

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

August 8, 2006

Las Vegas City Planning Commission
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: August 10, 2006 Planning Commission Meeting, Agenda Item Nos. 36-38
Application of Stratorise LLC/Aztec International, 1431 Las Vegas Blvd. South

Dear Planning Commission Members,

I am writing in opposition to an application by Stratorise/Aztec International for a Special use Permit and Site Development Plan Review for a proposed 45-story, 517-foot tower at 1431 Las Vegas Boulevard. I offer this opposition as a resident and as Vice-President of the John S. Park Neighborhood Association.

The proposed building, if erected today, would be the 6th tallest building in the Las Vegas metropolitan area. The only completed buildings of that height or more are the Stratosphere, Wynn, the Eiffel Tower at Paris, New York New York Hotel & Casino and the Bellagio. It would be more than twice the height of SoHo Lofts. The proposed building would be directly adjacent to single family residential homes that are only a single story, and would be approximately 35 times the height of the adjacent homes.

The John S. Park neighborhood is unique both in its rich and long history and in its location. The historic neighborhood, which is primarily zoned as R-1 residential, directly abuts C-2 commercial property along the City's major thoroughfare. It is not common to have C-2 commercial zoning in such close proximity to R-1 single-family residential zoning. The residents of John S. Park recognize that we live in a unique area and we welcome the prospect of living in an urban environment. Many of us, however, strongly oppose the building of a giant skyscraper within only a few feet of our homes.

Title 19.06.060 currently exempts properties within Downtown Centennial Plan from the automatic application of residential standards, but Title 19.06.060 and 19.08.045 both provide that this exemption does not prohibit imposition of similar or equivalent limitations in connection with approval of a site development plan. Thus, an applicant does not have a claim of right or even a reasonable expectation to build on his property to any height and without regard to neighboring properties.

ITEM NO.: 36, 37, 38

CASE NO. SUP 13891, SUP 13897,

PC MEETING: 8-10-06

S02-13899

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Last year residents of the John S. Park neighborhood fought against a proposed high-rise building at the site of the Viva Las Vegas Wedding Chapel. We appeared numerous times at neighborhood meetings, Planning Commission meetings and City Council meetings. Ultimately we prevailed on our contention that buildings should be limited to 5 stories in order to protect the home values, quality of life, and well-being of near-by residents. The same conclusion should be reached here.

The criteria used for consideration of site development plans illustrate why the height restriction is necessary:

1. Compatibility of adjacent development:

Buildings of several hundred feet or more are not compatible with the adjacent residential zoning. Such buildings would subject neighborhood residents to noise, visual blight, blockage of skyline and invasion of privacy.

The John S. Park neighborhood has defined what we believe to be compatible with the neighborhood and we did that through our neighborhood plan, which was approved by the City Council. In that plan we recognized that we live in an urban environment and that development not only will happen, but we welcome that development. Our neighborhood plan sets forth a compromise for commercial development on Las Vegas Boulevard. We defined that compromise between the neighbors, many of whom would prefer single or two story developments in this area, and the commercial entities, as five stories or 60 feet. Few residents of this city would agree to a 5 story building in their backyard, but we joined together and said that is acceptable to us. The neighboring properties were invited to join in that discussion, and some did join in that discussion and agreed to that limit. We ask you to honor that limit now.

2. Consistency with general plan.

The proposed building is not consistent with the general plan. Title 19.08.020 sets forth the intent of development standards. The first intent of the standards is "to ensure that new development will not negatively impact the use and enjoyment of adjacent and neighboring properties." Other intents of the standards include increasing design compatibility between abutting properties and land uses; to reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and to reduce unsightly views. A building of this height would not satisfy these standards.

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This is not unlike the Ambling development controversy for property located at Martin Luther King Blvd. and Alta Drive. In that case 10 homes were in the 750 foot notification area; here several hundred homes are within the notification range of the commercial properties at issue. There the project was rejected because of concerns from homeowners who were one and two miles away, here there are homeowners who are less than 20 feet away. This project should be rejected for each of the reasons given on the Ambling property.

