

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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**JOINT APPENDIX,
VOLUME NO. 102**

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~~(7565) residential estate lots as a result of the Master Developer's decision to keep much of Development Area 4 preserved for enhanced landscaped areas.~~ In Development Area 4, residential lots will be a minimum one-half (1/2) gross acres in Section A on **Exhibit B**. All other lots within Development Area 4 will be a minimum of two (2) gross acres.

(d) Maximum Height and Setbacks. The maximum height and setbacks shall be governed by the Code except as otherwise provided for in the Design Guidelines attached as **Exhibit "DC's Exhibit I"**.

(e) Residential Mid-Rise Towers in Development Area 2. Master Developer shall have the right to develop two (2) residential mid-rise towers within Development Area 2. The mid-rise tower locations shall be placed so as to minimize the impact on the view corridors to the prominent portions of the Spring Mountain Range from the existing residences in One Queensridge Place. As provided in the Design Guidelines attached as **Exhibit "DC"**, each of the two (2) mid-rise towers may be up to one hundred fifty (150) feet in height.

(f) Phasing.

(i) The Community shall be developed as outlined in the Development Phasing **Exhibit "FD"**.

(ii) The Development Areas' numerical designations are not intended and should not be construed to be the numerical sequence or phase of development within the Community.

(iii) Development Area 4's Sections A-G as shown on **Exhibit B** are not intended and should not be construed to be the alphabetical sequence or phase of development within Development Area 4.

(iv) The Property shall be developed as the market demands, in accordance with this Agreement, and at the sole discretion of Master Developer.

(v) Portions of the Property are located within the Federal Emergency Management Agency ("FEMA") Flood Zone.

(1) Following receipt from FEMA of a Conditional Letter of Map Revision ("CLOMR") and receipt of necessary City approvals and permits, Master Developer may begin construction in Development

Areas 1, 2 and 3, including but not limited to, the mass grading, the drainage improvements, including but not limited to the installation of the open drainage channels and/or box culverts, and the installation of utilities. Notwithstanding, Master Developer may begin and complete any construction prior to receipt of the CLOMR in areas outside of the FEMA Flood Zone, following receipt of the necessary permits and approvals from City.

(2) In Development Area 4 in areas outside of the FEMA Flood Zone, Master Developer may begin and complete any construction, as the market demands, and at the sole discretion of the Master Developer.

following receipt of necessary City approvals and permits.

(3) In Development Area 4 in areas within the FEMA Flood Zone, construction, including but not limited to, mass grading, drainage improvements, including but not limited to the installation of the open drainage channels and/or box culverts, and the sewer and water mains may commence only after receipt of the CLOMR related to these areas and receipt of necessary City approvals and permits.

(vi) Master Developer and City agree that prior to the approval for construction of the seventeen hundredth (1,700th) residential unit, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the seventeen hundredth (1,700th) residential unit, Master Developer shall have substantially completed the drainage infrastructure required in Development Area 4. For clarification, the completion of the aforementioned drainage infrastructure required in Development Area 4 is not a prerequisite to approval for construction, by way of building permit issuance, of the first sixteen hundred ninety-nine (1,699) residential units. For purposes of this subsection, substantial completion of the drainage infrastructure shall mean the installation of the open drainage channels and/or box culverts required pursuant to the City-approved Master Drainage Study or Technical Drainage Study for Development Area 4.

(vii) The Two Fifty Drive Extension, being a new roadway between Development Areas 2 and 3 that will connect Alta Drive and South Rampart Boulevard, shall be completed in accordance with the approved Master Traffic Study and prior to the approval for construction of the fifteen hundredth (1,500th) residential unit, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the fourteen hundred and ninety-ninth (1,499th) residential unit. For clarification, the completion of The Two Fifty Drive Extension is not a prerequisite to approval for construction, by way of building permit issuance, of the first fourteen hundred and ninety-ninth (1,499th) residential units.

(viii) The ~~Open Space~~Landscape, Parks and Recreation ~~Space-phasing~~Areas shall be constructed incrementally with development as outlined below in subsection (g).

(ix) In Development Areas 1-3, prior to the commencement of grading and/or commencement of a new phase of building construction, Master Developer shall provide ten (10) days' written notice to adjacent HOAs.

(x) In Development Area 4, prior to the commencement of grading, Master Developer shall provide ten (10) days' written notice to adjacent HOAs.

(g) ~~Open Space~~Landscape, Parks, and Recreation, and Landscaped Space Areas. The Property consists of two hundred fifty and ninety-two hundredths (250.92) acres. Master Developer shall ~~amenitize and/or landscape~~ and/or amenitize (or cause the same to occur) approximately ~~fifty-fourty~~ percent (~~50~~40%) of the Property (approximately one hundred ~~twenty-five (125)~~(100) acres) which is in excess of the Code requirements. Master Developer shall construct, or cause the construction of the following:

(i) Development Areas 1, 2 and 3. A minimum of 12.7 acres of ~~public and private open space~~landscape, parks, and recreation ~~space~~areas shall be provided throughout the 67.21 acres of Development Areas 1, 2 and 3. The 12.7 acres of ~~public and private open space~~landscape, parks, and recreation ~~space~~area will include a minimum of: 2.5 acres of privately-owned park areas open to the ~~public~~residents of the Property, Queensridge and One Queensridge Place; 6.2 acres of privately-owned park and ~~open space~~landscape areas not open to the public; 4.0 acres of privately-owned recreational amenities not open to the public, including outdoor and indoor areas; ~~and a~~ (hereinafter

~~referred to as "The Seventy Open Space"). A 1 mile walking loop, and pedestrian walkways throughout~~
~~(hereinafter referred to as "The Seventy Open Space") will be included as part of the 12.7 acres.~~ The layout(s), location(s) and size(s) of the Seventy Open Space shall be determined pursuant to Site Development Plan Review(s) and shall be constructed incrementally in conjunction with the construction of the multifamily units located in Development Areas 1, 2 and 3. The 2.5 acres of privately-owned park area(s) ~~open to the public~~ shall be completed prior to the approval for construction of the fifteen hundredth (1,500th) residential unit, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the fourteen hundred and ninety-ninth (1,499th) residential unit. For clarification, the completion of 2.5 acres of privately-owned park area(s) ~~open to the public~~ is not a prerequisite to approval for construction, by way of building permit issuance, of the first fourteen hundred and ninety-nine (1,499) residential units, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the fourteen hundred and ninety-ninth (1,499th) residential unit. The Seventy Open Space shall be maintained and managed by Master Developer's Authorized Designee, the respective HOAs, Sub-HOA or Similar Entity.

~~(ii)~~ (ii) Development Area 4. Because ~~Master Developer has chosen to limit~~
~~Developer~~ Development Area 4 ~~to~~ will have a maximum of ~~seventy~~ only sixty-five (75) ~~estate~~ 65 residential
~~lots in Development Area 4,~~ approximately one hundred twelve (112) ~~eighty-seven (87) of its acres of the~~
~~landscaped area is anticipated to be located within Development Area 4 and shall be preserved, by~~
~~easement or deed restriction, for natural areas, trees, shrubs, ponds, grasses and private access ways.~~
~~The landscaped~~ will be landscape area. The landscape area, although not required pursuant to the UDC, is being created to maintain a ~~landscaped~~ landscape environment in Development Area 4 and not in exchange for higher density in Development Areas 1, 2 or 3. The ~~landscaped~~ landscape area will be maintained by individual ~~estate~~ residential lot owners, an HOA, sub-HOA or Similar Entity, or a combination thereof, pursuant to Section 4 of this Agreement. Upon completion of Development Area 4,
there shall be a minimum of seven thousand five hundred (7,500) trees in Development Area 4.

(h) Development Area 3 No Building Structures Zone and Transition Zone. In Development Area 3, there will be a wall, up to ten (10) feet in height, to serve to separate Development Areas 1, 2 and 3 from Development Area 4. The wall will provide gated access points to Development

Area 4. Additionally, there will be a seventy-five (75) foot "No Building Structures Zone" along the western boundary of Development Area 3 within seventy-five (75) feet of the property line of existing homes adjacent to the Property as of the Effective Date, as shown on **Exhibit "B"**, to help buffer Development Area 3's development from these existing homes immediately adjacent to the particular part of the Property. The No Building Structures Zone will contain landscaping, an emergency vehicle access way that will also act as a pathway, and access drive lanes for passage to/from Development Area 4 through Development Area 3. An additional seventy-five (75) foot "Transition Zone" will be adjacent to the No Building Structures Zone, as shown on **Exhibit "B"**, wherein buildings of various heights are permitted but the heights of the buildings in the Transition Zone cannot exceed thirty-five (35) feet above the average finished floor of the adjacent existing residences' finished floor outside of the Property as of the Effective Date, in no instance in excess of the parameters of the Design Guidelines. For example, if the average finished floor of an adjacent existing residence, as of the Effective Date, is 2,800 feet in elevation, the maximum building height allowed in the adjacent Transition Zone would be 2,835 feet. Along the western edge of the Transition Zone, architectural design will pay particular attention to the building exterior elevations to take into consideration architectural massing reliefs, both vertical and horizontal, building articulation, building colors, building materials and landscaping. A Site Development Plan Review(s) is required prior to development in Development Areas 1, 2 and 3.

(i) Grading and Earth Movement.

(i) Master Developer understands that it must obtain Federal Emergency Management Agency's ("FEMA") CLOMR approval prior to any mass grading on the FEMA designated areas of the Property. Master Developer may commence construction, and proceed through completion, subject to receipt of the appropriate grading and/or building permits, on the portions of the Property located outside the FEMA designated areas prior to obtaining FEMA CLOMR approval.

(ii) Master Developer's intention is that the Property's mass grading cut and fill earth work will balance, thereby mitigating the need for the import and export of fill material. However, there will be a need to import dirt for landscape fill.

(iii) In order to minimize earth movement to and from the Property, Master Developer shall be authorized to process the cut materials on site to create the needed fill materials,

therefore eliminating or significantly reducing the need to take cut and fill materials ~~to from~~ and ~~from to~~ the Property. After approval of the Master Rough Grading Plan, other than the necessary Clark County Department of Air Quality Management approvals needed, Master Developer shall not be required to obtain further approval for rock crushing, earth processing and stockpiling on the Property; provided, however, that no product produced as a result of such rock crushing, earth processing and/or stockpiling on the Property may be sold off-site. The rock crushing shall be located no less than five hundred (500) feet from existing residential homes and, except as otherwise outlined herein, shall be subject to Las Vegas Municipal Code Section 9.16.

(iv) In conjunction with its grading permit submittal(s)/application(s), Master Developer shall submit the location(s) and height(s) of stockpiles.

(v) There shall be no blasting on the Property during the Term of the Agreement.

(j) Gated Accesses to Development Area 4. Gated accesses to from Development Area 4 shall be on Hualapai Way and through Development Area 3 unless otherwise specified in an approved tentative map(s) or a separate written agreement.

3.02. Entitlement Requests Processing.

(a) Generally. City agrees to reasonably cooperate with Master Developer to:

(i) Expediently process all ~~Entitlement Requests applications, including~~ General Plan Amendments, in connection with the Property that are in compliance with the Applicable Rules and Master Studies and this Development Agreement; and

(ii) Promptly consider the approval of ~~Entitlement Requests applications,~~ subject to reasonable conditions not otherwise in conflict with the Applicable Rules ~~or the,~~ Master Studies and this Development Agreement.

(b) Zoning Entitlement for Property. The Parties acknowledge and agree that the Property ~~will be rezoned for development in accordance with the 2016 Major Modification to allow~~ is zoned RPD7 which allows for the development of the densities provided for herein and that no subsequent zone change is needed.

(c) ~~Other Entitlement Requests~~Applications. Except as provided herein, all other ~~Entitlement Request~~ applications shall be processed by City according to the Applicable Rules. The Parties acknowledge that the procedures for processing such ~~Entitlement Request~~ applications are governed by this Agreement, and if not covered by this Agreement, then by the Code. In addition, any additional application requirements delineated herein shall be supplemental and in addition to such Code requirements.

(i) Site Development Plan Review. ~~Unless otherwise provided for herein,~~ Master Developer shall satisfy the requirements of Las Vegas Municipal Code Section 19.16.100 for the filing of an application for a Site Development Plan Review, except:

(1) No Site Development Plan Review will be required for any of the ~~up to seventy five (75) residential units in Development Area 4. Master Developer shall be responsible for the approval of the residential units in Development Area 4. sixty-five (65) residential units in Development Area 4 because: a) the residential units are custom homes; and, b) the Design Guidelines attached as Exhibit "C", together with the required Master Studies and the future tentative map(s) for the residential units in Development Area 4, satisfy the requirements of a Site Development Plan under the R-PD zoning district. Furthermore, Master Developer shall provide its written approval for each residential unit in Development Area 4, which written approval shall accompany each residence's submittal of plans for building permits. The conditions, covenants and restrictions for Development Area 4 shall be submitted to the City prior to the issuance of building permits, except grub and clear, demolition and grading permits, in Development Area 4.~~

(2) ~~As part of this Agreement, specifically Section 3.01(e), Master Developer shall have the right to develop two (2) residential mid rise towers within Development Area 2. The two (2) residential mid rise towers' maximum heights and setbacks have been established as part of the Design Guidelines attached as Exhibit "D" to this Agreement, so with respect to the two (2) residential mid rise towers, the Site Development Plan Review shall be subject to the requirements of a Site Development Plan Review except the two (2) residential mid rise towers' maximum heights and~~

~~setbacks. Because Exhibit "E" is conceptual, the remainder of the development in Development Areas 1, 2 and 3 shall be subject to all of the requirements of a Site Development Plan Review. A Site Development Plan has already been approved in Development Area 1 pursuant to SDR-62393 for four Hundred thirty-five (435) luxury multifamily units, which shall be amended administratively to lower a portion of the building adjacent to the One Queensridge Place swimming pool area from four (4) stories to three (3) stories in height.~~

(3) For Development Areas 2 and 3, all Site Development Plan Reviews shall acknowledge that: a) as stated in Recital N, the development of the Property is compatible with and complimentary to the existing adjacent developments; b) the Property is subject to the Design Guidelines attached as Exhibit "C"; c) the Master Studies have been submitted and/or approved, subject to updates, to allow the Property to be developed as proposed herein; d) this Agreement meets the City's objective to promote the health, safety and general welfare of the City and its inhabitants; and, e) the Site Development Review requirements for the following have been met with the approval of this Development Agreement and its accompanying Design Guidelines:

- i) density.
- ii) building heights.
- iii) setbacks.
- iv) residential adjacency.
- v) approximate building locations.
- vi) approximate pad areas.
- vii) approximate pad finished floor elevations, including those for the two mid-rise towers.
- viii) street sections, and.
- ix) access and circulation.

The following elements shall be reviewed as part of Site Development Review(s) for Development Areas 2 and 3:

- x) landscaping.
- xi) elevations.

xii) design characteristics, and,

xiii) architectural and aesthetic features.

The above referenced elements have already been approved in Development Area 1. To the extent these elements are generally continued in Development Areas 2 and 3, they are hereby deemed compatible as part of any Site Development Plan Review in Development Areas 2 and 3.

(ii) Special Use Permits. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a special use permit.

3.03. Dedicated Staff and the Processing of Applications.

(a) Processing Fees, Generally. All ~~Entitlement Requests~~ applications, Major Modification Requests and Major Deviation Requests and all other requests related to the development of the Community shall pay the fees as provided by the UDC.

(b) Inspection Fees. Construction documents and plans that are prepared on behalf of Master Developer for water facilities that are reviewed by City for approval shall not require payment of inspection fees to City unless the water service provider will not provide those inspection services.

(c) Dedicated Inspection Staff. Upon written request from Master Developer to City, City shall provide within thirty (30) days from written notice, if staff is available, and Master Developer shall pay for a full-time building inspector dedicated only to the development of the Community.

~~3.04 — Modification of Design Guidelines. Parties~~ 3.04. Modifications of Design Guidelines. Modifications are changes to the Design Guidelines that apply permanently to all development in the Community. The Parties agree that modifications of the Design Guidelines are generally not in the best interests of the effective and consistent development of the Community, as the Parties spent a considerable amount of time and effort negotiating at arms-length to provide for the Community as provided by the Design Guidelines. However, the Parties do acknowledge that there are special circumstances which may necessitate the modification of certain provisions of the Design Guidelines to accommodate unique situations which are presented to the Master Developer upon the actual development of the Community. Further, the Parties agree that modifications of the Design Guidelines can change the look, feel and construction of the Community in such a way that the original intent of the Parties is not demonstrated by the developed product. Notwithstanding, the Parties recognize that

modifications and deviations are a reality as a result of changes in trends, technology, building materials and techniques. To that end, the Parties also agree that the only proper entity to request a modification or deviation to the Design Guidelines is the Master Developer entity itself. A request for a modification or deviation to the Design Guidelines shall not be permitted by from any other purchaser of real property within the Community, the HOA, Sub-Master HOA or Similar Entity a similar entity.

(a) Applicant. Requests for all modifications of the Design Guidelines may be made only by Master Developer.

(b) Minor Modifications. Minor Modifications are changes to the Design Guidelines that include:

(i) changes in architectural styles, color palettes and detail elements.

(ii) the addition of similar and complementary architectural styles, color palettes and detail elements to residential or commercial uses.

(iii) changes in building materials.

(iv) changes in landscaping materials, plant palettes, and landscaping detail elements.

(c) Submittal, Review, Decision, and Appeal.

(i) An application for Minor Modification of the Design Guidelines may be made to the Director of the Department of Planning for its consideration. The Planning Department shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(ii) The Planning Department may, in their discretion, approve a Minor Modification or impose any reasonable condition upon such approval. The Planning Department shall issue a written decision within thirty (30) business days of receipt of the application. The decision is final unless it is appealed by the Master Developer pursuant to Section (iii) below. Applications for which no written decision is issued within thirty (30) business days shall be deemed approved. If the Planning Department rejects a request for a Minor Modification, the request shall automatically be deemed a Major Modification, and at the option of the Master Developer, the decision of the Planning Department may be appealed to the Planning Commission.

(iii) Master Developer may appeal any decision of the Planning Department to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. Such appeal shall be scheduled for a hearing at the next available Planning Commission meeting.

(iv) Master Developer may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. Such appeal shall be scheduled for a hearing at the next available City Council meeting.

(d) Major Modifications.

(i) Any application for a modification to the Design Guidelines that does not qualify as a Minor Modification is a Major Modification. All applications for Major Modifications shall be scheduled for a hearing at the next available Planning Commission meeting after the City's receipt of the application or its receipt of the appeal provided for in Section (c) above, whichever is applicable.

(ii) All actions by the Planning Commission on Major Modifications shall be scheduled for a hearing at the next available City Council meeting.

3.05 Deviation to Design Guidelines. A deviation is an adjustment to a particular requirement of the Design Guidelines for a particular Development Parcel or lot.

(a) Minor Deviation. A Minor Deviation must not have a material and adverse impact on the overall development of the Community and may not exceed ten percent (10%) of a particular requirement delineated by the Design Guidelines. An application for a Minor Deviation may only be made under the following circumstances:

1) A request for deviation from any particular requirement delineated by the Design Guidelines on ten percent (10%) or less of the lots in a Development Parcel; or

2) A request for deviation from the following particular requirements on greater than 10% of the lots in a Development Parcel or the entire Community:

a) Changes in architectural styles, color palettes and detail elements.

b) The addition of similar and complementary architectural styles, color palettes and detail elements.

c) Changes in building materials.

d) Changes in landscaping materials, plant palettes, and landscaping detail elements.

e) Setback encroachments for courtyards, porches, miradors, casitas, architectural projections as defined by the Design Guidelines, garages and carriage units.

f) Height of courtyard walls.

(i) Administrative Review Permitted. An application for a Minor Deviation may be filed by the Master Developer or an authorized designee as provided herein. Any application by an authorized designee of Master Developer must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Appeal

(1) An application for a Minor Deviation from the Design Guidelines may be made to the Planning Department for their consideration. The Department of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(2) The Department of Planning may, in their discretion, approve a Minor Deviation or impose any reasonable condition upon such approval. The Department of Planning shall issue a written decision within thirty (30) business days of receipt of the application. The decision is final unless it is appealed by the Master Developer pursuant to Section (3) below. Applications for which no written decision is issued within thirty (30) days shall be deemed approved.

(3) Master Developer or an authorized designee may appeal any decision of the Department of Planning to the Planning Commission by providing a written request for an appeal within ten (10) business days of receiving notice of the decision. Such appeal shall be scheduled for a hearing at the next available Planning Commission meeting.

(4) Master Developer or an authorized designee may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. Such appeal shall be scheduled for a hearing at the next available City Council meeting.

(b) ~~(a)~~ Major Deviation. Any application for a modification to the Design Guidelines for a particular Development Parcel or lot is a Major Deviation. A Major Deviation must not have a material

and adverse impact on the overall development of the Community and may exceed ten percent (10%) of any particular requirement delineated by the Design Guidelines.

(i) City Council Approval Required. An application for a Major Deviation may be filed by the Master Developer or an ~~Authorized Designee~~authorized designee as provided herein. Any application by an ~~Authorized Designee~~authorized designee must include a written statement from the Master Developer that it either approves or has no objection to the request. Major Deviations shall be submitted to the Planning Commission for recommendation to the City Council, wherein the City Council shall have final action on all Major Deviations.

(ii) Submittal, Review and Approval.

(1) All applications for Major Deviations shall be scheduled for a hearing at the next available Planning Commission meeting after the City's receipt of the application.

(2) All actions by the Planning Commission on Major Deviations shall be scheduled for a hearing by the City Council within thirty (30) days of such action.

(~~b~~c) If Master Developer or an ~~Authorized Designee~~authorized designee requests a deviation from adopted City Infrastructure Improvement Standards, an application for said deviation shall be submitted to the Land Development Section of the Department of Building and Safety and related fees paid for consideration by the City Engineer pursuant to the Applicable Rules.

(~~e~~d) Any request for deviation other than those specifically provided shall be processed pursuant to Section 3.04 (Modifications of Design Guidelines).

3.06 Anti-Moratorium. The Parties agree that no moratorium or future ordinance, resolution or other land use rule or regulation imposing a limitation on the construction, rate, timing or sequencing of the development of property including those that affect parcel or subdivision maps, building permits, occupancy permits or other entitlements to use land, that are issued or granted by City, shall apply to the development of the Community or portion thereof. Notwithstanding the foregoing, City may adopt ordinances, resolutions or rules or regulations that are necessary to:

(a) comply with any state or federal laws or regulations as provided by Section 2.04, above;

(b) alleviate or otherwise contain a legitimate, bona fide harmful and/or noxious use of the Property, except for construction-related operations contemplated herein, in which event the ordinance shall contain the most minimal and least intrusive alternative possible, and shall not, in any event, be imposed arbitrarily; or

(c) maintain City's compliance with non-City and state sewerage, water system and utility regulations. However, the City as the provider of wastewater collection and treatment for this development shall make all reasonable best efforts to insure that the wastewater facilities are adequately sized and of the proper technology so as to avoid any sewage caused moratorium.

In the event of any such moratorium, future ordinance, resolution, rule or regulation, unless taken pursuant to the three exceptions contained above, Master Developer shall continue to be entitled to apply for and receive consideration of ~~Entitlement Requests and other~~ applications contemplated in Section 3 in accordance with the Applicable Rules.

3.07. Property Dedications to City. Except as provided in herein, any real property (and fixtures thereupon) transferred or dedicated to City or any other public entity shall be free and clear of any mortgages, deeds of trust, liens or encumbrances (except for any encumbrances that existed on the patent, at the time the Property was delivered to Master Developer, from the United States of America).

3.08 Additional Improvements.

(a) Development Areas 1, 2 and 3. Should Master Developer enter into a separate written agreement with the Las Vegas Valley Water District to a) utilize the Paved Golf Course Maintenance Access Roadway (described in recorded document 199602090000567), and, b) enhance it for purposes of extending Clubhouse Drive for additional ingress and egress to Development Areas 1, 2 and 3 as contemplated on the Conceptual Site Plan in Exhibit "C", then Master Developer shall provide the following additional improvements related to One Queensridge Place:

(i) Master Developer shall construct a controlled access point to public walkways that lead to those portions of The Seventy Open Space, which includes a dog park. The controlled access point will be maintained by the One Queensridge Place HOA.

(ii) Master Developer shall construct thirty-five (35) parking spaces along the property line of Development Area 1 and One Queensridge Place. The parking spaces will be maintained by the One Queensridge Place HOA.

(iii) Master Developer will work with the One Queensridge Place HOA to design and construct an enhancement to the existing One Queensridge Place south side property line wall to enhance security on the southerly boundary of One Queensridge Place. The enhanced wall will be maintained by the One Queensridge Place HOA.

(iv) The multifamily project, approved under SDR-62393, with four hundred thirty-five (435) luxury multifamily units, shall be amended administratively to lower a portion of the building adjacent to the One Queensridge Place swimming pool area from four (4) stories to three (3) stories in height.

(b) Development Area 4. Should Master Developer 1) enter into a separate written agreement with Queensridge HOA with respect to Development Area 4 taking access to both the Queensridge North and Queensridge South gates, and utilizing the existing Queensridge roads, and 2) enter into a separate written agreement with the Las Vegas Valley Water District to a) utilize the Paved Golf Course Maintenance Access Roadway (described in recorded document 199602090000567), and, b) enhance it for purposes of extending Clubhouse Drive for additional ingress and egress to Development Areas 1, 2 and 3 as contemplated on the Conceptual Site Plan in **Exhibit "C"**, then Master Developer shall provide the following additional improvements.

(i) Master Developer shall construct the following in Queensridge South to be maintained by the Queensridge HOA:

(a) a new entry access way;

(b) new entry gates;

(c) a new entry gate house; and,

(d) an approximate four (4) acre park with a vineyard component located near the Queensridge South entrance.

(ii) Master Developer shall construct the following for Queensridge North to be maintained by the Queensridge HOA:

(a) an approximate one and one-half (1.5) acre park located near the Queensridge North entrance; and,

(b) new entry gates.

(c) Notwithstanding the foregoing, neither the One Queensridge Place HOA nor the Queensridge HOA shall be deemed to be third party beneficiaries of this Agreement. This Agreement does not confer any rights or remedies upon either the One Queensridge Place HOA or the Queensridge HOA. Specifically, but without limiting the generality of the foregoing, neither shall have any right of enforcement of any provision of this Agreement against the Master Developer (inclusive of its successors and assigns in interest) or City, nor any right or cause of action for any alleged breach of any obligation hereunder under any legal theory of any kind.

SECTION FOUR

MAINTENANCE OF THE COMMUNITY

4.01 Maintenance of Public and Common Areas.

(a) Community HOAs. Master Developer shall establish Master HOAs, Sub-HOAs or Similar Entities to manage and maintain sidewalk, common landscape areas, any landscaping within the street rights-of-way including median islands, private sewer facilities, private drainage facilities located within common elements, including but not limited to, grassed and/or rip-rap lined channels and natural arroyos as determined by the Master Drainage Study or applicable Technical Drainage Studies, but excluding public streets, curbs, gutters, ~~sidewalks~~ and streetlights upon City-dedicated public streets, City owned traffic control devices and traffic control signage and permanent flood control facilities.

(b) Maintenance Obligations of the Master HOAs and Sub-HOAs. The Master HOAs or Similar Entities and the Sub-HOAs (which hereinafter may be referred to collectively as the "HOAs") shall be responsible to maintain in good condition and repair all common areas that are transferred to them for repair and maintenance (the "Maintained Facilities"), including, but not limited to sidewalks, walkways, private streets, private alleys, private drives, ~~landscaped~~landscape areas, signage and water features, parks and park facilities, trails, amenity zones, flood control facilities not meeting the criteria for

public maintained facilities as defined in Title 20 of the Code, and any landscaping in, on and around medians and public rights-of-way. Maintenance of the drainage facilities, which do not meet the criteria for public maintained facilities as defined in Title 20 of the Code, shall be the responsibility of an HOA or Similar Entity that encompasses a sufficient number of properties subject to this Agreement to financially support such maintenance, which may include such HOAs or Similar Entities posting a maintenance bond in an amount to be mutually agreed upon by the Director of Public Works and Master Developer prior to the City's issuance of any grading or building permits within Development Area 4, excluding any grub and clear permits outside of FEMA designated flood areas and/or demolition permits.

Master Developer acknowledges and agrees that the HOAs are common-interest communities created and governed by declarations ("Declarations") as such term is defined in NRS 116.037. The Declarations will be recorded by Master Developer or Designated Builders as an encumbrance against the property to be governed by the appropriate HOA. In each case, the HOA shall have the power to assess the encumbered property to pay the cost of such maintenance and repair and to create and enforce liens in the event of the nonpayment of such assessments. Master Developer further agrees that such Declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be maintained in good condition and repair. Such HOAs will be Nevada not-for-profit corporations with a board of directors elected by the subject owners, provided, however, that Master Developer may control the board of directors of such HOA for as long as permitted by applicable law.

(c) The Declaration for the HOAs, when it has been fully executed and recorded with the office of the Clark County Recorder, shall contain (or effectively contain) the following provisions:

(i) that the governing board of the HOAs must have the power to maintain the Maintained Facilities;

(ii) that the plan described in Section 4.02 can only be materially amended by the HOAs;

(iii) that the powers under the Declaration cannot be exercised in a manner that would defeat or materially and adversely affect the implementation of the Maintenance Plan defined below; and

(iv) that in the event the HOAs fail to maintain the Maintained Facilities in accordance with the provisions of the plan described in Section 4.02, City may exercise its rights under the Declaration, including the right of City to levy assessments on the property owners for costs incurred by City in maintaining the Maintained Facilities, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon. Upon request, City shall have the right to review the Declaration for the sole purpose of determining compliance with the provisions of this Section.

(d) City's right to enforce any HOA maintenance provisions are at the sole discretion of the City.

4.02 Maintenance Plan. For ~~park and common areas~~, Maintained Facilities maintained by the HOAs, the corresponding Declaration pursuant to this Section shall provide for a plan of maintenance. In Development Area 4, there will be a landscape maintenance plan with reasonable sensitivities for fire prevention provided to the City Fire Department for review.

4.03 Release of Master Developer. Following Master Developer's creation of HOAs to maintain the Maintained Facilities, and approval of the maintenance plan with respect to each HOA, City will hold each HOA responsible for the maintenance of the Maintained Facilities in each particular development covered by each Declaration and Master Developer shall have no further liability in connection with the maintenance and operation of such particular Maintained Facilities. Notwithstanding the preceding sentence, Master Developer shall be responsible for the plants, trees, grass, irrigation systems, and any other botanicals or mechanical appurtenances related in any way to the Maintained Facilities pursuant to any and all express or implied warranties provided by Master Developer to the HOA under NRS Chapter 116.

4.04 City Maintenance Obligation Acknowledged. City acknowledges and agrees that all of the following will be maintained by City in good condition and repair at the City's sole cost and expense: (i) permanent flood control facilities meeting the criteria for public maintenance defined in Title 20 of the Code as identified in the Master Drainage Study or applicable Technical Drainage Studies and (ii) all City dedicated public streets (excluding any landscape within the right-of-way), associated curbs, gutters, City-owned traffic control devices, signage, and streetlights upon City-dedicated right-of-ways within the

Community and accepted by the City. City reserves the rights to modify existing sidewalks and the installation of sidewalk ramps and install or modify traffic control devices on common lots abutting public streets at the discretion of the Director of Public Works.

Master Developer will maintain all temporary detention basins or interim facilities identified in the Master Drainage Study or applicable Technical Drainage Studies. The City agrees to cooperate with the Master Developer and will diligently work with Master Developer to obtain acceptance of all permanent drainage facilities.

SECTION FIVE

PROJECT INFRASTRUCTURE IMPROVEMENTS

5.01. Conformance to Master Studies. Master Developer agrees to construct and dedicate to City or other governmental or quasi-governmental entity or appropriate utility company, all infrastructure to be publicly maintained that is necessary for the development of the Community as required by the Master Studies and this Agreement.

5.02 Sanitary Sewer.

(a) Design and Construction of Sanitary Sewer Facilities Shall Conform to the Master Sanitary Sewer Study. Master Developer shall design, using City's sewer planning criteria, and construct all sanitary sewer main facilities that are identified as Master Developer's responsibility in the Master Sanitary Sewer Study. Master Developer acknowledges and agrees that this obligation shall not be delegated or transferred to any other party.

(b) Off-Property Sewer Capacity. The Master Developer and the City ~~have analyzed~~will analyze the effect of the build out of the Community on Off-Property sewer pipelines. ~~Master Sanitary Sewer Study indicates that sufficient offsite capacity in the offsite sewer pipelines exists for the development of the project contemplated herein.~~ Master Developer and the City agree that the analysis may need to be revised as exact development patterns in the Community become known. All future offsite sewer analysis for the Community will consider a pipe to be at full capacity if it reaches a d/D ratio of 0.90 or greater. The sizing of new On-Property and Off-Property sewer pipe will be based on peak dry-

weather flow d/D ratio of 0.50 for pipes between eight (8) and twelve (12) inches in diameter, and 0.60 for pipes larger than fifteen (15) inches in diameter.

(c) Updates. The Director of Public Works may require an update to the Master Sanitary Sewer Study as a condition of approval of the following land use applications: tentative map; Site Development Plan Review; or special use permit, but only if the applications propose land use, density, or entrances that substantially deviate from the approved Master Study or the development differs substantially in the opinion of the City from the assumptions of the approved Master Study.

5.03 Traffic Improvements.

(a) Legal Access. As a condition of approval to the Master Traffic Study and any updates thereto, Master Developer shall establish legal access to all public and private rights-of-way within the Community.

(b) Additional Right Turn Lane on Rampart Boulevard Northbound at Summerlin Parkway. At such time as City awards a bid for the construction of a second right turn lane on Rampart Boulevard northbound and the related Summerlin Parkway eastbound on-ramp, Master Developer will contribute twenty eight and three-tenths percent (28.3%) of the awarded bid amount, unless this percentage is amended in a future update to the Master Traffic Study ("Right Turn Lane Contribution"). The Right Turn Land Contribution is calculated based on a numerator of the number of AM peak trips from the Property, making a second right turn lane on Rampart Boulevard northbound and the related Summerlin Parkway eastbound on-ramp necessary, divided by a denominator of the total number of AM peak trips that changes the traffic count from a D level of service to an E level of service necessitating a second right turn lane on Rampart Boulevard northbound and the related Summerlin Parkway eastbound on-ramp. If the building permits for less than eight hundred (800) residential units have been issued, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the eight hundredth (800th) residential unit, on the Property at the time the City awards a bid for this second right turn lane, the Right Turn Lane Contribution may be deferred until the issuance of the building permit for the eight hundredth (800th) residential unit, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the eight hundredth (800th) residential unit, or a date mutually agreed upon by the Parties. If the City has not awarded a bid for the

construction of the second right turn lane by the issuance of the building permit for the sixteen hundred and ninety ninth (1699th) residential unit, a dollar amount based on the approved percentage in the updated Master Traffic Study shall be paid prior to the issuance of the seventeen hundredth (1,700th) residential unit, by way of a building permit issuance or group of building permit issuance that would encapsulate the construction of the seventeen hundredth (1,700th) residential unit, based on the preliminary cost estimate. At the time the work is bid, if the bid amount is less than the preliminary cost estimate, Master Developer shall be refunded proportionately. At the time the work is bid, if the bid amount is more than the preliminary cost estimate, Master Developer shall contribute up to a maximum of ten percent (10%) more than the cost estimate already paid to the City.

(c) Dedication of Additional Lane on Rampart Boulevard.

(i) Prior to the issuance of the 1st building permit for a residential unit in Development Areas 1, 2 or 3, Master Developer shall dedicate a maximum of 16 feet of a right-of-way for an auxiliary lane with right-of-way in accordance with Standard Drawing ~~#204~~201.1 on Rampart Boulevard along the Property's Rampart Boulevard frontage which extends from Alta Drive south ~~through~~to the Property's southern boundary on Rampart Boulevard. City shall pursue funding for construction of this additional lane as part of a larger traffic capacity public improvement project, however no guarantee can be made as to when and if such a project occurs.

(ii) On the aforementioned dedicated right-of-way, from the Property's first Rampart Boulevard entry north two hundred fifty (250) feet, Master Developer will construct a right hand turn lane into the Property in conjunction with Development Area 1's site improvements.

(d) Traffic Signal Improvements.

(i) Master Developer shall comply with Ordinance 5644 (Bill 2003-94), as amended from time to time by the City. The Master Developer shall construct or re-construct any traffic signal that is identified in the Master Traffic Study as the Master Developer's responsibility and shall provide appropriate easements and/or additional rights-of-way, as necessary.

(ii) The Master Traffic Study proposes the installation of a new traffic signal located on Rampart Boulevard at the first driveway located south of Alta Drive to Development Area 1. The Master Traffic Study indicates that this proposed signalized driveway on Rampart Boulevard

operates at an acceptable level of service without a signal at this time. The installation of this proposed traffic signal is dependent on additional traffic improvements as described in Sections 5.03 (b) and (c), and therefore, is not approved by the City at this time. The City agrees to accept in the future an update to the Master Traffic Study to re-evaluate the proposed traffic signal. Any such updated Master Traffic Study shall be submitted six (6) months after the issuance of the last building permit for Development Area 1 and/or at such earlier or subsequent times as mutually agreed to by the City and Master Developer. If construction of a traffic signal is approved at Rampart Boulevard at this first driveway to Development Area 1, the Master Developer shall, concurrently with such traffic signal, construct that portion of the additional lane dedicated pursuant to Section 5.03(c)(i) to the extent determined by the updated Master Traffic Study, unless such construction has already been performed as part of a public improvement project.

(e) Updates. The Director of Public Works may require an update to the Master Traffic Study as a condition of approval of the following land use applications: tentative map; site development plan review; or special use permit, but only if the applications propose land use, density, or entrances that substantially deviate from the approved Master Study or the development differs substantially in the opinion of the City Traffic Engineer from the assumptions of the approved Master Traffic Study. Additional public right-of-way may be required to accommodate ~~such~~any changes.

(f) Development Phasing. See Development Phasing plan attached hereto as **Exhibit "FD"**.

5.04 Flood Control.

(a) Prior to the issuance of any permits in portions of the Property which do not overlie the regional drainage facilities on the Property, Master Developer shall ~~increase~~maintain the existing ~~\$75,000~~125,000 flood maintenance bond for the existing public drainage ways on the Property ~~to at~~ \$125,000. Prior to the issuance of any permits in portions of the Property which overlie the regional drainage facilities on the Property, Master Developer shall ~~have in place a~~increase this bond amount ~~to~~to \$250,000.

(b) Obligation to Construct Flood Control Facilities solely on Master Developer. Master Developer shall design and construct flood control facilities that are identified as Master

Developer's responsibility in the Master Drainage Study or applicable Technical Drainage Studies. Except as provided for herein, Master Developer acknowledges and agrees that this obligation shall not be delegated to or transferred to any other party.

(c) Other Governmental Approvals. The Clark County Regional Flood Control and any other state or federal agencies, as required, shall approve the Master Drainage Study prior to final approval from City.

(d) Updates. The Director of Public Works may require an update to the Master Drainage Study or Master Technical Study as a condition of approval of the following land use applications if deemed necessary: tentative map (residential or commercial); or site development plan review (multifamily or commercial); or parcel map ~~(except Parcel Map 64285)~~ if those applications are not in substantial conformance with the approved Master Land Use Plan or Master Drainage Study. The update must be approved prior to the approval of any construction drawings and the issuance of any final grading permits, excluding any grub and clear permits outside of FEMA designated flood areas and/or demolition permits. An update to the exhibit in the approved Master Drainage Study depicting proposed development phasing in accordance with the Development Agreement shall be submitted for approval by the Flood Control Section.

