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Elizabeth A. Brown
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Exhibit 160

1 THE VIDEOGRAPHER: This is the beginning
2 of video recording number 1 in the deposition of
3 Peter Lowenstein taken in the matter of Binion versus
4 Fore Stars, et al. held at Pisanelli Bice, 400 south
5 seven street, suite 300 in Las Vegas, Nevada on
6 December, 2016. The time is approximately 9:40 a.m.
7 The court reporter is Monice Campbell. My name is
8 Hunter Blackburn, the videographer representing
9 Envision Legal Solutions. Will the -- will everybody
10 identify themselves, please beginning, with the
11 witness.
12 THE WITNESS: Sure. Peter David
13 Lowenstein.
14 MR. BYRNES: Phil Byrnes representing the
15 deponent and City of Las Vegas Inc.
16 MR. JIMMERSON: Good morning. My name is
17 Jim Jimmerson. I have the privilege of representing
18 the defendant Fore Star entities. Good morning
19 everyone here.
20 MR. BICE: Todd Bice on behalf of the
21 plaintiffs and Frank Schreck will be joining us. So
22 when he steps in, that's who else may be in the room.
23 MR. JIMMERSON: Mr. Lowie may or may not
24 be here today.
25 THE VIDEOGRAPHER: Will the court reporter

1

1 please swear in the witness.
2 PROCEEDINGS
3 Deponent
4 called as a witness herein,
5 being first duly sworn,
6 was examined and testified as follows:
7
8 EXAMINATION
9 BY MR. BICE:
10 Q. Good morning, sir. Can you state your
11 full name for the record, please.
12 A. Peter David Lowenstein.
13 Q. Mr. Lowenstein, can you tell me where you
14 currently work?
15 A. I work for the City of Las Vegas in the
16 department of planning.
17 Q. All right. Do you have a title in your --
18 A. My current title is the planning section
19 manager.
20 Q. Can you tell me what it means to be the
21 planning section manager?
22 A. As a planning section manager, I am
23 responsible for the current planning division of the
24 planning department.
25 Q. Okay. What does the planning -- I think I

2

1 got it right. The planning section, what is that?
2 A. Our department is composed much a number
3 of different divisions and in the current planning
4 division is composed of -- what is known is case
5 planning which is land use entitlements and the front
6 or public planning which is our front counter
7 customer direction.
8 Q. Because you're using using terminology I
9 can follow along here so I can make I use the
10 right -- the same words you're using. I just want to
11 make sure. My apologies.
12 A. If there is any clarification let me know?
13 Q. I'm sure I will need some as we progress
14 today.
15 So when you say -- let's sort of break that
16 down. You've got under the branch of current
17 planning and I guess really is it a division?
18 A. Yes.
19 Q. Division?
20 A. Section division would be synonymous.
21 Q. Got it then there are two sort of subparts
22 under that. You said land use.
23 A. It's referred to as case planning.
24 Q. Case planning. Okay.
25 And then you've got the front counter you

3

1 said.
2 A. Which is the public planning portion of
3 that division.
4 Q. Got it. Okay. And both of those
5 divisions report to you.
6 A. That's correct.
7 Q. And who is -- who is in charge -- who is
8 the person that reports to you on case planning?
9 A. That would be my planning supervisor,
10 Steve go Becky.
11 Q. Any chance you could spell the last name.
12 A. GEBEKE.
13 MR. JIMMERSON: Can you help me with that
14 again please Mr. Lowenstein?
15 THE WITNESS: What was that?
16 MR. JIMMERSON: The spelling again.
17 THE WITNESS: Sure. GEBEKE.
18 MR. JIMMERSON: The first name is Steven
19 did you say.
20 THE WITNESS: Steve.
21 MR. JIMMERSON: Steve thank you so much.
22 BY MR. BICE:
23 Q. How long has Mr. Gebeke been supervisor
24 over the case planning?
25 A. He's been the supervisor on and off

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1 throughout the last -- I'm approximating but probably
 2 six years he's been the supervisor at the front as
 3 well as on case, yes.
 4 Q. But he's been involved in the current
 5 planning department for a number of years, at least
 6 six years?
 7 A. That's correct.
 8 Q. All right. And who is the supervisor that
 9 reports to you in public planning?
 10 A. There is no immediate supervisor in the
 11 public planning?
 12 Q. When you mean there is no immediate
 13 supervisor does that mean you just don't -- the
 14 position is vacant right now or --
 15 A. Historically the department had a
 16 supervisor over each.
 17 Q. Uh-huh.
 18 A. With the loss of one of our supervisors,
 19 the remaining supervisor took the lead on case and we
 20 have a senior planner who's now taking the lead at
 21 the front counter. As far as is there a vacant
 22 position? I believe it's been filled with a senior
 23 administrative assistant of some sort.
 24 Q. So then who is the person that reports to
 25 you concerning the public planning division?