3. Site access and traffic issues.

Significant issues exist concerning vehicle traffic that would be created by the erection of this proposed building. Of primary concern is the fact that vehicles wishing to travel south from commercial properties in this area would either be required to quickly cross two lanes of traffic to the left and then make a U-turn at Charleston, or turn left and then travel south on Main Street or another street west of Las Vegas Boulevard, or take a simple right hand turn on Park Paseo and then turn right again on 5th Place or 6th Street. We believe the route through the neighborhood would become the preferred route. Unfortunately, there are no sidewalks on significant portions of these narrow roads, and pedestrian traffic is already hazardous. Additional traffic on these streets will be harmful to residents in this area. We also have concerns based upon the relatively small size of the commercial lots during the construction stage. It would be very difficult for high-rise construction to take place on these lots without closing all or part of Las Vegas Boulevard for significant periods of time, which will have a severely detrimental impact upon neighboring streets.

Several residents met with the developer's representatives for this project and we asked them to complete a questionnaire which addressed many of our concerns. Our 8 page questionnaire is attached. The 4 page response to our 8 page questionnaire is also attached. You will see that the developer was either unable or unwilling to answer most of our questions. We were told that a traffic report has not yet been completed, but we consider such information to be crucial to this Commission's consideration of this project. Likewise, the developer was not able to answer any questions about staging the construction, even though the situs of the staging area is of crucial importance to the neighborhood. Simply stated, we need to know if the developer intends to use any areas within the neighborhood for staging construction, diverting traffic, parking for construction workers, or accessing the site during the construction phase as the presence of large construction vehicles on our residential streets would be highly disruptive to our lives during the lengthy construction process. Given the incredibly small size of the site in relation to the massive building that is proposed, the location and availability of a staging area are critical details which should be known at this stage of the process.

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The developers offered to meet with us regarding these issues after a contractor is selected, but the fact remains that this is our only opportunity to meaningfully participate in the process as there is no further public comment or voting by public officials after the plan is approved.

4. Public safety, health and general welfare Issues.

The proposed building does not promote the public safety, health and general welfare of John S. Park neighborhood residents. We do not want to live in any area where we are walled off by huge skyscrapers and cut-off from participating in the redevelopment of the city. We welcome new businesses who will thrive in this area and make this area a better place to live, but this proposed project does not meet those goals. We have concerns about safety, noise, and obstructions that will be caused by the construction. We asked the developer to address those issues, but substantive replies were not provided. We also have concerns about the viability of this project given vacancies in other condominium projects and the lack of any apparent virtue to this project. A primary concern is that because this is a very small lot and there are very few amenities offered, such as a large amount of retail, that the only real virtue of this project will be its views of Las Vegas Boulevard. Those views, however, cannot be guaranteed as properties to the north and south have indicated their intention to build projects of similar size. While living in skyscrapers with no more than 20 feet to the next balcony, with absolutely no view, may be the norm in Manhattan, there are many other alternatives in Las Vegas. Thus, I submit that there is a very real chance that either this project will never be built and that granting entitlements to build will only drive up the price of the land and prohibit a viable project, that would enhance downtown, from actually being built, or it will be built and will eventually turn into a slum building because those with the means to do so will buy elsewhere so that they may enjoy unobstructed views and significant amenities. In either event, the residents of John S. Park would suffer – not only through the construction process but also as a result of a poorly conceptualized project.

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As noted above, we asked a number of basic questions that we believe to be more than fair under the circumstances. A significant number of these questions remain unanswered. Based upon the Site Development Plan Review criteria, and the failure of the proposed developer to fully answer questions posed by neighborhood residents, I respectfully request that you deny the request for the Site Development Plan Review.

Sincerely,



Jonell Thomas

John S. Park Neighborhood Association Vice-President

1509 South 5th Place

Las Vegas, NV 89104

868-9110 - home

471-6565 - office

471-6540 - fax

jonell@jonellthomas.com - e-mail

www.lvdowntownneighbors.org - website

On behalf of the John S. Park Neighborhood Association, I am respectfully requesting that you provide us with the following information in advance of next week's neighborhood meeting concerning property located at 1431 South Las Vegas Boulevard. We appreciate the opportunity to discuss our concerns with you and look forward to hearing more about your project.

