

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 20, 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. 2010-26 – Updates the zoning regulations to establish the use “beer/wine/cooler cultural establishment”; redefine the current use relating to private museums and art galleries to allow the sale of art; and amend the Downtown Centennial Plan to allow certain outdoor events in the district known as “18b The Las Vegas Arts District.” (TXT-37811) Sponsored by: Mayor Oscar B. Goodman
4. Bill No. 2010-27 – Adopts the Symphony Park Design Standards Manual and related design documents. (TXT-37746) Sponsored by: Mayor Oscar B. Goodman
5. Bill No. 2010-28 – Adopts the Safety and Seismic Safety Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development
6. Bill No. 2010-29 – Adopts the Historic Properties and Neighborhoods Preservation Plan Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development
7. Bill No. 2010-30 – Revises and updates Chapter 14.17 of the Municipal Code relating to wastewater collection and treatment. Proposed by: Jorge Cervantes, Director of Public Works
8. Bill No. 2010-31 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese
9. 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
10. 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.

City of Las Vegas

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 20, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 20, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-26 – Updates the zoning regulations to establish the use “beer/wine/cooler cultural establishment”; redefine the current use relating to private museums and art galleries to allow the sale of art; and amend the Downtown Centennial Plan to allow certain outdoor events in the district known as “18b The Las Vegas Arts District.” (TXT-37811) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the zoning regulations relating to cultural uses. The bill will 1) establish the use “beer/wine/cooler cultural establishment,” 2) redefine the current use relating to private museums and art galleries to allow the sale of art, and 3) amend the Downtown Centennial Plan to allow certain outdoor events in the district known as “18b The Las Vegas Arts District.”

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. 2010-26

BILL NO. 2010-26

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE ZONING REGULATIONS PERTAINING TO CERTAIN CULTURAL USES; ESTABLISHING THE USE "BEER/WINE/COOLER CULTURAL ESTABLISHMENT," REDEFINING THE CURRENT USE RELATING TO PRIVATE MUSEUMS AND ART GALLERIES TO ALLOW THE SALE OF ART; AMENDING THE DOWNTOWN CENTENNIAL PLAN TO ALLOW CERTAIN OUTDOOR EVENTS IN THE DISTRICT KNOWN AS "18B THE LAS VEGAS ARTS DISTRICT," AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Updates the zoning regulations to establish the use "beer/wine/cooler cultural establishment"; redefines the current use relating to private museums and art galleries to allow the sale of art; and amends the Downtown Centennial Plan to allow certain outdoor events in the district known as "18b The Las Vegas Arts District."

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 amending the description of the use "Museum or Art Gallery (Private)," as found in the "Retail and Personal Services" element thereof, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Museum, [or Art Gallery] <u>Art Display, or Art Sales (Private)</u>													S	P	P	P	P	P	P	P	P
	Description: A privately-operated facility or area for the acquisition, preservation, study, [and] exhibition <u>or sale</u> of works of artistic, historic or scientific value.																				
	On-site Parking Requirement: One space per 300 square feet of gross floor area.																				

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 adding to the "Retail and Personal Services" element thereof a new entry for the use "Beer/Wine/Cooler Cultural Establishment," reading as follows:

...

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Beer/Wine/Cooler Cultural Establishment																	S	S		S	S
Description: An establishment: 1. Whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers, for consumption only: a. At a facility licensed as an art studio or otherwise licensed for art sales or display (or both); and b. During the hours of an artistic exhibition, presentation or performance; and 2. That meets the Minimum Special Use Permit Requirements set forth below.																					
Minimum Special Use Permit Requirements: 1. The use is limited to the area located within the boundaries of 18b The Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time. 2. No gaming is permitted as part of this Special Use Permit. 3. The use must conform to the provisions of LVMC Chapter 6.50.																					
On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																					

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 amending the definition of the term "Museum or Art Gallery (Private)" to read as follows:

"Museum, [or Art Gallery] Art Display, or Art Sales (Private)" means a privately-operated facility or area for the acquisition, preservation, study, [and] exhibition or sale of works of artistic, historic or scientific value.

SECTION 4: 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:

"Beer/Wine/Cooler Cultural Establishment" means an establishment:

(1) Whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers, for consumption only:

(a) At a facility licensed as an art studio or otherwise licensed for art sales or display (or both); and

(b) During the hours of an artistic exhibition, presentation or performance; and

(2) That meets the criteria for a beer/wine/cooler cultural establishment as set forth in Table 2, as adopted in Section 19.04.010.

1 SECTION 5: Section VII (D)(2)(5) of the Las Vegas Downtown Centennial Plan is
2 hereby amended by amending the listing for the use “Museum or Art Gallery–Private,” as found under
3 the category of “Retail and Personal Services,” to read as follows:

- 4 • [Museum or Art Gallery–Private] Museum, Art Display or Art Sales (Private)

5 SECTION 6: Section VII (D)(2) of the Las Vegas Downtown Centennial Plan is
6 hereby amended by adding to the list of Permitted Uses, at the end thereof, a new entry for Temporary
7 Uses, reading as follows:

8 10. Temporary Uses

- 9 • Outdoor Events, subject to the following:
- 10 –Must take place on the same site as, and be in conjunction with, the operation of an
11 established commercial business with a valid business license for that site.
- 12 –Limited to Thursdays, Fridays, Saturdays and Sundays.
- 13 –Limited to the hours of 10 am to 12 am.
- 14 –Measures to prevent or reduce nuisance factors such as glare, excessive illumination, noise,
15 vibration, smoke, dust, dirt, odors, gases and heat must be in place.
- 16 –Provision must be made for sanitary facilities and waste collection and disposal.
- 17 –Measures to promote safety and security must be provided.
- 18 –Outdoor events that are outside of the limits of the days and times stated above shall require
19 the approval of a Temporary Commercial Permit pursuant to Section 19.18.100.
- 20 • Temporary Outdoor Commercial Events

21 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
22 and 19.20.020 are deemed to be subchapters rather than sections.

23 SECTION 8: The Planning and Development Department is authorized and directed
24 to incorporate into the Downtown Centennial Plan the amendments contained in Sections 5 and 6 of
25 this Ordinance.

26 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

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

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 6-23-10
19 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: _____

11
12 APPROVED:

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BEVERLY K. BRIDGES, MMC
17 City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JULY 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-27 – Adopts the Symphony Park Design Standards Manual and related design documents. (TXT-37746) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Several years ago the City Council adopted design standards and related design documents relating to the Union Park development. Since then the development has been renamed “Symphony Park” and the design standards have been refined and updated. This bill will adopt the Symphony Park Design Standards Manual and related design documents as replacements for the design-related documents previously adopted.

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. 2010-27

1 **BILL NO. 2010-27**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE SYMPHONY PARK DESIGN STANDARDS MANUAL AND
4 RELATED DESIGN DOCUMENTS, AND PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Mayor Oscar B. Goodman

Summary: Adopts the Symphony Park Design
Standards Manual and related design documents.

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

9 SECTION 1: The Union Park Design Standards, along with the Appendices thereto,
10 as adopted by Ordinance No. 5974, are hereby replaced with the Symphony Park Design Standards
11 and the included Appendix, which are attached hereto and incorporated herein by this reference.

12 SECTION 2: The Planning and Development Department is authorized to:

13 (A) Include the date of the adoption of this Ordinance within or upon the
14 incorporated documents at such locations as are designed to reflect the date of the adoption of this
15 Ordinance;

16 (B) Replace any page within the incorporated documents that may indicate it is in
17 "draft" form with a final version of that page;

18 (C) Republish the incorporated documents in final form to reflect desired
19 formatting, make pagination changes, correct any pagination errors, or replace any pages that did not
20 print in a manner that would adequately depict the information intended to be depicted; and

21 (D) Republish the Union Park Schematic Streetscape Design Documents, previously
22 adopted by Ordinance No. 5974, as the Symphony Park Schematic Streetscape Design Documents,
23 to include any changes necessary to conform those documents to the Symphony Park Design Standards
24 adopted by means of this Ordinance.

25 SECTION 3: As provided for in LVMC 19.06.060(B), design standards applicable
26 to all or any portion of the Downtown Overlay District that are adopted and amended by the City
27 Council are deemed to be incorporated into LVMC 19.06.060(B), and any such adoption or
28 amendment may be accomplished by ordinance or by resolution. Therefore:

1 (A) The Symphony Park Design Standards Manual and Symphony Park Schematic
2 Streetscape Design Documents, as referred to in Section 2 of this Ordinance, are incorporated into
3 LVMC 19.06.060(B); and

4 (B) The election to proceed in this case by ordinance shall not be deemed to limit
5 the City's ability to proceed in future cases by means of ordinance or resolution.

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

14 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

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

18 APPROVED:

19
20 By _____
21 OSCAR B. GOODMAN, Mayor

22 ATTEST:

23 _____
24 BEVERLY K. BRIDGES, MMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 6-23-10
27 Date
28

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: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
City Clerk

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PAGE NUMBERS ARE FROM THE NOVEMBER 2006 VERSION OF THE DESIGN
GUIDELINES

SYMPHONY PARK

DESIGN STANDARDS

November 1, 2006
(amended XXXX, 2010)

Inside cover
Prepared for:
CITY OF LAS VEGAS
Project Manager:
NEWLAND COMMUNITIES

Prepared by:

(RNL logo)
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Tower 3, Suite 700
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Salt Lake City, Utah 84101

Table of Contents

Introduction.....	ii
Design Standards.....	iv
1.0 SYMPHONY PARK ORIENTATION	
1.1 Features of the Plan	2
1.2 Context of Symphony Park	3
1.3 Streetscape Network	4
1.4 Open-Space Network	5
1.5 Active Streets	6
1.6 Vehicular Access to Parking	7
1.7 Service Access	8
1.8 Storm Water Management and Drainage	9
1.9 Street-Level Views and Spatial Definition	10
1.10 Tower Location and Views	11
1.11 Neighborhood Architectural Character	12
1.12 Arts in Symphony Park	13
1.13 Sustainable Principles and Goals	14
1.14 Sustainable Site / Landscape Techniques	15
1.15 Building Design Sustainability	16
2.0 STREETScape AND OPEN SPACE	
2.1 Human Comfort	18
2.2 Material Performance	19
2.3 Village Ergonomics	20
2.4 Village Identity	21
2.5 Grand Central Parkway	22
2.6 City Parkway	24
2.7 West Clark Avenue	26
2.8 Promenade Place	28
2.9 Symphony Park Avenue (Flanking Park)	30
2.10 Symphony Park Avenue (Entrance)	32
2.11 West Bridger and Carson Avenues	34
2.12 Street Extensions (Private)	36
2.13 Symphony Park Forecourt	38
2.14 Symphony Park East	39
2.15 Gateway Plaza	40
2.16 The Crossing	41
2.17 Streetscape and Open Space Materials and Components	42
2.18 Site Maintenance	44
3.0 GENERAL SITE AND BUILDING DESIGN STANDARDS	
3.1 Urban Design Principles	46
3.2 Arcades	48
3.3 Exterior Building Materials and Finishes	49
3.4 Awnings, Canopies and Shading	59
3.5 Building Fenestration	52
3.6 Amenity Decks	53
3.7 First Floor Heights	54
3.8 Storefront Design	55
3.9 360 Degree Architecture	56
3.10 Roofs	57
3.11 Parking Structure Design and Concealment	58
3.12 Building - Parking Relationships	60

Table of Contents

3.13	Articulation	61
3.14	Solar Access and Shading	62
3.15	Solar Orientation	63
3.16	Building and Site Signage	64
3.17	Building Lighting	66
3.18	Building and Site Security	67
3.19	Storage, Equipment, Loading and Screening	68
4.0	CHARACTER OF THE BLOCKS	
4.1 A	Ruvo Alzheimer's Building/West Clark Avenue Entry	70
4.2 B	West Clark Avenue/ S. Side Entry	72
4.3 C	Symphony Park Avenue North Side Entry	74
4.4 D	Grand Central Block (<i>North of C</i>)	76
4.5 E	Gateway Commercial West Side of City Parkway Entrance	78
4.6 F/G	Middle Neighborhood Block	80
4.7 H/I	Performing Arts Center	82
4.8 J	South Side West Clark Avenue	84
4.9 K	Southeast Corner Block	86
4.10 L	South Site Civic Axis	88
4.11 M4	Civic Access Block	90
4.12 N	North Side Civic Axis	92
4.13 O1	Middle Avenue Block	94
4.14 O2	Gateway Block-South	96
4.15 P	Gateway Block-South	98
4.16 Q	Gateway Block-North	100
	Design Review Process	102
	Permitted and Prohibited Land Uses	103
	APPENDIX	
	Keynote System	108
	Street Plant Lists	132
	Outdoor Dining Standards—Private Sidewalk Areas	134
	Glossary	135

INTRODUCTION

In 2000, the City of Las Vegas launched a re-urbanization plan for Downtown, looking ahead to a Downtown renaissance by 2020. Population increases have fueled a demand for denser infill housing and urban living near Downtown. The 61 acre Symphony Park parcel is a critical element in the City's renaissance plan. Symphony Park will be a new urban environment for the Downtown area, a walkable downtown village with a compelling identity, appealing landscaped environments and a variety of entertainment and dining choices.

Creation of Urban Density The plan focuses on maximizing density rather than limiting it, to generate the multiplicity of activities and urban excitement that will make Symphony Park memorable. To generate the high density that creates a mixed use urban district, every block must be developed efficiently and densely to achieve the critical mass of residents and visitors that will make it an exciting urban district. The expectations at buildout for land uses in Symphony Park include the following:

- *Diversity of residential building types including low rise town houses and high rise apartments, enough to create an urban village*
- *Medical and general office space creating an employment center in Symphony Park*
- *A critical mass of destination retail, restaurant and entertainment uses to enliven the urban neighborhood*
- *A choice of business, boutique and entertainment related hotels for visitors*
- *A world-class performing arts center on Symphony Park as a regional draw Symphony Park*
- *Parking in each block for each use, serving daytime and evening uses with equal convenience.*

Development Concept To create the exciting urban skyline that is expected, building heights are anticipated to be high. The only limitation on building height is the availability of parking on the parcel or in the immediate area. All off-street parking will be in multi-story structures, some below grade and most above grade. The structures will be wrapped by other uses in most cases except for some instances where they may be exposed.

Development Parcels The 61-acre site is divided into 17 development parcels. The sale parcels consist of all the land behind the back of curb lines on each block. Owner/ developers will provide the streetscape of the sidewalks, and all development behind the back-of-curb line, which is also the build-to line referred to later in this booklet. In this way, the sidewalks are all private property, and the moving and parking lanes are public. Public streetscape, landscape, lighting and signage are intended to create visual amenity and durability while protecting land values and the private investment.

The City's Roles The City will build the Symphony Park streets (between the curb lines) and infrastructure serving each block. The City will also convene a Design Review Committee who will review and approve designs for each project design submittal.

Development Timeline and Process **Symphony Park** is a multi-phase project, with projects proceeding on coordinated timetables. Some blocks will be phased so that later phase—more intensive—development will be initiated with structured parking and high rise buildings replacing temporary surface parking.

Mixed Use The greater the mix of uses, the more urban the Symphony Park experience. The high-rise environment provides opportunities for both vertical and horizontal mixed uses.

Critical Housing Density Developers will be expected to create housing densities that are comparable to Chicago, New York or Vancouver, while creating a great number of units closer to the street in liner buildings that create street continuity, and towers that create a distinctive skyline and views.

Environmental Conditions The 61 acre site was formerly owned by the Union Pacific Railroad. Analysis of contaminated soils has been conducted. Maps of this information are available from the City of Las Vegas Office of Business Development and/or Newland Communities.

Entitlements The City will work closely with Symphony Park developers to entitle each project in a timely manner.

Design Standards Design Standards are graphic and written principles of design which are to be incorporated into the design of each development block in a project area. In this case, they are an aid to achieving a high level of design excellence at Symphony Park. The success of Symphony Park as a place depends upon each developer and designer becoming familiar with all parts of these Design Standards and incorporating them into the designs for each block.

Relationship to Other Documents These design standards shall apply to all development in the project area. Where these development standards are in conflict with Title 19 of the Las Vegas Municipal Code, the City of Las Vegas 2020 Master Plan, or the standards of the Las Vegas Downtown Centennial Plan, then the more restrictive standard shall apply. Where these design standards are silent on a particular issue, the requirements of Title 19 of the Las Vegas Municipal Code, the City of Las Vegas 2020 Master Plan, or the standards of the Las Vegas Downtown Centennial Plan shall apply.

Design Standard Philosophy Symphony Park Design Standards will guide developers and architects through the process of creating a pedestrian-oriented, visually cohesive and economically viable urban community. The Standards promote a clear and consistent process for the development of parcels. While they keep a perspective on the vision, they are also flexible in accommodating a mix of uses while helping to shape a variety of building forms. They do not mandate particular architectural styles or building materials. Instead, the Standards do the following:

- Recognize that Symphony Park will be built and evolve over time
- Create and maintain a standard of quality that will sustain real estate values
- Promote a cohesive development pattern while allowing for diversity and variety in the design and construction of individual projects
- Assist designers, City Staff, developers and others in making consistent design choices that reinforce the vision.
- Provide clear guidance to the process of Design Review and public approvals.
- Each development will be reviewed for compliance with the Design Standards, according to the Design Review process described in the back of this book. This book of Design Standards is organized into four major parts:

SECTION 1

SYMPHONY PARK ORIENTATION: a section that orients the project developer and designer to the systems and requirements that affect not only the individual sites but also the site as a whole. Items such as parking and access, site drainage, public open space and solar orientation are covered in this section.

SECTION 2

STREETSCAPE AND OPEN SPACE: this section delineates the major characteristics of all the streets in Symphony Park, including their cross sections, design themes and streetscape elements. This is important for each developer because it includes design back of the curb line which will be the responsibility of the developer.

SECTION 3

GENERAL SITE AND BUILDING DESIGN STANDARDS: Divided into Intents and Standards, each of the sections covers a different non-geographic feature such as building articulation, signage, site lighting and active building frontages. Each of these contributes to the success of the urban environment by adding a functional and aesthetic note to the overall look and feel of Symphony Park.

SECTION 4

CHARACTER OF THE BLOCKS: This last section describes allowable and encouraged buildings, setbacks, active frontages, parking access and other parameters of each land parcel (block). Setbacks, open space features, view corridors and other features are displayed so that the designer has a logical starting point for design.

Each Design Standard is organized into a hierarchy of Intents and Standards. The Intent is a statement of the purpose or goal behind each design Standard. In the event that specific language of each Standard is not definitive, the Design Review Committee reserves the discretion of making decisions on the basis of their understanding of the Intent. This interpretation shall govern.

Each principle is either a required or a recommended standard. Required standards are accompanied by the language of "shall do" rather than "should" or "it is encouraged." Recommended standards are suggested components, termed as "should do" or "is encouraged." Overall the quality of Symphony Park may depend on the developer following most if not all of these optional elements. However, they also provide negotiation points if either the developer or the Design Review Committee wishes to resolve differences of viewpoint on a design. Some sections include "acceptable" standards which describe something that is allowable or desirable.

1

SYMPHONY PARK ORIENTATION

Site-wide urban design features are illustrated in this section. These include street types, parking and service access, storm water management, view corridors, active streets and the pedestrian open space system. Each development block relates to each of these site-wide features in a unique way. By understanding how these systems work and applying this knowledge, each designer will help to create a more successful environment in Symphony Park.

1.1 Features of the Plan

THE FEATURES OF THE PLAN

The Illustrative Plan demonstrates the key concepts for architectural design to create the high quality urban district that is Symphony Park. Foremost among these concepts, illustrated on the following pages, are:

Human-Scale Buildings

A rich, human-scale band of lower building elements at and near the street level.

Bases of each block enriched with continuous active building faces of retail and restaurant activity on several streets.

Active uses, awnings, interesting storefronts and signage create an exciting urban environment.

Comfort

Human comfort and amenity are the major design emphasis of the streets and public open spaces.

Everything in these spaces should be designed and selected for appropriateness to climate, neighborhood concept and sustainability.

Sustainability

Environmentally-responsible urban buildings set a high standard

Art Is Integral

Civic nature of the neighborhood

Themes of streetscape

Performing arts

Well-designed buildings and art pieces

Integral art in streetscape and architecture

Active Uses at the Build-To Line:

Pedestrian-oriented environment

Parking structures are concealed behind residential and commercial building wraps.

Parking

Simple, predictable system of parking and service entrances

Vehicle access should be secondary to pedestrian movement.

Building Scales

Tall towers with articulated shapes

– Recognizable urban skyline

Shapes, massing and locations allow views to the mountains and the Strip

Residential Diversity

A diversity of residential types

– High rise apartment buildings

– Mid-rise connecting towers

– Low-rise townhomes

Conveniences and attractions make a true urban neighborhood.

Quality Design

High quality architectural and landscape design

State-of-the-art environment in a hot desert climate

1.2 Context of Symphony Park

THE CONTEXT OF SYMPHONY PARK

Symphony Park is in a prime location surrounded by the Las Vegas downtown and numerous development projects. The downtown office core is directly east; the casino center is also across the railroad tracks, with Fremont Street being a center and draw for the entire area. Las Vegas' re-urbanization plan, begun in 2000, is aimed at a Downtown renaissance. The city's population exceeds 550,000 and is expected to reach more than 700,000 by 2020, creating a demand for denser in-fill housing near downtown. Property values have risen accordingly.

Adjacent Development

Several development projects are underway or have been completed adjacent to Symphony Park. Taken together, they represent a wide variety of downtown uses that will create markets for residential units, restaurants, retail shops and office space.

WORLD MARKET CENTER A 1.3 million SF Phase 1 of the wholesale design center, housing a 10 story collection of furniture showrooms, drawing thousands of people to each of its regular conventions. Later phases are planned to increase the showroom area to 12 million SF.

INTERMODAL TRANSIT CENTER Design is underway for the transit center. The facility will be the central regional transportation facility, housing local and express buses, Bus Rapid Transit, a monorail stop and a stop of the future highspeed, inter-city rail system.

LAS VEGAS PREMIUM OUTLET MALL Recently completed, this 435,00 s.f. premium outlet mall west of the Clark County Government Center is already providing a high traffic count of shoppers to the area.

CLARK COUNTY GOVERNMENT CENTER This civic center employs several thousand daytime county and Regional Transportation Commission office workers. A master plan for enlarging the center is being evaluated, including supplementing the on-site parking.

INTERNAL REVENUE SERVICE Construction is nearing completion on the mid-rise IRS building complex by the Molasky Companies, north of Ogden Street. This will provide an even greater midday worker population in the area.

PRIVATE MAIN STREET LAND HOLDINGS A private owner holds much of the strip between Main Street and the railroad tracks, with ambitions to develop these properties.

ARTS DISTRICT Along Charleston, south and east of the site, a district of arts-related and residential projects is envisioned and is taking shape.

These projects are the recent signs of a renaissance of downtown Las Vegas setting up the conditions for an exciting mixed-use high rise development district.

1.3 Streetscape Network

STREETSCAPE NETWORK

Symphony Park will establish a new precedent for Las Vegas with innovative urban streetscapes that incorporate sustainability practices, enhanced comfort, distinctive and artistic identity and provide destination qualities that define the urban community.

Streets will efficiently move traffic into and through the site, provide direct access to parking and offer comfortable, inviting and safe environments for pedestrians. Vehicle access into and through this site is well distributed, interconnected and coherent, and responds directly to the existing Las Vegas street network.

Designed as a system of linear open spaces, the streets of Symphony Park offer cool and animated areas to gather and connect people to work, home, shopping and public spaces. Rights-of-way and building massing are proportioned to enhance solar comfort. Dining, shopping and public events such as fairs, markets and celebrations are meant to take place in this realm without impeding pedestrian or vehicular circulation. These activities create a lively and activated urban environment.

The Symphony Park streetscape network is comprised of varied street types, each distinguished by function and identity. Grand Central defines the arterial edge of the village and downtown. City Parkway and West Clark combine to provide through circulation from a future highway interchange at F Street. City Parkway is envisioned with a retail emphasis, and the West Clark and its esplanade anchors the medical district and provides a key address opportunity. The Promenade Place animates the village with retail and a mix of other uses, functioning as

the primary strolling space. Symphony Park Avenue straddles and is defined by Promenade Place, the organizing space of the village. West Bridger and Carson Avenues function primarily as residential streets. The Symphony Park streetscape network is comprised of several street types, each distinguished by function and identity.

City Parkway

A wide 4 lane boulevard with left turn pockets and on-street parking, direct connection from I-15.

Promenade Place

A narrow two lane shopping street, with on-street parking; no parking entries off the street.

Symphony Park Avenue

A wide street that becomes a one-way way pair just east of Grand Central Parkway flanks Symphony Park on both sides.

West Clark Avenue

A wide four-lane boulevard with on-street parking, left turn lanes and wide sidewalks as the centerpiece for the office district.

West Carson and West Bridger Avenue

Two-lane service streets that connect from Grand Central Parkway.

Grand Central Parkway

A wide, higher speed boulevard with Bus Rapid Transit added to the median.

PAGE 5

1.4 Open-Space Network

OPEN-SPACE NETWORK

The Symphony Park open-space system is organized around an urban framework based in principles of building integration, regional design and street-level comfort. Comprised of a hierarchy of parks, plazas, streetscapes and courtyards, this open-space system offers a variety of spaces intended to attract a diverse mix of residents and uses.

Designed to celebrate and accommodate both urban living and visitor experiences, the open-space system at Symphony Park will be built for enduring quality. Distinct and durable materials, furnishings and finishes will create a visually cohesive system that will establish a standard of quality that complements the intended building quality.

Extreme climatic variations in southern Nevada require an open-space system that provides comfortable outdoor environments by managing solar orientation and creating favorable microclimates. Through careful solar design, parks, plazas, streetscapes and courtyards will extend the daily and seasonal pedestrian experience within this desert village.

The primary organizing axis of the public space network runs east-west along the City's Lewis Street corridor, with streets named to the west of the railroad tracks. A collection of open spaces and active uses along this corridor are intended to establish a strong and direct relationship to downtown Las Vegas. Three primary spaces are positioned as a sequence within Symphony Park: a forecourt at the project entrance on Grand Central Parkway, a major urban park currently known as Symphony Park, and a stepped plaza and associated bridges which allow pedestrians to cross the railroad tracks. This area is currently known as "The Crossing."

The primary north-south open space within the Symphony Park village is a pedestrian-oriented street known as the Promenade. The Promenade is uniquely designed as a signature public space within the development, linking several districts and public spaces along its north-south orientation.

The Promenade is anchored at its northern end by Gateway Plaza, a public space that organizes an entertainment district and transitions Symphony Park to Fremont Street in downtown Las Vegas. On the southern end, the Promenade arrives at a medical district. While medical and supporting uses may be organized around an internal open space system, the primary address for the area is West Clark Avenue. This street has been planned as a cool, green esplanade, with opportunities for both strolling and gathering.

Union Commons is a semi-public space defined by residential uses, intended to primarily serve these residents, but not be gated. Views, sight lines and pedestrian circulation to and from adjoining streets is intended.

A final component of the open space system at Symphony Park is represented by the pedestrian streetscapes, places of comfort, distinctive identity and sustainable quality.

PAGE 6

1.5 Active Streets

INTENT:

To create energized urban streets which support a pedestrian environment.

Active frontages are comprised of retail and restaurant uses, as well as residential and office building lobbies (and some other uses).

REQUIRED**1.5.1 Active Frontages along the Promenade**

The promenade will be the most vibrant and energized pedestrian corridor within the site. It shall be continuously lined with active building frontages.

1.5.2 Active Frontages along Grand Central Parkway

Grand Central Parkway will be one of the site's busiest vehicular corridors, and exposed parking will be permitted along it. Active building frontages are encouraged along the Parkway at its intersection with Symphony Park Avenue and other corners.

1.5.3 Active Frontages along West Clark Avenue

This street is an address for the medical/office neighborhood and an important pedestrian conduit within the site, and shall be lined with active frontages.

1.5.4 Active Frontages along Symphony Park Avenue

Discovery Entrance shall be lined with active uses to mark its significance as the primary entrance into the site.

1.5.5 Promenade Place

On The Promenade Place, emphasize only retail and restaurant uses. The Promenade Place shall be terminated at its south end by a knot of active frontages at its intersection with West Clark Avenue. This is the most intensive grouping of active day and night-time uses. Uses along The Promenade Place from Symphony Park Avenue to West Carson Avenue should include service oriented businesses for the residences of Symphony Park.

RECOMMENDED**1.5.6 Grand Central Parkway**

Corners on Grand Central Parkway should be developed as spot retail, restaurants and display space at the ground level.

PAGE 7

1.6 Vehicular Access to Parking**INTENT**

To provide a simple, easy to navigate system of parking access.

To conceal parking from public view to the greatest extent possible.

To minimize vehicular access (curb cuts) on primary building frontages and to reinforce a clear hierarchy and organization of circulation within Symphony Park.

REQUIRED**1.6.1 Vehicular Movement**

Vehicular movement on site is shown on the diagram. All streets shall be two-way, with the numbers of lanes sized to the anticipated traffic volume, varying from street to street.

1.6.2 Parking Access

Parking requirements for the project shall be accommodated within above grade and below grade parking structures. Generally, vehicle access is allowed in the midsection of each block as shown on the diagram and is to be coordinated with adjacent block access. Vehicle access is allowed on more than one block face. However, each block may have only one such access on any block face. Details of block access are illustrated in the individual block guidelines. These guidelines also maximize uninterrupted public sidewalks and minimize conflicts between vehicles and pedestrian.

1.6.3 Vehicular Access Along The Promenade Place

The northern portion of the Promenade shall not be used for vehicle site access between Symphony Park Avenue and West Carson Avenue. All other streets may have vehicle access as shown.

1.6.4 Exposed Parking Frontages

Exposed parking shall be restricted to those building frontages along the railroad tracks and Grand Central Parkway and as otherwise shown in the individual parcel diagrams. Exposed parking shall be avoided along the Promenade, and shall be minimized (and avoided, if possible) along West Clark Avenue and City Parkway. Exposed parking shall be treated architecturally consistent with adjacent buildings.

1.6.5 Parking Pockets

Parking pockets along public streets shall be provided by block developers per landscape schematic design drawings and deeded back to the City for ongoing maintenance. On private streets they will not be deeded to the City. Each block landscape plan shall accommodate 1 "multimeter" parking meter pay station per parking pocket, to be installed and operated by the City.

PAGE 8

1.7 Service Access

INTENT

To minimize and mitigate the negative visual and noise impacts of service and loading areas, trash storage and mechanical equipment on adjoining streets, public spaces and property.

Vehicle access is defined to include service and emergency vehicles as well as general traffic.

REQUIRED

1.7.1 Service Access Along Promenade Place Service access shall not be located along the northern portion of Promenade Place, so as not to disrupt the street's character as the primary pedestrian conduit within the site.

1.7.2 Service / Delivery Locations

Building deliveries, trash pickup and other service needs shall take place primarily in the interior areas of the plots, and shall be screened from primary public view.

ACCEPTABLE

1.7.3 Shared Service Access

Service vehicles may enter at the same locations as general public or resident parking. Service access is also provided through alleys that run along the interiors of the blocks.

1.7.4 Railroad Right of Way

See civil design drawings for detailed condition along railroad ROW and required materials & color for exposed retaining wall.

PAGE 9

1.8 Storm Water Management and Drainage

INTENT

The site is graded to:

Capture storm water runoff in any perimeter landscape areas to potentially clean the water prior to conveyance via pipe to Lake Mead.

Prevent flash flood infiltration within buildings.

Maintain building finished floor elevations at street level to provide strong relationships between buildings and sidewalks.

Establish subtle visual prominence at the centerline ridge defined by the Promenade.

Most street grading will occur as a fill condition over the existing grade. As noted, the site is graded with a subtle ridge established near the arc defined by Promenade Place. Water moves east and west from this area, toward the park and railroad edge and toward Grand Central Parkway.

REQUIRED

1.8.1 Building and Street Flow Line Separation

The City of Las Vegas requires that building finished floor elevations in Symphony Park shall be positioned 12" above the flow line of the street which it adjoins. Strategies to address this requirement vary by street, relying primarily upon careful sidewalk grading from back of curb to future building floor elevations. Sidewalks have been designed with maximum cross-slopes at 2.5%. Street drainage is currently collected by inlets located primarily along east-west streets to intercept accumulating stormwater as it moves away from the Promenade. Each street is crowned along its centerline.

PAGE 10

1.9 Street-Level Views and Spatial Definition

INTENT:

To control the location of building walls to define and contain the street space, to concentrate and reinforce pedestrian activity, create a sense of the street as a place and accommodate associated activities, to emphasize views and vistas within Symphony Park.

Build-to lines or zones have been established to frame the major streets, creating outdoor spaces sheltered from the sun, comfortable and human-scale.

REQUIRED

1.9.1 Building Wall Enclosure

Provide setback and build-to zones for building frontages as shown in the diagrams in Section 4 where it is important to have buildings abut or setback from the street lines.

1.9.2 Promenade Place Building Wall Enclosure

Building frontages at street level to a height of 35-40' along the Promenade shall follow the build-to line. The Promenade building frontages shall follow the curvature of the streets precisely, with allowances being made for the tolerances of manufactured elements, building components and glazing. Above that height, setbacks within the setback zones of up to 25% of the building frontages may occur.

1.9.3 Percent Setback Allowed

On other streets, 75% of the building frontage must follow the build-to line. The remaining 25% may be set back for building entries, patios and pedestrian walkway entrances.

RECOMMENDED

1.9.4 View and Vista Lines

Buildings that terminate view and vista lines within the 61 acres should respond to these focal points with design features that emphasize their location.

PAGE 11

1.10 Occupied Tower Locations and Views

INTENT

To create a visible urban skyline for Symphony Park as a marketing and branding tool.

To preserve views from each occupied tower, and to avoid blocking views from adjacent development.

To preserve views to the occupied towers in Symphony Park from points of view outside the site.

The individual parcel diagrams in Section 4 illustrate where it is permissible to create occupied tower buildings.

REQUIRED

1.10.1 Occupied Tower Location

Each occupied tower shall be located with respect to preservation of the viewsheds of other towers in Symphony Park. In general, this means staggering or offsetting the footprints of occupied towers so that buildings do not face each other directly across narrow spaces.

1.10.2 Parcels With Multiple Occupied Towers

Some blocks will contain more than one high-rise occupied tower. In the event that more than one occupied tower is on one block, the occupied towers shall be offset to preserve the viewsheds and avoid direct views into adjacent buildings.

1.10.3 Occupied Tower Form / Configuration

Occupied towers shall not be created in long slab configurations except where shown, because of the concerns about view blockage. Instead, occupied towers shall be developed as point occupied towers which have a more compact floorplate and less of a visual profile.

1.10.4 Allowable Occupied Tower Locations

Occupied towers shall only be located in the positions shown in the diagram in this section. This diagram illustrates some flexibility on each parcel, to accommodate different locations of cores, building lobbies, service and other design features.

ACCEPTABLE

1.10.5 Lower Occupied Tower Limits

A lower occupied tower structure may be incorporated, which may rise no more than 10 stories or 150' from the podium. The purpose of this is to preserve views over the lower occupied tower from the occupied higher tower. This is shown on several of the residential parcels in this Section.

PAGE 12

1.11 Neighborhood Architectural Character

OFFICE / MEDICAL DISTRICT

Building heights lowest with respect to Symphony Park

Architecture of Parcel A2 should be respectful of and respond to Lou Ruvo Alzheimers' Center

Buildings monolithic and monumental in character, with larger scale fenestration patterns, lower degree of texture on skin and massing, expressing the nature of the use as business
Adopt a formal landscape with respect to public space
Towers form the street wall
Buildings at W. Clark Avenue street level expected to respond to this street in the form of linear plazas facing Clark Avenue

SYMPHONY PARK DISTRICT

Buildings translate the cultural, contextual and vibrant nature of Symphony Park into the vertical in massing, texture, fenestration and skin
Parcel H/I lies on an important public axis—a public space that activates Symphony Park
Buildings exhibit a civic/cultural scale and identity
Buildings on the important axes should reflect that position in their character
Buildings outline Symphony Park —responsible for defining the scale, closure and space
Boutique hotel to directly respond to Symphony Park and the Performing Arts Center
Hotel may create a visual connection to Parcels F/G
Street level activates the area around the park
Formal architectural character, yet making visual/ physical connections to Symphony Park

RESIDENTIAL DISTRICT

Intimate and humane scale
Skin and massing have a high degree of texture compared to other districts
Buildings closer to one another and respond to each other in form and massing
Semi-private character in hierarchy of public space
Green-inspired: fenestration includes operable windows, accessible balconies and decks
Landscapes and green habitable spaces on upper floors of towers
Comfortable and penetrable spaces with informal character
Retail spaces meant to activate the streetscape—towers that reach ground are to activate their streets in this district.

HOTEL / RETAIL / ENTERTAINMENT DISTRICT

These buildings will include the tallest compositions on the site
Gateway towers exploit views into the site
Textures, fenestration, massing is subtle and sophisticated to reveal “entertainment”
Active retail at street level extends into entertainment district to maintain pedestrian densities of restaurants and entertainment spaces
Strong pedestrian link between Fremont Street and Symphony Park
Expressive of physical connection and respectful of adjoining residential units
Strong sense of excitement, movement, dynamic forms

PAGE 13

1.12 Arts in Symphony Park

INTENT

To enrich the resident and visitor experience by providing stimulating, interesting visual and tactile experiences in public areas of Symphony Park
To develop a character and identity for Symphony Park that is about the enduring qualities of intellectual and emotional life, befitting a world class city.
To celebrate the city, its history, culture and achievements through the expression of the arts community

OPPORTUNITIES

The types of opportunities for art in Symphony Park include:

- A. Art as an integral, permanent part of individual buildings
- B. Art as an integral part of on-site landscape design, seating, lighting, paving, plant materials and other streetscape elements
- C. Art institutions which can occupy their own sites or be part of a building complex
- D. Performing arts, keying on the thematic presence of the Performing Arts Center
- E. Performing arts spaces (external or internal) and performing arts programming throughout the year
- F. Commercial art venues, such as art galleries and exhibit spaces
- G. Spaces for temporary exhibit of public art as part of a public art program
- H. Arts organizations and space for publicly-accessible arts activities such as studios and display space
- I. Funding for art pieces, arts programming,

REQUIRED

1.12.1 Minimum Public Art Requirements

Each parcel in Symphony Park shall demonstrate that it contains at least four of the listed opportunities for art-related spaces, design or programmatic features, as part of the Design Review process.

1.12.2 Public Art Accessibility

Each parcel's art-related features that meet the criteria above shall be accessible to the public and accessible to public view during the daytime and evening hours. Such facilities may, because of their special nature, be protected from public access during the late evening and early morning hours.

1.12.3 Public Art Design Review

Public art which is selected or commissioned for display shall be included in the Design Review process for each development parcel, beginning at the initial Design Review presentation. Its development shall be considered in conjunction with the building and site design as part of the Design Review process.

RECOMMENDED

1.12.4 Public Art Coordination

It is recommended that each developer become familiar with the art facilities and programs being developed by others in Symphony Park and, to the extent possible, provide complementary arts offerings that will contribute to a rich and varied offering of the arts in Symphony Park.

PAGE 14

1.13 Sustainable Principles and Goals

INTENT

To utilize sustainable design techniques in developing each site and building in Symphony Park, promoting integrated practices that show that the project is responsible to the future environmentally, economically and socially.

Definition of Sustainability

Project sustainability is an economic state where the demands placed upon the environment by people, activity and commerce associated with the project can be met without reducing the capacity of the environment to provide for future generations.

The American Institute of Architects Committee on the Environment has developed a draft definition of sustainable design practice that is applicable to the projects in Symphony Park. This definition is as follows:

The linked domains of sustainability are **environmental** (natural patterns and flows), **economic** (financial patterns and equity), and **social** (human, cultural and spiritual). Sustainable design is a collaborative process that involves thinking ecologically—studying systems, relationships and interactions—in order to design in ways that remove rather than contribute to stress related to systems.

