

RESORT HOTEL  
(TITLE 30)

RUSSELL RD/LAS VEGAS BLVD S

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-20-0493-5051 SLV, LLC:**

**HOLDOVER AMENDED USE PERMITS** 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 (previously not notified).

**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 (previously not notified) on 4.9 acres in an H-1 (Limited Resort and Apartment) (AE-65) Zone.

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

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RELATED INFORMATION:

**APN:**

162-33-101-006

**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 (previously notified as 23 feet) where a minimum of 78 feet (previously notified as 68 feet) is required per Figure 30.56-4 (a 47.4% reduction previously notified as a 66.2% 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 were 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) (previously not notified).

**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) (previously not notified).

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

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

- Site Address: 5051 Las Vegas Boulevard South
- Site Acreage: 4.9
- Project Type: Resort hotel
- Number of Rooms: 527
- Number of Stories: 20
- Building Height (feet): 237
- Square Feet: 458,962
- Parking Required/Provided: 787/810

**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 plan 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.

#### Landscaping

The plans 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 future right-of way dedication area.

#### Elevations

The building will be a maximum of 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 future property line of Las Vegas Boulevard South once the additional right-of-way is dedicated. This portion of the building is required to be set back 78 feet from the future 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 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 is not a part of this request.

### Applicant's Justification

The applicant indicates that the proposed resort hotel is complementary to other property along Las Vegas Boulevard South. The proposed use is consistent with the intensity of uses allowed by the Commercial Tourist land use designation within the Winchester/Paradise Land Use Plan. The Federal Aviation Administration has determined that the height of the building will not be a hazard to air navigation. The additional right-of-way dedication for Las Vegas Boulevard South makes the waivers and deviations necessary to develop the site.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0385-06	Resort hotel - expired	Approved by BCC	October 2006
ZC-0362-05	Reclassified from H-1 to H-1 zoning (AE-65) to establish an Airport Environs overlay district for the parcel	Approved by BCC	April 2005
ZC-1732-00	Reclassified from P-F to H-1 zoning for a parcel that went from public ownership (Clark County Department of Aviation) to private ownership	Approved by BCC	December 2000

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial Tourist	H-1	Undeveloped
South	Commercial Tourist	H-1	Harley Davidson motorcycle sales & repair facility
East	Public Facilities	P-F	McCarran International Airport
West	Public Facilities & Business and Design/Research Park	P-F	Golf course, fire station, & Las Vegas Metropolitan Police facility

### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### **Analysis**

#### **Current Planning**

#### Use Permits & Deviations

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

#### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to

modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

### Project Analysis

This site is designated in the Winchester/Paradise Land Use Plan for Commercial Tourist uses. This land use category is for commercial establishments that primarily cater to tourists, with a predominant land use consisting of resort hotels. However, resort hotels are not the only commercial establishments that cater to tourists. Currently between Reno Avenue and Sunset Road there are no resort hotels located on the east side of Las Vegas Boulevard South. Therefore, staff finds the proposed use is not compatible with the existing uses along the east side of Las Vegas Boulevard South in this general area. According to Accessor's records this site currently has an area of approximately 4.9 acres which will be reduced with additional right-of-way dedication being taken for Las Vegas Boulevard South. If approved this would be one of the smallest resort hotel sites within the Resort Corridor and the applicant is proposing to have 527 guest rooms. One of the smallest resort hotels currently located within the Resort Corridor is the OYO (formally Hooters). The OYO Resort Hotel has an area of 6.9 acres with 332 guest rooms. Another small resort hotel is the Casino Royale with an area of 3.3 acres with 320 guest rooms. Based on the lot sizes and room count of other resort hotels within the Resort Corridor, staff believes the proposed resort hotel is too large of a facility for this site. The applicant is requesting approval of a 20 story building with a maximum height of 237 feet. This building would be taller than the buildings on the abutting properties and would visually dominate this portion of Las Vegas Boulevard South and would be out of character with the abutting properties. This site is also adjacent to McCarran International Airport and if approved would be the tallest building next to the airport. Given the events of the Harvest 91 festival, this raises safety and security concerns for operations at McCarran International Airport as highlighted below by the Department of Aviation. The majority of the proposed landscaping for this project will be located within the right-of-way for Las Vegas Boulevard South. In the future when the roadway is widened this landscaping will be removed which will negatively impact the appearance of this area. Based on these concerns staff finds that the applicant has not demonstrated that the project is appropriate for this area and that it will not have adverse impacts on the abutting properties. Therefore, staff does not support this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #1

The applicant is responsible for the maintenance and upkeep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. The applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Planning is recommending denial of the application, staff cannot support this waiver.

