



Downtown Design Review Committee Minutes

1. Call to Order

Minutes:

CHAIR NOLAN called the meeting to order at 12:15 p.m.

PRESENT: CHAIR NOLAN and MEMBERS WICHMAN, AUYONG, TOUSSAINT and De SALVIO

EXCUSED: MEMBERS DYLAG and HOWE

ALSO PRESENT: JONATHAN BOYLES, Senior Planner, SETH FLOYD, Deputy City Attorney, and PATTY HLAVAC, Deputy City Clerk

2. Announcement Regarding: 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: Comment during this portion of the agenda must be limited to matters on the agenda for action. If you wish to be heard, come forward 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.

Minutes:

None.

4. For possible action to approve the Final Minutes by reference of the Regular Meeting of March 19, 2019

Motion made by Louis De Salvio to Approve

Passed For: 4; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 2

For-Tina Wichmann, Scott Auyong, Donna Toussaint, Louis De Salvio; Abstain-Mike Nolan; Excused-Pamela Dylag, Mike Howe;

5. ARC-76031 - (DDRC) - PUBLIC HEARING - APPLICANT/OWNER: DENNY'S, INC. - For possible action on a request FOR A SIGNAGE REVIEW WITH A WAIVER OF THE LAS VEGAS BOULEVARD SCENIC BYWAY ILLUMINATION REQUIREMENTS at 1822 South Las Vegas Boulevard (APN 162-03-302-004), C-2 (General Commercial) Zone, Ward 3 (Coffin) [PRJ-75837]

Minutes:

JONATHAN BOYLES provided the staff report and stated the applicant was proposing to place two wall signs on the north and south elevations and one wall sign on the east and west elevations, for a total of six wall signs. The subject property is located in the Downtown Las Vegas Overlay – Gateway District, which requires conformance to Title 19.08 Wall Sign Development standards and Title 19.10 Las Vegas Boulevard Scenic Byway Overlay District standards, which requires signage to provide at least 75 percent exposed neon, animation, or any combination thereof. As depicted on the submitted elevations, the proposed signage conforms to all Title 19.08 Wall Sign Development standards except for the Las Vegas Boulevard Scenic Byway (Scenic Byway) illumination requirements. Therefore, staff recommends denial of this request, as the proposed signage does not

encourage the key characteristics of the sub-district, which is neon and animated signage adjacent to Las Vegas Boulevard. MR. BOYLES also submitted a PowerPoint Presentation for the record, which was displayed throughout this discussion.

PATTI SKOGLUND, Superior Electrical Advertising Inc., stated that her office is located in California and that ROBERT (last name not provided) works in the Las Vegas office. Superior Electrical Advertising Inc. is the Las Vegas sign vendor for Denny's Diner Company (Denny's).

MS. SKOGLUND explained that in January 2019, ROBERT met with the City to ensure they were following the code, as this is a standard routine; however, there was no mention or reference about the need for out-of-the-ordinary signage. On February 6, 2019, they made their formal submittal and paid their fees, and on February 19, 2019, they attended the pre-application meeting; however, there was no mention of any issues at that time. Superior Electrical Advertising Inc. then moved forward with building the signs with the understanding that they would be approved. When it was almost time to pick up their permits, they learned that the Downtown Design Review Committee was asking for animated signage. She was surprised by this and was told by staff that somebody at Denny's must have been informed about this at the beginning of the planning project. When she reached out to Denny's Corporate, they were unaware of this request. A few weeks ago, MS. SKOGLUND asked if they could animate the fork, and they went down the path to prepare for the fork to flash because it had already been built with a product that was not meant to change colors. She then provided the pricing to Denny's Corporate; however, they did not agree with the request, as they felt it was way too late in the process given that it was almost time to install the signs. She then amended her justification letter and agreed to attend this meeting to tell her story.

CHAIR NOLAN said that in the past nine years of being on the Committee, this was the first he had ever heard of something like this happening. He clarified that the sign standards for Clark County are different from the City's and noted that this sign was on Sahara Avenue at a location that is considered the gateway to downtown and into the City. Because his understanding was that everyone on the Scenic Byway followed the Las Vegas Boulevard Scenic Byway signage rules, he could not address her concern. He then asked staff if it was possible that this had happened to them.

MR. BOYLES reported that he was not privy to the Site Development Plan Review (SDR) that was previously approved for Denny's; however, in speaking with another staff member, he believed language was added to the report that said any future signage would need to comply with the Scenic Byway requirements. He explained that a pre-application conference meeting had been held specifically for the signage review, and at that time, the applicant would have been advised as to the Scenic Byway requirements for illumination. MR. BOYLES acknowledged that he did not hold this meeting, but thought the sign company would have been made privy to these rules at some point during the development process.

CHAIR NOLAN pointed out that this circumstance was unusual because the Committee typically reviews Waivers for something such as a lower illumination allowance.

MS. SKOGLUND clarified that the signs were illuminated. She referred back to the February 19, 2019, meeting, noting that they have copies of the paperwork; however, they did not indicate that they must comply with any special ordinance, nor was this information provided to their offices or the Denny's Corporation. She said that if a document existed which supported this information had been provided to the Denny's Corporation, then she would take it back and point out that it had been missed, as it was her job to ensure that everything complied with the code, which she believed had been done.

