

November 18, 2024

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ELECTRONIC SUBMISSION

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RE: Master Sign Plan, including Variances and Special Use Permits, for Area 15 District 2
APNs: 162-08-303-034 and 162-08-710-002, zoned M (Industrial)
Area 15 – District 2 – Master Sign Plan (24-0578)

Dear Jonathan:

We represent FBLV District 2 LLC, a Delaware limited liability company (the “Applicant”), the owner of that certain real property commonly known as Clark County Assessor’s Parcel Numbers (“APN”) 162-08-303-034 (“Parcel 1”) and 162-08-710-002 (“Parcel 2” and, together with Parcel 1, the “Property”). The City of Las Vegas (“City”) has previously reviewed and approved 24-0219-VAR1, 24-0219-SUP1, 24-0219-SUP2, 24-0219-SDR1, each as amended (collectively, the “Existing Approvals”), with respect to the Property, for the development of a commercial shopping center consisting of indoor/outdoor commercial recreation/amusement facility with alcohol on-premises full use, alcohol off-premises ancillary use (beer and wine), and nightclub, commonly referred to as District 2 of Area 15 (collectively, the “Project”).

I. Summary of Application

The Applicant now seeks approval of proposed signage with respect to the Project as shown on the sign plans enclosed herewith, specifically: (A) a master sign plan pursuant to Section 19.16.270 of the City of Las Vegas Unified Development Code (the “Code”) with respect to the Project generally; (B) special use permits for the freestanding, off-premises sign referred to as P.1-100 (the “Billboard”) and the off-premises cabinet sign attached to Building 3 (the “Cabinet Sign”); and (C) variances of Code standards with respect to (i) the total sign area for the Billboard, where 672 square feet is allowed under Code Section 19.12.120.C.4 and 1,620 square feet of off-premises signage is requested as shown on page 10 of the sign plans, (ii) the height of the Billboard, where up to 55 feet is permitted and 80’ is requested

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as shown on page 10 of the sign plans, (iii) the size of the roof sign attached to Building 2 to 1,833 square feet where up to 150 feet is allowed as shown on page 18 of the sign plans, (iv) the height of the Cabinet Sign, where up to 40 feet from the grade at the point of construction is permitted and 60' is requested as shown on page 20 of the sign plans; (v) the Cabinet Sign be attached to Building 3 as shown on pages 20 of the sign plans rather than freestanding; (vi) with respect to wall signage, the sign areas for the west façade of Building 2 to 50.8%, the south façade of Building 2 to 20.4%, the east façade of Building 2 to 37.3%, the north façade of Building 2 to 27.7%, the north façade of Building 3 to 20.1%, the west façade of Building 4A to 29%, the north façade of Building 4A to 30%, the east façade of Building 4A to 34.7%, the west façade of Building 4B to 24.1%, the east façade of Building 4B to 28.8%, the south façade of Building 4C to 46%, the west façade of Building 4C to 45%, the east façade of Building 4C to 35.6%, the south facade of Building 5 to 27.5%, the north façade of Building 5 to 27.5%, the east façade of Building 6 to 23.1%, the west façade of Building 6 to 27%, and each side of the Building 747 to 100%, in each case where 20% is allowed, as shown on pages 16—30 of the sign plans; (vii) the K1 series incidental signs include 20 square feet of sign face where 12 square feet is allowed as shown on page 32 of the sign plans; (viii) the K1 series incidental signs achieve a height of 9'-4" where 7' is allowed as shown on page 32 of the sign plans; and (ix) the Applicant include more than two incidental directional signs per entrance as shown on pages 2—4 of the sign plans.

II. Master Sign Plan

In considering the Application, the City will consider the following criteria with respect to a master sign plan under Code Section 19.16.270.D.2:

- *Either conform to all standards for the zoning district in which the sign will be located, under this Title, or establish sign requirements and limitations that are more restrictive than those set forth in this Title and that are consistent with the standards and criteria set forth in the following Subparagraphs (b) through (g). Master Sign Plans may also be used to establish the requirements and limitations for signs located in the Gaming Enterprise and Downtown Las Vegas Overlay Districts, and the Planned Community and Planned Development Districts;*

The Property is located in an M (Industrial) zoning district, which is governed by Code Section 19.08.120. Except as otherwise requested in the justified variance requests of this Application, signage for the Project will comply with Code requirements as described herein.