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1 A. Both the senior planner and Mr. Gebeke are
 2 still reporting to me on issues for the front
 3 counter.
 4 Q. Who is the senior planner?
 5 A. That would be Jim Marshall currently.
 6 Q. And how long has Mr. Marshall been serving
 7 in that role?
 8 A. I don't know the exact date. He's been
 9 there at least a year.
 10 Q. Okay. Do you know how long Mr. Marshall
 11 has been working for current planning, regardless of
 12 the title or capacity?
 13 A. Our department planners tend to circulate
 14 through the different divisions, so on and off, I
 15 can't tell you exactly how much time he's been in
 16 either one or the other. He's currently been in the
 17 current planning division, as I stated previously, I
 18 don't know exact amount of time but I estimate a year
 19 at least --
 20 Q. Okay.
 21 A. -- if not longer.
 22 Q. So what does the case planning division
 23 do?
 24 A. The case planning is responsible for the
 25 processing and preparing of staff reports for land

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1 use entitlements that the -- either the appointed
 2 body or elected body at the City of Las Vegas will
 3 review and make their determinations on. They also
 4 can handle administrative amendments to other land
 5 use entitlements as well.
 6 Q. All right. And what does the public
 7 planning division do?
 8 A. That is the front line, so to speak,
 9 customer interaction. So anybody who comes in with a
 10 question or even process the building permits or
 11 license applications, can get information from the
 12 city planning department at the front counter as well
 13 as have initial reviews by the planning department
 14 on, say, that perspective, a specific portion of
 15 their building permit or licensing application.
 16 Q. So public planning doesn't -- doesn't
 17 handle any sort of zoning issues or land use, or do
 18 they?
 19 A. They -- unless we're short staffed, we're
 20 not called upon to write detailed staff reports on a
 21 regular basis.
 22 Q. Okay.
 23 A. If they are also asked to facilitate
 24 research, anything from code enforcement actions to
 25 zoning history.

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1 Q. So is there anyone other than those two
 2 positions, case planning and public planning, that
 3 report directly to you?
 4 A. The only other individual that reports to
 5 me currently is our senior technical assistant who
 6 does computer software, things of that nature.
 7 Q. And how long have you been in the
 8 planning -- in the current planning department?
 9 A. Well, I've only done one period of time
 10 where I was in the long-range division, so
 11 subtracting that, about 12 years.
 12 Q. Okay. When you say the long range
 13 division, what do you mean by that?
 14 A. As previously stated, the planning
 15 department has multiple divisions, and the current
 16 planning covers the case and the front counter. The
 17 long range division or comprehensive planning, as
 18 some people may refer to it, is where individuals
 19 work on special area plans, master plan, corridor
 20 plans, things of a more macro scale.
 21 Q. Okay. So to whom do you directly report?
 22 A. I currently directly report to Tom
 23 Perrigo, the acting -- the director as well as Karen
 24 Duddelstein the deputy director.
 25 Q. Mr. Perrigo is the director of planning?

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1 A. That is correct.
2 Q. And Miss Duddleston is the deputy director
3 of planning?
4 A. That's correct.
5 Q. Are there any other positions to whom you
6 report?
7 A. No.
8 Q. Now, if I understand this correctly and
9 I'm just trying to make sure I get the timeline
10 straight, you've been involved -- you've worked at
11 the city for more than 12 years?
12 A. In January, it will 14 years.
13 Q. In January it will be 14. Okay.
14 So let's just sort of start
15 chronologically. You joined the city in what
16 position originally?
17 A. As an entry level planner, which is a
18 planner one position.
19 Q. And how long were you a planner one?
20 A. I don't know. I would have to look it up,
21 but probably two years, a year and a half, two years.
22 Q. I understand you can't be precise but
23 we're just trying to get sort of a general
24 understanding of the timeline. That's all. And so
25 then your next position after you moved from planner

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1 one after a couple years was what?
2 A. A planner II position.
3 Q. Got it. And how long would you have been
4 a planner II?
5 A. Probably for a similar amount of time. I
6 don't know specifically.
7 Q. Got it. So when you were a planner one
8 and planner II, what would be your job duties in
9 those positions?
10 A. I started at the front counter, so as part
11 of the current planning department division, which
12 was customer interaction, answering zoning questions,
13 processing building permits and licensing reviews.
14 Q. Got it.
15 A. Doing research of that nature. At some
16 point as either a planner one or two, would have
17 transitioned into the case planning role where I
18 prepared staff reports and gone through doing
19 reapplication conferences, bearing the information
20 and ultimately giving a recommendation to to our
21 management team.
22 Q. So then after you -- well let me phrase it
23 this way. What was your position -- what was the
24 next position after planner II?
25 A. I was promoted to a senior planner.

