) were approved. There were no changes to the previously approved parking garage that is incorporated into the design of the building. Along the west side of the building, between the building and an existing attached sidewalk along Las Vegas Boulevard South, is a pedestrian plaza. The pedestrian plaza provides a pedestrian connection between the resort hotel and the existing public sidewalk. The approved changes to the pedestrian plaza included a sports court with a removable artificial turf covering and landscaping located within the right-of-way of Las Vegas Boulevard South. There were no changes to the entrance of the hotel, which is located on the southwestern portion of the building facing Las Vegas Boulevard South. An elevator to the day club/pool was approved on the west face of the southern portion of the building, providing direct access to the day club.

Landscaping

The approved plans (UC-20-0493) indicate that approximately 45 feet of the western portion of the site will be dedicated as additional right-of-way for Las Vegas Boulevard South. There is an existing attached sidewalk located along Las Vegas Boulevard South which will remain and be the primary pedestrian route adjacent to the site. The Code requires a landscape area per Figure 30.64-17 on the site. Figure 30.64-17 requires a 15 foot landscape area which includes a 5 foot wide detached sidewalk. The plans indicate that the area within the additional right-of-way dedication will consist of a pedestrian plaza with meandering sidewalks and landscape areas. This pedestrian plaza will extend onto the property and will be between 10 feet to approximately 33 feet in width. The plans depict some additional landscaping at the northern and southern property lines; however, the majority of the proposed landscape areas are within the right-of-way dedication area.

In 2023, revised plans (UC-23-0128) were approved. The plans depict that the area within the Las Vegas Boulevard South right-of-way consists of a pedestrian plaza with meandering sidewalks and landscape areas, previously approved by UC-20-0493. This pedestrian plaza extends onto the property and is between 10 feet to approximately 33 feet in width. The plans show landscape areas within the right-of-way for Las Vegas Boulevard South. An 80 foot by 50 foot sport court covered with artificial turf is proposed to be located within the additional right-of-way area for Las Vegas Boulevard South and will remain open to the adjacent landscaping. The sports court will be constructed with concrete and no permanent fencing. Anticipated special events could include, but are not limited to, ice skating, basketball, roller skating, and various yard games.

Elevations

The approved plans show the building will be 20 stories with a maximum height of 237 feet. The highest portion of the building is on the west side of the site. The building is designed to increase in height from the east to the west. The lowest portion of the building is the parking garage on the east side of the facility, which is approximately 51 feet in height and is set back approximately 37 feet from the east property line. At approximately 200 feet from the east property line the building reaches the maximum height of 237 feet. The highest point of the building will be set back approximately 41 feet from the property line of Las Vegas Boulevard South. This portion of the building is required to be set back 78 feet from the right-of-way. The building has flat roofs behind parapet walls and the exterior of the structure consists of glazed

aluminum curtain wall systems, metal wall panels, and colored plaster. On the eastern portion of the building on level 3 is a pool area with an outdoor patio.

Floor Plans

The approved building has an area of 458,962 square feet which consists of 527 guest rooms; 42,500 square feet of public areas (lobbies, retail areas, gaming); 34,800 square feet of food, beverage and entertainment areas; 15,000 square feet for the pool deck; 12,500 square feet of meeting space; 5,500 square feet of administration office and related areas; and 35,000 square of back of house/support areas.

Signage

Signage was not a part of the original application. In 2023, signage was approved with UC-23-0128, but that is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for ADET-23-900528 (UC-20-0493):

Current Planning

- Until October 06, 2024 to commence.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-20-0493:

Current Planning

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County, shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Grant easements, if required;
- Applicant to execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Owner acknowledges that the proposed non-standard improvements (buildings, structures, and improvements) are within a portion of the area planned for a 200 foot wide right-of-way per Title 30 and the Clark County Transportation Element;
- Owners or its successors shall remove any non-standard improvements (buildings, structures, and improvements) related to this application at the direction of Public Works;
- Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes;
- Coordinate with Public Works - Traffic Management for the Las Vegas Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Las Vegas Boulevard improvement project.
- Applicant is advised that off-site permits may be required, and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- 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 and comply with all requirements of any and all determinations;
- Applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 PART B of the Clark County Unified

