



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - TXT-26651 - APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Title 19.06.100(A) of the Downtown Casino Overlay District regulations, Boundaries, is hereby amended as follows:

(A) Boundaries.

There is hereby created the Downtown Casino Overlay District, whose boundaries are depicted in the map that appears below. ~~Within the Downtown Casino Overlay District (referred to in this Subchapter as the District), a sub-district is created, to be referred to as the Special Signage Sub-district (or Sub-District), whose boundaries are also depicted in the map that appears below.~~

(map to appear here in codification)

2. Title 19.06.100(C) of the Downtown Casino Overlay District regulations, Special Sign Standards, is hereby amended as follows:

(C) Special Sign Standards.

- (1) Signs on parcels within the ~~Sub-district~~ District are exempt from the sign regulations contained in the ~~Zoning Code (Chapter 19.14)~~ Chapter 19.14 to the extent that those regulations are inconsistent with the provisions of this Section 19.06.100. Provisions of Chapter 19.14 that are not inconsistent with the provisions of this Section shall continue to apply to signs within the District. Such provisions of Chapter 19.14 may be applied by the Director or be made applicable as part of the review and approval process set forth in this Section.
- (2) Any sign existing in the District as of January 2, 2002, that conforms to the provisions of Chapter 19.14 or has been allowed to continue under nonconforming status may continue under the provisions of this Section as long as a current permit is maintained, the sign is structurally sound and in good working order, and the sign does not create a public nuisance or otherwise violate any ordinance, regulation or statute. Except as otherwise provided by ordinance, any such sign shall not be subject to removal or modification by reason of any amendment to Chapter 19.14.

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- (3) The sign standards contained in this Section shall:
 - (a) Be interpreted and applied with reference to the background provisions set forth in Subsection (B) above;
 - (b) Apply to all property, development, expansion and renovation within the Sub-district except property located within the boundaries of the Pedestrian Mall, as described in LVMC Chapter 11.68; and
 - ~~(c) Apply to any building facade within one hundred twenty five feet of the centerline of the streets that border the Sub-district (referred to hereafter as the buffer area). (See Illustration A)~~

- (4) The development, construction, expansion, or renovation of freestanding signs within the ~~Sub-district~~ District is prohibited, except signs that:
 - (a) Belong to or are within the Neon Museum collection;
 - (b) Have been declared by the Las Vegas Historic Preservation Commission to be historic or contributing; or
 - (c) Are components of a wayfinding system or identity program for the ~~Sub-district~~ District.

- (5) Each wall-mounted sign within the ~~Sub-district~~ District shall be a minimum of ten feet vertically above the height of the finished sidewalk along public rights-of-way and public pedestrian pathways. (See Illustration ~~B~~A) On-premise signs that do not exceed sixty-five square feet in size are exempt from this requirement, provided that there is a separation between such signs of at least fifty linear feet along the right-of-way or pathway.

- (6) ~~Of all signage to be placed along Fourth Street, or along any street that is adjacent and perpendicular to Fourth Street and is within one hundred twenty five feet of the centerline of Fourth Street, at least seventy five percent of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. (See Illustration C) Of all signage that is not within the areas described in the preceding sentence, the minimum percentage of neon or animated signage, or combination thereof, is fifty percent.~~ For all signage within the District, at least seventy-five percent of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. LED signage reflecting the neon style may be used on a case-by-case basis, as approved by the Downtown Design Review Committee pursuant to Subsection (D) of this Section.

