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.

No. 84345

Electronically Filed
Aug 25 2022 04:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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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. 84640

JOINT APPENDIX, VOLUME NO. 113

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DISTRICT COURT

CLARK COUNTY, NEVADA

180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X, Plaintiffs, *vs.* CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X, Defendant.	Case No.: A-17-758528-J Dept. No.: XVI **APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES VOLUME 1**

The Plaintiffs, 180 LAND CO., LLC and FORE STARS Ltd. (hereinafter "the Landowners"), by and through their attorneys, the Law Offices of Kermitt L. Waters, hereby file this Appendix of Exhibits in Support of Plaintiff Landowners' Motion to for Attorney Fees as follows:

Exhibit No.	Description	Vol. No.	Bates No.
1	Declaration of Kermitt L. Waters, Esq.	1	0001 -0002
2	Declaration of James J. Leavitt, Esq.	1	0003 - 0004
3	Declaration of Autumn L. Waters, Esq.	1	0005 - 0006
4	Declaration of Michael Schneider, Esq.	1	0007 - 0008
5	Declaration of Sandy Guerra	1	0009 - 0010
6	List of Substantive Pleadings	1	0011 - 0016
7	49 CFR 24	1	0017 - 0064
8	Attorney Fee Affidavit of Counsel in the Sisolak case	1	0065
9	2006 State of Nevada Ballot	1	0066 - 0081
10	2008 State of Nevada Ballot	1	0082 - 0089
11	01.17.19 Reporter's Transcript of Plaintiff's Request for Rehearing	1	0090 - 0103
12	Screenshot of City's Website	1	0104
13	City's 2050 Master Plan – Part 1 of 2	1	0105 - 0229
13	City's 2050 Master Plan – Part 2 of 2	2	0230 - 0385
14	City's SNPLMA Projects	2	0386 - 0388
15	City's 2017 Budget	2	0389 - 0523
16	City's 2021 Budget	2	0524 - 0695

DATED this 9th day of December, 2021.

LAW OFFICES OF KERMITT L. WATERS

/s/ Autumn L. Waters
Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
Michael A. Schneider, Esq. (NSB 8887)
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Facsimile: (702) 731-1964
Attorneys for Plaintiff Landowners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 9th day of December, 2021, pursuant to NRCP 5(b), a true and correct copy of the foregoing: APPENDIX OF EXHIBITS IN SUPPORT OF PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES – VOLUME I was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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/s/ Sandy Guerra
an employee of the Law Offices of Kermitt L. Waters

Exhibit 1

DECLARATION OF KERMITT L. WATERS, ESQ. IN SUPPORT OF PLAINTIFFS LANDOWNERS' MOTION FOR ATTORNEY FEES

I, Kermitt L. Waters, Esq., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada. I am an attorney at the Law Offices of Kermitt L. Waters, the attorneys of record for FORE STARS, Ltd. and 180 LAND CO., LLC ("Landowners") in 180 Land Co., LLC v. City of Las Vegas, Case No.: A-17-758528-J ("35 Acre Case").

2. I make this declaration based on personal knowledge, except where stated to be upon information and belief, and as to that information, I believe it to be true. If called upon to testify to the contents of this declaration, I am legally competent to do so in a court of law.

3. I have practiced in the area of eminent domain and inverse condemnation in the State of Nevada for over 50 years.

4. I have represented 100s of landowners at the district court and appellate court levels in Nevada and I believe over that time period I have recovered more for landowners in eminent domain and inverse condemnation matters than any other attorney in the history of Nevada.

5. Owners' Counsel of America is a network of attorneys who represents landowners across the country. Only one lawyer from each State is invited to be a member. I am Nevada's Owners' Counsel member.

6. I believe I have more published and unpublished Nevada Supreme Court eminent domain and inverse condemnation cases than any other attorney in the history of Nevada.

7. My Offices have been referred to as the "preeminent eminent domain firm on the West Coast."

8. In 2005 – 2006, I drafted 9 eminent domain and inverse condemnation provisions to be added to the Nevada Constitution through amendment and personally financed the ballot

initiative, which included being personally sued by many government entities trying to stop the initiative.

9. The people of Nevada overwhelmingly voted in 2006 and 2008 to amend the Constitution to adopt the nine provisions I drafted which are now part of the Nevada Constitution. *See* Nev. Const. art. 1, sec. 22 (1) – (9).

10. I was also Arby Alper's trial counsel, in the Alper case, which has been heavily cited in this case.

11. All my past inverse condemnation work has had a contingency fee. I cannot recall previously handling an inverse condemnation case on solely an hourly rate basis. The recoveries I have received in the past would be greater than $675 an hour.

12. I have reviewed the time sheets I kept in this matter as of October 31, 2021. For all four cases, the 17 Acre, 35 Acre, 65 Acre and 133 Acre cases, I billed a total of 442.80 hours. Of this time 217.90 hours were billed exclusively for the 35 Acre Case. This time was actually, necessarily and reasonably incurred as a result of the 35 Acre inverse condemnation action.

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

Executed this 6th day of December, 2021.

/s/ Kermitt L. Waters
KERMITT L. WATERS, ESQ.

Exhibit 2

DECLARATION OF JAMES J. LEAVITT, ESQ. IN SUPPORT OF PLAINTIFFS LANDOWNERS' MOTION FOR ATTORNEY FEES

I, James J. Leavitt, Esq., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada, and am an attorney at the Law Offices of Kermitt L. Waters, the attorneys of record for FORE STARS, Ltd. and 180 LAND CO., LLC ("Landowners") in 180 Land Co., LLC v. City of Las Vegas, Case No.: A-17-758528-J ("Case").

2. I make this declaration based on personal knowledge, except where stated to be upon information and belief, and as to that information, I believe it to be true. If called upon to testify to the contents of this declaration, I am legally competent to do so in a court of law.

3. I have practiced exclusively in the area of eminent domain and inverse condemnation in the State of Nevada for over 25 years.

4. I went to work for Mr. Waters during my second year of law school in 1995. I passed the Nevada State Bar prior to my final semester of law school (Nevada allowed that back in 1995).

5. After graduating, I continued working with Mr. Waters and have been with him ever since.

6. I have limited my practice exclusively to eminent domain and inverse condemnation for my entire career, having briefed, argued, and presented cases to the Nevada judiciary on nearly every issue a Nevada landowner may face when the government takes their property, frequently issues of first impression in Nevada.

7. I have testified at the Nevada Legislature on behalf of proposed eminent domain legislation, I assisted Mr. Waters in drafting the Nevada Constitution's eminent domain provisions specifically Article I Section 22.

8. I have argued many eminent domain cases to the Nevada Supreme Court, again, frequently issues of first impression, and I appear as counsel on many published eminent domain decisions in Nevada.

9. I have Co-chaired CLE seminars on eminent domain and have frequently presented at conferences on eminent domain issues.

10. There were several occasions over the past four years when cases came to the Law Offices of Kermitt Waters, but were turned down due to the time needed to manage the 35 Acre Case.

11. I have reviewed the time sheets I kept in this matter as of October 31, 2021. For all four cases, the 17 Acre, 35 Acre, 65 Acre and 133 Acre cases, I billed a total of 2,939.80 hours. Of this time 1,338.45 hours were billed exclusively for the 35 Acre Case. This time was reasonable and necessary. And, the total attorney fees set forth in the pending motion for attorney fees were actually and necessarily incurred as a result of the 35 Acre inverse condemnation action and were reasonable. I have read in its entirety the motion for attorney fees and the facts set forth therein are true and correct.

12. All my prior inverse condemnation work has had a contingency fee. I cannot recall previously handling an inverse condemnation case on solely an hourly rate basis. The recoveries I have received in the past would be greater than $675 an hour.

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

Executed this 7th day of December, 2021.

/s/ James J. Leavitt
JAMES J. LEAVITT, ESQ.

Exhibit 3

DECLARATION OF AUTUMN L. WATERS, ESQ. IN SUPPORT OF PLAINTIFFS LANDOWNERS' MOTION FOR ATTORNEY FEES

I, Autumn L. Waters, Esq., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada, and am an attorney at the Law Offices of Kermitt L. Waters, the attorneys of record for FORE STARS, Ltd. and 180 LAND CO., LLC ("Landowners") in 180 Land Co., LLC v. City of Las Vegas, Case No.: A-17-758528-J ("Case").

2. I make this declaration based on personal knowledge, except where stated to be upon information and belief, and as to that information, I believe it to be true. If called upon to testify to the contents of this declaration, I am legally competent to do so in a court of law.

3. I have practiced exclusively in the area of eminent domain and inverse condemnation in the State of Nevada for over 18 years.

4. I worked for the Law Offices of Kermitt L. Waters during law school and then joined the firm in 2003 directly out of law school.

5. I have dedicated my entire practice to eminent domain and inverse condemnation.

6. I have represented Nevada landowners in a wide variety of eminent domain and inverse condemnation cases, including preparing Amicus Curiae briefs to the Nevada Supreme Court in defense of Article 1, Section 22, to ensure the protections intended by the amendments were maintained.

7. I have practiced in both state and federal court at both the trial and appellate court levels dealing with unique and complex takings issues.

8. I have chaired several CLE seminars dedicated to eminent domain and inverse condemnation.

9. All my previous inverse condemnation cases have had a contingency fee. I cannot recall previously handling an inverse condemnation case on solely an hourly rate basis. Recoveries I have received in the past would be greater than $675 an hour.

10. I have reviewed the time sheets I kept in this matter as of October 31, 2021. For all four cases, the 17 Acre, 35 Acre, 65 Acre and 133 Acre cases, I billed a total of 2,347.53 hours. Of this time, 1,446.68 hours were billed exclusively for the 35 Acre Case. This was the time I actually spent working on the 35 Acre Case and it was all reasonable and necessary.

11. I have additionally reviewed the hours of the legal assistance and paralegals at the Law offices of Kermitt Waters through October 31, 2021. For all four cases, the 17 Acre, 35 Acre, 65 Acre and 133 Acre cases, the legal assistance and paralegals billed a total of 1,766.73 hours. Of this time 898 hours were billed exclusively for the 35 Acre Case, specifically Sandy Guerra billed 264.52, Stacy Sykora billed 156.35 and Evelyn Washington billed 477.14. This time was actually spent on the 35 Acre Case, it was reasonable and necessary.

12. The total attorney fees set forth in the pending motion for attorney fees were actually and necessarily incurred as a result of the 35 Acre inverse condemnation action and were reasonable. I have read in its entirety the motion for attorney fees and the facts set forth therein are true and correct.

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

Executed this 6th day of December, 2021.

/s/ Autumn Waters
AUTUMN L. WATERS, ESQ.

Exhibit 4

DECLARATION OF MICHAEL SCHNEIDER, ESQ. IN SUPPORT OF PLAINTIFFS LANDOWNERS' MOTION FOR ATTORNEY FEES

I, Michael Schneider Esq., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada, and am an attorney at the Law Offices of Kermitt L. Waters, the attorneys of record for FORE STARS, Ltd. and 180 LAND CO., LLC ("Landowners") in 180 Land Co., LLC v. City of Las Vegas, Case No.: A-17-758528-J ("Case").

2. I make this declaration based on personal knowledge, except where stated to be upon information and belief, and as to that information, I believe it to be true. If called upon to testify to the contents of this declaration, I am legally competent to do so in a court of law.

3. I have practiced exclusively in the area of eminent domain and inverse condemnation in the State of Nevada for over 18 years.

4. I worked for the Law Offices of Kermitt L. Waters while in law school and upon graduation continued working with Mr. Waters and have for my entire career.

5. I have litigated some of the most complex eminent domain and inverse condemnation cases in the State of Nevada and have been instrumental in recovering millions of dollars for Nevada landowners.

6. I have briefed numerous eminent domain matters before the Nevada Supreme Court, including matters of first impression.

7. I assisted Mr. Waters with drafting the constitutional provisions on eminent domain which were adopted in Nevada and are now the operative law in the state.

8. I have presented eminent domain topics at both national and regional CLE seminars and have co-authored ABA publications on eminent domain law for the State of Nevada.

9. All of my previous inverse condemnation cases have had a contingency fee. I cannot recall previously handling an inverse condemnation case on solely an hourly rate basis. Recoveries I have received in the past would be greater than $675 an hour.

10. I have reviewed the time sheets I kept in this matter as of October 31, 2021. For all four cases, the 17 Acre, 35 Acre, 65 Acre and 133 Acre cases, I billed a total of 1,136.80 hours. Of this time, 533.22 hours were billed exclusively for the 35 Acre Case. This time was reasonable and necessary. And, the total attorney fees set forth in the pending motion for attorney fees were actually and necessarily incurred as a result of the 35 Acre inverse condemnation action and were reasonable. I have read in its entirety the motion for attorney fees and the facts set forth therein are true and correct.

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

Executed this 6th day of December, 2021.

/s/ Michael Schneider
MICHAEL SCHNEIDER, ESQ.

Exhibit 5

DECLARATION OF SANDY GUERRA IN SUPPORT OF PLAINTIFFS LANDOWNERS' MOTION FOR ATTORNEY FEES

I, SANDY GUERRA, declare under penalty of perjury as follows:

1. I am a paralegal employed at the Law Offices of Kermitt L. Waters, the attorneys of record for 180 LAND COMPANY, LLC, a Nevada limited liability company, and FORE STARS, Ltd. ("Landowners") in the above-captioned matter.

2. I make this declaration based on personal knowledge, except where stated to be upon information and belief, and as to that information, I believe it to be true. If called upon to testify to the contents of this declaration, I am legally competent to do so in a court of law.

3. In support of Plaintiffs Landowners' Motion for Attorney Fees, I prepared a chart of substantive pleadings in this matter, identifying the number of pages for each pleading and the number of pages for the extensive exhibits.

4. I prepared this chart in Microsoft Excel, with columns for the title of the pleading, the number of pages, and the number of pages of exhibits. The pleadings are listed chronologically as they appear on the Courts' Register of Actions, and includes only substantive pleadings such as complaints/petitions, answers, motions, oppositions and replies. Omitted from the chart are notices, stipulations, orders, erratas, status reports and miscellaneous filings.

5. The number in the "No. of Pages" column was determined from the total page count of the pdf document of the substantive pleading. If exhibits were attached to the pleading, I then subtracted that number from the total page count of the entire pdf document to determine the amount for the "No. of Pgs. Of Exhibits" column. The total number of pages in any separately filed appendices and supplement thereto was also included in the No. of Pgs. Of Exhibits column.

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

Executed this 23rd day of November, 2021.

/s/ Sandy Guerra
SANDY GUERRA

Exhibit 6

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
07.18.17 Petition for Judicial Review	8	0
09.07.17 First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation	19	0
10.30.17 CLV Motion to Dismiss	10	10
12.21.17 Petitioner's Opposition To City Of Las Vegas Motion To Dismiss And Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review	21	16
12.21.17 City of Las Vegas' Reply in Support of its Motion to Dismiss and Opposition to Petitioner's Countermotion to Stay Litigation	6	0
01.05.18 Petitioner's Reply In Support Of Its Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review	7	0
02.05.18 City of Las Vegas' Answer to First Amended Petition for Judicial Review	4	0
02.23.18 First Amended Complaint Pursuant to Court Order Entered on February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	17	0
02.28.18 Second Amended Petition for Judicial Review to Sever Alternative Verified Claims in Inverse Condemnation per Court Order entered on February 1, 2018	15	0
03.13.18 City of Las Vegas' Answer to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation	4	0
03.19.18 City of Las Vegas' Answer to Second Amended Petition for Judicial Review	4	0
04.17.18 Motion to Intervene on an Order Shortening Time	19	100
04.17.18 Petitioner's Memorandum of Points and Authorities in support of Second Amended Petition for Judicial Review	43	19
05.02.18 Petitioner's Opposition to Motion to Intervene	18	339
05.07.18 City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time	10	4
05.09.18 Petitioner's Opposition to Motion to Extend Briefing Schedule and Continue Hearing	12	14
05.09.18 Reply in Support of City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time	4	0
06.26.18 City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review	35	181
06.26.18 Request for Judicial Notice in Support of City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review	4	18
06.26.18 Intervenors' Answering Brief	33	181
06.28.18 Request for Judicial Notice in Support of Petitioner's Memorandum of Points and Authorities in Support of Second Amended Petition for Judicial Review	9	76

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
06.29.18 Emergency Motion to Strike "Errata to Transmittal of Record for Review" filed by the City of Las Vegas on June 21, 2018; Application for Order Shortening Tme	11	0
07.02.18 Petitioner 180 Land Co LLC's Hearing Exhibits to Petition for Judicial	119	0
07.17.18 City of Las Vegas' Opposition to Petitioner's Motion to Strike Errata to Transmittal of Record for Review	9	4
07.20.18 180 Land's Reply to City of Las Vegas' Opposition to Motion to Strike	11	7
07.31.18 Petitioner's Post-Hearing Reply Brief	31	19
08.07.18 City of Las Vegas' Post-Hearing Sur-Reply Brief	16	0
08.07.18 Intervenors' Post-Hearing Brief	18	0
12.11.18 Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims	65	4,075
12.11.18 Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims	19	100
12.13.18 Motion for a New Trial Pursuant to NRCP 59(c) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives	28	300
12.14.18 Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation	69	4,022
12.17.18 Plaintiff Landowners' Opposition to the City's Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for The Landowners' Inverse Condemnation Claims on Order Shortening Time	7	10
12.21.18 Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims on Order Shortening Time	9	0
01.07.19 City of Las Vegas' Opposition to Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives	14	20
01.07.19 City of Las Vegas' Opposition to Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims	26	31
01.07.19 Intervenors City of Las Vegas' Opposition to Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims	11	9
01.10.19 Reply in Support of Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims	7	0
01.14.19 Reply Re: Plaintiff Landowners' Request for Rehearing / Reconsideration of Order / Judgment Dismissing Inverse Condemnation Claims	33	52
01.14.19 Petitioner's Omnibus Reply in Support of Motion for New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives	12	0

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
02.13.19 City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims	14	0
03.04.19 Plaintiff Landowners' Opposition to City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims and Countermotion for Judicial Determination of Liability on the Landowners' Condemnation Claims and Countermotion to Supplement/Amend the Pleading, If Required	89	159
03.08.19 Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time	10	191
03.14.19 City of Las Vegas' Reply in Support of Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims	19	65
03.18.19 City of Las Vegas' Opposition to Plaintiff Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the Pleadings, if Required	14	65
03.18.19 City of Las Vegas' Opposition to Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time	8	179
03.21.19 Reply in Support of Plaintiff Landowners' Motion to Estop the City's Private Attorney for Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time	3	0
03.21.19 Landowners' Reply in Support of Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the Pleadings, if Required	11	14
03.21.19 Opposition To Plaintiff Landowners' Motion To Estop The City's Private Attorney From Making The Major Modification Argument Or For An Order To Show Cause Why The Argument May Proceed In This Matter On Order Shortening Time	7	60
03.21.19 Plaintiff Landowners' Reply and Request to Strike Neighbors' Opposition to Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time as a Fugitive Document	4	0
04.23.19 City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time	14	77
05.07.19 Opposition to the City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time and Countermotion for Nunc Pro Tunc Order	18	166
05.10.19 Reply in Support of City of Las Vegas Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time and Opposition to Countermotion for Nunc Pro Tunc Order	7	0
05.14.19 Landowners' Reply Re: Countermotion for Nunc Pro Nunc Order	4	14

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
05.15.19 Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	38	0
05.17.19 Notice of Filing of Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition and Emergency Motion Under NRAP 27(e) for Stay in the Nevada Supreme Court	3	74
06.18.19 City of Las Vegas' Answer to Plaintiff 180 Land Company's Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation	12	0
08.07.19 Plaintiff Landowners' Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding	11	0
02.26.20 The City of Las Vegas' Motion to Compel Discovery	19	162
03.12.20 Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel Discovery	14	72
03.25.20 The City of Las Vegas Reply in Support of its Motion to Compel Discovery	12	0
05.12.20 City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time	21	534
05.13.20 Plaintiffs' Reply in Support of Motion to Dismiss Seventy Acres LLC on Order Shortening Time	8	4
07.10.20 The City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations	13	619
07.23.20 Plaintiffs' Response to Defendant City of Las Vegas' Objection to DCRR	6	77
07.31.20 The City of Las Vegas Motion to Compel and For an Order to Show Cause	12	75
08.04.20 Plaintiff Landowners' Motion to Determine "Property Interest"	11	146
08.14.20 Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for an Order to Show Cause	13	195
08.18.20 City s Opposition to Motion to Determine Property Interest	28	916
08.24.20 Supplement to Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for Order to Show Cause	3	4
09.02.20 The City of Las Vegas' Reply in Support of its Motion to Compel and for an Order to Show Cause	17	11
09.09.20 Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest"	23	203
10.22.20 The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time	30	676
10.28.20 Plaintiff Landowners' Motion to Strike One Sentence Related to the Landowners' Protective Order from Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Case, Filed on October 12, 2020	8	177
11.06.20 Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel Discovery Responses and Damage Calculations	12	161
11.12.20 Opposition to Motion to Strike One Sentence from Order Granting Motion to Compel and for an Order to Show Cause	10	67
11.13.20 Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents	20	620

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
12.01.20 Plaintiff Landowners' Reply in Support of Motion to Strike One Sentence Related to the Landowners' Protective Order	5	0
01.08.21 Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories	10	136
01.26.21 Opposition to Motion to Compel the City to Answer Interrogatories	12	24
02.09.21 Reply in Support of Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories	11	0
03.11.21 City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents	14	652
03.25.21 Opposition to the City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents; Request for Sanctions for Intentional Violation of the Protective Order	13	37
03.26.21 Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief	53	5,153
04.08.21 City's Rule 56(d) Motion on OST	17	172
04.08.21 City's Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories	18	120
04.09.21 Reply in Support of City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents	16	0
04.16.21 Plaintiffs' Opposition to City of Las Vegas' Rule 56(d) Motion on Order Shortening Time	16	69
04.20.21 Reply in Support of City of Las Vegas' Rule 56(d) Motion on Order Shortening Time	11	57
04.22.21 Opposition to the City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners' Motion to Compel the City to Answer Interrogatories	14	267
05.06.21 City's Reply in Support of Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories	14	68
08.25.21 City's Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Counter-Motion for Summary Judgment	104	4,013
09.07.21 Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price	24	650
09.07.21 Plaintiff Landowners' Motion in Limine No. 2: To Exclude Source of Funds	8	39
09.07.21 Plaintiffs Landowners' Motion in Limine No. 3: To Preclude City's Arguments That Land Was Dedicated as Open Space/City's PRMP and PROS Argument	7	55
09.15.21 Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary	32	1,506

Substantive Pleading	No. of Pages	No. of Pgs. of Exhibits
09.21.21 City's Opposition to Plaintiff's Motion in Limine No. 1: To Exclude 2005 Purchase Price	23	162
09.21.21 City's Opposition to Plaintiff's Motion in Limine No. 2: To Exclude Source of Funds	4	0
09.21.21 City's Opposition to Plaintiff Landowner's Motion in Limine No. 3 to Preclude City's Arguments that Land was Dedicated as Open Space/City's PRMP and PROS Argument	11	0
09.21.21 City's Reply in Support of Counter-Motion for Summary Judgment	26	150
10.05.21 Plaintiff Landowners' Motion for Summary Judgment on Just Compensation on Order Shortening Time	8	189
10.11.21 City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time	8	29
10.12.21 Motion for Immediate Stay Pending City's Writ Petition, 10.12.21	21	535
10.18.21 Plaintiff Landowners' Opposition to City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time	8	164
10.18.21 City of Las Vegas' Objections to Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)	33	0
10.19.21 Plaintiffs Landowners' Reply Re: Motion in Limine No. 1: To Exclude 2005 Purchase Price	27	60
10.19.21 Plaintiffs' Reply in Support of Motion in Limine No. 2: To Exclude Source of Funds	4	0
10.19.21 Plaintiffs Landowners' Reply Re: Motion in Limine No. 3: To Preclude City's Arguments That Land Was Dedicated as Open Space/City's PRMP and PROS Argument	7	82
10.19.21 City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment on Just Compensation	14	20
10.21.21 Plaintiffs Landowners' Pre-Trial Memorandum	14	96
10.22.21 City of Las Vegas' Pre-Trial Memorandum	9	77
10.25.21 Plaintiff Landowners' Reply in Support of Motion for Summary Judgment on Just Compensation and Opposition to the City's Countermotion for Summary Judgment on Order Shortening Time	10	5
Totals	2,009	29,977

Exhibit 7

11. On an attachment, list the following information for each ACDBE firm participating in your program during the period of this report: (1) Firm name; (2) Type of business; (3) Beginning and expiration dates of agreement, including options to renew; (4) Dates that material amendments have been or will be made to agreement (if known); (5) Estimated gross receipts for the firm during this reporting period.

PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Subpart A—General

Subpart B—Real Property Acquisition

Subpart C—General Relocation Requirements

Subpart D—Payments for Moving and Related Expenses

Subpart E—Replacement Housing Payments

Subpart F—Mobile Homes

Subpart G—Certification

AUTHORITY: 42 U.S.C. 4601 *et seq.*; 49 CFR 1.48(cc).

SOURCE: 70 FR 611, Jan. 4, 2005, unless otherwise noted.

Subpart A—General

§ 24.1 Purpose.

The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) (Uniform Act), in accordance with the following objectives:

(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs;

(b) To ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and

(c) To ensure that Agencies implement these regulations in a manner that is efficient and cost effective.

§24.2 Definitions and acronyms.

(a) *Definitions.* Unless otherwise noted, the following terms used in this part shall be understood as defined in this section:

(1) *Agency.* The term *Agency* means the Federal Agency, State, State Agency, or person that acquires real property or displaces a person.

(i) *Acquiring Agency.* The term *acquiring Agency* means a State Agency, as defined in paragraph (a)(1)(iv) of this section, which has the authority to acquire property by eminent domain under State law, and a State Agency or person which does not have such authority.

(ii) *Displacing Agency.* The term *displacing Agency* means any Federal Agency carrying out a program or project, and any State, State Agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

(iii) *Federal Agency.* The term *Federal Agency* means any department, Agency, or instrumentality in the executive branch of the government, any wholly owned government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.

(iv) *State Agency.* The term *State Agency* means any department, Agency or instrumentality of a State or of a political subdivision of a State, any department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

(2) *Alien not lawfully present in the United States.* The phrase "alien not lawfully present in the United States" means an alien who is not "lawfully present" in the United States as defined in 8 CFR 103.12 and includes:

(i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*) and whose stay in the United States has not been authorized by the United States Attorney General; and,

(ii) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.

(3) *Appraisal.* The term *appraisal* means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(4) *Business.* The term *business* means any lawful activity, except a farm operation, that is conducted:

(i) Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;

(ii) Primarily for the sale of services to the public;

(iii) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(iv) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

(5) *Citizen.* The term *citizen* for purposes of this part includes both citizens of the United States and noncitizen nationals.

(6) *Comparable replacement dwelling.* The term *comparable replacement dwelling* means a dwelling which is:

(i) Decent, safe and sanitary as described in paragraph 24.2(a)(8) of this section;

(ii) Functionally equivalent to the displacement dwelling. The term *functionally equivalent* means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling (*See* appendix A, §24.2(a)(6));

(iii) Adequate in size to accommodate the occupants;

(iv) In an area not subject to unreasonable adverse environmental conditions;

(v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;

(vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also §24.403(a)(2));

(vii) Currently available to the displaced person on the private market except as provided in paragraph (a)(6)(ix) of this section (See appendix A, §24.2(a)(6)(vii)); and

(viii) Within the financial means of the displaced person:

(A) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in §24.401(c), all increased mortgage interest costs as described at §24.401(d) and all incidental expenses as described at §24.401(e), plus any additional amount required to be paid under §24.404, Replacement housing of last resort.

(B) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at §24.402(b)(2).

(C) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in §24.402(b)(2). Such rental assistance must be paid under §24.404, Replacement housing of last resort.

(ix) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply. (*See* appendix A, §24.2(a)(6)(ix).)

(7) *Contribute materially.* The term *contribute materially* means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:

(i) Had average annual gross receipts of at least $5,000; or

(ii) Had average annual net earnings of at least $1,000; or

(iii) Contributed at least 33⅓ percent of the owner's or operator's average annual gross income from all sources.

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(iv) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate.

(8) *Decent, safe, and sanitary dwelling.* The term *decent, safe, and sanitary dwelling* means a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:

(i) Be structurally sound, weather tight, and in good repair;

(ii) Contain a safe electrical wiring system adequate for lighting and other devices;

(iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;

(iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing Agency. In addition, the displacing Agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such Agencies;

(v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;

(vi) Contains unobstructed egress to safe, open space at ground level; and

(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (See appendix A, §24.2(a)(8)(vii).)

(9) *Displaced person.* (i) *General.* The term *displaced person* means, except as provided in paragraph (a)(9)(ii) of this section, any person who moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at §24.401(a) and §24.402(a)):

(A) As a direct result of a written notice of intent to acquire (see §24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;

(B) As a direct result of rehabilitation or demolition for a project; or

(C) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under §24.205(c), and moving expenses under §24.301, §24.302 or §24.303.

(ii) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:

(A) A person who moves before the initiation of negotiations (see §24.403(d)), unless the Agency determines that the person was displaced as a direct result of the program or project;

(B) A person who initially enters into occupancy of the property after the date of its acquisition for the project;

(C) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;

(D) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal Agency funding the project (See appendix A, §24.2(a)(9)(ii)(D));

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(E) An owner-occupant who moves as a result of an acquisition of real property as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally-assisted project is subject to this part.);

(F) A person whom the Agency determines is not displaced as a direct result of a partial acquisition;

(G) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;

(H) An owner-occupant who conveys his or her property, as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;

(I) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency;

(J) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93–477, Appropriations for National Park System, or Pub. L. 93–303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of subpart D of this part;

(K) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of the Agency in order to facilitate the project;

(L) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with § 24.208; or

(M) Tenants required to move as a result of the sale of their dwelling to a person using downpayment assistance provided under the American Dream Downpayment Initiative (ADDI) authorized by section 102 of the American Dream Downpayment Act (Pub. L. 108-186; codified at 42 U.S.C. 12821).

(10) *Dwelling.* The term *dwelling* means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

(11) *Dwelling site.* The term *dwelling site* means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See appendix A, § 24.2(a)(11).)

(12) *Farm operation.* The term *farm operation* means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(13) *Federal financial assistance.* The term *Federal financial assistance* means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

(14) *Household income.* The term *household income* means total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under

18 years of age. (*See* appendix A, §24.2(a)(14) for examples of exclusions to income.)

(15) *Initiation of negotiations.* Unless a different action is specified in applicable Federal program regulations, the term *initiation of negotiations* means the following:

(i) Whenever the displacement results from the acquisition of the real property by a Federal Agency or State Agency, the *initiation of negotiations* means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal Agency or State Agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the *initiation of negotiations* means the actual move of the person from the property.

(ii) Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal Agency or a State Agency), the *initiation of negotiations* means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.

(iii) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96–510, or Superfund) (CERCLA) the *initiation of negotiations* means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.

(iv) In the case of permanent relocation of a tenant as a result of an acquisition of real property described in §24.101(b)(1) through (5), the initiation of negotiations means the actions described in §24.2(a)(15)(i) and (ii), except that such initiation of negotiations does not become effective, for purposes of establishing eligibility for relocation assistance for such tenants under this part, until there is a written agreement between the Agency and the owner to purchase the real property. (See appendix A, §24.2(a)(15)(iv)).

(16) *Lead Agency.* The term *Lead Agency* means the Department of Transportation acting through the Federal Highway Administration.

(17) *Mobile home.* The term *mobile home* includes manufactured homes and recreational vehicles used as residences. (*See* appendix A, §24.2(a)(17)).

(18) *Mortgage.* The term *mortgage* means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(19) *Nonprofit organization.* The term *nonprofit organization* means an organization that is incorporated under the applicable laws of a State as a nonprofit organization, and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code (26 U.S.C. 501).

(20) *Owner of a dwelling.* The term *owner of a dwelling* means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

(i) Fee title, a life estate, a land contract, a 99 year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or

(ii) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(iii) A contract to purchase any of the interests or estates described in §24.2(a)(1)(i) or (ii) of this section; or

(iv) Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership.

(21) *Person.* The term *person* means any individual, family, partnership, corporation, or association.

(22) *Program or project.* The phrase *program or project* means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.

(23) *Salvage value.* The term *salvage value* means the probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (i.e., not eligible for relocation assistance). This includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect for sale except on this basis.

(24) *Small business.* A *small business* is a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of §24.304.

(25) *State.* Any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions.

(26) *Tenant.* The term *tenant* means a person who has the temporary use and occupancy of real property owned by another.

(27) *Uneconomic remnant.* The term *uneconomic remnant* means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Agency has determined has little or no value or utility to the owner.

(28) *Uniform Act.* The term *Uniform Act* means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894; 42 U.S.C. 4601 *et seq.*), and amendments thereto.

(29) *Unlawful occupant.* A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under State law. An Agency, at its discretion, may consider such person to be in lawful occupancy.

(30) *Utility costs.* The term *utility costs* means expenses for electricity, gas, other heating and cooking fuels, water and sewer.

(31) *Utility facility.* The term *utility facility* means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.

(32) *Utility relocation.* The term *utility relocation* means the adjustment of a utility facility required by the program or project undertaken by the displacing Agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.

(33) *Waiver valuation.* The term *waiver valuation* means the valuation process used and the product produced when the Agency determines that an appraisal is not required, pursuant to §24.102(c)(2) appraisal waiver provisions.

(b) *Acronyms.* The following acronyms are commonly used in the implementation of programs subject to this regulation:

(1) BCIS. Bureau of Citizenship and Immigration Service.

(2) FEMA. Federal Emergency Management Agency.

(3) FHA. Federal Housing Administration.

(4) FHWA. Federal Highway Administration.

(5) FIRREA. Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(6) HLR. Housing of last resort.

(7) HUD. U.S. Department of Housing and Urban Development.

(8) MIDP. Mortgage interest differential payment.

(9) RHP. Replacement housing payment.

(10) STURAA. Surface Transportation and Uniform Relocation Act Amendments of 1987.

(11) URA. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(12) USDOT. U.S. Department of Transportation.

(13) USPAP. Uniform Standards of Professional Appraisal Practice.

§24.3 No duplication of payments.

No person shall receive any payment under this part if that person receives a payment under Federal, State, local law, or insurance proceeds which is determined by the Agency to have the same purpose and effect as such payment under this part. (See appendix A, §24.3).

§24.4 Assurances, monitoring and corrective action.

(a) *Assurances.* (1) Before a Federal Agency may approve any grant to, or contract, or agreement with, a State Agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State Agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A displacing Agency's assurances shall be in accordance with section 210 of the Uniform Act. An acquiring Agency's assurances shall be in accordance with section 305 of the Uniform Act and must contain specific reference to any State law which the Agency believes provides an exception to §§301 or 302 of the Uniform Act. If, in the judgment of the Federal Agency, Uniform Act compliance will be served, a State Agency may provide these assurances at one time to cover all subsequent federally-assisted programs or projects. An Agency, which both acquires real property and displaces persons, may combine its section 210 and section 305 assurances in one document.

(2) If a Federal Agency or State Agency provides Federal financial assistance to a "person" causing displacement, such Federal or State Agency is responsible for ensuring compliance with the requirements of this part, notwithstanding the person's contractual obligation to the grantee to comply.

(3) As an alternative to the assurance requirement described in paragraph (a)(1) of this section, a Federal Agency may provide Federal financial assistance to a State Agency after it has accepted a certification by such State Agency in accordance with the requirements in subpart G of this part.

(b) *Monitoring and corrective action.* The Federal Agency will monitor compliance with this part, and the State Agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal Agency may also apply sanctions in accordance with applicable program regulations. (Also see §24.603, of this part).

(c) *Prevention of fraud, waste, and mismanagement.* The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.

§24.5 Manner of notices.

Each notice which the Agency is required to provide to a property owner or occupant under this part, except the notice described at §24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§24.6 Administration of jointly-funded projects.

Whenever two or more Federal Agencies provide financial assistance to an Agency or Agencies, other than a Federal Agency, to carry out functionally or geographically related activities, which will result in the acquisition of property or the displacement of a person, the Federal Agencies may by agreement designate one such Agency as the cognizant Federal Agency. In the unlikely event that agreement among the Agencies cannot be reached as to which Agency shall be the cognizant Federal Agency, then the Lead Agency shall designate one of such Agencies to assume the cognizant role.

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At a minimum, the agreement shall set forth the federally-assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal Agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally-assisted activities under the agreement shall be deemed a project for the purposes of this part.

§ 24.7 Federal Agency waiver of regulations.

The Federal Agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.

§ 24.8 Compliance with other laws and regulations.

The implementation of this part must be in compliance with other applicable Federal laws and implementing regulations, including, but not limited to, the following:

(a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 *et seq.*).

(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq*.), as amended.

(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 *et seq.*).

(f) The Flood Disaster Protection Act of 1973 (Pub. L. 93–234).

(g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*).

(h) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12892.

(i) Executive Order 11246—Equal Employment Opportunity, as amended.

(j) Executive Order 11625—Minority Business Enterprise.

(k) Executive Orders 11988—Floodplain Management, and 11990—Protection of Wetlands.

(l) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.

(m) Executive Order 12630—Governmental Actions and Interference with Constitutionally Protected Property Rights.

(n) Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*).

(o) Executive Order 12892—Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing (January 17, 1994).

§ 24.9 Recordkeeping and reports.

(a) *Records.* The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding Agency, whichever is later.

(b) *Confidentiality of records.* Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.

(c) *Reports.* The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal Agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding Agency shows good cause. The report shall be prepared and submitted using the format contained in appendix B of this part.

§ 24.10 Appeals.

(a) *General.* The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.

(b) *Actions which may be appealed.* Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance

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under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under §24.106 or §24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.

(c) *Time limit for initiating appeal.* The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.

(d) *Right to representation.* A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.

(e) *Review of files by person making appeal.* The Agency shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(f) *Scope of review of appeal.* In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

(g) *Determination and notification after appeal.* Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review of the Agency decision.

(h) *Agency official to review appeal.* The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.

Subpart B—Real Property Acquisition

§24.101 Applicability of acquisition requirements.

(a) *Direct Federal program or project.* (1) The requirements of this subpart apply to any acquisition of real property for a direct Federal program or project, except acquisition for a program or project that is undertaken by the Tennessee Valley Authority or the Rural Utilities Service. (*See* appendix A, §24.101(a).)

(2) If a Federal Agency (except for the Tennessee Valley Authority or the Rural Utilities Service) will not acquire a property because negotiations fail to result in an agreement, the owner of the property shall be so informed in writing. Owners of such properties are not displaced persons, (*see* §§24.2(a)(9)(ii)(E) or (H)), and as such, are not entitled to relocation assistance benefits. However, tenants on such properties may be eligible for relocation assistance benefits. (*See* §24.2(a)(9)).

(b) *Programs and projects receiving Federal financial assistance.* The requirements of this subpart apply to any acquisition of real property for programs and projects where there is Federal financial assistance in any part of project costs except for the acquisitions described in paragraphs (b)(1) through (5) of this section. The relocation assistance provisions in this part are applicable to any tenants that must move as a result of an acquisition described in paragraphs (b)(1) through (5) of this section. Such tenants are considered displaced persons. (*See* §24.2(a)(9).)

(1) The requirements of Subpart B do not apply to acquisitions that meet all of the following conditions in paragraphs (b)(1)(i) through (iv):

(i) No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area. Where an Agency wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly. (*See* appendix A, §24.101(b)(1)(i).)

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(ii) The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.

(iii) The Agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

(iv) The Agency will inform the owner in writing of what it believes to be the market value of the property. (*See* appendix A, §24.101(b)(1)(iv) and (2)(ii).)

(2) Acquisitions for programs or projects undertaken by an Agency or person that receives Federal financial assistance but does not have authority to acquire property by eminent domain, provided that such Agency or person shall:

(i) Prior to making an offer for the property, clearly advise the owner that it is unable to acquire the property if negotiations fail to result in an agreement; and

(ii) Inform the owner in writing of what it believes to be the market value of the property. (*See* appendix A, §24.101(b)(1)(iv) and (2)(ii).)

(3) The acquisition of real property from a Federal Agency, State, or State Agency, if the Agency desiring to make the purchase does not have authority to acquire the property through condemnation.

(4) The acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative.

(5) Acquisition for a program or project that receives Federal financial assistance from the Tennessee Valley Authority or the Rural Utilities Service.

(c) *Less-than-full-fee interest in real property.* (1) The provisions of this subpart apply when acquiring fee title subject to retention of a life estate or a life use; to acquisition by leasing where the lease term, including option(s) for extension, is 50 years or more; and to the acquisition of permanent and/or temporary easements necessary for the project. However, the Agency may apply these regulations to any less-than-full-fee acquisition that, in its judgment, should be covered.

(2) The provisions of this subpart do not apply to temporary easements or permits needed solely to perform work intended exclusively for the benefit of the property owner, which work may not be done if agreement cannot be reached.

(d) *Federally-assisted projects.* For projects receiving Federal financial assistance, the provisions of §§24.102, 24.103, 24.104, and 24.105 apply to the greatest extent practicable under State law. (*See* §24.4(a).)

§ 24.102 Basic acquisition policies.

(a) *Expeditious acquisition.* The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiation.

(b) *Notice to owner.* As soon as feasible, the Agency shall notify the owner in writing of the Agency's interest in acquiring the real property and the basic protections provided to the owner by law and this part. (*See* §24.203.)

(c) *Appraisal, waiver thereof, and invitation to owner.* (1) Before the initiation of negotiations the real property to be acquired shall be appraised, except as provided in §24.102 (c)(2), and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.

(2) An appraisal is not required if:

(i) The owner is donating the property and releases the Agency from its obligation to appraise the property; or

(ii) The Agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at $10,000 or less, based on a review of available data.

(A) When an appraisal is determined to be unnecessary, the Agency shall prepare a waiver valuation.

(B) The person performing the waiver valuation must have sufficient understanding of the local real estate market to be qualified to make the waiver valuation.

(C) The Federal Agency funding the project may approve exceeding the

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$10,000 threshold, up to a maximum of $25,000, if the Agency acquiring the real property offers the property owner the option of having the Agency appraise the property. If the property owner elects to have the Agency appraise the property, the Agency shall obtain an appraisal and not use procedures described in this paragraph. (See appendix A, §24.102(c)(2).)

(d) *Establishment and offer of just compensation.* Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. An Agency official must establish the amount believed to be just compensation. (*See* §24.104.) Promptly thereafter, the Agency shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation. (*See* appendix A, §24.102(d).)

(e) *Summary statement.* Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer of just compensation, which shall include:

(1) A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated.

(2) A description and location identification of the real property and the interest in the real property to be acquired.

(3) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are included as part of the offer of just compensation. Where appropriate, the statement shall identify any other separately held ownership interest in the property, *e.g.*, a tenant-owned improvement, and indicate that such interest is not covered by this offer.

(f) *Basic negotiation procedures.* The Agency shall make all reasonable efforts to contact the owner or the owner's representative and discuss its offer to purchase the property, including the basis for the offer of just compensation and explain its acquisition policies and procedures, including its payment of incidental expenses in accordance with §24.106. The owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Agency shall consider the owner's presentation. (*See* appendix A, §24.102(f).)

(g) *Updating offer of just compensation.* If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Agency shall have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, the Agency shall promptly reestablish just compensation and offer that amount to the owner in writing.

(h) *Coercive action.* The Agency shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.

(i) *Administrative settlement.* The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. When Federal funds pay for or participate in acquisition costs, a written justification shall be prepared, which states what available information, including trial risks, supports such a settlement. (*See* appendix A, §24.102(i).)

(j) *Payment before taking possession.* Before requiring the owner to surrender possession of the real property, the Agency shall pay the agreed purchase price to the owner, or in the case of a condemnation, deposit with the court, for the benefit of the owner, an

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amount not less than the Agency's approved appraisal of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the Agency may obtain a right-of-entry for construction purposes before making payment available to an owner. (*See* appendix A, §24.102(j).)

(k) *Uneconomic remnant.* If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the Agency shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. (*See* §24.2(a)(27).)

(l) *Inverse condemnation.* If the Agency intends to acquire any interest in real property by exercise of the power of eminent domain, it shall institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.

(m) *Fair rental.* If the Agency permits a former owner or tenant to occupy the real property after acquisition for a short term, or a period subject to termination by the Agency on short notice, the rent shall not exceed the fair market rent for such occupancy. (*See* appendix A, §24.102(m).)

(n) *Conflict of interest.* (1) The appraiser, review appraiser or person performing the waiver valuation shall not have any interest, direct or indirect, in the real property being valued for the Agency.

Compensation for making an appraisal or waiver valuation shall not be based on the amount of the valuation estimate.

(2) No person shall attempt to unduly influence or coerce an appraiser, review appraiser, or waiver valuation preparer regarding any valuation or other aspect of an appraisal, review or waiver valuation. Persons functioning as negotiators may not supervise or formally evaluate the performance of any appraiser or review appraiser performing appraisal or appraisal review work, except that, for a program or project receiving Federal financial assistance, the Federal funding Agency may waive this requirement if it determines it would create a hardship for the Agency.

(3) An appraiser, review appraiser, or waiver valuation preparer making an appraisal, appraisal review or waiver valuation may be authorized by the Agency to act as a negotiator for real property for which that person has made an appraisal, appraisal review or waiver valuation only if the offer to acquire the property is $10,000, or less. (*See* appendix A, §24.102(n).)

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§ 24.103 Criteria for appraisals.

(a) *Appraisal requirements.* This section sets forth the requirements for real property acquisition appraisals for Federal and federally-assisted programs. Appraisals are to be prepared according to these requirements, which are intended to be consistent with the Uniform Standards of Professional Appraisal Practice (USPAP).[1] (*See* appendix A, §24.103(a).) The Agency may have appraisal requirements that supplement these requirements, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA).[2]

(1) The Agency acquiring real property has a legitimate role in contributing to the appraisal process, especially in developing the scope of work and defining the appraisal problem. The scope of work and development of an appraisal under these requirements depends on the complexity of the appraisal problem.

[1] Uniform Standards of Professional Appraisal Practice (USPAP). Published by The Appraisal Foundation, a nonprofit educational organization. Copies may be ordered from The Appraisal Foundation at the following URL: *http://www.appraisalfoundation.org/htm/USPAP2004/toc.htm.*

[2] The "Uniform Appraisal Standards for Federal Land Acquisitions" is published by the Interagency Land Acquisition Conference. It is a compendium of Federal eminent domain appraisal law, both case and statute, regulations and practices. It is available at *http://www.usdoj.gov/enrd/land-ack/toc.htm* or in soft cover format from the Appraisal Institute at *http://www.appraisalinstitute.org/econom/publications/Default.asp* and select "Legal/Regulatory" or call 888–570–4545.

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(2) The Agency has the responsibility to assure that the appraisals it obtains are relevant to its program needs, reflect established and commonly accepted Federal and federally-assisted program appraisal practice, and as a minimum, complies with the definition of appraisal in §24.2(a)(3) and the five following requirements: (*See* appendix A, §§24.103 and 24.103(a).)

(i) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), including items identified as personal property, a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property. (*See* appendix A, §24.103(a)(1).)

(ii) All relevant and reliable approaches to value consistent with established Federal and federally-assisted program appraisal practices. If the appraiser uses more than one approach, there shall be an analysis and reconciliation of approaches to value used that is sufficient to support the appraiser's opinion of value. (*See* appendix A, §24.103(a).)

(iii) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(iv) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property, where appropriate.

(v) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(b) *Influence of the project on just compensation.* The appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner. (*See* appendix A, §24.103(b).)

(c) *Owner retention of improvements.* If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount to be offered for the interest in the real property to be acquired shall be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined at §24.2(a)(24)) of the retained improvement.

(d) *Qualifications of appraisers and review appraisers.* (1) The Agency shall establish criteria for determining the minimum qualifications and competency of appraisers and review appraisers. Qualifications shall be consistent with the scope of work for the assignment. The Agency shall review the experience, education, training, certification/licensing, designation(s) and other qualifications of appraisers, and review appraisers, and use only those determined by the Agency to be qualified. (*See* appendix A, §24.103(d)(1).)

(2) If the Agency uses a contract (fee) appraiser to perform the appraisal, such appraiser shall be State licensed or certified in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3331 *et seq.*).

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§ 24.104 Review of appraisals.

The Agency shall have an appraisal review process and, at a minimum:

(a) A qualified review appraiser (*see* §24.103(d)(1) and appendix A, §24.104) shall examine the presentation and analysis of market information in all appraisals to assure that they meet the definition of appraisal found in 49 CFR 24.2(a)(3), appraisal requirements found in 49 CFR 24.103 and other applicable requirements, including, to the extent appropriate, the UASFLA, and support the appraiser's opinion of value. The level of review analysis depends on the complexity of the appraisal problem. As needed, the review appraiser shall, prior to acceptance, seek necessary

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corrections or revisions. The review appraiser shall identify each appraisal report as recommended (as the basis for the establishment of the amount believed to be just compensation), accepted (meets all requirements, but not selected as recommended or approved), or not accepted. If authorized by the Agency to do so, the staff review appraiser shall also approve the appraisal (as the basis for the establishment of the amount believed to be just compensation), and, if also authorized to do so, develop and report the amount believed to be just compensation. (*See* appendix A, §24.104(a).)

(b) If the review appraiser is unable to recommend (or approve) an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined by the acquiring Agency that it is not practical to obtain an additional appraisal, the review appraiser may, as part of the review, present and analyze market information in conformance with §24.103 to support a recommended (or approved) value. (*See* appendix A, §24.104(b).)

(c) The review appraiser shall prepare a written report that identifies the appraisal reports reviewed and documents the findings and conclusions arrived at during the review of the appraisal(s). Any damages or benefits to any remaining property shall be identified in the review appraiser's report. The review appraiser shall also prepare a signed certification that states the parameters of the review. The certification shall state the approved value, and, if the review appraiser is authorized to do so, the amount believed to be just compensation for the acquisition. (*See* appendix A, §24.104(c).)

§24.105 Acquisition of tenant-owned improvements.

(a) *Acquisition of improvements.* When acquiring any interest in real property, the Agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired, which it requires to be removed or which it determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(b) *Improvements considered to be real property.* Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of this subpart.

(c) *Appraisal and Establishment of Just Compensation for a Tenant-Owned Improvement.* Just compensation for a tenant-owned improvement is the amount which the improvement contributes to the fair market value of the whole property, or its salvage value, whichever is greater. (Salvage value is defined at §24.2(a)(23).)

(d) *Special conditions for tenant-owned improvements.* No payment shall be made to a tenant-owner for any real property improvement unless:

(1) The tenant-owner, in consideration for the payment, assigns, transfers, and releases to the Agency all of the tenant-owner's right, title, and interest in the improvement;

(2) The owner of the real property on which the improvement is located disclaims all interest in the improvement; and

(3) The payment does not result in the duplication of any compensation otherwise authorized by law.

(e) *Alternative compensation.* Nothing in this subpart shall be construed to deprive the tenant-owner of any right to reject payment under this subpart and to obtain payment for such property interests in accordance with other applicable law.

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§24.106 Expenses incidental to transfer of title to the Agency.

(a) The owner of the real property shall be reimbursed for all reasonable expenses the owner necessarily incurred for:

(1) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Agency. However, the Agency is not required to pay costs solely

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required to perfect the owner's title to the real property;

(2) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(3) The pro rata portion of any prepaid real property taxes which are allocable to the period after the Agency obtains title to the property or effective possession of it, whichever is earlier.

(b) Whenever feasible, the Agency shall pay these costs directly to the billing agent so that the owner will not have to pay such costs and then seek reimbursement from the Agency.

§24.107 Certain litigation expenses.

The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

(a) The final judgment of the court is that the Agency cannot acquire the real property by condemnation;

(b) The condemnation proceeding is abandoned by the Agency other than under an agreed-upon settlement; or

(c) The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the Agency effects a settlement of such proceeding.

§24.108 Donations.

An owner whose real property is being acquired may, after being fully informed by the Agency of the right to receive just compensation for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to the Agency as such owner shall determine. The Agency is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases the Agency from such obligation, except as provided in §24.102(c)(2).

Subpart C—General Relocation Requirements

§24.201 Purpose.

This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.

§24.202 Applicability.

These requirements apply to the relocation of any displaced person as defined at §24.2(a)(9). Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation. (*See* appendix A, §24.202.)

§24.203 Relocation notices.

(a) *General information notice.* As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the displacing Agency's relocation program which does at least the following:

(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);

(2) Informs the displaced person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;

(3) Informs the displaced person that he or she will not be required to move without at least 90 days advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;

(4) Informs the displaced person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in §24.208(h); and

(5) Describes the displaced person's right to appeal the Agency's determination as to a person's application for assistance for which a person may be eligible under this part.

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(b) *Notice of relocation eligibility.* Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (described in § 24.203(d)), the initiation of negotiations (defined in § 24.2(a)(15)), or actual acquisition, whichever occurs first. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

(c) *Ninety-day notice*—(1) *General.* No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.

(2) *Timing of notice.* The displacing Agency may issue the notice 90 days or earlier before it expects the person to be displaced.

(3) *Content of notice.* The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (*See* § 24.204(a).)

(4) *Urgent need.* In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the displacing Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.

(d) *Notice of intent to acquire.* A notice of intent to acquire is a displacing Agency's written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of Federal financial assistance to the activity, which clearly sets forth that the Agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance. (*See* § 24.2(a)(9)(i)(A).)

§ 24.204 Availability of comparable replacement dwelling before displacement.

(a) *General.* No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at § 24.2 (a)(6)) has been made available to the person. When possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

(1) The person is informed of its location;

(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(b) *Circumstances permitting waiver.* The Federal Agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:

(1) A major disaster as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5122);

(2) A presidentially declared national emergency; or

(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(c) *Basic conditions of emergency move.* Whenever a person to be displaced is required to relocate from the displacement dwelling for a temporary period because of an emergency as described in paragraph (b) of this section, the Agency shall:

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(1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling;

(2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and

(3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling.)

§24.205 Relocation planning, advisory services, and coordination.

(a) *Relocation planning.* During the early stages of development, an Agency shall plan Federal and federally-assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:

(1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.

(2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, the Agency should consider housing of last resort actions.

(3) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

(4) An estimate of the availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.

(5) Consideration of any special relocation advisory services that may be necessary from the displacing Agency and other cooperating Agencies.

(b) *Loans for planning and preliminary expenses.* In the event that an Agency elects to consider using the duplicative provision in section 215 of the Uniform Act which permits the use of project funds for loans to cover planning and other preliminary expenses for the development of additional housing, the Lead Agency will establish criteria and procedures for such use upon the request of the Federal Agency funding the program or project.

(c) *Relocation assistance advisory services*—(1) *General.* The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), and Executive Order 11063 (27 FR 11527, November 24, 1962), and offer the services described in paragraph (c)(2) of this section. If the Agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer advisory services to such person.

(2) *Services to be provided.* The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

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(i) Determine, for nonresidential (businesses, farm and nonprofit organizations) displacements, the relocation needs and preferences of each business (farm and nonprofit organization) to be displaced and explain the relocation payments and other assistance for which the business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each business. At a minimum, interviews with displaced business owners and operators should include the following items:

(A) The business's replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.

(B) Determination of the need for outside specialists in accordance with §24.301(g)(12) that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.

(C) For businesses, an identification and resolution of personalty/realty issues. Every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.

(D) An estimate of the time required for the business to vacate the site.

(E) An estimate of the anticipated difficulty in locating a replacement property.

(F) An identification of any advance relocation payments required for the move, and the Agency's legal capacity to provide them.

(ii) Determine, for residential displacements, the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each residential displaced person.

(A) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in §24.204(a).

(B) As soon as feasible, the Agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (*see* §24.403 (a) and (b)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he or she may qualify.

(C) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (*See* §24.2(a)(8).) If such an inspection is not made, the Agency shall notify the person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

(D) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. (*See* appendix A, §24.205(c)(2)(ii)(D).)

(E) The Agency shall offer all persons transportation to inspect housing to which they are referred.

(F) Any displaced person that may be eligible for government housing assistance at the replacement dwelling shall be advised of any requirements of such government housing assistance program that would limit the size of the replacement dwelling (*see* §24.2(a)(6)(ix)), as well as of the long term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.

(iii) Provide, for nonresidential moves, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

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(iv) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(v) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.

(d) *Coordination of relocation activities.* Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (*See* §24.6.)

(e) Any person who occupies property acquired by an Agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the Agency.

§24.206 Eviction for cause.

(a) Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:

(1) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or

(2) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and

(3) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.

(b) For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project. (*See* appendix A, §24.206.)

§24.207 General requirements—claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(b) *Expeditious payments.* The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(c) *Advanced payments.* If a person demonstrates the need for an advanced relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(d) *Time for filing.* (1) All claims for a relocation payment shall be filed with the Agency no later than 18 months after:

(i) For tenants, the date of displacement.

(ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(2) The Agency shall waive this time period for good cause.

(e) *Notice of denial of claim.* If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

(f) *No waiver of relocation assistance.* A displacing Agency shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.

(g) *Expenditure of payments.* Payments, provided pursuant to this part, shall not be considered to constitute Federal financial assistance. Accordingly, this part does not apply to the expenditure of such payments by, or for, a displaced person.

§ 24.208 Aliens not lawfully present in the United States.

(a) Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify:

(1) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

(2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.

(3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.

(4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

(b) The certification provided pursuant to paragraphs (a)(1), (a)(2), and (a)(3) of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the Federal funding Agency and, within those parameters, that of the displacing Agency.

(c) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.

(d) The displacing Agency shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the displacing Agency determines in accordance with paragraph (f) of this section that it is invalid based on a review of an alien's documentation or other information that the Agency considers reliable and appropriate.

(e) Any review by the displacing Agency of the certifications provided pursuant to paragraph (a) of this section shall be conducted in a nondiscriminatory fashion. Each displacing Agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.

(f) If, based on a review of an alien's documentation or other credible evidence, a displacing Agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:

(1) If the Agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing Agency shall obtain verification of the alien's

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status from the local Bureau of Citizenship and Immigration Service (BCIS) Office. A list of local BCIS offices is available at *http://www.uscis.gov/graphics/fieldoffices/alphaa.htm*. Any request for BCIS verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. (If an Agency is unable to contact the BCIS, it may contact the FHWA in Washington, DC, Office of Real Estate Services or Office of Chief Counsel for a referral to the BCIS.)

(2) If the Agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing Agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

(g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing Agency's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.

(h) For purposes of paragraph (g) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;

(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or

(3) Any other impact that the displacing Agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

(i) The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in §24.207 of this part.

(Approved by the Office of Management and Budget under control number 2105-0508)

§24.209 Relocation payments not considered as income.

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 *et seq.*) or any other Federal law, except for any Federal law providing low-income housing assistance.

Subpart D—Payments for Moving and Related Expenses

§24.301 Payment for actual reasonable moving and related expenses.

(a) *General.* (1) Any owner-occupant or tenant who qualifies as a displaced person (defined at §24.2(a)(9)) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary.

(2) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under §24.301 to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described at §24.502(a)(3), the home-owner occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

(b) *Moves from a dwelling.* A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the following methods: (Eligible expenses for moves from

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a dwelling include the expenses described in paragraphs (g)(1) through (g)(7) of this section. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section.)

(1) *Commercial move*—moves performed by a professional mover.

(2) *Self-move*—moves that may be performed by the displaced person in one or a combination of the following methods:

(i) *Fixed Residential Moving Cost Schedule.* (Described in § 24.302.)

(ii) *Actual cost move.* Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

(c) *Moves from a mobile home.* A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the following methods: (self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section. Eligible expenses for moves from a mobile home include those expenses described in paragraphs (g)(1) through (g)(7) of this section. In addition to the items in paragraph (a) of this section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs (g)(8) through (g)(10) of this section.)

(1) *Commercial move*—moves performed by a professional mover.

(2) *Self-move*—moves that may be performed by the displaced person in one or a combination of the following methods:

(i) *Fixed Residential Moving Cost Schedule.* (Described in § 24.302.)

(ii) *Actual cost move.* Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.

(d) *Moves from a business, farm or nonprofit organization.* Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods: (Eligible expenses for moves from a business, farm or nonprofit organization include those expenses described in paragraphs (g)(1) through (g)(7) of this section and paragraphs (g)(11) through (g)(18) of this section and § 24.303.)

(1) *Commercial move.* Based on the lower of two bids or estimates prepared by a commercial mover. At the Agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(2) *Self-move.* A self-move payment may be based on one or a combination of the following:

(i) The lower of two bids or estimates prepared by a commercial mover or qualified Agency staff person. At the Agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or

(ii) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

(e) *Personal property only.* Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in paragraphs (g)(1) through (g)(7) and (g)(18) of this section. (See appendix A, § 24.301(e).)

(f) *Advertising signs.* The amount of a payment for direct loss of an advertising sign, which is personal property shall be the lesser of:

(1) The depreciated reproduction cost of the sign, as determined by the Agency, less the proceeds from its sale; or

(2) The estimated cost of moving the sign, but with no allowance for storage.

(g) *Eligible actual moving expenses.* (1) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are

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not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(2) Packing, crating, unpacking, and uncrating of the personal property.

(3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

(4) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.

(5) Insurance for the replacement value of the property in connection with the move and necessary storage.

(6) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(7) Other moving-related expenses that are not listed as ineligible under § 24.301(h), as the Agency determines to be reasonable and necessary.

(8) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hookup" charges.

(9) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.

(10) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

(11) Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.

(12) Professional services as the Agency determines to be actual, reasonable and necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(13) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(14) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling prices.); or

(ii) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (See appendix A, § 24.301(g)(14)(i) and (ii).) If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.

(15) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(16) *Purchase of substitute personal property.* If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute

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item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(17) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed $2,500, as the Agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;

(v) Time spent in obtaining permits and attending zoning hearings; and

(vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.

(18) *Low value/high bulk.* When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing Agency, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency.

(h) *Ineligible moving and related expenses.* A displaced person is not entitled to payment for:

(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under §24.401(c)(2)(iii));

(2) Interest on a loan to cover moving expenses;

(3) Loss of goodwill;

(4) Loss of profits;

(5) Loss of trained employees;

(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in §24.304(a)(6);

(7) Personal injury;

(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency;

(9) Expenses for searching for a replacement dwelling;

(10) Physical changes to the real property at the replacement location of a business or farm operation except as provided in §§24.301(g)(3) and 24.304(a);

(11) Costs for storage of personal property on real property already owned or leased by the displaced person, and

(12) Refundable security and utility deposits.

(i) *Notification and inspection (nonresidential).* The Agency shall inform the displaced person, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the displaced person as set forth in §24.203. To be eligible for payments under this section the displaced person must:

(1) Provide the Agency reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the Agency may waive this notice requirement after documenting its file accordingly.

(2) Permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(j) *Transfer of ownership (nonresidential).* Upon request and in accordance with applicable law, the claimant shall transfer to the Agency ownership of

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any personal property that has not been moved, sold, or traded in.

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§ 24.302 Fixed payment for moving expenses—residential moves.

Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under § 24.301. This payment shall be determined according to the Fixed Residential Moving Cost Schedule[3] approved by the Federal Highway Administration and published in the FEDERAL REGISTER on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an Agency at no cost to the person shall be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule.

§ 24.303 Related nonresidential eligible expenses.

The following expenses, in addition to those provided by § 24.301 for moving personal property, shall be provided if the Agency determines that they are actual, reasonable and necessary:

(a) Connection to available nearby utilities from the right-of-way to improvements at the replacement site.

(b) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Agency a reasonable pre-approved hourly rate may be established. (See appendix A, § 24.303(b).)

(c) Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency.

§ 24.304 Reestablishment expenses—nonresidential moves.

In addition to the payments available under §§ 24.301 and 24.303 of this subpart, a small business, as defined in § 24.2(a)(24), farm or nonprofit organization is entitled to receive a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.

(a) *Eligible expenses.* Reestablishment expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to, the following:

(1) Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.

(2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(3) Construction and installation costs for exterior signing to advertise the business.

(4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.

(5) Advertisement of replacement location.

(6) Estimated increased costs of operation during the first 2 years at the replacement site for such items as:

(i) Lease or rental charges;

(ii) Personal or real property taxes;

(iii) Insurance premiums; and

(iv) Utility charges, excluding impact fees.

(7) Other items that the Agency considers essential to the reestablishment of the business.

(b) *Ineligible expenses.* The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(1) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

[3] The Fixed Residential Moving Cost Schedule is available at the following URL: *http://www.fhwa.dot.gov/hep/realestate/fixsch96.htm.* Agencies are cautioned to ensure they are using the most recent edition.

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(2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(3) Interest on money borrowed to make the move or purchase the replacement property.

(4) Payment to a part-time business in the home which does not contribute materially (defined at §24.2(a)(7)) to the household income.

§ 24.305 Fixed payment for moving expenses—nonresidential moves.

