

Joe Lombardo  
Governor



Richard Whitley,  
MS  
Director



Cody Phinney,  
MPH  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical  
Officer

## NOTICE OF PUBLIC HEARING

SPRING MOUNTAIN SAHARA, 5460 WEST SAHARA AVENUE, LAS VEGAS, NV 89146 IS REQUESTING A VARIANCE, #775, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT SPRING MOUNTAIN SAHARA located at 5460 WEST SAHARA AVENUE, LAS VEGAS, NV 89146, has requested a variance from Nevada Administrative Code (NAC) 449.3154.2 and the Facility Guidelines Institute, *Guidelines for Design and Construction of Outpatient Facilities, 2022 Edition*.

A public hearing will be conducted on March 7, 2024, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held in person and online.

In person meeting locations:

- Southern Nevada Health District (SNHD)  
Red Rock Trail Rooms A and B  
280 S. Decatur Boulevard; Las Vegas, Nevada 89107
- Nevada Division of Public and Behavioral Health (DPBH)  
Hearing Room No. 303, 3rd Floor  
4150 Technology Way; Carson City, Nevada 89706

Join from a computer using the Microsoft Teams meeting link:

[https://teams.microsoft.com/join/19%3ameeting\\_ZWE1NGZjMDAtM2JmZi00NjVjLWExMzYtNTRjZDFkZGRmY2Iz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d](https://teams.microsoft.com/join/19%3ameeting_ZWE1NGZjMDAtM2JmZi00NjVjLWExMzYtNTRjZDFkZGRmY2Iz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d)

Join by Phone:

(775) 321-6111

Phone Conference ID: 679 573 018#

SPRING MOUNTAIN SAHARA, 5460 WEST SAHARA AVENUE, NV 89146, is requesting a variance from NAC 449.3154.2 which states:

NAC 449.3154 Construction, remodeling, maintenance and change of use: General requirements; prerequisites to approval of licensure. ([NRS 439.200](#), [449.0302](#))

2. Except as otherwise provided in this section, any new construction, remodeling, or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) (d) and (e) of subsection 1 of [NAC 449.0105](#), unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area.

NAC 449.0105 Adoption of certain publications by reference; revision of publication after adoption. ([NRS 439.200](#), [449.0302](#))

1. The State Board of Health hereby adopts by reference:
  - (c) *Guidelines for Design and Construction of Hospitals*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the guidelines may be obtained from the Facility Guidelines Institute at the Internet address <https://shop.fgiguilines.org/> or by

telephone at (800) 798-9296, for the price of \$235.

Guidelines for Design and Construction of Hospitals (2022 Edition):

Section 2.5-3.4.3 Intensive Outpatient and Partial Hospitalization Program.

Section 2.5-3.4.3.10 Support areas for patients.

Section 2.5-3.4.3.10(2) Patient toilet rooms

Section 2.5-3.4.2.10(2)(a) Toilet rooms shall be immediately accessible to the group therapy, activity, counseling, and/or consultation rooms.

Spring Mountain Sahara located at 5460 West Sahara Avenue, Las Vegas, NV 89146, is a 30-bed behavioral health hospital. The hospital is a standalone building. The building is being transitioned to be a behavioral unit as part of an acute care sister hospital, Spring Valley Medical Center. To make this transition, Spring Mountain Sahara must meet the current behavioral hospital standards. Spring Mountain Sahara is making the necessary physical changes to the building, with the exception related to this variance due to unnecessary hardship. Spring Mountain Sahara does not have a toilet room immediately accessible to its Intensive Outpatient/Partial Hospitalization Program group therapy room, which is approximately 30 feet away.

The facility is requesting a variance to the requirement of having a toilet room immediately accessible to its Intensive Outpatient/Partial Hospitalization Program group therapy room.