(e) Regional Flood Control Facility Construction by Master Developer. The Master Developer agrees to design and substantially complete the Clark County Regional Flood Control District facilities as defined in the Master Drainage Study pursuant to an amendment to the Regional Flood Control District 2008 Master Plan Update prior to the issuance of any permits for units located within the flood zone. Notwithstanding the above, building permit issuance is governed by section 3.01(f).

(f) Construction Phasing. Master Developer shall submit a phasing and sequencing plan for all drainage improvements within the Community as a part of the Master Drainage Study. The phasing plan and schedule must clearly identify drainage facilities (interim or permanent) necessary prior to permitting any downstream units for construction. Notwithstanding the above, building permit issuance is governed by section 3.01(f).

SECTION SIX

DEFAULT

6.01 Opportunity to Cure; Default. In the event of any noncompliance with any provision of this Agreement, the Party alleging such noncompliance shall deliver to the other by certified mail a ten (10) day notice of default and opportunity to cure. The time of notice shall be measured from the date of receipt of the certified mailing. The notice of noncompliance shall specify the nature of the alleged noncompliance and the manner in which it may be satisfactorily corrected, during which ten (10) day period the party alleged to be in noncompliance shall not be considered in default for the purposes of termination or institution of legal proceedings.

If the noncompliance cannot reasonably be cured within the ten (10) day cure period, the non-compliant Party may timely cure the noncompliance for purposes of this Section 46 if it commences the appropriate remedial action with the ten (10) day cure period and thereafter diligently prosecutes such action to completion within a period of time acceptable to the non-breaching Party. If no agreement between the Parties is reached regarding the appropriate timeframe for remedial action, the cure period shall not be longer than ninety (90) days from the date the ten (10) day notice of noncompliance and opportunity to cure was mailed to the non-compliant Party.

If the noncompliance is corrected, then no default shall exist and the noticing Party shall take no further action. If the noncompliance is not corrected within the relevant cure period, the non-complaint Party is in default, and the Party alleging non-compliance may declare the breaching Party in default and elect any one or more of the following courses.

(a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged noncompliance, the Party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS Chapter 278. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review solely by the City Council.

(b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a substantial default has occurred by Master Developer and remains uncorrected, City may amend or terminate this Agreement pursuant to NRS 278. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Master

Developer, as determined under the Applicable Rules, existing or received as of the date of the termination. Master Developer shall have twenty-five (25) days after receipt of written notice of termination to institute legal action pursuant to this Section to determine whether a default existed and whether City was entitled to terminate this Agreement.

(c) Termination by Master Developer. In the event City substantially defaults under this Agreement, Master Developer shall have the right to terminate this Agreement after the hearing set forth in this Section. Master Developer shall have the option, in its discretion, to maintain this Agreement in effect, and seek to enforce all of City's obligations by pursuing an action pursuant to this Section 6.01(a).

6.02. Unavoidable Delay; Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, national disasters, terrorist attacks, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, third-party lawsuits, or acts of God. If written notice of any such delay is given to one Party or the other within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by the party in receipt of the notice within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Master Developer.

6.03. Limitation on Monetary Damages. City and the Master Developer agree that they would not have entered into this Agreement if either were to be liable for monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement. Accordingly, City and Master Developer (or its permitted assigns) may pursue any course of action at law or in equity available for breach of contract, except that neither Party shall be liable to the other or to any other person for any monetary damages based upon a breach of this Agreement.

6.04. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eighth Judicial District Court, County of Clark, State of Nevada or the United States District Court, District of Nevada. The parties agree to mediate any and all disputes prior to filing of an action in the Eighth Judicial District Court unless seeking specific performance or injunctive relief.

6.05. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

6.06. Applicable Laws; Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

SECTION SEVEN

GENERAL PROVISIONS

7.01. Duration of Agreement. The Term of this Agreement shall commence upon the Effective Date and shall expire on the thirtieth (30) anniversary of the Effective Date, unless terminated earlier pursuant to the terms hereof. City agrees that the Master Developer shall have the right to request extension of the Term of this Agreement for an additional five (5) years upon the following conditions:

(a) Master Developer provides written notice of such extension to City at least one hundred-eighty (180) days prior to the expiration of the original Term of this Agreement; and

(b) Master Developer is not then in default of this Agreement;

Upon such extension, Master Developer and City shall enter into an amendment to this Agreement memorializing the extension of the Term.

7.02. Assignment. The Parties acknowledge that the intent of this Agreement is that there is a Master Developer responsible for all of the obligations in this Agreement throughout the Term of this Agreement.

(a) At any time during the Term, Master Developer and its successors-in-interest shall have the right to sell, assign or transfer all of its rights, title and interests to this Agreement (a "Transfer") to any person or entity (a "Transferee"). Except in regard to Transfers to Pre-Approved

Transferees (which does not require any consent by the City as provided in Section 5.02(b) below), prior to consummating any Transfer, Master Developer shall obtain from the City written consent to the Transfer as provided for in this Agreement, which consent shall not be unreasonably withheld, delayed or conditioned. Master Developer's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City to consider and respond to Master Developer's request. Master Developer shall provide information to the City that Transferee, its employees, consultants and agents (collectively "Transferee Team") has: (i) the financial resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Master Developer's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's approval and the full execution of an Assignment and Assumption Agreement by City, Master Developer and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for all of the obligations in this Agreement and Master Developer shall be fully released from the obligations in this Agreement.

(b) Pre-Approved Transferees. Notwithstanding anything in this Agreement to the contrary, the following Transferees constitute "Pre-Approved Transferees," for which no City consent shall be required provided that such Pre-Approved Transferees shall assume in writing all obligations of the Master Developer hereunder by way of an Assignment and Assumption Agreement. The Assignment and Assumption Agreement shall be approved by the City Manager, whose approval shall not be unreasonably withheld, delayed or conditioned. The Assignment and Assumption Agreement shall be executed by the Master Developer and Pre-Approved Transferee and acknowledged by the City Manager. The Pre-Approved Transferee shall thenceforth be deemed to be the Master Developer and be responsible for all of the obligations in this Agreement and Master Developer shall be fully released from the obligations in this Agreement.

- 1) An entity owned or controlled by Master Developer or its Affiliates;

2) Any Investment Firm that does not plan to develop the Property. If Investment Firm desires to: (i) develop the Property, or (ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, the Investment Firm shall obtain from the City written consent to: (i) commence development, or (ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, which consent shall not be unreasonably withheld, delayed or conditioned. Investment Firm's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City Council to consider. Investment Firm shall provide information to the City that Investment Firm or Transferee and their employees, consultants and agents (collectively "Investment Firm Team" and "Transferee Team", respectively) that intends to develop the Property has: (i) the financial resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Investment Firm's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's approval and full execution of an Assignment and Assumption Agreement by City, Investment Firm and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for the all of the obligations in this Agreement.

(c) In Connection with Financing Transactions. Master Developer has full and sole discretion and authority to encumber the Property or portions thereof, or any improvements thereon, in connection with financing transactions, without limitation to the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement. Should such transaction require parcel mapping, City shall process such maps.

7.03. Sale or Other Transfer Not to Relieve the Master Developer of its Obligation. Except as expressly provided herein in this Agreement, no sale or other transfer of the Property or any subdivided development parcel shall relieve Master Developer of its obligations hereunder, and such assignment or

transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such purchaser shall be deemed to be the Master Developer hereunder. This Section shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

7.04 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, the Master Developer shall hold City, its officers, agents, employees, and representatives harmless from liability for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect development operations or activities of Master Developer, or those of its contractors, subcontractors, agents, employees, or other persons acting on Master Developer's behalf. Master Developer agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused by reason of Master Developer's activities in connection with the development of the Community other than any challenges to the validity of this Agreement or City's approval of related entitlements or City's issuance of permits on the Property. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agent, employees, or representatives. This section shall survive any termination of this Agreement.

7.05. Binding Effect of Agreement. Subject to this Agreement, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the Parties' respective assigns and successors-in-interest and the property which is the subject of this Agreement.

7.06 Relationship of Parties. It is understood that the contractual relationship between City and Master Developer is such that Master Developer is not an agent of City for any purpose and City is not an agent of Master Developer for any capacity.

7.07 Counterparts. This Agreement may be executed at different times and in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any signature page of this Agreement may be detached from any counterpart without impairing the legal effect to any signatures thereon, and may be attached to another counterpart, identical in form thereto, but having attached to it one or more additional signature pages. Delivery of a counterpart by facsimile or portable document format (pdf) through electronic mail transmission shall be

as binding an execution and delivery of this Agreement by such Party as if the Party had delivered an actual physical original of this Agreement with an ink signature from such Party. Any Party delivering by facsimile or electronic mail transmission shall promptly thereafter deliver an executed counterpart original hereof to the other Party.

7.08 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing. Delivery may be accomplished in person, by certified mail (postage prepaid return receipt requested), or via electronic mail transmission. Mail notices shall be addressed as follows:

To City:	City of Las Vegas 495 South Main Street Las Vegas, Nevada 89101 Attention: City Manager Attention: Director of the Department of Planning
To Master Developer:	180 LAND COMPANY CO LLC 1215 Fort Apache Road, Suite 120 Las Vegas, NV 89117
Copy to:	Chris Kaempfer Kaempfer Crowell 1980 Festival Plaza Drive, Suite 650 Las Vegas, Nevada 89135

Either Party may change its address by giving notice in writing to the other and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

7.09 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the Parties with respect to all of any part of the subject matter hereof.

7.10 Waivers. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate officers of Master Developer or approved by the City Council, as the case may be.

7.11 Recording; Amendments. Promptly after execution hereof, an executed original of this Agreement shall be recorded in the Official Records of Clark County, Nevada. All amendments hereto must be in writing signed by the appropriate officers of City and Master Developer in a form suitable for recordation in the Official Records of Clark County, Nevada. ~~No amendment of this Agreement shall in and of itself amend the 2016 Major Modification attached hereto as Exhibit "C" unless that is the expressed intention of the Parties to do so as it relates to the Property.~~ Upon completion of the performance of this Agreement, a statement evidencing said completion, shall be signed by the appropriate officers of the City and Master Developer and shall be recorded in the Official Records of Clark County, Nevada. A revocation or termination shall be signed by the appropriate officers of the City and/or Master Developer and shall be recorded in the Official Records of Clark County, Nevada.

7.12 Headings; Exhibits; Cross References. The recitals, headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement are incorporated herein by the references contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

7.13 Release. Each residential lot or condominium lot shown on a recorded ~~Subdivision Map~~subdivision map within the Community shall be automatically released from the encumbrance of this Agreement without the necessity of executing or recording any instrument of release upon the issuance of a building permit for the construction of a residence thereon.

7.14 Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

7.15 Exercise of Discretion. Wherever a Party to this Agreement has discretion to make a decision, it shall be required that such discretion be exercised reasonably unless otherwise explicitly provided in the particular instance that such decision may be made in the Party's "sole" or "absolute" discretion or where otherwise allowed by applicable law.

7.16 No Third Party Beneficiary. This Agreement is intended to be for the exclusive benefit of the Parties hereto and their permitted assignees. No third party beneficiary to this Agreement is contemplated and none shall be construed or inferred from the terms hereof. In particular, no person purchasing or acquiring title to land within the Community, residing in the Community, or residing, doing business or owning adjacent land outside the Community shall, as a result of such purchase, acquisition, business operation, ownership in adjacent land or residence, have any right to enforce any obligation of Master Developer or City nor any right or cause of action for any alleged breach of any obligation hereunder by either party hereto.

7.17 Gender Neutral. In this Agreement (unless the context requires otherwise), the masculine, feminine and neutral genders and the singular and the plural include one another.

SECTION EIGHT

REVIEW OF DEVELOPMENT

8.01 Frequency of Reviews. As provided by NRS Chapter 278, Master Developer shall appear before the City Council to review the development of the Community. The Parties agree that the first review occur no later than twenty-four (24) months after the Effective Date of this Agreement, and again every twenty-four (24) months on the anniversary date of that first review thereafter or as otherwise requested by City upon fourteen (14) days written notice to Master Developer. For any such review, Master Developer shall provide, and City shall review, a report submitted by Master Developer documenting the extent of Master Developer's and City's material compliance with the terms of this Agreement during the preceding period.

[Signatures on following pages]

In Witness Whereof, this Agreement has been executed by the Parties on the day and year first
above written.

CITY:

CITY COUNCIL, CITY OF LAS VEGAS

By:

Mayor

Approved as to Form:

City Attorney

Attest:

City Clerk

By:

LuAnn Holmes, City Clerk

MASTER DEVELOPER

180 LAND ~~COMPANY~~ CO LLC,

a Nevada limited liability company

By:

Name:

Title:

SUBSCRIBED AND SWORN TO before me

on this _____ day of _____,

~~2015-2017.~~

Notary Public in and for said County and State

Document comparison by Workshare Compare on Monday, May 22, 2017
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Description	Two Fifty Development Agreement (Clean 7_12_16)
Document 2 ID	file://C:\Users\ADB\Desktop\Comparisons\Two Fifty Development Agreement (Clean 5_22_17 v02).doc
Description	Two Fifty Development Agreement (Clean 5_22_17 v02)
Rendering set	Standard

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Style change	0
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Total changes	544

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LO 00001900

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Exhibit 59

THE TWO FIFTY

Design Guidelines, Development Standards
and Uses

~~March 17, 2016~~

May 2017

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17906

DESIGN GUIDELINES, DEVELOPMENT STANDARDS AND USES

1. ~~INTRODUCTION~~ OVERVIEW

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~~1.02~~ Development Areas

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~~(i)~~ Development Area 1

~~(ii)~~ Development Area 2

~~(iii)~~ Development Area 3

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2. LOT DEVELOPMENT STANDARDS AND SITE PLANNING

2.01 Infrastructure Development

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(b) Setback Criteria and Development Standards

(c) Review

2.02 Landscape Plant Materials

2.03 Site Planning

(a) Site Planning Development Area 1, 2, 3

(i) Site Amenities

(ii) Identity Monuments

(iii) Common Area Parcels

(b) Site Planning Development Area 4

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2.04 ~~2.04~~ Street Sections

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3.01 Development Area 4 Setbacks from Buildable Areas

3.02 Development Areas 1-3 Setbacks from Structures

3.03 All Development Areas - Fire Sprinklers

4. DESIGN REVIEW AND APPROVAL PROCESS

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- 5.01 Buildable Area(s)
- 5.02 Building Height
- 5.03 Master Developer
- 5.04 Private Road
- 5.05 Structure(s)

EXHIBITS

- I) ~~A)~~ Development Areas
- II) ~~B)~~ Design Guidelines, Development Standards and Uses Table
- III) ~~C)~~ Street Sections
- IV) Development Areas 2 & 3 Conceptual Pad Plan
- V) Development Areas 2 & 3 Conceptual Site Plan

SECTION ONE INTRODUCTION

~~1.01 Introduction and Location. THE TWO FIFTY is a planned residential community comprised of estate lots and luxury multi-family homes in Las Vegas, Nevada located between Alta Drive on the north, Charleston Boulevard on the south, South Rampart Boulevard on the east and South Hualapai Way on the west, as shown on the Development Areas exhibit, Exhibit A. The Master Developer, 180 Land Co LLC (Master Developer), has created these Design Guidelines, Development Standards and Uses in order to ensure an orderly and consistent development and to maintain design excellence throughout the Community.~~

~~1.02 Development Areas. THE TWO FIFTY includes four Development Areas: one estate lot area and three areas providing a variety of luxury multi-family offerings. The development areas have been integrated together with diverse residential offerings in a comprehensive and integrated community.~~

~~(a) Development Areas 1, 2, and 3. The luxury multi-family portions of the Community are depicted as Development Areas 1, 2 and 3 on Exhibit A. It is one cohesive residential village on 67.21 acres with a variety of multi-family offerings.~~

~~(i) Development Area 1. Development Area 1 is comprised of 720 residential units in a 4 story design with adjacent parking providing~~

Overview

Overview

THE TWO FIFTY is a residential community ("Community") with distinct components, namely a combination of large single family lots, luxury multi-family with a potential to include assisted living units, a non-gaming boutique hotel, and, ancillary commercial uses in four Development Areas as reflected on **Exhibit C-I**.

Being as it is an "infill" property, the conceptual planning and design stage took into account the many macro and micro aspects of the property, adjacent properties and the neighborhood. As the Master Developer proceeds into the much greater detailed design development phase and then the construction drawing phase of both the property and the structures to be located thereon, particular attention will be given to the many intricacies of the site's conditions and characteristics (as they currently exist and as they will be post development), architecture, landscaping, edge conditions and operational aspects pre/during/post construction.

The property is located adjacent to and near to an abundance of conveniences – shopping, restaurants, entertainment, medical, employment, parks, schools and churches. It is served by a significant grid roadway system and very nearby Summerlin Parkway and the I-215 that tie into the Las Vegas valley's freeway network, all of which allows easy access and many choices of access to throughout the Las Vegas valley and to its major employment centers, the Strip and the airport. Its "close in" proximity and its many conveniences make the neighborhood a very desirable area of the Las Vegas valley in which to live. The need for housing of all types is in demand in this neighborhood and will be the case as the valley continues to grow with its

substantial immigration and internal growth. THE TWO FIFTY will help to serve some of this housing demand.

The trends in housing, as espoused for a number of years by respected organizations in the field such as the Urban Land Institute and The Brookings Institute, amongst many others, is for high density neighborhoods adjacent and near to conveniences as noted above. The Brookings Institute in a 2010 briefing paper reported that 85% of new household formations through 2025 will be made by single individuals or couples with no children at home. This speaks to the need for substantial amounts of multifamily housing offerings.

The trend that is being implemented into these multifamily offerings, in neighborhoods of cities that can financially sustain them, is about community, lifestyle and design excellence. Critical mass (density) is the key ingredient to support the design quality and incorporation of the desired lifestyle components into these next generation communities. An example of one such outstanding community is The Park and The Village at Spectrum in Irvine, California, a community of 3,000 homes on 58 acres. The architectural firm of record for that development was MVE, the same firm who has been instrumental in the significant conceptual design aspects of The Two Fifty thus far.

THE TWO FIFTY neighborhood is an area that will support the introduction of such an aforementioned next generation multifamily community. This multifamily complements the existing Alta/Rampart to Charleston/Rampart corridor's significant commercial providing for the important walkable/pedestrian aspect that residents of these community's desire. It will offer resort style living energizing the nearby existing commercial and entertainment venues with a downtown-like vitality attracting the array of new residents.

Scaled down into individual neighborhoods, the multifamily components are connected to a central park by semi-public walk-streets linked to private landscaped pedestrian paseos and plazas. To ensure architectural diversity, a unique character for each part of Development Areas 1-3 may be established; however those unique characteristics will at the same time be threaded together with many elements that reflect continuity in architecture, elevations, exterior materials and landscaping. The Two Fifty draws inspiration from the rich architecture established in the adjacent Tivoli Village and One Queensridge Place. By upholding these strong architectural themes, the multifamily offering strives to contribute architecturally and economically to the neighborhood and will be generally compatible with the multifamily project already approved pursuant to SDR-62393. The idea is to create a 'Place'. A place where people want to be active and social participants in their neighborhood; a place that is cared about; a place that has identity; a place that is home. The Conceptual Site Plan is attached as **Exhibit C-V**.

The design will be established through three development areas. These Development Areas 1 through 3, sitting on 67.21 acres, is a "Main Street" experience with a component of ancillary commercial and resort style amenities. The design is envisioned to add a unique multi-family living environment at/near the Alta and Rampart hub which is already rich in retail, restaurants, entertainment, offices and services, with Development Area 1's 435 multifamily homes and Development Area 2 and 3's maximum 1,684 multifamily homes, some of which may be assisted living units. The vision creates a pedestrian-based landscape where neighbors can get to know each other and establish an active/ interactive community.

Vehicular and pedestrian connectivity within Development Areas 1 through 3 are designed to bring people together as a local community and create opportunities to engage around the many amenities offered within the development as well as surrounding uses. Three vehicular entries to

Development Areas 1 through 3, allow easy access for vehicles and pedestrians. The streets have been activated by facing architecture towards the main thoroughfares and establishing a tight knit environment and active street scene.

The activation of the street is evident entering into Development Area 1 which has 435 for sale, luxury multifamily units. The 'wrap' product wraps residential units around structured parking, largely integrating parking internal to the blocks. The 4 story massing creates an urban living environment. The maximum height will not exceed 55 feet. Development Area 1 is adjacent to the Rampart corridor where retail, restaurant, office and multi-family uses have been and are being developed.

(ii) Development Areas 2 and 3. Development Area 2 and 3 are comprised of 2,300 residential units in a multi-story design with its related parking.

In Development Area 2, the maximum heights will not exceed 250 feet for three (3) tower buildings, 75 feet for 6-story buildings, and 55 feet for 4-story buildings. Development Area 2 is west of Development Area 1 and east of Development Area 3.

In Development Area 3, the maximum height will not exceed 55 feet. Development Area 3 is west of Development Area 2 and east of Development Area 4, the estate lot portion of the development.

(b) Development Area 4. Development Area 4 is 183.71 acres consisting of a maximum of 60 estate lots. Development Area 4 is adjacent to Development Area 3 on the east with existing single-family development at its perimeter. There will be approximately 120 acres specifically preserved, by conservation easement, or deed restriction for natural areas, trees, shrubs, ponds, grasses and private access ways. with recreation areas, amenities, and ancillary commercial) interfacing with the pedestrian environment. The building heights will be no higher than the top of One Queensridge Place's podium thereby largely preserving the views that One Queensridge Place's garden level and above homes enjoy. The architecture has taken advantage of the topography to push the structures down to and/or below the main podium deck of the adjacent One Queensridge Place towers.

This same theme of activating the streets with architecture continues as pedestrians follow the internal street to the west to and through Development Area 2. The residential architecture lines the streets that gradually climb the topography and offer glimpses into internal paseos, courtyards and amenities. Up to six story buildings anchored by two up to 15 story residential mid-rises with a maximum height of 150 feet (40% lower than the One Queensridge Place's approved third tower) will be designed in this area and be generally compatible with One Queensridge Place with stone, glass and stucco materials. These buildings are positioned to not materially conflict with the views of surrounding existing residents looking towards The Strip or the predominant portions of the Spring Mountain range. The Conceptual Pad Plan is attached as **Exhibit C-IV**. Many residences of the proposed mid-rises will feature breathtaking floor to ceiling views to the same surrounding features. Additionally, every opportunity will be made to hide parking in subterranean garages in Development Areas 2 and 3, thus maximizing land area to create more areas for landscaping, amenities, and a more desirable community environment.

The buildable pads that line the main street in Development Area 2 terminate on an approximate 2-acre community park that includes its associated perimeter access ways and parking, inspired by Bryant Park in New York. The termination of this road is at the intersection of The Two Fifty Drive which will give access to Alta, Rampart and is the bisecting line that establishes Development Area 3. The community park, wrapped by multifamily development, creates a central gathering area for the community. Surrounded by edge defining architecture, the symmetry and formality of the design creates a hospitable central gathering area that is activated with ancillary commercial/retail uses and other community amenities like fitness facility(is), clubhouse(s), business center(s), post office(s), and some of the multi-family's related office(s). Additional pedestrian and landscape features include parking, textured paving, street furniture, signage and interesting landscape elements. Resort-style amenities, and community recreation areas will be integral to the development and include plans for a non-gaming hotel contemplated in Development Area 2 or 3.

The Two Fifty Drive also allows access through Development Area 3 to four gated vehicular and pedestrian access ways to the Custom and Estate Lots in Development Area 4. These gated access points open up to meandering tree lined drives that deliver Development Area 4 residents to their homes.

Development Areas 1-3's vehicular and pedestrian access that is adjacent to the streets is only one component of pedestrian experience. There are pedestrian connections and loops that remove people from the streets and into themed paseos and courtyards. These pedestrian accesses create links to open spaces, dog park(s), tot-lot(s), and amenities. Development Areas 1 through 3 has a total of approximately 3 miles of walkways, with a 1 mile walking loop. These pedestrian experiences follow this multi-family community's fabric of tree-lined streets and pedestrian paseos that connect the community internally and externally to Tivoli Village and other nearby retail and entertainment experiences. A pedestrian community lessens the impact of cars and allows people to become part of this community's fabric.

The overall design has some challenges as well as opportunities with the edge adjacencies and topography. The edge adjacencies that surround the design are retail in the northeast, residential towers to the north, commercial office and event center on the south, and both small lot detached and estate lots to the west. While the multifamily lies predominately adjacent to existing commercial and multifamily, its scope and scale are commensurate with the neighborhood and considerate of edge conditions; great thought and attention has been crucial as to how to transect these varied uses. The opportunity presents itself to take advantage of the topography on site which has a vertical change from the low point at corner of Rampart and Alta to the western edge of Development Area 3 of approximately 65 feet. With the use of the vertical grades in Development Areas 1 through 3, the buildings will be tiered into the topography, and edge adjacencies to already established neighborhoods will in many cases have pad heights that are lower than their already existing neighbors. Subterranean parking garages are planned to tuck away cars into the topography. In a sense, the community has been depressed into the landscape where possible. The land on which the golf course was operated is lower than the surrounding community in many cases and this grade separation will in a number of instances remain with the development. The custom and estate lot homes will be nestled into the property and surrounded by a sea of trees and planting materials as specified in the Development Agreement.

Particular attention has been paid to the existing single family homes to the west of the property which include small lot homes, tract homes, and estate lots. The design guidelines respond to the needs of privacy for these residents. When a property line of a single family home abuts Development Area 3 a 75 foot 'no-buildings structures zone' has been established. In this 'no-buildings structures zone' there will be landscape, trails, emergency vehicle access, as well as four locations where a driveway connecting to gated access for Development Area 4 will bisect this zone. Outside of this 75 foot 'no-building structures zone' adjacent to the single family

detached will be an additional 75 foot 'transition zone' where architectural massing will be dropped so that the structures therein will not be higher than 35 feet from the average finished floor elevation of the tallest home in the existing respective adjacent subdivision. The large buffer separation coupled with the buildings massing breaks will tier the community away from the single family creating a substantial buffer. The Conceptual Pad Plan showing the 'no-building structures zone' and the 'transition zone' is attached hereto as **Exhibit C-IV**.

THE TWO FIFTY's Development Area 4 consists of seven Sections, A thru G containing very low density custom lots, being minimum ½ acre gross in Section A ("Custom Lot(s)") and estate Lots being a minimum of 2 acre gross in Sections B thru G ("Estate Lot(s)") for a maximum of 65 Custom and Estate Lots. These Custom and Estate lots design particulars are as reflected herein; further these Custom and Estate Lots design standards will meet or exceed the existing adjacent Queensridge design standards to help ensure these Lots development is generally compatible with that in the adjacent Queensridge. Notwithstanding, should there be conflicts between the Queensridge and The Two Fifty's design standards, the later shall prevail. - The Custom and Estate lots will reflect significantly enhanced landscaped areas. This Custom and Estate lot area will access via Development Area 3 and Hualapai Way, and to the extent a separate written agreement is entered into with the Queensridge HOA, may access via the Queensridge North and Queensridge South gates and roadways.

True community design has often been lost in recent years due to the sprawl of single family homes. The Two Fifty aims through thoughtful design to establish community spirit through architectural continuity woven into distinct neighborhoods and a community that is cohesive in its respective parts and timeless.

The Two Fifty is an opportunity to create a community fabric that will make people proud to be part of. Through great community design, architecture, and dedication to creating a place, The Two Fifty will be a very unique and marquis offering. We envision a legacy of an exceptional community and an enduring environment for all.

The Master Developer, 180 Land Co LLC ("Master Developer"), has created these Design Guidelines, Development Standards and Uses in conjunction with The Two Fifty's Development Agreement in order to ensure an orderly and consistent development and to maintain design excellence throughout the Community.

SECTION TWO LOT DEVELOPMENT STANDARDS AND SITE PLANNING

2.01 Infrastructure Development. Street design, vehicular and pedestrian access, street landscape, maintenance areas, primary utility distribution, drainage, temporary facilities and construction facilities are collectively referred to as infrastructure. Each of the Development Areas ~~will~~may be subdivided into lots for condominiumization and/or the organized design of one individual building or a group of buildings, subject to the terms of these Design Guidelines, Development Standards and Uses.

(a) Access Points and Access Ways. Included will be points of access and access ways, including private or public roads and driveways, for each Development Area and each lot- as may be required. The location, dimensions and characteristics of the access points and access ways may only be altered with Master Developer's approval. Master Developer may utilize over-length cul-de-sacs, in which case a turnout is provided at a minimum of every 800 feet or at a mid-point if less than 1,600 feet. At the end of each cul-de-sac, Master Developer shall provide a turnaround.

(b) Setback Criteria and Development Standards. The setbacks, maximum height and other tabular characteristics within each Development Area are shown on the Design Guidelines, Development Standards and Uses Table, **Exhibit ~~B-C-II~~**. The setbacks and

landscape buffers are minimum standards. Height restrictions are maximum standards.

~~(c)~~ ~~(c)~~ Review. The Master Developer will review all lot development plans and site plans for conformance with these Design Guidelines, Development Standards and Uses. Except as provided herein and/or in the Development Agreement, all development plans will be required to be submitted to the City of Las Vegas for review and approval.

2.02 ~~2.02~~ Landscape Plant Materials. Landscape plant material shall conform to the Southern Nevada Regional Planning Coalition Plant List (~~"Plant List"~~). Exceptions to the Plant List may be made for: 1) specimen trees (unique trees) that are a part of an enhanced landscape design; 2) trees that are relocated from other geographic areas within Southern Nevada; and, 3) fruit trees.

2.03 ~~2.03~~ Site Planning. The Master Developer is responsible to review and approve site plans for each of the building improvements in each Development Area. Attention shall be given to landscape buffers, pedestrian paths and sidewalks.

(a) Site Planning Development Areas 1, 2 and 3. Development Areas 1, 2 and 3 are ~~multi-family~~ Luxury Multi-Family offerings that will allow for pedestrian-friendly movement and circulation throughout these Development Areas interspersed with amenities and landscape buffers for the enjoyment of the residents.

(i) Site Amenities. Site amenities such as fountains, clock towers, pergolas, individual project monuments and art, and architectural feature towers are encouraged in the open pedestrian areas and in conjunction with other Structures. These features and other similar amenities shall not exceed the maximum height of 75 feet. No Site Amenities or private signage shall be placed in public right of way.

(ii) Identity Monuments. Identity monuments should be incorporated into the design of the Community and individual projects within the Community where possible. If the signs are freestanding they may be located in the setback area or in the landscape buffer area only with permission from the Master Developer. Development Entry Statement Signs shall be subject to section 19.14.050 (B) of the Las Vegas Zoning Code. Other Permitted Signs shall be subject to section 19.14.060 (B) of the Las Vegas Zoning Code.

(iii) Common Area Parcels. There may exist Common Area Parcels that include, but are not limited to, access points, access ways, landscape islands, medians, parks, pathways and other common uses.

(b) Site Planning Development Area 4. Development Area 4 consists of a maximum of ~~60 estate residential~~ 65 Custom and Estate lots. The Master Developer will determine the size and quantity of ~~lots~~ Custom and Estate lots as specified in the DA (in no case more than ~~60 lots~~ 65 in conjunction with the Design Guidelines, Development Standards and Uses).

- Custom Lots – Those lots in Development Area's Section A. The setbacks for Custom Lots' will determine these Custom Lots' Buildable Area(s).

- (i) Buildable Area(s)/Homesites. Estate Lots - The Master Developer will determine the designated Buildable Area(s) for each lot. Lots that are

~~5 acres or more could have multiple Buildable Areas. In~~Estate Lot as specified in Exhibit C-II. Estate Lots in accordance with the Design Guidelines, Development Standards and Uses Table, ~~Exhibit B, there~~C-II. ~~There~~ are no setbacks from the designated Buildable Area(s) perimeters to any primary or accessory structure or building within the Buildable Area(s), and there are no setback requirements between structures within the designated Buildable Area(s). All building and site development ~~such as including~~, patio covers and ramadas, pergolas and detached or attached accessory buildings must be located within the designated Buildable Area(s), except ~~for lots smaller than or equal to 1.5 acres, if any, which may contain 1 pool and 1 covered patio outside the pools and pond and their related accessory structures may be built outside a~~ Buildable Area as long as the related accessory structures are not less than 40 feet from a property line shared with existing development outside the Property.

~~(i)~~ (ii) Balance of Estate Lot's Area. Outside of the designated Buildable Area(s), the balance of the ~~estate lot~~Estate Lot(s) area(s) will be reserved for natural areas, trees, shrubs, ponds, grasses and landscape architectural details, as well as the Private Roads that provide access to all or a portion of the individual ~~estate lots~~Custom and/or Estate Lots, individual ~~estate lot~~Custom and/or Estate Lot driveways connecting to designated Buildable Area(s) with private roads, lot walls and fences, driveway entry gates, storm drains, storm drain easements or any additional uses ~~that do not conflict with a conservation easement or deed restriction.~~

~~(ii)~~ (iii) Common Area Parcels. There may exist Common Area Parcels that include, but are not limited to, access points, access ways, entry ways, gate houses, private roads, pathways, drainage ways and other common uses.

2.04 ~~2.04~~ Street Sections. See **Exhibit C - III** pages 1-6.

SECTION THREE DESIGN STRATEGIES AND REQUIREMENTS

3.01 Development Area 4 Setbacks from Buildable Area. Development Area 4 provides for the Master Developer to designate Buildable Area(s) inside the ~~estate lot~~Estate Lot boundary lines for each ~~lot~~Estate Lot. Development Area 4 provides for Estate Lots: 1) a minimum setback of ~~60 feet~~50 feet (except 45 feet for Estate Lots from 2 acres < 2.25 acres) from any property line shared with an existing single family (R-PD7 or lesser density) located outside of the Property to the Buildable Area; and 2) a minimum setback of 50 feet from any property line shared with an existing residential property (greater than R-PD7 density) located outside of the Property to the Buildable Area. Accessory structures, including but not limited to porte cocheres and garages, may be attached or detached within the Buildable Area(s).

3.02 Development Areas 1-3 Setbacks from Structures. Development Areas 1-3 provide for 1) ~~a minimum setback of 60 feet from any property line shared with an existing single family (R-PD7 or lesser density) located outside of the Property to a Structure,~~ 2) ~~a minimum setback of 50 feet from any property line shared and 2 do not share any property boundary's with an existing residential property (greater than R-PD7 density) located~~

~~outside of the Property to a Structure; and 3) a minimum setback of 10 feet from any property line shared~~existing single family however where they and Development Area 3 do share such property boundaries with an existing and/or zoned commercial, professional office, multi family or PD property located outside of the Property to a Structure, a minimum setback of 10 feet to a Structure would be provided. The exception to the above Setbacks is that there will be a minimum Setback of seventy five (75) feet from any property line shared, as of the Effective Date of the Development Agreement, with an existing single family home located outside the Property (No Building Structure Zone). Setbacks from any property line to Structures are outlined in the Design Guidelines, Development Standards and Uses Table attached as **Exhibit B-C-II**.

3.03 All Development Areas - Fire Sprinklers. ~~All buildings~~Buildings will be supplied with an approved automatic fire sprinkler system designed and installed in accordance with the Fire Code. Exceptions are made for ~~1) detached structures located more than 25' from habitable structures, less than 500 square feet in area, not meant for human habitation; and, 2) open faced canopy structures (ramadas).~~

SECTION FOUR DESIGN REVIEW AND APPROVAL PROCESS

~~4.01~~ ~~4.01~~ Site Development Plan Review. ~~Except as otherwise provided for in accordance with the Development Agreement, after submittal of an approval letter from the Master Developer to the City, all Structures in all Development Areas except Development Area 4 shall be processed by the City pursuant to Las Vegas Municipal Code 19.16.100.~~

SECTION FIVE DEFINITIONS

5.01 Buildable Area(s) – The Building Area(s) of a lot in Development Area 4 will be designated by the Master Developer not to exceed the Maximum Buildable Area(s) in **Exhibit B-C-II**. For Estate Lots with more than one Buildable Area as provided in Exhibit C-II, all Buildable Areas except for one Buildable Area will be utilized for Accessory Structures and/or amenities.

5.02 Building Height – ~~For 4 to 6 story buildings,~~ Building Height~~Heights~~ shall be measured as the vertical distance in feet between the average finished grade along the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof or the average height level between the eaves and ridgeline of a gable, hip or gambrel roof. ~~For the 250' maximum height tower buildings, Building Height shall be measured from the finished floor, meaning a building's main floor's top of slab.~~

5.03 Master Developer – 180 Land Co LLC, a Nevada limited liability company, and its successors and assigns as permitted by the terms of the Development Agreement.

5.04 Private Road - Road(s) within the Community that are not dedicated as public right of way.

5.05 Structure(s) – Shall mean the primary building and accessory structures as defined per code. Porte cocheres and garages may be attached or detached.

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Exhibit 74

*City of Las Vegas***AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 21, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: - APPLICANT/OWNER: 180 LAND COMPANY, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-68385	Staff recommends APPROVAL.	
WVR-68480	Staff recommends APPROVAL, subject to conditions:	GPA-68385
SDR-68481	Staff recommends APPROVAL, subject to conditions:	GPA-68385 WVR-68480
TMP-68482	Staff recommends APPROVAL, subject to conditions:	GPA-68385 WVR-68480 SDR-68481

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

32

NOTICES MAILED

1,025 - GPA-68385 (By City Clerk)
 255 - WVR-68480 and SDR-68481 (By City Clerk)
 255 - TMP-68482 (By City Clerk)

APPROVALS

24 - GPA-68385
 0 - WVR-68480 and SDR-68481
 0 - TMP-68482

PROTESTS

121 - GPA-68385
 67 - WVR-68480 and SDR-68481
 60 - TMP-68482

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**** CONDITIONS ****

WVR-68480 CONDITIONS

Planning

1. Approval of a General Plan Amendment (GPA-68385) and approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-68481) and Tentative Map (TMP-68482) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

SDR-68481 CONDITIONS

Planning

1. The single family residential subdivision shall be limited to no more than 61 residential lots.
2. The residential subdivision shall be gated.
3. A separate HOA from that of the Queensridge HOA shall be created.
4. Sidewalks shall be installed on one side of each street within the residential subdivision.
5. Landscaping within the community shall meet or exceed City standards. Palm trees are a permitted plant material within common lots and buildable lots.
6. Development within the community shall be limited to single-family residential homes only.
7. Building heights shall not exceed 46 feet.

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GPA-68385, WVR-68480, SDR-68481 and TMP-68482 [PRJ-67184]
Conditions Page Two
June 21, 2017 - City Council Meeting

8. A minimum home size of 3,000 square feet on lots less than or equal to 20,000 square feet in size shall be required.
9. A minimum home size of 3,500 square feet on lots over 20,000 square feet in size shall be required.
10. Perimeter and interior walls shall be composed of decorative block wall, wrought iron fencing or a combination of both. Perimeter decorative block walls are to comply with Title 19 requirements.
11. No construction shall occur during the hours of 8:00 pm and 6:00 am.
12. The subdivision's associated CC&Rs are to include design guidelines generally compatible with the Queensridge design guidelines.
13. Approval of a General Plan Amendment (GPA-68385) and approval of and conformance to the Conditions of Approval for a Waiver (WVR-68480) and Tentative Map (TMP-68482) shall be required, if approved.
14. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
15. All development shall be in conformance with the site plan, date stamped 01/25/17 and landscape plan, date stamped 01/26/17, except as amended by conditions herein.
16. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
17. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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18. The standards for this development shall include the following:

Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Minimum Lot Size	10,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet
• Corner side yard	12.5 feet	15 feet
• Rear yard	25 feet	30 feet

Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Accessory structure setbacks:		
• Porte cochere to private street	15 feet	15 feet
• Side loaded garage to side yard property line	15 feet	15 feet
• Patio covers and/or 2 nd story decks	20 feet	20 feet
• Separation from principal dwelling	6 feet	6 feet
• Side yard	5 feet	5 feet
• Corner side yard	5 feet	5 feet
• Rear yard	5 feet	5 feet
Building Heights:		
• Principal dwelling	46 feet	46 feet
• Accessory structures	25 feet	30 feet
• Floors	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures**	Single family residence and accessory structures**

*Includes Lots 1, 2 and 24.