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1 Q. Senior planner. And what does that
2 entail?
3 A. Basically similar -- similar job
4 responsibility, just more responsibility, more
5 complex projects to review and to manage as far as,
6 you know, being the case planner assigned to it. I
7 also was facilitating assistance at the front counter
8 basically making sure those operations ran smoothly.
9 Q. So as a senior planner, was your primary
10 responsibility in the case division?
11 A. I have to refer to the dates to -- I don't
12 recall off the top of my head. I know as a senior
13 planner I was basically running the front counter
14 portion and reporting to a supervisor.
15 Q. And who was that supervisor you would have
16 been reporting to?
17 A. Well, there -- I don't know exactly.
18 There's been a couple supervisors that you course of
19 the time. The majority of it going from maybe 2005
20 to 2008 more than likely was Doug rank in.
21 Q. Okay. And then the next position after
22 senior planner.
23 A. I became a planning supervisor.
24 Q. And what does it mean to be a planning
25 supervisor?

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1 A. Well, your responsibility -- you're
2 responsible for the quality of the work, supervision
3 of performance, the overall processes of either --
4 whichever section you're over, making sure if you're
5 front counter that those operations are moving
6 smoothly, you handle more difficult questions, you
7 have interaction with customers and if they want to
8 speak to somebody else other than the planner they're
9 originally speaking with. On the case side of things
10 you would be reviewing staff reports, ensuring
11 quality of work once again, ensuring basically that
12 all the reports are done in a timely manner, that
13 things are being processed in accordance with the
14 policies and procedures of the department and
15 ultimately you're writing performance evaluations for
16 the employees underneath you.
17 Q. Okay. As the planning supervisor, were
18 you in current planning or were you in the long range
19 planning?
20 A. As a supervisor, I have been in both
21 divisions.
22 Q. Okay.
23 A. Primarily in the current planning
24 division.
25 Q. And as a planning supervisor, do you

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1 recall approximately what years that you held that
2 position?
3 A. Well, I was promoted to section manager in
4 April of '15, so either -- go back seven years, seven
5 or eight years from there is the stint of as being a
6 supervisor.
7 Q. Got it. So the next position is your
8 current position being section manager is that right?
9 A. That is correct.
10 Q. All right.
11 And so you were in that position as
12 planning supervisor for seven years or so. Is that
13 about right?
14 A. I'd have to check my resume' but I believe
15 it's seven to eight.
16 Q. Seems like?
17 A. Yes.
18 Q. So who would have -- to whom would you
19 have reported in your position as planning
20 supervisor?
21 A. To the planning manager, and most of it
22 was Doug rank in for almost the entirety.
23 Q. And what was Mr. Rankin's role?
24 A. He was the planning manager and as
25 planning manager, he was over case planning and

13

1 current planning.
2 Q. So in your capacity today as section
3 manager, how many people do you have working under
4 you?
5 A. I have to count it on my fingers, but.
6 Q. Understood.
7 MR. JIMMERSON: He has a lot of fingers.
8 THE WITNESS: As of right now -- give me a
9 moment. I can read through all the name.
10 Q. You know what -- is it more than a dozen
11 people?
12 A. It's probably right about there.
13 Q. Fair enough.
14 So when you joined -- prior to joining the
15 City of Las Vegas, were you employed else where?
16 A. I had Graduated from east Carolina
17 university and there was a period of six months that
18 I was doing a job search. So it was graduate school
19 to this employment.
20 Q. Got it. So do you have a graduate degree?
21 A. That I do.
22 Q. In what can you tell me?
23 A. I have a graduate degree in geography with
24 a concentration in urban development.
25 Q. And when did you receive that degree?

14

1 A. In 2002.
2 Q. And so you moved here from North Carolina?
3 A. From graduating I moved back to Long
4 Island, New York and then from there to here.
5 Q. So you're originally from Long Island?
6 A. That's correct.
7 Q. So it sounds like, and tell me if I'm
8 wrong, that your introduction to Las Vegas was
9 employment related?
10 A. Yes. Safe to say.
11 Q. All right. Did you look at any documents
12 to prepare for your deposition today?
13 A. I refreshed my memory on the master plan.
14 I conferred with my counsel.
15 Q. Okay. Which master plan did you look at?
16 A. I looked at the Las Vegas 2020 master
17 plan.
18 Q. And how long did you look at the Las Vegas
19 2020 master plan?
20 A. As an estimate of time, maybe 30 minutes.
21 Q. And what were you looking for in the Las
22 Vegas master plan?
23 A. I was looking at the land use element.
24 Q. You were looking at the land use element.
25 A. Mm-hmm.