The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

<https://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/>

Joe Lombardo  
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MS  
Director

DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
NEVADA DIVISION of PUBLIC  
and BEHAVIORAL HEALTH



Cody Phinney,  
MPH  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical  
Officer

## MEMORANDUM

February 14, 2025

To: Jon Pennell, DVM, Chairperson  
State Board of Health

From: Cody Phinney, Administrator  
Division of Public and Behavioral Health

RE: Variance Request #775, for Spring Mountain Sahara (Applicant) Toilets Accessible

### **REGULATIONS:**

NAC 449.3154 (2) states,

“Except as otherwise provided in this section, any new construction, remodeling or change in the use of a hospital must comply with the applicable provisions of the guidelines adopted by reference in paragraphs (c) (d) and (e) of subsection 1 of NAC 449.0105, unless the remodeling is limited to refurbishing an area of the hospital, including, without limitation, painting the area, replacing the flooring in the area, repairing windows in the area and replacing window or wall coverings in the area.”

Guidelines for Design and Construction of Hospitals (2022 Edition):

Section 2.5-3.4.3 Intensive Outpatient and Partial Hospitalization Program.

Section 2.5-3.4.3.10 Support areas for patients.

Section 2.5-3.4.3.10(2) Patient toilet rooms

Section 2.5-3.4.3.10(2)(a) Toilet rooms shall be immediately accessible to the group therapy, activity, counseling, and/or consultation rooms.

(Note: Glossary definition of Immediately Accessible is “Available either in or adjacent to the identified area or room.”)

NAC 449.312(1) states,

“Upon a change in ownership, change of use or change in construction, a hospital shall notify the Bureau of the changes and identify all areas of noncompliance with the guidelines specified in NAC 449.3154 before the change in ownership, use or construction may take place.”

### **STAFF REVIEW:**

On October 4, 2024, Spring Mountain Sahara (Applicant), submitted a request for variance from the requirements of 449.3154(2) and *Guidelines for Design and Construction of Hospitals*, Section 2.5-3.4.3.10(2)(a) because of the cost would poses an exceptional financial hardship to add and remodel for a toilet room immediately accessible to the outpatient group therapy room.

Page 1 of 3

On October 29, 2024, the Division of Public and Behavioral Health (DPBH), Bureau of Health Care Quality and Compliance (BHCQC) conducted a survey at Spring Mountain Sahara to determine code compliance.

Spring Mountain Sahara (SMS) is a 30-bed behavioral health hospital at 5460 West Sahara Avenue, Las Vegas, Nevada 89146. SMS was licensed in 2006 and certified as a Center for Medicare Medicaid Services (CMS) in 2007. All patients are adults at SMS.

Applicant is transitioning from an independent, standalone behavioral hospital to be part of a behavioral bed increase unit (that is remote) with a Las Vegas acute care hospital, Spring Valley Hospital Medical Center (SVHMC). As part of this transition as a bed increase for SVHMC, this bed increase requires Applicant to conform to 2022 Edition of the Facility Guidelines Institute (FGI Guidelines), *Guidelines for the Design and Construction of Hospitals*, per NAC 449.312(1).

The facility conducted a self-assessment, and a subsequent survey was conducted by the Bureau of Health Care Quality and Compliance (BHCQC) on 10/29/2024. BHCQC had identified deficiencies which are being remedied by Applicant and expected to be completed in April 2025. The variance deficiency found was that the toilet room was not “immediate access” to their current Intensive Outpatient and Partial Hospitalization Program (IOP/PHP). The nearest (existing) toilet to the IOP/PHP is located approximately 30 feet from the IOP/PHP group therapy room. Access to this toilet room requires going down the hallway, entering the room before the toilet room through the corridor door and then entering the toilet room through another door. As part of the Applicant’s Plan of Correction to offset this deficiency was to (1) remove the oxygen E-sized tanks and oxygen storage cabinet from the room preceding the toilet room and (2) make changes to the two doors’ hardware to allow for these doors to open outward from each of these respective rooms. The purpose of having the two doors swing outward from the room is to allow staff to open the door, especially if a person is resting against the door. If the door swung inward and a person was resting against the door, it would make it more difficult to open the door. This issue becomes important in cases when time is of the essence for intervention for the person.