**Accessory structures may have a trellis or canopy attached to the principal dwelling.

19. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

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20. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
21. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
22. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

23. Correct all Americans with Disabilities Act (ADA) deficiencies on the public sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site.
24. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed subdivision. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #6325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
25. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
26. Coordinate with the Sewer Planning Section of the Department of Public Works to determine the appropriate location and depth of public sewer lines servicing this site prior to approval of construction drawings for this site. Provide appropriate Public Sewer Easements for all public sewers not located within existing public street right-of-way. Construct paved vehicular access to all new Public Sewer Manholes proposed east of this site concurrent with on-site development activities. No structures, and no trees or vegetation taller than three feet shall be allowed within any Public Sewer Easements.

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27. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. The Drainage Study required by TMP-68482 may be used to satisfy this condition.
28. Site Development to comply with all applicable conditions of approval for TMP-68482 and any other site related actions.

TMP-68482 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of a General Plan Amendment (GPA-68385) and approval of and conformance to the Conditions of Approval for Waiver (WVR-68480) and Site Development Plan Review (SDR-68481) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief

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description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.

6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Grant all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site.
8. Correct all Americans with Disabilities Act (ADA) deficiencies on the public sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site.
9. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements, and Public Drainage Easements to be privately maintained by the Homeowner's Association.
10. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed subdivision. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #6325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
11. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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12. Coordinate with the Sewer Planning Section of the Department of Public Works to determine the appropriate location and depth of public sewer lines servicing this site prior to approval of construction drawings for this site. Provide appropriate Public Sewer Easements for all public sewers not located within existing public street right-of-way. Construct paved vehicular access to all new Public Sewer Manholes proposed east of this site concurrent with on-site development activities. No structures, and no trees or vegetation taller than three feet, shall be allowed within any Public Sewer Easements.
13. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed in accordance with the Title 19.
14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
15. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations. We note that curved sewers are not allowed and do not comply with City Standards.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 61-lot gated single-family residential development on a portion of a large lot currently developed as a golf course generally located at the southeast corner of Alta Drive and Hualapai Way. The development would feature custom homes and contain small open space and park areas.

ISSUES

- A General Plan Amendment is requested from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on the primary parcel (that makes up the Badlands Golf Course).
- A Waiver of Title 19.02 is requested to allow 32-foot wide private streets with a private sidewalk and landscape easement on one side and another landscape easement on the other side where 47-foot wide streets including sidewalks on both sides are required within a proposed gated development. Staff supports this request.
- A Site Development Plan Review for a single-family residential development on this site is required for all planned developments zoned R-PD (Residential Planned Development). The proposal includes developer-proposed standards for development of the site.
- A Tentative Map is requested for a 61-lot single-family residential subdivision on a 34.07-acre parcel, which is a portion of the primary golf course parcel that is the subject of the proposed General Plan Amendment.
- A Parcel Map (PMP-64285) dividing the majority of the Badlands Golf Course into four separate lots, including a 34.07-acre lot at the southeast corner of Alta Drive and Hualapai Way that defines the extent of the proposed residential development, was recorded on 01/24/17. Although Assessor's Parcel Numbers have not yet been assigned, recordation of the Parcel Map has created four legal lots with valid legal descriptions.

ANALYSIS

The subject parent parcel (APN 138-31-702-002) is a significant portion of a developed golf course that is located within the Peccole Ranch Master Plan. The parcel is zoned R-PD7 (Residential Planned Development – 7 Units per Acre), allowing up to 7.49 dwelling units per acre spread out across the zoning district. The proposed L (Low Density Residential) General Plan designation allows density up to 5.49 dwelling units per acre, which is consistent with the density permitted by the existing R-PD7

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zoning across the Peccole Ranch Master Plan area. The approved 1990 Peccole Ranch Master Plan indicates that the subject area is planned for both single family residential and golf course/open space/drainage uses. Over time, the development pattern in this area did not follow the master plan as approved.

Title 19.16.110 states that "except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezonings, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan." Within the area known as the Peccole Ranch Master Plan, the 1992 General Plan for the City of Las Vegas designated the proposed golf course area P (Parks/Recreation/Open Space) and the various residential areas around the proposed golf course as ML (Medium Low Density Residential). As other uses within the Peccole Ranch Master Plan were proposed that deviated from the established General Plan or zoning, a General Plan Amendment or Rezoning was required for consistency with the General Plan. As the proposed land area is no longer intended for a golf course or open space, but instead for residential development, an amendment to the General Plan is necessary and appropriate.

As a Residential Planned Development, density may be concentrated in some areas while other areas remain less dense, as long as the overall density for this site does not exceed 7.49 dwelling units per acre. Therefore, portions of the subject area can be restricted in density by various General Plan designations. A closer examination of the existing development reveals that single-family lots adjacent to the golf course average 12,261 square feet and a density of 3.55 units per acre along Queen Charlotte Drive west of Regents Park Road, an average of 11,844 square feet and a density of 3.68 units per acre along Verlaine Court and an average of 42,806 square feet and a density of 1.02 units per acre along Orient Express Court west of Regents Park Road. Each of these adjacent developments are designated ML (Medium Low Density Residential) with a density cap of 8.49 dwelling units per acre. The proposed development would have a density of 1.79 dwelling units per acre, with an average lot size of 19,871 square feet. In addition, open space and planned park areas are included as required for all new R-PD developments. Compared with the densities and General Plan designations of the adjacent residential development, the proposed L (Low Density Residential) designation is less dense and therefore appropriate for this area, capped at 5.49 units per acre.

Open space is provided in the form of three small park areas totaling approximately 62,000 square feet. Approximately 44,000 square feet or 1.01 acres of the development must consist of usable open space, which this proposal meets. An eight-foot buffer and six-foot wrought iron fence would separate the proposed "D" Avenue from Orient Express Court to the south. These areas are all common lots to be privately maintained.

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Title 19.04 requires private streets to be developed to public street standards, which require 47-foot wide streets with sidewalks on both sides of the street, as well as either a three-foot amenity zone with street trees or a five-foot planting zone on the adjacent private properties. This is to allow adequate space for vehicular travel in both directions, as well as a safe environment for pedestrians, bicycles and other modes of transportation. In the existing adjacent residential developments, the streets range in size from 36 feet to 40 feet in width with wide roll curbs. In addition, the San Michelle North development abutting this site to the north also contains a four-foot sidewalk, six-foot amenity zone and three-foot landscape strip within a common element on the north side of Queen Charlotte Drive. The side streets in that development contain the 36-foot private roadway with a four-foot sidewalk and five-foot amenity zone on one side contained in a private easement for a total sectional width of 45 feet.

The applicant is requesting a street section comparable to San Michelle North, with proposed 32-foot private streets with 30-inch roll curbs, a four-foot sidewalk and three-foot private landscape easement on one side and a five-foot private landscape easement on the other side for a total sectional width of 44 feet. A 32-foot wide street will allow for emergency vehicle access while still permitting parking on one side. Red colored concrete and signage will be required to clearly mark the side of the street with no parking. This design is comparable to the private streets in the adjacent gated subdivisions along the golf course. Staff can support the Waiver request with conditions that include a requirement for the applicant to coordinate with the Fire Protection Engineering Section of the Department of Fire Services to discuss the design and layout of all onsite private circulation and access drives to meet current fire codes.

The Site Development Plan Review describes two lot types with different development standards; those that contain 20,000 square feet or less and those containing greater than 20,000 square feet. However, three lots (Lots 1, 2 and 24) are included with the "20,000 square feet or less" classification for consistency of development. Development standards for lots that are 20,000 square feet or less are generally consistent with R-D zoned properties, while those in the category greater than 20,000 square feet are generally consistent with R-E zoned properties. Some exceptions include building height, which is proposed to be 40-50 feet where 35 feet is the requirement in the standard zoning districts, and patio covers, which are treated the same as second story decks unlike in the Unified Development Code. The additional height is comparable to existing residential dwellings in the R-PD7 zoning district. It is noted that no building height restriction was conditioned for the existing residential development surrounding the subject property.

The submitted Tentative Map contains the elements necessary for a complete submittal. The natural slope from west to east across the site is approximately 2.5 percent. Per Title 19, a development having a natural slope of greater than two percent is allowed to contain up to six-foot retaining walls and eight-foot screen walls on the perimeter, with a maximum height of 12 feet. A 10-foot combined perimeter wall consisting of no more

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than six feet of retaining is proposed along Hualapai Way, set back 20 feet from the property line. Only the screen wall would be visible from Hualapai Way. A six-foot screen wall or fence is proposed on the east perimeter at Regents Park Road.

The submitted north-south cross section depicts maximum natural grade at two percent across this site. Per Title 19, a development with natural slope of two percent or greater is allowed to contain up to six-foot retaining walls and eight-foot screen walls on the perimeter, with a maximum height of 12 feet. The retaining walls along the northern property line are shown as maximum six-foot retaining walls, with a maximum of 10 feet of both retaining and screening. From the adjacent properties, no more than 10 feet of wall or wrought iron fencing would be visible.

Per Title 19.04.040, the Connectivity Ratio requirement does not apply for R-PD developments. In addition, per Title 19.04.010, where a proposed development is adjacent to existing improvements, the Director of Public Works has the right to determine the appropriateness of implementing Complete Streets standards, including connectivity. In this case, Public Works has determined that it would be inappropriate to implement the connectivity standards, given the design of the existing residential development and configuration of available land for development.

FINDINGS (GPA-68385)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The density of the proposed General Plan Amendment is compatible with the existing adjacent land use designations, which include ML (Medium Low Density Residential), MLA (Medium Low Attached Density Residential) and PR-OS (Parks/Recreation/Open Space); the L (Low Density Residential) designation is less dense than any of these residential land use designations. However, as a Residential Planned Development, density may be concentrated in some areas while other areas remain less dense.

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2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The overall residential development, including the proposed site and surrounding adjacent residential development, is zoned R-PD7 (Residential Planned Development – 7 Units per Acre), which is allowed by the proposed amendment. Additionally, the zoning districts allowed by the proposed L (Low Density Residential) designation would be less dense than the existing R-PD7 zoning district.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

Additional streets, utilities and open space amenities would be constructed or extended to support the residential uses permitted by the proposed General Plan Amendment to L (Low Density Residential).

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The proposed General Plan Amendment is consistent with the Peccole Ranch Master Plan, which designates the subject area for single family residential uses.

FINDINGS (WVR-68480)

Staff supports Title 19 requirements for streets within the city, which require private streets to be developed to public street standards. The Unified Development Code requires 47-foot wide private streets that contain sidewalks on both sides. However, none of the existing residential developments with private streets in this area adhere to this standard. The applicant is proposing streets that provide similar amenities and widths to the adjacent private streets, once private easements are granted. This configuration would be more compatible with the surrounding development than the required 47-foot streets. Build-out of the proposed streets will not cause an undue hardship to the surrounding properties and will allow for fire access and limited on-street parking. Therefore, staff recommends approval of the requested waiver, with conditions.

FINDINGS (SDR-68481)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed residential lots throughout the subject site are comparable in size to the existing residential lots directly adjacent to the proposed lots. The development standards proposed are compatible with those imposed on the adjacent lots. Several small park and open space amenities are provided for the benefit of residents.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development would be consistent with the General Plan if the plan is concurrently amended to L (Low Density Residential) or a lower density designation. The proposal for single-family residential and accessory uses is consistent with the approved 1990 Peccole Ranch Master Plan, which designates the subject area for single family uses. The proposed R-PD development is consistent with Title 19 requirements for residential planned developments prior to the adoption of the Unified Development Code. However, streets are not designed to public street standards as required by the Unified Development Code Title 19.04, for which a waiver is necessary.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is proposed from Hualapai Way through a gate that meets Uniform Standard Drawing specifications. The street system does not connect to any existing streets and therefore should not negatively affect traffic within the existing residential areas.

4. **Building and landscape materials are appropriate for the area and for the City;**

Custom homes are proposed on the subject lots, which will be subject to future permit review. Landscape materials are drought tolerant and appropriate for this area.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

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Custom homes are proposed on the subject lots, which will be subject to future permit review against the proposed development standards.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

Development of this site will be subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

FINDINGS (TMP-68482)

The submitted Tentative Map is in conformance with all Title 19 and NRS requirements for tentative maps.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/17/80	The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80.
04/15/81	The Board of City Commissioners approved a General Plan Amendment (Agenda Item IX.B) to expand the Suburban Residential Land Use category and add the Rural Density Residential category generally located north of Sahara Avenue, west of Durango Drive.
	The Board of City Commissioners approved a Generalized Land Use Plan (Agenda Item IX.C) for residential, commercial and public facility uses on the Peccole property and the south portion of Angel Park lying within city limits. The maximum density of this plan was 24 dwelling units per acre.
05/20/81	The Board of City Commissioners approved a Rezoning (Z-0034-81) from N-U (Non-Urban) to R-1 (Single Family Residence), R-2 (Two Family Residence), R-3 (Limited Multiple Residence), R-MHP (Residential Mobile Home Park), R-PD7 (Residential Planned Development), R-PD8 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) generally located north of Sahara Avenue, south of Westcliff Drive and extending two miles west of Durango Drive. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/07/86	The City Council approved the Master Development Plan for Venetian Foothills on 1,923 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. This plan included two 18-hole golf courses and a 106-acre regional shopping center. [Venetian Foothills Master Development Plan]
	The City Council approved a Rezoning (Z-0030-86) to reclassify property from N-U (Non-Urban) (under Resolution of Intent) to R-PD4 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), and C-V (Civic) on 585.00 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. [Venetian Foothills Phase One]
02/15/89	The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to include 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. [Peccole Ranch Master Development Plan]
02/15/89	The City Council approved a Rezoning (Z-0139-88) on 448.80 acres from N-U (Non-Urban) under Resolution of Intent to R-PD4, P-R, C-1 and C-V to R-PD7 (Residential Planned Development – 7 Units per Acre), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial). [Peccole Ranch Phase One]
04/04/90	The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]
	The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.
08/14/97	The Planning Commission approved a request for a Site Development Plan Review [Z-0017-90(20)] for a proposed 76-lot single family residential development on 36.30 acres south of Alta Drive, east of Hualapai Way. Staff recommended approval.
03/30/98	A Final Map (FM-0190-96) for a four-lot subdivision (Peccole West Lot 10) on 184.01 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [Book 83 Page 61 of Plats].
03/30/98	A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats].
10/19/98	A Final Map (FM-0027-98) for a 45-lot single family residential subdivision (San Michelle North) on 17.41 acres generally located south of Alta Drive, east of Hualapai Way was recorded [Book 86 Page 74 of Plats].
12/17/98	A Final Map (FM-0158-97) for a 21-lot single family residential subdivision (Peccole West – Parcel 20) on 20.65 acres generally located south of Alta Drive, east of Hualapai Way was recorded [Book 87 Page 54 of Plats].
09/23/99	A Final Map (FM-0157-97) for a 41-lot single family residential subdivision (Peccole West – Parcel 19) on 15.10 acres generally located south of Alta Drive, east of Hualapai Way was recorded [Book 91 Page 47 of Plats].
06/18/15	A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 49 of Parcel Maps].
11/30/15	A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 91 of Parcel Maps].
01/12/16	The Planning Commission voted [6-0] to hold requests for a General Plan Amendment (GPA-62387) from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential), a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) and a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential development in abeyance to the March 8, 2016 Planning Commission meeting at the request of the applicant.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/08/16	The Planning Commission voted [7-0] to hold GPA-62387, ZON-62392 and SDR-62393 in abeyance to the April 12, 2016 Planning Commission meeting at the request of the applicant.
03/15/16	A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 121 Page 12 of Parcel Maps].
04/12/16	The Planning Commission voted [7-0] to hold GPA-62387, ZON-62392 and SDR-62393 in abeyance to the May 10, 2016 Planning Commission meeting at the request of the applicant.
04/12/16	The Planning Commission voted [7-0] to hold requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard in abeyance to the May 10, 2016 Planning Commission meeting at the request of the applicant.
05/10/16	The Planning Commission voted [7-0] to hold GPA-62387, ZON-62392 and SDR-62393 in abeyance to the July 12, 2016 Planning Commission meeting at the request of City staff.
	The Planning Commission voted [7-0] to hold MOD-63600, GPA-63599, ZON-63601 and DIR-63602 in abeyance to the July 12, 2016 Planning Commission meeting at the request of City staff.
07/12/16	The Planning Commission voted [5-2] to hold GPA-62387, ZON-62392 and SDR-62393 in abeyance to the October 11, 2016 Planning Commission meeting.
	The Planning Commission voted [5-2] to hold MOD-63600, GPA-63599, ZON-63601 and DIR-63602 in abeyance to the October 11, 2016 Planning Commission meeting.
08/09/16	The Planning Commission voted [7-0] to rescind the action taken on 07/12/16 to hold GPA-62387, ZON-62392 and SDR-62393 in abeyance to the October 11, 2016 Planning Commission meeting. Action was then taken to reschedule the hearing of these items at a special Planning Commission meeting on 10/18/16.
08/09/16	The Planning Commission voted [7-0] to rescind the action taken on 07/12/16 to hold MOD-63600, GPA-63599, ZON-63601 and DIR-63602 in abeyance to the October 11, 2016 Planning Commission meeting. Action was then taken to reschedule the hearing of these items at a special Planning Commission meeting on 10/18/16, at which they were recommended for denial.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/16/16	<p>At the applicant's request, the City Council voted to Withdraw Without Prejudice requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial; staff recommended approval.</p> <p>The Planning Commission voted to hold in abeyance to the January 18, 2017 City Council meeting a General Plan Amendment (GPA-62387) from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential), a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) and a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential development on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.</p>
01/10/17	The Planning Commission voted to hold in abeyance to the February 14, 2017 Planning Commission meeting GPA-68385 [PRJ-67184].
01/18/17	The City Council voted to hold in abeyance to the February 15, 2017 City Council meeting GPA-62387, ZON-62392 and SDR-62393 at the applicant's request.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [File 121 Page 100 of Parcel Maps].
02/14/17	<p>The Planning Commission voted to recommend APPROVAL on the following requests:</p> <ul style="list-style-type: none"> • Waiver (WVR-68480) TO ALLOW 32-FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT • Site Development Plan Review (SDR-68481) FOR A PROPOSED 61-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT • Tentative Map (TMP-68482) FOR A 61-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184]

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/14/17	The Planning Commission vote resulted in a TIE which is tantamount to DENIAL on a request for a General Plan Amendment (GPA-68385) which is a FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way (APN 138-31-702-002), Ward 2 (Beers) [PRJ-67184].
03/15/17	<p>The City Council voted to hold the following four related items in abeyance to the April 19, 2017 City Council meeting.</p> <ul style="list-style-type: none"> • General Plan Amendment (GPA-68385) which is a FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL) • Waiver (WVR-68480) TO ALLOW 32-FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT • Site Development Plan Review (SDR-68481) FOR A PROPOSED 61-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT • Tentative Map (TMP-68482) FOR A 61-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184]
04/19/17	<p>The City Council voted to hold the following four related items in abeyance to the May 17, 2017 City Council meeting.</p> <ul style="list-style-type: none"> • General Plan Amendment (GPA-68385) which is a FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL) • Waiver (WVR-68480) TO ALLOW 32-FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT • Site Development Plan Review (SDR-68481) FOR A PROPOSED 61-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT • Tentative Map (TMP-68482) FOR A 61-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184]

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/17	<p>The City Council voted to hold the following four related items in abeyance to the June 21, 2017 City Council meeting.</p> <ul style="list-style-type: none"> • General Plan Amendment (GPA-68385) which is a FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL) • Waiver (WVR-68480) TO ALLOW 32-FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT • Site Development Plan Review (SDR-68481) FOR A PROPOSED 61-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT • Tentative Map (TMP-68482) FOR A 61-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184]

<i>Most Recent Change of Ownership</i>	
11/16/15	A deed was recorded for a change in ownership on APN 138-31-702-002.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses relevant to these requests.	

<i>Pre-Application Meeting</i>	
09/29/16	A pre-application meeting was held to discuss submittal requirements for Site Development Plan Review and Tentative Map applications. The applicant proposed 30-foot wide private streets with 30-inch roll curbs. Staff indicated that a Waiver would be necessary to deviate from public street standards. There was concern that the long and narrow streets would come into conflict with fire codes and that the applicant should work with staff to address these issues. In addition, the applicant was advised that a parcel map currently in review would need to be recorded prior to these items being notified for hearing.
12/06/16	The requirement for a General Plan Amendment and neighborhood meeting was added to the original submittal checklist.

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Neighborhood Meeting	
01/09/17	<p>A neighborhood meeting was held at the Badlands Golf Course Clubhouse at 9119 Alta Drive, Las Vegas, Nevada. Approximately 50 members of the public were in attendance, as well as seven members of the development team, one City Council Ward staff member and one Department of Planning staff member.</p> <p>The applicant set up display boards showing the proposed General Plan Amendment. At sign in, neighbors were given a handout describing the request, which noted that the item had been requested to be abeyed to the February 14, 2017 Planning Commission meeting. No formal presentation was given; instead, members of the public were invited to examine the request and approach development team members with any questions.</p>

Field Check	
01/05/17	The site contains a well-maintained golf course surrounded by existing single-family residential dwellings.

Details of Application Request	
Site Area	
Net Acres (GPA)	166.99
Net Acres (WVR/SDR/TMP)	34.07

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Commercial Recreation/Amusement (Outdoor) – Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
North	Multi-Family Residential (Condominiums) / Club House	GTC (General Tourist Commercial)	PD (Planned Development)
	Hotel/Casino	SC (Service Commercial)	C-1 (Limited Commercial)
	Office, Medical or Dental		

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
		MLA (Medium Low Attached Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
South	Office, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Single Family, Attached	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
	Multi-Family Residential		R-3 (Medium Density Residential)
East	Shopping Center	SC (Service Commercial)	PD (Planned Development)
	Office, Other Than Listed		C-1 (Limited Commercial)
	Mixed Use	GC (General Commercial)	C-2 (General Commercial)
	Utility Installation	PF (Public Facilities)	C-V (Civic)
	Single Family, Attached	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
West	Single Family, Detached	SF2 (Single Family Detached – 6 Units per Acre)	P-C (Planned Community)
	Golf Course	P (Parks/Open Space)	

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
West	Multi-Family Residential	MF2 (Medium Density Multi-family – 21 Units per Acre)	

Master Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Zoning Code Title 19.06.040 prior to Ordinance 6135 (March 2011), the Development Standards within an R-PD District are established by the Site Development Plan. The following standards are proposed by the applicant:

Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Minimum Lot Size	10,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet
• Corner side yard	12.5 feet	15 feet
• Rear yard	25 feet	30 feet
Accessory structure setbacks:		
• Porte cochere to private street	15 feet	15 feet
• Side loaded garage to side yard property line	15 feet	15 feet
• Patio covers and/or 2 nd story decks	20 feet	20 feet
• Separation from principal dwelling	6 feet	6 feet
• Side yard	5 feet	5 feet
• Corner side yard	5 feet	5 feet
• Rear yard	5 feet	5 feet

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Standard	Lots less than or equal to 20,000 sf*	Lots greater than 20,000 sf
Building Heights: <ul style="list-style-type: none"> Principal dwelling Accessory structures Floors 	40 feet 25 feet 2 stories on slab or over basement	50 feet 30 feet 3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures**	Single family residence and accessory structures**
Lot Coverage	Bound by setbacks	Bound by setbacks

*Includes Lots 1, 2 and 24.

**Accessory structures may have a trellis or canopy attached to the principal dwelling.

Existing Zoning	Permitted Density	Units Allowed
R-PD7	7.49 du/ac	1,250 (based on 166.99 acres)
Proposed Zoning	Permitted Density	Units Allowed
N/A	N/A	N/A
General Plan	Permitted Density	Units Allowed
PR-OS	N/A	N/A
Proposed General Plan	Permitted Density	Units Allowed
L	5.49 du/ac	916 (based on 166.99 acres)

Pursuant to Title 19.06.040, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	10 Trees	15 Trees	Y
• South	N/A	N/A	81 Trees	N/A
• East	N/A	N/A	0 Trees	N/A
• West	1 Tree / 20 Linear Feet	43 Trees	47 Trees	Y

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Pursuant to Title 19.06.040, the following standards apply:

Landscaping and Open Space Standards					
Standards	Required		Provided	Compliance	
	Ratio	Trees			
TOTAL PERIMETER TREES			53 Trees	143 Trees	Y
LANDSCAPE BUFFER WIDTHS					
Min. Zone Width					
• North	6 Feet			20 Feet	Y
• South	0 Feet			0 Feet	Y
• East	0 Feet			0 Feet	Y
• West	6 Feet			20 Feet	Y
Wall Height	Not required	6' wrought iron or CMU adjacent to Orient Express Ct. Stepped retaining/ screen wall not exceeding 10' adjacent to Verlaine Ct. and existing lots to the north 10' retaining/screen wall adjacent to Hualapai Way			Y

Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
34.07 ac	1.8	1.65	2.97%	1.01 ac	6.22%	2.12 ac	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Alta Drive	Major Collector	Master Plan of Streets and Highways Map	84	Y
Hualapai Way	Primary Arterial	Master Plan of Streets and Highways Map	98	N

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19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	9	0
Intersection – Internal	0	5
Cul-de-sac Terminus	0	3
Intersection – External Street or Stub Terminus	0	0
Intersection – Stub Terminus w/ Temporary Turn Around Easements	0	0
Non-Vehicular Path - Unrestricted	0	0
Total	9	8

	Required	Provided
Connectivity Ratio (Links / Nodes):	N/A	1.13

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	61 units	2 spaces per unit	122				
Accessory Structure (Class I) [Casita]	61 casitas	1 additional space per lot	61				
TOTAL SPACES REQUIRED			183		183		Y
Regular and Handicap Spaces Required			183	0	183	0	Y

Waivers		
Requirement	Request	Staff Recommendation
Private streets must meet public street standards unless waived (47' minimum with L-curbs and sidewalks on both sides of the street)	To allow 32' wide private streets with 30" roll curbs with sidewalk on one side (easement) in a gated community	Approval

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Exhibit 77

*City of Las Vegas***AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 21, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 180 LAND CO, LLC, ET AL

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
DIR-70539	Staff recommends APPROVAL.	

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

44

NOTICES MAILED

1,550

PROTESTS

30

APPROVALS

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for consideration of and possible action on a development agreement between the Master Developer (180 Land Co, LLC) of the 250.92-acre golf course property (alternately referred to in the Agreement as “The Property,” “The Community” or “The Two Fifty”) and the City of Las Vegas, located at the southwest corner of Alta Drive and Rampart Boulevard. The Agreement addresses phasing, planning and restrictions of development of the Property and the obligations of the Master Developer. The Agreement also includes exhibits that contain design guidelines, development standards and permitted uses.

ISSUES

- The intent of this development agreement is to provide for an orderly and consistent plan of development for 250.92 acres of land at the southwest corner of Alta Drive and Rampart Boulevard. A 17.49-acre portion of the Property has already been reviewed and approved for site development against Title 19 standards for the R-3 (Medium Density Residential) zoning district.
- Development of the site is in conformance to LVMC Title 19.06.040 (adopted March 1997 and as revised and amended prior to March 16, 2011) for R-PD zoned developments and LVMC Title 19.06.110 (adopted March 16, 2011).
- The Development Agreement contains 2.13 acres of land zoned PD (Planned Development) for which no residential density is assigned.
- Nevada Revised Statutes (NRS) Chapter 278.0349 states that where the zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence. The parties to this agreement acknowledge that the extant approved zoning and land use designations for this site do not match. The City may request a General Plan Amendment at a future date to make the land use and zoning designations consistent.

ANALYSIS

A development agreement (DIR-63602) for the 250.92 acres was brought forward for review by the City of Las Vegas in 2016. On 11/16/16, the City Council, at the applicant's request, voted to withdraw the application for the agreement without prejudice, allowing for a new agreement to be presented at a future date. The current request incorporates some of the elements of the agreement filed under DIR-63602, but is a separate development agreement and not an amendment of that agreement.

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Staff Report Page Two
June 21, 2017 – City Council Meeting

On 02/15/17, a portion of the overall development that includes 435 multi-family dwelling units on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard was approved through a Site Development Plan Review (SDR-62393). An accompanying General Plan Amendment (GPA-62387) from PR-OS (Parks/Recreation/Open Space) to M (Medium Density Residential) and Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 units per Acre) to R-3 (Medium Density Residential) were approved concurrently with the Site Development Plan Review. Staff reviewed the proposed development against the applicable codes and found that the proposed development on 17.49 acres generally conformed to R-3 zoning district standards and contained a density that remained under the 25.49 dwelling units per acre allowed under the M (Medium Density Residential) General Plan Designation.

The site development proposed through this Development Agreement includes the approved development on 17.49 acres of the Property and adds 233 acres of existing R-PD7 and PD zoned land comprising the remainder of the former golf course. The analysis of Section Three of the Agreement includes tables indicating the number of units, acreage and density within each proposed development area. Although the site plan, landscape plan, elevations and floor plans for development on the 17.49 acres have already been approved, the Agreement includes this area for consistency with proposed development and the Master Studies.

This development agreement is based on the assumption that the portion of the Property currently zoned R-PD7 (Residential Planned Development – 7 Units per Acre) and PD (Planned Development) will remain zoned R-PD7 and PD throughout the duration of the Agreement. The development proposed thereon is intended to conform to the requirements and procedures of the R-PD zoning district prescribed within LVMC Title 19.06.040, the version of the zoning code prior to adoption of the Unified Development Code and under which this portion of the Property was originally rezoned. (Note: the Unified Development Code refers to this zoning district as a “legacy district.” New Rezoning applications to R-PD are no longer available under the UDC.) The “site development plans” as referred to in this code section were submitted as part of the Development Agreement. Instead of reviewing these plans and documents as part of a separate Site Development Plan Review application, the Development Agreement is sufficient to satisfy the review requirement in Title 19.06.040. However, a Site Development Plan Review will still be required for development in Development Areas 2 and 3 in accordance with the terms of the Development Agreement. With the approval of this development agreement, additional standards and restrictions will be in place to show the compatibility of the phased project as compared to Development Area 1.

An overview of the major terms of the Development Agreement follows:

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Development Agreement Summary

The Agreement begins with a preamble containing recitals followed by division into eight sections.

Recitals

This section establishes several grounding statements about the Property that form the basis for entering into a development agreement; namely, that 180 Land Co, LLC is Master Developer of the Property, defined as the 250.92 acres on which the former Badlands Golf Course is situated, and that the Master Developer intends to repurpose the Property in a manner that is complementary and compatible with adjacent uses due to the alleged infeasibility of maintaining the golf course as it presently exists. As a result of development of the Property, the City of Las Vegas will receive assurances with regard to phasing, timing and orderly development and infrastructure improvements. It is noted that 17.49 acres of the Property have already been entitled for the development of up to 435 multi-family units on R-3 (Medium Density Residential) zoning through previous actions of the City Council.

Section One: Definitions

This section assigns specific meanings to the terms used throughout the Agreement for consistency and the understanding of both parties.

Of note in this section is the definition of “Master Studies,” which refer to the Master Drainage Study, Master Sanitary Sewer Study and Master Traffic Study. Each study is to be approved by the Director of Public Works prior to the issuance of any permits except grub and clear permits outside of FEMA (Federal Emergency Management Agency) designated flood areas and/or demolition permits. A significant portion of this area is located in a FEMA designated flood zone.

Several definitions refer to specific documents noted as separate exhibits. These include the following:

- “Design Guidelines” – Exhibit C
- “Development Area(s)” – Exhibit B
- “Master Land Use Plan” – Exhibit B
- “Property” or “Community” – Exhibit A
- “Unified Development Code” or “UDC” – Exhibit E

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Section Two: Applicable Rules and Conflicting Laws

This section stipulates that the Agreement shall supersede any conflicting provision of Title 19 of the Las Vegas Municipal Code, provided that the City rules in force at the time of approval generally apply to development of the Property. If there are subsequent changes to federal or state law that conflict with the Agreement, the parties will endeavor to modify the Agreement to conform to the law through a City Council hearing. Exhibit E of the Agreement is offered for reference to memorialize the Unified Development Code at the time of recordation of the Agreement. This action is typical of previous development agreements between the City and developers in order to maintain the integrity of the agreements.

Section Three: Planning and Development of the Community

Section Three demonstrates compliance with the requirements of NRS 278.0201 regarding the content of development agreements. The permitted uses of land, density or intensity of land use, maximum height and size of proposed buildings, maximum number of units, phasing or timing of construction, construction operations, conditions, terms, requirements and restrictions for infrastructure and modification of the Agreement are addressed.

Specifically, the Master Developer is proposing to construct up to a maximum of 2,169 dwelling units on the Property, including an option for assisted living units, for a maximum overall density of 8.64 dwelling units per acre. Density within the area of the Property not currently entitled for development (i.e., 231.30 acres) will not exceed 7.49 dwelling units per acre as required by Title 19 prior to adoption of the Unified Development Code. This area does not include the 2.13 acres of PD (Planned Development) zoned property that is not assigned residential density and which will not contain any residential dwellings.

The Property is to be divided into four development areas that are characterized by land use type, zoning, density and unique standards for development. The areas are numbered southwesterly from Alta Drive, but are not necessarily in order of physical development.

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Staff Report Page Five
June 21, 2017 – City Council Meeting

Proposed Development Areas*						
Development Area	Area (acres)	Proposed Land Use	Existing General Plan	Existing Zoning	Max. Dwelling Units	Max. Density (du/ac)
1	17.49	Multi-Family Residential	M	R-3	435	24.87
2	20.69	Multi-Family Residential/Commercial	PR-OS	R-PD7	1669	35.07
3	26.90	Multi-Family Residential/Commercial	PR-OS	R-PD7		
	2.13			PD	0	
4	183.71	Single-Family Residential	PR-OS	R-PD7	65	0.35
TOTAL	250.92				2169	8.64

*Established through this Development Agreement (DIR-70539) and provided here by reference.

Existing R-PD7 and PD Development Areas			
Development Area	Area (acres)	Max. Dwelling Units	Max. Density (du/ac)
2	20.69	1669	33.57
3	29.03		
4	183.71	65	0.35
TOTAL	233.43	1734	7.43

Existing R-PD7 Development Area only			
Development Area	Area (acres)	Max. Dwelling Units	Max. Density (du/ac)
2	20.69	1669	35.07
3	26.90		
4	183.71	65	0.35
TOTAL	231.30	1734	7.49

The R-PD7 classification is as approved through the 1990 Rezoning (Z-0017-90) for Phase 2 of the Pecole Ranch Master Plan.

Development Areas 1 through 3 are proposed to contain multi-family dwellings to be mapped as condominiums after an unspecified period of time. Development Area 1 is to contain a complex of four buildings of four stories each, for which a Site Development Plan Review (SDR-62393) for a maximum of 435 units has been approved. Development Area 2 is to contain four and six-story multi-family residential buildings, as well as two multi-family residential towers of up to 15 stories and 150 feet in height, sited so as to minimize impact on view corridors. Development Area 3 is to contain multi-family residential buildings of no more than four stories in height. As this area is nearest to existing single-family dwellings, Development Area 3 includes a 75-foot “No Building Structures” zone on the perimeter containing only an access road and landscaping and an additional 75-foot “Transition Zone” within which buildings cannot exceed 35 feet above the average finished floor elevation of the existing adjacent residence. All buildings are intended to conform to the residential adjacency requirements of the Unified Development Code. In addition, Development Areas 2 and 3 may contain an unspecified number of assisted living apartments and up to 15,000 square feet of ancillary commercial uses for the benefit of residents. A non-gaming boutique hotel with up to 130 units would also be permitted. The assisted living units would count toward the total number of units within Development Areas 2 and 3, whereas the hotel units would not.

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Development Area 4 occupies approximately 73 percent of the Property, but would be restricted to low density residential and associated uses and only contain up to 65 single-family residential dwellings. Lots of one-half acre minimum will be limited to the area of the Property north of Charleston, corresponding to Section A on the Master Land Use Plan. All other lots in this development area are to consist of at least two acres.

New development within Development Areas 1 through 3 will require a Site Development Plan Review. Site development within Development Area 4 will not require a Site Development Plan Review; however, development is subject to current subdivision regulations and procedures, and dwellings are subject to review by the Master Developer prior to the issuance of permits. Within Development Areas 2 and 3, any Site Development Plan Review will acknowledge that all proposed development will be in conformance with the Design Guidelines (Exhibit C), be generally compatible with adjacent development and satisfy the determinations necessary for approval of a Site Development Plan Review listed in LVMC Title 19.16.100(E).

Minor Modifications of the Design Guidelines, Development Standards and Permitted Uses ("Design Guidelines") in Exhibit C may be submitted to the Department of Planning for administrative review. If the proposed change is deemed to not qualify as a minor change, a Major Modification with a hearing by the Planning Commission and City Council would be necessary. Deviations from the Design Guidelines for specific Development Parcels or lots may be submitted to the Department of Planning for administrative review if minor or to the Planning Commission and/or City Council for public hearing if deemed major.

Phasing of development is indicated by Exhibit D. The actual sequence of construction, including infrastructure installation, is market-driven and not intended to follow any numeric or alphabetical sequence as shown on the exhibit. Portions of the construction are tied to milestones based on approval for construction of a certain number of units (typically measured by permits); however, no development in FEMA designated flood areas may commence, including grading, unless the Master Developer first receives a Conditional Letter of Map Revision from FEMA. Now that the golf course has been closed, the Agreement stipulates that the Master Developer would continue to maintain the Property by rough mowing, watering and/or clear and grub. The Master Developer would use best efforts to continue to water the Property until such time as construction activity commences in a given area.

Landscaping and open space would be constructed incrementally relative to the development phasing. Development of the Property contains an open space component whereby approximately 40 percent of the land (or exactly 100 acres) is to be landscaped and/or amenitized for residents. Most of this space is to be located within Development Area 4, maintained by individual property owners, a homeowner's association, sub-HOA or possibly a combination of these. Similar to phasing of construction of the main north-south

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interior drive, public open space improvements within Development Areas 1 through 3 shall be completed prior to approval for construction of the 1,500th residential unit. A stated goal of the Parks Element of the City of Las Vegas 2020 Master Plan is to ensure new subdivisions are developed into walkable communities, where reliance on auto trips for convenience shopping and access to education and recreation is minimized and where densities support transit. Per the 2012 Southern Nevada Regional Planning Coalition Regional Policy Plan, between 2.5 and 10 acres of open space per 1,000 residents is recommended. A minimum of 12.7 acres of landscaping and open space is proposed within Development Areas 1 through 3, including a 2.5-acre private park that may be open to the public from time to time at the discretion of the Master Developer. Pre-UDC Title 19 R-PD standards require a minimum of 28.85 acres (or 12.35 percent) of the R-PD zoned portion of the Property to contain usable open space, which will be satisfied through the terms of the Agreement (12.7 acres in Development Areas 1 through 3 and approximately 87 acres in Development Area 4).

Section Four: Maintenance of the Community

Sidewalks, common landscaped areas, landscaping within street rights-of-way and private drainage facilities are to be managed and maintained by a master homeowner's association, sub-homeowner's association or a combination of these as established by the Master Developer. This section defines the responsibilities of these entities and provides for a plan for maintenance of private amenities. The City would continue to maintain any public facilities dedicated within the Property.