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1 Q. And what about the land use element were
2 you looking at?
3 A. In its entirety.
4 Q. And why were you looking at the land use
5 element?
6 A. To refresh my memory.
7 Q. And what memory were you trying to
8 refresh?
9 A. My general knowledge.
10 Q. All right. Did you look at any particular
11 land use elements for any particular property?
12 A. There's only one land use element as part
13 of the Las Vegas 2020 master plan.
14 Q. And what is that land use -- how would you
15 describe it for a layman like myself?
16 A. As part of the -- of the general plan
17 prescribed by Nevada Revised Statutes, they require
18 certain elements to be part of the general plan. 1
19 of those elements is the land use element.
20 Q. Okay.
21 A. And reviewing that portion of the Las
22 Vegas master plan, I know the names start changing,
23 but as far as the general plan is what the state
24 statute calls it. When they adopt it in 2000 they
25 called it the Las Vegas 2020 master plan. So they're

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1 kind of synonymous.
2 Q. Okay. So you -- do you use the term
3 master plan or do you use the term general plan?
4 A. They're kind of interchangeable.
5 Q. Interchangeable. Okay. Did you look at
6 any land use elements for any particular property as
7 part of your review?
8 A. No. There's no such thing.
9 Q. All right. Did you look at any particular
10 property for your review?
11 A. No.
12 Q. Other than looking at the master plan, did
13 you review any other documents?
14 A. I think I looked at potentially emails.
15 Q. Okay. And how long did you spend looking
16 at emails?
17 A. Probably about 20 minutes.
18 Q. I'm sorry.
19 A. Probably about 20 minutes each time.
20 Q. And what emails were you looking at?
21 A. I was just refreshing my memory as far as
22 chronology.
23 Q. And whose emails were you looking at?
24 Your own. All the emails that I may have.
25 Okay. And did you look at those -- were

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1 they printed off or did you look at them on your
2 computer?
3 A. On the computer.
4 Q. And what was the -- what is your email
5 address?
6 A. It's PLOWENSTEIN@ Las Vegas, Nevada.gov
7 GOV.
8 Q. And about how many emails did you look at?
9 A. I don't know.
10 Q. Do you have those emails saved in a
11 folder.
12 A. Yes.
13 Q. Did you search the email in any fashion?
14 A. No.
15 Q. You just looked at them in a chronological
16 fashion?
17 A. Correct.
18 Q. Did those emails refresh your recollection
19 of events?
20 MR. JIMMERSON: Mr. Bice, forgive me, I
21 did want to note the appearance of Mr. Lowie on the
22 deposition and Mr. Schreck joined us about 10 minutes
23 earlier. Thank you sir.
24 THE WITNESS: To a limited extent.
25 ///

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1 BY MR. BICE:
2 Q. But they did refresh your recollection of
3 some events.
4 A. Yes.
5 Q. Is that the only email address that you
6 use in your role at the city?
7 A. Yes.
8 Q. Do you ever use your personal email
9 address?
10 A. No.
11 Q. And what did those emails -- what was
12 itself information that you gleaned from the emails
13 that you reviewed?
14 A. Approximate date of when dialogue started.
15 Q. Okay. And do you recall when that was?
16 A. July 2015.
17 Q. And was there a particular email that
18 reminded you of the dialogue that started in July of
19 2015?
20 A. No.
21 Q. How do you save your emails? Is there a
22 folder that's designated for a particular project?
23 A. On projects? Yes. On large projects such
24 as things that involve development agreements, yes I
25 create a folder for it.

19

1 Q. What is the name of the folder that you
2 have for this matter well strike that let me phrase
3 it this way. What's the name of your folder that you
4 looked through?
5 A. It's called Badlands.
6 Q. Called Badlands.
7 And do you recall when you set up that
8 folder fortunate?
9 A. No, I don't recall.
10 Q. Are you responsible for setting it up or
11 is there someone else in the City that's responsible
12 for setting up the folder?
13 A. It would be my responsibility.
14 Q. Is there anything in that folder other
15 than your own emails?
16 A. It would be any emails that are relevant
17 to the project.
18 Q. Including -- here's what I'm trying to
19 understand so you can explain this to me a little
20 bit. This folder, is that a City -- in other words a
21 planning department wide folder where numerous people
22 emails get put into it or is it just yours?
23 A. It is a folder within Microsoft outlook
24 which from -- I can move any one of the emails that
25 were -- either I was sent or copied on I can I can