1.13.1 Measuring Sustainability at Symphony Park

The Design Review Committee will include sustainability in its review of each project. Each applicant shall design their project to a level of sustainability that is LEED Certified or greater. LEED Certified status is achievable by having a conscious strategy of energy conservation and project sustainability from the outset and by exercising a professional level of care with regard to specifying materials and equipment and in other respects using widely available knowledge to create an environmentally-responsive building.

The burden will be on each project design team to set and achieve sustainable goals, and to demonstrate that it is making progress toward these goals, as part of the design review process.

The approach will be implemented by a process that is integral to the Design Review procedure established by these Design Standards. This process includes the following steps, coordinated with the Design Review process described at the back of these Design Standards.

BLOCK PLANS: The developer shall submit a strategy to the Design Review Committee, which shall demonstrate that the project will be designed with the LEED Certified rating as its minimum goal. A preliminary LEED checklist is due at the Block Plan/Schematic Design level.

At the time of Design Review Committee review of the Block Plans, the owner shall submit a signed letter committing to the LEED certification process and building commissioning, including a stated intention to retain a commissioning agent.

DESIGN DEVELOPMENT: The developer shall submit to the Design Review Committee a LEED checklist with some expanded explanation of how the assumed points will be achieved to create a LEED Certified or higher project and a letter from the commissioning agent or LEED-AP confirming the checklist approach.

Buildings must demonstrate 10% improvement in proposed building performance rating compared to ASHRAE Standard 90.1-2004 by whole building simulation (or meet the requirements of LEED ND Green Construction and Technology Credit.)

CONSTRUCTION DOCUMENT: The developer shall submit to the Design Review Committee the completed LEED checklist with a letter from the commissioning agent confirming his review of construction documents. A

letter from the owner confirming his/her intention to submit the required documents for LEED certification at the completion of construction, is also required. The DRC will also review the project with respect to the other criteria that it is responsible for, described elsewhere in this document.

To supplement the LEED program and to assist the developer in obtaining the credits needed to gain LEED Certified rating, the AIA Committee on the Environment has published its "Top Ten Measures of Sustainable Design" Each of these includes credits found in LEED, the most widely used measure of sustainable building projects in the United States.

SUSTAINABLE DESIGN INTENT – having a strategy and following it
REGIONAL THINKING – an appropriate place in the region

Site Ecology at Different Scales

BIOCLIMATIC DESIGN – natural controls working with the climate

LIGHT & AIR – daylighting and natural ventilation

WATER CYCLE – conservation

ENERGY FLOWS AND FUTURE – energy conservation

MATERIALS AND CONSTRUCTION – green materials, recycling, local materials

LONG LIFE, LOOSE FIT – adaptability to change over the life of the building

COLLECTIVE WISDOM AND FEEDBACK – soliciting help and getting responses

The major categories in the LEED system are:

SUSTAINABLE SITES

WATER EFFICIENCY

ENERGY AND ATMOSPHERE

MATERIALS AND RESOURCES

INDOOR ENVIRONMENTAL QUALITY

INNOVATION AND DESIGN PROCESS

Each of these has a series of criteria that are more fully described in the LEED literature.

PAGE 15

1.14 Sustainable Site / Landscape Techniques

SITE SUSTAINABILITY

A number of sustainable site development practices have been highlighted below to define specific opportunities for Symphony Park. The list is not intended to represent a complete LEED description.

1.14.1

Alternative Transportation

Public transportation access (not in scope of individual project)

INTENT: An inter-modal transportation station which includes light rail, commuter rail, regional and local bus service and a monorail, concentration of development density around the transit station.

BENEFIT: Reduce pollution and land development impacts from automobile use, to best serve the development of this site and downtown.

1.14.2

Alternative Vehicle Parking

Each block face shall incorporate motorcycle and/or alternative vehicle parking in remainder areas of parking pockets once auto spaces are accommodated.

1.14.3

Storm Water Management: Rate, Quantity and Treatment (not in scope of individual project)

INTENT: A Grading and Drainage (Storm water) Plan development for the entire 61 acre site. Storm water transport to Lake Mead via pipes after taking it through treatment systems.

BENEFIT: Reuse of storm water volumes.

1.14.3

Water Efficient Landscape

INTENT: Master plan gray water reuse system for the village, high efficiency irrigation products, and selection of streetscape plants with low watering needs. (Ref: Las Vegas Municipal Code Title 14 (water regulations and drought plan))

BENEFIT: Limit or eliminate the use of potable water for landscape irrigation. Overall water use reduction.

1.14.4

Resource Reuse

INTENT: Record and track all salvaged and reused components, village-wide. Determining a common building material, one that is readily available and in large supply, that can be used throughout the village.

BENEFIT: Reducing the demand for virgin materials and to reduce waste, thereby reducing impacts associated with the extraction and processing of virgin resources.

1.14.5

Regional Materials: 20% Manufactured Regionally

INTENT: Common and readily available materials should be pursued.

BENEFIT: Local character of the place. Increasing demand for building materials and products that are extracted and manufactured within the region, supporting the regional economy and reducing the environmental impacts resulting from transportation.

1.14.6

Materials: Light Colored High Albedo Materials

INTENT: Reduce impervious surfaces and thermal mass use. Light non-reflective colors for heat reflection, with glare control.

BENEFIT: Minimize heat gain and glare effect on streets to make the streets more pedestrian friendly.

1.14.7

Shading: Shade Trees, Shading Structures, Building Mass

INTENT: Create shaded streetscapes using shade trees, shade structures and building mass according to the orientation height to width ratio and use of streets.

BENEFIT: Greater use of streets by pedestrians by reducing the impact of the outdoor temperature extremes. To create a comfortable urban micro-climate with optimal street design.

1.14.8

Orientation: East/West Street Orientation, Building Mass Flanking the Streets

INTENT: Building shall be oriented according to sun path in summer and winter.

BENEFIT: Shaded and more pedestrian friendly streetscapes.

1.14.9

Heat Island Effect: Non-Roof: Low Level Landscape, Light-Colored, High Albedo Materials, No Surface Parking

INTENT: Low level landscape, Light-colored, high albedo materials shall be provided. No surface parking shall be included.

BENEFIT: Reduce heat islands -thermal differences between developed and undeveloped areas.

1.14.10

Alternative Transportation: Bicycle Storage and Changing Rooms

INTENT: Bicycle racks shall be included on public streets and open spaces. Changing rooms and shower facilities provided as part of individual building development.

BENEFIT: Reduce pollution and land development impacts from automobile use.

1.14.11

Innovation in Design: Art Work Street Furniture

INTENT: Art work shall be provided on streets as part of street furniture.

BENEFIT: Beautiful streetscapes.

PAGE 16

1.15 Building Design Sustainability

BUILDING SUSTAINABILITY

The potentials for saving energy, conserving resources, making buildings more enjoyable, productive places to live and work, and reducing life-cycle cost are all consistent with one another, since these goals and means are interrelated. Building design is susceptible to the same type of strategy and analysis as the site design. The major categories of these elements in building design include these LEED topics. As discussed, the applicant is free to set goals, create a strategy from these and other elements, and track progress toward meeting the goals. If the applicant wishes to adopt LEED or one of the other systems, this is encouraged.

Potential Sustainability Techniques

INNOVATIVE WASTEWATER TECHNOLOGIES

Reduce generation of wastewater

WATER USE REDUCTION

Maximize water efficiency

BUILDING SYSTEMS COMMISSIONING

Verify that building elements and systems are installed and calibrated to operate as intended

MINIMUM/OPTIMUM ENERGY PERFORMANCE

Achieve higher levels of energy performance above required standards

OZONE PROTECTION

Reduce ozone depletion through reduction of CFC's and other contributing sources

RENEWABLE ENERGY

Onsite renewable energy self-supply

GREEN POWER

Use of grid-source renewable energy technologies

STORAGE AND COLLECTION OF RECYCLABLES

Facilitate collection and retrieval of recyclables used by building occupants

BUILDING REUSE

Increase life cycle of building, and reduce manufacturing and transport of building materials

CONSTRUCTION WASTE MANAGEMENT

Direct construction-related recovered resources appropriately

RESOURCE REUSE RECYCLED CONTENT

Use recycled materials to save on extraction and processing of virgin resources.

REGIONAL MATERIALS

Local resource use where possible

RAPIDLY RENEWABLE MATERIALS

Emphasize over long-cycle renewable materials

CERTIFIED WOOD

Environmentally responsible forest management

IAQ PERFORMANCE

Set and improve on indoor air quality performance

CARBON DIOXIDE MONITORING

Provide for indoor air monitoring for CO2

VENTILATION EFFECTIVENESS

Provide for delivery and mixing of fresh air

CONSTRUCTION IAQ MANAGEMENT PLAN

Program for construction-related indoor air quality

INDOOR CHEMICAL AND POLLUTANT CONTROL

Reduction of indoor air contaminants and chemical exposure from materials

CONTROLLABILITY OF SYSTEMS

Provide for high level of individual and small group control of lighting, thermal and ventilation systems

DAYLIGHT AND VIEWS

Provide for outside connections for building occupants

INNOVATION IN DESIGN

Features building performance that are innovating and not addressed by existing rating systems

LEED OR OTHER SYSTEM ACCREDITED PROFESSIONAL

Set up and run environmental aspects of design program

PAGE 17

2

STREETSCAPE and OPENSPACE

This section describes each Symphony Park street type, streetscapes and open space, with street sections, plans and illustrations of their character, streetscape and other design features. The matrix of available streetscape elements such as light fixtures, benches, waste containers, bicycle racks and other components are more fully described in the Appendix following Section 4. The developer of each block is responsible for implementing these streetscape and open space concepts on each block as they affect that block. The area between the curbs is the responsibility of the City of Las Vegas.

Section 2 is organized into four topics:

HUMAN COMFORT

MATERIAL PERFORMANCE

VILLAGE ERGONOMICS

VILLAGE IDENTITY

An **INTENT** statement is provided for each of these. Then, **REQUIRED** and **RECOMMENDED** Standards for each are enumerated on pages 18 and 19. The Standards are then applied on the following pages of Section 2 to specific Streets, Streetscapes and Open Spaces. Their application is indicated by the number that corresponds with the numbers on pages 18 and 19.

NOTE: Please also refer to the Symphony Park Streetscape Schematic Design documents available separately.

PAGE 18

2.1 Human Comfort

STREETSCAPE AND OPEN SPACE

Guidelines for streetscape and open space are organized to enhance human comfort in the desert, provide sustainable material performance, establish exceptional pedestrian appeal and establish a contemporary identity for this desert village. The guidelines below are organized under these four objectives.

Guidelines itemized below are keynoted on the streetscape and open space plans that follow. For example, on the Promenade Place plan, the guideline "2.2.8 - Tactile Paving" can be found.

In addition to these general guidelines, a detailed set of material and component recommendations have been established for streetscapes and open spaces. These recommendations are itemized on the "Streetscape and Open Space Materials and Components" list found on page 42. Keynote references from this list are also noted on the streetscape and open space plans, normally in conjunction with the general guideline reference. For example, "2.2.8/PV5 - Tactile Paving" refers to Stone Paving at Pedestrian Areas under the tactile paving guideline. An appendix further defines many of the detailed requirements.

While site sustainability intentions have been described previously within these guidelines, they are also incorporated below for completeness. LEED items are highlighted to encourage their application at Symphony Park. The list is not intended to represent a complete LEED description.

2.1 – Human Comfort

INTENT

Comfortable urban micro-climates attract both residents and visitors and result in extended outdoor use, providing additional community, retail and commercial benefits.

REQUIRED

2.1.1 – High-Albedo Paving (LEED)

All pedestrian areas shall be constructed of light colored, high-albedo (radiation reflectivity) paving materials in order to mitigate heat build-up. This requirement should not result in high-glare pavements. This standard is based upon a measure of Solar Reflectance Index of at least 29, as defined in LEED SS Credit 7.1: Heat Island Effect.

2.1.2 – Glare Reduction

Low streetscape plantings, such as groundcovers and perennials, shall be used at prescribed percentages to reduce solar glare and heat absorption. These plantings shall not disrupt pedestrian circulation or access to on-street parking. Additional plants such as vines may occur on vertical surfaces such as green screens and on overhead trellises.

2.1.3 – Shade Structures – Promenade

Architectural shade structures shall be constructed, to village guidelines, along the Promenade Place. The Promenade shade structures may incorporate lighting, ventilation fans, misting, plants and retail signage.

2.1.4 – Shade Structures – Intense Heat Zones

Architectural shade structures covering the streetscape sidewalks shall be built in all intense heat zones identified in the Solar Exposure Analysis on page 65. A minimum of 75% of the walking pedestrian surface shall occur in shade at Noon on June 21.

2.1.5 – Shaded Right-of-Way (LEED)

Street trees shall be selected, spaced and nurtured to maximize the shading of right-of-way pavement by providing a continuous canopy where designated. When trees reach approximately 50% of their mature size, a minimum of 75% of the walking pedestrian surface shall occur in shade at Noon on June 21. All trees shall be a minimum of 60" box size.

2.1.6 – Cool Site Furnishings

All site furnishings shall be light-colored and non-metallic in an effort to limit solar heat conductivity. Vinyl-covered metal is prohibited.

RECOMMENDED

2.1.7 – Cooling Water Features

Cooling water features, aerated water devices and misting systems should be placed near or adjacent to pedestrian circulation and gathering areas and building entrances. Limited amounts of water should be used in order to be environmentally responsible. Use of water features and misting systems shall not conflict with the City of Las Vegas Drought Plan, LVMC Title 14.

2.1.8 – Increased Air Circulation

Where possible, architectural shade structures and large plantings should be designed to funnel prevailing breezes to increase air circulation, evaporation and flush out heated air. Artificial air circulation devices may be utilized as part of shade structures, but without the use of Freon.

2.1.9 – Photovoltaic Elements

Photovoltaic elements should be explored to power 'cool seats', misting elements, water features, ventilation systems, irrigation and lighting. These elements may be incorporated into the street light infrastructure.

2.1.10 – Sunlit Areas

Sunlit spaces and clearings should be designed for use during cool seasons, and should be integrated into the rhythm of the streetscape. Proportioned distinctions between shade and light will typify the Symphony Park streetscape.

2.1.11 – Recessed Gathering Areas

Small recessed (sunken) gathering areas with 'earth seats' that benefit from the cool ground conditions should be considered. These areas may include water and shade canopies. Earth seats are built into the recessed ground.

PAGE 19

2.2 Material Performance

2.2 – Material Performance

INTENT

Use of high quality building materials will establish long-term value at Symphony Park and act as a precedent for future development in downtown Las Vegas.

Durable and environmentally responsible building materials and methods may reduce resource and energy consumption, support the regional economy and inspire future sustainable development in downtown Las Vegas.

REQUIRED

2.2.1 – Efficient Landscapes (LEED)

Landscape development for all streetscapes and open spaces shall utilize water conserving plantings and high efficiency irrigation products and systems. This standard is based upon reducing water consumption for irrigation by 50% from a calculated mid-summer baseline case, as defined in LEED SS Credit 1.1: Water Efficient Landscaping.

2.2.2 – Erosion Control (LEED)

Landscape development for streetscapes and open spaces with slopes greater than 3:1 shall utilize permanent erosion and sedimentation control measures.

2.2.3 – Tree Trenches

Street trees shall be planted in continuous tree trenches beneath sidewalks. These trenches shall be designed to promote thriving long-term tree health by allowing widespread and un-compacted root growth in a well-drained structural soil medium.

2.2.4 – Pavement Loading

All streetscape pavements accessible by vehicles shall be designed to withstand vehicular loading, anticipating potential use by service and emergency vehicles.

2.2.5 – Integrated Pavement Systems

All scoring patterns shall conform to the streetscape module as defined within these guidelines in the Streetscape Network Matrix. Jointing shall integrate with all streetscape elements, material changes and surface utility components. Score lines in curbs and gutters shall align with score lines in sidewalk paving. Where curb and gutter systems are completed prior to sidewalks, sidewalk jointing should be coordinated with curb and gutter jointing.

2.2.6 – Light Pollution Control (LEED)

Light pollution shall be minimized through the use of low lighting profiles, recessed luminaires and minimal luminance levels, where street light is cast downward. This standard is based upon designing exterior lighting so that all site and building-mounted luminaires produce a maximum illuminance value no greater than 0.20 horizontal and vertical footcandles at the site boundary and no greater than 0.01 footcandles 15 feet beyond the site, as defined in LEED SS Credit 8: Light Pollution Reduction.

Note that ambient light emanating from retail storefronts may not be included in these measurements.

2.2.7 – Streetscape Grading

Streetscape grading shall follow City requirements to minimize potential flooding impact to buildings and occupants, while allowing handicap access and avoiding any sidewalk cross-slopes in excess of 2%. A twelve inch vertical separation between building finished floor elevation and street flow-line elevation is required.

2.2.8 – Tactile Paving

A fine-grained pattern of unit pavers shall be used in large contiguous areas at prescribed percentages (see matrix for individual street requirements) to define the scale and visual interest of the pedestrian streetscape. Subtle abstractions of the desert floor may be developed in the paving patterns.

2.2.9 – Consistent Quality

Consistent quality shall be implemented between streetscape and private, building-related improvements, in order to uphold the overall quality of the development. For example, streetscape materials may be extended into private areas such as entries.

2.2.10 – Heavy Duty Quality

All site improvements and furnishings should be heavy duty to withstand the rigors of urban impact and potential vandalism. Residential quality components shall be prohibited.

RECOMMENDED

2.2.11 – Minimize Turf Grass

Planting designs for all streetscapes should avoid the use of turf grass in order to reduce excess water consumption. In open spaces, irrigated turf should be limited to no more than 50% of the developed open space area. Grass species with lower watering needs should be utilized.

2.2.12 – Regional Materials (LEED)

Select regional materials should be pursued where practical in order to minimize transportation costs and benefit the local economy. Where non-regional materials are available more economically to reinforce good trade practices and stimulate global economies, these materials may be pursued.

2.2.13 – Recycled Materials (LEED)

To minimize energy expenditures and new resource extraction for material production, reused and recycled materials should be used for streetscape improvements.

2.2.14 – Clean Storm Water (LEED)

Surface landscape areas and tree trenches should be designed to harvest and clean storm water for reuse in grey water irrigation systems.

PAGE 20

2.3 Village Ergonomics

2.3 – Pedestrian Appeal

INTENT

A welcoming, intimate and safe public environment establishes a sustainable basis for a residential community. Diverse and engaging streetscapes and open spaces encourage return visitors.

REQUIRED

2.3.1 – Seating

On all retail streetscapes (see page 6) and open space edge conditions, one bench shall be placed for every 75 linear feet of street frontage. On all non-retail streetscapes (see page 6) one bench shall be placed for every 100 linear feet of street frontage. Seating may be grouped to address Requirement 2.3.2 below.

2.3.2 – Pedestrian Rooms

Seating elements shall be assembled in groups of two or more to create inviting outdoor pedestrian rooms within the streetscape. To increase the sense of human appeal, these groups of seating elements shall be combined with special paving, lighting, shade, bike racks and elements of art and water. These places will function as small urban oases, places of enhanced comfort and interest along the street.

2.3.4 – Bus Stops

A pedestrian room (noted above - 2.3.2) shall be designed at all bus stops, providing an appealing environment for transit riders.

A bus stop shelter is required to be placed in this location by the appropriate block developer. See Streetscape Schematic Design drawings for requirement.

2.3.5 – Bike Racks (LEED)

Bike racks shall be installed adjacent to all major building entrances and where streetscapes and open spaces meet. A minimum of one four-unit bike rack shall be utilized per each major building entry.

2.3.6 – Utility Coordination

Streetscape designs shall be completed prior to utility placement so utility boxes and vaults can be integrated with the landscape module and placed within preferred utility zones. Utilities shall not interfere with the complete and uninterrupted installation of the streetscape elements.

2.3.7 – Identity Signage

District identity signage/monumentation shall be integrated within the streetscape (both sides of the street) on streets that enter the Symphony Park site where programmed.

2.3.8 – Pedestrian Safety

Bollards, or other approved elements, shall be placed between noted pedestrian and vehicular zones at distances defined on plans. Tactile paving surfaces shall define pedestrian street-crossing areas.

RECOMMENDED

2.3.9 – Screening

Architectural screens should be utilized to filter and mitigate views to and across railroad tracks where Symphony Park streets terminate at the railroad.

2.3.10 – Moveable Furniture

A portion of the specified outdoor furniture should be moveable and adaptable to individual building-related needs, climate variations and group dynamics.

2.3.11 – People-Watching

Streetscape rooms should be designed to maximize peoplewatching opportunities, by organizing proximities and composing furnishings to establish synergies between the two areas.

2.3.12 – Neighborhood Gatherings

Spaces should be created that provide opportunities for neighborhood gatherings and outdoor public life. While these areas may range in size, they should be organized to allow residents the opportunity to temporarily customize them to accommodate neighborhood events and activities.

PAGE 21

2.4 Village Identity

2.4 – Village Identity

INTENT

Regionally appropriate spaces that reflect the Mojave Desert context will define the sense of place at Symphony Park.

Local materials and patterns will create an authentically distinctive atmosphere, unique to the Las Vegas area.

Simple and abstract patterns and forms, rather than historic recreations, establish a timeless and iconic environment.

Widespread and diverse integration of two- and three dimensional art elements will reflect the community's value in culture and the aesthetics.

REQUIRED

2.4.1 – Supplemental Furnishings

When an individual project has more than 5 seating elements, every fifth component shall be picked from the unconventional furnishing list (See appendix 1). Alternatively, these benches can also be custom built by a local artist.

2.4.2 –Special Street/Pedestrian Light Fixtures

Special street and pedestrian light fixtures are required on Promenade Place. See the Schematic Streetscape package for specifications.

2.4.3 – Potted Plants

Sculptural potted plants shall be placed at prescribed percentages to animate and informalize the pedestrian streetscape.

RECOMMENDED

2.4.4 – Integrated Art

Art should be integrated throughout the village as a defining element of the urban community. Art includes two- and three-dimensional representations, sound and performance, furniture and infrastructure pieces.

2.4.5 – Sculptural Plants

Plants should be sought for their diverse tactile and visual qualities to establish natural sculpture gardens.

2.4.6 – Desert Bloom

Multi-season concentrations of desert floral color should be integrated into planting designs, providing a staged year-round presentation.

2.4.7 – Story Telling

Educational and cultural artifacts and devices that tell a story about the region and place should be integrated into the streetscapes and open spaces.

2.4.8 – Kiosks

Retail and information kiosks should be integrated into the village, in select locations to be noted on future schematic master plan. Kiosks will be positioned on private property.

2.4.9 – Shade Structures: Artist

Arbor and pergola shade structures should be commissioned by artists, in select locations to be noted on future schematic master plan.

PAGE 22

2.5 Grand Central Parkway

As with the world's great urban parkways, Grand Central Parkway maintains a strong, continuous building presence and a unified landscape treatment. People, transportation and building uses are sensitively integrated along the parkway. Rebuilt from its current condition to accommodate Las Vegas' Bus Rapid Transit, Grand Central Parkway provides designated bus lanes and transit stops in the median.

INTENT

LINEAR PARK A desert garden theme distinguishes the parkway, symbolically connecting the city to its Mohave Desert context, culminating at the Ruvo Center and Clark County landscapes. The pedestrian area functions as an oasis of sorts, a comfortable, safe and interesting corridor for residents to both stroll and linger. Layers of trees shade the Symphony Park walkway from afternoon sun, and separate auto from pedestrian zones.

DISTRICT EDGE Sense of place drives the parkway plan. The parkway defines the edge of this new downtown district and presents it to passersby as a diverse and animated village. Modulated landscape patterns incorporate diverse and tactile plant forms, celebrating regional qualities that make Las Vegas exotic. Street-front buildings overlook the parkway and showcase it as a high quality mixed-use community.

SUSTAINABLE LANDSCAPE A number of environmentally beneficial practices may occur within the parkway landscape. Prior to entering pipe conveyance, plant and microbial filters could collect and clean storm water runoff. With the use of tree cover and other plants, urban heat island temperatures could be moderated. Sustainable landscape practices may include drought tolerant plants and efficient irrigation systems.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 24

2.6 City Parkway

City Parkway, together with Clark Avenue, functions as the primary internal vehicle route through Symphony Park. Major parking garages can be accessed along the length of this street. Continuous on street parking serves retail uses which define much of this street.

INTENT

FORMAL AND STATELY City Parkway is intended to be elegant and stately, defined by a sophisticated and well-integrated relationship between streetscape and retail uses. Large deciduous trees and tall palm trees reinforce the stately quality of the street.

LAYERED Multiple rows of trees, landscape and building-related shade structures create richness and comfort on this retail street. These elements also help to mitigate the scale of the street.

ANIMATED Intermittent opportunities for sun pockets, water and art are used to establish small venues for gathering and animating the street.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 26

2.7 West Clark Avenue

West Clark Avenue defines Symphony Park's southern medical office district as an addressable, signature street. The generous pedestrian zone on the south side of this street forms a pedestrian esplanade. A series of small venues within this zone enhances West Clark Avenue as a canopied destination space, with places to gather in the shade around water or art.

INTENT

ANIMATED IDENTITY The streetscape reflects its proximity to Performing Arts and World Market, both arts-oriented facilities, with the use of sculptural furnishings, chic lighting techniques and a contemporary floor pattern. Sculptural tree forms, massed in groves along the length of the street, define the signature quality of the street. Clearings between tree groves provide opportunities for art and water.

REGIONAL FIT Desert context establishes a source for plant, paving and furniture selection. Paving systems are organized in blended desert hues. Regional tree species display ornamental characteristics but also benefit from low watering needs. Oversized pre-cast concrete seating elements expose light-colored desert sands and maintain a cool temperature.

COMFORT AND DESTINATION IN AN URBAN GARDEN The urban garden notion for this street suggests an elegant, stately, and green environment. A continuous canopy of thriving urban trees establishes the leading garden component of the space, offering a cool place to gather in the shade.

ESPLANADE The street will function as a comfortable passage for those pedestrians moving to and from the city and destinations within and west of the Symphony Park development. These destinations include the Clark County Government Center, the World Market Center, the Las Vegas Outlet Mall and downtown uses.

CENTERS Two key places will be developed along the length of the street: Serenity Square at the intersection area of West Clark Avenue and City Parkway, and Rejuvenation Place at the intersection of the West Clark Avenue and Promenade Place. These places will be defined by concentrating a mix of uses to establish centers within the office district. A rich sense of place may be developed here, with building emphasis, paving and other site amenities used to distinguish these areas.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 28

2.8 Promenade Place

Comfort, distinction and destination quality define this signature village space. Promenade Place exemplifies street life at Symphony Park. In celebration of a traditional event, the street may occasionally resemble a middle-eastern bazaar, thick with people, food and other goods, festooned with banners and fabric. On other days, Promenade Place will resemble a busy commercial street, bustling with everyday activities associated with a thriving urban neighborhood. On most days, the street will be enjoyed as a pleasant destination; the storefronts are always changing, the air is cooler and there are people to watch.

INTENT

PEDESTRIAN SPACE Promenade Place welcomes both automobiles and pedestrians, but feels more pedestrian than most streets, with subtle distinctions between the two realms.

SHADE AND COMFORT Street orientation, building massing, trellises, tree canopies and even a light-colored floor play a role in reducing heat absorption and temperature build-up.

REGIONAL CHARACTER Materials, colors and patterns may be used to create a stylized desert expression. Bursts of color celebrate the spectacular desert blooms.

ENDURING QUALITY The Symphony Park village will establish a new and consistent level of quality for downtown Las Vegas. Promenade Place will demonstrate that quality in the most concentrated fashion, where buildings and public spaces occur in a cohesive fashion.

VARIETY While a fairly consistent set of streetscape improvements are intended for the Promenade, a variety of retail expressions are desirable. Storefront design, signage, shade structures and movable furniture will reflect the individual interests and themes of retailers, within the parameters established by these guidelines.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 30

2.9 Symphony Park Avenue – Flanking Park

Positioned as a grand forecourt for the Performing Arts Center, Symphony Park anchors the facility to the Lewis Street corridor and establishes the primary public space for Symphony Park. Serving both Symphony Park residents and city visitors, Symphony Park provides a variety of spaces scaled to accommodate a range of events and uses. While the primary spaces will be monumentally scaled to achieve a civic quality, other spaces within the park will be organized to provide intimacy and solar comfort. Tree and architectural canopy, water and landscape will be used for cooling effects.

INTENT

A PEDESTRIAN SPACE One way vehicle circulation loops the north and south faces of Symphony Park, establishing a counterclockwise circulation that serves drop-off functions at the performing arts facility and minimizes the width of vehicular surfaces. By dividing traffic in this area, the park district is distinguished and made more pedestrian-friendly. The floor of the space may be treated consistently across pedestrian and vehicular surfaces in order to further accentuate the special nature of this civic space.

ACTIVE EDGES The park combines a set of large flexible open spaces with cool and intimate garden spaces that define its perimeter and allow people to gather and overlook the primary open spaces. The perimeter spaces also establish a promenade setting, allowing residents and guests the opportunity to stroll through a cool set of varied gardens, some of which may function as sculpture gardens.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 31

(See new park design to update concept design shown here)

PAGE 32

2.10 Symphony Park Avenue (Entrance)

A distinctive and urbane identity will be important to the arrival experience at Symphony Park, offering a first impression that is grand but welcoming. Landscape and building definition combine to announce the village as a dense and exciting place, but one that offers the appeal of comfortable park and garden spaces that define the public realm of the urban community.

INTENT

FIRST IMPRESSION The generous dimension of this street provides for functional vehicle movement, commits healthy pedestrian zones and allows views deep into the site. Both the Performing Arts Center and City Hall will be visible to drivers and pedestrians passing through this formal entrance to Symphony Park.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 33

(See new park design to update concept design shown here)

PAGE 34

2.11 West Bridger and West Carson Avenue

Great urban neighborhoods are defined by great streets. West Bridger and Carson Avenues rely upon an engaging relationship between ground-floor residential uses and the public streetscape. Here, the semi-public territory of the residence, defined by lobbies, building entries, stoops, patios and gardens are revealed to passersby as a means of activating the street and engaging residents in public life.

INTENT

NEIGHBORHOOD SCALE The sense of neighborhood is enhanced with a streetscape that is intimate, but comfortable to walk. Small gathering opportunities may be developed, e.g. where these streets meet Promenade Place. Solar influences result in an asymmetrical street section, apportioned to address objectives for summer shade and winter sun access.

CONTIGUITY As the extensions of Las Vegas' Bridger and Carson Streets, these streets provide local access and connections through this site. While service and parking garage access may be provided from these streets, curb cuts will be minimized, limited to selected locations.

ORNAMENT Decorative details such as low garden rails and perennial plantings are appreciated by residents. The role of art in customizing these components may be explored.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 36

2.12 Street Extensions (Private)

These streets are organized as "T" intersections at the railroad interface, providing access to a service and fire access road which parallels the rail corridor. This service road will be integrated with parking garages which abut the rail.

INTENT

NEIGHBORHOOD PLACES As local streets, these streets may play a role as neighborhood places. Minimal through traffic may allow residents the opportunity to establish block party or other gatherings. As such, the streets are kept simple, but planned with a number of elements that humanize and give pedestrian scale to the street. Columnar trees are spaced to distinguish the space, and lights are suspended over the streets to further define the pedestrian scale.

ELEGANT TERMINUS A concrete court at the end of the street allows auto and fire truck turning radii, but also calls subtle attention to the area as a pedestrian space. Bollards, columnar trees and an architectural screen define and mitigate the rail edge of the space, providing an appealing terminus, and an opportunity for art.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 38

2.13 Symphony Park Forecourt

INTENT

WOW FACTOR An impressive palm grove envelopes an intimate fountain centerpiece, beckoning attention from passersby and offering a filtered view to the development beyond. While visually dramatic, this area is intended to be less active than Symphony Park, potentially offering a more contemplative experience for residents and visitors. Retail kiosks may be positioned along the Promenade edge, reinforcing the importance and continuity of that important pedestrian street.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).
(See new park design to update concept design shown here)

PAGE 39

2.14 Symphony Park East

INTENT

CELEBRATE THE ARTS The park will be infused with the energy and attributes of both performance and figurative arts. An informal outdoor performance zone can host scheduled or impromptu events that are linked with the performing arts facility. Sculpture gardens, sound and literary gardens and lyrical use of water may be considered. Night lighting will play an important role in complementing the drama of theatrical settings.

COMMUNITY GATHERING Green space will be important to urban residents in the heat of the desert. Opportunities for strolling, dog walking and informal play and recreation enhance the livability of the village. A promenade defines and frames the outer edge of the park. The promenade is punctuated by gardens and small gathering areas which overlook the primary open space.

SUSTAINABILITY Sustainable landscape practices will be developed both as a responsible practice and as an educational tool. These practices may include storm water control and cleaning, material reuse, photovoltaic power, drought-resistant landscape, and urban heat island reduction.

RETAIL DESTINATION **Symphony Park** has been developed as a street-fronting, outdoor-oriented retail destination. Retail uses at Symphony Park are planned to complement the street retail experience with a set of restaurant or other specialty kiosks, designed as a set of transparent, gem-like buildings in the park. These components may occur at each end of the park, overlooking the primary open space.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).
(See new park design to update concept design shown here)

PAGE 40

2.15 Gateway Plaza

Gateway Plaza establishes an important pedestrian connection between Symphony Park and downtown Las Vegas, linking the energy and activity of the Fremont Street Experience and Promenade Place. The plaza will also organize entertainment-related development in this area by acting as a forecourt and automobile drop-off.

INTENT

SCALE AND FUNCTION While the plaza may need to accommodate a significant number of automobiles, taxis and limousines, it should also be designed for pedestrian comfort and scale. Several opportunities exist in pursuing this objective. The streetscape at Grand Central Parkway should occur along the western side of the plaza as continuously as possible, interrupted only by one-way auto access and egress.

The perimeter of the plaza should be developed as a continuous pedestrian environment, with active ground-floor building uses, architectural shade structures, trees and other landscape, special paving and seating elements. And finally, a significant centerpiece focal point should mark the plaza as a special place in the city, scaled for visibility from both Fremont Street and Promenade Place. This component should be accessible to pedestrians, and may include art, water and landscape.

CONNECTIONS Pedestrian connections to Fremont Street will require a pedestrian bridge. The bridge presents an iconic opportunity to celebrate the crossing, establish a destination space, and offer upper-level building connections. A monumental stair, potentially accompanied by escalator and elevator service to accommodate handicapped and other users, should be designed integrally with the plaza. A shade structure is desirable in this area, and may be designed to complement the Fremont Street canopy. Cross-street connections to Promenade Place are equally important.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 41

2.16 The Crossing

A series of steps, plazas and terraces establish a destination-oriented railroad crossing for pedestrians. Water, landscape, shade structures and active building edges create a distinctive and comfortable set of public spaces.

INTENT

FRIENDLY GRADE TRANSITION On two levels, these plazas gain twenty-nine vertical feet to accommodate pedestrian circulation over the Union Pacific tracks, allowing connections to second- and third-floor building uses. A fifteen-foot intermediate level is positioned centrally to allow views across the tracks between Symphony Park and downtown. Two pedestrian bridges link the City Hall Plazas to The Crossing, framing an opening down to the railroad tracks below. Opportunities to view trains from a set of projecting perches may be developed. The train is an important component of the settlement of the west and should be celebrated.

CELEBRATED SPACE Water is used both as a linking device and to celebrate and accentuate the vertical dimensions of the crossing. Kiosks may be used for shade and as an extension of the retail environment organized within Symphony Park. Soft green spaces may be developed with rolling topography as relief from the pervasive hardscape nature of the city.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 44

2.18 Site Maintenance

INTENT

To ensure that all landscape and hardscape areas remain healthy, attractive and safe.

REQUIRED

2.18.1

A maintenance plan, including ongoing tasks and replacement schedules shall be prepared by the overall project association manager for all landscape and hardscape areas that are part of the streetscape behind the curb. This plan shall include:

Litter pickup

Cleaning of surfaces

Mowing of turf

Weeding planting beds

Sweeping

Replacement of dead or dying plant material

Irrigation repair and adjustments

Repair and/or replacement of damaged or severely weathered paving, benches, and other streetscape elements, signage and light fixtures.

2.18.2

overall project association manager shall engage the services of qualified maintenance personnel to perform the described maintenance, upkeep and repair of all the items described above, in accordance with the maintenance plan.

2.18.3

Where there is an association for subcomponents of a project that are private, the sub or block association shall act in the same manner as above for its private areas not including the street edge hardscape and landscape.

PAGE 45

3

GENERAL SITE and BUILDING DESIGN STANDARDS

The Standards in this section are applied throughout Symphony Park. Design Standards for signage, fenestration, awnings, parking structure design, parking structure wrapping, landscape materials, lighting and streetscape elements and many other features are individually discussed. Photos illustrate acceptable comparable approaches that will be considered. Standards are shown as one of three types:

REQUIRED These are the compulsory standards described by the word "shall," as in "shall be" or "shall do."

RECOMMENDED These standards are strongly encouraged and strongly enforced, although subject to negotiation and interpretation, and are indicated by the word "should" rather than "shall."

ACCEPTABLE These standards are permitted and encouraged, with minimal or no limitations.

PAGE 46

3.1 Urban Design Principles

There are a set of basic urban design principles that provide the foundation for all architectural design and site planning in Symphony Park. The detailed Design Standards that are illustrated in the later pages of this section are summarized here to illustrate how they work together to create lively mixed use districts. They consist of building and site concepts that illustrate:

- A. BUILDING/STREET/PEDESTRIAN INTERACTION
- B. BUILDING SETBACKS AND STREET WALLS
- C. PEDESTRIAN SIDEWALK ZONES
- D. ARCHITECTURAL EXPRESSION

A. BUILDING/STREET/PEDESTRIAN INTERACTION

The success of Symphony Park in its architectural design begins with the positive relationship of the building to the sidewalk. Definition of building corners, entries and storefront to the sidewalk are highlighted here.

- 1 – Emphasize Corners:** The corners of the blocks should have special prominence in the form of towers, street walls along build-to lines at the back of the sidewalk. (see section 3.13 Building Articulation)
- 2 – Building Articulation/Setbacks:** to create outdoor active use areas to enhance the pedestrian environment.
- 3 – Pedestrian Rooms:** On the sidewalk, as zones where walkers can find a refuge, sit and rest or wait for someone. (see Chapter 2.0 Streetscape and Open Space)
- 4 – Building Entrances:** Oriented to the street and pedestrian environment, often recessed
- 5 – Storefronts:** Transparent, attractive fronts at pedestrian level. (see section 3.8 Storefront Design)

PAGE 47

3.1 Urban Design Principles

B. BUILDING SETBACKS AND STREET WALLS

Going vertically, the building composition frames a street room with human scale at the podium base of the building, combined with a strong vertical architectural statement above.

- 1 – First Floor Active Uses:** Active engagement with the sidewalk and continuing first floor height (16-20') above. (see section 3.7 First Floor Heights)
- 2 – Street Wall Enclosure:** Up to 35-40' above the sidewalk, to shape the urban space at a pedestrian scale.
- 3 – Eyes on the Street:** Opportunities for balconies and visual connections to the sidewalk-level activities
- 4 – Podium Setback:** To distinguish the first floor and floors immediately above, a recognizable setback will be established at the 80' level.
- 5 – Lower Tower Setback/Amenity Deck:** The top of the podium will be articulated by the top of the residential townhouse units and the amenity deck.
- 6 – Tower Setback:** The lower tower on blocks so designated should occur at the 150' level so that views from the taller towers are not blocked.
- 7 – Tower and Roof Articulation:** The tower should have articulated facades approximately every 10 floors, topped with an articulated roof as a terminating element.