#### Waiver of Development Standards #2

The applicant is required to dedicate to Clark County their proportionate share of a 200 foot wide right-of-way on Las Vegas South according to Title 30 and Clark County Transportation Element. Until the Las Vegas Boulevard improvements occur, staff has no objection to the reduction in the throat depth for the commercial driveway. The applicant was made aware that as designed, the functionality of the site will be impacted when Las Vegas Boulevard South is fully

improved. However, since Planning is recommending denial of the application, staff cannot support this waiver.

#### Design Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning is recommending denial of the application, staff cannot support this design review.

#### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.48.100 of the Clark County Unified Development Code. Therefore, as required by Section 30.16.210(12)(D) of the Clark County Unified Development Code, final action CANNOT occur until the FAA has issued an airspace determination and the Department of Aviation has reviewed the determination.

The property lies within the AE-65 (65-70 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International Airport facilities to meet future air traffic demand.

Helicopter routes currently transit the property in which the proposed resort complex is to be constructed. A large high-rise development in this area will result in a significant impact to current helicopter operations.

On September 2, 2020, the Department of Aviation met with the applicant to discuss their project concept and ensure they understood that the Federal Administration Aviation 7460 process only addresses height issues with respect to Part 77 surfaces. During the meeting, the applicant was informed that due to the proximity to the secure Airport Operations Area of McCarran International Airport, the project raises concerns with respect to the safety and security of the Airport. The applicant was informed numerous local and Federal agencies may have concerns. Following the meeting, concept plans were provided to local and Federal partners to include the FAA Airport District Office, the Transportation Security Administration, Federal Bureau of Investigation, Department of Homeland Security and the US Secret Service. Additionally, the plans were provided and reviews conducted by the local FAA Aircraft Control Tower, Airline Chief Pilots, helicopter operators and west side based operators. The department received many formal responses detailing the specific security and safety concerns of each agency. A follow-up meeting is scheduled with the applicant for November 19, 2020 to provide the feedback received.

Since the applicant formally submitted the project to Clark County Comprehensive Planning for approval prior to the scheduled November 19, 2020 meeting, the department wants to ensure the feedback from the additional reviews is formally documented during the application review process. Therefore, the following provides a summary of the key concerns that were identified during the review process and need to be mitigated:

- Federal Aviation Administration Airport District Office (FAA ADO)

In a letter dated October 28, 2020, Mike Williams, Manager, Phoenix Airport District Office documented many concerns with the project as they relate the Department of Aviation's responsibility to remain compliant with FAA Grant Assurances. In summary, the acceptance of Airport Improvement Program funds by Clark County obligates local governments to Grant Assurances that include appropriate action will be taken to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations. Therefore, the Department of Aviation and Clark County are obligated to ensure development of land around McCarran International Airport, including this parcel, is compatible with the Airport and does not interfere with Airport operations or growth. Additionally, he documented that when the subject parcel was disposed of by Clark County in 1999, the sale was subject to conditions set by the FAA to ensure compatible use and documented in Deed restrictions imposed by Clark County. Any change in these restrictions would have to be reviewed and approved by the FAA. Mr. William's concludes that the FAA would not be willing to modify or remove any of the current restrictions imposed on the parcel.

