



Downtown Design Review Committee Minutes

1. **Call to Order and Roll Call**

Minutes:

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

PRESENT: CHAIR NOLAN and MEMBERS WICHMANN, HOWE, McGEACHY, and WALSH

EXCUSED: MEMBERS DWYER and CHERRY

ALSO PRESENT: NICOLE EDDOWES, Community Development Coordinator; JAMES LEWIS, Deputy City Attorney; and BRIAN CARROLL, 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 in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; The City of Las Vegas website – www.lasvegasnevada.gov; and The Nevada Public Notice website – notice.nv.gov.

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 November 15, 2022

Motion made by Jeff McGeachy to Approve

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

For-Mike Nolan, Tina Wichmann, Mike Howe, Jeff McGeachy, Donald Walsh; Excused-William Dwyer, Sam Cherry;

5. 23-0022-ARC1 - DOWNTOWN DESIGN REVIEW COMMITTEE (DDRC) - SIGNAGE DESIGN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: KB GATEWAY ON THE STRIP, LLC - For possible action on a Land Use Entitlement project request FOR A ROOF-SIGN DESIGN REVIEW FOR AN EXISTING COMMERCIAL DEVELOPMENT WITH A WAIVER OF LAS VEGAS BOULEVARD SCENIC BYWAY DEVELOPMENT STANDARDS TO ALLOW FULL VIDEO FOR AN ANIMATED SIGN WHERE SUCH IS PROHIBITED on 1.82 acres at 2427 South Las Vegas Boulevard (APN 162-03-422-001), C-2 (General Commercial) Zone, Ward 3 (Diaz)

Minutes:

NICOLE EDDOWES, Community Development Coordinator, reported that while the proposed signage meets the 75 percent requirement for animation, in order to be exempt from the Title 19.08 requirement for the electronic message to remain static for six seconds, the proposed sign surface area must be at least 50 percent neon signage or neon-similar LED (light emitting diode) signage. The proposed sign contains approximately 10 percent neon, which is not in compliance; therefore, staff recommended denial as the proposal is preferential in nature and self-imposed.

MARK WHITEHOUSE appeared on behalf of the owner and stated that the application was approved many years ago and reapproved last year. He explained that he researched local and national scenic byways, and he said most scenic byways were in rural areas with magnificent sceneries. He listed signage located within the Las Vegas Scenic Byway, and he opined that it was meant to leave an impression on tourists. MR. WHITEHOUSE noted signage in Clark County from Russell Road to Sahara Avenue differs from city signage beginning on Sahara Avenue. He believed signage in the city should be consistent with county signage, and he shared that the sign industry was set on digital advertising and looking into holograms. He requested animation and video to be shown on the previously approved sign, and he was willing to work with staff on conditions. Lastly, he confirmed they were happy to comply with the neon requirement.

CHAIR NOLAN stated that neon is required on the scenic byway, and he noted this application would be the first sign with video if approved. He said the guidelines do not allow video and previous requests were denied. He expressed concern that approving this application would set a precedent. MR. WHITEHOUSE believed the City should be involved in laying out animation guidelines, and he did not think it would be bad to set a precedent. The Chair clarified that the Committee changed the neon requirement due to the availability of neon, noting that a previous presentation showed LED lighting could look like neon. MR. WHITEHOUSE explained that LED faux neon draws less power, requires less service, and looks the same as neon.

MEMBER HOWE advised that the Scenic Byway Plan was adopted in 2008 and runs from Washington Avenue to Sahara Avenue. He said it is specific to seven sections within city limits and does not extend into the County's portion of the Las Vegas Strip. He reported that the project's intersection functions as a gateway within Section Seven, and he acknowledged that it will be developed for higher capacity with an elevated pedestrian crossing in the future. The Member had no objection to allowing this intersection to function in the same capacity as the Strip. He wondered what would be shown on the signage, noting the Committee had no say on content. MS. EDDOWES reported that this sign was not approved to be an off-premise sign, and any advertising would need to pertain to products sold at Walgreens. DEPUTY CITY ATTORNEY JAMES LEWIS confirmed that scenic byway restrictions in Section 160 (19.10.160 of the Unified Development Code) read that off-premise signs are not permitted within the Scenic Byway Overlay District. He noted there are billboards with off-premise advertising on the Strip, and there may be discussions between the City and this sign's owner regarding what can be shown. Further, the City is significantly curtailed in deciding content once a sign is approved. MR. WHITEHOUSE clarified that he understood what could be advertised on the sign. CHAIR NOLAN advised that the sign had shown advertisements for other businesses, and he stated that the sign now advertises for one business. MR. WHITEHOUSE explained that the Strat advertises on the sign through a kiosk on the property that sells goods and services. He said all goods and services advertised on the site would be for Walgreens, and he noted the site was planned to become a hotel with several tenants.