Development Code. A Permit from the Director of Aviation or a Variance from the AHABA is dependent on;

- Construction Operations and Security Plan – Develop a Construction Operations and Security Plan covering the entire construction phase of the project, with McCarran Airport, TSA, FBI, Las Vegas Metro, and other federal agencies, this needs to be completed prior to any construction activities, and provide monthly construction activity plans and schedules and provide a full-time contact available 24/7 to coordinate construction activities with airport security and/or airport operations personnel;
- No building permits should be issued until applicant provides evidence that a “Determination of No Hazard to Air Navigation” has been issued by the FAA (which was issued on July 15, 2021 and became final on August 24, 2021) and a Permit from the Director of Aviation or a Variance from the AHABA has been issued;
- Determination of No Hazards and a finding of no significant impact on aircraft activity at McCarran Airport for all construction cranes (as recommended by the FAA in Paragraph 4.a in Aeronautical Study Number: 2021-AWP-5396-OE dated 07/15/2021 on page 7);
- A reflectivity (glare) analysis, reviewed by the Department of Aviation, concluding no significant impact on aircraft activity will occur at McCarran Airport, exterior lighting will be dimmable so adjustments can be made if requested by McCarran Airport and/or the airlines;
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) 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; and that the FAA's airspace determinations include expiration dates (which is January 15, 2023 for the determination issued July 15, 2021) and that separate airspace determinations will be needed for construction cranes or other temporary equipment;
- As documented within the 7460-1 (Aeronautical Study Number: 2021-AWP-5396-OE dated 07/15/2021), paragraph 4.g on page 9, the FAA acknowledged that the concerns regarding noise complaints are valid, therefore:
- Due to adjacency to McCarran Airport, at a minimum, incorporate an exterior to interior noise level reduction sufficient to achieve a maximum of 40 decibels;
- Due to adjacency to McCarran Airport, record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation;
- Due to adjacency to McCarran Airport, the Applicant to work with McCarran Airport on noise disclosure language to be included in the hotel operator's reservation system and webpage.
- Comply with all deed restrictions recorded against the property, including a prohibition of any overnight stay of 30 days or more;

- Applicant is advised that the FAA will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998, and funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed;
- Implement the measures identified in the September 27, 2021, Comprehensive Security and Planning Response report (the ARUP), which will be included in the Development Agreement with Clark County, including but not limited to:
- Comprehensive Security Plan - Develop a comprehensive Security Management Plan with McCarran Airport, TSA, FBI, Las Vegas Metro, and other federal agencies – starting 60 days after receipt of the full entitlement approval by Clark County, update the security management plan annually with all agencies, and record a deed against the property ensuring that any future hotel buyer will be required to abide by the latest approved Security Management Plan;
- As part of the development of the Security Management Plan, work with McCarran Airport and TSA to develop, review and approve the Dream CCTV Technology program as it pertains to Airport Security to include: camera placement, camera type, camera fields of view, procedures for airport access to video footage, and video preservation, storage and retention protocols;
- East Property Line Wall - Build a 9 foot high structural wall along its back east property line adjacent to the airport, along the same back wall include a vehicle crash mitigation rail designed to withstand a truck traveling at high speed;
- Enclosed Parking Garage - Enclose the entire rear parking structure located on the east side of the site, this will require solid exterior facades, fire protection and full garage ventilation, in addition, provide a live video feed at the back of the property for detection of any suspicious activity;
- Security Check Point – Require all incoming commercial vehicles to the property to stop at a security checkpoint;
- Solid Wall at Pool - The 3rd floor pool will have solid walls installed on the east and south sides of the deck, eliminating any physical view of the airport, pool access points to be staffed by security and guests will be checked for items such as lasers and drones;
- New Deed Recording: Record a new deed against the property ensuring that any future owner will be required to abide by the latest approved Comprehensive Security Management Plan;
- Glass Break Detectors - Install glass break detectors to each guest room that integrates into the Dream's access control and alarm monitoring system, which is continuously monitored by the security control room, the security system will report, in real-time, the activation of a glass break detector and which room associated with the activated sensor, in addition, the date, time and room location will be recorded by the security system to provide a history of event for future investigations, if needed;
- No guestroom tower balconies are allowed (this does not include the third level for the outdoor dining terrace);