- Transportation Security Administration (TSA)

The TSA Federal Security Director for McCarran, Reno and Elko Airports directed a review of the proposed project and provided an "Aviation Security Impact Assessment, McCarran International Airport (LAS)." In the assessment, four security vulnerabilities to McCarran International Airport are identified that this project, if constructed as proposed, will create and/or exacerbate. The statement documents, in detail, each of the vulnerabilities and the link to the design aspect of the proposed project. In summary, the four vulnerabilities created by the proposed project are: (1) High Profile Aircraft Parking Location- The location of the hotel adjacent to the west side perimeter fence places it adjacent to the aircraft parking ramp used for high-level individuals, special operations and military aircraft parking. These operations provide transportation for government officials, professional sports teams and other important groups. The project would increase risk to both the aircraft and the passengers due to active shooters and the ability to throw things over the fence intended to cause harm to individuals or aircraft. (2) Vehicle Traffic- The proposed project includes a service road adjacent to the west side fence intended for vendor deliveries, trash service and general public. This would make the west side perimeter more susceptible to Vehicle Borne Improvised Explosive Device attacks delivered by vendor or garbage truck. Additionally, the proposed access road provides the ability for high-speed vehicle approaches into the perimeter making the fence more vulnerable to breaches. (3) Passenger Aircraft and Helicopter Traffic- The open areas on the 3<sup>rd</sup> and 9<sup>th</sup> floors provide a direct line of sight for laser flashing and long gun attacks against aircraft, to include helicopters, and other critical operations at the airport. (4) Passenger Terminal, Passenger Aircraft and Aviation Fuel Tanks- The

hotel is proposed at 19 to 22 stories high with guest rooms facing the airport. These locations provide a direct line of sight to passenger terminal areas, Commercial and General Aviation aircraft operations and aviation fuel tanks. The proposed project will increase risk for damage to aircraft/infrastructure with a long gun and increases potential for injury or death to passengers, aircrew, ground personnel and other airport personnel. The statement concludes that any multiple story building constructed in close proximity to the LAS operational areas and critical facilities will create a significant vulnerability to passengers, airport workers, aircraft, critical facilities, high-level government officials and iconic sports figures/teams.

- Federal Emergency Management Administration (FEMA)

On August 24, 2018, FEMA published the "1 October After-Action Report" in collaboration with the Clark County Fire Department and Las Vegas Metropolitan Police Department. The report documents the horrific event and provides a detailed summary of the entire incident and response. Of note, as it relates to the proposed project, the report confirms that from his airport facing perch, the shooter directly targeted the airport's west side Aviation fuel tanks no less than six times, potentially up to 8 times, and actually striking a single tank 2 times penetrating the tank wall. Furthermore, in the aftermath, multiple shooting victims and fleeing attendees made their way onto the aircraft operations areas of the airport resulting in the entire airport suspending all operations for hours. The gravity of this event cannot be understated as it relates to the security and safety of McCarran International Airport. Any further encroachment of large scale public gathering places (like a resort hotel) only increases the chances of a similar event repeating itself in the future.

- Federal Aviation Administration, Las Vegas Air Traffic Control Tower

Helicopter routes currently transit the property in which the proposed resort complex is to be constructed. The existing Letter of Agreement (LOA) with the Helicopter operators keeps all operations to the north of Russell Road prior to the turn across Las Vegas Boulevard. This agreement is in place to provide protection for the arrival and departure corridors serving McCarran Airport's Commercial Air Traffic. The possibility exists that by allowing the development of the westside properties with high-rise buildings could impact the protections of the arrival/departure corridor resulting in an increase in Traffic Collision Avoidance System (TCAS) alarms and reduction of throughput efficiencies. A large high-rise development in this area will result in a significant impact to current helicopter operations and reduce the arrival rates for commercial aircraft.

There are also concerns about lighting issues generated from the hotel, roof top pool, and any balconies facing toward the east. Lighting issues need to be addressed to include laser lights, billboards, building lights, and any other special effects (ie Pyrotechnics) that would be used during events.

There are also concerns about illegal drone activity from the occupied roof tops.



If these concerns are not addressed, commercial aircraft (airline) operations growth at McCarran airport could be restricted and reduce the ability of the airport to meet the future air traffic demand for the entire Southern Nevada region and economy.

- Airline Chief Pilot Concerns:

Most issues voiced revolve around lighting as well and illegal drones and pointing of lasers which could resulting blinding of aircrews in critical phases of flight.

- Helicopter Operators:

The operators were concerned about Noise complaints that could possibly impact their operations. In addition, all voiced concerns about illegal drone and laser activity.

- Sands Aviation Concerns:

Their primary concerns were lighting, drone traffic and airport perimeter access and security. Also, they raised concerns about the increase of roadway traffic the proposed devolvement would generate.

