CHERRY DEVELOPMENT

1351 W. Warm Springs Rd.
Henderson, NV 89014

October 16, 2007

VIA HAND DELIVERY

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

Re: Extension of Time Justification Letter
Mixed Use Project on the southwest corner of Third Street & Gass Avenue

To Whom It May Concern:

On behalf of the applicant, we are respectfully requesting the Extension of Time on the following approvals: (1) site plan review (SDR-8577); (2) special use permit to encroach into the airport overlay (SUP-8579); & (3) special use permit for a mixed use project in a C-2 zone (SUP-8578). The property is zoned C-2 and the general plan designates this property for Mixed Use.

Site Plan Review

The applicant intends to construct a 65 story mixed use project. The height of the structure will be approximately 760 feet and will contain 425 residential units. There will be a mixture of one, two and three bedroom units. The ground floor will have approximately 22,000 square feet of commercial area which will include a fitness club with pool.

Vehicular access for the residential units will be off of Gass Avenue and access into the commercial area will be off of Third Street. There will not be any vehicular access off of the alley. The applicant intends to install enhanced pavers within each driveway in accordance with the Downtown Centennial Plan.

There will be seven level parking structure with 38 stalls for the commercial portion of the project and 506 stalls for the residential units. Please see the parking analysis on the site plan for a more detailed summary of the parking. The parking will be located above grade and at the

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base of the residential portion of the project. The applicant has replicated the window treatment from the residential units within portions of the garage area for vertical enhancement.

The applicant intends to comply with the streetscape treatment along Gass Avenue and Third Street. However, the following waivers are being requested:

- *Utilities in Alley* – the applicant intends to keep the utilities above ground within the alley

- *Step-back of building* – the applicant will comply with the Downtown Centennial Plan, section D.S.5. on Third Street. However, due to the limited constraints of the site and potential development of adjacent parcels, the applicant cannot comply with the step-back requirement on Gass Avenue. In order to maximize the southerly views from the residential tower, the applicant increased the setback along the south property line to approximately 80 feet recognizing that another mixed use high rise project could be developed south of the applicant's proposed project which could obstruct view corridors unless the applicant takes corrective measures now.

The building will be designed with white EIFS and high performance energy efficient tinted glass at the curtain wall to create a sleek, light, transparent building that further emphasizes the slender, elegant proportions of the tower. The parking structure is a plinth base for the tower – a Mondrian inspired composition of simple white EIFS planes. Thoughtfully placed openings provide light and air to the parking levels while artfully concealing the utilitarian function of that portion of the building. The parking levels "float" over the darker tinted storefront glazing of the street level retail and condominium lobby. The overall tapestry of white EIFS panels, lightly tinted glass curtain wall and contrasting inset balconies of darker tinted glass are reminiscent of the elegant simplicity found in historical and contemporary Asian design. Finally, the building will be designed with no more than 20% of reflective glass which complies with current design guidelines.

A copy of the Plans (site plan, elevations and floor plans) has been provided by Breslin Builders and is attached hereto.

Special Use Permit in Airport Overlay

The applicant is requesting an extension of time for their a special use permit to build a structure over 200 feet within the Airport Overlay. The proposed height of the structure will be approximately 760 feet. However, the height of this tower will not have any adverse impact on the flight pattern due to the distance of the project from McCarran Airport and the North Las Vegas Airport. Additionally, the applicant notified the Federal Aviation Administration on August 2, 2005 of the requested height and location of this proposed project in compliance with Title 19.06.080(H)(1)(a).

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Special Use Permit for Mixed Use Project in C-2

The proposed project in located in an area designated by the general plan as appropriate for mixed use. Given this, the proposed project is located in a convenient location to downtown services, the current and future development of the 61 acres, the Art District and many other goods and services. The applicant is complying with the general plan and bringing forward a mixed use project that furthers the goals and policies outlined by the City of Las Vegas in the Downtown Centennial Plan.

Please do not hesitate to contact me if you have any questions.

Respectfully,

Ryan Stibor, Esq.
Cherry Development

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