

City of Las Vegas

HISTORIC PRESERVATION COMMISSION AD-HOC COMMITTEE
CITY HALL, 495 S. MAIN STREET
CITY CLERKS 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

MINUTES

February 22, 2017

10:30 AM

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME. BACKUP MATERIAL FOR THIS AGENDA MAY BE OBTAINED FROM LUANN D. HOLMES, CITY CLERK, AT THE CITY CLERKS OFFICE AT 495 SOUTH MAIN STREET, 2ND FLOOR OR ON THE CITY'S WEBPAGE AT www.lasvegasnevada.gov.

1. [CALL TO ORDER](#)

Minutes:

MEMBER LeVINE called the meeting to order at 10:32 a.m.

PRESENT: MEMBERS LeVINE, McMILLAN-ARNOLD, KLENK and SERFAS

ALSO PRESENT: COURTNEY MOONEY, Urban Design Coordinator, JAMES LEWIS, Deputy City Attorney, PATTY HLAVAC, Deputy City Clerk, and DEBRA A. OUTLAND, Deputy City Clerk

2. [ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW](#)

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. [PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, PLEASE COME TO THE MICROPHONE AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED. THE PUBLIC IS ALSO WELCOME TO MAKE ANY COMMENTS AS EACH ITEM IS BEING HEARD BY THE BOARD.](#)

Minutes:

None.

4. [HPC-68931 Discussion for possible action regarding Historic Preservation Commission notification regarding pending demolitions of historic properties and/or amendments to the City of Las Vegas Unified Development Code Chapter 19.10.150 and/or Commission Bylaws as amended September 25, 2013 regarding the Historic Preservation Commission powers All Wards](#)

Minutes:

MEMBER LeVINE stated this item was to determine if there was a means or method in which the Historic Preservation Commission (HPC) could be notified of pending demolitions of historic properties, of an age to be determined, how much notice was needed and to seek options regarding what the HPC can do.

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COURTNEY MOONEY, Urban Design Coordinator, read the Findings from the attached Agenda Summary Page which spells out the current powers of the HPC. She emphasized that the Commission only had the power to review those buildings on the local city of Las Vegas Historic Property Register, not the state or national register. Additionally, the review process authorized by the Bylaws could not delay the issuance of a demolition permit for more than 60 days.

MEMBER KLENK asked at what point the 60 days started. MS. MOONEY thought upon request of the property owner. DEPUTY CITY ATTORNEY JAMES LEWIS agreed and reiterated that Section X.P. of the Bylaws was a standard condition that the Commission decided to use when dealing with demolitions. He read Title 19.10.150(L)(5) which he noted correlates with Section X.P. of the Bylaws. He summarized that for buildings on the local register, an application would come before the HPC because there was a requirement that the applicant obtain HPC approval for any proposed demolition or removal of a structure or feature constituting or associated with an historic landmark, district, site, building, structure or object. MS. MOONEY confirmed for MEMBER LeVINE this occurred prior to the demolition permit being issued. MEMBER McMILLAN-ARNOLD asked how an applicant would know they needed permission from the Commission. DEPUTY CITY ATTORNEY LEWIS did not believe they would, which was an issue that a government zoning authority has on a daily basis.

MEMBER McMILLAN-ARNOLD commented that the process seemed to be that if a property was on the local register, City staff referred the applicant for a demolition permit to the HPC. DEPUTY CITY ATTORNEY LEWIS stated that practically speaking, a contractor would be hired for the demolition, and they understand that a permit is required. The permit would be denied until such time as the applicant talked to MS. MOONEY, who would determine if the property was on the local register, and if so, the applicant would be advised approval was required from the HPC prior to issuance of the demolition permit. The application would then be placed on an agenda for HPC consideration, which was where the standard came into play. The Commission would make a point to ask the property owner who had the structure on the local register to pursue alternatives to demolition, but this process was limited to no more than a 60-day delay.

