



July 21, 2008

RECEIVED

Planning and Development Department  
City of Las Vegas  
731 South Fourth Street  
Las Vegas, NV 89101

JUL 23 2008

Re: Justification Letter Regarding Application(s) for  
SDR-29009, ZON-29002, SUP-29010  
For the Property located approximately 400' north of the northeast corner Sahara  
Avenue & 6<sup>th</sup> Street  
APN #'s 162-03-801-011, 013, 014, 015, 120; 162-03-811-001 through 084  
(the "Property")

To Whom It May Concern:

This letter is written on behalf of the applicant, Exceed Development LLC, and shall serve as the required justification letter for the associated applications for the parcels listed above, an approximate 3.8 gross acre mixed-use project at the Property.

The Property is located to the north of Sahara Avenue and the east side of 6<sup>th</sup> Street. The General Plan calls for the land-use to be "SC" or Service Commercial. The current zoning on the parcels are RPD-25 and R-1, or Residential Planned Development with 25 units/acre and Low Density Residential. The Re-Zoning application is requesting a change to C-1, commercial, zoning which is consistent with the General Plan.

The specific SUP applications and requested waivers associated with this Site Development Review and Re-Zoning application are as follows:

- SUP requested for Mixed-Use in a C-1 zone
- Waiver of Development Standards requested for encroachment into the residential adjacency height/setback.

The attached Site Development Review, Special-Use Permit, and Waiver applications seek approvals for the following:

- 296 units of Residential Condominiums
- 4,000 Square Feet of Retail
- Maximum height = 112'-0"

The proposed development, as submitted, consists of one building, with two (2) levels of underground parking garage. The remainder of the parking would be in a grade-level parking garage. Also on the Ground Level would be the 4,000 square feet of retail lease space and back of house functions ancillary to the condominium function. The retail leasing strategy would target service oriented retail tenants that would ultimately serve the residents of the condominium community and the immediate residential neighborhood. Therefore, the first level shall serve as the building's base. The condominiums will begin at Level 2 and continue up to Level 10 to a maximum height of 112'-0".

As illustrated on the attached site plan, the building coverage occupies approximately 32% of the site providing for a highly pedestrian-friendly environment and a beautifully enhanced plaza/porte cochere along the 6<sup>th</sup> Street. Also incorporated into the design is an approximate .51-acre private park/green space located on the east side of the development, adjacent to and acting as a buffer to the neighboring residential properties. This would be available to both the residents of the development and to the neighborhood surrounding the development and be patrolled by on-site property security.

The proposed development seeks to be both a positive contribution to the City of Las Vegas and to the Beverly Green/Southridge neighborhoods. We have met with members of the adjacent neighborhood and incorporated several changes to mitigate their concerns. The project employs several of the strategies outlined within the Beverly/Southridge Neighborhood Plan. Specifically, addressing the following under the "Existing Land Use" portion:

### **Issue 2, Strategy 1: Residential Adjacency & Building Heights**

The Plan calls for a request that any development whose building foundation is within 300' of property zoned for single family residential homes be required to adhere to the City's Residential Adjacency Standards.

In order to help with concerns from the neighboring residences, the building mass steps with the lowest heights (17'-0" & 37'-0") located nearest to 6<sup>th</sup> Street and the tallest portions of the project (107'-0" & 112'-) are pushed as far east from the neighborhood across 6th Street

Additionally, the re-designed building now has a more "mid-rise residential" feel to help with its compatibility with the neighborhood. The proposed development is now consistent with similar developments recently approved and constructed adjacent to existing homes within the boundaries of the Plan.

Along 6th Street, the building is located approximately 90' at its closest point to the residential property line of these homes. The height of the building at these points is 17', then stepping back approximately 10' where the height increases to 37'. A 30' deep, beautifully landscaped "front yard" and pedestrian realm buffers the frontage. This situation occurs at two (2) narrow (85' wide) legs of the building. Between these two

**ZON-29009**  
**08/14/08 PC**

legs, the building is set back considerably, to about 210' at its greatest point, with a height of 107'-0" and portions up to a maximum height of 112'-0".

Considering all these factors, we are happy to say they we feel that the majority of the project conforms to this strategy.

### **Issue 3, Strategy 3: Poorly Maintained Private Streets**

This development is in support of this strategy, incorporating CLV standards for its portion of improvements and would further be in support of associating with the adjacent business owners using the private street in the beautification efforts.

### **Issue 4, Strategy 1: Sahara Re-development**

Although not directly on Sahara Avenue, this project is directly adjacent to the CLV Re-development area along Sahara Avenue. This project is a mixed-use, urban infill type development, incorporating retail and residential components. The anticipation is that this project will be a catalyst for future redevelopment in the area.

### **Issue 5, Strategy 1: Vacant Lots**

Approximately 3.2 acres of the 3.8 acre site of this project are currently vacant lots. Vacant lots are often prone to unsightliness and homeless squatters. While landowners and the community can take some measures to mitigate this, new development often deters the extent of this activity. At the same time, we agree that new development must be responsible and done with great care. This is especially the case with infill development, to ensure that the character and charm of an area is not lost. We have been working with the neighborhood associations to make the necessary changes to make this project compatible with the neighborhood.

The project is also in support of the "Traffic Issues" portion of the Plan. Specifically:

### **Issue 1: Cut-thru Traffic**

In meeting with the residential neighbors we have made changes to the development to mitigate and limit this projects impact on traffic cutting through the residential neighborhood. By limiting the facilities access points along 6th Street to only visitors of the property, both residential guests and visitors to the retail and uses, this limits the number of vehicles placed directly onto 6th Street. All residents and employees within the development will access the property from the existing common commercial drive off Sahara Avenue and will only exit either back down this drive.

By comparison, the anticipated daily traffic of the proposed development is approximately equivalent to that of a 36,500 square foot retail center, a use and size of development that is feasible on this site.

**ZON-29009**  
**08/14/08 PC**

By virtue of the attached applications, the City of Las Vegas has another opportunity to promote additional redevelopment and more intense land uses downtown. This project specifically will further restore vitality and economic opportunities and give overall direction to future public and private improvements throughout the area. We are confident this project will enhance the momentum for further needed redevelopment along Sahara Avenue moving east from Las Vegas Boulevard towards Maryland Parkway. The City Council has frequently asserted its desire to have quality new residential development in the Downtown area, and this development plan fits the standard.

The approval of this project will allow the City to meet many of its design goals and objectives for land use, urban form, pedestrian environment, and image and character in and adjacent to Downtown Las Vegas.

We greatly appreciate your time and effort in the review of this development proposal. If you have any questions, or require further information, please do not hesitate to contact me at 702-946-8195.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris", enclosed within a large, hand-drawn oval.

Chris Richardson, Ed Vance & Associates  
on Behalf of Exceed Development, LLC.

**ZON-29009**  
**08/14/08 PC**