

AGENDA SUMMARY PAGE**HISTORIC PRESERVATION COMMISSION MEETING OF: JULY 25, 2018**

DEPARTMENT: PLANNING**DIRECTOR: ROBERT SUMMERFIELD****HISTORIC PRESERVATION OFFICER: PAUL BENGTON**☒ **Action**
☐ **Report****SUBJECT:**

HPC-73932 – Discussion for possible action regarding the proposed amendments to the Las Vegas Boulevard Scenic Byway Overlay District signage standards.

PURPOSE:

The Planning Commission recommended approval of a text amendment (TXT-73377) at the June 12, 2018 Planning Commission meeting which would amend the signage standards within the Las Vegas Boulevard Scenic Byway Overlay District. The current standards require 75% of total signage to be illuminated. Illuminated means either neon or animated, which includes LED screens. The amendments as currently written would allow the LED signs to display video, where elsewhere in the city they are limited to static images displayed for a minimum of six seconds per image.

BACKGROUND:

At the June 12, 2018 Planning Commission meeting the commission voted to recommend approval of the proposed amendments, however they included recommendations regarding modifications to the language that should be considered. In particular the recommendations stated as part of the motion are:

“Animation in new signs is not necessarily a bad thing, but suggested it was okay on signs that are incorporated into buildings, but the freestanding signs should still be neon in nature and that the size is still limited to the current code (1 sign for every 200 feet of linear frontage or 2 square feet of sign for each linear foot of frontage and the signs are to be 100 feet apart on the same property). She wants to make sure the building signs cannot exceed 25 percent of the façade it is attached to.”

Currently, animated signs containing a changeable electronic message are subject to restrictions regarding what types of signage may be displayed, as well as the duration of the display. Transition effects between static images are permitted, but full motion video is not. This amendment would exempt properties within the Las Vegas Boulevard Scenic Byway Overlay District from these restrictions. Unlike other areas within the City, at least 75% of the total sign surface areas for a development located within the district (excluding awning signs) must consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. Exempting this district from the restrictions on

video messaging would allow greater flexibility regarding how these signs are used, and would further the intent of the district to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway and to provide signage standards that will maintain and enhance the scenic qualities of the historic highway in accordance with the “scenic byway” designation.

However, while acknowledging the benefits of this proposal with regard to development and tourism, there are some outstanding concerns regarding the implementation of this text amendment:

1. While the addition of fully animated signage along the scenic byway would enhance the nighttime scenic aspect, preservation of the existing historic neon signage should be a priority. There are currently no protections in place for the existing neon signage; instead, the City relies on the requirement that signage at any particular site consists of at least 75% neon/animation and provides some visual improvement funding to encourage retention of it. Expanding the allowances of the LED screens to show video and the ever lowering costs of technology could mean that this amendment results in incentivizing the removal of existing neon signage.
2. To further protect and preserve the existing neon signage and the character of the scenic byway, additional provisions could be added, such as discouraging the use of video screens on free standing signs. This would encourage the use of neon in conjunction with video screens, which could be integrated into the architecture of the building to balance signage desires and urban design.
3. Allowing fully animated LED signage throughout the entire scenic byway may have unintended negative impacts on adjacent residential subdivisions. Certain segments of the byway may be more or less suitable for such signage, depending on the type and intensity of the adjacent development.

The proposed amendment presented to the Planning Commission is as follows (underline text indicates text to be added to the ordinance):

C. Sign Standards

1. Relationship to Other Provisions. Standards governing signs located within the boundaries of the SB-O District are intended to be the most restrictive. 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 this Title, except that the provisions of LVMC 19.08.120(B)(11)(a) regarding animated signs containing changeable electronic messages shall not apply; and

- b. The review and approval procedures set forth in Subsection (D) of LVMC 19.10.100, irrespective of where in the Las Vegas Boulevard Scenic Byway Overlay District the signage will be located. The provisions of LVMC 19.10.100(D)(8) shall apply to supergraphic signage within the SB-O District.

Current Text of Scenic Byway Overlay District:

19.10.160 SB-O Las Vegas Boulevard Scenic Byway Overlay District

A. Intent

In 2001 the State of Nevada designated as a scenic byway the Las Vegas Boulevard Scenic Byway in order to preserve its character as a nighttime urban scenic byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the “scenic byway” designation.

