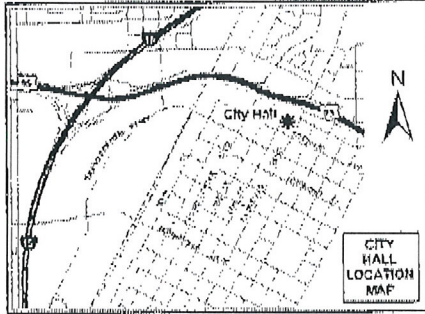


City of Las Vegas
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 Las Vegas, Nevada 89106

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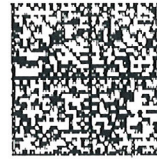
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ZON-41312 & SDR-41313

Planning Commission Meeting of 5/10/2011

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Case: ZON-41312

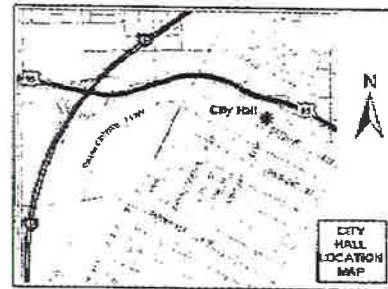
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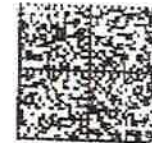
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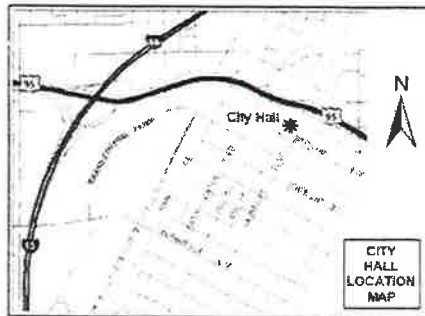
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BOGNAR JOSEPH J & VIRGINIA K
800 VANTAGE LN
LAS VEGAS NV 89145-4821

Case: ZON-41312

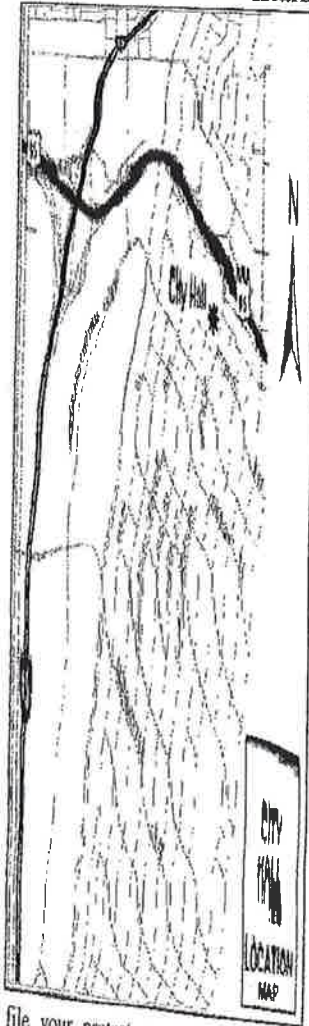
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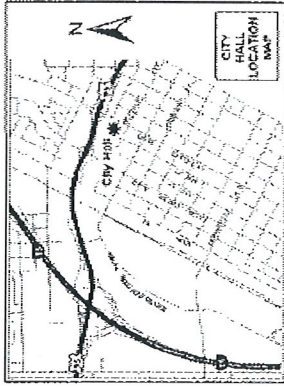
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HOOGE JOHN L & JUDITH M REV TR
 8620 HIGHLAND VIEW AVE
 LAS VEGAS NV 89145-5708

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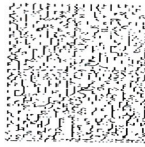
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GRAF EDWARD JR
123 SAN MIGUEL RD
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ZON-41312 & SDR-41313

Planning Commission Meeting of 5/10/2011

28 APR 2011 09:14:55

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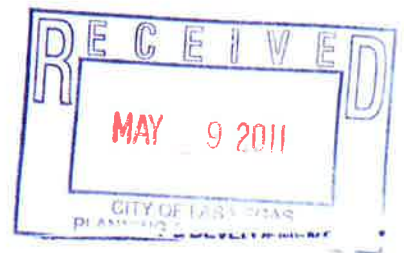


Case: ZON-41312
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9101 W ALTA DR #1201
LAS VEGAS NV 89145-8501

