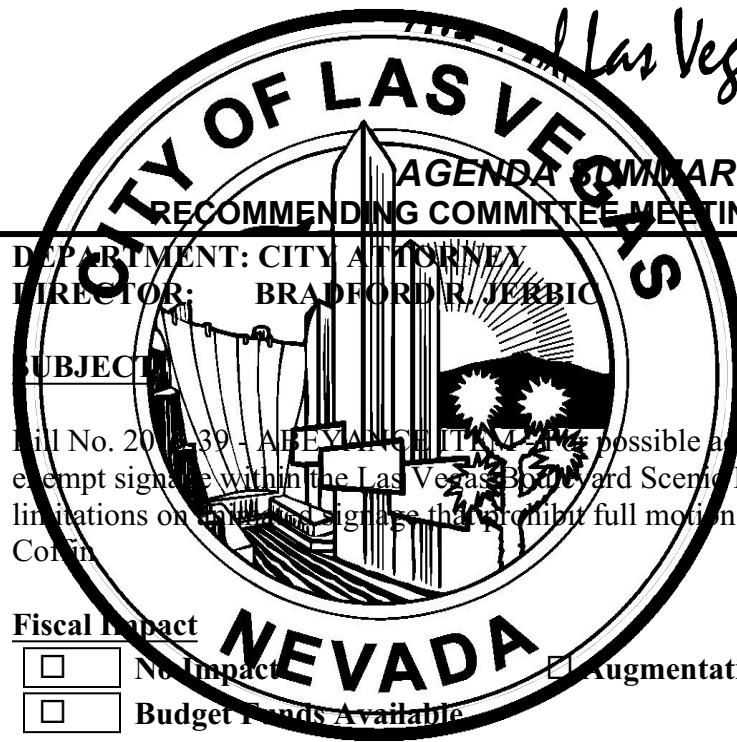




Las Vegas

Agenda Item No.: 4.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 1, 2018

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2018-39 - ABEYANCE ITEM - possible action - Amends LVMC 19.10.160(C) to exempt signage within the Las Vegas Boulevard Scenic Byway Overlay District from the general limitations on animated signage that prohibit full motion video. Sponsored by: Councilman Bob Coffin

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend LVMC 19.10.160(C) to exempt signage within the Las Vegas Boulevard Scenic Byway Overlay District from the general limitations on animated signage that prohibit full motion video. The stated intent is to allow greater flexibility in meeting the signage requirements for the Overlay District.

RECOMMENDATION:

Bill was held in abeyance from the September 4, 2018 Recommending Committee Meeting to the October 1, 2018 Recommending Committee Meeting.

BACKUP DOCUMENTATION:

1. Bill No. 2018-39
2. Backup Submitted from the September 4, 2018 Recommending Committee Meeting

Motion made by BOB COFFIN to Hold in abeyance to 11/5/2018

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

BOB COFFIN, STAVROS S. ANTHONY, MICHELE FIORE; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, stated that the bill would make a slight change to the language in the City's sign code that prohibits full motion video. He noted that currently, changeable message unit signs are allowed within the Las Vegas Scenic Byway, and this will not

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change; however, the proposed change would allow the existing LED (Light Emitting Diodes) Boards within the Las Vegas Scenic Byway, only, to have full motion video instead of six-second stills. He likened this to the difference between a PowerPoint presentation and a 30-second commercial. This does not allow anyone who does not currently have a sign or is not otherwise entitled to ask for a changeable message unit sign to change out their signage, but would simply make the adjustment for those that do so that they are no longer restricted to static images, if they are within the Las Vegas Scenic Byway.

In response to COUNCILMAN ANTHONY'S inquiry regarding the City's current requirements for signage illumination within the Las Vegas Scenic Byway, MR. SUMMERFIELD clarified that except for what is exempt for super graphics, signage within the right-of-way must have at least 75 percent of the total developed surface sign area illuminated (i.e., either animated, neon or a combination thereof). He affirmed for COUNCILMAN ANTHONY that the language in the bill that changed was on Page 2, lines 11-13; he noted that the language throughout the rest of the bill was already an existing requirement.