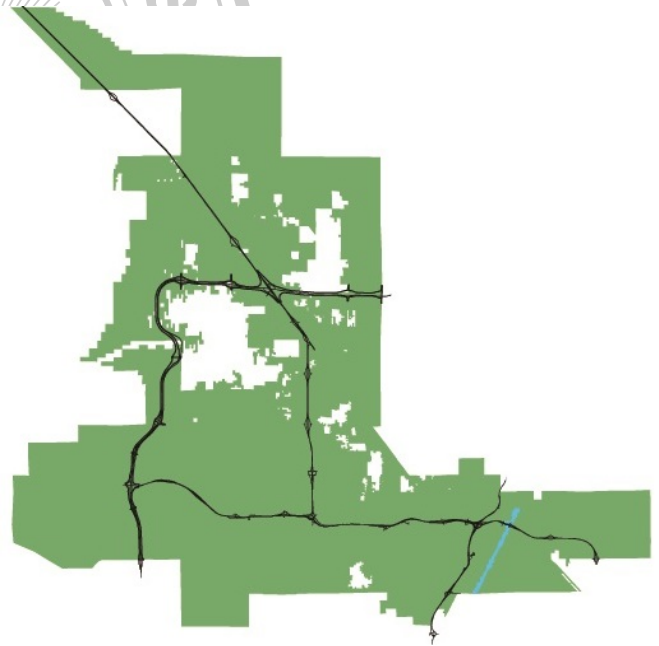
B. Boundaries.

The Las Vegas Boulevard Scenic Byway Overlay District is established within the City. Its boundaries are generally described as the portion of Las Vegas Boulevard between Sahara Avenue on the south and Washington Avenue on the north. The Overlay District includes only those properties that have direct frontage on Las Vegas Boulevard. Because of ongoing development activity along Las Vegas Boulevard, the list of properties with direct frontage on Las Vegas Boulevard may change from time to time, and the above textual description of the boundaries of the Overlay District shall control over any map to the contrary. However, for the sake of convenience and reference, the boundaries of the Overlay District are generally depicted in Figure 1.

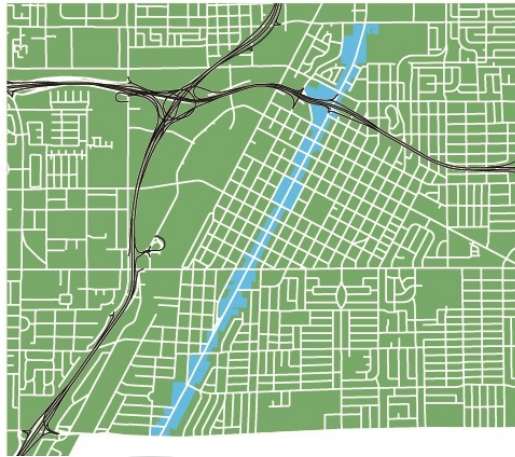
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Relationship to Other Provisions. Standards governing signs located within the boundaries of the SB-O District are intended to be the most restrictive. Except as otherwise modified, required or prohibited by this Section, all signage within the Las Vegas Boulevard Scenic Byway Overlay District shall be governed by and subject to:

Figure 1 - Las Vegas Boulevard Scenic Byway Overlay District Map



- a. All applicable standards and procedures in this Title; and
- b. The review and approval procedures set forth in Subsection (D) of LVMC 19.10.100, irrespective of where in the Las Vegas Boulevard Scenic Byway Overlay District the signage will be located. The provisions of LVMC 19.10.100(D)(8) shall apply to supergraphic signage within the SB-O District.



Map is representative of where the SB-O District is located. See the Official [Zoning Map Atlas](#) for the exact location of properties which currently fall within the SB-O (Las Vegas Boulevard Scenic Byway Overlay) District.

2. **Illumination.** Except as otherwise provided in LVMC 19.08.120(H) with respect to supergraphic signage, for any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development (excluding awning signs) must consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. All such illuminated signs must be fully illuminated from at least one hour before dusk until one hour after dawn. Such signs may be fully illuminated during daylight hours also.
3. **Off-premise Signs.** Off-premise signs are not permitted within the Las Vegas Boulevard Scenic Byway Overlay District. No waiver or Variance from this prohibition is available.
4. **Maintenance.** The owner and operator of each sign are jointly and severally responsible for ensuring that appropriate sign maintenance occurs and that damaged or nonfunctional signs and lighting are promptly repaired and made functional.