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1 place into that folder.
2 Q. But is it just the emails that you place
3 into that folder that are in there?
4 A. Correct. I would be the one that would be
5 able to move it into that folder.
6 Q. Other people -- because it sounds like
7 this is a local folder for your computer as opposed
8 to to a network folder.
9 A. I can't speak to what our IT department
10 could do but I don't think anybody else has access
11 unless they logged in as me.
12 Q. As you?
13 A. Or administrator.
14 Q. Okay. And that bad lands folder, in
15 addition to emails what else would you have in there?
16 A. That's all it contains.
17 Q. That's all it contains. Okay.
18 All right. Any other documents -- other
19 than the master plan and reviewing your emails, any
20 other documents you looked at?
21 A. Just previous staff research.
22 Q. Okay?
23 A. In the sense of maps.
24 Q. Maps. Okay. Anything else other than the
25 maps?

21

1 A. Not that I recall, no.
2 Q. And what about -- what maps did you look
3 at?
4 A. The maps were unit counts. Basically
5 geographic areas with dots identifying constructed
6 units versus nonconstructed units.
7 Q. And this is an internal map?
8 A. This was an internal exhibit, map, yes,
9 that was created by the department.
10 Q. And when was that map created, do you
11 know?
12 A. I don't know.
13 Q. Did you create it?
14 A. I requested it to be created by our GIS
15 analyst.
16 Q. And who was the GIS analyst that you asked
17 to create the map?
18 A. Jorge Mateo.
19 Q. And do you recall approximately when you
20 requested Mr. Mateo to prepare that map?
21 A. That type of request has actually been
22 done more than once.
23 Q. Okay. When was the first time you
24 requested it?
25 A. I don't recall exactly. But some time

22

1 ago.
2 Q. How many times have you requested such a
3 map be prepared?
4 A. Possibly three times.
5 Q. All right. And what does the map show?
6 It shows the units.
7 A. It shows existing unit counts.
8 Q. Okay.
9 A. It shows units not constructed.
10 Q. Does that mean units that are approved but
11 not constructed?
12 A. Yes. It could be -- referred to -- it
13 shows -- it identifies entitled units but not
14 constructed units.
15 Q. So does it show anything other than
16 existing units and entitled units that are not
17 constructed?
18 A. It may refer to the land use case, which
19 entitled the subdivision or the multifamily
20 development.
21 Q. Anything else it would show?
22 A. Not that I recall. I would have to look
23 at it again to make sure.
24 Q. What's the purpose of creating such a map?
25 A. Information.

23

1 Q. Well, what was -- it was just for
2 information that you had it created?
3 A. Well, in reference to the project, we look
4 at the unit counts.
5 Q. Well, what are -- strike that let me put
6 it this way. Why are you looking at the unit counts?
7 What are you trying to determine?
8 A. When looking at the property, we look at
9 the previous land use entitlement history and as part
10 of the previous land use entitlement history as part
11 of this project, there is a zoning case which has a
12 maximum number of units associated as a condition of
13 approval that was placed upon it by the city council
14 at the time. So to assess the total number of units
15 in that development area for conformance, either
16 above, below, where we stand, basically, status.
17 Q. And so you've had that done -- why would
18 that need to be done more than once?
19 A. To make sure that it's been done accurate
20 and to make sure that if something wasn't looked at
21 the first time that it was caught the second time.
22 Q. Were you asked by someone to do it more
23 than once?
24 A. No.
25 Q. And did Mr. Mateo, is he the one that did

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1 it all better way to phrase it is or had now that did
2 it each time you asked?
3 A. I believe so.
4 Q. And how big is this map?
5 A. 11 by 17 inches.
6 Q. And how many -- have you saved all
7 versions of it that have been created?
8 A. I'm sure that he must have. I don't know
9 if I have every version.
10 Q. Understood.
11 And so when you looked at the map for --
12 prior to today for your deposition, what were you
13 looking at it for?
14 A. Once again, to assess unit counts.
15 Q. Unit counts. What were the unit counts
16 that are contained on this map?
17 A. They're individual to each subdivision.
18 So I can't recall off the top of my head what the
19 numbers are on each one.
20 Q. Okay?
21 A. And then there's a total, .
22 Q. Do you recall what the totals are?
23 A. No, I can't give you an exact number right
24 now. I would have to refer to -- the map.
25 Q. Look at the map right but you have that