(a) *Business.* A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided by §§24.301, 24.303 and 24.304. Such fixed payment, except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than $1,000 nor more than $20,000. The displaced business is eligible for the payment if the Agency determines that:

(1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and, the business vacates or relocates from its displacement site;

(2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Agency determines that it will not suffer a substantial loss of its existing patronage;

(3) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the Agency, and which are under the same ownership and engaged in the same or similar business activities.

(4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;

(5) The business is not operated at the displacement site solely for the purpose of renting the site to others; and

(6) The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement. (See §24.2(a)(7).)

(b) *Determining the number of businesses.* In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(4) The same person or closely related persons own, control, or manage the affairs of the entities.

(c) *Farm operation.* A displaced farm operation (defined at §24.2(a)(12)) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than $1,000 nor more than $20,000. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(2) The partial acquisition caused a substantial change in the nature of the farm operation.

(d) *Nonprofit organization.* A displaced nonprofit organization may choose a fixed payment of $1,000 to $20,000, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the Agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise. Any payment in excess of $1,000 must be supported with financial statements

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for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses. (See appendix A, §24.305(d).)

(e) *Average annual net earnings of a business or farm operation.* The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the Agency determines is satisfactory. (See appendix A, §24.305(e).)

§24.306 Discretionary utility relocation payments.

(a) Whenever a program or project undertaken by a displacing Agency causes the relocation of a utility facility (see §24.2(a)(31)) and the relocation of the facility creates extraordinary expenses for its owner, the displacing Agency may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:

(1) The utility facility legally occupies State or local government property, or property over which the State or local government has an easement or right-of-way;

(2) The utility facility's right of occupancy thereon is pursuant to State law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;

(3) Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the displacing Agency;

(4) There is no Federal law, other than the Uniform Act, which clearly establishes a policy for the payment of utility moving costs that is applicable to the displacing Agency's program or project; and

(5) State or local government reimbursement for utility moving costs or payment of such costs by the displacing Agency is in accordance with State law.

(b) For the purposes of this section, the term extraordinary expenses means those expenses which, in the opinion of the displacing Agency, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.

(c) A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally-assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The displacing Agency and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment. (*See* appendix A, §24.306.)

Subpart E—Replacement Housing Payments

§24.401 Replacement housing payment for 180-day homeowner-occupants.

(a) *Eligibility.* A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person:

(1) Has actually owned and occupied the displacement dwelling for not less

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than 180 days immediately prior to the initiation of negotiations; and

(2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of the following dates (except that the Agency may extend such one year period for good cause):

(i) The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court; or

(ii) The date the displacing Agency's obligation under § 24.204 is met.

(b) *Amount of payment.* The replacement housing payment for an eligible 180-day homeowner-occupant may not exceed $22,500. (See also § 24.404.) The payment under this subpart is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date a comparable replacement dwelling is made available to such person, whichever is later. The payment shall be the sum of:

(1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section;

(2) The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) of this section; and

(3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section.

(c) *Price differential*—(1) *Basic computation.* The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling and site (*see* § 24.2(a)(11)) to provide a total amount equal to the lesser of:

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 24.403(a); or

(ii) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.

(2) *Owner retention of displacement dwelling.* If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move;

(ii) The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at § 24.2(a)(8)); and

(iii) The current fair market value for residential use of the replacement dwelling site (*see* appendix A, § 24.401(c)(2)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and

(iv) The retention value of the dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

(d) *Increased mortgage interest costs.* The displacing Agency shall determine the factors to be used in computing the amount to be paid to a displaced person under paragraph (b)(2) of this section. The payment for increased mortgage interest cost shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations. Paragraphs (d)(1) through (d)(5) of this section shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.

(1) The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage

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balance(s) computed in the buydown determination, the payment will be prorated and reduced accordingly. (See appendix A, §24.401(d).) In the case of a home equity loan the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(2) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

(3) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(4) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

(i) They are not paid as incidental expenses;

(ii) They do not exceed rates normal to similar real estate transactions in the area;

(iii) The Agency determines them to be necessary; and

(iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance under this section.

(5) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.

(e) *Incidental expenses.* The incidental expenses to be paid under paragraph (b)(3) of this section or §24.402(c)(1) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(2) Lender, FHA, or VA application and appraisal fees.

(3) Loan origination or assumption fees that do not represent prepaid interest.

(4) Professional home inspection, certification of structural soundness, and termite inspection.

(5) Credit report.

(6) Owner's and mortgagee's evidence of title, *e.g.*, title insurance, not to exceed the costs for a comparable replacement dwelling.

(7) Escrow agent's fee.

(8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).

(9) Such other costs as the Agency determine to be incidental to the purchase.

(f) Rental assistance payment for 180-day homeowner. A 180-day homeowner-occupant, who could be eligible for a replacement housing payment under paragraph (a) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with §24.402(b)(1), except that the limit of $5,250 does not apply, and disbursed in accordance with §24.402(b)(3). Under no circumstances would the rental assistance payment exceed the amount that could have been received under §24.401(b)(1) had the 180-day homeowner elected to purchase and occupy a comparable replacement dwelling.

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§24.402 Replacement housing payment for 90-day occupants.

(a) *Eligibility.* A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed $5,250 for rental assistance, as computed in accordance with paragraph (b) of this section, or downpayment assistance, as

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computed in accordance with paragraph (c) of this section, if such displaced person:

(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and

(2) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within 1 year (unless the Agency extends this period for good cause) after:

(i) For a tenant, the date he or she moves from the displacement dwelling; or

(ii) For an owner-occupant, the later of:

(A) The date he or she receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or

(B) The date he or she moves from the displacement dwelling.

(b) *Rental assistance payment*—(1) *Amount of payment.* An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed $5,250 for rental assistance. (See § 24.404.) Such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

(2) *Base monthly rental for displacement dwelling.* The base monthly rental for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency (for an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);

(ii) Thirty (30) percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs[4]. The base monthly rental shall be established solely on the criteria in paragraph (b)(2)(i) of this section for persons with income exceeding the survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or,

(iii) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

(3) *Manner of disbursement.* A rental assistance payment may, at the Agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by § 24.403(f), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

(c) *Downpayment assistance payment*—(1) *Amount of payment.* An eligible displaced person who purchases a replacement dwelling is entitled to a downpayment assistance payment in the amount the person would receive under paragraph (b) of this section if the person rented a comparable replacement dwelling. At the Agency's discretion, a downpayment assistance payment that is less than $5,250 may be increased to any amount not to exceed $5,250. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under § 24.401(b) if he or she met the 180-day occupancy requirement. If the Agency elects to provide the maximum payment of $5,250 as

[4] The U.S. Department of Housing and Urban Development's Public Housing and Section 8 Program Income Limits are updated annually and are available on FHWA's Web site at *http://www.fhwa.dot.gov/realestate/ua/ualic.htm.*

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a downpayment, the Agency shall apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a 180-day owner-occupant under § 24.401(a) is not eligible for this payment. (See appendix A, § 24.402(c).)

(2) *Application of payment.* The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

§ 24.403 Additional rules governing replacement housing payments.

(a) *Determining cost of comparable replacement dwelling.* The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined at § 24.2(a)(6)).

(1) If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.

(2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (*e.g.*, the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

(3) If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(4) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(5) *Multiple occupants of one displacement dwelling.* If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(6) *Deductions from relocation payments.* An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(7) *Mixed-use and multifamily properties.* If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered the acquisition cost when computing the replacement housing payment.

(b) *Inspection of replacement dwelling.* Before making a replacement housing payment or releasing the initial payment from escrow, the Agency or its designated representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at § 24.2(a)(8).

(c) *Purchase of replacement dwelling.* A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

(1) Purchases a dwelling;

(2) Purchases and rehabilitates a substandard dwelling;

(3) Relocates a dwelling which he or she owns or purchases;

(4) Constructs a dwelling on a site he or she owns or purchases;

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(5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(6) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(d) *Occupancy requirements for displacement or replacement dwelling.* No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these regulations for a reason beyond his or her control, including:

(1) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal Agency funding the project, or the displacing Agency; or

(2) Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay, as determined by the Agency.

(e) *Conversion of payment.* A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under §24.402(b) is eligible to receive a payment under §24.401 or §24.402(c) if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under §24.401 or §24.402(c).

(f) *Payment after death.* A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(1) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(2) Any remaining payment shall be disbursed to the remaining family members of the displaced household in any case in which a member of a displaced family dies.

(3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

(g) *Insurance proceeds.* To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (*See* §24.3.)

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 2, 2005]

§ 24.404 Replacement housing of last resort.

(a) *Determination to provide replacement housing of last resort.* Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in §24.401 or §24.402, as appropriate, the Agency shall provide additional or alternative assistance under the provisions of this subpart. Any decision to provide last resort housing assistance must be adequately justified either:

(1) On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:

(i) The availability of comparable replacement housing in the program or project area;

(ii) The resources available to provide comparable replacement housing; and

(iii) The individual circumstances of the displaced person, or

(2) By a determination that:

(i) There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole;

(ii) A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and

(iii) The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total program or project costs.

(b) *Basic rights of persons to be displaced.* Notwithstanding any provision

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of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this part. The Agency shall not require any displaced person to accept a dwelling provided by the Agency under these procedures (unless the Agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.

(c) *Methods of providing comparable replacement housing.* Agencies shall have broad latitude in implementing this subpart, but implementation shall be for reasonable cost, on a case-by-case basis unless an exception to case-by-case analysis is justified for an entire project.

(1) The methods of providing replacement housing of last resort include, but are not limited to:

(i) A replacement housing payment in excess of the limits set forth in § 24.401 or § 24.402. A replacement housing payment under this section may be provided in installments or in a lump sum at the Agency's discretion.

(ii) Rehabilitation of and/or additions to an existing replacement dwelling.

(iii) The construction of a new replacement dwelling.

(iv) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

(v) The relocation and, if necessary, rehabilitation of a dwelling.

(vi) The purchase of land and/or a replacement dwelling by the displacing Agency and subsequent sale or lease to, or exchange with a displaced person.

(vii) The removal of barriers for persons with disabilities.

(2) Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling (*see* appendix A, § 24.404(c)), including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, shall a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with § 24.2(a)(6)(ii) of this part.

(3) The Agency shall provide assistance under this subpart to a displaced person who is not eligible to receive a replacement housing payment under §§ 24.401 and 24.402 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. (*See* § 24.2(a)(6)(viii)(C).) Such assistance shall cover a period of 42 months.

Subpart F—Mobile Homes

§ 24.501 Applicability.

(a) *General.* This subpart describes the requirements governing the provision of replacement housing payments to a person displaced from a mobile home and/or mobile home site who meets the basic eligibility requirements of this part. Except as modified by this subpart, such a displaced person is entitled to a moving expense payment in accordance with subpart D of this part and a replacement housing payment in accordance with subpart E of this part to the same extent and subject to the same requirements as persons displaced from conventional dwellings. Moving cost payments to persons occupying mobile homes are covered in § 24.301(g)(1) through (g)(10).

(b) *Partial acquisition of mobile home park.* The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the Agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the occupant of the mobile home shall be considered to be a displaced person who is entitled to relocation payments and other assistance under this part.

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§ 24.502 Replacement housing payment for 180-day mobile homeowner displaced from a mobile home, and/or from the acquired mobile home site.

(a) *Eligibility*. An owner-occupant displaced from a mobile home or site is entitled to a replacement housing payment, not to exceed $22,500, under § 24.401 if:

(1) The person occupied the mobile home on the displacement site for at least 180 days immediately before:

(i) The initiation of negotiations to acquire the mobile home, if the person owned the mobile home and the mobile home is real property;

(ii) The initiation of negotiations to acquire the mobile home site if the mobile home is personal property, but the person owns the mobile home site; or

(iii) The date of the Agency's written notification to the owner-occupant that the owner is determined to be displaced from the mobile home as described in paragraphs (a)(3)(i) through (iv) of this section.

(2) The person meets the other basic eligibility requirements at § 24.401(a)(2); and

(3) The Agency acquires the mobile home as real estate, or acquires the mobile home site from the displaced owner, or the mobile home is personal property but the owner is displaced from the mobile home because the Agency determines that the mobile home:

(i) Is not, and cannot economically be made decent, safe, and sanitary;

(ii) Cannot be relocated without substantial damage or unreasonable cost;

(iii) Cannot be relocated because there is no available comparable replacement site; or

(iv) Cannot be relocated because it does not meet mobile home park entrance requirements.

(b) *Replacement housing payment computation for a 180-day owner that is displaced from a mobile home*. The replacement housing payment for an eligible displaced 180-day owner is computed as described at § 24.401(b) incorporating the following, as applicable:

(1) If the Agency acquires the mobile home as real estate and/or acquires the owned site, the acquisition cost used to compute the price differential payment is the actual amount paid to the owner as just compensation for the acquisition of the mobile home, and/or site, if owned by the displaced mobile homeowner.

(2) If the Agency does not purchase the mobile home as real estate but the owner is determined to be displaced from the mobile home and eligible for a replacement housing payment based on paragraph (a)(1)(iii) of this section, the eligible price differential payment for the purchase of a comparable replacement mobile home, is the lesser of the displaced mobile homeowner's net cost to purchase a replacement mobile home (i.e., purchase price of the replacement mobile home less trade-in or sale proceeds of the displacement mobile home); or, the cost of the Agency's selected comparable mobile home less the Agency's estimate of the salvage or trade-in value for the mobile home from which the person is displaced.

(3) If a comparable replacement mobile home site is not available, the price differential payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(c) *Rental assistance payment for a 180-day owner-occupant that is displaced from a leased or rented mobile home site*. If the displacement mobile home site is leased or rented, a displaced 180-day owner-occupant is entitled to a rental assistance payment computed as described in § 24.402(b). This rental assistance payment may be used to lease a replacement site; may be applied to the purchase price of a replacement site; or may be applied, with any replacement housing payment attributable to the mobile home, to the purchase of a replacement mobile home or conventional decent, safe and sanitary dwelling.

(d) *Owner-occupant not displaced from the mobile home*. If the Agency determines that a mobile home is personal property and may be relocated to a comparable replacement site, but the owner-occupant elects not to do so, the owner is not entitled to a replacement housing payment for the purchase of a replacement mobile home. However, the owner is eligible for moving costs described at § 24.301 and any replacement housing payment for the purchase or rental of a comparable site as described in this section or § 24.503 as applicable.

§ 24.503 Replacement housing payment for 90-day mobile home occupants.

A displaced tenant or owner-occupant of a mobile home and/or site is eligible for a replacement housing payment, not to exceed $5,250, under § 24.402 if:

(a) The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;

(b) The person meets the other basic eligibility requirements at § 24.402(a); and

(c) The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the Agency determines that the occupant is displaced from the mobile home because of one of the circumstances described at § 24.502(a)(3).

Subpart G—Certification

§ 24.601 Purpose.

This subpart permits a State Agency to fulfill its responsibilities under the Uniform Act by certifying that it shall operate in accordance with State laws and regulations which shall accomplish the purpose and effect of the Uniform Act, in lieu of providing the assurances required by § 24.4 of this part.

§ 24.602 Certification application.

An Agency wishing to proceed on the basis of a certification may request an application for certification from the Lead Agency Director, Office of Real Estate Services, HEPR-1, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. The completed application for certification must be approved by the governor of the State, or the governor's designee, and must be coordinated with the Federal funding Agency, in accordance with application procedures.

[70 FR 611, Jan. 4, 2005, as amended at 73 FR 33329, June 12, 2008]

§ 24.603 Monitoring and corrective action.

(a) The Federal Lead Agency shall, in coordination with other Federal Agencies, monitor from time to time State Agency implementation of programs or projects conducted under the certification process and the State Agency shall make available any information required for this purpose.

(b) The Lead Agency may require periodic information or data from affected Federal or State Agencies.

(c) A Federal Agency may, after consultation with the Lead Agency, and notice to and consultation with the governor, or his or her designee, rescind any previous approval provided under this subpart if the certifying State Agency fails to comply with its certification or with applicable State law and regulations. The Federal Agency shall initiate consultation with the Lead Agency at least 30 days prior to any decision to rescind approval of a certification under this subpart. The Lead Agency will also inform other Federal Agencies, which have accepted a certification under this subpart from the same State Agency, and will take whatever other action that may be appropriate.

(d) Section 103(b)(2) of the Uniform Act, as amended, requires that the head of the Lead Agency report biennially to the Congress on State Agency implementation of section 103. To enable adequate preparation of the prescribed biennial report, the Lead Agency may require periodic information or data from affected Federal or State Agencies.

Appendix A to Part 24—Additional Information

This appendix provides additional information to explain the intent of certain provisions of this part.

Subpart A—General

Section 24.2 Definitions and Acronyms

Section 24.2(a)(6) Definition of comparable replacement dwelling. The requirement in § 24.2(a)(6)(ii) that a comparable replacement dwelling be "functionally equivalent" to the displacement dwelling means that it must perform the same function, and provide the

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same utility. While it need not possess every feature of the displacement dwelling, the principal features must be present.

For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa.

Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or, consequentially, less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is "adequate to accommodate" the displaced person) may be found to be "functionally equivalent" to a larger but very run-down substandard displacement dwelling. Another example is when a displaced person accepts an offer of government housing assistance and the applicable requirements of such housing assistance program require that the displaced person occupy a dwelling that has fewer rooms or less living space than the displacement dwelling.

Section 24.2(a)(6)(viii). The definition of comparable replacement dwelling requires that a comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.

Section 24.2(a)(6)(ix). A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit. A privately owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing.

A housing program subsidy that is paid to a person (not tied to the building), such as a HUD Section 8 Housing Voucher Program, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately owned subsidized unit or public housing unit before displacement.

However, nothing in this part prohibits an Agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Agency is obligated to inform the person of his or her options under this part. (If a person accepts assistance under a government housing assistance program, the rules of that program governing the size of the dwelling apply, and the rental assistance payment under §24.402 would be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.)

Section 24.2(a)(8)(ii) Decent, Safe and Sanitary. Many local housing and occupancy codes require the abatement of deteriorating paint, including lead-based paint and lead-based paint dust, in protecting the public health and safety. Where such standards exist, they must be honored. Even where local law does not mandate adherence to such standards, it is strongly recommended that they be considered as a matter of public policy.

Section 24.2(a)(8)(vii) Persons with a disability. Reasonable accommodation of a displaced person with a disability at the replacement dwelling means the Agency is required to address persons with a physical impairment that substantially limits one or more of the major life activities. In these situations, reasonable accommodation should include the following at a minimum: Doors of adequate width; ramps or other assistance devices to traverse stairs and access bathtubs, shower stalls, toilets and sinks; storage cabinets, vanities, sink and mirrors at appropriate heights. Kitchen accommodations will include sinks and storage cabinets built at appropriate heights for access. The Agency shall also consider other items that may be necessary, such as physical modification to a unit, based on the displaced person's needs.

Section 24.2(a)(9)(ii)(D) Persons not displaced. Paragraph (a)(9)(ii)(D) of this section recognizes that there are circumstances where the acquisition, rehabilitation or demolition of real property takes place without the intent or necessity that an occupant of the property be permanently displaced. Because such occupants are not considered "displaced persons" under this part, great care must be exercised to ensure that they are treated fairly and equitably. For example, if the tenant-occupant of a dwelling will not be displaced, but is required to relocate temporarily in connection with the project, the temporarily occupied housing must be decent, safe, and sanitary and the tenant must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses may include moving expenses and increased housing costs during the temporary relocation. Temporary relocation should not extend beyond one year before the person is returned to his or her previous unit or location. The Agency must contact any residential tenant who has been temporarily relocated for a period beyond one year and offer all permanent relocation assistance. This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance

Similarly, if a business will be shut-down for any length of time due to rehabilitation of a site, it may be temporarily relocated and reimbursed for all reasonable out of pocket expenses or must be determined to be displaced at the Agency's option.

Any person who disagrees with the Agency's determination that he or she is not a displaced person under this part may file an appeal in accordance with 49 CFR part 24.10 of this regulation.

Section 24.2(a)(11) Dwelling Site. This definition ensures that the computation of replacement housing payments are accurate and realistic (a) when the dwelling is located on a larger than normal site, (b) when mixed-use properties are acquired, (c) when more than one dwelling is located on the acquired property, or (d) when the replacement dwelling is retained by an owner and moved to another site.

Section 24.2(a)(14) Household income (exclusions). Household income for purposes of this regulation does not include program benefits that are not considered income by Federal law such as food stamps and the Women Infants and Children (WIC) program. For a more detailed list of income exclusions see Federal Highway Administration, Office of Real Estate Services Web site: *http://www.fhwa.dot.gov/realestate/.* (FR 4644-N-16 page 20319 Updated.) If there is a question on whether or not to include income from a specific program contact the Federal Agency administering the program.

Section 24(a)(15) Initiation of negotiations. This section provides a special definition for acquisition and displacements under Pub. L. 96-510 or Superfund. The order of activities under Superfund may differ slightly in that temporary relocation may precede acquisition. Superfund is a program designed to clean up hazardous waste sites. When such a site is discovered, it may be necessary, in certain limited circumstances, to alert individual owners and tenants to potential health or safety threats and to offer to temporarily relocate them while additional information is gathered. If a decision is later made to permanently relocate such persons, those who had been temporarily relocated under Superfund authority would no longer be on site when a formal, written offer to acquire the property was made, and thus would lose their eligibility for a replacement housing payment. In order to prevent this unfair outcome, we have provided a definition of initiation of negotiation, which is based on the date the Federal Government offers to temporarily relocate an owner or tenant from the subject property.

Section 24.2(a)(15)(iv) Initiation of negotiations (Tenants.) Tenants who occupy property that may be acquired amicably, without recourse to the use of the power of eminent domain, must be fully informed as to their eligibility for relocation assistance. This includes notifying such tenants of their potential eligibility when negotiations are initiated, notifying them if they become fully eligible, and, in the event the purchase of the property will not occur, notifying them that they are no longer eligible for relocation benefits. If a tenant is not readily accessible, as the result of a disaster or emergency, the Agency must make a good faith effort to provide these notifications and document its efforts in writing.

Section 24.2(a)(17) Mobile home. The following examples provide additional guidance on the types of mobile homes and manufactured housing that can be found acceptable as comparable replacement dwellings for persons displaced from mobile homes. A recreational vehicle that is capable of providing living accommodations may be considered a replacement dwelling if the following criteria are met: the recreational vehicle is purchased and occupied as the "primary" place of residence; it is located on a purchased or leased site and connected to or have available all necessary utilities for functioning as a housing unit on the date of the displacing Agency's inspection; and, the dwelling, as sited, meets all local, State, and Federal requirements for a decent, safe and sanitary dwelling. (The regulations of some local jurisdictions will not permit the consideration of these vehicles as decent, safe and sanitary dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.)

For HUD programs, mobile home is defined as "a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act, provided by Congress in the original 1974 Manufactured Housing Act." In 1979 the term "mobile home" was changed to "manufactured home." For purposes of this regulation, the terms mobile home and manufactured home are synonymous.

When assembled, manufactured homes built after 1976 contain no less than 320

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square feet. They may be single or multi-sectioned units when installed. Their designation as personalty or realty will be determined by State law. When determined to be realty, most are eligible for conventional mortgage financing.

The 1976 HUD standards distinguish manufactured homes from factory-built "modular homes" as well as conventional or "stick-built" homes. Both of these types of housing are required to meet State and local construction codes.

Section 24.3 No Duplication of Payments. This section prohibits an Agency from making a payment to a person under these regulations that would duplicate another payment the person receives under Federal, State, or local law. The Agency is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the Agency's knowledge at the time a payment is computed.

SUBPART B—REAL PROPERTY ACQUISITION

Federal Agencies may find that, for Federal eminent domain purposes, the terms "fair market value" (as used throughout this subpart) and "market value," which may be the more typical term in private transactions, may be synonymous.

Section 24.101(a) Direct Federal program or project. All 49 CFR Part 24 Subpart B (real property acquisition) requirements apply to all direct acquisitions for Federal programs and projects by Federal Agencies, except for acquisitions undertaken by the Tennessee Valley Authority or the Rural Utilities Service. There are no exceptions for "voluntary transactions."

Section 24.101(b)(1)(i). The term "general geographic area" is used to clarify that the "geographic area" is not to be construed to be a small, limited area.

Sections 24.101(b)(1)(iv) and (2)(ii). These sections provide that, for programs and projects receiving Federal financial assistance described in §§24.101(b)(1) and (2), Agencies are to inform the owner(s) in writing of the Agency's estimate of the fair market value for the property to be acquired.

While this part does not require an appraisal for these transactions, Agencies may still decide that an appraisal is necessary to support their determination of the market value of these properties, and, in any event, Agencies must have some reasonable basis for their determination of market value. In addition, some of the concepts inherent in Federal Program appraisal practice are appropriate for these estimates. It would be appropriate for Agencies to adhere to project influence restrictions, as well as guard against discredited "public interest value" valuation concepts.

After an Agency has established an amount it believes to be the market value of the property and has notified the owner of this amount in writing, an Agency may negotiate freely with the owner in order to reach agreement. Since these transactions are voluntary, accomplished by a willing buyer and a willing seller, negotiations may result in agreement for the amount of the original estimate, an amount exceeding it, or for a lesser amount. Although not required by the regulations, it would be entirely appropriate for Agencies to apply the administrative settlement concept and procedures in §24.102(i) to negotiate amounts that exceed the original estimate of market value. Agencies shall not take any coercive action in order to reach agreement on the price to be paid for the property.

Section 24.101(c) Less-than-full-fee interest in real property. This provision provides a benchmark beyond which the requirements of the subpart clearly apply to leases.

Section 24.102(c)(2) Appraisal, waiver thereof, and invitation to owner. The purpose of the appraisal waiver provision is to provide Agencies a technique to avoid the costs and time delay associated with appraisal requirements for low-value, non-complex acquisitions. The intent is that non-appraisers make the waiver valuations, freeing appraisers to do more sophisticated work.

The Agency employee making the determination to use the appraisal waiver process must have enough understanding of appraisal principles to be able to determine whether or not the proposed acquisition is low value and uncomplicated.

Waiver valuations are not appraisals as defined by the Uniform Act and these regulations; therefore, appraisal performance requirements or standards, regardless of their source, are not required for waiver valuations by this rule. Since waiver valuations are not appraisals, neither is there a requirement for an appraisal review. However, the Agency must have a reasonable basis for the waiver valuation and an Agency official must still establish an amount believed to be just compensation to offer the property owner(s).

The definition of "appraisal" in the Uniform Act and appraisal waiver provisions of the Uniform Act and these regulations are Federal law and public policy and should be considered as such when determining the impact of appraisal requirements levied by others.

Section 24.102(d) Establishment of offer of just compensation. The initial offer to the property owner may not be less than the amount of the Agency's approved appraisal, but may exceed that amount if the Agency determines that a greater amount reflects just compensation for the property.

Section 24.102(f) Basic negotiation procedures. An offer should be adequately presented to an owner, and the owner should be properly informed. Personal, face-to-face contact should take place, if feasible, but this section does not require such contact in all cases.

This section also provides that the property owner be given a reasonable opportunity to consider the Agency's offer and to present relevant material to the Agency. In order to satisfy this requirement, Agencies must allow owners time for analysis, research and development, and compilation of a response, including perhaps getting an appraisal. The needed time can vary significantly, depending on the circumstances, but thirty (30) days would seem to be the minimum time these actions can be reasonably expected to require. Regardless of project time pressures, property owners must be afforded this opportunity.

In some jurisdictions, there is pressure to initiate formal eminent domain procedures at the earliest opportunity because completing the eminent domain process, including gaining possession of the needed real property, is very time consuming. These provisions are not intended to restrict this practice, so long as it does not interfere with the reasonable time that must be provided for negotiations, described above, and the Agencies adhere to the Uniform Act ban on coercive action (section 301(7) of the Uniform Act).

If the owner expresses intent to provide an appraisal report, Agencies are encouraged to provide the owner and/or his/her appraiser a copy of Agency appraisal requirements and inform them that their appraisal should be based on those requirements.

Section 24.102(i) Administrative settlement. This section provides guidance on administrative settlement as an alternative to judicial resolution of a difference of opinion on the value of a property, in order to avoid unnecessary litigation and congestion in the courts.

All relevant facts and circumstances should be considered by an Agency official delegated this authority. Appraisers, including review appraisers, must not be pressured to adjust their estimate of value for the purpose of justifying such settlements. Such action would invalidate the appraisal process.

Section 24.102(j) Payment before taking possession. It is intended that a right-of-entry for construction purposes be obtained only in the exceptional case, such as an emergency project, when there is no time to make an appraisal and purchase offer and the property owner is agreeable to the process.

Section 24.102(m) Fair rental. Section 301(5) of the Uniform Act limits what an Agency may charge when a former owner or previous occupant of a property is permitted to rent the property for a short term or when occupancy is subject to termination by the Agency on short notice. Such rent may not exceed "the fair rental value of the property to a short-term occupier." Generally, the Agency's right to terminate occupancy on short notice (whether or not the renter also has that right) supports the establishment of a lesser rental than might be found in a longer, fixed-term situation.

Section 24.102(n) Conflict of interest. The overall objective is to minimize the risk of fraud while allowing Agencies to operate as efficiently as possible. There are three parts to this provision.

The first provision is the prohibition against having any interest in the real property being valued by the appraiser (for an appraisal), the valuer (for a waiver estimate) or the review appraiser (for an appraisal review.)

The second provision is that no person functioning as a negotiator for a project or program can supervise or formally evaluate the performance of any appraiser or review appraiser performing appraisal or appraisal review work for that project or program. The intent of this provision is to ensure appraisal/valuation independence and to prevent inappropriate influence. It is not intended to prevent Agencies from providing appraisers/valuers with appropriate project information and participating in determining the scope of work for the appraisal or valuation. For a program or project receiving Federal financial assistance, the Federal funding Agency may waive this requirement if it would create a hardship for the Agency. The intent is to accommodate Federal-aid recipients that have a small staff where this provision would be unworkable.

The third provision is to minimize situations where administrative costs exceed acquisition costs. Section 24.102(n) also provides that the same person may prepare a valuation estimate (including an appraisal) and negotiate that acquisition, if the valuation estimate amount is $10,000 or less. However, it should be noted that this exception for properties valued at $10,000 or less is not mandatory, *e.g.*, Agencies are not required to use those who prepare a waiver valuation or appraisal of $10,000 or less to negotiate the acquisition, and, all appraisals must be reviewed in accordance with §24.104. This includes appraisals of real property valued at $10,000 or less.

Section 24.103 Criteria for Appraisals. The term "requirements" is used throughout this section to avoid confusion with The Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP) "standards." Although this section discusses appraisal requirements, the definition of "appraisal" itself at §24.2(a)(3) includes appraisal performance requirements that are an inherent part of this section.

The term "Federal and federally-assisted program or project" is used to better identify the type of appraisal practices that are to be referenced and to differentiate them

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from the private sector, especially mortgage lending, appraisal practice.

Section 24.103(a) Appraisal requirements. The first sentence instructs readers that requirements for appraisals for Federal and federally-assisted programs or projects are located in 49 CFR part 24. These are the basic appraisal requirements for Federal and federally-assisted programs or projects. However, Agencies may enhance and expand on them, and there may be specific project or program legislation that references other appraisal requirements.

These appraisal requirements are necessarily designed to comply with the Uniform Act and other Federal eminent domain based appraisal requirements. They are also considered to be consistent with Standards Rules 1, 2, and 3 of the 2004 edition of the USPAP. Consistency with USPAP has been a feature of these appraisal requirements since the beginning of USPAP. This "consistent" relationship was more formally recognized in OMB Bulletin 92-06. While these requirements are considered consistent with USPAP, neither can supplant the other; their provisions are neither identical, nor interchangeable. Appraisals performed for Federal and federally-assisted real property acquisition must follow the requirements in this regulation. Compliance with any other appraisal requirements is not the purview of this regulation. An appraiser who is committed to working within the bounds of USPAP should recognize that compliance with both USPAP and these requirements may be achieved by using the Supplemental Standards Rule and the Jurisdictional Exception Rule of USPAP, where applicable.

The term "scope of work" defines the general parameters of the appraisal. It reflects the needs of the Agency and the requirements of Federal and federally-assisted program appraisal practice. It should be developed cooperatively by the assigned appraiser and an Agency official who is competent to both represent the Agency's needs and respect valid appraisal practice. The scope of work statement should include the purpose and/or function of the appraisal, a definition of the estate being appraised, and if it is fair market value, its applicable definition, and the assumptions and limiting conditions affecting the appraisal. It may include parameters for the data search and identification of the technology, including approaches to value, to be used to analyze the data. The scope of work should consider the specific requirements in 49 CFR 24.103(a)(2)(i) through (v) and address them as appropriate.

Section 24.103(a)(1). The appraisal report should identify the items considered in the appraisal to be real property, as well as those identified as personal property.

Section 24.103(a)(2). All relevant and reliable approaches to value are to be used. However, where an Agency determines that the sales comparison approach will be adequate by itself and yield credible appraisal results because of the type of property being appraised and the availability of sales data, it may limit the appraisal assignment to the sales comparison approach. This should be reflected in the scope of work.

Section 24.103(b) Influence of the project on just compensation. As used in this section, the term "project" means an undertaking which is planned, designed, and intended to operate as a unit.

When the public is aware of the proposed project, project area property values may be affected. Therefore, property owners should not be penalized because of a decrease in value caused by the proposed project nor reap a windfall at public expense because of increased value created by the proposed project.

Section 24.103(d)(1). The appraiser and review appraiser must each be qualified and competent to perform the appraisal and appraisal review assignments, respectively. Among other qualifications, State licensing or certification and professional society designations can help provide an indication of an appraiser's abilities.

Section 24.104 Review of appraisals. The term "review appraiser" is used rather than "reviewing appraiser," to emphasize that "review appraiser" is a separate specialty and not just an appraiser who happens to be reviewing an appraisal. Federal Agencies have long held the perspective that appraisal review is a unique skill that, while it certainly builds on appraisal skills, requires more. The review appraiser should possess both appraisal technical abilities and the ability to be the two-way bridge between the Agency's real property valuation needs and the appraiser.

Agency review appraisers typically perform a role greater than technical appraisal review. They are often involved in early project development. Later they may be involved in devising the scope of work statements and participate in making appraisal assignments to fee and/or staff appraisors. They are also mentors and technical advisors, especially on Agency policy and requirements, to appraisers, both staff and fee. Additionally, review appraisers are frequently technical advisors to other Agency officials.

Section 24.104(a). This paragraph states that the review appraiser is to review the appraiser's presentation and analysis of market information and that it is to be reviewed against §24.103 and other applicable requirements, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. The appraisal review is to be a technical review by an appropriately qualified review appraiser. The qualifications of the review appraiser and the level of

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explanation of the basis for the review appraiser's recommended (or approved) value depend on the complexity of the appraisal problem. If the initial appraisal submitted for review is not acceptable, the review appraiser is to communicate and work with the appraiser to the greatest extent possible to facilitate the appraiser's development of an acceptable appraisal.

In doing this, the review appraiser is to remain in an advisory role, not directing the appraisal, and retaining objectivity and options for the appraisal review itself.

If the Agency intends that the staff review appraiser approve the appraisal (as the basis for the establishment of the amount believed to be just compensation), or establish the amount the Agency believes is just compensation, she/he must be specifically authorized by the Agency to do so. If the review appraiser is not specifically authorized to approve the appraisal (as the basis for the establishment of the amount believed to be just compensation), or establish the amount believed to be just compensation, that authority remains with another Agency official.

Section 24.104(b). In developing an independent approved or recommended value, the review appraiser may reference any acceptable resource, including acceptable parts of any appraisal, including an otherwise unacceptable appraisal. When a review appraiser develops an independent value, while retaining the appraisal review, that independent value also becomes the approved appraisal of the fair market value for Uniform Act Section 301(3) purposes. It is within Agency discretion to decide whether a second review is needed if the first review appraiser establishes a value different from that in the appraisal report or reports on the property.

Section 24.104(c). Before acceptance of an appraisal, the review appraiser must determine that the appraiser's documentation, including valuation data and analysis of that data, demonstrates the soundness of the appraiser's opinion of value. For the purposes of this part, an acceptable appraisal is any appraisal that, on its own, meets the requirements of §24.103. An approved appraisal is the one acceptable appraisal that is determined to best fulfill the requirement to be the basis for the amount believed to be just compensation. Recognizing that appraisal is not an exact science, there may be more than one acceptable appraisal of a property, but for the purposes of this part, there can be only one approved appraisal.

At the Agency's discretion, for a low value property requiring only a simple appraisal process, the review appraiser's recommendation (or approval), endorsing the appraiser's report, may be determined to satisfy the requirement for the review appraiser's signed report and certification.

Section 24.106(b). Expenses incidental to transfer of title to the agency. Generally, the Agency is able to pay such incidental costs directly and, where feasible, is required to do so. In order to prevent the property owner from making unnecessary out-of-pocket expenditures and to avoid duplication of expenses, the property owner should be informed early in the acquisition process of the Agency's intent to make such arrangements. Such expenses must be reasonable and necessary.

Subpart C—General Relocation Requirements

Section 24.202 Applicability and Section 205(c) Services to be provided. In extraordinary circumstances, when a displaced person is not readily accessible, the Agency must make a good faith effort to comply with these sections and document its efforts in writing.

Section 24.204 Availability of comparable replacement dwelling before displacement.

Section 24.204(a) General. This provision requires that no one may be required to move from a dwelling without a comparable replacement dwelling having been made available. In addition, §24.204(a) requires that, "where possible, three or more comparable replacement dwellings shall be made available." Thus, the basic standard for the number of referrals required under this section is three. Only in situations where three comparable replacement dwellings are not available (*e.g.*, when the local housing market does not contain three comparable dwellings) may the Agency make fewer than three referrals.

Section 24.205 Relocation assistance advisory services. Section 24.205(c)(2)(ii)(D) emphasizes that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas.

Section 24.206 Eviction for cause. An eviction related to non-compliance with a requirement related to carrying out a project (*e.g.*, failure to move or relocate when instructed, or to cooperate in the relocation process) shall not negate a person's entitlement to relocation payments and other assistance set forth in this part.

Section 24.207 General Requirements-Claims for relocation payments. Section 24.207(a) allows an Agency to make a payment for low cost or uncomplicated nonresidential moves without additional documentation, as long as the payment is limited to the amount of the lowest acceptable bid or estimate, as provided for in §24.301(d)(1).

While §24.207(f) prohibits an Agency from proposing or requesting that a displaced person waive his or her rights or entitlements to relocation assistance and payments, an

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Agency may accept a written statement from the displaced person that states that they have chosen not to accept some or all of the payments or assistance to which they are entitled. Any such written statement must clearly show that the individual knows what they are entitled to receive (a copy of the Notice of Eligibility which was provided may serve as documentation) and their statement must specifically identify which assistance or payments they have chosen not to accept. The statement must be signed and dated and may not be coerced by the Agency.

SUBPART D—PAYMENT FOR MOVING AND RELATED EXPENSES

Section 24.301. Payment for Actual Reasonable Moving and Related Expenses.

Section 24.301(c) Personal property only. Examples of personal property only moves might be: personal property that is located on a portion of property that is being acquired, but the business or residence will not be taken and can still operate after the acquisition; personal property that is located in a mini-storage facility that will be acquired or relocated; personal property that is stored on vacant land that is to be acquired.

For a nonresidential personal property only move, the owner of the personal property has the options of moving the personal property by using a commercial mover or a self-move.

If a question arises concerning the reasonableness of an actual cost move, the acquiring Agency may obtain estimates from qualified movers to use as the standard in determining the payment.

Section 24.301 (g)(14)(i) and (ii). If the piece of equipment is operational at the acquired site, the estimated cost to reconnect the equipment shall be based on the cost to install the equipment as it currently exists, and shall not include the cost of code-required betterments or upgrades that may apply at the replacement site. As prescribed in the regulation, the allowable in-place value estimate (§24.301(g)(14)(i)) and moving cost estimate (§24.301(g)(14)(ii)) must reflect only the "as is" condition and installation of the item at the displacement site. The in-place value estimate may not include costs that reflect code or other requirements that were not in effect at the displacement site; or include installation costs for machinery or equipment that is not operable or not installed at the displacement site.

Section 24.301(g)(17) Searching expenses. In special cases where the displacing Agency determines it to be reasonable and necessary, certain additional categories of searching costs may be considered for reimbursement. These include those costs involved in investigating potential replacement sites and the time of the business owner, based on salary or earnings, required to apply for licenses or permits, zoning changes, and attendance at zoning hearings. Necessary attorney fees required to obtain such licenses or permits are also reimbursable. Time spent in negotiating the purchase of a replacement business site is also reimbursable based on a reasonable salary or earnings rate. In those instances when such additional costs to investigate and acquire the site exceed $2,500, the displacing Agency may consider waiver of the cost limitation under the §24.7, waiver provision. Such a waiver should be subject to the approval of the Federal-funding Agency in accordance with existing delegation authority.

Section 24.303(b) Professional Services. If a question should arise as to what is a "reasonable hourly rate," the Agency should compare the rates of other similar professional providers in that area.

Section 24.305 Fixed Payment for Moving Expenses Nonresidential Moves.

Section 24.305(d) Nonprofit organization. Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales or other forms of fund collection that enables the nonprofit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising, and other like items as well as fundraising expenses. Operating expenses for carrying out the purposes of the nonprofit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public Agencies.

Section 24.305(e) Average annual net earnings of a business or farm operation. If the average annual net earnings of the displaced business, farm, or nonprofit organization are determined to be less than $1,000, even $0 or a negative amount, the minimum payment of $1,000 shall be provided.

Section 24.306 Discretionary Utility Relocation Payments. Section 24.306(c) describes the issues that the Agency and the utility facility owner must agree to in determining the amount of the relocation payment. To facilitate and aid in reaching such agreement, the practices in the Federal Highway Administration regulation, 23 CFR part 645, subpart A, Utility Relocations, Adjustments and Reimbursement, should be followed.

SUBPART E—REPLACEMENT HOUSING PAYMENTS

Section 24.401 Replacement Housing Payment for 180-day Homeowner-Occupants.

Section 24.401(a)(2). An extension of eligibility may be granted if some event beyond the control of the displaced person such as acute or life threatening illness, bad weather preventing the completion of construction, or physical modifications required for reasonable accommodation of a replacement dwelling, or other like circumstances causes

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a delay in occupying a decent, safe, and sanitary replacement dwelling.

Section 24.401(c)(2)(iii) Price differential. The provision in §24.401(c)(2)(iii) to use the current fair market value for residential use does not mean the Agency must have the property appraised. Any reasonable method for arriving at the fair market value may be used.

Section 24.401(d) Increased mortgage interest costs. The provision in §24.401(d) sets forth the factors to be used in computing the payment that will be required to reduce a person's replacement mortgage (added to the downpayment) to an amount which can be amortized at the same monthly payment for principal and interest over the same period of time as the remaining term on the displacement mortgages. This payment is commonly known as the "buydown."

The Agency must know the remaining principal balance, the interest rate, and monthly principal and interest payments for the old mortgage as well as the interest rate, points and term for the new mortgage to compute the increased mortgage interest costs. If the combination of interest and points for the new mortgage exceeds the current prevailing fixed interest rate and points for conventional mortgages and there is no justification for the excessive rate, then the current prevailing fixed interest rate and points shall be used in the computations. Justification may be the unavailability of the current prevailing rate due to the amount of the new mortgage, credit difficulties, or other similar reasons.

SAMPLE COMPUTATION

Old Mortgage:	
Remaining Principal Balance	$50,000
Monthly Payment (principal and interest)	$458.22
Interest rate (percent)	7
New Mortgage:	
Interest rate (percent)	10
Points	3
Term (years)	15

Remaining term of the old mortgage is determined to be 174 months. Determining, or computing, the actual remaining term is more reliable than using the data supplied by the mortgagee. However, if it is shorter, use the term of the new mortgage and compute the needed monthly payment.

Amount to be financed to maintain monthly payments of $458.22 at 10% = $42,010.18.

Calculation:	
Remaining Principal Balance	$50,000.00
Minus Monthly Payment (principal and interest)	−42,010.18
Increased mortgage interest costs	7,989.82
3 points on $42,010.18	1,260.31
Total buydown necessary to maintain payments at $458.22/month	$9,250.13

If the new mortgage actually obtained is less than the computed amount for a new mortgage ($42,010.18), the buydown shall be prorated accordingly. If the actual mortgage obtained in our example were $35,000, the buydown payment would be $7,706.57 ($35,000 divided by $42,010.18 = .8331; $9,250.13 multiplied by .83 = $7,706.57).

The Agency is obligated to inform the displaced person of the approximate amount of this payment and that the displaced person must obtain a mortgage of at least the same amount as the old mortgage and for at least the same term in order to receive the full amount of this payment. The Agency must advise the displaced person of the interest rate and points used to calculate the payment.

Section 24.402 Replacement Housing Payment for 90-day Occupants

Section 24.402(b)(2) Low income calculation example. The Uniform Act requires that an eligible displaced person who rents a replacement dwelling is entitled to a rental assistance payment calculated in accordance with §24.402(b). One factor in this calculation is to determine if a displaced person is "low income," as defined by the U.S. Department of Housing and Urban Development's annual survey of income limits for the Public Housing and Section 8 Programs. To make such a determination, the Agency must: (1) Determine the total number of members in the household (including all adults and children); (2) locate the appropriate table for income limits applicable to the Uniform Act for the state in which the displaced residence is located (found at: *http://www.fhwa.dot.gov/realestate/ua/ualic.htm*); (3) from the list of local jurisdictions shown, identify the appropriate county, Metropolitan Statistical Area (MSA)*, or Primary Metropolitan Statistical Area (PMSA)* in which the displacement property is located; and (4) locate the appropriate income limit in that jurisdiction for the size of this displaced person/family. The income limit must then be compared to the household income (§24.2(a)(15)) which is the gross annual income received by the displaced family, excluding income from any dependent children and full-time students under the age of 18. If the household income for the eligible displaced person/family is less than or equal to the income limit, the family is considered "low income." For example:

Tom and Mary Smith and their three children are being displaced. The information obtained from the family and verified by the Agency is as follows:

Tom Smith, employed, earns $21,000/yr.

Mary Smith, receives disability payments of $6,000/yr.

Tom Smith Jr., 21, employed, earns $10,000/yr.

Mary Jane Smith, 17, student, has a paper route, earns $3,000/yr. (Income is not included because she is a dependent child and a full-time student under 18)

Sammie Smith, 10, full-time student, no income.

Total family income for 5 persons is: $21,000 + $6,000 + $10,000 = $37,000

The displacement residence is located in the State of Maryland, Caroline County. The low income limit for a 5 person household is: $47,450. (2004 Income Limits)

This household is considered "low income."

* A complete list of counties and towns included in the identified MSAs and PMSAs can be found under the bulleted item "Income Limit Area Definition" posted on the FHWA's Web site at: *http://www.fhwa.dot.gov/realestate/ua/ualic.htm.*

Section 24.402(c) Downpayment assistance. The downpayment assistance provisions in §24.402(c) limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner. It does, however, provide the latitude for Agency discretion in offering downpayment assistance that exceeds the computed rental assistance payment, up to the $5,250 statutory maximum. This does not mean, however, that such Agency discretion may be exercised in a selective or discriminatory fashion. The displacing Agency should develop a policy that affords equal treatment for displaced persons in like circumstances and this policy should be applied uniformly throughout the Agency's programs or projects.

For the purpose of this section, should the amount of the rental assistance payment exceed the purchase price of the replacement dwelling, the payment would be limited to the cost of the dwelling.

Section 24.404 Replacement Housing of Last Resort.

Section 24.404(b) Basic rights of persons to be displaced. This paragraph affirms the right of a 180-day homeowner-occupant, who is eligible for a replacement housing payment under §24.401, to a reasonable opportunity to purchase a comparable replacement dwelling. However, it should be read in conjunction with the definition of "owner of a dwelling" at §24.2(a)(20). The Agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the Agency may provide additional purchase assistance or rental assistance.

Section 24.404(c) Methods of providing comparable replacement housing. This Section emphasizes the use of cost effective means of providing comparable replacement housing. The term "reasonable cost" is used to highlight the fact that while innovative means to provide housing are encouraged, they should be cost-effective. Section 24.404(c)(2) permits the use of last resort housing, in special cases, which may involve variations from the usual methods of obtaining comparability. However, such variation should never result in a lowering of housing standards nor should it ever result in a lower quality of living style for the displaced person. The physical characteristics of the comparable replacement dwelling may be dissimilar to those of the displacement dwelling but they may never be inferior.

One example might be the use of a new mobile home to replace a very substandard conventional dwelling in an area where comparable conventional dwellings are not available.

Another example could be the use of a superior, but smaller, decent, safe and sanitary dwelling to replace a large, old substandard dwelling, only a portion of which is being used as living quarters by the occupants and no other large comparable dwellings are available in the area.

[70 FR 611, Jan. 4, 2005, as amended at 70 FR 22611, May 3, 2005]

Appendix B to Part 24—Statistical Report Form

This Appendix sets forth the statistical information collected from Agencies in accordance with §24.9(c).

General

1. *Report coverage.* This report covers all relocation and real property acquisition activities under a Federal or a federally-assisted project or program subject to the provisions of the Uniform Act. If the exact numbers are not easily available, an Agency may provide what it believes to be a reasonable estimate.

2. *Report period.* Activities shall be reported on a Federal fiscal year basis, i.e., October 1 through September 30.

3. *Where and when to submit report.* Submit a copy of this report to the lead Agency as soon as possible after September 30, but NOT LATER THAN NOVEMBER 15. Lead Agency address: Federal Highway Administration, Office of Real Estate Services (HEPR), 1200 New Jersey Avenue, SE., Washington, DC 20590.

4. *How to report relocation payments.* The full amount of a relocation payment shall be reported as if disbursed in the year during which the claim was approved, regardless of whether the payment is to be paid in installments.

5. *How to report dollar amounts.* Round off all money entries in Parts of this section A, B and C to the nearest dollar.

6. *Regulatory references.* The references in Parts A, B, C and D of this section indicate the subpart of the regulations pertaining to the requested information.

Part A. Real property acquisition under The Uniform Act

Line 1. Report all parcels acquired during the report year where title or possession was vested in the Agency during the reporting period. The parcel count reported should relate to ownerships and not to the number of parcels of different property interests (such as fee, perpetual easement, temporary easement, etc.) that may have been part of an acquisition from one owner. For example, an acquisition from a property that includes a fee simple parcel, a perpetual easement parcel, and a temporary easement parcel should be reported as 1 parcel not 3 parcels. (Include parcels acquired without Federal financial assistance, if there was or will be Federal financial assistance in other phases of the project or program.)

Line 2. Report the number of parcels reported on Line 1 that were acquired by condemnation. Include those parcels where compensation for the property was paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the Agency through condemnation authority.

Line 3. Report the number of parcels in Line 1 acquired through administrative settlement where the purchase price for the property exceeded the amount offered as just compensation and efforts to negotiate an agreement at that amount have failed.

Line 4. Report the total of the amounts paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the Agency in Line 1.

Part B. Residential Relocation Under the Uniform Act

Line 5. Report the number of households who were permanently displaced during the fiscal year by project or program activities and moved to their replacement dwelling. The term "households" includes all families and individuals. A family shall be reported as "one" household, *not* by the number of people in the family unit.

Line 6. Report the total amount paid for residential moving expenses (actual expense and fixed payment).

Line 7. Report the total amount paid for residential replacement housing payments including payments for replacement housing of last resort provided pursuant to §24.404 of this part.

Line 8. Report the number of households in Line 5 who were permanently displaced during the fiscal year by project or program activities and moved to their replacement dwelling as part of last resort housing assistance.

Line 9. Report the number of tenant households in Line 5 who were permanently displaced during the fiscal year by project or program activities, and who purchased and moved to their replacement dwelling using a downpayment assistance payment under this part.

Line 10. Report the total sum costs of residential relocation expenses and payments (excluding Agency administrative expenses) in Lines 6 and 7.

Part C. Nonresidential Relocation Under the Uniform Act

Line 11. Report the number of businesses, nonprofit organizations, and farms who were permanently displaced during the fiscal year by project or program activities and moved to their replacement location. This includes businesses, nonprofit organizations, and farms, that upon displacement, discontinued operations.

Line 12. Report the total amount paid for nonresidential moving expenses (actual expense and fixed payment.)

Line 13. Report the total amount paid for nonresidential reestablishment expenses.

Line 14. Report the total sum costs of nonresidential relocation expenses and payments (excluding Agency administrative expenses) in Lines 12 and 13.

Part D. Relocation Appeals

Line 15. Report the total number of relocation appeals filed during the fiscal year by aggrieved persons (residential and nonresidential).

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FEDERAL FISCAL YEAR ENDING SEPT. 30, 20___
REPORTING AGENCY: ____________
STATE: ____________
CITY/COUNTY (For Local Government Agencies): ____________
FEDERAL FUNDING AGENCY: ____________

PART A. REAL PROPERTY ACQUISITION UNDER THE UNIFORM ACT	
1) Total Number of Parcels Acquired (Ownerships)	
2) Number of Parcels in Line 1 Acquired by Condemnation	
3) Number of Parcels in Line 1 Acquired by Administrative Settlement (Above initial offer - see 24.102(i))	
4) Compensation - Total Costs (Including 24.106; Excluding appraisal costs, negotiator fees and other administrative expenses)	
PART B. RESIDENTIAL RELOCATION UNDER THE UNIFORM ACT	
5) Total Number of Residential Displacements (Households)	
6) Residential Moving Payments – Total Costs	
7) Replacement Housing Payments – Total Costs	
8) Number of Last Resort Housing Displacements in Line 5 (Households)	
9) Number of Tenants converted to Homeowners in Line 5 (Households using 24.402(c))	
10) Total Costs for Residential Relocation Expenses and Payments (Sum of lines 6 and 7; excluding Agency Administrative Costs)	
PART C. NONRESIDENTIAL RELOCATION UNDER THE UNIFORM ACT	
11) Total Number of NonResidential Displacements	
12) NonResidential Moving Payments – Total Costs (Including 24.305)	
13) NonResidential Reestablishment Payments – Total Costs	
14) Total Costs for Nonresidential Relocation Expenses and Payments (Sum of lines 12 and 13; excluding Agency Administrative Costs)	
PART D. RELOCATION APPEALS UNDER THE UNIFORM ACT	
15) Total Number of Relocation Appeals (Residential & NonResidential)	

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[70 FR 611, Jan. 4, 2005, as amended at 73 FR 33329, June 12, 2008]

PART 25—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—Introduction

Subpart B—Coverage

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

Subpart F—Procedures

AUTHORITY: 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688.

SOURCE: 65 FR 52865, 52894, Aug. 30, 2000, unless otherwise noted.

Subpart A—Introduction

§25.100 Purpose and effective date.

The purpose of these Title IX regulations is to effectuate Title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments) (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these Title IX regulations. The effective date of these Title IX regulations shall be September 29, 2000.

§25.105 Definitions.

As used in these Title IX regulations, the term:

Administratively separate unit means a school, department, or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

Admission means selection for part-time, full-time, special, associate,

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Exhibit 8

AFFIDAVIT OF LAURA WIGHTMAN FITZSIMMONS

STATE OF NEVADA)
} ss
COUNTY OF CLARK)

Laura Wightman FitzSimmons, being first duly sworn, states as follows:

1. I am licensed to practice law before this Court and have represented Steve Sisolak in this case pursuant to a contingent fee agreement, a true copy of which is set forth as Exhibit A to the motion for attorney's fees.

2. I have been licensed to practice law in Nevada since 1981. I am AV rated in Martindale-Hubble. My practice is primarily in the area of eminent domain and I believe I am one of the two most prominent practitioners in this area of law in the State of Nevada. Since I agreed to represent Mr. Sisolak in this action, I estimate I have worked over 1400 hours on this case, primarily in the past twelve months. I do not bill any clients on an hourly rate, and would not agree to represent clients on an hourly rate. I firmly believe that fees received by a lawyer should be in direct relation to the results achieved for the client. During the past 24 months, this case has been one of three cases upon which I have concentrated my efforts. I have declined to take on new cases so that I could have the time available to work on this case.

LAURA WIGHTMAN FITZSIMMONS

Subscribed and Sworn to
before me this 11th day of March, 2003.

Pollie Baker
~~Laura Wightman FitzSimmons~~
Pollie Baker

Notary Public - State of Nevada
County of Clark
POLLIE BAKER
My Appointment Expires
February 27, 2005
No: 01-67386-1

Exhibit 9

State of Nevada

Statewide Ballot Questions

2006

To Appear on the November 7, 2006
General Election Ballot

Issued by
Dean Heller
Secretary of State

DEAN HELLER
Secretary of State

KIM A. HUYS
Chief Deputy Secretary of State

PAMELA A. RUCKEL
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE SECRETARY OF STATE

CHARLES E. MOORE
Securities Administrator

SCOTT W. ANDERSON
Deputy Secretary for Commercial Recordings

ELLICK C. HSU
Deputy Secretary for Elections

STACY M. WOODBURY
Deputy Secretary for Operations

Dear Fellow Nevadan:

You will soon be taking advantage of one of your most important rights as an American citizen: the right to vote! As Secretary of State and the state's Chief Election Officer, I take the job of informing the public about various statewide ballot questions very seriously. An informed and knowledgeable electorate is a cornerstone to fair and just elections.

With that in mind, the Secretary of State's office has prepared this booklet detailing the statewide questions that will appear on the 2006 General Election Ballot. The booklet contains "Notes to Voters," a complete listing of the exact wording of each question, along with a summary, arguments for and against each question's passage, and, where applicable, a fiscal note. Any fiscal note included in this booklet explains only adverse impacts and does not note any possible cost savings.

I encourage you to carefully and thoughtfully review the ballot questions listed in the booklet. As a voter, your actions on these ballot questions can create new laws, amend existing laws or amend the Nevada Constitution.

On the 2006 General Election Ballot, there are ten statewide questions. Ballot Question Numbers 8, 9, 10 and 11 appear on the ballot through the actions of the Nevada State Legislature. Ballot Question Numbers 2, 4, 5, and 7 qualified for this year's ballot through the initiative petition process. Ballot Question Numbers 1 and 6 also qualified through the initiative petition process, passed at the 2004 General Election and appear for the second and last time on the 2006 General Election Ballot. Ballot Question Number 3 was removed from the Ballot by the Nevada Supreme Court.

You can also view these ballot questions on the Secretary of State's web site at <u>www.secretaryofstate.biz</u>. If you require further assistance or information, please feel free to contact my office at 775-684-5705.

Respectfully,

Dean Heller

DEAN HELLER
Secretary of State

LAS VEGAS OFFICE
555 E. Washington Avenue
SECURITIES: Suite 5200
Las Vegas, Nevada 89101
Telephone (702) 486-2440
Fax (702) 486-2452

MAIN OFFICE
101 N. Carson Street, Suite 3
Carson City, Nevada 89701-4786
Telephone (775) 684-5708
Fax (775) 684-5725

CORPORATE SATELLITE OFFICE
202 N. Carson Street
Carson City, Nevada 89701
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Fax (775) 684-5725

QUESTION NO. 2

Amendment to the Nevada Constitution

CONDENSATION (Ballot Question)

Shall Article 1 of the Nevada Constitution be amended in order: to provide that the transfer of property from one private party to another private party is not considered a public use; to provide that property taken for a public use must be valued at its highest and best use; to provide that fair market value in eminent domain proceedings be defined as the "highest price the property would bring on the open market;" and to make certain other changes related to eminent domain proceedings?

Yes..........☑ 353,704
No............☐ 206,724

EXPLANATION (Ballot Question)

The proposed amendment, if passed, would create a new section within Article 1 of the Nevada Constitution. The amendment provides that the transfer of property taken in an eminent domain action from one private party to another private party would not be considered taken for a public use.

The State or its political subdivisions or agencies would not be allowed to occupy property taken in an eminent domain action until the government provides a property owner with all government property appraisals. The government would have the burden to prove that any property taken was taken for a public use.

If property is taken by the State or its political subdivisions or agencies for a public use, the property must be valued at its highest and best use. In an eminent domain action, just compensation would be considered a sum of money that puts a property owner in the same position as if the property had not been taken, and includes compounded interest and reasonable costs and expenses. Fair market value, for eminent domain purposes, would be defined as the "highest price the property would bring on the open market."

If property taken in an eminent domain proceeding is not used for the purpose the property was taken for within five years, the original property owner would be able to reclaim the property upon repayment of the original purchase price.

ARGUMENT ADVOCATING PASSAGE

Question 2 is a response to the Supreme Court decision in *Kelo v. the City of New London* which expanded the definition of "public use" to include increasing city hall's tax base. It is also a response to the failure of the Nevada Supreme Court which made the same ruling three years ago in *Pappas v. the City of Las Vegas Redevelopment Agency* authored by Justice Nancy Becker. Suzette Kelo's home was taken by the government and given to a developer who wanted to build

more expensive homes. In *Pappas*, the property was given to casinos. Transfers like this are absolutely "forbidden" under our proposed rules.

To help citizens whose homes are targeted to be "taken" by eminent domain, we are adding several new procedural protections. Before the government can force someone out of their home, the government will be required to provide the property owner with copies of ALL appraisals the government possesses. This will have the effect of helping a homeowner decide if the government is acting in "good faith." Right now, a landowner is not entitled to these appraisals, until their property is taken, and they are in the middle of a costly lawsuit. If a landowner disagrees with the government's decision that a project is a valid "public use," the landowner has the right *to ask a jury to determine if* the "public use" is legitimate, before the government has the right to occupy the land. Under current rules, once the city council or county commission approves the decision of its bureaucrats that a certain project is a "public use," the landowner has no remedy.

Lastly, if a landowner ends up in court in an eminent domain battle, we have added provisions to keep the playing field level. People who are standing their ground and fighting for their rights need not fear court costs and attorney's fees, because judges will not have the power to award fees and costs if the landowner should lose.

Question 2 will prevent the government from automatically pulling the "trigger" of eminent domain, when it wants to take someone's private property. It will give landowners legal weapons to fight back, when they find their land has been targeted for government seizure.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252

REBUTTAL TO ARGUMENT ADVOCATING PASSAGE

Contrary to what proponents say, Question 2 will hurt the great majority of Nevadans by slowing and in some cases stopping construction of needed highways and other public projects. If this question was truly about the *Kelo* decision, it should have stopped after section two. Instead, eight additional sections are included that we believe would primarily benefit trial lawyers and their special interest clients, with all extra costs to be borne by you the taxpayer!

Keep in mind that the Nevada Constitution provides a framework upon which a duly elected State Legislature may add laws. However, this proposal bypasses all public hearings, discussions, and debate in the Legislature, as well as the final review and action of the Governor. If the voters approve Question 2, ALL nine sections would go into effect, both good and bad! The process to fix the Constitution at a later date is both costly and lengthy, taking five years or longer.

Vote NO on this question! DO NOT clutter our Constitution with language that undermines local community control and your quality of life! Instead, require the newly elected Legislature and Governor to do their jobs by dealing with the *Kelo* issue in 2007.

The above argument was submitted by the Ballot Question Committee composed of citizens opposed to this question as provided for in NRS 293.252

ARGUMENT OPPOSING PASSAGE

Voters Beware! Question 2 is *NOT* what it appears to be! The public should be suspicious of a proposal that adds over 400 words to Nevada's Constitution. Details like these belong in state law, not in the Constitution.

Question 2 fails the test of being in the public's best interest. Buried within are a number of provisions that primarily benefit a small number of lawyers and special interests. Current Nevada law requires payment of the "most probable price" when land is acquired for roads, schools, or other vital public facilities. However, this proposal requires payment of the "highest price." Further, we believe taxpayers may have to pay all lawyers fees and court expenses for any legal actions brought by private parties on eminent domain! *

The total cost to Nevada's taxpayers is unknown, but every extra penny spent on settlement costs and attorney's fees may mean that fewer vital public projects get done. Nevada's Department of Transportation and the Regional Transportation Commission of Washoe County have estimated that this proposal will cost taxpayers a minimum of $640 million more for transportation projects over the next ten years. Further, because Question 2 appears to violate federal transportation regulations, Nevada may lose an estimated $210 million each year in federal highway funds.

Section 11 could greatly slow and increase the cost of constructing school, major road, water, flood control, or other vital public projects. It does this by requiring land acquired through eminent domain to be "used within five years for the original purpose stated," starting from the date the final order of condemnation is entered. Otherwise, such land automatically reverts back to the original property owner upon repayment of the purchase price. This would cause the eminent domain process to start all over again, with all the costs borne by Nevada's taxpayers! Acquisition of land and right-of-way, legal actions, and required environmental analyses all take time. Five years is an unreasonable time frame to put in our Constitution.

Vote *NO* on Question 2. It is not only misleading, it will be expensive for taxpayers and harmful to our communities! Your *NO* vote will send a message to the special interests backing this proposal that you want to stay in control of your community and protect your quality of life.