Section Five: Project Infrastructure Improvements

The Master Sanitary Sewer Study shall determine the impact of proposed development on Off-Property sewer pipelines; updates to the sewer study may be required if proposed development substantially deviates from the approved Master Study. Major traffic improvements include the provision of an additional right turn lane on northbound Rampart Boulevard at Summerlin Parkway, an additional lane on the Property's Rampart Boulevard frontage and any traffic signals required by the Master Traffic Study. Drainage improvements are the sole responsibility of the Master Developer and stipulations are made to ensure timely provision of drainage facilities.

Section Six: Default

As is required by NRS 278, the Agreement specifies the events that constitute breach of the agreement and the periods during which any breach of the Agreement may be cured. The City may elect to amend or terminate the Agreement pursuant to state law if a finding of default is made by the City Council. The Master Developer has the right to scrutinize the finding of default and take legal action if necessary.

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Section Seven: General Provisions

This section includes NRS-mandated provisions such as the duration of the Agreement (30 years with an optional five-year extension), the assignment or transfer of the rights in this Agreement to another party, indemnity of the City in cases of damages incurred by the Master Developer and recordation of the Agreement. There is no third party to this Agreement in the cases of land sales to other entities.

Section Eight: Review of Development

NRS Chapter 278.0205 requires that Development Agreements be subject to review by the City of Las Vegas at least once every two years to assess the progress of the parties in fulfilling their obligations. The Master Developer will provide a report to the City of term compliance within each two-year period. Such review is typically brought forward to the City Council in a public hearing.

Development Agreement Exhibits Summary

Exhibit A: Property Legal Description

As required by NRS 278.0201, a signed and stamped legal description of the Property referenced by the Agreement is included. The area includes 250.92 acres and encompasses the entire former Badlands Golf Course.

Exhibit B: Development Areas

This exhibit divides the Property into four distinct Development Areas as described in Section 3. The zoning classification of each area is stated, as well as the number of acres in each area and section. Development Area 4 is further subdivided into seven sections (A-G) that are not intended to be subdivided or built out in any particular order. Development Area 1 as proposed is in conformance with the General Plan. Development Areas 2, 3 and 4 as proposed are in conformance with the allowable density under the R-PD zoning district.

Exhibit C: The Two Fifty Design Guidelines, Development Standards and Permitted Uses

In order to ensure orderly and consistent development and provide flexibility to fulfill the Master Developer's vision for redevelopment of the Property, the Master Developer has proposed a unique set of standards, procedures and permitted uses as part of the Development Agreement. The document allows the Master Developer to deviate from

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standards established by LVMC Title 19 where it deems necessary to effect imaginative and flexible design of buildings and open spaces. Per Title 19.06.040 (adopted March 1997 and as amended prior to March 24, 2011), standards within the R-PD7 zoned areas of the Property may be proposed in conjunction with a Rezoning or Site Development Plan. In this case, the Master Developer proposes standards within the framework of the Agreement and the Design Guidelines. Generally, the standards within Development Areas 2 and 3 are similar to those in the R-4 (High Density Residential) and C-1 (Limited Commercial) zoning districts, while those within Development Area 4 are similar to standards in the R-E (Residence Estates) zoning district. In Development Area 4, all standards for single-family home development are addressed in the Design Guidelines, except for the exterior elevations of the individual custom homes, which will be reviewed by the Master Developer.

The tables below indicate where the proposed standards meet, exceed or are less restrictive than Title 19.

R-3 Lot Standards (Development Area 1)			
Standard	Required per UDC	Proposed per DA	Compliance per UDC
Min. Lot Size	6,500 sf	7,000 sf	exceeds
Min. Lot Width	N/A	N/A	meets
Max. Lot Coverage	N/A	N/A	meets
Dwelling Units per Acre	13-50, but not to exceed General Plan designation	Max. 24.87 du/ac	meets
Min. Setbacks:			
Front	10 feet	10 feet	meets
Side	5 feet	5 feet	meets
Corner Side	5 feet	5 feet	meets
Rear	20 feet	10 feet	less restrictive
Min. Distance Between Buildings	10 feet	0 feet	less restrictive
Accessory Structures:			
Separation from Main Building	6 feet	6 feet	meets
Min. Corner Side Yard Setback	5 feet	5 feet	meets
Min. Side Yard Setback	3 feet	3 feet	meets
Min. Rear Yard Setback	3 feet	3 feet	meets
Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit	No limitations	less restrictive
Max. Building Height:			
Stories	Max. 5	4	more restrictive
Floors	N/A	See "Stories"	N/A
Height (Flat Roof)	55 feet to the top of the roof coping	55 feet to the top of the roof coping	meets

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R-3 Lot Standards (Development Area 1)			
Standard	Required per UDC	Proposed per DA	Compliance per UDC
Max. Building Height:			
Height (Pitched Roof)	55 feet to the midpoint between eaves and ridgeline	55 feet to the midpoint between eaves and ridgeline	meets
Accessory Buildings	2 stories, 35 feet or the height of the principal dwelling unit, whichever is less	No taller than the height of the principal dwelling unit	less restrictive
Landscape Buffers:			
Min. Buffer Depth			
Adjacent to public ROW	10 feet	10 feet within and/or adjacent to ROW	less restrictive
Interior Lot Lines	6 feet	Zero feet	less restrictive
Turf Coverage—front yard	30% of landscapable area	No limitations	less restrictive
Parking:			
1 BR or Studio Units	1.25 spaces per unit	1.25 spaces per unit	meets
2 BR Units	1.75 spaces per unit	1.75 spaces per unit	meets
3+ BR Units	2.00 spaces per unit	2.00 spaces per unit	meets
Guest Parking	1 space per 6 units	1 space per 6 units	meets

Fences and Walls:			
Front Yard:			
Max. Primary Wall Height	5 feet	12 feet	less restrictive
Max. Solid Wall Base Height	2 feet	N/A	less restrictive
Max. On-Center Distance Between Pilasters	24 feet	N/A	less restrictive
Max. Secondary Wall Height	2 feet	N/A	less restrictive
Min. Spacing Between Walls	5 feet	N/A	less restrictive
Perimeter/Retaining Walls:			
Max. Wall Height	10 feet for slopes $\leq 2\%$ 12 feet for slopes $> 2\%$	12 feet	meets
Max. Perimeter Wall Height	6-8 feet for slopes $\leq 2\%$ 6-8 feet for slopes $> 2\%$	12 feet	less restrictive
Max. Retaining Wall Height	4 feet for slopes $\leq 2\%$ 6 feet for slopes $> 2\%$	8 feet	less restrictive
Stepped Perimeter Walls:			
Max. Primary Wall Height	6-8 feet	No restrictions	less restrictive
Max. Secondary Wall Height	4 feet	No restrictions	less restrictive
Min. Spacing Between Walls	5 feet	No restrictions	less restrictive

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Signage:			
Development Entry Statement Signs	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	meets
Other Residential Sign Types	Per UDC Title 19.06 R-3 District Standards	Per UDC Title 19.06 R-3 District Standards	meets

R-PD Lot Standards – Multi-Family and Commercial (Development Areas 2-3)			
Standard	Required per UDC	Proposed per DA	Compliance per UDC
Min. Lot Size	Determined by SDR	N/A	N/A
Min. Lot Width	Determined by SDR	N/A	N/A
Max. Lot Coverage	Determined by SDR	N/A	N/A
Dwelling Units per Acre	N/A	Max. 33.87 du/ac (overall R-PD density is 7.49 du/ac)	N/A

R-PD Lot Standards – Multi-Family and Commercial (Development Areas 2-3)			
Min. Setbacks:			
Front	Determined by SDR	10 feet	meets R-3
Side	Determined by SDR	5 feet	meets R-3
Corner Side	Determined by SDR	5 feet	meets R-3
Rear	Determined by SDR	10 feet	N/A
Min. Distance Between Buildings	Determined by SDR	0 feet	N/A
Accessory Structures:			
Separation from Main Building	Determined by SDR	6 feet	meets R-3
Min. Corner Side Yard Setback	Determined by SDR	5 feet	meets R-3
Min. Side Yard Setback	Determined by SDR	3 feet	meets R-3
Min. Rear Yard Setback	Determined by SDR	3 feet	meets R-3
Size and Coverage	Determined by SDR	No limitations	N/A
Max. Building Height:			
Stories	Determined by SDR	4-6 – midrise (DA 2) 15 – towers (DA 2) 4 (DA 3)	N/A
Floors	Determined by SDR	See “Stories”	N/A
Height (Flat Roof)	Determined by SDR	55 feet to the top of the roof coping (DA 3)	meets R-4
		55 feet to the top of the roof coping (DA 2, 4-story buildings)	meets
		75 feet to the top of the roof coping (DA 2, 6-story buildings)	less restrictive

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R-PD Lot Standards – Multi-Family and Commercial (Development Areas 2-3)			
Max. Building Height:			
		150 feet to the top of the roof coping (DA 2, towers)	less restrictive
Height (Pitched Roof)	Determined by SDR	55 feet to the midpoint between eaves and ridgeline (DA 3)	meets R-4
		55 feet to the midpoint between eaves and ridgeline (DA 2, 4-story buildings)	meets R-4
		75 feet to the midpoint between eaves and ridgeline (DA 2, 6-story buildings)	N/A
		150 feet to the midpoint between eaves and ridgeline (DA 2, towers)	N/A
Accessory Buildings	Determined by SDR	No taller than the height of the principal dwelling unit	N/A
Transition Zone – Building Height (Development Area 3 only)	N/A	Buildings within the area 75 feet inward from the No Building Structure Zone shall not exceed the height of the tallest existing adjacent residence located outside the Property	N/A
Patio Covers:			
Setback to Post	Determined by SDR	Not stated	per UDC
Overhang	Determined by SDR		
Other Restrictions	May not extend into front yard setback		
Residential Adjacency:			
Building Height/Setback per Proximity Slope	3 feet of setback for each 1 foot of building height above 15 feet	3 feet of setback for each 1 foot of building height above 15 feet	meets
Building Setback	Must at a minimum match the established setback of the protected property	60 feet from existing SFD (R-PD7 or less density)	exceeds
		50 feet from existing SFD (greater than 7.49 du/ac)	exceeds
		10 feet from existing commercial property	meets except rear setback
No Building Structures Zone (Development Area 3 only)	N/A	75 feet from the PL of any existing single family lot located outside the Property; no buildings permitted in this area	N/A

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R-PD Lot Standards – Multi-Family and Commercial (Development Areas 2-3)			
Landscape Buffers:			
Min. Buffer Depth			
Adjacent to public ROW	10 feet	10 feet within and/or adjacent to ROW	less restrictive
Interior Lot Lines	6 feet	Zero feet	less restrictive
Turf Coverage	30% of landscapable area	No limitations	less restrictive
Parking:			
1 BR or Studio Units	1.25 spaces per unit	1.25 spaces per unit	meets
2 BR Units	1.75 spaces per unit	1.75 spaces per unit	meets
3+ BR Units	2.00 spaces per unit	2.00 spaces per unit	meets
Guest Parking	1 space per 6 units	1 space per 6 units	meets
Fences and Walls:			
Front Yard:			
Max. Primary Wall Height	5 feet	12 feet	less restrictive
Max. Solid Wall Base Height	2 feet	N/A	less restrictive
Max. On-Center Distance Between Pilasters	24 feet	N/A	less restrictive
Max. Secondary Wall Height	2 feet	N/A	less restrictive
Min. Spacing Between Walls	5 feet	N/A	less restrictive
Perimeter/Retaining Walls:			
Max. Wall Height	10 feet for slopes $\leq 2\%$ 12 feet for slopes $> 2\%$	12 feet	meets
Max. Perimeter Wall Height	6-8 feet for slopes $\leq 2\%$ 6-8 feet for slopes $> 2\%$	12 feet	less restrictive
Max. Retaining Wall Height	4 feet for slopes $\leq 2\%$ 6 feet for slopes $> 2\%$	8 feet	less restrictive
Stepped Perimeter Walls:			
Max. Primary Wall Height	6-8 feet	No restrictions	less restrictive
Max. Secondary Wall Height	4 feet	No restrictions	less restrictive
Min. Spacing Between Walls	5 feet	No restrictions	less restrictive
Signage:			
Development Entry Statement Signs	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	meets
Other Residential Sign Types	Per UDC Title 19.06	Per UDC Title 19.06 R-4 District Standards	meets

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R-PD Lot Standards – Single Family (Development Area 4)				
Standard	Required per UDC	Custom Lots Proposed per DA	Estate Lots Proposed per DA	Compliance per UDC
Min. Lot Size	Determined by SDR	0.5 acre	2 acres	meets R-E
Min. Lot Width	Determined by SDR	100 feet	100 feet	meets R-E
Max. Lot Coverage	Determined by SDR	N/A	Subject to max. buildable area	N/A
Max. Buildable Area	N/A	N/A	45% - 2 to 2.24 acre lot	N/A
Lots ≥ 2 acre in size		N/A	40% - 2.25 to 4.99 acre lot	N/A
		N/A	33% - ≥ 5 acre lot	N/A
Dwelling Units per Acre	N/A	Max. 0.35 du/ac	N/A	N/A
Min. Setbacks:				
Front (public street)	Determined by SDR	50 feet	meets R-E	meets R-E
Front (private street or access easement)	Determined by SDR	30 feet	meets R-E	meets R-E
Side	Determined by SDR	10 feet	meets R-E	meets R-E
Corner Side	Determined by SDR	15 feet	meets R-E	meets R-E
Rear	Determined by SDR	35 feet	meets R-E	meets R-E
Lots ≥ 2 acre in size	N/A	Must meet buildable area restrictions	N/A	N/A
Accessory Structures:				
Separation from Main Building	Determined by SDR	6 feet	No separation required	custom meets R-E
Min. Corner Side Yard Setback	Determined by SDR	5 feet	N/A	less restrictive
Min. Side Yard Setback	Determined by SDR	5 feet	N/A	less restrictive
Min. Rear Yard Setback	Determined by SDR	5 feet	N/A	less restrictive
Size and Coverage	Determined by SDR	No limitations	N/A	less restrictive
Max. Building Height:				
Stories (above grade)	Determined by SDR	3 max	N/A	N/A
Floors	Determined by SDR	See Stories	N/A	N/A
Flat Roof	Determined by SDR	50 feet to the top of the roof coping	N/A	N/A
Pitched Roof	Determined by SDR	50 feet to the midpoint between eaves and ridgeline	N/A	N/A
Accessory Structures	Determined by SDR	Lesser of 3 stories or 50 feet	N/A	N/A
Patio Covers:				
Setback to Supports	Determined by SDR	Not stated	Not stated	per UDC
Overhang	Determined by SDR			
Other Restrictions	May not extend into front yard setback			

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R-PD Lot Standards – Single Family (Development Area 4)				
Residential Adjacency:				
Building Height/Setback per Proximity Slope	N/A	N/A	N/A	N/A
Building Setback	N/A	N/A	50 feet from existing SFD (R-PD7 or less density); 45 feet for lots between 2.0-2.5 ac	exceeds
		N/A	50 feet from existing SFD (greater than 7.49 du/ac)	exceeds
Residential Adjacency:				
		N/A	10 feet from existing commercial property	exceeds
Landscape Buffers:				
Min. Buffer Depth				
Adjacent to public ROW	6 feet	6 feet within and/or adjacent to ROW	6 feet within and/or adjacent to ROW	meets R-E
Interior Lot Lines	0 feet	0 feet	0 feet	meets R-E
Turf Coverage	0% of front yard area	No limitations	No limitations	less restrictive
Parking:				
Single-Family Detached units	2 unimpeded spaces per unit	2 spaces per unit	2 spaces per unit	meets
Accessory Structure (Class I)	1 additional space beyond base requirements	Not addressed	Not stated	per UDC
Fences and Walls:				
Front Yard:				
Max. Primary Wall Height	5 feet	12 feet	12 feet	less restrictive
Max. Solid Wall Base Height	2 feet	8 feet	8 feet	less restrictive
Max. On-Center Distance Between Pilasters	24 feet	N/A	N/A	N/A
Max. Secondary Wall Height	2 feet	N/A	N/A	N/A
Min. Spacing Between Walls	5 feet	N/A	N/A	N/A

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R-PD Lot Standards – Single Family (Development Area 4)				
Fences and Walls:				
Perimeter/Retaining Walls:				
Max. Total Wall Height	10 feet for slopes \leq 2% 12 feet for slopes $>$ 2%	12 feet	12 feet	meets
Max. Perimeter Wall Height	6-8 feet for slopes \leq 2% 6-8 feet for slopes $>$ 2%	12 feet	12 feet	less restrictive
Max. Retaining Wall Height	4 feet for slopes \leq 2% 6 feet for slopes $>$ 2%	8 feet	8 feet	less restrictive
Stepped Perimeter Walls:				
Max. Primary Wall Height	6-8 feet	no restrictions	no restrictions	less restrictive
Max. Secondary Wall Height	4 feet	no restrictions	no restrictions	less restrictive
Min. Spacing Between Walls	5 feet	no restrictions	no restrictions	less restrictive
Signage:				
Development Entry Statement Signs	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	2 signs at each entry No max. size 5-foot setback from PL Direct white light or internal illumination only	meets
Other Residential Sign Types	See UDC Title 19.06	Per UDC Title 19.06.140 for the R-1 District	Per UDC Title 19.06.140 for the R-1 District	meets R-1

As the table above shows, where the proposed standards are less restrictive than Title 19 (primarily setbacks and wall heights), additional controls mitigate any negative impact they might have to adjacent properties and uses. For example, although the proposed height of the towers is nearly three times as tall as the R-3 and R-4 standard, the towers would be situated in such a way that no tower would be adjacent to any single-family residential lot and would be shielded by other mid-rise buildings. Additionally, structures within Development Area 3 would be subject to the No Building Structures and Transition Zones as well as Title 19 Residential Adjacency Standards. Likewise, lots would be configured along the perimeter so that property line walls will be adequately buffered by access roads and landscaping. Within Development Area 4, buildable area restrictions would ensure lots are not overbuilt and sufficient open space is provided. Within this context, the larger size of the estate lots justifies the increased building height standard.

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Where the proposed standards are silent, such as standards for patio covers or parking for commercial development, the Unified Development Code as provided in Exhibit E applies. A note to this effect accompanies the Design Guidelines, Development Standards and Permitted Uses table provided in Exhibit C-II.

Permitted uses are named according to the terms used by the Unified Development Code, except those called out in the Permitted Uses table in Exhibit C-II of the Design Guidelines, Development Standards and Permitted Uses. Definitions of these uses are assumed to correspond to those used in LVMC 19.18.020, except as noted. All permitted uses in the R-3 and R-E zoning districts not listed in Exhibit B are permitted in Development Areas 1 and 4, respectively, according to the UDC. No additional uses beyond those listed in Exhibit C-II are permitted in Development Areas 2 and 3. Additional uses listed in Exhibit C-II not in LVMC 19.12.010 include the following:

- Guard Gate Entry Structure (not considered a use of land in UDC)
- Landscape Maintenance Facility
- Temporary Rock Crushing Operation
- Temporary Stockpiling Operation
- Water Feature (not considered a use of land in UDC)

Permitted uses: Deviations from LVMC Title 19.12					
Use	UDC		Proposed per DA		
	R-3	R-PD*	R-3	DA 2,3	DA 4
Accessory Structure (Class I)	Not allowed	SUP required	Not allowed	Permitted	Permitted
Accessory Structure (Class II)	Conditional	Conditional	Not allowed	Permitted	Permitted
Mixed Use	SUP required	Not allowed	Permitted	Permitted	Not allowed
Restaurant with Alcohol (boutique hotel only)	Not allowed	Not allowed	Not allowed	Permitted	Not allowed
Lounge bar (boutique hotel only)	Not allowed	Not allowed	Not allowed	Permitted	Not allowed
Restaurant with Service Bar	Not allowed	Not allowed	Not allowed	Permitted	Not allowed
Beer/Wine/Cooler On-sale Establishment	Not allowed	Not allowed	Not allowed	Permitted	Not allowed

*Per LVMC Title 19, single-family and multi-family uses in the R-PD District are permitted to the extent that they are determined by the Director of Planning to be consistent with the density approved for the district and compatible with surrounding uses.

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Development Areas 2 and 3 are allowed per the Agreement to have a total of 15,000 square feet of ancillary commercial uses, with no one space exceeding 4,000 square feet. A boutique hotel is also permitted within this area with ancillary alcohol uses. Alcohol Related Uses that would be permitted within Development Areas 2 and 3 include Beer/Wine/Cooler On-Sale Establishment, Restaurant with Service Bar, Restaurant with Alcohol and Lounge Bar as defined by the UDC. Normally, all such uses require either conditional approval or approval of a Special Use Permit prior to licensed operation. However, it has been determined that these uses would be compatible within the planned mixed-use development proposed in Development Areas 2 and 3 and therefore would be permitted in those areas. The only exception would be the ancillary commercial uses, which would require a Special Use Permit for Restaurant with Alcohol and Lounge Bar uses. Within the UDC, these uses are allowed as part of the Mixed Use use rather than as separate categories within the R-PD zoning district. The same applies to the ancillary commercial uses that are planned to serve residents of the multi-family development. The Agreement stipulates that Alcohol Related Uses be permitted adjacent to a private park.

The document also includes cross sections of various private road types and their locations within the Property (Exhibit C-III). The primary north-south street is planned to be 84 feet wide with two lanes in each direction and a median. The primary east-west street would have a maximum width of 59 feet with parallel parking stalls, attached sidewalks and landscaping on both sides. Private, gated streets within Development Area 4 are proposed to be 21 feet wide with no sidewalks, but would have widened turnouts every 800 feet for emergency access and parking. Primary access to the development would be from Hualapai Way, Rampart Boulevard and the southwestern boundary of Development Area 3. The access and circulation provided are adequate to meet the needs of the proposed residential development and would not create traffic conflicts within the Property. The proposed public street improvements as required by the approved Traffic Study will be necessary to handle the projected increase in traffic in the vicinity.

All site or lot development plans will first be reviewed by the Master Developer before review by the City of Las Vegas. Staff finds that the standards, procedures and permitted uses are compatible with the type of development proposed and would not have a negative effect on adjacent properties outside the 250.92 acres.

Exhibit D: Development Phasing

Phasing of construction is to be determined by market conditions and is not intended to be tied to any specific duration of time; however, milestones linked to a set number of residential construction permits have been established to ensure completion of certain components of each Development Area:

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- The extension of Clubhouse Drive (also termed “The Two Fifty Drive Extension”) is to be completed prior to the approval for construction of the 1,500th residential unit (or group of units that includes such permit).
- A new traffic signal at the Rampart Boulevard entrance to Development Area 1 is to be completed as soon as possible pursuant to updated traffic studies.
- Open space/amenities within Development Areas 1 through 3 are to be constructed incrementally as the multi-family residential units and commercial amenities are constructed. Prior to the approval for construction of the 1,500th residential unit, the 2.5 acres of private park area must be completed.
- Drainage infrastructure, including box culverts and/or drainage channels, access points and landscaping within Development Area 4, is to be completed prior to the approval for construction of the 1,700th residential unit.
- Development of areas currently designated as FEMA flood zones cannot commence until the Master Developer receives a Conditional Letter of Map Revision from FEMA.

Exhibit E: Unified Development Code as of the Effective Date

As permitted by NRS 278.0201, the Master Developer intends to “freeze” the standards and processes contained within LVMC Title 19 (Unified Development Code) in order to maintain consistency of development throughout the life of the Agreement. The version of the UDC in effect at the time of recordation of the Agreement would become the basis for all plan review and procedural activity not explicitly contained within the Agreement itself. This includes all amendments approved prior to the Effective Date of the Agreement that have not been published in the UDC.

FINDINGS (DIR-70539)

The proposed Development Agreement conforms to the requirements of NRS 278 regarding the content of development agreements. The proposed density and intensity of development conforms to the existing zoning district requirements for each specified development area. Through additional development and design controls, the proposed development demonstrates sensitivity to and compatibility with the existing single-family uses on the adjacent parcels. Furthermore, the development as proposed would be consistent with goals, objectives and policies of the Las Vegas 2020 Master Plan that call for walkable communities, access to transit options, access to recreational opportunities and dense urban hubs at the intersection of primary roads. Staff therefore recommends approval of the proposed Development Agreement.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/04/90	The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]
	The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.
03/30/98	A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats].
05/16/05	A Boundary Line Adjustment (BLA-6449) between 801 South Rampart Boulevard and the Badlands Golf Course was recorded [File 148 Page 62 of Surveys].
06/08/15	A two-lot Parcel Map (PMP-58527) on 10.54 acres on the south side of Alta Drive, approximately 1,590 feet west of Rampart Boulevard was recorded [File 120 Page 44 of Parcel Maps].
06/18/15	A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [File 120 Page 49 of Parcel Maps].
11/30/15	A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [File 120 Page 91 of Parcel Maps].
03/15/16	A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [File 121 Page 12 of Parcel Maps].

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/16/16	The City Council, at the applicant's request, voted to Withdraw Without Prejudice a request for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Plan to amend the number of allowable units, to the change the land use designation of parcels comprising the current Badlands Golf Course, to provide standards for redevelopment of such parcels and to reflect the as-built condition of the remaining properties on 1,569.60 acres generally located east of Hualapai Way between Alta Drive. The Planning Commission recommended denial. Staff recommended approval.
	The City Council, at the applicant's request, voted to Withdraw Without Prejudice a request for a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial. Staff recommended approval.
	The City Council, at the applicant's request, voted to Withdraw Without Prejudice a request for a Rezoning (ZON-63601) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 248.79 acres and from PD (Planned Development) to R-4 (High Density Residential) on 2.13 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial. Staff recommended approval.
	The City Council, at the applicant's request, voted to Withdraw Without Prejudice a proposed Development Agreement (DIR-63602) between 180 Land Co. LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial. Staff recommended approval.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres generally located at the southeast corner of Alta Drive and Hualapai Way was recorded. [File 121 Page 100 of Parcel Maps]
02/15/17	The City Council approved a request for a General Plan Amendment (GPA-62387) from PR-OS (Parks/Recreation/Open Space) to M (Medium Density Residential) on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval. The original request was amended from H (High Density Residential) to M (Medium Density Residential).

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/17	The City Council approved a request for a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-3 (Medium Density Residential) on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval. The original request was amended from R-4 (High Density Residential) to R-3 (Medium Density Residential).
	The City Council approved a request for a Site Development Plan Review (SDR-62393) for a proposed 435-unit Multi-Family Residential (Condominium) development consisting of four, four-story buildings on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval. The original request was amended from 720 multi-family residential units to 435 units.
03/15/17	The City Council voted to abey a request for a General Plan Amendment (GPA-68385) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way to the 04/19/17 City Council meeting. The Planning Commission failed to reach a supermajority recommendation, which is tantamount to denial. Staff recommended approval.
	The City Council voted to abey a request for a Waiver (WVR-68480) to allow 32-foot private streets with a sidewalk on one side where 47-foot private streets with sidewalks on both sides are required within a proposed gated residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way to the 04/19/17 City Council meeting. The Planning Commission and staff recommended approval.
	The City Council voted to abey a request for a Site Development Plan Review (SDR-68481) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way to the 04/19/17 City Council meeting. The Planning Commission and staff recommended approval.
	The City Council voted to abey a request for a Tentative Map (TMP-68482) for a 61-lot single family residential subdivision on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way to the 04/19/17 City Council meeting. The Planning Commission and staff recommended approval.
04/19/17	The City Council voted to abey GPA-68385, WVR-68480, SDR-68481 and TMP-68482 to the 05/17/17 City Council meeting.
05/17/17	The City Council voted to abey GPA-68385, WVR-68480, SDR-68481 and TMP-68482 to the 06/21/17 City Council meeting.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/13/17	The Planning Commission considered a request for a Development Agreement (DIR-70539) between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard (APNs 138-31-201-005; 138-31-601-008; 138-31-702-003 and 004; 138-31-801-002 and 003; 138-32-202-001; and 138-32-301-005 and 007), Ward 2 (Beers) [PRJ-70542]
06/21/17	The City Council will consider a GPA-68385, WVR-68480, SDR-68481 and TMP-68482 to the 06/21/17 City Council meeting.

<i>Most Recent Change of Ownership</i>	
04/14/05	A deed was recorded for a change in ownership on APN 138-32-202-001.
11/16/15	Deeds were recorded for a change in ownership on APNs 138-31-201-005; 138-31-601-008; 138-31-702-003 and 004; 138-31-801-002 and 003; and 138-32-301-005 and 007.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses relevant to this request.	

<i>Pre-Application Meeting</i>	
Multiple meetings were held with the applicant to discuss the proposed development agreement and the timelines and requirements for application submittal.	

<i>Neighborhood Meeting</i>	
05/30/17	A voluntary neighborhood meeting was held at the Suncoast Hotel, 9090 Alta Drive in Las Vegas.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	250.92

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Commercial Recreation/Amusement (Outdoor) – Golf Course	M (Medium Density Residential)	R-3 (Medium Density Residential)
		PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
North	Multi-Family Residential (Condominiums) / Club House	GTC (General Tourist Commercial)	PD (Planned Development)
	Hotel/Casino	SC (Service Commercial)	C-1 (Limited Commercial)
	Office, Medical or Dental		
	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
		MLA (Medium Low Attached Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
South	Office, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Single Family, Attached	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
	Multi-Family Residential		R-3 (Medium Density Residential)
East	Shopping Center	SC (Service Commercial)	PD (Planned Development)
	Office, Other Than Listed		C-1 (Limited Commercial)
	Mixed Use	GC (General Commercial)	C-2 (General Commercial)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
East	Utility Installation	PF (Public Facilities)	C-V (Civic)
West	Single Family, Attached	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
	Commercial Recreation/Amusement (Outdoor) – Golf Course	P (Parks/Open Space)	
	Multi-Family Residential	MF2 (Medium Density Multi-family – 21 Units per Acre)	

Master and Neighborhood Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
PD (Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails (Pedestrian Path – Rampart Blvd)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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Exhibit 78

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: AUGUST 2, 2017

DEPARTMENT: PLANNING**DIRECTOR: ROBERT SUMMERFIELD, ACTING**☐ Consent ☒ Discussion**SUBJECT:**

DIR-70539 - ABEYANCE ITEM - DIRECTOR'S BUSINESS - PUBLIC HEARING -
 APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For possible action on a request for a
 Development Agreement between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92
 acres at the southwest corner of Alta Drive and Rampart Boulevard (APNs 138-31-201-005;
 138-31-601-008; 138-31-702-003 and 004; 138-31-801-002 and 003; 138-32-202-001; and 138-
 32-301-005 and 007), Ward 2 (Seroka) [PRJ-70542]. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

70

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

51

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Justification Letter
5. The Two Fifty Design Guidelines, Development Standards and Permitted Uses
6. Development Agreement for The Two Fifty
7. Protest/Support Postcards
8. Backup Submitted from the June 21, 2017 City Council Meeting
9. Submitted at Meeting – Argument-Supporting Documentation by Doug Rankin, Frank Schreck, Michael Buckley, Ron Iversen and James Jimmerson and Letter from Las Vegas Valley Water District by Councilman Seroka
10. Combined Verbatim Transcript

Motion made by STEVEN G. SEROKA to Deny

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, LOIS TARKANIAN, STAVROS S. ANTHONY, STEVEN G. SEROKA;
 (Against-MICHELE FIORE, RICKI Y. BARLOW, CAROLYN G. GOODMAN); (Abstain-
 None); (Did Not Vote-None); (Excused-None)

Minutes:

NOTE: A Combined Verbatim Transcript of an Excerpt of Item 8 and Items 53 and 31 is made a
 part of the Final Minutes under Item 53.

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CITY COUNCIL MEETING OF: AUGUST 2, 2017**Appearance List:**

CAROLYN G. GOODMAN, Mayor
GINA GREISEN, representing Nevada Voters for Animals
ERIKA GREISEN, representing Nevada Voters for Animals
RICKI Y. BARLOW, Councilman
BRAD JERBIC, City Attorney
ROBERT SUMMERFIELD, Acting Planning Director
CHRIS KAEMPFER, Attorney for the Applicant
STEPHANIE ALLEN, Attorney for the Applicant
UNIDENTIFIED MALE SPEAKER
LOIS TARKANIAN, Councilwoman
STEVEN G. SEROKA, Councilman
MICHELE FIORE, Councilwoman
BOB COFFIN, Councilman
DOUG RANKIN, representing some homeowners
PETER LOWENSTEIN, Planning Section Manager
GEORGE GARCIA, Henderson, Nevada
FRANK SCHRECK, Queensridge resident
TODD BICE, Attorney, Pisanelli Bice Law Firm
DINO REYNOSA, representing Steven Maksin of Moonbeam Capital Investments
MICHAEL BUCKLEY, 300 South 4th Street
SHAUNA HUGHES, representing Queensridge Homeowners Association
BART ANDERSON, Engineering Project Manager
FRANK PANKRATZ, Queensridge resident
RAYMOND FLETCHER, Las Vegas resident
TOM PERRIGO, Executive Director of Community Development
RICK KOST, Queensridge resident
RON IVERSEN, Queensridge resident
GORDON CULP, Queensridge resident
ANNE SMITH, Queensridge resident
ELISE CANONICO, Vice President of the Queensridge Board on behalf of Tudor Park residents
BOB PECCOLE, Queensridge resident
ROBERT EGLET, Queensridge property owner
ALICE COBB, President of the Board for One Queensridge Place Homeowners Association
EVA THOMAS, Queensridge resident
DEBRA KANER, Queensridge resident
TERRY HOLDEN, Queensridge resident
LARRY SADOFF, Queensridge resident
DALE ROESENER, Queensridge resident
GEORGE WEST, Queensridge resident
ROBERT LEPIERE, Queensridge resident
TODD KOREN, Queensridge resident
STEVE CARIA, Queensridge resident
JAMES JIMMERSON, Queensridge resident

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CITY COUNCIL MEETING OF: AUGUST 2, 2017

LOUISE FRANCOEUR, Queensridge resident
STACEY L. CAMPBELL, Acting City Clerk



Exhibit 88

June 28, 2016

Mr. Victor Bolanos
Sr. Engineering Associate – Transportation Planning
City of Las Vegas Public Works Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Reasons for Access Points off Hualapai Way and Rampart Blvd.

Dear Mr. Bolanos,

We are requesting approval for access points at Hualapai Way (parcel #138-31-201-005 and 138-31-702-003) and Rampart Blvd. (parcel # 138-32-301-005).

The access points for Hualapai Way are necessary for the service operations and ingress/egress of, but not limited to, the trucks and equipment required for the tree and plant cutting, removal of related debris and soil testing equipment.

The access point for Rampart Blvd. is necessary for the service operations and ingress/egress of, but not limited to, the trucks and equipment required for the tree and plant cutting, removal of related debris and soil testing equipment. Additionally, the bridge from the clubhouse access will not support the weight of the trucks and equipment required. We have an entitlement for this related parcel which will provide us service access for that property.

Please see the attached exhibit for the location of these access points.

Thank you for your consideration.