**INTENT OF THE REGULATION:**

The intent of the regulation in having a toilet room immediately accessible to the IOP/PHP group therapy room is to (1) limit time away from the therapy session, (2) not allow unsupervised access to other rooms while accessing the toilet room, and (3) prevent an outpatient from interfering with inpatients, visitors and/or staff activities within the building.

**DEGREE OF RISK TO PUBLIC HEALTH AND SAFETY:**

When a toilet room is remote from the Intensive Outpatient/Partial Hospitalization Program’s group therapy room, the patient could wander in restricted areas that are either not safe (mechanical rooms, electrical closet) or where they do not belong (staff areas, medical records) resulting in possible negative outcomes for the individual outpatient, possibly unwanted interactions with others, and/or unwanted mischief within the building. Fortunately, the Applicant has secure surrounding spaces between the IOP/PHP and the remote toilet room.

The path of travel between the IOP/PHP Group therapy room and the nearest toilet is approximately 30 feet. For toilet room to be accessed from the hallway is through an anteroom, approximately 12 feet by 6 feet in size. Both the anteroom door and the bathroom door are now designed to swing outward to allow staff access into either room if a patient barricades themselves in or had a medical emergency where a patient is positioned up against the door. The door to the anteroom measured 36 inches in width. When the door to the anteroom is opened at 90 degrees into the corridor, it does not block more than half the hallway width and allows a path of egress (a Life Safety Code concern averted). The door of the toilet room was accessed only from within in the

anteroom. The toilet door's lock was removed and the door swings into the anteroom. The anteroom previously had E-tank sized oxygen cylinders stored within a cabinet, and now the oxygen cylinders and cabinet have been removed and stored at another location. The previous conditions have been changed to reduce the degree of risk to patients.

**EXCEPTIONAL AND UNDUE HARDSHIP:**

Applicant states strict application of NAC 449.3154(2) and *Guidelines for Design and Construction of Hospitals* (2022 Edition), Section 2.5-3.4.3.10(2)(a) would cause an exceptional financial hardship. Denial of the variance application would require Applicant to redesign that portion of the facility and modify the plumbing in order to relocate the toilet room to be immediately accessible to the IOP/PHP group therapy room. An approximate cost to add a toilet room to an area adjacent to the outpatient group therapy room was estimated to be \$120,000 to \$160,000. This does not include the possible opportunity cost of not being able to utilize the immediate and surrounding areas during the time of construction.

**STAFF RECOMMENDATION:**

Bureau of Health Care Quality and Compliance staff recommends the State Board of Health approve Variance Request #775 as it finds that strict application of NAC 449.3154.2 and *Guidelines for Design and Construction of Hospitals*, Sections 2.5-3.4.3.10(2)(a) would result in exceptional or undue hardship on Applicant.

**PRESENTER:** Steve Gerleman, Health Facilities Inspection Manager, BHCQC

**ATTACHMENTS:** Floor diagram of Spring Mountain Sahara identifying (1) (in green) the Intensive Outpatient/Partial Hospitalization Program group therapy room and (2) (in orange) the toilet room/bathroom and the path of travel between (1) and (2).

To: Nevada State Board of Health  
Health Care Quality and Compliance

From: Dr. Purcell Dye  
Chief Executive Officer  
Spring Mountain Treatment Center/Spring Mountain Sahara  
7000 West Spring Mountain Road  
Las Vegas, NV 89117

Subject: Application for Variance: Spring Mountain Sahara Toilet Relocation

Dear Members of the Board,

Modifying the one toilet for the Intensive Outpatient Program bathroom at Spring Mountain Sahara would be a considerable hardship. The outpatient program has provided accommodations for patients seeking treatment without incident.

Moreover, the strict compliance would require the complete redesign of the that portion of the facility. Creating a bigger disparity to an already disenfranchised community.

Thank you for your consideration on this matter.