C. PEDESTRIAN SIDEWALK ZONES

The sidewalks have several roles to play in the creation of a lively, diverse street-level pedestrian environment. By creating zones for the building, pedestrian movement and relaxing, a positive sidewalk-building relationship can be set up.

1 – Building-Related Zone: Transparent storefronts with visually-exciting displays, shade for pedestrians at store entries and outdoor merchandise display space. (see section 3.8 Storefront Design)

2 – Pedestrian Movement Zone: Enough space for pedestrians to move freely along sidewalks, on visually pleasing and environmentally-friendly paving materials.

3 – Pedestrian Room/Amenity Zone: Space for pedestrians to stop, sit and relax, trees for shade, pedestrian lighting, pedestrian amenities, news stands and bike racks the pedestrian room/amenity zone provides a buffer between traffic and pedestrian movement zone. (See streetscape section for specifics)

D. ARCHITECTURAL EXPRESSION

Architectural creativity can produce many different specific architectural expressions for buildings in Symphony Park. Some of the design techniques that will have the most impact on the buildings are illustrated in the diagram.

1 – Transparency: Greatest area of transparent glass should be at street level at storefronts—less transparency at the tower level. (see section 3.5 Building Fenestration)

2 – Materials and Column Alignment: These elements integrate tower and podium.

3 – Landscape to Building Relationship: Shade the top parking deck, creating better views from surrounding towers.

PAGE 48

3.2 Arcades

INTENT

To provide shaded space on the north sides of streets in Symphony Park. These spaces may take the form of arcades, which are linear spaces, open to the sidewalk, defined by the building soffit, the storefront and the structural column line of the building.

REQUIRED

3.2.1 Arcade Design

Depth and height of arcades shall follow the proportions shown in the diagram. The width shall comfortably facilitate pedestrian movement, access and visibility of ground floor businesses, and complement building architecture. The depth of the arcade measured from storefront to the exterior face of the structure shall be no greater than 2/3 of the height from sidewalk to arcade ceiling. The minimum depth of an arcade shall be 8'-0", from storefront to the back face of the columns. The height of an arcade shall be 16'-0"–20'-0". (photo 3)

3.2.2 Rear of Arcades

The rear enclosing walls of arcades shall consist of storefronts which are transparent to people on the sidewalk. Arcade columns and opening proportions shall allow maximum unobstructed visibility into ground floor uses. (photo 1)

3.2.3 Arcade Depth

The arcade shall not unduly visually separate the retail frontage from the pedestrian traffic.

REQUIRED

3.2.4 Arcade / Building Coordination

The exterior face of the columns should continue the plane of the building above. (photo 2,4)

3.2.5 Arcade Coordination with Adjacent Sidewalk

Sidewalk paving in the arcade should be compatible in materials and design with the adjacent sidewalk. (photo 4)

RECOMMENDED

3.2.6 Location of Arcades

Arcades are allowed where they will enhance the pedestrian environment by providing protection from the Las Vegas afternoon summer sun. They are allowable on the north side of West Clark, Carson, Bridger and Symphony Park Avenues (east-west streets).

3.2.7 Arcade Uses

Use of the arcade may include outdoor dining and outdoor displays of merchandise, if these do not block access to the building.

PAGE 49

3.3 Exterior Building Materials and Finishes

INTENT

To enrich the urban village in its visual and tactile qualities with materials, finishes, detailing and techniques that are timeless, durable, satisfying and sustainable. To brand Symphony Park as a sophisticated urban environment which reflects its desert environment and climate with a high quality exterior expression.

REQUIRED

3.3.1 Material Compatibility

Regionally-appropriate and compatible materials shall be used. Materials and colors shall be compatible with the desert environment, with the intent of reducing reflected heat and glare into exterior public areas. (photo 2,3)

3.3.2 Material Visual Amenity

The materials shall convey a high level of visual amenity that is commensurate with the urban character of the urban village. (photo 6,7)

3.3.3 Material Quality

Establish a consistent and high level of quality that is durable and appropriate to pedestrian contact at the street level. (photo 3)

RECOMMENDED

3.3.4 Material Combinations and Scaling

Consistent, carefully detailed combinations of material that contribute to the architectural scaling of the buildings should be used. (photo 5)

ACCEPTABLE

3.3.5 Material Evolution

Allow the evolution of the development to include new technologies and materials that contribute to the neighborhood character and environmental sustainability; architectural methods and materials that are energy and resource-responsible.

UNACCEPTABLE MATERIALS

E.I.F.S. (Exterior Insulated Finish System) or stucco at the retail level or street level. (EIFS or stucco are acceptable above the retail level of the base or higher, as approved by the Design Review Committee.)

Untreated wood siding

Concrete masonry units

Ornate wrought iron

The Design Review Committee will review all materials and may find other materials inappropriate.

PAGE 50

3.4 Awnings, Canopies and Shading

INTENT

To enhance the pedestrian environment aesthetically and create shade and comfort on the sidewalks

To enhance the pedestrian experience and attractiveness of the area

To create a pedestrian environment with visual interest.

REQUIRED

3.4.1 Awning and Canopy Compatibility

Awnings or canopies shall be an integral part of the architectural design of the buildings to which they are attached and should be compatible with the building. (photo 3,8)

3.4.2 Awning and Canopy Positioning

Awnings or canopies shall be positioned so that signage and views to businesses are not obstructed and so that substantial shade is cast onto the sidewalk at critical times of daytime sun exposure. Fire Department access to upper stories of buildings must be considered in size and placement of awnings, canopies and shading devices. (photo 1,10)

3.4.3 Awning and Canopy Projection

Awning or canopy projections shall be a minimum of 6 feet and not project beyond the back of curb. They shall not project into the tree or street light zones of the sidewalk. (photo 1). Caution, combustible awning materials may require sprinklers."

3.4.4 Awning Materials

Awnings or canopies shall be permanent fixed structures on street faces of buildings. Awnings may be movable (adjustable) on patio or mid-block pedestrian way-facing building frontages. In the case of fixed awnings, durable, high quality permanent materials shall be used. In the case of movable awnings, durable and flexible materials shall be used. Caution: combustible awning materials may require sprinklers. (photo 2,3)

3.4.5 Signage on Awnings

Signage, lettering, logos or other graphics shall not be placed on awnings. (photo 7,9)

PAGE 51

3.4 Awnings, Canopies and Shading

RECOMMENDED

3.4.6 Awning Color

Awnings should be solid color. If not solid color, awning colors and patterns must be approved by the Design Review Committee. (photo 7,9)

3.4.7 Placement of Awning and Canopy Supports

Awnings or canopies may be supported on the sidewalk in a design that is compatible with the main building. If supported on the sidewalk, the column shall be placed in the amenity zone of the sidewalk, located to allow pedestrian movement and to avoid conflicts with streetscape elements. (photo 5,8,11)

3.4.8 Awning and Canopy Coordination

Awning and canopy placement should be coordinated with adjacent development along the Promenade so that a consistent line of awnings or canopies is projected along the street. (photo 6)

3.4.9 Awning Diversity

Diversity in design of the awnings or canopies from building and block to the next is encouraged to reinforce a rich urban environment, but shall be within limits of compatibility with the architecture and the streetscape concept of the street. Designs shall be approved only after review by the Design Review Committee. (photo 11)

PAGE 52

3.5 Building Fenestration

INTENT

To give buildings human scale and relationship to the public environment

To provide some ability to see the activity in the buildings by day and night

To reinforce the differences between residential and commercial structures and uses.

REQUIRED

3.5.1 Street-Level Fenestration

Transparent glass storefronts shall be used on open street-level facades in order to insure the visibility of active uses, and to provide a lighter, more detailed and human-scale architectural expression along the sidewalk. (photo 3)

3.5.2 Minimum Street-Level Fenestration

Commercial building facades fronting on public streets at storefront level shall be not less than 70% vision glazing. A greater proportion of glass is appropriate at the street level. (photo 1,3)

3.5.3 Glass Reflectivity

Transparency and reflectivity of glass shall insure visibility from the sidewalk and minimize the glare that would be produced by highly reflective glass. Clear, low E or slightly tinted glazing should be used. Clear glass shall have a reflectance rating not to exceed .18. No first surface reflective glass coatings shall be permitted. (photo 3)

3.5.4 All-Glass Buildings

All-glass buildings (on all sides) shall not be presented, except as part of a sustainable design strategy which results in improved building environmental performance.

RECOMMENDED

3.5.5 Solar Performance

Upper Level facades on different exposures should be designed to reflect their solar exposure and performance. (photo 2)

ACCEPTABLE

3.5.6 Opaque Glass

Minimal use of opaque glass is acceptable to continue glazing patterns in areas where screening of structure, utilities or uses is required.

PAGE 53

3.6 Amenity Decks

INTENT

To provide residential blocks with private, accessible and usable outdoor open space on the top levels of parking structures. To create short range views of open space and designed landscapes on tops of lower buildings from surrounding towers in Symphony Park.

REQUIRED

3.6.1 Amenity Deck Facilities

Amenity decks shall be developed with at least one of several spaces and facilities useful to the residents of the block: tennis or other sports courts, swimming pools, changing rooms and ancillary facilities, landscaped areas, seating with shade and other similar facilities.

RECOMMENDED

3.6.2 Amenity Deck Microclimates

Amenity decks should be developed to provide at least partial shade at least part of every day during the hot portion of the year.

3.6.3 Views From Decks

Amenity decks should be designed with views of surrounding buildings in mind, as a branding and identity feature.

3.6.4 Size and Location

The developer should provide landscaped decks and/or other shade solutions on parking structures over at least half of the area of a parking structure. This deck shall hide parking to the extent possible, while creating shade for parked vehicles. The location of amenity decks will depend to some extent on the locations of towers and other structures.

PAGE 54

3.7 First Floor Heights

INTENT

To provide ground level building spaces that can house retail and restaurant uses with consistent building heights.

To create a lively pedestrian ambiance on the commercial streets.

To be flexible in housing alternative short-term ground floor uses.

REQUIRED

3.7.1 First Floor Heights

Consistent street level storefront heights of a minimum of 16'-20' shall be developed around each block. This height shall accommodate retail and restaurant uses. (photo 3,4,6)

RECOMMENDED

3.7.2 First Floor Architectural Elements and Scaling

Building facades should provide elements of architectural scale and proportion that relate to the storefront height, the overall building scale and the human scale of the pedestrian environment. (photo 1,2,5,7)

PAGE 55

3.8 Storefront Design

INTENT

To create individualized, attention-getting, well-designed showcases for shops and restaurants as a draw and amenity to Symphony Park.

To stimulate a high level of retail activity on the Promenade and other retail streets.

REQUIRED

3.8.1 Storefront Design

Storefronts and entrances shall support and enhance the pedestrian-oriented environment while giving identity to buildings and uses therein. (photo 1,2,3)

3.8.2 Storefront Entries

Storefront entry thresholds shall be at the adjacent sidewalk pavement level to facilitate shopper and visitor access. Entries should be closely spaced, and storefronts continuous to encourage continuous shopper and pedestrian movement. (photo 3)

3.8.3 Storefront Special Doors

Folding storefront doors, security devices and overhead rolling grilles shall be fully integrated into the storefront architecture and shall be hidden behind glazing and wall surfaces.

3.8.4 Building Entries

Building entries shall be recessed into storefronts where the storefronts face the street (typical condition).

RECOMMENDED

3.8.5 Storefront Scaling

Storefronts should be comfortably scaled and well-detailed to help break down the large façade of the building into smaller units. Large, unbroken surfaces are not recommended unless that is a design feature. Surfaces should be divided by mullions, awnings, signage, decorative elements and other devices. (photo 3)

3.8.6 Storefront Alignment

Storefronts should be aligned with the building build-to line, with exceptions for setback zones for outdoor seating. In no case shall the storefront extend into the sidewalk right-of way, except for overhead signage and awnings. (photo 1)

3.8.7 Storefront Facades

Facades should present a pattern of architectural variety through modulation of the wall plane, detailing, color, texture and materials. (photo 2)

3.8.8 Storefront Variety

A variety of storefront designs should predominate over a uniform series of storefronts. The objective is to create visually interesting and compelling environment that is expressive of the individual businesses along the street. Many small storefront units are preferable to a few long storefront units. (photo 2)

3.8.9 Opening to sidewalk

Accommodating the Las Vegas climate, storefronts and restaurant fronts should incorporate systems such as folding doors, folding glazing units, overhead doors and other devices to open the interiors more completely to the sidewalk. This is especially important on the Promenade.

PAGE 56

3.9 360 Degree Architecture

INTENT

To create an urban environment that is pleasing visually from all points of view, creating value for adjacent properties and for Symphony Park as a whole.

REQUIRED

3.9.1 360 Degree Design

All sides of a structure shall exhibit design continuity. There shall be no unimproved side to a structure. (Ref: Las Vegas Commercial Development Standards Title 19.08.050). (photo 1)

3.9.2 Primary Facade Design

Buildings shall relate to all orientations with high quality materials and details as described elsewhere in this section. All sides of a building shall have a design approach that makes them worthy to be a primary façade. (photo 3,4)

RECOMMENDED

3.9.4 Solar Consideration

Differing architectural design strategies should be incorporated for different solar and climatic orientation, and views. See Section 3.1.6 on Solar Orientation. (photo 2)

ACCEPTABLE

3.9.5 360 Degree Exceptions

Early phase buildings which will have later phase buildings abutting them may have building faces that are without fenestration or other primary façade design features. However, these building faces should incorporate some design features which will provide visual interest until such abutting building is built.

3.9.6 Parking / Building Relationships

Sides of a structure that directly abut a parking structure are exempt from this standard, at the places where the building and parking structure abut each other. Above the parking structure, the standards above apply.

PAGE 57

3.10 Roofs

INTENT

To make a positive contribution to the downtown skyline by visually terminating tower buildings with articulation which will help in reinforcing the spirit of Symphony Park.

To create opportunities for rooftop open space, minimizing the heat island effect.

REQUIRED

3.10.1 Rooftop / Building Systems

All rooftop building systems shall be incorporated into the building form in a manner integral to the building architectural form and material. (photo 1,4,5)

3.10.2 Mechanical / Communication Systems

All mechanical, electrical and communications systems shall be completely screened from view from surrounding streets, highways and other buildings with elements equal to or greater than the height of the equipment. (photo 1,4,5)

RECOMMENDED

3.10.3 Flat Roofs

Flat roofs and unarticulated building tops should be avoided, except for required heli pad or other code-required flat surfaces and rooftop open space on the upper base buildings. Roofs should be expressive of the spirit of Symphony Park, celebrative and honest expressions of the building's architecture.

3.10.4 Roof Form

Building roof forms should respect the context in which they are viewed, in terms of height, proportions, and views of the building from other buildings, especially the views from higher buildings. (photo 3)

3.10.5 Tower Roof Form

Building tops for Towers with architectural silhouettes which add definition to the skyline, with consideration given for views from buildings around the building in question, not only in elevation are encouraged. (photo 6,7)

PAGE 58

3.11 Parking Structure Design and Concealment

INTENT

To enhance the image and identity of Symphony Park through design of high quality parking facilities

To make parking a positive experience for all Symphony Park visitors, employees and residents

To minimize the visual and noise impact of parking structures

To enhance the quality and pedestrian experience of the Symphony Park streets.

To continue the active street front uses and minimize the visual and functional impact of parking, through wrapping active uses around parking structures

REQUIRED

3.11.1 Sloping Floors

Sloping floors of parking structure ramps shall not be exposed to public view from outside the structure.

3.11.2 Parking Impacts

Minimize the impact of vehicle noise, headlights, lighting and mechanical systems associated with parking facilities. These impacts shall be reduced by:

Keeping parking structures to the interior of the blocks wherever possible, hidden from view of the public right-of-way.

Using cutoff light fixtures to avoid direct light source views from public right-of-way and adjacent buildings. Exteriors of parking structures shall not be lit.

Screening mechanical systems from sight lines from public rights-of-way and adjacent buildings.
Screening headlights of cars from public rights-of-way and adjacent buildings.

3.11.3 Parking Structure Facades

Where parking structure facades are exposed, an architectural treatment shall be applied either expressing individual building fenestration, or a very contemporary architectural expression. Facades may also be screened by a variety of translucent architectural screen materials. Where parking structures separate towers and street level development the facade of the parking garage shall be treated as and occupied building space extending the architectural treatments from the tower or podium down to street level (see alternative 4 on page 60). (photo 1,2,3,4,5,9)

3.11.4 Wrapping Parking

Space and interest to the street shall be created by wrapping parking with retail, office and residential uses, and avoiding large blank walls or parking next to the street level sidewalk. (6,7)

PAGE 59

3.11 Parking Structure Design and Concealment

3.11.5 Garage Mass

Articulation in the wrapping facades shall occur both vertically and horizontally to break up mass and conceal parked cars from view from adjoining public space. (photo 10)

3.11.6 Visual Impacts

Use architecturally compatible finish materials and details with surrounding buildings and uses to minimize the negative visual impacts of parking lots and parking structures. (photo 3,5)

3.11.7 Solar Reflectance Index

A solar reflectance index (SRI) of a minimum of 29 for roofs (or shading) associated with parking will be required.

RECOMMENDED

3.11.8 Sight Lines

Parking must be screened or disguised with walls that emulate fenestration, or other architectural treatment to minimize the visual impact of the parking spaces or where parking spaces may be visible from the street from some angles. (photo 3.6)

3.11.9 Ground Floors

Create a walkable pedestrian-scaled neighborhood. Provide active pedestrian-oriented public uses on street-facing ground floors of parking structures where required by these criteria.

PAGE 60

3.12 Building-Parking Relationships

INTENT

To create positive relationships between parking structures and the spaces or buildings they abut.

To enhance the value of adjacent buildings and to create a more efficient site, maximizing parking and other uses.

REQUIRED

3.12.1 Parking Noise and Vibration Mitigation

Structures Abutting Other Buildings: When structures directly abut inhabited buildings, in addition to the building code requirements for separation of uses, due care shall be taken to minimize transmission of noise and vibration from the parking structure to the other buildings, by acoustically isolating the structures from each other.

3.12.2 Parking Exposure to Open Space

Structures Adjacent to Open Spaces: Where structures are adjacent to interior open spaces, visibility of the structures must be a factor in design of the structures. The finishes and materials must meet the quality of the streetscape and landscape in the open spaces, walkways or courtyards.

3.12.3 Ventilation

Ventilation exhaust of parking structures shall not be directly into these open spaces, and the noise from fans and blowers shall be insulated from these spaces.

3.12.4 Lighting

Parking structure lighting sources must be shielded from visibility from the ground floor level of these structures, and from buildings directly across from the parking structures.

3.12.5 Amenity Decks

Amenity decks and other shading devices shall be developed on the top levels of all parking structures adjacent to residential uses.

ACCEPTABLE

3.12.6 Roof Design

Portions of decks may be developed as usable outdoor areas and portions may be developed as open roofs. Some top level parking may be visible from adjacent buildings.

Alternative Relationships of Parking Structures and Buildings

Typical blocks in Symphony Park have parking structures surrounded by office and residential buildings, usually with retail space on the ground floor. There are several different ways to approach the relationships of these use types.

Each of them achieves the goal of having active ground floor uses, a multi-level parking structure and an office or retail building above. These alternatives are shown here:

1. Building separated from parking structure by 30-40'-wide (variable) covered or enclosed atrium. Lower level building windows face into the atrium between the building and the parking structure. Retail uses can open to the atrium as well as the street.
2. Building separated from parking structure by 30-40'-wide (variable) open space. Lower level building windows face onto the open space between the building and the parking structure. Retail uses can open both ways.
3. Building built partially over the parking structure, with the lower building levels as half-floors, facing the street. An atrium or pedestrian passage separates the retail space from the parking structure.
4. Building built over the parking structure, with an elevator/ service core connected to the ground level. Retail space is tucked into the parking structure at the ground floor. Facade of parking structure shall be treated as and occupied building space above ground level retail space.
5. Building built immediately adjacent to the parking structure, with a pedestrian passage right behind the ground floor retail space. The lower floors of the building have fire separation from the parking structure, and no windows on that side until the building rises above the parking structure.

PAGE 61

3.13 Articulation

INTENT

To provide interesting and comfortable scale relationships of buildings through modulation of building massing—both surfaces and forms—contrasts in form, color and materials.

REQUIRED

3.13.1 Street Wall Requirements

Street walls shall include at least two variations in wall placement per 100 linear feet of street frontage. On the Promenade, this variation is only applicable at upper levels of the buildings facing the Promenade. Variations shall not be less than three feet in depth or projection and not less than four stories in height. These shall include variations in wall plane and building height. (photo 1)

3.13.2 Building Scale

The scale of taller buildings should be broken down by mixing materials, colors, textures and details in addition to the above variations. Variation in building scale shall relate to the scale and function of pedestrian-oriented uses along the street, and shall be integral with the building form and construction. (photo 4)

RECOMMENDED

3.13.3 Facade Variation

Facade variations should relate to the dimensions of room sizes, residential units and/or structural modules. Variations should emphasize primary building entries, important corners or significant architectural features. Building projections may extend beyond the build-to line up to 3'-0" but not impact the build-to line at ground level. (photo 3)

3.13.4 Balconies and Terraces

Balconies and terraces should be incorporated into vertical and horizontal shifts in building massing where possible. Balconies above the first retail floor may extend beyond the build-to line up to 6'-0". (photo 1)

3.13.5 Structural Elements

Building structural elements such as floors and columns, and fenestration should be articulated through changes in plane, use of decorative and functional elements such as sills, lintels, muntins, pilasters, piers, and other elements. (photo 3)

3.13.6 Building Corners

Building corners at street intersections should be enhanced through special corner treatments such as towers, special roof shapes and taller building sections. (photo 5)

3.14.7 Setbacks by Height

Setbacks and horizontal tower articulation should be introduced beginning at the 150' height and every 10 floors to the top of the building.

PAGE 62

3.14 Solar Access and Shading

INTENT

To provide a comfortable and safe indoor and outdoor environment by managing solar access and shading through architectural design of buildings and the urban design framework of streets.

REQUIRED

3.14.1 Providing Microclimates

Building heights shall take advantage of solar orientation, and shall create comfortable micro climates at the street level that protect from prevailing winds, afford summer shade and winter sunshine.

3.14.2 Shading Pedestrians

Buildings and pedestrian ways on the north sides of streets shall be protected by awnings and/or arcades along 75% of the length of the sidewalk to provide options for walking in the shade. (photo 3)

3.14.3 Shading Submittal Requirements

Solar shading diagrams indicating solar shading and access through architectural design shall be submitted for review by the Design Review Committee.

RECOMMENDED

3.14.4 Building Orientation

Building orientation, height and bulk should provide for sun to reach the ground, neighboring buildings and other pedestrian levels in cold weather. (photo 1)

3.14.5 Minimizing Heat Gain

Building orientation should respect the climatic conditions by minimizing heat gain and considering the impact of shade on adjacent land uses and areas.

3.14.6 Facade Treatment

The façade treatment should be unique to the solar orientation; the south and west facades should be more opaque with a punched window expression (or louvered and screened), and the east and north facades should have more lightness and greater expanses of glass. See the section on Fenestration.

3.14.7 Protection Building Entries

Building entries should be sun-protected.

3.14.8 Facade / Building Articulation

A high degree of building articulation will provide more opportunities for shading external building spaces (such as rooftop courtyards) with external building features such as overhangs, balconies, shading devices, etc. (photo 1,4,5)

PAGE 63

3.15 Solar Orientation

INTENT

To create environmentally responsive and responsible buildings with respect to solar orientation

To create comfortable site conditions for everyone using outdoor spaces.

In this section, standards for solar orientation and shading relate to the external performance of the building with respect to its site, the public right-of-way, and neighboring buildings.

REQUIRED

3.15.1 Year-round Solar Orientation

Buildings shall create comfortable micro-climates for all four seasons, minimizing or blocking uncomfortable winter winds and maximizing beneficial summer shading and air circulation. Building designs should include protected spaces and pathways to enable comfortable year-round use by visitors and residents. (photo 1,2)

3.15.2 Material Reflectivity

Buildings shall not contain gold glass or other highly reflective or mirrored glass which reflects excessive solar heat and light onto the site, other buildings or onto the public right-of-way.

3.15.3 Shading Cross Streets and The Promenade Place

Buildings on the south side of the cross streets shall shade the sidewalks and landscaped areas on the south sides of those streets. They shall do this with their height and setbacks. Buildings on the west side of the Promenade shall shade the Promenade from noon through the afternoon during the hottest part of the year. (photo 1)

3.15.4 Winter Shade

Buildings should minimize the impact of winter shade on adjacent buildings, to the extent possible.

RECOMMENDED

3.15.6 South / West Sun Protection

East, south and west faces of buildings which face the sidewalk should have sun protection in the form of awnings and/or canopies. See the section on Awnings, Canopies and Shading. (photo 3)

ACCEPTABLE

3.15.7 Arcades

Arcades are permitted on the north sides of the cross streets, to provide shade on the north sides of these streets. See the section on Arcades.

PAGE 64

3.16 Building and Site Signage

INTENT

To provide clear identification of businesses and buildings

To add visual interest and delight to Symphony Park

To maintain a pleasing visual relationship between the function of identification and the architecture of Symphony Park

REQUIRED

3.16.1 All signs, regardless of section, will need to have the approval of the Design Review Committee.

3.16.2 Relationship to Las Vegas Zoning Code

The design, installation and maintenance of all signs shall be in conformance with Las Vegas Zoning Code Chapter 19.14 SIGN STANDARDS, as revised and amended, except as noted in this section of the Symphony Park Design Standards.

3.16.3 Reviewing and Approving Body

The approving body shall be the Symphony Park Design Review Committee, described on page 104. The Design Review Committee shall be referred to instead of "the City" or "the Department" or "the Director" (of Planning). Each section of the Sign Standards is noted herein, with a notation of the adoption of the section in the Design Standards (meaning it is required), the deletion of certain sections (meaning this section is not required), or the revision of each section (by text in this Standards document).

3.16.4 Required Zoning Code Sections

19.14.010 Conformance and Purpose

19.14.020 General Requirements

19.14.030 Exempt and Prohibited Signs

19.14.050 Signs Allowed in All Districts Except as Limited

19.14.090 Only paragraphs B, F, G and H are acceptable

19.14.110 Signs in Public Rights-of-Way

19.14.120 Certificates and Permits

19.14.130 Master Sign Plan

There shall be a master sign plan for each block identifying signage for each building and business

19.14.140 Certain Illegal and Abandoned Signs

19.14.150 Appeal

19.14.160 Nonconforming Signs
19.14.170 Violations, Remedies, Penalties
19.14.180 Illustrations

3.16.5 Deleted Zoning Code Sections (items not permitted unless by reference in Design Standards).

19.14.040 Signs Permitted Without a Certificate
19.14.070 Residential Protection Standards
19.14.080 Historic Signs
19.14.100 Off-Premise Signs
19.14.110 Signs in Public Right-of-Way

PAGE 65

3.16 Building and Site Signage

3.16.6 Dimensional and Other Standards for Symphony Park

Section 19.14.060 of the Las Vegas Zoning Code is replaced by this section of the Design Standards for Symphony Park, as described herein. Signs not mentioned in this section are not permitted.

5.A ARCADE SIGNS

One business per entrance, 8 SF, min. ht. 8', external illumination

5.B AWNING SIGNS

No awning signs shall be permitted

5.C CANOPY SIGNS

One sign per canopy, 25% of area of face of canopy, internal or external illumination

5.D FREESTANDING SIGNS

No freestanding signs outside the building except parking and traffic directionals shall be permitted

5.E MONUMENT SIGNS

One per street frontage, 75 SF per sign, 10' high, on or behind build-to line, internal or external illumination

5.F PROJECTING SIGNS

One per entrance, 32 SF, height of first floor, 8' minimum ht., maximum 8' projection from building face

5.G WALL SIGNS

One per building face, 2% of building wall area for building, 1% maximum for building tenant, one tenant per building, may project to no closer than 2' below top of parapet, 4' projection, internal or external illumination

5.H WINDOW SIGNS

No window signs shall be permitted except for minor tenant information such as hours of operation or emergency contact info.

5.I MARQUEE SIGNS

One per building elevation, 20% of building elevation, may extend to 2' below top of parapet and over sidewalk to 5' back of curb, min. ht. 8'

5.J CONSTRUCTION AND REAL ESTATE SIGNS

Temporary construction and real estate signs are permitted on the same site as the approved development and on the construction fence subject to the provisions of the Downtown Centennial Plan and SP-DRC approval.

5.K DIRECTORY/DIRECTIONAL SIGNS

Freestanding or building mounted tenant or use directory or directional signs are only permitted inside the building line, at a maximum of 8 feet high, and subject to SP-DRC approval.

5.JL ROOF SIGNS

No roof signs are permitted.

PAGE 66

3.17 Building Lighting

INTENT

To provide illumination that complements the urban nature of Symphony Park

To provide aesthetic appeal and safety, promoting comfortable, safe pedestrian activity at night

To distinguish Symphony Park from the largely externally illuminated and bright night-time environment of The Strip

REQUIRED

3.17.1 Adjacent Property

Building lighting shall be shielded such that the light source is not directly visible from adjacent properties or the public rights-of-way. (photo 1,2)

3.17.2 Light Color

Light sources shall be color-correct types such as highpressure sodium and metal halide. Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights are prohibited.

3.17.3 Lighting Levels

Minimum external building lighting levels at main building entries and stairs are 5.0 footcandles, and at loading docks, 15.0 footcandles.

3.17.4 Pole Mounted Fixtures

Site pole-mounted light fixtures shall not be used to illuminate buildings.

RECOMMENDED

3.17.5 Internal Building Lighting

Internal building lighting should be emphasized. External building lighting should provide definition of building massing and features such as entries. Light will be seen through windows, indicative of an urban, mixed use downtown. (photo 5,6)

3.17.6 Night Sky Preservation

Impact of building lighting on the night sky should be minimized where possible with cutoff and downward facing fixtures. (photo 2)

3.17.7 Lighting Fixtures

The emphasis on building lighting should be on the lighting effect, rather than on the fixtures as visible elements. (photo 4)

3.17.8 Lighting Power Consumption

All external lighting should be designed and located to reduce power consumption to its lowest practical level. Among the techniques to achieve this include: automatic shutoff after certain times of the early morning and daylight hours, switching localized for individual control, and avoidance of over-illumination on buildings.

ACCEPTABLE

3.17.9 Accent Lighting

Accent lighting of building entries or features is permitted.

3.17.10 Neon Lighting

Neon lighting is subject to review and approval by the Design Review Committee.

3.17.11 Prohibited Lighting Types:

Blinking, flashing or changing intensity lighting, except for temporary holiday displays

Any fixed light that produces incident or reflected light that is disturbing to the operator of a motor vehicle.

Any light that may be confused with a traffic control device.

Beacon or search light, except as a one-time event feature.

PAGE 67

3.18 Building and Site Security

INTENT

To protect the occupants of buildings from death and injury and to limit damage to buildings and their contents from hostile acts, while maintaining a desirable aesthetic for both buildings and sites (transparent design).

Three types of measures are listed; all are acceptable and recommended, none are required. The sole requirement is that all measures designed into buildings or the site not be primarily identifiable as security measures.

3.18.1 Site Security

Provide emergency communication required by the City of Las Vegas ordinance and CCTV surveillance of key areas, with communication link to metro.

Protect vulnerable areas with security measures such as alarms, card readers and cameras (photo 3,5)

Introduce appropriate levels of lighting to create a safe, comfortable environment without over lighting

Maintain lines of sight to parking lots, public areas and structures from adjacent buildings

Limit entrances into publicly-accessible buildings, especially after hours

Provide emergency call stations

Provide redundant utility systems to support life safety and rescue functions

3.18.2 Airborne Contaminants

Locate outside air intakes above ground level to prevent public access

Prevent public access to building roofs and to mechanical equipment on roofs

Secure return air grilles to prevent public access

Install HVAC control options with energy management and control to regulate airflow and pressures within the buildings

Isolate lobbies, mail rooms, loading docks and storage areas where quantities of contaminants may enter

Install air quality monitors to detect chemical, biological or radioactive substances and control air distribution
Install high efficiency building filtration systems to reduce consequences of release of toxic airborne material

3.18.3 Blast Mitigation

Utilize pavement, planter, bench, bollard and other street furniture designs that are structural barriers to unauthorized vehicles while providing visually appealing streetscape elements (photo 1,4,6)

Provide helicopter landing pads and rooftop emergency exits to allow alternative evacuation routes as required by the Building Code. photo 2)

Building design should incorporate flexible frames, blast-resistant materials, including interior materials and assemblies that protect building occupants from blast effects

Provide wall assemblies sufficient to protect utility and communications systems

PAGE 68

3.19 Storage, Equipment, Loading and Screening

INTENT

To minimize the negative visual and noise impacts of service and loading areas, trash storage and mechanical equipment on adjoining streets, public spaces and property.

3.19.1 Storage, Equipment and Loading Visibility

Loading docks, trash storage, service courts and mechanical equipment shall not be visible from public rights-of-way. (photo 5)

3.19.2 Screening and Buffering

Loading docks, trash storage, service courts and mechanical equipment shall be screened and/or buffered by a combination of walls, screens, louvers and/or other features which are integrated with the architecture of the buildings. (photo 1,4)

3.19.3 Parapet Profiles

Parapet profiles shall, at a minimum, equal the height of adjacent rooftop equipment and all mechanical and utility equipment (e.g., ducts, vents, fans, condensers, etc.) The inside of the parapet should be painted in colors compatible with the color of the roof. (photo 4)

3.19.4 Ground Mounted Utilities

Meters, electrical cabinets, transformers and switchgear shall be located within the building they serve. Ground-mounted utility vaults and detector check valves should be screened with landscape or incorporated into trash enclosures or street furniture elements.

RECOMMENDED

3.19.5 Enclosure / Screening

All permitted uses and their resulting products which are not required to be contained entirely within a fully-enclosed structure should be screened from view from streets and neighboring properties. (photo 5)

3.19.6 Area Drainage

Courtyard and areaways should be graded to catch and retain runoff and spills from vehicles, trash or other storage and operations in order to minimize runoff onto sidewalks, gutters and streets and paved surfaces.

3.19.7 Loading Area Circulation

Circulation and parking for service areas shall not disrupt the normal flow of on-street traffic. Off-street loading areas should be designed to include adequate space for ingress, egress and maneuvering.

ACCEPTABLE

3.19.8 Roof Utility Screening

Antennas, including but not limited to earth satellite stations, are permitted with specific approval of the Design Review Committee. Locations of antennas shall minimize their impact on the appearance of the immediate area. Antennas should be properly screened from public view and nearby taller buildings. (photo 4)

3.19.9 Ground Level Screening

Ground level screening may be provided by landscaping or landscaping in combination with walls, if it results in complete visual screening.

PAGE 69

4

C H A R A C T E R of the B L O C K S

Each parcel and block is a unique opportunity to make a contribution toward the character of the high density, mixed use Symphony Park urban neighborhood. To succeed, each of the blocks must apply the design standards and intents of the standards described in Sections 1 through 3.

The specific applications of each design standard to each block from A through Q are described in three ways on facing pages for each block:

Design Standard Description Text description of each block, including the expected program, open space, vehicle access, view corridors, open space, and many other factors are briefly described.

Parcel Plan A parcel plan diagram for each block shows the plan view annotated with several graphic icons that represent various design directions that are generated by the Master Plan. Items such as lobby location options, permitted exposure of parking structures, active street frontages, tower location, open space and other desired features of each block are shown at their points of application.

Three Dimensional Model A perspective exploded view illustrates the relationships of the layers of the block to each other, and represents a building height and massing that corresponds to the program expected for each block. This view begins with subterranean parking, proceeds upward through street-level retail, town homes and podium parking, and topped in many cases by towers with view corridors and height recommendations. The Sketch up drawings that are the basis of these models are available to the applicant.

PAGE 70

4.1 Character of the Blocks

A2 – West Clark Avenue Entry

Objective:

This parcel has the important function of providing the first view of Symphony Park for people arriving from the south and a backdrop to the Lou Ruvo Alzheimer's Center. The buildings form part of the gateway into the site on West Clark Avenue and they also form an access courtyard between the Ruvo Center and the office buildings on West Clark Avenue. These buildings may have parking below the new buildings. This site may also be built out as a single building with parking above grade but fully screened.

Target Program

Office 300,000 SF

Parking 800 spaces below grade and levels 3-8

Note:

A1 is the adjacent site, accommodating the Lou Ruvo Brain Institute with no parking on the site, this site is to accommodate all of the parking for A1.

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

A2.1 Pedestrian Circulation

Walkways are required from West Clark Avenue to the Lou Ruvo Center and from the Promenade Place to the Center. If the building is built as a single building, a pedestrian entrance shall still be provided through the building to visually connect West Clark Avenue to the Lou Ruvo Alzheimer's' Center.

A2.2 Active Frontages

Active street frontages are required on this site at the intersection of West Clark Avenue and Promenade Place and Grand Central Parkway. Commercial uses should front on West Clark Avenue or the walkway leading south from it or Promenade Place.

A2.3 Parking Access

Entries to parking may only be located on Grand Central Parkway and the Promenade Place. Both of these drives must meet in front of the Lou Ruvo Alzheimer's' Center in a courtyard which will serve all the buildings on this block.

A2.4 Open Space and Amenities

The space around the Lou Ruvo Center is to be kept open for optimum views of the building. An auto access courtyard in the center of the parcel will focus all three buildings on a central plaza area.

A2.5 Tower Locations

Two towers can be located on either side of the north-south walkway, symmetrically framing the entrance to the Lou Ruvo Alzheimer's' Center. A single tower may be located at the Grand Central Parkway corner or Symphony Promenade Place Corner.

A2.6 Build-To Lines and Setbacks

Setback zones are allowed facing Promenade Place and on Grand Central Parkway. An open space is required at the intersection of West Clark Avenue and Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

A2.7 View Corridor

A wide view dual access corridor shall be kept open from West Clark Avenue to the Lou Ruvo Alzheimer's Center. In the case of one building, clear views must be maintained through the lobby at ground level.

A2.8 Concealed and Exposed Parking

Parking structures above grade to all center shall not be exposed to any views except along Grand Central Parkway. If above grade, structures shall appear to be office uses.

A2.9 Tower Height

Building heights for two towers should be equal. Buildings are expected to be approximately 13 stories.

NOTE : One tower may be built on the site rather than the pair shown. Final building heights will be subject to review and approval by the Design Review Committee.

A2.10 Courtyard

Through access from Grand Central Parkway to the Promenade shall be limited to emergency vehicles only, controlled by a physical means to be determined.

The courtyard is to be approximately 100' x 100', and is to be a combined auto drop-off and pedestrian courtyard.

Parking in the courtyard shall not be permitted except for drop-off.

Parking and service access shall be as close as practical to Grand Central Parkway and Promenade Place.

Grading in plaza shall be established to eliminate curbs in this area.

The courtyard shall be landscaped to characterize the space as primarily a pedestrian and drop-off space.

Limitations on delivery times for the buildings on A1 and A2 should be explored to minimize conflicts between the drives and the courtyard/drop-off.

PAGE 72

4.2 Character of the Blocks

B – West Clark Avenue/Discovery Symphony Park Avenue

Objective:

This parcel forms the northern half of the gateway from Grand Central Parkway onto West Clark Avenue, and at its north end, it is also half of the gateway into Symphony Park from Symphony Park Avenue. It fronts along The Promenade Place, and has active retail on its east street front. Its uses are primarily office space and retail. It forms the entry to the Symphony Park Civic Axis along Symphony Park Avenue.

Program Shown

Residential 282 units

Office 331,500 SF

Retail 49,670 SF

Parking 2350 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by- case basis.

B.1 Pedestrian Circulation

The major pedestrian movement is along The Promenade Place and the Civic Axis adjacent to Symphony Park.

No pedestrian walkways are required within the site.

B.2 Active Frontages

Active uses shall be located on the north end of the Grand Central Parkway frontage, extending along the Civic Axis, wrapping around the corner to Promenade Place.

