

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

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Lone Mountain Master Plan Area	RESIDENTIAL				COMMERCIAL		OTHER	
	L	ML	MLA	M	Neighborhood Commercial	Village Commercial	PR-OS	PF
	Up to 5.5	5, 6 to 8	8.1 to 12	12.1 to 18	N/A	N/A	N/A	N/A
	PD	PD	PD	PD	PD	PD	PD	PD

Lone Mountain West Master Plan Area	RESIDENTIAL				COMMERCIAL		OTHER	
	L	ML	Multi-family Medium Residential		Neighborhood Commercial	Village Commercial	PR-OS	PF
	Up to 6	Up to 12	Up to 25		N/A	N/A	N/A	N/A
	PD	PD	PD		PD	PD	PD	PD

Las Vegas Medical District Plan Area	RESIDENTIAL				COMMERCIAL			OTHER	
	HD	P-O	SC	MD-1	MD-2				
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	PD	PD	PD	PD	PD	PD	PD	PD	N/A

Future Land Use

CLV064187
3441

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Downtown Land Use Plan Area	RESIDENTIAL	COMMERCIAL			OTHER	
		MXU (Mixed Use)	MXU (Mixed Use)	C (Commercial)	LI/R (Industrial)	PF (Public Facilities)
Master Plan Land Use Designations	MXU (Mixed Use)					
Corresponding General Plan Categories	L, ML, M, H, O, SC, GC	L, ML, M, H, O, SC, GC		O, SC, GC	LI/R	PF
Allowable Zoning Categories	For mixed use developments: R-1, R-2, R-3, R-4, C-1, C-2	For mixed use developments: R-1, R-2, R-3, R-4, C-1, C-2		O, P-R, N-S, C-D, C-1, C-2	C-M, M, C-PB	C-V

Summerlin	RESIDENTIAL											COMMERCIAL			OTHER	
Master Plan Land Use Designations	EOR	ER	SF1	SF2	SF3	SFZL	SFA	MF1	MF2	MF3	RR	NF	VC	TC	EC	COS
Allowable Density Per Acre	2	2	3.5	6	10	12	14	14	21	>21	4.5	N/A	N/A	N/A	N/A	N/A
Allowable Zoning Categories	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C

Summerlin West	RESIDENTIAL											COMMERCIAL				OTHER
Master Plan Land Use Designations	EOR	ER	SF1	SF2	SF3	SFZL	SFA	MF1	MF2	MF3	RR	NF	VC	TC	EC	COS
Allowable Density Per Acre	2	2	3.5	6	10	12	14	14	21	>21	4.5	N/A	N/A	N/A	N/A	N/A
Allowable Zoning Categories	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C	P-C

DESCRIPTION OF MASTER PLAN LAND USE CATEGORIES

The following is a description of the various land use categories within the city of Las Vegas. Because some designations are exclusive to particular plan areas, designations have also been categorized according to their respective Master Development Plan.

Rural Neighborhood Preservation (RNP) – The predominant residential life-style of these areas is single-family homes on large lots, many including equestrian facilities. This is generally a rural environment that permits greater privacy and some non-commercial raising of domestic animals. In accordance with an Interlocal Agreement signed January 2, 2002, the City and Clark County designate those areas recognized for the above-described lifestyle as Rural Neighborhood Preservation areas. The Interlocal Agreement describes areas within the Centennial Hills Sector as "Excepted Areas." The "Excepted Areas" are those that will be annexed into the City only by request of the individual property owners. This category allows up to 2 units per acre.

Desert Rural Density Residential (DR) – The predominant lifestyle is single-family homes on large lots, many including equestrian facilities. This is a generally rural environment that permits greater privacy and some non-commercial raising of domestic animals. It is expected that in the Desert Rural Density Residential Category there generally would be no need for common facilities such as recreation, with the exception of maintaining an existing water system. This category allows up to 2.49 units per acre.

R (Rural Density Residential) – The Rural Density Residential category is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with a smaller allowable lot size. This category allows up to 3.59 units per acre.

L (Low Density Residential) – The Low Density category generally permits single family detached homes, manufactured homes on individual lots, gardening, home occupations, and family child care facilities. This category allows up to 5.49 units per acre.

ML (Medium Low Density Residential) – The Medium Low Density Residential category generally permits single-family detached homes, including compact lots and zero lot lines, mobile home parks and two-family dwellings. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category. This category allows up to 8.49 units per acre.



MLA (Medium Low Attached Density Residential)

– The Medium Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center area. It is also an appropriate transitional use. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. This category allows up to 12.49 units per acre.

M (Medium Density Residential)

– The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre.

H (High Density Residential)

– Depending on the location of the parcel, the High Density Residential category allows development such as multi-family plexes, townhouses, high-density apartments, and high-rise residential. This category allows over 25.5 or more units per acre.

