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August 2, 2006

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VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: REVISED Justification Letter
APN: 139-34-710-030, 031, 032 & 033

To Whom It May Concern:

Please be advised, this office represents the applicant for the proposed project located on the above referenced parcels. The property is generally located on the southwest corner of Chef Andre Rochat Drive and 7th Street. The applicant is proposing to construct an office building, with a maximum height of 42 feet, which incorporates the existing office building (formerly a house) into the new structure (the "Project"). The applicant is filing several applications: (1) zone change to C-1; (2) parking variance; (3) variance for lot coverage; (4) site plan review with minor waivers; and (5) variance for building setback.

Zone Change

The property is currently zoned R-3 and P-R. The applicant is seeking a zone change to C-1. The reason the zone change is necessary is to allow a 42 foot tall structure. P-R zoning only allows a maximum height of 35 feet. Additionally, C-1 zoning will be compatible the other similar zoning in the immediate area. For example, north of the Project, there is C-1 and R-5 zoning; west of the Project is a combination of C-1, P-R and R-4 zoning and south of the project is a C-1 zoned parcel. Finally, the Project is located in the Downtown Redevelopment Area and is master-planned for commercial.

Parking, Lot Coverage and Building Setback Variance

Title 19.10 requires 79 spaces to be provided. Given site constraints and compliance with commercial setbacks, the applicant is only able to provide 58 spaces. Since the applicant has a vision to incorporate the existing office building into the new office structure, the footprint of the new office structure limits the amount of land available for parking. Additionally, the applicant will utilize one of the parcels exclusively for at grade parking (APN: 139-34-710-030). This parking lot will be compatible with the existing parking lot located immediately south of the Project. Finally, there are a number of metered parking spaces on 7th Street and Chef Andre Rochat Drive. Should there be a need for overflow parking, there is sufficient room on both streets.

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The Project will cover 55% of the site which is only 5% over the required lot coverage maximum of 50%. The need for the additional lot coverage is to allow for additional parking underneath the office structure.

According to Title 19, the "narrowest" side is considered the front setback. Accordingly, the side facing Chef Andre Rochat Drive (north) is considered the "front" setback. The applicant is seeking a variance for the building setback on the north to be ten feet (10') where twenty feet (20') is required. Since the north is actually the "side" of our building, the applicant meets the intent of still providing a ten foot (10') setback with landscaping and the applicant exceeds the setback along 7th Street (which functions as the true front of the actual building).

Site Plan Review & Waivers

The Project will have a maximum height of 42 feet (three stories). Although a majority of the structure will be 35 feet in height, the additional seven feet is necessary for architectural embellishments. As indicated above, the applicant intends to incorporate the existing office building (formerly a house) into the new structure. This creativity will preserve a charming structure that has existed for many years while at the same time allowing the applicant to make improvements to the entire property. The total square footage of the building will be 32,311 square feet (23,613 sf office building and 8,698 sf for parking). The additional height is compatible with other structures in the immediate area.

The applicant is seeking a waiver for perimeter landscaping on the west side of the Project. This area is immediately adjacent to an existing alley and will contain parking spaces. The Project complies with the perimeter landscaping requirements on the north, south and east sides. The applicant is also seeking a waiver for the spacing of trees along the perimeter of the site. In order to meet commercial setback requirements and maximize parking, the applicant is unable to space all required trees per code requirements. However, in order to mitigate this waiver, the applicant is proposing to exceed the requisite number of trees throughout the Project. Therefore, although the requisite spacing of the trees may not be met in every instance, the applicant is meeting the intent of the code by exceeding the number of trees required to be planted throughout the Project. By way of example, it is our understanding that 24 trees are required by code. The applicant will exceed code requirements and provide 30 trees throughout the Project.

Summary

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If you have any questions, please do not hesitate to contact me.

Sincerely,

KUMMER KAEMPFER BONNER RENSHAW & FERRARIO

Jennifer Lazovich

JJL/dmf

cc: Eve Mazzarella

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