25

1 map or the City has that map right.
2 A. Correct.
3 Q. Now, is the purpose of that map to
4 determine whether or not there are any units
5 available for further entitlement?
6 A. No. It's just to see where the -- where
7 the overall development is as far as what the unit
8 counts are.
9 Q. Based on what had previously been approved
10 by the City?
11 A. Mm-hmm.
12 Q. Is that right?
13 A. I've looked at the previous land use
14 entitlements, and based on that map, it includes not
15 only -- it includes the Peccole Ranch master plan as
16 it's labeled when it was first adopted and then
17 amended subsequently. It includes both the phases of
18 the plan.
19 Q. Phase one and phase two?
20 A. Mm-hmm. Because it's just one plan.
21 Q. Got it. So here I just need a quick
22 clarification with you. When I ask you a question,
23 because I do this all the time too that you just need
24 to answer yes or no not an uh-huh or shaking of your
25 head because she doesn't --

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1 A. Okay. I apologize.
2 Q. That's quite all right. We all do that.
3 I just want -- wanted to remind you of that so she
4 can make a clear record.
5 So you looked at the previous land use
6 approvals for phase I and phases two?
7 A. At one point or another, yes.
8 Q. And is that -- did you then provide that
9 information on the approved unit counts to Mr. Mat?
10 A. No, he did his own research.
11 Q. So on the research that you did, did you
12 create any internal documents concerning your own
13 research on the unit counts?
14 A. I have working documents. I'm not sure if
15 that's part of one or not. I'm sure I looked at unit
16 counts based on the research I requested from my GIS
17 analyst.
18 Q. And what sort of internal dock -- internal
19 working documents would you have?
20 A. They could be anything from hypothetical
21 scenarios to this is a prescribed procedure. This is
22 the process by which to achieve something. It could
23 be reference to looking at entitlements for specific
24 information. It could range. I mean on a large
25 project you look at a number of different things.

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1 Q. Okay. And have you assembled all those
2 documents in this case?
3 A. I just had them saved on my computer.
4 Q. Okay. But you haven't provided copies of
5 those to the city attorney's office?
6 A. Not to my recollection.
7 Q. And approximately -- what's the volume of
8 documents that we're talking about?
9 A. Well, there's meeting notes, there's
10 development agreement comments, there's other working
11 documents. So in total, maybe there's 25, somewhere
12 in there.
13 Q. Okay. And so meeting notes, what sort of
14 meeting notes would you have?
15 A. Meeting notes are just taking down
16 outstanding issues or issues that have been brought
17 up in our meetings that we had as far as reoccurring
18 meetings with -- in regards to the development
19 agreement or major project.
20 Q. Would those be meeting notes from meetings
21 with the developer?
22 A. Yes. They would include notes from issues
23 on the developer's side or issue's on the City side.
24 It could be flood related, fire related. It could be
25 a planning issue, it could be a developing concern.

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1 Q. And then you just -- are these handwritten
2 notes or are these typed up notes?
3 A. They're typed. Usually work off of a
4 surface tablet, which is -- that connects to the
5 network so they're all saved in the same place.
6 Q. Sure. And those are saved on your device,
7 correct?
8 A. I guess they're in a document drive.
9 Q. Okay.
10 A. I don't know the architecture of the
11 computer system.
12 Q. Does it synch to the network?
13 A. I'm not sure if it's on the local drive or
14 it's on a network drive. I believe it's more of a
15 local drive. But the tablet's able to access the
16 local drive. So there is some kind of network
17 activity going on.
18 Q. Got it.
19 Did you look at any of those documents for
20 your deposition?
21 A. No.
22 Q. Have you had -- other than the unit count
23 map we just talked about, have you had any other maps
24 created for the Badlands project?
25 A. There was the legal descriptions from a

29

1 zoning case, Z-17-90, that we had the City surveyor
2 plot out the areas in reference to legal descriptions
3 provided in that zoning case.
4 Q. And why did you have that done?
5 A. It illustrated the areas that were rezoned
6 by that zoning application.
7 Q. Weren't those legal descriptions already
8 in the map?
9 A. There -- they're written legal
10 descriptions, they're not illustrative.
11 Q. I see. So you had the surveyor plot that
12 on a map for you.
13 A. Right. Based on the boundaries that are
14 called out in the legal description die fining the
15 geographical area.
16 Q. Do you still have this map that the
17 surveyor created. I do. I have hard copy and it was
18 electronically uploaded to a FTP that was shared with
19 anybody that wanted it.
20 Okay. Any other maps that you have had
21 created for the Badlands project.
22 A. Off the top of my head, I don't recall any
23 other ones. Not to say there wasn't other research
24 done.
25 Q. Sure. So just to sort of summarize, we