The above argument was submitted by the Ballot Question Committee composed of citizens opposed to this question as provided for in NRS 293.252

REBUTTAL TO ARGUMENT OPPOSING PASSAGE

Question 2 is a concise blueprint to restore valuable rights that once belonged to all homeowners. Until 1993, Nevada defined "just compensation" as the "highest price" the property would bring on the open market. Our legislature changed that definition after strong lobbying to the "most probable price." Today, only Nevada and a small minority of other states refuse to use the "highest price" definition.

If landowners are not entitled to the appraisals in the government's possession, how do they know whether the government is acting in good faith, or what price, their property is really worth?

The Legislature and Courts had their chances to save the rights of homeowners, but instead of protecting homeowners, they acted as accomplices in allowing those rights to be taken away. Our opponents think that adding 400 words to the Constitution is unnecessary. Their complaint is not with the number of words we use, but the number of protections you will have restored.

Lastly, we believe the government has fabricated impact costs as can be seen on the Secretary of State's website which states it is unknown if there will be an increase in costs, because if litigation decreases, so will the costs to the public.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252

FISCAL NOTE

FINANCIAL IMPACT – CANNOT BE DETERMINED

Question 2 proposes to amend Article 1 of Nevada's Constitution regarding the determination of public use of property, payment for private property taken under eminent domain actions, and the rights of property owners in eminent domain actions. The provisions of Question 2 cannot become effective until after the 2008 General Election.

FINANCIAL IMPACT OF QUESTION 2

Question 2 declares that public use does not include transfers of property taken in an eminent domain proceeding from one private party to another private party. Although the use of this type of transfer of private property for projects by government entities is eliminated, an estimate of the financial impact to state and local governments planning to use this type of transfer after the effective date of the Question 2 cannot be determined.

The provision requiring taken or damaged property to be valued at its highest and best use potentially increases the costs incurred by state or local government entities to provide the required payments to property owners under eminent domain proceedings. Given the difficulty projecting the level and scope of eminent domain proceedings state and local governments may undertake after the effective date of the Question 2, the potential financial impact on state or local governments cannot be determined with any degree of certainty. The potential increase in the costs may cause government entities to forego certain projects requiring the taking of private property under eminent domain actions.

The provisions of the Question 2 may potentially increase the number of cases involving eminent domain actions. The potential increase in expenses incurred by state and district courts from handing a larger number of cases involving eminent domain actions cannot be determined with any degree of certainty.

The fiscal note was prepared by the Legislative Counsel Bureau pursuant to NRS 295.015

FULL TEXT OF MEASURE

(Sections 1, 3, 8, 9, and 10 have been stricken from the text of the measure by the Nevada Supreme Court in *__Nevadans for the Protection of Property Rights, Inc. et al v. Heller et al.,__* *122 Nev. Adv. Op. 79 (Sept. 8, 2006))*

NEVADA PROPERTY OWNERS BILL OF RIGHTS INITIATIVE

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 2. Article 1 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section to be designated section 22, to read as follows:

Sec. 22. Notwithstanding any other provision of this Constitution to the contrary:
~~*1. All property rights are hereby declared to be fundamental constitutional rights and each and every right provided herein shall be self executing.*~~
2. Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.
~~*3. Unpublished eminent domain judicial opinions or orders shall be null and void.*~~
4. In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.
5. If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.
6. In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.
7. In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.
~~*8. Government actions which result in substantial economic loss to private property shall require the payment of just compensation. Examples of such substantial economic loss include, but are not limited to, the down zoning of private property, the elimination of any access to private property, and limiting the use of private air space.*~~
~~*9. No Nevada state court judge or justice who has not been elected to a current term of office shall have the authority to issue any ruling in an eminent domain proceeding.*~~
~~*10. In all eminent domain actions, a property owner shall have the right to preempt one judge at the district court level and one justice at each appellate court level. Upon prior notice to all parties, the clerk of that court shall randomly select a currently elected district court judge to replace the judge or justice who was removed by preemption.*~~

11. Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of the entry of the final order of condemnation.

12. A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.

13. For all provisions contained in this section, government shall be defined as the State of Nevada, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.

14. Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

DESCRIPTION OF EFFECT

(Portions of the Description of Effect have been stricken to be consistent with the Nevada Supreme Court Order in Nevadans for the Protection of Property Rights, Inc. et al v. Heller et al., 122 Nev. Adv. Op. 79 (Sept. 8, 2006))

The following constitutional provisions shall supersede all conflicting Nevada law regarding eminent domain actions.

- ~~Property rights are fundamental constitutional rights.~~
- Transfer of land from one private party to another private party is not public use.
- Before the government may occupy property, it must provide appraisals and prove the taking is for public use.
- Property must be valued at the use which yields the highest value.
- ~~Government actions causing economic loss to property require the payment of just compensation.~~
- ~~Only currently elected judges may issue eminent domain decisions, and such decisions must be published to be valid.~~
- ~~In each action, the property owner may disqualify one judge at each judicial level.~~
- Just compensation is the sum of money including interest compounded annually necessary to put the owner in the same position without offsets as if the property was not taken.
- Property taken but not used within five years for the purpose for which it was taken must be returned to the owner.
- Fair market value is the highest price the property would bring on the open market.
- Property owners shall not be liable for the government's attorney fees or costs.

State of Nevada

Statewide

Ballot Questions

2008

To Appear on the November 4, 2008
General Election Ballot

Issued by
Ross Miller
Secretary of State

ROSS MILLER
Secretary of State

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State

CHRIS LEE
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

SCOTT W. ANDERSON
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To assist voters, my office has prepared this informational booklet providing detailed information for the four (4) statewide ballot questions appearing in the 2008 General Election. Specifically, the booklet provides the exact wording and a brief summary of each question, as well as arguments for and against passage of the proposed measure. Some questions may include a fiscal note, which provides information on potentially adverse financial impacts to the State of Nevada.

For your reference, Ballot Question Numbers 1, 3, and 4 were placed on the ballot by the Nevada State Legislature, while Ballot Question Number 2 qualified for the ballot through initiative petition in 2006. This measure was passed during the 2006 General Election, and appears for the second and final time in 2008.

I encourage you to carefully review and consider each of the ballot questions prior to Election Day on November 4, 2008. As a voter, your decisions on these ballot questions are very important, as they may create new laws, amend existing laws, or amend the Nevada Constitution.

Thank you for your attention on this important matter. If you require additional information, please do not hesitate to contact my office at (775) 684-5705, or visit my website: www.nvsos.gov.

Respectfully,

ROSS MILLER
Secretary of State

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QUESTION NO. 2

Amendment to the Nevada Constitution

CONDENSATION (Ballot Question)

Shall Article 1 of the Nevada Constitution be amended in order: to provide that the transfer of property from one private party to another private party is not considered a public use; to provide that property taken for a public use must be valued at its highest and best use; to provide that fair market value in eminent domain proceedings be defined as the "highest price the property would bring on the open market;" and to make certain other changes related to eminent domain proceedings?

534,547 Yes ☑ No ☐ 344,562

EXPLANATION

The proposed amendment, if passed, would create a new section within Article 1 of the Nevada Constitution. The amendment provides that the transfer of property taken in an eminent domain action from one private party to another private party would not be considered taken for a public use.

The State or its political subdivisions or agencies would not be allowed to occupy property taken in an eminent domain action until the government provides a property owner with all government property appraisals. The government would have the burden to prove that any property taken was taken for a public use.

If property is taken by the State or its political subdivisions or agencies for a public use, the property must be valued at its highest and best use. In an eminent domain action, just compensation would be considered a sum of money that puts a property owner in the same position as if the property had not been taken, and includes compounded interest and reasonable costs and expenses. Fair market value, for eminent domain purposes, would be defined as the "highest price the property would bring on the open market."

If property taken in an eminent domain proceeding is not used for the purpose the property was taken for within five years, the original property owner would be able to reclaim the property upon repayment of the original purchase price.

ARGUMENT ADVOCATING PASSAGE

Question 2 is a response to the Supreme Court decision in *Kelo v. the City of New London* which expanded the definition of "public use" to include increasing city hall's tax base. It is also a response to the failure of the Nevada Supreme Court which made the same ruling three years ago in *Pappas v. the City of Las Vegas Redevelopment Agency* authored by Justice Nancy Becker. Suzette Kelo's home was taken by the government and given to a developer who wanted to build

more expensive homes. In *Pappas*, the property was given to casinos. Transfers like this are absolutely "forbidden" under our proposed rules.

To help citizens whose homes are targeted to be "taken" by eminent domain, we are adding several new procedural protections. Before the government can force someone out of their home, the government will be required to provide the property owner with copies of ALL appraisals the government possesses. This will have the effect of helping a homeowner decide if the government is acting in "good faith." Right now, a landowner is not entitled to these appraisals, until their property is taken, and they are in the middle of a costly lawsuit. If a landowner disagrees with the government's decision that a project is a valid "public use," the landowner has the right *to ask a jury to determine if* the "public use" is legitimate, before the government has the right to occupy the land. Under current rules, once the city council or county commission approves the decision of its bureaucrats that a certain project is a "public use," the landowner has no remedy.

Lastly, if a landowner ends up in court in an eminent domain battle, we have added provisions to keep the playing field level. People who are standing their ground and fighting for their rights need not fear court costs and attorney's fees, because judges will not have the power to award fees and costs if the landowner should lose.

Question 2 will prevent the government from automatically pulling the "trigger" of eminent domain, when it wants to take someone's private property. It will give landowners legal weapons to fight back, when they find their land has been targeted for government seizure.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252

REBUTTAL TO ARGUMENT ADVOCATING PASSAGE

Contrary to what proponents say, Question 2 will hurt the great majority of Nevadans by slowing and in some cases stopping construction of needed highways and other public projects. If this question was truly about the *Kelo* decision, it should have stopped after section two. Instead, eight additional sections are included that we believe would primarily benefit trial lawyers and their special interest clients, with all extra costs to be borne by you the taxpayer!

Keep in mind that the Nevada Constitution provides a framework upon which a duly elected State Legislature may add laws. However, this proposal bypasses all public hearings, discussions, and debate in the Legislature, as well as the final review and action of the Governor. If the voters approve Question 2, ALL nine sections would go into effect, both good and bad! The process to fix the Constitution at a later date is both costly and lengthy, taking five years or longer.

Vote NO on this question! DO NOT clutter our Constitution with language that undermines local community control and your quality of life! Instead, require the newly elected Legislature and Governor to do their jobs by dealing with the *Kelo* issue in 2007.

The above argument was submitted by the Ballot Question Committee composed of citizens opposed to this question as provided for in NRS 293.252

ARGUMENT OPPOSING PASSAGE

Voters Beware! Question 2 is *NOT* what it appears to be! The public should be suspicious of a proposal that adds over 400 words to Nevada's Constitution. Details like these belong in state law, not in the Constitution.

Question 2 fails the test of being in the public's best interest. Buried within are a number of provisions that primarily benefit a small number of lawyers and special interests. Current Nevada law requires payment of the "most probable price" when land is acquired for roads, schools, or other vital public facilities. However, this proposal requires payment of the "highest price." Further, we believe taxpayers may have to pay all lawyers fees and court expenses for any legal actions brought by private parties on eminent domain! *

The total cost to Nevada's taxpayers is unknown, but every extra penny spent on settlement costs and attorney's fees may mean that fewer vital public projects get done. Nevada's Department of Transportation and the Regional Transportation Commission of Washoe County have estimated that this proposal will cost taxpayers a minimum of $640 million more for transportation projects over the next ten years. Further, because Question 2 appears to violate federal transportation regulations, Nevada may lose an estimated $210 million each year in federal highway funds.

Section 11 could greatly slow and increase the cost of constructing school, major road, water, flood control, or other vital public projects. It does this by requiring land acquired through eminent domain to be "used within five years for the original purpose stated," starting from the date the final order of condemnation is entered. Otherwise, such land automatically reverts back to the original property owner upon repayment of the purchase price. This would cause the eminent domain process to start all over again, with all the costs borne by Nevada's taxpayers! Acquisition of land and right-of-way, legal actions, and required environmental analyses all take time. Five years is an unreasonable time frame to put in our Constitution.

Vote *NO* on Question 2. It is not only misleading, it will be expensive for taxpayers and harmful to our communities! Your *NO* vote will send a message to the special interests backing this proposal that you want to stay in control of your community and protect your quality of life.

The above argument was submitted by the Ballot Question Committee composed of citizens opposed to this question as provided for in NRS 293.252

REBUTTAL TO ARGUMENT OPPOSING PASSAGE

Question 2 is a concise blueprint to restore valuable rights that once belonged to all homeowners. Until 1993, Nevada defined "just compensation" as the "highest price" the property would bring on the open market. Our legislature changed that definition after strong lobbying to the "most probable price." Today, only Nevada and a small minority of other states refuse to use the "highest price" definition.

If landowners are not entitled to the appraisals in the government's possession, how do they know whether the government is acting in good faith, or what price, their property is really worth?

The Legislature and Courts had their chances to save the rights of homeowners, but instead of protecting homeowners, they acted as accomplices in allowing those rights to be taken away. Our opponents think that adding 400 words to the Constitution is unnecessary. Their complaint is not with the number of words we use, but the number of protections you will have restored.

Lastly, we believe the government has fabricated impact costs as can be seen on the Secretary of State's website which states it is unknown if there will be an increase in costs, because if litigation decreases, so will the costs to the public.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252

FISCAL NOTE

FINANCIAL IMPACT – CANNOT BE DETERMINED

Question 2 proposes to amend Article 1 of Nevada's Constitution regarding the determination of public use of property, payment for private property taken under eminent domain actions, and the rights of property owners in eminent domain actions. The provisions of Question 2 cannot become effective until after the 2008 General Election.

FINANCIAL IMPACT OF QUESTION 2

Question 2 declares that public use does not include transfers of property taken in an eminent domain proceeding from one private party to another private party. Although the use of this type of transfer of private property for projects by government entities is eliminated, an estimate of the financial impact to state and local governments planning to use this type of transfer after the effective date of the Question 2 cannot be determined.

The provision requiring taken or damaged property to be valued at its highest and best use potentially increases the costs incurred by state or local government entities to provide the required payments to property owners under eminent domain proceedings. Given the difficulty projecting the level and scope of eminent domain proceedings state and local governments may undertake after the effective date of the Question 2, the potential financial impact on state or local governments cannot be determined with any degree of certainty. The potential increase in the costs may cause government entities to forego certain projects requiring the taking of private property under eminent domain actions.

The provisions of the Question 2 may potentially increase the number of cases involving eminent domain actions. The potential increase in expenses incurred by state and district courts from handing a larger number of cases involving eminent domain actions cannot be determined with any degree of certainty.

The fiscal note was prepared by the Legislative Counsel Bureau pursuant to NRS 295.015

FULL TEXT OF MEASURE

(Sections 1, 3, 8, 9, and 10 have been stricken from the text of the measure by the Nevada Supreme Court.)

NEVADA PROPERTY OWNERS BILL OF RIGHTS INITIATIVE

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. Article 1 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section to be designated section 22, to read as follows:

Sec. 22. Notwithstanding any other provision of this Constitution to the contrary:
~~***1. All property rights are hereby declared to be fundamental constitutional rights and each and every right provided herein shall be self-executing.***~~
2. Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.
~~***3. Unpublished eminent domain judicial opinions or orders shall be null and void.***~~
4. In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.
5. If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.
6. In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.
7. In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.
~~***8. Government actions which result in substantial economic loss to private property shall require the payment of just compensation. Examples of such substantial economic loss include, but are not limited to, the down zoning of private property, the elimination of any access to private property, and limiting the use of private air space.***~~
~~***9. No Nevada state court judge or justice who has not been elected to a current term of office shall have the authority to issue any ruling in an eminent domain proceeding.***~~
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11. Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of the entry of the final order of condemnation.
12. A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.
13. For all provisions contained in this section, government shall be defined as the State of Nevada, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.
14. Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

DESCRIPTION OF EFFECT

The following constitutional provisions shall supersede all conflicting Nevada law regarding eminent domain actions.

- Property rights are fundamental constitutional rights.
- Transfer of land from one private party to another private party is not public use.
- Before the government may occupy property, it must provide appraisals and prove the taking is for public use.
- Property must be valued at the use which yields the highest value.
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- In each action, the property owner may disqualify one judge at each judicial level.
- Just compensation is the sum of money including interest compounded annually necessary to put the owner in the same position without offsets as if the property was not taken.
- Property taken but not used within five years for the purpose for which it was taken must be returned to the owner.
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- Property owners shall not be liable for the government's attorney fees or costs.

Exhibit 10

State of Nevada

Statewide

Ballot Questions

2008

To Appear on the November 4, 2008
General Election Ballot

Issued by

Ross Miller

Secretary of State

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QUESTION NO. 2

Amendment to the Nevada Constitution

CONDENSATION (Ballot Question)

Shall Article 1 of the Nevada Constitution be amended in order: to provide that the transfer of property from one private party to another private party is not considered a public use; to provide that property taken for a public use must be valued at its highest and best use; to provide that fair market value in eminent domain proceedings be defined as the "highest price the property would bring on the open market;" and to make certain other changes related to eminent domain proceedings?

534,547 Yes ☑ No ☐ 344,562

EXPLANATION

The proposed amendment, if passed, would create a new section within Article 1 of the Nevada Constitution. The amendment provides that the transfer of property taken in an eminent domain action from one private party to another private party would not be considered taken for a public use.

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Question 2 is a concise blueprint to restore valuable rights that once belonged to all homeowners. Until 1993, Nevada defined "just compensation" as the "highest price" the property would bring on the open market. Our legislature changed that definition after strong lobbying to the "most probable price." Today, only Nevada and a small minority of other states refuse to use the "highest price" definition.

If landowners are not entitled to the appraisals in the government's possession, how do they know whether the government is acting in good faith, or what price, their property is really worth?

The Legislature and Courts had their chances to save the rights of homeowners, but instead of protecting homeowners, they acted as accomplices in allowing those rights to be taken away. Our opponents think that adding 400 words to the Constitution is unnecessary. Their complaint is not with the number of words we use, but the number of protections you will have restored.

Lastly, we believe the government has fabricated impact costs as can be seen on the Secretary of State's website which states it is unknown if there will be an increase in costs, because if litigation decreases, so will the costs to the public.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252

FISCAL NOTE

FINANCIAL IMPACT – CANNOT BE DETERMINED

Question 2 proposes to amend Article 1 of Nevada's Constitution regarding the determination of public use of property, payment for private property taken under eminent domain actions, and the rights of property owners in eminent domain actions. The provisions of Question 2 cannot become effective until after the 2008 General Election.

FINANCIAL IMPACT OF QUESTION 2

Question 2 declares that public use does not include transfers of property taken in an eminent domain proceeding from one private party to another private party. Although the use of this type of transfer of private property for projects by government entities is eliminated, an estimate of the financial impact to state and local governments planning to use this type of transfer after the effective date of the Question 2 cannot be determined.

The provision requiring taken or damaged property to be valued at its highest and best use potentially increases the costs incurred by state or local government entities to provide the required payments to property owners under eminent domain proceedings. Given the difficulty projecting the level and scope of eminent domain proceedings state and local governments may undertake after the effective date of the Question 2, the potential financial impact on state or local governments cannot be determined with any degree of certainty. The potential increase in the costs may cause government entities to forego certain projects requiring the taking of private property under eminent domain actions.

The provisions of the Question 2 may potentially increase the number of cases involving eminent domain actions. The potential increase in expenses incurred by state and district courts from handing a larger number of cases involving eminent domain actions cannot be determined with any degree of certainty.

The fiscal note was prepared by the Legislative Counsel Bureau pursuant to NRS 295.015

FULL TEXT OF MEASURE

(Sections 1, 3, 8, 9, and 10 have been stricken from the text of the measure by the Nevada Supreme Court.)

NEVADA PROPERTY OWNERS BILL OF RIGHTS INITIATIVE

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. Article 1 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section to be designated section 22, to read as follows:

Sec. 22. Notwithstanding any other provision of this Constitution to the contrary:
~~***1. All property rights are hereby declared to be fundamental constitutional rights and each and every right provided herein shall be self-executing.***~~
2. Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.
~~***3. Unpublished eminent domain judicial opinions or orders shall be null and void.***~~
4. In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.
5. If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.
6. In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.
7. In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.
~~***8. Government actions which result in substantial economic loss to private property shall require the payment of just compensation. Examples of such substantial economic loss include, but are not limited to, the down-zoning of private property, the elimination of any access to private property, and limiting the use of private air space.***~~
~~***9. No Nevada state court judge or justice who has not been elected to a current term of office shall have the authority to issue any ruling in an eminent domain proceeding.***~~
~~***10. In all eminent domain actions, a property owner shall have the right to preempt one judge at the district court level and one justice at each appellate court level. Upon prior notice to all parties, the clerk of that court shall randomly select a currently elected district court judge to replace the judge or justice who was removed by preemption.***~~

11. Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of the entry of the final order of condemnation.
12. A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.
13. For all provisions contained in this section, government shall be defined as the State of Nevada, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.
14. Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

DESCRIPTION OF EFFECT

The following constitutional provisions shall supersede all conflicting Nevada law regarding eminent domain actions.

- Property rights are fundamental constitutional rights.
- Transfer of land from one private party to another private party is not public use.
- Before the government may occupy property, it must provide appraisals and prove the taking is for public use.
- Property must be valued at the use which yields the highest value.
- Government actions causing economic loss to property require the payment of just compensation.
- Only currently elected judges may issue eminent domain decisions, and such decisions must be published to be valid.
- In each action, the property owner may disqualify one judge at each judicial level.
- Just compensation is the sum of money including interest compounded annually necessary to put the owner in the same position without offsets as if the property was not taken.
- Property taken but not used within five years for the purpose for which it was taken must be returned to the owner.
- Fair market value is the highest price the property would bring on the open market.
- Property owners shall not be liable for the government's attorney fees or costs.

Exhibit 11

CASE NO. A-17-758528-J
DOCKET U
DEPT. XVI

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

180 LAND COMPANY LLC, Plaintiff, vs. LAS VEGAS CITY OF, Defendant.	))))))))))

REPORTER'S TRANSCRIPT
OF
PLAINTIFF'S REQUEST FOR REHEARING

BEFORE THE HONORABLE JUDGE TIMOTHY C. WILLIAMS
DISTRICT COURT JUDGE

DATED THURSDAY, JANUARY 17, 2019

REPORTED BY: PEGGY ISOM, RMR, NV CCR #541,

APPEARANCES:

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* * * * *

LAS VEGAS, NEVADA; THURSDAY, JANUARY 17, 2019

9:08 A.M.

P R O C E E D I N G S

* * * * * * *

THE COURT: First up would be page 1. 180 Land Company versus City of Las Vegas. Well, it's going to be uncontested because I'm going to issue a -- have someone issue a nunc pro tunc order.

09:08:58 And let's go ahead and place our appearances on the record.

MR. LEAVITT: Your Honor, James A. Leavitt on behalf of 180 Land LLC.

MR. WATERS: Kermitt L. Waters on behalf of

09:09:03 the 180 Land Company LLC.

MR. HUTCHISON: And Mark Hutchinson on behalf of the 180 Land LLC.

MR. OGLIVIE: George Ogilvie on behalf the City of Las Vegas.

09:09:11 MS. LEONARD: Debbie Leonard on behalf of the City of Las Vegas.

MR. HOLMES: Dustun Holmes on behalf of the intervenors, your Honor.

THE COURT: Okay. Anyway, normally, I invite

09:09:21 argument and discussion, but under the facts and circumstances of this case I see no need to. And I don't mind telling you why.

First and foremost no one can argue what my intent was when I issued my decision as it related to the petition for judicial review from a -- and I understand the history of this case. I remember when I granted the motion to sever. I understand there's some complex issues regarding eminent domain in the other case. I haven't looked at it. I recognize that they're there.

Secondly -- you should be reporting this.

THE COURT REPORTER: They are.

THE COURT: Okay. All right.

Secondly, I have never sua sponte ruled on any issue in thousands of cases as a trial judge. I'm just going to tell you that.

I read -- I was reading the points and authorities. And as I was reading them, I called my law clerk in. And I said what the heck is going on in this case? I don't mind telling you that. And so he said, Well, Judge I don't know. And understand this. He was a new law clerk at the time. We rotate them out every year.

MR. HUTCHISON: Right.

THE COURT: And I had him pull the minutes.

09:10:37 And at the very end of the order that was submitted for my signature, and we'll be more specific for the record, to my chagrin, and I think it was -- was it paragraph, let me see here, 64 on page 23 of the order,
09:10:57 specifically set forth the following:

Further, petitioner's alternative claims for inverse condemnation must be dismissed for lack of ripeness.

I never intended on any level for that to be
09:11:09 included in the order. It was never briefed.

As a trial judge, I have certain core values. I don't mind saying this. And I think from a historical prospective everyone that has appeared in this courtroom understands that, number one, I believe,
09:11:25 in the Seventh Amendment to the United States Constitution. When it's close, let a jury decide. I feel very strongly about that.

Just as -- and it was discussed, but it didn't have to be really argued because I believe in due
09:11:39 process. That's one of the foundations of our justice system. This issue was never vetted. It was never raised. It was never discussed; right?

MR. HUTCHISON: Correct, your Honor.

MR. WATERS: That's correct.

09:11:51 MR. LEAVITT: Yes.

09:11:51 THE COURT: Yes. So it doesn't matter why this was here. I'm not going to throw my law clerk under the bus. We didn't catch it. And I want to make sure the record is clear. And I want a nunc pro tunc
09:12:06 order superseding any determination as it relates to "Further, petitioner's alternative claim for inverse condemnation must be dismissed." Right?

And I want to make sure the record is clear. I haven't made any factual rulings or determination as
09:12:24 it relates to the severed case. I have not made any issue, rulings, or determinations as a matter of law as it relates to the severed case.

Does everybody understand that?

MR. HUTCHISON: Yes, your Honor.

09:12:39 THE COURT: And normally, I invite too much argument and discussion. And I've always taken a cautious approach when it comes to all issues. And I invite more briefing. That's how I've done it for close to 14 years.

09:12:52 So this happened. We're going to move forward. Can you prepare a nunc pro tunc order, sir, for me to take a look at. And I'll take a close look at it.

MR. WATERS: Sure.

09:13:04 THE COURT: And it's specifically regarding the severed case.

MR. HUTCHISON: Yes, your Honor.

THE COURT: Anything else? Yes.

MR. LEAVITT: Yes, your Honor. Just on the record really quick. The severed case is addressed in findings number 63, 64, 65, and 66.

THE COURT: I see that.

MR. LEAVITT: Okay.

THE COURT: But I focused on the decision.

MR. LEAVITT: Understood.

THE COURT: It was really -- I mean, you know, whether you win or lose, it was a very unique issue. It involved judicial review of the city council. That's it; am I right?

MR. HUTCHISON: Yes.

THE COURT: I'm glad -- I was going to call you up first even if you weren't first because at the end of the day there's -- we can't have argument on what my intent was. Only I can express what my intent was when I made my decision and had that placed on the record. Right?

MR. HUTCHISON: Yes, your Honor.

MR. LEAVITT: Yes.

THE COURT: Well, you can't argue, Well, Judge, this is what your intent was; right? No. You

09:13:56 can argue a lot of other things and the intent of the legislature, but not my intent.

MR. HUTCHISON: Correct, your Honor.

THE COURT: And so for the record I just want to make sure I'm clear. And you are correct, sir. You pointed it out. You can prepare that type of order. Nunc pro tunc. And we all know what that means.

MR. LEAVITT: Yes, your Honor.

THE COURT: Yeah. And so, anyway, that's what I want to do. And we'll just move forward. And I have -- I realize potentially in the inverse condemnation case there's going to be some unique issues. I don't know. Hypothetically, the entire conduct of the city council could impact that. I don't know. I'm pretty good at issue spotting. But my mind is completely open. I just want to tell everybody that.

MR. HUTCHISON: Thank you, your Honor.

MR. LEAVITT: Your Honor, we'll prepare the order.

THE COURT: Prepare the order. And there's no need for argument.

MR. WATERS: All right.

THE COURT: I'm sorry you had to do briefing. But that's my decision. And to be honest with you, I

09:14:51 was kind of surprised when I saw it because I would think you realize I don't do things that way.

MR. LEAVITT: I understand.

MR. WATERS: We respect that, your Honor.
09:14:59 Thank you.

THE COURT: Okay. Everyone, enjoy your day.

MR. LEAVITT: Thank you, your Honor.

(Proceedings were concluded.)

* * * * * * * *

REPORTER'S CERTIFICATE

STATE OF NEVADA)
:SS
COUNTY OF CLARK)

I, PEGGY ISOM, CERTIFIED SHORTHAND REPORTER DO HEREBY CERTIFY THAT I TOOK DOWN IN STENOTYPE ALL OF THE PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE TIME AND PLACE INDICATED, AND THAT THEREAFTER SAID STENOTYPE NOTES WERE TRANSCRIBED INTO TYPEWRITING AT AND UNDER MY DIRECTION AND SUPERVISION AND THE FOREGOING TRANSCRIPT CONSTITUTES A FULL, TRUE AND ACCURATE RECORD TO THE BEST OF MY ABILITY OF THE PROCEEDINGS HAD.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME IN MY OFFICE IN THE COUNTY OF CLARK, STATE OF NEVADA.

____
PEGGY ISOM, RMR, CCR 541

Exhibit 12

Title VI

Title VI Complaint Process:

Filing a Title VI Discrimination Complaint with the City of Las Vegas

Filing a Title VI Discrimination Complaint with the Nevada Department of Transportation

Filing a Title VI Discrimination Complaint with the Federal Transit Administration

Filing a Title VI Discrimination Complaint with the Federal Agencies

For the Title VI complaint

Resources

Top Requests

Exhibit 13

Part 1 of 2

ATTY FEE MOT - 0105

20507

2050 MASTER PLAN

A COMPREHENSIVE THIRTY-YEAR PLAN PREPARED FOR THE RESIDENTS AND BUSINESSES OF LAS VEGAS TO PROVIDE FOR THEIR HEALTH, SAFETY, PROSPERITY, SECURITY, COMFORT, AND GENERAL WELFARE

THIS PLAN

WAS ADOPTED BY THE PLANNING COMMISSION

PURSUANT TO NRS 278.170 AND 278.210

ON ________________, 20__

AND ADOPTED BY THE LAS VEGAS CITY COUNCIL

AND PUT INTO EFFECT

PURSUANT TO NRS 278.220 AND NRS 278.230

ON ________________, 20__

Carolyn G. Goodman, Mayor ______________________________

Louis De Salvio – Planning Commission Chairman ______________________________

ATTEST: LuAnn D. Holmes, City Clerk ______________________________

ACKNOWLEDGEMENTS

CITY COUNCIL

Carolyn G. Goodman, Mayor
Stavros S. Anthony, Mayor Pro Tempore - Ward 4
Michele Fiore, Councilwoman, Ward 6
Cedric Crear, Councilman, Ward 5
Brian Knudsen, Councilman, Ward 1
Victoria Seaman, Councilwoman, Ward 2
Olivia Diaz, Councilwoman, Ward 3

PLANNING COMMISSION

Commissioner Louis De Salvio – Chairman
Commissioner Trinity Haven Schlottman – Vice Chairman
Commissioner Sam Cherry
Commissioner Donna Toussaint
Commissioner Anthony Williams
Commissioner Jeffrey Rogan
Commissioner [illegible]

CITY STAFF

Jorge Cervantes, City Manager
Gary Ameling, Chief Financial Officer
Tim Hacker, Chief Public Safety Services Officer
Dr. Lisa Morris Hibbler, Chief Community Services Officer
Mike Janssen, PE, Exec. Director of Infrastructure
Tom Perrigo, AICP, Chief Operations Officer
David Riggleman, Director of Communications
Bryan Scott, City Attorney
Michael Sherwood, Chief Innovation Officer
Radford Snelding, City Auditor
Seth T. Floyd, Esq., Planning Director
Peter Lowenstein, AICP, Deputy Director
Michael Howe, AICP, Long Range Planning Manager

[illegible], Director of Finance
Bill Arent, Director of Economic and Urban Development
Jeff Buchanan, Fire Chief, Las Vegas Fire & Rescue
Jack [illegible], Municipal Court Administrator
Steve Ford, City Engineer, Deputy Director of Public Works
[illegible] Hambleton, Director of Government Affairs
LuAnn D. Holmes, City Clerk
Carolyn Levering, Emergency Management Administrator
Tammy Malich, Director of Youth Dev. & Social Innovation
[illegible] McOsker, Director of Building and Safety
[illegible], Chief of Public Safety
[illegible], Deputy Director of Public Works
Kathi Thomas-Gibson, Director of Community Services
Jerry Walker, Director of Operations and Maintenance
Greg Weitzel, Director of Parks and Recreation
Vince Zamora, Director of Human Resources

CITIZENS ADVISORY COMMITTEE & PUBLIC

Thank you to the residents who participated in the public meetings, online engagement, and provided input during the public review process.

[illegible]	Destiny Bowers
Nick Born	Heidi Brooks
Tory Brown	Sheila Clark
Jaime Cruz	[illegible] Davis
[illegible] Haynes	Tim Hughes
Adam Johnson	[illegible]
Amanda Kirk	Barry Mainardi
Tommy Malich	Rocio Martinez-Miranda
Marsha Miller	[illegible]
Demetria Murphy	Dan Palmer
Sean Parker	[illegible]
Lisa [illegible]	Laurie Sussman
Ricardo Villalobos	[illegible]
Jada Wilcox Lewis	Johnny [illegible]
William Zheng	

This plan was written in partnership between the Planning Department's Long Range Division and a consultant team led by SmithGroup.

LONG RANGE PLANNING STAFF

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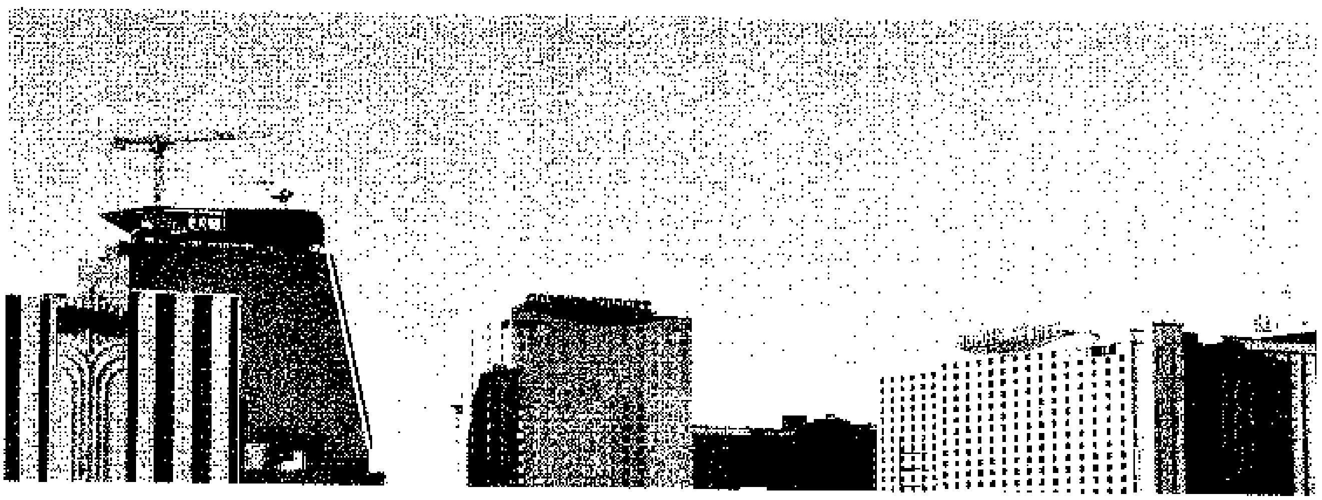
Cheng Xing	

[illegible]	[illegible]
[illegible]	[illegible]

Jeremy Aguero, Applied Analysis

ATTY FEE MOT - 8106

20508



FOREWORD

From the beginning, Las Vegas has been a city where enterprising and visionary individuals have made the impossible real in both good and challenging times. Today, the City remains an international destination with a world class economy whose population and industry will continue to grow and excel over the long term. The global coronavirus pandemic has emphasized inequities in communities across the country and world. While the majority of this plan process and document were developed before the pandemic, a final review while the City grapples with these historic times has reinforced many of the core principles of the plan, even though success may be realized in new ways.

Proven with its past success, Las Vegas is experiencing changes of many kinds, and will continue to [illegible] years to come. A changing climate is bringing hotter and hotter weather to the American West. Changing demographics are creating new needs, civic, social and cultural trends that will shape Las Vegas communities and the services they will need. The amount of land available for new development is changing, too. The water, energy and transportation costs associated with continuing to build and develop using today's standards and practices are becoming more challenging.

Building on the work of dozens of city staff and outside professionals together with thousands of residents, a new vision for the City of Las Vegas has taken shape. This vision brings together continued success with long-term sustainability. It is designed to ensure that Las Vegas not only remains a sustainable, livable and desirable city for decades to come, but also enjoys even greater potential for health, education, employment, talent, [illegible] and the other hallmarks of a desirable quality of life for all of its residents, business owners, and visitors.

This vision is both thoughtful and bold, practical and ambitious. It is the vision of a city that is responsive and progressive, and that will inspire others by the leadership it shows.

ATTY FEE MOT - 0107

20509

REFLECTIONS ON LAS VEGAS FROM MAYOR CAROLYN G. GOODMAN

What was it like moving to Las Vegas for the first time?

[illegible]

[illegible]

[illegible]

What do you love most about your neighborhood?

[illegible]

How did you decide to be involved in founding The Meadows School? Why has education been such an important issue for you?

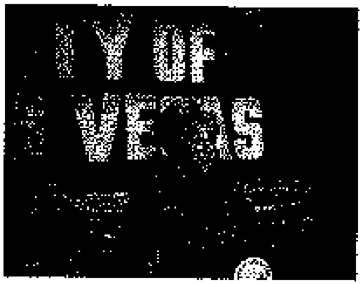
[illegible]

[illegible]

[illegible]

At one point, Southern Nevada was one of the fastest growing cities in the country, what do you remember most about the city during that period of fast growth?

[illegible]



What was the moment that you realized downtown Las Vegas was changing?

[illegible] back to go back in 1999 when my husband was elected mayor. He had a vision and [illegible] for Las Vegas to become a world class city. Together he and I [illegible] experts, listened, learned and then set about making his vision become reality. So here we are in 2020 [illegible] downtown to an amazing [illegible]. The city [illegible] Street Experience, a convention center and so much more [illegible] amazing story [illegible] began to [illegible] for downtown Las Vegas.

What do you hope stays the same or remains the way it is today in Las Vegas?

I really love the diversity and inclusive nature of our city. Anyone from anywhere can come to Las Vegas and find a wonderful and [illegible] Las Vegas has always been a youngster and [illegible] changing and growing, reaching [illegible] the cutting edge of the next [illegible] on the horizon. Our entire community is unique and [illegible] we are family [illegible] to solve issues and help our most vulnerable. We aspire to stay strong and always united in community living.

What did you find most inspiring about Las Vegas?

The entrepreneurial spirit [illegible] From major new projects [illegible] hometown restaurants like [illegible] Kitchen [illegible] people are encouraged to take risks in Las Vegas [illegible] What is remarkable has been to see all the [illegible] our downtown and [illegible] our people.

Is there a place in the city that you have shown your grandkids because it was important to you?

Walking through the historic downtown core with [illegible] during the days of the construction of Hoover Dam, horseback riding out in the desert in Floyd Lamb Park at Tule Springs, [illegible] Red Rock National Conservation Area [illegible] special. When the children were very young, sledding at Mount Charleston and boating during Lake Mead were favorite [illegible] Even in those earlier days the variety of nature's offerings [illegible] the peaceful and quiet surroundings [illegible] did.

What is a special place or spot in the city for you and Oscar?

Of course, our home, but beyond that island of true serenity, there are so many special places, but I think one place that is the biggest draw is Symphony Park. No one thought we could redevelop downtown [illegible] would ever be built on an old, [illegible] railroad [illegible]. Now Symphony Park is home to the world [illegible] Center for Performing Arts [illegible] Frank Gehry designed Cleveland Clinic Lou Ruvo Center for Brain Health [illegible] and more [illegible] the adjacent [illegible] as a center of federal, state, and local government buildings [illegible] the Fremont Street Experience, the Fremont East Entertainment District, and the [illegible] and very popular Arts District.

What has been the biggest change in Las Vegas since you arrived in the 1960s?

Since the mid-1960's, Las Vegas continues on its path to becoming a world class city. Our name, "Las Vegas," is [illegible] minds of individuals around the world [illegible] excitement, and [illegible] doing business [illegible] We have truly become a destination for the world by adding the elements that make a world class city [illegible] and successful.

Certainly, Las Vegas offers the best in [illegible] dining, boutique shopping, and is an outstanding entertainment and recreational capital [illegible] more than 150,000 hotel rooms and the high hospitality that the city offers. However, always [illegible] in the world and our growing resident population, Las Vegas is now boasting [illegible] in health care and medicine [illegible] cultural offerings, and a newly [illegible] professional sports [illegible] The city has added [illegible] medical research in the Las Vegas Medical District [illegible] like the [illegible] Cleveland Clinic Lou Ruvo Center for Brain Health [illegible] and a new medical school. The Smith Center for the Performing Arts and the Arts District [illegible] for cultural [illegible] and enjoyment. And finally, Las Vegas has become a major league sports venue with the NHL Vegas Golden Knights, Las Vegas [illegible] and soon to call home, the NFL Las Vegas Raiders.

What type of city do you hope your grandchildren get to live in?

Everyone should want to leave [illegible] better than they found it, and that is what we are working toward in the city of Las Vegas [illegible] quality of life are assured. Safety always is the priority [illegible] new avenues for moving people safely [illegible] community [illegible] the expanding and successful use and adaptation of technology must be fundamental in ensuring all aspects of the good life going forward can be achieved. The focus [illegible] is paramount.

ATTY PEE MOT - 0109

TABLE OF CONTENTS

EXECUTIVE SUMMARY

[illegible]

- **Equitable**: Las Vegas is [illegible] people
- **Resilient**: [illegible] shocks and stresses
- **Healthy**: [illegible] health outcomes
- **Livable**: quality of life [illegible] "Vegas."
- **Innovative**: [illegible]

[illegible] by 2050, it is envisioned that:

THE CITY OF LAS VEGAS WILL BE A LEADER IN RESILIENT, HEALTHY CITIES - LEVERAGING THE PIONEERING INNOVATIVE SPIRIT OF ITS RESIDENTS TO PROVIDE EQUITABLE ACCESS TO SERVICES, EDUCATION, AND JOBS IN THE NEW ECONOMY.

[illegible]

- More than [illegible] new residents will live within the City, [illegible]
- [illegible] acres of new parks and open space [illegible]
- [illegible] housing units will be developed
- [illegible] square feet of new commercial space
- At least [illegible] new police officers [illegible] new schools, [illegible] new teachers, and more than [illegible]

WHAT WE'VE HEARD

PUBLIC OUTREACH

To develop the 2050 Master Plan's Vision, Goals and Guiding Principles the City and SmithGroup consultant team heard from more than 6,000 residents, local stakeholders, regional agencies and a number of the City's youth. In total, the Master Plan's development team has:

- Received input from more than 5,400 individuals
- Attended 70 community events
- Held more than 30 stakeholder meetings

In addition, the City conducted a number of informational surveys and reports for this effort, as well as an online mapping exercise to determine places to preserve, enhance or transform. Two statistically significant surveys were conducted by Spectrum Analytics and received more than 1,700 completed responses - one of which was citywide and the other which was ward-specific in an effort to help responses from individuals from a variety of backgrounds.

TOP CHALLENGES

Throughout public outreach and surveys and among all wards of the City, residents consistently responded with common answers. The top challenges that were reported included:

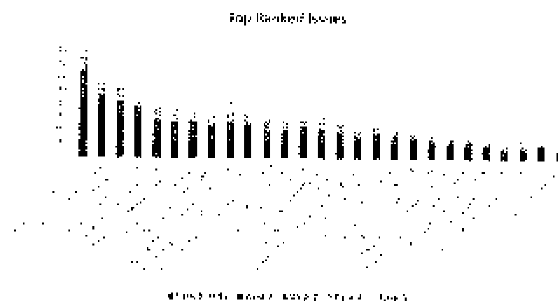
- Education
- Crime and Public Safety
- Homelessness
- Health Care
- Drought and Water Availability
- Parks and Open Space

When prompted with the top things that they could change about the City, most responded that they wanted a better educational system, less crime, less homelessness, and increased affordability. City residents believe the future is:

- Less about progress and more about preservation
- Both expansion and strategic
- Tomorrow, not 30 years from now

The City and its residents are not one thing; they are continuing to seek a sense of community and pride. This is the community they have chosen, and the City needs to justify the benefits of growth and progress. Ultimately, residents expect the City to:

- Preserve quality of life
- Create opportunities for all [illegible]
- Make Las Vegas among the safest cities in America
- Increase accessibility to quality health care
- Embrace equality, inclusion and acceptance
- Work harder on issues related to poverty
- Maintain financial responsibility while ensuring asset maintenance
- Create partnerships as a [illegible] city



LAND USE & ENVIRONMENT

LAND USE

[illegible]

2050 GENERAL PLAN

[illegible]

- **Regional Centers:** major hubs of activity and density
- **Mixed-Use Centers:** TOD nodes
- **Corridor Mixed Use:** major streets linking regional centers and TOD
- **Neighborhood Centers:** smaller-scale neighborhood serving mixed use hubs
- **Existing development:** mixed residential, traditional neighborhoods and subdivisions may have opportunities to be preserved or enhanced
- **New subdivisions:** newly developed areas of the City
- **Rural preservation:** existing low density estate areas

HISTORIC PRESERVATION

[illegible]

AREAS OF THE CITY

[illegible]

- Area demographics and socio-economics
- Proposed land use plan
- Water consumption
- Proximity of housing to services
- Park access and availability
- Job and employment supply as well as proximity
- Transportation access and equity

[illegible]

ENVIRONMENT

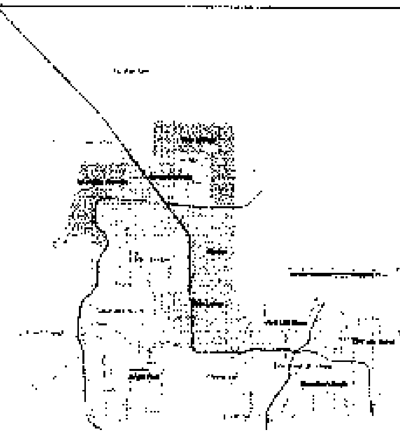
NATURAL FEATURES

[illegible]

URBAN FORESTRY

[illegible]

- [illegible]
- [illegible]



PARKS AND CONNECTIVITY

[illegible]

- Develop a Parks System Plan and achieve CAPRA certification
- [illegible]
- [illegible]

FOOD AND URBAN AGRICULTURE

[illegible]

- [illegible]
- [illegible]

ENVIRONMENTAL JUSTICE

[illegible]

- [illegible]
- [illegible]
- [illegible]
- [illegible]

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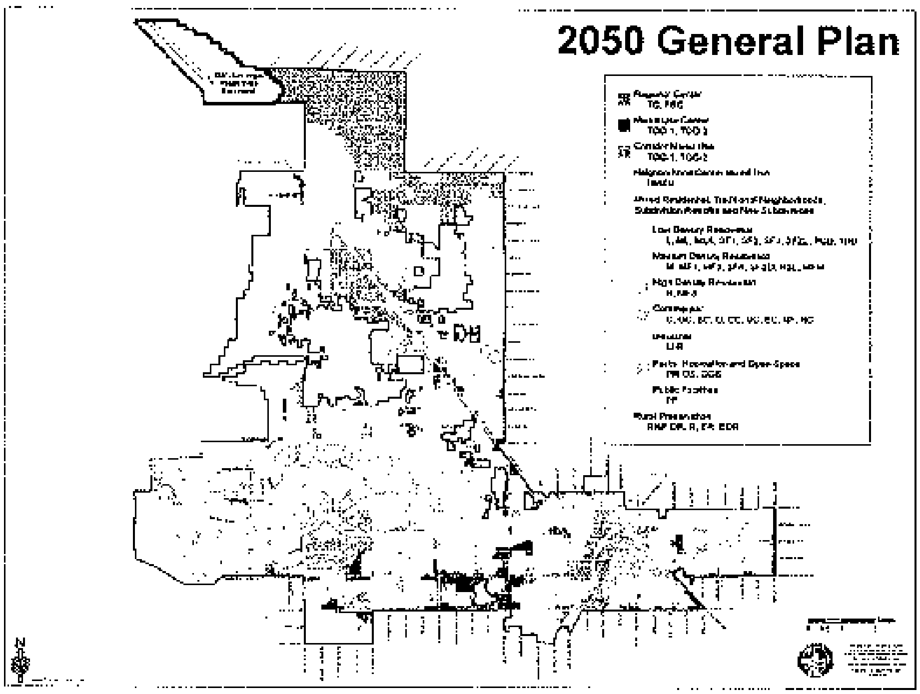
LAND USE & ENVIRONMENT



ECONOMY & EDUCATION

EDUCATION

EQUITABLE EDUCATION

The quality of the City's educational system is among the top rated public concerns and leading priority areas for residents. Educational outcomes have varied widely between different cohorts. The City recognizes that education is an important quality of life issue and is building upon the successes fostered by the City's Department of Youth Development and Social Innovation.

- Ensure equitable improvement of overall educational outcomes for K-12
- Enhance early education programs and support coordinated efforts with Clark County School District
- Attract or educate new residents

LINK SCHOOL FACILITIES WITH LAND USE

Due to existing overcrowding and projected long-term student population growth, the City must improve the development process for new schools and prioritize construction of 35 new schools and classroom solutions.

ECONOMY

ECONOMIC & WORKFORCE DEVELOPMENT

Alignment of Economic and Urban Development's efforts with the region's Comprehensive Economic Development Strategy to diversify the economy will make Las Vegas more competitive in the 21st Century by:

- Promoting and attracting occupations in target industries, including gaming and tourism, technology, health care, global finance, clean energy, logistics, and light manufacturing
- Developing new partnerships with UNLV and CSN, expand campuses, and develop workforce training in identified areas
- Requesting development of a new 2-4 year NSHE institution targeted toward workforce development in target sectors

REDEVELOPMENT

Redevelopment efforts must be closely coordinated with land use goals and the 2050 General Plan's implementation. Refining criteria to attract appropriate development will assist in this effort.

PUBLIC FINANCE

The City must balance economic friendliness with government efficiency, property tax cap reforms, and reduced dependence on C-Tax sources with enabled revenue options. To aid in the plan's implementation, it is recommended to align the CIP and budget making process with City Council priorities and Master Plan outcomes.

HOUSING

HOUSING

Because there is such a high proportion of single family residential and apartment type multi-family units, the City must improve the diversity of housing types with 2040 and 2050 zoning/housing options identified for each area of the City:

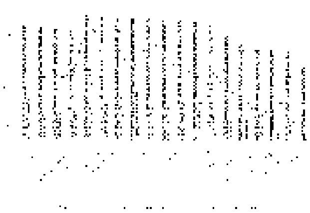
- Through removal of zoning barriers and incentivizing and integrating affordable housing
- By increasing affordable housing options and removing barriers to affordability
- By providing financial tools and strategies for developers, homeowners, and investors

HOMELESSNESS

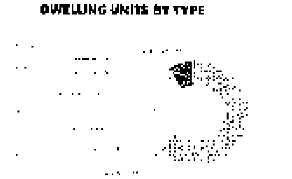
The plan anticipates to continue and enhance coordinated provision of early and direct prevention and diversion measures with regional stakeholders to reduce the total unsheltered homeless population by 55% with functional zero homelessness in 2050.

- Continue to play an intervention role with the City's Courtyard and MORE team
- Employ a "Housing First" approach
- Reduce the number of households in poverty

EDUCATIONAL ATTAINMENT - INCOME



DWELLING UNITS BY TYPE



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SYSTEMS & SERVICES

TRANSPORTATION

COMPLETE STREETS

A comprehensive transportation analysis cites a wide range of improvements to move people and freight. The plan recommends a new layered Complete Street network to improve the City's overall modal split and jobs-housing balance. In addition to complete streets and bicycle and trail improvements identified in the Mobility Master Plan, this plan also recommends coordination and completion of major projects with state and regional partners, including:

- the Downtown Access Project and future I-15 improvements
- Sheep Mountain Pkwy and I-11
- Summerlin Parkway improvements
- System-to-System interchanges

TRANSIT

Tied closely to the 2050 General Plan for future land use, the City and RTC must develop and implement the recommendations from RTC's On Board Mobility Plan that will create high capacity transit to be built on key TOD corridors, including Maryland Pkwy, Charleston Blvd, Decatur Blvd, Sahara Ave, and Las Vegas Blvd.

SMART SYSTEMS

Rapidly evolving technologies over time, the City must be poised to embrace the Internet of Things, which greatly enhances and supports economic development strategies. Implementing the Smarter Vegas plan, a citywide fiber network and transportation electrification will enable a range of new options, including connected and autonomous vehicles.

RESOURCE CONSERVATION

WATER

In the face of a changing climate, the plan is closely linked to Southern Nevada Water Authority's Water Resources Plan and aligns a target to reduce water consumption to 90 gallons per person per day. This can be done by making use of improving code changes, pricing incentives, and education efforts to meet regional water resources and conservation goals.

ENERGY

The City has been known for its efforts in renewable energy and energy efficiency. This plan will enable both municipal operations and the community to increase its overall share of renewable energy in line with the State's renewable portfolio standard while reducing energy consumption.

WASTE

Through close work with the City's franchised and exploring new waste management opportunities, the City can continue to improve both its municipal and community recycling rates and reduce municipal solid waste.

GREENHOUSE GAS EMISSIONS

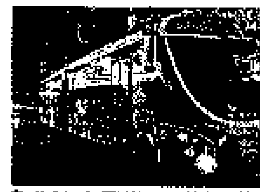
Because of the City's leadership in sustainability, the City will boldly work to attain municipal and community carbon neutrality through reductions from stationary and mobile sources of emissions.

PUBLIC FACILITIES AND SERVICES

PUBLIC FACILITIES

As the City grows, it must its commitment to ensuring the provision of City services and equitable access to city facilities through:

- Coordination of above and below ground wet and dry utilities
- Dedication of new space and future growth for cultural activities, libraries, and the arts



PUBLIC HEALTH AND SOCIAL SERVICES

Developing a good community health infrastructure and because of the public component with regard to improved healthcare, the City must work to improve community health through actions by:

- Adopting Health in all policies and strengthening partnerships with Southern Nevada Health District
- Increasing hospital and ICU capacity as well as medical care access in medically underserved areas
- Completing the buildout of the UNLV School of Medicine and leverage the Las Vegas Medical District
- Developing local Health and Wellness Centers

SAFETY

HAZARDS

As a part of this Master Plan, the City conducted a vulnerability assessment, defining adaptive capacity and sensitivity for a variety of hazards, as well as recommendations and a framework for mitigation, adaptation, response, and recovery, including:

- Drought, Extreme Heat, Flooding
- Terrorism, Civil Disobedience, Riots, Social Disturbances
- Seismic Activity
- Hazardous Materials
- Infectious Disease

PUBLIC SAFETY

Overall, crime rates are decreasing, but are concentrated in specific areas. This plan recommends the development of a proactive, collaborative Safe Communities strategy for each area that is community created and including that:

- Maintains Fire and Rescue accreditations
- Maintains LVMPD sworn officer strength
- Adds a new LVMPD area command and fire stations

FLOODING

As a specific disruptive hazard that has potential to increase in intensity and frequency over time, specific recommendations and projects from the Regional Flood Control District are included.

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IMPLEMENTATION

This Master Plan tackles a diverse range of opportunities and challenges to help achieve the City's vision. Successful plan implementation relies upon committed city leadership [illegible] policy and the budgetary process. Strategic use of strategic action planning efforts to accomplish both short and long term goals, and strategic [illegible] utilization of [illegible] tools, key actions, strategies, and partnerships.

TOOLS

To implement the 2050 Master Plan, various tools are recommended in each of the Key Actions that can be implemented short term, long term, or on an ongoing basis. These tools include:

- **Local policy or regulation**: at the heart of plan implementation is action taken by the City Council or Planning Commission, conferring power on the City Manager or the City's departments to do something by ordinance or resolution. Local policies and regulation are the most direct and effective means of plan implementation and should be done with plan consistency in mind.
- **City Programs**: many implementation strategies involve carrying out existing City programs or the developing new ones, provided authorization delegated from the Plan, a strategic action plan through the City Manager, or Nevada Revised Statutes (NRS).
- **Capital Improvements**: development, location, and the provision of physical infrastructure are recommended through the annual Capital Improvement Planning process, consistent with this plan and associated sub-plans as a major component of the plan.
- **Federal/State Legislative policy**: due in part to the limitations of limited functional home rule, supporting changes to NRS, and the City's Charter that enable the City to implement the plan are tools that the City may advocate for in Carson City. Similarly, Federal tools and resources can assist the City through one time projects or ongoing support of required programs or service provision.
- **Partnerships**: Working with the City's regional partners and external agencies, the plan can be implemented through collaborative efforts in which a regional issue is addressed or managed.

FIFTY BY '50

In order for the plan's progress to be assessed throughout its thirty year horizon, reasonable measurable outcomes are established for each goal. With defined outcomes, the City will be able to measure and evaluate progress to ensure resources are spent accordingly and are worth the investments made. This is done to understand which strategies have major or impact, which goals were achieved, and to determine the cause of any deviations from the plan.

Contained within the plan are "Fifty by '50" – the most important outcomes within the plan that the City looks to measure. These outcomes are largely the basis for determining achievement of the plan's goals.

For transparent communication of the plan's successes and performance, the City will publish a prepared annual report to evaluate and discuss annual progress and implementation of the plan, progress of the "Fifty by '50" outcomes, and others highlighted for each goal, and recommendations for plan improvement.

STRATEGIC ACTION PLANS

The plan recommends that the City Council and city management adopt 3-year strategic action plans to implement various strategies and to achieve outcomes. A strategic action plan is guided using the plan's goals, outcomes, and key actions with direct input from the general public, the Mayor and City Council, City leadership, and the City's departments. For each strategic action plan, the priorities of the City Council and department level strategic business plans are all aligned with the plan's outcomes, as well as the budget process and CIP. During each strategic planning and budgeting process, results must be clearly communicated throughout the City.

PARTNERSHIPS

To implement the Master Plan, the City must rely upon a combination of government operations and an array of partnerships with the public and private sector, ranging from sharing information to funding and shared services. Coordination through alliances and partnerships will be sustained to benefit everyone in the region. Only through public and private collaboration can the plan's vision be realized. The City facilitates plan implementation through:

- **Mayor and City Council**: The City Council is empowered to develop regulations and laws by ordinance, programs and policies, capital projects, and support partners by referendums and resolutions.
- **City Manager**: The City Manager oversees the administration of the City's affairs, submits the annual budget, advises the Council on the adoption of measures, and ensures general laws and ordinances are carried out.
- **City departments**: Consisting of groups of departments from Community and Development Services, Operations and Development, Community Services, Public Safety Services, and Internal Services, each group of departments plays a different role in implementing, whether it is public facing service provision, infrastructure development, or internal services integral for municipal operations.
- **External partnerships**: An array of stakeholders play major roles for various facets of plan implementation, such as CCSD, Clark County, Chambers of Commerce, SNWA, RTC, regional recreation and tourism organizations, neighboring municipalities, and local businesses. Each partnership, which may range from sharing information to funding and shared operations of services, will lead to successful implementation of the plan's key actions.

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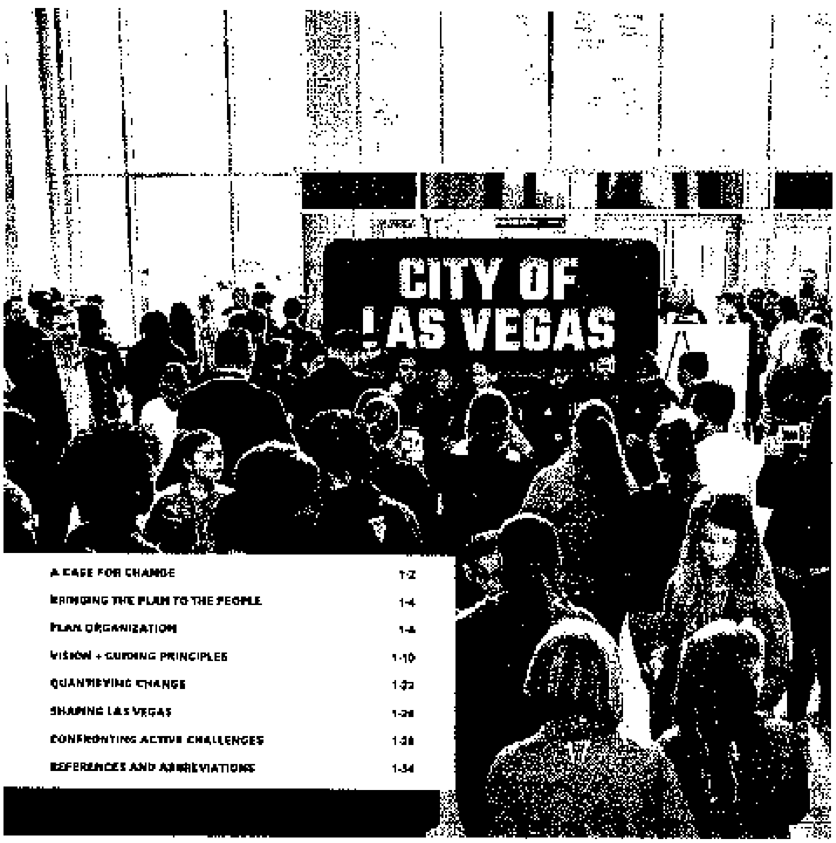


01. INTRODUCTION

[illegible]

[illegible]

A GUIDING FRAMEWORK

[illegible]

[illegible]

[illegible]

LAS VEGAS: A HISTORY OF MAKING THE IMPOSSIBLE REAL

Las Vegas is a global city that thrives in a high desert environment in Southern Nevada. The City has sustained decades of rapid growth and intensive development with an [illegible] mentality. Over the years, the people of Las Vegas have realized ambitious dreams with bold conviction and ingeniousness that few can surpass. The City and region have become an international destination and world class economy in a place few would have thought possible.

Indeed, by necessity, the City has developed livable neighborhoods and has led the way in water conservation. In recent years, the City has shown how it is possible to reinvigorate its downtown in a remarkable, authentic way. The world is watching as the City develops new solutions to meet the needs of its residents amongst a new set of challenging conditions.

A CITY AT AN INFLECTION POINT

As Las Vegas continues to grow, key resources such as water, natural lands, open space, and transportation infrastructure face stresses that can affect health, quality of life, and economic vitality. These resources are reaching their capacity to support the levels of growth that the City has experienced in recent decades.

Recognizing that available land and water are finite, now is the time to make important decisions for the future. The water, energy and transportation costs associated with continuing to build outwards using conventional development standards and direction are growing prohibitive. Changing demographics are creating new civic, social, and cultural conditions that will shape Las Vegas communities and the services that they will need.

This Plan provides a strategic framework for the City to proactively adapt to growth while improving equity and quality of life for all residents.

PLANNING FOR A RESILIENT COMMUNITY

At its core, the 2050 Master Plan is a resilience strategy focused on smart and proactive planning around population health and key resources, beginning with water. Water is central to any consideration of public health, economic strength and quality of life in Las Vegas. The Colorado River, which provides 90 percent of the region's water, supports shrinking resources due to prolonged drought and climate change. Shortages are likely in the near term.

Las Vegas faces not only the prospect of increased water shortage but also urban heat island effects, often in the City's most challenged urban neighborhoods. Thanks to impactful regional collaboration over the past twenty years, Las Vegas has emerged as a recognized leader in sustainable infrastructure and best practices. The 2050 Master Plan builds upon these successes and addresses these issues head on. It sets forth a vision of creative and forward-thinking land use planning to improve health outcomes, reduce water demand and heat island impacts, and improve quality of life for all Las Vegas residents today and in the future.

EVOLVING [illegible] EXPANDING COMMUNITIES

With [illegible] new residents come increasing demands for public services, transportation, utility infrastructure, and commercial activity. Planning to accommodate them is a challenging prospect. However, through extensive research and stakeholder engagement, local knowledge and expertise, and metric-based decision making, the 2050 Master Plan is able to present multiple potential future directions to better understand which is best for the long-term health and vitality of Las Vegas.

The central question is understanding where current and future residents might live and in what types of housing. Conventional suburban-style neighborhoods consume relatively large quantities of land and resources. In Las Vegas, the continued viability of these types of neighborhoods is challenging given growing resource and quality of life constraints. What alternative development practices can be explored? How might new typologies fit within the existing fabric of Las Vegas?