- *Conform to the Residential Protection Standards set forth in this Title;*

As shown on page 5 of the sign plans, the Project does not lie within the distance to a residential development requiring the application of residential protection standards under the Code.

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- *Conform to site plan and development standards regarding circulation and emergency exit patterns, parking and loading requirements and other standards related generally to the location of structures within a development;*

The Applicant requests no variance that would affect circulation or emergency exit patterns, parking or loading requirements or other standards related to the location of structures at the Project, and in fact has already removed an existing billboard from Rancho Drive that would've so interfered.

- *Be compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination;*

The Applicant has located freestanding and development entry statement signs along the frontages of the Project, which also includes visibility for the freestanding signs from the I-15. These signs will employ the same architectural elements, colors and aesthetic as the facades approved for the buildings within the Project as shown on page 38 of the sign plans. Wall and roof signage will be integrated into the building facades to advertise businesses and services located within the individual suites at the Project. Incidental directional signs will facilitate vehicular and pedestrian movement in a streamlined and aesthetically integrated fashion throughout the development.

- *Be professionally designed and fabricated from materials that meet the physical demands of an urban setting;*

The principal structures within the Project have an industrial character with thematic design elements aesthetically integrated and/or overlaid throughout the Project. The concrete and steel elements of the signage are consistent throughout the Project and various art, texture and color elements are selectively included to enhance the consumer experience. A materials and colors exhibit has been provided on page 38 of the sign plans.

- *Be creative in the use of two- and three-dimensional forms, iconographic representations, illumination and graphic design, including the use of color, pattern, typography, and materials; and*

The various sign types included within the Project are creatively designed to deliver an enhanced customer experience consistent with the colors, patterns and design of the base buildings within the Project. The signs provide for the use of materials, textures and finishes that complement the architecture of the principal buildings within the Project.

- *Be designed as attractive and complementary features of the development, which it serves.*

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As noted above, the Project signs will employ the same architectural elements, colors and aesthetic as the facades approved for the buildings within the Project in the Existing Approvals. Wall and roof signage will be integrated into the building facades to advertise businesses and services located within the individual suites at the Project except as otherwise approved. Incidental directional signs will facilitate vehicular pedestrian movement in a streamlined and aesthetically integrated fashion throughout the development.

The Master Sign Plan includes the following types of signage, which we have reviewed against the applicable Code criteria.

A. Freestanding, On-Premises Sign (i.e., Sign DIS2 B2-100, pages 6-9 of the sign plans) and Table 12 of Code Section 19.08.120

The sign denoted as DIS2 B2-100 will advertise the Project and include no off-premises advertising. It is the only freestanding or monument sign along the Rancho frontage of the Project. Whereas the Rancho frontage consists of 1,010.83 lineal feet as shown on page 5 of the sign plans, the Applicant could request six such signs by right, as the Code allows for one per 200 lineal feet or portion thereof. Further, the Applicant could request additional signs along Rigel (where five are allowed and none are requested) or Meade (where four are allowed and none are requested) but has not.

In terms of square footage, Code Section 19.08.120 Table 12 requires that the total area of all freestanding and monument signs is less than two square feet of sign area for each lineal foot of street frontage. The Rancho frontage is approximately 1,010.83 lineal feet, as shown on page 5 of the sign plans, permitting a total of 2,021.66 square feet of such signage along Rancho, where the Applicant has proposed 624 square feet.

In terms of height, as demonstrated on page 9 of the sign plans, the DIS2 B2-100 sign is 100 feet from the I-15 and is requested to be approximately 65' tall as shown on pages 7—8 of the sign plans. Signs within 200 feet of the right-of-way that can be read from I-15 may be 80' in height when authorized by City Council with Planning Commission review under Code Section 19.80.120 Table 12. The Code requires that the sign have either two or more supports or one continuous support that maintains the appearance of ground contact for at least three feet or 20% of the width of the sign, whichever is smaller. As shown on page 8 of the sign plans, the support for the DIS2 B2-100 sign is four-feet wide.

In terms of setbacks, the DIS2 B2-100 sign is set back 5' from Rancho Drive as shown on page 3 of the sign plans, where 5' is required. Further, the materials, architectural features, colors, finishes and textures of these signs are complementary to the façade of the principal building. As noted on page 8 of the sign plans, the structure will be painted to match the buildings in the Project. The principal structures have an industrial base character with thematic design integrated/overlaid. The concrete and steel elements, as shown on the design exhibit on page 38 of the sign plans, are consistent throughout.