30

1 talked about your reviewing the master slash general
2 plan, your emails and the unit count map. Are there
3 any other documents that you reviewed for purposes of
4 your deposition?
5 A. Not that I recall. I mean I work on
6 various other projects during this time so I'm
7 looking at other documents, such as the Unified
8 Development Code every day.
9 Q. Sure.
10 A. Not specifically for this.
11 MR. JIMMERSON: Madam court reporter,
12 would you please read the last question and last
13 answer..
14
15 Thank you very much.
16 MR. BYRNES: I would like to speak to
17 Mr. Lowenstein for a second.
18 MR. BICE: Absolutely. Let's go off the
19 record.
20 THE VIDEOGRAPHER: Going off the record.
21 The time is approximately 10:21 a.m.
22
23 THE VIDEOGRAPHER: This is the beginning
24 of video recording number 2 in the continuing
25 deposition of Peter Lowenstein. We're back on the

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1 record. The time is 10:26 a.m.
2 BY MR. BICE:
3 Q. Are there any other documents than what
4 we've gone over that you looked at to prepare for
5 your deposition?
6 A. I looked at the transcript for the
7 deposition of Tom Perrigo.
8 Q. Okay. And how long did you review that?
9 A. I don't recall how long it took me to read
10 it.
11 Q. Did you read the entirety of it?
12 A. Almost the entirety.
13 Q. Okay. Anything in there that you
14 disagreed with.
15 MR. JIMMERSON: Objection to the form of
16 the question calls for a narrative and attempts to
17 summarize a 300 page or 200 page document. It's
18 unfair to the witness.
19 MR. BYRNES: I join with that. Go ahead
20 and answer.
21 THE WITNESS: No.
22 BY MR. BICE:
23 Q. What was the purpose in reviewing Mr.
24 Perrigo's depo transcript?
25 A. I was provided it by counsel so I read it.

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1 Q. Okay. Any other documents?
2 A. Not to my recollection.
3 Q. Other than legal counsel did you speak
4 with anyone about your deposition?
5 A. When Mr. Perrigo returned on Monday we had
6 a scheduled meeting and he just made reference that
7 it went long and they talked about a number of
8 different things. That's the extent of our
9 conversation.
10 Q. Okay. Have you spoken to anyone else.
11 A. Just counsel.
12 Q. All right. So backing up a little bit,
13 you indicated that your email -- your folder, the
14 Badlands folder indicated that April 2015 is when you
15 first learned about the Badlands Golf Course
16 development?
17 A. No, I never stated that.
18 Q. My apologies. I must have misunderstood
19 then. What did you first learn about then when you
20 were indicating April of 2015?
21 A. That's when I became the section manager.
22 Q. That's when you became a section manager?
23 A. That's correct.
24 Q. When did you first learn about development
25 plans for the Badlands Golf Course?

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1 A. I don't know an exact date but I would say
2 July of 2015.
3 Q. And how did you learn about it?
4 A. Through my director.
5 Q. Would that be Mr. Perrigo?
6 A. That is correct.
7 Q. And what did Mr. Perrigo tell you?
8 A. I don't know the exact details of the
9 conversation but in general, that the development --
10 a redevelopment of the golf courses, you know,
11 project of that nature, and starting discussions on
12 that project.
13 Q. Was this -- who all was present for this
14 discussion that you had with Mr. Perrigo in or around
15 July 2015?
16 A. I don't recall. I'm assuming that we had
17 a verbal conversation about it. I don't recall any
18 specifics.
19 Q. Well, had an application been submitted?
20 A. No.
21 Q. Did he tell you how he knew about it?
22 A. No. Not that I am aware of or that I
23 recall. I don't know if he had a phone call, a
24 meeting or anything.
25 Q. All right. Well, what was your

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1 understanding of what that development was going to
2 be?
3 A. The redevelopment of a portion of the golf
4 course to -- either a portion or in the entirety to
5 redevelop it for a combination of multifamily and
6 single family development.
7 Q. It was going to be a residential
8 development.
9 A. Both multifamily and single family
10 residential development.
11 Q. So had you in your prior experience worked
12 on the Peccole Ranch phase two master plan?
13 A. Not to my recollection.
14 Q. Okay. Had you had any relation -- or any
15 work on any aspects of the Peccole Ranch master plan?
16 A. Of the master plan?
17 Q. Yes.
18 A. It was approved by city council prior to
19 my employment at the City of Las Vegas.
20 Q. How about any work subsequent on the
21 property within the master plan, after you joined the
22 City of Las Vegas?
23 A. Potentially. I would have to go back
24 through every case to see if I was a case planner,
25 supervisor or any of those. Land use entitlements