December 15, 2020 Update:

The Department of Aviation submitted formal comments on the subject proposal on November 5, 2020. During the time between the submission of the DOA comments and today, four of our Airline partners that operate at McCarran and the Allied Pilots Association have submitted formal comments via letter to the Department of Aviation. The comments not only reinforce prior submitted concerns on the proposal, but also raise additional safety and security concerns. The airlines submitting comments are Southwest Airlines, Delta Air Lines, American Airlines and United Airlines; they are responsible for transporting more than 60% of all passengers that fly in and out of McCarran every year. The Allied Pilots Association serves as the certified collective bargaining agent for the 15,000 professional pilots who fly for American Airlines.

The economic recovery of Southern Nevada due to the ongoing pandemic will rely heavily on the ability of these four and all other airlines to continue to operate safely and securely at McCarran. The five letters received are provided as attachments and in summary, key concerns from each letter are:

1. Southwest Airlines Concerns:

- Modification of existing helicopter arrival/departure patterns and associated impact on safety and reduced airport capacity and throughput.
- Potential reduction of the effectiveness of McCarran security and surveillance systems and requested any issues be studied and resolved.
- Room balconies facing and/or overlooking the Airport with unobstructed sight angles of the secure airside operations area and would force the relocation of VIP parking area to an area on the airport that would have a greater impact on commercial aircraft operations.
- 'Epic' rooftop pool with respect to bright lights, lasers, and security screening of large crowds at rooftop events.
- All lighting on the property and advertising billboards could potentially be a source of flash blindness; this must be studied and resolved.
- Illegal drone activity.

- Height of cranes and potential runway restrictions during construction that could impact airport capacity.

Southwest concludes by stating that all these issues, without being addressed, would cause delays, cancellation of flights, rerouting of aircraft, impact the safety of flight, increase workload/complexity for Air Traffic Control/Flight Crews, and thereby disrupt operations not only at McCarran Airport, but in the entire National Airspace System.

## 2. Delta Air Lines Concerns:

- Security, lighting, lasers and illegal drones.
- Believes the reflectivity of the building surfaces and potential wind eddy effects should be studied to gain an understanding of any potential increased risks.
- Reemphasized concerns with helicopter traffic and Traffic Collision Avoidance System (TCAS) alarms and associated potential reduction of throughput efficiencies for arriving aircraft.

Delta concluded by stating that anything that curtails airport capacity should be carefully evaluated as it will not just impact the future growth of the airport, but the ability of the entire Las Vegas region to recover from the pandemic.

## 3. American Airlines Concerns:

- Height of the structure (>200 feet) creating an obstruction that would reduce airport capacity during inclement weather.
- Discussed that the structure would require existing helicopter flight patterns to be adjusted and would reduce the airport capacity and throughput creating delays to travelling public.
- Requested the effect of the structure on radar coverage be studied, understood and resolved.
- Room balconies facing/overlooking the airport with unobstructed sight angles of secure airside operations areas. This could force the relocation of VIP parking areas to other parts of the airport that would have greater impact to commercial aircraft operations.
- Bright lights, laser lights, events held at the 'epic' rooftop pool and malicious drone activity.

American concluded by stating that the significant safety and security hazards on airfield and airspace operations should be seriously considered and the advancement of the projects delayed for further analysis.

## 4. United Airlines Concerns:

- Reflectivity/glare of an all glass structure and potential to create dangerous distractions to pilots.
- 'Epic' rooftop pool and associated lighting and lasers that could interfere with flight crew vision.
- Impact to helicopter operations by changing arrival/departure patterns; resulting in reduced airport arrival and departure capacity for both the airlines and helicopter operators.

- Height of the structure and proximity to the secure Airport Operations Area (AOA) creating unobstructed views to airside operations.
- Uncontrolled drone activity is a concern and possible malicious drone activity to be conducted near aircraft operations.
- Potential relocation of VIP parking area that currently minimizes impacts to commercial aircraft operations, but if relocated, could increase delays during the VIP movements.
- Impacts to NAVAIDs: to include the VOR/DME; ASDE-X; and airport surveillance radar and requests the impacts be studied. Mitigating these issues could raise costs for the FAA, airport and airlines.

