

CITY COUNCIL MEETING OF
September 5, 2007

VERBATIM TRANSCRIPT – ITEM 151

1 **ITEM 151 – SDR-22258 - PUBLIC HEARING - APPLICANT: INVESTMENT EQUITY**
2 **DEVELOPMENT - OWNER: MARGEL, LLC - Request for a Site Development Plan**
3 **Review FOR A FIVE STORY 134,977 SQUARE FOOT OFFICE BUILDING on 5.43 acres**
4 **located on the west side of Lake Sahara Drive, approximately 460 feet south of Sahara**
5 **Avenue (APN 163-08-513-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The**
6 **Planning Commission (3-2-1 vote) and staff recommend APPROVAL**

7
8

9 **Appearance List:**

10 OSCAR GOODMAN, Mayor
11 CHRIS KAEMPFER, Attorney on behalf of the applicant
12 GREG BORGEL, 300 South 4th Street
13 GREG TOUSSAINT, President of the Lakes Homeowners Association.
14 STEVE WOLFSON, Councilman
15 TED RUSSELL, Las Vegas resident
16 BRYAN SCOTT, Assistant City Attorney
17 DAVID FORDHAM, 3000 Island View
18 DONNA TOUSSAINT, West Sahara Community Association.
19 ERVEN NELSON
20 PHIL ROGERS, 8737 Carlitas Joy Court
21 PAT MURPHY, Board of Directors of the Lakes Association
22 PAUL JACKSON, 8740 Rainbow Ridge Drive.
23 GABRIEL CACUCI
24 KARIM YOUSUF, 3076 Yankee Clipper Drive
25 ROBERT GARDNER
26 ED KULAS, 9124 Prospectors Cove Drive
27 NANCY MURPHY, 2837 High Sail Court
28 BLANCHE JACKSON,
29 GARY REESE, Councilman
30 STEVEN ROSS, Councilman
31 LOIS TARKANIAN, Councilwoman
32 RICKI Y. BARLOW, Councilman

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33 LARRY BROWN, Councilman

34

35 **1 hour 48 minutes**

36

37 Typed by: Deeny Araujo

38 Proofed by: Angela Crolli

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39 **MAYOR GOODMAN**

40 151 is SDR-22258. It's gonna be a public hearing. The Applicant is Investment Equity
41 Development. The Owner is Margel, LLC, Request for a Site Development Plan Review for a
42 five story one hundred and thirty-four thousand nine hundred and seventy-seven square foot
43 office building on four point five three acres located on the west side of Lake Sahara Drive,
44 approximately 460 feet south of Sahara Avenue. It's in Ward 2. The Planning Commission and
45 staff recommend approval subject to conditions. It's a public hearing which is now declared
46 open.

47

48 **CHRIS KAEMPFER**

49 Good afternoon Your Honor, Members of the Council, I'm Chris Kaempfer. With me is Greg
50 Borgel. We are both here on behalf of the owner and applicant. Let's cut to the chase. When all
51 is said and done, there really is only one issue before you today concerning our proposed office
52 building in an already approved C-1 zone.

53 It certainly is not the use. An office building use in an already approved C-1 zone should be of
54 no concern to anyone, and our site is entirely surrounded by C-1 zonings so the argument cannot
55 be made that it is inappropriate because of the zoning. The issue is not traffic because this office
56 professional use is in an area already zoned and planned for uses far more intense than the office
57 building being proposed today. The issue is not noise, impact on schools, crime or any of the
58 other issues that we, here, addressed before this Council on a regular basis. None of those issues
59 have any applicability here at all. Nor is the issue the design of the building; if we can go to the
60 overhead. At the neighborhood meeting we held, most people acknowledged that the building
61 design is, at the very least, acceptable and quite a few thought it actually quite attractive.

62 In fact, when everything is boiled down, from the first neighborhood meeting we had to the
63 Planning Commission hearing, to the follow-up neighborhood meeting, it becomes crystal clear
64 that the one issue and the one issue alone is the five-story height of the building. While the
65 neighbors will certainly speak for themselves, there is no question in my mind that if this
66 building were proposed at two or even three stories, there would be virtually no neighborhood
67 opposition at all. The building before you for your consideration today is five stories and
68 approximately eighty feet high.

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69 As you know, in the C-1 zone, there is no height limitation per se. Height is an issue of
70 compatibility and your staff and the Planning Commission have made a specific finding that this
71 building at this location and at this proposed height is compatible with other buildings and uses
72 around it.

73 Now when making this finding of compatibility, we have to remember that the legal inquiry is, is
74 it compatible, not is it comparable, and there is a huge legal and practical difference in those
75 terms. A single story bar immediately next to a single story residence may be comparable in
76 terms of height and may be comparable in terms of appearance even, but it is not compatible in
77 terms of use. And it is because of this lack of compatibility in use that staff does not recommend
78 the approval of, and this Council does not approve bars immediately next to single family homes.
79 Similarly, a five-story office building as we present to you today, if it were immediately adjacent
80 or near single family residential homes would be neither comparable nor compatible with those
81 single family homes. But a five-story building as in our case, while it may not be comparable in
82 height to the two and some three-story buildings in the area around or near it, may nevertheless
83 meet the compatibility test of the law based on what is near and adjacent to it.

84 Now let me be the first to acknowledge that there are no five or even four-story buildings in this
85 general area. That is a given and quite frankly a contributing factor to that is that all of the
86 buildings in these areas, essentially, were built at a time when the price of the land allowed
87 people to go out instead of up. And there are in fact, however, some three-story buildings in and
88 near the Lakes, being the Holiday Inn Express specifically, and the LaQuinta on the other side of
89 Sahara, just west of Fort Apache. But the fact that there are no other buildings in heights like
90 ours in the area may answer the question of comparability, but it does not answer the question of
91 compatibility. And that is the issue that the law requires that we deal with.

92 So let's look at the issue of compatibility. First of all, as to compatibility of zoning, that's on the
93 overhead. Our property is zoned C-1, that is shown as the site. All of the round, surrounding
94 properties are zoned C-1 as well. All of them. So from the standpoint of zoning, we are
95 certainly compatible with all of the property around us.

96 Secondly, as to compatibility of use; we are proposing an office professional use in an area
97 already approved C-1 zone. The surrounding zonings have been built out with office
98 professional, some retail and other various commercial uses. So there can be no question that

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99 our office professional use is more than compatible, both with the surrounding zonings and with
100 the uses allowed and built in those surrounding zonings.

101 Third, let's look at compatibility with regard to a residential neighbors (sic) and particularly with
102 the nearest single family residence. As noted before, if there were a single family residential use
103 adjacent to or near this site, then a five-story office building next to that single family residential
104 use would be inappropriate and not compatible. However, I would refer to you to the zoning
105 map, which we, if you recall that everything around there is C-1. But I'd also like to refer you to
106 the map that's on the overhead now. This was prepared by our architect. What this map does is
107 shows where the building is and within each one of these circles, and I wanna go through each
108 one, there are distances measured. The first circle is eight hundred feet, then a thousand, then
109 twelve hundred, then fourteen hundred, then sixteen hundred and eighteen hundred feet away.

110 B represents a multi-family condominium development. The nearest single family residential
111 development located within the Lakes is between one thousand and twelve hundred feet away
112 from our building; one thousand to twelve hundred feet away from our building. Similarly, the
113 nearest single family residential across Sahara and across Canyon Gate and across the Canyon
114 Gate Golf Course is between that same one thousand and twelve hundred feet away. Twelve
115 hundred feet is four football fields away and between our proposed building and the single
116 family homes to the south, which in, which is in the Lakes, which is the area that's most directly
117 concerned with this particular application, there will be future office development plus there
118 already exist mature trees.

119 Now, we prepared, you'll see these letters A, B, C and D, we prepared a line, excuse me, a line of
120 site board to show exactly what lines of site would exist with regard to each one of those
121 locations, as you can see as we zoom back. Quickly summarize Location A, Location B,
122 Location C and Location D; and none of the locations chosen is there any impact on line of site
123 by this building simply because of the distances proposed; again, one thousand to twelve
124 hundred feet away. So even if – we were to look at views, if that were in fact a concern;
125 somebody saying, this building is so high it affects my views. Even if views were legally
126 protectable zoning interest, which by law, you know they are not, neighborhood views would not
127 be impacted by this building one iota. No one can reasonably, honestly, justifiably stand up here
128 and argue to you that a building located twelve hundred feet away from them and more, most of

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129 these neighbors are appreciably more than that, eighty feet tall will have a visual impact on their
130 home.

131 Now, some final points. You will hear it said that there are no other buildings on this portion of
132 Sahara that are as tall as this one and therefore the visual impact of this building is both
133 incompatible and unprecedented. As I acknowledged, it is true that there are no other four or
134 five story buildings in this general area on Sahara. But it would be entirely inaccurate and quite
135 honestly, it would be unfair to suggest that our building height creates some unprecedented
136 visual impediment for buildings on Sahara and elsewhere throughout our city. All along Sahara,
137 both sides, commercial buildings have been approved at thirty to thirty-five feet, less than two
138 hundred feet away from some very beautiful homes along Via Olivera (sic) on the north side and
139 along Laredo on the south side, thirty-five feet high, a hundred and fifty to two hundred feet
140 away. Now while thirty-five feet admittedly is not eighty feet, nor is two hundred feet, twelve
141 hundred feet, our building at eighty feet may be more than twice as high as a thirty-foot high
142 building that has been approved routinely. Up and down Sahara, up and down every, literally
143 every street in this city, but it is also six times further away than the two hundred feet that is
144 routinely allowed.