BRINGING THE PLAN TO THE PEOPLE

PUBLIC OUTREACH

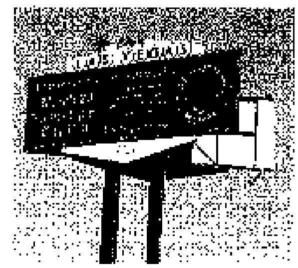
In order to increase the number and diversity of responses gathered during a traditional public outreach process, the Department of Planning developed an outreach strategy for the 2050 Master Plan that engaged residents where they were. Long Range Planning staff attended over 60 community events during a 5 month period throughout the city by attending concerts, community centers, neighborhood block parties, swap meets, farmers markets, after school events, transit centers, and public events. These activities, along with electronic engagement tools available on mastersplanvegas, resulted in engaging with over 8,000 people all across the valley. To encourage participation, Planning staff raffled off prizes every month to those who completed a survey either online or in person at a community event.

- 8,520 total people reached
- 3,435 individuals provided input
- 5,717 professional surveys completed
- 420 Statistical surveys conducted
- 62 Community events
- 78 stakeholder meetings

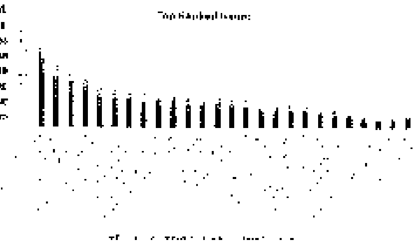
MARKETING EFFORTS

With the help of the City's Office of Communications, the Planning Department developed a marketing campaign encouraging the community to participate in the public engagement process. The City kicked-off the engagement phase with a live remote broadcast with Mercedes from 94.1 FM. Digital ads, public service announcements, social media posts, newsletter messages, and direct email campaigns were also produced.

- Digital ads saw approximately 45,400 impressions and 115 clicks
- Emails were sent to over 2,500 recipients
- Social media posts saw over 205 clicks
- Public Service Announcements aired 125 times on KCLV

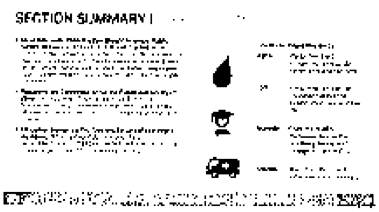


At each public outreach event, the team asked residents "What are the top 5 issues confronting Las Vegas?" The following is a summary of the responses received, with the top issues being Education, Public Safety, Homelessness, Open Space, Water and Drought.



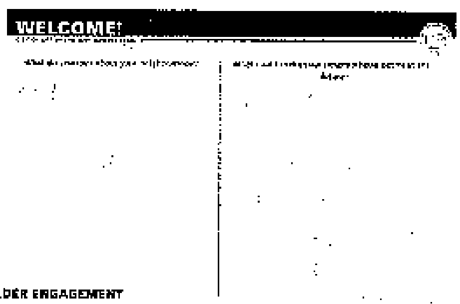
SURVEY

Applied Analysis conducted a city-wide and ward-specific statistically significant survey. Respondents ranked issues the City should prioritize over the next 30 years. The following emerged as the top three issues: public safety, education, and health care. The surveys conducted in late 2018 concluded that City residents were generally satisfied with their quality of life and would recommend others to move to Las Vegas.



YOUTH RESPONSES

The Planning Department made a considerable effort to elicit feedback from some of the brightest and youngest residents: the City's youth. The Departments of Youth Development and Social Innovation and Parks and Recreation were instrumental in gathering quality feedback from youth of all ages across the City. Over 800 kids provided feedback on the 2050 Master Plan by answering the prompt "What would make Las Vegas better in the future?" Their top responses were Parks, Homelessness, Education and Water.



STAKEHOLDER ENGAGEMENT

The Planning Department wanted to ensure a varied team of stakeholders could provide valuable expertise throughout the drafting of the 2050 Master Plan. The composition of the plan's Citizens Advisory Committee (CAC) was purposefully designed to be representative of the issues and opportunities the plan was designed to address. The CAC included approximately 30 members representing non-profits, businesses, critical industry sectors, and offered key subject matter expertise to frame the objectives and recommendations in the plan. They also were encouraged to engage their respective groups to provide feedback through the "Workshop in a Box" exercise.

- 7 Citizens Advisory Committee Meetings
- 8 Issue Specific Workshops (Sustainability, Health Equity, Economy, Infill development, land use)
- More than 25 Stakeholder Meetings

ENGAGEMENT TIMELINE

Throughout plan development, ideas were tested, experts provided feedback, the public was polled on priorities and the stage was set for implementation by building a coalition of implementers through the various committees and stakeholders identified below.

EXECUTIVE STEERING COMMITTEE

- Staff/department head briefings
- Confirm Plan Direction

CITIZENS ADVISORY COMMITTEE

- Nominated by council members (geographic representation)
- Local leaders and experts
- Gauge plan direction

STAKEHOLDER INTERVIEWS AND BRIEFINGS

- Agencies (i.e. SNWA, RTC, utilities, CCSD, BLM, [illegible])
- Advocacy groups (i.e. [illegible], [illegible], GOED, Fremont Street Experience)
- Neighboring communities (i.e. North Las Vegas, Clark County, City of Henderson, Creech/Nellis AFB)

PUBLIC INPUT

- Public workshops/[illegible]
- Open houses
- Online feedback
- Scientifically significant surveys (citywide and ward-specific)

2018 DEC	**UNDERSTAND** Where are we today? • Interviews and listening sessions
2019 JAN	
FEB	
MAR	**ENVISION** What do we want Las Vegas to be? • [illegible] • [illegible]
APR	
MAY	**EXPLORE** What are our options? • [illegible] • [illegible]
JUN	
JUL	
AUG	**STRATEGIZE** How do we get there? • [illegible] • Preparation of draft plan
SEP	
OCT	
NOV	
DEC	
JAN	
2020 FEB	**ACT** How and where do these strategies apply? • Council Strategy Session • Public review of draft plan
APR	
JUL	
SEP	
OCT	**PLAN ADOPTION**
2021	

ATTY FEE MOT - 0121

PLAN ORGANIZATION

In order to realize a broad and transformative vision for what the City of Las Vegas can successfully become, it is necessary to translate vision into clear, direct goals and measurable outcomes, such that [illegible] leaders, community leaders, businesses, and stakeholders know progress can be achieved.

The recommendations of the 2050 Master Plan provide tools, strategies, and actions that can be used in order to meet the desired outcomes.

The 2050 Master Plan also identifies three major themes, which organize the plan elements across individual chapters. These themes include:

- Land Use and Environment
- Economy and Education
- Systems and Services

Collectively, these form the structure to the plan document, ensuring clarity and consistency throughout. The graphic to the right shows the relationship between these organizing elements.

VISION
What?

The VISION defines what Las Vegas can become in the future, stated in broad and aspirational terms.

GUIDING PRINCIPLES
What? Why?

GUIDING PRINCIPLES describe the overall values and needs of the community that build towards achieving the vision.

GOALS
Why?

GOALS identify a general objective related to a theme or topic and build on the STAR Communities goals and Nevada Revised Statute.

DESIRED OUTCOMES
Metrics

DESIRED OUTCOMES are specific measurable targets connected to metrics or other objective criteria. Outcomes and metrics are tied to the LEED objectives and metrics.

TOOL AND STRATEGIES
How?

TOOLS are the specific best practices, approaches, and recommendations in the 2050 Master Plan which provide the means of reaching desired outcomes.

ACTIONS
How? Who? When?

ACTIONS are necessary steps that an agent (leader, organization, agency, etc.) can perform within a timeframe to put the plan recommendations into effect.

Topics

The recommendation chapters are organized by themes, each of which relates to the Southern Nevada Strong Regional Plan areas of focus:

Land Use and Environment (Chapter 3)

- Land use + Areas of the City
- Environment

Economy and Education (Chapter 4)

- Education
- Economy
- Housing

Systems and Services (Chapter 5)

- Transportation
- Resource Conservation
- Public Facilities and Services
- Safety

Each chapter contains a set of **Goals** for each **Theme**. These goals are used to organize the recommendations under different topics. Each topic contains an overview of existing conditions, public input, specific recommendations, and implementation strategies. Where a topic and goal directly relates to meeting Nevada Revised Statutes, a reference is provided. [illegible]

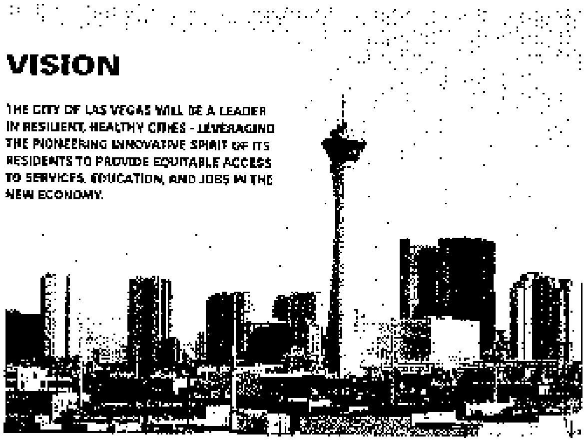
Desired Outcomes are listed for each goal to provide a measure to indicate how well the City is progressing toward each goal. Many of these outcomes are derived from two programs the City has participated in: STAR Communities and LEED for Cities. Prior to being integrated into the LEED rating system, the City used the STAR Communities sustainability tracking and rating system to assess a diverse array of metrics. Under LEED for Cities, which the City has been certified as "Gold" in August 2020, the City closely assessed and aligned its outcomes for Natural Systems, Transportation and Land Use, Water Efficiency, Energy and Greenhouse Gas Emissions, Materials and Resources, Quality of Life, Innovation, Regional Priorities, and Integrative Processes. Depending on whether goals or credits were achieved in either rating system, both STAR and LEED offered useful tools to establish future outcomes, as well as determine appropriate implementation strategies to achieve them.

The concluding chapter on Implementation (Chapter 6) ties the preceding Guiding Principles together with the action plan. Implementation strategies are categorized by priority, timeframe, and responsibility. This action plan can serve as a check-list to ensure the Plan's implementation.

ATTY FEE MOT - 0122

VISION

THE CITY OF LAS VEGAS WILL BE A LEADER IN RESILIENT, HEALTHY CITIES - LEVERAGING THE PIONEERING INNOVATIVE SPIRIT OF ITS RESIDENTS TO PROVIDE EQUITABLE ACCESS TO SERVICES, EDUCATION, AND JOBS IN THE NEW ECONOMY.



[illegible]

BOLD, VISIONARY PLANNING

[illegible]

[illegible]

[illegible]

GUIDING PRINCIPLES

[illegible]

[illegible]

[illegible]

- [illegible]
- [illegible]
- [illegible]
- [illegible]

[illegible]

[illegible]

EQUITABLE [illegible]

RESILIENT [illegible]

HEALTHY [illegible]

LIVABLE [illegible]

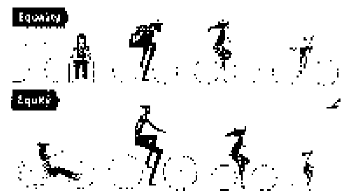
INNOVATIVE [illegible]

EQUITABLE

Strengthen, make up for, welcoming, and the fair treatment, access, opportunity and advancement for all people

When they imagine their city in the future, Las Vegas residents see a city of clean air and water for all. They see a city that provides access to education, healthcare, resources, and jobs no matter where in the city they happen to live all while acknowledging that each neighborhood has its own distinctive character. Las Vegas is recognized by experts as a leader in diversity, equity and inclusion. A dynamic city that values all individuals and creates opportunities for everyone.

PRESENT CHALLENGES	KEY PRIORITIES	RECENT SUCCESSES
• Increasing equity in housing, employment, education • Expanding public participation, collaboration, and community partnerships • Developing affordable housing supply	• Prevent homelessness • Prioritize affordable housing development • Support workforce development • Increase transit options • Support robust community services • Build on philanthropy • Celebrate and preserve Las Vegas' historic places and cultures • Expanding broadband access in the areas of [illegible] and in other underserved areas in order to address the digital divide • Financing and construction of health and wellness centers in medically underserved communities • Ongoing criminal justice reform through enhanced alternative sentencing services and targeted Justice Courts • Exceeding the $1 million goal of donations and in-kind support for the Mayor's Fund for LV philanthropic efforts • Expansion of green space in underserved communities through a $50 million park bond • Creation of a Crisis Response Team within the fire department to respond to mental health emergencies	• City Council adopted diversity, equity and inclusion resolution with an emphasis on equity in all policies • Active second chance employer for formerly incarcerated persons with criminal justice system involvement • Now five years in a perfect score of 100 from the Human Rights Campaign because as a welcoming and diverse city • Founding and sustaining member of the [illegible], a youth juvenile justice navigation center • Establishment of the first low barrier homeless resource navigation center in the state • Achieving functional zero for veteran homelessness and one of the first cities to establish a regional [illegible] network for service members, veterans, and their families • Sustaining member of the My Brother's Keeper movement focused on academic success and wraparound services for at-risk Black and brown boys • Designation in 2018 as an All-America City based on existing diversity and inclusion in policies and programs • Implementation of resident-led neighborhood revitalization strategy areas



Equity is not equality. Equity is giving each individual what they need to be successful while equality is treating everyone the same.

AN EQUITABLE LAS VEGAS:

- Acknowledges national and local trends
  - The nation and our city is becoming more diverse
  - There are economic challenges
  - There are rising costs in housing, health care and education
  - Decisions increasingly made in the context of equitable indicators
- Advances socioeconomic mobility for all Las Vegas residents
  - Diversify our workforce and provide opportunity for equitable access to high-quality education and research training
- Embraces our key challenges
- Creates opportunities for adequate, diverse housing that meets the needs of the community
- Emphasizes talent recruitment and retention of residents
- Builds empathy for better urban design outcomes in economically disadvantaged areas
- Anticipates and innovates for new economies
- Creates a just, equitable, diverse, and inclusive culture

STAR/LEED OBJECTIVES

- **Social and Cultural Diversity:** Celebrate and respect diversity in community decision making
- **Civil and Human Rights:** Provide civil and human rights
- **Equitable Services and Access:** Ensure equitable access to foundational community assets

ATTY FEE MOT - 0124

RESILIENT

Synonyms: sustainable, adaptable, flexible

Def: able to withstand or recover quickly from difficult conditions

To ensure a quality of life well into the future, experts acknowledge that Las Vegas will need to better prepare for tomorrow. The city will need to continue to reduce water consumption. The City will need new transportation solutions to support higher densities. It will benefit, too, from acknowledging how urbanized so much of its environment has become. Las Vegas has always needed sound planning for drought, earthquakes, and flooding. Today, planners must look to the impacts of a changing climate as well.

PRESENT CHALLENGES	KEY PRIORITIES	RECENT SUCCESSES
• Changing weather patterns and rising temperatures • Shared water supply is shrinking • Populations at risk due to the rising heat • Fear of change • Waste reduction	• Adapt development patterns better suited to the desert • Improve water conservation and decrease demand • Reduce auto dependence • Continue to diversify the economy • Continue to foster education • Improve access to healthcare • Progress waste reduction policies • Improve environmental hazard mitigation/conservation policy	• Water conservation efforts • Third fastest growing solar region in the US • Re-imagining downtown • Creating new, more efficient core elements downtown and adjacent areas • Community healing garden • Partnerships with RTC, UNLV, SNWA, and Clark County on extreme heat and regional sustainability

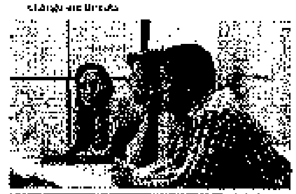
STAR/LEED OBJECTIVES:

- **Climate Adaptation:** Strengthen the resilience of communities to climate change
- **Greenhouse Gas Mitigation:** Reduce greenhouse gas emissions
- **Emergency Prevention and Response:** Reduce harm to humans and property
- **Natural and Human Hazards:** Ensure communities are prepared to respond and recover from extreme events
- **"Green" Infrastructure:** Design and maintain a network of "green" infrastructure
- **"Green" Building:** Encourage the design, construction, and retrofit of buildings using green building practices

*Quotation marks are added to "Green" to indicate that Las Vegas, with its desert climate, does not meet the sustainability and resilience goals in a traditionally green way that other communities across the country do. This plan advocates for alternatives to relying on green vegetation to reduce the urban heat island and water challenges facing the City. Resilience and sustainability are at the heart of meeting these objectives.

TO ACHIEVE A RESILIENT LAS VEGAS, WE MUST:

- Infuse resilience in all aspects of City development and systems at a physical and operational level
- Focus on how environmental and infrastructure issues can be addressed through plan recommendations, including water scarcity, drought, urban heat island, public health and safety, food security, and air quality
- Understand the anticipated context of a hotter, drier future in Las Vegas and how limited and shrinking water resources and climate change will affect the region
- Acknowledge both heat island effect and climate change are threats



- Intentionally incorporate key issues of resiliency and climate action/adaptation into all land use planning policies and standards
- Lead policy and actions as a City within a framework of increased multi-jurisdictional cooperation and regional [illegible]
- Plan for uncertainty by considering multiple scenarios for future risk and vulnerability including climate change
- Protect the environment for future generations using smart growth development practices to protect and maintain limited resources
- Effectively communicate the issues and risks we are facing as a community and the steps we are taking to address them, and that ensure our communication efforts promote, incentivize and celebrate the goals that we set
- Consider water as core to public health, economic strength and quality of life. While Las Vegas is conserving water better than any U.S. city, major steps are needed to protect water resources for current and future generations
- Emphasize land use planning that reduces water demand and heat island impacts
- Mitigate urban heat island by planting and maintaining trees, encouraging the use of appropriate building and site materials
- Consider energy and energy-water nexus related goals including the goals to reduce demand via [illegible] interventions, building scale incentive programs, [illegible] building code provisions, green city buildings and fleet, understanding interactions at the system scale, and establishing policy and partnerships at the City scale

HEALTHY

Synonyms: strong, sound, in good shape

def: in good physical condition; in good shape; in top form

Beyond access to clean air and water, the people of Las Vegas envision a city that improves physical and mental health outcomes, improves safety, sustains their families and encourages healthy choices. They see opportunities to make more communities walkable and responsive through mixed use developments together with ample parks, open spaces and recreational opportunities.

PRESENT CHALLENGES	KEY PRIORITIES	RECENT SUCCESSES
• Lack of doctors	• Promote walkability	• Development of the Las Vegas Medical District
• Aging population	• Increase outdoor recreation	• Creation of the UNLV School of Medicine
• Changing climate	• Build a healthcare "eds-and-meds" economy	• Walkability improvements in several neighborhoods, downtown and the Arts District
• Poor walkability	• Make the healthy choice the easy choice	• Curated Wellness in the Medical District
• Poor childhood well being data	• Promote safe homes, schools, streets	• Training First Responders in Mental Health
• Addiction abuse, trafficking	• Improve air quality	
• Access to healthy foods		
• Food deserts - little food is produced locally		
• Mental health		

STAR/LEED OBJECTIVES:

- **Environmental Justice:** Reduce polluted and toxic environments
- **Active Living:** Enable adults and kids to maintain healthy active lifestyles
- **Community Health and Systems:** Achieve positive health outcomes and reduce health risks
- **Food Access and Nutrition:** Ensure access to fresh, healthy food
- **Indoor Air Quality:** Ensure healthy indoor air quality

A healthy Las Vegas is rooted in a deeper local understanding of the social determinants of health and the unique community conditions in the varied and diverse places where people live, learn, work, and play and that affect a wide range of health risks and outcomes.

This planning process included a series of focused conversations in conjunction with UNLV School of Medicine students and other key stakeholders to discuss social determinants of health and develop principles rooted in the Centers for Disease Control (CDC) Healthy Community Checklist.

TO ACHIEVE A HEALTHY LAS VEGAS, WE MUST:

- Increase options for physical activity and opportunities to be able to go more places without a car
- Develop healthy places and environments
- Invest in public transportation
- Improve walkability and safety
- Reduce food insecurity and hunger
- Increase affordable housing options
- Improve access to care
- Improve accessibility and availability of mental health care resources
- Reduce loneliness and isolation
- Mitigate the impact of the personal automobile
  - Prioritize placemaking on key transit corridors
  - Make transit hubs more safe and comfortable
  - Incorporate complete streets guidelines
  - Reduce speed limits
  - Reduce parking requirements
- Improve air quality
  - Plant more trees for multiple environmental, health, economic benefits
  - Enforce/manage the tree canopy
  - Make data informed and neighborhood-based decisions
- Improve outdoor air safety and walkability
  - Promote universal design
  - Improve mixed use with more eyes on the street
  - Increase lighting
  - Empower neighborhood based organizations
- Improve and increase park spaces and access
- Improve connectivity
  - Incentivize walking and biking
  - Eliminate neighborhood walls
  - Improve connectivity ratio
  - Develop adjacent, multi-use and high comfort routes and walkways/bikeways
  - Build smaller community centers
  - Fill in sidewalk gaps
- Develop alternative housing strategies that respond to need and resources of today
  - Consider micro-housing/granny flats
  - Explore creative unit concepts and ... ordinance units

ATTY FEE MOT - 0126

LIVABLE

Synonyms: Unique, complete, enjoyable

def: an environment worth living in

For all the change the future will bring, the people of Las Vegas want to maintain strong ties to qualities of the city that make it distinctive and meaningful. The City wants to hold on to cherished icons of its past while acknowledging its diverse cultural traditions, and it wants to reaffirm its deep ties to the desert and the West.

PRESENT CHALLENGES	KEY PRIORITIES	RECENT SUCCESSES
• Define the city's role beyond its gaming culture • Relatively recent local history - getting people invested in their community, putting down roots • Neglect and demolition of cultural resources	• Emphasize placemaking • Embrace the visitor/entertainment and recreation sectors and what makes "Las Vegas special" • Attract families and new residents • Provide sufficient recreation and youth-focused amenities	• 18b Arts District, First Friday, and Historic Westside • Symphony Park developments • Mayor's Fund for LIFE • New sports franchises

STAR/LEED OBJECTIVES:

- **Arts and Culture:** Provide a broad range of arts and cultural activities
- **Community Cohesion:** Ensure a cohesive, connected community
- **Civic Engagement:** Improve well-being by participating in decision-making and volunteering
- **Safe Communities:** Control and reduce violent crime

TO ACHIEVE A LIVEABLE LAS VEGAS, WE MUST:

- Continue to be a unique entertainment and recreation destination with a vibrant character and economy
  - Embrace our world class tourism economy
  - Understand what is "authentic" Las Vegas and how this can be leveraged to create more lasting connections
  - Ensure quality of economic development, diversification and attract and retain residents and businesses
- Improve the quality of life and sense of place for residents
  - Create a more inclusive community built on grassroots involvement and pride
  - Break down the walls of our community and bring people together
  - Encourage neighborhood branding as part of existing planning areas to embrace unique identities and facilitate neighborhood pride
  - Improve education, both traditional and lifelong learning opportunities
- Create and maintain safe neighborhoods
  - Create a more walkable community to attract and retain residents
  - Safe streets with lighting, sidewalks and trees
  - Improve crosswalks and bike lanes
  - Reduce vehicle speed on residential streets
  - Create opportunities to get more "eyes on the street" day and night
- Design places for all people to live regardless of age, abilities or income
- Increase opportunities where residents can make healthier and more affordable food choices
  - Strengthen housing types to support a variety of age groups, family types, and funding strategies
- Celebrate the history and culture of Las Vegas to build greater neighborhood pride and investment
  - Increase family focused entertainment
  - Increase the percentage of accessible open space
  - Build a philanthropic culture to invest in community priorities
- Support strong neighborhoods with access to key services and amenities
  - Expand upon neighborhood community center model to include cultural and recreation options in more locations throughout the city
- Capitalize on the resurgence of Downtown, the Arts District, and urban lifestyle
- Continue collaboration with LVMPD to provide outstanding public safety

INNOVATIVE

Synonyms: Smart, diverse, bold
def: new ideas, original and creative in thinking

An innovative Las Vegas will meet new demands of residents while continuing to attract the boldest and brightest by pioneering smart city technologies that drive new markets and diversify the economy.

PRESENT CHALLENGES	KEY PRIORITIES	RECENT SUCCESSES
• Overcome dependence on entertainment and service industry	• Redefine place types to be integrated, mixed-use centers	• Embracing emerging technologies and advanced data analytics
• Fast-paced technology is ever changing and may not be accessible to the poor	• Lead with cutting edge transportation improvements	• Application development
• Differentiate Las Vegas's place as a tech hub city – what makes it different than other tech centers?	• Cultivate the tech side of the gaming industry	• Mobility improvements
• Limited capacity to accommodate a creative population	• Build a highly skilled workforce	• Smart City pilots
• Deficient talent retention from the university student population	• Diversify industries in tune with emerging technologies	• Innovation District
		• First in driverless charging infrastructure
		• AAA/Keolis and Navya (AV shuttles)
		• International Innovation Center @ Vegas (ICCAV)

STAR/LEED OBJECTIVES

- **Business Retention and Development:** Foster economic prosperity and stability
- **Targeted Industry Development:** Increase local competitiveness
- **Green Market Development:** Increase overall green market demand
- **Energy:** Transition the local energy supply toward the use of renewables

TO ACHIEVE AN INNOVATIVE LAS VEGAS, WE MUST:

- Embrace that a smart city is where there is effective integration of physical, digital and human systems in the built environment to deliver a sustainable, prosperous, and inclusive future for its citizens
- Understand the biggest barrier to innovation is lack of connectivity
- Embrace the six pillars of Smart Vegas, including:
  - Iconic Las Vegas
  - Workforce development
  - Smart Vegas
  - At-risk populations
  - Neighborhood preservation and quality of life
  - Public safety
- Embrace the economic impact potential of Smart City improvements for the City of Las Vegas, including:
  - Cost savings
  - Efficient city operations
  - Risk mitigation
  - Quality of life improvements
  - Improved connectivity
  - Talent attraction
  - Sustainability
  - Better mobility and greener buildings
  - Monetization of big data
- Understand potential limitations to Smart City improvements in the City of Las Vegas, including:
  - Difficult to demonstrate return on investment
  - Chicken and egg, because the general public doesn't know what they need
  - Industry hasn't yet [illegible] [illegible] be [illegible]
  - State and federal preemption
  - Pilots challenging to scale (financing and governance are important)
  - Public awareness, because a lot of data is being captured in right-of-way with no conversation about privacy in the 21st century
- Address key elements the City desires to move forward regarding Smart Vegas, including:
  - 5G infrastructure, leveraging disruption, [illegible] deployment, scaling beyond the district and considering urban design implications
  - Utilities and changing demand, including fleet electrification, microgrids and local generation
  - Land use, including hyperlocal planning and resource management
  - Workforce development, including skills training, supporting management and transforming the workforce
  - Focusing on outcomes, including public health, sustainability, and mobility, amongst others
  - Business models, including P3s for public benefit, flexible innovation, and data and security
- Become a less one-dimensional economy and thus less susceptible to sharp market shifts
- Diversify our knowledge-based economy that leverages our innovative enterprises including resilience and sustainability research, advanced mobility platforms, and improved data collection, analysis and evaluation
- Improve the disconnect between land use policy and economic development goals
- Continue to be the top city for open data: balance between open public data, secure data and data that can be monetized
- Improve institutional partnerships
- Address the "digital divide"

ATTY FEE MOT - 0128

20530

QUANTIFYING CHANGE

To fully realize the City's vision, we need to quantify measurable change. Here are some facts and figures for a baseline understanding of what is facing the city, particularly related to growth and development.

and at least

NEW RESIDENTS
- A total city population of approximately 900,000+
- A total regional population of 3 million (in line with UNLV estimates)

ACRES OF NEW PARKS NEEDED
- Tule Springs National Monument included

NEW HOUSING UNITS IN THE CITY
- 550,000+ more total housing units in the region

SQUARE FEET OF NEW COMMERCIAL SPACE

NEW LVMPD OFFICERS

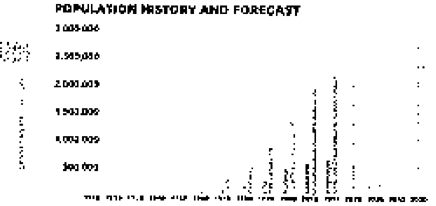
NEW TEACHERS

NEW CCSD SCHOOLS

NEW PUBLIC SAFETY EMPLOYEES

NEW CITY EMPLOYEES

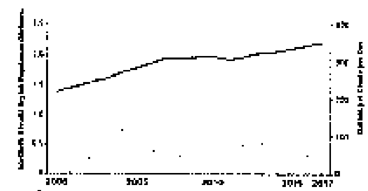
POPULATION HISTORY AND FORECAST



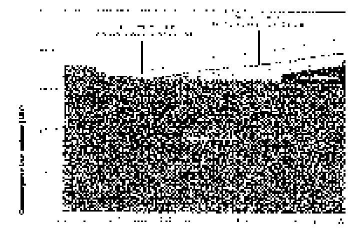
Source: UNLV · City of Las Vegas · Metro Area

The population in Southern Nevada is expected to reach 3 million by 2050, with 300,000 more City of Las Vegas residents.

WATER CONSUMPTION



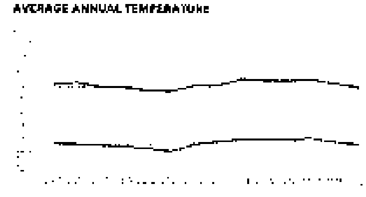
Despite the population increase, drought and urban development, SNWA has produced significant decreases in per person water use with the same water supply from the Colorado River.



Source: SNWA

Even with increased conservation, Lake Mead's levels are expected to decrease in the face of drought and climate change. Water conservation is a key element of SNWA's success in managing the region's resources to meet the region's expected water demand, and the City can contribute to the effort in a collaborative role.

AVERAGE ANNUAL TEMPERATURE



The average annual temperature is rising, meaning the city must plan for ways to alleviate the increasing adverse effects of the urban heat island.

FROM GUIDING PRINCIPLES TO MEASURABLE RECOMMENDATIONS

The Las Vegas 2050 Master Plan identifies the vision and goals of the community and provides a "road map" identifying where land use changes may be anticipated or desired. The Plan provides guidance and recommendations on the forms and functions of these future land uses.

Understanding how future demographic changes, such as increasing population or socio-economic shifts, affect land use is essential for effective master planning. In Las Vegas, demographic projections anticipate upwards of 300,000 new residents within the city limits by 2050.

We know that past development patterns relied on a suburban expansion model, where undeveloped lands at edge of city are incorporated into the City proper and developed primarily as single-family housing developments.

This pattern of development may ultimately prove unsustainable should it continue, exacerbating a range of issues and associated long-term costs. Single-family housing consumes the greatest amounts of water - an increasingly and tightly managed resource, especially if needing to accommodate 300,000 new residents. Further suburban expansion requires significant infrastructure investment to expand sewer and water service, while often leaving aging infrastructure in older parts of the city in decline condition.

Suburban expansion means ever increasing commute times for workers, while making it increasingly expensive to provide mass transit service to outlying areas. Collectively, this places an even greater burden on an already stressed roadway network. At the same time, Las Vegas struggles with the same issues of equity that are common across urban environments in the US: gentrification, affordable housing, and fair access to schools, hospitals, and critical services.

The city has expanded its actions and recognizes that state-level efforts are helping to reduce some of these burdens. Energy, for instance, is being shifted towards renewable generation in the electrical grid, reducing the amount of green house gas emissions from building use. But other critical resources, such as water, remains finite and central in future planning needs.

GUIDING RESIDENT GROWTH

Thankfully, a number of alternative strategies and development practices are at the city's disposal which have the ability to accommodate future population growth in a more resilient manner, leading to better outcomes for all of Las Vegas. Key land use planning strategies include the following:

- Increase the density of key parts of the city driven by water, centric and transportation oriented planning.
- Promote and incentivize construction of "Missing Middle" housing, low-rise (1-3 story) multi-family types in key areas that have the smallest water footprint per dwelling unit. This typology creates a unit per acre density that aligns with transit oriented development density (25-40 units per acre).
- Optimize the efficient use of various resources such as land and water. Adaptively reuse and renovate the city's existing infrastructure and buildings to be higher performing and more responsive to future climates.
- Use resilient, climate adaptive and water efficient tree and plant species that reduce the urban heat island and improve air quality in all neighborhoods, prioritizing those that are the most in need.

For Las Vegas, increasing density and population in select areas is vital to help increase the efficiency of existing city services and to accommodate an increasing population. It will also provide the population concentration needed to support more accessible and equitable mobility and transportation systems and nearby walkable neighborhood stores and businesses.

Density is frequently perceived as a "bad" word because it conjures a wide array of (mis)perceived or poorly designed buildings and developments. These include past attempts at public housing, overcrowded and out-of-scale apartment complexes, and the conversion of single family homes into multi-unit boarding houses.

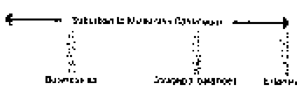
Well-planned and designed increases to higher-density housing strategies could help transform and re-energize certain areas. Depending on the neighborhood, the exact typology of these may be to infill vacant lots with compatible single-family homes. More substantial options include redeveloping an area to accommodate mixed land uses that offer a variety of residential options.

EXPLORING FUTURE ALTERNATIVES

To help answer the question of where and how residents will be housed in the future, the planning team developed a sophisticated modeling tool to predict potential land use changes and assess their associated impacts. Different sets of assumptions were used to explore different future land use alternatives. This tool allowed the planning team to leverage public and stakeholder engagement, and then:

- Assess the potential for different land uses to change in the future based on the existing development patterns and uses of individual areas along with feedback from public engagement through the Planning Emphasis Transform (PET) analysis.
- Characterize how a given area could change and what mix of Place Types (i.e. future land use potential) might be desired in that area in order to achieve desired outcomes and goals.
- Understand the capacity for changing land areas to absorb new population growth and what the impacts and benefits of these changes might be – most importantly in terms of impacts to water use.

Being able to anticipate land use changes and future population densities across Las Vegas can shed insight on critical elements that shape the quality of life for residents and the resilience of the City and broader region. For instance, differences in the amount of water different types of housing (e.g. single-family vs. apartment buildings) utilize is important for achieving a smart use of finite water resources. Similarly, understanding how and where greater densities of population can be located to support an accessible and robust transportation system impacts how people live and move about the city.



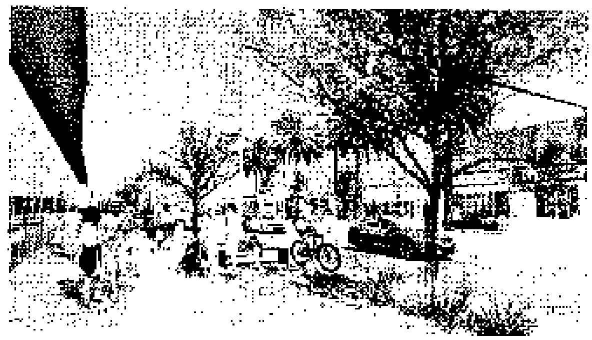
"WHAT IF" ALTERNATIVES

The land use tool allowed the planning team to explore three different alternatives for "what-ifs" for how future population growth of approximately 300,000 people could be accommodated.

The first alternative looked citywide and loosely followed a "Business-as-usual" approach. Under Business as usual, future population growth would largely be accommodated through creation of new single-family neighborhoods that expand the developed footprint of the City of Las Vegas. This approach requires constructing new roads and public infrastructure to provide services to these new suburban-style developments. This alternative demonstrates the outcome of assuming very little change in land controls or planning and policies are taken to inform land use decisions.

The second alternative looked citywide and explored a more aggressive "Extensive Mixed-Use Infill" approach. While still allowing for some development of currently undeveloped land areas, the majority of new housing would be accommodated through utilization of vacant land within existing development, targeted redevelopment of portions of lower-density commercial areas into high density mixed use areas, and smaller scale infill in portions of existing residential zones. This alternative takes the opposite scenario of requiring or highly restricting denser land use patterns and preventing expansion into undeveloped areas.

The third alternative, which forms the basis for the future place type maps (see Chapter 2), takes a strategic, balanced, district-by-district growth approach to identify key opportunities for increasing density and mixed-use development patterns where they are most feasible and desired. The opportunity was taken to align higher density redevelopment opportunities with future transit and transportation infrastructure improvements, allowing for a desired Transit-Oriented Development (TOD) approach to the place types map. Based on a reasonable amount of mixed-use redevelopment within the city, outlying land were then provided for development using a denser mix typical neighborhood place type pattern, which predominantly [illegible] single-family housing.



A NEW DIRECTION: OUTCOMES AND ACTIONS

The future place type framework and associated strategies, tools, and recommendations (see Chapter 3) sets the stage for a healthy, equitable, resilient future and growth in Las Vegas.

This plan accommodates 300,000 new residents while minimizing additional impacts on vacant and outlying lands. Achieving this relies on redeveloping vacant or underutilized lands within the city as primarily mid-density mixed-use developments that bring residents in closer proximity to stores, jobs, public services, and transit while reducing water consumption and infrastructure costs.

Compared to the "Business as Usual" alternative, the "Strategic balanced growth" alternative accommodates the same 300,000 residents in a manner that is projected to consume nearly 20% less water. Overall, under this scenario, the average gallons of water used per unit of housing per day would decline. In comparison, under the "business as usual" scenario, relying primarily on suburban single-family housing would continue to increase the average amount of water used per housing unit per day across the city.

In addition to reducing the rates of water consumption, the "Strategic balanced growth" alternative places the majority of new residents along existing or potential mass transit corridors – increasing the mobility options for residents while reducing the burden of additional vehicle trips on the transportation infrastructure.

As this master plan was under development and nearing completion, the world was thrust into the COVID-19 global pandemic. Given the dramatic impacts of these events and the ongoing active challenges for the community and because both occurred during the planning process, several lessons learned have been incorporated into this plan. While COVID-19 affected the timeline to consider adoption for the plan and impacted some of the plan's underlying assumptions, it has been important for the City to describe how it can be used to confront these active challenges and how the City can take action, make recommendations, and formulate the best response possible to events that occur. Unforeseen [illegible] events set against a national scene, however, underscore the necessity of adhering to the guiding principles of this plan and their application as the plan is implemented.

COVID-19 IS NOT SOLELY A PUBLIC HEALTH CRISIS

After the discovery of the novel coronavirus in the city of Wuhan, China in late 2019, the highly infectious respiratory disease rapidly spread throughout the world, eventually making its way through Asia, throughout the European Union and into the United States. On March 5, 2020, a 55-year old man returned to Las Vegas from a trip to Washington state. After exhibiting symptoms, he tested positive for COVID-19, confirming that COVID-19 had arrived in Las Vegas. Three days later, the state's total cases rose to four with presumptive-positive tests reported in Southern Nevada. Suddenly, major conventions and events were being postponed, professional sports paused games mid-season, and NCAA basketball tournaments scheduled in Las Vegas were cancelled. By March 12, Nevada Governor Steve Sisolak declared a state of emergency for Nevada and began issuing a series of directives to address the impacts of the outbreak. Mayor Goodman and other local governments would issue their own respective declarations within the week. Shortly thereafter, President Trump declared an emergency using the Stafford Act and used special authority to increase production of medical supplies and equipment and to use the National Guard to keep supply chains operational. Since then, Las Vegas – and the state of Nevada – has seen tremendous, dramatic shifts in infrastructure, employment, and economic impacts.

Once the reality of COVID-19 being an easily transmitted airborne disease was recognized by the health and public policy communities, Governor Sisolak took the unprecedented step of ordering all non-essential businesses, including gaming operations, to close and shut down, a decision that weighed the health of the public against economic viability and set the trajectory for future directives from the Governor's Office. In a matter of days, Las Vegas residents, businesses and their employees were confronted with a dramatic new reality. By March 19, just two days after announcing closures, 206,000 direct casino employees across Nevada found themselves without work. With one of every four workers in Nevada employed by the leisure and hospitality industries, the livelihoods of Las Vegas residents and strength of the City's primary industry were compromised. By the end of April, Nevada had the worst-ever unemployment rate in history and the highest unemployment rate in the country with nearly 245,000 jobs lost.

With much of the city and state shut down, life in Las Vegas changed dramatically, as did the impacts of COVID-19 on job security, livelihoods, and public health. The everyday living patterns of residents was altered due to the shutdown of all non-essential businesses. Instead of being able to enjoy a dinner out at a restaurant, people had to instead rely on takeout and curbside pickup options. No longer could a person patronize a supermarket without wearing a mask or waiting in line to enter so stores could ensure a six-foot distance between customers. Rather than dropping a child off at school, parents were left to homeschool their children with online support from educators, to be had no support at all through the end of the school year. Those reliant on public transportation were faced with longer wait times for transportation. Public gatherings were limited to 10 people or less. Many employees had to transition to at-home work protocols while others faced the strong likelihood that their jobs would be eliminated. Travel – particularly air travel – was severely limited by flight cancellations while land travel was [illegible] by required [illegible] periods upon arriving at one's destination.

While COVID-19 has tended to have a greater impact on those who are older, have a pre-existing condition, or are immuno-compromised, approximately 60% of Clark County cases show sub-populations having a disproportionate impact, especially for Black, Latino, and Asian populations as well as men. A likely explanation for this could be inequitable lack of access health care, the lack of outreach on the risks of COVID-19, or the lack of personal protective equipment at home or on the job. Furthermore, these sub-populations may have no other options to earn income, thus working at a job that requires public service or in-person. Because the novel coronavirus spreads via human contact, individuals who engage in public-facing activities like riding the bus, live in multi-family residences, or face barriers to health care are more likely to contract and spread COVID-19.

THE PANDEMIC ONCE AGAIN EXPOSED NEVADA'S OVER-RELIANCE ON THE GAMING AND TOURISM SECTORS AND EXEMPLIFIED THE NEED FOR CONTINUED ECONOMIC DIVERSIFICATION

In Nevada, the stark reality of having a state economy based primarily on gaming and tourism, with tax revenue derived from those sectors, puts Las Vegas in an unprecedented economic situation. Nevada's economy is heavily dependent upon its sales tax, which accounts for nearly 1/3 of total state revenue. Of this, leisure and hospitality account for the largest contribution. With casinos closed during the COVID-19 shutdown and vacation travel greatly reduced, the financial impacts to the state's biennial budget are substantial. Pressure was placed on federal, state, and local leaders to respond to the pandemic and reopen the economy as quickly as possible.

As historic layoffs occurred, claims for regular state unemployment and pandemic unemployment assistance rapidly increased and overwhelmed an existing state unemployment system wholly unprepared for a staggering volume of new claims. While new unemployment claims decreased and leveled off over time, continued weekly claims for unemployment, indicating long-term layoffs, saw steady growth throughout the majority of May.

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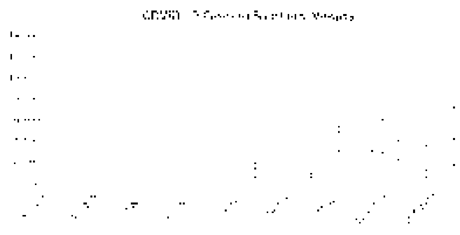
COVID CASES IN SOUTHERN NEVADA (AS OF DECEMBER 2020)



As COVID-19 spread, Clark County and City of Las Vegas officials jointly opened the City's Isolation and Quarantine Complex at Cashman Center in Downtown Las Vegas. Funded through the CARES Act, the facility supported up to 500 homeless patients as a ground-up [illegible] observation and care facility. The complex allowed a room for homeless individuals that were asymptomatic, an isolation area for those with symptoms and awaiting test results and presumed positive, and an isolation area for confirmed positive cases. Separate tents were set up providing beds, restrooms, and shower facilities for each area.

At the end of March 2020, Congress approved the $2.2 trillion Coronavirus Aid, Relief and Economic Security (CARES) Act that provided an unprecedented aid package to the country to combat the effects of the virus and the toll on the economy. Among its features was a massive infusion of money into the health care system, as well as development of therapeutic drugs and for the development of a vaccine. The CARES Act also provided relief to businesses and individuals including:

- An economic stabilization fund with $340 billion in direct funds to states and municipalities responding to the virus and $500 billion to large corporations
- A $350 billion Small Business Paycheck Protection Program
- $300 billion in one-time cash payments to individuals
- $260 billion for unemployment benefits
- Provisions for student loans and grants
- Changes to minimum distributions for retirement accounts and permitted early access to funds without penalty
- A temporary foreclosure and eviction moratorium

The efficacy of the CARES Act funding and provisions as well as the overall federal response from the Trump Administration and CDC continue to be debated, but the infusion of money helped the City to supplement budgets and mount a response.

Between March and May 2020, as testing, tracing, and treating protocols were put into place to help "flatten the curve" and reduce the rate of new infections and hospitalizations, Governor Sisolak formed and implemented a phased reopening schedule led by Nevada's counties and supported by local governments. Named Nevada United: Roadmap to Recovery, this schedule shifted the City from a stay-at-home order in Phase 1 reopenings (Battle Born Beginnings) to Phase 2 reopenings (Silver State Stabilization). As the City transitioned from a stay-at-home order to different phases, the moves were not without challenges due to the enforcement of business compliance with directives and orders. However, by the end of May, many resorts issued phased reopening plans, subject to the approval of the Nevada Gaming Control Board. By the beginning of June, Phase 2 reopenings began with a limited reopening of the economy as well as with directives in wearing masks and face coverings in public spaces.

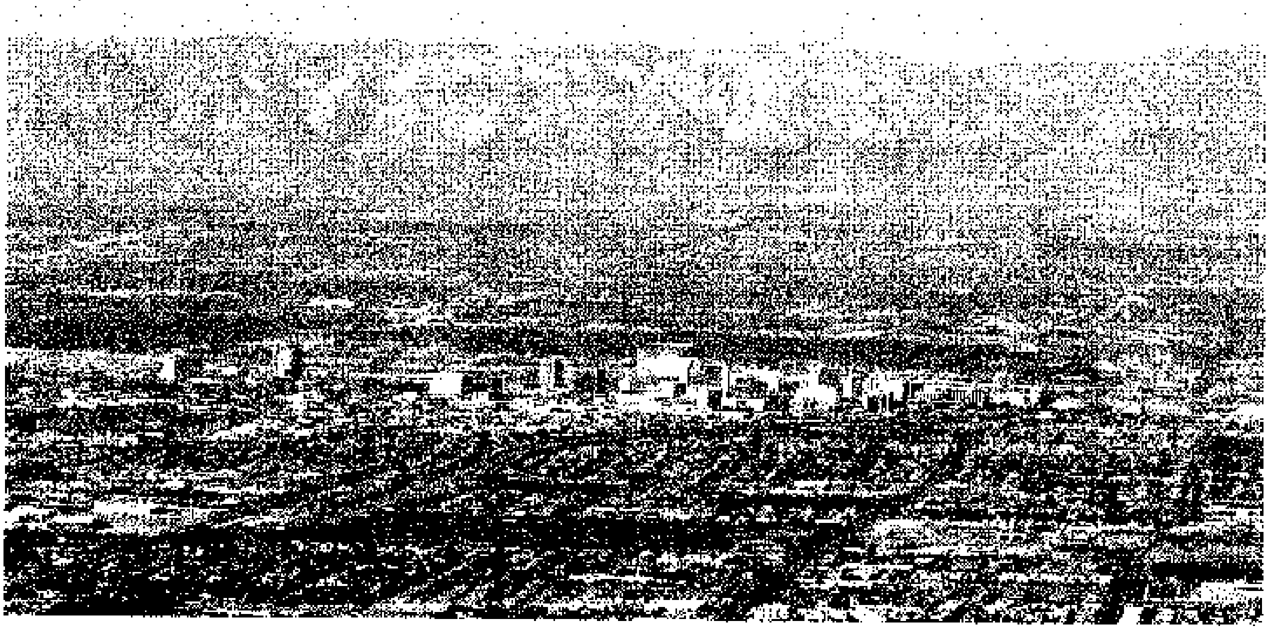
Despite some job growth attributed to advancing to Phase 1 and Phase 2, the Las Vegas metropolitan area experienced a 25% unemployment rate in May, a stark contrast to the 4% unemployment rate from May 2019. Instead of development projects advancing and casinos opening to the public, only a fraction of those experiencing unemployment were brought back to work.

Even with funding from the CARES Act, the greatly diminished gaming and sales taxes forced both City and State to make drastic budget cuts. The City adopted its Final Budget for Fiscal Year 2021 in late May with a pared down general fund budget of $572 million that depleted its Fiscal Stabilization fund and required transfers from the capital projects and other funds. While layoffs to employees were avoided, the City faces a $44 million deficit over the next five years. Other local and regional governments have been confronted with similar situations, including cuts to transit service at RTC and scaled back operations across Clark County.

Facing a fiscal emergency and an estimated budget gap of $1.2 billion, Governor Sisolak was forced to convene a special session of the Legislature. The July session considered $600 million in reductions to agency budgets, including K-12 and higher education, reductions in one-time appropriations, reversions of contingency funds and transfers to the State's general fund, state employee furloughs and position freezes, and consideration of the acceleration of mining tax. While the session helped close the gap, it does not signify the end of the State's budget woes. Preparations have continued for the 2021 Legislative session amid further fiscal drops amid uncertainty over additional Federal assistance, continued spread of COVID-19 and possible economic effects.

Fortunately, after the Phase 2 reopenings into the summer of 2020 and fueled by holiday weekends, visitation to Las Vegas increased, and a degree of normalcy returned; cut, so too did COVID-19 cases. Much of this was attributable to the relaxation of social distancing, mask and face covering use, and business reopening policies intended to protect residents. As cases continued to rise, fears of overwhelming the health care system and its capacities re-emerged, as did concerns over additional directives that caused further business closures, growing layoffs, and unemployment. Additionally there were continued questions as to how residents afford the basic cost of living, navigate a potential housing crisis that could result in a wave of evictions and foreclosures, and questions how child care would be provided, how kids go back to school, and how to return to normal routines in an already overburdened and overwhelmed City.

In 2021, vaccination efforts began with state and local rates of steadily increasing and COVID-19 cases declining. With passage of the American Rescue Plan to provide individual payments, extended unemployment assistance, child care credits, health care improvements, and the ramp-up of vaccine distribution efforts, attention has been turned to long-term economic improvement, reopening, and recovery.



APPLICATION OF GUIDING PRINCIPLES TO IMPLEMENTATION

No matter the current or active challenges the City faces, the City must develop nimble, strategic responses that adhere to the guiding principles of this plan. Throughout the master plan are goals with recommended implementation strategies designed to reduce or remove barriers to innovation, strengthen resilience and livability, and promote health and equity.

As of this writing, $3.4 trillion has been spent on the Federal government's response to COVID-19, not to mention billions more by state and local authorities. Restrictions are lifting and the City is expected to fully reopen in the near future, possibly by the time this plan is adopted. But challenges remain as the economy recovers from the impact of the pandemic. Las Vegas is built on gaming and tourism, and it should rightfully remain as a top global destination, but it must continue to make investments in innovative industries that increase the share of jobs in other sectors. As discussed in the Economic goals on Economic Development, Redevelopment, and Public Finance, attracting and developing other economic sectors can ultimately reduce the impact of down economic cycles. Investing in health care, especially in communities and areas of the City with higher rates of poverty and chronic stress that exacerbate the symptoms and outcomes of COVID-19 and future crises, is needed as described in the Public Health goal. Preparing for hazards, whether naturally occurring or man-made, should be a priority means of developing community resilience no matter what it may be.

The COVID-19 pandemic and ongoing recovery illustrate how guiding principles can be applied to many aspects of the master plan to yield a resilient and healthy Las Vegas for all, and the next 30 years will provide a golden opportunity for the City.

REFERENCES AND ABBREVIATIONS

RECENT PLANS PUBLISHED SEPARATELY

- **Southern Nevada Strong:** Adopted in 2015, the Southern Nevada Strong Regional Plan (SNS) is the comprehensive regional policy plan administered by the RTC. SNS envisions how Southern Nevada and its jurisdictions can develop for long-term economic success by integrating education, transportation, the environment, economic competitiveness, health care and housing. The master plan conforms with the goals, objectives, and strategies established by SNS and is intended to align with overarching regional efforts for balanced economic, social, physical, environmental, and fiscal growth and development.
- **Vision 2045 Downtown Las Vegas Masterplan:** In 2016, the City of Las Vegas adopted a new special area plan for Downtown Las Vegas to guide the city policies and regulations and provided specific recommendations for an improved Downtown area. The plan incorporates catalytic mixed-use hubs for future investments within twelve districts that constitute downtown. Other recommendations include adoption of a form based zoning code, economic diversification efforts, complete street improvements, new parks, civic spaces, and improved streets, and a reinvigorated and streamlined governance effort.
- **Mobility Master Plan:** The Mobility Master Plan was developed to inform the City of specific street, transit, bicycle, and pedestrian projects throughout the City. The subsection below summarizes and explains the needs for transportation improvement projects.
- **On Board Future Mobility Plan:** In response to the need for more alternative mode solutions, the RTC developed On Board as a comprehensive mobility plan for Southern Nevada. With community input, the plan identifies enhancements to the current RTC transit system, a new high capacity transit network, and emerging transportation technologies that will shape future mobility.
- **Southern Nevada Water Resources Plan:** SNWA's Water Resource Plan provides an overview and outline of the region's water resources and conservation efforts. Given future population forecasts and the water resource portfolio and supplies for Southern Nevada, the plan describes SNWA's efforts to meet demands of its member entities, including the LVVWD that serves much of the City. It also provides important considerations and scenarios for climate change that may impact the availability of its most important resource, the Colorado River.

ABBREVIATIONS GLOSSARY

BLM – Bureau of Land Management

CC – Clark County

CCSD – Clark County School District

CIP – Capital Improvement Plan

CSN – College of Southern Nevada

DCP – Clark County Desert Conservation Program

DCNR – Nevada Department of Conservation and Natural Resources

FBC – Form-Based Code

GHG – Greenhouse Gas

GOED – Governor's Office for Economic Development

GPCD – gallons per capita per day

HPC – Historic Preservation Commission

HPO – Historic Preservation Officer

LEED – Leadership in Energy and Environmental Design

LOC – Level of Comfort

LOS – Level of Service

LVCVA – Las Vegas Visitors and Convention Authority

LVGEA – Las Vegas Global Economic Alliance

LVMC – Las Vegas Municipal Code

LVMPD – Las Vegas Metropolitan Police Department

LVVWD – Las Vegas Valley Water District

MSHCP – Clark County Multiple Species Habitat Conservation Plan

NDA – Nevada Department of Agriculture

NDEP – Nevada Division of Environmental Protection

NDOT – Nevada Department of Transportation

NDOW – Nevada Department of Wildlife

NLV – North Las Vegas

NRS – Nevada Revised Statutes

NSHE – Nevada System of Higher Education

RBPP – Regional Bicycle & Pedestrian Plan

RDA – Redevelopment Agency

RFCD – Regional Flood Control District

RTC – Regional Transportation Commission of Southern Nevada

RTP – Regional Transportation Plan Access 2040

SNPLMA – Southern Nevada Public Land Management Act

SNS – Southern Nevada Strong Regional Plan

SNHD – Southern Nevada Health District

SNRPC – Southern Nevada Regional Planning Coalition

SNWA – Southern Nevada Water Authority

Title 19 – Title of Las Vegas Municipal Code, the City's Unified Development Ordinance, composed of zoning, subdivision, and other related development standards

TOD – Transit-Oriented Development

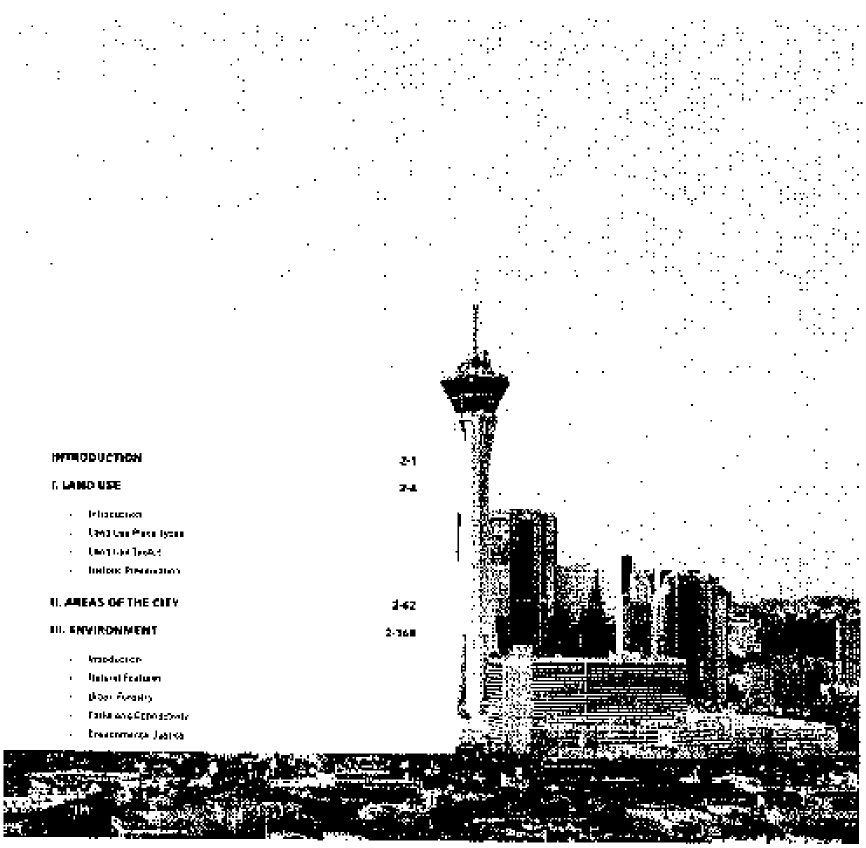
USGBC – United States Green Building Council

UNCE – University of Nevada Cooperative Extension

UNLV – University of Nevada, Las Vegas

VMT – Vehicle Miles Traveled

02.
LAND USE & ENVIRONMENT



INTRODUCTION

[illegible]

[illegible]

- [illegible]

GOALS

NRS 278.160.1(a)

LAND USE

- Develop compact and mixed use neighborhoods with walkable access to jobs, amenities, everyday services, and transit
- Focus new development in infill and redevelopment areas
- Encourage new development models that provide a broad mix of housing and neighborhood types to accommodate residents with varied incomes and in different stages of life
- Improve the quality of districts and neighborhoods to promote an authentic, vibrant sense of place
- Preserve and reuse historic structures and sites

NRS 278.160.1(h)

ENVIRONMENT

- Protect, enhance, and restore natural features and resources of the Mojave Desert
- Improve access and connectivity of open spaces for ecological, social, health, and quality of life benefits
- Provide increasing tree canopy across all areas of the City for multiple public health and environmental benefits
- Strengthen recreation and cultural opportunities for residents and visitors across the City

RELATION TO SOUTHERN NEVADA STRONG

INVEST IN COMPLETE COMMUNITIES

Goals focus on fostering complete communities within the region by integrating placemaking, safety, a variety of housing options, fresh food options, health services, cultural amenities, natural resources, and recreation and parks

1. Stabilizing and strengthening existing neighborhoods through placemaking improvements
2. Encouraging an adequate supply of housing in a range of price, income, density, ownership and building types
3. Supporting access to healthcare facilities, healthy food, parks, and community services
4. Improving neighborhood safety and protecting residents from the harmful effects of pollution and hazardous materials
5. Promoting resource-efficient land use and development practices

SUMMARY OF LAND USE & ENVIRONMENT STRATEGIES BY GUIDING PRINCIPLE

EQUITABLE

- Diversify housing options and provide affordable options
- Prevent displacement and gentrification for people and businesses
- Improve access to education, healthcare, jobs, resources, amenities
- Address unique needs and opportunities of each planning area

RESILIENT

- Prepare and plan for impacts of changing climate
- Enact water [illegible] plan to reduce demand
- Develop higher density neighborhoods connected to transportation
- Reduce heat island effects
- Promote xeriscaping
- Increase tree canopy
- Utilize cutting edge green building and energy efficiency techniques
- Develop net-zero buildings for maximum water use efficiency
- Consider adaptive reuse of aging buildings

HEALTHY

- Create mixed use, walkable, and accessible neighborhoods
- Prioritize clean air & water
- Regulate emissions
- Improve parks & open space and recreation
- Provide affordable housing
- Create more opportunities for urban agriculture

LIVEABLE

- Meet emerging market demands & support livable densities
- Emphasize urban placemaking
- Promote arts & culture
- Celebrate historic preservation
- Preserve cultural and historic neighborhoods and corridors
- Connect desert and western identity

INNOVATIVE

- Integrate with industry [illegible] and emerging economic sectors
- Support multiple transportation types and mixed of uses
- Create flexible zoning regulations [illegible] types instead of purely land uses
- Simplify zoning and development of form-based code
- Promote infill development

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LAND USE

NRS 278.160.1(f)

GOALS

A. Develop compact and mixed use neighborhoods with walkable access to jobs, amenities, education, services, and transit.

B. Focus new development in infill and redevelopment areas.

C. Utilize new development models that provide a broad mix of housing and neighborhood types to accommodate residents with mixed incomes and in different stages of life.

D. Improve the quality of districts and neighborhoods to promote an authentic, vibrant sense of place.

E. Preserve and reuse historic structures and sites.

INTRODUCTION

A VISION FOR LAND USE AND CHARACTER

While previous master plans have focused on ways to classify use, density, and land use arrangements, this plan adds character and scale as key considerations. Character impacts how residents and visitors feel about a place and influences their decisions on where to live and visit. First impressions about a place go well beyond just land use and design plays a more significant role. Blending land use and character will guide future development and redevelopment that best fit the goals of this Master Plan. This builds upon the strategies in the Downtown Vision 2045 and subsequent zoning amendments towards a form-based approach that prioritizes character and place.

APPROACH

It is necessary to plan for future land use and development in a manner consistent with community goals and objectives. Las Vegas is a community with quality residential neighborhoods, commercial and industrial areas to provide tax base and employment, with quality municipal services and recreational opportunities. The land use plan provides a long-range focus to help continue this balance.

New land use and community character challenges arise as Las Vegas continues to mature. Competition for desirable land uses from surrounding communities will increase. Redevelopment of aging sites will increase in importance. Management of traffic on an aging roadway network will continue to be a priority; greater transit support will require greater supportive densities, and public infrastructure systems will continue to age. As a result, the development strategy has shifted towards focusing on vacant or under utilized property to provide for quality redevelopment.

The Place Types Framework Map is a representation of general physical features/land use activities in the city in 2050 and does not imply that all of the changes will or should occur in the near term. Development and redevelopment will proceed in a manner consistent with policies on the environment, transportation and infrastructure capacity and other matters which help determine the appropriate timeframe. Also, zoning decisions should over time produce changes that gradually establish greater conformity between the Zoning Map and General Plan. The General Plan should be carefully considered to ensure consistency is maintained when making decisions on planning and development matters; community changes which directly conflict could undermine the long-term objectives of the city and should be avoided.

Provides general policies, a guiding framework	Finer grain detail of parcel specific future land use	Provides specific regulations, the law
Describes what should happen in the future; recommends land use for the next 15 to 20 years	Implements the goals and strategies of this plan and sets the stage for future rezonings	Describes what is and what is not allowed today
Adopted under NRS 278.150	Adopted under NRS 278.200 [illegible]	Adopted under NRS 278.260 by LVMC Title 19
Includes recommendations that involve other agencies and groups		Deals only with development-related issues under city control
Flexible to respond to changing conditions	Amended over time via subarea planning to implement place type strategies	Fairly rigid, requires formal amendment to change

SECTION ORGANIZATION

LAND USE TOOLS

Throughout the place type descriptions, land use tools [illegible] are highlighted. [illegible] "Land Use Tools" section where best practices are described that apply to [illegible] neighborhoods and [illegible].

GOALS

Each of the land use goals listed below are applied to varying degrees in each place type. Additionally, they are highlighted in the Land Use Tools section where they best apply.

A. Develop compact and mixed use neighborhoods with walkable access to jobs, amenities, education, services, and transit.

B. Focus new development on infill and redevelopment areas.

C. Utilize new development models that provide a broad mix of housing and neighborhood types to accommodate residents with varied incomes and in different stages of life.

D. Improve the quality of districts and neighborhoods to promote an authentic, vibrant sense of place.

E. Preserve and reuse historic structures and sites.

AREAS OF THE CITY

The city is divided into 18 areas for targeted recommendations and evaluation related to Land Use and the Environment. Each planning area is evaluated for future study and recommendations related to land use, connectivity and parks. See Section II: Planning Areas Analysis.

Future land uses (the "Future Place Types") were explored using the PlaceBuilder tool to understand where and how land use changes might occur. This tool provided a planning area level means of quantifying potential changes and anticipating outcomes in terms of [illegible] housing, open space and [illegible].