Current Text in LVMC 19.08 regarding Changeable Electronic Messages:

19.08.120 B.11:

Animated Signs Containing a Changeable Electronic Message

- a. Animated signs containing a changeable electronic message shall consist of static images that have a minimum duration of six seconds for each message. The transition time between each message shall be no more than two seconds with no motion or animation during the transition between messages.

- b. Animated signs containing a changeable electronic message utilizing LED illumination shall adjust brightness automatically in response to changes in surrounding light levels so as not to be unreasonably bright. At no time shall the brightness of LED illumination exceed 300 nits. With respect to signage that is near Federal and State highways, nothing in the preceding sentence shall affect the application of more restrictive Federal and State standards governing the illumination of signs near such highways.

FINDINGS:

Advocating for carefully considered amendments to the Las Vegas Boulevard Scenic Byway signage regulations could assist the city and commission in recognizing and preserving the city's history, culture and historic places. These activities are in keeping with Objective 1 of the Historic Preservation Element of the Master Plan:

OBJECTIVE 1: Promote the preservation, maintenance and protection of structures, sites, neighborhoods and districts of historic and prehistoric interest within Las Vegas.

OBJECTIVE 3: Promote and encourage the rehabilitation and reuse of historic resources.

OBJECTIVE 5: Facilitate coordination and cooperation between the Historic Preservation Commission and other city departments, local and regional historic preservation, archaeological and museum organizations.

RECOMMENDATION:

Staff has no recommendation.

BACKUP DOCUMENTATION:

1. Excerpt of the Draft Minutes from the 6/12/18 Planning Commission meeting

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PLANNING COMMISSION MEETING OF: JUNE 12, 2018

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

TXT-73377 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to amend LVMC 19.10.160 related to the Las Vegas Boulevard Scenic Byway Overlay District, and to provide for other related matters. Staff has NO RECOMMENDATION.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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City Council Meeting

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RECOMMENDATION:

Staff has NO RECOMMENDATION

BACKUP DOCUMENTATION:

1. Proposed Amendments and Staff Report
2. Submitted after Final Agenda – Protest Documentation Not Vetted – Letters/Comment Forms (23)
3. Submitted at Meeting – Recommendations Submitted by Commissioner Roush and Protest/Support Documentation Not Vetted – Protest Letter (1) from Rosalie Lidard Submitted by Heidi Swank and Support Letter (1) Submitted by Mark Carlson

Motion made by CHRISTINA ROUSH to Approve

Passed For: 3; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 3

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN; (Against-None); (Abstain-SAM CHERRY); (Did Not Vote-None); (Excused-VICKI QUINN, LOUIS DE SALVIO, BRENDA J. WILLIAMS)

NOTE: CHAIR CHERRY abstained from voting as he has a property on Las Vegas Boulevard that would be affected by this Text Amendment.

Minutes:

ACTING CHAIR SCHLOTTMAN declared the Public Hearing open.

PAUL BENGTON, Senior Management Analyst, stated the proposed Text Amendment would allow greater flexibility for animated signs located on properties within the Las Vegas Boulevard Scenic Byway Overlay District between Sahara Avenue and Washington Avenue.

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While the addition of fully animated signage would enhance the nighttime scenic aspect, preservation of historic neon signage should be a priority. There are no protections in place for such, and this amendment could result in an incentive for removal of existing neon signage. To further protect and preserve the existing neon signage and the character of the Byway, additional provisions could be added, such as: discouraging video screens on freestanding signs and encouraging video screens to be integrated into the architecture of buildings or to have integrated neon elements.

Allowing fully animated LED signage throughout the byway may have unintended negative impacts on adjacent residential subdivisions, and certain segments of the byway may be more or less suitable for such signage depending on adjacent development.

The Historic Preservation Commission (HPC) is also in the process of funding a Mid Century Motor Court Architectural Survey on Fremont Street and Las Vegas Boulevard that will likely identify additional properties or a district that could be eligible for historic designation. He noted additional letters of protest were received after publication.