Sincerely,

Dr. Purcell Dye  
Chief Executive Officer



SPRING MOUNTAIN  
SAHARA

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Health Care Quality and Compliance

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Chief Executive Officer  
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Sincerely



Dr. Purcell Dye  
Chief Executive Officer



Spring Mountain Treatment Center  
has earned the Joint Commission's  
Gold Seal of Approval™



NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

Office of State Epidemiology  
(NAC 440, 450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 12/11/2024

Name of Applicant: Spring Mountain Sahara

Phone: 702-216-8900

Mailing Address: 5460 W. Sahara Ave.

City: Las Vegas

State: NV

Zip: 89146

We do hereby apply for a variance to chapter/section NAC 449.3154 (2) of the Nevada Administrative Code (NAC). (For example: NAC 449.204)

Title of section in question: Construction, remodeling, maintenance, and change of use: General requirements; prerequisites to approval of licensure.

Statement of existing or proposed conditions in violation of the NAC:

Spring Mountain Sahara is a 30 bed psychiatric hospital. Per FGI (2022) Section 2.5, specifically 2.5-3.4.10(2)(a) required the toilet rooms to be immediately accessible (in or adjacent) to the intensive outpatient group therapy...and or consultation rooms. The existing toilets are readily accessible to the required room(s). One toilet is approx.. 30 feet and the other is approx. 47 feet from the room(s). See Exhibit B. The facility was in compliance with the code that was in affect at the time of licensure.





NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): August 17, 2007

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he/she/they suffers or will suffer economic hardship by complying with the regulation, they must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supporting your variance request.**

Statement of degree of risk of  
health

The existing conditions does not increase the degree of risk of health to patients. The existing bathrooms are close to the Intensive Outpatient Hospitalization Program (IOP) group therapy room(s).



NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

The strict compliance would require the facility to completely redesign that  
portion of the facility including the plumbing to relocate the toilet rooms to  
be immediately accessible to the group room(s).

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

If granted, the variance will not cause substantial detriment to the public welfare. The  
toilets are in the same area of the facility as the referenced group room(s).

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

Granting the variance does not impair substantially the purpose of the  
regulation from which the applicant seeks this variance. The toilet room(s) are  
near the existing group room(s).

The bureau may require the following supporting documents to be submitted with and as a part of this  
application:

Specific Request:

Do not require the facility to redesign and relocate the toilet room(s) to be immediately accessible.



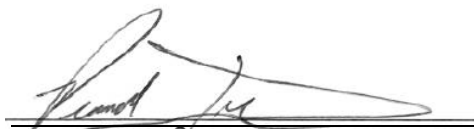
NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

- 1. Legal description of property concerned
- \_ 2. General area identification map
- \_ 3. Plot map showing locations of all pertinent items and appurtenances
- 4. Well log (if applicable)
- \_
- \_ 5. Applicable lab reports
- \_ 6. Applicable engineering or construction/remodeling information
- \_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Division of Public and Behavioral Health staff report and recommendation(s) to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

I am/we are requesting this variance request be placed on the next regularly scheduled Board of Health agenda. It is understood that I/we can attend in person at either physical location in Carson City or Las Vegas or we may attend virtual.

Signature: 

Printed Name: Purcell Dye

Title: C.E.O

Date: 16/3/24



NEVADA DIVISION of PUBLIC  
and BEHAVIORAL HEALTH

NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

**PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING  
ANY OF THE FOLLOWING METHODS:**

**MAIL TO:**

**Secretary, Nevada State Board of Health**

Division of Public and Behavioral Health

4150 Technology Way, Suite 300

Carson City, NV 89706

**FAX:**

775-687-7570

**EMAIL:**

[DPBH@health.nv.gov](mailto:DPBH@health.nv.gov)

[StateBOH@health.nv.gov](mailto:StateBOH@health.nv.gov)



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Statement of degree of risk of health The existing conditions does not increase the degree  
of risk of health to patients. The existing bathrooms are close to the Intensive Outpatient  
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NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

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\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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Specific Request:

Do not require the facility to redesign and relocate the toilet room(s) to be immediately accesible.