CHAIR NOLAN reiterated that the sign was noncompliant but understood the sign company was saying they had no knowledge of this.

MR. BOYLES suggested that a recess could be taken to look at the Development Plan Review (SDR) to see if specific language had been included; however, this would not absolve the sign company from complying with the Scenic Byway sign requirements. He explained that in the SDR, there should have been a table that provided the location of the sign, as well as referenced that the sign was within the Scenic Byway; however, the specific signage standards would not have been tied to the table. Additionally, when an applicant attended the pre-application meeting, this information should have been conveyed to them verbally, as well as through the pre-application meeting notes.

MS. SKOGLUND clarified for MEMBER De SALVIO that she did not attend the pre-application meeting, as their Las Vegas Manager attended; however, he forwarded copies of the documentation to her. MEMBER De SALVIO felt this might have been where the breakdown in communication happened.

MS. SKOGLUND felt the City needed to show that the sign company had been advised about the lighting standards because she believed it had never been provided. She indicated that there was a box on the paperwork that gets checked with regard to animation; however, ROBERT conveyed to her that it was not marked.

MEMBER De SALVIO understood that the sign was all Light-Emitting Diode (LED) lighting and did not have any neon lighting. MS. SKOGLUND discussed how they had already done the work to amend the fork by pulling out the LED lights, and MEMBER De SALVIO pointed out that the sign requirements are part of Title 19, and that even if the Commission decided to table this item, according to staff, there was still a standard that needed to be met.

MEMBER TOUSSAINT did not feel there was enough information to move forward.

MEMBER AUYONG agreed with MEMBER De SALVIO, noting that if companies are doing their research on signage requirements in the City of Las Vegas, the information is available through Title 19, as this is public record. He thought this situation was unfortunate, but regardless of whether or not the information was conveyed, the requirements could be found and known; therefore, he could not approve the signs if they did not meet the signage requirements.

MEMBER WICHMAN conveyed that usually, it is a courtesy for the City to hold the pre-application meeting, and when she comes to speak with staff, it is for some consideration on a variation on the rules, which she has already researched and understood. She felt it was the City's responsibility to tell her, as an applicant, what was in the code, as this responsibility lies on the owner's representative.

MS. SKOGLUND stated that they were not asking for such a thing as they did check the code. She referred back to the December meeting when they had their first code check, noting that at that time, there was no reference to Title 19. She reiterated that if there was a document that speaks to Denny's Corporation when they were going through this process, she would be happy to take it back to them and point out the missed information. She also understood that at the first pre-application meeting, applicants were usually told whether or not they were in compliance. However, their challenge was that no one prompted them about the special zoning.

MEMBER WICHMAN asked if the sign design presented at the pre-application meeting was the plan with the LED illumination and no animation, as presented at this meeting. MS. SKOGLUND affirmed that it was the same set of plans that were presented on February 6, and February 19, 2019, as well. She explained that it was routinely her job to check out code; however, it was out of the ordinary to say they were in an entertainment district or special zone, which she felt should have been disclosed.

CHAIR NOLAN stated there was no way he could move forward with something that did not abide by the current ordinances, as this would need to be resolved.

MR. BOYLES indicated that for any signage issued a permit on the Scenic Byway, the first step would be for an applicant to come in for a pre-application conference meeting, and at said meeting, submit their packet for staffs review. During Superior Electrical Advertising Inc.'s review, staff found that the signage was not in compliance with the Scenic Byway requirements, and as a result, this meeting was scheduled. Further, the sign company was notified that they were noncompliant and told that they needed to request a waiver, as well as attend this meeting. MR. BOYLES noted that at no point did the Planning Department issue an approval or permit telling the applicant to move forward with construction of their signs, as the applicant has only come in for the administrative review and during that review, it was determined that a waiver was required. MR. BOYLES also affirmed for CHAIR NOLAN that this was for each and every sign.

MS. SKOGLUND requested to see the documentation that was being discussed. CHAIR NOLAN understood what MS. SKOGLUND was saying; however, he reiterated that there was no way the Committee could approve a request that was noncompliant.

DEPUTY CITY ATTORNEY SETH FLOYD affirmed for CHAIR NOLAN that the jurisdiction of this Committee was to review what is before them for compliance with the code and to determine whether good cause has been

presented to approve a waiver. MR. FLOYD offered a few options as to how the committee might wish to proceed.

MS. SKOGLUND asked about the appeal process for moving forward from this meeting, which MR. FLOYD provided for her. MS. SKOGLUND requested copies of the City's documentation. MR. FLOYD also noted that she also had the right to make a Public Records Request if she thought something might be missing. MR. BOYLES affirmed for MS. SKOGLUND that the Staff Report could be forwarded to her by midday.

Motion made by Louis De Salvio to Deny

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

For-Mike Nolan, Tina Wichmann, Scott Auyong, Donna Toussaint, Louis De Salvio; Excused-Pamela Dylag, Mike Howe;

6. **Citizens Participation:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and 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 12:41 p.m.

Respectfully submitted:

Patty Hlavac, Deputy City Clerk

Jonathan Boyles, Senior Planner

THIS MEETING WAS 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