MEMBER WALSH asked which ordinance restricts video on signs. MS. EDDOWES stated that Title 19.08 restricts sign advertisements to businesses and activities on that site, and a Special Use Permit needs to be obtained to advertise for any off-site businesses. The scenic byway is mentioned in Title 19.10 and reverts to Title 19.08, which allows animation, and the Code requires each image to remain static for six seconds before changing. She advised that the applicant was requesting full animation without static images, noting there is an exemption for the scenic byway in Title 19.10 that requires 50 percent neon on top of the animation. The Member clarified with MS. EDDOWES that the applicant requested approval with 10 percent neon, and they would need to meet Code requirements if the Committee denied the application. MEMBER WALSH questioned if there had been research regarding standalone lighting versus animation. MS. EDDOWES said constant video can be a distraction and that is why the Code requires images to remain static before changing. She noted an exemption was made for Las Vegas Boulevard in the scenic byway to be consistent with video signs on South Las Vegas Boulevard in the County, and 50 percent neon was required to maintain the integrity of the scenic byway. MEMBER WALSH confirmed with MR. WHITEHOUSE that a 20-feet-high by 60-feet-wide LED curved display currently sits on the framed section of the building. MR. WHITEHOUSE reiterated that non-stop video

advertisements were requested, and he was willing to put a stop between advertisements. The Member acknowledged that LED technology was cost effective, and he asked if the products were made out of the country. MR. WHITEHOUSE reported that the Yaham LED product would come from China and be provided by a local Las Vegas distributor that is heavily invested in the local community.

MEMBER WICHMANN appreciated that the Committee was moving towards LED, and she believed the development code needed to evolve with that. She stated that neon makes Las Vegas unique, and she was willing to entertain a reduction of neon per the exemption found in Title 19.10. She believed the proposal could distract drivers. The Member asked if NDOT (Nevada Department of Transportation) had a say on the proposal, noting they expressed concern regarding AREA15's sign. MR. WHITEHOUSE advised that he worked on that sign and they do not have to submit to NDOT. He said his clients had not brought forth any safety issues. He reported that he is involved with the Neon Museum, and he agreed to discuss neon with the owner.

MEMBER McGEACHY clarified with MS. EDDOWES that this item had not been heard by the Planning Commission and was first being presented to this Committee. The Member asked if the item would likely be denied due to not meeting the 50 percent neon requirement, and MS. EDDOWES confirmed that was part of staff's findings. He questioned if animated signs that met the neon requirement were previously approved by the Committee. MS. EDDOWES reported that previous animated signs met the static requirement, which requires images to remain static for six seconds before changing. MEMBER McGEACHY questioned if the Code needed to be reviewed instead of making arbitrary exceptions. He asked if the Committee's role was to determine if full animation could be utilized, and MS. EDDOWES responded in the affirmative. She noted the sign could have been administratively approved if it showed images that met the static requirement and provided 50 percent neon. The Member wondered why video was not allowed. MS. EDDOWES stated that the static requirement was city-wide and was meant to not distract vehicular traffic. She noted that Las Vegas Boulevard is an iconic street that has signs with continuous video.