O (Office)

– The Office category provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

SC (Service Commercial)

– The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

GC (General Commercial)

– The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow mixed-use development with a residential component where appropriate.



LI/R (Light Industry / Research) – The Light Industry / Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

PF (Public Facilities) – The Public Facilities category allows for large governmental building sites and complexes, police and fire facilities, hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

PR-OS (Parks/Recreation/Open Space) – The Parks/Recreation/Open Space category allows large public parks and recreation areas such as public and private golf courses, trails, easements, drainage ways, detention basins, and any other large areas or permanent open land.

PCD (Planned Community Development) – The Planned Community Development category allows for a mix of residential uses that maintains an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. a density of two units per acre will be required when adjacent to DR designated property). In addition, commercial, public facilities and office projects may be used as buffers (depending on compatibility issues) within the PCD. Residential streets shall be designed to discourage through traffic, provide maximum privacy, and avoid the appearance of lot conformity. In order to protect existing lifestyles, adjacency standards and conditions may be required for new development.

TC (Town Center) – The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities; high-density residential uses; planned business, office and industrial parks; and recreational uses.

TND (Traditional Neighborhood Development) – The Traditional Neighborhood Development category is a mixed-use development type that allows for a balanced mix of housing, commercial, and civic uses. The TND shall be organized as a series of pedestrian-oriented neighborhoods with a mixture of housing types, with the uses of daily living within proximity of dwellings. Vehicular systems shall be organized as a hierarchy of interconnected streets, and shall demonstrate an appropriate relationship between street hierarchy, building type, and use. Streets within the TND shall incorporate facilities for pedestrians, bicycles, transit, and vehicles,



with an emphasis on pedestrian movement and the provision of protected sidewalks. Existing natural features within the TND are to be retained and incorporated, where feasible, as organizational and recreational elements of the community.

The TND category differs from the PCD category as follows:

- The TND features pedestrian-oriented neighborhoods with a mixture of housing types;
- The TND primarily utilizes an interconnected grid of streets that de-emphasizes gated private streets and cul-de-sacs; and
- The TND primarily emphasizes a strong relationship between buildings and streets, and de-emphasizes perimeter walls along the roadways.

TOWN CENTER

L-TC (Low Density Residential – Town Center) – The Low Density Residential District has a density range from 3.5 to 5.5 units per gross acre. This district permits single-family detached homes as well as other more imaginative Low Density residential development which puts an emphasis upon common open space. Local supporting land uses such as parks, other public recreational facilities, schools and churches are also allowed in this district.

M-TC (Medium Density Residential -Town Center) – The Medium Density Residential District has a density range from twelve (12) units to twenty-five (25) units per gross acre. The intent of the Medium Density Residential District is to enable development with imaginative site and building design and maximize the use of the property. Projects within the M-TC district shall place an emphasis on maximizing usable common open space. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

ML-TC (Medium Low Residential – Town Center) – The Medium Low Density Residential District has a density range from 5.6 to 8 dwelling units per gross acre. This district permits single-family compact lots and zero lot lines, manufactured home parks, and residential planned development. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district.

MLA-TC (Medium-Low Attached Residential – Town Center) – The Medium Low Attached Density Residential District has a density range from 8.1 to 12 dwelling units per gross acre. This district includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center area. It is also an appropriate transitional use. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

SC-TC (Service Commercial – Town Center) – The Service Commercial District allows low to medium intensity retail, office or other commercial uses that are intended to primarily serve the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys, and other places of public assembly and public/quasi-public uses. This district also includes office centers offering professional and business services. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

GC-TC (General Commercial – Town Center) – The General Commercial District allows all types of retail, service, office and other general business uses of a more intense commercial character. These uses will normally require a Special Use Permit and will commonly include limited outdoor display of product and lights or other characteristics not generally compatible with the adjoining residential areas without significant transition. Examples include new and used car sales, highway commercial uses such as hotels and motels, and tourist commercial uses such as resorts and recreational facilities. When adjacent to the beltway or US 95, buildings may be higher than otherwise allowed. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district.

MS-TC (Main Street Mixed-Use – Town Center) – The purpose of the Main Street Mixed Use District is to create a neighborhood which generates a sense of place, a feeling of being in a unique small town business district. Because of the intensive pedestrian orientation of the Main Street Mixed-Use designation, structures must be a minimum of two stories in height. Uses such as automobile services, outdoor sales yards, drive-in businesses and other similar uses are prohibited from locating within this district. This designation is intended to encourage a cohesive mix of interdependent uses, including leisure shopping, and offices on the main floor and similar uses and/or medium to high density residential on the upper floor(s). The object of this district is to provide amenities which are conducive to attracting pedestrian activity rather than automotive access. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with the Mixed-Use section of the Centennial Hills Sector Plan.