\_\_\_\_\_



NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

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Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Puckett Dye

Title: \_\_\_\_\_

CEO

Date: \_\_\_\_\_

16/3/24





NEVADA DIVISION of PUBLIC  
and BEHAVIORAL HEALTH



NEVADA STATE BOARD OF HEALTH  
4150 Technology Way, Suite 300 CARSON CITY, NV 89706

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Division of Public and Behavioral Health

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Carson City, NV 89706

**FAX:**

775-687-7570

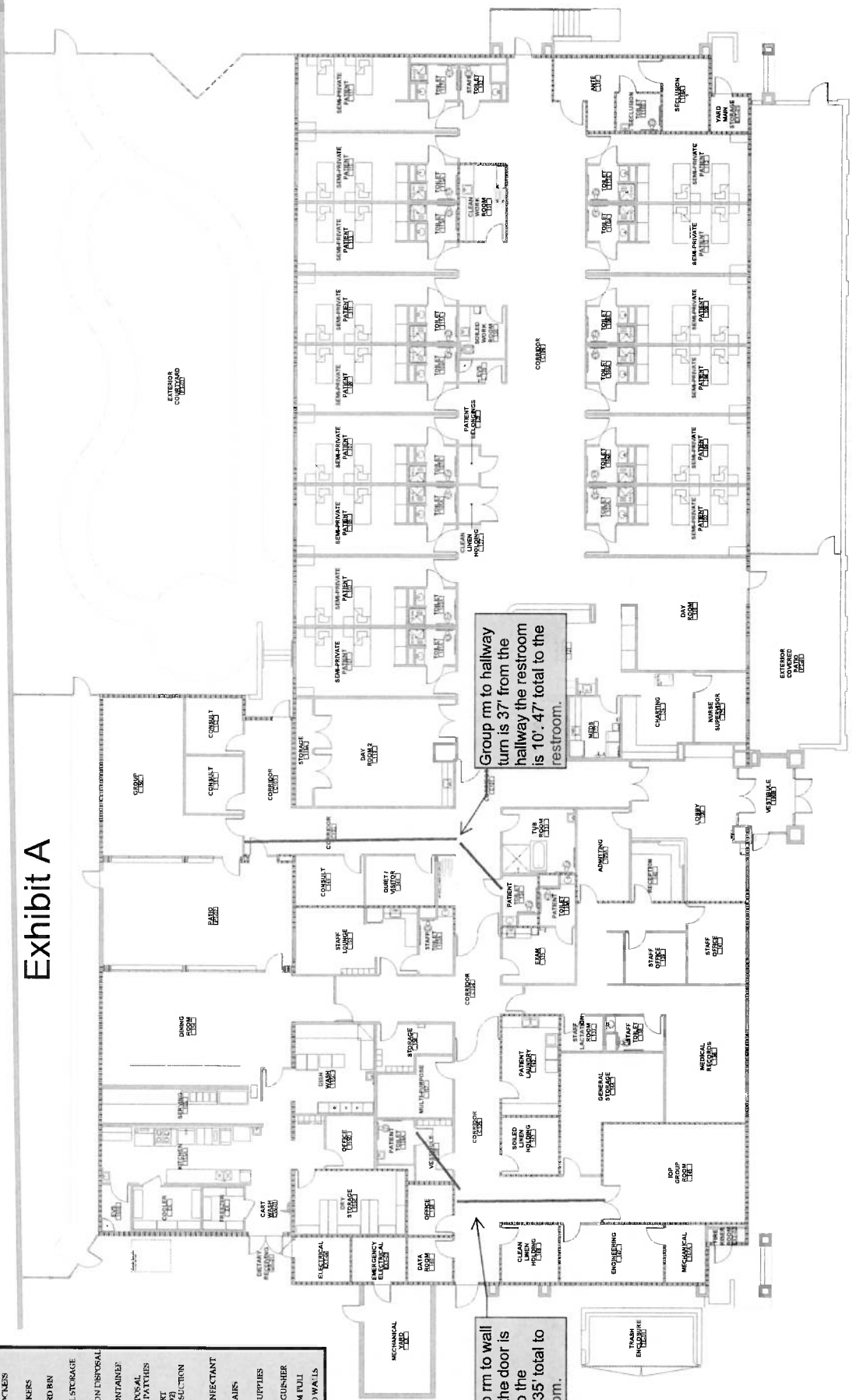
**EMAIL:**

[DPBH@health.nv.gov](mailto:DPBH@health.nv.gov)

[StateBOH@health.nv.gov](mailto:StateBOH@health.nv.gov)

# Exhibit A

SYMBOL LEGEND	
[Symbol]	ANNUNCIATOR PANEL
[Symbol]	VISITOR LOCKERS
[Symbol]	STAFF LOCKERS
[Symbol]	BIOHAZARD BIN
[Symbol]	OMNICELL STORAGE
[Symbol]	MEDICATION DISPOSAL
[Symbol]	SHARPS CONTAINER
[Symbol]	BLACK DISPOSAL
[Symbol]	RECYPLE PATHTES
[Symbol]	CRASH CART
[Symbol]	CO2 GEN (C2)
[Symbol]	PORTABLE SUCTION AED
[Symbol]	HAND DISINFECTANT
[Symbol]	WHEEL CHAIRS
[Symbol]	MEDICAL SUPPLIES
[Symbol]	FIRE EXTINGUISHER
[Symbol]	FIRE ALARM PULL
[Symbol]	FIRE RATED WALLS



Group rm to hallway turn is 37' from the hallway the restroom is 10' 47' total to the restroom.

IOP Group rm to wall is 20'. To the door is 9' and 6' to the restroom. 35' total to the restroom.