- Each 150 [illegible] achieves a minimum score of 70 using the EPA's Smart Location Calculator by 2050
- The percentage of all development that occurs within the plan's Regional Centers, Mixed-Use Centers, Corridor Mixed-Use, or Neighborhood Center Mixed-Use place types increases over time
- At least 60% of new residential and non-residential development occurs in designated place types, infill and redevelopment areas by 2050
- 1 local historic district per 100,000 residents
- The number of designated historic districts and neighborhoods increases
- The number of eligible structures and sites designated as local historic landmarks, added to local historic districts, and/or rehabilitated, restored, or converted through adaptive reuse increases annually
- With community support, adopt a specific plan for each area of the city

- The City has just about reached its growth boundary, [illegible] opportunities for greenfield development at the periphery
- The City lacks sufficient diversity of housing types - too much single family and not enough "missing middle" attached housing typologies
- While some mixed use neighborhoods have [illegible] many other parts of the city rely on aging commercial corridors for local shopping and services that lack the walkable character desired by residents
- Employment is centered in a few locations, making commuting patterns that often require the use of a personal automobile
- Underutilized and vacant surface parking, vacant sites and obsolete buildings are prime opportunities for infill redevelopment

- Transform zoning regulations for corridors and nodes to encourage a greater mixture of uses and densities to support transit
- Create subarea plans for each planning area
- Prioritize catalytic redevelopment sites
- Require new subdivisions to be built with greater emphasis on traditional neighborhood design principles
- Incentivize new development types by streamlining the development review process
- Develop a strategy for integrating "missing middle" housing types into existing neighborhoods
- Strengthen neighborhood identity and pride by planning area
- Promote and expand awareness of historic preservation and embed into development decision-making

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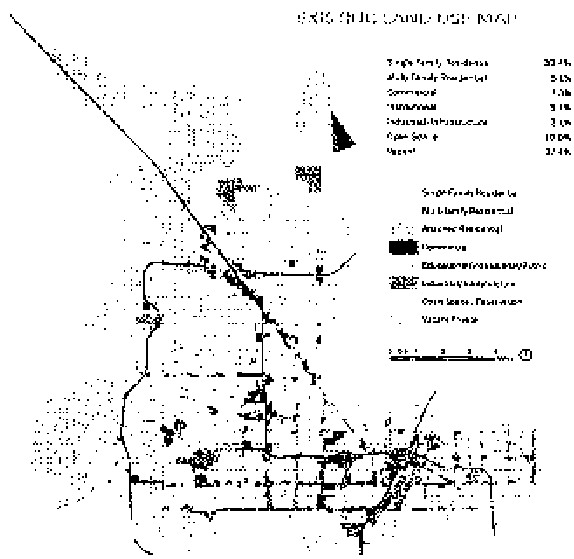
RELATIONSHIP TO PREVIOUS LAND USE DOCUMENTS

Because the City has developed with land through a series of subdivisions and development agreements, a variety of other documents govern land use and development in those areas. As each area has its own definition of land use types (and their details), this planning process sought to unify them based on a more place based characterization. These resulting existing land uses provide a glimpse at how land is used at the time of this plan's adoption.

Moving forward, the future land use place types provide an overarching framework for future development decisions. The place type framework does not replace the General Plan or any development agreements, but rather supplements them, especially for urban infill and catalytic sites. The place types are used as a way of thinking about strategies that are common for areas, giving the strategy will be implemented differently depending on their context. Future area planning will guide more specific [illegible] place types defined in this plan and those not addressed in an individual land uses).

For a detailed comparison of General Plan categories and future place types, please see Chapter 5.

EQUITABLE	RESILIENT	HEALTHY	LIVABLE	INNOVATIVE
Providing a broad mix of housing types accommodates residents with varied incomes and in different stages of life.	Protecting and reusing existing structures and land allows for [illegible] resulting in reduced negative environmental impacts.	Improved walkability in compact and mixed-use neighborhoods allows greater [illegible] active transportation between jobs, amenities, education and services.	Compact development in infill and redevelopment areas improves the quality of places and neighborhoods and promotes a strong sense of place.	New innovative development models will be needed to provide a mix of housing types for all [illegible] of life.



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LAND USE PLACE TYPES

DEVELOP COMPACT AND MIXED-USE NEIGHBORHOODS WITH WALKABLE ACCESS TO JOBS, AMENITIES, EDUCATION, SERVICES, AND TRANSIT

RELATION TO GENERAL PLAN AND ZONING

Detailed below are the place types and strategies that correspond to the areas identified on the Place Types Framework Map. The Framework Map summarizes the place types should be in Las Vegas in 2050. Most of the land uses and their corresponding zoning districts, especially those along major corridors, will change as a result of adoption of this plan and are recommended for greater design standards and flexibility in uses. [illegible] General Plan and zoning amendments. Others may have longer-term future or incremental General Plan Amendments (GPA) based on the Place Types Framework Map and [illegible] Plan build out, including Regional Centers. Others may be required to obtain a new GPA and zoning if requesting a rezone within the areas on the map that have yet to transition to the Framework Plan's [illegible] place types.

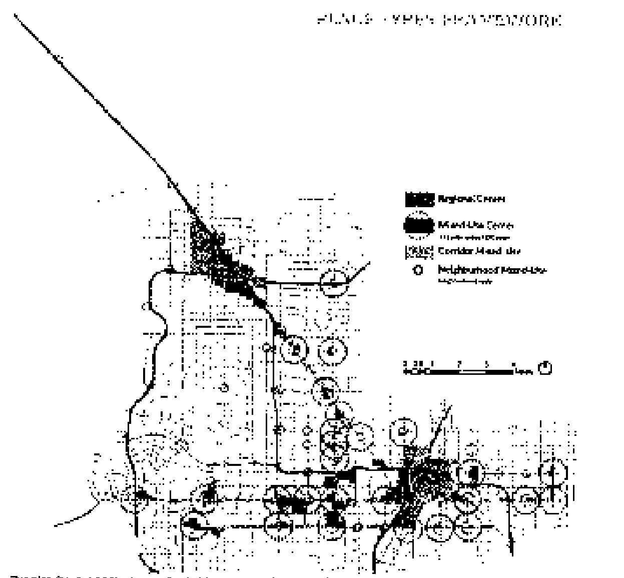
Some of the designations will match existing conditions while others will not. These place types should be a "road map" for the location of land uses and character in Las Vegas over the long term. Each place type description includes strategies that can be followed to guide land use decisions and implement the intent of the different categories over time.

FACTORS CONSIDERED

The Master Plan's land use approach incorporates input received during the public participation process, acknowledges existing land use patterns, and reflects planning best practices. More specifically, the following factors were taken into consideration in preparing the Place Types Map:

- **Existing Land Use.** Many residential neighborhoods are not expected to change. Much of the change as described in Chapter 1, Case for Change, is expected to be along commercial corridors.
- **Existing Zoning.** Las Vegas currently has dozens of zoning districts that are expected to condense over time to a more streamlined set of place-based zoning districts. The current zoning was utilized as a tool in developing the propensity for change tool as described in Chapter 1, which helps guide the future transition to the place type approach. Many master planned neighborhoods are governed by development agreements that restrict their ability to change.
- **Capacity of Streets, Infrastructure, Facilities, and Services.** Accessibility to and the capacity of the street network help establish the types and intensity of uses that may be served in an area without adversely impacting traffic operations. The RTC's planned transit corridors were prioritized for increased density to maximize the potential success of those routes. Nodes planned for stations, connective roadways, and increased pedestrian access from existing neighborhoods will all help build the development required to support a robust transit system. As described in Chapter 1, A Case for Change, the limitations of the water supply from Lake Mead place an emphasis on decreasing water demand and maximizing efficiency of new development. Utilizing the existing utility network already established within the city rather than expanding outward will most efficiently use the systems already in place. The availability of community facilities such as schools and recreational facilities affects the areas that are especially attractive for residential development, while police and fire protection also assist with the quality of life provided to all land uses.
- **Market Conditions.** The nature of residential, commercial, and industrial land uses are evolving, with aging development types often becoming less desirable or obsolete. This can result in an oversupply of certain types of development, especially commercial. Meanwhile, market segments of the population are seeking alternatives to the single family

PLACE TYPES FRAMEWORK



This plan focuses on the areas intended for more significant transformation. As neighborhoods are not likely to see significant change, they are not indicated on the map. Further planning area study will result in more targeted recommendations for neighborhood place types.

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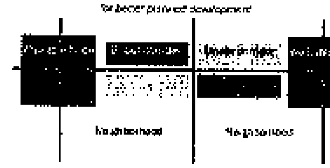
home [illegible] demand for [illegible], townhouses and [illegible] urban amenities. Redevelopment of existing uses, especially commercial [illegible] mixed uses, is encouraged, and the place types reflect a balance and mixture of uses targeted to key areas.

- **Land Use Patterns in the Region.** Land use patterns for surrounding communities and the region were also considered. This plan supports the Southern Nevada Strong regional plan's strategy to grow from within, [illegible] by redeveloping underutilized property within city limits and limiting further expansion outward. This includes limiting future expansion of the [illegible] disposal boundary and [illegible] redeveloping existing land within the city and the 20,000 acres remaining for disposal [illegible]. See Section [illegible] Natural Features for more on how BLM land is disposed.
- **Public Input - Preserve, Enhance, Transform (PET).** Comments and opinions about land use patterns and related community planning issues as conveyed at various public forums and stakeholder interviews helped shape the plan's place type direction. The Preserve, Enhance, Transform mapping tool that helped guide conversations during the planning process helps shape to what extent different areas of the City are expected to change. There are features that must be preserved to promote the city's best assets or enhanced to better meet the plan's guiding principles. Other less desirable characteristics have a different impact on community perceptions and economic vitality. These areas or characteristics must be either significantly changed or completely transformed. Transform areas are the focus of this plan to accommodate forecasted growth, support [illegible] and need; the guiding principles and generally are mixed use place types that need short-term zoning changes to achieve this plan's vision.
    - **Preserve.** This master plan supports continued investment to preserve Las Vegas's distinctive identity, cultural assets, established neighborhoods, and commitment to serve the varied needs of its diverse residents.
    - **Enhance.** This plan supports a commitment to enhance community assets in need of investment to reach their full potential.
    - **Transform.** Finally, this plan supports the development of strategies to transform underutilized properties into vibrant, walkable mixed use places that minimize their impact on the environment and support an efficient transit system.
- **Future Zoning/Form based approach.** At the time of this plan's writing, the City has been adopting major place-based amendments to zoning to implement the Downtown Vision 2045 plan. Title 19.09 introduces desired character through building types, open space types, and frontage types. The place types on the following pages are described by these key features to aid in future translation to zoning or character-based zoning changes. Each place type's implementation will be driven by its context and will represent a different intensity and character depending on where it is located in the city (related to the Form-based Code Transect approach). Similarly, a new chapter of Title 19 is recommended to facilitate future zoning that corresponds with these place types. The overall intent is consistent across the city with localized adaptations of the place type as future subarea planning or rezonings occur.
- **PlaceBuilder Tool.** The planning team completed a PlaceBuilder tool, which provided a planning-level land use planning model that provided the following functionality:
    - Tabulation of existing land use patterns and zoning categories into a simpler set of working categories. These categories focused on the following land uses which were those with a relatively more likely potential for change in the future: Single Family Residential, Attached Residential, Multifamily Residential, Commercial, Industrial, Vacant/Public.
    - Assesses the redevelopment potential of [illegible] and [illegible] areas based on percent of [illegible] currently containing a building. Areas with relatively less building ground floor square footage (i.e. places with large surface parking lots) were deemed to have greater redevelopment potential in general.
    - PlaceBuilder tool allows for percentages of each land use area, separately for high, medium, and low redevelopment potential, to be assigned [illegible] Future Place Type for that percentage of the area. Future Place Type assignments comprised the density (FAR) of future development along with setting targets for housing units per acre, amount of public open space, and land area for infrastructure (setbacks, road circulation, etc.).
    - Based on forecasting potential land use changes, the PlaceBuilder tool provides a projection of future housing capacity, open space, commercial space creation, and water utilization.

CHARACTER TYPES

Land corridor: [illegible] residential, personal service, and office. [illegible] retail. Opportunity to assemble small parcels for better planned development. | [illegible] retail [illegible] use walkable [illegible]

Walkable [illegible]	Regional Center
	Mixed Use Center
	Neighborhood Mixed Use
Urban Corridor	Mixed Use Corridor
	Mixed Residential
Neighborhood	Mixed Residential
	Traditional Neighborhood
	Suburban [illegible]



Public Input	Place Build (Change Propensity)	Implementation Priority (zoning changes)	Place Types (majority)
Preserve	Low	Case by case	• Suburban [illegible] • Rural Preservation
Enhance	Medium	Gradual	• Traditional [illegible] • Mixed Residential • Regional Center
Transform	High	Immediate (Rezoning when dependent on [illegible])	• Transit Center Mixed Use • Mixed Use Center • Corridor Mixed Use • Regional Center

Because this plan focuses on the Transform areas, Preserve and Enhance areas are not identified on the map with new Place Types. Future planning will provide more targeted recommendations in these areas.

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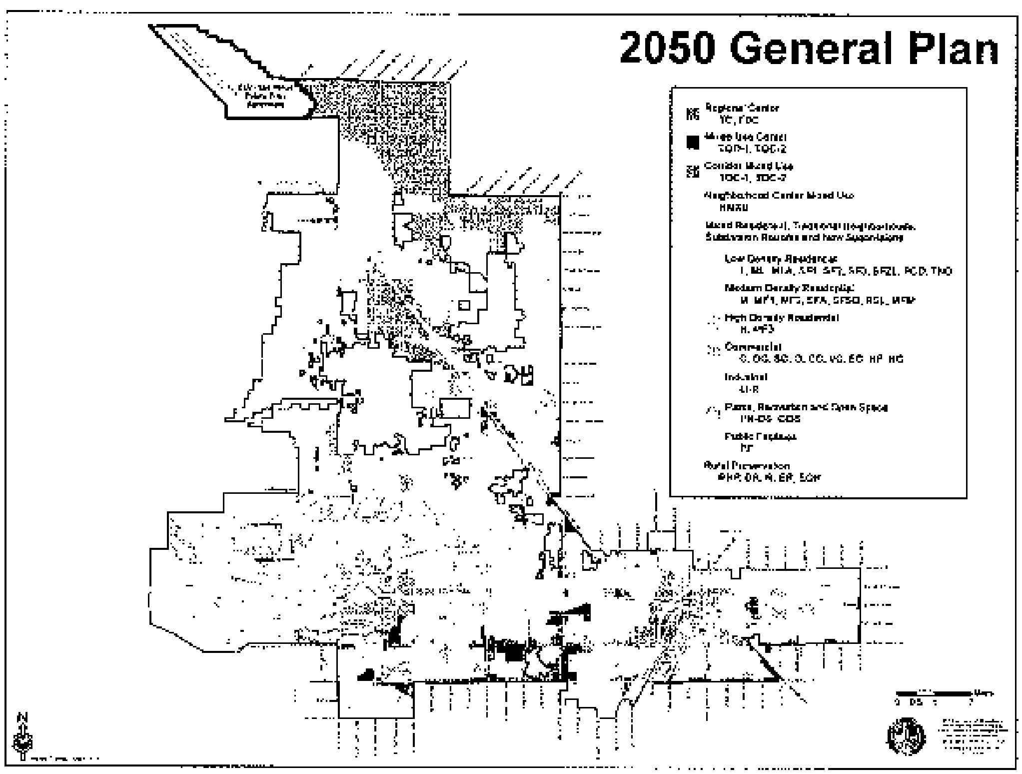
2050 General Plan
Commercial
Industrial

COMPATIBLE ZONING CATEGORIES: LVMC TITLE 19

General Plan Categories	Character and Density - See Chapter 5 for complete land use descriptions	Applicable Special Areas	Compatible Zoning Categories (Title 19.06, Title 19.09, Title 19.10, Title 19.09 / 19.07)
Regional Center [illegible]	See page [illegible]		
FBC - Form Based Code	Diverse, human-scale, walkable mixed-use built environment throughout Downtown (Variable; 5.0-90 du/acre)	DDV	[illegible]
TC - Town Center	Mixed-use suburban regional center (includes [illegible]) (< 35 du/acre)	TC (AIS)	[illegible]
[illegible]	See page [illegible]		
TOD 1 - Transit-Oriented Development High	Higher intensity mixed-use TOD suitable for LRT (< 40 du/acre)		[illegible]
TOD 2 - Transit-Oriented Development Low	Moderate intensity mixed-use TOD suitable for BRT (< 30 du/acre)		[illegible]
[illegible]			
TOC 1 - Transit-Oriented Corridor - High	Higher intensity linear corridor of mixed-use suitable for LRT (< 40 du/acre)		[illegible]
TOC 2 - Transit-Oriented Corridor - Low	Moderate intensity linear corridor oriented mixed use suitable for BRT (< 30 du/acre)		[illegible]
Neighborhood Mixed-Use Center			
NMU - Neighborhood Mixed Use Center	Moderate intensity neighborhood oriented mixed-use and town centers (Variable density)		[illegible]
Low Density Residential			
L - Low	Single family housing, detached homes, manufactured housing (< 5.5 du/acre)	CC, GTV, IHP, LM	[illegible]
ML - Medium Low	Single family housing, detached homes, compact lots and zero lot lines (< 8.5 du/acre)	CC, GCV, GTV, LM	[illegible]
MLA - Medium Low Attached	Single and multi-family housing, typically attached townhomes, condos and duplexes (< 12.0 du/acre)	GTV, LM	[illegible]
SF1 - Single Family Detached 1	Low density single family detached housing within Summerlin (< 3.5 du/acre)	SUM	[illegible]
SF2 - Single Family Detached 2	Low density single family detached housing within Summerlin (< 8 du/acre)	SUM	[illegible]
SF3 - Single Family Detached 3	Medium low density single family housing within Summerlin (< 10 du/acre)	SUM	[illegible]
SFZL - Single Family Zero Lot Line	Attached or detached single family housing with 0 lot line (< 12 du/acre)	SUM	[illegible]
PCD - Planned Community Development	Mixed residential development, [illegible] (< 8 du/acre)		[illegible]
TND - Traditional Neighborhood Dev	Balanced mix of residential, commercial and civic uses with maximum complete streets (Variable density)		[illegible]
Medium Density Residential			
M - Medium	Multi family housing, townhomes and plexes (< 25.5 du/acre)	CF	[illegible]
MF1 - Multi Family Low Density	Multi-family housing, townhomes and plexes (< 14 du/acre)	SUM	[illegible]
MF2 - Multi Family Medium Density	Multi-family housing, townhomes and plexes (< 21 du/acre)	SUM	[illegible]
SFA - Single Family Attached	Attached single family housing (< 12 du/acre)	SUM	[illegible]
SFSD - Single Family Special Lot	Single family housing (< 18 du/acre)	SUM	[illegible]
RSL - Residential Small Lot	Attached or detached single family housing (< 15 du/acre)	CE	[illegible]
MFM - Multi-Family Medium	Multi-family housing, townhomes and plexes (< 25 du/acre)	GCV, GTV, LM	[illegible]
High Density Residential			
H - High Density	Multi family housing, apartments, condominiums, townhomes and high rise (residential > 25.5 du/acre)		[illegible]
MF3 - High Density Multi Family	Large apartments, condominiums, and other multi family dwellings (no maximum density)	SUM	[illegible]
Commercial			
GC - General Commercial	All types of commercial/office, businesses, services		[illegible]
SC - Service Commercial	[illegible] offices, businesses, services		[illegible]
O - Office	Low intensity small scale commercial offices [illegible]		[illegible]
CC - Community Commercial	Medium intensity offices, businesses, services	GCV	[illegible]
VC - Village Commercial	Medium intensity neighborhood oriented offices, businesses, and retail	CC, LM, SUM	[illegible]
TC - Town Center	Large commercial [illegible] that become a primary [illegible] center for Summerlin	SUM	[illegible]
EC - Employment Center	Office, light industry, business and support commercial [illegible] and higher density multi-family residential	SUM	[illegible]
NF - Neighborhood Focus	Low intensity neighborhood oriented retail, offices, services and recreational amenities	SUM	[illegible]
NC - Neighborhood Commercial	Low intensity neighborhood oriented retail and services	LM	[illegible]
Industrial			
LI/R - Light Industry / Research	Medium to moderate intensity industrial activities, light assembly, contractors, business parks		[illegible]
[illegible]			
PR-OS - Parks, Recreation, Open Space	Parks, recreational facilities, golf courses, open spaces, trails		[illegible]
COS - Community Open Space	Public and semi-public parks, recreational facilities, golf courses, open spaces, trails and civic spaces	SUM	[illegible]

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COMPATIBLE ZONING CATEGORIES LVMC TITLE 19

TITLE 19.06 | TITLE 19.08 | TITLE 19.10 | TITLE 19.09 / 19.07

General Plan Categories	Character and Density	Applicable Special Areas	Compatible Zoning Categories
PF - Public Facilities	Public and semi-public buildings and facilities, civic uses and spaces, infrastructure, and utilities	A1	
Rural Preservation			
RNP - Rural Neighborhood Preservation	Large lot single family estates, ranches, typically in suburban areas designated for preservation (< 2 du/acre)		X X
DR - Desert Rural	Large lot single family estates, ranches, typically in suburban or peripheral rural areas (< 2.5 du/acre)	[illegible]	X X
R - Rural	Medium large lot single family estates, ranches, typically in suburban or peripheral rural areas (< 3.6 du/acre)	[illegible]	X X X X S
ER - Estate Residential	Large lot suburban single family estates (< 2 du/acre)	[illegible]	X
EDR - Equestrian Residential	Large lot suburban single family estates (< 2 du/acre)	[illegible]	X

Notes

- X - Allowed zoning category
- S - Applicable to Special Area, Master Planned Community or Development Agreement
- T - Existing uses temporarily allowed but will change into another category after action is taken by Planning Commission or City Council

Redevelopment Area Categories

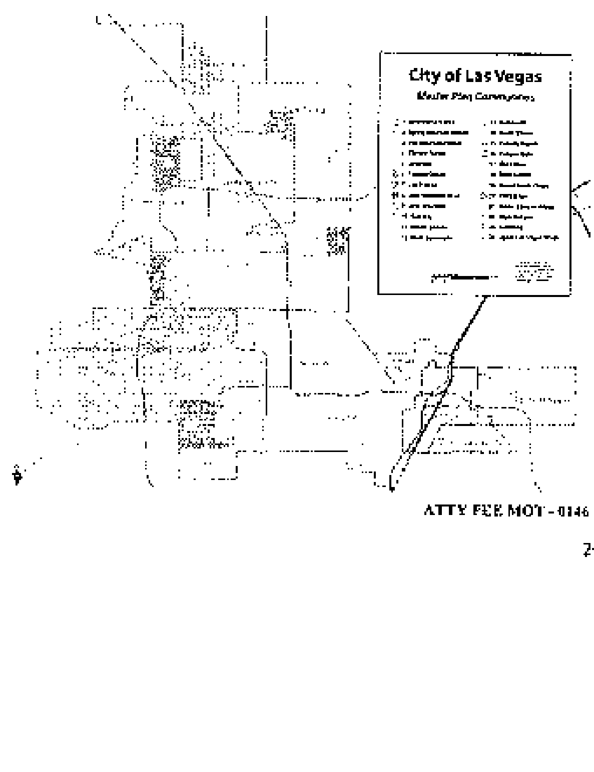
The following designations are legacy general plan categories within the City's Redevelopment Areas (RDA 1 and RDA 2). Those categories and their corresponding compatible zoning continue to exist, but may change into another category including [illegible] after action is taken by Planning Commission or City Council.

- C - Commercial (corresponds with O, SC, GC general plan categories [illegible] zoning districts)
- MXU - Mixed Use (corresponds with L, ML, M, H, O, SC, GC general plan categories [illegible] zoning districts)

Special Areas, Master Planned Communities, and Development Agreements

- CE - Cliff's Edge - Providence
- DTLV - Downtown Las Vegas
- GCV - Grand Canyon Village
- GTV - Grand Teton Village
- KVR - Kyle Canyon Ranch
- LM - Lone Mountain / Lone Mountain West
- MTC - Montecito Town Center
- SNW - Summerlin North/Summerlin West
- SKYE - Skye Canyon
- ULVW - Upper Las Vegas Wash (Future)
- TC - Town Center

See Chapter 5 for complete land use descriptions



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20548

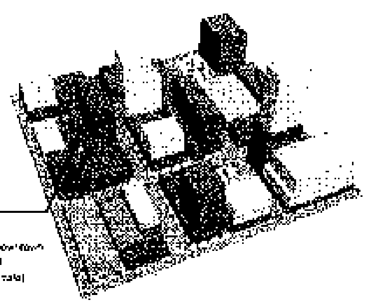
1. REGIONAL CENTER

INTENT AND STRATEGIES

While the scale and intensity varies, Regional Centers are intended to be the regional hubs of activity comprised of employment centers and destinations for both residents and visitors. Downtown, Centennial Hills, and Downtown Summerlin share the qualities and characteristics for the most intense of the mixed-use hub place types. While accessible by transit, each Regional Center's character and density is driven more by their own plans published separately from this Master Plan.

- Mixed-use
- Historic preservation
- Infill housing
- Greater housing options
- Neighborhood services

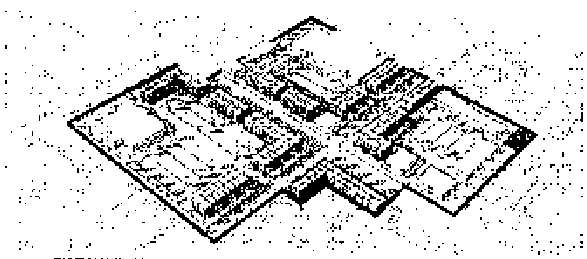
	[illegible]
	Variable Areas
	Shopping, services, dining, employment, residential and office (especially on upper floors); mass transportation
	Walkable multi-modal street and grid system
	Storefronts with direct access to sidewalk
	High-rise/mid-rise
	Storefronts facing street, pedestrian entrances connected to sidewalks, strong emphasis on placemaking and streetscape
	• Reduce dominance of surface parking lots • Enhanced streetscape • Drive-thrus discouraged
	• 25-60+ DU/acre
	Major employment centers, regional destinations
	• Downtown (comprised of 12 subdistricts, see Downtown Master Plan) • Centennial Hills Town Center • Summerlin Centre (coordinate with Clark County)
	Town Center (TC, including all associated subcategories); Form-Based Code (FBC) appropriate category with a Form Code (if desired)



Mixture of uses

Tallest buildings in Downtown (Centennial Hills and Summerlin smaller scale)

2. MIXED-USE CENTER



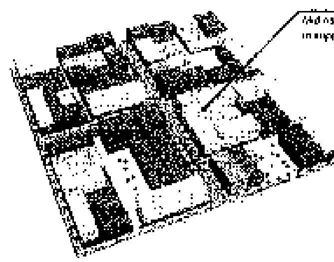
INTENT AND STRATEGIES

Mixed use Centers are the primary nodes intended for the greatest transit-oriented development potential. Whether light rail, bus rapid transit or improved bus routes, the type of transit will dictate the scale and density each node is able to sustain. No matter the eventual transit type, these areas are planned to support a mixture of uses, walkable character, and serve as hubs for the nearby neighborhoods.

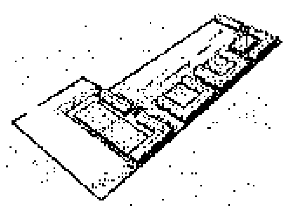
- Prioritize mixed use density to support transit stops
- Commercial retail, often replaces shopping districts
- Transit oriented development priority areas

- Mixed use
- Walkable site design
- Transit Oriented Development
- Place making through arts and culture
- Adaptive reuse
- Diverse housing options

	Transform	
	Walkable Nodes	
	Shopping, services, dining, employment, residential, and office [illegible] transportation	
	Walkable multi-modal [illegible] access management	
	Storefronts with direct access to sidewalk	
	Mid-rise / low-rise [illegible]	
	Storefronts facing street. Pedestrian entrances connected to sidewalks	
	• Substantially reduce surface parking lots • Urban style streetscape	
	• 4-5 storied facade	
	TOD-1	TOD-2
	40 DU/acre LRT supportive	30 units per acre BRT supportive
	Mixed-use [illegible] schools	
	[illegible] along transit corridors	
	TOD-1, TOD-2	



CORRIDOR MIXED USE



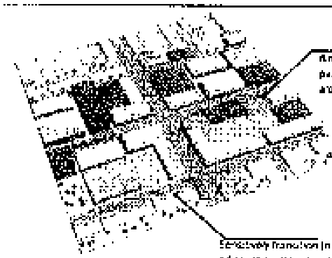
INTENT AND STRATEGIES

Areas designated Corridor Mixed-Use are primarily predominantly commercial corridors that are intended to transition to accommodate a mixture of uses, particularly residential. These [illegible] auto-oriented areas are planned to gradually transform to more walkable corridors to better support transit.

- Maximize potential of existing corridors
- Improve walkability and site and building aesthetics
- Gradually reduce the number of driveways and auto-oriented uses to support greater walkability
- Build transit-supportive density
- Integrate internal [illegible] access, pedestrian and connections, and better connectivity to adjacent neighborhoods
- Provide a [illegible] housing and employment uses
- Retrofit of existing suburban/auto-oriented commercial corridors with a broader mixture of uses and [illegible]
- Connect Regional Centers with Mixed Use and Neighborhood Centers, accessible from adjacent neighborhoods to feed population to nodes

- Mixed use
- Walkable urban design
- Transit-Oriented Development
- [illegible] Design elements and culture
- Adaptive reuse
- Diverse housing options

	Transform	
	Linear corridor	
	Shopping, services, dining, employment, residential and other uses [illegible]	
	Walkable multi-modal environment, [illegible] management, [illegible]	
	[illegible] minimum [illegible] – allow [illegible] flexibility	
	[illegible] with [illegible] access [illegible] acceptable	
	Mid-rise [illegible], townhouses, [illegible]	
	[illegible] fronting street. Pedestrian entrances connected to sidewalks	
	• Reduce dominance of surface parking lots • Urban [illegible] • [illegible] Acceptable	
	• [illegible] stories typical • Residential densities [illegible] [illegible] apartment buildings (greater densities [illegible])	
	TOD 1 • [illegible] • LRT supportive	TOD 2 • [illegible] • BRT supportive
	Greenways, neighborhood parks	
	Charleston, Rancho, Eastern, Maryland, [illegible], Decatur, Las Vegas Boulevard	
	TOD 1, TOD 2	



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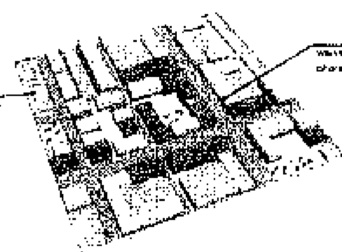
INTENT AND STRATEGIES

Neighborhood Center Mixed-use may refer to either a catalytic redevelopment site or a new suburban site that is a neighborhood serving town center. These places can be thought of as "micro-TOD" given that they have many transit oriented features. They often have [illegible] ... of locations ... have the features of a walkable main street, mixed housing types, community supporting retail, but at a scale that is not as dense or intense as other types and compatible with surrounding neighborhoods.

- Utilization of mixed-use, transit oriented design features
- Limits to height, bulk, size, density and intensity
- Walkable neighborhood design, possibly characterized with a main street
- Adjacent properties and neighborhoods served by community oriented retail and employment and is within a short walk or bike ride

- Mixed-use
- Walkable site design
- Placemaking through arts and culture
- Adaptive reuse
- Diverse housing options

	Transform and Enhance
	Walkable Node
	• Shopping, services, dining, employment • Residential and office (especially on upper floors) • Civic
	Walkable emphasis, [illegible] grid system [illegible]
	Limit front yard parking
	Moderate [illegible]
	Storefronts [illegible] street, pedestrian [illegible] connected to sidewalks, [illegible] placemaking and [illegible]
	• Reduce parking [illegible] • [illegible] • [illegible]
	• [illegible] • 2-3 stories [illegible] • 25 units per acre or less
	[illegible] adjacent neighborhoods [illegible]
	Neighborhood [illegible] at major intersections [illegible]
	[illegible]



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20552

[illegible] MIXED RESIDENTIAL

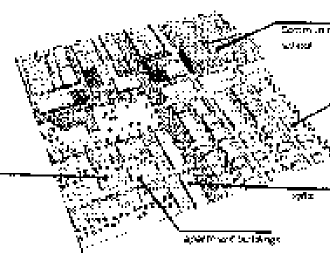
INTENT AND STRATEGIES

Mixed residential is intended for a mixture of housing [illegible] along corridors adjacent to single-family detached neighborhoods and near transit-oriented [illegible] to integrate a variety of multiple-family building types. [illegible] development consisting of urban-style attached residential units including townhouses, flats, and small apartment buildings should be designed to fit the context of the adjacent residential neighborhoods.

- The "multi-family" of the future: more than just apartment buildings
- More units in less space, but emphasis on place and walkability
- Easy transit access
- Permit a variety of attached housing types
- Accommodate a variety of income levels
- Opportunities for pathways to ownership [illegible] for condo/townhouse style developments
- Complementary to mixed-use corridor but [illegible] of a commercial emphasis

- [illegible] housing options
- [illegible] character
- Infill housing
- Adaptive reuse

	[illegible]
	[illegible] Linear Connector
	• Predominantly attached residential • Some detached residential with accessory dwelling units • Some civic, small-scale commercial to support neighborhood locations
	Retrofit existing multi-family complexes to emphasize sidewalks, bike connections, access management [illegible] blend of [illegible] and grid street/block types
	[illegible] changes to accommodate the market
	Front street where possible; [illegible]
	[illegible] cottages, [illegible], townhouse, duplex/quadplex
	[illegible] garages, [illegible] building, [illegible] parking
	• [illegible] tree canopy cover using [illegible] species • [illegible] campus style [illegible] walkable [illegible] not parking lots
	Integrate new [illegible] housing or transforming [illegible]
	Mini parks, Neighborhood Parks, Schools
	Downtown South, East Las Vegas, West Side, Charleston, [illegible], Rancho, Angel Park
	Multi-family [illegible] (MF1 and MF2), Single-family Attached (SFA), Medium [illegible] Multi-Family Low (MFL)



TRADITIONAL NEIGHBORHOOD

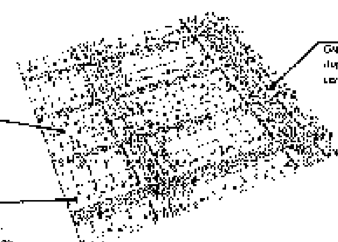
INTENT AND STRATEGIES

The City's mid-century historic neighborhoods, the first ring of neighborhoods surrounding downtown, are typically walkable, grid pattern neighborhoods with ranch-style detached houses. These areas should focus on rehabilitation and preservation of historic mid-century homes and infill should be sensitive to the existing character.

- Integration of non-detached houses or accessory dwellings should be gradual and context sensitive which may include the relaxation of some zoning district standards over time pending further planning and analysis.
- Some homes that have converted to offices could be re-converted back to homes.
- Consider infill of cottage-style, smaller single-family units.

- Historic preservation
- Infill housing
- Diverse housing options
- Neighborhood Character

	Preserve/Enhance: because limited change is expected here, these areas are not identified specifically on the Place Type map. Further analysis [illegible] in the future to identify specific areas or types listed above.
	Neighborhood
	Residential zone
	Traditional neighborhood-style grid patterns, sidewalks, bike connections
	Consider [illegible] more flexibility
	and [illegible] neighborhood style grid patterns, sidewalks, bike connections
	Detached house, [illegible]
	Reduce front-facing garages
	- [illegible] increase tree canopy cover - [illegible] reduce water consumption [illegible]
	Gradual incorporation of alternative housing types; zoning changes to permit accessory dwelling units or [illegible]
	[illegible] neighborhood Retail Services
	Downtown South, East Las Vegas, West Side, Charleston, Meadows, Rancho, Angel Park
	High (H), Medium Low Attainable (MLA), Medium Low (ML), Low (L)



7. SUBDIVISION RETROFIT + NEW SUBDIVISIONS

*Street-to-neighborhood pattern only. Intent is subdivisions with vernacular southwest architecture and landscaping for a Las Vegas-appropriate TND.

INTENT AND STRATEGIES

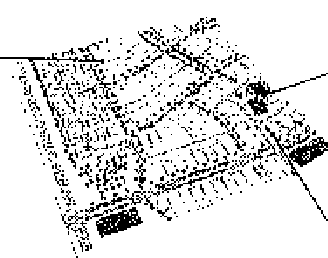
Much of the housing built in the last 50 years has been in subdivisions and master planned communities. Change in these areas is expected to be minimal. To better meet this plan's guiding principles, the following strategies should be employed in new residential developments and contextualized to integrate into existing subdivisions:

- Prioritize improving conventional connectivity
- Minimize dominance of parking by locating garages behind the front facade or along an alley
- Consider integrating 2, 3, and 4 unit housing single family as ADU in existing neighborhoods
- Explore integrating additional open space, especially in deficient areas lacking the landscape.

- Traditional Neighborhood Design
- Neighborhood Character
- Diverse housing options

Neighborhood Connections and Buffers

	Existing subdivisions: Preserve and enhance New subdivisions: Transform Because limited change is expected here, these areas are not identified specifically on the Place Type map. Further area planning may occur in the future to identify specific areas to apply these strategies.
	Neighborhood
	Residential zone
	[illegible] street patterns and cul-de-sacs [illegible] existing [illegible] efforts should be made to improve connectivity to adjacent streets, especially for pedestrians and bicyclists. [illegible] should provide [illegible] neighborhood grid patterns
	Small [illegible] [illegible] should [illegible] to support walkability through [illegible] design
	[illegible]
	Reduce front facing garages
	- Landscape [illegible] tree canopy cover - [illegible] to reduce water consumption [illegible]
	- Gradual incorporation of attached housing types [illegible] changes to permit accessory dwelling units or [illegible] - [illegible]
	[illegible] Neighborhood Parks, Schools, Community Parks
	Summerlin [illegible] Mountain [illegible] Centennial Hills [illegible] Springs [illegible] Canyon
	High [illegible] Medium Low Attached (ML[illegible]) Medium (M) Medium Low (ML) Low (L) Single Family [illegible] Single Family [illegible] (SF[illegible]) [illegible] Residential Small Lot (RSL) [illegible] (ER) Estate Residential (DR) Master Planned [illegible] [illegible] (Some subdivisions are contained within the Centennial Town Center "Regional Center" classification)

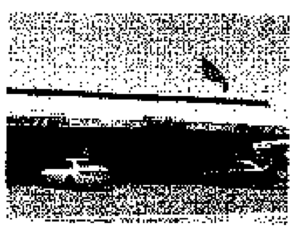


GAMING ENTERPRISE OVERLAY DISTRICTS

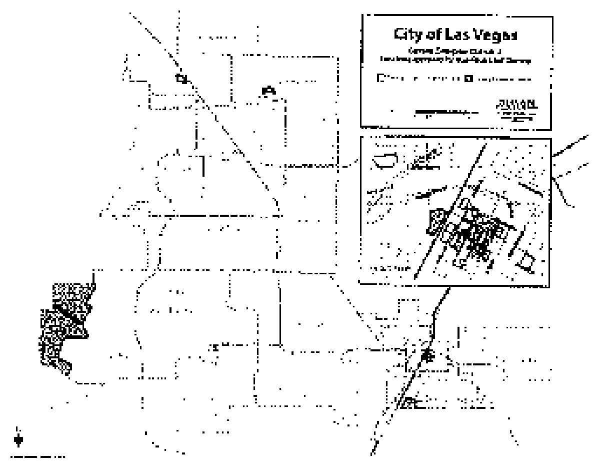
[illegible]

INTENT AND STRATEGIES

- Gaming Enterprise Districts are [illegible] for resorts and casinos that offer non-restricted gaming.
- Non-restricted gaming is permitted in a series of overlay districts (LVMC Title 19 [illegible]).
- Development in these districts should be compatible with the applicable place type criteria.
  - Downtown casinos should continue the historic casino atmosphere that differentiates Downtown from The Strip and utilize the Regional Center Place Type strategies.
  - Neighborhood casinos should follow the strategies outlined for Mixed-Use Centers and Neighborhood Mixed-Use, emphasizing walkability, minimizing the dominance of parking lots and integrating a variety of uses.
  - Resort-style casinos should reflect their natural settings, embracing the desert resources through [illegible] and sensitive site design and blending into the natural environment as much as possible.



GAMING ENTERPRISE OVERLAY MAP

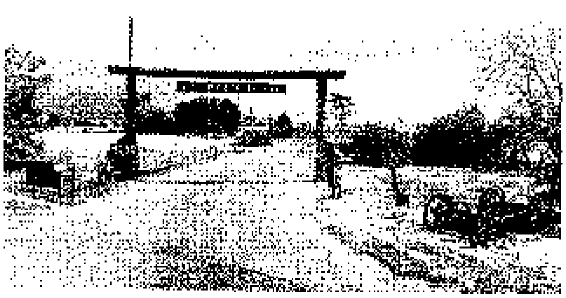


RURAL PRESERVATION

NRS 278.[illegible]

INTENT AND STRATEGIES

- [illegible] preservation ensures that the rural character is preserved.
- Rural areas are [illegible] districts [illegible] General Plan Categories: Rural [illegible] Desert Rural (DR), Rural Neighborhood Preservation (RNP).
- Historically, the neighborhood type that [illegible] rural living was [illegible] ranch style development, which permitted a greater variety of [illegible] animals, [illegible] streetlights, and more flexibility in live/work uses. Over time, some of these areas have seen traditional urban and suburban subdivisions develop around them. In the future, some of these areas may face pressure to [illegible] rural neighborhoods and could transition into one of the other neighborhood place types. [illegible] are best suited in areas at the periphery of the city where open space preservation is [illegible] the nature preserves and mountains.
- Developers are required to provide adequate buffer areas, screening, and a transition of land uses with the [illegible] that [illegible] animals and livestock.
- The City has established a [illegible] modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.
- [illegible] rural preservation neighborhood [illegible] within three hundred thirty feet of an existing or proposed street or highway that is more than [illegible] feet wide, maintain the rural character of the area developed as a low density [illegible] development using [illegible] standards for rural improvements within Title 19.



LAND USE PLAN IMPLEMENTATION

PHASED APPROACH BY AREA

To implement the land use plan, a phased approach is recommended in which the City makes General Plan Amendment (GPA) changes for entire Areas of the City at a time, timed and [illegible] in a way in which [illegible] is anticipated [illegible] market-driven [illegible] of development, or major infrastructure investment, especially an RTC high capacity transit project. Each Area Plan would involve a comprehensive, [illegible] planning process that includes neighborhood involvement, GPA and text amendment that involves City departments, RTC, and other stakeholders. Downtown Las Vegas, Summerlin North, Summerlin West, and portions of Centennial Hills have already been addressed, but other Areas of the City would be incrementally implemented.

IDENTIFIED OPPORTUNITY SITES

As the Phased Area Approach takes place, opportunity or [illegible] as market ready or [illegible] sites of feasible development or redevelopment opportunity. In this case, applicants would enter into a development agreement pursuant to [illegible] for these areas as a part of the [illegible]. This is done on a [illegible] basis, largely City driven or [illegible] upon request from [illegible] developer.

MANAGEMENT OF GENERAL PLAN AMENDMENTS

NRS 278.210 limits the number of amendments to the land use plan to up to four per year. Presently, the ease for property owners or developers to request and obtain a GPA change and zoning presents a fundamental problem because the cyclical process is so frequent; such flexibility [illegible] the deliberate [illegible] of the plan itself. Should the City want to be more strategic and disciplined with land use planning implementation, changes to the process as currently adopted are recommended.

- Future development applications and approvals should largely conform with the plan's vision or with the Area Plan for a portion of the City. For any project that affects the new [illegible], the City's planners must discuss the project's [illegible] and relationship to the planning area itself, considering [illegible] measures that are recommended within other chapters of the plan. Projects that clearly or closely align with the plan's vision and the 2050 general plan map may receive an expedited review and priority to change or approval, no matter the location within the City.
- Any [illegible] zoning counter to the plan's vision may be subject to [illegible] the discretion of the City Council and Planning Commission after approval in LVMC Title 19:
  - Higher GPA application fees.
  - Approval of a non-conforming GPA's [illegible] supermajority.
  - Making GPA's only available during a special Planning Commission or City Council meeting to discuss why changes are necessary.

ADDITIONAL STRATEGIES

- Transform zoning regulations for corridors and nodes to encourage a greater mixing of uses and densities in support [illegible].
  - Create [illegible] plans for each planning area.
  - [illegible] redevelopment sites.
  - [illegible] new subdivisions to be built with greater emphasis on traditional neighborhood design principles.
- [illegible] new development types by [illegible] the Development [illegible] process.
- Utilize the recommendations and strategies within the Mixed Use, Neighborhood, and Redevelopment [illegible] and incorporate each into a [illegible] code [illegible].

LAND USE TOOLS

IMPROVE THE QUALITY OF DISTRICTS AND NEIGHBORHOODS TO PROMOTE AN AUTHENTIC, VIBRANT SENSE OF PLACE

As redevelopment occurs over the lifespan of this plan, a set of best practices can be applied to the place types and planning areas to help them reach their full potential and meet the plan's guiding principles. These best practice tools are referenced in the place type and planning area descriptions.

A. MIXED-USE TOOLKIT

MIXED-USE

Mixed-use development is a combination of residential uses or integrates residential and non-residential uses into a cohesive planned setting that promotes social interaction, adds character to the community, fosters relationships among uses and lessens the need for vehicular trips.

Historically, mixed-use environments were the norm. People lived, worked and shopped within a fairly confined geographic area. As travel options increased and post-World War II suburbanization began, the automobile offered freedom to live in one place and work, shop and recreate elsewhere. Traffic congestion, social isolation and sterile development followed.

A desire to reverse this trend and create more opportunity within vibrant communities and neighborhoods has caused many communities to embrace the concept of integrating varied uses rather than segregating them as has been the practice with traditional zoning. Among the benefits are:

- Greater housing choice
- Reduced travel time and improved convenience
- More efficient use of public services, utilities and infrastructure
- Increased social interaction
- Walkable, livable neighborhoods
- Improved community health

More integration of uses are recommended along corridors and at nodes to support transit and create a greater sense of place for each planning area. Today, the existing patterns along many of the city's corridors are not cohesive and do not contribute to a distinct sense of "place".

APPLICABLE PLACE TYPES	
✓	Regional Center
✓	Mixed Use Center
	Corridor Mixed-Use
	Neighborhood Center Mixed Use
	Mixed Residential
	Traditional Neighborhoods
	New Subdivision
	Subdivision Retrofit

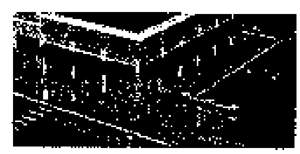
Mixed-Use Defined: Varied uses within a defined area or within a single building offers [illegible] and synergy. A mixed-use development may be a cohesive project with shared parking, common internal circulation, complementary uses and unifying design, while a mixed-use building may contain varied uses within one structure. Live/work units are a common example in which a commercial use occupies the street level space and a residence is located on the upper level.

WALKABLE SITE DESIGN

Safe pedestrian environments are a critical element of a vibrant mixed-use center. A pedestrian's needs are fairly basic: comfortable, safe and diverse environments along walking distance. The following are several of the necessary ingredients of an inviting walking environment:

- A mixed-use development pattern that is conducive with walking trips that are short and can be made on foot
- Continuous sidewalks of appropriate width
- Safe and frequent locations for crossing
- Buffers between pedestrians and traffic in the travel lane
- Interesting and inviting buildings which address the street with operable doors and windows
- Comfortable places to sit and wait
- Streetscape of trees and lighting that provide shade, security and help define the pedestrian realm
- Improve [illegible] of buildings and amenities
- Strengthen the identity of [illegible] and neighborhood identity
- Better [illegible] parking areas and reduce their visual dominance on the corridor
- Improve visibility of existing businesses
- Promote uses that will be [illegible] to the character of the area, gradually reducing auto-oriented uses
- Promote coordinated signs
- Incorporate missing middle housing types such as [illegible], townhouses, and stacked flats to transition to adjacent residential neighborhoods

APPLICABLE PLACE TYPES	
✓	Regional Center
✓	Mixed Use Center
	Corridor Mixed-Use
	Neighborhood Center Mixed Use
	Mixed Residential
	Traditional Neighborhoods
	New Subdivision
	Subdivision Retrofit



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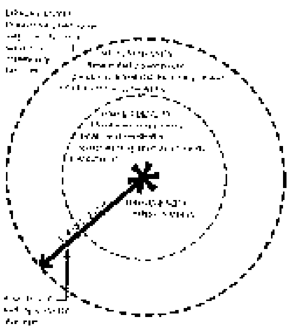

TRANSIT-ORIENTED DEVELOPMENT

Transit-oriented development (TOD) uses land use to encourage use of public transportation systems through directing certain types of development to transit corridors or nodes and compact site design. It involves pedestrian-friendly development that includes mixed use urban forms and increased accessibility for pedestrians, bicyclists and transit users. TOD is an attempt to provide compact, walkable communities with a high-quality sense of place. TOD typically involves uses that best support transit, higher intensity, and building design. A mixture of uses clustered around a transit stop or transit corridor and a walkable environment.

TOD development can improve the local economy along corridors and increase transit ridership by making the environment, especially around transit stops, attractive to pedestrians and bicyclists. This typically involves strong building design, careful interface between public and private land, and thoughtful placement of adequate parking lots. It often results in more pleasing aesthetic environments and reduced auto-dependency, which then can lead to a host of secondary benefits:

- Safer pedestrian and bicycle environments
- Improved accessibility for those less able
- Increased walk-by traffic for local businesses
- More convenient access to businesses for local residents
- Less congestion and associated fuel emissions
- Creation of a "sense of place" for the community

Plan around Transit Stations

- Allow the highest commercial intensity in areas within ¼ mile of transit stations that seem most suitable for TIMS stations. Expand maximum building heights, encourage high floor-to-area ratios, or eliminate lot coverage limitations to provide greater development potential.
- Incentivize TOD and assist developers with the offset of infrastructure costs.
- Consider increased residential densities within ¼ mile from station locations.
- Allow for intensification of uses over time, such as increased building heights or allowing surface parking lots to be gradually replaced by buildings and parking structures.
- Consider revisions to the General Plan and zoning map to allow deepening of commercial lots along key transit corridors (Corridor Mixed Use Place Types), especially at TOD nodes and where taller buildings are allowed (Mixed Use Centers). This may involve rezoning of some residential lots to accommodate redevelopment or additional parking needs. Where such changes will advance the goals of this Plan, they should be carefully considered to ensure proper transitions to the residential areas, screening and other site design elements are included to protect the integrity of nearby neighborhoods.

Use Regulations

- Encourage transit-supportive uses, especially within ¼ to ½ mile of transit stops. This includes commercial and mixed uses that provide activity throughout the day and into the evening, such as retail, restaurants, personal and business services, high density residential (including senior housing), entertainment, and upper-story office and residential.
- Discourage uses that will not contribute to the concentration of residents or employees, or those which, by nature of the business, will create activity likely to detract the pedestrian and transit-friendly environment. These include uses such as drive-through facilities, automobile dealerships, regional big box retailers, and other uses with large front yard surface parking lots.

Bulk, Setback and Area Controls

- Encourage land to be used for buildings rather than surface parking or expansive yards. This includes reducing the amount of parking allowed or required and increasing the amount of building that may or must be built.
- Locate buildings close to the street and sidewalk so those on foot, bike or transit can easily reach building entrances.
- Remove maximum lot coverage requirements in core TOD areas.
- Encourage building design that will engage pedestrians. First floor uses should include active storefronts that attract customers, pedestrian-scale design, with the primary operable pedestrian entrances oriented to the corridor.

Impact Studies

- Require study of potential development impacts on the entire transportation system. Where already required, modify traffic impact study standards into Transportation Impact Studies that evaluate development impacts to all modes of travel.
- Shift transportation planning priorities in core and transitional areas from improving the speed and efficiency of automobile travel to one that emphasizes safety for pedestrians, bicyclists, and transit users.
- Apply access management to minimize the number of driveways that pedestrians must cross using access management techniques.

Parking Management

- Implement standards to limit parking in core TOD areas. Regulations like maximum parking standards, parking space reductions, shared parking, payment in-lieu of parking programs, floor-to-area ratios for reducing them where they do not exist can be applied for this purpose.
- Provide incentives in core TOD areas to reduce parking or encourage structured lots over surface lots.
- Include amenities for bicyclists, pedestrians and transit riders, including wider sidewalks, bike storage facilities, bus shelters, lighting and landscaping in the standards for site plan review.
- Arrange parking in the rear yard (or side only if necessary) to provide safer pedestrian access to store fronts.
- Recognize the variables contributing to parking demand, and tailor local policies to individual geographic factors such as density, transit access, income, and household size.

APPLICABLE PLACE TYPES
Regional Center
Mixed Use Center
Corridor Mixed-Use
Neighborhood Center Mixed-Use
Mixed Residential
Traditional Neighborhoods
New Suburban
Suburban Rural

PLACEMAKING THROUGH ARTS AND CULTURE

Placemaking promotes healthy, sustainable, attractive places where people can live, work, shop and recreate. This includes striving for a desirable recreation and [illegible] systems, a balanced economy, and local employment options, variety of housing choices, attractive neighborhoods, and overall positive quality of life.

Culture and entertainment is an important part of a community's quality of life. Cultural amenities include museums, historic resources, a wealth of ethnic influences and access to the arts. Cultural resources shape the character of the city and a shared understanding of the past and future reinforces a sense of community. Entertainment resources, like performance venues, restaurants, night life and other attractions help bring people together, contribute to vibrant and successful city districts and attract outside visitors and investment. Cultural and entertainment resources also attract a diverse population to the city.

While Las Vegas has no shortage of entertainment venues, often these are limited to adult entertainment. Residents desire additional venues for arts, entertainment, and events, especially for families and permanent residents. Expansion of cultural resources, including museums, will help attract a broader demographic of new residents, businesses, and visitors to Las Vegas.

APPLICABLE PLACE TYPES
Regional Center
Mixed-Use Center
Corridor Mixed-Use
Neighborhood Center Mixed-Use
Mixed Residential
Traditional Neighborhoods
Urban Subdivision
Subdivision Rural

Downtown's role as the city's primary cultural destination as outlined in the 2045 Downtown Plan should be supported through the development of additional cultural opportunities in the neighborhood and [illegible] nodes.

New venues that draw from a city-wide or regional market should be directed downtown. Smaller venues that draw primarily from the nearby neighborhoods should be directed to commercial nodes and civic spaces within walking distance. Locations in or adjacent to parks create a focal point for community or neighborhood gatherings.

Private development can make special places through art by implementing it into projects. The City may further enhance this by fostering developer responsibility for art projects, art work as part of development conditions, or the integration of or in lieu of fee structures directed to the City's Municipal Arts Fund.

THRIVING ON ART

Jim Brooks, Music Producer

When friends across town call Jim to see if he wants to get together for coffee, he tends to say no. Not because he doesn't want to see them but because, as he puts it, it feels like they live on the far side of the moon. The city's sprawling [illegible] infrastructure makes getting across town quite a challenge, whether you're driving your own car or relying on mass transit.

In fact, Jim says he almost never goes Downtown. At the heart of it, Fremont Street simply isn't geared to locals, he feels. Jim believes though that the city has made an effort to encourage a more inclusive downtown hub. Results on that, are [illegible], he feels.

As someone whose life centers on music, Jim believes that continuing to develop a more thriving arts district would create a more connected area for those with a common passion. As things stand today, the relatively new Smith Center for Performing Arts is a good 20-minute drive from, say, the Las Vegas Philharmonic.

As a model to revitalize the arts and bring more life to downtown, Jim cites his hometown of Dayton, Ohio. It boasts a reasonably new concert hall with opera, ballet and symphony all under one roof. A single board of directors controls it all.

"In my home town," he says, "disparate efforts in the arts there have now come together synergistically. Why not here, too?"

LAND USE TOOLS

UTILIZE NEW DEVELOPMENT MODELS THAT PROVIDE A BROAD MIX OF HOUSING AND NEIGHBORHOOD TYPES TO ACCOMMODATE RESIDENTS WITH VARIED INCOMES AND IN DIFFERENT STAGES OF LIFE

B. NEIGHBORHOOD TOOLKIT

DIVERSE HOUSING OPTIONS

In order for housing to be affordable for multiple income levels and family types, a balance of owner- and renter-occupied units for a variety of incomes should be provided. Smaller families and couples may desire alternatives to single-family detached owner-occupied housing, such as townhomes, lofts, and apartments above storefronts. Other households may choose to rent to maintain mobility. As employers decide to locate or expand [illegible] opportunities, quality workforce housing becomes a critical component in the decision.

To attract and retain residents, Las Vegas must capitalize on changing demographics by encouraging an expanded range of housing choices for rent and for sale. To appeal to empty-nesters, seniors, and young professionals, Las Vegas can leverage its distinctive character, proximity to natural amenities, and housing affordable to a range of income groups.

Rental housing for lower income residents or supportive housing must be integrated with support services and its design and construction should consider both long-term durability and security.

The key will be to balance rental housing so that it fits the context of a neighborhood in a way that does not overwhelm, overburden or oversaturate it, and that provides quality, secure, and affordable housing.

In order to strengthen existing housing and a range of affordable options, new infill attached units should be

APPLICABLE PLACE TYPES	
✓	Regional Center
✓	Mixed-Use Center
✓	Corridor Mixed-Use
	Neighborhood Center Mixed-Use
✓	Mixed Residential
✓	Traditional Neighborhood
✓	New Subdivision
✓	Suburban Residential

integrated into the city's neighborhoods. Undeveloped areas should be planned with a mixture of housing options (see section below on Traditional Neighborhood Design).

TRADITIONAL NEIGHBORHOOD DESIGN

Also called neotraditional development, traditional neighborhood development (TND) refers to a development pattern designed to emulate the characteristics of communities of the 18th through the early 20th centuries. A central feature of TND is to focus on how private development can create a sense of place and improve quality of life. Often TNDs focus more on pedestrian circulation than vehicular access and convenience. For this reason, TNDs often include rear alleys to meet the modern parking and service needs of residents. However, alleys should be [illegible] and key [illegible] elements.

The reason so many places are revising land use regulations toward more traditional patterns are because of the social, physical and economic benefits they can provide:

- **Walkability and Connectivity.** By providing more compact development and uses within closer proximity, TNDs reduce the need to drive.
- **Housing Options.** Mixed housing options provide options for residents of varying socio-economic characteristics.
- **Community Gathering Places.** TNDs provide for central gathering places or identifiable neighborhood centers, usually in the form of a park or plaza, which encourages interaction among residents.
- **Public Places.** TNDs often provide for parks, walking trails, and bike paths, with a focus on connecting these recreational components. Sometimes density bonuses can be used to encourage inclusion of additional public amenities.
- **Efficiency of Design.** When the principles of traditional design are applied, they result in more efficient use of public infrastructure. For example, a neighborhood with 80-foot wide lots will require 800 linear feet of roads, curbs, sewer, and water service lines for each 10 homes, whereas a neighborhood with 40-foot wide lots will require half as much. Accommodating more houses within the same land area provides better use of public resources and reduces the cost of services for both the municipality and the resident.

The following elements should be implemented into the development agreements for new subdivisions:

- **Street Design.** The design of streets can impact how far residents have to walk to local stores, neighbors or other destinations. TNDs also provide a critical mass of residents in close proximity to jobs, shopping and transit to help reduce reliance on the automobile for transportation. TND streets often include the following:
  - Grid pattern
  - Narrower widths
  - Rear alleys for vehicle parking and service access
  - Terminations at focal points
- **Neighborhood Elements.** TNDs consider how public places can shape how residents enjoy their neighborhood. They include elements that will encourage gathering, interaction and activity, such as:
  - Community open spaces, including urban parks, parks as pathways or open space, playgrounds, pocket parks, [illegible], etc.
  - Safe sidewalks with connections, routes and access
  - Historic preservation and cultural amenities
- **Housing and Density.** TNDs can minimize the environmental impacts associated with extending roadways. TNDs often employ a variety of land use activities in a single project:
  - Narrower lot widths
  - Variety of housing types, depending on the context, including townhomes, detached homes, residential over neighborhood commercial uses, live-work units, etc.
- **Site and Building Design.** While the public realm (streets and public property) create a framework for development, they are only a small part of the overall character that is created when a neighborhood is fully developed. TNDs strive to provide a human scale development. Individual home sites typically include:

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- Smaller front yards
- Prominent front porches that can extend close to sidewalks
- Rear yard garages and/or access
- Two story homes to maximize private frontage on smaller sites

NEIGHBORHOOD CHARACTER

Residents celebrate the fact that Las Vegas neighborhoods are varied and these characteristics help define areas to preserve, enhance or transform.

Whether historic urban or more suburban in character, the public has expressed a desire to improve the character of the city's neighborhoods. However, even the most stable and vital neighborhoods were recognized as needing some level of intervention to make them more sustainable.

Based on character, investment in neighborhoods located at the core of the city will improve quality of life by promoting a more efficient use of land and infrastructure and by directing growth back into the city's core. This can serve to reduce reliance on the automobile, minimize environmental impacts and lessen the strain on public services. Further, traditional neighborhoods can be enhanced with strategic investments to improve streetscapes, including connecting sidewalks and paths, and interconnecting open spaces.

The creation of Areas of the City in this plan intends to accomplish a more formalized neighborhood strategy that focuses on branding the Areas to promote a greater sense of identity and pride. Some master planned communities have already done this this way and the City hopes to deploy a set of strategies for ongoing coordination and implementation citywide.

Several current zoning overlays help promote and enforce neighborhood character standards:

- **Downtown Casino Overlay (DC-O):** Requires the usage of neon signage and architecture within the Resort and Casino District of Downtown Las Vegas.
- **Downtown Entertainment Overlay (DE-O):** Includes [illegible] standards, uses, and requirements for the Fremont East Entertainment District.
- **Scenic Byway Overlay (SB-O):** Because Las Vegas Boulevard is designated as a Scenic Drive, the City assures the usage of neon signage and architecture within the Resort and Casino District of Downtown Las Vegas.
- Live Work Overlay (LW-O): Covering much of Downtown Las Vegas, this overlay enables businesses owners to occupy residential and work quarters in commercial and industrial areas where other types of residential uses are inappropriate.

When warranted, additional overlays or design standards could be integrated into zoning to help enhance the character of specific places or areas.

	APPLICABLE PLACE TYPES
	Regional Center
	Mixed-Use Center
	Corridor Mixed Use
	Neighborhood Center Mixed-Use
	Mixed Residential
	Traditional Neighborhoods
	New Subdivision
✓	Subdivision Retrofit

	APPLICABLE PLACE TYPES
✓	Regional Center
	Mixed-Use Center
	Corridor Mixed Use
	Neighborhood Center Mixed-Use
✓	Mixed Residential
	Traditional Neighborhoods
	New Subdivision
✓	Subdivision Retrofit

MAKING THE SUBURBS MORE SOCIAL

USAF Captain Phil Sterling, Pilot and Instructor, Creech AFB

Born and raised in Montreal, Captain Phil Sterling has lived throughout the United States since he was a teen. Not surprisingly, he has plenty to draw from when he compares life in Las Vegas to other places he's been. A Las Vegas resident for three years and now a new father, Captain Phil happy with his life here. The Northeast Corridor suits him and his family well. It feels safe, is home to lots of families, and is free of urban blight.

Captain Phil and his wife Aaron have lengthy commutes, but they don't really mind because traffic is light. What the captain does mind is the seemingly slow pace of construction in Las Vegas; he feels building things just takes longer, and he'd like to see construction speed up. He points out that when he and his wife want to go to a nice restaurant or hang in a throw, their suburban neighborhood has little to offer. For the most part, they end up on the Strip, which they find expensive and congested. Great for tourists, sure. For the locals, not so much.

Captain Phil prizes the quiet, pleasant quality of his residential community, and appreciates his friendly neighbors. That said, it doesn't exactly feel close knit. He misses the way he and his wife used to socialize the way they did when they lived in Southern California. With more nearby sit-down restaurants and local attractions, he can envision socializing closer to home and feeling even more rooted in community than he does today.