SX-TC (Suburban Mixed-Use – Town Center) – The Suburban Mixed-Use District can be characterized as being similar to the previously described Service Commercial District with the addition of medium density residential being a permitted use. Building and site designs which reflect a mixture of compatible land uses having either a vertical or horizontal character will maximize employment and housing opportunities. This district is also more reflective of suburban development than the Urban Center Mixed-Use category.



Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Site plans in this district shall be designed to discourage access from Suburban Mixed-Use (SX-TC) uses onto 80' or less streets that are clearly recognized as residential streets (streets with residences having direct access and are addressed to said street). Development in this land use designation shall be consistent with the Mixed-Use section of the Centennial Hills Sector Plan.

UC-TC (Urban Center Mixed Use) – The intent of the Urban Center Mixed-Use District is to enable development with imaginative site and building design and maximize the use of the property. These developments should have a compatible mixture of land uses and encourage employment opportunities and the provision of goods and services to the Centennial Hills area of the city. Development within this land use designation will typically be multi-storied, having ground floor offices and/or retail, with similar or residential uses utilizing the upper floors. Minimum development shall be two stories in height. Developments in excess of twelve (12) stories along the Durango corridor are possible with a Special Use Permit (SUP). There are no density limitations in the UC District. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with the Mixed-Use section of the Centennial Hills Sector Plan.

EC-TC (Employment Center Mixed Use – Town Center) – The Employment Center Mixed-Use District is intended to accommodate needed non-polluting and non-nuisance services, which under normal circumstances, would not otherwise be found in a Central Business District. Given the land use constraints of the Centennial Hills Sector Plan, few opportunities for light manufacturing uses exist within the Centennial Hills sector of the city. Given the propensity for visual pollution, all uses within the district are required to be completely self-contained within a structure giving a business park appearance. The Employment Center Mixed Use District permits the broadest spectrum of uses within the Town Center, however, residential development opportunities are minimal. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent the Mixed-Use section of the Centennial Hills Sector Plan.

PF-TC (Public Facilities – Town Center) – The Public Facilities district is intended to accommodate any property which is used for a Public and/or Quasi-Public purpose. Any project which is owned and operated by a governmental agency (e.g., schools) or is used solely by a non-profit organization (e.g., religious facility) qualifies for this land use designation. Utility projects can also qualify for this designation and must adhere to the design regulations of Town Center.



MONTECITO TOWN CENTER

Mixed-Use Commercial – Development within the Montecito Town Center area is governed by one land use category. Within the Mixed-Use Commercial, there are six distinct activity centers that encompass commercial and residential uses within Montecito Town Center. The activity centers do not have fixed boundaries, and their locations are intended to be flexible within the overall context of the Mixed-Use Commercial designation. The six activity centers are as follows: Timberlake Buffer Area, Main Street, Regional Center, Suburban Center, Office Center; and High Density Residential. Descriptions of Montecito activity centers, buffer area, permitted uses, and design standards can be viewed in their entirety within the Montecito Town Center Land Use and Design Standards appendix.

CLIFF'S EDGE

L (Low Density Residential) – The Low Density category generally permits single family detached homes, mobile homes on individual lots, gardening, home occupations, and family child care facilities.

ML (Medium Low Density Residential) – The Medium Low Density Residential category generally permits single-family detached homes, including compact lots and zero lot lines, mobile home parks and two-family dwellings. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

R-SL (Residential-Small Lot) – The Residential Small Lot category provides for the development of up to 15 dwelling units per gross acre. This land category allows for a higher density detached and attached single-family product types, including, but not limited to, senior houses, duplexes, compact lots, town homes, condominiums, apartments, cluster and zero lot line developments. Buildings in this category should not exceed two stories in height.

M (Medium Density Residential) – The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments.

VC (Village Commercial) – The Village Commercial category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to intersections of major arterials and major freeways.

PF (Public Facilities) – The Public Facilities category allows for large governmental building sites and complexes, police and fire facilities, hospitals and rehabilitation sites, sewage treatment and

Description of Land Use Categories



storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

DOWNTOWN LAND USE PLAN

MXU (Mixed Use) – The Mixed-Use category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

C (Commercial) – The Commercial category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

LI/R (Light Industry / Research) – The Light Industry / Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed.

PF (Public Facilities) – The Public Facilities category allows for large governmental building sites and complexes, police and fire facilities, hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

GRAND CANYON VILLAGE

ML (Medium Low Density Residential) – The Medium Low Density Residential category generally permits single-family detached homes, including compact lots and zero lot lines, mobile home parks and two-family dwellings. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

MFM (Multi-family Medium Residential) – The Multi-family Medium Residential category provides for the development of up to 25 dwelling units per acre. Product types include a higher density variety of multi-family units such as condominiums, low-density multi-family, and residential buildings with a maximum of three stories.

CC (Community Commercial) – The Community Commercial category allows low to medium intensity retail, office or other commercial uses and serves as an employment center. Community Commercial areas are meant to provide services for a larger portion of the city's population. The market for Community Commercial uses is generally between two and seven miles.