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1 spanning the 20 some odd years.
2 Q. Got it. Okay. So when you first spoke to
3 Mr. Perrigo I understand -- you had an understanding
4 they were going to put a residential development on
5 the existing golf course; is that what you
6 understood?
7 A. On the property which is composed of the
8 golf course, yes.
9 Q. Okay. Did you have any understanding of
10 what -- what this residential development was going
11 to look like, in terms of the number of units, et
12 cetera?
13 A. From -- I don't recall. I think I had an
14 initial conversation that I had, I don't think there
15 was any specifics.
16 Q. All right. So once you were told this by
17 Mr. Perrigo, what did you do next relative to the
18 Badlands project?
19 A. I don't recall specifically, but I believe
20 I created a meeting, potentially, to bring the
21 developer and to start going towards specific.
22 Q. Was this -- would you characterize this as
23 a preapplication meeting?
24 A. It's on going dialogue. Usually on very
25 large projects, in the case of, say, the Sky Canyon

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1 development agreement, we have numerous meetings and
 2 then that qualifies as the preapplication conference.
 3 Q. So you believe you set up a meeting with
 4 the developer?
 5 A. With members of the City and the
 6 developer.
 7 Q. All right. And who did you consider the
 8 developer to be?
 9 A. More than likely it was the point of
 10 contact is Frank Pankratz.
 11 Q. And would you communicate with him via
 12 email?
 13 A. I've communicated with Mr. Pankratz
 14 through email, over the phone.
 15 Q. Any other means of communication with Mr.
 16 Pankratz other than via email or over the phone?
 17 A. In person.
 18 Q. Understood. Any other meetings?
 19 A. Potentially a text message.
 20 Q. What would you text message Mr. Pankratz
 21 about?
 22 A. I don't text him -- it would be in
 23 response if he texted me.
 24 Q. Okay.
 25 Is the cell phone that you use for the text

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1 messaging, is that your personal cell phone. Yes.
 2 What is the -- who is the carrier, the
 3 service provider?
 4 A. It's AT&T.
 5 Q. AT&T. And how long have you had this cell
 6 phone?
 7 A. This particular model, maybe a year, maybe
 8 a little bit over a year.
 9 Q. Do you text anyone at the City concerning
 10 your work?
 11 A. The only other person that would be texted
 12 would be my director who has my number, but various
 13 people have my phone number. I've had office
 14 assistants communicate with me.
 15 Q. Sure.
 16 A. Licensing officers communicate with me.
 17 Q. Has anyone else on behalf of the applicant
 18 regarding Badlands texted with you?
 19 MR. JIMMERSON: Object to the form of the
 20 question.
 21 THE WITNESS: I've had a text message from
 22 Mr. Lowie.
 23 BY MR. BICE:
 24 Q. Mr. Lowie, how many text messages has Mr.
 25 Lowie sent you?

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1 A. Maybe three.
 2 Q. Okay. Do you recall what those were
 3 about?
 4 A. Bourbon.
 5 Q. What's that?
 6 A. Bourbon.
 7 Q. Bourbon. Okay. Anything else?
 8 A. No. Not that I recall.
 9 Q. And what is -- and we'll agree for
 10 purposes of the record to keep it confidential, but
 11 what is the cell phone number or the number that Mr.
 12 Lowie would text you at?
 13 A. 702-810-1088.
 14 Q. And how long have you had that number?
 15 A. Since I've had a cell phone.
 16 Q. So a long time.
 17 Have you deleted any text messages from
 18 anyone concerning the Badlands golf course?
 19 A. Not to my recollection.
 20 Q. Have you deleted any emails from anyone
 21 concerning the Badlands golf course?
 22 A. If there are emails that say thanks,
 23 things like that, potentially. So it's a possibility
 24 that there are some pertinent ones I retained in a
 25 folder.

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1 Q. So when you set up that first -- let me
 2 put it this way. So you're informed about this
 3 planned redevelopment. Is someone in the City
 4 assigned to be the supervisor over it?
 5 A. Can you restate the question?
 6 Q. Sure. When you're informed by Mr. Perrigo
 7 about this planned redevelopment of the Badlands golf
 8 course, is someone in the City assigned to I guess
 9 supervise or shepherd it through the process?
 10 A. With his conversation to me, I'm assuming
 11 that he basically assigned to me.
 12 Q. To you?
 13 A. As I have been on other projects, the lead
 14 on development agreements on larger projects of that
 15 nature and I've had that experience.
 16 Q. Okay. So you were essentially assigned to
 17 handle this project; is that accurate?
 18 A. On the macro side of things, yes. In
 19 regards to facilitating the meetings, pertaining to
 20 the issues making sure it stays on point that people
 21 from throughout the entire City are participating in
 22 it when they're needing to be and to make sure that
 23 it's basically an ongoing negotiation and to shepherd
 24 to the point where it would be something that would
 25 be able to be submitted to the City.

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