Sincerely yours,



Mark Colloton, Architect,
180 Land Co LLC and Seventy Acres LLC

SERVICE ACCESS PLAN

PARCEL NO.: 138-32-301-005 (17.49 AC)
 OWNER NAME: SEVENTY ACRES LLC

PARCEL NO.: 138-32-301-007 (47.59 AC)
 OWNER NAME: SEVENTY ACRES LLC

PARCEL NO.: 138-31-801-003 (5.44 AC)
 OWNER NAME: SEVENTY ACRES LLC

PARCEL NO.: 138-31-801-002 (11.28 AC)
 OWNER NAME: 180 LAND CO. LLC

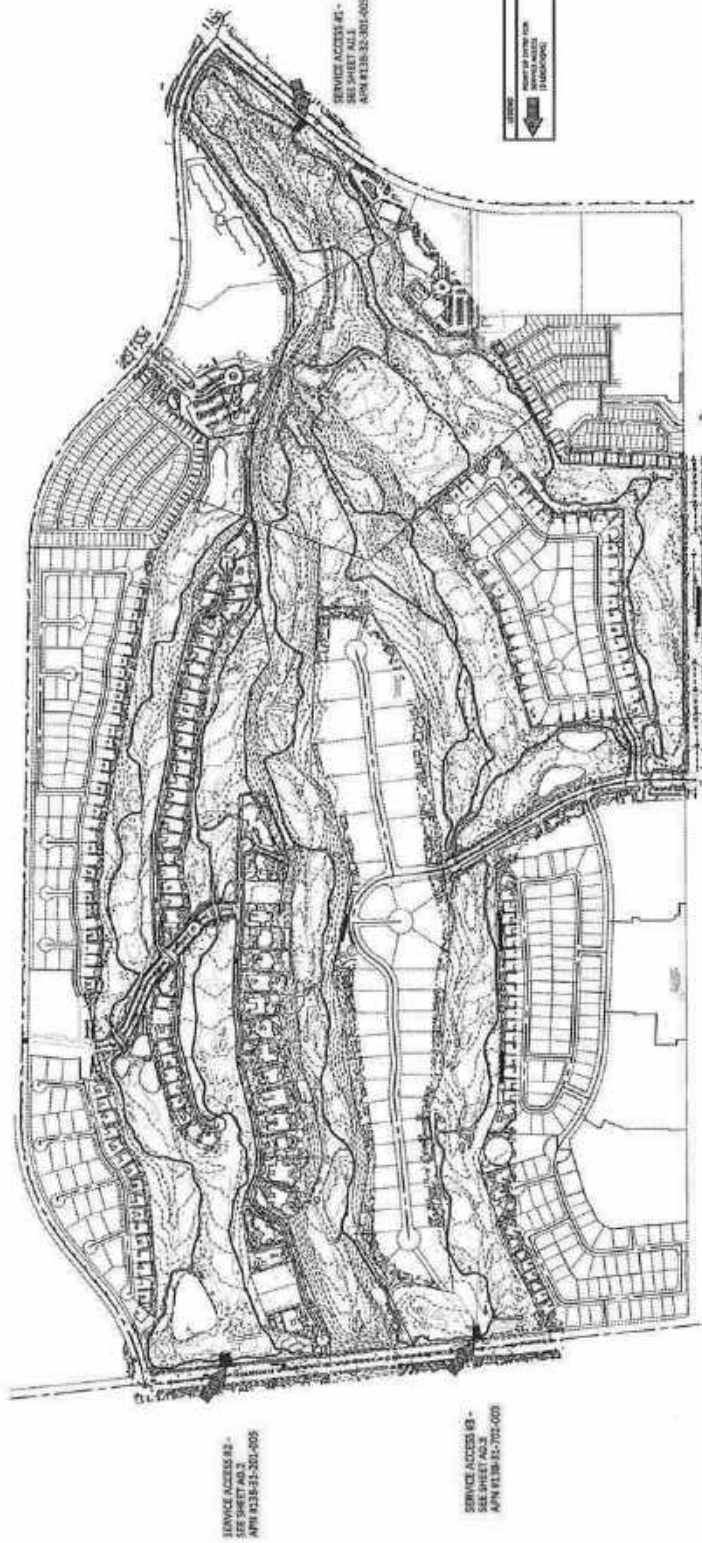
PARCEL NO.: 138-31-702-004 (33.8 AC)
 OWNER NAME: 180 LAND CO. LLC

PARCEL NO.: 138-31-702-003 (76.93 AC)
 OWNER NAME: 180 LAND CO. LLC

PARCEL NO.: 138-31-601-008 (22.19 AC)
 OWNER NAME: 180 LAND CO. LLC

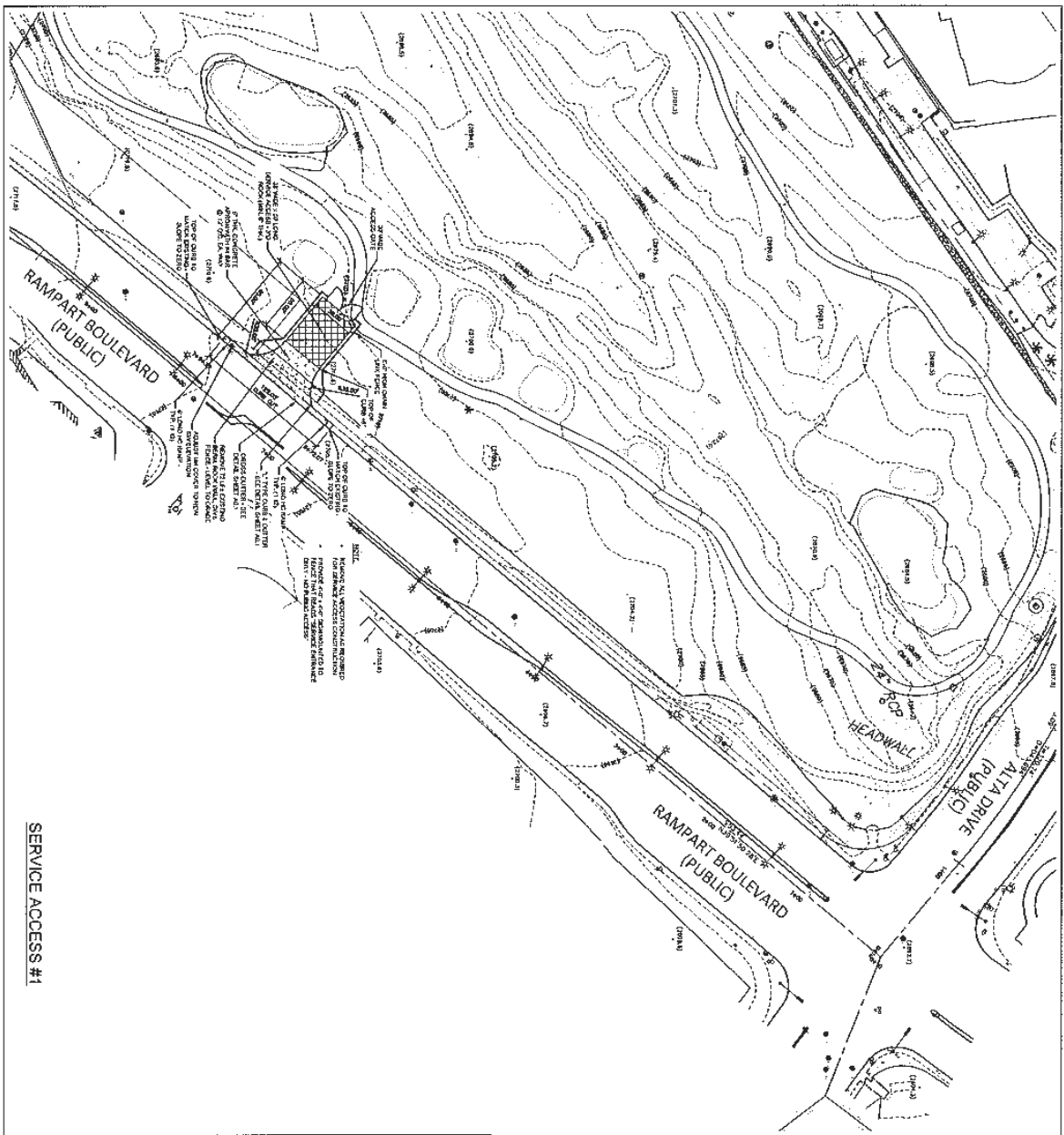
PARCEL NO.: 138-31-201-005 (34.07 AC)
 OWNER NAME: 180 LAND CO. LLC

PARCEL NO.: 138-31-712-004 (0.22 AC)
 OWNER NAME: 180 LAND CO. LLC

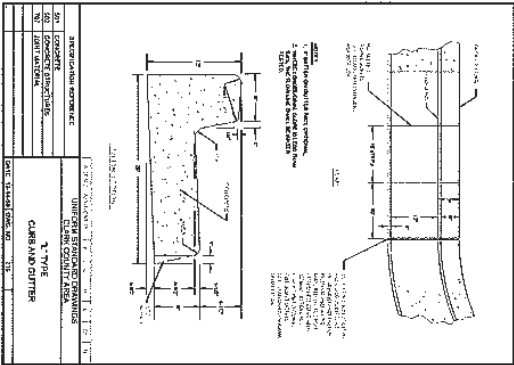
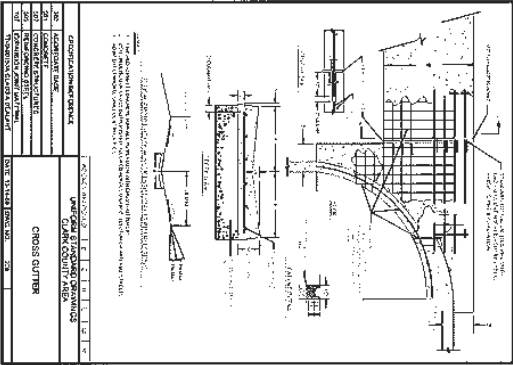


OVERALL PLAN SERVICE ACCESS

CONTRACTOR LEVEL, CM 180 S. 2000 AVENUE SUITE #100 LAWRENCE, MA 01840 TEL: 781-940-6030		SEVENTY ACRES LLC and 180 LAND CO. LLC		PROJECT NAME SERVICE ACCESS PLAN		PROJECT NO. 2017-06-28		SCALE: 1" = 300'	
DATE		DRAWN		ISSUE DATE		A0.0		SCALE: 1" = 300'	



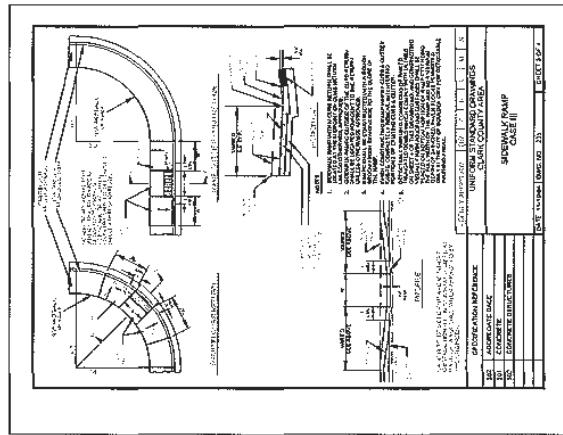
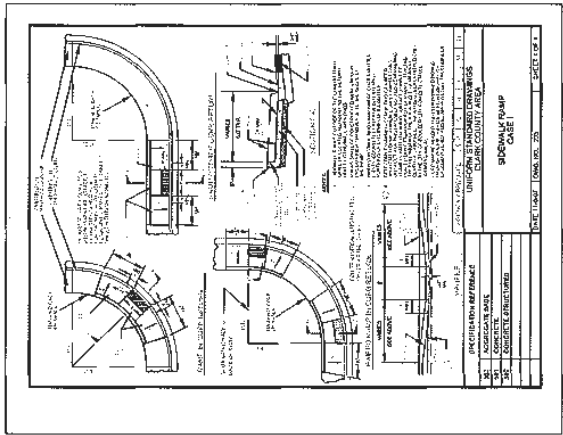
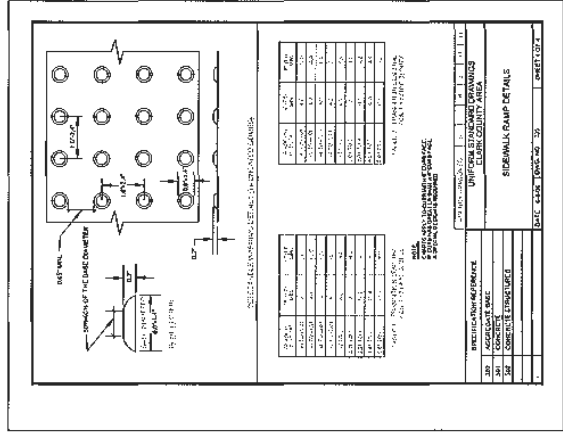
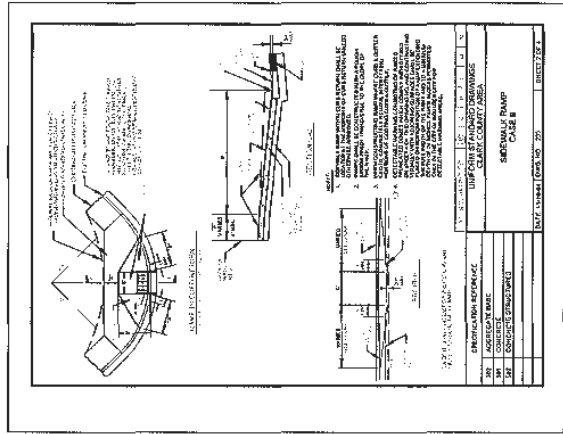
SERVICE ACCESS #1



PROJECT NAME SERVICE ACCESS PLAN		PROJECT NO. 201706-20		ISSUE DATE 201706-20		SCALE 1" = 40'	
SEVENTY ACRES LLC and 180 LAND CO. LLC		CONTRACTOR: LEVEL CM		1215 S. FORT APACHE RD SUITE #120 LAS VEGAS, NV 89117 PH: 702-948-8530		002842	

CONTRACTOR LEVEL CM 1215 G. PORT APACIFIC RD SUITE #110 LAS VEGAS, NV 89117 PH. 702-466-9930		SEVENTY ACRES LLC and 180 LAND CO. LLC		PROJECT NAME SERVICE ACCESS PLAN		PROJECT NO. 2017-000289	
DATE: 11/15/17 DRAWN BY: JLD CHECKED BY: JLD DATE: 11/15/17 DRAWN BY: JLD CHECKED BY: JLD		DATE: 11/15/17 DRAWN BY: JLD CHECKED BY: JLD		DATE: 11/15/17 DRAWN BY: JLD CHECKED BY: JLD		DATE: 11/15/17 DRAWN BY: JLD CHECKED BY: JLD	

DETAILS



002815
LO 00002364

Exhibit 89



VIA CERTIFIED MAIL

August 24, 2017

Las Vegas
City Council
Carolyn G. Goodman
Mayor

Lois Tarkanian
Mayor Pro Tem

Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin

Steven G. Seroka
Michele Fiore

City of Las Vegas
City Manager

Scott D. Adams
City Manager

Seventy Acres, LLC
Attn: Ms. Vickie Dehart
120 S. Fort Apache Rd., Suite 120
Las Vegas, NV 89117

Re: L17-00198

Dear Ms. Dehart:

Through the various public hearings and subsequent debates concerning development on the subject site I have determined, pursuant to Las Vegas Municipal Code (LVMC) 19.16.100(C)(1)(b), that any development on this site has the potential to have significant impact on the surrounding properties and as such may require a Major Review.

After reviewing the permit submitted (L17-00198) for perimeter wall modifications and controlled access gates on the subject site, I have determined that the proximity to adjacent properties has the potential to have significant impact on the surrounding properties. As such, the Minor Development Review (Building Permit Level Review) is denied and an application for a Major Review will be required pursuant to LVMC 19.16.100(G)(1)(b).

Please coordinate with the Department of Planning for the submittal of a Major Site Review.

Thank you.

Robert Summerfield, AICP
Acting Director
Department of Planning

RS:me

COPY

DEPARTMENT OF PLANNING

333 N. Rancho Drive, 3rd Floor, Las Vegas, NV 89106 | 702.229.6301 | FAX 702.474.0352 | TTY 7 111

002816

LO 00002365

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Exhibit 90

19.16.100 Site Development Plan Review

A. Purpose

The purpose of the Site Development Plan Review process is to ensure that each development:

1. Is consistent with the General Plan, this Title and other regulations, plans and policies of the City;
2. Contributes to the long term attractiveness of the City;
3. Contributes to the economic vitality of the community by ensuring compatibility of development throughout the community; and
4. Contributes to the public safety, health and general welfare.

B. Applicability

1. **Site Development Plan Review Required.** Except as otherwise provided in this Subsection (B), a Site Development Plan Review is required for all development in the City.
2. **Exemptions.** Except where the City Council or Planning Commission has specifically reserved the right of review through a prior action, the following activities and improvements do not require a Site Development Plan Review:
 - a. Demolition of a structure;
 - b. Normal repairs and maintenance of an existing building or structure; and
 - c. Activities and improvements undertaken in conjunction with a Temporary Commercial Permit or a special event permit issued under LVMC Chapter 12.02.
3. **Certain Conversions.** The conversion of any development from multi-family or apartment development to condominium or co-op status shall require a Site Development Plan Review.

(Ord. 6196 §6, 05/16/12)

C. Authority

1. The Director shall have the authority to:
 - a. Determine whether an activity or improvement is exempt under Paragraph (2) of Subsection (B) of this Section;
 - b. Determine whether a Site Development Plan will be subject to a major review or a minor review under this Section; and
 - c. Approve or deny any Site Development Plan which requires a minor review; provided, however, that final approval authority shall rest with:
 - i. The Planning Commission, if the Commission specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan; or
 - ii. The City Council, if the Council specifically has reserved the right, through prior action, to review and maintain approval authority of any Site Development Plan, or if a member of the City Council requests a review pursuant to this Section.
2. In approving a Site Development Plan, the Director, or if applicable, the Planning Commission or City Council, may impose conditions deemed necessary to ensure the orderly development of the site.

D. Design Standards

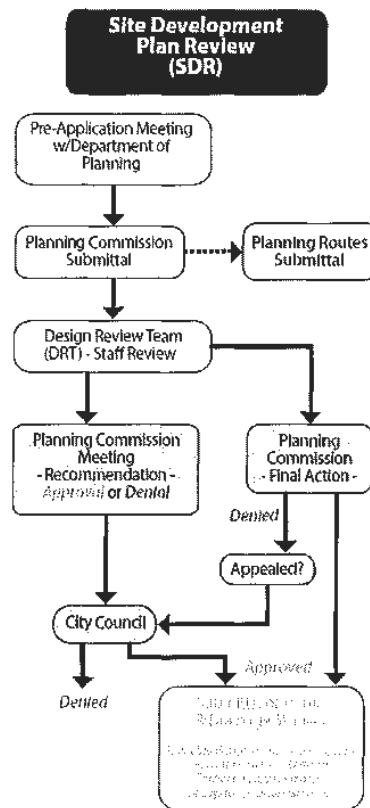
All required Site Development Plans shall meet or exceed the minimum standards established in this Title. In addition, the City may adopt policy documents as a resource for acceptable standards and design solutions. To the extent that such documents establish minimum requirements and standards and are formally adopted by the City Council, Site Development Plans must comply with those documents.

E. Criteria for Review of Site Development Plans

The review of Site Development Plans is intended to ensure that:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title and other duly-adopted City plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;

Site Development Plan Review 19.16.100 Typical Review Process



5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.
- F. Minor Review of Site Development Plans**
1. **Minor Review Decisions.** Site Development Plans requiring Minor Reviews may be approved administratively by the Director. Minor Reviews include without limitation:
 - a. Alterations which affect the external dimensions of an existing building or structure that complies with all applicable requirements of this Title and with any previous conditions or discretionary approval.
 - b. New commercial or industrial construction that complies with all applicable requirements of this Title.
 - c. New residential construction that complies with all applicable requirements of this Title and is not part of a sequential application for additional units.
 - d. Live/Work units which comply with the provisions of LVMC 19.10.170, all other applicable requirements of this Title, and any previous conditions or discretionary approvals.
 - e. Development-type conversions of any of the following, where the conversion complies with all applicable requirements of this Title:
 - i. Residential to commercial;
 - ii. Commercial to residential; or
 - iii. Multi-family or apartments to condominium or co-op.
 2. **Minor Review Process.** A Minor Development Review is initiated by the submittal of a Site Development Plan Review application or an application for a Building Permit.
 - a. **Building Permit Level Review.** Minor Site Development Plans for the construction types listed in this Subparagraph (a) shall be submitted and reviewed as part of a building permit application. Issuance of a building permit shall constitute approval of the Minor Review and no further action is required. The construction types eligible for such treatment are the following:
 - i. Single family dwelling units, duplex dwelling units or multi-family residential development not exceeding four units;
 - ii. Residential accessory buildings;
 - iii. On-site signs, walls and fences;
 - iv. Sculptures, fountains and other similar improvements;
 - v. Patio covers, carports, and commercial shade structures;
 - vi. Wireless communication facilities, antennas, satellite dishes, solar panels and small wind energy systems;
 - vii. Alterations which do not affect the external dimensions of an existing building or structure;
 - viii. Alterations which will result in a change of use or type of occupancy within part or all of an existing building or structure; and
 - ix. Alterations which affect the external dimensions of an existing building or structure, but do not increase the net floor area as defined by Chapter 19.18.
 - b. **Regular Planning Application Level Review.** Minor Site Development Plans for development that is not listed in Subparagraph (a) of this Paragraph (2) shall be submitted as part of a Minor Site Development Plan Review application.
 3. **Review by City Council.** Except as otherwise provided by this Paragraph (3), the administrative approval of a Site Development Plan pursuant to this Subsection (F) shall be final action unless, no later than 10 days following the approval, a member of the City Council files with the Director a written request for the Site Development Plan to be reviewed pursuant to the Major Review Process. In the event such a request is filed, the Site Development Plan shall be subject to the Major Review Process set forth in Paragraph (2) of Subsection (G) of this Section. Such a review may require the payment of a notification fee prior to a public hearing. The provisions of this Paragraph (3) shall not apply to building permit level reviews described in Paragraph 2(a) of this Subsection (f).

(Ord. 6281 § 6, 10/02/13)

G. Major Review of Site Development Plans

1. **Major Review.** A Site Development Plan shall require a Major Review and a public hearing when it does not qualify for a Minor Review under Subsection (F) of this Section. In addition, a Major Review is required if:
 - a. The Planning Commission or City Council, through prior action, has determined that the proposed project or improvement shall be processed as a Major Review; or
 - b. The Director determines that the proposed development could significantly impact the land uses on the site or on surrounding properties.
2. **Major Review Process**
 - a. **Application.** A pre-application conference pursuant to LVMC 19.16.010(B)(3) is required prior to submitting an application for a Major Development Review. A Site Development Plan requiring a Major Development Review shall be filed with the Department. The application shall be signed and notarized:
 - i. By the owner of the property, where the development is to be undertaken by the owner or the owner's authorized agent; or

- ii. By a prospective purchaser or the property, where the property is owned by the State of Nevada or the United States of America and the prospective purchaser has:

- A) Entered into a contract with the governmental entity to obtain ownership of the property;
- B) Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or
- C) Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

In the case of an application that is supported by a letter of no objection under Subparagraph (a)(ii)(C) of this Paragraph (2), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that the processing of the application is done as an accommodation only; that the application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and that the applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

- b. Drawings and Plans Required.** Plans describing the proposed development of the property shall be submitted as required by the Director. Complete working drawings are not necessary; however, proposed structures (including building elevations), streets, driveways and access points, sight visibility restriction zones (as described in LVMC 19.02.190), on-site circulation and parking, walls, landscaping, building materials, dumpster locations and other improvements must be shown. Preliminary drawings must contain sufficient information to permit the determination of compliance with good planning practices, applicable standards and ordinances. Floor plans are not normally required. For any development site where twenty percent or more of the aggregate site has a slope of natural grade above four percent, a cross section must be submitted. Each cross section must extend a minimum of one hundred feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures; the maximum grade differentials; and the elevations of existing and proposed conditions.

- c. Circulation to Departments.** After an application has been determined complete, it shall be forwarded to interested City Departments for their respective comments, recommendations and requirements.

- d. Planning Commission Notice and Hearing.** After interested City Departments have had the opportunity for comment and the Department has conducted its review, each application for Major Review shall be presented to the Planning Commission. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

- i. Publishing the notice in a newspaper of general circulation within the City;

- ii. Mailing a copy of the notice to:

- A) The applicant;
- B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;
- C) Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;
- D) The owner of each of the thirty separately-owner parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Subparagraph (d);
- E) Any advisory board which has been established for the affected area by the City Council; and
- F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

- e. Planning Commission Decision.** In making its final decision, the Planning Commission shall consider the recommendation of the City Departments, the evidence presented at the hearing and the criteria set forth in Subsection (E) of this Section 19.16.100. The Planning Commission may approve, approve with conditions, or deny an application for a Major Review. All actions by the Planning Commission are final unless:

- i. An appeal is filed by the applicant in accordance with Subparagraph (f) below;

- ii. Otherwise required by prior action of the City Council; or

- iii. In the case of Planning Commission approval, a member of the City Council files with the City Clerk, within 10 days following the approval, a written request for the Council to review the approval.

- f. Appeal of Planning Commission Action.** If the applicant is aggrieved by the Planning Commission's denial of an application, or by any condition imposed upon an approval, the applicant may appeal the decision to the City Council by written request. In the case of an approval, an appeal may be filed by any property owner within the area of notification for the Planning Commission hearing, as well as by anyone who appeared, either in person, through an authorized representative or in writing, before the Planning Commission regarding the application. Any appeal must be filed in the Office of the City Clerk within ten days after the Planning Commission's action. Pursuant to LVMC 19.16.010(C), the City Council may establish one or more fees to be paid in connection with the filing of an appeal under this Subparagraph (f), and the amount of any fee so established shall be as set forth in the Fee Schedule.

- g. City Council Notice and Hearing.** All Major Reviews requiring review by the City Council shall be forwarded to the Office of the City Clerk and shall be placed on the next available City Council agenda for hearing. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who

were notified by mail of the Planning Commission hearing, or to the current owners of record in case of properties whose ownership has changed in the interim.

h. City Council Decision. In making its final decision, the City Council shall consider the recommendation of the City Departments and the Planning Commission, the evidence presented at the hearing and the criteria set forth in Subsection (E) of this Section 19.16.100. The City Council may approve, approve with conditions, or deny an application for a Major Review. All actions by the City Council are final. Written notice of the decision shall be provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

i. Amendment to an Approved Site Development Plan

After a Site Development Plan has been approved, any request to amend the approved Plan shall be submitted to the Department. Upon receipt of an amendment request, the Director shall determine if the amendment is to be processed under the Minor Review process set forth in Subsection (F) or under the Major Review process set forth in Subsection (G), taking into account the factors and considerations set forth in those subsections.

j. Revocation or Modification

1. **Notice.** The authority responsible for the final approval of a Site Development Plan may hold a hearing to revoke or modify an approved Site Development Plan. In cases where the Director was the approval authority, the Director may issue a written notice of hearing concerning a possible revocation or modification of the Plan, or may refer the item to the Planning Commission. At least ten days prior to any hearing, written notice of the hearing shall be delivered to the owner, developer, or both. Notice may be delivered in person or by certified mail, return receipt requested, to the address shown in the records of the Clark County Assessor.
2. **Grounds.** A Site Development Plan approval may be revoked or modified by the reviewing authority for cause, including a finding of one or more of the following:
 - a. That the Site Development Plan approval was obtained by misrepresentation or fraud;
 - b. That the development is not in compliance with one or more of the conditions of approval;
 - c. That the development is in violation of any State or local law, ordinance or regulation; or
 - d. That the time limits specified in Paragraph (1) of Subsection (K) have expired.
3. **Notice of Decision.** Written notice of the decision shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the City Clerk.

(Ord. 6297 § 2, 02/05/14)

k. Expiration

A Site Development Plan which is not exercised within the approval period shall be void, unless an extension of time is granted upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the approval period. For purposes of this Subsection (j):

1. The "approval period" for a Site Development Plan is the time period specified in the approval, if one is specified, and is two years otherwise.
2. A Site Development Plan is exercised upon the issuance of a building permit for the principal structure on the site or, in the case of a residential subdivision, upon the recordation of a final subdivision map.

K. Concurrent Approvals - Temporary Development

At the discretion of the City Council, a Site Development Plan may be approved, concurrent with other development approval, to allow a temporary development to be constructed without expunging or invalidating an active, unexpired Site Development Plan, Special Use Permit or associated approval(s). For purposes of this Subsection, "temporary development" means development that is distinct from the long-term development otherwise approved for the site and is intended as an interim use of the site for a limited period of time. Any such concurrent approval for temporary development is subject to the following requirements and limitations:

1. Approval for a temporary development may be for a period not to exceed three years, except as may be extended by means of one Extension of Time for a period not to exceed three years. A request for Extension of Time shall be by means of an application for Extension of Time pursuant to Section 19.16.260, and shall be subject to review and approval by the City Council.
2. No more than one temporary development may be approved for a particular site at any one time.
3. At the conclusion of the time period specified in Paragraph (1) above, including any approved Extension of Time, the developer must agree to abandon the temporary development in favor of the initial, unexpired Site Development Plan approval. Otherwise, the original entitlements are subject to revocation as provided for under Subsection (I) of this Section, and the temporary development shall become the entitled development for the site. Notwithstanding the preceding sentence, if an approval for temporary development under this Subsection (K) included any deviations from standards, including exceptions, waivers, or variances, the developer will be required to resubmit to the entitlement process for approval of the temporary development as the long-term development for the site. This requirement is in recognition of the possibility that 1) the rationale for seeking and granting such deviations may have been that the development was intended to be temporary only and 2) as a result, such deviations might not have been granted otherwise.

(Ord. 6297 § 3, 02/05/14)

(Ord. 6486 § 3 to 8, 12/16/15)

<http://online.encodeplus.com/regs/lasvegas-nv/doc-view.aspx?print=1>

002821

9/12/2018

LO 00002358

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Exhibit 92



VIA CERTIFIED MAIL

August 24, 2017

City of Las Vegas
Carolyn G. Goodman
Mayor

Lois Tarkenton
Mayor Pro Tem
Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin
Steven G. Seroka
Michele Fiore

City of Las Vegas
Scott D. Adams
City Manager

American Fence Company, Inc.
Attn: Ms. Laurie Peters
4230 Losee Rd.
North Las Vegas, NV 89030

Re: C17-01047

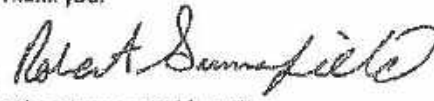
Dear Ms. Peters:

Through the various public hearings and subsequent debates concerning development on the subject site, I have determined, pursuant to Las Vegas Municipal Code (LVMC) 19.16.100(C)(1)(b), that any development on this site has the potential to have significant impact on the surrounding properties and as such may require a Major Review.

After reviewing the permit submitted (C17-01047) for chain link fencing to enclose two water features/ponds on the subject site, I have determined that the proximity to adjacent properties has the potential to have significant impact on the surrounding properties. As such, the Minor Development Review (Building Permit Level Review) is denied and an application for a Major Review will be required pursuant to LVMC 19.16.100(G)(1)(b).

Please coordinate with the Department of Planning for the submittal of a Major Site Review.

Thank you.


Robert Summerfield, AICP
Acting Director
Department of Planning

RS:me

cc: 180 Land Co., LLC
Attn: Vickie Dahart
1215 S. Fort Apache Rd, Suite 120
Las Vegas, NV 89117

DEPARTMENT OF PLANNING

1333 N. Rancho Drive | 3rd Floor | Las Vegas, NV 89106 | 702.229.6301 | FAX 702.474.0352 | TTY 7 1 1

002830

LO 00002353

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Exhibit 93



June 28, 2017

**LAS VEGAS
CITY COUNCIL**

Carolyn G. Goodman
Mayor

Steven D. Ross
Mayor Pro Tem

Lois Tarkanian
Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin
Bob Beers

Elizabeth N. Fretwell
City Manager

Mr. Yohan Lowie
180 Land Company, LLC
1215 South Fort Apache Road, Suite #120
Las Vegas, Nevada 89117

**RE: ABEYANCE ITEM – TMP-68482 - TENTATIVE MAP - PUBLIC HEARING
CITY COUNCIL MEETING OF JUNE 21, 2017**

Dear Mr. Lowie:

Your request for a Tentative Map FOR A 61-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184] , was considered by the City Council on June 21, 2017.

The City Council voted to **DENY** your request due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area.

The Notice of Final Action was filed with the Las Vegas City Clerk on June 22, 2017.

Sincerely,

Thomas A. Perrigo
Director
Department of Planning

TAP:clb

cc: Ms. Cindie Gee
GCW, Inc.
1555 South Rainbow Boulevard
Las Vegas, Nevada 89146

CITY HALL
495 S. MAIN ST.
LAS VEGAS, NV 89101
702.229.6011
TTY 711



002831



17996



June 28, 2017

**LAS VEGAS
CITY COUNCIL**

Carolyn G. Goodman
Mayor

Steven D. Ross
Mayor Pro Tem

Lois Tarkanian
Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin
Bob Beers

Elizabeth N. Fretwell
City Manager

Mr. Yohan Lowie
180 Land Company, LLC
1215 South Fort Apache Road, Suite #120
Las Vegas, Nevada 89117

**RE: ABEYANCE ITEM – SDR-68481 - SITE DEVELOPMENT PLAN REVIEW
- PUBLIC HEARING
CITY COUNCIL MEETING OF JUNE 21, 2017**

Dear Mr. Lowie:

Your request for a Site Development Plan Review FOR A PROPOSED 61-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184], was considered by the City Council on June 21, 2017.

The City Council voted to **DENY** your request due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area.

The Notice of Final Action was filed with the Las Vegas City Clerk on June 22, 2017.

Sincerely,

Thomas A. Perrigo
Director
Department of Planning

TAP:clb

CITY HALL
495 S. MAIN ST.
LAS VEGAS, NV 89101
702.229.6011
TTY 711

cc: Ms. Cindie Gee
GCW, Inc.
1555 South Rainbow Boulevard
Las Vegas, Nevada 89146



002832



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June 28, 2017

**LAS VEGAS
CITY COUNCIL**

Carolyn G. Goodman
Mayor

Steven D. Ross
Mayor Pro Tem

Lois Tarkanian
Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin
Bob Beers

Elizabeth N. Fretwell
City Manager

Mr. Yohan Lowie
180 Land Company, LLC
1215 South Fort Apache Road, Suite #120
Las Vegas, Nevada 89117

**RE: ABEYANCE ITEM – WVR-68480 - WAIVER - PUBLIC HEARING
CITY COUNCIL MEETING OF JUNE 21, 2017**

Dear Mr. Lowie:

Your request for a Waiver TO ALLOW 32-FOOT PRIVATE STREETS WITH A SIDEWALK ON ONE SIDE WHERE 47-FOOT PRIVATE STREETS WITH SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way (Lot 1 in File 121, Page 100 of Parcel Maps on file at the Clark County Recorder's Office; formerly a portion of APN 138-31-702-002), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Beers) [PRJ-67184], was considered by the City Council on June 21, 2017.

The City Council voted to **DENY** your request due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area.

The Notice of Final Action was filed with the Las Vegas City Clerk on June 22, 2017.

Sincerely,

Thomas A. Perrigo
Director
Department of Planning

TAP:clb

CITY HALL
495 S. MAIN ST.
LAS VEGAS, NV 89101
702.229.6011
TTY 711



cc: Ms. Cindie Gee
GCW, Inc.
1555 South Rainbow Boulevard
Las Vegas, Nevada 89146

002833



17998



June 28, 2017

**LAS VEGAS
CITY COUNCIL**

Carolyn G. Goodman
Mayor

Steven D. Ross
Mayor Pro Tem

Lois Tarkanian
Ricki Y. Barlow
Stavros S. Anthony
Bob Coffin
Bob Beers

Elizabeth N. Fretwell
City Manager

Mr. Yohan Lowie
180 Land Company, LLC
1215 South Fort Apache Road, Suite #120
Las Vegas, NV 89117

**RE: ABEYANCE ITEM – GPA-68385 – GENERAL PLAN AMENDMENT –
PUBLIC HEARING - CITY COUNCIL MEETING OF JUNE 21, 2017**

Dear Mr. Lowie:

Your request for a General Plan Amendment FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way (APN 138-31-702-002), Ward 2 (Beers) [PRJ-67184], was considered by the City Council on June 21, 2017.

The City Council voted to **DENY** your request due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area.

The Notice of Final Action was filed with the Las Vegas City Clerk on June 22, 2017.

Sincerely,

Thomas A. Perrigo
Director
Department of Planning

TAP:clb

CITY HALL
495 S. MAIN ST.
LAS VEGAS, NV 89101
702.229.6011
TTY 711



cc: Ms. Cindie Gee
GCW, Inc.
1555 South Rainbow Boulevard
Las Vegas, Nevada 89146

002834



17999

Exhibit 94


CLERK OF THE COURT

1 **DECL**

2 James J. Jimmerson, Esq.
3 Nevada State Bar No. 00264
4 **JIMMERSON LAW FIRM, P.C.**
5 415 South 6th Street, Suite 100
6 Las Vegas, Nevada 89101
7 Telephone: (702) 388-7171
8 Facsimile: (702) 380-6422
9 Email: jjj@jimmersonlawfirm.com
10 *Attorneys for Fore Stars, Ltd.,*
11 *180 Land Co., LLC and*
12 *Seventy Acres, LLC*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 JACK B. BINION, an individual; DUNCAN R. CASE NO. A-15-729053-B
10 and IRENE LEE, individuals and Trustees of the DEPT. NO. XXVII
11 LEE FAMILY TRUST; FRANK A. SCHRECK, Courtroom #3A
12 an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company;
13 ROGER P. and CAROL YN G. WAGNER, individuals and Trustees of the WAGNER
14 FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD
15 TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS
16 TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS
17 TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF
18 THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE
KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY
BIGLER

19 Plaintiffs,

20 vs.

21 FORE STARS, LTD., a Nevada Limited
22 Liability Company; 180 LAND CO., LLC, a
23 Nevada Limited Liability Company; SEVENTY
ACRES, LLC, a Nevada Limited Liability
Company; and THE CITY OF LAS VEGAS.

24 Defendants.

DECLARATION OF VICKIE DEHART

DECLARATION OF VICKIE DEHART

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

VICKIE DEHART, declares, alleges and states as follows:

1. I am one of the Managers of Defendants in this matter. I have personal knowledge of all matters contained herein, and am competent to testify thereto, except for those matter stated on information and belief, and to those matters, I believe them to be true. I make this Declaration in support of Defendants' DEFENDANTS FORE STARS, LTD., 180 LAND CO., LLC AND SEVENTY ACRES, LLC'S REPLY in support of MOTION TO DISMISS FIRST AMENDED COMPLAINT and OPPOSITION TO COUNTERMOTION UNDER NRCP 56(f).

2. On or about December 29, 2015, Mr. Schreck bragged that his group is "politically connected" and could stop the development plans for the Land from moving forward. Mr. Schreck accused us of having "colluded" with the City, threatened to go to the newspaper, and declared that we needed to understand how powerful Schreck's group is. It was then that Mr. Schreck openly revealed that he wanted 180 acres, with valuable water rights deeded to him and his group, and only then would they "allow" us to develop the remainder of the Land. When Mr. Schreck was asked what he wanted to pay for the 180 acres and water rights, Schreck said "not a penny." This attempt at extortion was promptly reported to the FBI.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.


VICKIE DEHART

1
2
3
4 CERTIFICATE OF SERVICE

5 Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that on this day, I caused a
6 true and correct copy of the foregoing *Declaration of Vickie Dehart* to be filed and e-served via the
7 Court's Wiznet E-Filing system on the parties listed below. The date and time of the electronic proof
8 of service is in place of the date and place of deposit in the mail.
9

10 Todd L. Bice, Esq.
11 Dustun H. Holmes, Esq.
12 Pisanelli Bice, PLLC
13 400 South 7th Street, Suite 300
14 Las Vegas, NV 89101
15 *Counsel for Plaintiffs*

16 Bradford R. Jerbic, Esq.
17 Jeffrey M. Dorocak, Esq.
18 495 South Main Street
19 Sixth Floor
20 Las Vegas, Nevada 89101
21 *Attorneys for the City of Las Vegas*

22
23
24
25
26
27
28


AN EMPLOYEE OF THE JIMMERSON LAW FIRM, P.C.

Exhibit 107

FIRST AMENDMENT

BILL NO. 2018-5

ORDINANCE NO. 6617

AN ORDINANCE TO AMEND LVMC 19.16.010 TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

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

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Sections 2 to 4, inclusive, of this Ordinance. The amendments in those Sections are deemed to be amendments to both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

SECTION 2: Title 19, Chapter 16, Section 10, is hereby amended by relettering existing Subsections (G), (H) and (I) of that Section, so that those Subsections are lettered (H), (I) and (J), respectively.

SECTION 3: Title 19, Chapter 16, Section 10, is hereby amended by adding thereto, at the appropriate location, a new Subsection (G), reading as follows:

G. Repurposing of Certain Golf Courses or Open Spaces

1. **General.** Except as otherwise provided in this Subsection (G), any proposal by or on behalf of a property owner to repurpose a golf course or open space is subject to the Public Engagement Program requirements of this Subsection (G). The requirements of this Subsection (G) apply to repurposing a golf course or open space located within 1) an existing residential development, 2) a development within an R-PD District, 3) an area encompassed by a Special Area Plan adopted by the City, or 4) an area subject to a Master Development Plan within a PD District. For purposes of this Subsection (G), "repurposing" includes changing or converting all or a portion of the use of the golf course or open space to one or more other uses.

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- 1 2. **Exceptions.** This Subsection (G) does not apply to:
- 2 a. Any project that has been approved as part of the City of Las Vegas Capital Improvement Plan.
- 3 b. Any project that is governed by a development agreement that has been approved pursuant to
- 4 LVMC 19.16.150.
- 5 c. The repurposing of any area that has served as open space pertaining to a nonresidential
- 6 development where that open space functions as an area for vehicle parking, landscaping, or any similar
- 7 incidental use.
- 8 d. The reprogramming of open space recreational amenities that simply changes or adds to the
- 9 programming or activities available at or within that open space.
- 10 3. **Requirements.** In connection with the scheduling of a pre-application conference pursuant to LVMC
- 11 19.16.010(B)(5), the applicant for a repurposing project subject to this Subsection (G) must provide to the
- 12 Department in writing a proposed Public Engagement Program meeting the requirements of Paragraph 4
- 13 below. The requirements of this Subsection (G) must be completed before the submission and processing of
- 14 the land use application(s) to which the pre-application conference applies.
- 15 4. **Public Engagement Program.** The Public Engagement Program (PEP) shall include, at a minimum,
- 16 one in-person neighborhood meeting regarding the repurposing proposal and a summary report documenting
- 17 public engagement activities. The applicant is encouraged, but not required, to conduct additional public
- 18 engagement activities beyond those required by the preceding sentence. Additional public engagement
- 19 activities may include, but are not limited to, the following components:
- 20 a. Applicant's Alternatives Statement. This document is designed to inform the Department and
- 21 stakeholders about the applicant's options and intentions, including the following statements:
- 22 I. A statement summarizing the alternatives if the golf course or open space is not repurposed
- 23 and the current use of the property ceases.
- 24 II. A statement summarizing the rationale for repurposing in lieu of continuing to operate or
- 25 maintain the golf course or open space, or finding another party to do so.
- 26 III. A statement summarizing the proposal to repurpose the golf course or open space with a

1 compatible use.

2 IV. A statement summarizing how the applicant's proposal will mitigate impacts of the
3 proposed land uses on schools, traffic, parks, emergency services, and utility infrastructure.

4 V. A statement summarizing the pertinent portions of any covenants, conditions and
5 restrictions for the development area and the applicant's intentions regarding compliance therewith.

6 VI. If applicable, a statement summarizing any negotiations with the City in regards to a new
7 or amended Development Agreement for the area.

8 b. Neighborhood Meeting. The PEP shall include at a minimum the neighborhood meeting that is
9 described in this Paragraph 4. Notice of such meeting shall be provided in general accordance with the notice
10 provisions and procedures for a General Plan Amendment in LVMC Title 19.16.030(F)(2), except that no
11 newspaper publication is required and the providing of notice shall be the responsibility of the applicant
12 rather than the City. The applicant shall develop a written plan for compliance with the notice requirements
13 of the preceding sentence, which shall be submitted to the Department for review and approval in advance
14 of implementation. The required neighborhood meeting must be scheduled to begin between the hours of
15 5:30 pm and 6:30 pm, except that the Department in particular cases may require that a meeting begin earlier
16 in the day to allow greater participation levels. Additional neighborhood meetings are encouraged, but not
17 required.

