

Kimley-Horn
and Associates, Inc.

February 18, 2009

12

2030 East Flamingo Road
Suite 210
Las Vegas, Nevada
89119-5173

David Mozes
CMS Mission Arts LLC
c/o CMS Nevada LLC
3450 Cahuenga Blvd West
Unit 704
Los Angeles, California 90068

(via e-mail: david@cmsnz.com)

Cc: Greg Lorusso, Bergman & Walls

(via e-mail: greg@bwalld.com)

Subject: The Mission – Las Vegas, Nevada
Trip Generation Justification Letter
KHA Job No. 092646000

Dear Mr. Mozes:

The purpose of this letter is to address Section 19.18.010(E) of the Las Vegas Municipal Code regarding the need for a Development Impact Notice and Assessment (DINA) report to be prepared for the Mission development. The code states that any development deemed a “project of significant impact” is generally required to prepare a DINA report. To be deemed a “project of significant impact” a project must create:

- a) Final maps or planned unit developments of 500 units or more
- b) Tourist accommodations of 300 units or more
- c) A commercial or industrial facility generating more than 3,000 average daily vehicle trips
- d) A nonresidential development encompassing more than 160 acres

Excerpts from the City of Las Vegas Municipal Code are included in Attachment A.

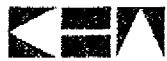
The Mission is a 2.87 acre commercial facility comprised of 19,620 square feet of specialty retail, 23,980 square feet of restaurant, 49,940 square feet of general office, and 24,740 square feet of event space. To be considered a “project of significant impact,” the Mission development would have to generate more than 3,000 average daily trips.

In preparation of the traffic impact study for the Mission, the Institute of Transportation Engineers (ITE) Trip Generation, 8th Edition was used to calculate a

13

TEL 702-734-5666
FAX 702-735-4949

SDR-33087
03/12/09 PC



conservative trip generation for the project. The methodology used in the study did not account for any vehicle trip reductions due to the adjacent Bus Rapid Transit (BRT) facilities. Thus the estimated AM and PM peak hour vehicle traffic generated by the Mission and the resulting impacts to the surrounding street network are considered conservative.

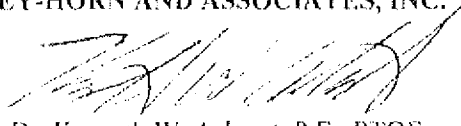
When determining *total daily trips*, it is important to recognize the unique characteristics associated with this project and its location. The Mission is to be considered a pedestrian friendly site, located within the Arts District of Downtown Las Vegas. With the completion of the Mission, Boulder Avenue is to be vacated from Main Street to the future alignment of Arts Way. Boulder Avenue is expected to be reconstructed as a pedestrian corridor along the south side of the development. In addition, the City of Las Vegas' Casino Center-3rd Street Realignment Project is currently under construction, which includes a center running BRT system within Casino Center Boulevard. Upon its completion, the Mission will be within close walking proximity to a BRT stop located at Casino Center Boulevard and Coolidge Avenue. The expected BRT stop location is identified on the ACE Downtown Connector Map in **Attachment B**.

Recognizing these factors, the ITE 24-hour equations for suburban land uses predict a total daily volume of 3,918 vehicle trips. Applying appropriate internal capture and pass-by rates, in a suburban setting, the total daily trips for the Mission project land uses would be expected to be 2,761 trips (calculations provided in **Attachment C**). In a Downtown environment such as the City of Las Vegas, the vehicle pass-by reduction in daily trips is not applicable to vehicle traffic as in a suburban environment, however, it is related to the project's proximity to public transit. As such, it should be recognized that this project is a part of a transit-oriented development, which should reduce the volume of vehicular traffic to and from the site.

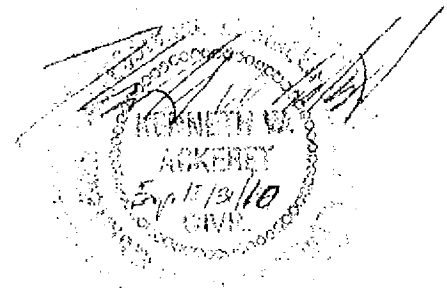
According to the City of Las Vegas Municipal Code Section 19.18.010(E), a Development Impact Notice and Assessment (DINA) report is required for commercial developments which generate more than 3,000 average daily trips. Recognizing the unique characteristics of the project site and its location, the Mission is not expected to generate more than 3,000 daily trips.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

