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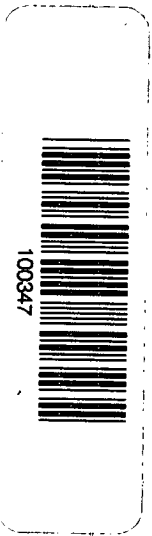
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CITY MANAGER



April 3, 2009

Mr. Larry Bitton  
Project Alta, LLC  
3883 Howard Hughes Parkway, 8th Floor  
Las Vegas, Nevada 89169

RE: SDR-32826 - SITE DEVELOPMENT PLAN REVIEW  
CITY COUNCIL MEETING OF MARCH 4, 2009

Dear Mr. Bitton:

The City Council at a regular meeting held March 4, 2009 APPROVED the request for a Site Development Plan Review FOR A PROPOSED OFFICE DEVELOPMENT CONSISTING OF TWO, FOUR-STORY 120,000 SQUARE-FOOT BUILDINGS; ONE FIVE-STORY 150,000 SQUARE-FOOT BUILDING; AND ONE SIX-STORY 1,679-SPACE PARKING STRUCTURE WITH A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 14.55 acres at the northwest corner of Alta Drive and Martin L King Boulevard (APNs 139-33-202-004 and 008), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 5, 2009. This approval is subject to:

Added Condition:

- A. If the northernmost driveway on Martin L. King Boulevard is signalized, the location of the proposed buildings, as shown on this site plan, may be administratively adjusted southward to accommodate technical details of driveway geometrics to support the proposed signalization of the driveway, as long as such adjustments meet the requirements of Title 19.18.050(H).1. If driveway geometrics acceptable to the City Traffic Engineer cannot be accomplished for any reason, no signal shall be permitted, and median modifications will be required on Martin L. King Boulevard to prevent left turns out of this driveway.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan and landscape plan date stamped 01/28/09; and building elevations, date stamped 12/30/08, except as amended by conditions herein.

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3. A Waiver from Title 19.08.050(D)(2)(e) is hereby approved, to allow alternative Building Placement and Orientation.
4. An Exception from Title 19.10.010(J)(11)(a) is hereby approved, to allow a reduced number of parking lot landscape islands, and to allow parking lot diamonds in lieu of landscape islands.
5. An Exception from Title 19.10.010(J)(11)(c) is hereby approved, to allow parking lot diamonds to not have the required four (4) five-gallon shrubs per tree.
6. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the two existing parcels. The mapping action shall be completed and recorded prior to the issuance of any building or grading permits.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan:
  - A minimum of four (4) five-gallon shrubs shall be planted for each required tree within the perimeter landscape buffers, open space and plazas, and parking lot islands.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. No signage is approved as a part of this review. All signage shall be reviewed at the time of permitting by the Building and Safety Department and must adhere to LVMC Title 19.14.
10. Trash enclosure(s) must be screened and roofed using the same design theme and materials similar to those used in the main structure, per LVMC Title 19.08 development standards.
11. Site amenities, including without limitation benches, pergolas, landscaped arbors, artwork and other appropriate landscape features, shall be incorporated into the design of each pedestrian open space/plaza.

12. The height of an installed, raised planter within an open space/plaza shall not exceed two feet, six inches in height, and the height of the planter may be included in measuring the minimum height of five feet in the required landscaping.
13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
17. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
18. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
19. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. Owner shall coordinate with the Department of Public Works to develop a Memorandum of Understanding ("MOU") between developer and the City for the City to acquire additional right-of-way on Martin L. King Boulevard. Both Owner and City will utilize best efforts to execute an MOU by March 31, 2009. Plans and studies prepared for the site and offsite improvements will not reflect potential additional Martin L. King Boulevard right-of-way until after all terms of any acquisition are mutually agreed to by both Owner and the City. The building layout on this site shall not prohibit potential widening of Martin L. King Boulevard in accordance with the proposed roadway alignment shown in the Environmental Impact Study proposed by the Nevada Department of Transportation for the "Project Neon" improvement project. The failure of the parties to execute the MOU by March 31, 2009, shall in no way negate the City's approval of the Site Development Review, delay project submittals, reviews, approvals, nor shall it affect the developer's right to compensation for any property taken by the City.
22. Dedicate an additional 20 feet of right-of-way adjacent to this site for Alta Drive, an additional 10 feet for Martin L. King Boulevard and a 54 foot radius on the northwest corner of Alta Drive and Martin L. King Boulevard concurrent with development of this site. Also, dedicate appropriate right-of-way for a bus turnout/deceleration lane on Alta Drive per Standard Drawing #231.3, and all rights-of-way per Standard Drawing #201.1 for the intersection of Martin L. King Boulevard and Alta Drive.
23. Construct appropriate half-street improvements on Martin L. King Boulevard to the full extent of the right of way width required adjacent to this site, including dedicated right-turn lanes and dual left turn lanes, concurrent with development of this site. Coordinate with the Department of Public Works for final determination of the roadway geometrics prior to submittal of any construction drawings. Remove all substandard public street improvements and unused driveway cuts on Alta Drive adjacent to this site, if any, and replace with new improvements meeting current City Standards.
24. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
25. All new driveways or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A, including driveway throat depth, unless specifically allowed otherwise through a Deviation from Standards.
26. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

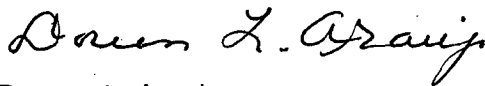
27. Provide a public sewer easement to Parcel #139 33 202 007 to a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works, unless otherwise allowed by the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
28. Landscape and maintain all unimproved rights of way on Alta Drive and Martin L. King Boulevard adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
29. Submit an Encroachment Agreement for all landscaping and private improvements in the Alta Drive and Martin L. King Boulevard public right of way adjacent to this site.
30. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site.

The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Mr. Larry Bitton  
SDR-32826 – Page Six  
April 3, 2009

31. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

Sincerely,



Doreen L. Araujo  
Deputy City Clerk II for  
Beverly K. Bridges, CMC, City Clerk.



M. Margo Wheeler, AICP  
Director  
Planning and Development Department

cc: Mr. Mike Byrne  
Thomas & Mack Development Group  
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Las Vegas, Nevada 89119

Mr. Greg Borgel  
Moreno & Associates  
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Las Vegas, Nevada 89101