18 c. Design Workshops. The applicant may provide conceptual development plans at design
19 workshops and solicit input from stakeholder groups. The applicant is encouraged (without requirement or
20 limitation) to provide separate design workshops for each of the following stakeholder groups, as applicable:

21 I. Owners of properties that are adjacent to the area proposed for repurposing;

22 II. The owners of all other property within the same subdivision (master subdivision, if
23 applicable), Master Development Plan Area or Special Area Plan area; and

24 III. Local neighborhood organizations and business owners located within the same Master
25 Development Plan Area or Special Area Plan area.

26 5. **Summary Report.** Upon completion of a PEP, the applicant shall provide a report to the Department

1 detailing the PEP's implementation, activities and outcomes. The summary report shall be included with any
2 land use entitlement application related to a repurposing proposal. To document the applicant's public
3 engagement activities, the summary report shall include the following, as applicable:

- 4 a. The original Applicant's Alternatives Statement.
- 5 b. Any revised Applicant's Alternatives Statement that has been produced as a result of the process.
- 6 c. Affidavit of mailings pertaining to the mailing of notice of the Applicant's Alternative
7 Statements to prescribed stakeholders, and of the means by which the Alternatives Statements were made
8 available to stakeholders.
- 9 d. Affidavits of mailings for the notices to prescribed stakeholders for all required neighborhood
10 meetings and design workshops.
- 11 e. Scanned copies of any and all sign-in sheets that were used for all required neighborhood
12 meetings and design workshops.
- 13 f. Meeting notes that may have been taken from all required neighborhood meetings and design
14 workshops.
- 15 g. Electronic copy of a spreadsheet with all comments received at meetings and workshops and the
16 applicant's statement of how each of those comments were addressed, if applicable.
- 17 h. Affidavit of mailing for, and results of, a public engagement survey sent to all meeting and
18 workshop attendees.
- 19 i. Accounting of City staff time devoted to required neighborhood meetings and design workshops.
- 20 j. A copy of all materials distributed or displayed by the applicant at all neighborhood meetings
21 and design workshops.
- 22 k. Statements from any facilitator of design workshops summarizing the input and results.
- 23 l. A statement acknowledging that additional public comment heard through a land use
24 application's public hearing process will be taken into consideration by the applicant.

25 SECTION 4: Title 19, Chapter 18, Section 20, is hereby amended by amending the
26 definitions of the terms "Open Space" and "Open Space, Common" to read, respectively, as follows:

1 **Open Space.** Any parcel or area of land or water [essentially unimproved and set aside, dedicated,
2 designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and
3 occupants of land adjoining or neighboring such open space.] that:

4 1. As part of, and in consideration of development approval, has been formally set aside, dedicated,
5 designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and
6 occupants of land adjoining or neighboring such area; and

7 2. Is either unimproved or includes only improvements that pertain to or are incidental to the
8 intended use and enjoyment of the area. Such improvements may include structures, amenities, landscaping,
9 paving or other surface treatments that provide for or facilitate recreation and enjoyment, or that provide for
10 support and maintenance of the area for its intended purposes.

11 **Open Space, Common.** [Land] Open space within or related to a development that is designed and intended
12 for the common use or enjoyment of the residents of the development and their guests.

13 SECTION 5: For purposes of Section 2.100(3) of the City Charter, Sections 19.16.010
14 and 19.18.020 are deemed to be subchapters rather than sections.

15 SECTION 6: The Department of Planning is authorized and directed to incorporate into
16 the Unified Development Code the amendments set forth in Sections 2 to 4, inclusive, of this Ordinance.

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

24 ...

25 ...

26 ...

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, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 14th day of May, 2018.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
10 City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 5-16-18
13 Val Steed, Date
13 Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 21st day of February, 2018, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 16th day of May,
4 2018, which was a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as amended and adopted by the
6 following vote:

7 VOTING "AYE": Councilmembers Tarkanian, Anthony, Coffin Seroka and Crear

8 VOTING "NAY": Goodman and Fiore

9 EXCUSED: None

10 ABSTAINED: None

11 APPROVED:

12 
13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 
16 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 MAR 27 P 12:18

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000974361

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/22/2018 to 03/22/2018, on the following days:

03 / 22 / 18

BILL NO. 2018-5

AN ORDINANCE TO PROVIDE IN PRELIMINARY OR SKELETON FORM AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Provides in preliminary or skeleton form an amendment to the Unified Development Code to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

At the City Council meeting of
February 21, 2018

BILL NO. 2018-5 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

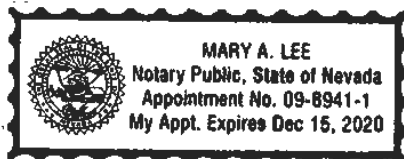
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: March 22, 2018
LV Review-Journal

ISI Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of March, 2018

Notary Mary Lee



003200

18012

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000985805

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2010 MAY 24 A 11: 39

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/19/2018 to 05/19/2018, on the following days:

05 / 19 / 18

FIRST AMENDMENT

BILL NO. 2018-5
ORDINANCE NO. 6617

AN ORDINANCE TO AMEND LVMC 19.16.010 TO ESTABLISH A REQUIRED PROCESS FOR PUBLIC ENGAGEMENT IN CONNECTION WITH THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Amends LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of February, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of May, 2018, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE":
Councilmembers Tarkanian, Anthony, Coffin, Seroka, and Crear

VOTING "NAY":
Mayor Goodman and Councilwoman Flore

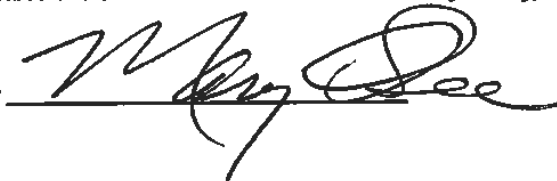
EXCUSED: NONE

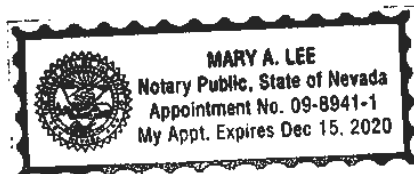
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 19, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of May, 2018

Notary 



003201

18013

Exhibit 108

BILL NO. 2018-24

ORDINANCE NO. 6650

AN ORDINANCE TO AMEND LVMC TITLE 19 (THE UNIFIED DEVELOPMENT CODE) TO ADOPT ADDITIONAL STANDARDS AND REQUIREMENTS REGARDING THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, CONSOLIDATE THOSE PROVISIONS WITH PREVIOUSLY-ADOPTED PUBLIC ENGAGEMENT PROVISIONS REGARDING SUCH REPURPOSING PROPOSALS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC Title 19 (the Unified Development Code) to adopt additional standards regarding the repurposing of certain golf courses and open spaces, and to consolidate those provisions with previously-adopted public engagement provisions regarding such repurposing proposals.

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

SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, together with Ordinance No. 6617, are hereby amended as set forth in Sections 2 and 3 of this Ordinance. The amendments in those Sections are deemed to be amendments to Ordinance Nos. 6289 and the Unified Development Code adopted as Title 19, as well as to Ordinance No. 6617.

SECTION 2: Title 19, Chapter 16, Section 10, as amended by Ordinance No. 6617, is hereby amended to delete and repeal Subsection (G) thereof, and to reletter Subsections (H), (I) and (J) of LVMC 19.16.10 so that they are lettered, respectively, Subsections (G), (H) and (I).

SECTION 3: Title 19, Chapter 16, is hereby amended by adding thereto, at the appropriate location, a new Section 105, reading as follows:

19.16.105: Repurposing of Certain Golf Courses or Open Spaces

A. General. Except as otherwise provided in this Section, any proposal by or on behalf of a property owner to repurpose a golf course or open space, whether or not currently in use as such, is subject to the Public Engagement Program requirements set forth in Subsections (C) and (D), as well as the requirements

1 pertaining to the Development Review and Approval Process, Development Standards, and the Closure
2 Maintenance Plan set forth in Subsections (E) to (G), inclusive. The requirements of this Section apply to
3 repurposing a golf course or open space located within 1) an existing residential development, 2) a
4 development within an R-PD District, 3) an area encompassed by a Special Area Plan adopted by the City,
5 or 4) an area subject to a Master Development Plan within a PD District. For purposes of this Section,
6 "repurposing" includes changing or converting all or a portion of the use of the golf course or open space to
7 one or more other uses.

8 **B. Exceptions.** This Section does not apply to:

9 1. Any project that has been approved as part of the City of Las Vegas Capital Improvement
10 Plan.

11 2. Any project that is governed by a development agreement that has been approved pursuant
12 to LVMC 19.16.150.

13 3. The repurposing of any area that has served as open space pertaining to a nonresidential
14 development where that open space functions as an area for vehicle parking, landscaping, or any similar
15 incidental use.

16 4. The reprogramming of open space recreational amenities that simply changes or adds to the
17 programming or activities available at or within that open space.

18 5. The repurposing of any area where the currently-required development application or
19 applications to accomplish the repurposing already have been approved by the approval authority, with no
20 further discretionary approval pending.

21 **C. Public Engagement Program Requirements.** In connection with the scheduling of a pre-
22 application conference pursuant to LVMC 19.16.010(B)(5), the applicant for a repurposing project subject
23 to this Section must provide to the Department in writing a proposed Public Engagement Program meeting
24 the requirements of this Subsection (C). The requirements of Subsections (C) and (D) must be completed
25 before the submission and processing of the land use application(s) to which the pre-application conference
26 applies. A PEP shall include, at a minimum, one in-person neighborhood meeting regarding the repurposing

1 proposal and a summary report documenting public engagement activities. The applicant is encouraged, but
2 not required, to conduct additional public engagement activities beyond those required by the preceding
3 sentence. Additional public engagement activities may include, but are not limited to, the following
4 components:

5 1. Applicant's Alternatives Statement. This document is designed to inform the Department
6 and stakeholders about the applicant's options and intentions, including the following statements:

7 a. A statement summarizing the alternatives if the golf course or open space is not
8 repurposed and the current use of the property ceases.

9 b. A statement summarizing the rationale for repurposing in lieu of continuing to
10 operate or maintain the golf course or open space, or finding another party to do so.

11 c. A statement summarizing the proposal to repurpose the golf course or open space
12 with a compatible use.

13 d. A statement summarizing how the applicant's proposal will mitigate impacts of the
14 proposed land uses on schools, traffic, parks, emergency services, and utility infrastructure.

15 e. A statement summarizing the pertinent portions of any covenants, conditions and
16 restrictions for the development area and the applicant's intentions regarding compliance therewith.

17 f. If applicable, a statement summarizing any negotiations with the City in regards to
18 a new or amended Development Agreement for the area.

19 2. Neighborhood Meeting. The PEP shall include at a minimum the neighborhood meeting that
20 is described in this Subsection (C). Notice of such meeting shall be provided in general accordance with the
21 notice provisions and procedures for a General Plan Amendment in LVMC Title 19.16.030(F)(2), except that
22 no newspaper publication is required and the providing of notice shall be the responsibility of the applicant
23 rather than the City. The applicant shall develop a written plan for compliance with the notice requirements
24 of the preceding sentence, which shall be submitted to the Department for review and approval in advance
25 of implementation. The required neighborhood meeting must be scheduled to begin between the hours of
26 5:30 pm and 6:30 pm, except that the Department in particular cases may require that a meeting begin earlier

1 in the day to allow greater participation levels. Additional neighborhood meetings are encouraged, but not
2 required.

3 3. Design Workshops. The applicant may provide conceptual development plans at design
4 workshops and solicit input from stakeholder groups. The applicant is encouraged (without requirement or
5 limitation) to provide separate design workshops for each of the following stakeholder groups, as applicable:

- 6 a. Owners of properties that are adjacent to the area proposed for repurposing;
- 7 b. The owners of all other property within the same subdivision (master subdivision, if
8 applicable), Master Development Plan Area or Special Area Plan area; and
- 9 c. Local neighborhood organizations and business owners located within the same
10 Master Development Plan Area or Special Area Plan area.

11 **D. Summary Report.** Upon completion of a PEP, the applicant shall provide a report to the Department
12 detailing the PEP's implementation, activities and outcomes. The summary report shall be included with any
13 land use entitlement application related to a repurposing proposal. To document the applicant's public
14 engagement activities, the summary report shall include the following, as applicable:

- 15 1. The original Applicant's Alternatives Statement.
- 16 2. Any revised Applicant's Alternatives Statement that has been produced as a result of the
17 process.
- 18 3. Affidavit of mailings pertaining to the mailing of notice of the Applicant's Alternative
19 Statements to prescribed stakeholders, and of the means by which the Alternatives Statements were made
20 available to stakeholders.
- 21 4. Affidavits of mailings for the notices to prescribed stakeholders for all required
22 neighborhood meetings and any design workshops.
- 23 5. Scanned copies of any and all sign-in sheets that were used for all required neighborhood
24 meetings and any design workshops.
- 25 6. Meeting notes that may have been taken from all required neighborhood meetings and any
26 design workshops.

1 7. Electronic copy of a spreadsheet with all comments received at meetings and workshops and
2 the applicant's statement of how each of those comments were addressed, if applicable.

3 8. Affidavit of mailing for, and results of, a public engagement survey sent to all meeting and
4 workshop attendees.

5 9. Accounting of City staff time devoted to required neighborhood meetings and any design
6 workshops.

7 10. A copy of all materials distributed or displayed by the applicant at all neighborhood meetings
8 and design workshops.

9 11. Statements from any facilitator of design workshops summarizing the input and results.

10 12. A statement acknowledging that additional public comment heard through a land use
11 application's public hearing process will be taken into consideration by the applicant.

12 **E. Development Review and Approval Process.**

13 1. Purpose. The City's review of golf course or open space repurposing projects is intended to
14 ensure that:

15 a. The proposed repurposing is compatible and harmonious with adjacent
16 development;

17 b. The proposed repurposing is consistent with the General Plan, this Title and other
18 duly-adopted City plans, policies and standards;

19 c. Impacts of the proposed repurposing on schools, traffic, parks, emergency services,
20 utility infrastructure, and environmental quality are mitigated;

21 d. Open space is preserved in furtherance of the goals and objectives of the City's 2020
22 Master Plan with regard to the preservation of open space; and

23 e. Appropriate measures are taken to secure and protect the public health, safety and
24 general welfare.

25 2. General Provisions.

26 a. Development of the area within a repurposing project subject to this Section will be

1 governed by a development agreement and specific standards adopted by the City in conjunction with
2 applications filed pursuant to this Title. The approval of a development agreement and these applications
3 (the "Development Approvals") will include design criteria, infrastructure and public facility requirements,
4 allowable land uses and densities, etc.

5 b. Development of the area within a repurposing project shall be in accordance with all
6 applicable City Plans and policies, including the Centennial Hills Sector Plan, the Las Vegas 2020 Master
7 Plan (and subsequent City of Las Vegas Master Plans) and Title 19.

8 c. Any General Plan Land Use designation and/or Special Area Plan Land Use
9 designations that pertain to the area within a repurposing project shall be proposed to be made consistent
10 with that of the proposed density and use of the project by means of a request to do so that is filed concurrently
11 with any other required application. The means of doing so, whether by a General Plan Amendment or Major
12 Modification, shall be determined in accordance with the Land Use & Rural Neighborhood Preservation
13 Element of the Las Vegas 2020 Master Plan, as may be amended from time to time.

14 3. Additional Application Submittal Requirements. In addition to the requirements for
15 submitting an application for Site Development Plan Review as detailed in LVMC 19.16.100, or any other
16 required application under Title 19, the applicant for a repurposing project subject to this Section must submit
17 the following items in conjunction with any such applications:

- 18 a. A certificate of survey regarding the repurposing project area, depicting:
- 19 i. Legal property description: lot, block, subdivision name;
 - 20 ii. Name, address, and phone number of property owner and developer;
 - 21 iii. Bearings and lot line lengths;
 - 22 iv. Building locations and dimensions;
 - 23 v. Existing grade contours;
 - 24 vi. Proposed grade contours;
 - 25 vii. North arrow and scale;
 - 26 viii. Street name and adjacent street names;

- ix. Benchmark and benchmark locations;
- x. Complete name, address and phone number of engineering firm;
- xi. Drainage arrows;
- xii. List of symbols;
- xiii. Registered Surveyor number and signature;
- xiv. Wetlands, conservation easements, and flood zone and elevation, if applicable;
- xv. Location of any wells or septic drain field or septic tanks; and
- xvi. Other existing easements (public or private) of record.
- b. A proposed master land use plan for the repurposing project area, depicting:
- i. Areas proposed to be retained as golf course or open space, including acreage, any operation agreements, and easement agreements;
- ii. Areas proposed to be converted to open space, including acreage, recreational amenities, wildlife habitat, easements, dedications or conveyances;
- iii. Areas proposed to be converted to residential use, including acreage, density, unit numbers and type;
- iv. Areas proposed to be converted to commercial use, including acreage, density and type; and
- v. Proposed easements and grants for public utility purposes and conservation.
- c. A density or intensity exhibit for the repurposing project area, depicting:
- i. Developed commercial gross floor areas and residential densities;
- ii. Undeveloped but entitled commercial gross floor area and residential densities;
- iii. Proposed residential densities; and
- iv. Proposed commercial gross floor areas.
- d. For a repurposing project area of one acre or more in size, an environmental

1 assessment worksheet for the repurposing project area, consisting of:

2 i. Documentation of the project's impacts on wildlife, water, drainage, and
3 ecology; and

4 ii. A copy of a Phase I environmental site assessment report for the repurposing
5 project area.

6 e. For a repurposing project area of one acre or more in size, conceptual master studies
7 that have been conditionally approved by the Department of Public Works prior to submittal of any formal
8 Title 19 application, including:

9 i. A conceptual master drainage study (for any repurposing project of 2 acres
10 or larger in size);

11 ii. A conceptual master traffic study for any repurposing project that will
12 generate 100 or more peak hour trips; and

13 iii. A conceptual master sanitary sewer study. Regarding this study, the
14 applicant must contact the City's Sanitary Sewer Planning Section to submit the initial draft of the study, to
15 address all comments provided by that Section, and thereafter to receive approval of the study. The study
16 shall identify locations where public sewer easements with drivable access will be provided to service the
17 proposed development by gravity means. The study shall also include the total land use(s) proposed,
18 anticipated connection point(s) to existing sewer system, calculations and exhibits to identify diameter and
19 capacity of all on-property and off-property sewer improvements necessary to meet the needs of the
20 development and the City.

21 f. For a repurposing project area of one acre or more in size, a 3D model of the
22 repurposing project with accurate topography to illustrate potential visual impacts, as well as an edge
23 condition cross section with improvements callouts and maintenance responsibility.

24 g. One or more construction and development phasing plans for any repurposing
25 project to be completed in more than one phase.

26 h. A PEP Summary Report as required pursuant to Subsection (D).

1 **F. Development Standards.** Except as otherwise provided in this Subsection (F), each repurposing
2 project subject to this Section shall conform to the standards as set forth in LVMC Chapters 9.02, 19.06 and
3 19.08, as well as any applicable development agreements and special area plans. In addition, in connection
4 with the consideration of any development applications filed pursuant to LVMC Chapter 19 16, the Planning
5 Commission and City Council shall take into account (and may impose conditions and requirements related
6 to) the purpose set forth in Paragraph (1) of Subsection (E) of this Section, as well as the standards and
7 considerations set forth in this Subsection (F).

8 1. When new development within the area of the repurposing project will be adjacent to
9 existing residential development, the new development shall:

- 10 a. Provide minimum setbacks that meet or exceed those of the existing development.
- 11 b. Ensure that accessory structures are limited to a height of one story and 15 feet.
- 12 c. Provide screening of the uses and equipment listed in LVMC 19.08.040(E)(4) so
13 that they are screened from view from all existing residential development adjacent to the repurposing project
14 area and from public view from all rights-of-way, pedestrian areas, and parking lots.
- 15 d. Provide landscape buffering on all lots adjacent to existing residential development.
- 16 e. Screen all parking lots within the repurposing project area from view of existing
17 residential properties adjacent to that area.

18 2. Existing channels or washes shall be retained or the developer shall provide additional means
19 for drainage and flood control, as shown in a master drainage study approved by the Department of Public
20 Works.

21 3. Where repurposing will result in the elimination or reduction in size of a contiguous golf
22 course or open space, the developer shall consider providing for other facilities or amenities or resources that
23 might help offset or mitigate the impact of the elimination or reduction.

24 4. The additional requirements imposed by this Subsection (F) shall not apply to the
25 repurposing of property that is governed by covenants, conditions and restrictions (CC&R's) which address
26 the repurposing of golf courses or open spaces in any manner whatsoever, whether or not the provisions of

1 those CC&R's are similar to or consistent with this Section. This exemption applies whether or not there is
2 any likelihood that the applicable provisions of the CC&R's will be enforced.

3 **G. Closure Maintenance Plan.** At any time after the Department becomes aware that a golf course
4 that would be subject to this Section if repurposed has ceased operation or will be ceasing operation, the
5 Department may notify the property owner of the requirement to comply with this Section. Similarly, at any
6 time after the Department becomes aware that an open space that would be subject to this Section if
7 repurposed has been withdrawn from use or will be withdrawn from use, the Department may notify the
8 property owner of the requirement to comply with this Section. Any such notification shall be by means of
9 certified mail and by posting at the subject site. Within 10 days after the mailing and posting of the notice,
10 the property owner shall meet with the Department to discuss the proposed plans for the property and process
11 of complying with this Section. Within 30 days after the mailing and posting of the notice, the property
12 owner shall submit to the Department a closure maintenance plan ("the maintenance plan") for review by the
13 Department.

14 1. Purpose. The purpose of a maintenance plan is to address and protect the health, safety, and
15 general welfare of occupants of properties surrounding the subject site, as well as to protect the neighborhood
16 against nuisances, blight and deterioration that might result by the discontinuance of golf course operations
17 or the withdrawal from use of an open space. The maintenance plan will accomplish those objectives by
18 establishing minimum requirements for the maintenance of the subject site. Except as otherwise provided in
19 the next succeeding sentence, the maintenance plan must ensure that the subject site is maintained to the same
20 level as existed on the date of discontinuance or withdrawal until a repurposing project and related
21 development applications have been approved pursuant to this Title. For discontinuances or withdrawals
22 occurring before the effective date of this Ordinance, the required maintenance level shall be as established
23 by the Department, taking into account the lapse of time, availability of resources, and other relevant factors.

24 2. Maintenance Plan Requirements. In addition to detailing how the subject property will be
25 maintained so as to be in compliance with LVMC Chapter 9.04, LVMC 16.02.010, and LVMC 19.06.040(F),
26 the maintenance plan must, at a minimum and with respect to the property:

1 a. Ensure that all exterior areas are kept free from dry vegetation, tumbleweeds, weeds,
2 bushes, tall grass, and trees which present a visual blight upon the area, which may harbor insect or rodent
3 infestations, or which are likely to become a fire hazard or result in a condition which may threaten the health,
4 safety or welfare of adjacent property owners or occupants;

5 b. Provide security and monitoring details;

6 c. Establish a service or other contact information by which the public may register
7 comments or complaints regarding maintenance concerns;

8 d Provide documentation regarding ongoing public access, access to utility easements,
9 and plans to ensure that such access is maintained;

10 e. Detail how all applicable federal, state and local permitting requirements will be
11 met; and

12 f. Provide any additional or supplemental items the Department may determine are
13 necessary in connection with review of the maintenance plan.

14 3. Maintenance Plan Neighborhood Meeting. The property owner shall conduct a
15 neighborhood meeting regarding the proposed maintenance plan, which shall be a prerequisite to final
16 approval of the maintenance plan. Notice of such a meeting shall be provided in general accordance with the
17 notice provisions and procedures for a General Plan Amendment in LVMC 19.16.030(F)(2), except that no
18 newspaper publication is required and the providing of notice shall be the responsibility of the applicant
19 rather than the City. In addition, notice of the meeting shall be provided to the Department at least 10 calendar
20 days in advance of the meeting.

21 4. A maintenance plan that has been approved by the City may be recorded against the property
22 at the property owner's expense.

23 5. Failure to comply with the provisions of this Subsection (G) or with the terms of an approved
24 maintenance plan:

25 a. Shall be grounds for the denial of any development application under this Title that
26 would be required for a repurposing project subject to this Section;

- 1 b. Is unlawful and may be enforced by means of a misdemeanor prosecution; and
2 c. In addition to and independent of any enforcement authority or remedy described in
3 this Title, may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to
4 LVMC 6.02.400 to 6.02.460, inclusive.

5 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.16.010 is
6 deemed to be a subchapter rather than a section.

7 SECTION 5: The Department of Planning is authorized and directed to incorporate into
8 the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

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

16 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to
17 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
18 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
19 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
20 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
21 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
22 of this ordinance shall constitute a separate offense.

23 ...

24 ..

25 ...

26 ...

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of July, 2018, and referred to a committee for recommendation; thereafter
3 the said committee reported on said ordinance on the 7th day of November, 2018, which
4 was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Councilmembers Tarkanian, Coffin, Seroka and Crear

8 VOTING "NAY": Goodman and Fiore

9 EXCUSED: Anthony

10 ABSTAINED: None

11 APPROVED:

12 

13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 

16 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

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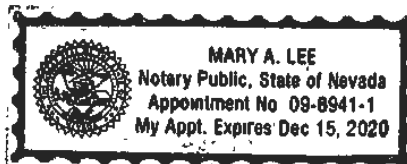
Leslie McCormick, being 1st duly sworn, deposes and says That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/04/2018 to 10/04/2018, on the following days:

10 / 04 / 18


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of October, 2018

Notary 



BILL NO. 2018-24
AN ORDINANCE TO AMEND
LVMC TITLE 19 (THE UNIFIED
DEVELOPMENT CODE) TO
ADOPT ADDITIONAL
STANDARDS AND
REQUIREMENTS REGARDING
THE REPURPOSING OF CERTAIN
GOLF COURSES AND OPEN
SPACES, CONSOLIDATE THOSE
PROVISIONS WITH PREVIOUSLY-
ADOPTED PUBLIC ENGAGEMENT
PROVISIONS REGARDING SUCH
REPURPOSING PROPOSALS, AND
PROVIDE FOR OTHER RELATED
MATTERS.
Sponsored by:
Councilman Steven G. Seroka
Summary: Amends LVMC Title
19 (the Unified Development
Code) to adopt additional
standards regarding the
repurposing of certain golf
courses and open spaces, and
to consolidate those provisions
with previously-adopted public
engagement provisions
regarding such repurposing
proposals.
At the City Council meeting of
July 18, 2018
BILL NO. 2018-24 WAS READ BY
TITLE
AND REFERRED TO A
RECOMMENDING COMMITTEE
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
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STREET, LAS VEGAS, NEVADA
PUB: Oct. 4, 2018
LV Review-Journal

003216

18029

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COUNTY OF CLARK) SS

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LAS VEGAS NV 89101

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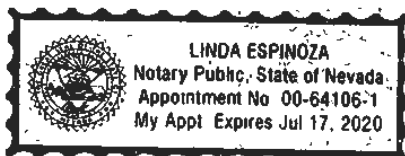
Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/10/2018 to 11/10/2018, on the following days

11 / 10 / 18


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of November, 2018

Notary 



FIRST AMENDMENT

BILL NO. 2018-24
ORDINANCE NO. 6650

AN ORDINANCE TO AMEND LVMC TITLE 19 (THE UNIFIED DEVELOPMENT CODE) TO ADOPT ADDITIONAL STANDARDS AND REQUIREMENTS REGARDING THE REPURPOSING OF CERTAIN GOLF COURSES AND OPEN SPACES, CONSOLIDATE THOSE PROVISIONS WITH PREVIOUSLY ADOPTED PUBLIC ENGAGEMENT PROVISIONS REGARDING SUCH REPURPOSING PROPOSALS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman
Steven G. Seroka

Summary: Amends LVMC Title 19 (the Unified Development Code) to adopt additional standards regarding the repurposing of certain golf courses and open spaces, and to consolidate those provisions with previously-adopted public engagement provisions regarding such repurposing proposals.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of July, 2018, and referred to a committee for recommendation; thereafter the committee reported its recommendation, if any, on said ordinance on the 7th day of November, 2018, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmembers
Tarkanian, Coffin, Seroka and
Crear

VOTING "NAY": Mayor
Goodman and Councilwoman
Fiore

EXCUSED: Councilman Anthony

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STREET, LAS VEGAS, NEVADA

PUB: November 10, 2018
LV Review-Journal

003217

18030

Exhibit 111

KAEMPFER

CROWELL

ATTORNEYS AT LAW

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Carson City, NV 89703
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Fax: 775.882.0257

October 15, 2018

City of Las Vegas City Council
495 S. Main Street, 7th Floor
Las Vegas, NV 89101

Re: Proposed Bill No. 2018-24

Mayor and Members of Council,

Our office represents the various property owners of the residential zoned land upon which the former Badlands Golf Course was operated under a land lease. Notwithstanding that since December 1, 2016, the properties have no longer been operated as a golf course, and are not classified as 'open space', this letter is in opposition to the proposed Bill No. 2018-24. It is indisputable that the enactment of this ordinance will result in years of legal challenges.

Although the bill makes the appearance of broad application, it is intended for a party of one. Notwithstanding numerous requests for an impact study, which will reveal this fact, we are unaware of the City having done such a study. Of the existing golf courses in Las Vegas, none are privately owned and have existing residential zoning without any deed restrictions. Furthermore, in reviewing the bill, the following parties are proposed to be exempt: any project that is part of a City of Las Vegas Capital Improvement Plan; any project subject to a Development Agreement; any open space that has served as such pertaining to a non-residential development where the open space functions as an area for vehicle parking, landscaping and other incidental uses; any reprogramming of open space recreational amenities that changes or adds to the programming or activities available at or within that open space; or any instance where the currently-required applications have already been approved by the approval authority. A law may not be enacted for only one property. It is unlawful and unconstitutional.

Aside from the unconstitutional and targeted nature of the bill, below are some substantive thoughts regarding the same.

- The Clark County Assessor and State Board of Equalization have both determined that the properties are no longer a golf course, is not open space, and has been converted to a higher use. The properties are taxed as single family residential.

- Under Nevada law, existing zoning trumps the City's General/Master Plan which governs the change of zoning for a property.

Submitted At Meeting

003393

Date 10/15/18 Item 4
by Stephanie Allen

18032

KAEMPFER
CROWELL

- The ordinance seeks to eliminate the concept of phased development of properties which is intended to occur over time to adapt to the changing market needs.
- The ordinance places 'catch 22' requirements and excessive financial obligations on a property owner (i.e. requiring master studies to be completed and approved before the pre-application conference can be scheduled, a 3D model, infeasible adjacency requirements, etc.) to make the development entirely impossible.
- The ordinance is retroactive seeking to impose burdens, fines, and criminal penalties for the involuntary closure of a business operation in December, 2016.
- The ordinance changes the status quo for lenders who relied on a City's zoning confirmation letter in accepting a property as collateral for a loan.

We ask that you deny the ordinance in its entirety. The bill is as anti-development. Should you have any questions, please do not hesitate to contact me at (702) 792-7000.

Very truly yours,

KAEMPFER CROWELL



Stephanie H. Allen

SHA/mao

Exhibit 114

**CITY COUNCIL MEETING OF
MAY 16, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 66**

Bill No. 2018-5 - ABEYANCE ITEM - For possible action - Provides in preliminary or skeleton form an amendment to the Unified Development Code to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces. Sponsored by: Councilman Steven G. Seroka [NOTE: It is anticipated that this bill may come forward to the City Council in amended form, with changes to the title and summary to reflect that it is no longer in preliminary or skeleton form and that it proposes an amendment to LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.]

Appearance List

CAROLYN G. GOODMAN, Mayor
STAVROS S. ANTHONY, Councilman
VAL STEED, Chief Deputy City Attorney
MICHELE FIORE, Councilwoman
BOB COFFIN, Councilman
ROBERT SUMMERFIELD, Director of Planning
LOIS TARKANIAN, Councilwoman
STEVEN G. SEROKA, Councilman
CEDRIC CREAR, Councilman

(34 minutes) [2:43 – 3:17]

Typed by: Speechpad.com
Proofed by: Jacquie Miller

MAYOR GOODMAN

Okay. We will move on to Agenda Item 66, 65 was stricken. Sixty-six, Recommending Committee bills eligible for adoption at this meeting, Bill No. 2018-5. Councilman Anthony, would you like the bill read?

**CITY COUNCIL MEETING OF
MAY 16, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 66**

30 **COUNCILMAN ANTHONY**

31 Yes, Mayor.

32

33 **VAL STEED**

34 Thank you-

35

36 **MAYOR GOODMAN**

37 Please.

38

39 **VAL STEED**

40 -Bill No. 2018-5, an ordinance to amend LVMC 19.16.010 to establish a required process for
41 public engagement in connection with the repurposing of certain golf courses and open spaces
42 and to provide for other related matters.

43 You have in your backup not only the initial bill but a couple of proposed First Amendments, the
44 most recent of which is labeled 5-1118 Update. That is the version that was heard by the
45 Recommending Committee this week. The Recommending Committee did not vote out either for
46 or against. There was, there were two competing one to one motions. So this comes forward to
47 you for possible adoption today without a recommendation. And that's my recitation of what
48 happened and why we're here.

49

50 **MAYOR GOODMAN**

51 Thank you very much. Do we have any comments, questions? Councilwoman? I see Mayor Pro
52 Tem your light's on, or is that an accident? Councilwoman?

53

54 **COUNCILWOMAN FIORE**

55 Thank you. As someone that sits on the Recommending Committee and - voted it down both
56 times, this particular ordinance, and I'm just going to read it again because it just needs to be said
57 and on the record. This bill is for one development and one development only. This bill is only
58 about Badlands Golf Course.

CITY COUNCIL MEETING OF
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59 For the past two years, the Las Vegas City Council has been broiled in controversy over
60 Badlands, and this is the latest shot in a salvo against one developer. Badlands and Queensridge
61 was a development that was poorly conceived and executed. The original developer did
62 absolutely nothing to stop development of the golf course and, in fact, allowed for that
63 development. Every person who bought in that development knew the golf course could be
64 developed. The Las Vegas City Council is now supposed to somehow fix this incompetence of a
65 developer that made millions with a flawed development. This is not our job.
66 There are currently three developments that are threatened by conversion of open spaces (sic) or
67 golf courses in the City of Las Vegas. Two of those developments are in my ward, in Ward 6.
68 This is why I'm so passionate about this ordinance. Because, to my fellow Councilmembers, you
69 must understand that this ordinance affects someone else's ward more than it affects the ward
70 members that are putting it out.
71 There are, so, as I said, out of those three, two of them are in my ward; Silverstone Golf Course
72 and Centennial Village. Silverstone is protected by CC&Rs that require 75 percent of the
73 homeowners approve any change in the golf course. This is what should have been done at
74 Badlands, but the developers either wanted the ability to develop the golf course or weren't smart
75 enough to protect the golf course. In my opinion, they left themselves the option to develop the
76 golf course.
77 Centennial Village is closer to what is happening at Badlands but not exactly the same. The
78 developers of Centennial Village did not record the necessary documents to complete the transfer
79 of Pop Squire's Park, and it has been in limbo since. The new owners of Pop Squire's Park are
80 now trying to develop the park, but at Pop Squire's Park, our system is working. I am supporting
81 the neighbors of the park, and the new owners do not believe they have the support of the City
82 Council to obtain the variances needed to convert the park to apartments. So they are working
83 with neighbors and trying to come to a solution that's going to work with all the parties
84 concerned.
85 Adoption of this ordinance will do nothing for these two problems in my ward. Okay? So we're
86 creating a citywide ordinance that affects by ward the most.
87 So, and I'm going to just stick to my notes so I don't get off topic. In fact, it might well hinder, I

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – AGENDA ITEM 66

88 will tell you, any solution that we might come up with. Our - current system is working. I find it
89 unfathomable that we are even considering an ordinance that will do absolutely nothing but add
90 additional layers of bureaucratic meetings for developers and will not add one iota of - help to
91 the homeowners.

92 And so I'm gonna wait to question as we come up and talk on some other things I have, I have
93 questions about.

94

95 **COUNCILMAN COFFIN**

96 Your Honor?

97

98 **MAYOR GOODMAN**

99 Okay. Councilman Coffin?

100

101 **COUNCILMAN COFFIN**

102 Thank you, Your Honor. I'm not the sponsor of the bill, but I do want to weigh in as I have heard
103 testimony. And thank you very much for conducting the Recommending Committee without me
104 there Monday. I couldn't be there, and I do appreciate the fact. But I knew the bill pretty well,
105 and I know that it doesn't address the current topic du jour of a, of a certain golf course in the
106 western part of town. That would be retroactive treatment, and I don't see how we can draw a
107 conclusion or a connection between a bill discussing the future with something that's been in
108 play for quite a long time.

109 So I - think we've got to separate those two out. For one thing, one, if we were to connect these
110 two, then someone might interpret this action today as somehow influencing the discussion on
111 Badlands, and that is not what we wanna do. We want to keep it separate and keep it clean, and
112 this bill has nothing to do with that as far as I am concerned. Thank you very much, Your Honor.

113

114 **MAYOR GOODMAN**

115 Okay. Well, I'd like to add to that. I just do think, and I don't know where Mr. Summerfield is,
116 and nor is this appropriate, so catch me, Mr. Steed, if you could on things that I might be

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – AGENDA ITEM 66**

117 addressing that I shouldn't be. So. My question is, up until this point, I didn't think anything was
118 broken and it has been working for years, and I don't know how many years a Unified
119 Development Code has been sufficing.

120 One of the worst things that happens in government is adding more and more meetings, more
121 and more layers, more cumbersomeness to moving business and investors and developers
122 smoothly, as quickly as possible, which is why the City has been remarkable when you look at
123 what happens in the County and in other communities across the country. So, I don't know, am I
124 allowed to ask staff for their assessment or not?

125

126 **VAL STEED**

127 Their assessment of the ordinance?

128

129 **MAYOR GOODMAN**

130 Their assessment of whether the Uniform Development Code has been broken to this time.

131

132 **VAL STEED**

133 That's fine. You're - talking about the way it addresses open space?

134

135 **MAYOR GOODMAN**

136 Correct.

137

138 **VAL STEED**

139 Correct. Yeah, that's fine.

140

141 **MAYOR GOODMAN**

142 So has it been, is it broken, has it been broken and does it need addressing?

143

144 **ROBERT SUMMERFIELD**

145 Madam Mayor, the - current system has been place, in place for quite a number of years.

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – AGENDA ITEM 66**

146 **MAYOR GOODMAN**

147 How many, about?

148

149 **ROBERT SUMMERFIELD**

150 The current, the UDC is from 2011. The - substantive part of the Code, though, has been in place
151 over various iterations. It's actually been a couple different codes. But substantially, the Code has
152 remained the same in terms of its process with modifications. As you kind of mentioned, we've
153 streamlined the process over the course of many years to get us to a - fairly quick, uniform
154 process that we have now.

155 I can't speak to that no project has had controversy. Obviously, there are projects that have
156 controversy that come before the Planning Commission and City Council. But statutorily, the
157 only application that we need to have a neighborhood meeting is related to the General Plan
158 Amendment. We do have in a couple special area plans, like in Town Center, we do require a
159 neighborhood meeting if someone wants to waive a condition or waive a provision for a Special
160 Use Permit, say an alcohol distance separation. We require a neighborhood meeting for there.
161 Those are really the only circumstances Code requires a neighborhood meeting. Quite often,
162 members of the Planning Commission or City Council, when there are controversial items that
163 come forward, will request a neighborhood meeting. This would be the first time that we would
164 require some form of engagement program prior to the actual submission of an application. In
165 both the case of a General Plan Amendment and the case of the Town Center items that I
166 mentioned, both of those are instances where the applicant actually applies for the entitlement
167 that they're requesting, and then prior to that item being heard at a public hearing, they're
168 required to have that neighborhood meeting. So that would be the - slight twist on this.
169 The amendment that is before you, that we did take to Recommending, does reduce the required
170 meetings to - one required meeting in the case of this type of development.