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the Project, as well as various art/texture/color being included selectively to enhance the consumer experience.

As shown on page 5 of the plans, the Project is not within 40 feet of established or planned residential projects, so none of the residential projection standards in Table 12 apply to these signs.

B. Off-Premises (Billboard DIS2 P.1-101, pages 10—12 and Cabinet Sign, page 20) and Code Section 19.12.120

The Billboard and Cabinet Sign each include off-premises advertisements. In terms of location, neither is located within the public right-of-way. The Billboard is approximately 690'-8" away from the Cabinet Sign as shown on page 5 of the sign plans, which is the only other off-premises sign oriented to face I-15 (though the Cabinet Sign is not visible from I-15). The Applicant will agree to a condition of approval requiring the demolition and removal of the billboard on APN 162-08-602-007, owned by an affiliate of the Applicant (the "Existing Sign"), to negate any distance separation issue with the Existing Sign.

The Billboard is set back 50'-6" feet from the right-of-way of Rancho and 90 feet from the intersection of Meade and Rancho, as shown on page 3 of the sign plans, and the Cabinet Sign is set back 63' from the right-of-way of Rigel and 194' from the intersection of Meade and Rigel, as shown on page 3 of the sign plans, where each is required to be at least 100 feet from the freeway and 50 feet from the intersection of rights-of-way.

In terms of square footage, the Billboard is located within 600 feet of the right-of-way (i.e., approximately 130'-9" away as shown on page 12 of the sign plans) and can be read from I-15, and the display surface is approximately 17.6' x 60' of off-premises signage and 9'6" x 60' of on-premises signage, where 30' x 60' is allowed as shown on page 11 of the sign plans (for a total of 27' x 60'). The Cabinet sign has a total surface area of 600 square feet as shown on page 20 of the sign plans, which is under the 672 feet allowed.

In terms of design, the structural elements to which the display panel will be attached on each sign is screened pursuant to the screening detail included on page 11 of the sign plans. The Billboard is detached and permanently secured to the ground as required. The Applicant's site plan, including the required plan elements, has already been approved through the Existing Approvals. The integration of the signage into the site plan is shown on pages 2—5 of the sign plans. The Applicant will secure any necessary permits and approvals from the State of Nevada and requests a special use permit for each off-premises sign as is discussed below.

C. Wall Signs (pages 16—30) and Code Section 19.08.120 Table 15

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The wall signage shown on the enclosed sign plans complies with Code except as otherwise noted in the variance section below, including that each building façade complies with the requirement that wall signage comprise no more than 20% of each building elevation. No wall sign will encroach more than 12" above the wall, marquee or parapet to which it is attached.

In terms of design, as shown on page 29 of the sign plans, no wall sign will project more than 4' from the structure to which it is attached and there will be no message on any horizontal projection. As shown on page 29 of the sign plans, each wall sign will be integrated into or supported by the wall element to which it is attached. No wall sign will be located within 200' from any single-family residential development as shown on page 5 of the sign plans.

D. *Roof Sign (pages 17—18) and Code Section 19.08.120 Table 21*

There is only one roof sign, which meets the requirement for one per building elevation. On the south elevation of Building 2D, it is 15.8% of the total building elevation where 20% is allowed. There is no single family residential within 200' of the Project as shown on page 5 of the sign plans. The Applicant requests a variance for the square footage of the roof sign, which is discussed below.

E. *Incidental Directional Signage (pages 32—35) and Code Section 19.08.120 Table 2*

The incidental signage shown on the enclosed sign plans complies with Code except as otherwise noted in the variance section below. Except as requested below, (a) no such sign exceeds the maximum 12-square-foot sign face, (b) if a business logo is used, it will not comprise more than 50% of the permitted sign area, and (c) no such sign exceeds the maximum permitted height of 7'.

Each sign complies with the minimum 5' setback from the adjacent right-of-way as shown on page 3 of the sign plans. Such signage will use white light or internal illumination only.

F. *Development Entry Statement Signs (pages 36—37) and Table 10 of Code Section 19.08.120*

The development entry statement signs meet the following Code criteria. First, there is one sign at the corner of Meade Avenue and Rigel Avenue and a second sign at the corner of Rancho Drive and Sirius Avenue as shown on pages 2—4 of the sign plans. Second, the total number of such signs complies with the requirement that there be no more than two such signs at each entry. Neither sign requires an encroachment agreement from the City. Third, each sign is set back 5 feet from the adjacent right-of-way line as shown on page 3 of the sign plans, which complies with the 5' setback requirement. And finally, each sign uses white light or internal illumination only.