MICHELLE LARIME indicated she sits on the HPC, but would be speaking in her professional role as the Associate Director of the Nevada Preservation Foundation. She indicated a letter was emailed stating their opposition. She specifically noted that the Downtown Master Plan 2045 makes multiple references to the importance of the Scenic Byway, and that Plan was an effort of a massive community outreach. It also talks about heritage tourism as a viable option for helping diversify the economy. She referenced a qualitative survey which revealed history and culture are the number one reasons people come downtown, and the Scenic Byway contributes heavily to that. They are opposed to the Text Amendment, but believed compromises could be made. In its current form, she did not think it would achieve its goal and would significantly compromise the Scenic Byway.

MARK KAUFMAN, Vice President of the Beverly Green Neighborhood Association, stated he just moved to Las Vegas one year ago and is now vested in this city. He stated a letter of opposition had been submitted, and he wished to touch on a few of those concerns. He spoke of the negative impacts to the John S. Park and Beverly Green Neighborhoods and that the signs were out of character for these communities. He did not believe any of the residents were against positive improvements, but they would like to see some additional outreach with the stakeholders to discuss the possible impacts.

HEIDI SWANK, Executive Director of the Nevada Preservation Foundation, submitted a letter of opposition from someone in the audience that had to leave. They are opposed to the Text Amendment as currently written and agree there may be a needed re-examination of the Scenic Byway ordinance, but their main concern is the expansive change this could do to the Scenic Byway. She named several individuals and organizations they reached out to regarding this issue. They believe more time is needed to revisit the ordinance. Specific suggestions she offered included revising the percentage that could be a video screen, engaging some experts such as the HPC, Arts Commission and the Citizens Advisory Committee to the Redevelopment

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Agency, limiting the brightness of the signs, not allowing off-premise advertising and requiring a strong artistic element in the video. They thought it also important to engage the Centennial Commission to see if a grant fund could be set up to maintain the neon and the signs along the Scenic Byway.

COMMISSIONER TOUSSAINT thought this was an important issue, she wanted to make sure the Commission got it right, and she was not comfortable approving this at this time.

COMMISSIONER ROUSH respectfully disagreed stating she concurred with many of MS. SWANK'S statements. She understood what the bill sponsor was trying to do, but she thought it was important not to lose sight of the historic aspects of what they have worked so hard to preserve in the Scenic Byway. She thought the animation in new signs is not necessarily a bad thing, but suggested it was okay to incorporate into signs on buildings, but the freestanding signs should still be neon in nature and that the size is limited to the current code. She wants to make sure the building signs cannot exceed 25 percent of the façade it is attached to. These are her recommendations, and because this is a recommending body she would prefer to vote this up or down instead of abeying it.

COMMISSIONER SCHLOTTMAN agreed that there should not be animated signs on freestanding signs. He noted the problem having them at the street is that then everyone will want one and they will drown everything out. He noted he was blinded the other day by a sign in the County. He explained about nits automatically adjusting based on the amount of sun and surrounding light. He would like to see that go into this ordinance.

COMMISSIONER ROUSH also mentioned the brightness and that signs are not permitted to have sound. She reminded residents that they can ask Code Enforcement to review signs for this.

COMMISSIONER SCHLOTTMAN asked if someone wanted to put up an animated sign if they could request a waiver from the Downtown Design Review Committee and a variance from the City Council. ROBERT SUMMERFIELD, Planning Director, stated the provisions that require a static image on a changeable sign cannot be varied so there is no way under the current code to have a motion. He also confirmed for the Commissioner that the City does not allow off-site advertising without a Special Use Permit. MR. BENGTSON clarified that the Scenic Byway Overlay currently prohibits off-premise signs which is non-waivable nor can someone obtain a variance for it.

COMMISSIONER SCHLOTTMAN asked the other Commissioners if they had suggestions how to protect the existing neon. COMMISSIONER ROUSH stated the way the code is currently written, the sign can be replaced with something that is not neon, and she would make the recommendation to the City Council that they close that loophole.

COMMISSIONER ROUSH'S motion for approval included her recommendations that were read into the record, which were submitted and are attached as backup.

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COMMISSIONER SCHLOTTMAN stated prior to leaving the meeting, COMMISSIONER WILLIAMS indicated she wished to go on the record that she was opposed to this item. It was not a vote just a note she wished to be on the record.

COMMISSIONER SCHLOTTMAN declared the Public Hearing closed.