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- ~~(7)~~ Individual sign surface areas shall not exceed a total of one thousand five hundred square feet.
- ~~(8)~~(7) For any one wall, the maximum wall coverage for the composite total of all sign surface areas shall not exceed fifty percent of the eligible wall signage area, as depicted in Illustration ~~DB~~DB. This limitation does not apply to roof signs located above the roofline of the building facade ~~nor to transparent building wrap signage.~~
- ~~(9)~~(8) The minimum separation distance between off-premise signs shall be five feet.
- ~~(10)~~(9) The total sign surface area of each wall mounted, roof mounted, or parapet mounted sign shall not exceed one thousand five hundred square feet, and no such sign shall extend vertically more than twenty feet above the height of the parapet.
- ~~(11)~~(10) Animated signs must be fully operational and continuously animated twenty-four hours a day. Changes to the image or other animation feature must occur no less frequently than every thirty seconds, except when required maintenance or change of message dictates otherwise.
- ~~(12)~~(11) Each off-premise sign with at least two rotating or changing messages, images or contents, must change at least once every thirty seconds, and the sign must be framed by a decorative faceplate or frame that is at least eighteen inches in width and that includes at least one band of illuminated neon tubing completely surrounding the sign.
- ~~(13)~~(12) At least seventy-five percent of off-premise signs are encouraged to be used to advertise places, products, goods, services, ideas or statements whose subject is available or located within the District.
- ~~(14)~~(13) It is recommended that all signs be fully illuminated from at least one hour before dusk until one hour after dawn. Signs may be fully illuminated during daylight hours also.
- ~~(15)~~(14) Signs may not encroach into any public right-of-way, or any intersection more than eight feet perpendicular to the building wall to which the sign is attached. (See Illustration ~~EC~~EC) Marquee signage along Fourth Street is exempt from this limitation. The City does not encourage encroachment of signage into public rights-of-way, and the applicant or sign owner must obtain all necessary encroachment approvals before the installation of any sign.

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~~(16)~~(15) The owner and operator of each sign is responsible for ensuring that appropriate sign maintenance occurs and that repairs of damaged signs are accomplished promptly.

3. Title 19.06.100(D) of the Downtown Casino Overlay District regulations, Special Sign Standards Review and Approval Procedures, is hereby amended as follows:

(D) Special Sign Standards Review and Approval Procedures.

(1) Downtown Design Review Committee. There is hereby created a Downtown Design Review Committee (DDRC) for the review of signs proposed to be located within the Sub-district and buffer area District. ~~The DDRC shall be composed of: two members of the Planning Commission, two representatives of the Department designated by the Director, and one representative of the City's Office of Business Development.~~ The DDRC shall be composed of:

(a) Two members of the Planning Commission, appointed by the Commission;

(b) One representative of the Department, designated by the Director;

(c) One representative of the city's Office of Business Development, designated by its Director; and

(d) Three owners of businesses located within the District, as appointed by the Mayor.

The DDRC shall have the authority to review and approve applications for all signs, subject to the provisions of this Section. Members shall serve three-year terms and may be reappointed.

(2) Application Process. Sign applications shall be submitted to the Department. The Department shall forward the application to the DDRC for review and action. The DDRC shall review the application and shall approve, approve with conditions, or deny the application.

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- (3) Design Review Provisions. The following design review procedures shall apply:
- (a) The DDRC may approve a sign application for single or multiple uses if it determines that each sign is compatible with the theme and overall character to be achieved in the area. The DDRC shall base its assessment of compatibility on the following criteria:
 - i. The applications compliance with the standards identified in this Section.
 - ii. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
 - iii. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
 - iv. The similarity or dissimilarity of a signs size and shape to the size and shape of other signs in the area.
 - v. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
 - vi. The compatibility of the type of illumination, if any, with the type of illumination in the area.
 - vii. The compatibility of the materials used in the construction of the sign with the material used in the construction of other signs in the area.
 - viii. The aesthetic and architectural compatibility of the proposed sign with the building upon which the sign is suspended, including its signage, and with the surrounding buildings and their signage.
 - ix. The signs use of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.

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- (b) Applications for the design review of signs shall be processed as follows:
 - i. An application shall include: ~~a~~ Ten complete sets of plans which contain visual representations of the lettering, illumination, color, area and height of graphics, and ~~may~~ which also indicate the areas and building where they may be placed and located; photographic or drawn elevations of a minimum of two hundred sixty-six feet of frontage, with proposed signs superimposed, to show the context and perspective of the proposed signs; a drawing of each sign at one-half-inch to one-inch scale; and any other items required by the Director or the DDRC.
 - ii. Applications shall be forwarded to the DDRC by the Department at least ~~two~~ one weeks prior to the regularly scheduled DDRC meeting.
 - iii. Approval or denial of an application by the DDRC shall be made in writing with reasons for approval, denial, or approval with conditions, within ~~fifteen~~ three days following each DDRC meeting. In the event written notification of the action is not provided within that period, the application shall be deemed to have been denied. Decisions of the D DRC may be appealed to City Council in accordance with the provisions of Paragraph (5) below.