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LAND USE TOOLS

FOCUS NEW DEVELOPMENT IN INFILL AND REDEVELOPMENT AREAS

C. REDEVELOPMENT REGENT

INFILL HOUSING

[illegible]

APPLICABLE PLACE TYPES	
✓	Regional Center
	Mixed-Use Center
	Corridor Mixed-Use
	Neighborhood Center Mixed-Use
✓	Mixed Residential
	Traditional Neighborhoods
	New Subdivisions
	Subdivision Retrofit

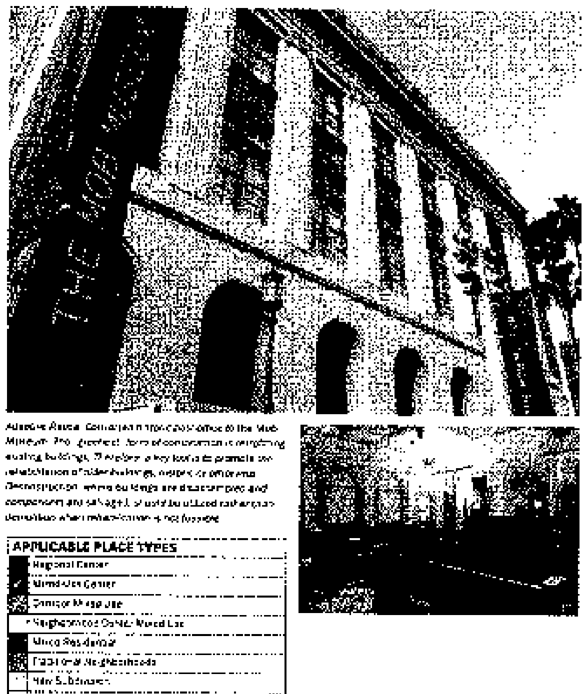
ADAPTIVE REUSE

[illegible]

[illegible]

Buildings within Downtown Las Vegas, including within the Fremont East, Arts, and Gateway Districts [illegible] have been converted to [illegible] buildings, offices, and retail establishments. One notable adaptive reuse effort was the conversion of the former U.S. Post Office and Federal Building to the National Museum of Organized Crime and Law Enforcement. The Post Office was designated on the National Register of Historic Places in 1983, the Nevada State Register of Historic Places in 2002, and the Las Vegas Historic Property Register in 2003. [illegible]

[illegible]



Adaptive Reuse: [illegible]

APPLICABLE PLACE TYPES	
	Regional Center
✓	Mixed-Use Center
	Corridor Mixed-Use
✓	Neighborhood Center Mixed-Use
	Mixed Residential
	Traditional Neighborhoods
	New Subdivisions
	Subdivision Retrofit

ECONOMIC REDEVELOPMENT TOOLS

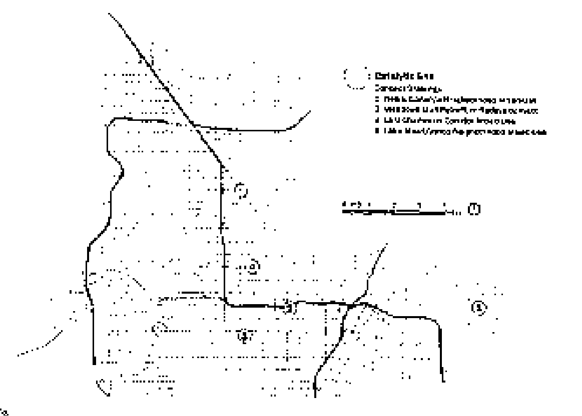
The following tools must be considered based on existing practices, whether new legislation is required, the ease of implementation, whether the tool is revenue positive/neutral, whether there is stakeholder support, and institutional capacity from City departments.

- **Discretionary Development Impact Fees** imposed on developers by municipalities to help fund additional public services, infrastructure, or transportation facilities required due to the new development. City currently imposes these for traffic signals.
    - NRS 278B (see also Chapters 4 and 5) indicates that [illegible] including [illegible] traffic signals and [illegible] necessary for any such facilities, are an allowable use for impact fees. NRS 278B.160.1 specifies that "a local government may by ordinance impose an impact fee in a service area to pay the cost of constructing a capital improvement or facility repairs or necessitated by and attributable to new development."
- **Exactions.** The City currently imposes one-time negotiated requirements (usually through development agreements) to provide in-kind services, property or payment as a condition for development approval where existing infrastructure, including transportation, lacks the capacity to accommodate new development.
- **Joint Development/Operating Agreements (NRS 277)** groups of agencies partner with a private developer to improve land use, specifically for some place types. The City may solicit private developer involvement and then provide the partner with access to land near infrastructure as was done with Symphony Park and City Hall under lease purchase agreements. The City has also offered zoning and other regulations to incentivize the private partner to improve the land.
- **TIF: NRS 279 / Article VII LV City Charter.** TIF captures additional tax revenue generated when properties increase in value. TIF districts are already established and split between the existing tax districts and the fund for projects inside RDA, with a focus on those that attract new economic activity. City uses TIF to provide rebate incentives for key infrastructure items for projects in RDA 1 and 2. These may be for streets, water lines, storm drains, traffic signals, utilities and other infrastructure costs. RDA assesses the current property value before development, then after. A portion of the tax increment is then rebated annually to developer.
- **Land Banking.** Establishment of a new bank through legislation or a community land trust (CLT) authorized under NRS 82. A nonprofit property trust to ensure the long-term availability / access to land. Land is taken off the market and acquired so that land appreciation is removed. The trust is then reserved for desired place types and affordable housing or assemblage.
- **Transfer of Development Rights and conservation easements** – NRS 111.290. Currently there are no TDR programs in Southern Nevada, but the development of one could allow certain rights to be moved or swapped. [illegible] Establishment of such a program could potentially be used to swap private lands or public lands.
- **Discretionary and/or voluntary Inclusionary Zoning** (See Chapter 3: Housing)
- **Incentive programs.**
    - Density Bonus – Currently authorized under the Title 19.09 Form Based Code. This can be expanded into other parts of the City.
    - Fee Reductions and Waivers – reduce project costs for desired place type development. A fee study may also determine whether certain fee types must increase.
    - Parking Maximums and reductions (See Chapter 4)
    - Expedited Approvals – Under discussion

CATALYTIC REDEVELOPMENT SITES

This plan provides the framework for future redevelopment. Together, the place types, land use tools and redevelopment strategies in Chapter 4 can help shape redevelopment to meet this plan's vision. To demonstrate how redevelopment could occur, especially in the mixed-use nodes and corridors, the following sites were identified as catalytic redevelopment opportunities. These sites are currently vacant, underutilized, or [illegible] in their area that, when redeveloped, will spur further redevelopment. They are intended as illustrative examples of the plan's recommendations to help visualize the intent, but details how redevelopment should happen. These concepts should be further refined and coupled with future subarea planning.

- Amend zoning for corridor and mixed-use place types to incorporate stronger design standards and a more flexible mixture of uses.
- Develop a set of incentives for sites outside the RDA to help finance desired projects.
- Work with property owners of catalytic sites to encourage packaging the sites for redevelopment by marketing them via requests for proposals or qualifications.
- Host investor tours, developer roundtables, events to spark interest in key redevelopment sites.
- Streamline the development review process and entitlements for priority redevelopment sites.



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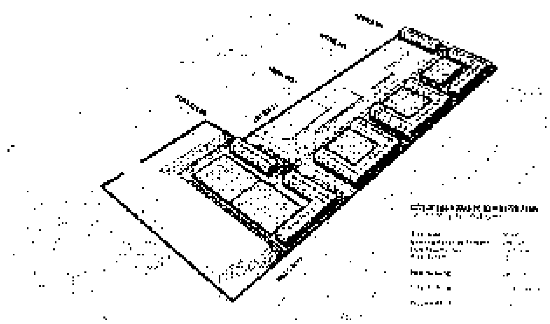
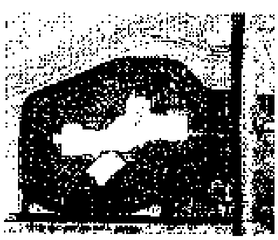
Existing shopping centers can redevelop their parking lots or turn underutilized outlet spaces into mixed-use development projects including housing. This will support the density required to secure rapid transit.

1. NELLIS/BONANZA MIXED-USE CENTER



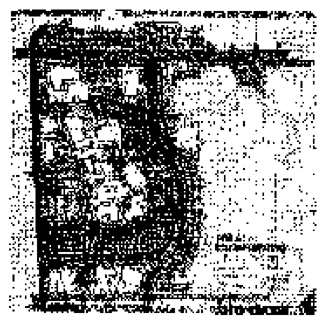
2. MEADOWS MALL RETROFIT



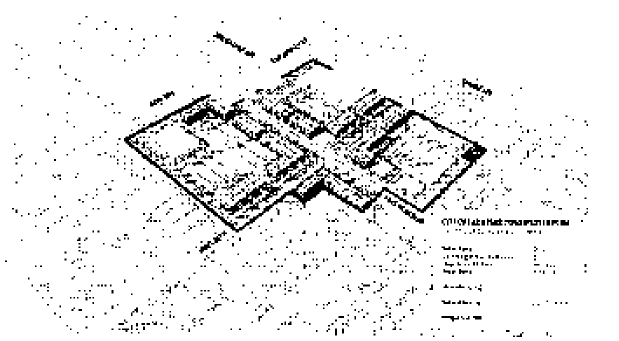
Concept 1: Outlet Development

Concept 2: Parcel Redevelopment

3. UMC/CHARLESTON CORRIDOR MIXED-USE



4. LAKE MEAD NEIGHBORHOOD MIXED-USE



HOW PLANNING AND ZONING SHAPES REDEVELOPMENT

- Redevelopment happens gradually over time — as sites redevelop, they must follow the new general plan and zoning standards.
- Existing development that does not conform to the new zoning standards may remain — this plan and subsequent zoning changes does not mean the City forces current owners to immediately conform to new standards.
- Zoning is a regulatory framework for future development that fits the community vision.
- Development is privately designed and implemented within standards of Title 19 under City review.
- City can market sites to developers and partner with private owners to spur redevelopment.

HISTORIC PRESERVATION

PRESERVE AND REUSE HISTORIC STRUCTURES AND SITES

Since the founding of Las Vegas on May 15, 1905 when 110 acres of the original townsite were auctioned off upon completion of the San Pedro, Los Angeles, and Salt Lake Railroad, the city has maintained a remarkable modern, yet rapidly evolving story. Through the Depression and legalization of divorce, from the legalization of gaming, the rise and fall of the Mob, to the explosive and exceptional growth that made Las Vegas the fastest growing city in America, preserving the storied living history of Las Vegas has been an important effort for the City. To help achieve this, a Historic Preservation Commission (HPC) was created in 1991 to oversee preservation efforts.

Through planning and land use protections, the City regulates historic properties, buildings, landmarks, neighborhoods, and districts pursuant to LVMC Title 19.150, which creates the HO historic preservation overlay. The HPC, the position of Historic Preservation Officer (HPO). The HPO serves as the Secretary to the HPC and administratively delegates it. The HPO also:

- Accepts applications for the designation of historic locations and structures and makes recommendations to HPC and Planning Commission
- Provides technical information to the HPC and liaises between the HPC and City departments
- Approves or disapproves applications for new construction, alteration, demolition or removal of structures associated with historic improvements or in order immediately to protect the structure or property
- Prepares reports of HPC activities to the State Historic Preservation Office (SHPO), the state agency that helps document and preserve historic archaeological and cultural resources
- Maintains the Las Vegas Historic Property Register for properties on the register; the HPC has authority to review work that may have an impact on those properties' historic character. They may also provide recommendations to the Planning Commission and City Council to list new properties on the local register.

The HPC is also an advisory body concerned with preservation work including historic surveys, updating state and national register nominations, and conducting public outreach. In addition, the City, its HPC, and its HPO comply with a variety of laws covering different aspects of historic preservation:

- The National Historic Preservation Act (NHPA), as amended
- The Archaeological Resources Protection Act, as amended
- The Paleontological Resources Preservation Act, and
- Other related and applicable federal laws and state statutes

Properties may also be listed on the Nevada Register of Historic Places and the National Register of Historic Places. The state historic register is overseen by the SHPO, while the National Register is overseen by the National Park Service. This is largely a ceremonial designation because, unless the property is also listed on the local or state registers, there are no limits on development.

Currently, there are 25 buildings, sites, and districts in the City of Las Vegas that are designated on one or more of the historic registers. Additionally, portions of the Tule Springs National Monument, administered by the National Park Service, are within the city limits which contain a wide range of Paleontologic resources, including fossilized remains of prehistoric mammoths, camels, lions, and ground sloths from the last Ice Age. Many sites, particularly in the City's downtown core, meet the criteria for designation and there is potential for more historic districts and neighborhoods.

APPLICABLE PLACE TYPES
Regional Center
Mixed Use Center
Corridor Mixed-Use
Neighborhood Center Mixed-Use
Mixed Residential
Traditional Neighborhoods
New Subdivisions
Subdivision Reports

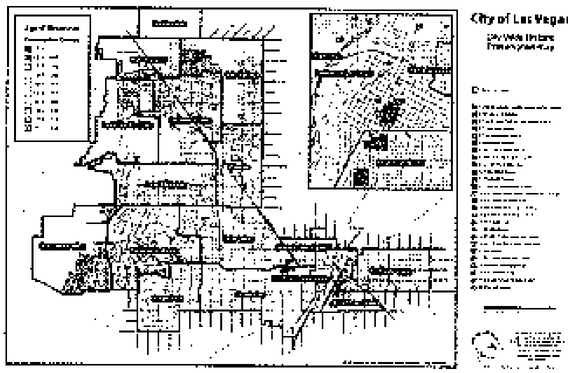
- Continue to strengthen the City's Historic Preservation Office and Commission
- Conduct proactive historic surveys for the following locations and resource types
- Provide education about value of historic preservation resources available, celebrating cultural heritage
- Balance redevelopment pressures with preservation efforts to preserve key resources while encouraging adaptive reuse and sensitive infill development

THE CITY HAS BEEN, AND MUST CONTINUE TO BE, A LEADER IN PRESERVING HISTORIC NEIGHBORHOODS AND STRUCTURES, DESPITE UNIQUE CHALLENGES OF MAKING WAY FOR NEW AND INNOVATIVE PLACES

While Las Vegas has been successful at preserving its neighborhoods and some of its structures, many properties tend to be demolished to make way for something new, perhaps best exemplified by the constant implosion of resort hotels and casinos along the Las Vegas Strip. Across the City, the greatest challenges to historic preservation are development pressures on historic properties and property owners not properly understanding the value that comes from preservation. In addition, cultural resources such as archaeological relics or ethnographic material located on undeveloped or redeveloped property can be lost or damaged during construction or other ground disturbing operations. Without contingencies in place that require a cultural resource inventory or protections prior to development, these resources could be lost. However, these challenges present opportunities for the HPC and city staff to reach out to and inform property owners and the public about what historic preservation brings to the City. Efforts were made to save and preserve the La Concha motel lobby, after transporting it from its original location on the Las Vegas Strip to its present location in Downtown Las Vegas' Cashman District.

Another challenge the City has faced has been "demolition by neglect," in which a historic property or structure is allowed to deteriorate or become blighted, making rehabilitation, restoration, and preservation cost prohibitive and unreasonable. A recent example of this was the destruction of the Moulin Rouge property, over time the hotel's structures fell into disrepair and the property was burned in a series of fires.

A wide range of actions can be taken to incentivize property owners to seek designation on the local, state, or national registers, provided funding and resources are dedicated to those efforts. Properties listed on the local, state or national register can be eligible for grants earmarked specifically for historically listed properties. This includes the State Commission for Cultural Centers and Historic Preservation (CCCHP) grant program as well as the Brick & Mortar Grants administered by the HPO. The Federal Historic Tax Credit also provides a 20% credit to property owners that undertake a substantial rehabilitation of a historic building in a commercial use, while maintaining its historic character.



1900's-1910's	4
1920's	33
1930's	171
1940's	2,262
1950's	9,178
1960's	14,890
1970's	5,700
1980's	33,701
1990's	54,125
2000's	42,520
2010's	13,828

Las Vegas Boulevard	Beginning at the north at the Old Mormon Fort (500 E Washington Ave) and ending near Stratosphere Tower (2000 S Las Vegas Blvd)	3.4 miles in length

NAME	LOCATION	LOCAL	STATE	NATIONAL
Berkley Square Neighborhood Historic District	Area bounded by Byrnes Ave, D St, Leonard Ave, and G St.	3/21/2010	-	10/23/2009
Beverly Green Historic District	Area bounded by Sahara Ave, Oakey, Las Vegas Blvd	9/21/2016		
Big Springs (Las Vegas Springs Archaeological Site) (Springs Preserve)	333 S Valley View Blvd	-	3/4/1981	12/14/1978
Downtown Underpass	202 W Bonanza Rd	-	-	1/3/2004
El Cortez Hotel and Casino	600 Fremont St	-		3/20/2013
Engine 1 Locomotive	Address Restricted			3/18/1985
Fifth Street School (Las Vegas Grammar School)	401 S 4th St	2/15/1992	3/6/1991	9/20/1988
Frank Wait House	901 E Ogden Ave	6/8/2004	-	-
Green Shack	2504 E Fremont			1/4/1994
Harrison Boarding House	1001 F St	8/20/2014	6/20/2014	5/3/2016
Hunt Tower House	1504 Comstock Dr	12/16/2020		
Huntridge Theater	1208 E Charleston Blvd	-	1/15/1993	1/28/1993
John S. Park Historic District	Roughly bounded by Charleston Blvd, Las Vegas Blvd, Franklin Ave, and S 9th St	3/19/2003		6/10/2003
La Concha Motel Lobby	770 N Las Vegas Blvd	8/5/2021	7/30/2015	-
Las Vegas High School Academic Building and Gymnasium	315 S 7th Street	4/2/2003		6/24/1986
Las Vegas High School Neighborhood District	Roughly bounded by Bridger, 9th, Gass, and 6th Sts	-		1/30/1991
Las Vegas Old Mormon Fort	500 E Washington Ave	-	3/4/1981	2/2/1972
Lorenzi Park Historic District	720 Twin Lakes Dr	5/20/2003	12/6/2013	-
Westside Club	1024 Schaeur Ave	5/20/2009	-	
Morelli House	861 S 6th St	3/8/2007	12/1/2001	4/3/2017
Moulin Rouge Hotel and Casino	840 W Bonanza Rd	6/17/1992		12/23/1992
Railroad Cottage Historic District	601-629 S Casino Center			12/22/1987
Spanish Trail (Mormon Road) Historic District	From California border to Arizona across southern Nevada through Las Vegas			8/20/2001
The Henderson House	304 S 9th St	8/23/2006	-	5/5/2016
Tule Springs Archaeological Site	Address Restricted		7/4/1981	4/30/1979
Tule Springs Ranch (Floyd Lamb State Park)	9200 Tule Springs Rd	1/6/2016		6/23/1981
U.S. Post Office and Courthouse	300 Stewart Ave	4/2/2003	3/13/2003	3/25/1983
Wengert House	600 E Charleston Blvd	2/17/2016	-	-
Westside School	330 W Washington Ave	5/13/2015	7/4/1986	4/7/1979
Woodlawn Cemetery	1500 N Las Vegas Blvd	6/6/2006	-	12/21/2006

Note:
Properties marked with a * no longer exist, having either burned down or been demolished
Properties marked with a ** are no longer historically significant as they have moved from their original location

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AS BUILDINGS AND NEIGHBORHOODS AGE, THE CITY MUST CONTINUALLY MAKE ASSESSMENTS OF PRESERVATION OPPORTUNITIES AND CHALLENGES

Buildings and sites typically become eligible for designation once they are at least 40 to 50 years old. Each year hundreds of new properties in Las Vegas reach this threshold; however, due to the vast majority of the City's historic properties or potential historic properties being located within Downtown Las Vegas, East Las Vegas, Downtown South, West Las Vegas, Twin Lakes, and the Charleston planning areas, which are facing the greatest redevelopment pressures, many of these properties have the potential to be lost to redevelopment or modification before they can be preserved.

While other neighborhoods and structures outside of Downtown Las Vegas will continue to age, many may not show signs of being historically, architecturally, or culturally significant. However, historic surveys can be conducted to identify properties within a certain geographic area, historic period, or architectural styles that may be eligible for a historic designation, either individually or as a group. Historic surveys are useful for informing the City about what historic resources are available in the community and where efforts should be focused. The HPC can provide recommendations on what criteria should be included in surveys and specific measures that could be taken to ensure preservation and/or adaptive reuse.

Cultural Resource Inventories must be conducted on property that is scheduled for construction. Such an inventory would identify any historic structures or cultural material that is present, evaluate how ground disturbing activities have potential to impact the property's historical or archaeological context, and provide guidance on mitigating such damages.

Ultimately, the decision to seek historic designation lies with individual property owners. Many owners may not be aware of the benefits of preservation (tax incentives, grants, quality of life, providing character to neighborhoods, etc.) and do not seek that option as a result. Owners may be more amenable to the option if they are sought out by the City or HPC. While buying historically important properties is always an option for the City, Las Vegas will be a better community if its residents and business community take it upon themselves to preserve these sites. Because historic preservation attempts to balance property rights with the underlying value to the community, undertaking a historic survey or preservation program can be a delicate balancing act. Developing that mindset can come about if the HPC and City staff proactively conduct outreach with the owners of historic properties.

- At least 1 new historic [illegible] per 100,000 residents
- The number of designated historic districts and neighborhoods increases
- The number of eligible structures and sites designated as local historic landmarks, listed in local historic districts, and/or rehabilitated, restored, or converted through adaptive reuse increases annually

EQUITABLE	RESILIENT	HEALTHY	LIVABLE	INNOVATIVE
Knowledge of history and culture, as well as investment in older properties, especially in older neighborhoods, enables appreciation by future generations.	Preserving Las Vegas history allows the reuse of the existing building stock with fewer emissions; historic preservation is more efficient than building new.	Rehabilitating historic buildings gives them new life and vitality while mitigating unsafe or blighting conditions.	Historic neighborhoods with diverse structures, styles, and landmarks help create place and character.	Adaptive reuse of buildings preserves architectural integrity while also enabling new uses and experiences for owners or visitors.

- Promote and expand awareness of historic preservation and embed into development decision-making.
- Continue to strengthen the City's Historic Preservation Office and Commission:
  - Continue review of applications for certificates of appropriateness for work on locally designated historic sites against the standards contained in UDC Title 19.10.350, historic district design guidelines (as applicable), and the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - Maintain Certified Local Government status as recognized by the National Park Service and SHPO through this plan and maintenance of the HPC and historic preservation ordinance.
  - Provide technical assistance to property owners or nonprofit organizations seeking to add properties or historic districts to the National Register of Historic Places.
  - Continue to update the inventory of designated and eligible historic structures and sites in the community, as well as include any archaeological resources.
  - Consider a demolition review or delay ordinance for historically or culturally significant sites or structures.
- Conduct proactive historic surveys for the following locations and resource types:
  - In areas targeted for redevelopment or when they reach the 40 to 50-year-old threshold for historic eligibility
  - Potential historic properties and neighborhoods located within Downtown Las Vegas, East Las Vegas, Downtown South, West Las Vegas, and the Charleston planning areas shall receive primary consideration
  - Service types
  - Signage
  - Paleontological and archaeological sites within or near the Tule Springs National Monument or the Red Rock Canyon National Conservation Area
- Provide education about value of historic preservation resources available, celebrating cultural heritage:
  - Collaborate with local nonprofit or for-profit entities to support local events, recognition programs, and to share efforts that celebrate and leverage the economic value of local historic resources.
  - Install additional historic markers to commemorate dates, events, or structures that highlight the contributions of people and places past, including monuments, signage, and historic roadside markers (NRS 383.091).
- Balance redevelopment pressures with preservation efforts to protect key resources while encouraging adaptive reuse and sensitive infill development:
  - Develop outreach plans and actions to target owners of critically endangered historic properties.
  - Study and consider the adoption of a demolition by neglect ordinance.
  - Consider targeted purchase of key resources to hold in the public trust.
  - Consider adoption of an adaptive reuse ordinance subject to appropriate review by the Planning Commission and/or the HPC.
  - Require a cultural resources inventory as part of redevelopment projects.
  - Provide incentives to encourage the rehabilitation of historic buildings and reinvestment in older and historic neighborhoods and commercial areas.
  - Provide legal financial assistance to low- and moderate-income homeowners, residents, tenants, and/or businesses adversely impacted by rising real estate values and maintenance costs associated with historic preservation.

CITY OF LAS VEGAS AREAS

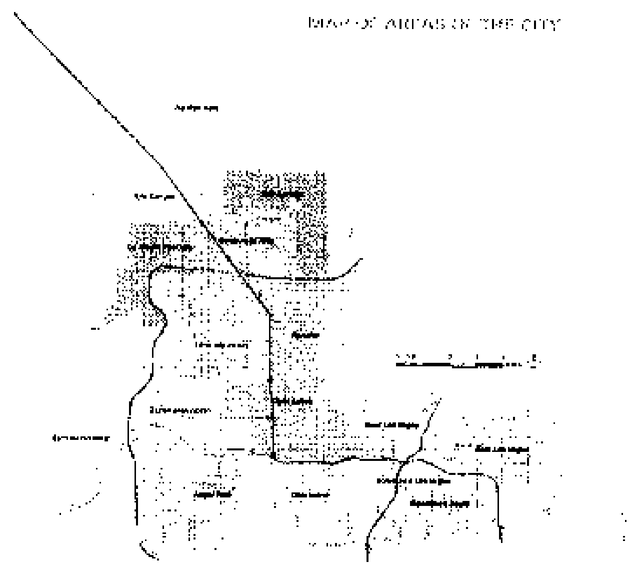
Residents and stakeholders identified a lack of community cohesion and pride as an obstacle to a strong quality of life during the planning process. Some areas of the city have a strong sense of identity, such as Summerlin, that was carefully cultivated during its development. Other parts of the city have strong homeowners associations or neighborhood identity, and others lack a sense of "place". As Las Vegas is generalized to mean the greater metropolitan area, there can be efforts to formalize the city's neighborhoods into places that residents can identify, celebrate, protect, preserve, and establish connections with their neighbors. This section sets the stage for future implementation, including outreach, planning and departmental shifts so the City can help harness the energy and enthusiasm of neighbors and translate that into meaningful, equitable implementation across the city.

In turn, a framework for future outreach planning, the City of Las Vegas was divided into 16 Areas. These areas are intended to allow for more detailed planning with greater analysis in evaluating each area's place type framework in the context of Chapter 3's Case for Change PlaceBuild analysis. As part of implementation, the City may create area plans and dedicate individual staff members from multiple divisions or departments to address planning issues within the [illegible].

Some areas already have a framework - either area plans or other plans that may be used in the development of greater detail, the implementation of place types, and possible zoning changes and overall planning direction. Recent plans include Downtown Las Vegas, Summerlin (North/West) and Centennial Hills ("Town Center"). The recent Downtown Plan is a good model in establishing a collection of smaller neighborhoods (Medical District, Arts District, Fremont East, Historic Westside, etc.) allowing people to think strategically about branding, marketing, and placemaking.

- Working with community members, develop special area plans for each area
- Develop branding and identities reflected on signage, infrastructure, wayfinding, and gateways for each area
- Establish priorities across city departments for implementing planning and [illegible]
- Identify catalytic redevelopment sites in each planning area to spur redevelopment
- Establish partnerships to identify deficiencies in community centers, schools, and open space and plan for equitable implementation of new facilities

MAP OF AREAS IN THE CITY



These areas were identified by using development agreement boundaries, character analysis, and Census geography boundaries to facilitate better data analysis and track implementation progress.

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RELATION TO GUIDING PRINCIPLES

Each Area of the City will:

- Consist of place types
- Conserve resources and water
- [illegible] neighborhoods
- Have affordable and market rate housing
- Be served by City services, utilities and public infrastructure
- Have parks, community centers
- Have schools [illegible] and places for workforce training
- Have jobs and employment opportunities of all types [illegible]
- Be safe and be protected from hazards [illegible]
- Be connected by highways, streets, trails, bike lanes, and transit
- Have convenient access to food and community services

[illegible] by 2050

AREA METRICS

This section summarizes opportunities in each area. Each Planning Area was analyzed to determine how well it currently meets the Guiding Principles according to a set of metrics focused on the following topics. The following pages provide an overview of the district level metrics.

For more recommendations specific to these topics, please see the following sections:

- Land Use and Development - See [illegible] of this chapter
- Schools - See [illegible]
- Parks and Open Space - See [illegible] of this chapter
- Workforce - See Chapter 3
- Transportation - See [illegible]

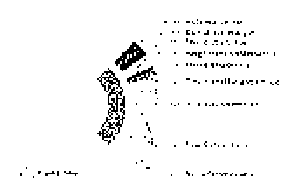
For each of the 16 planning areas, a series of metrics were assembled that relate existing conditions to city-wide averages, future targets, and/or projected conditions based on the PlaceBuild analysis tool. [illegible] for each of these analyses are described on the next few pages. Overall these metrics connect back to the plan's guiding principles and how we can begin to measure progress towards desired outcomes and understanding the magnitude of change needed within each planning district.

LAND USE PLACE TYPE MAPS

Each district section contains a map showing existing land use patterns and potential areas of change where existing land uses could over time change into one of the new proposed place types. [illegible] map, a diagram shows how potential changes were modeled. [illegible] could potentially change [illegible] It is important to note that diagrams and maps do not match one another. The map indicates general patterns of potential change, whereas the diagram is based on assumptions of certain percentages of existing land areas changing from one pattern to another.

FUTURE PLACE TYPES IN ACRES

Land Use Change in City of Las Vegas



[illegible]

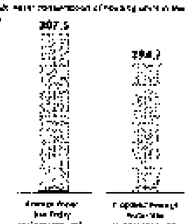
AVERAGE WATER CONSUMPTION

As land areas change in the City and new housing is built to accommodate future population growth, the form of housing can have a significant impact on household water consumption. The PlaceBuild model uses historic metered data from [illegible] residential housing and land use types to assess average daily gallons of water used per housing unit per day across the area based on the specific mix of housing types in that area. The same value is calculated for the projected condition, which in many cases shows the average water consumption per housing unit decreasing in the future as more water efficient forms of housing are constructed.

These values are compared against citywide averages for comparative purposes and reflect a targeted outcome of [illegible] gallons per person per day.

WATER USAGE

Average water consumption of housing units in the City of Las Vegas



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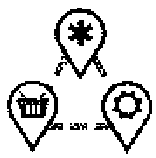


PROXIMITY TO SERVICES

Ease of access to daily needs is [illegible] and is an indicator of areas that are well served, as well as an indicator of areas that have higher rates of auto dependency. Unfortunately much of Las Vegas's [illegible] was designed for and accessible to the car.

Overall the City doesn't have many community centers, each [illegible] a wider population that is accessible by walking, biking, or a short drive. The lack of these places indicates a need for more [illegible] neighborhood facilities.

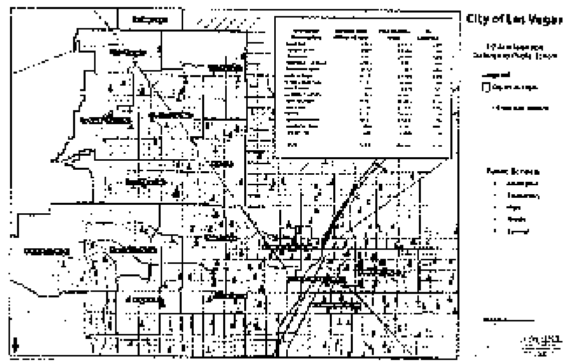
Safe and [illegible] routes to school are important for every student within Las Vegas. The ability to walk to school in older areas, which have higher densities, walkable urban form and more schools, is far easier, while auto-oriented suburban planning areas have fewer walkable routes.

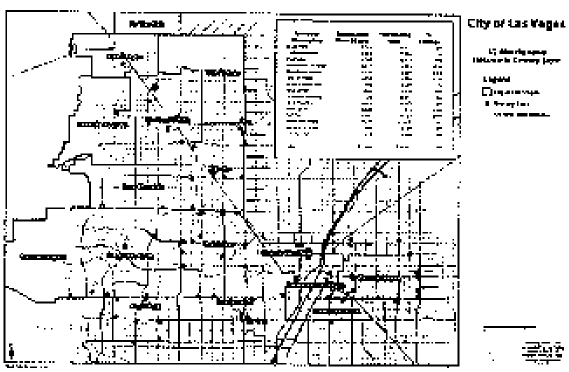
PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of [illegible] within 1/2 mile walk

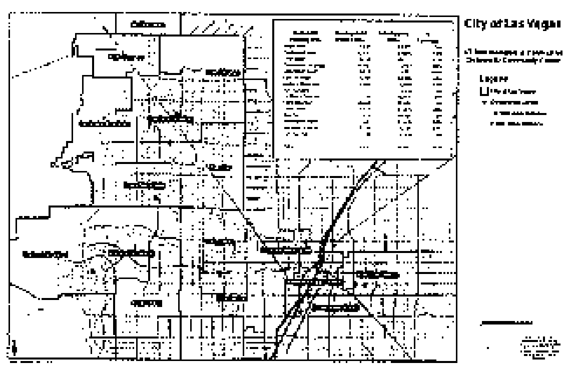
Parks	56%
Schools	[illegible]
Grocery and [illegible]	[illegible]

Percentage of [illegible] within 2 mile [illegible]

Community Centers	[illegible]





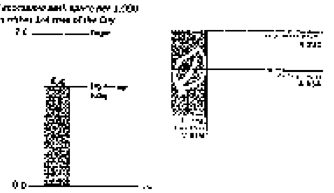


PARKS AND OPEN SPACE ACCESS

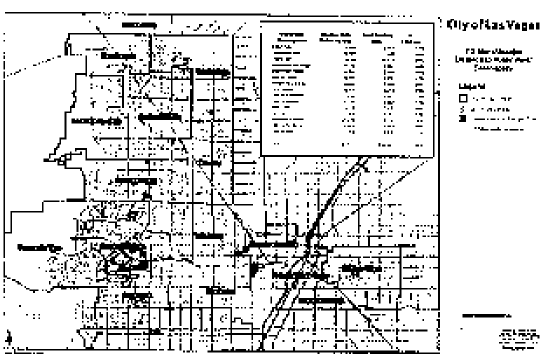
Access to parks and open space is important for the quality of life of residents. While overall quantity of open space is important, the proximity and quantity within short walking distances of residences is most essential.

The parks and open space access metrics look at publicly owned and/or maintained open space and consider two key data points: (1) how many acres of park space per 1,000 residents are within a 1/4 mile walk distance on average; and (2) given the projected population of the district, how many total acres of park space are needed to achieve a target of 7.0 acres per person.

Citywide averages are shown for comparison purposes.



Park access and proximity is deficient in areas with few subdivisions, where planning standards have required amenities, whether public or private. Distance to parks, open space, and green space are a place of refuge and respite in living in the areas surrounding Downtown Las Vegas.



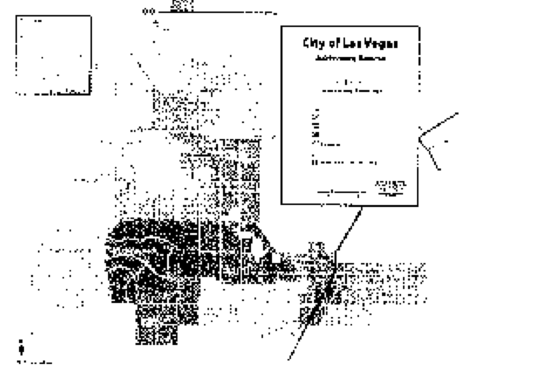
JOB-TO-HOUSING AND JOB PROXIMITY

Access to employment opportunity is a critical quality of life and economic consideration for the City of Las Vegas. Two metrics are considered on a district-by-district basis.

(1) Evaluates ratio of jobs to housing units within the overall district and in comparison to the citywide average. This can help identify whether a district tends to be a job "importer" (with more jobs than housing units, thus pulling people into the district for employment) or a jobs "exporter" with relatively more people leaving the district for employment. The City will strive for a citywide job-housing balance of 1.0 to 1.25.

(2) The second metric provides a measure of how many jobs are within a 1/2 mile or 1 mile distance on average from any point in the district. This analysis considers proximity of jobs outside of the district itself but still within the 1/2 mile or 1 mile distance.

Suburban areas tend to have fewer jobs and an abundance of housing, thus necessitating a commute to employment locations.

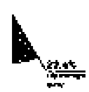


TRANSPORTATION & MOBILITY

The final set of metrics pertains to transportation and responds to an essential equity question: how easily are people able to access transportation services. Four different metrics are considered. Projects that are developed or operated, whether by the City, Clark County, NDOT, or RTC, may have an improvement on different metrics.

(1) Percentage of households without cars relative to the citywide average. Households without access to a motor vehicle must rely on other transportation options.

VEHICLE OWNERSHIP
Percentage of households without cars within the City



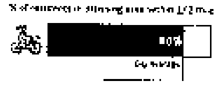
(2) Average travel length of commute relative to the citywide average. Longer commute times may be an opportunity for providing more jobs or improving transportation options.

COMMUTE TIME TO WORK
Average commute time (in minutes) within the City

(3) Percentage of the area of the City within 1/2 mile of dedicated bicycle facilities. Bike lanes are considered more desirable for different groups, but much of the City only has bike lanes or no bike facilities at all.

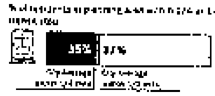
TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of a bike facility

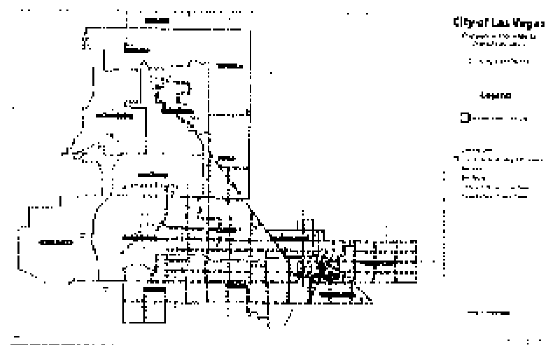


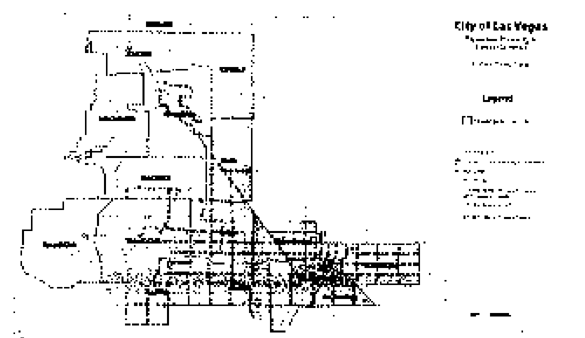
(4) Percentage of residents within 1/4 mile or 1/2 mile of a transit stop. 1/2 mile distance is typically used in transit planning, although from a convenience and attraction standpoint, transit stops closer to home can provide better access.

% of residents in planning area within 1/4 or 1/2 mile of transit stop



Access to Public Transportation for Public Transit: Both existing conditions and future conditions are employed to analyze a short walk to alternative transportation. Existing RTC transit routes provide a minimum level of access only to older planning areas. Implementation of the changes in RTC's OnBoard and development of the high capacity transit system will improve coverage as well as provide access to suburban areas.





DEMOGRAPHICS

A number of demographic indicators for each area helps explain the composition of the residents that live in the neighborhoods. Compiled from Census, American Community Survey and Planning Department data, each tells a story about the area's socioeconomic characteristics, the types of housing, and who lives there.

KEY

(1) The current population of the area

(2) The largest age group indicates variations in age cohorts

(3) Persons per household explains household composition: children, or multigenerational homes.

(4) and (5) indicate the current number of dwellings within an area, whether single-family residential or multi-family dwelling unit types such as duplex, triplex, fourplex, apartments, townhomes, condominiums, or mobile homes

(6) Median household income measures the overall economic prosperity of the area

(7) Median rent and mortgage payments represent a snapshot of the housing costs and affordability

(8) Housing tenure indicates the percentage of people who rent their dwelling or own a dwelling

(9) and (10) examine levels and rates of educational attainment: those that have attained a high school diploma and those that have received a bachelor's degree

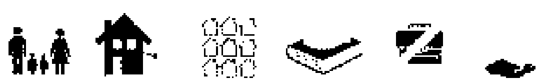
(11) The area's unemployment rate

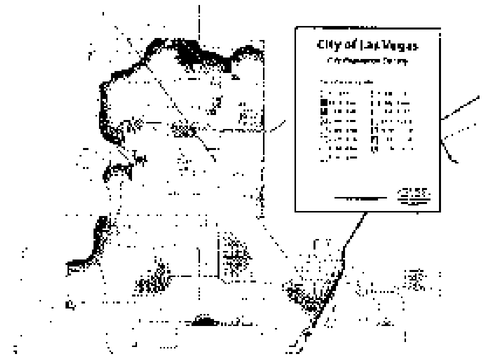
(12) and (13) housing and population density

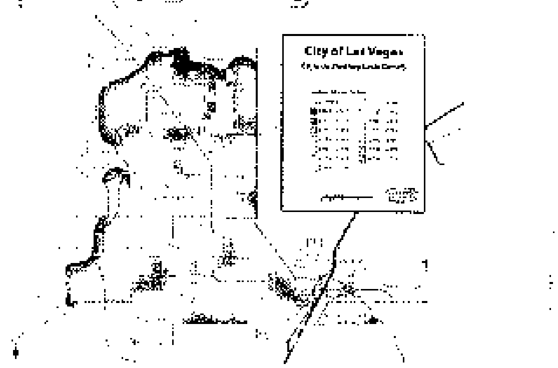
(14) The racial and ethnic composition of the area

TOTAL CITY DEMOGRAPHICS

1. Current population: [illegible]
2. Largest Age Group: 25 - 34 years (Median age [illegible])
3. Persons per household: [illegible]
4. Single Family Dwellings: [illegible]
5. Multi-Family Dwellings: [illegible]
6. Median household income: [illegible]
7. Median rent / mortgage: [illegible]
8. Housing tenure: [illegible] rent / [illegible] own
9. Attained High School Diploma: [illegible]
10. Attained Bachelor's Degree: [illegible]
11. Unemployment rate: [illegible]
12. Housing Density: [illegible] dwelling units / acre
13. Population Density: [illegible] residents / gross acre
14. Racial/ethnic composition







DOWNTOWN LAS VEGAS

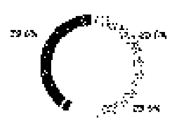
Downtown Las Vegas is the City's civic, commercial and cultural hub. Located in the center of the Las Vegas Valley encompassing the original 1905 Clark townsite, it functions as a primary regional center of Southern Nevada together with the Las Vegas Strip. Centered along Fremont Street, Downtown is the original home to local gaming and tourism. It continues to attract visitors looking for a historic and authentic Las Vegas experience. The Downtown of tomorrow is envisioned as a vibrant and livable urban environment and will continue to "Reinvent the Legend" through complete implementation of the Vision 2045 Downtown Las Vegas Masterplan.

DEMOGRAPHICS

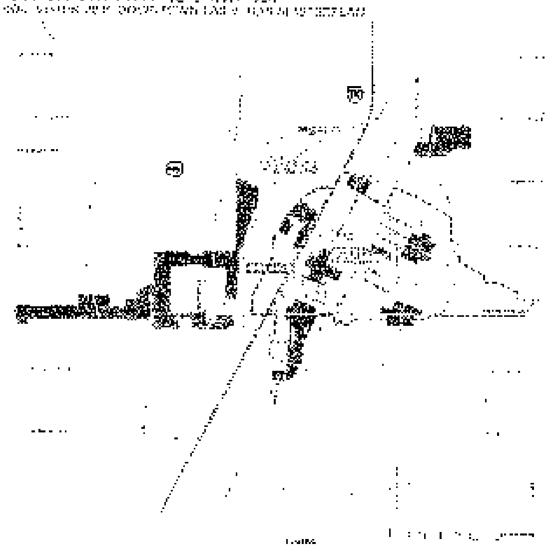
- Current population: 24,155 ▼
- Largest Age Group: 25 - 34 years [illegible] ▼
- Persons per household: 2.26 ▼
- Single Family Dwellings: 1,155 ▼
- Multi-Family Dwellings: 13,323 ▲
- Median Household Income: [illegible] ▼
- Median rent / mortgage: $746 / $1,219 ▼ ▼
- Housing Tenure: 84.8% rent / 15.2% own ▲ ▼
- Attained High School Diploma: 71.9% ▼
- Attained Bachelor's Degree: 11.1% ▼
- Unemployment rate: 15.5% ▲
- Housing Density: 6.56 dwelling units / acre ▲
- Population Density: 8,439 residents / square mile ▲

▲ ▼ Above / Below citywide average

Race & Ethnicity



DOWNTOWN FUTURE LAND USE



Vision 2045 Downtown Las Vegas Masterplan
Downtown Open Space and Parks Plan
Title 19.09 Form-Based Code
Hundred Plan
Maryland Pkwy TOD Plan

LAND USE AND DEVELOPMENT

TODAY

Downtown is characterized by a traditional urban fabric centered on Fremont Street. The Downtown is divided into several unique and culturally rich neighborhoods. [illegible] include the Civic and Business District, Resort and Casino District, Fremont East Entertainment District, and Symphony Park District. Downtown also encompasses the historic Westside and [illegible] neighborhoods, the Las Vegas Medical District and the gateway to the Strip. Downtown is bisected by US-95 and I-15, creating connectivity issues between the core and the downtown periphery.

IN THE FUTURE

Downtown will achieve a compact, vibrant urban environment, focusing on higher density mixed-use, transit oriented development. Downtown is governed by the special area plan and regulated by the City's Form Based Code (Title 19.09). The Form-Based Code establishes Transect Zones and Building Types, Frontage Types, Open Space Types, and Thoroughfare Standards that apply within the 12 districts of the Downtown Las Vegas Overlay District. The area must also balance [illegible] with infill and redevelopment in [illegible] the historic neighborhoods.

PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Urban Residential
- Traditional Neighborhood
- [illegible]
- [illegible]

In order to deploy the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)

Downtown Las Vegas Area: 2,13[illegible] acres

2050 PROJECTIONS

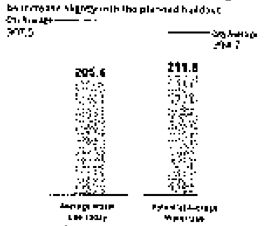
- Population: 31,[illegible]
- Total New Housing Units: [illegible] Single Family / [illegible] Multi-Family
- New Commercial [illegible]
- Housing Density: [illegible] per square mile
- Population Density: [illegible] per square mile

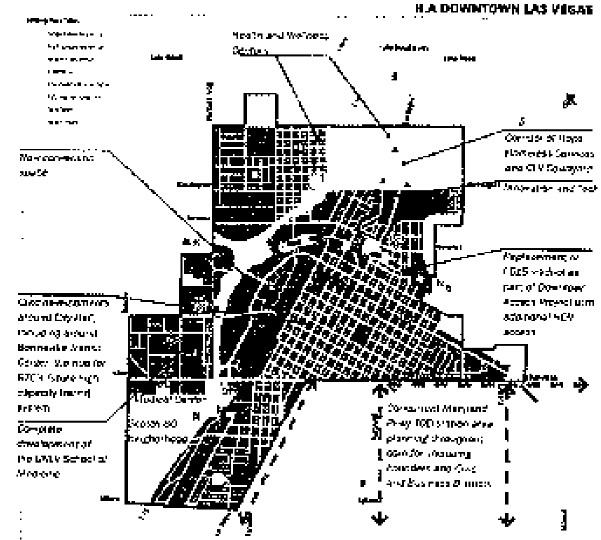
- Mixed-use
- Transit-oriented development
- Placemaking through arts and culture
- Diverse housing options
- Historic preservation
- Adaptive reuse
- Placemaking through [illegible]

Click each tool to read more

WATER USAGE

Water consumption of residents in the planning area will be [illegible] with the planned buildout.





DOWNTOWN LAS VEGAS PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. Implement the "Hundred Plan" to reinforce the Historic Westside
2. Symphony Park mixed-use development
3. Cashman Center redevelopment opportunity
4. Fremont East District redevelopment and complete street improvements
5. Arts District cultural improvements, investments, and redevelopment
6. Gateway District revitalization and improvements along Las Vegas Strip

COMMUNITY FACILITIES

- City Fire Station
- LVMPD Substation
- Hospital
- CCSD School (elementary, middle, high) / Planned or needed
- Library
- Other public facility
- Community Center
- Transportation improvement
- Planned High Capacity Transit

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20576

SERVICES

Downtown has the greatest concentration of public services and amenities in the region. Federal, state and local government civic buildings are located throughout Downtown, including the Clark County Government Center, Las Vegas Metropolitan Police Headquarters, and regional court and judicial facilities. Other private and nonprofit services serving the City and Southern Nevada as a whole, most notably homeless service providers are concentrated within Downtown and its [illegible] along the Corridor of Hope. New Health and Wellness Centers in the [illegible] and Historic Westside will provide services to under-served populations.

PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of [illegible] within 1/2 mile walk

			City
	Parks	[illegible]	35%
	Schools	[illegible]	31%
	Grocery and retail services	41%	19%

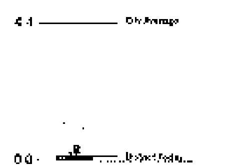
Percentage of [illegible] within 2 mile [illegible]

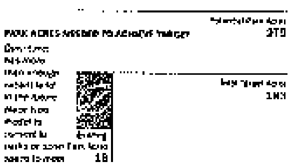
	Community Centers	100%	45%

PARKS AND OPEN SPACE

Downtown has several notable and memorable places including the Fremont Street Experience, Container Park, Symphony Park, and [illegible], but is notably lacking traditional parks, trees and greenspaces. In the past decade Downtown witnessed the addition of a variety of museums and cultural amenities, including the Mob Museum, Neon Museum, and Smith Center for the Performing Arts. The Downtown Parks and Civic Spaces [illegible] provides an implementation framework for increased public and private parks, plazas, and other civic spaces, including a Civic Plaza and central park. The Title 19-09 form-based zoning code also [illegible] open space and specifies civic space standards.

PARK ACCESS
Acres of [illegible] per 1,000 residents within 1/4 mile

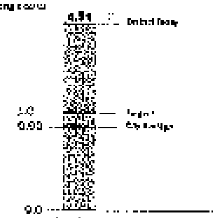




WORKFORCE

Downtown encompasses a variety of industry clusters. The Casino Center and the Fremont East District remain major economic drivers of Las Vegas and the region. In order to maintain that standing and address [illegible] blighting conditions, the City has introduced downtown redevelopment areas and new economic development initiatives. Adaptive reuse has brought new life to underutilized industrial areas, creating vibrant places like the Arts District. The UNLV School of Medicine and several major hospitals located in the Medical District allow for growth in the health care and education sectors. Finally, major mixed-use and special purpose areas, including the Cashman Center and Symphony Park, allow for unique economic development and redevelopment opportunities. The Downtown residents are served by neighborhood CCSD schools and [illegible] schools.

JOB SUPPLY IN DISTRICT
Average job opportunities per [illegible] in the planning district



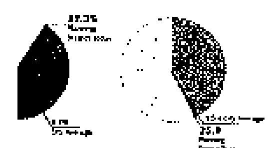
JOB PROXIMITY
Average job opportunities in proximity to the planning district

TRANSPORTATION

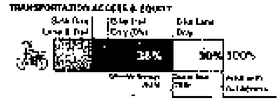
Located near the intersection of I-15, US-95, and [illegible], Downtown is also the central hub of the RTC Transit system and future high capacity transit network in terms of access and mobility. Downtown has the region's best complete street grid. The Union Pacific Railroad [illegible] may allow Downtown to [illegible] be the central hub for high-speed rail connecting to Southern California. However, as the oldest part of the City, Downtown also has aging infrastructure of all types.

VEHICLE OWNERSHIP
Percentage of households without a vehicle in the district

COMMUTER TRAVEL PATTERNS
Average commute time in [illegible]



TRANSPORTATION ACCESS & EQUITY



Percent of residents in the planning district within 1/4 and 1/2 mile of a transit stop

EAST LAS VEGAS

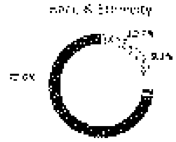
East Las Vegas is comprised of a network of higher density traditional neighborhoods, a thriving and growing Latino community, and a well-connected street system. It does, however, face a number of challenges including high poverty rates, higher rates of crime, and perceptions of investment or under-investment in infrastructure and services to accommodate a rapidly changing population. The addition of high capacity transit along the edges and a "Grand Paseo" complete street [illegible] will enable East Las Vegas to transform itself into a diverse and cohesive sector of Las Vegas.

DEMOGRAPHICS

- Current Population: 75,140 ▲
- Largest Age Group: 25 - 34 years (15.17%) ▼
- Persons per household: 3.40 ▲
- Single Family Dwellings: 9,426 ▼
- Multi-Family Dwellings: 12,585 ▲
- Median Household Income: $37,336 ▼
- Median [illegible]: $[illegible] / $[illegible] ▼ ▼
- Housing Tenure: [illegible]% rent / 35.5% own ▼ ▼
- Attained High School Diploma: 51.4% ▼
- Attained Bachelor's Degree: 4.6% ▼
- Unemployment Rate: [illegible]% ▲
- Housing Density: 5.95 dwelling units / acre ▲
- Population Density: 16,5[illegible] residents / square mile ▲

▲ ▼ Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Redevelop substandard housing and incentivize infill housing
- Reduce food swamps
- Enhance Latino culture through creative placemaking and design

SERVICES AND FACILITIES

- Consider [illegible] and [illegible] facilities in the nearby [illegible]

PARKS AND OPEN SPACE

- Develop more accessible parks and open space
- Increased tree canopy [illegible] highest levels of [illegible] in City

WORKFORCE AND EDUCATION

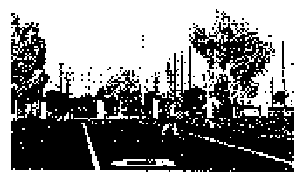
- Focus on workforce training and job creation
- Address school overcrowding

TRANSPORTATION

- Complete sidewalk network, including a "Grand Paseo" complete street along Bonanza Rd
- Downtown Access Project
- Charleston Blvd interchange improvements
- Develop high capacity transit along Charleston Blvd and Eastern Ave and rapid bus along Nellis Blvd

Click each strategy to read more. Metrics for each topic are highlighted on the following pages.

Spectrum-Industrial Park Area Plan



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LAND USE AND DEVELOPMENT

TODAY

East Las Vegas is generally characterized by higher density development with a mix of ... housing types. There are existing ... commercial nodes ... along Boulder ... Eastern Ave and Nellis Blvd.

IN THE FUTURE

There are several opportunities to redevelop ... housing stock with affordable high-quality housing and introduce higher density mixed-use development ... along ... Eastern Ave and Nellis Blvd while remaining affordable. The ... of high capacity transit along Charleston Blvd along the area's southern edge will also help facilitate transit-oriented development at US 95, Lamb Blvd and Nellis Blvd.

2050 PROJECTIONS

- Population: ...
- Total New Households: ...
- New ...
- Housing Density: ...
- Population Density: ...

PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Mixed Residential
- Traditional Neighborhoods
- New Subdivision
- Suburban Ranch

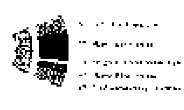
Click each Place Type to read more

- ... Neighborhood ...
- Neighborhood Character
- Transit Oriented Development
- Placemaking through arts and culture

Click each ... to read more

In order to capture the above projected land uses and densities, the following place types are planned for future change:

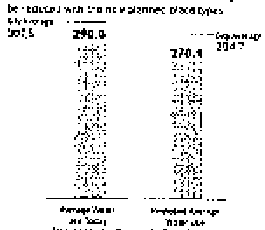
PROPOSED AREAS OF CHANGE (IN ACRES)

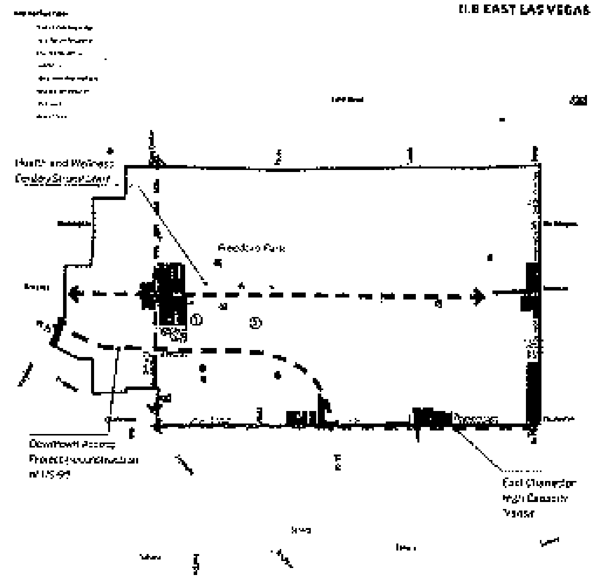


East Las Vegas ... 9,389 acres

WATER USAGE

Water consumption of residents in this planning area will be reduced with the new planned place types.





EAST LAS VEGAS PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. Mixed Residential ...
2. Desert Pines Golf Course ... neighborhood ... open space
3. ...

Transportation improvement

Planned high capacity transit

COMMUNITY FACILITIES

Fire Station

CCSD Schools ...

Library

...

East Las Vegas Community Center

SERVICES + FACILITIES

East Las Vegas has several major city and regional facilities, including East Las Vegas Community Center and Clark County Family Services, as well as several city operational facilities, including the City's ... center, and Detention Center. The area lacks city facilities in the north and northeastern portions and is plagued by high overall crime rates throughout the district. A new Health and Wellness Center will be constructed.

PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of dwelling units within 1/2 mile walk

			2050
	Parks	27%	50%
	Schools	43%	75%
	Grocery and retail services	16%	50%

Percentage of dwelling units within 2 mile drive

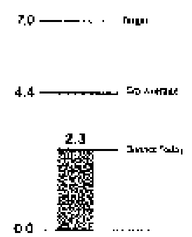
	Community Centers	65%	45%

See Chapter 3, Section I.B School Facilities and Chapter 4, Section IV.A Public Facilities

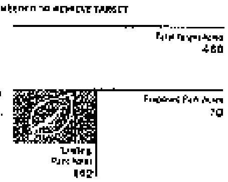
PARKS AND OPEN SPACE

Several large traditional parks have historically anchored East Las Vegas, including Freedom Park. A few new parks are under construction, including small neighborhood parks that will help provide green space to underserved areas, but more will still be needed and of different types and varieties. Desert Pines Golf Course is also located within this area, which could be repurposed to another use while incorporating much needed green space. User safety of parks, trails and open space within the area has been raised as well.

PARK ACCESS
Acres of accessible park space per 1,000 residents within 1/4 mile



PARK ACRES NEEDED TO ACHIEVE TARGET

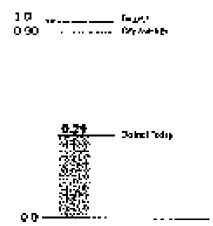


See Chapter 2, Section II Environment

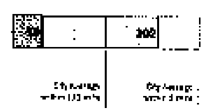
WORKFORCE + EDUCATION

Over time, ... conditions have led to the establishment of ... redevelopment areas and new economic development initiatives. Many urban health and learning centers are located throughout the district, as is the Spectrum Industrial Center. Many CCSD elementary schools are overcrowded and are in disrepair despite a high concentration. Desert Pines High School is also over capacity. A Strong Start Academy will be built near Bonanza Road and Marietta Street.

JOB SUPPLY IN DISTRICT
Average job opportunities per household within the planning district



JOB PROXIMITY



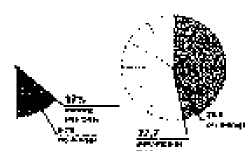
See Chapter 3, Economy & Workforce

TRANSPORTATION

As an older part of town, East Las Vegas has aging infrastructure of all types and needs substantial upgrades and complete street improvements in many neighborhoods. The Interstate 515 viaduct (potential future I-11) runs through the southern portion and could be reconstructed and replaced, which could impact surrounding neighborhoods. Charleston Blvd, Eastern Ave and Nellis Blvd will continue to transition from auto-oriented arterials toward transit-based complete streets. Opportunities exist along bicycle friendly corridors to connect and complete the Las Vegas Wash regional trail, including the Cedar Trail and a "Grand Paseo" complete street along Bonanza Rd.

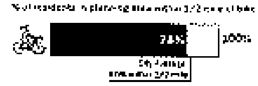
VEHICLE OWNERSHIP
Percentage of households without cars within the district

COMMUTE TIME TO WORK
Average commute time (in minutes) within the City

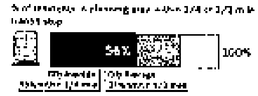


TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility



% of residents in planning area within 1/4 or 1/2 mile of transit stop



See Chapter 4, Section I Transportation

WEST LAS VEGAS

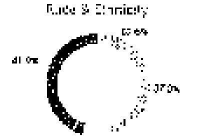
West Las Vegas is comprised of the neighborhoods immediately surrounding the Historic Westside district of Downtown Las Vegas, a culturally significant and diverse area including the Berkley Square Neighborhood, Bonanza Village, Vegas Heights, and Eastland Village neighborhoods. For many decades, West Las Vegas and its residents, predominantly African American, were physically and economically segregated from the rest of the community. West Las Vegas is comparatively more homogeneous and faces greater socioeconomic challenges than other districts. By 2050, this area will gain new life and development that preserves the community's identity and heritage.

DEMOGRAPHICS

- Current population: [illegible]
- Largest Age Group: [illegible]
- Persons per household: [illegible]
- Single Family Dwellings: [illegible]
- Multi-Family Dwellings: [illegible]
- Median household income: [illegible]
- Rent/mortgage: [illegible]
- Housing tenure: [illegible] rent / [illegible] own
- Attained high school degree: [illegible]
- Attained bachelor's degree: [illegible]
- Unemployment rate: [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Balance historic neighborhood preservation with housing infill
- Expansion of redevelopment areas to enable infill

SERVICES AND FACILITIES

- Increase equitable access to services

PARKS AND OPEN SPACE

- Develop more accessible parks and open space

WORKFORCE AND EDUCATION

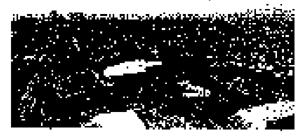
- Consider a West Las Vegas high school
- Strengthen performance of schools

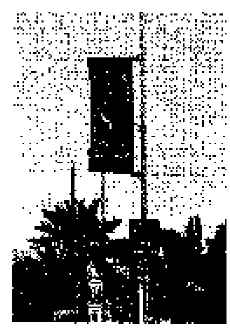
TRANSPORTATION

- Upgrade aging infrastructure
- Complete streets improvements, including on Lake Mead Blvd, Rancho Dr
- Develop Rapid Transit along Martin Luther King Blvd and Rancho Dr

Click each strategy to read more. Metrics for each goal are highlighted on the following pages.

West Las Vegas Area Plan





LAND USE AND DEVELOPMENT

TODAY

The Martin Luther King Blvd corridor links the core neighborhoods of West Las Vegas. Many of these neighborhoods [illegible]

IN THE FUTURE

Transit Oriented Development corridors and neighborhood centers are located throughout the district and offer prime areas for higher density development. [illegible]

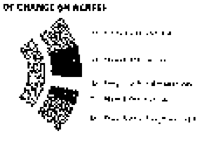
PLANNED PLACE TYPES

- Regional Center
- Mid-[illegible] Center
- Corridor [illegible]
- Neighborhood Center [illegible]
- Mixed Residential
- Traditional Neighborhoods
- New Subdivision
- Subdivision Retrofit

[illegible]

In order to capture the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)



West Las Vegas area: [illegible] acres

2050 PROJECTIONS

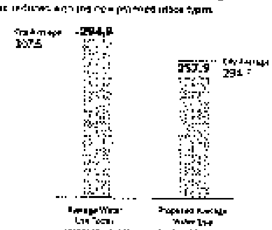
- Population: [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

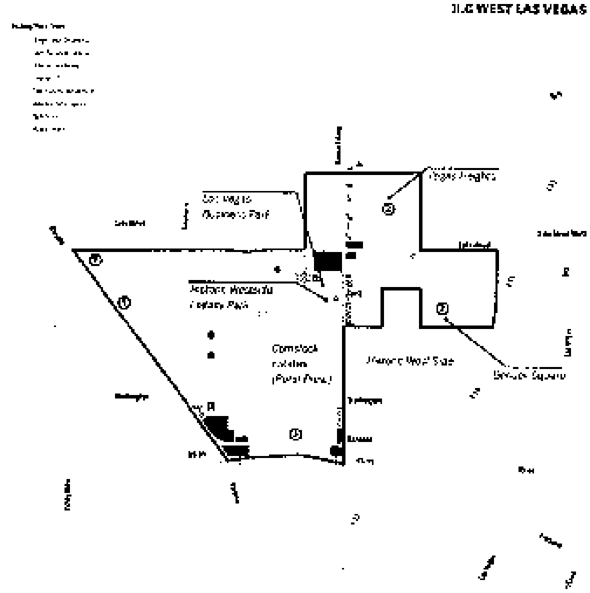
- [illegible]
- Infill [illegible]
- Traditional Neighborhood Design
- Neighborhood Character
- [illegible] Development
- [illegible]
- Adaptive Reuse
- Historic Preservation

[illegible]

WATER USAGE

Water consumption of residents in the planning area will be reduced with the new planned place types.





WEST LAS VEGAS PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. Key Redevelopment Sites
2. Historic Neighborhoods [illegible]
3. [illegible] Redevelopment Opportunity

COMMUNITY FACILITIES

- [illegible]
- [illegible]
- CCSD School [illegible]
- Library
- [illegible]
- [illegible]

ATTY FEE MOT - 0180

20582

SERVICES

West Las Vegas has a major need for upgraded infrastructure and additional public facilities and services. The area is served by two community centers, Pearson and Doolittle. However the western half of West Las Vegas lacks significant investment and community services. West Las Vegas is served by the LVMPD's Bolden Area Command; however higher crime rates, homelessness, drug use and chronic diseases are conditions that continue to plague the area.

PARKS AND OPEN SPACE

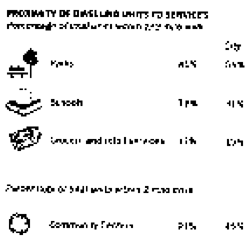
While the new Harland Westside Legacy Park is a recent addition, there is a lack of parks and open space in West Las Vegas. Existing facilities are limited to a scattering of small neighborhood and pocket parks and a major park including Bob Palace Park at the Doolittle Community Center. An additional major park or open space should be constructed with quality amenities that will be safe and well staffed.