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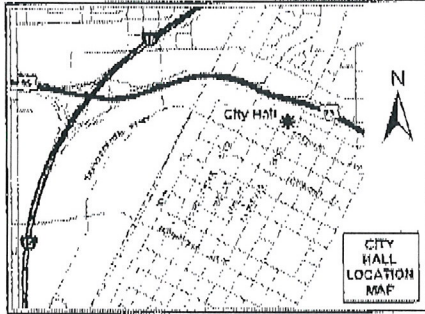
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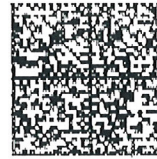
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Case: ZON-41312
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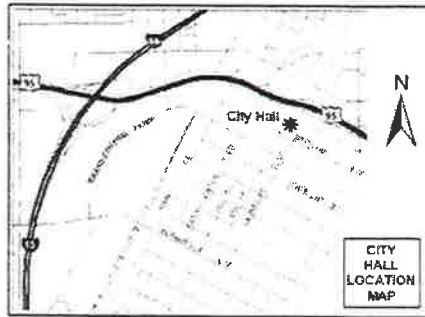
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13832812013
BOGNAR JOSEPH J & VIRGINIA K
800 VANTAGE LN
LAS VEGAS NV 89145-4821

Case: ZON-41312

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CHARLESTON & ASSOCIATES, LLC

9440 W. SAHARA AVENUE, SUITE 240
LAS VEGAS, NEVADA 89117

May 9, 2010

Flynn Fagg
City of Las Vegas
Department of Planning
333 N. Rancho Drive
Las Vegas, Nevada 89106

RE: Applications SDR41313 and ZON 41312 (RA Southeast – The Renaissance) –request for tabling

MR. Flynn Fagg,

Charleston & Associates, LLC (both the Declarant under the CC&R's and the Master Developer under "Boca Park Phase III Master Development Plan (MDP) and Development Standards" dated September 7, 2000), respectfully requests that the the above-referenced applications be tabled until the issues more fully outlined below are both considered and reasonably resolved.

1. In the staff report prepared by the Department of Planning under the heading of "ISSUES," the staff confirms that the approximately 23 acre parcel referred to in the application is part of the Boca Park MDP. As such, all applications to revise the MDP must be initiated by Charleston & Associates, LLC as the Declarant and Master Developer.
2. Further, on April 29, 2010, during a pre-application meeting (see attached meeting record) with Douglas Rankin on an application for a Major Modification at Boca Fashion Village, Mr. Rankin wrote::

"A major modification will require signatures of all property owners within the overall PD (Planned Development) area."

Clearly, the RA Southeast application is a Major Modification to the PD area. By accepting the RA Southeast application for a Major Modification, the City not only violated the procedure provided for in the MDP, but also violated its own express policy on a Major Modification by accepting the application without the signatures of all property owners within the overall PD area.

3. In the staff report prepared by the Department of Planning under the heading of "BACKGROUND INFORMATION" in block dated 12/31/92, the City Planning Staff acknowledges an official Writ of Mandate from the Clark County District Court that the conditions of approval for Z-0030-92 were modified. Under (E) it stipulates that:

"... the Regional Mall shall be permitted to contain 1.1 million square feet of building area."

These 1.1 million square feet includes all phase of Boca Park. The development is already over 762,500 square feet, leaving less than 337,500 square feet available for development without violating the Writ of mandate from the Clark County District Court. It is for this very reason that Charleston & Associates

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CHARLESTON & ASSOCIATES, LLC

9440 W. SAHARA AVENUE, SUITE 240
LAS VEGAS, NEVADA 89117

withdrew its previous application for an additional 1,616,281 square feet alluded to in the RA Southeast justification letter under site history.

4. In the staff report prepared by the Department of Planning under the heading of "*Pre-Application meeting*" in block dated 03/21/11 states:

"A Master Development Plan and Set of Development Standards is required pursuant to Title 19.06.050."

This has been completed. It is the Boca Park Phase III MDP that was completed on or about September 7, 2000. This has been and continues to be the guiding document for the entire 42 acre development known as "Boca Fashion Village".

5. In the staff report prepared by the Department of Planning under the heading of "Neighborhood meetings," it states that no meeting was required nor was one held. During Charleston & Associates application 2006 (the very same one alluded to in the RA Southeast application), we were required to conduct several neighborhood meetings at considerable expense. Yet, RA Southeast was not required to have a single meeting in relation to a project involving 700,000 plus square feet. This represents a discriminatory, arbitrary, and capricious exercise of the Department's authority.
6. In the staff report prepared by the Department of Planning, on the page showing a matrix called "Master Plan Areas," there is an "X" in a box stating that the proposed project is indeed part of a master plan. However, in the compliance block the letters "N/A"* are inserted. The asterisks reads:

"Development on the subject site must conform to the existing Covenants, Conditions, and restriction for the Boca Park III Development as recorded on 02/12/01; however the City has no authority to enforce the CC&Rs."

Again, the CC&Rs reference the boundary of the approximate 42 acre site and it is the same as the boundary in the Boca Park MDP. (See attached exhibit from the CC&Rs).

7. Charleston & Associates, LLC is currently a debtor in a chapter 11 case that is currently pending in the United States Bankruptcy Court for the District of Delaware. In December, Charleston appeared before the Bankruptcy Court to obtain an order permitting it to sell the 140,000 square foot store, once occupied by The Great Indoors, to a national retailer. The Great Indoors Store had long been "dark." Although RA Southeast had no standing to object to the proposed sale (which the Bankruptcy Court duly found), RA Southeast appeared in court and attempted to block the sale, to the great detriment both of Boca Park, its tenants, and the surrounding neighborhood.
8. In the staff report prepared by the Department of Planning under the heading of "FINDINGS," it states that "Circulation around the site is logical and adequate and will not have a negative impact on traffic." This is not what staff told us on our 2006 application. We were told that such a large increase in retail would have a large negative impact and would require not only the dedicated right turn lane being required of RA Southeast in their application, but the construction of an additional travel lane. Public Works used as their justification "**Rampart Boulevard Traffic Operations Analysis**." This

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CHARLESTON & ASSOCIATES, LLC

9440 W. SAHARA AVENUE, SUITE 240
LAS VEGAS, NEVADA 89117

report prepared by Parson Brinckerhoff and is four inches thick. This represents one of the most extensive traffic reports prepared for this corridor. During the 2006 application from Charleston & Associates we were required to follow the findings of this report. It is not even mentioned by Public Works in the staff report for the RA Southeast application. Again, this attempted exercise of the Department's authority is discriminatory, arbitrary and capricious.

9. Charleston & Associates, LLC, not RA Southeast, is the Declarant with respect to the subject property. The Declarant's rights were never transferred to either RA Southeast or its predecessor, City National Bank. The subject of who holds the "Declarant's rights" with respect to Boca Park is the subject of litigation that is currently pending in the United States Bankruptcy Court for District of Nevada. The parties to that litigation include Charleston & Associates, RA Southeast Land Company, LLC, and City National Bank. The Adversary Case Number is 10-1452 LBR. The RA Southeast application cannot be acted upon unless and until that litigation is fully and finally resolved by settlement or final, no-longer-appealable judgment.

Sincerely,

James Grindstaff
VP, Planning and Development

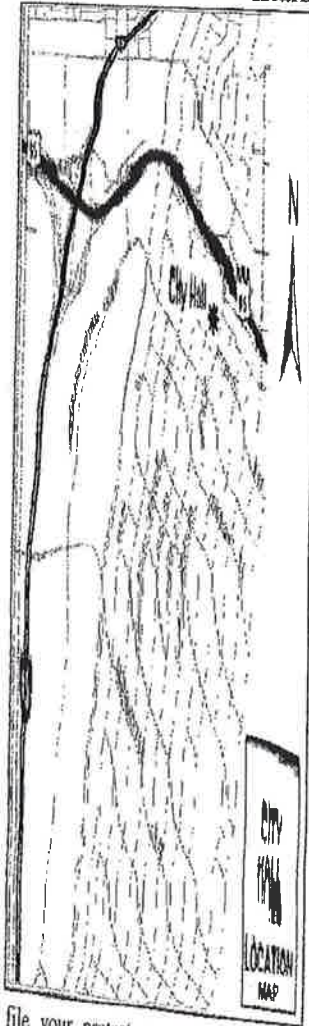
CC: Councilman Steve Wolfson
Bradford Jerbic
Doug Rankin

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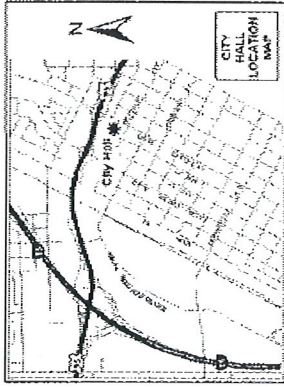
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HOOGE JOHN L & JUDITH M REV TR
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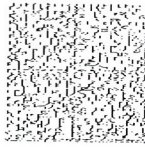
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123 SAN MIGUEL RD
PASADENA CA 91105-1442
Case: ZON-41312

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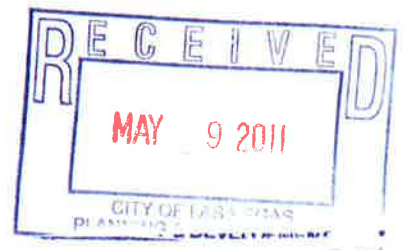
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LAS VEGAS NV 89145-8501

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7777 GREENBRIAR ST #2047
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