United Airlines states they are committed to a safe operation for all passengers, employees, contractors, and other airport users. United opposes this development and hopes their concerns are considered by the Planning Commission and Board of County Commissioners prior to voting on the development.

5. Allied Pilots Association (APA):

- Reduced safety and security of pilots and passengers due to the hotel's proximity to McCarran property boundary. (The 1 October Las Vegas mass shooting was provided as an example where many victims fled onto the airfield causing several flights to be rerouted in the air and given taxi routes on the ground to stay clear of the shooter.)
- Increased risk to flight crews from exposure to laser lights due to the rooftop pool and the structure enabling malicious drone activity to cause harm to aircraft operating in and out of the airport.

The APA strongly urges appropriate steps be taken to mitigate the hazards and requests to be involved in any safety risk assessments and in the development of potential safety mitigations.

December 17, 2020 Update:

The Department of Aviation submitted formal comments on the subject proposal on November 5, 2020, and additional comments on December 15, 2020. On December 17, 2020 the DOA received a formal comment letter from the Air Line Pilots Association, International. The Air Line Pilots Association, International represents over 59,000 professional airline pilots flying for 35 airlines in the United States and Canada and includes the world's largest non-governmental safety organization.

The latest letter received from the Air Line Pilots Association, International is provided as attachment 11 and in summary, key concerns are as follows:

1. Air Line Pilots Association, International (ALPA):

- With an active runway adjacent to Dream Hotel property, the planned hotel may create safety and security concerns for McCarran operations, putting both passengers and flight crews in jeopardy.
- ALPA strongly encourages officials to partner with other government agencies involved in the approval process to conduct an aviation safety and security risk assessment prior to final approval of the project.

- ALPA suggests review and update of the master plans for suitable land use, transportation, and capital improvement projects. Land use may be incompatible by virtue of:
  - Location in an area of increased aircraft potential and higher than ordinary predicted noise exposure stemming from aircraft operations.
  - Adversely affecting airport operations (e.g., tall structures, or land uses that emit smoke, light, glare, or wildlife attractants).
  - Potential risks to aircraft operations due to exposure to laser/light shows, extreme glare from construction materials (e.g., reflective glass and polished structural metals). Exposure to extreme lighting conditions (day or night) can create temporary blindness for pilots during arrival/departure.
  - Security threat from individuals who survey airport security/grounds and use Unmanned Aircraft Systems (UAS) for malicious intent.

In conclusion, the ALPA strongly urges appropriate steps be taken to mitigate all aircraft operational hazards using safety and security risk assessments and welcomes the opportunity to work with officials to develop risk mitigations that will ensure the appropriate level of safety and security is upheld.

#### February 16, 2021 Update:

The Department of Aviation submitted formal comments on the subject proposal on November 5, 2020, December 15, 2020, and additional comments on December 17, 2020. On February 8, 2021, we received an email and briefing slides from the local FAA manager who serves as the Las Vegas Metroplex Manager, GCN Housing Tenant Manager and the Los Angeles District - TWLA Airspace, Procedures, Planning and Requirements Manager. The content includes comments on the direct impacts the proposed project will have on helicopter operations. The email and briefing slides are provided as Attachment 12. In summary, the key concerns are as follows:

- The current ingress/egress helicopter routes are 1/10 of a mile from the proposed building site of the Dream hotel.
- If anything is developed to the North of the Dream hotel as planned, then it will severely reduce capacity and throughput at McCarran Airport and eliminate the current helicopter procedures from being used.
- The Dream hotel is also proposed to be a "special event" location on a regular basis with flying restrictions which will severely reduce capacity and throughput at McCarran airport.

#### June 11, 2021 Update:

**On March 1, 2021, the DOA received under a cover letter, an updated set of design plans for the Dream Hotel along with an updated version of the "Comprehensive Security and Planning Response to McCarran Department of Aviation Comments" (ARUP Report) that proposes mitigation plans for the comments received to date from the DOA, Airlines, Transportation Security Administration, FAA and many others. (All comments received were formally submitted to Comprehensive Planning on November 5, 2020, December 15, 2020, December 17, 2020, February 8, 2021 and February 16, 2021.) On March 3, 2021, the**

DOA provided the updated design plans and ARUP report to all organizations that had previously provided comment. As a result, the DOA received formal response back from four airlines: Delta, United, American and Southwest and from the Transportation Security Administration (TSA).