B.3 Tower Locations

Two towers shall be located on the block at the north and south ends of the parcel.

B.4 Build-To Lines and Setbacks

Setback zones are allowed facing Grand Central Parkway and along West Clark Avenue. Build-to lines shall be maintained on Symphony Park Avenue, wrapping around to Grand Central Parkway and Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

B.5 Parking Access

Parking access may be brought in from Grand Central Parkway, Promenade Place, West Clark Avenue and one point only on Symphony Park to structured parking between the office buildings.

B.6 Concealed and Exposed Parking

Parking shall not be exposed except along portions of Grand Central Parkway. Along other frontages of the parcel, parking shall be wrapped with active uses, office uses or residential units.

B.7 Open Space and Amenities

An open space shall be developed in front of the lobby entrance on the north side of T 2.

B.8 Base of Towers

The two towers will appear to begin at ground level on the corners of the walkway at West Clark Avenue, and on Promenade Place.

B.9 Tower Height

There is no maximum height of towers T 1 and T 2. The lower tower is to be no more than 150'.

PAGE 74

4.3 Character of the Blocks

C – West Symphony Park Avenue North Side Entry

Objective:

Parcel C is the northern half of the gateway into the site from Grand Central Parkway. The parcel's uses are primarily residential and retail, and it forms a part of the street wall definition of Symphony Park at the entry into the public space.

Program Shown

Residential 593 units

Retail 27,790 SF

Parking 1082 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

C.1 Pedestrian Circulation

The major pedestrian movement is along The Promenade Place and the Civic Axis adjacent to Union Symphony Park.

No pedestrian walkways are required within the site.

C.2 Active Frontages

Active street frontages shall be developed along Symphony Park Avenue and Promenade Place, potentially wrapping around the corner on West Bridger Avenue.

C.3 Tower Locations

Two towers shall be located on the north and south sides of the site. The southern tower (T1) shall be set back an equivalent distance from Discovery Drive as the northern tower (T2) on Parcel B. The northern tower is not required to set back, but may be set back within the setback zone.

C.4 Build-To Lines and Setbacks

Setback zones are allowed facing Promenade Place and on Grand Central Parkway. Build-to lines must be maintained on the Symphony Park Avenue corners of the site. Minor setbacks are allowed on Symphony Park Avenue, but the majority of the street wall shall be at the back of sidewalk. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

C.5 Parking Access

Parking access shall only be brought in from Grand Central Parkway, West Bridger Avenue and Symphony Park Avenue. Parking is in a structure adjacent to and under the office buildings.

C.6 Concealed and Exposed Parking

The parking structure shall not be exposed except on a portion of Grand Central Parkway. On other frontages, parking shall be wrapped with active uses and residential units.

C.7 Open Space and Amenities

An open space amenity deck or other shading and screening devices should be developed on the roof of the parking structure.

C.8 Base of Towers

The two towers will have their bases sitting on a podium level behind lower residential units.

C.9 Axes and Views

The two towers shall be positioned so that sites to the east have views to the west between them, and that the towers have views past each other.

C.10 Tower Height

Lower tower height is limited to 150'. There is no maximum tower height for T 1 and T 2.

PAGE 76

4.4 Character of the Blocks

D – Grand Central Block (North of C)

Objective:

This parcel fronts on Grand Central Parkway and The Promenade Place, as well as two east-west neighborhood streets. Its primary role is to be a residential parcel as part of the neighborhood, as well as part of Promenade Place's street front retail frontage.

Program Shown

Residential 328 units

Retail 11,960 SF

Parking 791 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case by- case basis.

D.1 Pedestrian Circulation

The major pedestrian movement is along Promenade Place, with minor movement along Carson and Bridger Avenues. No pedestrian walkways are required on the interior of the parcel.

D.2 Active Frontages

Active street frontages shall be developed along The Promenade Place, potentially wrapping around the corners on Bridger and Carson Avenues. Second level retail or restaurant space may be developed on the corners of the site.

D.3 Tower Locations

Two towers shall only be located on the north and south sides of the site. Towers T 1 is not required to be set back; it should be brought to the sidewalk level.

D.4 Build-To Lines and Setbacks

A setback zone is allowed facing Promenade Place, along Grand Central Parkway and wrapping around to Carson and Bridger Avenues. The majority of the length of the street walls shall be built to the back of sidewalk along Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

D.5 Parking Access

Parking access shall only be brought in from Grand Central Parkway and Carson Avenue. Parking shall be in a podium. Service access shall be brought in from no more than 2 different locations.

D.6 Concealed and Exposed Parking

The parking structure shall only be exposed on a portion of Grand Central Parkway, wrapping around to Carson Avenue. On the remaining frontages, parking shall be wrapped with active uses and residential units. Parking shall not be exposed directly under a tower.

D.7 Open Space and Amenities

An open space amenity deck should be developed on the roof of the parking structure.

D.8 Base of Towers

The tower will have its base beginning at the ground level on the West Carson Avenue frontage.

D.9 Axes and Views

The tower shall be positioned so that sites to the east have views to the west.

D.10 Tower Height

There is no maximum height for Tower T 1.

PAGE 78

4.5 Character of the Blocks

E - City Parkway

Objective:

This parcel is a key Gateway parcel, part of the introduction to Symphony Park from City Parkway, across Grand Central Avenue. An iconic high rise office tower is expected on this parcel, with lower, perhaps multi-level retail and an internal parking structure podium wrapped by retail space facing onto a midblock pedestrian promenade.

The Promenade Place as a pedestrian and visual access and connection to Parcel Q and to Promenade Place continued to the south is a key linkage from Fremont Street and the Gateway entertainment uses to other parts of Symphony Park.

Program Shown

Office 500,000 SF

Retail 152,192 SF

Parking 2000 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

E.1 Pedestrian Circulation

The major pedestrian movement is along the extension of Promenade Place, which will be an open mid-block plaza element through the parcel to City Parkway. There will be some pedestrian activity along City Parkway.

E.2 Promenade Place Through the Block

The Promenade Place through the block should be open air but if covered shall be open to the pedestrian traffic at each end, shall be light, airy and street like. The Promenade Place through the block may be designed slightly differently than the rest of the Promenade Place but maintain basic tree planting and material character.

E.3 Active Frontages

Active street frontages should be developed along Promenade Place, potentially wrapping around the corner on Carson Avenue. Second level retail or restaurant space may be developed on the corners of the site.

E.4 Tower Location

An office tower may be located on the north end of the site. It should relate directly to the open space on the other side of City Parkway on Parcel Q. The tower should rise directly from the sidewalk level.

E.5 Build-To Lines and Setbacks

The faces of buildings should extend the visual line of the faces of buildings along Promenade Place. Setback zones are allowed facing Promenade Place and on Grand Central Parkway. The majority of the length of the street walls shall be built to the back of sidewalk. Promenade Place presents a special opportunity to create retail and restaurant exposure to this street-width plaza. The low retail/restaurant pavilion across Promenade Place should optimize use of the east side of Promenade Place open space. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

E.6 Parking Access

Parking access will be from Grand Central Parkway and Carson Avenue. Parking will be in a podium south of the office building.

E.7 Concealed and Exposed Parking

The parking structure shall not be exposed except to Grand Central Parkway and to Carson Avenue. On other frontages the parking structure shall be wrapped with active uses.

E.8 Open Space and Amenities

An open space amenity deck or other shading and screening devices should be developed on a portion of the roof of the parking structure.

E.9 Base of Tower

The tower will have its base beginning at the ground level on City Parkway at Grand Central Parkway.

E.10 Axes and Views

The view through the site along Promenade Place shall not be obstructed. The tower shall be a compact form so as to minimize the obstructions to views from the site and to other buildings on the site.

E.11 Tower Height

There is no maximum height for the Tower T 1.

4.6 Character of the Blocks

F/G - Middle Neighborhood Block

Objective:

This parcel is an internal residential neighborhood parcel with active retail edges along City Parkway and The Promenade Place. The unit types in this parcel are town house types combined with a residential tower, in contrast to the higher residential towers along Grand Central Parkway and City Parkway.

Program Shown

Residential 280 units

Retail 41,470 SF

Hotel 250 rooms

Parking 898 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

F/G.1 Pedestrian Circulation

The major pedestrian movement is along Promenade Place and City Parkway. A walkway across the Union Commons park in the interior of the parcel shall connect Promenade Place and City Parkway. This walkway shall have enough width and open configuration to allow and encourage unimpeded pedestrian movement across the block between Promenade Place and City Parkway. Other pedestrian walkways to the interior of the block may be created from the surrounding streets.

F/G.2 Active Frontages

Active street frontages shall be developed along Promenade Place and City Parkway. Second level retail or restaurant space may be developed on the corners of the site. Retail frontage shall be developed along City Parkway.

F/G.3 Tower Locations

Residential towers shall be located on the north end and south ends of the site. The towers shall establish their bases at the podium level. They are not required to be set back.

F/G.4 Build-To Lines and Setbacks

Buildings shall be built on the build-to line along Promenade Place to maintain a strong definition of this street space. Buildings may be setback within the setback zone along City Parkway. The majority of the length of the street walls shall be built to the back of sidewalk along this street. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

F/G.5 Parking Access

Parking access shall only be brought in from City Parkway in the vicinity of West Bridger Avenue. Parking is underground on this parcel.

F/G.6 Exposed Parking

Parking structures shall not be exposed on this parcel.

F/G.7 Open Space and Amenities

Ground level open space shall be developed as a private park, identified as Union Commons. This park is for the use of the surrounding neighborhood and visitors, as well as residents of Block F/G. The park may be gated for resident use even though it will be a public visual amenity. Design and final size should be a function of the final architectural design of adjacent buildings.

F/G.8 Bases of Towers

The north tower shall have its base beginning at the podium level on the Carson Avenue frontage. The south tower (T1) shall begin on a podium in a position fronting Symphony Park.

F/G.9 Axes and Views

A view and access across the parcel between Promenade Place and City Parkway shall be kept open to visual and walking access.

F/G.10 Tower Height

There is no maximum height for T 1 or T 2.

4.7 Character of the Blocks

H/I – Performing Arts Center

Objective:

This is the Performing Arts Center parcel, facing onto Symphony Park and the Civic Axis. The west side of the parcel will have retail and restaurant uses facing onto Promenade Place. The back of the parcel shall contain service and office space.

Program Shown

Performing Arts Center 586,000

Office 13,000 SF

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by- case basis.

H/I.1 Pedestrian Circulation

The major pedestrian movement and the building's main access shall be from the Symphony Park (north) side of the site. No other pedestrian circulation is required internal to this site, except in the building.

H/I.2 Active Frontages

Promenade Place side of the site shall have active retail or restaurant uses facing Promenade Place.

H/I.3 Build-To Lines and Setbacks

A build-to line shall be established along Symphony Park (front entrance) side of the site to maintain a strong definition of this street space. Setback zones are allowed on City Parkway and on Promenade Place. The majority of the length of the street walls shall be built to the back of the sidewalk along this street. The building may extend beyond the back-of-sidewalk line (over the sidewalk) at upper levels, but not at the sidewalk level. The sidewalk level on Symphony Park Avenue is to be kept open as a pre and- post-function outdoor circulation space. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

H/I.4 Parking and Delivery Access

Parking access to the West Clark Avenue side of Parcel H/I is shall be brought in from Promenade Place and/or City Parkway. Delivery access for the Performing Arts Center is to be brought in from Promenade Place and City Parkway. Truck docks are to be placed along this access between the two streets, sufficient for heavy truck access.

H/I.5 Open Space and Amenities

The open space of the site shall be focused on the sidewalk in front of the main entrance to the Performing Arts Center, facing Symphony Park.

H/I.6 Axes and Views

The view of the front of the Performing Arts Center from the Civic Axis should be maximized.

PAGE 84

4.8 Character of the Blocks

J – West Clark Avenue South Side

Objective:

This is a hotel and office site fronting on West Clark Avenue, just east of the Lou Ruvo Alzheimer's' Center. It also has a frontage on the section of Promenade Place which is not required to be an active frontage.

Program Shown

Office/Medical 166,000 SF

Hotel 500 rooms

Parking 1185 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

J.1 Pedestrian Circulation

The major pedestrian movement is along West Clark Avenue. No pedestrian walkways are required on the interior of the parcel.

J.2 Active Frontages

There shall be active frontages along West Bridger Avenue, wrapping around the corner on Promenade Place. Second level retail or restaurant space may be developed on the corners of the site.

J.3 Tower Locations

Two towers shall be located on the block—on the east and west sides of the site. The west (hotel) tower from its hotel base and the east (office) towers shall establish their bases at the podium level.

J.4 Build-To Lines and Setbacks

Setback zones are allowed facing Promenade Place and West Clark Avenue. The majority of the length of the street walls shall be built to the back of sidewalk. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

J.5 Parking Access

Parking access shall only be brought in from Promenade Place, at the mid-parcel from West Clark Avenue and from an extension of City Parkway on the east side of the block. Parking shall be in a podium under the east tower and east of the hotel tower.

J.6 Concealed and Exposed Parking

The parking structure shall only be exposed on a portion of Bonneville Street east of the hotel tower. On other frontages, the parking shall be wrapped with hotel uses and active uses.

J.7 Open Space and Amenities

The building setback on West Clark Avenue shall create a linear open space which widens as it approaches Parcel K at City Parkway. This shall be a landscaped sidewalk/plaza for the hotel and the office tower and act as the central amenity space for this medical/office district. (See Streetscape Section) An open space amenity deck or other shading and screening devices should be developed on the roof of the parking structure.

J.8 Base of Towers

The east (office) tower shall have its base beginning at the podium level on West Clark Avenue. The west (hotel) tower shall have a base beginning at the podium level.

J.9 Axes and Views

The two towers shall be positioned so that sites to the north have views to the south between them, and so that the towers have views past each other.

J.10 Tower Height

There are no maximum heights for Tower T 1 or T 2.

PAGE 86

4.9 Character of the Blocks

K - Southeast Corner Block

Objective:

This parcel is at the SE corner of West Clark Avenue and City Parkway, and plays a role in terminating the axes of both of these streets. It is primarily an office parcel. Passing immediately in front of this parcel is the access to the pedestrian bridge across Bonneville Street to the Clark County Government Center.

Program Shown

Office 175,940SF

Parking 1080 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

K.1 Pedestrian Circulation

The major pedestrian movement is along the extension of City Parkway, which will be an open plaza element through the parcel, continuing on to a possible pedestrian bridge to the Clark County Government Center. Other pedestrian activity shall be focused at the northwest corner of the site.

K.2 Active Frontages

No active frontages are required on this site. Any active uses on this parcel should be at the northwest corner of the site, relating to City Parkway.

K.3 Tower Location

An office tower should be located on the west side of the site. It should rise directly from the parking podium.

K.4 Build-To Lines and Setbacks

The majority of the length of the street wall along City Parkway should be built to the back of sidewalk to frame the views down City Parkway. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

K.5 Parking Access

Parking access will be from an extension of City Parkway, at the south end of the site or from the extension of West Clark Avenue.

Parking will be in a podium east of the office building.

K.6 Concealed and Exposed Parking

The parking structure may be exposed to Bonneville Street, the railroad r.o.w. and a portion of the north edge of the site.

Elsewhere, the parking structure shall be wrapped with office or other active uses.

K.7 Open Space and Amenities

A sidewalk-level landscaped plaza should be developed on the northwest corner of the site at sidewalk level. An open space amenity deck or other shading and screening devices should be developed on the roof of the parking structure.

K.8 Base of Tower

The tower will have its base beginning at the ground level on City Parkway.

K.9 Axes and Views

A view of the tower from the south side of West Clark Avenue will be framed by other development along West Clark Avenue, including a setback of the street wall on Parcel J. The tower design should respond to this view at the end of the street.

K.10 Tower Height

There is no maximum height for T 1.

K.11 Pumping Station and Service Access

A pumping station and service access shall be provided on the southeast corner of the parcel.

K.12 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 88

4.10 Character of the Blocks**L – South Site Civic Access****Objective:**

This is primarily a residential parcel facing City Parkway on the west, the railroad r.o.w. on the east, and the park transition over the rail tracks on the north (Parcel M). Retail and restaurant uses face onto City Parkway at sidewalk level.

Program Shown

Residential 479 units

Retail 20,863 SF

Parking 1624 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

L.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No pedestrian walkways are required on the interior of the parcel.

L.2 Active Frontages

Active street frontages should be developed along City Parkway, potentially wrapping around the corner on West Clark and s Symphony Park Avenues. Second level retail or restaurant space may be developed on the corners of the site.

L.3 Tower Locations

Two towers can be located on the north and south portions of the site. The southern and northern towers shall establish their bases at the sidewalk level. The towers are not required to be setback, but may be set back within the setback zone.

L.4 Build-To Lines and Setbacks

Setback zones are allowed facing Promenade Place and Wellness Way and Discovery Drive. The majority of the length of the street walls should be built to the back of sidewalk. At the base of the building the allowable setback

shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

L.5 Parking Access

Parking access can be brought in from West Clark Avenue and Symphony Park Avenue. Parking shall be in a podium under and between the office buildings.

L.6 Concealed and Exposed Parking

The parking structure may be exposed on a portion of railroad R.O.W. On the City Parkway frontage, parking shall be wrapped with active uses and residential units.

L.7 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

L.8 Base of Towers

The northern and southern towers will have their bases beginning at ground level.

L.9 Axes and Views

The two towers shall be positioned so that sites to the east have views to the west between them, and so that the towers have views past each other.

L.10 Tower Heights

There is no maximum height for towers T 1 and T 2. There is a 150' maximum height for the lower towers.

L.11 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 90

4.11 Character of the Blocks

M4 – Civic Access Block

Objective:

This parcel has no active uses at this time. It is a pedestrian open space, linear park and transitional space up to the railroad tracks between the Performing Arts Center and proposed City Hall. The park space is built over structured parking with entrances from City Parkway and s Symphony Park Avenues. The parcel is one of four M parcels, which, taken together make up the entire Symphony Park Civic Axis open space through the middle of the site. This is a possible site for a modest public use consistent with the site size and civic nature.

Program Shown

Parking 300 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

M.1 Pedestrian Circulation

The major pedestrian movements shall be along City Parkway, and up from City Avenue across the railroad r.o.w. to the proposed City Hall site. Pedestrian movement up to and across the tracks will be facilitated by steps, and potentially escalators or elevators as required by ADA regulations.

M.2 Parking Access

Parking access shall be from City Parkway along each side of the parcel, into the parking structure which will be under the linear park bridge connection on the west side of the railroad r.o.w.

M.3 Concealed and Exposed Parking

The parking structure shall only be exposed to the railroad r.o.w. On other frontages, the parking shall be wrapped with open space, stairs, walkways and landscape areas.

M.4 Open Space and Amenities

The parcel is the extension of the civic axis that connects Discovery Drive and Symphony Park through City Hall to the Federal Courts on Lewis Street.

M.5 Axes and Views

The view along the civic axis will be facilitated by a gradual step up in the open space levels so that views up and down along the crossing are unobstructed. An example is the view of the proposed City Hall across the tracks from Symphony Park.

M.6 Standards for Future Uses

At such time as future uses may be contemplated for this site, setbacks, heights, uses and views, circulation and pedestrian circulation will be established for this site.

M.7 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 92

4.12 Character of the Blocks

N - North Side Civic Access

Objective:

A residential parcel similar to Parcel L, on the north side of the Parcel M adjacent to the tracks.

Program Shown

Residential 578 units

Retail 12,482 SF

Parking 966 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations. The actual numbers shall be approved by City Council on a case-by-case basis.

N.1 Pedestrian Circulation

The major pedestrian movements are along City Parkway and across Parcel M. No pedestrian walkways are required in Parcel N.

N.2 Active Frontages

An active street frontage shall be developed along City Parkway, wrapping around the corners into the parking access streets on either side of the parcel.

N.3 Tower Locations

Two towers can be located on the north and south sides of the site. The southern and northern towers are not required to set back, but shall establish their bases at the podium level.

N.4 Build-To Lines and Setbacks

Setback zones are allowed facing City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

N.5 Parking Access

Parking access will be from the parking access streets to the north and south of the parcel. Parking shall be in a podium adjacent to the railway tracks.

N.6 Concealed and Exposed Parking

The parking structure may be exposed to the railway tracks. On other frontages, the parking shall be wrapped with active uses and residential units.

N.7 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

N.8 Base of Towers

The south tower shall have its base beginning at the podium on City Parkway and the parking access street frontages. The north tower shall have its base beginnings at street level.

N.9 Axes and Views

The two towers shall be positioned so that views are maintained across the site between them, and so that the towers have views past each other.

N.10 Tower Heights

There is no maximum height for towers T 1 and T 2. There is a 150' maximum height for the lower towers.

N.11 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 94

4.13 Character of the Blocks

O1 – Middle Avenue Block

Objective:

A residential parcel on City Parkway, similar to Parcels L and N in terms of uses and relationship to City Parkway.

Program Shown

Residential 406 units

Retail 26,882 SF

Parking 747 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by- case basis.

O1.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No public pedestrian walkways are required within the parcel.

O1.2 Active Frontages

Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets. A grocery store may be developed along City Parkway.

O1.3 Tower Locations

Two towers shall be located on the north and south sides of the site. The southern tower may be set back from the south side of the site; however it shall establish its base at the podium along City Parkway. The northern tower is not required to set back. It shall establish its base at the podium along City Parkway and the parking access street.

O1.4 Build-To Lines and Setbacks

Setback zones are allowed on all sides of the parcel, along City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

O1.5 Parking Access

Parking access will be from the parking access streets to the north and south of the parcel. These are the extensions of West Bridger Avenue and West Carson Avenue. Parking is in a podium adjacent to the railway tracks.

O1.6 Concealed and Exposed Parking

The parking structure may be exposed to the railway tracks.

On other frontages the parking structure shall be wrapped with active uses and residential units.

O1.7 Concealing Parking Structure

The parking structure shall be wrapped on the City Parkway frontage with active uses at the street level and residential units above.

O1.8 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

O1.9 Base of Towers

The tower will have their bases beginning at the podium level on City Parkway.

O1.10 Axes and Views

The tower shall be positioned on the east side of the site.

O1.11 Tower Height

There is no maximum height for Tower T 1.

O1.12 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 96

4.14 Character of the Blocks

O2 – South of Gateway Block

Objective:

A residential, retail & entertainment parcel facing City Parkway.

Program Shown

Residential 243 units

Retail/Entertainment 4,068 SF

Parking 472 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

O2.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No pedestrian walkways internal to the parcel are required.

O2.2 Active Frontages

Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets.

O2.3 Tower Location

The tower is to be located on the front (street side) of the parcel. It will be architecturally expressed as a building that originates at the sidewalk level rather than at the podium.

O2.4 Lobby Location

The lobby location shall be at or near the southwest corner of the parcel.

O2.5 Build-To Lines and Setbacks

A setback zone is allowed along the parking access on the north side of the parcel. Build-to lines are important to maintain on the City Parkway and south side of the parcel. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

O2.6 Parking Access

Parking access will be from the parking access streets to the south of the parcel. Parking is in a podium under the building and adjacent to the railway tracks.

O2.7 Concealed and Exposed Parking

The parking structure shall only be exposed to the railway tracks and the rear portion of the parking accesses. The parking structure shall be wrapped with active uses along the City Parkway frontage. The retail on City Parkway may be two or more stories in height.

O2.8 Open Space and Amenities

No open space is required interior to this parcel.

O2.9 Tower Height

There is no maximum height for Tower T 1.

O2.10 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 98

4.15 Character of the Blocks

P – Gateway Block-South

Objective:

An entertainment/commercial and parking parcel facing City Parkway.

Program Shown

Retail 15,996

Parking 986 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

P.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No pedestrian walkways internal to the parcel are required.

P.2 Active Frontages

Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets.

P.3 Tower Location

No tower is required on this parcel.

P.4 Build-To Lines and Setbacks

Setback zones are allowed along City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

P.5 Parking Access

Parking access will be from the parking access streets to the north and south of the parcel. Parking is in a podium adjacent to the railway tracks.

P.6 Concealed and Exposed Parking

The parking structure shall only be exposed to the railway tracks. The parking structure shall be wrapped with active uses along the City Parkway frontage. The retail may be two or more stories in height.

P.7 Open Space and Amenities

There are no open space requirements.

P.8 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 100

4.16 Character of the Blocks

Q – Gateway Block-North

Objective:

This is a key Gateway parcel greeting arrivals from City Parkway. Along with Parcel E, this parcel will feature an iconic tower forming part of a gateway off City Parkway. A major element of this site is the large hotel tower envisioned for the west side of the site. Another major feature is the auto court that enters the site from City Parkway and provides the drop off and turnaround needed for the hotel and casino.

Program Shown

Hotel 1000 rooms

Parking 1170 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.

The actual numbers shall be approved by City Council on a case-by-case basis.

Q.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. A pedestrian bridge through the parcel will bridge across the railway line to connect the site to Fremont Street and the entertainment district on the other side of the tracks. The pedestrian connection to Fremont Street at the pedestrian bridge level shall be very direct and open to the public through the site, not internalized to a hotel or casino.

Q.2 Active Frontages

Active street frontages should be developed along City Parkway and the pedestrian bridge.

Q.3 Tower Location

The hotel tower will be located at the north end of the site. It shall relate directly to the auto court, and form the gateway to the site together with the office tower on Parcel E. Tower T 1 should rise from the podium level rather than off the parking and retail podium.

Q.4 Build-To Lines and Setbacks

Setback zones are allowed on all sides of the parcel. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

Q.5 Parking Access

Parking access will be from the parking access street to the south of the parcel and can also come in through the auto drive. Parking is in a podium to the north of the site, to the west of the hotel tower.

Q.6 Concealed and Exposed Parking

The parking structure shall only be exposed to the railway tracks. The parking structure elsewhere on the parcel shall be wrapped with hotel lobby, function areas and active uses.

Q.7 Open Space and Amenities

The auto court with its central median can be developed as an open space amenity. An elevated pedestrian bridge shall connect the auto court via a pedestrian bridge to development on the other side of the railway tracks.

Q.8 Base of Tower

The hotel tower should establish its base at the parking podium off the auto court, City Parkway and Grand Central Parkway.

Q.9 Axes and Views

Physical and visual access should be maintained along the pedestrian bridge spanning across the railway tracks.

Q.10 Tower Height

There is no maximum height for Tower T 1.

Q.11 Railroad Edge

See civil engineering drawings for railroad edge treatment.

PAGE 102-103

5.0 Design Review Process

Design Review

To ensure that each project in Symphony Park complies with the Design Standards, each project in Symphony Park will be reviewed with respect to its urban design, architectural and landscape design qualities, as measured by the Design Standards. A related goal is that each developer be directed toward the most beneficial planning and design approaches so that projects can proceed without undue delays.

The objectives of the Design Review process are:

To provide an equitable, orderly application of the Design Standards for all projects.

To implement the goals and requirements of the Master Plan,

To insure compliance with the Design Standards and the Master Plan, especially in regard to:

Establishment of a high quality urban planned community

Provision of the overall density, mix of uses, heights and building types as contemplated by the Master Plan and Design Standards.

To protect the City's capital investment in infrastructure.

To enhance the value of all property in Symphony Park by maintaining a high level of architectural design.

To provide timely, fair and firm design direction for each project, and to resolve differences in design approach between the developer, Newland Communities and the City of Las Vegas.

Design Review Committee

To review and evaluate each proposal and protect these values, the Symphony Park Design Review Committee (SP-DRC) is hereby created. The SP-DRC shall consist of five members, with two members to be appointed by Newland Communities, and one representative each from the Office of Business Development, the Planning and Development Department, and the Public Works Department. The SP-DRC may retain consultants as necessary to review plans for conformance to the design guidelines. The SP-DRC shall have the authority to adopt rules and regulations concerning its administrative procedures.

The design review process shall consist of the procedures listed below, (please see expanded Design Review submittal requirements from DRC):

1. Block Plan Review. The applicant will provide the SP-DRC with a submittal including conceptual plans of the first phases and subsequent block buildout for the block in question. Application for the review shall be made to the Office of Business Development, serving as support staff to the SP-DRC, and shall include the following information:

Site plan, including the location of all buildings;

Parking and access;

Pedestrian access and open space;

Conceptual elevations;

Computer-generated 3-D massing model (to enable the project to be seen from all sides and in context to the overall Symphony Park development);

Building program;

LEED Checklist (preliminary).

The SP-DRC shall have 30 working days from the date of submittal to make a recommendation on the submitted plans. The SP-DRC may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the SP-DRC shall provide the applicant with written notice of the decision; recommendations for

denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.

2. Design Development Review. Upon approval of the initial block plan, the applicant shall prepare design development drawings for review by the SP-DRC. Application for the review shall be made to the Office of Business Development, serving as support staff to the SP-DRC, and shall include the following information:

- Site plan, showing all driveways and access points;
- Grading plan;
- Floor plans;
- Elevations, showing key façade details;
- Landscape and streetscape plans;
- Materials, finishes and colors;
- Site signage;
- Refined computer-generated 3-D massing model;
- Solar shading diagram;
- LEED Checklist (with explanation).

The SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted application. Utilizing a development standards checklist, the SP-DRC may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.

3. Site Development Plan Review. Upon approval of the Design Development Review application, the applicant shall submit a Site Development Plan Review application and any other required applications to the Planning and Development Department for review by the City of Las Vegas in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code. Applications will not be accepted unless accompanied by a letter with a recommendation for approval from the SP-DRC.

4. Construction Document Review. After receiving approval of the Site Development Plan Review application and any other required applications, the application shall submit construction documents for review by the SP-DRC. The construction documents shall be submitted to the Office of Business Development, serving as staff support for the SP-DRC, and shall be submitted prior to or concurrently with an application for a building permit. The SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted documents. The review by the SP-DRC shall be limited to the conditions of approval placed upon the project by the City of Las Vegas; any amendment to the approved plans shall be in accordance with the requirements listed in Title 19.18 of the Las Vegas Municipal Code. Upon making a recommendation, the SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval. Building permits shall not be issued until the applicant provides a letter of recommendation for approval from the SP-DRC. (See page 14 for LEED requirements of this approval step.)

Review of Construction

The SP-DRC may review construction documents to ensure that approved developments are constructed in accordance with approved plans and drawings. Consultants may be retained by the SP-DRC to assist with construction document review.

Approval of Subsequent Phases

All building developments within any Block shall be developed as established in the Block Plans and related documents, except as changes may be mutually agreed upon in writing by the Design Review Committee. Newland Communities may submit different plans for Building Developments within such Block so long as such plans are in compliance with the Master Plan and other relevant terms and conditions.

Waivers to the Design Standards

Waivers to the Symphony Park Design Standards contained herein may be granted by the City Council upon a recommendation from the SP-DRC with clear and convincing evidence for demonstrated economic hardship or to further the City's redevelopment efforts. The SP-DRC is hereby authorized to approve minor deviations (as defined in the Glossary) from required standards, subject to a majority vote of the Committee.

Sign Waivers: The SP-DRC is hereby authorized to approve waivers from the standards contained in Subsection 3.16, other than prohibitions contained in Paragraph 3.16.5, if the applicant establishes that a waiver is warranted based upon the conditions specific to the parcel and the SP-DRC determines the waiver will not compromise the design objectives of the sign standards and will further the City's redevelopment efforts.

Amendments to the Design Standards

The SP-DRC may recommend amendments to these development standards, as warranted to address deficiencies or changes in development patterns. Changes to these standards shall be processed in the form of a Text Amendment, in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code.

Permitted Uses – Parkway Center Development Standards Symphony Park

Permitted Land Uses :

Commercial Office, Class A, including without limitation:

Professional and General
High-Technology
Service
Research and Development
Major or Minor Medical

Flexible Office/Work Space, Class B, including without limitation:

Internet and high-technology incubators
Computer server farms
Internet backbone facilities
Light assembly and fabrication

Government/Public Office, including without limitation:

United States
State of Nevada
Regional Bodies and related
Clark County
City of Las Vegas
United States Post Office

Commercial/Retail, including without limitation:

General Retail
Restaurant/Delicatessen/Coffee Shop/Bakery/Banquet Facility/Catering Service
Health Club
Bank/Credit Union/Savings and Loan/Trust
Children's Day Care (fewer than 12 children)
Convenience Retail
Offices with frequent public access requirements
Trade Center/Wholesale and Retail Showrooms
Exhibition Space
Transportation Services, including without limitation: Transportation Center, helipad, monorail, gasoline facilities
Parking Facilities, including multi-level parking structures
Entertainment/Retail
Tavern, Supperclub, Restaurant Service Bars, Social Event with Alcoholic Beverage Sales, and beer/wine uses subject to special use permit
Convention/Conferencing Facilities/ Temporary Exhibitions
Non-Profit/Institutional, including:
Museums, Performing arts centers, Musical Theaters

Residential

High Density Residential, market rate, including without limitation:
Townhouses, flats, lofts, live-work units
Mid-Rise Housing
Courtyard/streetwall apartments or condominiums
Loft-style apartments or condominiums
High-Rise Housing apartments or condominiums

Hotels

Non-Gaming Hotels
Casino/Hotels, and non-restricted Gaming but only within the Gaming Enterprise Overlay District, as amended
Existing Interim Billboard Signs, to be removed or incorporated with adjacent development

Private Sidewalks: See "Outdoor Dining Standards—Private Sidewalk Areas" on page 134.

Communication Devices: Wireless Communication Facility, Stealth Design – building mounted only, subject to conditional use approval

Prohibited Land Uses :

Trailer Parks and RV Camps

Transient Sales Lots
Rental Storage Businesses, with outdoor storage
Contractors Plant, Shop and Storage Yard
Construction materials and Supply Yard
Auto Repair Garage
Asphalt and Concrete Batch Plants
Environmentally Hazardous Materials
Salvage or Reclamation Yards
Landfill
Outside storage
Trucking Company
Heavy Manufacturing
Towing and Impound Yards
Cold Storage Plants
Wholesale Distribution Centers
Sexually Oriented Businesses
Any other use that would otherwise be permitted as-of-right in Manufacturing (M) or Commercial Manufacturing (CM) zoning districts

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PAGE 105

APPENDICES

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PAGE 107

Using this Appendix

Using this Appendix in Conjunction with the Schematic Streetscape Design Package

The following references are keyed to streetscape elements identified in Section 2 of this document and the Schematic Streetscape Design package. The cover of Schematic Streetscape Design package is illustrated to the right.

The Schematic Streetscape Design package states that the Block developer is responsible for the implementation of all streetscape design shown from back of curb to build-to line, except the Centennial streetlights which may be built by the City of Las Vegas during the public street construction.

The schematic streetscape design has been completed for all streetscapes within the sixty-one acre Symphony Park. Schematic design has been completed in order to accomplish the following objectives:

- A. Uphold the overall vision established by Newland Communities and the City of Las Vegas to develop a sustainable urban community;
- B. Establish a unified and continuous streetscape layout, regardless of project phasing by individual developers;
- C. Establish a consistent level of quality throughout the development;
- D. Establish a consistent application of streetscape components and furnishings.

Refer to the Schematic Streetscape Design Package for further information.

Schematic design includes a number of fixed streetscape design elements that are required by all developers. These items are outlined within this appendix and labeled as "FIXED DESIGN DECISIONS." This schematic design document also includes flexible opportunities for design input that is expected of all developers. These items are outlined within this appendix and labeled as "FLEXIBLE DESIGN OPPORTUNITIES."

PV.1 Cast-in-Place Concrete at Pedestrian Area

INTENT

Maintain a consistent paving system across the 61 acre site that minimizes heat gain and artfully expresses the Las Vegas desert context.

Fixed Design Decisions

Color: 1% +/- Solomon 306 Canvas (test pour dependent)

Finish: Expose sands and fine aggregates with a light concrete retarder applied to the concrete immediately after it is poured. This treatment will result in a slightly rough, sand-textured feel to the concrete (test pour dependent).

Flexible Design Opportunities

Slight variations in the sand/aggregate exposure, analogous to the natural patterns of the desert, recall water and wind erosion. Refer to AR.3 - Art Opportunity in Pavement Design for more information. All designs and layouts to be approved by Symphony Park Design Review Committee.

Minimum Concrete Performance Criteria:

Strength @ 28 Days: 4500 PSI

Water/Cement Ratio: .45-.65

Cement : 5.2 sacs / CY

Cement Type : V

Fly Ash: 20% x 1.2

Aggregate Size: 3/8-3/4

Air Content : 5-7%

Slump : 1-4" Maximum

Ad Mixtures : Pozzolith 322N,

Buckeye

cellulose

fiber

PV.2 Cast-in-Place Concrete at Private Vehicular Area

See Civil Documents

PV.3 Concrete Unit Paver at Pedestrian Area

INTENT

Maintain a consistent concrete unit paving system across the 61 acre site that provides a tactile quality, mitigates storm water runoff rates, reduces glare, minimizes heat gain and complements the concrete and stone paving.

Fixed Design Decisions

Manufacturer: Hanover Architectural Products

Model: Prest Concrete Paver—11 3/4" x 11 3/4" —2 1/2" Thick

Finish: Tudor

Color: Cream, Limestone Grey, Brown, Antietam, or Matrix #1119

Flexible Design Opportunities

Choose from the colors listed above. Paver layout pattern to be determined by project design teams.

PV.4 Concrete Unit Paver at Private Vehicular Area

Model: Prest Concrete Paver—17 5/8" x 17 5/8"—4" Thick

All other properties are the same as PV.3—Concrete Unit Paver at Pedestrian Area

PV.5 Stone Paver at Pedestrian Area

Minimum Stone Performance Criteria:

Compressive Strength 8,000 psi minimum

Acceptable Absorption 3.00%

Minimum Density 160 lbs. per cubic feet

Minimum Flexural Strength 9,000 psi

Coefficient of Friction 0.8 to 1.0

Minimum Abrasion Resistance 1.0

INTENT

Maintain a consistent stone paving system along the Promenade that provides a tactile quality, mitigates storm water runoff rates, reduces glare, minimizes heat gain, complements the concrete and concrete unit pavers and artfully expresses the Las Vegas desert context.

Fixed Design Decisions

Product : 4" Square Paver, 1 1/2" - 1 3/4" Thick

Stone : Quartzite

Color: Sorted color range with three subtly distinct colors is desired, as defined in approved mock-up

Finis h: Natural Cleft

Edges : Sawn, Top Edge Eased

Layout : See Next Page

Flexible Design Opportunities

There are no flexible design opportunities with the stone paving. A consistent stone paving system along the entire length of the Promenade is critical to the success of this street.

ASTM Stone Performance Criteria:

MINIMUM COMPRESSIVE STRENGTH:	8,000 psi
MAXIMUM ACCEPTABLE ABSORPTION:	1.00%
MINIMUM DENSITY:	160 lbs. lb/cu ft
MINIMUM FLEXURAL STRENGTH:	9,000 psi
COEFFICIENT OF FRICTION:	0.8 to 1.0
MINIMUM ABRASION RESISTANCE:	1.0

PV.5 Stone Paver at Pedestrian Area, Continued

Promenade and Stone Paving Concept:

Materials, colors and patterns create a stylized desert expression. Erosion and repetition establish the primary influences. Gradual tonal transitions take place across the sidewalk floor, reflecting the subtleties and nuance of the desert. This plan shows how the stone paving pattern is applied across a generic block of the Promenade. Zones A, B and C are laid out across all blocks. Transitions between Zones A, B and C should be blended and soft. Refer to full size mock up for more detail.

PV.6 Not Used

PV.7 Not Used

PV.8 Potential Architectural Treatment at Public Intersection

Subject to future City decision

PV.9 Not Used

PV.10 Not Used

PV.11 Spill Curb

See Civil Documents

PV.12 Gutter Pan

See Civil Documents

PV.13 Potential Driveway/Curb Cut

See Civil Documents

PV.14 12" Concrete Access Strip

Illustrated in detail PL.1 - Street Tree in Landscape Panel

PV.15 24" Concrete Buffer Strip

Illustrated in detail PL.1 - Street Tree in Landscape Panel

PV.16 Accessible Ramp A

See Civil Documents

For all pedestrian-accessible ramps internal to the project

PV.17 Accessible Ramp B

See RTC Documents

For pedestrian-accessible ramps adjacent to Grand Central Parkway only

PV.18 Special Asphalt Paving Vehicular Area

Subject to future City decision

PV.19 Stone Mulch

INTENT
Utilize local materials to reflect regional identity, prevent erosion and mitigate moisture loss.