145 Now, why is that important? Because when you compare these visual impacts of a thirty-five
146 foot high building, two hundred feet away to a eighty foot building, twelve hundred feet away,
147 that is the equivalent as if that thirty-five foot building, two hundred feet away, were only
148 thirteen feet tall. In other words, someone would have the right, supposedly, to come in and say
149 to you, hey, you approved a building with the visual impact was only thirteen feet for two
150 hundred feet. So how come I have a building that's thirty-five feet tall, two hundred feet away
151 from me? Therefore the suggestion that our building creates some unprecedented visual impact
152 along Sahara is just not true. Also, you deal all the time with the residential adjacency standard.
153 You use that as a measurement as to where something should be in order not to have an impact
154 on residents. You have that three to one standard. Now in this particular case, we believe that
155 the facts are clear then, because views are not a legally protectable interest and that no views are
156 affected in this case, and that no precedent is being created and no incompatibility occurs, that
157 you don't need to apply any residential adjacency standard. But interestingly enough, if we did
158 apply that residential adjacency standard, this building could be almost four hundred feet tall and

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159 still not violate your residential adjacency standard, as far as a single family homes (sic) are
160 concerned. And this building, as you know, as I said, is approximately eighty feet tall.

161 Thank you very much, Your Honor. Mr. Borgel, who as you know is a former Zoning
162 Administrator for Clark County and is qualified as an expert in the courts of this state has some
163 additional comments. And additionally Sir, we would like to reserve some comments after the
164 neighbors have had an opportunity to speak.

165

166 **MAYOR GOODMAN**

167 Surely.

168

169 **CHRIS KAEMPFER**

170 Thank you.

171

172 **MAYOR GOODMAN**

173 Mr. Borgel.

174

175 **GREG BORGEL**

176 Your Honor and Council Members, Greg Borgel, 300 South Fourth Street. I was asked to look
177 at this project as to its appropriateness, and the first question, of course, is what are we seeking.
178 We're seeking a site development review, not a zone change which is a legislative matter on
179 which you have broad discretion, not a special use permit where you're dealing with a use that
180 you can have situations where it would be inappropriate. This is a use that's permitted by right.
181 Not a variance, where a development standard is being violated, a site development review. And
182 then the question becomes, are you meeting all the expected standards of the site development
183 review and in brief, this project meets all of those standards.

184 Mr. Kaempfer has addressed the question of the residential adjacency standard by which such
185 things are frequently measured and he's explained that this far exceeds any residential adjacency
186 standard you've ever applied that I'm aware of anywhere. So it won't surprise you that I reach
187 the same conclusion that your staff does, that this is an entirely appropriate and permitted use.
188 That does leave us with the question of compatibility, comparability, etc., as Mr. Kaempfer has

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189 defined, and this is a project, an office building amidst an office and commercial complex. The
190 analogy I draw in analyzing it is, Howard Hughes Center where there are very tall office
191 buildings and very short office buildings, they are still clearly compatible. Portions of
192 Summerlin; tall buildings, short buildings, compatibility; height is not a compatibility question.
193 If a – married couple is compatible, we don't mean they're the same height; we mean that they fit
194 together, and that's what this project does. It fits into the office complex that is proposed to be
195 developed. That's all I have.

196

197 **CHRIS KAEMPFER**

198 Thank you, Your Honor, and again we reserve comments (inaudible).

199

200 **MAYOR GOODMAN**

201 All right. Thank you. This is a public hearing, of course, and we're happy to hear from the
202 public. I've been advised before your, take it easy, I don't want people to stand up when they
203 don't have to stand up. I've been advised that there may be some designated speakers who will
204 be talking for the group. I'm gonna let anybody who wants to speak, speak.

205 I would ask you please not to repeat the – same speech over and over again, even though we
206 don't look smart we listen to what you have to say, of course. To begin with though, how many
207 folks out there are in favor of the project, because I want to have a hand count here? Alright, we
208 have one. How many are opposed to the project? Alright, I wanna be careful on this because
209 that was a very careful record that was being made and I wanna make sure that everybody's
210 protected here. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen,
211 fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-
212 three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine. If I'm
213 wrong, please correct me, but I think twenty-nine are in opposition to the project. It's been
214 suggested that Mr. Greg Toussaint, who is the Lakes Homeowners Association President, will
215 lead off here. There's no sense to stand, I'll call you. You're not going to be shut out here. And, –

216

217 **GREG TOUSSAINT**

218 Mayor Goodman.

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219 **MAYOR GOODMAN**

220 I –

221

222 **GREG TOUSSAINT**

223 I didn't mean to interrupt you.

224

225 **MAYOR GOODMAN**

226 I – would like it Mr. Toussaint, you've been before us before, Justice Holmes, who was a great
227 jurist, said, had he had more time, he would have made it more brief.

228

229 **GREG TOUSSAINT**

230 I know.

231

232 **MAYOR GOODMAN**

233 So –

234

235 **GREG TOUSSAINT**

236 I'll do my best.

237

238 **COUNCILMAN WOLFSON**

239 Mayor, before – we hear from some of the speakers, may I ask just a couple of questions?

240

241 **MAYOR GOODMAN**

242 Certainly, it's your Ward.

243

244 **COUNCILMAN WOLFSON**

245 Number one, the one person that was in favor of the project, could we ask him where he resides,
246 please?

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247 **MAYOR GOODMAN**

248 Certainly.

249

250 **TED RUSSELL**

251 Yes, I – reside in downtown.

252

253 **MAYOR GOODMAN**

254 Downtown Las Vegas.

255

256 **COUNCILMAN WOLFSON**

257 Okay, so the one person that voiced their support for the project resides downtown, which is
258 about twelve to fifteen miles from the project. And my second observation is, Mr. Kaempfer did
259 a great job. I expected nothing less, very eloquent, but may we ask our staff attorney to advise
260 us, please, on what our role as the City Council is today, so that we can hear clearly what is – our
261 role today, what are we to decide today, what is our standard of review? What – things are we
262 trying to determine?

263

264 **BRYAN SCOTT**

265 Councilman and Council, this is as Mr. Kaempfer indicated, a site plan review. Our Code, Las
266 Vegas Municipal Code 19.18.050, Part E, defines exactly the criteria by which you are to
267 determine whether or not you're going to approve a site development plan review. If you look at
268 Part E, it does talk about, Number one says that the proposed development is compatible with
269 adjacent development and development in the area. Number two says the proposed development
270 is consistent with the General Plan, this title, the Designs Standards Manual, the Landscape Wall
271 and Buffer Standards and all other duly adopted City Plans, Policies and Standards. Number
272 three is that site access and circulation do not negatively impact adjacent roadways or
273 neighborhood traffic. Number four, that the building and landscape materials are appropriate for
274 the area and for the City. Number five is that the building elevations, design characteristics and
275 other architectural and aesthetic features are not unsightly, undesirable or obnoxious in
276 appearance, create an orderly and aesthetically pleasing environment and are harmonious and

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277 compatible with development in the area. And Number Six is that the appropriate measures are
278 taken to secure and protect the public health, safety and general welfare.
279 So those are criteria by which you're going to determine whether or not this site development
280 plan review is appropriate for this particular area.

281

282 **MAYOR GOODMAN**

283 Very good. Mr. Toussaint.

284

285 **GREG TOUSSAINT**

286 Your Honor, Council, my name is Greg Toussaint, resident of the Lakes Association. I'm here as
287 the President of the Lakes Homeowners Association.

288

289 **MAYOR GOODMAN**

290 How many folks are you representing today?

291

292 **GREG TOUSSAINT**

293 Well, we have three hundred homeowners –

294

295 **MAYOR GOODMAN**

296 And –

297

298 **GREG TOUSSAINT**

299 – and one commercial property owner.

300

301 **MAYOR GOODMAN**

302 – are you speaking for all of them?

303

304 **GREG TOUSSAINT**

305 I couldn't say that I do, but I think that I represent their views in many ways. Lots of people are
306 going to speak on perhaps some other areas, but I can speak on some fundamental issues I think

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307 that may not be quite as technically interesting as Chris Kaempfer's comments, but more in tune
308 with what affects our community.

309

310 **MAYOR GOODMAN**

311 Go ahead.

312

313 **GREG TOUSSAINT**

314 Last week Councilman Wolfson was kind enough to meet with some of the people in our
315 community and he asked for a letter from the Homeowners Association to lay out our concerns
316 and, that letter was sent last week and I don't know whether it was received by all the Council
317 Members. Have you received the August thirty-first letter?

318

319 **COUNCILMAN REESE**

320 Yes.

321

322 **GREG TOUSSAINT**

323 I have a letter here which I would like to enter into the record. I won't read it unless Councilman
324 Wolfson thinks it's appropriate to read the entire letter.

325

326 **COUNCILMAN WOLFSON**

327 Well, is this the letter that's in our package?

328

329 **GREG TOUSSAINT**

330 I don't think it is. This was sent in response to your request last week regarding how many
331 homes and how many homeowners and the meetings and so forth. And –

332

333 **COUNCILMAN WOLFSON**

334 With the Mayor's permission, just a summary, please, Greg.

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335 **GREG TOUSSAINT**

336 I'll – try. I'll do the best I can here. There are, as I said before, three hundred homes in our
337 community, over six hundred residents. We've had several meetings and we've sent out letters to
338 our homeowners. The overwhelming response we get is, people are opposed to this building as
339 Mr. Kaempfer said, because of the height. Some people are concerned about the size, but I think
340 the key concern is the height and why is it the height, because this building is incongruent with
341 this community. This community was designed and built twenty-two years ago and whether
342 you're in Peccole Ranch or you're in the Lakes, or you're in Canyon Gate, those are two-story
343 buildings. The largest building in our community; Citibank; two-story building, thirty-five feet
344 high.