G. *Projecting Sign (pages 20—22) and 19.08.120 Table 20*

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There is one projecting sign at the Project on Building 3, as shown on page 20 of the sign plans. It is 32 square feet, which meet the maximum Code requirement. The sign has a maximum height of 1' above the highest of the eave or rafter line, and does not project above the public right-of-way. It is 12' off of the ground, where 8' is required, as shown on page 21 of the sign plans. There are no freestanding signs on Parcel 1. The sign will use internal illumination as shown on page 22 of the sign plans.

H. Animated Signage (various pages)

Each of the signs denotated on the enclosed sign plans as “animated” meets the requirements of Code Section 19.08.120.B.11, governing animated signs. Each will employ only static images, with a display duration of no less than six seconds each with a transition time between such images of no more than two seconds. There will be no animation or motion between messages, and where LED is used, the brightness will respond automatically to changes in surrounding light levels. The LED brightness will not exceed 300 nits. Finally, the Applicant will comply with any more restrictive state or federal standards with respect to animation.

III. Special Use Permits

The Billboard and Cabinet Sign require the Applicant to seek special use permits under Code Section 19.12.120.B.1. Neither sign will have any adverse impact on the aesthetics of the area, and each is compatible with other signage as previously described herein. The Applicant’s site plan has already been approved in the Existing Approvals. The integration of the signage into the site plan is shown on pages 2—4 of the sign plans. Finally, the Application meets the following criteria under Code Section 19.16.110.L.1:

- *The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan;*

The request is consistent with the spirit and intent of the General Plan. The M zoning of the Property is intended for high-intensity uses and is surrounded by M zoning to the west, C-2 to the south, future C-2 to the north and the closest R-1 zoning is approximately 525'-11" to Parcel 1 as shown on page 5 of the sign plans. Given the true commercial, mixed-use nature of the Project and number of anticipated tenants and individual suites at the Project, the signage requests for the Project are justified with no anticipated adverse impacts to the surrounding neighborhood. Further, the Applicant could request additional freestanding or monument signs along Rigel (where approximately 1,895.16 square feet is allowed and none is requested), Meade (where approximately 1,294.66 square feet is allowed and none is requested), and Sirius (where approximately 391 square feet is allowed and none is requested) but has not. Finally, the total aggregate allowed square footage of all frontages for freestanding signs alone is approximately 5,602.40 square feet, where

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the Applicant has only requested a total of 2,844 square feet of freestanding signage **together with** off-premises signage.

- *The subject site is physically suitable for the type and intensity of land use being proposed;*

The Property is adjacent to the I-15 freeway, which is a prime location for off-premises signage. There is no adjacent residential to be impacted within any Code-mandated distance separation standard, and the commercial character of the area supports this use as noted above. Neither the Cabinet Sign nor the Billboard will increase the intensity of the land use being proposed.

- *Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use; and*

Neither the Cabinet Sign nor the Billboard will impact access to the Property nor the necessary size of highway facilities.

- *Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.*

As noted above, the Billboard and Cabinet Sign are consistent with the objectives of the General Plan. The signs will meet required animation criteria and will have no anticipated adverse impact on public health, safety or welfare.

IV. Variances

The Applicant seeks several variances with respect to the Application: (i) the total sign area for the Billboard, where 672 square feet is allowed under Code Section 19.12.120.C.4 and 1,620 square feet of off-premises signage is requested as shown on page 10 of the sign plans, (ii) the height of the Billboard, where up to 55 feet is permitted and 80' is requested as shown on page 10 of the sign plans, (iii) the size of the roof sign attached to Building 2 to 1,833 square feet where up to 150 feet is allowed as shown on page 18 of the sign plans, (iv) the height of the Cabinet Sign, where up to 40 feet from the grade at the point of construction is permitted and 60' is requested as shown on page 20 of the sign plans; (v) the Cabinet Sign be attached to Building 3 as shown on pages 20 of the sign plans rather than freestanding; (vi) with respect to wall signage, the sign areas for the west façade of Building 2 to 50.8%, the south façade of Building 2 to 20.4%, the east façade of Building 2 to 37.3%, the north façade of Building 2 to 27.7%, the north façade of Building 3 to 20.1%, the west façade of Building 4A to 29%, the north façade of Building 4A to 30%, the east façade of Building 4A to 34.7%, the west façade of Building 4B to 24.1%, the east façade of Building 4B to 28.8%, the south façade of Building 4C to 46%, the west façade of Building 4C to 45%, the east façade of Building 4C to 35.6%, the south façade of Building 5 to 27.5%, the north façade of Building 5 to 27.5%, the east façade of Building 6 to 23.1%, the west façade of Building 6 to 23.1%.