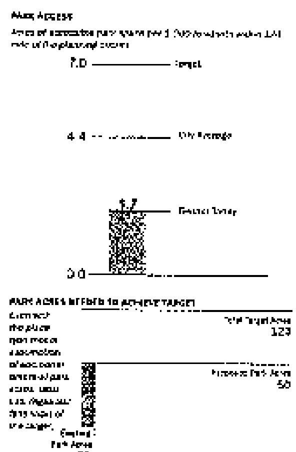
WORKFORCE

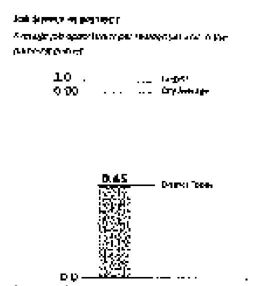
Historically, West Las Vegas's commercial uses were dominated by small, local businesses. A few national fast food and retail chains have located near Lake Mead and Martin Luther King Blvd. Through the efforts of the City's Redevelopment Agency, several major employment centers are now located within West Las Vegas, including the West Las Vegas Business Park and the Corona Rd corridor. Many CCSD and private schools are located throughout the district, but a major high school is lacking, and many schools routinely underperform, despite being in designated Opportunity or Achievement zones and receiving additional funding and resources. Also located in West Las Vegas is the Advanced Technologies Academy and the Veterans Tribute Career and Technical Academy.

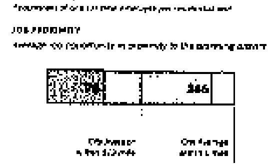
TRANSPORTATION

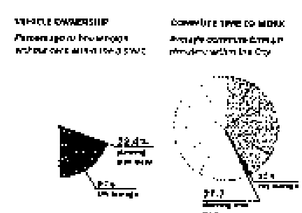
Rancho Dr, US-95 (potential future I-11), and I-15 make up the primarily western, southern, and eastern edges of the district, while the northern edge is bounded by the City of North Las Vegas. West Las Vegas will be served by rapid bus service along Rancho and Bonanza, where aging infrastructure throughout the district is older. CDBG funds and RDA funding have helped to pay for select improvements, but capital funding is needed to support additional complete streets and public transportation projects. Efforts that further connect West Las Vegas and the Historic Westside to Downtown Las Vegas should continue to be encouraged.

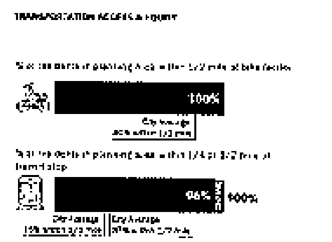












DOWNTOWN SOUTH

Downtown South is comprised of the City's earliest [illegible] traditional neighborhoods, including John S. Park, Huntridge, Beverly Green, Southridge, Mayfair, Hills de Heights, and Crestwood. Given its close proximity to Downtown Las Vegas and several major transportation corridors on its periphery, including Charleston Blvd, Maryland Pkwy, Sahara Ave, and Las Vegas Blvd, these historic areas are in flux and must be carefully balanced with revitalization efforts with the increasing pressure and demand for trans[it] oriented development.

[illegible]

- Current population: 30,893 ▼
- Largest Age Group: 25 - 34 years (5,345) ▼
- Persons per household: 3.05 ▲
- Single Family Dwellings: 4,580 ▼
- Multi-Family Dwellings: 3,814 ▼
- Median Household Income: $38,583 ▼
- Median rent / mortgage: $936 - $1,149 ▼ ▲
- Housing tenure: 52.7% renter / 48% owner ▲ ▼
- Attained High School Diploma: 70.4% ▼
- Attained Bachelor's Degree: 16.3% ▼
- Unemployment rate: 12.5% ▲
- Housing Density: 5.10 dwelling units / acre ▲
- Population Density: 10,451 persons / square mile ▲

▲ ▼ Above / Below citywide average

Race & Ethnicity

LAND USE AND DEVELOPMENT

- Balance historic neighborhood preservation with development pressures along corridors

SERVICES AND FACILITIES

- Consider locating additional facilities to complete service offerings

PARKS AND OPEN SPACE

- Develop more accessible parks and open space

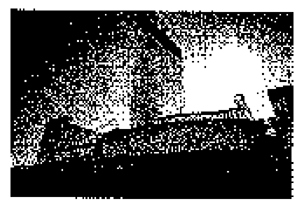
WORKFORCE AND EDUCATION

- Build a new specialized school at the former Bishop Gorman High School site along Maryland Pkwy to [illegible] the [illegible]

TRANSPORTATION

- Upgrade aging infrastructure over time
- Construct Spencer Greenway trail for additional multi-modal access to regional destinations
- Develop Maryland Pkwy, Eastern Ave, Charleston Blvd and Las Vegas Blvd high capacity transit, and upgrade service along Sahara Ave

Click each strategy to read more. Metrics for each topic are highlighted on the following pages.



Beverly Green/Southridge Neighborhood Plan
John S. Park Neighborhood Plan
Maryland Parkway TOD Plan

LAND USE AND DEVELOPMENT

TODAY

Comprised of traditional historic neighborhoods, Downtown South will focus on preservation of existing housing. However, as opportunities present themselves, higher density transit-oriented development and developing new place and housing types along the corridors will be completed as done to ensure housing remains affordable and gentrification is minimized.

IN THE FUTURE

While the neighborhoods around Downtown South are well established, some areas along the edges of the planning area may require enhancements and transformations in an effort to redevelop and improve blighting conditions. Existing shopping centers and mixed-use corridors may also likely need to be redeveloped over time, especially at key nodes.

2050 PROJECTIONS

- Population: 31,434
- Total New Housing Units: 3,332 Multi-family
- New Commercial
- Housing Density
- Population Density: 16,984 people per square mile

PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Mixed Residential
- Traditional Neighborhoods
- New Subdivision
- Suburban Retrofit

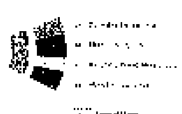
Click each Place Type to learn more

In order to capture the above projected land uses and densities, the following place types are planned for future change.

- Diverse Housing Options
- Infill Housing
- Neighborhood Character
- Mixed Use
- Transit-Oriented Development
- Placemaking through arts and culture
- Historic Preservation
- Adaptive reuse

Click each tool to read more

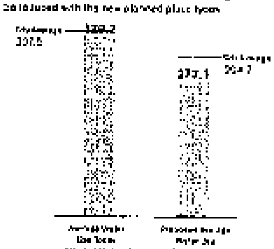
PROPOSED AREAS OF CHANGE (IN ACRES)

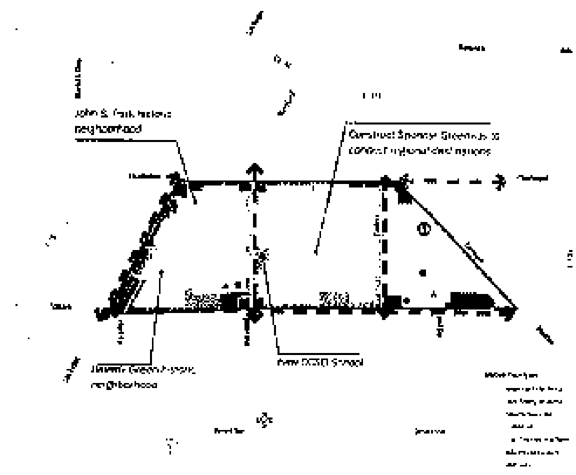


Downtown South area: 1,053.9 acres

WATER USAGE

Water consumption of residents in the planning area will be reduced with the new planned place types.





DOWNTOWN SOUTH PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

① Redevelopment site (former ...)

COMMUNITY FACILITIES

- Hospital

SERVICES

Because Downtown South's close proximity to Downtown Las Vegas' major city and regional facilities located here serve this area, it may be located in Clark County. However, Downtown South does lack some facilities and services that would provide more complete offerings and public safety protections.

PARKS AND OPEN SPACE

Downtown South has several historic parks with mature trees and denser tree canopy, but more open space amenities are needed throughout the area. Several parks, including Lorenzi Park and Baker Park, are [illegible] but well-used neighborhood parks that have recently been upgraded. An opportunity for a unique civic space exists at Huntridge Circle Park, as well as constructing a multi-use trail along the Sciences Greenway.

WORKFORCE

Some CCSD schools, especially high schools, are overcrowded, but an opportunity exists to build a new specialized school at the former Bishop Gorman High School site along Maryland Pkwy to serve the community.

TRANSPORTATION

Downtown South is bordered by major transit corridors that will continue to transition from [illegible] toward transit-based complete streets. The Maryland Pkwy corridor will be among the first projects to be implemented within this area. A number of [illegible] bike-friendly corridors, including [illegible] and the proposed Sciences Greenway, provide multi-modal options. As an older part of town, aging infrastructure will need to be upgraded over time.

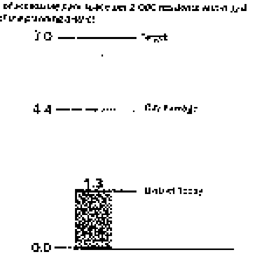
PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of dwelling units within 1/2 mile walk

		City
Parks	46%	35%
Schools	62%	31%
Grocery and retail services	24%	19%

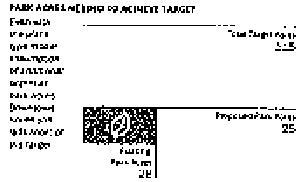
Percentage of dwelling units within 2 mile drive

Community Centers	100%	45%

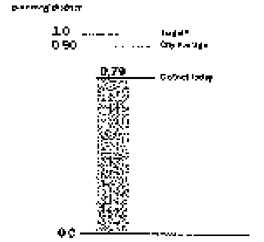
PARK ACCESS
Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district



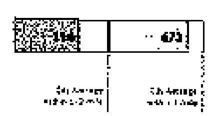
PARK ACRES NEEDED TO ACHIEVE TARGET



JOB SUPPLY IN DISTRICT



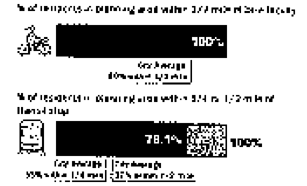
JOB PROXIMITY



VEHICLE OWNERSHIP

COMMUTE TIME TO WORK

TRANSPORTATION ACCESS & EQUITY



CHARLESTON

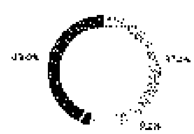
[illegible] Charleston [illegible] is the City's major east-west link and commercial corridor between Downtown Las Vegas and its western suburbs. Composed of both the City's earliest [illegible] suburbs and new suburban neighborhoods, the area has high potential for transit-oriented development and new place types along multiple corridors with the introduction of high capacity transit over the next twenty years.

[illegible]

- [illegible] ▲
- [illegible] ▼
- [illegible] ▼
- Single Family Dwellings: [illegible] ▼
- Multi-Family Dwellings: [illegible] ▲
- Median Household Income: [illegible] ▼
- [illegible] ▼ ▼
- [illegible] ▲ ▼
- [illegible] ▼
- [illegible] Bachelor's Degree: [illegible] ▼
- [illegible] ▲
- Housing Density: [illegible] ▲
- Population Density: [illegible] ▲

▲ ▼ Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- [illegible]
- [illegible]

SERVICES AND FACILITIES

- [illegible]

PARKS AND OPEN SPACE

- [illegible]

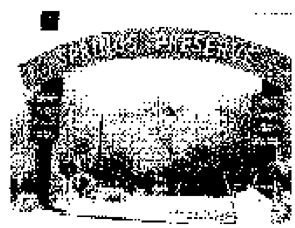
WORKFORCE AND EDUCATION

- [illegible]

TRANSPORTATION

- Improve aging infrastructure and make complete streets improvements.
- Develop high capacity transit along Charleston and Decatur Boulevard corridors as well as Rapid bus along Jones Boulevard and Sahara Ave corridors.
- [illegible]

[illegible]



Midtown Neighborhood Plan

LAND USE AND DEVELOPMENT

TODAY

[illegible]

IN THE FUTURE

The Charleston area will focus on more intense, higher density transit-oriented development and developing new place and housing types at specific locations and stops along Charleston Blvd, Sahara Ave, and Decatur Blvd [illegible]

2050 PROJECTIONS

- Population: [illegible]
- [illegible]
- [illegible]
- Housing Density: [illegible]
- Population Density: [illegible]

PLANNED PLACE TYPES

Regional Center
Mixed-Use Center
Corridor Mixed-Use
Neighborhood Center Mixed-Use
Mixed Residential
Traditional Neighborhood
New Subdivision
Suburban Retrofit

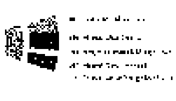
Click each Place Type to read more

- Diverse Housing Options
- Neighborhood Character
- Mixed-Use
- Transit-Oriented Development
- Placemaking through arts and culture
- [illegible]

Click each tool to read more

In order to capture the above projected land uses and densities, the following place types are planned for future change

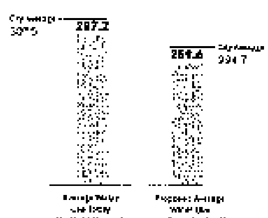
PROPOSED AREAS OF CHANGE (IN ACRES)

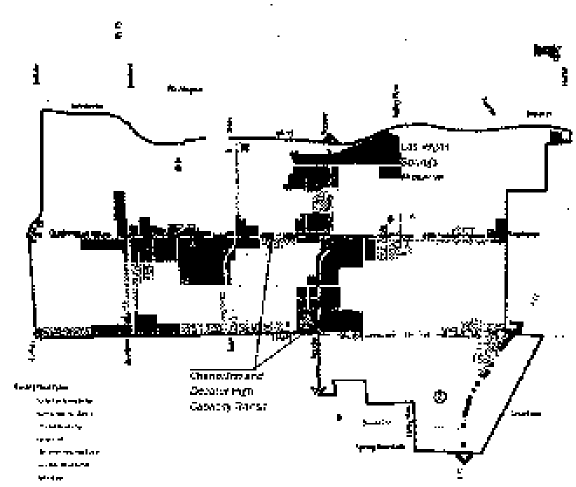


Charleston area: [illegible] acres

WATER USAGE

Water consumption of residents in the planning area will be reduced with the new planned place types





CHARLESTON PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. Meadows Mall Redevelopment Opportunity
2. Business Park Redevelopment Opportunity

COMMUNITY FACILITIES

- Library

ATTY FEE MOT - 0186

SERVICES

The Charleston planning area has several major city and regional facilities, including Doolittle Community Center and the Las Vegas Valley Water District. It lacks city facilities in the southern area and has higher crime rates in the central and eastern portion of the district. With the addition of high capacity transit, already overcrowded school facilities will face increased pressure.

PARKS AND OPEN SPACE

The Charleston area's most notable open space asset is the Las Vegas Springs Preserve, a cultural park signifying the historical development of the Las Vegas Desert [illegible]. Several large traditional parks have been constructed, including Rainbow Family Park and Freedom Memorial Park. While other smaller neighborhood parks have been recently upgraded, more park and green spaces are needed throughout the area.

WORKFORCE

Over time, aging conditions have led to the establishment of expanded redevelopment areas and new economic development initiatives. Several large neighborhood casinos are located within the district. The large regional mall and shopping center currently serve as the major commercial anchor; however, the area is primed for future redevelopment. The College of Southern Nevada serves as a major institutional and employment anchor. Many CCSD schools are [illegible] and at least one new high school and middle school are needed.

TRANSPORTATION

The Charleston planning area is bordered on the east and north by I-15 and US-95 (Future I-11). Each of the corridors will continue to transition from auto-oriented arterials toward transit-based complete streets. Similarly, the area also contains important bicycle-friendly corridors, including the Downtown to Red Rock Trail along Alta Dr. However, as an older part of town, it also has aging infrastructure of all types and needs upgrades and complete street improvements in several neighborhoods.

PROXIMITY OF DWELLING UNITS TO SERVICES

Percentage of total units within 1/2 mile walk

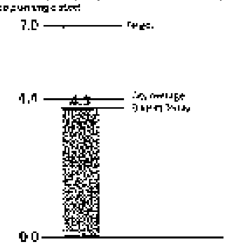
		City
Parks	29%	50%
Schools	30%	31%
Grocery and retail services	23%	56%

Percentage of residents within 2 mile drive

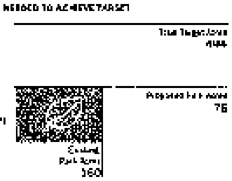
Community Centers	51%	25%

PARK ACCESS

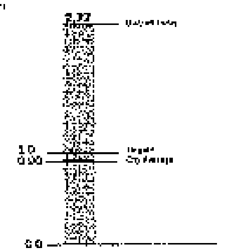
Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district



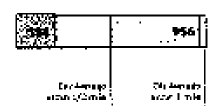
PARK ACRES NEEDED TO ACHIEVE TARGET



JOB SUPPLY IN DISTRICT

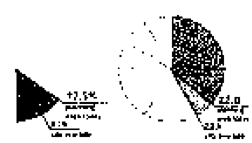


JOB PROXIMITY



VEHICLE OWNERSHIP

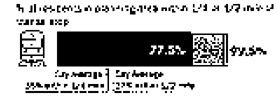
COMMUTE TIME TO WORK



TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facilities

% of residents in planning area within 1/4 or 1/2 mile of transit stop



ATTY FEE MOT - 0187

TWIN LAKES

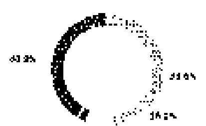
Twin Lakes contains a collection of [illegible] traditional suburban neighborhoods including [illegible] Ridge, Charleston Heights, and Pearman, as well as some small and large traditional planned communities like Desert Shores. So named for the springs of Lorenzi Park and waters at Desert Shores, the Las Vegas Tech Center serves as a regional employment center with medical offices and business park. The Decatur Blvd corridor will serve as a new spine for redevelopment and affordable housing choices.

DEMOGRAPHICS

- Total Population: 105,820 ▲
- Largest Age Group: 25-34 years (15.35%) ▼
- Persons per household: 2.53 ▲
- Single Family Dwellings: 15,832 ▲
- Multi-Family Dwellings: 27,143 ▲
- Median household income: [illegible] ▼
- Median monthly mortgage: [illegible] ▼ ▼
- Housing tenure: 57% renters 43% own ▲ ▼
- Attained High School Diploma: 85.6% ▼
- Attained Bachelor's Degree: 16.7% ▼
- Unemployment rate: [illegible] ▲
- Housing Density: 7.59 dwelling units / acre ▲
- Population Density: [illegible] residents / square mile ▲

▲ ▼ Above / Below regional average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Balance historic neighborhood character with development pressures along corridors
- Add visual improvements throughout planning area

SERVICES AND FACILITIES

- Increase services especially near county islands

PARKS AND OPEN SPACE

- Develop more accessible parks and open space

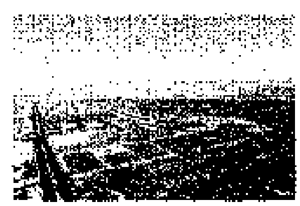
WORKFORCE AND EDUCATION

- Increase employment opportunities
- Improve school performance
- Build upon Tech Center as economic engine

TRANSPORTATION

- Improve walkability
- Improve aging infrastructure
- Street improvements to Rancho Dr
- Develop high capacity transit along Decatur Blvd and rapid bus along Jones Blvd and Rancho Dr

[illegible] each strategy to read more. Metrics for each topic are highlighted on the following pages.



Desert Shores Planned Unit Development

LAND USE AND DEVELOPMENT

TODAY

The traditional neighborhoods of Twin Lakes include a range of [illegible] housing, as well as a variety of multi-family housing types. Numerous apartment complexes and other multi-family housing types exist, although the quality [illegible]. Several unincorporated county islands containing single family residential and [illegible] present opportunities for annexation.

IN THE FUTURE

Redevelopment opportunities for transit-oriented development at older vacant shopping centers exist along most of the major north-south arterial corridors including Rancho Drive, Decatur Blvd, [illegible] Blvd. and Rainbow Blvd.

2050 PROJECTIONS

- Population: [illegible]
- Total New Housing Units: [illegible] Single Family / [illegible] Multi-family
- New Commercial ([illegible]): [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

PLANNED PLACE TYPES
Regional Center
Mixed-Use Center
Corridor Mixed-Use
Neighborhood Center/Mixed-Use
Mixed Residential
Traditional Neighborhoods
New Suburban
Suburban Reuse

Click each Place Type to read more

- Diverse Housing Options
- Neighborhood Character
- Mixed-Use
- Walkable Site Design
- Transit-Oriented Development
- [illegible] and culture
- [illegible]

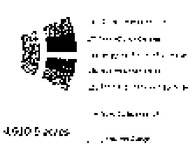
Click each icon to read more

WATER USAGE

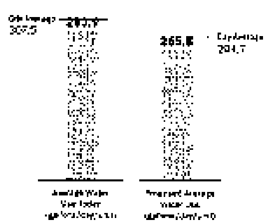
Water consumption levels [illegible] in this planning area will be reduced with the new planned place types.

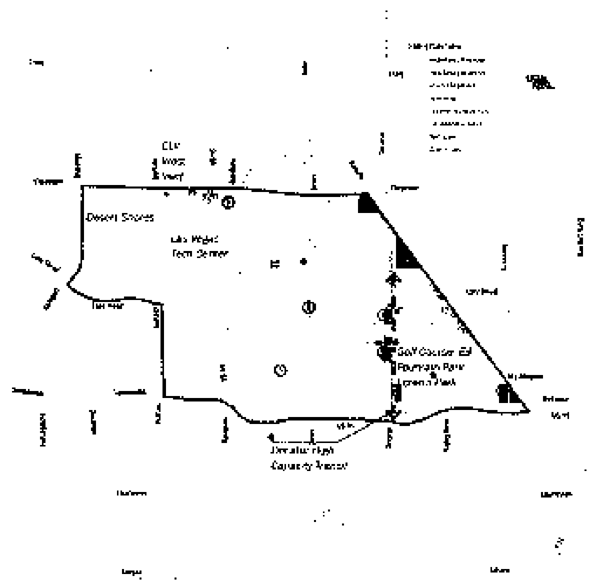
In order to capture the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)



Twin Lakes Area: 4,910.5 acres





TWIN LAKES PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

① Redevelopment Opportunities

[illegible] Planned High Capacity Transit

COMMUNITY FACILITIES

- Fire Station
- Hospital
- CCSD School
- Library
- [illegible]
- Museum / Cultural Center

ATTY FEE MOT - 0189

SERVICES

Twin Lakes has a number of City services, including the City's West Service Center. Mirabelli Community Center is also located in this area, but pockets of Twin Lakes are underserved, especially around the unincorporated county islands. The addition of a new community center would help connect residents with City services in an area that is underserved.

PARKS AND OPEN SPACE

Several major regional parks are in Twin Lakes, including Lorenzi Park, Kellogg Zaher Park, Ed Fountain Park, and Doc Romeo Park; these are connected by the Lone Mountain and [illegible] Trails. Las Vegas Municipal Golf Course, the City's first golf course, can also be found within the area. While there are several smaller neighborhood parks, a few neighborhoods lack an accessible park or green space.

WORKFORCE

Twin Lakes includes a mix of business and economic development opportunities. Older arterial corridors contain strip retail and neighborhood shopping centers; the areas east and north of US-95 have higher rates of retail vacancies. The Las Vegas Tech Center is a major planned business park containing the Mountain View Hospital. In newer suburban areas abutting Summerlin along the US-95 corridor, these shopping centers are stable and contain a wide range of national retail chains catering to an upscale market. There is a good distribution of public schools in Twin Lakes; however the middle and high schools tend to suffer in academic performance. Western High School is located in Twin Lakes along with the College of Southern Nevada Western Center.

TRANSPORTATION

Rancho Dr and US-95 (possible future I-11) are in transition from east-west to north-south around the Rainbow Curve, making up the primary western, southern and eastern edges of the district. Twin Lakes will be served by several RTC's high capacity transit services; BRT and rapid bus service will serve most north-south arterial corridors. Infrastructure throughout the district, where developed, appears to provide adequate capacity while other areas will require new infrastructure investment.

PROXIMITY OF DWELLING UNITS TO SERVICES

Percentage of total units within 1/2 mile walk

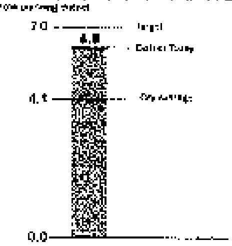
		City
Parks	44%	56%
Schools	32%	31%
Grocery and Retail Services	26%	29%

Percentage of total units within 3 mile drive

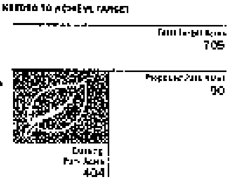
Community Centers	47%	46%

PARK ACCESS

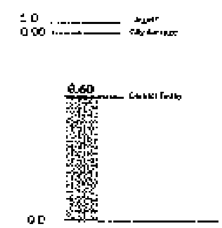
Number of acres of park space per 1,000 residents within 1/2 mile of the planning district



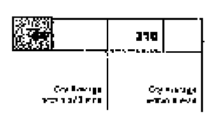
PARK ACRES NEEDED TO ACHIEVE TARGET



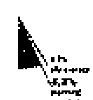
JOB SUPPLY IN DISTRICT



JOB PROXIMITY

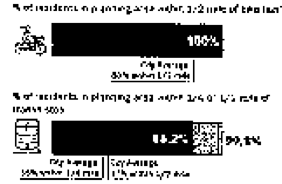


VEHICLE OWNERSHIP



COMMUTE TIME TO WORK

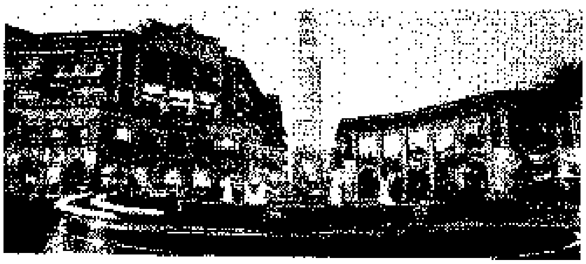
TRANSPORTATION ACCESS & EQUITY



ATTY FEE MOT - 0190

20592

ANGEL PARK



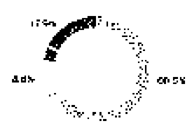
Located along the West Charleston Blvd corridor, the Angel Park neighborhoods serve as a transition from the older established areas to the east to the gateway of Summerlin development and Red Rock Canyon. With a mix of large lot homes, new residential and commercial subdivisions, and master planned communities including Canyon Gate, The Lakes, Peccole Ranch, and Queensridge, the Angel Park area serves both existing residences with new development moving to the west.

[illegible]

- Current population: [illegible]
- Largest Age Group: 35 - 44 years [illegible]
- Persons per household: [illegible]
- Single Family Dwellings: [illegible]
- Multi-family Dwellings: [illegible]
- Median Household Income: [illegible]
- Median Rent / Mortgage: [illegible]
- Housing Tenure: [illegible]
- Attained High School Diploma: [illegible]
- Attained Bachelor's Degree: [illegible]
- Unemployment rate: [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Ensure transition of high quality mixed-use development that is compatible with established residential neighborhoods

SERVICES AND FACILITIES

- [illegible] facilities and services

PARKS AND OPEN SPACE

- Maintain and strengthen open space and connections between developments

WORKFORCE AND EDUCATION

- Recruit employers and professional offices
- Address school overcrowding - consider a high school for the area

TRANSPORTATION

- Transition corridors from auto-oriented to complete streets
- Make improvements to Summerlin Pkwy

Click each strategy to learn more. More [illegible] for each topic are highlighted on the following pages.

LAND USE AND DEVELOPMENT

TODAY

[illegible] Boca Park [illegible] Village Square [illegible] Queensridge, Canyon Gate [illegible]

IN THE FUTURE

Along Charleston Blvd and Sahara Ave [illegible]

2050 PROJECTIONS

- Population: 62,939
- [illegible]
- [illegible]
- [illegible]
- [illegible]

PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed Use
- [illegible]
- [illegible]
- [illegible]
- [illegible]

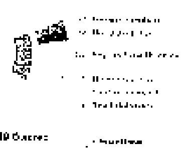
Click each Place Type to read more

- Neighborhood Character
- [illegible]
- Walkable Site Design
- [illegible]

Click each tool to read more

In order to [illegible] the following place types are planned for future change.

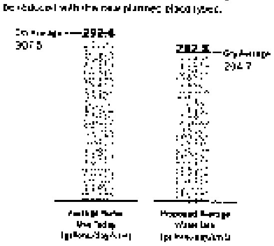
PROPOSED AREAS OF CHANGE (IN ACRES)

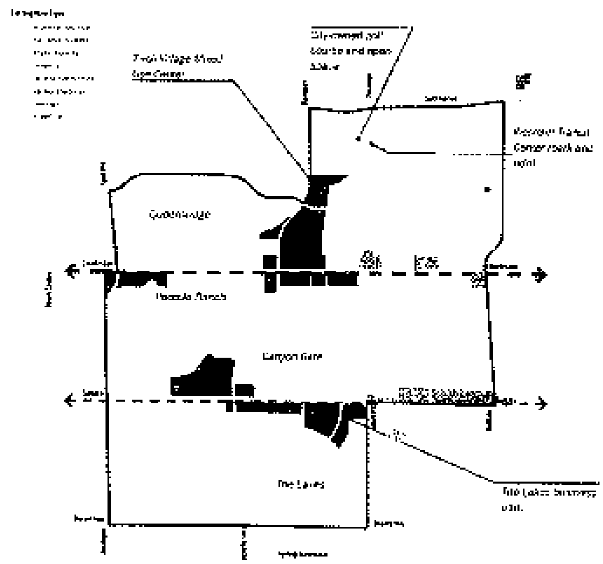


Angel Park Area: [illegible] acres

WATER USAGE

[illegible]





ANGEL PARK PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. Village Square Mixed-Use Center Infill Potential
2. Boca Park [illegible]

COMMUNITY FACILITIES

[illegible]

ATTY FEE MOT - 0192

20594

SERVICES

Aside from parks and open spaces and the West Sahara Library branch, Angel Park generally lacks major city and regional facilities. Because the built environment is [illegible] suburban, there is a need for a greater balance and presence of city services and community resources.

PARKS AND OPEN SPACE

Angel Park's most notable open spaces include the park and golf course for which the district is named. Other parks and open spaces, including those within the master planned communities, are well connected by trails and greenbelts. The area is served by several large parks, including All American Park and the Badlands development, a defunct golf course, provides an opportunity for new open space.

WORKFORCE

The shopping centers within Angel Park are generally auto oriented and contain large general commercial uses. Long term, opportunities exist to improve their character and make them more walkable. One major employer, Sutherland Global, anchors Angel Park. No major high schools or higher education sites exist within Angel Park. To alleviate [illegible] additional space may be required.

TRANSPORTATION

Angel Park is bordered on the north by Summerlin Parkway and is bisected by Charleston Blvd and Sahara Ave. Each roadway will continue to transition from suburban auto-oriented arterials toward transit-based complete streets. Express transit service from Downtown Las Vegas and the Strip serves Angel Park and Summerlin. Angel Park contains the transition point of bicycle-friendly corridors, including the Bonanza Trail, Angel Park Trail, Summerlin Pkwy Trail and Downtown to Red Rock Trail along Alta Dr. Because of the relatively new infrastructure of all types, upgrades may potentially be needed long term.

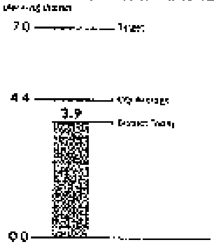
PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of units within 1/2 mile walk

			City
	Parks	0%	56%
	Schools	23%	31%
	Grocery and retail services	12%	16%

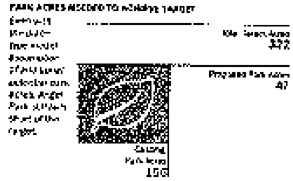
Percentage of residents within 2 mile drive

	Community Centers	5%	45%

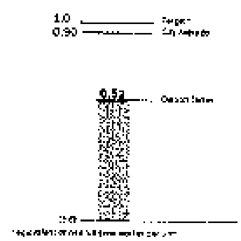
PARK ACCESS



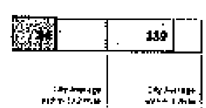
PARK ACRES NEEDED TO ACHIEVE TARGET



JOB SUPPLY IN DISTRICT



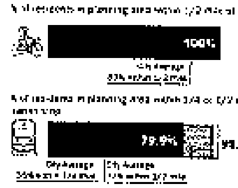
JOB PROXIMITY



VEHICLE OWNERSHIP

COMMUTE TIME TO WORK

TRANSPORTATION ACCESS & EQUITY



ATTY FEE MOT - 0193

20595

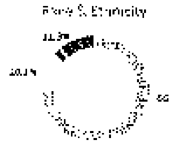
SUMMERLIN NORTH

Originally intended for aerospace development, the development of the 25,000 acre master planned community of Summerlin began in the 1990s through a planned community development agreement. The first developments began in Summerlin North and included an age restricted Sun City Summerlin. Today, Summerlin [illegible] the area's open space and residential land through a master community association, divided into individual villages with additional HOAs. This northern portion of the community is now fully developed and [illegible] with numerous neighborhood and village parks, more than 150 miles of trails, nine golf courses, shopping centers, medical and cultural facilities, Red Rock Resort, the Suncoast and JW Marriott hotels-casinos, business parks and more than 30 public and private schools.

DEMOGRAPHICS

- Current population: 80,783 ▲
- Largest Age Group: 65 - 74 years (9,276) ▲
- Persons per household: 2.2[illegible] ▼
- Single-Family Dwellings: 19,875 ▲
- Multi-Family Dwellings: 8,[illegible]07 ▲
- Median household income: $[illegible] ▲
- Median rent / mortgage: $1,350 / $1,55[illegible] ▲ ▲
- Housing tenure: 31.8% rent / 68.2% own ▼ ▲
- Attained High School Degree: [illegible] ▲
- Attained Bachelor's Degree: 40.[illegible]% ▲
- Unemployment rate: 6.0% ▼
- Housing Density: [illegible] dwelling units / acre ▲
- Population Density: [illegible],148 persons / square mile ▲
  - ▲ ▼ Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Consider mixed-use [illegible]

SERVICES AND FACILITIES

- Add city facilities and services

PARKS AND OPEN SPACE

- Regional trail connections

WORKFORCE AND EDUCATION

- [illegible] school overcrowding

TRANSPORTATION

- As the area ages, improve infrastructure
- Construct high capacity transit along Charleston Blvd to the Summerlin Transit Center
- Complete Summerlin Pkwy improvements, Summerlin Pkwy Trail, and connections

Click each chevron to read more. Metrics for each issue are highlighted on the following pages

Summerlin North Development Agreement

TODAY

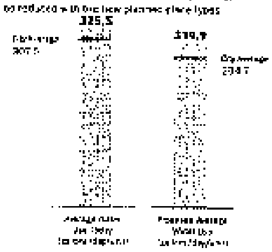
IN THE FUTURE

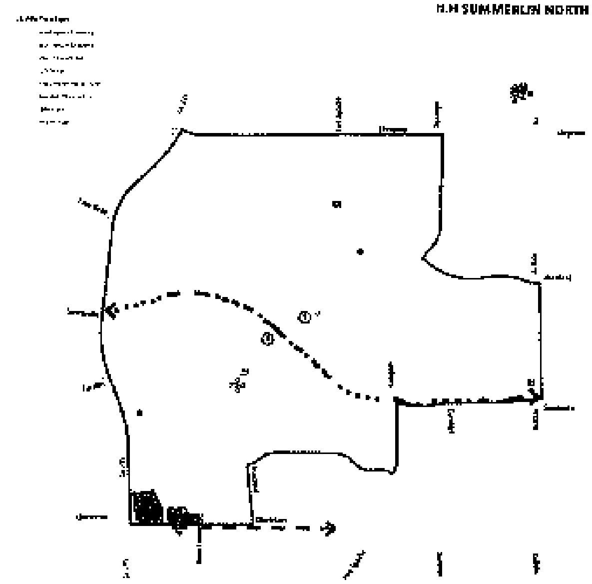
PLANNED PLACE TYPES

Click each Place Type to read more

PROPOSED AREAS OF CHANGE

WATER USAGE





KEY REDEVELOPMENT OPPORTUNITIES

COMMUNITY FACILITIES

Library

SERVICES

Many City of Las Vegas services are supplemental in this area to those amenities provided through the Summerlin Association. Veterans Memorial Community Center anchors a portion of Summerlin North, and many medical services are easily accessible at Summerlin Hospital. Police and fire protection in this area are adequate.

PARKS AND OPEN SPACE

The area contains abundant parks, open spaces, and well preserved washes and arroyos. Several public and private golf courses and country clubs, including Angel Park, TPC Summerlin, TPC Canyons, Palm Valley, Highland Falls and Eagle Crest courses wind through Summerlin North and are well-utilized amenities of the area.

WORKFORCE

Summerlin North is served by upscale retail and business establishments, primarily along the Charleston Blvd corridor near Summerlin Centre and along Town Center. Major office and professional service-oriented jobs are in business parks near the hospital. Two major casino resorts mark the entryway to Summerlin. Many high-quality public and private schools are found throughout Summerlin North.

TRANSPORTATION

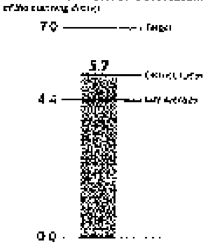
Summerlin North is bisected by Summerlin Parkway and is bounded on the west by the 215 Beltway. Generally the infrastructure is newer and well-maintained, but as the area continues to age, infrastructure should be programmed for upgrades and/or replacement. Summerlin North also has an extensive trail, bicycle, and shared-use path system. Improvements to Summerlin Parkway will help improve traffic flow and safety, especially as neighborhoods are developed in Summerlin West.

PROXIMITY OF DWELLING UNITS TO SERVICES

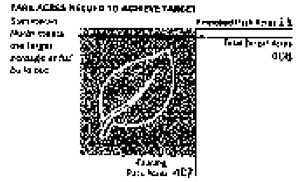
[illegible]

		City
Parks	13%	56%
Schools	17%	35%
Grocery and retail services	10%	26%
Community Centers	40%	26%

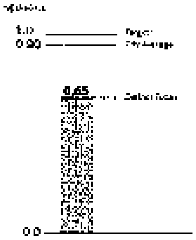
PARK ACCESS



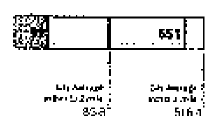
PARK ACRES REQUIRED TO ACHIEVE TARGET



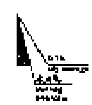
JOB BALANCE BY DISTRICT



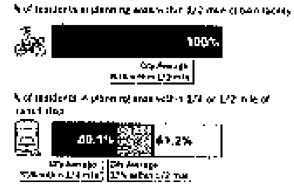
JOB PROXIMITY



VEHICLE OWNERSHIP



TRANSPORTATION ACCESS & EQUITY



SUMMERLIN WEST

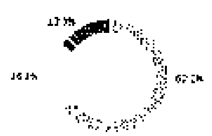
As a part of the Summerlin master planned community, Summerlin West is the gateway to Red Rock Canyon and is [illegible]

DEMOGRAPHICS

- Current population [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- Median household income [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

▲ ▼ Above / Below [illegible] average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- [illegible]
- Affordable housing options

SERVICES AND FACILITIES

- [illegible]

PARKS AND OPEN SPACE

- Preserve natural features

WORKFORCE AND EDUCATION

- Support new schools as development occurs

TRANSPORTATION

- [illegible]
- Complete Summerlin Pkwy interchange

[illegible]

LAND USE AND DEVELOPMENT

TODAY

Summerlin West is mostly undeveloped at present, with only the Vistas, Ranges, Reflections and Stonebridge villages under development.

IN THE FUTURE

Summerlin West will continue to develop a range of ... and exclusive single family and multi-family developments. At build out, Summerlin West will have approximately ... villages with ... homes including a new mixed use ... and employment center ... Summerlin Pkwy and I-215. As new subdivisions are built, nearly all the land west of the beltway will remain in place ... pursuant to the Summerlin West Development Agreement.

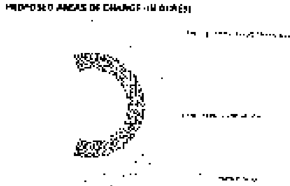
Planned Place Types

- Regional Center
- Mixed Use Center
- Corridor Mixed Use
- Neighborhood Center Mixed Use
- Mixed Residential
- Traditional Neighborhood
- New Subdivision

Click each Place Type to read more

In order to capture the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)



Summerlin West area: ... acres

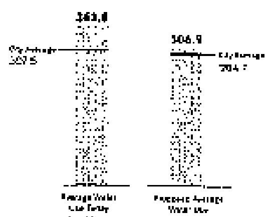
2050 Assumptions

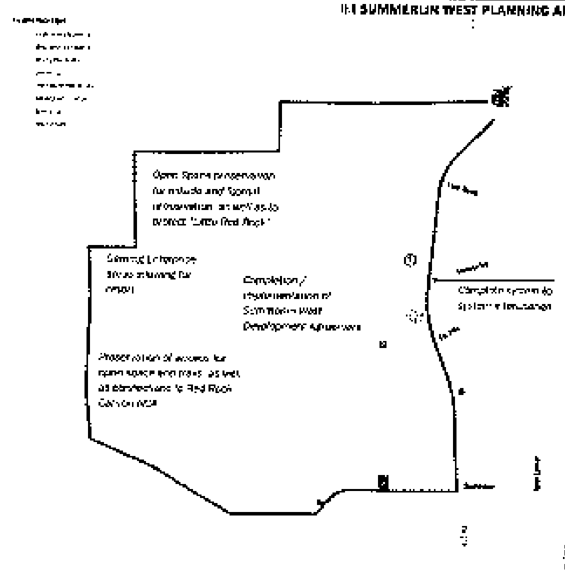
- Population: ...
- Total new Housing Units: ...
- New Commercial ...
- Housing Density: ...
- Population Density: ...

- Traditional Neighborhood Design
- Neighborhood Character
- Mixed Use
- Walkable ... design
- ...

WATER USAGE

Water Consumption of residents in the planning area will be reduced with the new planned place types.





SUMMERLIN WEST PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

(1) Future higher density mixed use center

COMMUNITY FACILITIES

- LVFR Fire Station
- LVVWD Substation
- Library

ATTY FEE MOT - 0198

20600

SERVICES

To serve Summerlin West, while many City of Las Vegas services are likely supplemented in this area by those amenities provided through the Summerlin Association. Veterans Memorial Community Center is close and many medical services are easily accessed at Summerlin Hospital. A new LVMPD substation will be complete in 2020 and fire protection in the area is adequate, with two new stations to be added as development progresses.

PARKS AND OPEN SPACE

Red Rock Canyon's natural beauty and proximity to Summerlin West provide excellent opportunities for additional open spaces. The district contains abundant open spaces and undeveloped washes and arroyos. Adjacent foothills and Little Red Rock will continue to be protected. While up to 93 acres of golf are permitted, such courses may only be developed if conditions allow for their construction.

JOBS-HOUSING

Currently Summerlin West has only one area with limited neighborhood commercial at Summerlin Centre and along Town Center. Future plans include a new village and employment center and up to 5.85 million square feet of commercial, along with office and professional service uses as well as a possible resort area with up to two major casinos adjacent to Red Rock Canyon. Several new public and private schools have recently been constructed with more to be built in the future as demand warrants and to avoid overcrowding at current elementary schools, [illegible] MS and Palo Verde HS.

TRANSPORTATION

Summerlin West is bounded to the east by the 215 Beltway. Much of the roads and infrastructure are new. Summerlin West is adding to its extensive trail, bicycle and equestrian path system with several opportunities for linear parks and trails along natural arroyos, as well as along the regional Beltway trail. No transit service is available, but opportunities exist for major transit and several transit centers with direct connections for express service to Downtown Las Vegas, the Strip and the airport.

PROXIMITY OF DWELLING UNITS TO SERVICES

Percentage of total units within 1/2 mile walk

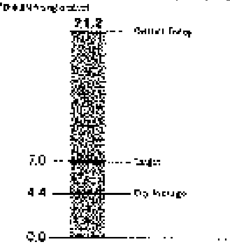
		City
Parks	95%	55%
Schools	13%	31%
Grocery and Retail Services	4%	39%

Percentage of total units within [illegible] mile walk

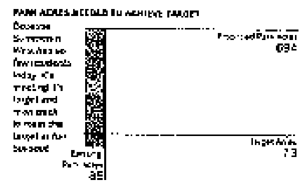
Community Centers	41%	1%

PARK ACCESS

Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district

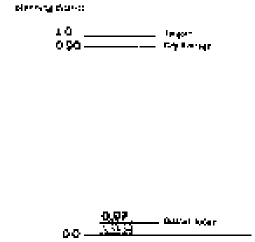


PARK ACRES NEEDED TO ACHIEVE TARGET



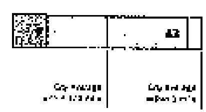
JOBS SUPPLY IN DISTRICT

Average jobs per housing unit in the planning district



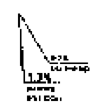
Job Proximity

Average job opportunity proximity to the planning district



VEHICLE OWNERSHIP

Percentage of households without vehicles in the district

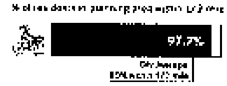


COMMUTE TIME TO WORK

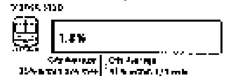
Average commute time in minutes in the City

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility



% of residents in planning area within 1/4 or 1/2 mile of transit stop



ATTY FEE MOT - 0199

20601

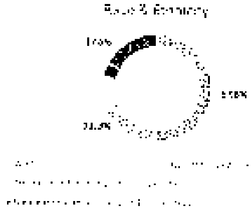
LONE MOUNTAIN

Lone Mountain, so named for the isolated mountain standing apart from the La Madre Mountains at the district's western edge, represents a transitional area between established and new suburban neighborhoods to lower-density areas. Due to its lower densities and array of neighborhood types, most of Lone Mountain has potential for suburban infill and preservation of ranch-style neighborhoods.

DEMOGRAPHICS

- Current population: 50,848 ▲
- Largest Age Group: 25 - 34 years [illegible] ▲
- Persons per household: 2.84 ▲
- Single Family Dwellings: 15,934 ▲
- Multi Family Dwellings: 4,535 ▼
- Median household income: $78,959 ▲
- Median rent / mortgage: $1,250 / $1,465 ▲ ▼
- Housing tenure: 35.1% rent / 64.9% own ▼ ▲
- Attained High School Diploma: 92.1% ▲
- Attained Bachelor's Degree: 25.5% ▲
- Unemployment rate: 6.4% ▼
- Housing Density: 5.0 dwelling units / acre ▲
- Population Density: 10,652 residents / square mile ▲

▲ ▼ Above / Below citywide average



LAND USE AND DEVELOPMENT

- New neighborhoods west of the beltway should consider traditional neighborhood design for highest efficiency of services
- Mixed-use opportunities along Cheyenne

SERVICES AND FACILITIES

- Consider fire station in western sector

PARKS AND OPEN SPACE

- Improve open space connections

WORKFORCE AND EDUCATION

- Ensure jobs-housing balance

TRANSPORTATION

- Reduce barriers to walkability
- Look for opportunities to improve connectivity

Click each strategy to read more. Metrics for each goal are highlighted on the following pages.

Cliff Shadows Special Area Plan

ATTY FEE MOT - 0200

TODAY

Lone Mountain has an established low-density suburban character. The Lone Mountain, Lone Mountain West, and ... Edge master planned communities have distinct and separated neighborhoods.

IN THE FUTURE

... Mixed-Use Centers along the Cheyenne corridor ... The ... around Mountain View Hospital north of the Las Vegas Technology Center ... develop as a ... development. Some areas of unincorporated Clark County may be annexed into the City. New neighborhoods may be developed in undeveloped ... west of the 215 Beltway.

2050 PROJECTIONS

- Population ...
- ... New Housing Units ...
- New Commercial ...
- Housing Density ...
- Population Density ...

- Traditional Neighborhood Design
- Neighborhood Character
- ...
- ...
- ...

PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Mixed Residential
- ... Neighborhoods
- New Subdivision
- Subdivision Permit

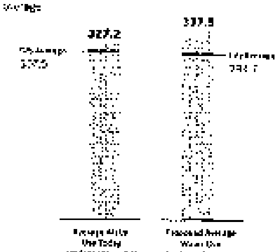
In order to capture the above projected land uses and densities, the following place types are planned for future change.

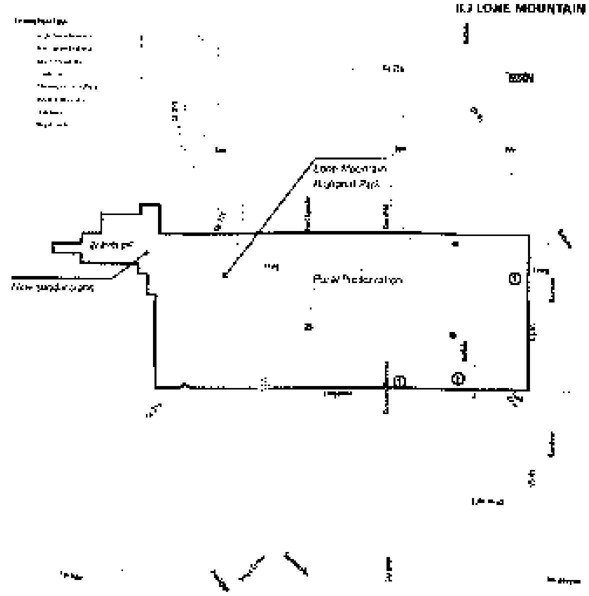
PROPOSED AREAS OF CHANGE (IN ACRES)

Lone Mountain ... acres

WATER USAGE

The average water consumption of residents in the planning area will increase with projected new subdivisions. If the area develops with denser, more traditional neighborhood design, that will help lower the ...





LONE MOUNTAIN PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1 Mixed-use centers

COMMUNITY FACILITIES

- ...
- ...
- ...
- CCSD Schools ...
- ...

ATTY FEE MOT - 0219

20603

SCHOOLS

Lone Mountain has several major city and regional public community facilities, including Durango Hills Community Center and Golf Course. However, it lacks the [illegible] in the western portion of the district and near unincorporated areas. Lone Mountain is home to the LVMPD [illegible] Area Command and [illegible] center and has few of the [illegible].

PARKS AND OPEN SPACE

Lone Mountain has several large regional open spaces and parks including Lone Mountain Regional Park, [illegible] Park, Durango Hills Park and Community Center and parks and sports fields [illegible] within detention basins near the eastern edge of the district. The area would benefit from smaller neighborhood parks along the Cheyenne corridor. Existing trails and bike lanes, including the Lone Mountain Trail, Beltway Trail and the Alexander Rd corridor provide connections to other areas. The adjacent mountains and foothills provide additional opportunities for new open spaces, but require increased connectivity between urban trails and natural areas.

JOB CHOICE

Employment areas are congregated along Cheyenne Avenue adjacent to the residential neighborhoods, and generally take the form of professional offices, services, and general retail located in strip malls and office parks. The closest major employment center is the Las Vegas Tech Center [illegible]. A general increase in jobs and services will improve the jobs-housing balance. CCSD schools are interspersed throughout Lone Mountain. The area would benefit from a new high school and middle school on the western edge of the district.

TRANSPORTATION

Cheyenne Avenue and Lone Mountain Rd define the edges of the Lone Mountain district and serve as primary east-west corridors. Lone Mountain is disconnected from Summerlin [illegible], and that lack of any form of connection has created a hard edge spanning 2.5 miles. Except for the area along Mountain View [illegible], Lone Mountain's low-density limits [illegible] transit; however, [illegible] may be a candidate for [illegible] traffic and [illegible]. Lone Mountain's existing infrastructure of all types is fairly adequate, but system capacity and capital improvements must be considered in planning future development.

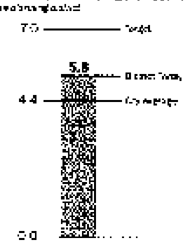
PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of dwelling units within 1/2 mile walk

			City
	Parks	72%	50%
	Schools	21%	31%
	Grocery and retail services	13%	15%

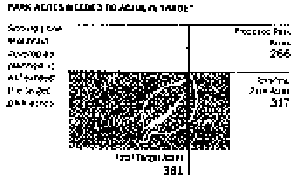
Percentage of [illegible] within 2 [illegible]

	Community Centers	57%	45%

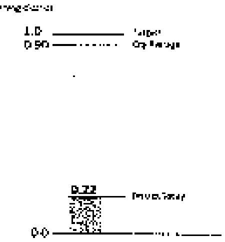
PARK ACCESS
Acres of accessible park space per 1,000 residents within 1/2 mile [illegible]



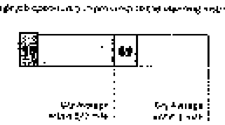
PARK ACRES NEEDED TO ACHIEVE TARGET



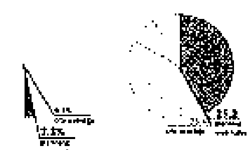
JOB SUPPLY IN DISTRICT
Average job opportunity per resident [illegible] in the planning district



JOB PROXIMITY
Average job opportunity [illegible] planning district



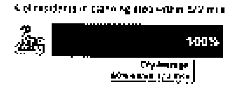
VEHICLE OWNERSHIP
Percentage of households without [illegible] within the district



COMMUTE TIME TO WORK
Average commute time in minutes within the City

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility



% of residents in planning area within 1/4 or 1/2 mile of transit stop

RANCHO

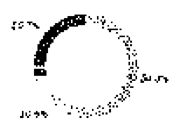
[illegible]

DEMOGRAPHICS

- Current population: [illegible]
- Largest Age Group: [illegible]
- Persons per household: [illegible]
- Single Family Dwellings: [illegible]
- Multi-Family Dwellings: [illegible]
- Median household income: [illegible]
- Median rent / mortgage: [illegible]
- Housing tenure: [illegible]
- Attained high school diploma: [illegible]
- Attained Bachelor's Degree: [illegible]
- Unemployment rate: [illegible]
- Housing Density: [illegible]
- Population Density: [illegible]

Above / Below City average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Balance rural preservation with improved services and access to transportation options

SERVICES AND FACILITIES

- Consider locating additional facilities in this area

PARKS AND OPEN SPACE

- Develop more accessible parks and open space

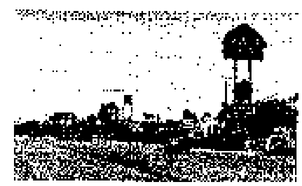
WORKFORCE AND EDUCATION

- [illegible] schools with more diverse employment opportunities
- Consider middle and high schools in this area to alleviate overcrowding elsewhere

TRANSPORTATION

- Emphasize complete streets to support transit
- Upgrade infrastructure, particularly in unpaved areas
- Develop high capacity transit along Decatur Blvd and Craig Rd corridors, as well as rapid bus along Rancho Dr and North Rainbow Blvd

Click each strategy to read more. Metrics for each topic are highlighted on the following pages.



ATTY FEE MOT - 0203

20605

LAND USE AND DEVELOPMENT

TODAY

IN THE FUTURE

2050 PROJECTIONS

PLANNED PLACE TYPES

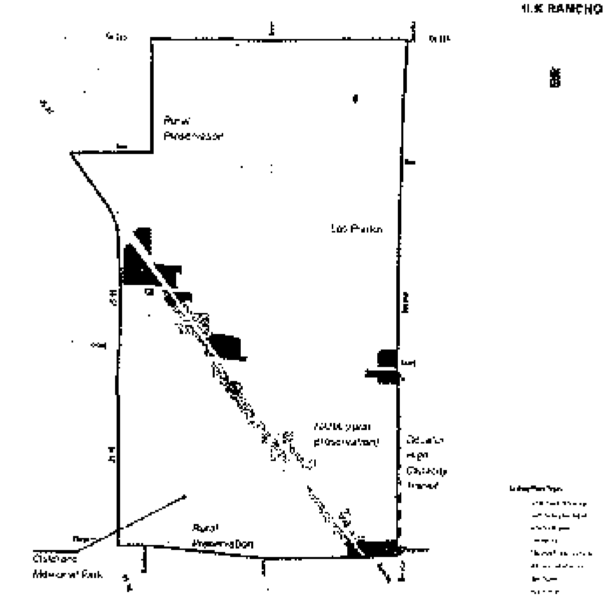
- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Mixed Residential
- Traditional Neighborhood
- New Subdivision
- Subdivision Rezone

PROPOSED AREAS OF CHANGE (IN ACRES)

WATER USAGE

344.3

314.7



RANCHO PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

(1) Rancho Dr corridor improvements and upgrades

(2) Redevelopment opportunities

COMMUNITY FACILITIES

SERVICES

Aside from the need for more parks and open spaces, Rancho similarly lacks major city and regional facilities. No City of [illegible] community facilities exist. The low-density environment of the district highlights a need for a greater presence of city services and community resources.

PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of units within 1/2 mile walk

			City
	Parks	43%	64%
	Schools	11%	31%
	Grocery and retail centers	20%	19%

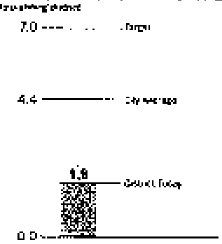
Percentage of total units within [illegible]

	Community Centers	1%	19%

PARKS AND OPEN SPACE

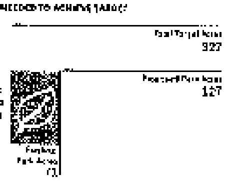
The Rancho area lacks significant amounts of parks and open space. While some neighborhood parks, such as Children's Memorial Park and a few smaller parks can be found, there are [illegible] and parks that are not easily accessible. Los Prados Golf Course can also be found within the northern edge of the district.

PARK ACCESS
Acres of [illegible] park space per 1,000 residents within 1/2 mile of the planning district



PARK ACRES NEEDED TO ACHIEVE TARGET

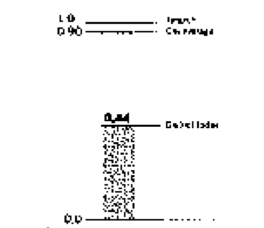
Even with the place type model assumption of additional [illegible] park acres, Rancho [illegible] of the target.



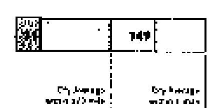
WORKFORCE

Economic centers consist predominantly of auto-oriented commercial corridors. Santa Fe Station Hotel/Casino is one of the few major or significant employers in the area. More planned commercial activity consists of both small and large general malls. Several shopping centers can actively be redeveloped now or in the near term, with a number of other opportunities to improve their character and make them more walkable could exist long term. Rancho also hosts public middle and high schools. While school overcrowding is not a major issue in this area, [illegible] distance and the ability to alleviate school overcrowding at other locations could benefit the area.

JOB SUPPLY IN DISTRICT
Average job opportunity per [illegible] in the planning district



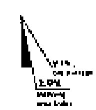
JOB PROXIMITY
Average job opportunity in proximity to the planning district



TRANSPORTATION

Rancho is bounded by Cheyenne Avenue, the 215 Beltway and US-95 [illegible] freeways. While the City of North Las Vegas is located on the east of Decatur Blvd, Rancho Dr itself serves as main street through the area. Each of the corridors will continue to transition from suburban auto-oriented arterials towards transit-based complete streets, while rapid bus service and BRT will eventually serve Rancho Dr and Decatur Blvd respectively. While a few bicycle-friendly corridors exist, improvements are needed to help connect to areas in the north and northwest [illegible]. Because many areas were [illegible], sewer improvements may be needed, and while the northern part of the district has relatively new infrastructure of all types, upgrades will eventually be needed long term.

VEHICLE OWNERSHIP
Percentage of households without cars within the district



COMMUTE TIME TO WORK
Average commute time [illegible]

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility

% of residents in planning area within 1/4 to 1/2 mile of transit stop

CENTENNIAL HILLS

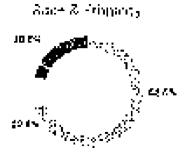
Centennial Hills is the major regional center for northwest Las Vegas. Centered at the Centennial Spaghetti Bowl (the intersection of the US-95 (future I-11) and I-215 Beltway), [illegible] together northwestern neighborhoods. Previously [illegible] as a northwestern "Town Center," it has developed a commercial core, but largely as conventional suburban-style development, with some unique higher density neighborhoods and urban form. Because Centennial Hills has [illegible] been [illegible] as a location for more intense uses, this planning area will [illegible] as a true regional center that is adapted to [illegible] development, while transforming any areas around its core.

[illegible]

- Current population: [illegible] ▼
- Largest Age Group: 35 – 54 years ([illegible]) ▲
- Persons per Household: 2.71 ▼
- Single Family Dwellings: [illegible] ▲
- Multi-Family Dwellings: [illegible] ▼
- Median household income: [illegible] ▲
- Median rent / mortgage: [illegible] ▲ ▲
- Housing tenure: [illegible] rent / [illegible] own ▼ ▲
- Attained High School Diploma: [illegible] ▲
- Attained Bachelor's Degree: [illegible] ▲
- Unemployment rate: [illegible] ▼
- Housing Density: [illegible] dwelling units / acre ▲
- Population Density: [illegible] residents / square mile ▲

▲ ▼ Above / Below citywide average

Race & Ethnicity



LAND USE AND DEVELOPMENT

- Embrace original vision to be a suburban town center

SERVICES AND FACILITIES

- Consider new (LVMPD) command station at town center

PARKS AND OPEN SPACE

- Celebrate natural settings of the area and access to places like Mount Charleston

WORKFORCE AND EDUCATION

- Additional schools to alleviate overcrowding

TRANSPORTATION

- Strengthen multi-modal and intermodal opportunities at the Centennial Hills Transit Center and rapid bus connection [illegible]
- Complete Centennial Bowl system-to-system interchange and I-11 improvements

[illegible] are highlighted on the following pages.

ATTY FEE MOT - 0206

20608

LAND USE AND DEVELOPMENT

TODAY

Centennial Hills and Town Center is comprised of a large mix of higher density new subdivisions; however, major land uses are still auto oriented, with several large surface parking lots and few mixed multi-story buildings. Peripheral areas also contain large-lot residential ranch estates surrounded by unincorporated county pockets that may eventually be annexed.

IN THE FUTURE

Centennial Hills will maintain its mix of traditional and suburban single-family development combined with higher [illegible] residential estates. Unincorporated county pockets may eventually be annexed. Over time, the core part of the Regional center will become more dense and intense as a suburban Town Center.

2050 Projections

- Population: [illegible]
- Total New Housing Units: [illegible] Single Family, [illegible] Multi-family
- New commercial: [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

PLANNING PLACE TYPES

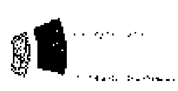
- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center / Mixed-Use
- Mixed Residential
- Traditional Neighborhoods
- New Suburban
- Ranch Estate / Rebuild

Click each Place Type to read more

In order to sustain the above projected land uses and densities, the following place types are planned for future change:

- Traditional Neighborhood Design
- Neighborhood Character
- Mixed-use
- Walkable site design
- Placemaking through arts and culture
- Diverse housing options

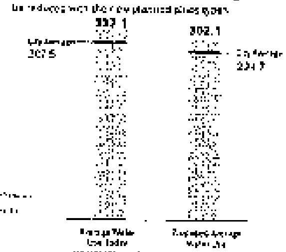
PROPOSED AREAS OF CHANGE (IN ACRES)

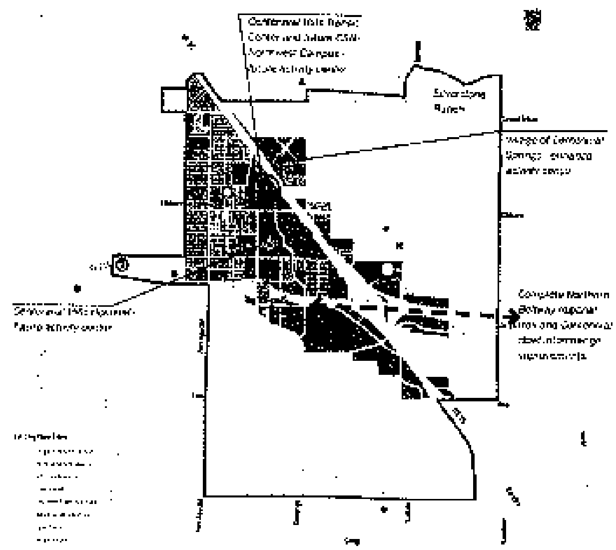


Centennial Hills area: [illegible] acres

WATER USAGE

Water consumption of residents in the planning area will be reduced with the new planned place types.





CENTENNIAL HILLS AREA FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

1. [illegible]
2. [illegible]
3. [illegible]

COMMUNITY FACILITIES

- City fire station
- Hospital
- [illegible]
- City or other public facility
- Centennial Hills Community Center, Library, Senior Center
- [illegible] improvements

ATTY FEE MOT - 0207

SERVICES

Centennial Hills is the major regional hub for northwestern services and contains several city and regional facilities. Centennial Hills Park complex provides a number of community services and the area is anchored by Centennial Hills hospital. Although the area has low crime, it would be an ideal location for a new City PD area command. New fire stations may also be needed near the edges of the district, especially near low-density annexed areas.