345 We have met with the applicant or the applicant's representatives three times now and the last
346 meeting was a meeting which we had requested on numerous occasions, for a meeting to sit
347 down and try to work out a compromise with the applicant and finally we had that meeting. And
348 what our community said was, look we're not hung up on stories, how many stories the building
349 is. We're not going to be opposed to the size of the building's square feet, although it's a large
350 darn building, but we want to keep our community the way it is. The people that are out here are
351 out here because this is a very close knit community and we – really care about where our
352 community's going.

353 What's the impact on our community? Let me just show a couple pictures here that will explain
354 to you what I think our residency. If the overhead is a, can be turned on?

355

356 **MAYOR GOODMAN**

357 It's on.

358

359 **GREG TOUSSAINT**

360 This is a photograph. Some of our Council Members go to Canyon Gate from time to time. As
361 you drive out of Canyon Gate, this is the view that you see today. It's a photograph taken from
362 the front entrance. We have a – balloon here, which I don't know whether you can see on the
363 map, but there's a yellow balloon out here that we put up. The height of the building that's
364 proposed, unfortunately there's a wind blowing so it's at an angle so we had to triangulate the

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365 exact height based on the angle of the – tether. This is that same view. Once the building is
366 approved of, a much more attractive building than that, I'm sure, but this is the best I can do with
367 Photoshop. That is the view coming out of Canyon Gate's Country Club. Quite a different view
368 than the one we have today.

369 Many of the people who live in the Lakes, enjoy the Lakes because of the lake itself. This is a
370 view in the opposite direction from the Lakes Community. Some of, Council Members, have
371 been on our lake and understand – what our community is like. Here's that same balloon, if you
372 can see it. This is a view from a boat in the lake. Now there's that same view that the boat
373 owners in the Lakes Association will see. Now some people may think that well we've played
374 tricks with the cameras or something like that. Let me put it in perspective for you. This is a
375 view from one of our resident (sic), David Fordham's backyard. In fact this is his head. I have to
376 say his head blocks my view of the area but we don't object. But that's his view from his back
377 yard. It's quite a wonderful view, as you can see. Here's what he's looking forward to. So this is
378 why we're opposed. We're not opposed because it's an ugly building. We're not opposed because
379 it's a big building. We're opposed because it's too tall. And finally we're opposed because where
380 does this take us?

381 This is a larger view of the map that Mr. Kaempfer showed you. The grey areas are all C-1 zone.
382 This is the proposed lot. This is all C-1. This is the Village Square Shopping Center. There's
383 more C-1 this way, there's more C-1 that way. What do we have to look forward to? If this
384 building's approved, will the Lakes area become Manhattanized as well, and should it be? We
385 don't think so. We think that it's a – two-story community. The buildings are two stories, the
386 homes are two stories and it should stay that way as it was designed twenty-two years ago. And
387 we'd appreciate your support in opposing and denying this particular application. Thank you.

388

389 **MAYOR GOODMAN**

390 Thank you. Now we listened to you very carefully and it was illustrated and the pictures' worth
391 a thousand words so, but that's the kind of presentation that we're looking forward to. Yes Sir.
392 You're Mr. Fordham?

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393 **DAVID FORDHAM**

394 You may not recognize the front.

395

396 **MAYOR GOODMAN**

397 I do recognize it. You're the guy who's sitting down looking at that big building.

398

399 **DAVID FORDHAM**

400 Absolutely. My name is David Fordham, I live at 3000 Island View.

401

402 **MAYOR GOODMAN**

403 What were you drinking?

404

405 **DAVID FORDHAM**

406 Bombay. Right answer?

407

408 **MAYOR GOODMAN**

409 Right answer.

410

411 **DAVID FORDHAM**

412 I have eight copies of my presentation here, one for the City Clerk and one for each member of
413 the City Council and the Mayor. Earlier Mr. Kaempfer mentioned the argument that builders'
414 were being forced to go up because of land costs and his argument is reinforced in the business
415 section of the RJ on Sunday, back page, "Spaces rising land prices have office developers
416 building vertically". But there are some problems with that argument. The owners bought this
417 project in, a year ago and they paid twenty-two dollars a square foot for this – parcel. They also
418 paid at the same time, adjacent south, twenty-two dollars a square foot. If one were to go and
419 look at land along I-215 and Rainbow, for example, at that interchange, it's a much more
420 desirable commercial location and you would expect land to be more expensive, and it is. Here's
421 a listing out of the Commercial Listing Service, Property Line, showing land costs at thirty-four

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422 dollars a square foot. Here's another listing of a five-acre parcel at twenty-seven dollars a square
423 foot, just off of I-215 and Cimarron.

424 If one were to drive I-215 from Henderson all the way around to Aliante, I cannot find an office
425 building taller than four stories. So we have a situation where developers are paying
426 substantially more than twenty-two dollars a square foot and are building three and four-story
427 office buildings. Nobody is building a five-story office building. In fact, within the next couple
428 of sessions, the same owners will be back with a project that's adjacent south to this five-story
429 building. And they have started selling office space in these three buildings that they're going to
430 put up. And the listing for these describes our neighborhood in their terms as a tranquil setting
431 and they're selling condos in three elegant one-story buildings. Now they paid the same price
432 per square foot for the five-story space as what they did for the one-story space, the twenty-two
433 dollars, and they're trying to sell this. And they've been very successful because according to the
434 listings one building is completely committed in a pending status, in the yellow. The blue spaces
435 show a, they're not listed. And it looks to me like that they've gotten approximately sixty percent
436 of this space committed where their land costs was twenty-two dollars a square foot in a single-
437 story office building and they haven't even been before City Council yet to get final approval for
438 the project. So to say that they have to go vertical because of the land costs is a completely
439 fallacious argument.

440 Our problem originates with the staff report, and the staff report in their first analysis says that
441 this proposed building is typical of the local area. Well the nearest three-story or taller building
442 is the Nevada Power building, three miles away and that doesn't seem to be typical. So the
443 question then becomes, all right, what's the definition of typical? I go to Title 19A to the
444 definition section and it says that if the term is not there, then it's common usage. So I go to the
445 section of the T's in the definition section and I don't find typical anywhere. So now I'm left with
446 a common usage and what do I do? I go to Webster's Dictionary. And the dictionary definition
447 says that the building should be, that the definition of typical is a representative example and I'm
448 hard pressed to see where five stories is typical of two stories. We seem to be off three stories
449 here.

450 The second problem with the staff report was, when they came to their findings and they called
451 this building, proposed building, compatible with the surrounding office buildings in the Lakes

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452 Master Planned Community. So I'm back to Title 19 again looking for a definition of what
453 compatible is. I don't find one. So I'm back to Webster's and Webster's tells me that compatible
454 is an agreement or congruous. And congruous is congruent and congruent, if I go to, is of the
455 same size and shape. Five stories is not of the same size and shape as two stories.

456 And in preparing my presentation for this, I became very confused because, when I look at the
457 staff report for July the twelfth, I see references to the proposed building that's located within the
458 Lakes Master Planned area. Yet when I look at the package that you were given for the same
459 staff report, the language has been changed on what the analysis is. And the reference to the
460 Lakes is completely gone. Apparently there was some reason for changing it; same with the
461 findings. Before it referenced the Lakes Master Plan, yet in your package, any reference to the
462 Lakes Master Plan is not there. So for some reason, staff or somebody has changed the staff
463 report that you've been presented with for this meeting. Now, if they felt that those two items
464 were in error, and I did not go through it word by word comparison to the rest of the document,
465 then I would surprise that they would not also correct their area (sic) error of the definition of
466 compatible and typical, and I'm disappointed by that.

467 I've heard traffic referenced multiple times both by the Council here today and by the applicant.
468 And this is a page also out of your material and it states that the present capacity of Sahara
469 Avenue is at ninety-five percent and that if this project is done, it will add another three percent.
470 So we're gonna take an almost fully utilized street and go to ninety-eight percent capacity and if
471 we add in the three buildings that will go adjacent south of this, another thirty-five thousand
472 square feet, we're gonna take capacity on Sahara Avenue, according to the Planning Department,
473 to ninety-nine percent. Now I, what, I don't know how much beyond a hundred percent you can
474 go and in most businesses you don't want to operate at a hundred percent capacity, but there's not
475 a whole lot of room to go widening Sahara down at that end of the street.

476 So I would like, and since we've already had a quote from a Supreme Court justice today, I
477 would like to quote Supreme Court Justice Stewart, Mayor, who in the mid sixties, in a famous
478 case said, "I may not be able to define pornography but I sure know it when I see it".

479

480 **MAYOR GOODMAN**

481 The Miller Case.

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482 **DAVID FORDHAM**

483 Yes.

484

485 **MAYOR GOODMAN**

486 Right.

487

488 **DAVID FORDHAM**

489 I may not be able to define compatibility, Your Honor, but I sure know it when I see it and this
490 ain't it. And we'd like to see denial of this report.

491

492 **MAYOR GOODMAN**

493 Thank you, Sir. It was suggested that Richard Zyskin might wanna address us regarding the
494 Canyon Gate Homeowners' Association.