Further discussion took place between the members and DEPUTY CITY ATTORNEY LEWIS regarding when the 60 days started, as it seemed unclear. MEMBER LeVINE suggested that could be clarified with a change to the Bylaws. DEPUTY CITY ATTORNEY LEWIS speculated that the 60-day review was established to alleviate the possibility of an applicant being held up indefinitely instead of being denied, which would afford the applicant the opportunity to appeal the denial. He provided the options of either amending or striking Section X.P. of the Bylaws. MEMBER McMILLAN-ARNOLD thought changing the review time period to 90 days would give the applicant ample time to speak with MS. MOONEY and obtain an architectural review, if one was required. MS. MOONEY informed DEPUTY CITY ATTORNEY LEWIS that there were over 400 buildings on the register.

DEPUTY CITY ATTORNEY LEWIS restated that Section X.P. outlined the Commissions options regarding denial, suggesting alternatives to demolition, the review timeline and the applicants right to appeal to the City Council.

MS. MOONEY confirmed for MEMBER KLENK that the Commission has always had the ability to deny a permit. With a Certificate of Appropriateness, individuals apply for building permits to make revisions to their locally designated properties, and the Commission has the authority to recommend denial of that project, to ask the applicant to explore alternatives and then come back the following month with revisions or to approve the project with conditions decided upon at that meeting. And if the Commission outright denied the application for a Certificate of Appropriateness, that applicant had the opportunity to appeal to the City Council.

DEPUTY CITY ATTORNEY LEWIS read from Title 19.10.150(L)(8). He stated it appeared that if an application was denied, there was a six-month time period in which to figure out if there was a way to preserve the historic landmark, district, site, building, structure or object. But once the six months lapsed, a demolition permit was available to the applicant. At the same time, if denied, the applicant could appeal immediately to the City Council. If the Commission denied a permit for a valid reason, MEMBER McMILLAN-ARNOLD asked if the Commission would assist the applicant monetarily in seeking other alternatives. MS. MOONEY pointed out that part of the code stated that technical assistance to property owners could be provided to include some type of funding. She noted that in other cities, the demolition permit of a property that is either listed on the register or was over 50 years old, was more expensive than a regular demolition permit.

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because they had someone that would research the property to determine its significance during that delay period and notice the public.

MEMBER McMILLAN-ARNOLD stated that the other issue was that these regulations only applied to those buildings already established as historical; it did not apply to other buildings that may be 45 to 50 years old that have not been considered for any historical significance. She asked that the code be amended to address what the HPC could do for those buildings that have not been reviewed and did not come to light until someone was ready to tear them down.

MEMBER LeVINE commented that he was glad to know what the Commission could do with regard to designated properties which helped provide some guidance for what could be done for non-designated properties. MEMBER McMILLAN-ARNOLD wanted to know what could be done to require someone applying for a demolition permit to come before the Commission to determine if the subject property had any historical significance. MEMBER KLENK thought this would fall under the Building Department permit process. He stated years ago, Hansen was able to flag a given date when a permit was applied for, and he wondered if that was a way to alert the Planning Department. MS. MOONEY acknowledged that the City had the ability to flag buildings that were older than 50 years old, but the problem was that the Clark County Assessor Records were not always accurate; the railroad cottages were provided as an example. Before any technology changes were put in place, she thought the first step would be for the HPC to decide exactly what they wanted because what they wanted, may require a code change. She explained for MEMBER McMILLAN-ARNOLD that a code change would be required to expand the powers of review to those properties not listed on the local register.

MEMBER LeVINE mentioned arguments by attorneys and possible lawsuits that may develop because the City would be telling a property owner what to do with their property, and it did not have the right to do that. MEMBER McMILLAN-ARNOLD stated that time was needed to determine whether a property that was getting ready to be demolished had any historical value, and if it did not, it could be torn down. DEPUTY CITY ATTORNEY LEWIS stated there were certain policy and legal considerations to what the Committee wanted to do. With cities in a development mode, such as Las Vegas, some individuals may hesitate to purchase a parcel that happened to have a structure on it that was more than 50 years old because it would require them to go through another process. He speculated that the reason why the HPC code stated that the HPC could deny a demolition permit, that there was a six-month review window to find a way to preserve it and that the Building Official had to issue the demolition permit after that six months was because there were going to be questions about whether or not all economic value was being taken away from a parcel of land by instituting certain restrictions. He provided an example of how such restrictions might affect a developer. MEMBER McMILLAN-ARNOLD stated they were not trying to deny someone from building or making money, but as a Commission member, she wanted a determination made as to whether the property was historical. Her second issue was that if there was some historical significance, she did not understand why they could not require something be placed, such as a plaque, acknowledging the original structure. MEMBER LeVINE agreed. DEPUTY CITY ATTORNEY LEWIS restated what he believed MEMBER McMILLAN-ARNOLD was asking for.