CLAYTEE D. WHITE, Chair of the City of Las Vegas Historic Preservation Commission (HPC), stated while this addition will enhance the night scene, the HPC believes that it is most important to preserve the existing historic neon signage. 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 must consist of at least 75 percent neon animation and provide some visual improvement funding to encourage retention of it. Expanding the allowance of the LED screens to show video, along with the ever-increasing cost of technology, could mean that this amendment results in incentivizing the removal of existing neon. Additionally, to further protect and preserve the existing neon signs and the character of the Scenic Byway, additional provisions could be added, such as discouraging the use of video screens on freestanding signs. They believe this would encourage the use of neon in conjunction with video screens and could be integrated into the architecture of the building to balance signage desires and urban designs. Finally, 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 suitable than others, such as the major intersections at Las Vegas Boulevard and Sahara Avenue, and Charleston Boulevard and Fremont Street. With restrictions to the distance, this signage may extend in any direction of said intersections. She reiterated that the HPC believes the preservation of existing historic neon signs is a major priority, and that the fully animated LED signage may be best suited for the three major intersections, given the sensitivity of the surrounding residential areas.

COUNCILMAN COFFIN understood that this was permissive and would not hurt any existing businesses; he also appreciated the concerns of those who want to preserve the neon signage. He felt that compromises could be made to the framework in conjunction with other forms of lighting. He understood that when the ordinance was created, the intention was to preserve neon signs forever; however, they did not take into account that this would be very expensive in the future. He wondered if the City offered any incentives to preserve neon, as he was not aware of any.

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MR. SUMMERFIELD believed MS. WHITE was referring to the Visual Improvements Program (VIP) that the Departments of Economic and Urban (EUD) offers in the redevelopment area. He thought there was an incentive package for the visual improvement of property; however, not specific to the retention of neon signs. He noted that oftentimes for individuals who are making applications on Las Vegas Boulevard, staff will see contributions included towards their signage. However, through the ordinance, there is no funding mechanism or incentive program specific to the preservation of neon signage on private property. He added that the City does provide funding to help with the preservation of the signage within the public right-of-way through the Las Vegas Centennial Commission and other efforts.

ASSEMBLYWOMAN HEIDI SWANK, Executive Director of the Nevada Preservation Foundation (NPF), provided some brief background on why they were working on this amendment. They have been working to promote the history of Las Vegas over the last four years, and the NPF has a heritage tourism event known as the Home + History Las Vegas program (HHLV). In the past year, over 600 attendees came to this three-day event, and five percent of these people had never been to the city of Las Vegas. In 2019, NPF anticipates that approximately 800 people will attend this event. Additionally, in working with the Fremont Street Experience and the Las Vegas Convention and Visitors Authority (LVCVA), NPF learned that people want to come to downtown Las Vegas to learn about Vegas' history. A study completed by R&R Partners, which was commissioned by the City and the LVCVA, demonstrated that history is one of the main reasons tourists come to Fremont Street. Additionally, part of HHLV includes an evening tour that is consistently sold out, as well as a popular walking tour called the Magic Hour when the neon lights come on at night.

ASSEMBLYWOMAN SWANK believed there was a way to move forward and proposed several amendments. First, NPF suggested that video signage be allowed on freestanding signs only, in combination with other neon like signage. She noted that LED lights could be used to mimic the historic look of neon and are much less expensive. Second, if full motion video is to be allowed, then it should be mounted on the building instead of on the freestanding sign. NPF also proposed reducing the percentage of illumination required from 75 to 50 percent, as they believe this will provide more flexibility for businesses to incorporate the video signage; however, the full motion video signage would not be part of this 50 percent. She showed a few examples on the overhead and discussed their layouts. Some of the photo's displayed included the El Cortez Hotel and Casino; Stratosphere Casino, Hotel and Tower; Holiday Motel, and Fun City.

ASSEMBLYWOMAN SWANK conveyed that NPF spoke with the Fremont Street Experience, as well as RON DECAR, whom she believed was part of the impetus for this request. MR. DECAR indicated to her that he was in support of the six-second clips and open to replacing some of the light bulbs with neon, as he felt this could save money. She stated that NPF would be happy to help him look into this. She clarified for COUNCILMAN COFFIN that MR. DECAR would be reducing the length of the animated portion of his sign to six seconds, and she pointed out that MR. DECAR'S signs were building mounted.

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ASSEMBLYWOMAN SWANK ended by stating that a local artist, WENDY KVECK, was unable to attend but wished to express her support for this amendment.

ROSALIE LIDARD, Manager of Las Vegas Urban Adventures, spoke in support of ASSEMBLYWOMAN SWANK'S proposal, noting that she was a concerned resident and a representative of the growing Las Vegas heritage tourism market. She explained that Urban Adventures is a global day tripping brand that mostly includes walking and bus tour experiences, which is similar to NPF's HHLV Program. However, Urban Adventures tours run daily and are available for visitors every day of the year. Urban Adventures currently has three historic walking tours programs, but they are limited to Fremont Street and the Arts District. They are excited about an opportunity to link the Las Vegas Strip with Fremont Street and downtown, as they believe there is no other experience like this at this time. MS. LIDARD noted similar programs in other cities within the United States that are run by Urban Adventures, such as Boston, Massachusetts, Philadelphia, Pennsylvania, Washington, D.C., Miami, Florida, and Las Vegas. She noted that the cornerstone of their success has been due to preserving the character of these significant, but often overlooked, places and providing individuals with an opportunity to tour them. They feel the Las Vegas Scenic Byway is such an area and needs to continue to be unique to other places in the city, which is why they support alternative recommendations as proposed by NPF.