Fixed Design Decisions

Product 1: 3/8" Washed Rounded Gravel **Color:** Birds eye Brown

Product 2: Decomposed Granite, Stabilized

Flexible Design Opportunities

Placement of these two products to be determined by project design teams.

PV.20 Tree Gate A

INTENT

Maintain consistent contemporary tree grate across the 61 acre site with removable growth rings to allow for healthy trunk growth. Allow for uninterrupted ADA rated pedestrian traffic.

Fixed Design Decisions

Manufacturer: Fair Weather

Model: SP Series—4' square and 6' square

Finish: Raw Carbon Steel (not painted)

Flexible Design Opportunities

There are no flexible design opportunities with the tree grates.

Notes

All tree grates for deciduous trees to be 4' square. All tree grates for palms to be 6' square. Orient grate "joint" perpendicular to curb. All tree grates for palms on the Promenade to be custom 4' x 6' grates. Some palm tree grates in the Schematic Design drawing package are illustrated in error as 4' square. Please refer to the notes above for proper tree grate sizes.

PV.21 Tree Gate B

INTENT

Highlight and distinguish Symphony Park by using a unique tree grate adjacent to and opposite the park (on Discovery Street and City Parkway).

Fixed Design Decisions

Manufacturer: Ironsmith Design

Model: Nemo series A.D.A.

Size: 4' square and 6' square

Finish: Raw Carbon Steel (not painted)

Flexible Design Opportunities

There are no flexible design opportunities with the tree grates.

Note

Use this tree grate on all Symphony Park Avenue trees (deciduous and palm) associated with, adjacent to and opposite the central park. The street trees opposite the central park on City Parkway should also use this grate. Refer to the Schematic Design package. All tree grates for deciduous trees to be 4' square. All tree grates for palms to be 6' square. Orient grate "joint" perpendicular to curb. Some palm tree grates in the Schematic Design drawing package are illustrated in error as 4' square. Please refer to the notes above for proper tree grate sizes."

JN.1 Sawn Control Joint

INTENT

Maintain sharp, consistent control joints across the 61 acre site.

JN.2 Expansion Joint

INTENT
Maintain consistent, effective and durable expansion joints across the 61 acre site.

Match caulked joint color to cast in place concrete paving.

SW.1 Cast-In-Place Concrete Seat Wall

INTENT

Maintain generally consistent proportions and detail for site walls across the 61 acre site while

providing an opportunity for art.

Fixed Design Decisions

Size: 1'-6" Wide by 1'-6" Tall

Flexible Design Opportunities

Wall finish and color to be determined by project design teams.

All designs and layouts to be approved by Symphony Park Design Review Committee.

Notes

Align control/expansion joints of wall to control/expansion joints of paving.

Walls at Symphony Park Avenue entrance (Parcels B and C) to be integrated with raised planting beds.

SF.1 Project Bench

INTENT

Utilize a village standard across the 61 acre site to promote a district quality. Alternative seating options are outlined in AR.5—Art Opportunity with Supplemental Seating.

Fixed Design Decisions

Manufacturer: Landscape Forms - www.landscapeforms.com

2. Model: Arcata Series—Backed and Arcata—Backless, surface mounted

3. Color/Material: Black/lpe - Powder-coat finish

Colors: Polysite Seat—Driftwood

Steel—Galvanized if possible

Steel alternative—Powder Coat Silver

Flexible Design Opportunities

Layout of benches to be determined by project design teams.

Note

Provide footing per manufacturer's recommendations.

SF.2 Not Used

SF.3 Not Used

SF.4 Movable Tables and Chairs

INTENT

Foster diversity among movable tables and chairs that meet product objectives. Allow for movable furnishings to complement the adjacent tenant or land use.

Fixed Design Decisions

Product Objectives : Non-plastic furnishings that are cool to the touch.

Heavy products that will deter vandalism and theft.

Non-fixed furniture to allow for tenant and pedestrian movement.

Contemporary in appearance.

Flexible Design Opportunities

All product selection and layout to be determined by project design teams. All designs and layouts to be approved by Symphony Park Design Review Committee.

SF.5 Not Used

SF.6 Not Used

SF.7 Trash Receptacle

INTENT

Utilize a village standard across the 61 acre site to promote a district quality.

Fixed Design Decisions

Manufacturer: Landscape Forms

Model: Chase Park

Colors: Steel—Galvanized if possible

Steel alternative—Powdercoat Silver

Flexible Design Opportunities

Layout of trash receptacles to be determined by project design teams.

SF.8 Drinking Fountain**INTENT**

Utilize a village standard across the 61 acre site to promote a district quality.

Fixed Design Decisions

Manufacturer: DAE

Model: Oscar Doll

Flexible Design Opportunities

Layout of drinking fountain to be determined by project design teams.

SF.9 Bicycle Rack**INTENT**

Utilize a consistent, artful bike rack across the 61 acre site.

Fixed Design Decisions

Manufacturer: Landscape Forms

Model: Bola

Color: Galvanized if possible

Alternative—Stainless Steel

Flexible Design Opportunities

Layout of bike racks to be determined by project design teams.

SF.10 Newspaper Box**INTENT**

Consolidate and corral newspaper boxes.

Note

Product to be determined by Symphony Park Community Association.

Use of newspaper boxes is subject to implementation by the Symphony Park Community Association.

SF.11 Planter Pot A**INTENT**

Utilize consistent, artful planter pots across the 61 acre site.

Fixed Design Decisions

Manufacturer: Kornegay Design

Model: Dune Series

Color: Natural Concrete

Flexible Design Opportunities

Layout and size of Dune Series planter pots to be determined by project design teams.

75% of project planter pots should be selected from the Dune Series.

Note

All planter pots must be drip irrigated and accommodate a drainage system that drains into an adjacent landscape

panel. Organize planter pots in small groupings to accentuate garden qualities.

SF.12 Planter Pot B**INTENT**

Utilize consistent, artful planter pots across the 61 acre site.

Fixed Design Decisions

Manufacturer: Charles Swanson

Model: Living Earth Series—"Ceres" and "Lura"

Color: All colors acceptable

Flexible Design Opportunities

Layout and color of Living Earth Series planter pots to be determined by project design teams. 25% of project planter pots should be selected from the Living Earth Series.

Note

All planter pots must be drip irrigated and accommodate a drainage system that drains into an adjacent landscape panel.

Utilize planter pots as sculptural elements, composed in groupings and patterns.

SF.13 Bollard**INTENT**

Utilize sculptural bollards to distinguish pedestrian from vehicular zones.

Fixed Design Decisions

Manufacturer: Furnitubes

Model: Millennium

Color: Stainless Steel

Flexible Design Opportunities

Layout of bollards to be determined by project design teams.

SL.1 Promenade Light**Note**

Refer to sheet L4-3 of the Schematic Streetscape Design package.

SL.2 Uplight**INTENT**

Maintain a consistent lighting product that illuminates the trees along the Promenade.

Fixed Design Decisions

Manufacturer: Kim Lighting

Model: LED Lightvault

Fixed Design Opportunities

There are no flexible design opportunities with the uplight.

Note

Four up lights are placed 2'-6" from all deciduous street trees on the Promenade.

SL.3 Pedestrian Light**Note**

Refer to sheet L4-2 of the Schematic Streetscape Design package

SL.4 Down Light**INTENT**

Maintain a consistent lighting product that subtly illuminates the dramatic ground cover planting along Grand Central Parkway.

Fixed Design Decisions

Manufacturer: Kim Lighting

Model: Choose an arm mounted KIM landscape light. Consider LED luminaires.

Flexible Design Opportunities

Refer to the Schematic Streetscape Design package for lighting layout.

PL.1 Street Tree in Landscape Panel**INTENT**

Maintain a consistent landscape panel/tree trench treatment across the 61 acre site.

Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.2 Street Tree in Hardscape

INTENT

Maintain a consistent hardscape/tree trench treatment along the entire Streetscape. Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.3 Street Tree in Tree Grate

INTENT

Maintain a consistent tree grate/tree trench treatment across the 61 acre site. Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.4 Palm in Landscape

INTENT

Maintain a consistent planting treatment throughout the 61 acre site.

PL.5 Palm in Tree Grate

INTENT

Insure palms thrive throughout the 61 acre site. Maintain a walkable surface to the tree trunk.

Note

All palm tree grates on the Promenade are 4' x 6' in size. Cantilever stone paving with steel elbows to achieve 4' dimension.

PL.6 Ground Cover Planting

Note

See Sheet L2-01 and L1-02 of the Schematic Streetscape Design package.

PL.7 Landscape Panel Planting

Note

See Sheet L2-01 of the Schematic Streetscape Design package.

PL.8 Tree Trench

Note

Illustrated in detail PL.1, PL.2, and PL.3.

BF.1 Green Screen

INTENT

Provide solar protection, wind mitigation, visual screening and garden qualities.

Fixed Design Decisions

Manufacturer: Green Screen

Flexible Design Opportunities

Layout of green screens to be determined by project design teams.

Note

Consider using this product line on the south and west sides of seating areas that receive even modest amounts of solar exposure. Refer to page 63 of this document for the conceptual Solar Exposure Analysis. These products should also be used as screening devised throughout the site.

BF.2 Landscape Panel Barrier A

INTENT

Provide visual separation between hardscape and landscape panel. Maintain a consistent, artful landscape panel barrier across most of the 61 acre site.

Fixed Design Decisions

Manufacturer: Landscape Forms
Model: Robert-Santa & Cole
Color: Galvanized, if possible
Alternative—Stainless Steel

Flexible Design Opportunities

There are no flexible design opportunities with this element.

BF.3 Landscape Panel Barrier B

INTENT

Provide visual separation between hardscape and landscape panel. Maintain a consistent, artful landscape panel barrier that highlight and distinguishes Symphony Park.

Fixed Design Decisions

Product: 1/2" corten steel, sealed with eased edges.

Dimension: 12" from finished grade

Flexible Design Opportunities

There are no flexible design opportunities with this element.

Notes

Use this barrier on all Symphony Park Avenue landscape panels associated with, adjacent to and opposite the central park. The landscape panels opposite the central park on City Parkway should also use this barrier. Refer to the Schematic Design package.

Allow stormwater to enter landscape panel through 1" x 3" scupper holes every 36" along steel barriers facing architecture.

MS.1 Bus Stop—Seating Zone/Shelter

INTENT

Provide a welcoming and comfortable seating zone or shelter at bus stop.

Fixed Design Decisions

Ensure selected shelter is simple and elegant and has a cover.

Consider perforated metal as a translucent yet durable sun/wind break in potential shelter.

Provide space for transit information in shelter.

Provide lighting in shelter at five footcandles (preferably supplied by solar PV panels if sun exposure is adequate).

Provide a minimum of one six-foot bench.

Flexible Design Opportunities

Model selection and layout of seating zone/shelter to be determined by project design teams.

Notes

Refer to AR.2—Art Opportunity at Bus Stop

All designs, layouts and products to be approved by Symphony Park Design Review Committee.

MS.2 Future BRT Station

Work by others

MS.3 Shade Structure

Refer to AR.1 - Art Opportunity at Shade Structure

MS.4 Possible Wind Turbine Zone

INTENT

Possible wind turbines zones are illustrated as potential power sources for streetscape irrigation and lighting. Wind turbines could also act as large vertical sculptural elements marking Symphony Park entrances and identifying this project as a green development.

MS.5 Symphony Park Project Signage Zone

INTENT

Provide electrical connection and room for this project signage zone.

AR.1 Art Opportunity at Shade Structure

INTENT

Provide an opportunity for creative expression along the Promenade.

All designs and layouts to be approved by Symphony Park Design Review Committee.

AR.2 Art Opportunity at Bus Stop Seating/Shelter

INTENT

Provide an opportunity for creative expression throughout the site.

All designs and layouts to be approved by Symphony Park Design Review Committee.

AR.3 Art Opportunity in Pavement Design

INTENT

Provide an opportunity for creative expression through the use of subtle variations in the pavement design.

Consider subtle water and wind erosion patterns when exposing sand/aggregates in the concrete paving.

All designs and layouts to be approved by Symphony Park Design Review Committee.

NEW PAGE

OUTDOOR DINING STANDARDS— PRIVATE SIDEWALK AREAS

The standards of this subsection apply to outdoor dining or seating that occurs or is proposed to occur within private sidewalk areas. For the purposes of this subsection, the term "outdoor dining" and "outdoor dining area" refer to dining within the area of a private sidewalk or similar pedestrian area, unless the context refers otherwise.

1. OBJECTIVE AND INTENT.

The objective of establishing the Outdoor Dining Standards is to promote pedestrian-friendly use of private sidewalks and similar pedestrian areas in connection with providing economic opportunities for ground floor retail. The Outdoor Dining Standards have been developed to ensure that the space used for outdoor dining is consistent with the general design of the public right-of-way and to allow for adequate pedestrian circulation. The Outdoor Dining Standards are also intended to guide applicants with the design of outdoor dining areas, establish or enhance an identifiable sense of place, create a comfortable and interesting pedestrian environment, maintain a continuous and visible pedestrian activity between nodes and building anchors, and provide minimum standards for beautification.

2. STANDARDS.

Outdoor dining may be permitted to take place within a sidewalk area or similar pedestrian area, but only in accordance with the Outdoor Dining Standards.

- a. **Location.** Outdoor dining/seating may occur only as an accessory use to an eating establishment and may be permitted only in the private sidewalk or similar pedestrian area immediately adjacent to the front of the establishment. The dining area may not extend beyond the side property boundaries of the abutting property and shall not be located in a manner that interferes with the building ingress and egress as required by the International Building Code (IBC).

Outdoor dining in a private sidewalk or similar pedestrian area may occupy up to two thirds of the total width of the sidewalk or available pedestrian area. In the case of a sidewalk or similar pedestrian area up to fifteen feet wide, there shall remain a minimum pedestrian clearance of six feet. For sidewalks or similar pedestrian areas with a greater width, the minimum pedestrian clearance is eight feet. This minimum clearance area must occur between any outdoor dining and a continuous line that represents where sidewalk or pedestrian obstructions are located. Such obstructions include without limitation tree planters, landscape planters, street furniture, streetlight poles, utility poles, fire hydrants, signposts, and permitted news racks.

- b. **Barriers.** Outdoor dining and outdoor seating areas on private property shall have a railing or other similar barrier to define the area and to prevent encroachment onto adjacent properties or rights of way. Barriers shall be a substantial material such as metal fence or masonry wall (with or without landscape planters integrated into it), not

flimsy in appearance or performance. Barriers must be aligned in a straight line or parallel with the face of the building. Barriers are subject to approval by the UPSP-DRC if known before initial building construction and the Symphony Park Owners Association (UPOA) after initial building construction.

- c. **Shade and Wind Protection.** Shade covering of areas with an awning or canopy will be addressed on a case-by-case basis by the UP- DRC if known before initial building construction and by the UPOA after initial building construction. Wind protection will also be handled on a case by case basis as with shade covering above, but must be substantial in appearance and performance such as glass or polycarbonate panels.
- d. **Furniture.** All furnishings within an outdoor dining area shall be movable and made of sturdy, durable and commercial grade material. They shall be designed to complement the design theme of the business. Ordinary plastic lawn chairs and tables and similar furniture are not acceptable.
- e. **Lighting.** Lighting, when provided, shall be shielded and of low wattage so as to illuminate only the outdoor dining area (ie. a full cutoff fixture) and so as to avoid producing glare that has a negative impact on pedestrian or auto traffic. The design of the light fixtures shall be compatible with the architectural theme of the building and business.
- f. **Maintenance.** Outdoor dining areas shall be kept in good state of repair and maintained in a clean, safe and sanitary condition. Any item of furniture or equipment that is broken, rusting, degraded, torn, or tattered shall be removed promptly.
- g. **Music and Live Entertainment.** Music and Live Entertainment are permitted as an accessory amenity. Any music or entertainment will comply with applicable noise ordinances and standards.
- h. **Alcoholic Beverage Service.** Alcoholic beverage service in outdoor seating areas shall conform to LVMC Title 6.

3. APPROVAL PROCESS.

Outdoor dining and outdoor seating areas on private property require the approval of a Site Development Plan. The approval process shall be listed under Title 19.18.050(F), "Minor Review of Site Development Plans."

PAGE 134

Glossary

Active Uses/Active Street Frontages: Ground floor businesses that serve and engage the public and generate pedestrian traffic through retail and restaurant activity rather than closed spaces such as offices, parking and residential uses.

Arcade: A linear, shaded building setback at the street level which has storefronts along its edge. It is shaded by the building mass above, which usually is located at the build-to line, supported on columns which are located at the build-to line.

Awnings and Canopies: Overhead extensions from the front of a building, over the sidewalk, for the purpose of shading the sidewalk from the sun. They may be fixed or movable, as defined in the guidelines.

Block Face: The street edge of a block bounded by building facades.

Build-to Line: A required location for a building face, usually at the back of sidewalk. The building shall not be set back behind that line except as provided for in this document.

Design Review: The administrative process by which a development proposal's design is evaluated, critiqued and either approved, denied or modified.

High-Albedo: A property of a surface that describes its ability to reflect and reject heat. High albedo surfaces have both a light color (high solar reflectance) and a high emittance (can reject heat back to the environment).

Infrastructure: The utilities and public services which are typically placed underground. These may have visible elements which appear at street level.

Massing: An element of architectural design which places the spatial volumes of the building in relationship to each other.

Minor Deviation: An adjustment of placement or location, not a wholesale elimination of a Design Standard requirement. This may include changes of +/- 5% from stated quantities, not otherwise required by ordinance. Examples of deviations may include, but are not limited to, driveway or access locations, landscape placement,

percentage of glazing, etc. A minor deviation does not include any variation prohibited by LVMC Title 19.18.050(H).

Mixed-Use: Two or more different activities housed in the same building or adjacent to each other. Mixed use often includes residential, office and retail/restaurant in the same building or same block.

Recommended Design Standard: A non-mandatory but important design recommendation, denoted by the words "should" or "is encouraged," as in "the building height should be..."

Required Design Standard: A design requirement which is mandatory, denoted by the word "shall," as in "the building height shall be..."

Right of Way (ROW): The width of a public street or other public way, which is measured from back of curb to back of curb, including the sidewalk, curb, gutter and vehicle travel and parking lanes.

Setback Zone: A width of land usually beginning at the back of sidewalk in which a percentage of the building face can be located instead of at the build-to line.

Site Furnishings: Individual elements which are placed on a site or a public right-of-way as convenience, aesthetic or safety items, such as benches, light fixtures, trash receptacles, bollards and other similar elements.

Solar Orientation: The relationship of a building's facades and massing to the movement and exposure to the sun.

Sustainability: An economic state where the demands placed upon the environment by people and commerce can be met without reducing the capacity of the environment to provide for future generations.

Waiver: A deviation from the standards and guidelines, which the developer may request, and which will be considered by the Design Review Committee.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-28 – Adopts the Safety and Seismic Safety Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The City Council approved the Safety and Seismic Safety Element of the Las Vegas 2020 Master Plan at its meeting of May 19, 2010. This bill will merely formalize the adoption by ordinance.

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. 2010-28

1 **BILL NO. 2010-28**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE SAFETY AND SEISMIC SAFETY ELEMENT OF THE LAS
4 VEGAS 2020 MASTER PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler, Director of
6 Planning and Development

Summary: Adopts the Safety and Seismic
Safety Element of the Las Vegas 2020 Master
Plan.

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

9 SECTION 1: The document entitled "Safety and Seismic Safety Element," the
10 essential contents of which were approved by the City Council on May 19, 2010, is hereby adopted
11 as a part of the Las Vegas 2020 Master Plan and is incorporated therein by this reference. The
12 document so identified shall function as the safety element and the seismic safety element of the Las
13 Vegas 2020 Master Plan, and shall replace and supersede the Public Safety Element that was adopted
14 on September 19, 2001, by means of Ordinance No. 5362.

15 SECTION 2: The Planning and Development Department is authorized and direct to:

16 (A) Include the date of the adoption of this Ordinance within or upon the document
17 referred to in Section 1 at such locations as are designed to reflect the date of the adoption of this
18 Ordinance;

19 (B) Replace any page within the document that may indicate it is in "draft" form
20 with a final version of that page;

21 (C) Publish the document in final form, in a format deemed necessary or
22 appropriate, including the reorganization of text and maps as may be appropriate; and

23 (D) File the final document with the City Clerk.

24 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

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

8 APPROVED:

9
10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13 _____
14 BEVERLY K. BRIDGES, MMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 6-23-10
17 _____
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: _____

11

12

APPROVED:

13

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 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-29 – Adopts the Historic Properties and Neighborhoods Preservation Plan Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

At its meeting of July 7, 2010, the City Council is scheduled to approve the Historic Properties and Neighborhoods Preservation Plan Element of the Las Vegas 2020 Master Plan. This Plan element is intended to replace and supersede the previously-adopted Historic Properties Preservation Plan Element. This bill will merely formalize the adoption by ordinance.

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. 2010-29

1 **BILL NO. 2010-29**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE HISTORIC PROPERTIES AND NEIGHBORHOODS
4 PRESERVATION PLAN ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN, AND TO
PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler, Director of
6 Planning and Development

Summary: Adopts the Historic Properties and
Neighborhoods Preservation Plan Element of the
Las Vegas 2020 Master Plan.

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

9 SECTION 1: The document entitled "Historic Properties and Neighborhoods
10 Preservation Plan Element," the essential contents of which were approved by the City Council on
11 July 7, 2010, is hereby adopted as a part of the Las Vegas 2020 Master Plan and is incorporated
12 therein by this reference. The document so identified, including its appendices, shall function as both
13 the historical properties preservation element and the historic neighborhoods preservation element of
14 the Las Vegas 2020 Master Plan, and shall replace and supersede the Historic Properties Preservation
15 Plan Element that was adopted on September 5, 2007, by means of Ordinance No. 5931.

16 SECTION 2: The Planning and Development Department is authorized and directed
17 to:

18 (A) Include the date of the adoption of this Ordinance within or upon the document
19 referred to in Section 1 at such locations as are designed to reflect the date of the adoption of this
20 Ordinance;

21 (B) Replace any page within the document that may indicate it is in "draft" form
22 with a final version of that page;

23 (C) Publish the document in final form, in a format deemed necessary or
24 appropriate, including the reorganization of text and maps as may be appropriate; and

25 (D) File the final document with the City Clerk.

26 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

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

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 6-23-10
19 _____
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: _____

11

12 APPROVED:

13

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 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-30 – Revises and updates Chapter 14.17 of the Municipal Code relating to wastewater collection and treatment. Proposed by: Jorge Cervantes, Director of Public Works

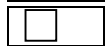
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will revise and update the City's regulations pertaining to wastewater collection and treatment. The provisions of the bill are designed to keep the City's regulations in conformance with State and Federal requirements, while allowing for more regulatory flexibility where appropriate.

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. 2010-30
2. Business Impact Statement

1 **BILL NO. 2010-30**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REVISE AND UPDATE CHAPTER 14.17 OF THE MUNICIPAL CODE
4 RELATING TO WASTEWATER COLLECTION AND TREATMENT, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Proposed by: Jorge Cervantes, Director of
6 Public Works

Summary: Revises and updates Chapter 14.17
of the Municipal Code relating to wastewater
collection and treatment.

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

9 SECTION 1: Title 14, Chapter 17, Section 5, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.17.005:** The purpose of this Chapter is to set forth uniform requirements for the direct and
12 indirect use of the wastewater collection and treatment system of the City [in order] and to comply
13 with all applicable State and Federal standards that are established in accordance with [the Clean
14 Water Act of 1977,] Federal clean water legislation, the General Pretreatment Regulations (40 CFR
15 Part 403) and all related and applicable Federal regulations and grant conditions, as they are now
16 constituted or as they may hereafter be amended or recodified.

17 SECTION 2: Title 14, Chapter 17, Section 10, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.17.010:** The objectives of this Chapter are to:

20 (A) Provide for the beneficial public use of the wastewater collection and treatment
21 system through the regulation of the construction and use of [sewers,] the system;

22 (B) Prevent the introduction of pollutants into the system which will interfere with
23 the operation of the system or contaminate the resulting wastewater or sludge, or both;

24 (C) Prevent the introduction of pollutants into the system which will pass through
25 the system inadequately treated or will be incompatible with the system;

26 (D) Improve the opportunity to recycle and reclaim wastewater and sludge from the
27 system;

28 (E) Provide for the equitable distribution of the total cost of the system and all of

1 the related programs through the establishment of fair and equitable fees, charges, assessments and
2 penalties;

3 (F) Regulate, through the issuance of permits to certain users and through the
4 enforcement of general requirements for all users, users whose wastewaters are discharged [directly
5 or indirectly] into the system;

6 (G) Provide for monitoring and enforcement activities;

7 (H) Establish civil, administrative and criminal penalties for violations of the
8 provisions of this Chapter;

9 (I) Provide procedures for complying with the requirements that are placed upon
10 the City by other governmental agencies; and

11 (J) Conform with the policies of the agencies of the State and Federal governments
12 concerning the requirements that:

13 (1) Relate to the proper design and construction of all wastewater collection
14 and treatment facilities, including without limitation connections to the system;

15 (2) Prohibit the introduction of toxic, hazardous and incompatible pollutants
16 into the system; and

17 (3) Prohibit any new connection [from an inflow source] that would
18 introduce into the system[.] water or material that should be discharged into a storm drain.

19 SECTION 3: Title 14, Chapter 17, Section 15, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

21 SECTION 4: Title 14, Chapter 17, Section 20, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **14.17.020:** (A) This Chapter applies to:

24 (1) [persons] Persons within the City; and

25 (2) [to persons] Persons outside the City who are, by permit, contract or
26 agreement with the City, users of the system.

27 (B) Except as may be otherwise provided in this Chapter, the [director] Director
28 shall administer, implement and enforce the provisions of this Chapter.

1 SECTION 5: Title 14, Chapter 17, Section 25, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

3 SECTION 6: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25,
5 reading as follows:

6 **14.17.025:** Except where the context otherwise requires, the following definitions shall govern the
7 construction of this Chapter:

8 “Act” means the provisions of the Clean Water Act, as amended and as set forth in 33 U.S.C.
9 §§ 1251 et seq., together with all guidelines, limitations and standards that are promulgated by the
10 EPA pursuant to the Act.

11 “Aliquot” means a portion of a sample.

12 “Authorized representative,” with respect to a user or industrial user, means:

13 (A) A responsible corporate officer, if the user submitting the information required
14 by this Chapter is a corporation. For the purpose of this definition, a responsible corporate officer
15 means:

16 (1) A president, secretary, treasurer, or vice-president of the corporation in
17 charge of a principal business function, or any other person who performs similar policy- or
18 decision-making functions for the corporation; or

19 (2) The manager of one or more manufacturing, production, or operation
20 facilities employing more than 250 persons or having gross annual sales or expenditures exceeding
21 \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or
22 delegated to the manager in accordance with corporate procedures.

23 (B) A general partner or proprietor, if the user submitting the information required
24 by this Chapter is a partnership or sole proprietorship, respectively.

25 (C) A duly authorized representative of an individual designated in Subsection (A)
26 or Subsection (B) of this definition if:

27 (1) The authorization is made in writing by the individual described in
28 Subsection (A) or Subsection (B) of this definition;

1 (2) The authorization specifies either an individual or a position having
2 responsibility for the overall operation of the facility from which the discharge originates, such as the
3 position of plant manager or a position of equivalent responsibility, or having overall responsibility
4 for environmental matters for the company; and

5 (3) The authorization is submitted to the Director.

6 ➡ If an authorization under this Subsection (C) is no longer accurate, a new authorization satisfying
7 the requirements of this Subsection (C) must be submitted to the Director prior to or together with the
8 submission of any reports to be signed by an authorized representative.

9 "Best management practice" or "BMP" means a structural device, facility, measure, source
10 control practice, or any activity, along with any required documentation thereof, that helps to achieve
11 compliance with any discharge requirement set forth in this Chapter.

12 "Biochemical oxygen demand" or "BOD" means the quantity of oxygen, expressed in
13 milligrams per liter, utilized in the biochemical oxidation of organic matter, as determined in
14 accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that have been
15 approved by NDEP.

16 "Bypass" means the intentional diversion of wastestreams from any portion of an industrial
17 user's pretreatment facility.

18 "CFR" means the Code of Federal Regulations, a codification of regulations issued by the
19 executive departments and agencies of the Federal Government.

20 "Chain of custody" means a record of each person involved in the possession and handling of
21 a sample, from the collection of the sample to the final analysis of the sample.

22 "Collection system" or "sanitary sewer" means the part of the system that is used to convey
23 wastewater to wastewater treatment plants.

24 "Compliance schedule" means the period that is allowed by the Director for an industrial user
25 to comply with its permit conditions or discharge requirements, which may include specific milestone
26 dates for completion of any increment of the compliance schedule.

27 "Composite sample" means a collection of a minimum of four aliquots obtained at intervals
28 over a twenty-four hour time span. A composite sample may be either an equal-time composite, in

1 which an aliquot proportional to the flow is collected during a regular interval (e.g., once per hour),
2 or an equal-volume interval, in which aliquots of equal volume are collected after a specified flow
3 passes the sampling point (e.g., 100 ml of sample per 1000 gallons of flow).

4 “Cooling water” means the water that is discharged from any use, such as air-conditioning,
5 cooling or refrigeration or to which the only pollutant that is added is heat.

6 “Determine compliance” refers to the sampling and analysis conducted on specific industrial
7 wastes to ascertain compliance with LVMC 14.17.080 to 14.17.135, inclusive, or with any more
8 stringent applicable national pretreatment standards.

9 “Director” means the Director of Public Works of the City, or an authorized agent or
10 representative of the Director.

11 “Discharge” means the introduction of wastewater into the system.

12 “Discharger” means any person who discharges wastewater into the system or otherwise allows
13 wastewater to enter the system.

14 “Domestic wastewater” means wastewater discharged by residences, commercial
15 establishments, industries, and other dischargers that is similar to wastewater ordinarily discharged
16 by residences. The term includes wastewater containing human excretions, household cleaning
17 wastes, household food wastes, and household drain-cleaning products used in domestic quantities.
18 The term excludes process wastewater from any business or industrial process, ground garbage and
19 food wastes from restaurants and other commercial food vendors, and hazardous materials from
20 residences and other users except as otherwise provided in this definition.

21 “Effluent” means the liquid outflow from any treatment plant or facility that is designated to
22 treat, convey or store wastewater, liquid waste or industrial waste.

23 “Environmental control permit” means the permit that is described in LVMC 14.17.140,
24 14.17.145 and 14.17.150.

25 “EPA” means the United States Environmental Protection Agency, and, when it is appropriate,
26 the Administrator thereof or any other duly authorized official of that agency.

27 “Fee” means any charge to a person that is made under this Chapter and shall include without
28 limitation all fees specified in this Chapter.

1 “Garbage” means the putrescible animal and vegetable wastes that result from the handling,
2 preparation and dispensing of food.

3 “Grab sample” means a sample collected at a particular time and place which represents the
4 composition of the wastewater only at that time and place.

5 “Holding tank waste” means any liquid, solid material or waste from a holding tank, such as
6 those associated with vessels, chemical toilets, campers, trailers, septic tanks, vacuum pump tank
7 trucks or other tanker trucks.

8 “Industrial user” means:

9 (A) Any user who discharges or has the potential to discharge industrial wastewater
10 into the system; or

11 (B) Any user who is subject to regulations promulgated in accordance with Section
12 307(b), (c), or (d) of the Act.

13 “Industrial wastewater” means any wastewater that is not domestic wastewater or stormwater.

14 “Interceptor” means any grease interceptor, sand/oil interceptor or any other device that is
15 designed, constructed and operated for the purpose of removing and retaining floatable or settleable
16 material from wastewater by differential gravity separation before its discharge into the system.

17 “Interference” means a discharge which, alone or in conjunction with a discharge or discharges
18 from other sources, both:

19 (A) Inhibits or disrupts the system, its treatment processes or operations, or its
20 sludge processes, use or disposal; and

21 (B) As a result:

22 (1) Causes a violation of any requirement of the City’s NPDES permit
23 (including an increase in the magnitude or duration of a violation); or

24 (2) Prevents the use or disposal of sewage sludge in compliance with all
25 applicable State and Federal requirements.

26 “Lower explosive limit” means the minimum concentration of a combustible gas or vapor in
27 air (usually expressed in percent by volume at sea level) which will ignite if an ignition source
28 (sufficient ignition energy) is present.

1 “Mass emission rate” means the weight of the material that is discharged into the system
2 during any given period.

3 “Micrograms per liter (µg/L)” means a unit of the concentration of a water or wastewater
4 parameter. One µg/L is one microgram of the parameter in one liter of water. It approximates parts
5 per billion (ppb) when reporting the results of water and wastewater analysis.

6 “Milligrams per liter (mg/L)” means a unit of the concentration of a water or wastewater
7 parameter. One mg/L is one milligram of the parameter in one liter of water. It approximates parts
8 per million (ppm) when reporting the results of water and wastewater analysis.

9 “Monitoring facility” means an approved location in a building sewer to allow for sampling,
10 monitoring and flow measurement of the contents of the sewer.

11 “National pretreatment standard” means any regulation that contains pollutant discharge limits
12 promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, and that applies to
13 industrial users. The term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

14 “NDEP” means the Division of Environmental Protection of the Nevada Department of
15 Conservation and Natural Resources.

16 “NPDES permit” means a National Pollutant Discharge Elimination System permit that is
17 issued by NDEP pursuant to Section 402 of the Act, authorizing a person to discharge pollutants into
18 the waters of the United States.

19 “Nuisance” means anything that is hazardous, indecent or offensive to the senses or is an
20 obstruction to the free use of property in such a manner as to interfere with the comfortable and safe
21 enjoyment of life and property.

22 “Parameter” means any chemical element, substance, compound or wastewater characteristic.

23 “Pass through” means a discharge that exits the system into the waters of the State in quantities
24 or concentrations which, alone or in conjunction with a discharge or discharges from other sources,
25 is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the
26 magnitude or duration of a violation).

27 “Person” means any natural or artificial person, male, female or neuter, singular or plural,
28 including without limitation any individual, firm, company, municipal or private corporation,

1 association, society, institution, enterprise or governmental agency or entity.

2 “pH” means the logarithm (base ten) of the reciprocal of the hydrogen ion concentration,
3 expressed in moles per liter, as determined in accordance with the procedures that are set forth in 40
4 CFR Part 136 or procedures that have been approved by NDEP.

5 “Pretreatment” means the treatment of wastewater before discharge into the system, or the use
6 of process changes or best management practices to improve the amount or quality of wastewater
7 discharged into the system.

8 “Pretreatment facility” means any works or device for the treatment or flow limitation of
9 wastewater prior to its discharge into the system.

10 “Radioactive material” means material containing chemical elements that spontaneously
11 change their atomic structure by emitting particles, rays or energy forms in excess of normal
12 background radiation.

13 “Septic tank” means a receptacle which receives the discharge from a building, sanitary
14 drainage system, or any part thereof, and is designed and constructed in such a manner as to separate
15 the solids from the liquid, digest the organic matter through a period of detention and allow the liquid
16 to be discharged into the soil outside the tank through a system of open joint or perforated piping or
17 a seepage pit.

18 “Severe property damage” means substantial physical damage to property, damage to the
19 pretreatment facilities which causes them to become inoperable or substantial and permanent loss of
20 natural resources which can reasonably be expected to occur in the absence of a bypass but does not
21 include the economic loss that is caused by delays in production.

22 “Sharps” means hypodermic needles, hypodermic syringes, blades and broken glass and,
23 without limitation, includes any device, instrument or other object which has acute rigid corners, edges
24 or protuberances.

25 “Significant industrial user” means any industrial user which meets the Class I criteria defined
26 in Section 14.17.150.

27 “Significant noncompliance” means any violation of this Chapter or other applicable law by
28 a significant industrial user if the violation meets one or more of the following criteria:

1 (A) Chronic violations of wastewater discharge limits, defined here as those in
2 which sixty-six percent or more of all of the measurements taken during a six-month period exceed
3 (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

4 (B) Technical Review Criteria (TRC) violations, defined here as those in which
5 thirty-three percent or more of all of the measurements for each pollutant parameter taken during a
6 six-month period equal or exceed the product of the daily maximum limit or the average limit
7 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other
8 pollutants except pH);

9 (C) Any other violation of a pretreatment effluent limit (daily maximum or
10 longer-term average) that, as determined by the Director, has endangered the health of City personnel
11 or the general public, either alone or in combination with other discharges, interference or pass
12 through;

13 (D) Any discharge of a pollutant that has caused imminent endangerment to human
14 health, welfare or to the environment or has resulted in the City's exercise of the emergency authority
15 that is granted to it by this Chapter to halt or prevent such a discharge;

16 (E) Failure to meet, within 90 days after the schedule date, a compliance schedule
17 milestone contained in a permit or enforcement order for starting construction, completing
18 construction, or attaining final compliance;

19 (F) Failure to provide, within 30 days after the due date, required reports such as
20 baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports
21 on compliance with compliance schedules;

22 (G) Failure to accurately report noncompliance; or

23 (H) Any other violation or group of violations which the Director determines will
24 adversely affect the operation or implementation of the local pretreatment program.

25 "Sludge" means any semisolid material that is settled or skimmed by wastewater treatment.

26 "Source control" means any practice that reduces the amount of any hazardous substance,
27 pollutant, or contaminant entering the wastewater prior to recycling, treatment, or disposal. The term:

28 (A) Includes equipment or technology modifications, process or procedure

1 modifications, the reformulation or redesign of products, substitution of raw materials, and
2 improvements in housekeeping, maintenance, training, or inventory control.

3 (B) Does not include any treatment that alters the physical, chemical, or biological
4 characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process
5 or activity which itself is not integral to and necessary for the production of a product or the providing
6 of a service.

7 "Spill" means any significant spill, leak, or release of any hazardous material, hazardous waste
8 or any industrial chemical or product, whether intentional or unintentional, other than that which is
9 part of a user's or other person's normal operation or as allowed by an environmental control permit
10 or NPDES permit.

11 "Standard Industrial Classification" or "SIC" means a system of classifying industries, as
12 identified in the Standard Industrial Classification Manual, 1987, prepared by the Office of
13 Management and Budget.

14 "Storm drain" means a street, gutter, wash or conveyance structure for carrying stormwater.

15 "Stormwater" means runoff resulting from precipitation, irrigation, or normal residential
16 activity.

17 "Surface waters" means "navigable waters" as that term is defined in the Act.

18 "System" means the wastewater collection and treatment system of the City, which includes,
19 without limitation, any device or system used in the transportation (such as sewers, pipes and other
20 conveyances that convey wastewater to the City's wastewater treatment plants), storage, treatment,
21 recycling and reclamation of municipal wastewater or industrial wastes.

22 "Total dissolved solids" means the solid matter in solution, as determined in accordance with
23 the procedures that are set forth in 40 CFR Part 136 or procedures that have been approved by NDEP.

24 "Total oil and grease" means relatively non-volatile hydrocarbons, vegetable oils, animal fats,
25 waxes, soaps, greases, and related materials that are extracted and determined as hexane extractable
26 material by EPA Method 1664 and amendments thereto.

27 "Total Petroleum Hydrocarbons" means petroleum compounds with a carbon number range
28 of C5 to at least C34, as determined in accordance with procedures that are acceptable to the Director.

1 “Total suspended solids” or “TSS” means the solid matter that is suspended in a liquid, as
2 determined in accordance with the procedures that are set forth in 40 CFR Part 136 or procedures that
3 have been approved by NDEP.

