

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
JULY 6, 2010
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2010-24 – Updates the zoning regulations pertaining to shopping centers and malls. (TXT-37401) Sponsored by: Councilman Steve Wolfson
4. Bill No. 2010-25 – Amends the sewer service provisions to adjust the equivalent residential unit classifications for condominiums and apartment houses. Sponsored by: Councilman Steven D. Ross
5. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
6. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-24 – Updates the zoning regulations pertaining to shopping centers and malls.
(TXT-37401) Sponsored by: Councilman Steve Wolfson

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

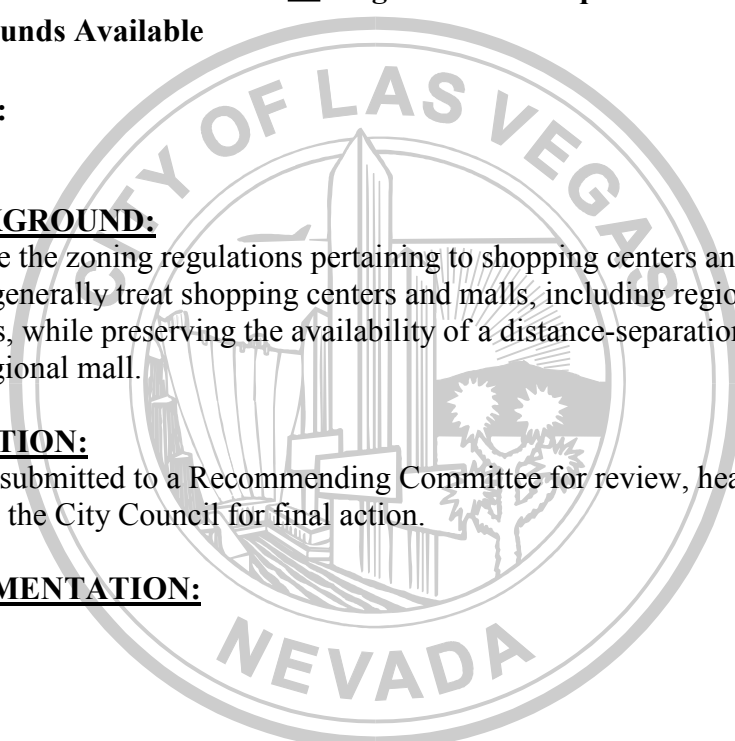
This bill will update the zoning regulations pertaining to shopping centers and malls. The intent of the update is to generally treat shopping centers and malls, including regional malls, the same for zoning purposes, while preserving the availability of a distance-separation waiver for taverns located within a regional mall.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2010-24



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BILL NO. 2010-24

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE ZONING REGULATIONS PERTAINING TO SHOPPING CENTERS AND MALLS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson Summary: Updates the zoning regulations pertaining to shopping centers and malls.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting from the "Retail and Personal Services" element thereof the entry for the use "Regional Mall."

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the description of the use "Shopping Center," as found in the "Retail and Personal Services" element thereof, to read as follows:

Description:

Any structure or group of structures that:

1. House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses;
2. Have a minimum combined gross floor area of 25,000 square feet; [and a maximum combined gross floor area of 350,000 square feet;]
3. Are located upon a single parcel of land or upon contiguous parcels of land; and
4. Have common vehicular access and parking facilities.

This use includes a regional mall.

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto the following term, together with its corresponding definition:

1 "Shopping Center" means any structure or group of structures that:

- 2 (1) House any assemblage of various commercial tenants, including without limitation,
- 3 retail uses, personal service uses, food service uses, and other ancillary uses;
- 4 (2) Have a minimum combined gross floor area of 25,000 square feet;
- 5 (3) Are located upon a single parcel of land or upon contiguous parcels of land; and
- 6 (4) Have common vehicular access and parking facilities.

7 The term includes a regional mall.

8 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
9 and 19.20.020 are deemed to be subchapters rather than sections.

10 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
11 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
12 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
13 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
14 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
15 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
16 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
17 invalid or ineffective.

