



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: GOOD HOOD, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0672-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 416

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0672-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a 152 square-foot sign area where 75 square feet is the maximum allowed for a proposed monument sign.
2. A Variance is hereby approved to allow a 50 square-foot sign area for a proposed projecting sign where 32 square feet is the maximum allowed.
3. Approval of and conformance to the Conditions of Approval for Signage Design Review (23-0672-ARC1), if approved.
4. Conformance to the approved conditions for Site Development Plan Review (20-0279-SDR1) and Variance (23-0229-VAR1).
5. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested a Variance to allow the installation of signage that does not comply with Title 19.08.120 C-2 (General Commercial) zoning district development standards for an existing commercial development at 201 and 211 South Las Vegas Boulevard on the southeast corner of Carson Avenue and Las Vegas Boulevard.

ISSUES

- The applicant has requested a Variance (24-0672-VAR1) to allow a 152 square-foot sign area where 75 square feet is the maximum allowed for a proposed monument sign and to allow a 50 square-foot sign area for a proposed projecting sign where 32 square feet is the maximum allowed. Staff does not support the request.

ANALYSIS

The subject property is located in the Downtown Las Vegas Overlay – Civic & Business District, which requires conformance Title 19.08.120 and 19.10.160 Las Vegas Scenic Byway Overlay District standards. Additionally, the subject property is located within the C-2 (General Commercial) zoning district.

The subject site is currently developed with a five-story office/retail building (including the rooftop level) and a six-story parking garage. The applicant has proposed to install four signs on the subject site, which include a monument sign (MN-1) located on the Las Vegas Boulevard street frontage, a wall mounted sign (BG-1) located on the western building elevation facing Las Vegas Boulevard, a wall mounted LED sign (MK-1) located on the northern and eastern elevation of the parking garage and a projecting sign (BD-1) on the eastern elevation of the parking garage.

As proposed the monument sign (MN-1) and projecting sign (BD-1), do not comply with Title 19.08.120 development standards pertaining to maximum allowable area. The applicant has requested a Variance (24-0672-VAR1) to allow a 152 square-foot sign area where 75 square feet is the maximum allowed for a proposed monument sign and to allow a 50 square-foot sign area for a proposed projecting sign where 32 square feet is the maximum allowed.

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In addition, a portion of the subject site is located within the Las Vegas Scenic Byway Overlay District, which requires signage to provide at least 75 percent exposed neon, animation, or any combination thereof. The proposed monument sign (MN-1) and wall mounted sign (BG-1) which face Las Vegas Boulevard are located within the Las Vegas Scenic Byway Overlay District. The submitted sign elevations depict signage which is comprised of 100 percent LED animation for proposed monument sign (MN-1) and 100 percent internally illuminated channel letters with blue lighting and white acrylic faces using with programmable animated halo washing to travel top to bottom for the proposed wall sign (BG-1) that meets the Las Vegas Scenic Byway Overlay District development standards.

No evidence of a unique or extraordinary circumstance has been presented. Staff has determined that the proposed signage is inconsistent with the intent of the Title 19.08.120 sign development standards; therefore, staff recommends denial of the requested Variance (23-0672-VAR1).