4 “Trade secret” means any formula, plan, pattern, process, tool, mechanism, compound,
5 procedure, production data or compilation of information which is not patented but which is known
6 only to certain individuals within a commercial concern who are using it to fabricate, produce or
7 compound an article of trade, or a service that has a commercial value and which affords the person
8 who possesses the same the opportunity to obtain a business advantage over competitors who do not
9 know of it or use it.

10 “Upset” means an exceptional incident in which there is an unintentional and temporary
11 noncompliance with the discharge limitations that are specified in an industrial user’s environmental
12 control permit or this Chapter as the result of factors that are beyond the reasonable control of such
13 industrial user.

14 “User” means any person who contributes, or causes or permits the contribution of, wastewater
15 into the system.

16 “Wastewater” means any liquid, solid, gaseous, or radioactive substance that enters the system.

17 “Wastewater treatment plant” means an assemblage of devices, structures and equipment for
18 treatment of wastewater.

19 SECTION 7: Title 14, Chapter 17, Section 30, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **14.17.030:** It is declared to be the policy of the City to protect the health, welfare and safety of the
22 residents thereof by constructing, operating and maintaining a system of sewers and liquid waste
23 treatment and disposal facilities that service the homes and commercial and industrial establishments
24 within the City and its environs, as required by State and Federal law. The following basic principles
25 apply to wastewater that is discharged into the system:

26 (A) The highest and best use of the system is the collection, treatment and
27 reclamation or disposal of domestic wastewater. The use of the system for industrial waste discharges
28 is subject to regulation by the City;

1 (B) Industry is urged to seek procedures for the recovery and reuse of industrial
2 waste discharges which will satisfy the limitations that are prescribed for industrial discharges, rather
3 than the procedures that are designed solely to meet discharge limitations;

4 (C) The City is committed to a policy of wastewater renovation and reuse in order
5 to provide an alternate source of water supply and to reduce the overall costs of wastewater treatment
6 and disposal. The renovation of wastewater through wastewater treatment processes may necessitate
7 more stringent quality requirements with respect to industrial waste discharges as the demand for
8 reclaimed water increases. The optimum use of the City's facilities may require the discharge of
9 wastewaters during periods of low flow into the system in accordance with guidelines that are
10 established by the City;

11 (D) Provisions are made in this Chapter to regulate industrial discharges, to comply
12 with the State and Federal requirements and policies, and to satisfy increasingly higher standards of
13 treatment plant effluent quality and environmental considerations. This Chapter establishes quantity
14 and quality limitations on wastewater discharges in situations in which such discharges may adversely
15 affect the system or the quality of the effluent therefrom, or both. These limitations are intended to
16 improve the quality of wastewater being received for treatment and to encourage water conservation
17 by all of the users who are connected to the system. The intent of the City's policy is to discourage
18 an increase in the quantity (mass emission rate) of waste [constituents] parameters that are discharged;
19 and

20 (E) Methods of cost recovery are established [in] for situations in which industrial
21 discharges impose upon the City the costs of collection, treatment or disposal, [costs,] or any
22 combination of such costs, [on the City which may not] and recovery of those costs is necessary in
23 order to be fair and equitable to all users of the system.

24 SECTION 8: Title 14, Chapter 17, Section 35, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **14.17.035:** (A) The Director is authorized, empowered and directed to adopt [such rules,
27 regulations and standards as may be deemed by him to be] rules and regulations that the Director may
28 deem reasonably necessary in order to protect the system and to control and regulate the proper use

1 thereof; provided, however, that the terms and provisions of such rules and regulations shall be
2 promulgated in a manner that is reasonably calculated to result in the uniform control of the system.

3 (B) The Director may classify dischargers by industrial categories and impose an
4 industrial wastewater treatment surcharge that is based upon flow quality and the flow quantity, as
5 provided for by this Chapter.

6 (C) Any time limit that is provided in any written notice from the Director or in any
7 provision of this Chapter may be extended only by a written directive of the Director.

8 (D) The Director may perform work of an educational nature and may, for this
9 purpose, cooperate with civic organizations, industries, water agencies, wastewater collection and
10 treatment agencies and other public corporations.

11 (E) The Director shall have the responsibility of administering, implementing and
12 enforcing all of the provisions of this Chapter. However, the Director may delegate any power that
13 is granted to, or duty that is imposed upon, the Director [may be delegated by him] by this Chapter to
14 any other person who is in the employ of the City's Department of Public Works, [and may be
15 confirmed in writing by the City Council upon any other person or persons, whether or not he or they
16 are in the employ of the City.]

17 SECTION 9: Title 14, Chapter 17, Section 40, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.17.040:** If wastewater collection and treatment capacity is not available, [at the City's
20 wastewater treatment plant,] the [City] Director may restrict discharge into the system until sufficient
21 capacity can be made available. When [it is] requested to do so by a potential discharger who desires
22 to locate new facilities within the service area of the system, the [City] Director may advise such
23 discharger concerning the areas in which wastewater of the quantity and quality that it is expected to
24 generate can be received by the system. The [City] Director may refuse immediate service to any new
25 source that is located in an area in which the expected quantity or quality of wastewater is
26 unacceptable in the system.

27 SECTION 10: Title 14, Chapter 17, Section 45, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **14.17.045:** Each user of the system who is subject to this Chapter shall [be required to] retain
2 records of waste manifests, monitoring results and related wastewater generation and pretreatment
3 activities, whether or not the same are required by this Chapter, for a minimum period of three years.
4 Such records shall be made available for inspection and copying by the Director at any time. The
5 period of retention shall be extended during the course of any unresolved litigation that involves the
6 user or the City, or both, or upon the order of the Director.

7 SECTION 11: Title 14, Chapter 17, Section 50, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.17.050:** (A) In the event that [an uncontrolled discharge occurs,] a spill enters the system,
10 a public street or a storm drain, the user from whose facilities [such discharge] the spill emanates shall
11 immediately notify the Director of [such] the incident by telephone. The notification shall include the
12 location or locations of the [discharge,] spill, the type or types of material that was [discharged,]
13 spilled, the concentration and volume thereof and the corrective actions, if any, that have been taken.

14 (B) Within five days following [such uncontrolled discharge,] the spill, the user
15 shall submit to the Director a detailed written report that describes the cause of the [discharge,] spill,
16 the corrective action that was taken and the measures that the discharger will take to prevent future
17 occurrences. Such notification shall not relieve the discharger of the liability for fines that may result
18 from [such discharge.] the spill.

19 SECTION 12: Title 14, Chapter 17, Section 55, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **14.17.055:** (A) In order for the employees of industrial users to be informed of the requirements
22 of the City, each industrial user shall make available to its employees copies of the user's
23 environmental control permits, and copies of this Chapter, together with such other wastewater
24 information and notices as may from time to time be furnished by the [City] Director that [are directed
25 toward] address more effective pollution control.

26 (B) A legible, understandable and conspicuously placed notice shall be permanently
27 posted on each industrial user's bulletin board or other prominent place advising the industrial user's
28 employees to [call] contact the Director in the event of [an uncontrolled discharge as soon as possible,

1 and no later than one hour, after the discharge and to provide the Director with at least the following
2 information:

3 (1) The time, location, type, concentration and volume of the discharge;

4 (2) Any corrective action that has been taken.

5 (B) Each industrial user shall ensure that all of its employees in a position to cause
6 or allow an uncontrolled discharge to occur are advised of this notification procedure.] a spill that
7 enters the system, a public street or a storm drain. In the event that a substantial number of [such] an
8 industrial user's employees use a language other than English as a primary language, the notice shall
9 be worded in [both] English and [the language or languages that are involved.] in the other languages
10 so used. The notice shall [set forth the current] include the phone number [of] that has been specified
11 by the Director. [and shall identify, as the minimum, the necessary information that must be provided
12 to the Director.]

13 SECTION 13: Title 14, Chapter 17, Section 60, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

15 SECTION 14: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 60, reading as follows:

17 **14.17.060:** (A) Information and data with respect to any user that is obtained from reports,
18 surveys, environmental control permit applications, environmental control permits, monitoring
19 programs, and inspection and sampling activities shall be made available to the public without
20 restriction unless the user specifically otherwise requests, and is able to demonstrate to the satisfaction
21 of the Director that the release of such information would divulge information, processes or methods
22 of production that are entitled to protection as trade secrets under applicable State law. Any such
23 request must be asserted at the time the information is submitted to the City. When a request not to
24 disclose information within a document has been timely made and the Director is satisfied that the
25 release of information would divulge information, processes or methods of production that are entitled
26 to protection as trade secrets under applicable State law, the portions of a document containing that
27 information shall not be made available to the public. However, such information shall be made
28 available upon request to governmental agencies for uses related to the NPDES program or the

1 pretreatment program, and in enforcement proceedings that involve the person who furnished the
2 information. Wastewater parameters and characteristics, as well as other effluent data as defined by
3 40 CFR 2.302, will not be recognized as confidential information and will be made available to the
4 public without restriction.

5 (B) The City may charge a reasonable fee in accordance with State law for
6 providing copies of records requested under this Section.

7 SECTION 15: Title 14, Chapter 17, Section 65, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.17.065:** The [City will comply with the public participation requirements that are contained in
10 40 CFR Part 25 in the enforcement of national pretreatment standards. Procedures with respect thereto
11 shall include the provision for publishing] Director will publish, at least annually, in the largest daily
12 newspaper published within the City, [public notification] a list of the names of [the industrial users
13 who, during the preceding twelve months, were found to be] Class I industrial users who, at any time
14 during the previous twelve months, were in significant noncompliance with [the applicable
15 pretreatment standards or other pretreatment requirements.] applicable national pretreatment standards
16 or other applicable requirements set forth in this Chapter.

17 SECTION 16: Title 14, Chapter 17, Section 70, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.17.070:** Any user who discharges or causes to be discharged [into the system] any [prohibited]
20 wastewater into the system, [and] where such discharge causes damage to, or detrimental effects on,
21 the system, or any part thereof, shall be liable to the City for all damages, cleanup costs, and other
22 associated costs that result therefrom.

23 SECTION 17: Title 14, Chapter 17, Section 85, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **14.17.085:** (A) Except as provided for in Subsection (B) of this Section, [It] it is unlawful for
26 any user to discharge or cause to be discharged into the system any rainwater, stormwater,
27 groundwater, street drainage, subsurface drainage, roof drainage, [swimming pool or spa drainage
28 from non-residential users,] yard drainage, water from [yard fountains, ponds or lawn sprays] ponds

1 or lawn spray runoff, or any other [uncontaminated] water[,] (except air conditioning condensate) that
2 is suitable for discharge into the City's storm drain system. [other than air conditioning condensate.]

3 Every private or public washrack or floor or slab drain that is used for cleaning machinery or machine
4 parts shall be adequately protected against storm or surface inflow.

5 (B) [Pursuant to LVMC 14.17.190, if] If no alternate method of disposal is
6 reasonably available, the [City] Director may issue a temporary environmental control permit for the
7 discharge of [such] water described in Subsection (A) on a temporary basis [only.] pursuant to LVMC
8 14.17.190. A temporary environmental control permit may also be given in order to mitigate an
9 environmental or health hazard with the installation of appropriate rainwater diversion devices or
10 facilities. [If such a permit is granted for the discharge of such water into a public sewer, the user shall
11 pay the applicable charges that are established in a separate resolution that is adopted by the City
12 Council and shall meet such other conditions as may be imposed by the City.] The Director may also
13 allow a user to discharge such wastewater for extended periods under a Class I or Class II
14 environmental control permit.

15 SECTION 18: Title 14, Chapter 17, Section 90, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **14.17.090:** It is unlawful for any user to discharge or cause to be discharged into the system any
18 radioactive waste except when:

19 (A) The user is authorized to use radioactive materials by an applicable Federal and
20 State agency or other governmental agency that is empowered to regulate the use of radioactive
21 materials;

22 (B) The waste is discharged in strict conformity with current Federal and State
23 regulations for safe disposal;

24 (C) The user is in compliance with all of the rules and regulations of all other
25 applicable regulatory agencies; and

26 (D) A Class I permit has been obtained from the [City] Director pursuant to LVMC
27 14.17.140, 14.17.145 and 14.17.150.

28 SECTION 19: Title 14, Chapter 17, Section 95, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **14.17.095:** It is unlawful for any user to discharge or cause to be discharged into the system any
3 infectious waste, [unless such waste is ground in a grinder which meets the fineness of grind
4 requirements that are set forth in LVMC 14.17.100(B). In such event, entry to the grinding
5 mechanism shall be restricted to a six-inch by nine-inch opening, and the material shall be placed in
6 containers that are segregated from other suitable disposal containers, do not exceed five gallons in
7 capacity and are colored red for identification. Such containers and their contents shall be weighed
8 and recorded prior to disposal, and such records shall be made immediately available to the City for
9 inspection upon its request.] other than that which may be contained in domestic wastewater.
10 Recognizable portions of the human or animal anatomy shall not be [ground or] discharged [to] into
11 the system.

12 SECTION 20: Title 14, Chapter 17, Section 100, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.17.100:** [(A)] It is unlawful for any industrial user to discharge or cause to be discharged into
15 the system any [commercial garbage, food market waste or food plant waste except after the same has
16 been suitably ground in accordance with subsection (B) of this Section.

17 (B) The following fineness of grind requirements for all types of grinders shall
18 apply at all times.

- 19 (1) At least forty percent of the material must pass a No. 8 sieve;
20 (2) At least sixty-five percent of the material must pass a No. 3 sieve; and
21 (3) One hundred percent of the material must pass a 1/2-inch screen.

22 (C) (1) Waste from garbage grinders, other than waste that is generated in
23 preparation of food shall not be discharged into the system.

24 (2) Garbage grinders shall shred the waste to the degree that all of the
25 particles will be carried freely under the normal flow conditions that prevail in the system and will
26 meet the fineness requirements that are set forth in subsection (B) of this Section, and such a garbage
27 grinder shall not be used for grinding plastic, paper products, inert materials or garden refuse.

- 28 (3) The installation of any garbage grinder with a motor of three-fourths

1 horsepower or greater shall be subject to the review and approval of the Director.] ground food waste.

2 SECTION 21: Title 14, Chapter 17, Section 105, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **14.17.105:** It is unlawful for any user to discharge or cause to be discharged into the system any
5 ground or unground sharps, [unless they are ground in an approved grinder that is capable of meeting
6 the fineness of grind requirements that are set forth in LVMC 14.17.100(B). Sharps shall be ground
7 by an approved grinder the motor of which does not exceed five horsepower.]

8 SECTION 22: Title 14, Chapter 17, Section 110, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **14.17.110:** (A) Except as otherwise provided by Subsection (B), [It] it is unlawful for any user
11 to discharge or cause to be discharged into the system; [, the City's storm drain system or the waters
12 of the State the contents of any septic tank, holding tank or cesspool or any trucked wastewater.]

13 (1) Any holding tank waste;

14 (2) The contents of any interceptor after such contents have been removed;

15 or

16 (3) Any trucked or hauled wastewater.

17 (B) The Director may conditionally allow a user to discharge, through an approved
18 connection, wastes that are otherwise prohibited by Subsection (A) of this Section upon:

19 (1) Submission by the user of a written application and approval by the
20 Director; or

21 (2) Approval by the Director under emergency conditions.

22 (C) Discharges approved pursuant to this Section shall be subject to applicable fees
23 and charges established by the City Council pursuant to LVMC 14.17.345.

24 SECTION 23: Title 14, Chapter 17, Section 115, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **14.17.115:** It is unlawful for any user to remove any manhole cover, or to discharge or cause to
27 be discharged any wastewater directly into a manhole or other opening in [a sewer other than through
28 an approved (industrial) connection sewer] the system that has not been authorized for wastewater

1 discharge, unless such discharge is approved by the [City upon] Director. The Director may require
2 a written application by the user and the payment of the applicable fees and charges that [are
3 established in a separate resolution that is adopted] have been established by the City Council[.]
4 pursuant to LVMC 14.17.345.

5 SECTION 24: Title 14, Chapter 17, Section 120, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

7 SECTION 25: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 120,
9 reading as follows:

10 **14.17.120:** (A) It is unlawful for any user to discharge or cause to be discharged into the system
11 any of the following materials:

12 (1) Pollutants that create a fire or explosion hazard in any part of the system,
13 including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty
14 degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;

15 (2) Pollutants that will cause corrosive structural damage to any part of the
16 system, but in no case any discharge with a pH lower than 5.0 unless the works is specifically designed
17 to accommodate such discharges;

18 (3) Solid or viscous pollutants in amounts that will cause an obstruction to
19 the flow in any part of the system, resulting in interference;

20 (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), that
21 are released in a discharge at a flow rate or in a pollutant concentration, or both, that will cause
22 interference with the system;

23 (5) Heat in amounts that will inhibit biological activity in any wastewater
24 treatment plant operated by the City and therefore result in interference, but in no case heat in such
25 amounts that the temperature at any wastewater treatment plant operated by the City exceeds one
26 hundred four degrees Fahrenheit (forty degrees Celsius), or such higher temperature limits as may be
27 approved by the EPA upon request of the Director;

28 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil

1 origin in amounts that will cause interference or pass through;

2 (7) Pollutants that result in the presence of toxic gases, vapors, or fumes
3 within the system in a quantity that may cause acute worker health and safety problems;

4 (8) Any trucked or hauled pollutants, except at discharge points designated
5 by the Director;

6 (9) Any material which, by reason of its nature or quantity, is dangerously
7 flammable, reactive, explosive or corrosive, or which by interaction with other materials results in a
8 fire, explosion, damage to the system, injury, unreasonable safety hazard or nuisance;

9 (10) Any material that causes a sewer atmosphere to exceed ten percent of
10 the lower explosive limit at the point of discharge into the system, or exceed five percent at any other
11 point in the system;

12 (11) Floatable material from an industrial user that is readily removable;

13 (12) Any wastewater that causes interference or pass through;

14 (13) Any material that adversely affects the result of any whole effluent
15 toxicity test at any wastewater treatment plant; or

16 (14) Any material the discharge of which violates an applicable regulation
17 promulgated in accordance with Subsections (b), (c) or (d) of Section 307 of the Act.

18 (B) Except as allowed in an environmental control permit, it is unlawful for any
19 user to discharge or cause to be discharged into the system any of the following materials in
20 concentrations significantly greater than those found in ordinary domestic wastewater:

21 (1) Gasoline, jet fuel, diesel, kerosene, naphtha, benzene, toluene,
22 ethylbenzene, xylene, ethers, alcohols, ketones, aldehydes, chlorinated hydrocarbons, peroxides,
23 chlorates, perchlorates, bromates, carbides, hydrides, solvents or pesticides;

24 (2) Acids, caustics, sulfides, fluorides or substances that will react with
25 water to form acidic products;

26 (3) Particles that are greater than one-half of an inch in any dimension,
27 animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, feathers, ashes, cinders,
28 sand, silt, gravel, spent lime, stone marble dust, concrete, metallic objects, glass, straw, shavings, grass

1 clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas tar, asphalt residues, residues
2 from the refining or processing of fuel, lubricating oil, mud, glass grinding or polishing wastes;

3 (4) Toxic priority pollutants, organophosphorus pesticides, or carbamate
4 pesticides; or

5 (5) Wastewater that contains pigment or color that can be identified in the
6 discharge from any wastewater treatment plant.

7 (C) Except where expressly authorized to do so by an applicable national
8 pretreatment standard, it is unlawful for an industrial user to increase the use of process water or in
9 any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment
10 in order to achieve compliance with a national pretreatment standard or any requirement set forth in
11 this Chapter. The Director may impose mass limitations on any industrial user who uses dilution to
12 meet applicable national pretreatment standards or other applicable requirements set forth in this
13 Chapter, or in any other case where the Director deems the imposition of mass limitations to be
14 appropriate.

15 SECTION 26: Title 14, Chapter 17, Section 125, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **14.17.125:** It is unlawful for any user to discharge or cause to be discharged into the system any
18 wastewater if the Director has determined that such discharge may have an adverse or harmful effect
19 upon [the sewer maintenance personnel, wastewater treatment plant personnel or equipment,] any part
20 of the system, any person who operates or maintains any part of the system, treatment plant effluent
21 quality or any public or private property, or may otherwise endanger the public or local ecological
22 systems or tend to create a nuisance. The Director, in determining the acceptability of specific
23 wastewaters, shall consider the nature of the wastewater and the adequacy and nature of the system
24 to accept the wastewater. A user who is affected by any such determination shall have the right to
25 appeal that determination in the manner that is set forth in LVMC 14.17.320[, if such determination
26 creates an extreme hardship,] and to have [such] the appeal finally decided before any criminal
27 proceeding may be instituted against [such] the user.

28 SECTION 27: Title 14, Chapter 17, Section 130, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

2 SECTION 28: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 130,
4 reading as follows:

5 **14.17.130:** (A) It is unlawful for any industrial user to introduce wastewater into the system
6 that, at any time, exceeds the following concentrations:

7 Parameter	8 Maximum Concentration (mg/L unless otherwise noted)
9 Ammonia (as N)	61.0
10 Arsenic	2.3
11 Barium	13.1
12 Beryllium	0.02
13 Cadmium	0.15
14 Chromium (Hexavalent)	0.1
15 Chromium (Total)	5.6
16 Copper	0.6
17 Cyanide (Total)	19.9
18 Lead	0.20
19 Mercury	0.001
20 Nickel	1.1
21 pH	5.0–11.0 Standard Units
22 Phenols	33.6
23 Selenium	0.5
24 Silver	2.7
25 Total Petroleum Hydrocarbons	100
Zinc	8.2

26 (B) Notwithstanding the concentration limitations that are set forth in Subsection
27 (A) of this Section, if the Director, in order to implement any provision of this Chapter or any national
28 pretreatment standard, imposes more additional or more restrictive limitations upon a user's

environmental control permit and includes them in the permit, it is unlawful for the user to introduce wastewater into the system that exceeds the permit limitations.

(C) Except as otherwise allowed by the Director pursuant to Subsection (D), it is unlawful for any industrial user to introduce wastewater into the system that exceeds the surcharge thresholds set forth in the table below:

Parameter	Surcharge Threshold (mg/L)
Biochemical Oxygen Demand	600
Phosphorus	14.0
Total Suspended Solids	750

(D) The Director may allow a particular industrial user to discharge in excess of any surcharge threshold set forth in Subsection (C). In such a case, the Director may impose reasonable conditions on the discharge. The user shall pay surcharge fees in amounts that have been established by the City Council pursuant to LVMC 14.17.345, which shall be in addition to sewer service charges established under LVMC Chapter 14.04.

(E) The Director shall determine the method to be used to calculate the total amount of any parameter described in Subsection (C) that is discharged into the system and the amount to be subject to surcharge fees. The method shall be subject to other applicable provisions of this Chapter. The user shall pay the costs of laboratory analyses and staff coordination time used to determine the amount of surcharge fees.

(F) The Director may deny a request to exceed any surcharge threshold set forth in Subsection (C) upon a determination that the discharge has a reasonable potential, either alone or in combination with discharges from other contributing industrial users, to adversely affect the system.

(G) Concentrations of parameters identified in this Section shall be determined using sampling procedures specified in LVMC 14.17.240.

SECTION 29: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 133, reading as follows:

14.17.133: (A) The Director may require any industrial user who introduces wastewater into

1 the system with a total dissolved solids concentration in excess of one thousand two hundred mg/L
2 to submit a salinity control plan. Such a plan must be submitted to the City within ninety days after
3 notification from the Director to do so. The plan shall contain a description of chemicals and
4 materials that contribute to the total dissolved solids concentration in the wastewater discharged by
5 the industrial user, as well as source control practices that will be incorporated by the industrial user
6 to reduce the total dissolved solids concentration to less than one thousand two hundred mg/L, or the
7 lowest concentration that the Director deems to be reasonably practicable.

8 (B) The Director may require any industrial user who exceeds the total dissolved
9 solids threshold to resample for this parameter on an ongoing basis and submit the results to the
10 Director to demonstrate compliance with the user's salinity control plan. The user shall pay the costs
11 of laboratory analyses and staff coordination time used to determine concentrations of total dissolved
12 solids. If any subsequent sampling indicates significant deviation from the user's salinity control plan,
13 the Director may require the user to perform corrective action.

14 (C) The Director may require an industrial user to submit an updated salinity control
15 plan when the Director deems necessary. The plan shall contain additional or revised source control
16 practices that will be incorporated by the industrial user to reduce the total dissolved solids
17 concentration to less than one thousand two hundred mg/L, or the lowest concentration that the
18 Director deems to be reasonably practicable. Updated salinity control plans must be submitted to the
19 Director within ninety days after notification from the Director to do so.

20 (D) The Director may prohibit the introduction into the system of any wastewater
21 that contains excessive amounts of total dissolved solids, as determined by the Director.

22 SECTION 30: Title 14, Chapter 17, Section 135, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **14.17.135:** (A) Bypasses are prohibited, and the [City] Director may take enforcement action
25 against an industrial user for a bypass unless:

26 (1) The bypass was unavoidable to prevent loss of life, personal injury or
27 severe property damage;

28 (2) There was no feasible alternative to the bypass, including without

1 limitation the use of auxiliary treatment facilities, the retention of untreated wastes, or proper
2 maintenance during normal periods of equipment downtime; provided, however, that this exception
3 shall not apply if the Director determines that, in the exercise of reasonable engineering judgment,
4 adequate backup equipment should have been installed to prevent a bypass which occurred during
5 normal periods of equipment downtime or preventative maintenance; and

6 (3) The industrial user submitted the notices that are required by
7 [subsection] Subsection (B) of this Section, and the [City] Director, after considering the potential
8 adverse effects of the anticipated bypass, has determined that the bypass will satisfy the three
9 conditions that are set forth in paragraph (1) of this [subsection] Subsection (A) of this Section and
10 has approved the bypass.

11 (B) (1) If an industrial user knows in advance of the need for a bypass, it shall
12 submit a prior notice to the [City] Director, if possible, at least ten days before the date of the bypass.

13 (2) An industrial user shall submit an oral notice to the [City] Director of
14 an unanticipated bypass that exceeds the limits that are imposed in its [wastewater contribution]
15 environmental control permit or the applicable [Federal or State] national pretreatment standards
16 within twenty-four hours after the time that the industrial user becomes aware of the bypass. [Such]
17 The industrial user shall also provide a written [notice] report to the [City] Director within five days
18 after the time the industrial user becomes aware of the bypass, which [notice] report shall contain a
19 description of the bypass, its cause, the duration of the bypass, including the exact dates and times,
20 the steps that have been taken or are planned to prevent the recurrence of such a bypass and, if the
21 bypass has not been corrected, the anticipated time that it is expected to continue and the steps that
22 have been taken or are planned to reduce or eliminate the bypass. The [City] Director may waive such
23 written report on a case-by-case basis if the oral report has been received [by it] within the twenty-
24 four-hour period and it contains all of the required information.

25 (C) Bypasses that [are determined by the Director to be essential for the proper
26 maintenance] provide essential maintenance to assure efficient operation of an industrial user's
27 facilities are not subject to the provisions of [subsections] Subsections (A) and (B) of this Section [and
28 may be permitted] as long as they do not cause a violation of [such] the industrial user's [wastewater

1 contribution] environmental control permit or the applicable [Federal or State] national pretreatment
2 standards.

3 SECTION 31: Title 14, Chapter 17, Section 140, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **14.17.140:** (A) No statement that is contained in LVMC 14.17.080 to 14.17.135, inclusive,
6 shall be construed as preventing the Director from issuing [a wastewater contribution] an
7 environmental control permit that allows an industrial waste of unusual strength or character if the
8 discharge does not violate the applicable [Federal or State] national pretreatment standards. The
9 discharger shall pay all of the extra costs that are incurred by the City in connection with treating such
10 discharge.

11 (B) For the purposes of this Chapter, the following user classifications are
12 established in order to assign appropriate user charges and fees and permit requirements:

- 13 (1) Class I;
14 (2) Class II;
15 (3) Temporary.

16 (C) Users who are issued permits shall pay all fees established by the City Council
17 pursuant to LVMC 14.17.345, including without limitation application and annual renewal fees.
18 Failure to pay any fee within the applicable time period is sufficient grounds to withhold an
19 environmental control permit or revoke an environmental control permit that was previously issued.

20 SECTION 32: Title 14, Chapter 17, Section 145, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983, is hereby amended to read as follows:

22 **14.17.145:** (A) Permits for the use of the system [shall be] are required as provided in this
23 Chapter. Permit applications, in the form that is prescribed by the [City] Director and accompanied
24 by all [of the] applicable fees, shall be filed with the Director. [Application and permit fees shall be
25 used to defray the administrative costs and shall be subject to periodic revisions. In compliance with
26 the Federal Water Pollution Act of 1972, all of the costs of industrial waste control are mandated to
27 be charged to the owners or operators of the contributing industrial connections. Wastewater
28 contribution permits may be renewed by the payment of the] Environmental control permits shall be

1 subject to such annual fees [that are established by the City.] as have been established by the City
2 Council pursuant to LVMC 14.17.345. The cost of the laboratory analyses and staff coordination time
3 [that are required in order to establish] used in establishing an industrial user's compliance with its
4 discharge limits shall be paid by the industrial user whose facility is sampled, in accordance with [the]
5 fees [therefor] that [are] have been established by the City[.] Council pursuant to LVMC 14.17.345.

6 (B) Each industrial user who proposes to [connect] discharge to any part of the
7 system [must, before doing so,] , unless exempted by the Director, shall apply for and, if required by
8 the [City, obtain a wastewater contribution] Director, obtain an environmental control permit. Also,
9 any industrial user [which] who does not currently have an existing [wastewater contribution]
10 environmental control permit, but proposes to contribute new pollutants, significantly increase the
11 existing pollutants or significantly change the characteristics of existing pollutants [must,] shall, before
12 doing so, [apply for and, if required by the City, obtain a wastewater contribution permit. The City
13 may deny or condition a wastewater contribution permit for a new or increased contribution of
14 pollutants or a change in the nature of the pollutants from an industrial user upon the basis that the
15 industry of which such user is a part has been guilty of violations of the applicable Federal or State
16 pretreatment standards or the limitations that are imposed by this Chapter or upon the basis that such
17 contribution could cause the City's wastewater treatment plant to violate the City's NPDES permit.]
18 comply with LVMC 14.17.185. All industrial users who are connected to, or are discharging into, any
19 part of the system on the date that the [ordinance codified in] 2010 ordinance amending this Chapter
20 becomes effective [must] shall obtain [a wastewater contribution] an environmental control permit,
21 if [the same is] required by the [City,] Director, within one hundred twenty days from and after the
22 effective date of the [ordinance codified in] 2010 ordinance amending this Chapter. [In addition, the
23 holder of each such permit, upon its reissue, shall pay to the City, and each application for a new
24 permit shall be accompanied by, the appropriate fee therefor that is established by the City.]

25 (C) Each industrial user who submits an application for an environmental control
26 permit shall pay an application fee as established by the City Council pursuant to LVMC 14.17.345.
27 The failure to pay a fee within the time period specified in a permit application, permit or invoice from
28 the City is sufficient grounds to withhold a permit or revoke a permit that was previously issued.

1 (D) In response to an application for an environmental control permit, the Director
2 may:

3 (1) Deny a permit;

4 (2) Determine that no permit is required;

5 (3) Issue a permit in accordance with the requirements of this Chapter;

6 (4) Issue a permit subject to conditions that are consistent with this Chapter;

7 or

8 (5) Issue a permit that imposes additional or more stringent conditions than
9 what this Chapter would otherwise require in order to prevent future violations, if the Director has
10 reason to believe that:

11 (a) The user may violate applicable national pretreatment standards
12 or any provision of this Chapter; or

13 (b) The user's contribution could cause a violation of the City's
14 NPDES permit.

15 SECTION 33: Title 14, Chapter 17, Section 150, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **14.17.150:** [The wastewater contribution] Environmental control permits shall be classified as
18 follows:

19 (A) Class I:

20 (1) Class I includes any industrial user who:

21 (a) Is subject to [Categorical Pretreatment Standards under 40 CFR
22 403.6 and 40 CFR Chapter I, Subchapter N;] national pretreatment standards, as defined herein;

23 (b) Discharges an average of twenty-five thousand gallons per day
24 or more of process wastewater to the [treatment plant] system (excluding sanitary, noncontact cooling
25 and boiler blowdown wastewater);

26 (c) Contributes a process wastestream which makes up five percent
27 or more of the average dry weather hydraulic or organic capacity of [the] any wastewater treatment
28 plant; or

1 (d) Is designated as such by the [City] Director on the basis that the
2 industrial user has a reasonable potential, either alone or in combination with other contributing
3 industries, [for adversely affecting the City's treatment plant's operation or for violating any
4 pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(b)); or

5 (e) Has in its waste discharge a toxic pollutant in toxic amounts, as
6 that term is defined in the standards that are issued pursuant to Section 307(a) of the Act and the Toxic
7 Substances Control Act.] to adversely affect the system, cause interference, cause pass through, or
8 violate any national pretreatment standard (in accordance with 40 CFR 403.8(f)(6)).

9 (2) The facilities of each Class I industrial user shall be [inspected and
10 sampled a minimum of two times per year.] subject annually to a minimum of two inspections and one
11 sampling by the Director.

12 (3) Each Class I industrial user shall perform self-monitoring as follows:

13 (a) A minimum of two times per year; and

14 (b) Such additional times per year as the Director may require in
15 order to determine compliance with any national pretreatment standard or any requirement set forth
16 in this Chapter.

17 (B) Class II:

18 (1) Class II includes any industrial user who:

19 (a) [Has a discharge flow of less than twenty-five thousand gallons
20 a day;] Is not required to obtain a Class I permit; [or] and

21 [(c)] (b) [Discharges, or has the potential to discharge, wastes which may
22 have, either alone or in combination with other industries, potential effects on the City's treatment
23 facilities or discharge limitations.] Is designated by the Director as Class II on the basis that the user:

24 (i) Discharges into the system a pollutant or pollutants that
25 have a reasonable potential, either alone or in combination with discharges from other contributing
26 industrial users, to adversely affect the system, cause interference, cause pass through, or violate any
27 requirement set forth in this Chapter; or

28 (ii) Has on the premises a pollutant or pollutants that, if

1 discharged or released into the system, have a reasonable potential, either alone or in combination with
2 discharges from other contributing industrial users, to adversely affect the system, cause interference,
3 cause pass through, or violate any requirement set forth in this Chapter.

4 (2) The facilities of each Class II industrial user shall be inspected and
5 sampled [on a random basis.] as deemed necessary by the Director.

6 (3) The Director may require a Class II industrial user to perform periodic
7 self-monitoring as the Director may deem appropriate or necessary in order to determine compliance
8 with any requirement set forth in this Chapter.

9 (C) Temporary:

10 (1) Temporary includes any user who has been authorized by the Director
11 to discharge stormwater, groundwater, or any other wastewater whose discharge is otherwise
12 prohibited by LVMC 14.17.085.

13 (2) The facilities of each Temporary user shall be inspected and sampled
14 as deemed necessary by the Director.

15 (3) The Director may require a Temporary user to perform periodic self-
16 monitoring as the Director may deem appropriate or necessary in order to determine compliance with
17 any requirement set forth in this Chapter.

18 SECTION 34: Title 14, Chapter 17, Section 155, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **14.17.155:** (A) Each user who [seeks a wastewater contribution permit] is required to obtain
21 a Class I or Class II environmental control permit, or a renewal thereof, shall complete and file with
22 the [City] Director an application on the form that is prescribed by the Director. The application shall
23 be accompanied by [the] any applicable [fee.] fees that have been established by the City Council
24 pursuant to LVMC 14.17.345. In support of its application, the applicant shall submit [the following
25 information:] all pertinent information associated with the discharge, including without limitation:

26 (1) The name[,] (including any company name), street address, mailing
27 address, telephone number, names of authorized representatives, and [Standard Industrial Code
28 number] SIC code(s) of the applicant;

1 (2) The volume of the wastewater that the applicant anticipates will be
2 discharged;

3 (3) The [constituents] parameters and characteristics of the wastewater that
4 the applicant anticipates will be discharged, including without limitation those that are set forth in
5 LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, as those
6 [constituents] parameters and characteristics are determined by an [analytical] independent laboratory
7 that [is approved by the City;] meets the requirements set forth in LVMC 14.17.225;

8 (4) The time and duration of the proposed discharge;

9 (5) The average and [three minute] peak wastewater flow rates, including
10 without limitation daily, monthly, and seasonal variations, if any;

11 (6) The site plans, floor plans, mechanical and plumbing plans and details
12 of the applicant's facilities that show all of the sewers and appurtenances by size, location and
13 elevation;

14 (7) A description of the applicant's activities, facilities and plant processes
15 on the premises, including without limitation all of the materials and types of materials which are, or
16 could be, discharged;

17 (8) Each product that is produced by the facilities, by type, amount and rate
18 of production;

19 (9) The number and type of employees and their respective hours of work;
20 and

21 (10) Any other information [that may be] requested by the Director[.],
22 including without limitation information related to any national pretreatment standard or any
23 requirement set forth in this Chapter.

24 (B) The [City] Director will evaluate the data that are furnished by the applicant and
25 may require additional information.

26 (C) After the acceptance and evaluation by the [City] Director of the data that are
27 so furnished, the [City] Director may issue [a wastewater contribution] an environmental control
28 permit, which [will] shall be subject to [terms and conditions that are provided herein.] the provisions

1 of this Chapter.

2 SECTION 35: Title 14, Chapter 17, Section 160, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **14.17.160:** Each [wastewater contribution] environmental control permit shall be expressly subject
5 to all of the provisions of this Chapter and all other regulations, user charges and fees that are
6 established by the City. The conditions of all [wastewater contribution] environmental control permits
7 shall be [uniformly] enforced in accordance with this Chapter and applicable Federal and State
8 regulations. The conditions of each [wastewater contribution] environmental control permit may,
9 without limitation, include any or all of the following:

10 (A) The unit charge or schedule of user charges, surcharge fees and other fees that
11 must be paid by the permittee in order for the wastewater to be discharged into the system from its
12 facilities;

13 (B) [The average and maximum wastewater constituents] Limits on the parameters
14 and characteristics of the wastewater discharges from the permittee's facilities;

15 (C) [The limits] Limits on rate and time of the wastewater discharges from the
16 permittee's facilities or the requirements for flow regulation and equalization with respect thereto;

17 (D) [The limits regarding the discharge by the permittee of specific pollutants];

18 (E) The requirements] Requirements for the installation of inspection and sampling
19 facilities and [uncontrolled discharge] spill containment facilities with respect to the permittee's
20 facilities;

21 [(F)] (E) [The] Other monitoring and inspection requirements which, without limitation,
22 may include specific sampling locations, frequency of sampling, times of sampling and number and
23 types of test standards and reporting schedules, for the monitoring programs at the permittee's
24 facilities;

25 [(G)] (F) [The pretreatment] Pretreatment facility requirements with respect to the
26 permittee's facilities;

27 [(H)] (G) [The requirements] Requirements for maintaining and submitting technical
28 reports and plant records that relate to the wastewater discharges from the permittee's facilities;

1 [(I) Daily average and daily maximum discharge rates or other appropriate
2 conditions when pollutants that are subject to limitations and prohibitions are proposed or are present
3 in the wastewater discharges from the permittee's facilities;

4 (J)] (H) [The compliance] Compliance schedules [that are required] for the permittee's
5 facilities;

6 [(K)] (I) [The analyses] Analyses of the wastewater discharges from the permittee's
7 facilities that are to be [established by the City through an annual notification process and are to be]
8 performed, as a part of the permittee's compliance effort, by [a laboratory that is approved by the
9 City;] an independent laboratory that meets the requirements set forth in LVMC 14.17.225;

10 [(L)] (J) [The requirements] Requirements for maintaining, and for affording the [City]
11 Director access to, the records of the permittee's facilities that relate to its wastewater discharges;

12 [(M)] (K) [The requirements] Requirements for the notification of the [City] Director of
13 any introduction of new [constituents] parameters or any substantial change in the volume or character
14 of the existing [constituents] parameters of the wastewater discharges from the permittee's facilities;

15 [(N)] (L) [The requirements] Requirements for the notification of the [City] Director of
16 [slug,] spill, upset or bypass discharges from the permittee's facilities;

17 [(O)] (M) The requirement that an amended application [must] shall be filed within ten
18 working days after any [condition that is contained] information, quantity or operation that was
19 reported in the original application is changed; [and]

20 (N) Compliance with the stormwater provisions of LVMC Chapter 14.18; and

21 [(P)] (O) Such other conditions as may be appropriate in order to ensure compliance by
22 the permittee with this Chapter. [These conditions may include development of a slug prevention and
23 control plan, penalty provisions, twenty-four-hour noncompliance notification, thirty-day resampling
24 in the event of noncompliance, and notice to the City of potential problems.]