The five letters received on the updated submittal are attached and are provided as Attachments 1 thru 5. A brief summary of each is provided below:

**United Airlines, 4/6/2021 Letter:** Concerns with Reflectivity/Glare of the structure and no description of planned mitigation strategies. Impact to helicopter operations and would like to have a better understanding of the impact of new helicopter flight paths on arrival/separation and airport capacity. Safety and Security concerns related to unobstructed views of the Airport Operations Area from guest rooms and the parking garage. Relocation of the VIP Parking area and how the current location of the VIP parking area minimizes impacts to air carrier operations during VIP movements. Given the size and location of the Dream Hotel, United Airlines remains concerned that the U.S.S. and Airport may dictate relocation of the VIP area to a different portion of the airfield, increasing delays and cost to airlines during these movements. Finally, concerned with impacts to NAVAIDs and Radar coverage.

**American Airlines, 4/13/2021 Letter:** Concerns with the height of the structure and height of cranes used during construction and associated impacts on Instrument approaches. Concerns that helicopter departure / arrival flight patterns would have to be changed by Air Traffic Control, thus requiring additional ATC arrival and departure separation which reduces airport arrival and departure capacity. The capacity reductions will increase arrival and departure delays which negatively impact the passenger experience, adds increased CO2 emissions and negative sustainability impacts as well as increases airline's operating costs. Concerned that hotel guest rooms that overlook the airport with unobstructed sight angles of secure airside operations areas including the current VIP Aircraft Ramp Area and expected the US Secret Service would require a move of their VIP parking area to another portion of the airfield less suited for efficient airfield operations and add congestion to surface traffic or add delay to all commercial flights during VIP movements. Concerned with the reduction of radar coverage, bright lights, lasers and encouragement of malicious drone activity.

**Delta Airlines, 5/3/2021 Letter:** Delta Air Lines primary concern remains the impact on safety and efficiency for operations. Concerned specifically with impact on Helicopter traffic. Helicopter path will likely be altered to increase separation from the facility and/or reduce noise impacts. This alteration of flight path could reduce overall throughput due to relocated arrival/departure corridors. Potential increase of air traffic controller workload, potential issues with visibility from the tower for VFR traffic, safety concerns with the potential increase in TCAS resolution advisories and subsequent noise profile of the relocated helicopter operation. Concerned with the impact to NAVAIDs and landing minimums and the impact of construction activities on landing minimums. Finally, concerned with a significant impact to the airlines if the VIP area in its current location is no longer viable. The likelihood of security issues due to the close proximity of the Dream

Hotel to the VIP area may result in VIPs being unable to utilize this location. A relocation could result in increased delays, fuel costs, lost parking and restricted future airport developments.

**Transportation Security Administration, 5/5/2021 Revised Assessment:** The TSA has reviewed and analyzed the revised plans and associated ARUP report. The attached provides a detailed analysis of the revised plans for the Dream. In summary, many concerns are mitigated with the plan outlined in the ARUP report and are totally dependent on the implementation of an effective operational Security Management Plan. The TSA insists that there must be a binding agreement between the DOA and the Dream that allows McCarran oversight of certain security functions and the agreement must be recorded against the property to ensure it the agreement will remain in effect with any future transfer of ownership of this property. McCarran must have timely access to Dream records that affect airport security that include CCTV recordings, security reporting requirements and limited oversight of the Security Management Plan.