By:  Dr. Kenneth W. Ackeret, P.E., PTOE

Attachments



2/18/09
SDR-33087
03/12/09 PC

ATTACHMENT A
Section 19.18.010 of the Las Vegas
Municipal Code

SDR-33087
03/12/09 PC

Chapter 19.18 APPLICATIONS AND PROCEDURES

19.18.010 General.

19.18.020 Annexation.

19.18.030 General plan amendment.

19.18.040 Rezoning.

19.18.050 Site development plans.

19.18.060 Special use permit.

19.18.070 Variance.

19.18.080 Administrative deviation.

19.18.090 Development agreements.

19.18.100 Temporary commercial permit.

19.18.110 Home occupation permit.

19.18.120 Zoning code text amendment.

19.18.130 Street name change.

19.18.140 Review of conditions.

19.18.010 General.

(A) Compliance with General Plan. Except as otherwise authorized by this Title, approval of all Rezonings, Development Reviews, Special Use Permits, Variances, Minor Exceptions and Development Agreements shall be consistent with the spirit and intent of the General Plan.

(B) Applications.

(1) Time of Filing. In order to provide sufficient time for the necessary investigation by the Planning Commission and/or its Secretary and agents, a complete application for the request must be filed with the Director a minimum of thirty days prior to the date of the meeting at which the application is to be heard and considered.

(2) Notarized Application. Applications shall be signed by the owner and notarized. If the property has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the property if not all of the owners have signed the application.

(3) Pre-application Conference. A pre-application conference with a designated representative from the Department of Planning and Development is required prior to submitting an application for a General Plan Amendment, a Rezoning, a Special Use Permit, Variance or a Development Agreement.

(4) Review of Applications. Following the submittal of an application, staff shall review the application to verify that the information is complete and fulfills application requirements. If the application is not complete, staff will notify the applicant, and the application will not be scheduled on an appropriate agenda until the application is complete.

(5) Discretion Regarding the Acceptance of Applications. The Director has the discretion not to accept any application which seeks action that is not available under this Title.

(C) Fees.

(1) Adopted. The Director is authorized to charge fees related to the processing of applications in accordance with the Fee Schedule. The Fee Schedule set forth in Title 19 is hereby adopted as part of this Title and may be amended from time to time by resolution of the City Council.

(2) When Payable. Fees for filing applications and other requests under this Title are set forth in the Fee Schedule and are due at the time the application or request is filed.

(3) Additional Fees. With respect to any application under this Title that requires notification of a public hearing, the applicant shall also pay the notification and advertising costs identified in the Fee Schedule. Payment of those costs shall be made upon filing of the application.

SDR-33087
03/12/09 PC

(D) Posting of Signs.

(1) General.

(a) Notification signs shall be posted by the Department of Planning and Development or its authorized agent or contractor. An application will not be processed until the applicant has paid the fees established by the City for the posting of signs.

(b) Notification signs shall be posted in conformance with NRS 278.260 as supplemented by this Section.

(c) Each notification sign must be of a size not less than four feet high and three feet wide, provided, however, that, in the case of a store frontage, the minimum size of a notification sign placed in the store front window shall be two feet high and two feet wide.

(2) Number of Signs Required.

(a) One notification sign is required for tracts of five acres or less.

(b) The Director may determine that additional notification signs should be posted for each additional five acres or portion thereof.

(3) Timing. The required number of notification signs shall be posted on the property at least ten days before the date of the first scheduled public hearing.

(4) Placement of Signs.

(a) The signs must be posted at a prominent location on the subject property and must be easily visible by the general public.

(b) Required signs shall remain visible and legible from ten days prior to the first public hearing and until final action is taken. The applicant is responsible for ensuring compliance with this paragraph once the required signs have been posted.

(c) The City of its authorized agent or contractor is responsible for removing the notification signs after the final action on the case.

(5) Inadequate Notice. If it is determined that adequate notice has not been provided in accordance with this Section, the Planning Commission or City Council may hold the application in abeyance or deny the application.

(6) Illegal Removal of Signs. It is unlawful to intentionally or knowingly remove a notification sign that has been posted pursuant to this Section or conceal the sign message.

(E) Development Impact Notice and Assessment (DINA).

(1) Background. Pursuant to 1999 Statutes of Nevada, Chapter 481, ("Chapter 481"), a person who proposes to develop a project of significant impact is generally required to submit an impact statement to the local zoning authority before specified actions can be taken regarding the project. This Section implements the requirements associated with Chapter 481. The impact statement to be required by the City is identified as a Development Impact Notice and Assessment (DINA), and requires the information described in Chapter 481. The required information includes information regarding vehicle trips, student enrollment, sewage generation, water demand, storm water runoff, distance from public safety facilities, existing and planned capacities of service required for the project, and other anticipated effects of the project.