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of Building 6 to 27%, and each side of the Building 747 to 100%, in each case where 20% is allowed, as shown on pages 16—30 of the sign plans; (vii) the K1 series incidental signs include 20 square feet of sign face where 12 square feet is allowed as shown on page 32 of the sign plans; (viii) the K1 series incidental signs achieve a height of 9'-4" where 7' is allowed as shown on page 32 of the sign plans; and (ix) the Applicant include more than two incidental directional signs per entrance as shown on pages 2—4 of the sign plans.

Each of these variance requests meet the requirements of Code Section 19.16.140.L.2 ,which provides: *Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.*

First and foremost, there will be no resulting public detriment from this Application, only economic benefit. This request is consistent with the spirit and intent of the General Plan. The M zoning of the Property is intended for high-intensity uses and is surrounded by M zoning to the west, C-2 to the south, future C-2 to the north and the closest R-1 zoning is approximately 400 feet to Parcel 1. Given the true commercial mixed-use nature of the Project and number of anticipated tenants and individual suites at the Project, the signage requests for the Project are justified with no anticipated adverse impacts to the surrounding neighborhood. With respect to the specific variance requests:

- With respect to the Billboard and variance requests (i) and (ii) and the roof sign in variance request (iii), as shown on pages 9 and 12 of the sign plans, the Property is set below and back from the freeway, necessitating a larger total sign square footage to maximize visibility to ensure the success of the Project, which will be dependent upon out-of-state tourism, and which will bring significant property tax revenue and jobs to the City. As a tourism center, the Project will cater in large part to out-of-town visitors, making visibility of Project signage from I-15 paramount.
- With respect to the Cabinet Sign and variance requests (iv) and (v), as shown on pages 2—4 and 20 of the sign plans, the Project suffers from the physical hardship of being segregated into two parcels by Rigel Avenue, with the garage for the Project located across Rigel Avenue on Parcel 1. The Cabinet Sign will be directed to patrons of the Project moving between its two parcels. Because of the urban, infill style of this development, which seeks to maximize the use of the land for economic development purposes, and which will maximize property tax generation, the Applicant requests to attach this sign to the structure, rather than creating an additional freestanding sign.

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- With respect to wall signage and variance request (vi), the total amount of requested wall signage is only 23.1% overall (i.e., the total square footage of signage, which is approximately 70,490 square feet, divided by the total square footage of building facades, which is approximately 305,219 square feet, multiplied by 100) with much of the signage internal to the site and not even visible from the public right-of-way. Further, the large number of suites and potential for diversity of businesses and services within the Project necessitates a large amount of wall signage, including unique and artistic signage that complements the overall theme of the development.
- With respect to the incidental directional signs and variance requests (vii) – (ix), these directional signs are strategically located throughout the Project and are crucial for patron orientation within the Project. The Project will contain artistic visual attractions and so the increase in square footage is reasonable to draw attention to the sign in light of their informational importance.

As mentioned above, there are also several factors mitigating the variance requests here. First, the Applicant will agree to a condition to relinquish the use of the Existing Sign as an off-premises advertising sign. Second, much of the wall signage will be internal to the site and not visible from the right-of-way and arguably should not even be regulated by the Code. Finally, the Applicant could have requested significantly more freestanding and monument signage around the perimeter of the Project, and the total amount of freestanding, monument and off-premises advertising (i.e., approximately 2,844 square feet), is well below the Code requirement (i.e., approximately 5,602.40 square feet).

V. Conclusion

As demonstrated by this letter and the enclosed sign plans, the overall signage design is cohesive with the surrounding development and will enhance the façade of the Project. The Project itself will be an economic driver for the city, fueling job-creation and property-tax revenue generation. We are confident that the City will see the value in the Project and the overall desirability and necessity of these requests. We appreciate your consideration of this Application. Please contact me should you have any questions or require additional information.

Sincerely,



Jamie L. Thalgott
[Enclosure]

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