COUNCILWOMAN FIDRE noted that she was in support of NPF's request. She asked if the amendments fit everything since this is downtown and she did not want to see any impropriety come from this. ASSEMBLYWOMAN SWANK explained that it does not control the content, but that the ordinance had never addressed this. However, she believed it would meet the needs of MR. DECAR and other business owners, as well as provide some flexibility for them.

MS. WHITE shared that she could not grasp what the reduction from the eight-second to the six-second animated video would look like; however, the HPC's major priority was to preserve the original look of downtown and the old neon signage as much as possible. Additionally, they would like prefer that the major intersections have the fancier lighting, such as Fremont Street, Sahara Avenue and Charleston Boulevard.

RYAN ARNOLD, representing The Fremont Experience, stated that they do not have a major issue with the ordinance as it is currently written; however, there has been some concern as to what the unintended consequences could be. With the new proposed language, which they in theory support, they would like to see how the City Attorney drafts this language and make sure everyone on their board is comfortable with the changes. Even though they are in support of the changes, they would like to reserve the right to comment once it comes back before City Council.

MR. SUMMERFIELD affirmed for COUNCILMAN COFFIN that this only covers the Scenic Byway and incorporates the streets between Sahara Avenue through Washington Avenue on Las Vegas Boulevard, as well as the intersection of Fremont Street; however, it does not include the Fremont Street corridor.

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COUNCILMAN COFFIN noted that his main concern in helping the businesses in this area was to ensure that whatever went up in full motion would not be distractive to drivers at high speeds. He felt the issue of the percentage and the time limit made sense. Additionally, he did not think those who created the ordinance in the past thought about what the increase in expense would be for a declining industry. He did not feel that this could be incorporated into a bill; however, he did feel the City could encourage people coming forward with permits to apply for the VIP program if they meet the requirements. He asked ASSEMBLYWOMAN SWANK to reiterate the compromises for the record, to which she noted the reduction in the percentage of the sign from 75 to 50 percent, and that six-second clips or shorter would be allowed on a freestanding sign; however, if the signs were mounted on a building, it would not be considered as part of the freestanding sign. MR. SUMMERFIELD clarified for COUNCILMAN COFFIN that business owners would still be restrained by the applicable sign restrictions for the respective zoning district. Using a wall sign as an example, he explained the sign percentage based on this change, noting that the requirements will also depend on the nature of what the owner would like to do.

ASSEMBLYWOMAN SWANK reiterated that a key part for NPF was to see 50 percent of the sign be neon or neon-like. Since neon can be quite expensive, she shared that there is an LED version of lighting that mimics the look of neon which is less expensive and preserves the historic look. MR. SUMMERFIELD affirmed for COUNCILMAN COFFIN that the City does recognize this lighting source as a substitute for neon.

In response to COUNCILMAN COFFIN's inquiry as to how inspectors perform their measurements, MR. SUMMERFIELD explained that when staff does the plan review, their measurement calculations are all in code and very clear-cut as to how they measure the square footage and determine the applicability of the animated/neon or non-animated/neon requirements. He felt the more prominent questions were if the illumination of the sign should be reduced down from 75 percent to 50 percent, and if so, then would a changeable message unit sign that uses the full motion video from the 50 percent illumination be excluded. He pointed out that if this were the case, then this would be a difference in how staff evaluates this currently. MR. SUMMERFIELD stated that in terms of measuring the square footage, this was consistent with how City code already works and should not create any concern for either the reviewers or for the community.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that he would like to bring the amendments back before the Recommending Committee to ensure that he has provided the changes in a way that will make everyone happy. His opinion was that it would be beyond the scope of the ordinance to generally reduce the sign illumination from 75 to 50 percent, as it should be limited to those times when someone wants to take advantage of the exemption proposed in this ordinance.

COUNCILMAN ANTHONY suggested holding this item in abeyance to November 5, 2018. MR. SUMMERFIELD added that this would give him an opportunity to present this to the HPC, which has had some robust discussion about this matter.

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COUNCILMAN ANTHONY declared the Public Hearing closed.