495

496 **DONNA TOUSSAINT**

497 He's not here today. He had a meeting.

498

499 **DAVID FORDHAM**

500 He had a conflict, the Canyon Gate homeowners are meeting at the same time.

501

502 **MAYOR GOODMAN**

503 Very good. And then, there was another suggestion that perhaps an Erven Nelson would like to
504 talk to us.

505

506 **DONNA TOUSSAINT**

507 Mayor, Council, my name is Donna Toussaint and I'm representing the West Sahara Community
508 Association. I'm their liaison, who has approximately about four thousand single doors and
509 there's a letter here to Council. I don't know if you have it or not. It's dated August 29th asking
510 you to please deny this project. West Sahara goes from Durango to Fort Apache, Sahara to
511 Desert Inn. We have forty-two hundred voting units. We have probably about eight thousand

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512 people that live in this particular area. The Lakes Association is a sub association of the West
513 Sahara Community Association. So I would like to give this to the Clerk and –

514

515 **MAYOR GOODMAN**

516 We'll make that part of the record.

517

518 **DONNA TOUSSAINT**

519 – make that part of the record. How – this project, how this particular parcel became not part of
520 the Association is one that the, when – the Lakes area was developed, in order to get people out
521 there and get the roads – paved, Al Collins coerced or whatever Citibank to come out there. And
522 he gave them a real good deal on that parcel, and he said this parcel will never be part of the
523 Association. If it were, the Architects Review Committee would have denied it because it's not
524 within the, as we have heard, compatibility of our community. So on behalf of the West Sahara
525 Community Association, we ask you to deny this. Thank you.

526

527 **MAYOR GOODMAN**

528 Thank you. Mr. Zyskin. Mr. Nelson.

529

530 **ERVEN NELSON**

531 Thank you, Your Honor.

532

533 **MAYOR GOODMAN**

534 Thank you.

535

536 **ERVEN NELSON**

537 My name is Irvan Nelson and I have a packet for each member, plus for the City Attorney, plus
538 for the City Clerk, and if possible, I'd like to hand these over.

539

540 **MAYOR GOODMAN**

541 If you'd be kind enough to give it to the Clerk, Ms. Bridges.

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542 **ERVEN NELSON**

543 Thank you. And the originals are in the City Clerk's packet and while she's distributing those, I
544 think I'll put Mr. Toussaint's map up again, if that's alright, Your Honor.

545

546 **MAYOR GOODMAN**

547 It certainly is.

548

549 **ERVEN NELSON**

550 And I can refer to this. Yeah, just pull it back a little bit. Okay, thank you. Everybody should
551 have one.

552

553 **MAYOR GOODMAN**

554 We do.

555

556 **ERVEN NELSON**

557 Okay. Thank you. Before we get to that, I just wanted to point out, Your Honor, that this right
558 here is a school, this is an elementary school. And this map doesn't really show it but there are a
559 number of apartments right here and there are many, many children who walk to school every
560 day starting on Lake East and coming up to Crystal Water Way ending up to the school. And my
561 wife and I live right here, so I see them every day and that has been one of the concerns that we
562 brought up.

563 As far – as the packet that I've submitted, and I know that you all can read very well, and so I
564 won't belabor this, hopefully, even though I am a lawyer and get paid by the word, I'll try to keep
565 this very short.

566

567 **MAYOR GOODMAN**

568 Please.

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569 **ERVEN NELSON**

570 The first thing that I – mentioned in my cover letter is that I submitted a letter to Councilman
571 Wolfson on the thirty-first and I was kind of in a rush, it was a Friday, and I had it run on our
572 law firms letterhead. And I wanted to clear up any wrong impression I gave. I do not represent
573 anyone as a lawyer here. I don't have any clients in this.

574

575 **MAYOR GOODMAN**

576 You represent yourself and you know what they say about a lawyer who represents himself.

577

578 **ERVEN NELSON**

579 Yes, Your Honor. And my wife will corroborate that I have a fool for a client. In fact she's here,
580 she'll be happy to say that. But anyway, this is all as a homeowner that I'm presenting this. And
581 I've also attached two more pages of petition signatures and for the record, I wanted to state that
582 I personally gathered these last, starting at seven-thirty in my neighborhood, which is called
583 Lakes Estates and just wanted those added to the record.

584 Also, I'll just point out that we propose to compromise in the neighborhood meeting and the
585 developer's representatives were not interested in compromising even one inch for what they had
586 proposed. And, even though this is as a homeowner, I – couldn't resist citing a couple of cases in
587 this – letter, in the Enterprise Citizens Action Committee case, the Supreme Court of Nevada
588 stated that the, in order to prevail in a case like this, the property owner has a burden to prove
589 that not granting its request would deprive it of all beneficial use of the land, make it impossible
590 to realize a reasonable return on the property, or render the land virtually useless. And I'll
591 elaborate on that in just a second. And I also cited the Stratosphere Gaming Corporation vs. the
592 City of Las Vegas case, which I'm sure you're all very familiar with, where the Nevada Supreme
593 Court said that public opinion against a proposed building due to its height and – actually I got
594 ahead of myself. The, that case said that the local government may waive public opinion in its
595 decision and that that could constitute substantial evidence, which is of course, a legal term of
596 art, that has to be met. And from all the letters you've received and plus the testimony that
597 you've heard today, there's a, an outpouring of public opinion against this. And I would ask you
598 to consider that. In the Stratosphere case, Your Honor, I'm sure you realize you were quoted.

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599 **MAYOR GOODMAN**

600 I was quoted on the Stratosphere case?

601

602 **ERVEN NELSON**

603 Yes, by the Nevada Supreme Court.

604

605 **MAYOR GOODMAN**

606 That's the greatest. What did I say?

607

608 **ERVEN NELSON**

609 Well, since you asked. Here's what you said: "If those folks in the neighborhood feel that this
610 particular project is such that it will destroy their quality of life as they perceive it, then I have to
611 feel that I must support the neighbors against the Stratosphere as far as these issues are
612 concerned."

613

614 **MAYOR GOODMAN**

615 Great quote. Great. That's a great quote.

616

617 **ERVEN NELSON**

618 And coincidentally, that case was a site plan review also and an interesting argument was raised
619 by the Stratosphere which sounds similar to what Mr. Kaempfer, my esteemed colleague, said.
620 The Stratosphere contends that the City Council's review of the proposed ride, this was a roller
621 coaster ride, is only of an aesthetic nature because the Stratosphere does not seek any special
622 consideration such as a zoning change, special use permit, conditional use permit or a variance.
623 Actually, it might have been Mr. Borgel who said this. And the court said; no, that's not really
624 true. Just because you're not coming here requesting a special use permit doesn't mean that the
625 City Council has no authority to deny something. And Mr. Scott has already gone through the –
626 standards set forth in the City Code, Section 19, so I won't go – through those again.

627 But the Supreme Court said: "The ordinance uses numerous terms that require the City Council
628 to exercise personal deliberation and judgment and some of those terms are: not unsightly,

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629 undesirable or obnoxious in appearance, harmonious and compatible with development in the
630 area." And then the quote goes on to say: "The language of this Ordinance clearly invites public
631 opinion and in the courtside of its own precedent, for the proposition that it had recognized that a
632 local government may weigh public opinion in making a land use decision."

633 And then, Your Honor, in, I also attached my letter of August 31st –

634

635 **MAYOR GOODMAN**

636 We have that.

637

638 **ERVEN NELSON**

639 – which you already have and so I will, even though it is excellent death list pros, I will not read
640 the whole thing into the record.

641

642 **MAYOR GOODMAN**

643 Thank God.

644

645 **ERVEN NELSON**

646 We are, I would like to point out a couple things. One is we're concerned about the parking
647 garage. They've mentioned a subterranean parking garage, and if you look in your packet, and
648 it's – voluminous, so I'm not gonna, I think I'll just put it on here, you could look at, Okay, if you
649 could, yeah, that's, this kinda of shows the footprint, nineteen percent of the land, footprint for
650 the actual building above ground. And of course our argument is they can go up to fifty percent
651 footprint so they don't have to go five stories. They can cut this thing in half and still get the
652 square footage they want. The next page shows the footprint of the subterranean parking garage,
653 which in my estimation is over fifty percent. It shows that they're planning to build that much
654 anyway. We're very concerned with the possible affects that any blasting or hoe ramming would
655 have on the lake, which already leaks a little anyway, as far as I know. And, I'll just leave that at
656 that. I won't elaborate on that.

657 And then I, actual, the findings, in my letter I've talked about how we disagree with the findings
658 and it's a little bit difficult to – analyze this legally, because a number of the terms are not really

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659 defined, as you know. And as – Dave Fordham pointed out, compatible is not defined. And I
660 understand Mr. Kaempfer's position; that compatible to him means use. It doesn't mean anything
661 else, just use. But I actually think that there's an alternative view, not that I would criticize him,
662 but I think he hasn't read my letter yet and maybe he will later. But the Code says: "Buildings
663 should be compatible with the scale of development allowed by the applicable land uses for the
664 surrounding area as established at the time of the application".

665 Okay, scale of development is defined in the Code as the physical development of a particular
666 project in terms of its size, height, bulk, intensity and aesthetics. And building scale is defined to
667 mean the relationship of a particular building in terms of building mass to other nearby and
668 adjacent buildings. Now this is the City Municipal Code, the definition section. And then
669 building mass is defined as the height, width, and depth of a structure. So, I actually think that if
670 you take all those things in conjunction with the definition of harmonious relationship, now
671 harmonious is – not defined. And harmonious is a word that appears in the criteria, which Mr.
672 Scott already brought up. But harmonious relationship is defined, and it means the – design
673 arrangement and location of buildings or other created or natural elements of the urban
674 environment that are sufficiently consistent in design, scale, height, color, character and siting
675 with other buildings or created or natural elements in the area so as to avoid abrupt or severe
676 differences or incompatibilities. So height is specifically mentioned as one of the things to
677 consider when you're talking about whether or not something is harmonious.