PARKS AND OPEN SPACE

Centennial Hills has a wide variety of new parks, equestrian trails, and other open spaces, much in the form of private or HOA owned and neighborhood parks. Several major parks are located within the district including Thunderbird Park and the Centennial Hills Park complex which also has a YMCA community center, pools and library, a smaller community center. [illegible] provides some recreational space. Painted Desert Golf course is located at the southern edge of the district.

WORKFORCE

As a regional center, Town Center has a vast amount of new suburban commercial located around the major freeway interchanges between Ann Rd and Durango Dr. Major retail centers, [illegible] uses, car dealerships, professional offices, and commercial uses are located here. Centennial Hills has several public schools in close proximity to the new subdivisions; however, more new schools are needed to alleviate school overcrowding, specifically Arbor View and Shadow Ridge high schools. Centennial Hills will also be home to a branch campus of the College of Southern Nevada.

TRANSPORTATION

Town Center makes up most of the area, but several other small master planned communities are located throughout the district. Over time, the Centennial [illegible] and the surrounding road network will be completed, as well as full build out of the beltway. Centennial Hills Transit Center and park-n-ride at the [illegible] interchange shows [illegible] transit service to Downtown Las Vegas and the Strip, and it can be a base for local routes, [illegible] connectors, microtransit or demand response service for the district. The 215 trail parallels the beltway and several other trails and bicycle-friendly complete streets can be found within the district. Most street infrastructure within Centennial Hills is relatively new.

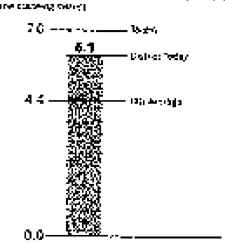
PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of dwellings within 1/2 mile walk

		City
Parks	[illegible]	56%
Schools	23%	41%
Grocery and retail services	[illegible]	[illegible]

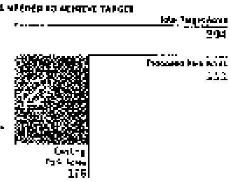
Percentage of dwellings within 2 mile drive

Community Centers	[illegible]	45%

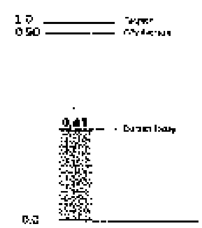
PARK ACCESS
Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district



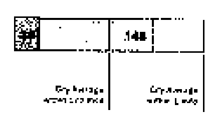
PARK ACRES NEEDED TO ACHIEVE TARGET



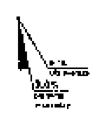
JOB SUPPLY IN DISTRICT



JOB PROXIMITY



VEHICLE OWNERSHIP
Percentage of households without car

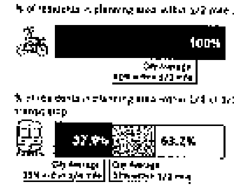


COMMUTE TIME TO WORK

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of a bike facility

% of residents in planning area within 1/4 or 1/2 mile of transit stop



LA MADRE FOOTHILLS

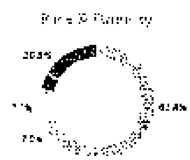
Along the northwestern edge of the valley is La Madre Foothills [illegible]

DEMOGRAPHICS

- [illegible]
- [illegible]
- [illegible]
- Single Family Dwellings [illegible]
- Multifamily Dwellings [illegible]
- Median Household Income [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible] Bachelors Degree [illegible]
- Unemployment Rate [illegible]
- Housing Density [illegible] dwelling units / acre
- Population Density [illegible] residents / square mile

Above / below citywide average

[illegible]



LAND USE AND DEVELOPMENT

- [illegible]

SERVICES AND FACILITIES

- [illegible]

PARKS AND OPEN SPACE

- [illegible]

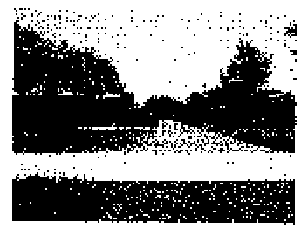
WORKFORCE AND EDUCATION

- [illegible]
- [illegible]

TRANSPORTATION

- [illegible]
- [illegible]
- [illegible]

[illegible]



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LAND USE AND DEVELOPMENT PATTERN

TODAY

Linked together by the northwestern leg of the 215 beltway, La Madre Foothills contains several new subdivisions developed over the last fifteen years, the largest being the [illegible] and Providence master planned communities. Peripheral areas also contain large-lot residential ranch estates surrounded by county pockets that may eventually be annexed.

IN THE FUTURE

For areas west of the beltway, new subdivisions can be developed, but as there are few major neighborhood centers and an overall lack of a commercial areas, an opportunity exists for the development of a new suburban neighborhood center for the entire district.

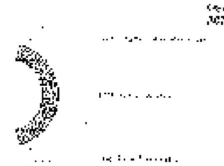
PLANNED PLACE TYPES

- Regional Center
- Mixed-Use Center
- Corridor Mixed-Use
- Neighborhood Center Mixed-Use
- Mixed Residential
- Traditional Neighborhoods
- New Subdivisions
- Subdivision Retrofit

Click each Place type to learn more

In order to capture the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)



La Madre Foothills Change: 5,712.7 acres

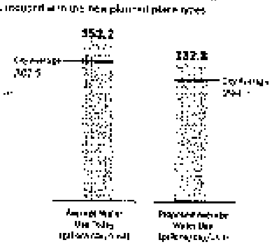
2050 PROJECTIONS

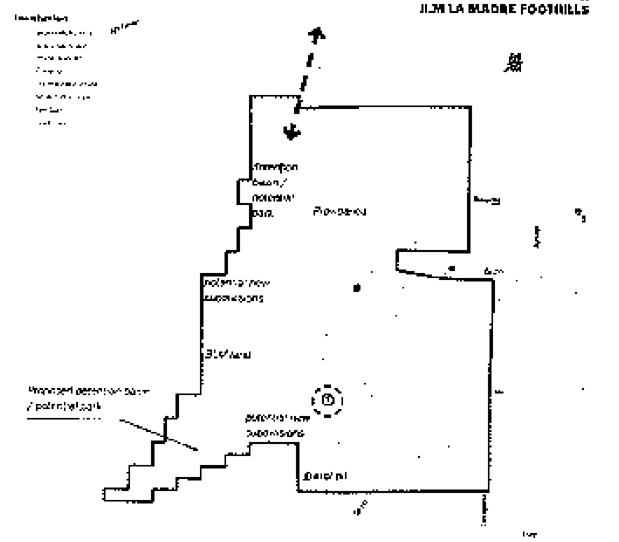
- Population: [illegible]
- Total New Housing Units: [illegible] Single-family / [illegible] Multi-family
- New Commercial: [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

- Traditional Neighborhood Design
- Neighborhood Character
- Mixed-use
- Walkable and bikeable
- Placemaking through art and culture
- Diverse housing options

WATER USAGE

Water consumption of residents in the planning area will be reduced with the new planned place types.





LA MADRE FOOTHILLS PLACE TYPE FRAMEWORK

KEY REDEVELOPMENT OPPORTUNITIES

Future Neighborhood Mixed-Use Opportunity

Transportation Improvement

COMMUNITY FACILITIES

City Fire Station

CCSD School

SERVICES

La Madre Foothills lacks major city and regional facilities including community centers and other civic services. [illegible] safety at least one new fire station will be located, and while crime is low in this area a new LVMPD substation may be needed to serve much of the growing northwest.

PARKS AND OPEN SPACE

Several [illegible] parks have been constructed in conjunction with the development of Providence, including the Promenade and [illegible], Knickerbocker and Gilcrease Brothers parks. A wide variety of new parks, equestrian space, and other open space could be developed in new subdivisions west of the Beltway with connections to Lone Mountain Regional Park and other parks along foothills.

WORKFORCE

La Madre Foothills currently lacks continuous activity and job centers. Residents rely on businesses located in Centennial Hills Town Center. Several new public schools have been constructed with the new subdivisions; however, more new schools are needed to alleviate school overcrowding, especially for Centennial and Arbor View High Schools. A major gravel pit and mining operation exists at the southern edge of the district, and a new regional public safety facility has been planned for the area.

TRANSPORTATION

While most infrastructure is relatively new, development began somewhat haphazardly, leaving some areas lacking [illegible] complete streets, good access and links. A major regional flood control facility keeps [illegible] stormwater coming from Kyle Canyon and Mount Charleston [illegible] Centennial Hills Transit Center and park and ride allows for express transit service to Downtown Las Vegas and the Strip. [illegible] Several [illegible] trails link the foothills and mountains with parks, while the 215 Beltway [illegible] providing a major connection between the northern and western valley. Eventually, [illegible] will be constructed to link the Beltway with future I-11 to the north.

PROXIMITY OF DWELLING UNITS TO SERVICES

Percentage of total units within 1/2 mile walk

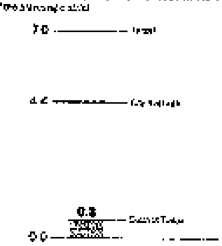
		City
Parks	75%	50%
Schools	58%	31%
Grocery and fresh food stores	2%	15%

Percentage of total units within 2 mile drive

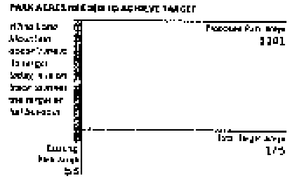
Community Centers	0%	15%

PARK ACRES

Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district

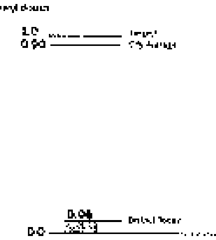


PARK ACRES NEEDED TO ACHIEVE TARGET



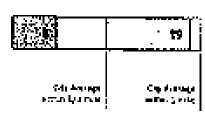
JOB SUPPLY IN DISTRICT

Average job opportunities per resident within the planning district



JOB PROXIMITY

Average job opportunities in proximity to the planning district



VEHICLE OWNERSHIP

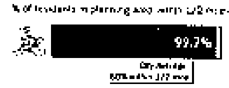
Percentage of households with zero cars within the district

COMMUTE TIME TO WORK

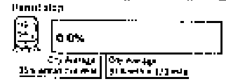
Average commute time in minutes

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility



% of residents in planning area within 1/4 or 1/2 mile of transit stop



KYLE CANYON

US-95 [illegible] and Kyle Canyon Rd [illegible] create [illegible] within the Kyle Canyon district. This is an area that is both the [illegible] northwestern gateway to the Las Vegas Valley [illegible] and the Spring Mountains and is the [illegible] newest [illegible]. The district [illegible] predominantly detached single-family residential and has several areas under development agreements, open desert, and large-lot estates.

DEMOGRAPHICS

- Current population: [illegible]
- Largest Age Group: 35 - 44 years [illegible]
- Persons per household: [illegible]
- Single Family Dwellings: [illegible]
- Multi-Family Dwellings: [illegible]
- Median household income: [illegible]
- Median rent / mortgage: [illegible]
- Housing tenure: [illegible]
- Attained High School Diploma: [illegible]
- Attained Bachelor's Degree: [illegible]
- Unemployment Rate: [illegible]
- Housing Density: [illegible]
- Population Density: [illegible]

▲ ▼ Above / Below citywide average

Race & Ethnicity

LAND USE AND DEVELOPMENT

- [illegible] as traditional neighborhood development
- [illegible] at interchanges

SERVICES AND FACILITIES

- Provide [illegible] services and facilities as population increases

PARKS AND OPEN SPACE

- Continue to [illegible] parks and open space as new development occurs

WORKFORCE AND EDUCATION

- Create employment centers
- Build new schools

TRANSPORTATION

- [illegible] multimodal transportation options [illegible] and [illegible] express bus service to Downtown and the Strip
- Construct [illegible] (Sheep Mountain) Pkwy

[illegible] are highlighted on the following pages.

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TODAY

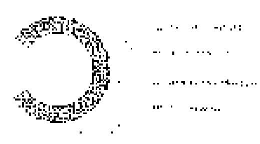
IN THE FUTURE

PLANNED PLACE TYPES

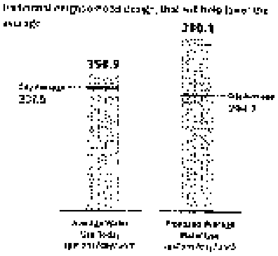
Mixed-Use Center

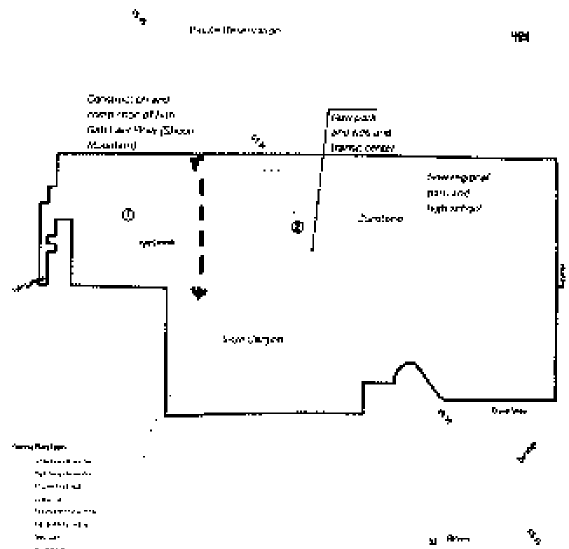
Click each Place Type to read more

PROPOSED AREAS OF CHANGE (IN ACRES)



WATER USAGE





KEY REDEVELOPMENT OPPORTUNITIES

COMMUNITY FACILITIES

[illegible]

[illegible]

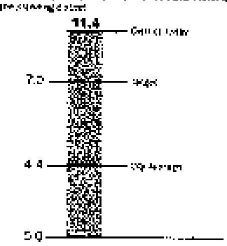
[illegible]

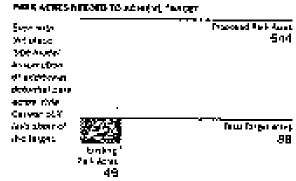
[illegible]

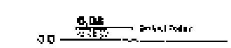
			City
	Parks	[illegible]	[illegible]
	Schools	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]

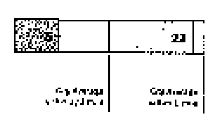
[illegible]

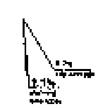
	[illegible]	[illegible]	[illegible]

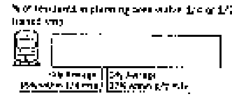












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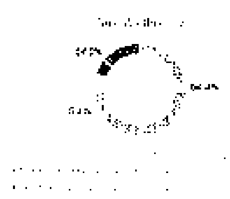
TULE SPRINGS

Tule Springs is bounded by the National Monument to the north and the I-215 beltway to the south, while county islands and scattered parcels make up the remaining edges. The City of North Las Vegas on the east at Decatur Blvd is the eastern boundary. North of the 215 Beltway is Tule Springs, an area bordering the Monument and with a mix of traditional and suburban single family development and large-lot residential estates, many containing ranch or small agricultural functions. Tule Springs continues to develop but it lacks major commercial and retail areas, despite the accessibility to access to open space and recreational amenities.

[illegible]

- Current Population: 27,512 ▼
- Largest Age Group: 35-44 years (3,587) ▲
- Persons per Household: 3.09 ▲
- Single Family Dwellings: 8,304 ▼
- Multi-Family Dwellings: 492 ▼
- Median Household Income: $75,054 ▲
- Median Rent / Mortgage: $1,295 / $1,556 ▲ ▲
- Housing Tenure: 30.9% rent / 79.1% own ▼ ▲
- Attained High School Diploma: 94.2% ▲
- Attained Bachelor's Degree: 32.5% ▲
- Unemployment rate: 9.4% ▼
- Housing density: 2.2 dwelling units / acre ▼
- Population density: 8,31[illegible] residents / sq mile ▼

▲ ▼ Above / Below citywide average



LAND USE AND DEVELOPMENT

- Opportunities for large-lot estates and rural preservation
- Create more local serving business and employment opportunities

SERVICES AND FACILITIES

- New Fire / LVMPD area command, new CLV facilities, community centers, and infrastructure needed in the area

PARKS AND OPEN SPACE

- Increase park space in areas near county islands
- Convert Silverstone Ranch to accessible open space

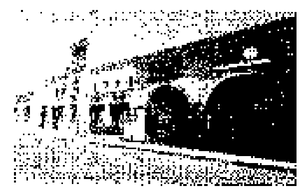
WORKFORCE AND EDUCATION

- Create employment centers
- Build new schools

TRANSPORTATION

- Upgrade aging infrastructure
- Strengthen the trail network to improve access to significant natural resources
- Implement interchanges and develop park-n-ride facilities

Click each strategy to read more. Metrics for each topic are highlighted on the following pages.



[illegible]

TODAY

Tule Springs is comprised of a mixed [illegible] and large [illegible] estates [illegible] county pockets that may eventually be annexed.

IN THE FUTURE

Significant land is available for [illegible] density suburban development, where certain [illegible] preservation areas should remain protected. Existing [illegible] estates and [illegible] Master Planned Communities [illegible] on the district's eastern edge, as well as northeastern edges.

2050 PROJECTIONS
- Population: [illegible]
- Total New Housing Units: [illegible]
- New Commercial: [illegible]
- Housing Density: [illegible] dwelling units / acre
- Population Density: [illegible] residents / square mile

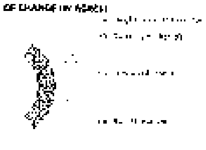
- Traditional Neighborhood Design
- Neighborhood Character
- Mixed-Use
- [illegible] design
- Placemaking through arts and culture
- Diverse housing options

PLANNED PLACE TYPES
Regional Center
Mixed-Use Center
Corridor Mixed-Use
Neighborhood Center [illegible]
[illegible] Residential
[illegible] Neighborhoods
New Subdivision
Suburban Ranch

Click each Place Type to read more

In order to capture the [illegible] projected land uses and densities, the following place types are planned for future change.

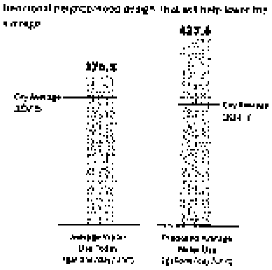
PROPOSED AREAS OF CHANGE (IN ACRES)



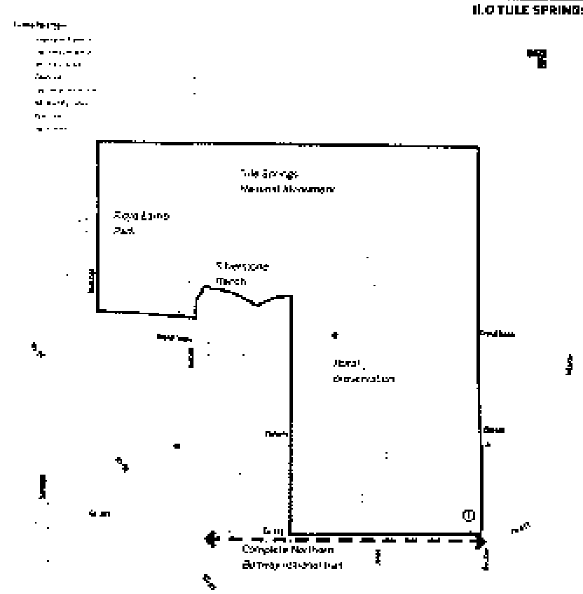
Tule Springs area: [illegible] acres

WATER USAGE

The average water consumption of residents in the planning area will [illegible] with the currently approved developments. If the area develops with denser, more traditional neighborhood design, that will help lower the average.



TULE SPRINGS AREA PLACE TYPE FRAMEWORK



KEY REDEVELOPMENT OPPORTUNITIES

Neighborhood mixed use node

Transportation improvement

COMMUNITY FACILITIES

[illegible] School [illegible]

[illegible] schools [illegible]

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SERVICES

Tule Springs lacks a majority of regional facilities, although some do exist along Decatur Blvd and within the City of North Las Vegas as part of the Aliante Master Planned Community. The low-density environment and planned capacity within the district highlight a need for a greater presence of city services and community resources of all types.

PROXIMITY OF DWELLING UNITS TO SERVICES
Percentage of dwelling units within 1/2 mile walk

		City
Parks	73%	58%
Schools	37%	33%
Grocery and Food Services	7%	19%

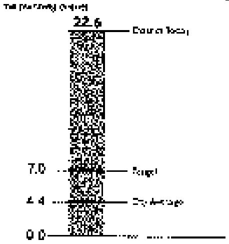
Percentage of dwelling units within 2 mile drive

Community Centers	3%	45%

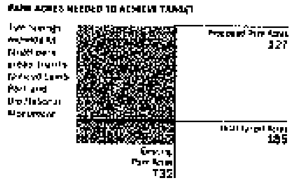
PARKS AND OPEN SPACE

Tule Springs encompasses the historic Floyd Lamb Park at Tule Springs and the Tule Springs National Monument, which provide large expanses of open space and recreational opportunities. The area also has a large variety of new parks, equestrian space, and other open spaces, including Teton Trails and Bradley Bridle Parks; much of the other park space is in the form of private or HOA owned and neighborhood parks. Still, areas around unincorporated county islands lack parks and open space where residents walk and parks that are not easily accessible. The Silverstone Ranch development, a defunct golf course, may also be an opportunity for new open space.

PARK ACCESS
Acres of accessible park space per 1,000 residents within 1/2 mile of the planning district



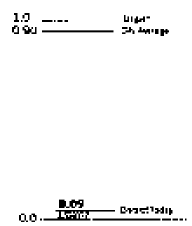
PARK ACRES NEEDED TO ACHIEVE TARGET



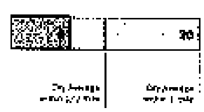
WORKFORCE

Few major or significant employers or commercial centers exist within Tule Springs; limited new suburban commercial is located along Decatur Blvd, especially at its interchange with the beltway, but major jobs and commercial activity are needed. Tule Springs lacks public schools near the new subdivisions; new schools will be constructed over time and several will be under construction near-term to alleviate school overcrowding, especially to alleviate the overcapacity at Arbor View and Shadow Ridge high schools.

JOB SUPPLY IN DISTRICT



JOB PROXIMITY

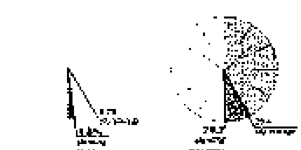


TRANSPORTATION

No transit service is provided in the area, but a park and ride at the Decatur/215 interchange may allow for future express transit service to Downtown Las Vegas and the Strip, while microtransit or demand response service could be made available to other low-density portions of the district. A few bicycle-friendly corridors and trails do exist but could be greatly improved to help connect to the national monument and Floyd Lamb Park, as well as with North Las Vegas. Because many areas were annexed, some capital improvements may be needed over time, and while the northern and eastern half of the district is relatively new, infrastructure of all types, upgrades may eventually be needed long term.

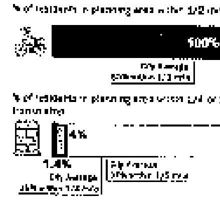
VEHICLE OWNERSHIP
Percentage of households without cars within the district

COMMUTE TIME TO WORK
Average commute time (in minutes) within the City



TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of a bike facility



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SNOW MOUNTAIN - NU WAV KAIV

The northern gateway to the City of Las Vegas spanning the future I-11 corridor is Nu Wav Kaiv, [illegible] Southern Paiute name meaning "Snow Mountain," and reference to the snowcapped Mount Charleston in the Spring Mountains to the west. This area is currently undeveloped and characterized by several major features: the Upper Las Vegas Wash, which flows through this portion of the Upper Las Vegas Valley; the Tule Springs National Monument; [illegible] Sheep Range, Gass Peak, Kyle Canyon, Lee Canyon and Mount Charleston, and finally the Snow Mountain Reservation of the Las Vegas Paiute Tribe. The City and the Paiute Tribe have committed in [illegible] lands, [illegible] into an Interlocal Agreement that conveys land to the Tribe, leases a portion of the area for economic development, develops new infrastructure, and ensure sensitive [illegible] the Upper Las Vegas Wash.

SERVICES

As no existing community resources or services exist [illegible] services will eventually be required [illegible] to serve this area. The closest such services are located to the southeast in the Kyle Canyon and Centennial Hills districts.

PARKS AND OPEN SPACE

Much of the open space in this area surrounds the Monument along the wash, [illegible] and washes will be protected from development, and [illegible] will be extended to the surrounding Federal lands and into the City, including along the former historic Las Vegas Tonopah Railroad [illegible]. The Las Vegas Paiute Golf Resort is [illegible].

WORK AREA

No current commercial or economic activities exist in Nu Wav Kaiv; however, the Tule Springs National Monument [illegible] commercial and [illegible] development. This area could develop [illegible] business space for defense activities located at Creech Air Force Base and the Nevada National Security Site. The City of Las Vegas has entered into an Interlocal Agreement with the Las Vegas Paiute Tribe to convey [illegible] land north of the Snow Mountain Reservation into the Snow Mountain Reservation, as well as lease a portion of approximately [illegible] acres of the southern portion of the Snow Mountain Reservation for [illegible] development [illegible]. The Nu Wav Kaiv area will need new schools as it develops.

TRANSPORTATION

US-95 [illegible] through Nu Wav Kaiv and continues northwest to Tonopah, Reno, and Carson City. While recently upgraded [illegible] the Air Force bases and Nevada Test Site, it [illegible] standards. A new north-south corridor, Snow Mountain Pkwy, will connect the area with the 215 Beltway. For any development to occur, new infrastructure, especially new roads, water, sewer and utility service must be extended into the area, and only along appropriate corridors or easements [illegible] can be extended cost-effectively.

VEHICLE OWNERSHIP

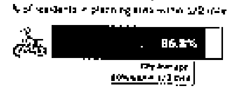
Percentage of households with [illegible]

COMMUTE TIME TO WORK

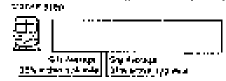
Average commute [illegible]

TRANSPORTATION ACCESS & EQUITY

% of residents in planning area within 1/2 mile of bike facility



% of residents in planning area within 1/4 or 1/2 mile of transit stop



LAND USE AND DEVELOPMENT

TODAY

This area is currently undeveloped and characterized by several major natural features, including desert alluvial fans and the Upper Las Vegas Wash.

IN THE FUTURE

Large portions of the Wash will remain protected, leaving only a few areas of focused development. The Upper Las Vegas Wash Plan area of the southeastern portion of the district and the anticipated leasing of a portion of approximately one-thousand (1,000) acres of the Snow Mountain Reservation for an economic development and job creation zone.

Build-out projections

- Population: 18,502
- Total New Housing Units
- New Commercial
- Housing density
- Population Density

PLANNED PLACE TYPES
Regional Center
Employment Center
Corridor Mixed-Use
Neighborhood Center Mixed-Use
Mixed Residential
Traditional Neighborhoods
New Suburban
Suburban Rural

Click each Place Type to learn more

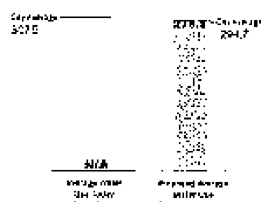
- Traditional Neighborhood Design
- Neighborhood Character
- Mix of uses
- Walkable site design
- Placemaking through arts and culture
- Diverse housing options

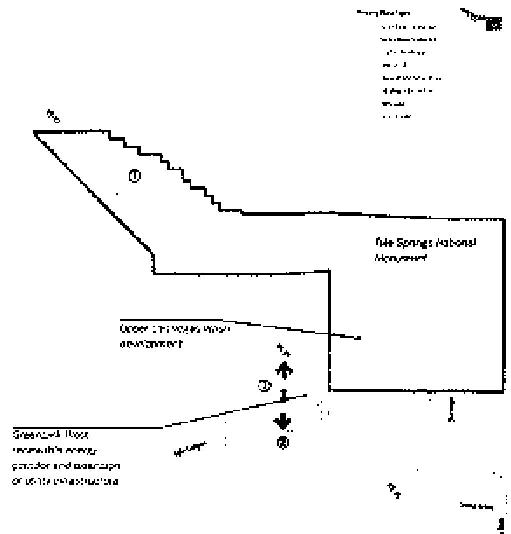
In order to capture the above projected land uses and densities, the following place types are planned for future change.

PROPOSED AREAS OF CHANGE (IN ACRES)

WATER USAGE

Projected water consumption of residents in the planning area with the new planned place types.





SNOW MOUNTAIN PLACE TYPE FRAMEWORK

KEY OPPORTUNITIES

1. Conveyance area - Las Vegas Paiute Tribe Snow Mountain reservation expansion
2. Planned Sheep Mountain Pkwy connection to Kyle
3. Future coordinated land planning with Las Vegas Paiute Tribe to develop the Creation Zone (see Chapter 3 - Workforce + Economic Development section)

COMMUNITY FACILITIES

CCSD Schools (elementary, middle, high)

Transportation improvements

Coordinate of city services and infrastructure

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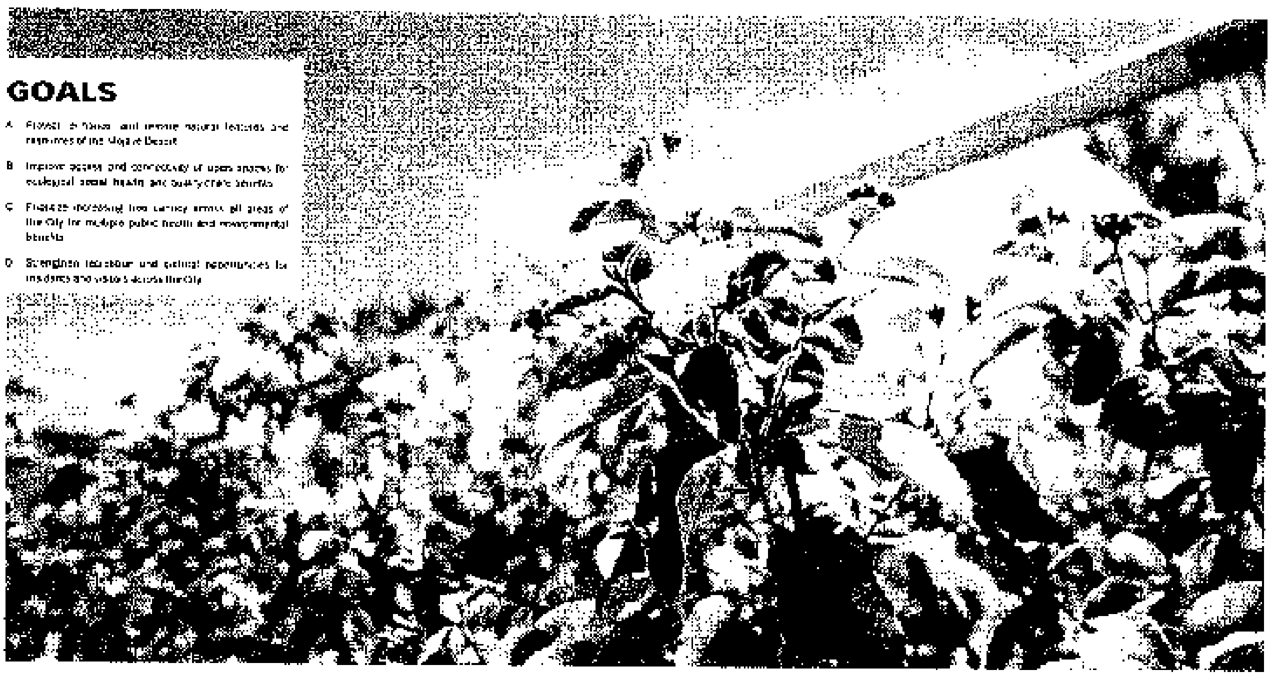
ENVIRONMENT

[illegible]



GOALS

A. Protect, enhance, and restore natural features and resources of the Mojave Desert

B. Improve access and connectivity of open spaces for ecological, social, health, and quality of life benefits

C. Promote increasing tree canopy across all areas of the City for multiple public health and environmental benefits

D. Strengthen recreation and cultural opportunities for residents and visitors across the City

INTRODUCTION

This section highlights a vision and actionable strategies for the natural environment within the City of Las Vegas. This section includes recommendations for natural features, urban forestry, parks, connectivity, urban agriculture and environmental justice.

This section focuses on the opportunities, challenges, outcomes, objectives and connection with guiding principles for each of the sections. This section is connected to previous, ongoing and future city and regional planning efforts, and specifically linked to a concurrent Parks and Open Space Plan. Specifically, the main goals of this section focus on the distributive aspects of park space in Las Vegas in relation to projected growth, infill redevelopment, and land use changes at city-wide and neighborhood planning area scales for the next 30 years in the City. It also remains various requirements outlined in the Recreation Plan of NRS 278.160. This plan is supported by the concurrent CAPRA-accredited Parks and Open Space Plan that addresses specific park standards, guidelines, objectives, policies and priorities.

Recommendations in this section specifically align with 2050 Master Plan guiding principles, including:

- Protect, enhance, and restore natural features and resources of the Mojave Desert
- Improve access and connectivity of open spaces for ecological, social, health and quality of life benefits
- Prioritize increasing tree canopy across all areas of the City for multiple public health and environmental benefits
- Strengthen recreation and cultural opportunities for residents and visitors across the City

Specific opportunities for the environmental component are embedded in recommendations for each of the sub-category and guiding principles include:

- Preserve and maintain open space as a balance to maximize development
- Restore areas of environmental/ecological disturbance using available resources from the public, quasi-public and private sectors
- Plant 60,000 drought-tolerant native and adaptive trees on public and private property that are heat, cold, and wind tolerant, water efficient, low maintenance, non-invasive, and pest and disease resistant
- Continue to maintain high quality park space across the City
- Develop new park spaces to increase the total acreage of park space per resident
- Increase access to park spaces and connectivity between park spaces
- Decrease food deserts and increase community gardens across the City
- Improve air quality and reduce urban heat island impacts across the City

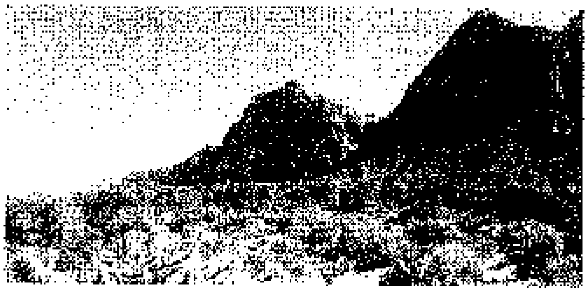
• Environment is one of the factors residents identify as a reason to move to and stay in Las Vegas • Many gaps in the open space framework currently exist, allowing for key connectivity strategies • Thanks to the leadership of SNWA, LVVWD and the City, Las Vegas is a leader in water conservation and has proven to have the political will to reduce consumptive water use (primarily via reductions in outdoor water use) • There are good examples of adding tree canopy and reinforcing water tolerant and native plant species in recent projects in Las Vegas • Residents identify quality of parks as a key asset - continue to build on this perception	• SNPLMA-funded parks and open space improvements will eventually decrease as BLM sales conclude at the periphery of the valley - alternative funding strategy should be developed • Endangered local species • There is currently not enough open space per capita and open spaces are not always located in best areas • Federal encumbrances on SNPLMA land limit the city's ability to regulate and manage open space • The urban heat island effect, coupled with increased frequency and intensity of heat waves and extreme heat may impact residents and visitors to Las Vegas, especially vulnerable populations

EQUITABLE	RESILIENT	HEALTHY	LIVABLE	INNOVATIVE
Equitable environmental conditions provide cleaner air, water and health outcomes for ALL Las Vegans when prioritized in areas with the most need.	Protecting, restoring and adapting elements of the natural and ecological systems of Las Vegas will allow for reduced water use and improved environmental and health outcomes.	Improved environment, connectivity and recreation opportunities will allow for healthier, more active options including physical, mental and safety.	Las Vegas is able to take pride in the unique environmental and park aspects of the City. These elements are part of the DNA of what makes Las Vegas a great place to live.	Proactively addressing environmental opportunities and challenges in the context of extreme climate change will require innovative solutions that can become global models.

NATURAL FEATURES

NRS 278.160.1[illegible]

PROTECT, ENHANCE, AND RESTORE NATURAL FEATURES AND LANDSCAPES OF THE MOJAVE DESERT



The Mojave Desert is a unique region covering more than 50,000 square miles of Southern California, Southern Nevada, Northwestern Arizona, and Southwestern Utah. It is a rain shadow desert created by the Sierra Nevada and coastal mountain ranges of Southern California, bound by the Great Basin Desert to the north and Sonoran Desert to the south. Las Vegas is located within the Las Vegas Valley, covering six hundred square miles. Surrounded by mountains, to the west are the Spring Mountains that extend north-south and include Red Rock Canyon, the La Madre Mountains, and the region's highest peak, Mount Charleston. At an elevation of 11,916 feet, it contains alpine, pinyon, and bristlecone pine forests. The Mojave Desert region is home to a diverse array of animal and plant species, contains unique topography, hydrology, and geology, and has a wide range of characteristics that require careful attention for its protection, enhancement, and restoration.

The features of the Mojave Desert interconnect with the city's urban [illegible]; Las Vegas has sprawled outward for decades. The 2050 Master Plan emphasizes an intentional path toward infill redevelopment and adaptive reuse of currently underutilized spaces as the City grows "up and not out." Las Vegas is also the fastest warming city in the U.S., causing extreme heat island effects, often in the City's core urban neighborhoods. Strategies are required to restore natural features and processes to combat negative effects of climate change in Las Vegas. This plan for enhanced natural features may blur the boundaries between natural and built environments as developed in the context of a hotter and drier future.

I. Conservation (Major)
II. Public Facilities
IV. Safety (Hazard Mitigation and Planning)

- The number of threatened species identified by the Clark County MSHCP is reduced
- The number of endangered species identified by the Clark County MSHCP is reduced
- No net loss of identified habitat areas of threatened or endangered species
- No net loss of identified wetlands or desert areas
- Identified natural washes and arroyos have been restored
- Existing and new identified invasive species have been eradicated or contained to prevent population growth and expansion

- SNPLMA must continue to be supported as it has proven to be an effective tool for concentrating urban growth while providing funding for open space
- Utilize Tule Springs National Monument to its potential as a valuable open space asset for the City
- Preserve and maintain open space as a balance to metropolitan development
- Preserve and protect areas of important environmental/ecological, cultural/historic, and recreational/scenic value and incorporate such areas into the park and recreation system
- Use native and adaptive plants to meet environmental objectives and reduce maintenance requirements
- Continue to partner with agencies, organizations and businesses to enhance natural resource actions and management
- Reclaim areas of environmental/ecological deterioration using available resources from the public, quasi-public and private sectors

EQUITABLE	RESILIENT	HEALTHY	LIVABLE	INNOVATIVE
Improved natural features that blur boundaries provide relief for water and health benefits for all, especially when provided for those with the most needs	Environmental protection for Mojave plant and animal species ensure continued resilience for this sensitive ecosystem	Access and provision of open space areas allow for additional opportunities for recreation	Protecting and enhancing the Mojave Desert helps conserve and preserve natural amenities for current and new residents	SNPLMA continues to be an innovative tool of protecting open spaces and providing funding for parks and trails

NATURAL FEATURES INVENTORY AND ASSESSMENT

The unique natural features of climate, wildlife and the Mojave Desert within the City of Las Vegas provides unique opportunities for new modes of adaptive reuse. In order to achieve successful outcomes, it is important to have a detailed understanding of current and future conditions in Las Vegas.

ECOSYSTEMS

Vegetation: Widely spaced, low-lying shrubs comprise most of the Mojave Desert flora. There are 250 ephemeral plants, approximately 80 of which are endemic. Common species, some of which are protected under the Endangered Species Act, include Joshua trees, creosote, white bursage, blackbrush and Mojave yucca. The Las Vegas Bearpoppy and Las Vegas buckwheat are protected, yet only grow along the Upper Las Vegas Wash in areas that could potentially be developed.

Wildlife: The area is also home to a wide range of mammals including bats, bobcats, cougars, coyotes, bighorn sheep, pronghorn, mule deer, jackrabbits and kit fox; birds including burrowing owls, hummingbirds, hawks, falcons, eagles and a number of migratory birds; reptiles including the threatened desert tortoise, a number of species of rattlesnakes and lizards, Gila monsters and chuckwallas; invertebrates and desert amphibians (such as the Red-spotted toad); and insect and arachnid species. The Mojave Desert Tortoise, Mount Charleston Blue Butterfly and other species in the Mojave Desert ecosystem each face long-term anthropogenic pressures which may lead to further decline. The desert tortoise in particular was listed by the Federal government as threatened in 1990; however, the [illegible] is listed as threatened and the Southwestern Willow Flycatcher is listed as endangered. Other pressures, urban development, transportation infrastructure, [illegible], non-native grasses and other disturbances that [illegible] and [illegible] have been shown to lead to increased habitat fragmentation and loss for these species.

Invasive Species: As with many areas, the introduction of invasive species, such as invasive grasses like red brome and cheatgrass, can challenge native vegetation and wildlife. Along the Las Vegas Wash and Colorado River, tamarisk is [illegible] and crowds out other species. The quagga mussel is by far the largest threat to the Colorado River and Southern Nevada water supply, as well as the local food chain. The mussel rapidly reproduces, encrusts [illegible] pipes and water intakes, and fouls water quality.

CLIMATE

Precipitation: Prevailing Pacific coastal winds traveling inland are forced upwards by mountain ranges. Winds that do make it through have potential to release available precipitation, but only average four inches of rainfall annually, most falling during winter months. The Mojave Desert also receives summer monsoonal moisture that is pumped into the region from the Gulf of California.

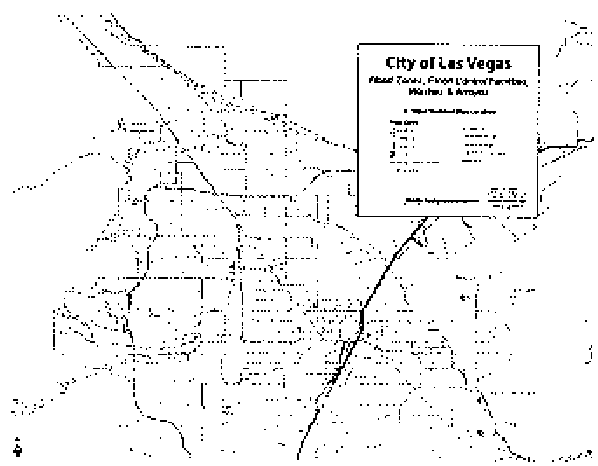
Climate: Temperatures vary from extremes of below freezing in the mountains in the winter to 120 degrees on the valley floor during the summer. They can consistently exceed one hundred degrees for summer highs with mid average winter temperatures averaging sixty degrees.

Potential Impact of Climate Change: The Mojave Desert is threatened by changing climate conditions, which contribute to extreme heat, wildfire, drought, extreme storm events and associated plant and animal species loss. The capacity of the ecosystem to be resilient and ecologically stable without already limited native vegetation and wildlife during periods of change can be altered with increased rates or intensity of disturbance. Increased heat and less water from drought will mean less resources available to plant and animal communities. Due to the emergence of invasive grasses that can destroy native desert shrubs and form new fuel, desert wildfires are more likely to occur. After fires occur, non-native species outcompete the slower-to-establish native vegetation.

NATURAL SYSTEMS

Topography: The western part of the city lies within or along the foothills of the Spring Mountains and Red Rock Canyon to the north and the alluvial fans of Gass Peak that towers over the City at the southern end of the Sheep Range. The valley floor gradually slopes from west to east and from north to south, with an elevation of approximately 2,000 feet near Downtown Las Vegas. While slope stability risks are relatively low and confined, foothill areas and areas containing steep slopes constrain development; runoff and erosion are difficult to control or prevent, and if hillsides are improperly developed, they can become unsightly. To protect them, the City adopted a Hillside Development Overlay. Development standards are designated within the overlay to diminish adverse development, protect sensitive lands and habitat, mitigate erosion, and avoid visual blight.

Hydrology: The City is within the Las Vegas Valley Hydrographic Basin. Rain and snow in the Spring Mountains and Sheep Range infiltrate bedrock through faults and fractures and feeds naturally to recharge the aquifer system in the Las Vegas Valley. Prior to wells tapping the aquifer's groundwater, a number of springs, including those at the Las Vegas Springs Preserve, Lorenzi Park, and Tule Springs, were present. Rainstorms wash sediment from surrounding mountains into enormous alluvial fans and into arroyos that are tributaries of the Las Vegas Wash. The Las Vegas Wash and its tributaries, historically an ephemeral system, carry water and precipitation to the Colorado River and is the main outlet of the valley. As the City grew, over time flows into the wash became permanent as both highly treated wastewater and discharged stormwater are released; these have created ponds and wetlands that also serve to further clean the stream flow before entering Lake Mead. Much of the watershed within the City has been developed through funded projects and facilities of the Clark County Regional Flood Control District. Concrete-lined flow channels, detention basins, and culverts have helped control stormwater during flooding events, and many of the tributaries are no longer in a natural state that could serve as a quality recreational area, green infrastructure, or open space. There have been notable exceptions, including preserved arroyos within Summerlin North, [illegible] Wash, and Kyle Canyon.

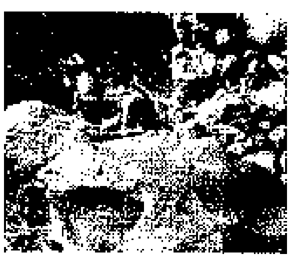


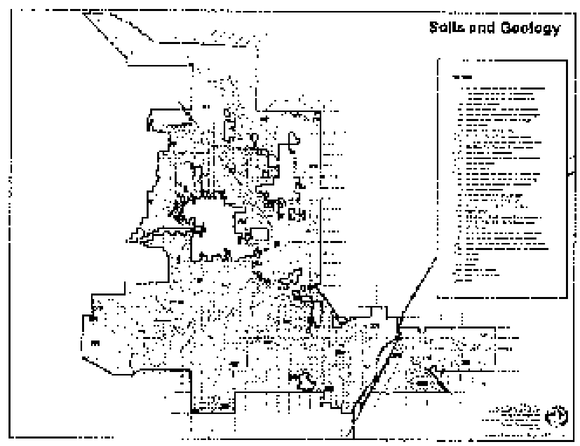
MINERALS, SOILS, AND GEOLOGY

The mineral composition of the surrounding mountains and hills is a mixture of limestone, shale, sandstone and dolomite with gypsum and [illegible] deposits. Although mining is a major state industry, NDEP's Bureau of Mining Regulation and Reclamation indicates no other active mining operations immediately near the city aside the Lone Mountain Gravel Pit, which contains limestone and dolomite sand and gravel used for concrete aggregate, construction and landscaping. Sitting on BLM land between the Lone Mountain and La Madre Foothills planning areas, this mining operation provides a necessary resource for the growth of Las Vegas.

Knowledge of soil conditions is a key component of building construction and maintenance. According to information from the Natural Resources Conservation Service, the floor of the Las Vegas Valley is comprised of sand and gravels with silt, loam and clay from thousands of years of erosion from the mountains surrounding the valley. Deposits of sedimentary caliche (a natural cement of calcium carbonate that binds clay, silt, gravel and sand) are common throughout the valley. Local soils contain expansive clays that can exert force on a building or other structure to cause damage, including foundation cracks. Similarly, soil fissuring occurring around areas with seismic/tectonic faulting and horizontal aquifer movement can cause building damage. Soil and aquifer conditions in some parts of the valley are conducive to subsidence; historically, groundwater withdrawal from the valley's aquifers has resulted in local subsidence.

Some soils can also contribute to contamination of groundwater and soil by leaching of sometimes hazardous chemicals. As a result, brownfields around Downtown Las Vegas are present and have required remediation. Finally, due to less than ideal soil conditions and composition, farming and agriculture activity have been somewhat limited, although it has been possible to grow crops, orchards and feed grasses.





NATURAL FEATURES COLLABORATION

Protecting, enhancing, and restoring the Mojave Desert environment within and around the Las Vegas Valley requires substantial collaboration between Federal, State and local agencies, especially for public lands that have helped contain urban growth.

- Most of these lands are managed by the Bureau of Land Management (BLM) and also include designated wilderness areas, national conservation areas (NCA) and Areas of Critical Environmental Concern (ACEC). BLM's Southern Nevada District's Las Vegas Field Office oversee the resources and protection of public lands, conduct Resource Management Plans and implement the Southern Nevada Public Lands Management Act (SNPLMA). BLM oversees and permits ranching and grazing, outdoor recreation, off-highway vehicle usage and hunting.
- Fish and Wildlife Services. This includes the Desert National Wildlife Refuge, located directly north of the City, covering Corn Creek, Gass Peak and the Sheep Mountains; the de facto wilderness area helps protect a wide range of animal species, including desert bighorn sheep.
- National Forest Service and wilderness areas, including the Spring Mountain National Recreation Area to the west of the City. As a part of Humboldt-Toiyabe National Forest, the Spring Mountains contain Mount Charleston, Kyle Canyon, and Lee Canyon, and offer outdoor recreation opportunities.
- National Park Service: Tule Springs National Monument, spanning 15 miles of the Upper Las Vegas Wash between Corn Creek and the 215 Northern Beltway in North Las Vegas and through city territory, is among the newest national parks, also nearby is Lake Mead National Recreation Area – the first and largest recreation area, as well as one of the busiest, averaging more than 8 million visitors annually.
- Tribal territory: The Las Vegas Paiute Tribe occupied the reservation around the Nu Wav Kaiv planning area in addition to a colony located north of Downtown Las Vegas. This reservation contains a major golf resort and smoke shop.
- Military installations: Nellis Air Force Base and Creech Air Force Base are among the largest military and training bases in the country. North of the City is the Nevada Test and Training Range, a 4,700 square mile complex for which the Air Force conducts combat training with live ordnance, aircraft testing, and exercises. Creech Air Force Base, near Indian Springs, which has undergone significant investment and expansion, conducts military drone testing and global drone operations. Developing the northern part of the Las Vegas Valley has met some resistance so as to ensure the protection of the military installations and their respective operations.
- Because the federal government owns so much of Nevada's public lands, the State of Nevada does not have significantly large land holdings around the City of Las Vegas. Several state departments do have jurisdiction over areas that help protect the desert environment.
  - Nevada Department of Conservation and Natural Resources (DCNR) oversees the protection of Nevada's environment, including environmental cleanups and remediation. It includes protection of water resources, state lands and state parks, forestry, historic preservation, conservation districts, and off-highway vehicles programs.
  - Nevada Department of Wildlife (NDOW) ensures conservation and oversight of wildlife diversity and conservation, and permits hunting, fishing, and boating activities.
  - Nevada Department of Agriculture (NDA) operates a noxious weed program and regulates the use of fertilizers and pesticides.
  - Clark County's Department of Environment and Sustainability is the region's air pollution control agency, implements the Desert Conservation Program, and administers the Multiple Species Habitat Conservation Plan.

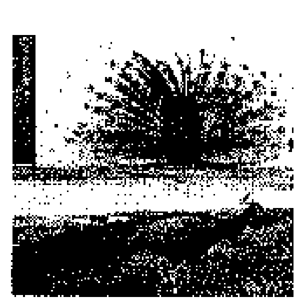
The City's Planning Department and Office of Sustainability play a lead role in land use planning and environmental protection. NRS 278.250 requires that zoning regulations be in accordance with the master plan and be designed to preserve air and water quality, conserve and protect open space and natural resources, provide for recreational needs. By setting land use policies and zoning through the [illegible] Title 19 Unified Development Code, the City can further protect, enhance, and restore the Mojave Desert.

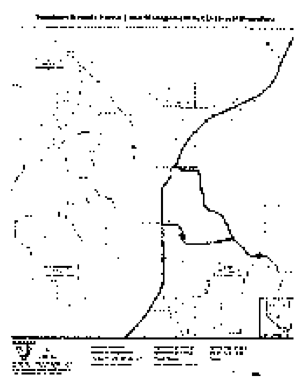
THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT (SNPLMA) IS A VALUABLE TOOL FOR FUNDING PARKS AND OPEN SPACE

Adopted in 1998, SNPLMA allows the BLM to sell public land within a specific boundary around Las Vegas. The revenue from auctioned land sales, totaling $4.1 billion as of 2019, is split between the State Education Fund (5%), the Southern Nevada Water Authority (10%), and an account for specified purposes, including:

- Development of parks, trails, natural areas, and other recreational and public purposes in cooperation with local governments or regional entities
- Capital improvements at Federal facilities or on Federal lands
- Conservation initiatives on Federal lands
- Multi-Species Habitat Conservation Plan (MSHCP)
- Environmentally Sensitive Land Acquisitions
- Hazardous Fuels Reduction and Wildfire Prevention
- Eastern Nevada Landscape Restoration Projects
- Lake Tahoe Restoration Projects

Other provisions in SNPLMA direct certain land sale and acquisition procedures and provide for the sale of land for affordable housing and public purposes, such as municipal facilities and schools. Of the 69,000 acres within the SNPLMA boundary, 39,700 acres have been sold at auction, leased, exchanged, or reserved for public purposes, with approximately 29,000 acres identified for disposal, much of the City's BLM parcels are within the northwestern areas of the city. The City has previously been able to leverage SNPLMA for a wide range of parks, trails, projects, and renovations. Several recent proposals have been made to increase SNPLMA's program, as a part of a public lands bill package, but Congress' new approval is required to extend SNPLMA and expand the boundary.





TULE SPRINGS NATIONAL MONUMENT IS A VALUABLE OPEN SPACE ASSET TO THE CITY

Established in 2014 by an act of Congress, the Tule Springs Fossil Beds National Monument spans 22,650 acres of the upper Las Vegas Wash and protects key paleontological and archaeological resources. Fossils of mammoths, camels, and American lions dating between 10,000 to 250,000 years in age have been found within the wash's arroyos, as have traces of the "Nuwu", the ancestors of the Southern Paiute. Encroachment had been taking place over the last thirty years; some areas of the Wash have been consumed by tract housing developments immediately against the Monument's boundaries. The Monument is now protected and contains approximately 5,350 acres within the Las Vegas planning area. Because Tule Springs is so new, it lacks basic boundary protections, has no major facilities or visitor's center, and still faces threats of encroachment as well as vandalism, theft, and degradation. The City, in partnership with the NPS, must work together to ensure the Monument is secured, buffered, and protected.

HABITAT AND ENDANGERED SPECIES

The Clark County Desert Conservation Program (DCP) manages Endangered Species Act compliance on behalf of Clark County (the Agency that administers and implementing agency), NDOT and local municipalities through implementation of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and an associated incidental take permit, due to concerns over habitat loss and mortality of the desert tortoise. Formed thirty years ago and approved for nearly 80 [illegible] plant species in 2001, covering 145,000 disturbed acres, the MSHCP allows landowners to develop land without the need for an Endangered Species Act review or environmental study. In addition to funding and implementing conservation measures for the desert tortoise, the plan makes funding available to research other species of concern.

The MSHCP directs measures to proactively conserve species and ecosystems. Doing so reduces the likelihood that future species will become endangered and protects the region against further requirements if current species become threatened or endangered in the future.

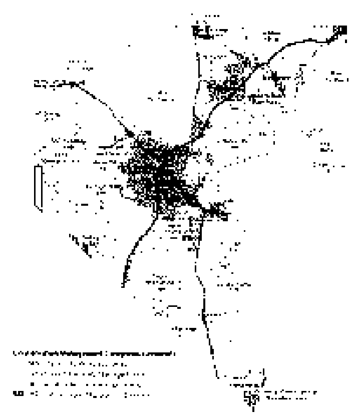
The MSHCP:

- Helps manage populations of all covered species
- Works to balance conservation with recovery of habitats and ecosystems for future plants and wildlife
- Protects a broad range of activities under the permit, including development
- Reduces economic burdens on individual landowners and all levels of government
- Reduces uncoordinated decision making, which can result in incremental protections

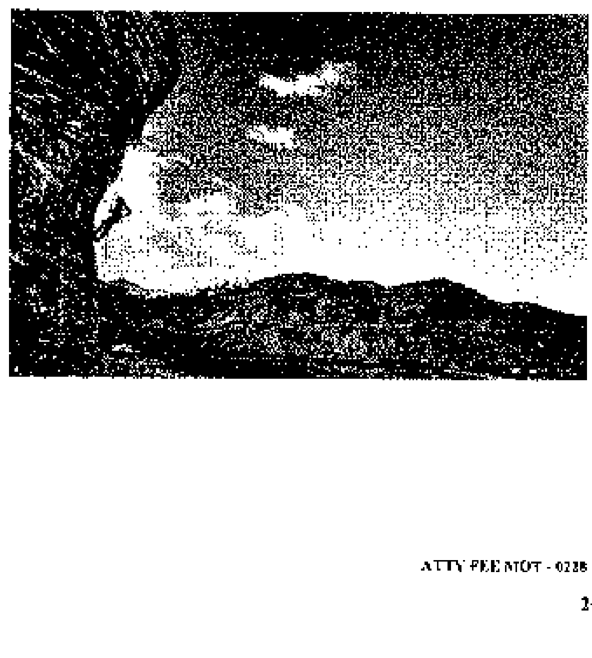
The MSHCP classifies federal public land areas defined by their kinds and levels of management as it affects the covered species:

- Intensively Managed Areas (IMAs): Includes the DNWR and areas north of the city
- Less Intensively Managed Areas (LIMAs): Areas immediately surrounding the Spring Mountains and its foothills
- Multiple Use Managed Areas (MUMAs): Areas in the northwestern and western planning areas of the city
- Unmanaged Areas (UMAs): Much of the Las Vegas Valley

IMA and LIMA areas are part of the reserve system. No net unmitigated loss or fragmentation of habitat is intended within these areas, or within MUMA areas where a substantial proportion of the species habitat exists. Prior to development, any private property anywhere within the City or County, the developer must obtain a grading or building permit and pay a one-time $550 per acre disturbance fee for each acre (up to 120,000 acres). These fees are collected by the City and other permittees and collectively administered by the County to implement the MSHCP.



- SNPLMA must continue to be supported as it has proven to be an effective tool for concentrating urban growth while providing funding for open space.
    - Develop a long-term citywide SNPLMA parcel and property nomination plan consistent with SNPLMA's Strategic Plan for future land development, purchases, parks, trails and recreation projects, and reviewing locations for additional public facilities.
    - Carefully collaborate with other jurisdictions and Nevada's Congressional delegation on changes or amendments to SNPLMA or other public lands bills to ensure the intent and purpose of this plan is not undermined.
- Utilize Tule Springs National Monument to its potential as a valuable open space asset for the City.
    - Leverage SNPLMA or City funding to partner with the NPS to construct a Visitors Center and other facilities and amenities at the Tule Springs National Monument.
    - Provide or require connections and accessibility along boundaries with the Tule Springs National Monument and Red Rock Canyon NCA.
- Preserve and maintain open space as a balance to man-made development.
    - Protect adjacent lands from urban encroachment through buffers along boundaries with the Tule Springs National Monument and Red Rock Canyon NCA.
- Preserve and protect areas of important environmentally ecological consideration, and incorporate such areas into the park and recreation system.
    - Within the Summerlin West, Lone Mountain, La Madre Foothills, Tule Springs, Centennial Hills, Kyle Canyon, and Nu Wav Kaiv planning areas (especially those within identified [illegible] and [illegible] areas pursuant to the MSHCP), assess open space to identify plant and wildlife species and habitat areas (including those that are threatened or endangered), connections between habitats, and invasive species.
    - Adopt additional resource conservation and preservation measures as may be needed or required.
    - Fund targeted habitat restoration efforts.
    - Preserve slopes and hillsides as defined under the Hillside Overlay ordinance, especially for identified sensitive slopes and ridgelines.
    - Adopt a policy to further enable the use of conservation easements and the transfer of development rights program pursuant to NRS [illegible] for open space and sensitive lands that warrant protection.
- Use native and adaptive plants to meet environmental objectives and reduce maintenance requirements.
    - Fund additional positions to identify, contain and eradicate invasive species, noxious weeds classified in adopted uses, reports, [illegible] pursuant to the Las Vegas City Charter, LVMC Title 9 and Title 13.48, utilizing best-management practices.
    - Coordinate with Clark County on additional measures or policies that implement the MSHCP.
    - Update design standards for municipal buildings and the LVMC Title 19 Unified Development Code to ensure native and adaptive plants are utilized and non-invasive species are prioritized.
- Continue to partner with adjacent organizations and businesses to enhance natural resource access and management.
    - Work with Clark County Regional Flood Control District to selectively restore and enhance the Las Vegas Wash and its tributaries.
    - Work with Clark County Regional Flood Control District to identify, preserve, and protect other arroyos and washes as recreational amenities while ensuring the ability to protect the public and property from flash flooding.
    - Develop public education campaigns and programs with volunteer organizations to inform residents about endangered, threatened, and invasive species.



ATTY FEE MOT - 0238

URBAN FORESTRY

INCREASE AND EXPAND TREE CANOPY ACROSS ALL AREAS OF THE CITY FOR MULTIPLE PUBLIC HEALTH AND ENVIRONMENTAL BENEFITS

As one of the fastest warming cities in the country, extreme heat is one of three current and long-term natural vulnerabilities to the city that must be mitigated. Among the best methods to reduce the urban heat island effect, mitigate extreme heat, and reduce overall temperatures is through the City's urban forest and other forms of green infrastructure. Trees help cool cities by providing shade, reducing direct sunlight, lowering the need to cool buildings and associated energy costs, decreasing the amount of heat absorbed by asphalt areas like streets or parking lots, and creating overall cooler environment through which people can walk and bike. Urban forests, the collection of urban trees throughout the urban environment, are a capital asset, much like a public building. Trees and urban forests also have the benefit of providing the City with a wide range of physiological, economic, sociological, and aesthetic benefits, including:

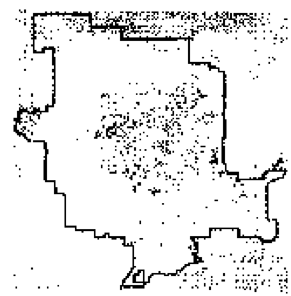
- Provide shade that help cool and mitigate the urban heat island
- Increase property values and property marketability
- Help reduce air pollution and sequester greenhouse gas emissions by providing health benefits and travel potential (natural) to urban neighborhoods
- Provide wildlife habitat
- Help treat stormwater runoff

- In keeping with Tree City USA and urban forestry commitments, plant 60,000 high quality trees comprised of a diverse mix of native and adaptive species on public and private property that are tolerant of heat, cold and wind, water efficient, low maintenance, non-invasive, and pest and disease resistant.
- Within each area of the city, especially those with vulnerable populations, and when temperatures exceed 100 degrees, prepare an adequate extreme heat response.
- Institute resilient, heat management urban design practices to ensure high quality landscape architecture for public facilities and private developments.
- Increase outreach and education on trees and landscaping.

URBAN HEAT ISLAND CONTEXT

Average annual high and low temperatures have continued to increase over time. Between 2006 and 2019, average temperatures increased nearly three to four degrees in Las Vegas. July monthly daytime average temperatures have exceeded 105° in ten of the past 14 years. The Las Vegas office of the National Weather Service categorizes extreme heat events: heat advisories are issued when daytime highs are expected to be 105° or higher for at least two days and nighttime temperatures do not drop below 75°. An excessive heat warning is similarly issued when temperatures reach above 105°. Over the next 30 years, barring no major reversal of global climate temperature trends, it is anticipated that the average annual number of days when temperatures exceed 100° will increase to 70 days. Extreme heat is further exacerbated by the urban heat island effect, the phenomenon of urban areas being hotter than rural areas, which can be mitigated by reducing asphalt and concrete surfaces while investing in green infrastructure and shade. The urban heat island effect can cause the following:

- Health issues, especially for heat-susceptible populations like children, the elderly, homeless individuals, and low-income and minority populations
- Delays, business risks, and health concerns for employees that work outside, especially in the City's tourism, construction and development sector
- Increased energy and water demand for air conditioning and cooling, as well as increased building operational costs, employee needs, and goods requiring refrigeration
- Poorer air quality through the greater incidence of inversion layers



- Plant and maintain 60,000 diverse and high quality native and adaptive trees on public and private property by 2050
- The City's tree canopy increases to 20% by 2035 and 25% by 2050 utilizing native and adaptive drought tolerant tree species
- 85% of the City's population lives within a 1/3-mile from green infrastructure features that provide localized cooling through park space, tree canopy cover, or vegetative surfaces

EQUITABLE	RESILIENT	HEALTHY	LIVABLE	INNOVATIVE
Tree canopy coverage must be distributed throughout the City to ensure all residents, as well as members of vulnerable populations, have access to the benefits of trees.	Utilizing water efficient, drought tolerant, adaptive tree and plant species helps the City further mitigate and adapt against the threats of extreme heat.	Trees help reduce the urban heat island effect and overall temperatures, improve the quality of stormwater and air, and provide mental health benefits that improve personal well-being.	Parks, trees, and green infrastructure enhance the sense of place in the community and provide amenities that are enjoyable to walk, bike, and recreate by all.	Designing structures and architectural features that provide shade as well as green space.