- No operable windows in the guestroom tower;
- No permits shall be issued until the Comprehensive Security Management Plan is completed and accepted by the Department of Aviation;
- Design review as a public hearing for signage and lighting plan will be required, which may require additional Determinations of No Hazards, Permits from the Director of Aviation or Variances from the AHABA, and/or reflectivity (or glint and glare) analysis.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0319-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states since the approval of ADET-23-900528 (UC-20-0493), numerous building permits have been issued and remain active. They state substantial work has been done on-site including site grading, basement excavation, concrete pile and foundations, plumbing and electrical, foundation walls, and perimeter walls. They estimate 19.4% of the construction is complete. The applicant is requesting a further extension of time due to instability in the financial markets the financing for construction stalled which caused a temporary work stoppage. Work on the site has not resumed and the applicant would like an extension to allow the project to continue towards completion pending financing. They estimate that discussions with financial partners will allow them to restart construction. In addition to the on-site work that has occurred, they obtained a performance agreement, development agreement, and FAA approvals as required by a prior Notice of Final Action.

Prior Land Use Requests

Application Number	Request	Action	Date
ADET-23-900528 (UC-20-0493)	First extension of time for UC-20-0493	Approved by ZA	October 2023
UC-23-0126	Use permit and design review for monorail	Approved by BCC	May 2023
UC-23-0128	Access to day club/pool from hotel exterior, waiver to reduce sign setback, non-standard improvements in right-of-way, and design review for previously approved resort hotel, sign package, and site lighting	Approved by BCC	May 2023

Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0493	Expanded gaming enterprise district, resort hotel, public areas, accessory and incidental uses, buildings, and structures, deviations from standards, deviations for height of towers, encroachment into airspace, reduced setbacks, and alternative landscaping, waivers for non-standard improvements in the right-of-way, and design review for a resort hotel and all associated uses, structures, and incidental buildings	Approved by BCC	October 2021
VS-1262-06 (ET-0307-08)	First extension of time for vacation and abandonment - expired	Approved by PC	December 2008
VS-1262-06	Vacated and abandoned a portion of right-of-way - expired	Approved by PC	November 2006
UC-0385-06	Resort hotel - expired	Approved by BCC	October 2006
ZC-0362-05	Reclassified from H-1 to H-1 (AE-70) and H-1 (AE-65) zoning	Approved by BCC	April 2005
ZC-1732-00	Reclassified to H-1 zoning	Approved by BCC	December 2000
ZC-0852-95 (ET-0062-97)	First extension of time for ZC-0852-95	Approved by BCC	August 1997
ZC-0852-95	Reclassified to P-F (AE-65) zoning with use permit for airport related uses and infrastructure and variances for setbacks and wall height	Approved by BCC	September 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use	CR (AE-65)	Commercial
South	Entertainment Mixed-Use	CR (AR-65 & AE-70)	Commercial
East	Public Use	PF (AE-65 & AE-70)	Harry Reid Airport
West	Public Use	PF (AE-65)	Police station, golf club, & Fire station

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without

limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Although the project commenced, the request for an extension of time is an effort to keep the previously approved entitlements active in case there is a lapse in the project being diligently carried on until completion. The applicant completed approximately 20% of the project and expect to restart after securing financing in the last quarter of 2024. There are several active building permits, including but not limited to, BD21-62253, BD22-20691, BD22-24537, BD22-22988, BD22-49813, BD22-27389, and BD22-57312. A drainage study (PW21-10283) and a traffic study (PW20-12232) are also complete. Progress has been made, which demonstrates the applicant's good faith effort to recommence the project in a timely manner. Therefore, staff can support this request of an extension of time.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

Department of Aviation

The applicant's DREAM LAS VEGAS Resort Hotel (the "Project") still penetrates the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code (the "Code"), the Federal Aviation Administration ("FAA") must be notified of the proposed construction or alteration.

More importantly, the Project still penetrates the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Code. Therefore, as required by Section 30.06.03D.7(iv) of the Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard that is still valid and the Department of Aviation ("DOA") has reviewed the latest determination(s). Please note that Section 30.06.03D.7(iv) of the Code requires the applicant to submit the FAA's Determination of No Hazard shall be submitted 2 weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District (*see* Chapter 30.02.26B of the Code).

