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HARLEM NIGHTS HOTEL, RESORT & CASINO

JUSTIFICATION LETTER FOR ZONE CHANGE, VACATIONMENT, VARIANCE, SPECIAL USE PERMITS & SITE DEVELOPMENT REVIEW APPLICATIONS

22-0052-SDR1 - SITE DEVELOPMENT PLAN REVIEW

The proposed project consists of a 42 story Hotel which includes 764 rooms, a 60 story Apartment tower which includes 458 studio, 1 bedroom, 2 bedroom and 3 bedroom apartment units. The project also includes a 900 seat Performing Arts Theater, 5 Restaurants, retail Shops, a Parking Garage with 776 parking spaces (including 23 accessible spaces plus additional 36 bicycle spaces), a Health Club, and a Nightclub along with several Lounges.

The proposed project is located on a property (600 Jackson Avenue) that holds a Nonrestrictive Gaming use, along with a grandfather Tavern use. These allowable uses make this property very unique in Las Vegas and as such increases the value of the property. In order to make the best use of this property, it is imperative that the maximum use of the property be developed. The owner of this property has acquired the remainder of the properties bounded by Jackson Avenue on the south, Van Buren Avenue on the north, F Street on the east and G Street on the west. This application includes all properties located on this block.

This property is located in the Historic Westside and is part of a Revitalization Zone. A portion of the "Hundred Plan" calls for the "Revitalization of Historic Jackson Street". The Hundred Plan recommends establishing a walkable community with amenities to serve the residents. The Hundred Plan also recommends a "Catalyst Project" at a key intersection of Jackson Street and D Street or F Street with neighborhood coffee shops along with other support facilities. The Hundred Plan recommends repurposing buildings to celebrate the history of Jackson Street. The Plan recommends developing existing empty lots with mixed-use buildings and plazas including positive street life generators such as interactive shop fronts, cafes and music venues and a boutique hotel. The plan calls for a plan to reactivate Jackson Street to become a landmark destination. All of these recommended uses are intended to support the local economy. In addition to this, the (SAS) Southern Nevada Strong report stresses the critical need in this community to develop the vacant land located in the Historic Westside neighborhood and to address the lack of available housing.

In conjunction with the Site Development Plan Review, we hereby request the following waivers:

- 1- Driveway width of 24' where 32' is required. Please be advised that the proposed project is designed with a parking garage which has been designed with 90 degree parking in accordance

23-0052
02/15/2023

with Table 19.08.110(c) which requires a minimum isle width of 24', which is what we are proposing.

- 2- We are hereby requesting a waiver to allow a zero foot front setback on Jackson Avenue where a 10' setback is required and a zero foot corner side setback where a 10' setback is required. Please be advised that we are complying with the required 10' setbacks everywhere except at the location of the casino at the corner of Jackson Avenue & F Street. Due to the grandfather non-restricted gaming conditions, we are obligated to maintain the existing footprint of the existing casino which extends to the property lines on both Jackson Avenue and F Street.
- 3- We hereby request a Waiver of Development Standards to allow a main body depth of 284' where 200' is the maximum allowed. The proposed building consists of a T shaped tower. The 60 story tower has a depth of 66' which is in compliance with the main body depth requirement. The 42 story tower has a width of 79' with a length of 290' where 200' is the maximum allowed. This condition is similar to many other casino, hotel or condominium buildings located in the downtown area of Las Vegas where parking garages are necessary to provide the required parking and to make the most efficient use of the property. In a situation where on grade parking is provided, the parking lot would occupy the space where our parking garage exists and would allow the open area (non-building) as required by the code. This is not the case where parking garages are necessary. The "main body depth" concept is somewhat misleading in that the depth of the (2) towers do not exceed the 200' maximum requirement, but if you only consider the width and depth of the project you would think that the tower is 290' x 290' which is not an accurate description of the proposed project.
- 4- Please be advised that there is NO intention at this time to provide automobile rental facilities within this project.

CONDITIONAL USE – NIGHTCLUB

We hereby request a Conditional Use Permit to allow a nightclub located on the 7th floor with a floor area of 7,910 s.f. This is another amenity of the hotel which addresses another recommendation of the Hundred Plan where it recommends small music venues that unique to the Westside and also contributes to Jackson Avenue's importance to the community. This venue is yet another opportunity to not only provide entertainment, but also employment opportunities for the Historic Westside neighborhood. Since this facility is in conjunction with a facility with a non-restricted gaming license and has over 200 hotel rooms, the 500' separation from residential condition does not apply.

22-0052-ZON1 - REZONING FROM T4-MS & T4-N TO T5-MS

We hereby request that the subject property (13927110072, 13927110073, 13927110074, 13927110075, 13927110076, 13927110061, 13927110060 & 13927110059) be changed from its current zoning of T4-MS / T4-N to a T5-MS zone.