Reminding the Committee that the HPC's authority was limited to the local register, DEPUTY CITY ATTORNEY LEWIS restated that if someone applied for a demolition permit for a locally designated historical property, the Commission currently had the power to require an acknowledgement as a condition of the demolition permit. After the Las Vegas Club and the Golden Gate came up during the conversation, MS. MOONEY stated that the only casino on any register was the El Cortez and that was on the national register, not the local register. DEPUTY CITY ATTORNEY LEWIS explained that for those applications not required to come before the Commission, an option would be for one of the HPC Commissioners to go to the Planning Commission and City Council to request some sort of acknowledgement of what was there before.

MEMBER KLENK understands that Las Vegas is a development-driven community, and developers carry significant weight in the community. He provided the example of Sacramento, California, where the lack of historical significance had to be proven prior to the issuance of a demolition permit on a building that was over 50 years old even though it was not on any register, and he asked why that could not be done in Las Vegas. TOM PERRIGO, Planning Director, stated that was a policy call.

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MEMBER LeVINE wondered if the Commission needed to do the research to prove to the owner there was some historical significance. MEMBER KLENK stated that would be part of the due diligence prior to purchasing the property; if it was a known commodity in the community, then it would be up to the real estate agent/broker and the developer to divulge this. MEMBER McMILLAN-ARNOLD asked if the person applying for the demolition permit or the Commission had to pay for the research. MEMBER KLENK did not think the Commission should have to pay for it.

In listening to the discussion, MEMBER KLENK said it sounded as though the Committee was asking for a change to Title 19, and he asked how that was done. MR. PERRIGO indicated this was a good conversation because the members were starting to narrow down what they wanted to consider proposing as policy. He asked the members to think carefully about the scope of what they considered significant because every year tens of thousands of properties that are 50 years old and older were added to the list. MEMBER LeVINE mentioned the possibility of establishing a cap (i.e., 1970 or 1980) instead of using the 50-year guideline. MEMBER McMILLAN-ARNOLD asked if the Commission already had what they determined to be of historical value. MS. MOONEY explained that other cities went both ways; some chose to go with anything over 50 years old and some chose anything prior to a certain year. MR. PERRIGO stated he was trying to narrow the scope and get some clarity regarding the policy. Once that was established, a conversation would take place with the City Managers Office, they would have to find a sponsor, and then there would be several more steps in order to forward a text amendment to the City Council. While the process takes some time, he thought the conversation was going in the right direction in identifying the issues they wanted to address and how to accomplish what they wanted. If something could be crafted in such a way that it did not affect typical development timelines, there might be some momentum to move forward. He explained that the Planning Department deals with not only the Nevada Revised Statutes and local code but also developers who need to consider whether or not they will be able to sell a piece of property, the financing and very tight timelines. As such when considering a new policy, they have to be very careful and very clear as to the public purpose. Looking down the road in trying to get some support for a code change, the Committee needed to keep the conversation going and determine the best way to accomplish what they want with the least amount of impact on the way things were currently done.

MEMBER KLENK agreed and asked if the Commission would get support from the Planning Department for a change to Title 19. If the Department would not support it, they may be wasting their time. MR. PERRIGO stated that typically, the Planning Department did not take a position on a code change; a code change was a policy issue that came from an appointed or elected board, which was why the sponsorship was so important. If the Committee chose to take action to request a change to Title 19, which is a policy change, then it would go through the normal process. The Planning Department would sponsor an ordinance change if it was to fix an error, but on actual policy changes, the Department does not take a position; it remains neutral unless something was being proposed that was contrary to the Nevada Revised Statutes.