171

172 **MAYOR GOODMAN**

173 Okay. Well, I just, you know I - take such great pride in what's been happening almost over the
174 past 20 years and getting through the recession and how the City has stepped out far and above

**CITY COUNCIL MEETING OF
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175 any other government body to move things smoothly and as rapidly as we can to help the private
176 sector get through the process. And knowing developers who have been through the mill before,
177 they know they have to include the public in those meetings. They know it because we're gonna
178 hear from them, and we are the elected body who represents them.

179 So I can't take a brush and paint everything and add another layer of government. I cannot
180 support this. I haven't been in support of it only for the fact that it is, there are pieces, you've
181 brought them out, that have come to us, that are unique, and we must deal with each - situation
182 on its uniqueness. So I cannot be in support of it. I wanted, you live, eat, and breathe this. I live,
183 eat, and breathe other things. So you live it. This is your area, and I did want to hear from you
184 with the permission of our attorney.

185 So thank you very much and would welcome anybody's comment, anybody else who would like
186 to make a comment. I'm just for business development and streamlining and not getting
187 government putting another meeting, another, more work in it when it's not broken yet.
188 Okay. Councilwoman, yes?

189

190 **COUNCILWOMAN TARKANIAN**

191 Well, if somebody is going to say that we're not broken after what we've gone through recently, I
192 - can't believe that.

193

194 **MAYOR GOODMAN**

195 That's one. I'm talking overall. This is one.

196

197 **COUNCILWOMAN TARKANIAN**

198 I know. But - it doesn't, I, we're, I don't, I don't know if we're as solid in that as we seem to be.
199 I'm not gonna contradict you, 'cause I know you feel strongly. I would like to say, however, my
200 understanding is, and I believe very strongly, that we are crystal clear with residents that, and we
201 are requiring only one meeting now. We're not saying you have to have three or four or anything.
202 Can you, some changes have been (sic) made. I'm not quite sure of all the changes, and I'd just
203 like to hear what they are. If we talk about transparency, I don't know what's wrong with having

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – AGENDA ITEM 66

204 a neighborhood meeting before you get into something, because this type of open space affects
205 everybody that lives in the area, any area.

206

207 **ROBERT SUMMERFIELD**

208 Through you, Madam Mayor.

209

210 **MAYOR GOODMAN**

211 Please.

212

213 **ROBERT SUMMERFIELD**

214 So, yes, Mayor-

215

216 **MAYOR GOODMAN**

217 Again, state your name, please. Sorry.

218

219 **ROBERT SUMMERFIELD**

220 -Sorry. So, over on this side, Robert Summerfield, Director of Planning. So, Mayor Pro Tem,
221 you're correct. So in the original version of this bill, it did require a number of neighborhood
222 meetings, a number of design workshops. There were a number of things that were going to be
223 required when you were doing this type of infill or - new development in an area that had
224 previously been developed as open space.

225

226 **COUNCILWOMAN TARKANIAN**

227 And they're no longer required, as I understand.

228

229 **ROBERT SUMMERFIELD**

230 Under the Proposed Amendment, there's only one-

CITY COUNCIL MEETING OF
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231 **COUNCILWOMAN TARKANIAN**

232 One meeting required.

233

234 **ROBERT SUMMERFIELD**

235 -required meeting. There's a number of guidelines for other steps that could be followed to which
236 the Planning Commission or the City Council could direct a developer in - a more complicated
237 project. They could ask, You know what? You're only required one neighborhood meeting, but
238 I'd like you to do the alternative statement, or I'd like you to hold at least a design workshop. So
239 those have all become guidelines-

240

241 **COUNCILWOMAN TARKANIAN**

242 Which you can do now.

243

244 **ROBERT SUMMERFIELD**

245 - in the current version of the bill. Which - you could do now. In the current bill, there's only one
246 required neighborhood meeting that's a part of the Public Engagement Program. And then there's
247 a summary report. So it's, there's two pieces of the requirement in the Proposed Amendment.
248 There's the one neighborhood meeting prior to submitting your application to the City of Las
249 Vegas for your entitlement request, and then as a part of that application submittal, you have to
250 submit what's called the Summary Report, which outlines the activities that you conducted as a
251 part of that Public Engagement Program. So if you only have the one meeting, you'll only
252 identify in the Summary Report that you conducted the one meeting and how you did that and
253 what was heard and if you've done anything to change your - plan based on the comments that
254 you heard at that meeting. If you do other things, then you would include those in your Summary
255 Report as well. But those are the only two requirements in the current Proposed Amendment that
256 you have before you.

257

258 **COUNCILWOMAN TARKANIAN**

259 I - just don't see what is so difficult about having a neighborhood meeting. We have them all the

**CITY COUNCIL MEETING OF
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260 time in our ward. And then writing a report on it because that you could do in two sentences.
261 And if we're going to let (sic), if this is only going to relate to one open space area, part of it's
262 because of decisions we've made on who would be considered or who would not be. I just can't
263 see why this is such a big problem. I'm sorry.

264

265 **COUNCILMAN SEROKA**

266 Mayor, if I may?

267

268 **MAYOR GOODMAN**

269 Yes. I'm going to. I think so. Please, Councilman Seroka?

270

271 **COUNCILMAN SEROKA**

272 Thank you. Council and to the public, this bill is about two things only. It is about transparency
273 and accountability. That's it. If you like transparency and you like accountability, you like this
274 bill. What it says is if you're gonna build in somebody's backyard, you're gonna hold a meeting,
275 you're gonna talk about it, you're gonna write down what you heard, and you're gonna come
276 forward to the Council or wherever you go and say, This is what I heard, this is what I'm gonna
277 do about it. That's simple. The difference with this bill is that you do write down what you heard
278 and what you're gonna do about it. We don't have any guidelines for that.
279 So let's explain, let's explain the origins of this bill so that there's no misunderstanding or no
280 misrepresentation as there has been. This bill was born out of a change in the building
281 environment in Las Vegas and across the country. Up til now, our City has been growing
282 outwardly in rings, outwardly, out. We've been building in pristine desert with no neighbors or
283 few neighbors, and we've encouraged development. And that is a good thing. We allow
284 conditions and studies to be submitted after we make approvals. We allow things to be done that
285 you wouldn't necessarily be done if you were building inside of a - neighborhood. But now that
286 we've reached the exterior of our valley, it is interest, there is interest in building inward, and that
287 is not new across the country. It's new to Las Vegas. So as we are beginning to experience that
288 phenomena here in our amazing community, we have thousands of acres of available land for

CITY COUNCIL MEETING OF
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289 potential development that could require a good dialogue and a good policy where we have none.
290 So our current policies do not address that interior-type development, building inside of a
291 completed master plan community. We don't have any engagement or rules. So what was
292 directed to the staff, in September, was to do a study of the best practices around the country.
293 And where did this come from? This came from a meeting in my office, where we were sitting
294 with the City Attorney, the Deputy City Manager for Planning, the Director of Planning, and the
295 Assistant Director of Planning and said, Hey, how do we make things work better in the future?
296 And this was the ideas not of (sic) me, but of the group and all in the room that said, Hey, our
297 policies don't address this. So we just heard one question answered. But really, the - genesis of
298 this is that our policies do not address this type of development. So we looked around the best
299 practices around the country, clearly not targeting any specific article of land. And I, I'll ask the
300 attorney. Val, does this target any one specific piece of land?

301

302 **VAL STEED**

303 The - way it's drafted, it doesn't. It - picks up any number of open spaces and golf courses that
304 may or may not eventually be or currently under private ownership. I can't remember, the staff at
305 one time identified the number of parcels it applies to. So, although the genesis may have come
306 from a particular awareness of one project or one or more projects, the - reach of this ordinance
307 of necessity has to sweep more broadly. We can't draft an ordinance that targets only one piece
308 of property.

309

310 **COUNCILMAN SEROKA**

311 Thank you. And with that in mind, as far as the scope of what is affected, in Ward 2 there was
312 twice the amount of open space acreage that - this could apply to than any other ward in the, in
313 the city. In addition, it is over four times that of the - ward that's in the northwest, four times the
314 open space that could be affected. So what we did was we took the best practices and we said,
315 Hey, what is the best way to do that? And we learned that communication is key. And so we said
316 let's communicate and let's give options to those that can communicate. And let's have the -
317 developer make sure they're listening to those that are speaking, write down what they heard and

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318 what they're gonna do about it. It is truly transparency and accountability, and it is also
319 consistent with the guidance that the City Council gives applicants across the board, that if there
320 is something that is potentially controversial, we say, Please go forward, have a neighborhood
321 meeting, fix it before you come back. We do it with short-term rentals. We do it with
322 controversial work. And most of that happens before it even comes to Council.
323 So what I mean by transparency is this gives notice to everyone. If you're going to do this kind of
324 development, you do it. You do a meeting ahead of time. You know it's coming. You all know
325 it's gonna happen. It's gonna happen outside of Council chambers, and you're going to work
326 through it. Accountability means you're gonna write it down and you're gonna tell us, everybody
327 what you're gonna do about it so you're held to what you spoke about and what you agreed to.
328 It is relatively simple, as Mayor Pro Tem said. It is not an encumbrance when you consider the
329 number of hours and hours and hours that it would prevent from happening in Council chambers,
330 planning sessions elsewhere if you just do it ahead of time.
331 So this case is addressing the changing environment of development, it takes best practices from
332 across the country of successful (sic) language and it applies it here with - part of our pillars that
333 our City stands on, which are transparency and accountability. Thank you.

334

335 **MAYOR GOODMAN**

336 Thank you. Councilman Anthony?

337

338 **COUNCILMAN ANTHONY**

339 Thank you, Mayor. I - heard this ordinance a couple of times during Recommending. So I just
340 want to put on the record what happened and how I voted.

341 So, when the ordinance first came to Recommending, the - crux of the ordinance was that it
342 wanted to increase public engagement when it comes to open space. So, can't argue with that.
343 That sounds like a great thing. So that passed muster for me. The second thing was what exactly
344 was a definition of open spaces, and that was not clear in the original ordinance. And then the
345 third thing is the number of meetings. The original ordinance had seven mandatory meetings, and
346 I had a problem with that. So at Recommending, I - asked staff to -, you know, go back to the

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347 drawing board and do two things. Number one, define further what the definition of open space
348 is 'cause that's specifically what we're dealing with here, and I - can't support seven mandatory
349 meetings. That's just, that was not good for me. So they came back. At the last (sic) meeting,
350 they came back. Tom Perrigo and the attorneys came back with the First Amendment, and they -
351 tightened up the definition of open space, so that's very clear what that was about, and they
352 brought the number of mandatory meetings down to one instead of seven, and the other six were
353 just on the may list, depending on what Planning asked for, depending on what the City Council.
354 So I'm good with that. The definition is clear. It's only one mandatory meeting. It deals
355 specifically with open spaces. It increases public engagement. And that's why I - supported the
356 ordinance at the Recommending Committee. So I just wanted to put that on the record.

357

358 **MAYOR GOODMAN**

359 I appreciate that. I mean I think that is clarifying. I, I'm gonna ask our Director to come back to
360 the microphone, please.

361 For open space development over the, your recent years working for the City, can you recall
362 meetings that there have not been, the public has not been involved? The only thing I'm
363 questioning, and I do really appreciate what Councilman Anthony has done in reducing the
364 cumbersomeness of all those meetings down to one, I mean I think, and clarifying what the open
365 space means. But I can't recall any development where they haven't had meetings in the past.
366 And when in fact there is a problem, we're full. They come in, the public comes in. I thought
367 everything was transparent. Everything is up on the website, what's going on. And maybe I am
368 totally smoking what is now available in this community, which I don't do.

369 So, can you clarify for me, I - appreciate Councilman Seroka's talk about transparency, but I
370 have always been a firm believer that everything we're doing at City is on the website and public
371 information. So I need a clarification there. What's hidden?

372

373 **ROBERT SUMMERFIELD**

374 Madam Mayor, Madam Mayor, so-

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375 **MAYOR GOODMAN**

376 Again, your name? Sorry.

377

378 **ROBERT SUMMERFIELD**

379 -again, Robert Summerfield, Director of Planning. So, the, in the past, prior to the, this ordinance
380 being available, that, what you're saying is absolutely correct. I don't know of any project that
381 came through that had contention where there wasn't either a Planning Commission or a City
382 Councilperson who actually held the item and directed the applicant to go back and meet with
383 the neighborhood. Typically, that is - how that happens.

384 The difference here is that this would, we only require neighborhood meetings as a matter of
385 form, as a matter of procedure in those cases I mentioned earlier, the General Plan Amendment
386 or the waivers of certain Special Use Permit provisions if it's in Town Center. This puts certain
387 types of development, in the case of repurposing of a golf course open space, golf course or open
388 space, that it would have a neighborhood meeting. This outlines various procedures on how
389 public engagement might be performed. We do not have anything that outlines how public
390 engagement is done under the current code.

391 So even the neighborhood meeting that we require, and - I think the Councilman was, kind of
392 alluded to this, even in the cases where we do have a neighborhood meeting required for a
393 General Plan Amendment or a waiver of a Special Use Permit provision or in the case where a
394 member of Council or Planning Commission requests that the applicant or order the applicant to
395 have a neighborhood meeting, we don't actually have any process in place other than usually the
396 ward office will send a staff member to observe the Planning Department on a required meeting
397 will send a staff member to observe. But there's no, there's no note taking that's necessarily
398 required. There's no reporting afterwards. Staff, again on a required meeting, will indicate in the
399 Staff Report that a meeting has occurred, and whatever notes they've taken will be transcribed.
400 But there currently is no codified or outlined procedure, other than a neighborhood meeting
401 should be conducted.

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402 **MAYOR GOODMAN**

403 Okay. So, but to your knowledge, everything that we do at the City is transparent?

404

405 **ROBERT SUMMERFIELD**

406 Correct.

407

408 **MAYOR GOODMAN**

409 I mean, that's number one.

410

411 **ROBERT SUMMERFIELD**

412 Yes.

413

414 **MAYOR GOODMAN**

415 The second issue I wonder about, having been to all these meetings, in particular, the, when we
416 notify and we notify by the resident address and sometimes they've moved and they're in a rental,
417 we have had many a meeting where people will come and say, I - didn't get that notification. I
418 mean, not once but many times that they have not received the notification. So what happens is,
419 because we're putting that layer in, into an ordinance, not as a recommendation, then we are
420 opening a new can of worms, to me, that we get more meetings required and abey more items,
421 which slows down the process. There is no way that this community of outspoken people is
422 gonna sit by and let a major, and we know that because we've had this issue ongoing for two and
423 a half years now and it's been very vocal, that through history, to your knowledge, one, we've
424 been transparent; two, the ward person is really the one that is the - pinnacle through which
425 things, you have complaints and issues. What I'm driving at is I have seen so many times we
426 have or a developer's had a meeting to get complaints beyond that, I didn't get my notification,
427 so I wanna press on, and you get enough people to come to a meeting, I want to abey it. Then
428 meanwhile, any developer anywhere has a - timeline that they're working on.
429 So, to me, I still, I appreciate so much Councilman, I appreciate Councilman Seroka's effort. I
430 think it's totally reasonable and right. I do take umbrage with the fact of being transparent,

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431 because I, that's something I espouse all the time and so does the City and our manager. I
432 appreciate that Councilman Anthony, again, brought this back to one required.
433 I don't like the fact that you record the minutes and have to answer and address the things, 'cause
434 they may be ridiculous what's being asked, but now you've got a recordation, and it may be only
435 one side of the coin that's out there asking for these issues. And now you're having to slow it
436 down again, because now we have to address the issues.
437 I still cannot support it. I am about streamlining business and less government. And so, to me,
438 the fact that you're standing there as the Director of Planning and to say to the best of your
439 knowledge we are transparent.

440

441 **ROBERT SUMMERFIELD**

442 Yes, Mayor, to the best of my knowledge, I believe we are transparent in our current policies,
443 procedures-

444

445 **MAYOR GOODMAN**

446 Right.

447

448 **ROBERT SUMMERFIELD**

449 -and the way that we do it.

450

451 **MAYOR GOODMAN**

452 And so-

453

454 **ROBERT SUMMERFIELD**

455 When we attend a meeting, we - report on the meeting that we have attended as a-

456

457 **MAYOR GOODMAN**

458 So this is all-

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459 **ROBERT SUMMERFIELD**

460 -part of that Staff Report.

461

462 **MAYOR GOODMAN**

463 -To me this is all about encouraging development, good development, having participation.

464 Good developers always include the public and the community. If they're not, then they're not

465 good developers perhaps, or maybe they're wrong sided.

466 But to me, this is just another layer. And having worked in this position and familiar with what

467 went on the prior 12 years, I know the impact of the angry people come out and scream. And it's

468 always that way, the people who will figure, let the good come out in the world don't come.

469 So what will happen is we will have the list made by perhaps those who are the anti's, and then

470 we have to address them, what means the whole project abeys. And I am concerned with

471 government involvement and timing and slowing down the process to good development and

472 good developers. Good developers and good people include the public, and we are transparent.

473 So as much as I'd like to and I appreciate your effort Councilman Seroka, and I thank you

474 Councilman Anthony, that was great to get it down to the minimum of a meeting, I could go for

475 it if it were just a meeting. I don't like the recordation and what are you gonna do about it, 'cause

476 you could have the wrong side of the coin demanding that and slowing it down. I could go for

477 one meeting, but not the recordation and what are you doing about it.

478

479 **COUNCILWOMAN FIORE**

480 Mayor?

481

482 **MAYOR GOODMAN**

483 Yes?

484

485 **COUNCILWOMAN FIORE**

486 So addressing that, and thank you so much because when I'm looking at this bill and what it

487 does, Bill No. 2018-5, aka I call it the Yohan Lowie Bill, I look at this simply because, you know

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488 some of our peers talked about transparency and they're - totally okay with it being transparency
489 and they use sexy words about, you know, it's a national problem. Well, first of all, there are six,
490 seven us up here. You represent the whole City, and each of us represent each ward. So, as
491 another representative in their ward is affecting my ward greatly, it's - a problem. That's number
492 one. Number two, to be very transparent, this ordinance that is being processed for one
493 developer, just to be transparent, is I've done my research and I've asked questions and, to staff.
494 There's been over 55 meetings with this one particular item that we are now creating a - broad
495 brush, as you said, Mayor, across the City of Las Vegas.
496 So, again, I'm (sic) asking my peers on this Council, you know, if, your ward is your ward, my
497 ward is my ward. Please do not put in effect ordinances that affect my ward greatly than your
498 ward. That's what I'm asking.

499

500 **COUNCILMAN SEROKA**

501 Mayor, Mayor, if I may?

502

503 **MAYOR GOODMAN**

504 Councilman?

505

506 **COUNCILMAN SEROKA**

507 Thank you. I appreciate the comments. In - essence, the comments here today have actually
508 justified the need for requiring a meeting and for the recordation of the meeting and
509 acknowledging that and making it transparent that this is required before you come to Planning
510 Commission, before you come to City Council and you actually bring that documentation with
511 you. And it's not the government doing it. It is the applicant doing it.

512 **With that in mind, I move to approve the bill that is in question, Agenda Item 66, Bill No.**
513 **2018-5.**

514

515 **MAYOR GOODMAN**

516 Thank you.

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517 **COUNCILMAN SEROKA**

518 And that is my motion.

519

520 **MAYOR GOODMAN**

521 There is a motion. Please vote.

522

523 **COUNCILMAN COFFIN**

524 May I speak on the motion, Mayor?

525

526 **MAYOR GOODMAN**

527 Nope. We've had enough time. Please vote.

528

529 **COUNCILMAN SEROKA**

530 **Including the First Amendment.**

531

532 **VAL STEED**

533 Yeah.

534

535 **COUNCILMAN SEROKA**

536 Including the First Amendment.

537

538 **COUNCILMAN COFFIN**

539 That would be out of order.

540

541 **MAYOR GOODMAN**

542 Please vote. Let's see if it passes. Then you can-

543

544 **VAL STEED**

545 Mayor-

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546 **MAYOR GOODMAN**

547 -come back and make-

548

549 **VAL STEED**

550 Mayor, let's make sure we know what we're voting on. We have a Proposed First Amendment

551 (5-1-18 Update). Is that what your motion is on, Councilman?

552

553 **MAYOR GOODMAN**

554 Correct, that's what I believe he, Councilman said. Yes.

555

556 **COUNCILMAN CREAR**

557 What is that that we voted on, the First Amendment?

558

559 **MAYOR GOODMAN**

560 Yes.

561

562 **COUNCILMAN CREAR**

563 We're voting on the ordinance, 66?

564

565 **COUNCILMAN CREAR**

566 Okay. I'm just-

567

568 **COUNCILWOMAN TARKANIAN**

569 The First Amendment, as I understand, is where we only have one meeting required-

570

571 **MAYOR GOODMAN**

572 And a recordation.

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573 **COUNCILWOMAN TARKANIAN**

574 -and a recordation, which could be one or two lines, unless you want to be lengthy.

575

576 **MAYOR GOODMAN**

577 And before Planning, it goes anywhere. I mean, that's where it is. Okay. Please vote. And please

578 post. And the motion carries. Thank you very much. **(The motion to Approve as a First**

579 **Amendment passed with Mayor Goodman and Councilwoman Fiore voting No).**

Exhibit 115

Opening Statement:

This needs to be said. This bill is for one development and one development only. This bill is only about Badlands Golf Course. For the past two years the Las Vegas City Council has been broiled in controversy over Badlands and this is the latest shot in a salvo against one developer. Badlands and Queens Ridge was a development that was poorly conceived and executed. The original developer did absolutely nothing to stop development of the golf course and, in fact, allowed for that development. Every person who bought in that development knew the golf course could be developed. The Las Vegas City Council is now supposed to somehow fix the incompetence of a developer that made millions with a flawed development. That is not our job.

There are currently three developments that are threatened by conversion of open spaces or golf courses in the City of Las Vegas. Two of those developments are in Ward 6, my Ward; Silverstone Golf Course and Centennial Village. Silverstone is protected by CC&Rs that require 75% of the homeowners approve any change in the golf course. This is what should have been done at Badlands but the developers either wanted the ability to develop the golf course or weren't smart enough to protect the golf course. In my opinion they left themselves the option to develop the golf course. Centennial Village is closer to what is happening at Badlands but not exactly the same.

The developers at Centennial Village did not record the necessary documents to complete the transfer of Pop Squire's Park and it has been in limbo since. The new owners of Pop Squire's Park are now trying to develop the park. But at Pop Squire's Park our system is working. I am supporting the neighbors of the park and the new owners do not believe they have the support of the City Council to

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Councilwoman Fife
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obtain the variances needed to convert the park to apartments, so they are working with the neighbors and trying to come to solution that will *work* for all the parties concerned.

Adoption of this Ordinance will do nothing for these two problems in my Ward. In fact, it might well hinder any solution we might come up with. Our current system works. I find it unfathomable that we are even considering an Ordinance that will do absolutely nothing but add additional layers of bureaucratic meetings for developers and will not add one iota of help to homeowners.

I have a few additional questions, but my main question is:

Brad Jerbic and Tom Perrigo had innumerable meetings with the developer and with the homeowners impacted by the conversion of the Badlands Golf Course. The developer and the homeowners also had many meetings discussing the proposed development of the golf course. Were those meetings substantially different then what is required in this Ordinance, if so, how? *no answer*

Questions:

1. It has my belief that the development of Badlands will be decided by the Courts. Would this Ordinance have kept us out of the Courts? *been* — *nope*
2. If this Ordinance fails it will not create any additional litigation. If this Ordinance passes in my opinion it will probably be either included in ongoing litigation or new litigation will ensue. In your opinion will this Ordinance increase or decrease the likelihood that the City will end up in the Courts if similar developments come before the City Council? — *nope* — *→*
3. On the Proposed First Amendment (5-1-18 Update) on page 1; lines 23 and 24, new language was added that included "a

- GJS
- development within an R-PD District." Is Badlands and the surrounding residential areas an R-PD District and was this added to include that specific development? — *no answer*
4. On the Proposed First Amendment (5-1-18 Update) on page 2, lines 5 through 7, exempts "open space pertaining to a nonresidential development where that open space functions as an area for vehicle parking, landscaping, or any similar incidental use." In addition, Section 8 on Page 6, Lines 1 through 3, repeals anything in the Municipal Code that conflicts with this Ordinance. If a developer decides they do not want required landscaping that is in place will they be able to eliminate that landscaping? If not, why not? — *yes - if not*
5. The Public Engagement Program specifically allows a developer to hold only one meeting, Page 2, Lines 15 to 19. It does, however, "encourage" additional meetings. If a developer decides to have only one meeting is there anything in the Ordinance requiring him to have more than one meeting? — *no*
6. Why did you add the language "As part of and in consideration of development approval, has been formally" on page 5, line 4, added to the Ordinance? — *thank you*
7. The Council, and the Planning Commission, require neighborhood meetings on a regular basis for controversial zoning matters. Can we not require everything in this Ordinance for controversial matters without this Ordinance? —

Closing Statement:

I stand by my original statement; this Ordinance adds nothing to our existing zoning procedures except a layer of bureaucracy. Everything this Ordinance requires can be required by the Planning Commission or

the City Council. Why do we need another Ordinance to make us do our jobs?

It is unfathomable to me that we are even considering this Ordinance. We have tracts of land in Wards 2 and 6 that can be developed to help with our budget problems. We will be approving a budget later this month that includes a 2% cut in discretionary spending and, if we adopt this Ordinance, we will be requiring extra hours being spent on meaningless meetings. Do we want to do this?

Do we want to send a message to developers that the minute something comes up that is controversial or requires us to make a hard decision we will tie our hands in the future, so we don't have to make those decisions? Making those decisions are what we were elected to do. I, for one, take that responsibility seriously and will be voting Nay on this Ordinance.

1 2. **Exceptions.** This Subsection (G) does not apply to:

2 a. Any project that has been approved as part of the City of Las Vegas Capital Improvement Plan.

3 b. Any project that is governed by a development agreement that has been approved pursuant to LVMC

4 19.16.150.

5 c. The repurposing of any area that has served as open space pertaining to a nonresidential development
6 where that open space functions as an area for vehicle parking, landscaping, or any similar incidental use.

7 d. The reprogramming of open space recreational amenities that simply changes or adds to the
8 programming or activities available at or within that open space.

9 e. ~~Open space entirely controlled by a common interest community, where the governing documents~~
10 ~~set forth a procedure for repurposing open space and the applicant provides evidence of approval of the common~~
11 ~~interest community pursuant to relevant Declaration of Covenants, Conditions, and Restrictions shall be deemed~~
12 ~~compliant with this section.~~

13 3. **Requirements.** In connection with the scheduling of a pre-application conference pursuant to LVMC
14 19.16.010(B)(5), the applicant for a repurposing project subject to this Subsection (G) must provide to the
15 Department in writing a proposed Public Engagement Program meeting the requirements of Paragraph 4 below.
16 The requirements of this Subsection (G) must be completed before the submission and processing of the land use
17 application(s) to which the pre-application conference applies.

18 4. **Public Engagement Program.** The Public Engagement Program (PEP) shall include, at a minimum, one
19 in-person neighborhood meeting regarding the repurposing proposal and a summary report documenting public
20 engagement activities. The applicant is encouraged, but not required, to conduct additional public engagement
21 activities beyond those required by the preceding sentence. Additional public engagement activities may include,
22 but are not limited to, the following components:

23 a. **Applicant's Alternatives Statement.** This document is designed to inform the Department and
24 stakeholders about the applicant's options and intentions, including the following statements:

25 I. A statement summarizing the alternatives if the golf course or open space is not repurposed
26 and the current use of the property ceases.

City Assigned Number	PROPERTY	SUBJECT TO PRIVATE DEVELOPMENT?	REASON WHY	TREASURER LAND USE DESIGNATION
1	Canyon Gate Country Club	NO	Restrictive Covenants	Golf Course, Private
2	Former Badlands Golf Club	YES	Privately owned with residential zoning and no restrictive covenants	Vacant, Single Family.
3	Angel Park Golf Club	NO	Owned by City of Las Vegas	Golf Course, Public.
4	TPC at The Canyons	NO	Restrictive covenants	Golf Course, Private.
5	TPC at Summerlin	NO	Restrictive covenants	Golf Course, Private.
6	Eagle Crest Golf Club	NO	Owned by HOA	Golf Course, Semi-Private.
7	Highland Falls Golf Club	NO	Owned by HOA	Golf Course, Semi-Private.
8	Palm Valley Golf Club	NO	Owned by HOA	Golf Course, Semi-Private.
9	Painted Desert Golf Club	NO	Restrictive covenants	Golf Course, Public.
10	Los Prados Golf Course	NO	Owned by HOA	Golf Course, Semi-Private.
11	Las Vegas Golf Club	NO	Owned by City of Las Vegas	Golf Course, Public.
12	Desert Pines Golf Club	NO	Owned by City of Las Vegas	Golf Course, Public.
13	Durango Hills Golf Course	NO	Owned by City of Las Vegas	Golf Course, Public.
14	Silverstone Golf Course	NO	Restrictive covenants	Golf Course, Semi-Private.
	The Lakes	NO	Owned by HOA	Improved Common Area
	Desert Shores	NO	Owned by HOA	Improved Common Area

Submitted At Meeting:
Stephanie Allen
DATE 5/14/16 Item 3



003873

Exhibit 116

**RECOMMENDING COMMITTEE MEETING OF
MAY 14, 2018
VERBATIM TRANSCRIPT – AGENDA ITEM 3**

Bill No. 2018-5 - ABEYANCE ITEM - For possible action - Provides in preliminary or skeleton form an amendment to the Unified Development Code to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces. Sponsored by: Councilman Steven G. Seroka [NOTE: It is anticipated that this bill will be presented to the Recommending Committee in amended form, with changes to the title and summary to reflect that it is no longer in preliminary or skeleton form and that it proposes an amendment to LVMC 19.16.010 to establish a required process for public engagement in connection with the repurposing of certain golf courses and open spaces.]

Appearance List

STAVROS ANTHONY, Councilman
ROBERT SUMMERFIELD, Director of Planning
MATT WALKER, Brownstein Hyatt Farber Schreck on behalf of the Southern Nevada Homebuilders Association
MICHELE FIORE, Councilwoman
VAL STEED, Chief Deputy City Attorney
STEVEN SEROKA, Councilman
DALE ROESENER, 9811 Orient Express
ELAINE WENGER-ROESENER, 9811 Orient Express Court
RON IVERSEN, 9324 Verlaine, Queensridge community resident
ART NOFFSINGER, 9408 Queen Charlotte, Queensridge resident
IRENE LEE, 9631 Orient Express
RENA KANTOR, 9408 Provence Garden Lane
DONNA LEFEVER, 9433 Queen Charlotte
STEPHANIE ALLEN, 1980 Festival Plaza, on behalf of the multiple owners of the former Badlands Golf Course

**RECOMMENDING COMMITTEE MEETING OF
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28 (1 hour and 12 minutes) [0:27 – 1:12]

29

30 Typed by: Speechpad.com

31 Proofed by: Jacquie Miller

32

33 **COUNCILMAN ANTHONY**

34 All right. We have one bill to consider today. It's Bill 2018-5 on Abeyance Item, for possible
35 action provided in preliminary or skeleton form an amendment to the Unified Development Code
36 to establish a required process for public engagement in connection with the repurposing of
37 certain golf courses and open spaces. Sponsored by Councilman Steven Seroka.

38 Okay. So we heard this a couple of weeks back, and we are going to rehear it again. So who
39 wants to go first? Orlando, or you're going to go? Okay, go - right ahead and - set the table for
40 us.

41

42 **ROBERT SUMMERFIELD**

43 All right, Mr. Chairman, Robert Summerfield, Director of Planning for the record. So what you
44 have before you today is you have the original Bill, 2018-5, which had outlined various
45 requirements for what is called a public engagement program. Based on comments that were
46 received at the last Recommending Committee meeting, some direction from the Committee
47 members as well as consideration by the sponsor, this bill has been amended, and there should be
48 a Proposed First Amendment that you should have with a 5-1-18 Update date at the top of it.

49

50 **COUNCILMAN ANTHONY**

51 Okay.

52

53 **ROBERT SUMMERFIELD**

54 Hopefully, it's green, looks like this one here.

**RECOMMENDING COMMITTEE MEETING OF
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VERBATIM TRANSCRIPT – AGENDA ITEM 3**

55 **COUNCILMAN ANTHONY**

56 Got it.

57

58 **ROBERT SUMMERFIELD**

59 So based on the conversation from the last Recommending Committee meeting and, again, in
60 consultation with the bill's sponsor, this has been amended so that the public engagement
61 program would consist of one minimum required community or neighborhood meeting prior to
62 the submittal of an application for the repurposing of an open space. Open-

63

64 **COUNCILMAN ANTHONY**

65 And where - does it say that?

66

67 **ROBERT SUMMERFIELD**

68 -That is on Page 2, Line 15. Starts out with that, The Public Engagement Program shall include,
69 at a minimum, one in-person neighborhood meeting regarding the repurposing proposal and then
70 a summary report documenting the public engagement activities.

71 So whereas before we had a number of requirements, including multiple neighborhood meetings,
72 the design workshops, the alternative statement and those other requirements, in this Proposed
73 Amendment, those have all been made guidelines. The only requirement of the Public
74 Engagement Program is one neighborhood meeting and a summary report that's to be submitted
75 as a part of the application submittal when a developer would come forward with their
76 application proposal. All the other components, the alternative statement, additional
77 informational or neighborhood meetings, design workshops, all of those items have been
78 included as you can do these things, but these are not required. So we've outlined-

79

80 **COUNCILMAN ANTHONY**

81 That's what it says in line 18 and 19.

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82 **ROBERT SUMMERFIELD**

83 -Correct. So-

84

85 **COUNCILMAN ANTHONY**

86 May include, but are not limited to. Okay.

87

88 **ROBERT SUMMERFIELD**

89 -Yes, exactly. So that's the significant change here we made. I believe there's a couple changes
90 based on, again, the conversation. We've updated on the – on Page 1, Lines 20 through 26, to
91 make it clearer as to who or what projects rather than this ordinance would affect. And then I
92 believe, and the City Attorney's Office can correct me, but I believe we also made a slight tweak
93 to the definition of open space because there were some questions about understanding exactly
94 what open space meant. And so there was, I believe, a slight tweak there just to make it clearer
95 about the – fact that open space is areas, whether developed or undeveloped, that have been
96 identified as open space for purposes of trails, golf courses, parks, any type of amenity of that
97 sort. And with that-

98

99 **COUNCILMAN ANTHONY**

100 Well, those are the two things I brought up.

101

102 **ROBERT SUMMERFIELD**

103 -Yes, sir.

104

105 **COUNCILMAN ANTHONY**

106 Those are the two things you fixed as far as I'm concerned. So thank you very much.

107

108 **ROBERT SUMMERFIELD**

109 So those are the changes from last Recommending Committee.

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110 **COUNCILMAN ANTHONY**

111 Okay. So I guess is Matt here from the home builders? So you – had, you – had an addition that
112 you wanted to add to here too about HOAs, is that correct?

113

114 **MATT WALKER**

115 Yes, sir.

116

117 **COUNCILMAN ANTHONY**

118 Okay. Okay, so hold – off and then we'll talk about that specifically. So, anything else?

119

120 **ROBERT SUMMERFIELD**

121 Not for me.

122

123 **COUNCILMAN ANTHONY**

124 Councilwoman Fiore-

125

126 **COUNCILWOMAN FIORE**

127 Yes-

128

129 **COUNCILMAN ANTHONY**

130 -any questions at this point before-

131

132 **COUNCILWOMAN FIORE**

133 -Yes, because we have to go, yeah, well we have a lot here-

134

135 **COUNCILMAN ANTHONY**

136 And then I'll do, and I need to do public comment, but any questions at this point?

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137 **COUNCILWOMAN FIORE**

138 Yeah, so I have a lot of questions.

139

140 **COUNCILMAN ANTHONY**

141 Okay.

142

143 **COUNCILWOMAN FIORE**

144 But because the things that, you know, we say that you, we changed all these seven to nine
145 meetings to a required one, but then on that same Page 2, Line 17, the applicant is encouraged,
146 okay, which, again, with all of those meetings, they're not unlimited. So this, again, I'm, so I'm
147 just gonna take notes so I don't, so I keep my questions and the exact portions of this bill to –
148 exactly where they are on Page 1, Lines 23 and 24.

149 This bill, again, is for one development and one development only. Now, the bill is only about
150 Badlands Golf Course. For the past two years, the Las Vegas City Council has been broiled in
151 controversy over Badlands, and this is the latest shot in a salvo against one developer.
152 Badlands and Queensridge was a development that was poorly conceived and executed. The
153 original developer did absolutely nothing to stop development of the golf course and, in fact,
154 allowed for that development. Every person who bought into that development knew the golf
155 course could be developed. The Las Vegas City Council is now supposed to somehow fix the
156 incompetence of the developer that made millions with a flawed development. That is not our
157 job.

158 There are currently three developments that are threatened by – the conversion of open spaces or
159 golf courses in the City of Las Vegas, and two of those developments are in Ward 6, my ward,
160 by the way, Silverton (sic) Golf Course and Centennial Village.

161 Silverstone is protected by CC&Rs that require 75 percent of the homeowners approve any
162 change in the golf course. This is what should have been done at Badlands, but the developers
163 either wanted the ability to develop the golf course or weren't smart enough to protect the golf
164 course. In my opinion, they left themselves to the option to develop the golf course. Centennial
165 Village is closer to what is happening at Badlands, but not exactly the same.

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1018 **COUNCILWOMAN FIORE**

1019 Thank you.

1020

1021 **COUNCILMAN ANTHONY**

1022 Yes, Councilwoman.

1023

1024 **COUNCILWOMAN FIORE**

1025 Thank you, thank you Chairman, and I have to just thank our staff. They've worked really, really,
1026 really hard on this. And I am going to recommend denial, because as of evidence of this room,
1027 we have Badlands. Everyone that came up and commented, it's Badlands. So let's just be crystal
1028 clear and honest, and you'll always get that from me, because this is the Badlands bill. And as a
1029 City Councilwoman, I'm protecting my ward and the City of Las Vegas from further litigation
1030 and creating an ordinance strictly for one developer. I recommend denial. It is not constitutional,
1031 nor do – I find this at all helpful to the City.

1032

1033 **COUNCILMAN ANTHONY**

1034 So do you have a motion?

1035

1036 **COUNCILWOMAN FIORE**

1037 **Motion to deny.**

1038

1039 **COUNCILMAN ANTHONY**

1040 Okay. I have a motion to deny. All those in favor?

1041

1042 **COUNCILWOMAN FIORE**

1043 Aye.

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1044 **COUNCILMAN ANTHONY**

1045 All those against? Aye. So we have no recommendation from the Recommending Committee, so
1046 this will go to the City Council- **(The motion to Deny failed with Councilman Anthony voting**
1047 **No).**

1048

1049 **VAL STEED**

1050 Mr. Chairman?

1051

1052 **COUNCILMAN ANTHONY**

1053 -for a vote on May 16th.

1054

1055 **VAL STEED**

1056 Just want to make sure. There could be another motion other than your motion to approve and
1057 her vote against it. So I just want to make sure that there's not a motion, you know, another
1058 motion. So if you want to, just to make sure.

1059

1060 **COUNCILMAN ANTHONY**

1061 So should I make a motion?

1062

1063 **VAL STEED**

1064 Yeah, let's do that, because sometimes somebody says, well, I make a motion, but let's take out
1065 Pages 27 to 33, and the other person says, okay, I can live with that. So I think I know where this
1066 is going, but if you can make a motion and we'll take a vote. And then if nobody other, else has a
1067 motion, then we'll know what to report to the Council.