(4) Waivers. The DDRC is authorized to waive any of the sign standards set forth in Subsection (C), other than the prohibitions contained in Paragraph (4) thereof, if:

- (a) The applicant establishes that a waiver is warranted based upon conditions specific to the parcel; and
- (b) The DDRC determines that the waiver:
 - i. Will not compromise the design objectives of the sign standards; and
 - ii. Will further the Citys redevelopment efforts.

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- (5) Appeals. The applicant may appeal a decision of the DDRC to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. The appeal must be filed within ten days after notification of the administrative decision has been given (or within ten days after the deadline for notification has passed), and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.
- (6) Rules and Regulations. The DDRC shall have the authority to adopt rules and regulations concerning its administrative procedures.

4. Title 19.06.120(E) through 19.06.120(G) of the Downtown Entertainment Overlay District regulations is hereby stricken and replaced with the following subsections:

- (E) Signage Standards. All new signage shall incorporate neon, LED, animation, or any combination thereof, in at least fifty percent of the total surface area of such signage.
- (F) Review and Approval Procedures (General). Except as otherwise provided in this Subsection (F), any application for development within the Downtown Entertainment Overlay District shall be processed in accordance with the normal review and approval processes set forth in Chapter 19.18. Any application for new signage shall be processed in accordance with the procedures described in Subsection (D) of Section 19.06.100.
- (G) Special Use Permits for Tavern-Limited Establishment.
 - (1) A Special Use Permit for a tavern-limited establishment shall be processed in accordance with the Special Use Permit provisions of LVMC 19.18.060. A Special Use Permit for this use may be approved if it meets the Special Use Permit criteria generally, the criteria for a tavern-limited establishment, and the criteria set forth in this Subsection (G).
 - (2) The approval of a Special Use Permit for a tavern-limited establishment may include such conditions as may be recommended by City staff and the Planning Commission, and imposed by the City Council.
- (H) Relationship to Other Provisions. All provisions of this Title shall apply to property within the District except to the extent that they conflict with the provisions of this Section.

5. Title 19.06.140(C)(1) of the Las Vegas Boulevard Scenic Byway Overlay District, Relationship to Other Provisions, is hereby amended as follows:

(C) Sign Standards.

(1) Relationship to Other Provisions. Except as otherwise modified, required or prohibited by this Section, all signage within the Las Vegas Boulevard Scenic Byway Overlay District shall be governed by and subject to:

- (a) All applicable standards and procedures in Chapter 19.14;
- (b) All applicable standards ~~and procedures~~ in Chapter 19.06 that govern the Downtown Overlay District, for properties that are located within that district; ~~and~~
- (c) All applicable standards ~~and procedures~~ in Chapter 19.06 that govern the Downtown Entertainment Overlay District, for properties that are located within that district; and
- (d) The review and approval procedures set forth in Subsection (D) of Section 19.06.100, irrespective of where in the Las Vegas Boulevard Scenic Byway Overlay District the signage will be located.

6. Title 19.06 is hereby amended to include the following new section:

19.06.180 Downtown Gateway Overlay District

(A) Establishment of District. There is hereby created the Downtown Gateway Overlay District (the District), whose boundaries are depicted in the map that appears below.

(map to appear here in codification)

(B) Intent of District. The area encompassed by the Downtown Gateway Overlay District serves as a highly-visible entranceway to the downtown area, and contributes greatly to the identity, significance, and economic welfare of the City. Creation of the District is intended emphasize that contribution and to:

- (1) Encourage dynamic displays of signage which enhance the northern entrance to the downtown area, and draw traffic to the district from the nearby freeways;
- (2) Celebrate signage as an attraction and cultural amenity within the District;
- (3) Provide freedom of architectural and artistic expression within the District;

