June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;

2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;

3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;

4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.

5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.

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6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.

7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

## CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

## APPROVAL CRITERIA- GENERAL PLAN AMENDMENT Title 19.18.030 (I)

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

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

   *The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.*

   *The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.*

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*Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;*

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

   *The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.*

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

   *There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.*

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

   The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

   A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

   *This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.*

   B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

*The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.*

*This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.*

C. The replanning, redesign and development of undeveloped areas which or stagnant or improperly utilized;

*While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.*

D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

*This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.*

E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

*Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.*

*In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.*

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## APPROVAL CRITERIA- REZONING
## Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

1) **The proposal conforms to the General Plan.**

   *The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.*

2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

   *As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.*

3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   *This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.*

4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

   *This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.*

## APPROVAL CRITERIA- SPECIAL USE PERMIT
## Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

1) **The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with future surrounding land uses as projected by the General Plan;**

   *The Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated*

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*predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.*

2) **The subject site is physically suitable for the type and intensity of land use being proposed.**

*In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.*

3) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use; and**

*The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.*

4) **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

*Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.*

## APPROVAL CRITERIA- VARIANCES
## Title 19.18.070 (L)

The following is the substantive criterion for determining approval of variance applications:

2) **Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.**

There are three variances requested from the strict application of the Code. They are:

**19.08.060,** the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*

b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*

c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

**19.08- Figure 3- Commercial Development Standards** allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*

b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

**Title 19.10, Parking Requirements** states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*

2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*

3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

## APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW Title 19.18.050 (E)

The following criteria are to be considered for approval of a Site Development Plan Review:

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

*While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.*

2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards an other duly-adopted city plans, policies and standards:**

*The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.*

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

*All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.*

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

*The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.*

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

*The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.*

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

*The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.*

## SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,

David Clapsaddle
Director of Planning

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