25 SECTION 36: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 163,
27 reading as follows:

28 **14.17.163:** When required by the terms of an environmental control permit, the permittee shall

1 prominently display the permit or any related notice in the facility to which it pertains.

2 SECTION 37: Title 14, Chapter 17, Section 165, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **14.17.165:** (A) Each [wastewater contribution] Class I environmental control permit shall be
5 issued for a specified period, not to exceed five years, and each [user] permittee who desires renewal
6 of the permit shall [apply] submit an application for renewal [of its permit] not later than sixty days
7 prior to the expiration of its existing permit.

8 (B) Each Class II environmental control permit may be issued for a specified period
9 or on an indefinite basis, and may be issued as a “custom permit” or a “general permit.” If a permit
10 is issued for a specified period and the permittee desires renewal of the permit, the permittee shall
11 submit an application for renewal not later than sixty days prior to the expiration of its existing permit.
12 If a permit is issued on a indefinite basis, the Director at any time may revise the permit so that it
13 expires at a specified time, and may require the permittee to submit an application for renewal.

14 (C) Each temporary environmental control permit shall be issued for a specified
15 period, not to exceed two years. A temporary environmental control permit is not subject to renewal.

16 [(B)] (D) If [such] a Class I or Class II industrial user [makes] submits a timely
17 application for renewal and is not notified by the [City] Director of the renewal of its permit at least
18 thirty days prior to the expiration of its existing [permits,] permit, its existing permit shall
19 automatically be extended [for an additional thirty days.] until the effective date of the Director’s final
20 decision on the application.

21 (E) If an industrial user fails to apply for or renew an environmental control permit
22 in a timely fashion, the Director may issue or renew such permit without an application or take other
23 action as provided for in this Chapter.

24 SECTION 38: Title 14, Chapter 17, Section 170, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **14.17.170:** (A) The [City] Director may change the terms and conditions of any [wastewater
27 contribution] environmental control permit during the period for which it was granted for adequate
28 cause[.], including without limitation:

1 (1) To incorporate any new or revised national pretreatment standards or
2 Federal, State or local pretreatment requirements;

3 (2) In response to material or substantial alterations or additions to the
4 permittee's process, discharge volume or discharge character that were not considered in issuing the
5 permit then in effect;

6 (3) In response to any change in circumstance of the permittee or change
7 in condition of the system that supports a temporary or permanent reduction or elimination of the
8 authorized discharge;

9 (4) In response to information indicating that the permitted discharge poses
10 a threat to the system, City personnel, or the receiving waters;

11 (5) Violation by the permittee of any terms or conditions of the permit;

12 (6) A misrepresentation or failure by the permittee to disclose fully all
13 relevant facts in the permit application or in any required reporting;

14 (7) To reflect the terms of any variance from national pretreatment
15 standards that has been granted pursuant to 40 CFR 403.13, or any revision to such a variance;

16 (8) To correct typographical or other errors in the permit; or

17 (9) Upon request of the permittee, provided that the request is approved by
18 the Director and does not create or result in a violation of any national pretreatment standards or any
19 other applicable requirements, laws, rules or regulations.

20 (B) The filing by a permittee of a request for the modification, revocation and
21 reissuance, or termination of a permit, or of a notification of planned changes or anticipated
22 noncompliance, shall not stay the enforcement of any permit condition. However, the Director has
23 the discretion to stay the enforcement of any permit condition in connection with a request for permit
24 modification.

25 (C) The [user] permittee shall be informed of any [proposed] change in its
26 [wastewater contribution] environmental control permit at least thirty days prior to the effective date
27 such of change. Any change or new condition in such permit shall include a reasonable time schedule
28 for compliance therewith. The [user] permittee will, however, be required to meet milestone dates

1 established in [Federal categorical] any applicable national pretreatment standards.

2 SECTION 39: Title 14, Chapter 17, Section 175, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **14.17.175:** (A) Each [wastewater contribution] environmental control permit will be issued to
5 a specific user [for a specific operation] at a specific location and shall not be assigned, transferred or
6 sold.

7 (B) Properties that are not connected contiguously are not eligible for regulation
8 under the same environmental control permit.

9 (C) The discharge characteristics regulated by two or more environmental control
10 permits shall not be averaged or combined for the purpose of reducing any user fee or satisfying any
11 national pretreatment standard or any requirement set forth in this Chapter.

12 SECTION 40: Title 14, Chapter 17, Section 180, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 41: Title 14, Chapter 17, Section 185, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **14.17.185:** No wastewater discharge in which there has been a contribution of new pollutants, [an]
17 a significant increase in the existing pollutants, or a significant change in the characteristics of the
18 existing pollutants [which causes such discharge to be different from that which is expressly allowed
19 under a user's existing wastewater contribution permit] shall be commenced without [the] prior
20 written notification to[, and the approval by,] the Director. Upon such notification, the Director[, in
21 his sole discretion,] may modify a user's existing environmental control permit or, in the case of a user
22 without a permit, require that [a new] an application be filed and [a new wastewater contribution] an
23 environmental control permit be obtained before any waste discharge that involves such change takes
24 place. [This written notification and approval by the Director is also required for any industrial user
25 who is not currently required by the City to obtain a wastewater contribution permit, but who proposes
26 any changes or modifications in its nondomestic wastewater discharge.]

27 SECTION 42: Title 14, Chapter 17, Section 190, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **14.17.190:** (A) [A temporary wastewater discharge permit shall be required of all users who
2 are granted temporary permission by the City to discharge unpolluted water, storm drainage and
3 ground water that is discharged directly or indirectly into the system. Such a temporary permit may
4 be granted if no alternate method of disposal is reasonably available. The provisions of LVMC
5 14.17.080 to 14.17.110, inclusive, and 14.17.120 to 14.17.130, inclusive, of this Chapter which pertain
6 to wastewater strength and characteristics shall apply to such temporary permit.

7 (B) Each user who seeks a temporary [wastewater discharge] environmental control
8 permit shall complete and file with the [City, prior to commencing discharge,] Director an application
9 in the form that is prescribed by the Director. Such application shall be accompanied by [the
10 applicable fee and such data as] any other information that may be requested by the [City] Director
11 for [its] review and approval.

12 [(C)] (B) The [City] Director may specify and make a part of each temporary [wastewater
13 discharge] environmental control permit specific conditions and [pretreatment] requirements.

14 [(D)] (C) Upon approval of a permit by the Director, [An application] a permit fee for a
15 temporary [wastewater discharge] environmental control permit shall be paid by the applicant in the
16 amount [adopted by a separate resolution that is adopted] established by the City Council[.] pursuant
17 to LVMC 14.17.345. The fee shall be payable prior to issuance of the permit.

18 [(E)] (D) [A charge for use, to defray all of the costs of the City for providing wastewater
19 collection and treatment service and monitoring, shall be established by a separate resolution that is
20 adopted by the City Council. A deposit in an amount to be determined by the Director as being
21 sufficient to pay the estimated charges for use shall accompany the application for a temporary
22 wastewater discharge permit, and such deposit shall be applied to the charges for the use of the system
23 thereunder.] Prior to the issuance of a permit, the applicant shall also pay hydraulic loading fees and,
24 if applicable, surcharge fees based on the estimated total discharge volume for the duration of the
25 permit; provided, however, that the Director, on a case-by-case basis, may allow the discharger to
26 measure the flow with a flow meter or similar device that is approved by the Director, and to pay
27 hydraulic loading fees and any applicable surcharge fees on an ongoing basis during the duration of
28 the permit. Hydraulic loading fees shall be determined by dividing by 90,000 the total number of

1 gallons of water discharged, and multiplying the result by the domestic strength user rate set forth in
2 LVMC 14.04.030. Surcharge fees, if applicable, shall be determined pursuant to LVMC 14.17.245.

3 [(F)] (E) [Each temporary wastewater discharge permit shall be issued for a specific
4 period, not to exceed two years.] The terms and conditions of [such] a temporary environmental
5 control permit [may be] are subject to modification and change by the [City] Director during the
6 period for which it was issued. Any change or new condition in such permit shall include a reasonable
7 time schedule for compliance therewith.

8 SECTION 43: Title 14, Chapter 17, Section 195 of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **14.17.195:** [Wastewater contribution permits for industrial] The City is authorized to regulate
11 wastewater discharges from users who are located outside of the corporate boundaries of the City but
12 are tributary to the system, [will be issued by the City by way of a specific] consistent with any
13 interlocal agreement. The requirements of this Chapter shall apply to each such user. The Director
14 [will be] is authorized to inspect and monitor the facilities of each such [industrial] user [who is issued
15 a permit hereunder] in order to determine its compliance with this Chapter. [, and the requirements
16 of this Chapter apply to each such industrial user.]

17 SECTION 44: Title 14, Chapter 17, Section 200, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **14.17.200:** (A) [An] The Director may require an industrial user to establish and operate an
20 industrial wastewater pretreatment facility [or device may be required by the City] to treat industrial
21 flows prior to their discharge into the system whenever it is necessary to restrict or prevent the
22 discharge to the system of [certain waste constituents,] waste parameters regulated by this Chapter,
23 to distribute more equally over a longer period any peak discharge of industrial wastewaters, or to
24 accomplish any pretreatment result that is required by the [City.] Director. All such pretreatment
25 facilities or devices [shall] must first be approved by the City before their use, but such approval shall
26 not absolve the industrial user that owns or operates the [same] facility of the responsibility of meeting
27 any industrial effluent limitation that is imposed by the [City] Director on such flows. In a special
28 case, the [City] Director may require the construction of sewer lines by the industrial user in order to

1 convey certain industrial wastes to a specific trunk sewer. All pretreatment facilities that are judged
2 by the [City] Director to require engineering design shall have the plans therefor prepared and signed
3 by [an] a registered professional engineer of suitable discipline who is licensed in the State[.] of
4 Nevada. Detailed plans that show the pretreatment facilities and operating procedures, including
5 without limitation accidental discharge procedures, shall be submitted to the [City] Director for [its]
6 review and approval before such plans and procedures are implemented. Such review and approval,
7 however, shall not absolve the industrial user that owns or operates such facilities from the
8 responsibility of modifying such facilities in the future as may be necessary in order to produce an
9 effluent that is acceptable to the [City] Director under the provisions of this Chapter. No industrial
10 user shall ever increase the use of water, or in any other manner attempt to dilute a discharge, as a
11 partial or complete substitute for adequate methods for the reduction of pollutants to achieve
12 compliance with this Chapter and such industrial user's [wastewater contribution] environmental
13 control permit.

14 (B) [Normally a gravity separation interceptor, equalizing tank, neutralization
15 chamber and control manhole shall be required, respectively, in order to remove prohibited settleable
16 and floatable solids, to equalize wastewater streams which vary greatly in quantity or quality, or both,
17 to neutralize low or high pH flows and to facilitate inspection, flow measurement and sampling. Floor
18 drains from commercial or manufacturing buildings, warehouses or multi-use structures, as required
19 by the Director shall not discharge directly to the system but shall first discharge to a gravity
20 separation interceptor.] The following shall be required when deemed necessary by the Director:

- 21 (1) An interceptor to remove prohibited settleable and floatable material;
22 (2) An equalizing tank to equalize wastewater streams which vary greatly
23 in quantity or quality;
24 (3) A neutralization chamber to neutralize low or high pH flows; and
25 (4) A monitoring facility to facilitate inspection, flow measurement and
26 sampling.

27 (C) All domestic or sanitary wastewaters from restrooms, showers, drinking
28 fountains and similar facilities shall be kept separate from all industrial wastewaters until the industrial

1 wastewaters have passed through any required pretreatment facility or monitoring device if it is
2 reasonably [practical] practicable and deemed necessary by the [City.] Director.

3 (D) If it is deemed necessary by the [City] Director for an industrial user, whether
4 under permit or not, to install a pretreatment facility, [or device,] the [City] Director shall place a time
5 constraint on the final installation and operational date of [such] the facility, [or device.] If
6 appropriate, this constraint shall include without limitation a compliance schedule which indicates
7 milestone dates for the design of the facility, [or device,] final engineering approval, start of
8 construction and start up date, and a compliance deadline. The industrial user shall submit regular
9 progress reports [to be received monthly] as required by the [City.] Director. The compliance schedule
10 may be extended, [only as provided for by Section 14.17.290(A)(1) using the same procedures as
11 noted therein for extension of a compliance schedule associated with a wastewater contribution
12 permit.] but only if the industrial user has shown good faith in attempting to comply with the
13 conditions of its permit but requires additional time for the construction or acquisition, or both, of
14 equipment that is related to pretreatment.

15 (E) An industrial wastewater pretreatment facility shall be properly operated and
16 maintained at all times. Proper operation and maintenance includes, without limitation, adequate
17 operator staffing and training; adequate laboratory and process controls, including appropriate quality
18 assurance procedures; appropriate observation of equipment performance; appropriate calibration and
19 adjustment to ensure good performance; good housekeeping; appropriate replacement of parts; regular
20 removal of waste materials; and implementation of good management practices. Backup or auxiliary
21 facilities or similar systems may also be required to ensure compliance with this Chapter.

22 (F) The Director may require an industrial user to employ pretreatment facility
23 operators who are certified as Industrial Waste Operators by the Nevada Water Environment
24 Association, with the minimum grade of certification required to be determined by the Director.

25 (G) If the Director determines that a pretreatment facility has been improperly shut
26 off or bypassed, is not operational, is not properly operated or maintained, or does not provide
27 adequate treatment, the Director may require that another pretreatment facility be installed.

28 SECTION 45: Title 14, Chapter 17, Section 205, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **14.17.205:** (A) Any [Class I] industrial user[, or any other industrial user, discharging] who
3 discharges wastewater under a City permit [by the City or without such permit, at the discretion of the
4 Director, shall be required to] shall, as required and approved by the Director and at the user's
5 expense, install and maintain monitoring facilities and equipment in order to allow inspection,
6 sampling or measurement, or any combination thereof, of [the] its building sewer or plumbing
7 systems. [and may also be required to provide, install and operate sampling or measuring, or both,
8 equipment at such industrial user's expense.] Such facilities shall [be] normally be situated on the
9 industrial user's premises, but the Director [may, in his discretion,] shall have the discretion to allow
10 or require monitoring facilities to be constructed elsewhere at the industrial user's expense.

11 (B) [Each industrial user who makes periodic measurements shall furnish and
12 install, at its own cost and expense, at the sampling well or other appropriate location] Required
13 monitoring equipment may include a calibrated flume, weir, flow meter, or any similar device that is
14 approved by the [City] Director and that is suitable to measure the industrial wastewater flow rate and
15 total volume. A [flow indicating,] flow-indicating, recording and totalizing register may also be
16 required by the [City.] Director. In lieu of such wastewater flow measurement, the [City] Director may
17 accept records of water [usage] consumption and may adjust the flow volumes by suitable factors in
18 order to determine the peak and average flow rates for a specific discharge.

19 (C) If two or more industrial users can discharge into a common side sewer, the
20 Director may require the installation of a separate monitoring facility for each such user. Also, if, in
21 the judgment of the Director, there is a significant difference in the [constituents] parameters and
22 characteristics of the wastewaters produced by the different operations of a single industrial user, the
23 Director may require that separate monitoring facilities be installed for each separate [discharge.]
24 operation.

25 (D) Sampling and flow measurement facilities shall be constructed and located in
26 such a manner as will provide safe access to authorized personnel from the City. If a monitoring
27 facility is [inside an industrial user's fences,] in a location with restricted access, measures shall be
28 taken in order to afford access to the facility by the personnel of the City, including without limitation

1 such measures as a gate secured with a lock that is furnished by the [City.] Director. There shall be
2 ample operating area in or near such monitoring facility in order to allow accurate sampling and
3 compositing of the samples for analysis. The industrial user shall assure that the access and the
4 sampling and measuring equipment are maintained in a safe and proper operating condition at all
5 times at no expense to the City.

6 (E) [The monitoring facility,] Monitoring facilities, and the sampling and measuring
7 equipment therein, shall be provided in accordance with [the City's] design requirements provided by
8 the City and all [of the] applicable construction standards, safety devices and specifications.
9 Construction shall be completed within ninety days following the industrial user's receipt of written
10 notification from the City to provide [the same.] the monitoring facilities.

11 (F) [The monitoring facility shall be provided with] Monitoring facilities may be
12 required to include a security closure that can be locked during the sampling or monitoring with a lock
13 that will be provided by the [City.] Director.

14 (G) Unrestricted access to [the monitoring facility] monitoring facilities shall be
15 available to authorized personnel of the City at all times[.] that are deemed necessary by the Director.

16 SECTION 46: Title 14, Chapter 17, Section 210, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

18 SECTION 47: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 210,
20 reading as follows:

21 **14.17.210:** Interceptors shall be installed and maintained by the user, and at the user's expense,
22 in accordance with the following requirements:

23 (A) Each commercial food preparation or food dispensing facility shall install a
24 grease interceptor, the size and design of which shall be in accordance with current City requirements.

25 (B) Each vehicle or equipment maintenance, repair or washing facility shall install
26 a sand/oil interceptor, the size and design of which shall be in accordance with current City
27 requirements.

28 (C) Any facility not identified in Subsections (A) or (B) of this Section that is

1 determined by the Director to have the potential to discharge floatable or settleable material into the
2 system shall install a grease interceptor or a sand/oil interceptor, as determined by the Director, of a
3 size and design that are in accordance with current City requirements.

4 (D) An interceptor that, at the time of its installation at a user's facility, was legally
5 and properly installed in accordance with then-applicable requirements, but which does qualify as an
6 interceptor required under Subsection (A), (B) or (C) of this Section, shall be acceptable as an
7 alternative if the interceptor is effective in removing floatable and settleable material, and is designed
8 and installed in such a manner that it can be inspected and properly maintained. If at any time the
9 Director determines that such interceptor is incapable of adequately retaining the floatable and
10 settleable material in the wastewater flow, or that it was installed in such a manner that it can no
11 longer be inspected or properly maintained, the user shall install a new interceptor, of a size and design
12 that are in accordance with current City requirements, within ninety days after being notified of the
13 requirement.

14 (E) A user's installation of an interceptor of a design that is specified in Subsection
15 (A), (B) or (C) of this Section shall not relieve the user of the responsibility to keep floatable and
16 settleable material from entering the system contrary to the provisions of this Chapter. If at any time
17 the Director determines that an interceptor is not adequate under the actual conditions of its use, the
18 user shall install a new interceptor or pretreatment facility that is effective in accomplishing the
19 intended purpose. The new interceptor or pretreatment facility shall be of a size and design that are
20 in accordance with current City requirements, and shall be installed by the user within ninety days
21 after the user is notified of the requirement.

22 (F) Any interceptor that is required by this Section shall be readily accessible for
23 inspection and shall be properly maintained to ensure that accumulations of floatable and settleable
24 material do not impair the efficiency of the interceptor and are not discharged into the system. An
25 interceptor shall not be considered properly maintained if accumulations of floatable and settleable
26 material in any chamber total more than twenty-five percent of the chamber's operative fluid capacity.
27 Each interceptor shall be routinely pumped at an appropriate frequency, but no less than once per
28 calendar year. The Director may impose additional pumping and cleaning requirements consistent

1 with this Chapter. Every fitting, standpipe, plumbing appurtenance, baffle and chamber that is
2 required for correct operation of an interceptor shall be properly installed and in proper working
3 condition at all times.

4 (G) Each user that is required to use and maintain an interceptor shall keep a record
5 of every time the interceptor is pumped or cleaned. This record shall include the date, the name of the
6 company that pumped or cleaned the interceptor, and the amount of waste that was removed. Such
7 records shall be made available to the Director upon request. The removal of waste shall be done by
8 a company licensed to haul such waste and the waste shall be disposed of in accordance with Federal,
9 State and local regulations.

10 (H) If a user fails to comply with any requirement of this Section, a notice of
11 violation may be issued to, and a penalty fee levied against, the user. If, on any subsequent inspection,
12 it is found that the failure to comply continues, additional penalty fees may be levied against the user.
13 The Director may also take any other action concerning the user that is provided for in this Chapter.

14 (I) It is unlawful for any person to:

15 (1) Discharge into the system wastewater from any mobile catering vehicle,
16 other than through an approved connection that is designed for such purpose and that flows into an
17 approved grease interceptor;

18 (2) Dispose of oil, grease or any other floatable or settleable
19 material into an interceptor, other than material that has been washed off during normal cleaning;

20 (3) Dispose of any material into an interceptor other than through the
21 approved inlet plumbing; or

22 (4) Introduce into an interceptor any additive that causes or is designed to
23 cause any floatable or settleable material to be discharged into the system that would otherwise have
24 been retained in the interceptor.

25 (J) Compliance with this Section shall not absolve a user from complying with the
26 maximum discharge limitations set forth in LVMC 14.17.130(A).

27 (K) Compliance with the maximum discharge limitations set forth in LVMC
28 14.17.130(A) shall not absolve a user from complying with any requirement of this Section.

1 SECTION 48: Title 14, Chapter 17, Section 215, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **14.17.215:** (A) Upon [its receipt of a] written notification from the Director, or as required by
4 an environmental control permit, [each] an industrial user shall provide [facilities for the] secondary
5 containment [of uncontrolled discharges of] for prohibited material or other substances that are
6 regulated by this Chapter[.], as determined by the Director. [Facilities to contain such discharges]
7 Secondary containment for such material shall be provided and maintained at the user's sole cost and
8 expense.

9 (B) [Each user who is so notified shall provide a detailed slug] Upon written
10 notification from the Director, or as required by an environmental control permit, an industrial user
11 shall submit to the Director and implement a spill prevention and control plan, including, without
12 limitation, plans for the [facility] secondary containment system and operating procedures. [, to the
13 Director for his review and approval.] This [slug] spill prevention and control plan shall contain, but
14 is not limited to, the following elements:

15 (1) Description of discharge, including nonroutine batch discharges;
16 (2) Description of stored chemicals;
17 (3) Procedures for promptly notifying the [City] Director of [slug
18 discharges, including] any spill or any discharge that would violate [a specific prohibition contained
19 in 40 CFR 403.5(b) or] any provision of this Chapter; [, including procedures for follow-up written
20 notification within five days;]

21 (4) Procedures to prevent [accidental] spills, including as necessary,
22 inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading
23 operations, control of plant site runoff, worker training, building of containment structures or
24 equipment, measures for containing toxic organic pollutants (including solvents);

25 (5) Procedures and practices for responding to [accidental] spills, including
26 as necessary measures and equipment for emergency response and follow-up practices to minimize
27 [the] any damage. [suffered by the City's wastewater treatment plant or the environment.]

28 [(B)] (C) [Such plans and procedures must be approved before the installation or the

1 commencement of the construction of the facility. The construction of the facility shall be completed
2 within the period that is designated by the Director in the notification to the user of his approval
3 thereof. The review and approval of a slug prevention and control plan and operating procedures shall
4 not absolve the user of the responsibility of modifying its facility as may be necessary in order to
5 satisfy the requirements of this Chapter.] If at any time the Director determines that a spill prevention
6 and control plan is inadequate, such plan shall be modified and implemented as specified by the
7 Director.

8 SECTION 49: Title 14, Chapter 17, Section 220, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **14.17.220:** (A) [Upon receipt of a written notification from the Director, each user of
11 flammable substances and each user who is subject to uncontrolled discharges of flammable
12 substances may be required to] The Director may require any user who has the potential to discharge
13 flammable substances to install, operate and maintain a combustible gas monitoring [system] device
14 and [facility] a mechanism to divert the entire wastewater flow to a holding tank whenever the
15 combustible gas level at its establishment is greater than twenty percent of the lower explosive limit.
16 Such [system and facility] device and mechanism shall be provided and maintained at the user's sole
17 cost and expense.

18 (B) Each user who is so notified shall provide, within the time specified by the
19 Director, detailed gas monitoring and wastewater diversion plans, including without limitation plans
20 and specifications for the [facility] monitoring device and operating procedures, to the Director for
21 [his] review and approval. At a minimum, the monitoring device and diversion mechanism shall be
22 installed in a field location and have an indicator, automatic continuous recorder, adjustable two-stage
23 alarm system, calibration for methane detection, and a means for diverting the flow to a holding tank;
24 provided, however, that the Director has the discretion to waive any of these installation requirements
25 by way of written notice to the user. [Such plans] Plans required by this Subsection (B) shall include
26 procedures for notification of City personnel in the event of [uncontrolled] any spill or emergency
27 discharge of flammable substances, a complete description of all such substances stored or used at the
28 facility, and procedures to be [taken] implemented in order to prevent an adverse impact [on] to the

1 [wastewater treatment plant or the collection] system if such an event were to occur. The plans [must]
2 shall also contain descriptions of emergency procedures for containment of [spills] releases of
3 flammable materials within the facility, [to include] including the specific procedures to be taken by
4 facility personnel, emergency telephone numbers and contacts, and [any other] procedures [as
5 required] to prevent the [spill from impacting the wastewater treatment plant or the collection] release
6 from harming the system.

7 [(B)] (C) [Such plans and procedures must be approved before the installation or the
8 commencement of the construction of such system and facility. At the minimum, the monitoring
9 system and facility must be installed in a field location and have an indicator, automatic continuous
10 recorder, adjustable two-stage alarm system, calibration for methane detection and a means for
11 diverting the flow to a holding tank; provided, however, that the Director, in his sole discretion, may
12 waive any of these requirements by way of a written notice to the user.] The installation or
13 construction of [such system and facility] the monitoring device and diversion mechanism shall be
14 completed within a period that is designated by the Director. [in the notification to the user of his
15 approval thereof.] The review and approval of gas monitoring and wastewater diversion plans shall
16 not absolve the user of the responsibility of satisfying [the requirements of] any national pretreatment
17 standard or any requirement set forth in this Chapter.

18 SECTION 50: Title 14, Chapter 17, Section 225, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

20 SECTION 51: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 225,
22 reading as follows:

23 **14.17.225:** (A) Periodic measurements of flow rates, flow volumes and wastewater
24 characteristics shall be made at the times and in the manner prescribed by the Director. The Director
25 may impose monitoring requirements on, and include them within, a permit, or may provide written
26 notice to a user requiring the user to perform wastewater analyses. The permit or written notice may
27 specify the times and locations for monitoring, as well as the manner of sampling, manner of analysis,
28 and manner of reporting.

1 (B) Each wastewater analysis that is required pursuant to this Chapter or by the
2 Director shall be performed by an independent laboratory that has a current wastewater certification
3 from the State of Nevada to perform the required analysis. If the State of Nevada does not certify
4 laboratories for the required analysis, it shall be performed by a laboratory that is certified by the State
5 of Nevada for at least one other wastewater parameter. Each analysis shall be performed using
6 analytical methods that are set forth in 40 CFR Part 136 or methods that have been approved by
7 NDEP.

8 (C) Monitoring data shall be submitted to the City as specified by the Director or
9 as required by this Chapter. Unless exempted by the Director, the submitted data shall include
10 all laboratory analytical reports, chain-of-custody records, any required supporting documentation.

11 (D) All documentation with respect to any sample that is collected pursuant to this
12 Chapter shall be maintained by the user for a minimum of three years. The period shall be extended
13 during the course of any unresolved litigation concerning the user or the user's contribution to the
14 system, or upon the request of the Director. The documentation required by this Section shall be made
15 available for inspection and copying by the Director at all reasonable times, and shall include without
16 limitation the following:

17 (1) The date, exact location, method, and time of sampling, and the names
18 of the person or persons who collected the samples;

19 (2) The sample preservatives and the dates on which the analyses were
20 performed;

21 (3) The identity and addresses of the laboratory or laboratories that
22 performed the analyses; and

23 (4) The results of each such analysis, including any laboratory-supplied
24 documentation.

25 (E) Each user who submits monitoring data shall certify under penalty of law that
26 the document and all attachments were prepared under the user's direction or supervision in
27 accordance with a system designed to assure that qualified personnel properly gather and evaluate the
28 information submitted. The user shall also certify that, based on the user's inquiry to the person or

1 persons who manage the system or those who are directly responsible for gathering the information,
2 the information is, to the best of the user's knowledge and belief, true, accurate and complete.

3 (F) All costs associated with sampling, analyses and flow measurements required
4 by the Director or otherwise pursuant to this Chapter shall be paid by the user. If any sampling,
5 analysis or flow measurement is performed by the Director or an employee or agent of the City, the
6 user shall pay the City a charge sufficient to defray the actual expenses for personnel, space,
7 equipment and supplies so incurred.

8 SECTION 52: Title 14, Chapter 17, Section 230, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

10 SECTION 53: Title 14, Chapter 17, Section 235, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **14.17.235:** [(A) The] All sampling, analysis and flow measurement procedures, equipment and
13 results pertaining to any user shall be subject at all reasonable times to inspection by the [City.]
14 Director. [Sampling and flow measurement facilities shall be constructed and located in such a manner
15 as will provide safe access to the authorized personnel of the City.

16 (B) Each user who is required by the City to make periodic measurements of its
17 wastewater flows and constituents shall make at least the minimum number of such measurements
18 required. The minimum requirement for such periodic measurements shall be at least one
19 twenty-four-hour measurement per year, and representative samples of the wastewater shall be
20 obtained at least once per hour during the twenty-four-hour period and shall be properly refrigerated,
21 composited according to measured flow rates during the twenty-four hours and analyzed for the
22 specified wastewater constituents. If the sampling protocol, as established in 40 CFR 403.12,
23 prohibits the use of composite samples, a grab sample shall be taken during the twenty-four-hour
24 period. Each user who is required to obtain only a few samples per year shall take such samples
25 during the periods of the highest wastewater flow and wastewater constituent discharges. An
26 industrial plant that has a large fluctuation in quantity or quality of wastewater may be required to
27 provide continuous sampling and analyses for every working day, if it is required to do so by the City.
28 A user may also be required to install and maintain in proper order automatic flow-proportional

1 sampling equipment or automatic analysis and recording equipment, or both.

2 (C) Measurements to verify the quantities of waste flows and waste constituents
3 that are reported by each user will be conducted on a random basis by the personnel of the City.] The
4 Director may take measurements at any user's facility to determine wastewater flows and wastewater
5 parameters. The Director may by written notice require any user to split samples, providing part of
6 the sample to the Director and sending the remainder to an independent laboratory for testing.

7 SECTION 54: Title 14, Chapter 17, Sections 240 and 245, of the Municipal Code of
8 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

9 SECTION 55: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections
11 240 and 245, reading respectively as follows:

12 **14.17.240:** (A) The Director may require any user to collect composite or grab samples, and
13 designate the sampling procedures. Users shall collect grab samples for the determination of pH,
14 volatile organics, hexavalent chromium, total oil and grease, total petroleum hydrocarbons, phenols,
15 cyanide and sulfide, and any other substance for which a composite sample is inappropriate. Users
16 may collect either grab or composite samples for other parameters unless otherwise specified by the
17 Director. A user shall collect samples when normal business operations are generating typical
18 wastewater discharges. An industrial user who has a large fluctuation in quantity or quality of
19 wastewater may be required to install and maintain automated sampling equipment or automated
20 analysis and recording equipment, or both.

21 (B) Samples shall be handled and stored in accordance with procedures that are set
22 forth in 40 CFR Part 136 or procedures that have been approved by NDEP. The Director may require
23 sampling, handling and storage of samples to be performed by a qualified independent contractor.

24 (C) If a user monitors any parameter more frequently than is required by the user's
25 permit or by written notification from the Director, and uses the procedures that are set forth in 40
26 CFR Part 136 or procedures that have been approved by NDEP, the results of such monitoring shall
27 be included in any calculations of pollutant discharge (daily maximum or monthly average), and
28 included in any monitoring reports required by this Chapter.

1 (D) The Director may require a user to provide a minimum notification of up to
2 fourteen days in advance of any scheduled monitoring or sampling that is to be performed. Such
3 notification shall include the date, time and location of the proposed monitoring or sampling. If such
4 notification is not provided, the Director may decline to accept the data generated and require the user
5 to repeat the procedure after proper notice is given.

6 **14.17.245:** (A) The Director may require any user to monitor in order to quantify the amount
7 of wastewater or of any parameter that is subject to surcharge fees in accordance with LVMC
8 14.17.130. Such monitoring shall be subject to all requirements of this Chapter that apply to
9 monitoring.

10 (B) The Director may allow surcharges to be determined on the basis of estimates.
11 The Director may require that the estimates be made by a qualified independent consultant who has
12 implemented a study plan approved by the Director.

13 (C) If the Director determines that an industrial user has not accurately reported
14 surcharge data, the Director may estimate amounts, both past and current, of wastewater or parameters
15 that pertain to that user for purposes of establishing surcharge fees and penalties.

16 SECTION 56: Title 14, Chapter 17, Section 250, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **14.17.250:** The [measurement of total flow of] determination of a user's wastewater flow shall be
19 made by the [City] Director by means of a metering device that is approved by the [City] Director and
20 is purchased, installed and maintained at the expense of the user, [by] using an estimate that is based
21 upon the total amount of water which is used in the area that is occupied, or by other means that is
22 acceptable to the [City] Director. [and to the user. The user shall have the option of selecting whether
23 the measurement shall be made by meter, by estimate or by other means; provided, however, that the
24 method of estimating or other means must first be approved by the City.]

25 SECTION 57: Title 14, Chapter 17, Sections 255 and 260, of the Municipal Code of
26 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

27 SECTION 58: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
28 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections

1 255 and 260, reading respectively as follows:

2 **14.17.255:** (A) Any person who is subject to 40 CFR 403.12 shall comply with the
3 requirements set forth therein. When the provisions of that section require a report to be sent to the
4 “control authority” regarding a discharge to a POTW (publicly owned treatment works), the report
5 shall be sent to the Director.

6 (B) Each industrial user shall notify in writing the Director, the EPA’s Regional
7 Waste Management Division Director, and State hazardous waste authorities of any discharge into the
8 system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

9 **14.17.260:** Each industrial user shall notify the Director immediately of any unauthorized
10 discharge unless otherwise provided for in LVMC 14.17.265.

11 SECTION 59: Title 14, Chapter 17, Sections 265 and 270, of the Municipal Code of
12 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

13 SECTION 60: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
14 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated as Sections
15 265 and 270, reading respectively as follows:

16 **14.17.265:** If sampling and analysis performed by a Class I industrial user indicates a violation of
17 this Chapter, the user shall notify the Director within twenty-four hours after the user becomes aware
18 of the violation. This notification may be made by telephone or e-mail. The user shall also repeat the
19 sampling and analysis, and submit the results thereof to the Director within thirty days after the user
20 becomes aware of the violation, except that the user is not required to resample if the Director:

21 (A) Performs the required resampling;

22 (B) Performs sampling at the industrial user’s facilities at a frequency of at least
23 once per month; or

24 (C) Has performed sampling at the industrial user’s facilities between the time when
25 the user performed its initial sampling and the time when the user receives the results of the first
26 resampling.

27 **14.17.270:** The Director may allow or require any industrial user to implement best management
28 practices in lieu of requiring sampling and analysis in order to determine partial or complete

1 compliance with any requirement set forth in this Chapter. The use of best management practices shall
2 not absolve any user from complying with any requirement set forth in this Chapter. The use of best
3 management practices shall be subject to the following conditions:

4 (A) Any industrial user that is allowed or required to implement best management
5 practices shall not be absolved from any sampling and analysis requirement imposed by any applicable
6 national pretreatment standard.

7 (B) If at any time the Director determines that an industrial user's best management
8 practices are insufficient to determine compliance with any requirement set forth in this Chapter, or
9 if an industrial user fails to comply with those practices, the Director may modify the user's best
10 management practices, or rescind their use as a means of determining compliance. The Director may
11 also require such a user to conduct frequent sampling and analysis in order to determine compliance.

12 SECTION 61: Title 14, Chapter 17, Section 275, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.17.275:** (A) Whenever it is necessary to make an inspection to monitor or enforce any of
15 the provisions of, or to perform any duty imposed by, this Chapter or other applicable law, or
16 whenever the Director has reasonable cause to believe that there exists upon any premises any
17 violation of the provisions of this Chapter or other applicable law or any condition which makes such
18 premises hazardous, unsafe or dangerous, the Director is authorized to enter such premises at all
19 reasonable times and inspect the same and perform any duty that is imposed upon the Director by this
20 Chapter or other applicable law, [; provided, however, that:] subject to the following conditions:

21 (1) If the premises are occupied, the Director shall first present proper
22 credentials to the occupant and request entry after explaining the reasons therefor and the purpose of
23 the inspection; or

24 (2) If the premises are unoccupied, the Director shall first make a reasonable
25 effort to locate the owner or other person who has the care or control of such premises and request
26 entry after explaining the reasons therefor and the purpose of the inspection. If such entry is refused
27 or cannot be obtained because the owner or other person who has the care or control of such premises
28 cannot be found after due diligence, the Director may have recourse to every remedy that is provided

1 by law to effect lawful entry and to inspect such premises.

2 (B) Notwithstanding the [foregoing,] provisions of Subsection (A) of this Section,
3 if the Director has reasonable cause to believe that the wastewater discharge conditions on or
4 emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection
5 and action in order to safeguard the public health or safety, the Director shall have the right
6 immediately to enter and inspect such premises and may use any reasonable means that may be
7 required in order to effect such entry and make such inspection, whether the premises are occupied
8 or unoccupied and whether or not formal permission to enter and inspect has been obtained. [If the
9 premises are occupied, the Director shall first present proper credentials to the occupant thereof and
10 demand entry after explaining the reasons therefor and the purpose of the inspection.]

11 (C) It shall be unlawful for any person to fail or refuse, after a proper demand has
12 been made upon that person in accordance with [subsection] Subsection (B) of this Section, promptly
13 to permit the Director to enter such premises and to make any inspection that is provided for by
14 [subsection] Subsection (B). In addition to any criminal penalty that may be imposed upon any person
15 who violates this [subsection] Subsection (C), such person's [wastewater contribution] environmental
16 control permit may be revoked.

17 (D) Any user, by accepting any permit that is issued pursuant to this Chapter, is
18 conclusively presumed to have consented and agreed to the entry at all reasonable times by the
19 Director or [his] designated personnel upon the premises that are described in such permit for any of
20 the following purposes:

21 (1) To inspect all areas of the user's facilities that have the potential to
22 influence the characteristics of the wastewater that is, or may be, discharged to the system;

23 [(1)] (2) To inspect, sample and take flow measurements of the discharge from
24 such user's facilities and to examine records in the performance of the Director's authorized duties;

25 [(2)] (3) To set up on such user's property such devices as may be necessary or
26 appropriate in order to conduct sampling inspections, compliance monitoring, flow measuring or
27 metering operations, or any combination thereof;

28 [(3)] (4) To inspect and copy any record, report, test result or other information

1 that is required to carry out the provisions of this Chapter; and

2 [(4)] (5) To photograph or otherwise create a record of any waste, waste
3 container, vehicle, waste treatment process, discharge location or violation that is discovered during
4 any such inspection.

5 (E) If a user has instituted security measures that require proper identification and
6 clearance before entry upon its premises, such user shall make all arrangements with its security
7 guards that may be necessary in order that, upon presentation of their credentials, the duly designated
8 personnel of the City shall be permitted to enter upon the premises without delay for the purpose of
9 performing their authorized duties.