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- (4) Preserve and expand the tradition of neon art and animated signage made famous in the downtown area; and
 - (5) Encourage redevelopment of the area.
- (C) Signage Standards.
- (1) General Requirements. The sign regulations contained in Section 19.06.100(C) shall be applicable to signage within the Downtown Gateway Overlay District. Signs on parcels within the District are exempt from the sign regulations contained in Chapter 19.14 to the extent that those regulations are inconsistent with the provisions of this Section and Section 19.06.100(C). Provisions of Chapter 19.14 that are not inconsistent with the provisions of this Section and Section 19.06.100(C) shall continue to apply to signs within the District. Such provisions of Chapter 19.14 may be applied by the Director or be made applicable as part of the review and approval process set forth in this Section.
 - (2) Specific RequirementType of Signs. For all signage within the District, at least seventy-five percent of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. LED signage reflecting the neon style may be used on a case-by-case basis, as approved by the Downtown Design Review Committee pursuant to Subsection (D) of this Section.
 - (3) Building Wrap Signs. In addition to the signage otherwise permitted within the District pursuant to this Section, Section 19.06.100(C) and Chapter 19.14, building wrap signage may be permitted, subject to the following criteria:
 - (a) Building wrap signs shall be permitted only on buildings that are either currently occupied or have current licensing and zoning approvals for nonrestricted gaming. Building wrap signs are not permitted within the boundaries of the Las Vegas Boulevard Scenic Byway Overlay District established pursuant to Section 19.06.140.
 - (b) Building wrap signs shall be directly mounted to and flush with the wall of a structure, and in a manner that is consistent and integrated with the architectural features of the building.

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- (c) Building wrap signs are not subject to maximum height or area limitations, but shall be subject to review by the Downtown Design Review Committee (DDRC) established pursuant to Section 19.06.100(D). The DDRC shall review such signs on a case-by-case basis for consistency with the requirements and intent of the District. In no case shall a building wrap sign extend above the wall or parapet of a structure, or extend beyond the limits of any wall of a structure.
 - (d) Building wrap signs shall not be subject to the provisions of Paragraph (2) above regarding type of signage.
 - (e) Building wrap signs may be utilized for on-premise or off-premise messages. At least seventy-five percent of building wrap signs with off-premise messages are encouraged to be used to advertise places, products, goods, services, ideas or statements whose subject is available or located within the District.
 - (f) Building wrap signs shall be reviewed by the (DDRC) as part of a master sign plan. In addition to the review process set forth in this Section, signs with off-premise messages require the approval of a Special Use Permit in accordance with Section 19.18.060.
- (4) Building-Mounted Off-Premise Signs. In addition to the off-premise signage permitted under Chapter 19.14.100, building-mounted off-premise signs may be permitted, subject to the provisions of this Paragraph (4). Such signs must be designed so as to be consistent and integrated with the architectural features of the structure to which they are attached or upon which they are mounted. Such signs shall be subject to the standards and processes applicable to off-premise signs generally, except as otherwise provided in this Paragraph (4).
- (a) Building-mounted off-premise signs that comply with the Subparagraph (b) below are exempt from the separation and distance requirements, right-of-way setback requirements, and height limitations that are set forth in Section 19.14.100 and that otherwise apply to off-premise signs.
 - (b) In order to qualify for the exemptions set forth in Subparagraph (a) above, building mounted off-premise signage must be directly mounted to and flush with the wall of a structure, or must be directly mounted or affixed to the roof of a structure.

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- (c) Building-mounted off-premise signs to be located within six hundred sixty feet of the right-of-way of Interstate 515 may be oriented in any direction. Building-mounted off-premise signs to be located at a greater distance from the right-of-way of Interstate 515 must be oriented towards Interstate 515.
 - (d) Building-mounted off-premise signs shall not be subject to the provisions of Paragraph (2) above regarding type of signage.
 - (e) In addition to the processes otherwise applicable to off-premise signs under Chapter 19.14 and Chapter 19.18, building-mounted off-premise signs must first be reviewed by the DDRC as part of a master sign plan. The recommendation of the DDRC shall be forwarded to the Planning Commission and City Council for consideration and decision.
- (D) Review and Approval Procedures. Except as otherwise provided in this Section, any application for new signage within the Downtown Gateway Overlay District shall be processed in accordance with the review and approval processes set forth in Section 19.06.100(D).
- (E) Relationship to Other Provisions. All provisions of this Title shall apply to property within the District except to the extent that they conflict with the provisions of this Section.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Discussion and possible action to amend Title 19.06, Special Purpose and Overlay Districts, to update the design review process, revise maps and update signage standards for the Downtown Casino, Downtown Entertainment and Scenic Byway Overlay Districts. In addition, a new signage district called the Gateway District is proposed for the downtown area.

The proposed amendments are intended to simplify the administrative process for sign review in the downtown area, extend the Downtown Casino sign regulations to redeveloping areas at the northern entrance to downtown, and encourage signage displays that are in keeping with the history and tradition of the downtown area.