The applicant's justification letter dated September 13, 2024 (the "Justification Letter") references FAA approvals that are purportedly valid until December 31, 2026; however, the DOA is unable to verify that assertion. Specifically, Aeronautical Study Number (ASN) 2022-AWP-22603-OE for the Project's sign expired on September 8, 2024. As stated above, the DOA will need to review the latest FAA determination(s).

The Justification Letter also references the Performance Agreement dated April 11, 2022 ("PA") between the Applicant and Clark County. The PA includes the following language:

4. The posted Bond in said Account may be withdrawn only upon approval for release by the Director of Comprehensive Planning or the designee in accordance

with the terms and conditions of this Agreement and the Plan. Should the Project be Abandoned, measures shall be immediately implemented by the DEVELOPER as required in Exhibit A attached hereto:

The term "Abandoned" or "Abandonment" means construction of the project has stopped for a period of one hundred and eighty (180) days or longer. Situations where construction will be considered stopped include any one hundred eighty (180) day period where construction is not diligently pursued but is restarted briefly for the apparent purpose of avoiding expiration of the one hundred eighty (180) day period. The existence of an active building permit has no bearing on determining whether the project has been abandoned for purposes of this agreement and plan. DEVELOPER shall provide COUNTY with status reports about construction activity occurring on the Project site every ninety (90) days. Each such status report shall describe the percentage of completion of the Project and such other information concerning the status of the construction of the Project as the COUNTY may reasonably require.

It has been clearly confirmed through visual observation and otherwise that the project is "abandoned" per the terms of the PA. Indeed, the applicant's justification letter even concedes that work on the Project has stopped over the last year while the applicant attempts to secure new construction financing.

Finally, regarding the idle crane that was and remains erected for the now-abandoned Project, the FAA issued ASN 2022-AWP-2079-OE, which states: "The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met. As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, flags/redlights-Chapters 3(Marked), 4, 5(Red), 14(Temporary), & 15."

However, contrary to the FAA's requirements, the crane's aviation lighting consists of one (1) extremely dim light that is barely visible to the naked eye near the property line. Such lighting is not visible to a pilot approaching in any direction as required in the Advisory Circular. In addition, the one (1) dim light is placed at the far end of the boom and does not best define the outline of the structure as required in the Advisory Circular. Since the crane has been erected, hazard flags have needed to be replaced on three (3) separate occasions. All 3 replacements have been at DOA's direction and have not been handled proactively by the applicant. Per the FAA's ASN, the crane's lack of adequate lighting creates a hazard to air navigation. This is contrary to Section 30.02.25.E.2 of the Code, which provides: "No building or structure shall be allowed if the FAA determines that the building or structure constitutes a hazard or obstruction to the operation of aircraft, unless the FAA determines that the hazard can be mitigated."

Moreover, pursuant to the above FAA ASN, any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately so a Notice to Airmen (NOTAM) can be issued. To date, the applicant has not issued any NOTAMS regarding its crane's severely inadequate lighting.

The applicant has clearly violated the PA, FAA regulations, and County Code causing serious safety concerns; therefore, the request for extension set forth in its Justification Letter should be denied, and further steps should be taken to enforce the terms of the PA.

In the event that the applicant's extension of time is nonetheless granted despite the concerns and objections raised herein, at a minimum, the applicant should be required to adhere to the following additional conditions.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Until October 6, 2026 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Department of Aviation

- The applicant shall be 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 Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the DOA;
- If the applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then it must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment ("AHABA") prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; the applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc;
- No building permits will be issued until the applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA and is still valid, or a "Property Owner's Shielding Determination Statement" has been issued by the DOA;

- The applicant shall be advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that the FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) 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; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment;
- The applicant shall immediately remove the existing crane from the Project site in accordance with the PA, and that any new crane(s) that are erected if and when construction on the site commences will comply with any and all applicable rules, regulations, and agreements.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: 5051 SLV, LLC

CONTACT: KAEMPFER CROWELL - ANTHONY CELESTE, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135