678 And Your Honor, I'm finished, there's only one thing I would like to request. In the packet, there
679 – is a letter, it's the only negative letter in the packet from a group which calls itself, I don't
680 know, Concerned Citizens or something like that. Oh, it's Lakes Association Concerned
681 Neighbors, and they oppose the project, not really on any specific architectural grounds, but
682 because they don't want the Homeowners Association using their funds to do what we're doing.
683 And I would request that this one-page piece of paper, which I'll set down right here, be stricken
684 from the record because there's no signature on it.

685

686 **MAYOR GOODMAN**

687 Well, we'll leave it in the record and we'll attach whatever weight you give to something that has
688 no signature.

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689 **ERVEN NELSON**

690 Okay, thank you, Your Honor.

691

692 **MAYOR GOODMAN**

693 All right, thank you very much.

694

695 **ERVEN NELSON**

696 **Can** I add one last thing, because I am a lawyer and, you know –

697

698 **MAYOR GOODMAN**

699 You could never tell.

700

701 **ERVEN NELSON**

702 – how lawyers are. Thank you. By the way, I'm one of your biggest fans but that, I don't want
703 that to sway any of you.

704

705 **MAYOR GOODMAN**

706 Take your time.

707

708 **ERVEN NELSON**

709 It – I'm – this is the last thing I'm going to do. Okay, this is part of your packet also. This is the
710 letter from the Pearlman Group, which is the developer's architect/planner and the word, the
711 figure eighty feet has been (inaudible) about quite a bit today, but actually what they're saying,
712 there's eighty-six feet. The Citibank Building is less than thirty-five feet, so this is more than
713 twice as high, which they're proposing and I just join everybody else in requesting that you deny
714 this. Thank you.

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715 **MAYOR GOODMAN**

716 All right, fine. I think I'm going to put the timer on. If somebody has something extraordinarily
717 new to say, then you go beyond that; but let's put a two-minute timer on it. We'll try to move it
718 along. I think we've heard some excellent arguments from both sides.

719

720 **PHIL ROGERS**

721 Good afternoon, my name is Phil Rogers and I live at 8737 Carlitas Joy Court in the Lakes. I
722 don't have a prepared presentation for you. I'm a homeowner. I wanted to share with you my
723 personal feelings and that of my wife's about this building. We bought our home about ten years
724 ago. We were very careful in its selection. We went all over the City of Las Vegas to determine
725 an area that we would like to live in and we chose the Lakes. We've been very, very happy
726 there. I would like to take exception to one thing that was said today and that is that well it isn't,
727 it, one thing that was said per se, but that in referencing where one lives and whether one can see
728 this proposed building from where they live, I don't think that's the issue. I think the issue is, we
729 belong to a community. My wife and I walk around the lake. We participate in activities at the
730 Lakes. We will be able to see that building from South Park. We'll be able to see that building
731 from the boat on the middle of the lake. We'll be able to see that building from many places
732 within the community, and it is not harmonious. It is not compatible with the community.

733 I'd like to share two stories with you quickly. One is that in walking around the lake one day, a
734 lady came up to me, got out of her car, actually, and came up to me. She said, oh, what a
735 beautiful lake. Is there a river that supplies the water? I said, yes, it's the City's water lines that
736 supply the water to the lake. She said, oh goodness, she said, I thought it was a real lake. I
737 remembered that when I went to an association meeting at the Lakes Association and at that
738 time, there was a very impressive demonstration and, not demon, presentation made to have a
739 thirty-foot high fountain be put in the middle of the lake. And I thought to myself (inaudible)
740 been Alpine Lake, if that – fountain is ever in existence. And I spoke at that meeting and I said,
741 one of the reasons that we love this lake is because it has a natural look to it, and because it is, it
742 makes the community feel like we're part of something very unique and special. It was defeated,
743 that – fountain never appeared.

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744 I would ask you, Lady, and, you, gentlemen of the Council, and Mr. Mayor, to take into
745 consideration the feelings about the, about this – community. I would ask you to think about
746 turning left onto Sahara, Lake Sahara Avenue and coming maybe a hundred and fifty yards to
747 two hundred yards until you even reach where the building's going to be, because that's the
748 gateway to the Lakes. And when you turn that corner from Sahara onto Lake Sahara, I can tell
749 you that you're in a different world. And with this building, you ain't going to be in a different
750 world. Thank you very much.

751

752 **MAYOR GOODMAN**

753 Thank you.

754

755 **PAT MURPHY**

756 Mayor Goodman, Pro Tem Mayor, Councilman, Councilman Reese, Councilman Wolfson, City
757 Council. My name is Pat Murphy. I'm here in two capacities. I'm a member of the Board of
758 Directors of the Lakes Association and I'm a resident of the Lakes. Three items, first, we must
759 not ignore the fact that this is not on Sahara. This is four hundred feet into the community. This
760 is not, everybody talks about what's fronting on – Sahara. The largest building on Sahara, as you
761 go down, would be Nevada Power. As His Honor well knows, the City of Philadelphia once had
762 a restriction that no building could be higher than the –

763

764 **MAYOR GOODMAN**

765 Oh, boy.

766

767 **PAT MURPHY**

768 – feather on the top of William Penn's hat.

769

770 **MAYOR GOODMAN**

771 And my client was convicted for bribing somebody to make it higher.

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772 **PAT MURPHY**

773 I –, I'm sorry to – raise that point, Your Honor, but –

774

775 **MAYOR GOODMAN**

776 Yeah, it makes me sick.

777

778 **PAT MURPHY**

779 – some of us go back a ways. But what – we would like and – I think what would be harmonious
780 and compatible and also we –owe an apology to Mr. Kaempfer and Mr. Brown. Mr. Nelson was
781 not at the meeting where they did offer a compromise. They offered to reduce their eighty-foot
782 building to sixty-seven feet, which would still be twice the height of Citibank. So, you know, we
783 certainly want everybody to exploit their, the use of their land. They're only at nineteen percent
784 right now. They can go to fifty percent and not exploit our neighborhood. It's ironic that the
785 very thing they're trying to sell is the view and that's the thing that we're trying defeat. Thank
786 you.

787

788 **MAYOR GOODMAN**

789 Thank you very much.

790

791 **PAUL JACKSON**

792 Hello, my name is Paul Jackson. I'm a resident of Canyon Gate. My address is 8740 Rainbow
793 Ridge Drive. I've owned my home in Canyon Gate for seventeen years. When I decided to
794 move to Las Vegas from California, my wife and I drove all over the city. We found two
795 locations that we liked. One was the Lakes, the other was Canyon Gate. We chose Canyon Gate.
796 It's interesting as I was driving to come here and I drove out of the Canyon Gate facility, I said to
797 my wife, I said, did you see that tree there, that's really a nice view. And I said, it's too bad if
798 they build that five-story building there, then our view is shot. When I listen to Mr. Kaempfer's
799 presentation, I found a lot of holes in it and let me tell you, I'm an engineer, by education, by
800 experience. If I have come, prepared an environmental impact report, some of those holes would
801 have been addressed.

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802 The previous speakers covered everything I, as a homeowner, would have said in terms of what
803 effect this building would have on us, in terms of our residence. My wife and I spent two days
804 walking around Canyon Gate to alert the Canyon Gate representatives, I'm sorry, the residents,
805 of what was happening. My wife has had phone conversations with Mr. Zyskin and we are
806 certain that the Canyon Gate residents are opposed to this proposed construction.

807 The issue of visual for example, I saw a display that showed the line of site visibility. What it
808 didn't take into consideration is that many of the homes in Canyon Gate are two-story homes and
809 when you look out of the bedroom window, you get a different view than you get when you look
810 from the ground. So, that's one thing, I think, should be addressed.

811 One thing I find that is really disturbing is, when I look at the sign that advertises the building, it
812 says, golf course views. So, if they have a view of the golf course, then clearly the people on the
813 golf course have a view of the building. So, and I think it's insulting, you – , if the construction
814 says come join this wonderful community and then they take actions to take away the things that
815 make that community so desirable. So I – don't want to be redundant but I just, I'm personally,
816 as a homeowner, violently opposed to this construction and I'm certain that ninety percent of
817 Canyon Gate is also opposed. Anyway, thank you for your time. Thank you.

818

819 **GABRIEL CACUCI**

820 Honorable Mayor, Honorable Councilmen, Honorable Councilmen. My name is Gabriel Cacuci.
821 I am the trustee of Diana Dencker, the owner of one of the property there and we strongly object
822 and oppose the proposed construction of five-story, eighty-one feet high building on that parcel.
823 The building first has an extreme height and no other buildings in the whole area higher than
824 two-story. Second, it would be too much additional traffic in the Lakes residential area, which is
825 one of the most beautiful, tranquil, quiet lake community in Las Vegas. Please help us to keep it
826 this way. We will support an office building not higher than the adjacent Citibank building.
827 Diana Dencker said this: High rises should be expected in downtown type area but restricted
828 from any area famed for luxury living in a family, friendly environment. The Lakes on West
829 Sahara has been managed extremely well in the last ten years and no big money company should
830 be allotted any opportunity to this right, disrupt the peace and residential friendly atmosphere
831 that has been so famously established here, period. We, as the Lakes resident (sic) pride ourself

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832 (sic) of the quality and the value of our location and lifestyle. The view we have is priceless and
833 a rarity in our ever growing city. Our area is a gemstone in the heart of Las Vegas and should
834 be, not be commercialized whatsoever. Please let us keep it that way. Our best. Thanks.
835 Please, I am so distressed.

836

837 **MAYOR GOODMAN**

838 Don't be distressed. Have a seat. Take it easy. We don't get distressed at my Council meetings
839 here. Everybody's cool.