## SPRING MOUNTAIN TREATMENT (WEST SAHARA)

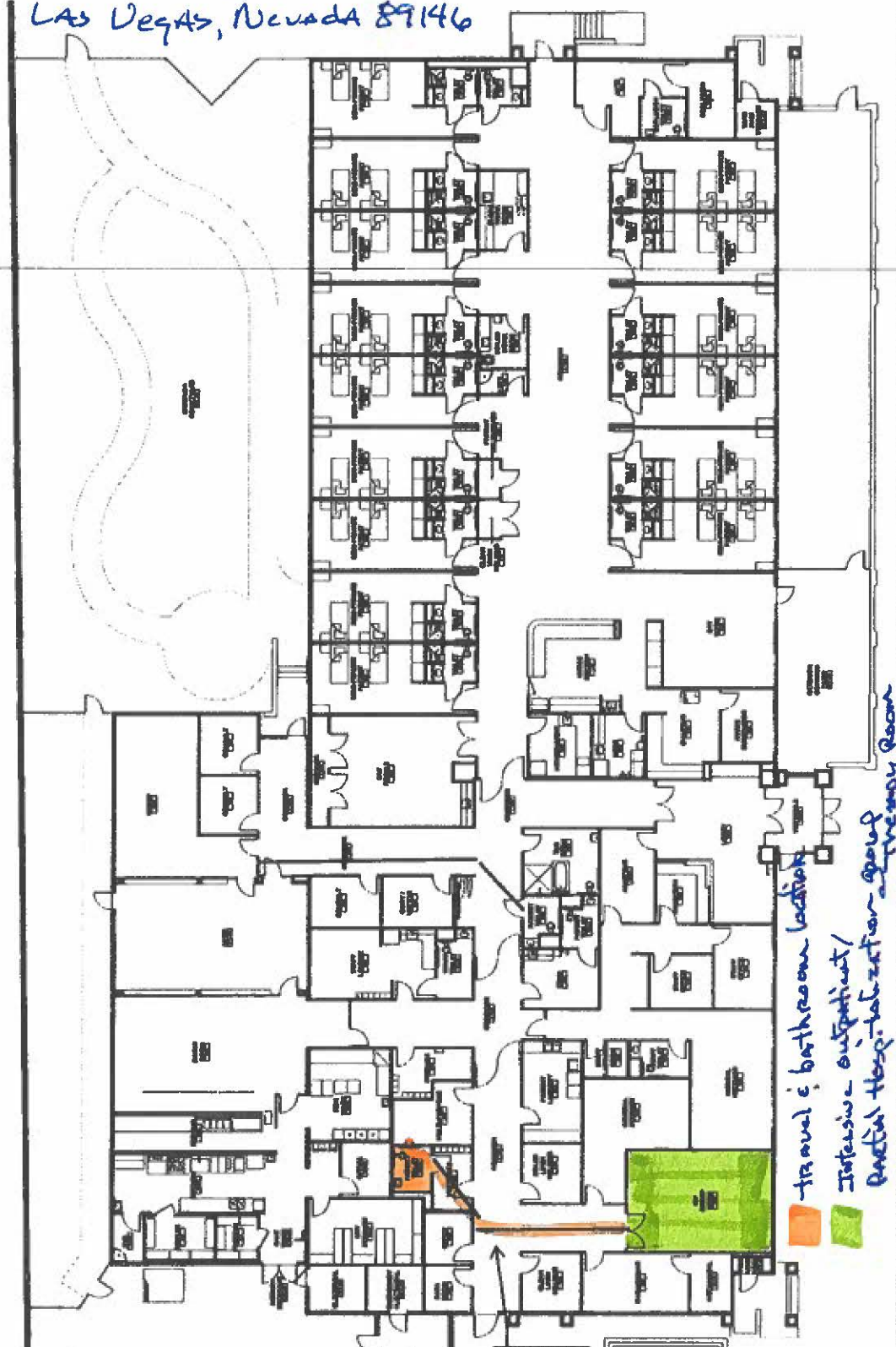
AS-BUILT (CURRENT LAYOUT)  
5460 WEST SAHARA AVENUE  
LAS VEGAS, NEVADA 89146

SEPTEMBER 25, 2023

**INHAIT**  
ARCHITECTURE  
INNOVATIVE | INTELLIGENT | INTUITIVE  
5025 S. DURANGO DR. #101 LAS VEGAS, NV 89146  
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Spring Mountain Sahara  
 5460 West Sahara  
 Las Vegas, Nevada 89146

VARIANCE # 795



Travel bathroom location  
 Infusion outpatient /  
 partial hospitalization group therapy room

SYMBOL	DESCRIPTION
[Symbol]	Existing Wall
[Symbol]	Proposed Wall
[Symbol]	Existing Door
[Symbol]	Proposed Door
[Symbol]	Existing Window
[Symbol]	Proposed Window
[Symbol]	Existing Ceiling
[Symbol]	Proposed Ceiling
[Symbol]	Existing Floor
[Symbol]	Proposed Floor
[Symbol]	Existing Stair
[Symbol]	Proposed Stair
[Symbol]	Existing Elevator
[Symbol]	Proposed Elevator
[Symbol]	Existing Mechanical
[Symbol]	Proposed Mechanical
[Symbol]	Existing Electrical
[Symbol]	Proposed Electrical
[Symbol]	Existing Plumbing
[Symbol]	Proposed Plumbing
[Symbol]	Existing Fire Alarm
[Symbol]	Proposed Fire Alarm
[Symbol]	Existing Security
[Symbol]	Proposed Security

POP Group room to wall  
 # 205. To the door is  
 9' and 8' to the  
 bathroom. 207' north is  
 the restrooms.



SPRING MOUNTAIN TREATMENT (WEST SAHARA)  
 AS-BUILT (CURRENT LAYOUT)  
 5460 WEST SAHARA AVENUE  
 LAS VEGAS, NEVADA 89146

IMFIT ARCHITECTURE  
 NEGATIVE IMPACT STATEMENT  
 SEPTEMBER 2009