The original zoning for this site consisted of C-2 & R-3 zones. The City of Las Vegas rezoned this property to T4-C & T4-N which is the current zoning. The City rezoned the properties fronting on Jackson Avenue to T4-C and the properties fronting on Van Buren Avenue to T4-N. It is our belief that the 600 Jackson Avenue parcel which had a prior zoning of C-2 which allowed a tall commercial building was the appropriate zoning for a property with a non-restrictive gaming use. The current property owner has been involved with this property for the past 10 years and has always intended to fully develop the property including building a facility that could accommodate the minimum 200 room hotel requirement. Due to the lengthy legal proceedings with this property, the current owner was not

23-0052
02/15/2023

involved with the city when they changed the zoning from C-2 to T4N and T4-C. After extensive analysis, the current owner has determined that developing this property in compliance with the Form-Based code for T4-N and T4-C zones would not be financially feasible. He further believes that developing this project with the 60 floors would provide the catalyst project recommended in the Hundred Plan, not to mention the great number of jobs that it would generate, not only during construction but also for many years to come. He also believes that this project would provide the revitalization that the Historic Westside neighborhood has needed for a long time.

22-0052-VAC1 – PETITION TO VACATE

We hereby request the vacation of the 20 foot wide alley located on the property adjacent to 139-27-110 between F Street and G Street. The proposed development includes the entire property with the bounds of Jackson Avenue, G Street, Van Buren Avenue & F Street. A single owner will develop the entire property. All utilities currently located in the alley will be relocated around this block.

22-0052-SUP1 - SPECIAL USE PERMIT– AIRPORT OVERLAY

We hereby request a Special Use Permit to allow a 60 story building with a maximum height of 687' where 140' is the maximum allowable height.

It is our opinion that in order to have a hotel with non-restrictive gaming and alcohol throughout, a minimum of 200 hotel rooms are required per State regulations. It is not possible to design a facility that can accommodate a casino and hotel along with all of the parking required and other amenities on this site with the 5 story limitation established in the form based code. The owner's intention is to develop a project that will revitalize the Historic Westside and provide the housing that is critically needed in this area. In order to do so, we need to exceed the height restrictions provided in the code. It is our intent to file an application with the FAA to request the approval to construct a 687' building. It is also our request that this be indicated as a condition of approval.

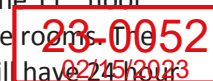
22-0052-VAR1 – VARIANCE – BUILDING HEIGHT

We hereby request a Variance to allow the construction of a building with a maximum height of 60 stories where 7 stories is the maximum allowed.

The subject site is extremely unique in the City of Las Vegas and Clark County in that it has a grandfathered non-restrictive gaming use permitted on this site. As a result of this condition, the gaming aspect impacts the value of this property and thus has an impact on its overall design. In order to comply with regulations governing on site alcohol use, (which goes along with the casino use) we need to provide a minimum of 200 hotel rooms. In addition to this, the Hundred Plan calls for providing additional housing units. We are proposing 458 apartment units. In meeting these design requests, it is not possible to do so within the limitations of a 7 story building. The Hundred plan recommends a "Catalyst Project" at the key intersections of Jackson and "D" or "F" Streets. It is our opinion the by constructing the proposed 60 story building, this request will be met and that it will initiate development in this neighborhood.

22-0052-SUP2 - SPECIAL USE PERMIT– MASSAGE ESTABLISHMENT

The proposed project includes a health club with a floor area of 6500 s.f. and located on the 11th floor adjacent to the pool deck. The health club includes a 775 s.f. massage area with 4 massage rooms. The health club is considered one of the amenities of the hotel and apartment building and will have 24-hour



access which will require a waiver. It is also our understanding that a waiver will be required for the message establishment to be located within 400' of a church, house of worship, school, city park, individual care center for more than 12 children or any parcel zoned for residential use. It is our belief that the proposed health club will be an important amenity supporting not only the hotel but the residents of the apartments as well.

In conjunction with the Special Use Permit we hereby request the following Waivers:

- 1- We hereby request a Waiver to allow a Message Establishment with a floor area of 775 s.f. where 150 s.f. is the maximum allowed
- 2- We hereby request a Waiver to allow a Message Establishment to be located less than the 400' from any church, house of worship, school, City park, individual care center licensed for more than 12 children, or any parcel zoned for residential use.
- 3- We hereby request a Waiver to allow the Message Establishment to operate 24 hours a day where the time allowed is 6:00 am to 10:00 pm.

Please be advised that the proposed Message Establishment is located within the health club which is located on the 11th floor and is intended to be used as an amenity for the Hotel guests along with the apartment residents.

It is our belief that this project will provide all of the listed recommendations of the "Hundred Plan" and will be the catalyst for the revitalization of Jackson Street and the Historic Westside including The Hotel, café's, neighborhood coffee shops and music venues. This project will generate not only employment opportunities during construction but provide many quality jobs far into the future.

We believe that this project will be a great attribute to the Historic Westside neighborhood and to the City of Las Vegas.

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23-0052
02/15/2023

23-0052
02/15/2023