FINDINGS (23-0672-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of 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."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by requesting to install monument and projecting signs that does not comply with Title 19.08.120 maximum area development standards for the C-2 (General Commercial) zoning district. Alternative design of the proposed signs would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/12/10	The Downtown Design Review Committee approved a request for a Signage Design Review (ARC-39375) on an existing retail building at 201 South Las Vegas Boulevard.
01/18/11	The Downtown Design Review Committee approved a request for a Signage Design Review (ARC-40550) on an existing retail building at 201 South Las Vegas Boulevard.
12/18/13	Staff approved an administrative Site Development Plan Review (SDR-3300) for an auxiliary surface parking lot in conjunction with an existing governmental facility.
07/30/19	The Carson Street Complete Street Project (CIP-53511) is currently at 50 percent engineered plans. The project includes the installation of trees, sidewalk, curb, gutter, streetlights, intersection bulb-outs, pavers, trash receptacles, and traffic striping.
07/30/19	The Las Vegas Boulevard Complete Street (CIP-46330) is currently at 90 percent engineered plans with construction expected to begin in the first quarter of 2020. The project includes the installation of trees, sidewalk, curb, gutter, streetlights, intersection bulb-outs, pavers, trash receptacles, and traffic striping.
07/30/19	The 6 th Street Beautification Complete Street (CIP-53510) engineered plans have been approved and the project is currently under construction. The project includes the installation of trees, sidewalk, curb, gutter, streetlights, intersection bulb-outs, pavers, trash receptacles, and traffic striping.
09/18/19	The City Council approved a Site Development Plan Review (SDR-76887) for a proposed six-story parking garage with 8,403 square feet of ground level retail space and a one-story 8,528 square-foot addition to an existing 35,481 square-foot office building with Waivers of Appendix F Interim Downtown Las Vegas Area 1 Development Standards on 1.09 acres at 201 South Las Vegas Boulevard. The Planning Commission and Staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/15/20	The City Council approved a request for a Petition to Vacate (VAC-77685) a 20-foot wide alley between Las Vegas Boulevard and Sixth Street, south of Carson Avenue.
05/18/20	A Code Enforcement case (#CE20-02871) was processed for construction that was not approved and/or permitted by the city of Las Vegas at 201 South Las Vegas Boulevard. The case was resolved on 05/20/20.
09/16/20	A Code Enforcement case (#CE20-05070) was processed a political advertising sign in excess of 64 square feet without a required Temporary Sign Permit facing Las Vegas Boulevard at 201 South Las Vegas Boulevard. The case was resolved on 12/14/20.
11/15/20	Staff administratively approved a Minor Amendment (20-0279-SDR1) to a previously approved Site Development Plan Review (SDR-76887) for a proposed six-story parking garage with 8,403 square feet of ground level retail space and a one-story 8,528 square foot addition to an existing 35,481 square-foot office building on 1.16 acres at the southeast corner of Las Vegas Boulevard and Carson Avenue.
08/10/21	The Planning Commission approved Special Use Permit (21-0362-SUP1) for a proposed 4,659 square-foot Tavern-Limited Establishment use with 1,326 square feet of outdoor seating area. Staff recommended approval.
10/11/22	The Planning Commission approved a request for a Special Use Permit (22-0418-SUP1) for a proposed 9,146 square-foot Alcohol, On-Premise Full use at 201 South Las Vegas Boulevard, Suite #400.
	The Planning Commission approved a request for a Special Use Permit (22-0418-SUP2) for a proposed 1,777 square-foot Alcohol, On-Premise Full use with a 65 square-foot outdoor patio area at 201 South Las Vegas Boulevard, Suite #120.
	The Planning Commission approved a request for a Special Use Permit (22-0418-SUP3) for a proposed 2,396 square-foot Alcohol, On-Premise Full use with a 231 square-foot outdoor patio area at 201 South Las Vegas Boulevard, Suite #100.
	The Planning Commission approved a request for a Tentative Map (22-0418-TMP1) for a one-lot commercial subdivision on 1.16 acres at 201 South Las Vegas Boulevard.
11/16/22	The Department of Community Development - Planning Division processed a request for a Final Map (100281-FMP) for a one-lot commercial subdivision requests on 1.16 acres at 201 South Las Vegas Boulevard

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
08/08/23	The Planning Commission approved a request for a Variance (23-0229-VAR1) to allow an 88 square-foot sign area where 75 square feet is the maximum allowed for two proposed monument signs at 201 South Las Vegas Boulevard.
	The Department of Community Development - Planning Division administratively approved a request for a Signage Design Review (23-0229-ARC1) for two proposed monument signs at an existing commercial development at 201 South Las Vegas Boulevard.
02/13/24	The Planning Commission approved a request for a Variance (24-0023-VAR1) to allow a two-foot setback where five feet is required for two previously approved monument signs at 201 South Las Vegas Boulevard.

<i>Most Recent Change of Ownership</i>	
08/08/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/03/11	A building permit (#C-180798) was issued for an illuminated wall sign (Amalgamated Bank) at 201 South Las Vegas Boulevard. The permit was finalized on 11/17/11.
04/07/19	A business license (G67-01843) was issued for Business Space Rent or Leasing (Good Hood, LLC) at 201 South Las Vegas Boulevard. The license is still active.
05/20/19	A building permit (#C19-02196) was issued for demolition and removal of interior non-bearing walls and floors at 201 South Las Vegas Boulevard. The permit was finalized on 06/13/19.
01/22/20	A building permit (#C20-00090) was issued for a tenant improvement at 201 South Las Vegas Boulevard. The permit has not been finalized.
03/24/22	A building permit (#C20-03657) was issued for tenant improvements for a proposed restaurant (Broken Yolk) at 201 South Las Vegas Boulevard, Suite #100. The permit has not been finalized.
06/16/22	A building permit (PRC22-00022) was issued for a project consisting of a tenant improvement on level two and level three of an existing four-story building at 201 South Las Vegas Boulevard. The permit was finalized on 06/16/22.
12/29/22	A building permit (C22-05015) was processed for tenant improvements (Broken Yolk) at 201 South Las Vegas Boulevard. The permit has not been finalized.

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Related Building Permits/Business Licenses	
04/10/23	A building permit (#C23-01160) was processed to install two (2) sets of illuminated channel letters with concrete foundation at 201 South Las Vegas Boulevard. The permit has not been issued and was denied by the Department of Community Development - Planning Division pending approval of a Variance application and approval by the Downtown Design Review Committee.