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SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Valsted 6-3-10
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2010, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2010, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2010-25 – Amends the sewer service provisions to adjust the equivalent residential unit classifications for condominiums and apartment houses. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the sewer service provisions to adjust the equivalent residential unit (ERU) classifications for condominiums and apartment houses. Sewer rates for any occupancy are based on the ERU established for that use. Currently, condominium units carry an ERU classification of 1.00, while units within apartment houses have a .70 ERU classification. This bill proposes to equalize the two occupancies at an ERU classification of .80. It is believed that the historical distinctions between the occupancies have largely disappeared and that this adjustment will be more equitable.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2010-25
2. Business Impact Statement

1 **BILL NO. 2010-25**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO SEWER SERVICE CHARGES; ADJUSTING THE
4 EQUIVALENT RESIDENTIAL UNIT CLASSIFICATIONS FOR CONDOMINIUMS AND
APARTMENT HOUSES; AND PROVIDING FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Steven D. Ross Summary: Amends the sewer service provisions
6 to adjust the equivalent residential unit
7 classifications for condominiums and apartment
houses.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 14, Chapter 4, Section 20, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **14.04.020:** The following equivalent residential unit (ERU) schedule shall be used in calculating
13 the user charges:

14

Customer Class	Billing Unit	ERUs
Single-family dwelling	Each dwelling unit	1.00
Mobile home residential estates*	Each trailer lot	1.00
Mobile home parks	Each trailer lot	1.00
Multiple-family dwelling	Each dwelling unit	1.00
Two-family dwelling	Each dwelling unit	1.00
Condominium	Each dwelling unit	[1.00] <u>0.80</u>
Plus: outside fixtures in common areas	Each fixture	0.45
Apartment house	Each dwelling unit	[0.70] <u>0.80</u>
Plus: fixtures outside of dwelling units	Each fixture	0.45
Senior apartment house	Each dwelling unit	0.50
Plus: fixtures outside of dwelling units	Each fixture	0.45
Accessory structure (Class I) and other accessory structures used for habitation	Each structure	0.60
Halfway house	Each dwelling unit	1.00
Recreational vehicle parks	Each vehicle space	0.70
Plus: fixtures	Each fixture	0.45
Resort hotel	Each room	0.60

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Plus: fixtures outside of rooms (including fixtures in casinos and restaurants)	Each fixture	1.50
Residence Hotel	Each unit	0.70
Plus: fixtures outside of rooms	Each fixture	0.45
Casino	Each fixture	1.50
Motel/hotel/rooming house	Each room	0.60
Plus: fixtures outside of rooms	Each fixture	0.75
Business operations not separately rated/retail sales (including motor vehicle sales and retail establishments serving food)	Each fixture	0.65
Business operations not separately rated/wholesale or service only	Each fixture	0.45
Hospital	Each bed	1.20
Specialty hospital	Each bed	1.20
Convalescent care facility/nursing home	Each bed	0.75
Special care facility	Each bed	0.75
Custodial institution	Each bed	0.50
School	Each student	0.10
Child care center	Each student	0.10
Beauty shops	Each fixture	0.50
Day spa	Each fixture	0.60
Restaurant (take out only)	Each fixture	0.45
Restaurant (with seating under 45)	Each fixture	0.65
Restaurant (with seating 45 and over)	Each fixture	1.33
Tavern (with food sales/ service)	Each fixture	1.00
Tavern (without food sales/ service)	Each fixture	0.65
Nightclub	Each fixture	0.65
Barbershops	Each fixture	0.30
Clinics	Each fixture	0.45
Laundromats	Each fixture	0.45
Offices, except as otherwise listed	Each fixture	0.45
Service establishments, except as otherwise listed	Each fixture	0.45
Financial institutions	Each fixture	0.30
Cinema theaters	Each fixture	0.35
Theaters	Each fixture	0.30

1	Maintenance, renovation and repair shops	Each fixture	0.30
2	Sports complexes	Each fixture	0.30
3	Private clubs	Each fixture	0.45
4	Community center	Each fixture	0.45
5	Park or playground	Each fixture	0.45
6	Church	Each fixture	0.25
7	Vacant establishments	Each fixture	0.25
8	Large commercial and other	Annual water use ÷ 90,000 gallons = No. ERUs**	
9	Laundries	0.85 x annual water use ÷ 90,000 gallons = No. ERUs**	Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERU's and the corresponding sewer connection fee may be adjusted at the discretion of the Director of Public Works.
10	Mixed use operations (within a facility that has its own separate meter to measure water consumption)	0.85 x annual water use ÷ 90,000 gallons = No. ERUs**	
11	Mixed use operations (within a facility that does not have its own separate meter to measure water consumption)	ERUs based upon customer class of the primary use	
12	Swimming pools – public and private – each pool by capacity		
13	30,000 gallons and less		0.10
14	30,001 to 99,999 gallons		0.25
15	100,000 to 149,999 gallons		0.50
16	150,000 to 199,999 gallons		0.65
17	200,000 to 249,999 gallons		0.85
18	250,000 to 299,999 gallons		1.00
19	300,000 gallons or more		1.30

* Trailers which contain more than one dwelling unit shall be classified as multiple-family dwellings.