10 SECTION 62: Title 14, Chapter 17, Section 280, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

12 SECTION 63: Title 14, Chapter 17, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 280,
14 reading as follows:

15 **14.17.280:** (A) The Director may rely on any appropriate evidence to determine noncompliance
16 with an environmental control permit or this Chapter. Upon finding noncompliance, the Director may
17 issue a notice of violation.

18 (B) An industrial user who is found to be discharging wastewater into the system
19 at rates or in concentrations greater than:

- 20 (1) Any limit imposed by the user's permit;
21 (2) The levels set forth in LVMC 14.17.130(C); or
22 (3) The quantities the user reported to the Director for the period in
23 question,

24 ➡ may, in the absence of other evidence, be presumed by the Director to have been discharging at
25 those rates or concentrations at all times during the preceding three years.

26 SECTION 64: Title 14, Chapter 17, Section 285, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **14.17.285:** (A) If the sampling and evaluation program that is established for the facilities of

1 any industrial user reveals noncompliance by [such] the industrial user with the concentrations, mass
2 emission rates or conditions that are specified in the [wastewater contribution] environmental control
3 permit of [such] the industrial user or in LVMC 14.17.085 to 14.17.110, inclusive, and 14.17.120 to
4 14.17.130, inclusive, [such] the industrial user shall pay the fees determined by the Director to be
5 appropriate, but not to exceed the fees that [are specified in the City's schedule of fees and charges
6 that are set forth in a separate resolution that is adopted] have been established by the City Council[.]
7 pursuant to LVMC 14.17.345. [A noncompliant discharger] The industrial user may be assessed all
8 of the other costs that are incurred by the City during such sampling and evaluation program, including
9 without limitation the costs of labor, equipment, materials and overhead.

10 (B) The noncompliance fees shall continue to accumulate for each day[, not to
11 exceed ten working days,] until [such] the industrial user has demonstrated to the satisfaction of the
12 Director compliance with the conditions of [such] the industrial user's [wastewater contribution
13 permit.] environmental control permit or any national pretreatment standard or any requirement set
14 forth in this Chapter.

15 (C) If flow measurements, sampling, or other investigations demonstrate that an
16 industrial user is discharging wastewater into the system at a flow rate, quantity of flow, or containing
17 parameter concentrations set forth in LVMC 14.17.130(C) that are in excess of any limits imposed by
18 the user's permit or in excess of the quantities the user reported to the Director for the period in
19 question, the user may be assessed the amount of all delinquent surcharge fees, together with any
20 penalties and interest, that are provided for in LVMC 14.17.340, 14.17.345, 14.17.350 and 14.17.360.

21 SECTION 65: Title 14, Chapter 17, Section 290, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **14.17.290:** (A) [If] In the case of noncompliance by [such] an industrial user with the
24 concentrations, mass emission rates or conditions that are specified in [such industrial] the user's
25 [wastewater contribution] environmental control permit or [LVMC 14.17.085 to 14.17.110, inclusive,
26 and 14.17.120 to 14.17.130, inclusive, is determined,] noncompliance with other provisions of this
27 Chapter, the Director may proceed with any one or more of the following actions:

28 (1) Amend the existing permit to [comply with] add a compliance schedule,

1 [which may be accomplished after consultation with such industrial user,] but only if [such industrial]
2 the user has shown good faith in attempting to comply with the conditions of its permit but requires
3 additional time for the construction or acquisition, or both, of equipment that is related to
4 pretreatment. If [such] the permit is so amended, the period [during which such amended permit is
5 valid shall not exceed one hundred eighty days; provided, however, that that period may be extended
6 for an additional period of not to exceed one hundred eighty days upon the determination by the
7 Director that good cause exists for such extension. No further extension shall be granted except upon
8 approval of the City Council.] for compliance shall be as determined by the Director. Any condition
9 of the compliance schedule that is not acceptable to [such industrial] the user [are] is subject to the
10 provisions of this Chapter that relate to requests for reconsideration and appeals.

11 (2) If [such industrial] the user is not under permit, issue a permit or a
12 compliance schedule, after consultation with the user, which requires compliance with the City's
13 discharge standards, any [Federal or State] national pretreatment standards or any [conditions of]
14 applicable requirements set forth in this Chapter. [Such compliance schedule shall not exceed one
15 hundred eighty days; provided, however, that that period may be extended for an additional one
16 hundred eighty days if the Director deems that good cause exists for such an extension. Further
17 extensions may only be granted by the City Council after a formal hearing.] The period for
18 compliance shall be as determined by the Director. Any condition of the compliance schedule that
19 is not acceptable to the [industrial] user is subject to the provisions of this Chapter that relate to
20 requests for reconsideration and appeal.

21 (3) Issue a cease and desist order, prohibiting [such industrial] the user [to
22 discharge] from discharging industrial wastewater from its facilities into the system[, the City's storm
23 drain system or the waters of the State,] if corrective action is not taken within a [reasonable period
24 after the completion of the sampling and evaluation program and the notification of such industrial
25 user of the expiration of the compliance schedule and such industrial user is still not in compliance
26 with the conditions of its permit or this Chapter.] specified time.

27 (4) Commence any enforcement action that is authorized by this Chapter.

28 (B) The payment of noncompliance fees [will not bar the City] by the user or any

1 other person shall not preclude the Director from undertaking any other enforcement procedure that
2 is specified in this Chapter.

3 SECTION 66: Title 14, Chapter 17, Section 295, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **14.17.295:** (A) The Director may suspend [a wastewater contribution] an environmental control
6 permit or the privilege of any industrial user to discharge into the system when such suspension is
7 necessary in order to stop a discharge which presents an imminent hazard to the public health and
8 safety or the welfare of the local environment or which, either alone or by interaction with other
9 discharges, presents an imminent hazard to the system [, the City's storm drain system or the waters
10 of the State] or places the City in violation of its NPDES permit.

11 (B) Any industrial user who is notified of a suspension [of its wastewater
12 contribution permit] pursuant to this Section shall immediately cease and desist the discharge of all
13 industrial wastewater from its facilities into the system, [, the City's storm drain system or the waters
14 of the State.]

15 (C) If [such] an industrial user fails to comply voluntarily with the suspension order,
16 the Director may take such action as may be reasonably necessary in order to ensure immediate
17 compliance with such order, including without limitation the immediate blockage or the disconnection
18 of [such industrial] the user's connection to the system.

19 (D) In addition, the Director, in the event of any violation of this Chapter by any
20 industrial user, may serve such industrial user with a notice of an intended order of suspension which
21 states the reasons therefor, notifies the industrial user of its opportunity for a hearing with respect
22 thereto and establishes the proposed effective date of the intended order.

23 (E) Any industrial user [whose wastewater contribution permit is suspended or who
24 is served with a notice of an intended order for the suspension of its wastewater contribution permit]
25 who has been notified of a suspension under this Section may file with the Director a request for a
26 hearing with respect thereto; provided, however, that the filing of such a request shall not stay the
27 existing or proposed suspension. [In the event of the suspension of a permit because of an imminent
28 hazard that is related to the continued discharge, the industrial user may request a hearing before the

1 City Manager, and the City Manager shall conduct such hearing within three working days after his
2 receipt of such request.]

3 (F) If a hearing is requested with respect to an existing or proposed suspension,
4 [other than the suspension of a permit because of an imminent hazard,] the Director shall hold a
5 hearing with respect to such suspension within fourteen days after [his] receipt of [such] the request.
6 [At] Within two working days following the close of the hearing, the Director shall make [his] a
7 determination concerning whether to affirm, to terminate or conditionally to terminate the suspension,
8 or the Director may order that the permit be revoked in accordance with LVMC 14.17.300. [Except
9 in the case of a hearing with respect to the suspension of a permit because of an imminent hazard,
10 reasonable] Reasonable notice of the hearing shall be given to such industrial user no less than five
11 working days prior to the date of the hearing.

12 (G) The Director may terminate [the] a suspension [of any suspended wastewater
13 contribution permit] under this Section upon proof of the compliance by the industrial user [to whom
14 the same was issued] with [the] permit conditions [of such permit] or other requirements, which
15 compliance ends the emergency nature of the hazard that had caused the Director to initiate the
16 suspension; provided, however, that the Director must be satisfied that [such industrial] the user will
17 henceforth comply with all of the discharge requirements that are set forth in this Section, the City's
18 rules and regulations that relate to the discharge of wastewater and any lawful order that is issued
19 pursuant to this Chapter.

20 SECTION 67: Title 14, Chapter 17, Section 300, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **14.17.300:** (A) The Director may revoke [a wastewater contribution] an environmental control
23 permit or the privilege of any industrial user to discharge into the system upon a finding that the
24 permittee or industrial user [to whom the same has been issued] has violated any provision of this
25 Chapter or any of the City's rules and regulations that relate to the discharge of wastewater; provided,
26 however, that no such revocation shall be ordered until a notice and the opportunity for a hearing with
27 respect to the proposed revocation before the Director has been provided in the same manner that is
28 set forth in LVMC [14.17.305.] 14.17.295 (D) and (E) with respect to suspensions.

1 (B) Any industrial user [whose wastewater contribution permit has been revoked]
2 who has been notified of a revocation pursuant to Subsection (A) of this Section shall immediately
3 cease and desist the discharge of all industrial wastewater from its facilities into the system[, the
4 City's storm drain system or the waters of the State.] In order to enforce such revocation, the Director
5 may disconnect or permanently block [such industrial] the user's connection to the system, if such
6 action is deemed by [him] the Director to be reasonably necessary in order to ensure [such industrial]
7 the user's compliance with the order of revocation.

8 (C) After [the] a revocation [of any industrial user's wastewater contribution
9 permit,] pursuant to Subsection (A) of this Section, there shall be no further discharge of industrial
10 wastewater from [such industrial] the user's facilities into the system[, the City's storm drain system
11 or the waters of the State] unless and until an application for a new [wastewater contribution]
12 environmental control permit has been filed[,]; all of the fees and charges that are required in
13 connection with an initial application and all delinquent fees, charges, penalties and other sums that
14 are owed by [such industrial] the user or the applicant for the new permit, or both, have been paid to
15 the City; and a new [wastewater contribution] environmental control permit has been issued. [Such
16 industrial] The user or the applicant for the new permit, or both, shall also reimburse the City for any
17 cost that was incurred by the City, including without limitation administrative costs and investigative
18 fees, in revoking such permit and disconnecting or blocking such industrial user's connection to the
19 system before the issuance of a new [wastewater contribution] environmental control permit.

20 SECTION 68: Title 14, Chapter 17, Section 305, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

22 SECTION 69: Title 14, Chapter 17, Section 310, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **14.17.310:** The Director shall have the full power and authority to immediately and effectively halt
25 or prevent, through whatever means and procedures [he deems] are deemed reasonably necessary, and
26 after informal notice to the discharger, any discharge of pollutants into the system, or into any storm
27 drain, which appears to present an imminent endangerment to the health or welfare of any person or
28 the environment, or which discharge threatens property or the proper operation of the [wastewater

1 treatment plant or collection] system, or which places or threatens to place the City in violation of its
2 NPDES permit. [The affected user shall have the opportunity to respond, after the fact, to any action
3 taken.] In implementing such measure or measures, the personnel of the City, any party with which
4 the City has contracted for such purpose; or a duly authorized representative of any other government
5 agency shall have immediate access to the premises on which such condition exists. The Director may
6 prohibit the approach to the premises on which such condition exists by any person, vehicle, vessel
7 or thing, and all persons who are not actually employed in the abatement of such condition or in the
8 preservation of life or property on, or in the vicinity of, such premises may be excluded from such
9 premises. The affected user or other person shall have the opportunity to respond, after the fact, to
10 any action taken pursuant to this Section by requesting a hearing in the same manner that is set forth
11 in LVMC 14.17.295 (D) and (E) with respect to suspensions.

12 SECTION 70: Title 14, Chapter 17, Section 315, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **14.17.315:** (A) An industrial user who wishes to assert the affirmative defense that an alleged
15 violation is the result of an upset shall demonstrate, through properly signed contemporaneous
16 operating logs or other relevant evidence, that:

17 (1) The upset occurred and that the industrial user can identify the specific
18 cause or causes thereof;

19 (2) The facilities at which the violation is alleged to have occurred were,
20 at the time that the violation allegedly occurred, being properly operated;

21 (3) The industrial user submitted notice of the upset to the Director within
22 the time and accompanied by the information that is specified in LVMC [14.17.265;] 14.17.050; and

23 (4) The industrial user complied with any remedial measure that is required
24 in order to minimize or correct any adverse impact on the environment that could have resulted from
25 the upset.

26 (B) In any enforcement proceeding, an industrial user who seeks to establish the
27 occurrence of an upset shall have the burden of proof. [Such industrial user shall control the
28 production of all discharges from its facilities to the extent that may be necessary in order to maintain

1 compliance with the Federal and State pretreatment standards upon the reduction or loss of capacity
2 in, or failure of, its pretreatment facilities until such pretreatment facilities are restored or an
3 alternative method of pretreatment is provided. This requirement for the control of production of
4 discharges applies in the situation in which, among other things, the primary source of the
5 pretreatment facilities is reduced, lost or fails.]

6 SECTION 71: Title 14, Chapter 17, Section 320, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.17.320:** (A) Any [user, applicant for a permit or holder of a permit] person who is affected
9 by any decision, action or determination made by the Director in the interpretation or the
10 implementation of the provisions of this Chapter or in any permit that is issued hereunder may file
11 with the Director a written request for the reconsideration of such decision, action or determination.
12 The person requesting reconsideration must file the request within [fifteen] thirty days after [its]
13 receipt of notice [thereof in which such user sets] of the decision, action or determination, and must
14 set forth in detail the facts that support the [user's] request for reconsideration. Such facts must
15 include a statement that sets forth any newly discovered relevant fact that was not known or was
16 unavailable to the [user at the time of the hearing.] person requesting reconsideration at the time of
17 the initial decision, action or determination. The Director shall render a written decision with respect
18 to [such] the request within [fifteen] thirty days after [his] receipt thereof.

19 (B) [A fee which will be established in the schedule of fees and charges that is set
20 forth in a separate resolution that is adopted by the City Council shall accompany each request for
21 reconsideration. Such] Each request for reconsideration shall be accompanied by the fee, if any, that
22 has been established by the City Council pursuant to LVMC 14.17.345 for the filing of such a request.
23 Any such fee may, in the sole discretion of the Director, be refunded if the Director's ruling with
24 respect to such request is in favor of the [user.] person who made the request.

25 (C) If the ruling of the Director with respect to a request for reconsideration is
26 unacceptable to the [user] person who made such request, [such user] the person may, within ten
27 working days after the date of its receipt of the notification of the Director's ruling, file a written
28 appeal to the City Council.

1 (D) [A fee which will be established in the schedule of fees and charges that is set
2 forth in a separate resolution that is adopted by the City Council shall accompany any such appeal.]
3 Each appeal shall be accompanied by the fee, if any, that has been established by the City Council
4 pursuant to LVMC 14.17.345 for the filing of an appeal. Any such fee may, in the sole discretion of
5 the City Council, be refunded if the City Council's ruling with respect to such appeal is in favor of the
6 [user.] person who filed the appeal.

7 (E) The appeal shall be heard by the City Council within forty-five days after the
8 date on which the [same] appeal was filed, and the City Council shall make a final ruling with respect
9 to [such] the appeal within forty-five days after [such] the hearing is concluded.

10 SECTION 72: Title 14, Chapter 17, Section 325, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **14.17.325:** (A) In the event of any violation by a user of its [wastewater contribution]
13 environmental control permit, if any, or a violation by any person of any provision of this Chapter, for
14 which violation the Director is authorized by this Chapter to issue a compliance order pursuant to this
15 Section, the Director is authorized to commence a civil action against such [user] person for
16 appropriate relief, including without limitation civil penalties or a temporary and permanent injunction
17 against the perpetuation of such violation, or both, or to impose administrative penalties upon such
18 [user] person for such violation in accordance with LVMC 14.17.330.

19 (B) A user or other person shall be liable for [such] civil penalties pursuant to
20 Subsection (A) of this Section under any of the following circumstances:

21 (1) The failure of [such] a user to accurately [to] report the wastewater
22 [constituents] parameters and characteristics of its discharge;

23 (2) The failure of [such] a user to report significant changes in its operations
24 that could affect the wastewater [constituents] parameters and characteristics of its discharge;

25 (3) The refusal of [such] a user to permit access by the authorized personnel
26 of the City to such user's premises for the purposes of inspection or monitoring, or both;

27 (4) The failure of [such] a user to submit any self-monitoring report on or
28 before the date on which such report was due;

1 (5) The failure of [such] a user to report, in a timely manner, its proposed
2 interim or permanent remedial or corrective action in the event of a violation of the discharge limits
3 for the parameters that are noted in such user's self-monitoring report;

4 (6) The failure of [such] a user to submit, in a timely manner, a report with
5 respect to its proposed interim or permanent remedial or corrective action and a time schedule in the
6 event that a notice of violation is issued by the Director and such report is required by such notice;

7 (7) The failure of [such] a user to maintain all of the required monitoring
8 equipment in good working order at all times;

9 (8) The failure of [such] a user to comply with any of the conditions of its
10 [wastewater contribution permit, if any;] environmental control permit; and

11 (9) The failure of [such] a user or any other person to comply with any of
12 the provisions of this Chapter.

13 (C) [Whenever, on the basis of the information that is available, the Director finds
14 that any user is in violation of any of the provisions of this Chapter, any condition of such user's
15 wastewater contribution permit, if any, or any limitation that implements any of the conditions of any
16 such permit,] Before commencing a civil action against a user or other person pursuant to this Section,
17 the Director shall issue an order that requires [such] the user or other person to comply with [such
18 provision, condition or limitation, or any combination thereof,] this Chapter and advises [such user]
19 the user or other person that, upon [its] failure to comply with [such] the order, the Director [will] is
20 authorized to bring a civil action in accordance with this Section.

21 (D) Any order which the Director issues pursuant to this Section shall be in writing
22 and shall be delivered in person to [such] the user or other person, or served by registered or certified
23 mail that is addressed to [such] the user or other person at [its] the user or other person's last known
24 address, return receipt requested, shall state with reasonable specificity the nature of the violation in
25 respect of which [such] the order is issued and shall specify a period in which compliance therewith
26 is required. [, which] The period for compliance shall not exceed thirty days, in the case of a violation
27 of an interim compliance schedule or operation and maintenance requirement, and shall not [to]
28 exceed the period that the Director determines is reasonable, in the case of a violation of a final

1 deadline. In determining [such period,] the period for compliance, the Director shall consider the
2 seriousness of the violation and any good faith effort on the part of [such] the user or other person to
3 comply with the applicable requirements.

4 (E) In any civil action that is brought by the Director for enforcement of the
5 provisions of this Chapter, the Director shall seek the imposition of a civil penalty upon the user or
6 other person against whom the action is brought in an amount that is not less than one thousand dollars
7 nor more than twenty-five thousand dollars for each day that each such violation continues. In
8 determining the amount of a civil penalty that is to be imposed, following a finding by the court of
9 liability, the court shall consider the circumstances, extent and gravity of the violation in respect of
10 which [such] the action is brought, the economic benefit, if any, that has inured to [such] the user or
11 other person as the result of [such] the violation, any history of similar violations, the degree of
12 culpability of [such] the user[,] or other person, any good faith effort on the part of [such] the user or
13 other person to comply with the applicable requirements, the potential economic impact of the penalty
14 upon [such] the user or other person, and such other matters as justice may require.

15 (F) The civil and administrative penalties that are provided for in this Section and
16 in LVMC 14.17.330, respectively, and the seeking or imposition thereof, shall be in addition to, and
17 not in substitution for, any criminal penalty that may be imposed for the violation that forms the
18 subject matter of any such civil or administrative relief and in addition to, and not in substitution for
19 the invocation of the provisions of this Chapter that authorize the suspension or revocation of [such
20 user's wastewater contribution] an environmental control permit as the result of [such] the violation.

21 SECTION 73: Title 14, Chapter 17, Section 330, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **14.17.330:** (A) Whenever, on the basis of the information that is available, the Director finds
24 that any [user] person is in violation of any of the provisions of this Chapter, any condition of [such
25 user's wastewater contribution] a user's environmental control permit, if any, or any limitation that
26 implements any of the conditions of any such permit, the Director may assess an administrative
27 penalty in an amount that is not less than [one thousand] five hundred dollars nor more than ten
28 thousand dollars for each day that each such violation continues, unless a different administrative

1 penalty for any of such violations is established in the schedule of fees and charges that [is set forth
2 in a separate resolution that is adopted] has been established by the City Council[.] pursuant to LVMC
3 14.17.345.

4 (B) Before assessing any administrative penalty pursuant to this Section, the
5 Director shall give the user or other person upon whom such penalty is to be imposed written notice
6 of the proposed assessment and the opportunity to request, within thirty days after the date on which
7 such notice is received by it, a hearing with respect to the proposed order of assessment.

8 (C) In determining the amount of any penalty assessed pursuant to this Section, the
9 Director shall consider the nature, circumstances, extent and gravity of the violation in respect of
10 which [such] the penalty is proposed to be assessed[.]; the economic benefit, if any, that has inured
11 to [such] the user or other person as the result of such violation[.]; any good faith effort on the part of
12 [such] the user or other person to comply with the applicable requirements[.]; the potential economic
13 impact of the penalty upon [such] the user[,], or other person; any history of similar violations[.]; the
14 degree of culpability of [such] the user or other person; and such other matters as justice may require.

15 (D) An order which imposes an administrative penalty pursuant to this Section shall
16 become final;

17 (1) [thirty] Thirty days after its issuance[.]; or

18 (2) If a hearing has been requested pursuant to Subsection (B) of this
19 Section, upon the Director's issuance of a decision following the hearing.

20 (E) The failure of [such] a user to pay any administrative penalty that is imposed
21 by the Director pursuant to this Section within thirty days after the imposition thereof shall be [ground]
22 grounds for the suspension or revocation of [such user's wastewater contribution] the user's
23 environmental control permit, if any, as well as for any other remedy that is available under this
24 Chapter for terminating [such] the user's ability to discharge or cause to be discharged wastewater
25 from its facilities into the system. [In addition, the user's failure timely to pay the assessment shall
26 result in the imposition of an additional penalty for such nonpayment in an amount that is equal to
27 twenty percent of the original amount of such assessment, plus the amount of the attorneys' fees and
28 court costs that the City may incur in collecting such assessment and penalty.]

1 SECTION 74: Title 14, Chapter 17, Section 335, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

3 SECTION 75: Title 14, Chapter 17, Section 345, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **14.17.345:** (A) In order to provide for the recovery by the City of its costs that are related to
6 the discharge of industrial wastewater into the system and for the enforcement of the provisions of this
7 Chapter, or both, the City Council shall establish a schedule of fees and charges. [by the adoption by
8 the City Council of a separate resolution.] Such schedule, which shall be subject to periodic revision,
9 may establish a specific amount for any fee, charge, assessment, penalty or other cost that is related
10 to the discharge of industrial wastewater to the system or the enforcement of the provisions of this
11 Chapter, or both, including without limitation:

- 12 (1) Permit application fees;
13 (2) Permit issuance fees;
14 (3) Permit renewal fees;
15 (4) Nonroutine inspection fees;
16 [(2)] (5) Compliance or surcharge monitoring fees;
17 [(3)] (6) [Surcharges] Wastewater surcharge fees that are based upon the quantity
18 of the flow or the [BOD, phosphorus and suspended solids content thereof,] surcharge parameters that
19 are specified in LVMC 14.17.130(C), or both;

- 20 [(4)] (7) Administrative penalties;
21 [(5)] (8) Fees for filing requests for reconsideration and appeals; and
22 [(6)] (9) Fees for the disposal of special wastes.

23 (B) Except as may be otherwise provided in this Chapter, whenever any fee, charge,
24 assessment or penalty that is required by this Chapter to be paid is based upon an estimated value or
25 an estimated quantity, the [City] Director shall make such determination in accordance with generally
26 recognized practices.

27 SECTION 76: Title 14, Chapter 17, Section 350, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **14.17.350:** All fees, charges, assessments and penalties that are imposed pursuant to the provisions
2 of this Chapter or the approved schedule of fees and charges that is established in accordance with
3 LVMC 14.17.345(A) shall be due and payable upon [receipt of notice thereof.] delivery of notice
4 thereof, or upon mailing such notice to the last known mailing address of the person or entity
5 responsible for payment thereof. All such fees, charges, assessments and penalties shall be and
6 become delinquent thirty days after [the mailing or delivering of a notice with respect thereto to the
7 last known mailing address of the person who is subject to the same.] delivery or mailing of the notice
8 described above.

9 SECTION 77: Title 14, Chapter 17, Section 360, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **14.17.360:** Whenever a [different] delinquency charge [with respect to a specific fee, charge or
12 assessment is not provided elsewhere] has not been specifically provided for in this Chapter, any fee,
13 charge or assessment that becomes delinquent shall have added to it a basic delinquency charge that
14 is equal to ten percent of the fee, charge or assessment that became delinquent, and thereafter an
15 additional delinquency charge shall accrue on the total amount that is due, including the [aforesaid]
16 ten percent basic delinquency charge, at the rate of [one-half of one percent per month until the
17 amount of such fee, charge or assessment, together with all applicable delinquency charges, is paid
18 in full.] ten percent per month compounding, but the amount of the delinquent fee, charge or
19 assessment, as increased by delinquency charges, shall not exceed twice the amount of the original fee,
20 charge or assessment. In addition to the delinquency charges described in this Section, the City may
21 also assess the collection costs, including, without limitation, attorneys' fees and court costs, that the
22 City may incur in collecting the fee, charge or assessment and the delinquency charges.

23 SECTION 78: Title 14, Chapter 17, Section 365, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **14.17.365:** Any action that is brought by the City for the purpose of collecting any fee, charge,
26 assessment or penalty that is provided for in this Chapter may[, in the discretion of the City Council,]
27 include a prayer for an injunction to prevent repeated and recurring violations of this Chapter.

28 SECTION 79: Title 14, Chapter 17, Section 370, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **14.17.370:** (A) Any person who negligently or wilfully violates any of the provisions of this
3 Chapter is guilty of a misdemeanor, and each day during which such violation continues constitutes
4 a separate offense.

5 (B) Any person who negligently or wilfully introduces or causes to be introduced
6 into the system any pollutant or hazardous substance which such person knew, or with the exercise
7 of reasonable diligence would have known, could cause personal injury or property damage or, unless
8 such action is necessary in order for such person to comply with all applicable Federal, State and local
9 [requirement or permit,] requirements or permits, which causes any of the City's wastewater treatment
10 [plant] plants to violate any effluent limitation or condition of any permit that has been issued to the
11 City pursuant to the [Clean Water] Act is guilty of a misdemeanor, and each day during which such
12 person continues to introduce or cause to be introduced such pollutant or substance into the system
13 shall constitute a separate offense.

14 (C) Any person who knowingly makes a false statement, representation or
15 certification of any material fact in any application, record, report, plan or other document that is filed
16 or required to be maintained pursuant to this Chapter or who knowingly falsifies, tampers with or
17 renders inaccurate any monitoring device or method that is required by this Chapter to be maintained
18 is guilty of a misdemeanor.

19 (D) Whenever in this Chapter any act is prohibited or is made or declared to be
20 unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required
21 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the
22 doing of any such prohibited act or the failure to do any such required act shall constitute a
23 misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand
24 dollars or by imprisonment for a term of not more than six months, or by any combination of such fine
25 and imprisonment. Any day of any violation of this Chapter shall constitute a separate offense.

26 SECTION 80: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 81: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

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

10 APPROVED:

11 By _____
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 _____
15 BEVERLY K. BRIDGES, MMC
City Clerk

16 APPROVED AS TO FORM:

17 Val Steed 6-23-10
18 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: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 _____
BEVERLY K. BRIDGES, MMC
City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2010-30
(Revises and updates Chapter 14.17 of the Municipal Code relating to
wastewater collection and treatment)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-30, that will revise and update Chapter 14.17 of the Municipal Code relating to wastewater collection and treatment.

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 regarding the proposed changes, including an invitation to respond, was published on seven consecutive days in the Las Vegas Review-Journal. In addition, a copy of the notice was provided to the major (Class I) wastewater permit holders within the City. One written inquiry was received concerning the impact of the proposed ordinance, but no other written comments were received in response

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:

None identified

Beneficial effects:

Brings code provisions into greater conformance with Federal regulations and allows more regulatory flexibility

Direct effects:

See beneficial effects above

Indirect effects:

See beneficial effects above

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:

Not applicable

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:

Not applicable

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:

Not applicable

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:

The City is required to implement federal pretreatment requirements mandated under federal regulations. In some cases and for certain industries, the City's local discharge limits are more stringent than federal limits. This is because the Environmental Protection Agency requires the City to have technically-based local limits to protect the City's wastewater collection and treatment facilities to ensure compliance with the City's National Pollutant Discharge Elimination System permit.

Date: June 23, 2010

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 20, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-31 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. The bill is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable “time, place and manner” regulations.

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. 2010-31
2. Business Impact Statement

1 **BILL NO. 2010-31**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE REGULATIONS GOVERNING CERTAIN COMMERCIAL,
4 ENTERTAINMENT AND SOLICITATION ACTIVITIES WITHIN THE PEDESTRIAN MALL,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by:
6 Bradford R. Jerbic, City Attorney
Councilman Gary Reese

Summary: Updates the regulations governing
certain commercial, entertainment and solicitation
activities within the Pedestrian Mall.

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

9 SECTION 1: Title 10, Chapter 44, Section 10, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **10.44.010:** For purposes of this Chapter:

12 (A) "Solicitation" means the act of solicitation, including asking, begging, soliciting
13 or pleading, for the purpose of [immediately] obtaining money, charity, business or patronage, or gifts
14 of items of value for oneself or another person or organization.

15 (B) "Coercion" means to wilfully and knowingly:

16 (1) Approach or speak to a person in such a manner as would cause a
17 reasonable person to believe that the person is being threatened with:

18 (a) Imminent bodily injury, or

19 (b) The commission of a criminal act upon the person or another
20 person, or upon property in the person's immediate possession;

21 (2) Persist in a solicitation after the person solicited has given a negative
22 response;

23 (3) Block, either individually or as part of a group of persons, the passage
24 of a solicited person[;] , including by means of the use of physical objects; or

25 (4) Engage in conduct that would reasonably be construed as intended to
26 compel or force a solicited person to accede to demands.

27 SECTION 2: Title 11, Chapter 68, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **11.68.020:** As used in this Chapter:

2 [(A)] "Celestial vault lightshow" is the display of computer-generated electronic images on
3 the ceiling of the celestial vault constructed above Fremont Street and the various light and sound
4 effect accompanying such images.

5 [(B)] "Display vehicles" are those vehicles brought into the Pedestrian Mall for purposes of
6 display to the public, and not for the primary purpose of transporting persons or property.

7 [(C)] "Emergency vehicles" are those motorized devices in, upon or by which any person
8 or property is or may be transported or drawn upon a street or sidewalk, including, without limitation,
9 automobiles, motorcycles and mopeds.

10 [(D)] "Exterior building improvements" means the building facades, marquees, overhangs,
11 recessed entries, adjoining mall area paving materials, signage and graphics, adjoining landscaping,
12 building illumination and audible effects or devices.

13 "Free expression zones" means those areas within the Pedestrian Mall that have been
14 specifically designated by the City of Las Vegas to be used for solicitation, leafleting and mall
15 entertainment in accordance with LVMC 11.68.103. The boundaries of the free expression zones shall
16 be as set forth in Exhibit A of this Ordinance (Ordinance No. _____), which ordinance is codified in
17 this Chapter and Exhibit A of which is adopted herein by this reference.

18 "Leafleting" means the act of distributing to any passersby in a continuous or repetitive
19 manner any printed, written or graphic materials.

20 [(E)] "Motorized vehicles" are those motorized devices in, upon or by which any person or
21 property is or may be transported or drawn upon a street or sidewalk, including, without limitation,
22 automobiles, motorcycles and mopeds.

23 [(F)] "Maintenance vehicles" are those vehicles owned or operated by the City of Las Vegas,
24 as well as vehicles owned and operated by utilities and other vehicles requiring access onto the
25 Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities and
26 structures contained therein.

27 "Mall advertising" includes all advertising within or in connection with the Pedestrian
28 Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special

1 events, or any other commercial activity, and the display of consumer goods, products, or services to
2 the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof,
3 including, without limitation, signs, pictures, or other displays.

4 “Mall entertainment” is the conduct on the part of any person intended to provide
5 entertainment, recreation, relaxation or enjoyment to the users of the Pedestrian Mall.

6 “Mall vending” is the distribution, display or sale, or any combination thereof, of
7 consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand,
8 kiosk or other similar structure designed for such purpose.

9 [(G)] “Management agreement” means that agreement executed between The Fremont Street
10 Experience Limited Liability Company and the City of Las Vegas for the purpose of acquisition,
11 construction, operation, management or maintenance of the Pedestrian Mall.

12 [(H)] “Parade” is a group of persons with or without animals or vehicles in a public
13 procession or march and does not include a procession or march in connection with a special event
14 or mall entertainment.

15 [(I)] “Pedestrian Mall Act” refers to NRS 268.810 through 268.823.

16 [(J)] “Special events” include festivals, sporting events, exhibitions, entertainment and
17 similar activities which are not offered on a continuous basis, whether or not members of the public
18 pay an admission or entrance fee to be spectators or participants.

19 [(K)] “Special permit vehicles” are those vehicles authorized by The Fremont Street Limited
20 Experience Liability Company in accordance with Section 11.68.080 to enter upon the Pedestrian
21 Mall.

22 [(L)] “Mall advertising” includes all advertising within or in connection with the Pedestrian
23 Mall including, without limitation, any means of marketing or promoting the Pedestrian Mall, special
24 events, or any other commercial activity, and the display of consumer goods, products, or services to
25 the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase thereof,
26 including, without limitation, signs, pictures, or other displays.

27 (M) “Mall entertainment” is the conduct on the part of any person intended to provide
28 entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

1 (N) "Mall vending" is the distribution, display or sale, or any combination thereof, of
2 consumer goods or services (including food, drink or merchandise) from a pushcart, concession stand,
3 kiosk or other similar structure designed for such purpose.]

4 SECTION 3: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **11.68.100:** The following are prohibited within the Pedestrian Mall:

7 (A) Animals unless used in connection with a mall activity authorized by The
8 Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually
9 or aurally impaired;

10 (B) Mall vending, mall advertising, [mall entertainment] special events or other
11 commercial activities unless conducted or authorized by The Fremont Street Experience Limited
12 Liability Company[;] or permitted by LVMC 11.68.103;

13 (C) Parades;

14 (D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line
15 skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability
16 Company in connection with special events and mall entertainment;

17 (E) Sleeping or camping;

18 (F) Littering;

19 (G) Sexually oriented businesses as described in Section 19.04.040; [of the Las
20 Vegas Municipal Code;]

21 (H) Notwithstanding LVMC 11.68.103, [The] the placement of any table, rack,
22 chair, box, cloth, stand, booth, container, structure or other object within the Pedestrian Mall, [for
23 purposes of solicitation,] except;

24 (1) As [as] necessary for emergency purposes, or the maintenance or repair
25 of the Pedestrian Mall; [, or as authorized]

26 (2) As authorized by The Fremont Street Experience Limited Liability
27 Company for special events, mall advertising, mall entertainment or mall vending or other commercial
28 and entertainment activities; or

1 (3) As permitted by LVMC 11.68.103.

2 (I) Glass and metal beverage containers including, but not limited to, bottles, jugs,
3 drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on
4 December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

5 (J) Feeding birds; [and]

6 (K) Amplified sound which originates from within the Pedestrian Mall or from
7 properties or businesses abutting the boundaries of the Pedestrian Mall, except where expressly
8 approved by The Fremont Street Experience Limited Liability Company in conjunction with special
9 events, mall entertainment or venue rental;

10 (L) The launching or throwing of projectiles or other objects into or through the air,
11 except in connection with special events and mall entertainment conducted or authorized by The
12 Fremont Street Experience Limited Liability Company;

13 (M) The twirling of hoops (such as hula hoops) around the human body or portions
14 thereof, or the use of such hoops for recreation or entertainment, except in connection with special
15 events and mall entertainment conducted or authorized by The Fremont Street Experience Limited
16 Liability Company; and

17 [(K)] (N) Except as otherwise permitted by LVMC 11.68.103, [Solicitation, as defined
18 in LVMC 10.44.010.] solicitation (as defined in LVMC 10.44.010), leafleting and mall entertainment.

19 SECTION 4: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 103,
21 reading as follows:

22 **11.68.103:** (A) The following expressive conduct is permitted in any free expression zone:

23 (1) Solicitation, as defined in LVMC 10.44.010;

24 (2) Leafleting; and

25 (3) Mall entertainment.

26 (B) If any person or organization wishes to use a table in conjunction with activity
27 described in Subsection (A), such table must be provided by The Fremont Street Experience Limited
28 Liability Company. Tables will be provided on a first-come-first-serve basis and subject to available

1 space within the free expression zones.

2 SECTION 5: Title 11, Chapter 68, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140,
4 reading as follows:

5 **11.68.140:** By virtue of its standing and authority under LVMC 11.68.060 and 11.68.070, The
6 Fremont Street Limited Liability Company may commence a civil action to enforce any of the
7 provisions contained in LVMC 11.68.100. This remedy shall supplement, and exist in addition to,
8 those contained in LVMC 11.68.130.

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

17 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
18 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
19 required or the failure to do any act is made or declared to be unlawful or an offense or a
20 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
21 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
22 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
23 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

24 ...

25 ...

26 ...

27 ...

28 ...

1 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

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

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, MMC
 City Clerk

12 APPROVED AS TO FORM:

13 *Val Heed* 6-28-10
14 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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APPROVED:

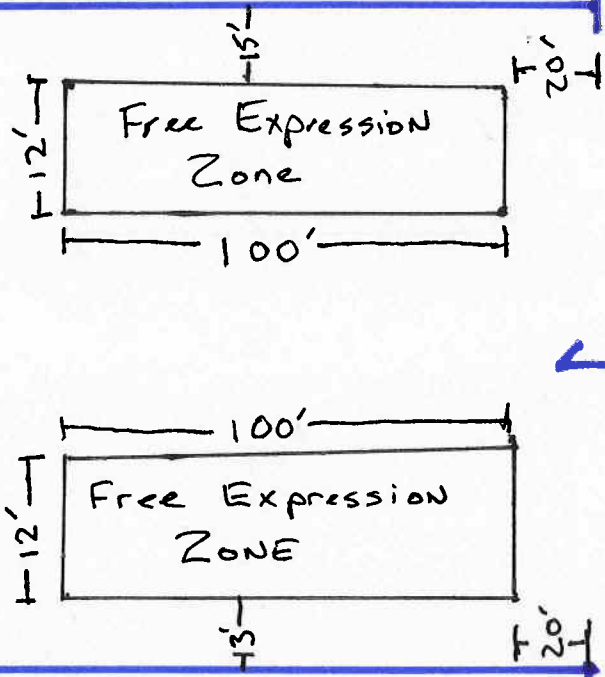
By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk



3RD STREET



← FREMONT STREET EXPERIENCE →

3RD ST.
STAGE

BUSINESS IMPACT STATEMENT

BILL NO. 2010-31

(Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-31, that would update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall.

1. The following constitutes a description of the number 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.

Not applicable

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:

None identified

Beneficial effects:

The addition of more certainty and structure and enforceability in the ordinance provisions

Direct effects:

None identified

Indirect effects:

None identified

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:

Not applicable. The ordinance is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable "time, place and manner" regulations.

4. The governing body estimates 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:

Not applicable

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:

Not applicable

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 when such duplicative or more stringent provisions are necessary:

Not applicable

Date: June 28, 2010

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JULY 20, 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 20, 2010

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