840

841 **GABRIEL CACUCI**

842 Please let us –

843

844 **MAYOR GOODMAN**

845 Right. I got the message, I'm getting the message.

846

847 **GABRIEL CACUCI**

848 (Inaudible) where we are.

849

850 **MAYOR GOODMAN**

851 It's – coming through. It's getting a little redundant, but it's coming through. Okay.

852

853 **KARIM YOUSUF**

854 Honorable Mayor and Councilmen and Councilwoman, My name is Karim Yousuf and I live at
855 3-0-7-6 Yankee Clipper Drive, which is very close to the – building that is being proposed. Just
856 to let you know, just to give you just a brief background about myself. I am a registered
857 professional engineer in the State of California and in Nevada. I'm also a registered professional
858 traffic operations engineer, a PTOE in, throughout the United States where there are twenty-five
859 hundred PTOE in the United States. I don't have any formal presentation, Sir and Madame,
860 regarding this. Couple of points that I want to make and I promise I won't take too much time
861 because you already have heard a lot of things. There is a huge apartment complex right beside

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862 the building that is being proposed where ten year, twelve year old kids walk around the
863 neighborhood. There's a sidewalk which is very, very neighborhood friendly where the old
864 people walks (sic) and jogs and basically, spend their time as if they are in a park-type of
865 situation. If this building is proposed, that's gonna change the dynamics of the whole
866 neighborhood tremendously. Another point that I would like to make is, imagine on – your
867 backyard every time you open up your bedroom window or bedroom door, you see a five-story
868 building right beside your property. There is a reason behind a five-story or ten-story building
869 being constructed in downtown area versus on this kind of main neighborhood.

870 If this – building is – become successful in being constructed at – that location, it will set a
871 tremendous precedence that it is and it will attract a tremendous amount of additional developers
872 onto those areas because they will think that it's okay. They can go up, build five stories, seven-
873 story, ten-story height buildings over there. So, I would – strongly request you to vote from your
874 heart and from your conscience and make this, deny this request so that it doesn't set up a
875 precedence to the developers that they can move from downtown area to this kind of beautiful
876 neighborhood and destroy the neighborhood.

877

878 **MAYOR GOODMAN**

879 Thank you. (Inaudible) think it's coming up again.

880

881 **ROBERT GARDNER**

882 Mr. Mayor and Councilmen, this will be quick because you've heard all of this stuff before. But
883 my name is Robert Gardner. At least at this time, I – represent the office buildings across the
884 street from this building that's going to be built on Lake Sahara. Lake Sahara is a, just a little
885 winny road that has – a signal light on – Sahara. It's not – intended for the type of traffic. Now
886 my owners, they like the idea of office buildings and so do I. And so we're not objecting to that.
887 I do kind of have a problem with the size and the scope of them and particularly the height of,
888 but our office building's next door, all twelve thousand square feet, two thousand, two stories,
889 elevator served and that's more in character with the things the way they are there. I would just
890 add about the traffic. This area is within a mile of the only elementary school in the area, Ann J.
891 Christensen. These sidewalks and streets are used heavily by the kids as they go back and forth

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892 to the apartment communities and also to the houses that are there. And as you add this kind of
893 density, what you will find is that Lake Sahara, itself, just simply won't carry the kind of traffic
894 you're talking about. If you have people going, look at the timing, the timing is five o'clock at
895 night, everybody's trying to get out. They're trying to go on Lake Sahara and go out to Sahara
896 Boulevard, east and west. Sahara's already busy anyway. But as they go out there, what you're
897 gonna find is, they're not gonna go that way, they're gonna go the way that's easier. They're
898 gonna use Lakes North. They're gonna use Lake East. They're gonna go around to Lake South
899 and go down to DI. Those are all neighborhood roads and should not, we just simply shouldn't
900 have that much traffic on there. As for the building itself, bring it on. We like the idea of
901 another two story office building next door. Thanks.

902

903 **MAYOR GOODMAN**

904 Thank you. Thank you. Wouldn't even consider listening to you; you had your chance.

905

906 **PAUL JACKSON**

907 I –

908

909 **MAYOR GOODMAN**

910 No, no, no, no, no. We play by the rules here, Sir.

911

912 **PAUL JACKSON**

913 I just – wanna –

914

915 **MAYOR GOODMAN**

916 No, we play by the rules.

917

918 **PAUL JACKSON**

919 – make one comment if I may, Sir.

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920 **MAYOR GOODMAN**

921 No. No, we play by the rules.

922

923 **PAUL JACKSON**

924 Okay, Mayor. I'm sorry.

925

926 **MAYOR GOODMAN**

927 Everybody had an opportunity.

928

929 **ED KULAS**

930 My name is Ed Kulas. I live at 9124 Prospectors Cove Drive in Las Vegas. And I didn't attend
931 some of the neighborhood meetings, but at one of the first meetings, somebody asked whether, at
932 least this is what was told to me, that somebody asked, could you build your complex in two
933 stories. They said yes, but we want the view. And what I see here is many of the people there
934 have built beautiful homes, very expensive homes, having been paying taxes over all these years
935 to keep that place a beautiful spot and the investment equity development company wants to
936 steal it. They want to take away the view that they have now for their own benefits so they
937 might have a cocktail party on the fifth floor, I'm not sure. But any way, I'm concerned, as other
938 people are, that once you build one five-story building, they'll be a ten, twenty. It'll open up the
939 flood gates to high rise development in that area. It'll change the whole atmosphere of our
940 community. Thank you.

941

942 **MAYOR GOODMAN**

943 Thank you. As I said, we're getting a little redundant. We're hearing the same arguments over
944 and over again. I appreciate the emotion here, but we got the issues.

945

946 **TED RUSSELL**

947 Good afternoon. Ted Russell, resident of Las Vegas. As mentioned before, this is not my
948 neighborhood. On the basis of the gentleman that made the argument, the gentleman who owns
949 offices across the street, on the basis of his argument, which I find extremely compelling, I'm

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950 reversing myself and I'm no longer in favor because the, here we go. Sorry. Sorry, Mr.
951 Kaempfer.

952

953 **MAYOR GOODMAN**

954 Oh, boy. See, had I known that earlier I wouldn't have allowed everybody to talk.

955

956 **NANCY MURPHY**

957 Good afternoon. Good afternoon Mayor and Councilmen and Woman. I'm Nancy Murphy. I
958 live at 2837 High Sail Court, a native Nevadan and long time resident of West Las Vegas at
959 western-side, and I love living at the Lakes. It's a, I, as much as I really enjoy all the building
960 that's going on in Vegas, downtown, uptown, Strip, south, north, east, west and especially in our
961 resort corridor, we all like to live in it, work in it, play in it, have fun with it and we like to go
962 home to it, what's been described as the very, very tranquil neighborhood. The Lakes is twenty-
963 two, twenty-five years old. I remember riding my bike up there when it was just being built and
964 saying, I'm gonna live here some day. And I do and I love it, as do all my neighbors, and even
965 the people that don't live there and come to enjoy the parks and the exercise trail and walk their
966 dogs and see the children running, it's a good working class neighborhood. It's got a lot of
967 different kinds of people and someone mentioned that it has a tremendous sense of community.
968 We don't find that much here. And that's what we'd like to be able to preserve at the Lakes,
969 Lakes Estates, the Lakes Association and everything that we have and are so thankful for it, our
970 neighborhood. So we ask that you consider all of these things and ask for a compromise or deny
971 this proposal and let's keep the Lakes, the Lakes. Thank you.

972

973 **BLANCHE JACKSON**

974 Good afternoon everyone. It's really good to be here. I'm Blanche Jackson and Councilman
975 Wolfson has an email, a letter from me, I think. I wrote, and Mayor, I've also written you letters.
976 And I'm a long time community activist, if you wanna call it that. I've walked for traffic lights,
977 sidewalks. So I thought when I left California, I would be through and that's why I retired here.
978 I live in Canyon Gate. I wanna bring up one more point that I haven't heard and it's about the
979 Planning Commission vote itself, which I would like for you to consider. I believe the vote was

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980 three, two and one, which is completely different from the rest of the proposals that have come
981 before you. It's generally the Planning Commission, is unanimous. So, I just wanted to let you
982 know that. And thank you for your time and I urge you again to deny this proposal. Thank you.

983

984 **MAYOR GOODMAN**

985 Thank you. All right. Anybody else? Anybody else? Thank you. All right, then we'll close the
986 public hearing and Mr. Kaempfer, you asked for a little bit of time to respond. By the way, Mr.
987 Nelson, you have a copy of that Stratosphere case? Could you leave it with the Clerk so I can
988 have it, please? Thank you. I'll put it on my wall.

989

990 **ERVEN NELSON**

991 Could I have a picture with you to (inaudible).

992

993 **MAYOR GOODMAN**

994 Yeah, I'm saying we're gonna laminate that quote. Yes. Mr. Kaempfer.

995

996 **CHRIS KAEMPFER**

997 Yes, Your Honor, Members of the Council, Mr. Borgel's gonna deal with the traffic issue, which
998 I'm sure is the argument was being made; you realize is no issue at all. And Mr. Borgel, maybe,
999 you should handle that issue first and let's talk about why a building on nineteen percent of the
1000 property generates no greater traffic than a building that could be built on fifty percent of the
1001 property. But, Mr. Borgel, if you would, please?