1068

1069 **COUNCILMAN ANTHONY**

1070 Anything for you, Val.

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MAY 14, 2018
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1071 **CITY ATTORNEY**

1072 Thank you.

1073

1074 **COUNCILMAN ANTHONY**

1075 **I will make a motion to approve the ordinance.** All those in favor? Aye. All those opposed?

1076

1077 **COUNCILWOMAN FIORE**

1078 Nay.

1079

1080 **COUNCILMAN ANTHONY**

1081 Okay. (The motion to Approve failed with Councilwoman Fiore voting No).

1082

1083 **VAL STEED**

1084 Okay. Any more motions?

1085

1086 **COUNCILWOMAN FIORE**

1087 I made a motion to deny it.

1088

1089 **VAL STEED**

1090 No, Any new motions? We had one of each now. Any new motions, other than adjournment?

1091

1092 **COUNCILWOMAN FIORE**

1093 You know, I could make a new motion to request that this be basically addressed to Badlands,

1094 because this is the Badlands bill.

1095

1096 **CITY ATTORNEY**

1097 That's not on, that's not on the table.

**RECOMMENDING COMMITTEE MEETING OF
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1098 **COUNCILWOMAN FIORE**

1099 Okay. So it's denied.

1100

1101 **CITY ATTORNEY**

1102 Okay. So we have one of each, and so we'll move along to City Council with no, with no
1103 recommendation.

1104

1105 **COUNCILMAN ANTHONY**

1106 Okay. So this will be heard at the May 16th City Council meeting, and the City Council will
1107 vote. So thank you all for coming down for your public comment. I appreciate it. And we'll go
1108 from there. Thank you.

Exhibit 122

To: Terry Murphy [REDACTED]
From: Bob Coffin
Sent: Thur 4/6/2017 11:59:10 PM
Subject: Re: FW: Fwd:

Just got word from cjty attorney office that someone has asked for letters from certain pekple in queensridge on badlands issue. The names are not familiar as they seem like ordinary objectors. Will share when I get it today or Friday

----- Original message -----

From: Terry Murphy [REDACTED]
Date: 4/6/17 4:39 PM (GMT-08:00)
To: Bob Coffin <lvccouncilman@hotmail.com>
Subject: Re: FW: Fwd:

I will see what I can find....

Terry Murphy
www.strategicsolutionsnv.com
Honorary Consul of Ireland for Nevada

On Apr 6, 2017, at 4:12 PM, Bob Coffin <lvccouncilman@hotmail.com> wrote:

It does not mention me by name but there will be other messages which tie a link.

----- Original message -----

From: Terry Murphy [REDACTED]
Date: 4/6/17 4:10 PM (GMT-08:00)
To: Susan Finucan <sfinucan@LasVegasNevada.GOV>
Cc: "Bob Coffin (lvccouncilman@hotmail.com)" <lvccouncilman@hotmail.com>
Subject: Re: FW: Fwd:

Thanks,

Got it.

Terry Murphy
www.strategicsolutionsnv.com
Honorary Consul of Ireland for Nevada

On Apr 6, 2017, at 4:04 PM, Susan Finucan <sfinucan@LasVegasNevada.GOV> wrote:

Terry,

This is from Councilman Coffin, please contact him directly should you need to.

Susan

From: Bob Coffin [mailto:lvccouncilman@hotmail.com]
Sent: Thursday, April 06, 2017 4:02 PM
To: Susan Finucan
Subject: Fwd: Fwd:

Forward this to terry murphy. I cant find her email

CLV000106

004226

LO 00002337

18075

----- Original message -----

From: "Schreck, Frank A." <FSchreck@BHFS.com>

Date: 4/4/17 8:33 PM (GMT-08:00)

To: Bob Coffin <lvCouncilman@hotmail.com>

Subject: Re: Fwd:

It was an allegation against Roush and Suroka

Sent from my iPhone

> On Apr 4, 2017, at 5:48 PM, Bob Coffin <lvCouncilman@hotmail.com> wrote:

>

> Frank, I can't open the email naming wjo is biased. Is it a printed or video attachment? Does it mention me? I sent Jack the letter I got from Jewish Federation.

>

> Bob Coffin

>

>

> ----- Original message -----

> From: "Schreck, Frank A." <FSchreck@BHFS.com>

> Date: 4/4/17 1:55 PM (GMT-08:00)

> To: "lvCouncilman@hotmail.com" <lvCouncilman@hotmail.com>

> Subject: FW: Fwd:

>

>

>

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Schreck, Frank A.

> Sent: Tuesday, April 04, 2017 1:53 PM

> To: "lvCouncilman@hotmail.com"

> Subject: FW: Fwd:

>

> Bob

> See below

>

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Schreck, Frank A.

> Sent: Tuesday, April 04, 2017 1:49 PM

> To: "bcoffin@lasvegasnevada.gov"

> Subject: FW: Fwd:

>

> Dear Bob

> See the email stream below and you will see you are not the only person charged by Yohan's spokesmen as being anti-semitic. At least you are not an extortionist like Jack Binion and I

> Frank

> Frank A. Schreck

> Brownstein Hyatt Farber Schreck, LLP

> 100 North City Parkway, Suite 1600

> Las Vegas, NV 89106

> 702.464.7058 tel

> FSchreck@BHFS.com <<mailto:FSchreck@BHFS.com>>

>

> From: Steve Caria [REDACTED]

> Sent: Monday, April 03, 2017 8:37 PM

> To: Schreck, Frank A.

CLV000107

004227

LO 00002338

18076

> Subject: Fw: Fwd:

>

> Have you seen this email?

>

>

> Sent from Yahoo Mail for iPhone<https://urldefense.proofpoint.com/v2/url?u=https-3A_yho.com_footer0&d=DwMFaQ&c=wT9hcAyWecHwFHlFlZE3OA&r=PdKfJinmj-L.xkRTZvAyODh-55YnJ1ZiaM_Qj0gV5zM&m=ez8lenhNEh5xMLAmMrTaSR6QYb30ZWMIawojSN7DXsU&s=GQOpzGQeKB-GJSoTMOsIqIQsHWK08x9Zkz7oex8y08Fo&e=>

>

> Begin forwarded message:

>

> On Monday, April 3, 2017, 8:05 PM, Gregory Bigler [REDACTED] >> wrote:

>

>

> Sent from my iPhone

>

> Begin forwarded message:

> From: Sally Bigler [REDACTED]

> Date: April 3, 2017 at 8:00:51 PM PDT

> To: [REDACTED]

>

> [cid:image001.jpg@01D2AD4A.271B2040]

>

> [cid:image002.jpg@01D2AD4A.271B2040]

>

> [cid:image003.jpg@01D2AD4A.271B2040]

>

>

>

> Sent from my iPhone

>

>

> STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

> <image001.jpg>

> <image002.jpg>

> <image003.jpg>

<image001.jpg>

<image002.jpg>

<image003.jpg>

CLV000108

004228

LO 00002339

18077

To: Steven Seroka[stevenseroka@live.com]
From: Bob Coffin
Sent: Sat 1/20/2018 2:14:11 AM
Subject: Re: Badlands. What else?

All ears next week.

----- Original message -----

From: Steven Seroka <stevenseroka@live.com>
Date: 1/19/18 6:12 PM (GMT-08:00)
To: Bob Coffin <lvCouncilman@hotmail.com>
Subject: Re: Badlands. What else?

I agree. And need an approach to accomplish the desired outcome. Let's chat soon.

Respectfully,
Steve

Steven Seroka
Cell: 702 249-1641
Email: StevenSeroka@Live.com
<https://www.facebook.com/Steve-Seroka-1808280539414177/>
<https://www.twitter.com/SteveSeroka>
<https://steveseroka.com/>

From: Bob Coffin <lvCouncilman@hotmail.com>
Sent: Friday, January 19, 2018 6:10 PM
To: stevenseroka@live.com
Subject: Badlands. What else?

Hi. If you have not read the transcript of the Judges decision you need to get it. After you read it you will see why I am scared of any talk of "mediation." This judge cannot see why the residents should give one inch in this battle. Mediation is another word for compromise and they, and we, should hang tough.
Bob

CLV000466

004229

LO 00002340

18078

To: Maria Jose Norero[mnorero@LasVegasNevada.GOV]
Cc: Susan Finucan[sfinucan@LasVegasNevada.GOV]; Felipe Ortiz[fortiz@LasVegasNevada.GOV]
From: Bob Coffin
Sent: Mon 5/8/2017 3:28:07 PM
Subject: Re: Anne Smith - resident of Badlands

Yesssssss.

----- Original message -----

From: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Date: 5/8/17 6:04 AM (GMT-08:00)
To: lvcouncilman@hotmail.com
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Fwd: Anne Smith - resident of Badlands

Councilman, I had a voicemail from Anne Smith asking about scheduling a time she and her neighbor could meet with you about the Badlands agenda item. Below is more information I sent you last week about it.

Can Susan schedule them to come in?

Thank you,

Maria

Sent from my iPhone

Begin forwarded message:

From: Bob Coffin <lvcouncilman@hotmail.com>
Date: May 1, 2017 at 8:40:45 PM EDT
To: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Re: Anne Smith - resident of Badlands

Also, do they know I am voting against the whole thing?

----- Original message -----

From: Maria Jose Norero <mnorero@LasVegasNevada.GOV>
Date: 5/1/17 5:31 PM (GMT-08:00)
To: Bob Coffin <lvcouncilman@hotmail.com>
Cc: Susan Finucan <sfinucan@LasVegasNevada.GOV>, Felipe Ortiz <fortiz@LasVegasNevada.GOV>
Subject: Anne Smith - resident of Badlands

Councilman,

You received a call from Anne Smith, resident of Badlands development. She and a small group of neighbors would like to speak with you about some concerns they have that they feel have been lost in the presentations in front of Council. They will be impacted in very specific ways by the development and they would like to share their concerns with you before May 17th City Council. I asked more specifics, but all she said is that the impact on their homes will be much greater and they have not had an opportunity to voice their specific concerns with the new development.

Her phone number is [REDACTED]

Would you like for them to come meet with you?

Thank you,

CLV000183

004230

LO 00002341

18079

To: Bob Coffin[lvcouncilman@hotmail.com]
From: Gordon Culp
Sent: Mon 5/14/2018 7:25:36 PM
Subject: RE: Your letter.

We've heard the same rumor but have no information.

From: Bob Coffin <lvcouncilman@hotmail.com>
Sent: Monday, May 14, 2018 11:35 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Re: Your letter.

There is a lot of buzz about Sheldon Adelson's possible investment in this. Does anyone know about that?

----- Original message -----

From: Gordon Culp <gordon@smithculp.com>
Date: 5/14/18 11:28 AM (GMT-08:00)
To: Bob Coffin <lvcouncilman@hotmail.com>
Subject: RE: Your letter.

FYI, we and many of our neighbors who have been critical of the development plans from Yohan have received letters from Jimmerson demanding that we preserve all emails, letter, notes, other documents related to Badlands. So he apparently anticipates going after personal materials as well. I don't think he has any legal basis for such a demand since we are not a party to any legal action – at least not yet. Yohan personally threatened me while I was out walking my dog a few weeks ago by yelling from his passing car that he "would see me in court and he was going to get me." So, he may be planning on some kind of legal action against the residents who have been critical of his plans.

Thank you for your quick response.

Gordon

From: Bob Coffin <lvcouncilman@hotmail.com>
Sent: Monday, May 14, 2018 10:12 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Your letter.

Understood. Right now I am fighting two fronts not even on the agenda. Yohan is suing me in Federal Court claiming I cannot vote because of anti-Semitism!

Also, his team has filed an official request for all txt msg, email, anything at all on my personal phone and computer under an erroneous supreme court opinion which just came down on Lyon Cty commissioners. Court might have been right on them but literal interp in our case is personally devastating because I take pride in confidentiality to anyone who writes me for their own privacy and safety.

So, everything is subject to being turned over so, for example, your letter to the cjty email is now public and this response might become public (to Yohan).

I am considering only using the phone but awaiting clarity from court.

Please pass word to all your neighbors. In any event tell them to NOT use the city email address but call or write to our personal addresses. For now.

Bob

And, of course, I agree with you.

CLV001116

004231

LO 00002342

18080

To: Gordon Culp[gordon@smithculp.com]
From: Bob Coffin
Sent: Mon 5/14/2018 6:36:35 PM
Subject: Re: Your letter.

Also, please pass the word for everyone to not use B...lands in title or text of comms. That is how search works.

----- Original message -----

From: Gordon Culp <gordon@smithculp.com>
Date: 5/14/18 11:28 AM (GMT-08:00)
To: Bob Coffin <lvCouncilman@hotmail.com>
Subject: RE: Your letter.

FYI, we and many of our neighbors who have been critical of the development plans from Yohan have received letters from Jimmerson demanding that we preserve all emails, letter, notes, other documents related to Badlands. So he apparently anticipates going after personal materials as well. I don't think he has any legal basis for such a demand since we are not a party to any legal action – at least not yet. Yohan personally threatened me while I was out walking my dog a few weeks ago by yelling from his passing car that he "would see me in court and he was going to get me." So, he may be planning on some kind of legal action against the residents who have been critical of his plans.

Thank you for your quick response.

Gordon

From: Bob Coffin <lvCouncilman@hotmail.com>
Sent: Monday, May 14, 2018 10:12 AM
To: Gordon Culp <gordon@smithculp.com>
Subject: Your letter.

Understood. Right now I am fighting two fronts not even on the agenda. Yohan is suing me in Federal Court claiming I cannot vote because of anti-Semitism!

Also, his team has filed an official request for all txt msg, email, anything at all on my personal phone and computer under an erroneous supreme court opinion which just came down on Lyon Cty commissioners. Court might have been right on them but literal interp in our case is personally devastating because I take pride in confidentiality to anyone who writes me for their own privacy and safety.

So, everything is subject to being turned over so, for example, your letter to the cjty email is now public and this response might become public (to Yohan).

I am considering only using the phone but awaiting clarity from court.

Please pass word to all your neighbors. In any event tell them to NOT use the city email address but call or write to our personal addresses. For now.

Bob

And, of course, I agree with you.

PS. Same crap applies to Steve as he is also being individually sued if Fed Court and also his personal stuff being sought.

This is no secret so let all your neighbors know.

CLV001233

004232

LO 00002343

18081

To: lvcouncilman@hotmail.com[lvcouncilman@hotmail.com]; [REDACTED]
From: [REDACTED]
Sent: Thur 6/22/2017 4:41:38 PM
Subject: Last night meeting Badlands

First off all thank you for your support in attempting to develop the deal best for all.

Two comments:

- I think your third way is the only quick solution. Phase one & two-negotiate three's current mode. Sell off the balance to be a golf course with water rights(key). Keeps the bulk of Queensridge green.

- You closing comment that the city attorney is getting compromised being further into the role as negotiator. A councilman needs to step in. If council has to go to court very awkward. He would have to recuse himself.

Thanks for listing.

Rick Kost
[REDACTED]

CLV000202

004233

LO 00002344

18082

Exhibit 123



City of Las Vegas

Bob Coffin
Councilman, Ward 3

March 27, 2017

Jewish Nevada
Todd S. Pollkoff, President & CEO
2317 Renaissance Drive
Las Vegas, NV 89119

RE: Sent via email

Dear Todd,

I received your letter and I am surprised that you have taken such a leap to conclusion as to label me anti-Semite and anti-Israel. I do not know you and you do not know me but as I look at your Board I see friends who would disagree with your insulting and half-baked opinion of me. I have grown up in this city since 1951. In my youth there were only three kinds of friends; Jews, Catholics and Mormons, all friends.

First, I have been in mourning since the death of my son in late January. Maria Letizia is fully aware of this. I have not answered many communications, much less these odd claims and meeting demands as they were first put to me by Maria. So, in a sense I did respond to you through your Board Chair. I only participate in official meetings at City Hall and the conversation with her was by phone call. She asked for a formal meeting and I declined for the obvious reason. She seemed to understand so imagine my surprise when I received this letter, which I can only describe as odd, to be charitable.

In the context of the Council meeting in question I was describing a private meeting with Mr. Yohan Lowie and his colleagues at EHB. I said that I thought his opportunistic handling of the Badlands purchase and his arrogant disregard of the Queensridge neighborhood reminded me of Bibi Netanyahu's insertion of the concreted settlements in the West Bank neighborhoods. To me it is just as inconsiderate and Yohan looked upon them as a band of unruly Palestinians. I feel that it is such.

495 S. Main St. | Las Vegas, Nevada 89101 | (702) 229-6405 | FAX (702) 382-8558
bcoffin@lasvegasnevada.gov | www.lasvegasnevada.gov

004234

18084

Just four days ago, at a building dedication, I asked Mr Lowie if he had said to people that he thought I was anti-Semitic and he said he told no one this but your letter describes how Mr Lowie informed your office of the "Incident." No wonder the Queensridge neighborhood has such frustration with his methods.

So, in the retelling of the story at Council I see from my transcript, which I had my staff prepare for Maria, that I said "Israel" instead of Netanyahu. Since neither you or Maria were at the meeting, I can see how you miss the context. I did not even realize it myself at the time. The point of the retelling of the private meeting was to emphasize to all present at Council that I had no secret agenda but was pushing for compromise.

It is certainly not anti-Semitic or anti-Israel to criticize Netanyahu, a loud-mouthed buffoon of a right-wing politician who feels free to meddle in our Presidential elections. I also do not believe that he represents the thoughts of all Israelis just as no Prime Minister represents the thoughts of any country. And, I do not object to the billions of dollars of US taxpayer support to Israel.

So, call me anti-Bibi but anything else is just not true. If you wish to make this dispute public I think you will find it unprofitable for everyone.

I am responding to your letter by email from my home so I apologize for not responding to you in kind.

I do hope you will exercise your best effort to undo the damage you cause me by your unfounded accusations.

Thank you,



Councilman Bob Coffin
City of Las Vegas, Ward 3
CC: copy of email

004235

18085

Exhibit 124

PLANNING COMMISSION MEETING

FEBRUARY 14, 2017

VERBATIM TRANSCRIPT – AGENDA ITEMS 21-24

868 **STEVE SEROKA**

869 Good evening. I'm Colonel Steve Seroka. I reside at 10100 Stony Ridge Drive, not in
870 Queensridge. I live in the neighborhood across the street, and I'm here to represent not only
871 myself and my neighbors, but my neighbors of Queensridge and the hundreds of thousands of
872 folks that are in our community as well. I think it's fair to say tonight that not just the majority of
873 people in this room, barring those that are being paid by the developer, but hundreds and
874 thousands of the people that I've talked to in my community are not happy and are not supportive
875 of this project.

876 On the issue of the waivers that we're discussing tonight, pre-recession, we had an attitude of
877 grow at all costs. We had an attitude of approve all waivers that are in the interest of the
878 developer and lobbyist. We don't need to emulate that now again in 2017. We don't need skinny
879 streets. We don't need streets where a fire vehicle cannot even turn around. We do not need to be
880 fearful of the complexity of this issue and the large terminology that is thrown out. We do not
881 need to be fearful of that.

882 In fact, we wouldn't be here today, if in the beginning we had said as responsible representatives
883 of the community, over my dead body will I allow a project that will drive property values down
884 30% in just a year; over my dead body will I allow those constituents to have a decrease
885 compared to their residents in other parts of our city at 45% relative property values; over my
886 dead body will I allow a project that will set a precedent that will ripple across the community
887 that those property values do not just be impacted in Queensridge, but throughout the
888 community.

889 I ask you to find that moral courage to stand up. I ask you to find that Fallujah moral courage,
890 that Pork Chop Hill moral courage, that Heartbreak Ridge and Doolittle Raid moral courage to
891 stand up for what you know is right. I ask you to stand up and be accountable to your
892 constituents. So tonight I ask you no waivers that only benefit the interest of the developer, and I
893 ask that you consider the precedent that you are setting in our community. Thank you.

894

895 **CHAIRMAN SCHLOTTMAN**

896 Thank you, sir. Good evening. Please hold your applause. Good evening, ma'am.



Las Vegas Planning Commission Meeting

2/14/2017

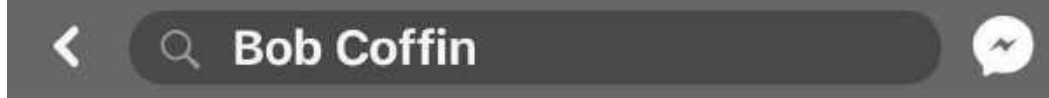


21. GPA-68385 180 LAND COMPANY, LLC Ward 2

004237

LQ.00

Exhibit 126



He has lots of lawyers with authority to do anything to disqualify me from voting on his development and spend what it takes.

His name is Yohan Lowie. He purchased a golf course in the middle of this housing and destroyed it to force the people to cave in to him. All that stands in the path of this man and his greed is the Las Vegas City Council. Doesn't that make you feel good?

Well, a majority is standing in his path and he is trying to reduce our number to get his way---Anyway he can.

Again, his name is Yohan Lowie and his company is EHB Development. His project is called Badlands. Look it up.

More to follow.....



35 Comments





Bob Coffin



Posts



Bob Coffin



Yesterday at 7:11 PM ·

Please do not send any notes to me on Messenger.

I am being sued by a greedy developer who is using a little-known Nevada law to attempt to force me to turn over all communications on all my personal electronic devices to gain information he can use in court.

He is also monitoring regular Facebook posts to see if I show bias against him and his upper class housing project. For sure I will not be adding new FB friends to help him out.

He also wants me to turn over all email lerrers that he would judge to be biased against him. That HE would judge. And text messages. You name it. Everything!

He has lots of lawyers with authority to do



004245

Exhibit 127

Philip R. Byrnes
Senior Litigation Counsel

City of Las Vegas
Office of the City Attorney



495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Office (702) 229-6629
Fax (702) 386-1749
pbyrnes@lasvegasnevada.gov

September 17, 2018

Piers Tueller, Esq.
HUTCHISON & STEFFEN, LLC
10080 West Alta Drive, #200
Las Vegas, NV 89145

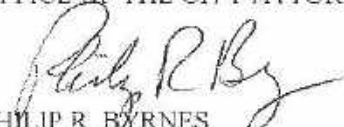
RE: *Public Records Request - W009103-021518- Any and all written communications to or from Coffin concerning Badlands golf course from June 7, 2011 to present. Any and all written communications to and from Councilman Seroka concerning the Badlands golf course from June 13, 2017 to present.*

Dear Mr. Tueller:

Please find Councilman Coffin's text messages. The page marked as CLV000008 has been redacted for Attorney-client privilege.

Sincerely,

OFFICE OF THE CITY ATTORNEY


PHILIP R. BYRNES
Senior Litigation Counsel

PRB:tag
Enclosures

004246
LO 00002965

18093



47% 1:23 PM



badlands



3:46 PM



Brian Hurlburt

Bob: Brian Hurlburt here. Do you have time for a call about badlands later today or tmro morning?

11:15 AM



Susan Finucan

Heading down to chambers in about 5 minutes.....do you need your Badlands backup?

12:42 AM



Bob Beers

e forest. They would add a street from the Badlands driveway to Tivoli to the SW of Alta & Rampart, big open space amidst some commercial along the new r

6:53 AM



Bob Beers

Yes. They're closing Badlands GC.

6:46 AM

1/1

CLV000001 004247
LO 00002966

18094



47% 1:23 PM



badlands



Trinity Schlotman

(1/2) Great hearing from you Bob. Sorry just seeing your text and although I've been briefed on the Badlands case I still have not had a chance to review all of

3:46 PM



Brian Hurlburt

Bob: Brian Hurlburt here. Do you have time for a call about badlands later today or tmro morning?

11:15 AM



Susan Finucan

Heading down to chambers in about 5 minutes.....do you need your Badlands backup?

12:42 AM



Bob Beers

e forest. They would add a street from the Badlands driveway to Tivoli to the SW of Alta

1/1

CLV000002 004248
LO 00002967

18095

77°

47% 1:23 PM



badlands



9:33 PM

I just called to congratulate and realized it might be too late. There is a lot to ask you about starting with your oppo on that crazy israeli. Next few days gonna be crucial on Badlands.

8:47 PM

No tolerance on this one. Pls ask Tim to post me later when more is known. Yeah, I am looking elsewhere next few hours. Badlands rides on this!

4:16 PM

Not all Badlands peeps are rich. An awful lot of middle class peeps for whom the house is their estate.

Trinity Schlotman



(1/2) Great hearing from you Bob. Sorry just seeing your text

1/1

CLV000003 004249
LO 00002968

18096

77°

47% 1:22 PM



badlands



We support badlands
no union info on tshirt

MMS
4:51 PM

10:21 AM

Hi. I hope you are
doing okay? Have you
decided what you are
going to do tomorrow
on Badlands?

10:32 PM

While you are waiting
to hear is there a fair
amount of intel on
the scam behind the
badlands takeover?
Dirt will be handy if I
need to get rough

8:20 AM

Morning Jim. Any word
on your PI enquiry
about badlands guy?

I just called to

1/1

CLV000004 004250
LO 00002969

18097

77°

47% 1:22 PM



badlands



MJ Norero



I think brad wants to
meet with fiore about
badlands and her vote
I'll try to get more info
next week

5:38 PM

MJ Norero



No changes on
badlands so far

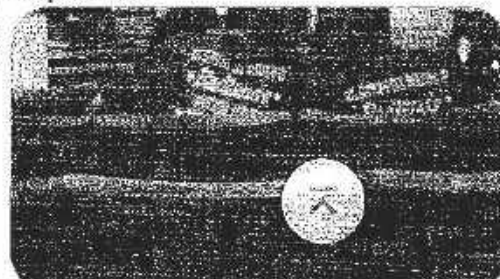
11:24 AM

Attaboy! My advice to
him would be to avoid
any conversation on
badlands with any
Yohan team, even
informal. Like Trump
he confabulates
anything told to him.
Only trust Jay cuz he is
a pro.

9:19 PM



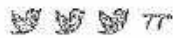
Felipe Ortiz



1/1

CLV000005 004251
LO 00002970

18098



47% 1:22 PM



badlands



9:06 AM

some on penair of
Badlands. Biggest
\$ deal around not-
counting marijuana



Jamie Munks RJ

Someone said
Badlands might be
held. Do you know if
that's going to happen?

11:26 AM



Julie Wilcox

Councilman

I wanted to make you
aware that councilman
Seroka called and
asked about our
easement and the
badlands issue.

I told him I had
personally

1:55 PM

Gena Griesen called
me today and said she
had been to badlands
etc. With a little

1/1

CLV000006 004252
LO 00002971

18099

77°

47% 1:22 PM



badlands



George, EHB is making another run for permission to use the easement from Rampart to access Badlands. Feel free to call.

2:39 PM



Trinity Schlotman

Badlands abeyed last night.

10:19 PM



Jerry Snyder

Bob: I just got back to town and saw the uproar over Badlands and anti-semitism. I say bullshit! If you need any support I am here to help. Jerry

11:34 AM

The only thing that have never felt right here is the fight by some on behalf of Badlands. Biggest \$ deal around not counting marijuana

9:06 AM

1/1

CLV000007 004253
LO 00002972

18100

77°

47% 1:21 PM



badlands



CLV000008 004254
LO 00002973

18101

77°

47% 1:21 PM



badlands



Thank you. Haven't seen you testify in awhile. Your clients are quiet. Can you believe Badlands? Talk about sraff-driven nonsense. Of course for awhile they responded to a majority as they twisted but now there is a new majority. Take a short while and read Crocketts opinion. Zinger!

4:00 PM

Russell Rowe

R

Vindication, at least for now. Maybe this decision will be the beginning of some internal changes at the City. Hope you're doing well Bob.

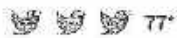
Las Vegas 'abused its discretion' in Badlands vote, judge rules

<https://www.reviewjournal.com/news/politics-and>

1/1

CLV000009 004255
LO 00002974

18102



48% 1:21 PM



badlands



Mom



Advance Badlands
story in Sun, not RJ.

8:28 AM

Hi SS. Bob C bere. Are
you abeying Badlands
items on Council? Up
to you.

8:42 PM

George. I am in
Korea. Any word
on possible abeyances
of Badlands? CG had
hinted at that.

8:37 PM

Any advance stories on
Council yet? I know its
a holiday. Sure would
like to NOT get up at
2 am here. Pray for
Badlands to abey all
nine items.

8:36 PM

Thank you. Haven't
seen you testify in
awhile. Your clients are
quiet. Can you believe

1/1

CLV000010 004256
LO 00002975

18103



48% 1:20 PM



badlands



MESSAGES

33 FOUND ^

Mom



Story on View front
page about Woford
with nice quote from
you. Badlands story at
top of 1b. Rebels lost
at home. RJ said only
4,000 at game. Knights
pl

10:24 AM

Just finished
voting.....again....on
Badlands....by tele

1:49 PM

VIEW ALL

Exhibit 128

From: [REDACTED]
Location: 495 S. Main Street/7th Floor/Councilman Seroka's Office
Importance: Normal
Subject: Accepted: FW: [Confidential] Meeting with Craig Billings @ Wed Sep 26, 2018 09:00 - 10:00 (PDT) (Steven Seroka)
Start Date/Time: Wed 9/26/2018 4:00:00 PM
End Date/Time: Wed 9/26/2018 5:00:00 PM
[invite.ics](#)

222222222

Craig Billings has accepted this invitation.

FW: [Confidential] Meeting with Craig Billings

When: Wed Sep 26, 2018 09:00 – 10:00 Pacific Time – Los Angeles

Where: 495 S. Main Street/7th Floor/Councilman Seroka's Office ([map](#))

Calendar: Steven Seroka

Who:

- Steven Seroka - organizer
- Craig Billings - creator

-----Original Appointment-----

From: jvolmar@LasVegasNevada.GOV > On Behalf Of Steven Seroka

Sent: Monday, September 24, 2018 4:31 PM

To: Steven Seroka; Billings, Craig; Jerry Walker; Joseph Volmar; Marco Henry

Subject: Meeting with Craig Billings

When: Wednesday, September 26, 2018 09:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: 495 S. Main Street/7th Floor/Councilman Seroka's Office

--Note that (jvolmar@LasVegasNevada.GOV) is an external email. Forward unfamiliar emails to WE Protect.--

Councilman

Thank you so much for taking the time to meet last night. I look forward to meeting with the City Engineer regarding grate coverage for the wash tunnels. In the interim, I will speak to a highly regarded civil engineering firm that we use here at Wynn to understand what technologies other cities with similar issues are using. I will also be socializing the broader plan for the tunnels with my fellow Aventura residents at a HOA meeting next Tuesday.

As discussed, I will call Frank Schrek this morning to better understand (and then likely support) your proposal regarding the acquisition and re-zoning of green space land. Please can you tell me, to what email address should I direct my support?

Lastly, who do I need to bug in order to make sure that the park on Hualapai is closed on time, the bollards put up and the bathroom locked? As the Captain mentioned, I don't think it's in anyone's interest to have prostitution, drug use and overall mischief happening in that park at night. I actually stopped by the park just now on my way to the gym and spoke to Jason, a city employee responsible for opening the park. He told me that this morning was the first time he has ever see the car barriers closed upon his arrival and that he regularly sees cars in the park all early morning and day with people living out of their cars... that's right, living out of their cars... a major (and unacceptable) crime risk.

I look forward to seeing you again soon and have a great weekend!

Craig

Craig S. Billings
CFO
Wynn Resorts
craig.billings@wynnresorts.com

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account sseroka@lasvegasnevada.gov because you are an attendee of this event.

CLV000009

004258

18106

Exhibit 130

From: "Carolyn G. Goodman" <cgoodman@LasVegasNevada.GOV>

To: Brad Jerbic <bjerbic@LasVegasNevada.GOV>, Tom Perrigo <tperrigo@LasVegasNevada.GOV>

Cc: Lora Kalkman <lkalkman@LasVegasNevada.GOV>, Zachary Bucher <zbucher@LasVegasNevada.GOV>, Esthefany Arochi <earochi@LasVegasNevada.GOV>

Subject: FW: Badlands

Date: Thu, 30 Aug 2018 15:12:13 +0000

Inline-Images: image003.jpg



CAROLYN G. GOODMAN, MAYOR

Las Vegas City Hall
495 S. Main Street
Las Vegas, NV 89101

(702)229-6241

City Hall is closed on Fridays

From: Bob Coffin <bvcouncilman@hotmail.com>

Sent: Wednesday, August 29, 2018 9:58 PM

To: Jerry Engel <jengelly@aol.com>; Carolyn G. Goodman <cgoodman@LasVegasNevada.GOV>; Steven Seroka <sseroka@LasVegasNevada.GOV>; Lois Tarkanian <ltarkanian@LasVegasNevada.GOV>; Stavros Anthony <santhony@LasVegasNevada.GOV>

Cc: Peter Angulo <pangulo@ocgas.com>; Bob Coffin <bvcouncilman@hotmail.com>; Susan Finucan <sfinucan@LasVegasNevada.GOV>; Felipe Ortiz <fortiz@LasVegasNevada.GOV>; Ydo Yturralde <yiturralde@LasVegasNevada.GOV>

Subject: Re: Badlands

Good evening, Jerry. Nice to hear again from my old friend but not on this horrible subject.

You should know that because of the EHB desperation to win at all costs they are suing me in federal court alleging that I should be disqualified from voting because I am anti-Semitic. There was a day when if someone said something so outrageous it got a laugh but nothing about these clown's efforts to ruin your lifestyle and my reputation is laughable.

Due to a clumsy attempt to intimidate some of us the greedeveloper asks for copies of all notes, emails, text messages, voice mails, social media and written notes and correspondence on the subject of Badlands. So, this one is eligible for him to see.

Can you believe these assholes?

I will certainly be voting for Steve Seroka's Open Space bill next Tuesday morning and in a subsequent City Council meeting. So, I will not stop fighting for you and your neighbors.

The EHB dirtballs will have to do more than slander me and my colleagues to try to overturn our efforts to defend you!..

Sincerely,

Bob Coffin

----- Original message -----

From: Jerry Engel <jengelly@aol.com>

Date: 8/29/18 9:38 PM (GMT-08:00)

To: cgoodman@lasvegasnevada.gov, bvcouncilman@hotmail.com, sseroka@lasvegasnevada.gov, ltarkanian@lasvegasnevada.gov, santhony@lasvegasnevada.gov

Subject: Badlands

My dear Council Friends,

Over two years ago I attended a presentation by Yohan Lowie showing we HOMEOWNERS of his plans to develop the Badlands. I was impressed with the quality shown, as I was with the quality shown by Mr. Lowie when he built the Queensridge Towers.

I was for him before I was against him....sound familiar.

Subsequent meetings revealed how Mr. Lowie deceived us in showing beautiful renderings of quality homes, with many green

004262
CLV283404

18108

areas near our homes which were in reality over 3,000 residences within 75 feet of our homes. Later he told us he could give us 25 more feet of space. That is when I realizes we had to stop him from ruining our neighborhood and way of life.

I welcome your coming to my home and seeing what Mr. Lowie was planning **100 FEET FROM MY HOME.**

Please vote YES on ordinance bill #2018-24.

Yours truly,

Jerry Engel
700 Pont Chartrain Dr.,
L.V. 89145

004263
CLV283405

18109

To: Tony Guarino[TGuarino@LasVegasNevada.GOV]
From: Vicki Ozuna
Sent: Tue 1/10/2017 7:10:01 PM
Subject: FW: Fire Hazard apn 138-31-702-002 BADLAND GOLF COURSE CITY OF LAS VEGAS

When you were onsite did you look at the ponds?

-----Original Message-----

From: Tom Perrigo
Sent: Wednesday, December 07, 2016 1:33 PM
To: Vicki Ozuna
Cc: Karen Duddleston; Tony Guarino
Subject: RE: Fire Hazard apn 138-31-702-002 BADLAND GOLF COURSE CITY OF LAS VEGAS

Thanks Vicki.

-----Original Message-----

From: Vicki Ozuna
Sent: Tuesday, December 6, 2016 3:04 PM
To: Tom Perrigo <tperrigo@LasVegasNevada.GOV>
Cc: Karen Duddleston <kduddleston@LasVegasNevada.GOV>; Tony Guarino <TGuarino@LasVegasNevada.GOV>
Subject: RE: Fire Hazard apn 138-31-702-002 BADLAND GOLF COURSE CITY OF LAS VEGAS

Code Enforcement has received two complaints addressing different issues with Badland Golf Course. One is concerning vegetation that it is alleged to be creating a fire hazard, and the other is regarding the well pump being down, and the course not being watered. The second issue came to me this morning from Councilman Beers.

Tony inspected the site and found nothing that is creating a fire hazard. He also looked at the ponds and areas of the course. He met with the well service who is repairing the pump, who advised Tony that the well has been down the last 30 days. The pump should be repaired by the end of today.

In order to determine what standards Code Enforcement can use for enforcement for the golf course, I reviewed the Peccole Ranch Master Plan Phase II and all development agreements/SDR's that were approved for this area.

There are no conditions mentioned that pertain to the maintenance of the open space/golf course area.

Since the property is zoned RPD-7 I believe UDC 19.06.040 Development Standards- Residential would apply. Specifically section 4b that states property owners are responsible for maintaining all landscaping in a healthy and vigorous living condition. Additionally 4c addresses replacement of dead vegetation with healthy, living plants, in accordance with standard seasonal planting practices, could be applicable. I discussed the intent of this section of the code with Steve G. and he agrees that it could be used to require the property owner maintain the existing landscaping.

I have reviewed pictures that Tony G took Monday onsite and feel that if the property owner determines not to restore water to the property, then the ponds should all be drained as they are not able to be circulated to keep them from becoming stagnant. As this is an open area and adjacent residents are able to access the area, it would also be a safety concern for drownings. I think we would also want to include that they be kept water free for in the future so as not to become mosquito breeding grounds. This could be addressed under Nuisance 9.04.010 2) that addresses stagnant/polluted water.

As far as vegetation, under Nuisance 9.04, Code Enforcement can require that all grass and weeds be kept below 8" at all times and dead vegetation if it constitutes a fire hazard should be removed.

00426405549

18110

From: [REDACTED]
Location: 495 S. Main Street/7th Floor/Councilman Seroka's Office
Importance: Normal
Subject: Accepted: FW: [Confidential] Meeting with Craig Billings @ Wed Sep 26, 2018 09:00 - 10:00 (PDT) (Steven Seroka)
Start Date/Time: Wed 9/26/2018 4:00:00 PM
End Date/Time: Wed 9/26/2018 5:00:00 PM
[invite.ics](#)

Craig Billings has accepted this invitation.

FW: [Confidential] Meeting with Craig Billings

When: Wed Sep 26, 2018 09:00 - 10:00 Pacific Time (Los Angeles)

Where: 495 S. Main Street/7th Floor/Councilman Seroka's Office ([map](#))

Calendar: Steven Seroka

Who:

- Steven Seroka - organizer
- Craig Billings - attendee

-----Original Appointment-----

From: jvolmar@LasVegasNevada.GOV > On Behalf Of Steven Seroka
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To: Steven Seroka; Billings, Craig; Jerry Walker; Joseph Volmar; Marco Henry
Subject: Meeting with Craig Billings
When: Wednesday, September 26, 2018 09:00 AM-10:00 AM (UTC-05:00) Pacific Time (US & Canada).
Where: 495 S. Main Street/7th Floor/Councilman Seroka's Office

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Councilman

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I look forward to seeing you again soon and have a great weekend!

Craig

Craig S. Billings
CFG
Wynn Resorts
craig.billings@wynnresorts.com

Invitation from: [Google Calendar](#)

You are receiving this calendar email as the account owner address in Google Calendar. If you no longer wish to receive this email, you can remove this account from your Google Calendar.

CLV000009

004265

18111