** Annual water use will be estimated by the Director of Public Works. After the first full year of

1 discharging, the number of ERUs may be adjusted at the discretion of the Director to reflect actual use.

2 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
6 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
7 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
8 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
9 invalid or ineffective.

10 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

14 APPROVED:

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By OSCAR B. GOODMAN, Mayor

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18 ATTEST:

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20 BEVERLY K. BRIDGES, MMC
City Clerk

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22 APPROVED AS TO FORM:

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Valsted 6-3-10

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Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2010, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2010, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST;

BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2010-25
(Amends the sewer service provisions to adjust the equivalent residential unit
classifications for condominiums and apartment houses)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-25, that will amend the sewer service provisions to adjust the equivalent residential unit classifications for condominiums and apartment houses.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A notice was sent to approximately 1900 holders of apartment house business licenses within the City. The notice informed them of the proposal to adjust the equivalent residential unit (ERU) classifications for condominiums and apartment houses as follows:

- Increase the ERU classification for apartment dwelling units from .70 to .80, and
- Decrease the ERU classification for condominium dwelling units from 1.00 to .80.

Responses from approximately 14 distinct properties were received, including responses from the Southern Nevada Multihousing Association and a number of individual owners and managers of apartment houses. A summary of those comments, which is available to interested persons as part of this business impact statement, is as follows:

A. All expenses of and assessments against apartment owners have gone up, rental rates have been forced downward, and vacancies are up. Owners and managers have had to “contribute” to the operation of their apartments, which has led to negative cash flows. Apartment owners can hardly pay sewer bills now, and tenants cannot afford existing rents. Owners and managers currently are able to rent apartments now by reducing rates. Any sewer increase will have to be passed along to tenants, who will move out. Owners are being forced out of business because of rising taxes and sewer rates, paying sewer rates for full occupancy even with 50% vacancies. Further increases will force more owners out of business.

B. Apartment units are not the same as condos, even if some condo units are being rented. Though the adjustment may essentially be “revenue neutral” to the City, it is not so to the apartment owner/manager/occupant community.

C. The proposal discriminates against small businesses and in favor of larger businesses. It creates a disproportionate impact on apartment owners (who with multiple units pay increase multiple times, as opposed to condo owners who are affected only once (per unit).

D. Even if the rationale for the adjustment makes sense, the timing is not right. Any increase should wait for the economy to rebound.

E. Increased utility costs for apartment renters make them less affordable. The adjustment

is inconsistent with offering affordable housing, especially housing that is encouraged and recognized as affordable by the City's Neighborhood Services Dept. Such housing should be exempted from this proposed adjustment if it is to go forward.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

- Increased risk of reducing the affordability of apartments (about \$2 per month per unit)
- Risk of higher vacancies and reduced income
- Reduced profitability for owners, making it more difficult to stay in business

Beneficial effects:

- More equity in treatment among sewer users
- Provide consistency with most of the other local jurisdictions in assigning both types of uses the same ERU classification

Direct effects:

(See adverse effects and beneficial effects above)

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

No methods to reduce the impact on businesses were identified, other than the alternative to abandon the increase in ERU classification for apartment houses. The decision to move forward takes into account that the current discrepancy between classifications is no longer warranted. The historical distinctions between the condominium and apartment unit uses have blurred. Many units originally developed for condominium use are being operated as rental units, and many units have been developed so that they can be marketed and used either way. In addition, assigning the same classification to both types of use is consistent with the treatment afforded by most area jurisdictions.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Approximately \$45,000. The proposal is essentially revenue neutral to the City, with the estimated revenue increase representing the net increase that is estimated to result from the two adjustments

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Help offset the costs of providing service, including the rehabilitation of existing sewer collection system pipes that are in need of repair

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: June 3, 2010

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 6, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