BACKGROUND INFORMATION

The current code has two separate design review committees for the Downtown Casino Overlay District and the Entertainment Overlay District, although both districts utilize the same sign regulations. There is currently no review committee for the Las Vegas Boulevard Scenic Byway Overlay District.

With redevelopment efforts expanding north of the Fremont Street experience and east of the City Hall campus, it is necessary to expand the downtown signage provisions to this area as well. Current sign regulations in this area is the same as for suburban commercial districts; it is important to allow more exuberant signage displays in this downtown entryway to continue the tradition of Glitter Gulch.

ANALYSIS

The proposed changes are intended to streamline the design review process for projects located with the special signage overlay districts in downtown, as well as to fine-tune some of the specific regulations. The new Downtown Gateway Overlay District will extend similar sign regulations to properties fronting the south side of the I-515 freeway on either side of Las Vegas Boulevard, so as to provide a cohesive signage environment for the downtown area. The proposed text amendment will result in changes to each of the districts as described below:

Downtown Casino Overlay District

- **Boundaries:** The boundaries of the district will be modified slightly to accommodate the creation of the new Gateway District. The Special Signage Sub-District has been eliminated so as to reduce confusion as to the application of the district regulations. The Parkway Center will no longer be included in the overlay district, as both the Downtown Centennial Plan and the Union Park Development Standards manual maintain signage regulations for the Parkway Center properties.

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- Signage Regulations: Minor changes are proposed to the existing signage regulations. The requirement for the use of either neon or animation has been expanded to include LED lighting, as new LED technology can replicate the appearance of neon tubing while reducing energy consumption. The sign area limitation as it applies to individual signs has been removed, as the requirement conflicts with the goal to have signage integrated with the façade and architecture of the building. The reference to transparent building wrap signage has been removed, as wrap signage will be limited to the new Gateway Overlay District.
- Design Review Process: The design review committees for the Downtown Casino and Downtown Entertainment Overlay Districts will be combined into one committee, to be called the Downtown Design Review Committee. The committee will also review proposed signage for the Scenic Byway Overlay and the new Gateway Overlay District. The committee will be composed of two members of the Planning Commission, two City staff members, and three downtown business owners. The business owners on the committee will be appointed by the mayor. Minor changes have been made to the requirements for processing sign applications to reflect the actual procedures utilized by City staff.

Downtown Entertainment Overlay District

- Boundaries: No changes are proposed to the boundaries of the district.
- Signage Regulations: The same minor changes proposed for the Downtown Casino Overlay District will be applicable to the Entertainment District.
- Design Review Process: The Entertainment District will utilize the same design review committee as the Downtown Casino Overlay District.

Las Vegas Boulevard Scenic Byway Overlay District

- Boundaries: No changes are proposed to the boundaries of the district.
- Signage Regulations: No changes are proposed to the sign regulations for the district.
- Design Review Process: Signage in the Scenic Byway Overlay will now be reviewed by the Downtown Design Review Committee; previously, signage in the district was reviewed and approved by City staff.

Downtown Gateway Overlay District

- Boundaries: The boundaries for the new district would be along Casino Center Boulevard to the west, Ogden Avenue to the south, the alley between 7th Street and 8th Street to the east, and the I-515 freeway to the north. The intent of the district is to serve as the northern gateway into the downtown area, as it encompasses the properties on both sides of Las Vegas Boulevard abutting the freeway.
- Signage Regulations: The district will utilize the same sign regulations as the Downtown Casino and Downtown Entertainment Overlay districts. Permitted sign types would be expanded to include building wrap signage and wall-mounted off-premise signage, subject to review by the Downtown Design Review Committee.
- Design Review Process. Signage in the Downtown Gateway District will be reviewed by the Downtown Design Review Committee.

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FINDINGS

The proposed text amendment will accomplish the following:

- Reduce overlap between multiple design review committees and streamline the sign approval procedures;
- Refine sign regulations while maintaining the vibrant character of signage in the downtown area;
- Maintain the character of signage within the Scenic Byway Overlay District as a means to safeguard the scenic qualities of Las Vegas Boulevard; and
- Create a new overlay district to address the distinct qualities of the properties along the I-515 freeway on both sides of Las Vegas Boulevard.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0