MEMBER HOWE confirmed with MR. WHITEHOUSE that he would work with ownership to discuss the Committee's comments and add neon to the proposal. MR. WHITEHOUSE listed ideas for additional neon on the proposed sign, stating that all tenant signage would be 100 percent neon. He questioned if the Committee wanted to require a certain square footage of neon. MR. LEWIS said previous applicants would bring new plans back to the Committee for review, and he opined that the Committee should provide guidance to the applicant or ask the applicant to return at a later meeting. He clarified that the Committee's purpose was to decide on the neon. MR. WHITEHOUSE was willing to bring new designs to the next Committee meeting or accept a condition requiring staff approval. MEMBER WALSH confirmed with MR. LEWIS that the Committee could hold this item in abeyance to the next meeting, and that was MEMBER HOWE'S recommendation.

CHAIR NOLAN questioned where neon would be located on the sign. MS. EDDOWES explained that the sign was mounted on the front portion of the roof. MR. WHITEHOUSE suggested e-mailing Committee members, and MR. LEWIS advised that may encroach upon Open Meeting Law. The Chair noted there were signs on the Fremont Street Experience with video, and he clarified that they had different regulations. He listed other video signs in the area that had to be removed after receiving citations and asked if the Committee was required to decide if video animation is allowable on a sign within the scenic byway. MR. WHITEHOUSE advised that he previously met with staff and they believed bringing this application to the Committee was the correct process.

MEMBER WICHMANN said the sign would have a lot of visual cacophony with images and video, and she believed 50 percent neon would be distracting. She asked Committee members to provide a neon recommendation to MR. WHITEHOUSE. CHAIR NOLAN confirmed with MS. EDDOWES that the proposal had 10 percent neon and the Code requires a minimum of 50 percent neon. MS. EDDOWES clarified that one part of the Waiver request was to allow 10 percent neon, and the other part was to allow constant video and not static images. The Chair recommended 20 to 25 percent neon, and he felt the proposal would be an exciting entrance to video, if approved. MEMBER HOWE was looking for no more than 30 percent neon or neon equivalent embellishments to work in support of the proposed video. MEMBER WICHMANN suggested no less than 20 percent neon, and MEMBER WALSH agreed with 20 to 30 percent neon. MEMBER McGEACHY supported a floor of 25 percent neon, and he confirmed with MS. EDDOWES that this item would not require a Variance from the Planning Commission upon approval.

MEMBER WALSH asked how much of the sign would have video, and MR. WHITEHOUSE responded 45 feet by 250 feet. The Member suggested using half of the sign for video and half for static advertising. MR.

WHITEHOUSE said that was not their goal for the intersection, and he displayed sample drawings on the overhead. MS. EDDOWES cautioned that adding anything to the top of the sign may trigger the need for an additional Variance. MR. WHITEHOUSE suggested submitting three designs to staff with around 30 percent neon. MEMBER WICHMANN requested that the designs include Las Vegas generic content, and she asked if they had to include Walgreens specific content. MR. LEWIS opined that the project's owner will need to discuss specific advertisements with staff, and the City may amend ordinances in the future to clarify content. MR. WHITEHOUSE stated that Las Vegas content would be shown on the sign, and they were considering adding public service messages for the City. MEMBER WALSH clarified with MR. LEWIS that there might be additional video requests submitted if this item was approved. CHAIR NOLAN confirmed with MR. LEWIS that the item could be appealed to City Council if denied by the Committee. MEMBER HOWE believed that the Committee could support the Waiver since the project is within a gateway of the scenic byway.

MEMBER WALSH recommended bringing study data to the Committee from the National Traffic Safety Board or NHTSA (National Highway Traffic Safety Administration) to show if video distracts drivers. CHAIR NOLAN advised that a previous study showed Sahara Avenue and Las Vegas Boulevard was the busiest intersection in the state, followed by Paradise Road and Las Vegas Boulevard.

Motion made by Donald Walsh to Hold in Abeyance to 3/21/2023

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

For-Mike Nolan, Tina Wichmann, Mike Howe, Jeff McGeachy, Donald Walsh; Excused-William Dwyer, Sam Cherry;

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 1:24 p.m.

Respectfully submitted:



Brian Carroll, Deputy City Clerk


Jonathan Boyles, Senior Planner

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov
The Nevada Public Notice website – notice.nv.gov
City Hall, 495 South Main Street, 1st Floor