MEMBER McMILLAN-ARNOLD asked if the Planning Department would assist them with certain considerations that may need to be given, such as interfering with the developers timelines. MR. PERRIGO responded that staff had enough information for MS. MOONEY to do some more research and present some alternatives as to how what they wished to accomplish would look in the form of a potential code change and the pros and cons of those approaches; that was the Planning Departments role. He was not suggesting that this Committee needed to stay within a certain timeframe on the developer end; he just mentioned that as an example. MEMBER SERFAS asked if the support from the Planning Department could possibly come through the new downtown plan, the Founders District, to implement some of the vision and direction in the Plan so that the Planning Department would not appear so neutral. MR. PERRIGO stated it was unlikely they would take a formal position but they could make a presentation at the Planning Commission and Recommending Committee meetings. He suggested that a member of the Commission attend these meetings as well. MEMBER SERFAS thought they would get more traction if this was linked to something policy-wise going through the system right now.

As the conference room was needed for another meeting, MS. MOONEY stated she wanted to be sure to get direction from the Committee so she knew what to come back with at the next meeting.

With regard to a code change, MEMBER McMILLAN-ARNOLD asked if buildings over 50 years old was an appropriate timeline for non-historic buildings. MEMBER LeVINE stated 50 years seemed to be the standardized norm, but that was a floating 50 years. He thought there needed to be a cap relating to a year. MEMBER KLENK asked staff to research and

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provide processes as to how other communities did this. MS. MOONEY noted the options from other cities was already in the backup, and that the Committee could suggest whatever they wished because it was customizable. MR. PERRIGO suggested that MS. MOONEY come back with two or three options that made the most sense for Las Vegas. MEMBER McMILLAN-ARNOLD again mentioned the historic plaque, when the 60-day timeline started and if the review should be changed to 90 days. Based on this conversation, MR. PERRIGO stated staff had a pretty good idea of what the Committee would like to see. He asked MS. MOONEY to narrow down two to three options on how properties within that scope would be reviewed for those currently not under Title 19.

MEMBER LeVINE provided a summary of today's discussion. He noted there were two different categories: those properties already on the local register and those that were not. Discussion also included whether the Commission wanted to change their Bylaws to provide a timeline other than 60 days and develop timelines so as not to tie developers up needlessly. If a building had no architectural significance, but a famous person lived there or a significant event took place there, the building could still be torn down, but the Committee wanted recognition of that significant component. If there was an architectural significance, the Committee should pursue getting people to apply for a designation.

5. DISCUSSION REGARDING TOPICS FOR FUTURE AGENDA ITEMS BY THE COMMITTEE. COMMENTS MADE DURING THIS PORTION OF THE AGENDA BY INDIVIDUAL MEMBERS SHALL REFER SOLELY TO PROPOSALS FOR FUTURE AGENDA ITEMS AND ANY DISCUSSION SHALL BE LIMITED TO WHETHER OR NOT SUCH PROPOSED ITEMS ARE WITHIN THE PURVIEW OF THE COMMITTEE AND/OR WHETHER SUCH PROPOSED ITEMS SHALL BE PLACED ON A FUTURE AGENDA. NO DISCUSSION REGARDING THE SUBSTANCE OF ANY SUCH PROPOSED TOPIC SHALL OCCUR AND NO ACTION SHALL BE TAKEN.

Minutes:

MEMBER LeVINE wished to include an item relating to changes to the City of Las Vegas Unified Development Code and/or the Bylaws of the Historic Preservation Commission with regard to buildings already designated as historical, an item to discuss the expansion of the review process for buildings not already designated and an item to possibly change the parameter of the sliding 50-year guideline. He proposed that the next meeting be scheduled at 10:30 a.m., prior to the Historic Preservation Commission meeting. MEMBER McMILLAN-ARNOLD wished to add an item regarding the placement of a plaque to acknowledge the historical significance of a property.

TOM PERRIGO, Planning Director, stated he had a good understanding of what the Committees thoughts were and committed to bringing back some options that were actionable so they could be presented to the full Commission.

COURTNEY MOONEY, Urban Design Coordinator, stated an item to present the Committees ideas to the full Commission was already on the HPC agenda.

6. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE BOARD. NO SUBJECT MAY BE ACTED UPON BY THE BOARD UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED.

Minutes:

None.

7. ADJOURNMENT

Minutes:

The meeting was adjourned at 11:31 a.m.

Respectfully submitted:

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Debra A. Outland, Deputy City Clerk

Courtney Mooney, Urban Design Coordinator

Facilities are provided throughout City Hall for the convenience of persons with disabilities. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerks office at 702-229-6311 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive