



February 21, 2013

Flinn Flagg, Director
c/o Michael Howe
Planning and Development Department
City of Las Vegas
333 N. Rancho Drive
Las Vegas, NV 89106

RE: Letter of Justification – Charleston at 10th Mixed Use
Location: Charleston Boulevard & 10th, Northwest Corner
Request: Special Use Permit for Mixed Use; Variance to Lot Coverage;
Site Development Plan Review; Vacation
APNs: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 & 075

Dear Flinn:

On behalf of our client, Charleston Towers Management, LLC, please accept this justification letter for a new Special Use Permit, Site Development Plan Review and associated Variance(s) and Alley Vacation(s) to allow a reduction in the previously approved height and intensity to create a more appropriate scale, intensity and overall design to support a Mixed Use for office, retail and residential that will both be a major reinvestment into the area and major upgrade to the property. It will also bring it into substantially greater conformance with the existing City codes and better fit with the neighborhood. This project is located on eight parcels comprising 2.05 +/- gross acres located at the northwest corner of Charleston Boulevard & 10th Street

The request is for a new set of entitlements that maintain the Mixed Use but significantly alter the scale, mass and overall intensity by altering the height and exterior elevations while creating the potential for a ground floor grocery store, retail and office with residential units above. The design fits within the design parameter previously approved as to the setbacks, parking ratios, and variances but with a dramatic reduction in height and units (see table below). The existing lots would ultimately be combined into a single development lot.

	Prior Approvals	Current Proposal
Residential Units	350 Units	166 Units
Height	195 feet	93 feet
Stories	17 Max	6 Max
Commercial	18,000 Sq ft	47,100 Sq Ft
Zoning	C-1	C-1



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SDR-48464

A Planning & Development Services Corporation

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On behalf of our client, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use retail, office and residential project consisting of 47,100 square feet of ground floor for retail space with 166 units in a six story high or 93 foot high building. The following applications are submitted with this request:

- 1) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property including proposed vacation(s);
- 2) Waiver or Variance to Title 19.06.040.1.2.a.1 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1) where a 3:1 slope, or 279 feet, is required.
- 3) Variance to Title 19.08.070, Table 1, C-A Limited Commercial District to allow a maximum lot coverage of 56% where 50% is the maximum allowed.
- 4) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The site is currently designated Commercial (C –Downtown Land Use) on the City of Las Vegas Southeast Sector Land Use Designation Map; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The subject site is already zoned Limited Commercial (C-1), the three parcels on the southeast corner of Garces and 9th Street are Professional Office (P-R) and Residential (R-1); the zoning on the southeast corner of Garces & 10th is High Density Residential (R-4) and Professional Office (P-R).

APPROVAL CRITERIA- SPECIAL USE PERMIT **Title 19.16.110-(L)**

The following are the determinations to be made for approval of a Special Use Permit:

- a) *The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with future surrounding land uses as projected by the General Plan;*

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The Southeast Sector Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

The site is currently approved for a far more intense mixed use SUP and was found compatible at the time. The result will dramatically improve and reduce the visual, traffic and neighborhood impacts to create a far more compatible design than currently approved and a better fit with the City's evolving downtown district. The proposed revisions retain the use but reflect compatibility in scale, mass, and intensity more compatible and harmonious for the current times.

b) The subject site is physically suitable for the type and intensity of land use being proposed.

In terms of land use designation, a the site is already designated for Commercial land uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access and circulation will be provided to ensure free-flow of pedestrian, traffic movements and accommodate all emergency services.

c) Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use; and

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study was done for the currently approved more-intense mixed use and an updated study will be submitted if needed to determine additional improvements that will be needed to accommodate traffic and circulation needs.

d) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

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APPROVAL CRITERIA- VARIANCES

Title 19.16.140 (L)

The following is the substantive criterion for determining approval of variance applications:

- 2) **Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.**

There are two possible variances requested from the strict application of the Code. One may not be required if it meets the Waiver test. They are:

Waiver & Variance

19.06.040.1.2.a.1 *the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter*

We believe this variance is not required as the project meets the requirements for a Waiver as provide in subsection 2.e.1:

2e1. *Any mixed-use development that contains a significant residential element.*

The proposed project contains commercial and residential with 166 units on 2.05 acres, which is a significant amount of residential.

- a. Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.
- b. While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a

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modern, forward-looking mixed use development should be considered.

- c. Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 398,133 square feet; with 166 dwelling units and 47,100 sf of retail. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.
- d. The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.

Title 19.08.070, Table 1, C-A Limited Commercial District allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.
- b. As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.
- c. The waiver was previously deemed appropriate.

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW
Title 19.16.100 (E)

The following criteria are to be considered for approval of a Site Development Plan Review:

- 1) ***The proposed development is compatible with adjacent development and development in the area;***

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east

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are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

The prior approval was more intense, taller, and massive than the current design. As proposed the proposed development is more compatible.

- 2) ***The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards an other duly-adopted city plans, policies and standards:***

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The Waiver or Variances to the residential adjacency standards and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

The architectural changes and enhancements to the building and site help make the design more compatible, more attractive, walkable, safe and inviting. The changes comply with and substantially improve upon the previous approvals. The 2020 policy does suggest incentives for relaxing standards when balanced against the quality of the improvements.

- 3) ***Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;***

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow. The proposed development is significantly less intense than the previously approved project.

- 4) ***Building and landscape materials are appropriate for the area and for the City***

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 5) ***Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment, and are harmonious and compatible with the area***

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The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the

Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

6) ***Appropriate measures are taken to secure and protect the public health, safety and general welfare.***

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

APPROVAL CRITERIA- VACATIONS Title 19.16.080.E.3

If, following the public hearing, the City Council is satisfied what the public will not be materially injured by the proposed vacation, it may order the right-of-way vacated. The City Council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation is to modify the current alley way to reflect the project design and lot assemblage. The vacation is entirely fronted by the applicant's properties. The resultant alley way and private drive will provide for service deliveries and emergency services

SUMMARY

In summary, we believe this project will set a new standard and can be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South.

The new plans a first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard. The new plans are a recognition of the need to lessen the visual impacts and create a more compatible and harmonious relationship to surrounding properties.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



for George Garcia

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