1002

1003 **GREG BORGEL**

1004 Yes. Your Honor and Council Members, Greg Borgel, 300 South 4th Street, again. We have
1005 discussed with the neighbors on several occasions and apparently not adequately communicated
1006 since they keep raising a phantom issue of traffic. The height of the building is not generating
1007 any traffic and the height of the building is not allowing more square footage on the property
1008 than would otherwise be allowed. So, to oppose this project on its height basis because it is
1009 theoretically more intense and create traffic is simply false. It is not more intense. The, this

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1010 number of square feet can be built on this property in any number of ways that don't involve
1011 height and this number, amount of square feet is permitted, so there is no traffic impact from this
1012 five-story height or this project different than is allowed on the property, generally. I can't say it
1013 any clearer than that but that we have to contest anyone who would put in the record a statement
1014 that the project creates a traffic problem.

1015

1016 **MAYOR GOODMAN**

1017 Thank you.

1018

1019 **CHRIS KAEMPFER**

1020 And also, with regard to the comments made as to the value of the land and the fact that the
1021 property to the south is being developed as single-story, it is actually single and two-story, that is
1022 not designed specifically to help mitigate any view considerations that would exist with regard to
1023 this building. The same developer/owner owns that property to the south as owns the property to
1024 the north. So as a consideration to the neighborhood, he is building one and two-story office to
1025 serve as a buffer, if you will; a further buffer to the property to the north. So, just some very
1026 brief comments if I might.

1027

1028 **MAYOR GOODMAN**

1029 Surely.

1030

1031 **CHRIS KAEMPFER**

1032 These neighbors, Your Honor, who just spoke are incredibly wonderful people. I mean, they
1033 were wonderful at the neighborhood meetings we had. They welcomed us. Greg and Donna
1034 welcomed us – into their homes. They were courteous, professional, polite, and I really do
1035 respect and appreciate that. That's the way we should treat each other. And so I wanna thank
1036 them for that and I sincerely mean that because I've been in situations where that's not been the
1037 case.

1038 But, I have a very real concern about any denial of this site design review application. For,
1039 based on what we know and what we heard, any denial cannot be based on the zoning. It could

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1040 not be because it's inappropriate, cause the zoning's already there and it's C-1, which is far more
1041 intense than the office building use that's being proposed. So that can't be the reason. It can't be
1042 the use we discussed as the office building. It can't be the location. It can't be the design. It is,
1043 in fact, one issue and that is the height; the height. And when you – slice that up a little bit, the
1044 height issue is a view issue and the courts of this state and this Council and every – commission
1045 and council throughout Nevada have to take the position that whether they like it or not, views
1046 are not protectable zoning interests and they can't be. Because if they are zoning interests, then
1047 what do you do when the person comes in to you and says, you know what, I don't want the guy
1048 to put the two-story home immediately behind my single-story home? You are powerless to stop
1049 it if the zoning allows that particular height. And it's just, it's – a tough road to go down when –
1050 you say that all of a sudden we can in fact say that the view here needs to be protected when you
1051 have a staff that, a professional staff that you rely on that has told you that based on the property
1052 out there and the uses out there, that it is compatible.

1053 And as I say, that's where the concern comes in. And despite how fine these people are and how
1054 special they are, quite, and I wanna do this, not to over state it, but they are no more special than
1055 the people that are in your wards and they have to be treated as the same as those people who
1056 live in your wards. And I don't think you can afford your people the same protections that
1057 they're asking here. You – and I have, every one of you, and I have negotiated, over the years,
1058 building heights that have had neighbors concerned and upset about it, whether it's the John S.
1059 Park community or communities in the northwest or wherever it might be. And every single
1060 time, we have said we will do everything that we can to protect them. Everything that we legally
1061 can, but there's some things that we cannot do. And what I worry about is that the next
1062 application that comes in, be it for a Lowe's or Home Depot or an Albertson's or a sports facility
1063 or what, a three-story apartment building and they say, can you give us the same protections that
1064 were afforded these fine people? And I know that legally you can't because the – honest truth is
1065 that the – impact visually, the view impact of a building that we routinely approve to someone
1066 who lives a lot closer than these people is something that you can't – stop and you can't address
1067 the way you would really like to in your heart. And so whether it's the Holiday Inn Express that
1068 we have to work with, and we have to work with the neighbors in every where we can, we can't

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1069 go down that road that views are something that are protectable zoning interests, because they're
1070 not.

1071 And while I disagree with the particular rendering of how that building would look from Canyon
1072 Gate or from the Lakes, I appreciate the fact that Greg's doing his best to depict what that might
1073 be. What is really being said? It affects my view. I don't want to look out my back yard and see
1074 this building. It's no different than the argument you hear all the time. And I tell you what. I
1075 wish I didn't look out my back yard and see the Red Rock Casino that looms there, but I can't do
1076 anything about that. And there're certain things that we can't do because the law says you can't
1077 do 'em. This is compatible in terms of use. It's in, compatible in terms of location. It's
1078 compatible in terms of zoning. Your staff has found that. Your Planning Commission has found
1079 that and we would respectfully request your approval. Thank you.

1080

1081 **MAYOR GOODMAN**

1082 Thank you very much. Thank you folks. I gotta say this, and I mean this very seriously, the
1083 presentation by Mr. Kaempfer was excellent. The response was excellent and it was a pleasure
1084 to hear this particular matter today. I – mean that very seriously. I'm not gonna be quoted in any
1085 supreme court cases on this, but the way I see it, and Councilman Wolfson, do you mind if I
1086 share with you some of my observations? It's – a, it is an issue of compatibility. And I have to
1087 say this, there're certain neighborhoods in our community that are very special that, you go there
1088 and it's like you're in an enchanted environment and the Lakes is one of those neighborhoods.
1089 I've been there, I've been on the lake, I've driven around the lake, I know what kind of
1090 neighborhood it is. And I think it is an issue of compatibility and I think that this is not
1091 compatible with that feeling that you get at that particular location and that's – the way I'm
1092 leaning at this point in time.

1093 But I – would, you know, this may be another Stratosphere case. Who knows? But the – way –
1094 I see it, it is our obligation to listen to our constituents so, in a situation like this and something
1095 that is perhaps a little special, and a little different than the average run of the mill complaint
1096 about height. It's not the height that bothers me. It's just the feel of living in an environment that
1097 will be altered so significantly. But that's where I stand. Councilman?

1098

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1099 **COUNCILMAN REESE**

1100 Mayor?

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1101 **MAYOR GOODMAN**

1102 Yes, Sir.

1103

1104 **COUNCILMAN REESE**

1105 I feel obligated, I think, to say a few words today. I listened about the Stratosphere and Mr.
1106 Borgel and Mr. Kaempfer mentioned John S. Park neighborhood. I was elected twelve years ago
1107 because I said at the time, I wouldn't put it in my back yard, I sure won't put it in your back yard.
1108 I have found that sometimes I've (inaudible) the day that I made that statement. You know, I've
1109 always been very proud of the fact that I haven't. The Stratosphere, I met with the owner of the
1110 Stratosphere with his legal counsel and, the one thing I'd mentioned to Mayor that wasn't quoted
1111 by the Mayor is, we met with the gentleman, up in the Mayor's office and he said to the Mayor,
1112 he said, you know if I were in New York City, I would have this building up. I'd have this right
1113 up, and I would just go to the Mayor and the Mayor would say, put it in. And the Mayor said,
1114 this is Las Vegas. Then he said, well, he says, you know we're gonna sue. And my Mayor, I'm
1115 so proud of him, he sat there and he says, I understand that. But he says, we have a legal team
1116 working for us and he says, they're really not that busy. Now to me, that typifies the way we try
1117 to do business and again, I have, I really respect Mr. Borgel and Mr. Kaempfer for the job they
1118 do. They made a – great presentation and again, I feel kind of like the Mayor does. Okay.
1119 There is a feel in each and every neighborhood. There are some things that can be built in each
1120 neighborhood. There're some things that can't be built.

1121 When we started talking about the Manhattanization of downtown, we talked about high rises
1122 and I was quoted. I had about six hundred fifty people at this City Hall a couple years ago about
1123 the Downtown Centennial Plan when I was opposing one high rise. It was being built along –
1124 Las Vegas Boulevard. The proponents called it the Strip. I called it a neighborhood area. I told
1125 them, I says, we can't put this over there. We have a neighborhood that we're trying to preserve.
1126 We've done everything we can over there to make this a livable neighborhood. We need this
1127 kind of neighborhood downtown. There is locations down here where I support high rises, but
1128 these union members they – try to hang me because I made a statement that I was protecting one
1129 neighborhood. Since that time, we probably have approved at least ten or twelve other high rises
1130 in that area, where there should be high rises. And even if it's five-story or if it's ten stories or

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1131 three stories, to me if the neighbors, and I know Mr. – Kemper (sic) really works, goes out and
1132 works the neighborhoods. If the neighbors still don't want it, then Mr. – Kemper (sic), I have to
1133 support the neighbors. I'm sorry.

1134

1135 **MAYOR GOODMAN**

1136 Councilman Ross.

1137

1138 **COUNCILMAN ROSS**

1139 Thank you Your Honor, and I'll try to be brief 'cause, I actually like this building and I like the
1140 thought of this site plan and the whole nine yards. And I'd like to suggest that Mr. Kaempfer and
1141 his clients to come out to the northwest and let's talk about this. I also happen to like the Lakes
1142 and the Canyon Gate area as well, and was having a hard time and expressed that to Councilman
1143 Wolfson about this project because I know what's there. I saw the City Corp Building go up. I
1144 saw your neighborhoods be built. I've – grown up here also and experienced being out there on
1145 the west end of Sahara when it was nothing but desert. And to me this kind of fits, but this is the
1146 clincher for me and I wanna share this with all of you. And this is from our own Title 19.
1147 Building elevations, design characteristics and other architectural and aesthetic features are not
1148 unsightly, not that this building is, undesirable, obnoxious in appearance, not that this building
1149 is, create an orderly or aesthetically pleasing environment. But this is the sentence: are
1150 harmonious and compatible with the development in the area. If there were other buildings like
1151 this, three stories surrounding it, four stories, but there's not. And I'm not sure that was by
1152 design for that area, but I know it's a commercial area, it's a C-1 use. It's a, in my mind, it's a
1153 good use for that location, but because of this, the harmonious and compatible to the
1154 development area, and Mr. Kaempfer, Mr. Borgel, fabulous presentation. Folks, I understand
1155 your concerns. I don't, I have lots of challenges in Ward 6 when it comes to views and I know
1156 the law says and allows me to do and I've dealt with this many, many times in Ward 6 regarding
1157 your view. And that's not why I'm – not gonna support this. I'm gonna support it for that reason
1158 because that's what the law states and that's what I have to do. So, with that Your Honor, thank
1159 you very much.