For the purposes of this Section, a project is deemed to be a "project of significant impact" if it would create:

(a) Final maps or planned unit developments of five hundred units or more;

(b) Tourist accommodations of three hundred units or more;

(c) A commercial or industrial facility generating more than three thousand average daily vehicle trips; or

(d) A nonresidential development encompassing more than one hundred sixty acres.

(2) Applicability. This Section applies to all development within the City, except for any project:

(a) Located on property which was the subject of a development agreement with a local government, if the agreement became effective before June 8, 1999; or

(b) Which was approved before June 8, 1999.

(3) Requirements. Before scheduling a pre-application conference in accordance with Section 19.18.010(B), a person proposing a development of significant impact in connection with an application for rezoning, for site development plan review, or for a special use permit must meet with agencies and service providers from which the information required for a DINA report must be obtained. At the pre-application conference, the applicant must present to Planning and Development staff, on forms provided by the Department, the agency and provider responses that have been obtained by the applicant. A completed DINA report must be submitted no later than at the time of making an application under this Chapter. The department is authorized to withhold the processing of an application until a completed DINA report has been submitted.

(4) Review. Action by the City Council concerning a project of significant impact shall be in accordance with Chapter 481. Pursuant to the provisions of Chapter 481, the City Council may approve a project with respect to which the capacities of roads, sources of water supply or facilities for wastewater and flood control will not be sufficient to support the project if the Council requires the person who proposes to develop the project to carry out appropriate measures of mitigation to substantially reduce the impact of the project on those elements of infrastructure.

(F) Projects of Regional Significance.

(1) Determination. At the earliest stage feasible, the Department shall determine whether a development proposal, proposed zoning map amendment, proposed local land use plan amendment, proposed Special Use Permit, or other proposal qualifies as a "project of regional significance." Where possible, this determination should be made at the time an application is filed for a proposal that requires review at a public meeting.

(2) Assessment and Referral. Upon determining that a proposal qualifies as a "project of regional significance" by reason of its proximity to the boundary of another municipal cooperation or an unincorporated area (the

SDR-33087

03/12/09 PC

"affected local government"), the Department shall refer the proposal to the affected local government(s). The referral shall consist of a description of the proposal, copies of any application materials, and an impact statement that includes, at a minimum:

(a) The number of vehicle trips that the proposal will generate, estimated by applying to the proposal the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (or its successor).

(b) The estimated number of pupils that the proposal will add to the enrollment of each elementary school, junior high/middle school, and high school that will be impacted by the proposal.

(c) The distance from the site of the proposal to the nearest facilities from which firefighting, police and emergency services will be provided, including without limitation facilities of a local government that are planned but not yet constructed, and facilities that have been included in a local government's plan for capital improvements prepared pursuant to NRS 278.0226.

(d) A brief statement setting forth the anticipated effect of the proposal on housing, mass transit, open space and recreation.

(3) ~~Comment by Affected Local Government(s).~~ Upon receipt of a referral, an affected local government shall have fifteen calendar days within which to provide comments to the Department. The comments may propose suggestions for the mitigation of any negative impacts of the proposal on the affected local government.

(4) Consideration of Comments. The Department shall, within its discretion, give consideration to any suggestions for mitigation that have been received from an affected local government and, in accordance therewith, shall require or recommend mitigation of the proposal's potential negative impacts on the affected local government to the maximum practical extent. For purposes of this paragraph, "maximum practical extent" means that, under the circumstances:

(a) Reasonable efforts have been made to minimize any negative impacts of the proposal;

(b) The costs of compliance with the suggestions for mitigation clearly exceed the potential benefits to the public, or would unreasonably burden the proposal; and

(c) Reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the failure to implement the suggestions for mitigation.

(5) Report of Findings. The Department shall prepare a written description of the manner in which the suggestions for mitigation by any affected local government(s) were addressed, and shall include the description with or in the staff report regarding the proposal. The Department shall send the description to any affected local government that provided comments regarding the proposal, endeavoring to do so by the time that draft staff reports are distributed for the Planning Commission meeting at which the application for the proposal is to be heard.

(6) Interpretation of Notification and Separation Requirements. For purposes of applying the distance-separation and property-owner notification requirements of this Title, distances shall be measured, and property owners notified, without regard to jurisdictional boundaries.

(G) Treatment of Certain Tabled Applications. Any application under this Chapter that requires a public hearing and that is tabled at the request of an applicant shall expire six months after the last announced public hearing date, unless:

(1) Within that period of time, the applicant has requested that the item be scheduled again for hearing; or

(2) The motion to table the application specified otherwise.