Building Details

How many stories:
How tall:
Lot size:
Lot coverage:
Building setback on the north:
Building setback on the south:
Building setback on the east:
Building setback on the west:
Distance from edge of building to closest residential property:
Height of the closest residential property:
Number of studios:
Number of 1 bedroom units:
Number of 2 bedroom units:
Number of units with 3 or more bedrooms:
Anticipated number of total occupants upon completion:
Will condominiums be used as time share units, hotel rooms or other short term rentals?
Number of parking spots for residents:
Number of parking spots for visitors:
Number of parking spots for employees:
Uses (condo, mixed-use, office, hotel, etc):
Percentage of square footage for commercial use:
Percentage of square footage for residential use:

Percentage of square footage for other use:

Will alcohol be served or available for purchase?

Will there be gaming tables or slot machines?

Will reflective materials be used on the outside of the building?

Has a shadow study been performed?

If yes, is it publicly available?

Please attach a copy to this questionnaire.

Construction

When is construction anticipated to begin?

How long is construction anticipated to last?

What are the anticipated hours of construction?

Will construction be limited to activities which do not generate noise beyond the building during the evening hours?

Where will construction workers park?

Where will the construction be staged?

Will it be necessary to close one or more lanes of Las Vegas Boulevard during construction?

If so, how long will the lanes be closed?

What alternative routes have been developed?

How will dust be abated during construction?

What precautions will be made for debris, building materials and trash in windy conditions?

Who will provide insurance for damage to neighboring properties caused during the construction process?

Will the developer and construction property provide a person on-call 24-hours a day to address concerns of neighbors during the construction process?

If so, what is the name of the contact person?

Will union labor be used?

If yes, how much of the construction will be completed by union labor?

Will any flammable materials be kept on site during construction?

Will any hazardous materials be kept on site during construction?

Is a construction company under contract?

If yes, what is the name of the construction company?

If no, when will a construction company be placed under contract?

Safety

What is the distance to the nearest fire hydrant?

Has the fire department certified whether current fire hydrants and equipment are sufficient to meet the needs of the building?

What is the access route for fire trucks and emergency vehicles on the north, south and east sides of the building?

Does the property owner's insurance cover damage to neighboring properties due to fire or other cause at the subject property?

What is the amount of the insurance?

Has the property owner provided proof of insurance to the city?

What assurances do we have that insurance will be maintained?

Are there structural barriers which would prohibit automobiles from hitting the building?

Has an earthquake study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

Will east facing windows open?

Will there be any balconies that face east?

What precautions will the developer take to ensure that items are not thrown from east facing windows or balconies?

Traffic

Has a traffic study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

How many automobiles are anticipated at the property per day?

How many entrances for automobiles?

How many exits for automobiles?

What steps have been taken to assure that traffic will not back up and cause traffic delay on Las Vegas Boulevard?

Is it anticipated that limousines will be used by either building owners or occupants?

If so, is the developer aware of the difficulties in property access by limos?

Is the developer aware that limousines are not permitted on 5th Place and 6th Street?

Have alternative routes for limousines been developed?

Is there currently a bus stop in front of the property?

Will there be a bus pull-out lane at the front of the property?

Noise

Where will mechanical equipment, such as air-conditioners, be located?

What is the distance from mechanical equipment to neighboring properties?

What is the decibel level of mechanical equipment?

What are the anticipated hours of operation of mechanical equipment?

Are there outdoor patio or decks?

If so, on which floor are they located?

On which side of the building will they be located?

Hours of operation?

Will there be a nightclub, bar or similar use within the building?

If so, what are the hours of operation?

Utilities

Where will trash be contained?

Distance of trash containers to neighboring properties?

How will garbage trucks access garbage containers?

Will utilities be above ground or under ground?

Does the property owner intend to place neighboring above-ground utilities underground?

Is the current electric grid sufficient to handle the increased load that will be created?

Is the current sewer system sufficient to handle the increased load that will be created?

Will heat be electric, gas, propane or solar?

Will a cellular telephone antenna be erected on the property?

Will the building interfere with access to any existing cellular phone antennas?

Privacy

Will the property have any security cameras, video surveillance or other video equipment located on the east side of the building or which will be capable of filming properties to the east?

Will apartment/condo units have east facing windows?

Amenities

Will animals be allowed within the building?

If so, is a "dog park" or similar amenity planned?

If not, where will pets "exercise"?