**Southwest Airlines, 5/20/2021 Letter:** Concerned with hotel guest rooms that overlook the airport with unobstructed sight angles of secure airside operations areas including the current VIP Aircraft Ramp Area. The location of this structure would likely require relocation of the VIP parking area to another portion of the airfield less suited for efficient airfield operations. The relocation of the VIP parking area could have a significant impact to air traffic operations causing delays to arrival and departure aircraft, impacting a substantial number of passengers (the Ripple Effect). This also adversely impacts the flight crews and airline crew scheduling. If a flight crew cannot finish the rest of their flight (due to crew rest requirements by the FAA), staffing and operational disruptions can ensue. The impact of these delays could continue to ripple across the country impacting flight crews, passengers, and the airlines. This was evident when the KLAS VIP parking area was located on the east side of the airport many years ago. At that time, it was due to these delays, negative national news media, impact to the flying public/airlines, and security concerns for VIP's, that the VIP parking area was moved to its present location on the west side of the airport. Concerned with the impact on aircraft operating under Visual Flight Rules (VFR), including helicopter traffic. Helicopter departure/arrival flight patterns may need to be adjusted by Air Traffic Operations. This could add additional "in-trail" spacing for helicopter arrival and departure flights. This could increase complexity and workload for ATC operations and may adversely impact safety and reduce airport capacity and throughput. If new Air Traffic procedures must be developed, changed or amended, we believe Safety Risk Management should be conducted prior to any approval of the proposed Hotel. In addition, there are concerns with impacts to FAA radar coverage, bright lights/lasers emitting from high density public areas, and encouragement of non-approved and malicious drone activity. Finally, Southwest is concerned with the height of cranes used during construction that could reduce airport capacity over a very lengthy construction timeline.

#### **Supporting Documentation**

Attachments to support the summaries provided above were submitted to Clark County Comprehensive Planning under separate cover:

- Federal Aviation Administration Airport District Office (FAA ADO) letter dated October 28, 2020
- TSA Aviation Security Impact Statement, McCarran International Airport (LAS)
- Excerpts from FEMA 1 October After-Action Report
- Helicopter Flight Tracks
- Sands Aviation Letter
- **Southwest Airlines Letter(s)**
- **Delta Air Lines Letter(s)**
- **American Airlines Letter(s)**
- **United Airlines Letter(s)**
- Allied Pilots Association Letter
- Air Line Pilots Association, International Letter
- Federal Aviation Administration Local Office (FAA ATC) e-mail dated February 8, 2021

### **Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners for final action.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- 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;
- 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;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use;
- Provide a mitigation plan that addresses the security and safety concerns outlined under the analysis section and detailed in the attachments provided to Clark County Comprehensive Planning.
- 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; that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

**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](mailto: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.

**TAB/CAC:**

**APPROVALS:** 2 cards, 1 letter

**PROTESTS:** 2 cards

**PLANNING COMMISSION ACTION:** December 15, 2020 – HELD – To 02/16/21 – per the applicant.

**PLANNING COMMISSION ACTION:** February 16, 2021 – HELD – To 03/16/21 – per the applicant.

**PLANNING COMMISSION ACTION:** March 16, 2021 – HELD – To 04/06/21 – per the applicant.

**PLANNING COMMISSION ACTION:** April 6, 2021 – HELD – To 05/04/21 – per the applicant.

**PLANNING COMMISSION ACTION:** May 4, 2021 – HELD – To 06/15/21 – per the applicant.

**PLANNING COMMISSION ACTION:** June 15, 2021 – HELD – To 07/06/21 – per the applicant.

**PLANNING COMMISSION ACTION:** July 6, 2021 – HELD – To 08/03/21 – per the applicant.

**PLANNING COMMISSION ACTION:** August 3, 2021 – HELD – To 09/07/21 – per the applicant.

**PLANNING COMMISSION ACTION:** September 7, 2021 – HELD – To 09/21/21 – per the applicant.

**PLANNING COMMISSION ACTION:** September 21, 2021 – HELD – To 10/05/21 – per the applicant.

**COUNTY COMMISSION ACTION:** May 5, 2021 – HELD – To 06/16/21 – per the applicant.

**COUNTY COMMISSION ACTION:** June 16, 2021 – HELD – To 07/21/21 – per the Board of County Commissioners.

**COUNTY COMMISSION ACTION:** July 21, 2021 – HELD – To 08/04/21 – per the applicant.

**COUNTY COMMISSION ACTION:** August 4, 2021 – HELD – To 09/22/21 – per the applicant.

**COUNTY COMMISSION ACTION:** September 22, 2021 – HELD – To 10/06/21 – per the applicant.

**APPLICANT:** 5051 SLV, LLC

**CONTACT:** DLR GROUP, 7290 W. 133RD STREET, OVERLAND PARK, KS 66213