After an application has expired in accordance with this Subsection (G), the applicant must submit a new application.

(H) Recordation of Zoning Actions. In connection with the approval of any application under this Chapter that includes zoning conditions, requirements or limitations, the Department is authorized to record with the County Recorder's Office a notice advising that:

(1) Zoning action regarding the property has been taken;

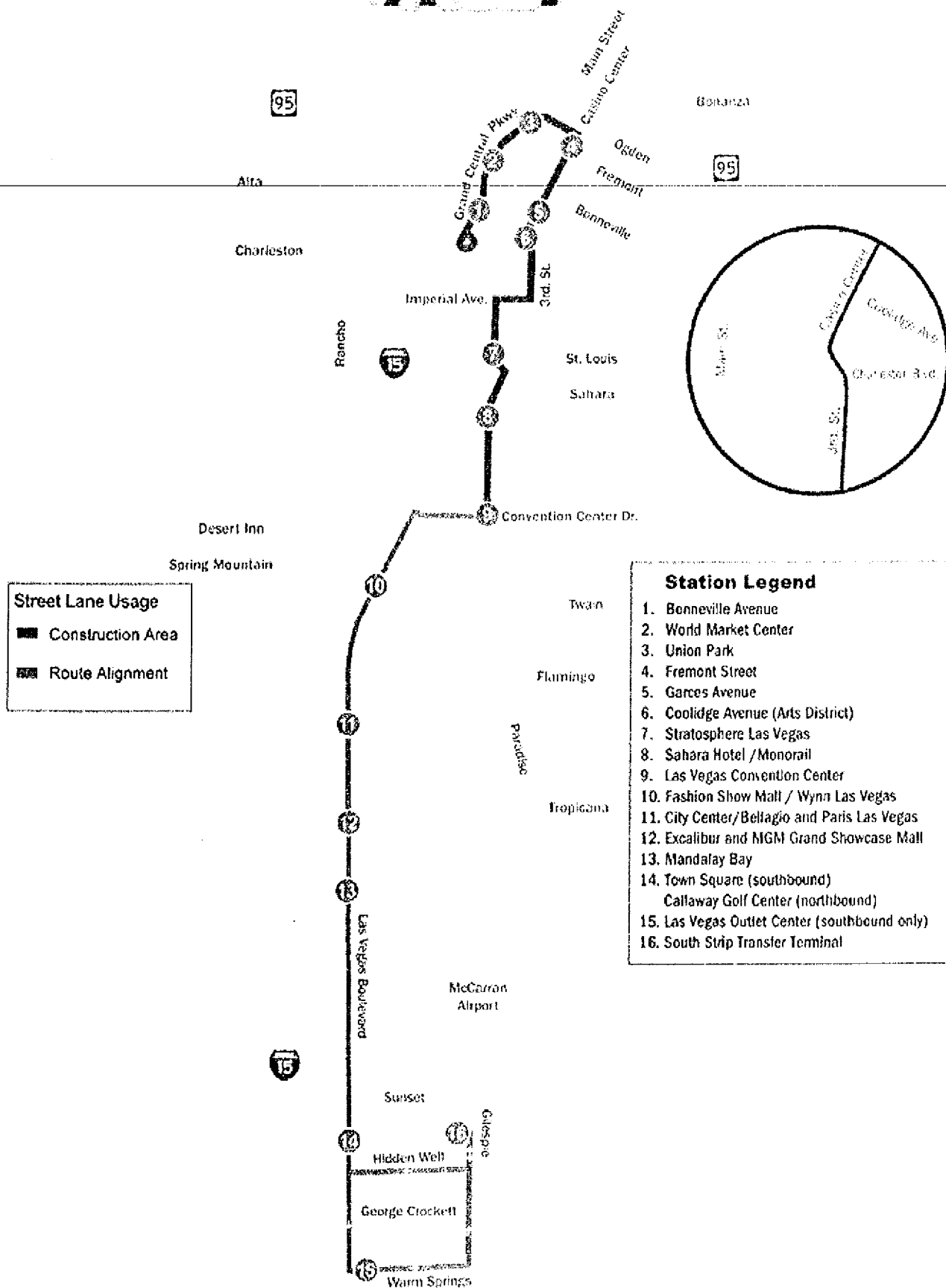
(2) Such action is subject to conditions, requirements or limitations; and

(3) Inquiry should be made to the City to obtain further information regarding the nature and extent of those conditions, requirements or limitations.