Is the developer providing any park space?

Is the developer providing any walking trails?

Is the developer planning to contribute towards park space or open space in the city?

If so, how much?

Will businesses located within the building be open to the public?

What type of landscaping will be provided and where will it be located?

Is there any additional buffer that will be provided between the property and adjacent residential properties?

Disclosures

Will the developer disclose the distance to the nearby topless strip club to buyers?

Will the developer disclose the distance to nearby adult bookstore to buyers?

Will the developer disclose the distance to nearby nude strip club to buyers?

Will the developer disclose the possibility that highrises of similar height may be built on adjacent properties and that there is no guarantee of view.

Helicopters

What is the above mean sea level of the building?

Has approval been obtained from the FAA?

Has approval been obtained from the Clark County Department of Aviation?

Will construction of the building require or result in diversion of helicopter traffic from existing paths?

If so, what is the new proposed path?

Construction Experience and Preparation

Has the developer ever completed a similar project?

If so, in which city or cities?

Has the developer ever built any building over four stories tall?

If yes, please describe the experience of the construction company with construction of high-rises and skyscrapers.

Has any prior high-rise construction by the construction company been in close proximity (less than one block) to existing residential properties?

If so, were any claims, lawsuits or settlements made with neighbors because of safety, debris, nuisance or other issues?

Has the developer or property owner ever filed for bankruptcy?

If so, please provide details.

Does the developer currently own the land?

Who are the real property owners and who are the developers, if different from the real property owners?

If the owners are corporations, please identify the officers and principals.

If the officers are corporations, please indicate whether they are incorporated within the State of Nevada and please identify the principals of the corporations.

What work has been done to develop this project beyond architectural drawings?

Will a principal(s) of the project be present at the Planning Commission and City Council meetings to provide details and to give assurances, under penalty of perjury, as to whether the proposed project is an actual project, whether approval is being used for the purpose of selling the land to another developer, or whether other circumstances apply?

On behalf of the John S. Park Neighborhood Association, we appreciate your willingness to provide us with this information. We believe that prompt disclosure of this information will assist in our understanding of your project and will greatly shorten the time necessary to answer relevant questions at the neighborhood meeting, Planning Commission and City Council.

If you would like a copy of this questionnaire in electronic form, please contact me at jonell@lvcm.com at your earliest convenience. We would like to have this information prior to the neighborhood meeting so we may provide it to those interested in the proposal. Please e-mail your responses to the above e-mail address or fax them to 471-6540. Please contact me if you have any questions.

Thank you,

JoNell Thomas

John S. Park Neighborhood Association Vice President

RESPONSE TO JOHN S. PARK NEIGHBORHOOD ASSOCIATION QUESTIONNAIRE:

BUILDING DETAILS:

How Many Stories:	45	
How Tall:	517	Feet
Lot Size:	1.5	Acres, +/-
Lot Coverage:	About 13.4	
North Building Setback: to Ground Level; from 7 th floor up is 32 feet	0	Feet- 7 th
South Building Setback: to Ground Level; from 7 th floor up is 153	0	Feet-7 th Floor
East Building Setback: to Ground Level; from 7 th floor up is 16 feet	0	Feet-7 th Floor
West Building Setback:	10	Feet
Distance to Residential Property:	20	Feet +/-
Height of the closest Residential Building	Unknown	

Pertaining to the type of units, the ratio of studio, one and two bedroom units is not known at this time. The floor plans are typical of downtown condominium towers; the studios range from 460 to 560 square feet; the one bedroom units range from 915 to 1,060 square feet with the two bedroom units at 1,310 Square Feet. All of the units will have a balcony area of approximately 110 to 240 Square feet. At this time, the unit breakdown is 153 Studios; 230 1BR and 38 2BR

The ground floor will have approximately 1,190 square feet of retail, with a café/lounge of approximately 1,300 square feet. Alcohol may be served as part in the lounge, this will require approval of a Special Use Permit, subject to a public hearing.

Residential parking will be provided at a ratio of one space/unit; an additional 12 spaces will be provided. It is anticipated that the lounge/restaurant/café area will only be used by residents of the buildings or walk-through traffic. The City of Las Vegas has standards regarding reflective glass; a shadow study has not been performed at this time.