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1160 **MAYOR GOODMAN**

1161 Thank you. Councilwoman?

1162

1163 **COUNCILWOMAN TARKANIAN**

1164 I just want to state, I also thought that Mr. Borgel and Chris Kaempfer gave an excellent
1165 representation of their views on this. I would like to say, however, for someone who's lived
1166 about thirty-five years in a ward that has, had to fight always eternal vigilance in order to
1167 maintain the feeling the Mayor was talking about, and I know his area is the same, I understand
1168 how the neighbors here are feeling about this. I also feel quite strongly that if you were to poll
1169 the people in Ward 1, I don't think they'd be angry if you gave them a break and kept a five-story
1170 building away from changing the ambience of their neighborhood. I think they'd say, go
1171 forward, you're doing the right thing. I wish you'd done it before when we had O'Bannon and we
1172 had all those other streets that have buildings within two hundred feet of them that are so tall.
1173 So, I just say that I – respect the neighbors. I must tell you it was one of the most, and I told
1174 Commissioner Wolf, Councilman Wolfson, one of the best neighborhood research, putting
1175 everything together in a great manner I've ever seen. You did really great work on that and I
1176 would be in favor of not passing this.

1177

1178 **MAYOR GOODMAN**

1179 Okay. All right. Councilman Ross?. Oh, Councilman Barlow did you wanna say anything?

1180

1181 **COUNCILMAN BARLOW**

1182 Yes, Sir.

1183

1184 **MAYOR GOODMAN**

1185 Okay.

1186

1187 **COUNCILMAN BARLOW**

1188 I just wanted to say that both presentations from both sides were absolutely fabulous and well
1189 researched. Having reviewed this item and given it much and careful consideration, Mr.

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1190 Kaempfer, you are correct. The use is in place. The zoning is in place as well; however, the one
1191 thing that I'm standing on also is the compatibility, specifically at this location. In a situation
1192 like this, I believe this is a case by case scenario. There are areas that meet this particular use,
1193 then there's areas that don't meet this particular use. Every vote we cast is precedent-
1194 setting and, but that is the reason we are here, as an elected body, to determine what is the
1195 highest and best uses for development around the City. Although this is a beautiful project, I
1196 don't believe that the project deserves to be at this particular location. So I, too, will be in favor
1197 of the neighbors on this vote.

1198

1199 **MAYOR GOODMAN**

1200 Councilman Brown.

1201

1202 **COUNCILMAN BROWN**

1203 Thank you, Your Honor. My – point, I wish this building was the first one built out there. I
1204 think it would have set a whole different tone. It's absolutely beautiful and I agree with Mr.
1205 Kaempfer, as far as the non-factors; the zoning, the use, the location, the design. They're not
1206 open for debate. I think they're black and white. But I think in our Code, the words harmonious
1207 and compatible that everybody's brought up thus far are there for a reason. They're not black and
1208 white. They're – open for interpretation and I think some of the neighbors, and certainly
1209 Councilman has mentioned it, it goes, the harmonious and compatible goes to those intangibles
1210 like – community, and feel, and neighborhood, what makes it unique. And I – think that's the
1211 important thing, is, it's there for a reason because it's beyond just the black and white of our
1212 zoning code. It goes to what the neighbors do feel. Do they feel like it's an appropriate part of
1213 their community, especially at the tail end of this master-planned area? And I don't think it
1214 meets that level of harmony or compatibility that we see in other developments. It just – doesn't
1215 fit and it doesn't fit because it doesn't feel right, doesn't look right. I don't think it's so much the
1216 view, as the placement of a beautiful building in the wrong location. So, I – likewise will be in
1217 support of denying the application.

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1218 **MAYOR GOODMAN**

1219 Councilman Wolfson.

1220

1221 **COUNCILMAN WOLFSON**

1222 Thank you, Mayor Goodman. The good news is that probably about ninety percent of what I'd
1223 like to say has been said, and said, and said. But I do want to say a few things. I, too, would like
1224 to compliment everybody involved and that begins with Mr. Kaempfer, Mr. Brown, Mr. Borgel
1225 and their client, because they're class people. They hold neighborhood meetings, they meet with
1226 individuals, they meet with persons who represent homeowners and they do it in such a classy
1227 way. They do it in a professional way, so my compliments to you professionals.

1228 My – second thanks and compliments go out to you folks, and at the end of the day you may
1229 applaud (sic). But don't applaud us. Applaud the process and applaud yourselves, because you
1230 folks are the ones that make us do our jobs. So, my compliments go out to many of you, who I
1231 met individually, many of you I've known a number of years. I've lived in this community. I
1232 said earlier today, last week was twenty-seven years. Mrs. Murphy, you're Pat's wife, obviously.
1233 You remi, you're folding your arms now, you reminded me of something and that is back in 1986
1234 and 1987, twenty years ago, I lived right off the corner of Rancho and Oakey, right across the
1235 street from where the Mayor lives. And I used to ride my bicycle west on Sahara all the way
1236 past Rainbow when it was a two-lane road and you'd look up, and I guarantee you, many of you
1237 didn't live out there then and many of you didn't live in Las Vegas then, but I did. And you'd
1238 look out past Rainbow, the only thing you'd see is Citicorp, but you had to look long and hard
1239 because it was only a two-story building. I lived at the Lakes myself from about 1987 through
1240 1990. I lived at Canyon Gate from 1990 to 1995 and now I live a little north in Summerlin. So,
1241 I know what you folks experience, what you feel, what you breathe, what you see on a personal
1242 level.

1243 I'm not going to go and repeat everything because it's late and we all wanna go home. But –
1244 some of the questions I have, and we've touched on this, is why are we building a one hundred
1245 forty thousand square foot building on a footprint that's only taking up only nineteen percent of
1246 the lot? Why aren't we spreading out and staying shorter? And I'm sure Mr. Kaempfer has an
1247 answer and I'm not, I don't wanna know right now. If he wants to come up and answer, that's –

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1248 up to him. I mean, I think I know. Mr. Murphy, I think you said it best. It's ironic that what
1249 we're rejecting is what they want. They want their height for views. We don't want the height.
1250 Visual impact. I asked our legal counsel, what are we doing here today? What is our role?
1251 What is our job? What are we trying to decide? And I disagree, Mr. Kaempfer, maybe a court
1252 will tell us wrong, I don't know, but it isn't as simple as visual impact. It isn't as simple as Mr.
1253 Fordham sitting in his backyard. Where are you Mr. Fordham? There you are. It isn't as simple
1254 as Mr. Fordham sitting in his backyard and looking in one direction on one view and seeing a
1255 building. Somebody else took the steam away from me because I wrote down in my notes.
1256 What about walking your dog along that beautiful Lake Sahara and pushing that baby stroller,
1257 and going for a walk at night? You are walking by this building. You are experiencing it. It's
1258 like the Mayor said, it's a feeling. It isn't a literal visual impact. It's not as simple as that. It's a
1259 quality of life.

1260 Once again, I do not want to go through this discussion again. I don't think we need to. But I
1261 view my job as your City Councilman because let's – cut to the chase. Ward 2 residents, and
1262 you're here because you care about your quality of life, Ward 2 doesn't have a lot of the same
1263 challenges that some of the older wards, that Councilwoman Tarkanian, Councilman Barlow,
1264 Councilman Reese have. Ward 2 doesn't have some of the same challenges that my good friend,
1265 Councilman Ross has with the explosive growth. But what – we do have we have to protect and
1266 that's what I view my role as. I wanna protect what great quality of life we have. So, I find that
1267 this building is not harmonious. I find, and I wanna thank you, Mr. Fordham, you did an
1268 excellent job. You were, and not to take away from Mr. Nelson, Greg Toussaint, Donna and if I
1269 left anybody out, but you just did spectacular work. Everything from that twenty-two dollars a
1270 square foot versus how much other persons spent along 215 and Flamingo. I mean, that was
1271 impressive and it was persuasive. So, when we take all of these things into consideration, what I
1272 find is that this is not harmonious with the surrounding community. I find that it is not
1273 harmonious and compatible with development in the area. We did talk compromise. Mr.
1274 Kaempfer, Mr. Brown, we talked about a smaller height. You wanted this much, we wanted this
1275 much and we couldn't come to an agreement and that's the way it is. And maybe a court will
1276 determine things for us. But I think we're doing the right thing based upon what we've heard and
1277 the record we have. So with that in mind, I want to thank my colleagues for their indulgence in

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1278 listening to this long matter. My motion is, although it's inconsistent with the Planning
1279 Commission, that was a three to two vote, it was not a five or six zero vote. **My motion is to**
1280 **deny this application.**

1281

1282 **MAYOR GOODMAN**

1283 All right, let's vote please. Post. Motion carries. **(Motion carried unanimously)** Thank you.

1284

1285 **(END OF DISCUSSION)**

1286 /da;ac