(Ord. 5946 § 1, 2007; Ord. 5891 § 1, 2007; Ord. 5477 § 1, 2002; Ord. 5345 §§ 1--4, 2001)

ATTACHMENT B
BRT Stop Locations
(Under Construction)

SDR-33087
03/12/09 PC



SDR-33087
03/12/09 PC

ATTACHMENT C

Daily Trip Calculations

SDR-33087
03/12/09 PC

Land Use	Trips						
	Daily	AM Peak Hour			PM Peak Hour		
		Entering	Exiting	Total	Entering	Exiting	Total
Specialty Retail Center ITE Land Use Code 814 (19,620 square feet)	870	0	0	0	23	30	53
High Turnover Sit-Down Restaurant ITE Land Use Code 932 (23,980 square feet)	3,050	144	132	276	158	109	267
General Office Building ITE Land Use Code 710 (49,940 square feet)	778	94	13	107	23	112	135
Subtotal	3,918	238	145	383	204	251	455
Internal Capture Reduction	(780)	(7)	(7)	(14)	(8)	(8)	(16)
Pass-By Reduction	(1,157)	(99)	(59)	(158)	(84)	(105)	(189)
Total	2,761	132	79	211	112	138	250

SDR-33087
03/12/09 PC



Project The Mission
Subject Trip Generation
Designed by LSS Date December 31, 2008 Job No. 092543000
Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 8th Edition, Average Rate Equations

Land Use Code - Specialty Retail Center (814)

Independant Variable - 1000 Sq. Feet Gross Leasable Area (X)

$$X = 19.620$$

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (page 1388)

Daily Weekday

$$(T) = 2.71 (X)$$

$$(T) = 2.71 * (19.6)$$

Directional Distribution: 44% ent. 56% exit

T = 53 Average Vehicle Trip Ends

23 entering 30 exiting

$$23 + 30 = 53$$

Weekday (page 1387)

Daily Weekday

$$(T) = 44.32 (X)$$

$$(T) = 44.32 * (19.6)$$

Directional Distribution: 50% entering, 50% exiting

T = 870 Average Vehicle Trip Ends

435 entering 435 exiting

$$435 + 435 = 870$$



Project The Mission
 Subject Trip Generation
 Designed by LSS Date December 31, 2008 Job No. 092646000
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 8th Edition, Average Rate Equations

Land Use Code - High-Turnover (Sit-Down) Restaurant (932)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = 23,980 Square Feet

X = 23.980

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (Page 1796)

Daily Weekday Directional Distribution: 52% ent. 48% exit.
 T = 11.52 (X) T = 276 Average Vehicle Trip Ends
 T = 11.52 * 23.980 144 entering 132 exiting
 144 (*) - 132 = 276

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (page 1797)

Daily Weekday Directional Distribution: 59% ent. 41% exit.
 T = 11.15 (X) T = 267 Average Vehicle Trip Ends
 T = 11.15 * 23.980 158 entering 109 exiting
 158 (*) + 109 = 267

Weekday (page 1795)

Daily Weekday Directional Distribution: 50% entering, 50% exiting
 T = 127.15 (X) T = 3050 Average Vehicle Trip Ends
 T = 127.15 * 23.980 1525 entering 1525 exiting
 1525 + 1525 = 3050

Non Pass-By Trip Volumes

Average Pass-By Reduction: 43% Primary Diverted: 57%

	IN	OUT	Total
AM Peak	82	75	157
PM Peak	90	62	152
Daily	869	869	1739



Project The Mission
 Subject Trip Generation
 Designed by LSS Date December 31, 2008 Job No. 092646000
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 8th Edition, Fitted Curve Equations

Land Use Code - General Office Building (710)

Independant Variable - 1000 Square Feet (X)

$$X = 49.940$$

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (page 1204)

Daily Weekday	Directional Distribution:	88% ent.	12% exit.
$\ln(T) = 0.800 \ln(X) + 1.550$	T =	107	Average Vehicle Trip Ends
$\ln(T) = 0.800 * \ln(49.9) + 1.550$	94 entering	13 exiting	
	94 + 13 =	107	

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (page 1205)

Daily Weekday	Directional Distribution:	17% ent.	83% exit.
$T = 1.120 (X) + 78.810$	T =	135	Average Vehicle Trip Ends
$T = 1.120 * (49.9) + 78.810$	23 entering	112 exiting	
	23 + 112 =	135	

Weekday (page 1203)

Daily Weekday	Directional Distribution:	50% entering, 50% exiting
$\ln(T) = 0.770 \ln(X) + 3.650$	T =	778 Average Vehicle Trip Ends
$\ln(T) = 0.770 * \ln(49.9) + 3.650$	389 entering	389 exiting
	389 + 389 =	778