CONSTRUCTION

Construction time frames are difficult to anticipate at this time. It takes approximately 18 months to have improvement plans approved by the City after rezoning applications are completed. Hours of construction will be set to limit any inconvenience. Standard construction practices will be followed for other construction along the Las Vegas Boulevard corridor. All standards for dust abatement and safety will be followed. A 24 hour contact will be provided to the neighborhood to report any problems or concerns. Hours of construction can be established to limit impacts to the neighborhood.

SAFETY

We have not yet received responses from the Fire Department related to this application. All standards for fire access and emergency vehicle ingress and egress will be met. Structural barriers can be constructed for safety purposes. The building will be constructed in conformance to all building codes, including all necessary earthquake studies.

It is anticipated that there will be no east facing windows with balconies.

TRAFFIC

A traffic study is required by the City of Las Vegas. We will share the results of the traffic study with the neighborhood. We have not received information as of this time pertaining to the need for a bus stop at this particular location.

NOISE

All mechanical and electrical equipment will be located indoors and conform to all standards for noise and operation.

The units will have individual balconies. There is likely to be a bar/lounge/café on the ground level of the building; a nightclub is not anticipated at this time.

UTILITIES

All trash containers will be indoors. Utilities will be placed below ground. The project will operate so as not to interfere with cellular telephone use.

PRIVACY

On-site security will be provided; there will be no equipment that will film properties to the east of this site. There will be no

AMENITIES

We would be pleased to include amenities not only for future residents of this project, but the residents of your neighborhood as well. This includes, but is not necessarily limited to a dog park; retail business such as a place to eat, dry cleaners, fitness facility, indoor pool, clubhouse and lounge, or any other services or business that we could provide for you. This also includes contribution to a neighborhood project, parks or open space that would be of benefit to the neighborhood.

Extensive landscaping and decorative pavers will be provided on-site; there are no waivers requested to the City's landscaping criteria.

DISCLOSURES

Full disclosure pertaining to uses will be provided to buyers pertaining to the questions asked on this part of the questionnaire.

HELICOPTERS

We have filed all required paperwork to the FAA, as required by our Special Use Permit application. Approval by the FAA and Clark County Department of Aviation is decided at a later date.

CONSTRUCTION EXPERIENCE AND PREPARATION

The owners of this property also own the property located at 1801 S. Las Vegas Boulevard, the Monument Tower site.

The Monument Tower site was in close proximity to residential properties; conditions were agreed to ensure the safety of the residences during the construction process.

The owner of the property is GeoSummit; the applicant is Stratorise, of 4465 S. Buffalo, # 2, Las Vegas, NV.

The owners of this property fully intend to develop the site; however market conditions are variable and difficult to predict how market forces will affect the future development of the property.



A Planning & Development Services Corporation

1711 Whitney Mesa Dr., Suite 110

Henderson, NV 89014

(702) 435-9909 Phone (702) 435-0457 Fax

dclapsaddle@gcgarciainc.com e-mail

PLEASE LET US KNOW WHAT YOU THINK

If you could take the time, we would appreciate your feedback on the plan for Las Vegas Blvd & 3rd. Please complete and return to us by mail or fax.

☒ This is a great addition to our neighborhood and will be compatible. *At this time*

☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *11606 Rexford Pl.*

Las Vegas, NV. 89104

Signature: *Mrs Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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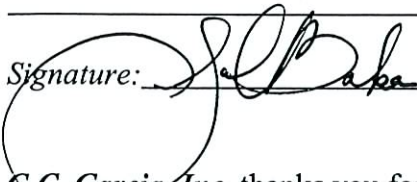
☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME !

Your Name: John C. Baker

Your Street Address: 1606 REXFORD PLACE L.V. N.V. 89104

Signature: 

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X This is a great addition to our neighborhood and will be compatible. *At this time*

X This is an acceptable project that I can live with. *At this time*

_____ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: Laurie Baker

Your Street Address: 1606 Rexford Pl.

Las Vegas, NV. 89102

Signature: *Mrs. Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date 8/10/06 Item #36-38



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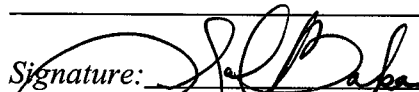
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