Pre-Application Meeting	
12/21/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance to allow the installation of signs on the subject property that do not comply with Title 19.08 development standards.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/25/24	A field check was conducted on the subject property and revealed a commercial development that is currently under construction and surrounded by temporary construction fencing.

Details of Application Request	
Site Area	
Gross Acres	1.16

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Commercial Building and Parking Garage Under Construction	C (Commercial)	C-2 (General Commercial)
North	General Retail Store, Other Than Listed	FBC (Form Based Code)	T6-UC (T6 Urban Core)
	Restaurant		
	Utility Installation, Other than Listed		

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	Hotel, Motel, or Hotel Suites	C (Commercial)	C-2 (General Commercial)
	Undeveloped		
East	Undeveloped	C (Commercial)	C-2 (General Commercial)
West	Parking Lot	C (Commercial)	C-2 (General Commercial)
	Secondhand Dealer		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Downtown Design Review Committee Area	N*
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - (200 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) Civic & Business District – Area 1	N*
LW-O (Live/Work Overlay) District	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Carson Avenue	Collector Street	Master Plan of Streets and Highways Map	80	Y
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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Pursuant to Title 19.08.120(F)(17), the following development standards apply:

Monument Sign (MN-1) – Las Vegas Boulevard - “Animated LED Sign”			
Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per 200 linear feet of street frontage or portion thereof – 1. The total number of all freestanding and monument signs shall not exceed one per each two hundred lineal feet of street frontage or portion thereof - (250 Feet of Street Frontage on Las Vegas Boulevard	2 Proposed Monument Signs [1 Existing Monument - Broken Yolk (23-0229-VAR1 and 24-0023-VAR1)] The Las Vegas Boulevard street frontage allows (250x2=500SF) - The two proposed signs will total approximately (152+21=173 SF)	Y
Maximum Area	75 SF	151.91 (152) SF	N*
Maximum Height	10 feet	7 Feet, 2 Inches	Y
Minimum Setback	5 feet from all property lines	5 Feet	Y
Additional Standards	1. All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage. 2. See also Residential Protection Standards on LVMC 19.08.120(C).	[1 Existing Monument - Broken Yolk (23-0229-VAR1 and 24-0023-VAR1) is located approximately 122 feet from the new monument sign along the Las Vegas Boulevard street frontage]	Y
Illumination	75% neon, animated or a combination thereof	100% animated LED Screen	Y**

* The applicant has requested a Variance (23-0672-VAR1) to allow installation of a new monument sign that does not comply with Title 19.08 development standards.

**This sign is located within the Las Vegas Scenic Byway Overlay.

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Pursuant to Title 19.08.120(F)(19), the following development standards apply:

Wall Sign (MK-1) – 6th Street - “Animated LED Sign” - East Elevation			
Standards	Allowed	Provided	Compliance
Maximum Number	No specific limit on the number of signs, although total area limits apply	1 Proposed Wall Sign	Y
Maximum Area	The total amount of wall signage allowed per building elevation is equivalent to 20% of the building elevation. In multi-tenant buildings, the 20% maximum sign area for each tenant will be based upon that portion of the building elevation of the leased/occupied area only, except as may be approved through a Master Sign Plan	742 SF [6 th Street - East Elevation = 7,317 SF x .20 = 1,463 SF Maximum Area)	Y
Maximum Height	A wall sign shall not extend more than 12 inches above top of wall, marquee or parapet to which it is attached	Below the eave or rafter line	Y
Minimum Setback	N/A	N/A	Y
Maximum Projection	A wall sign shall not project more than 4 feet from the structure to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection	0 Feet	Y
Additional Standards	1. Signs shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.08.120(C)	Wall Mounted w/ No Residential Properties within 200 feet	Y

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Wall Sign (MK-1) – 6th Street - “Animated LED Sign” - East Elevation			
Standards	Allowed	Provided	Compliance
Illumination	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use	100% animated internal LED	Y*

*This sign is located outside the Las Vegas Scenic Byway Overlay.

Pursuant to Title 19.08.120(F)(19), the following development standards apply:

Wall Sign (MK-1) - Carson Avenue - “Animated LED Sign” - North Elevation			
Standards	Allowed	Provided	Compliance
Maximum Number	No specific limit on the number of signs, although total area limits apply	1 Proposed Wall Sign	Y
Maximum Area	The total amount of wall signage allowed per building elevation is equivalent to 20% of the building elevation. In multi-tenant buildings, the 20% maximum sign area for each tenant will be based upon that portion of the building elevation of the leased/occupied area only, except as may be approved through a Master Sign Plan	1,533 SF [Carson Avenue - North Elevation = 19,724 SF x .20 = 3,945 SF Maximum Area)	Y
Maximum Height	A wall sign shall not extend more than 12 inches above top of wall, marquee or parapet to which it is attached	Below the eave or rafter line	Y
Minimum Setback	N/A	N/A	Y

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Wall Sign (MK-1) - Carson Avenue - "Animated LED Sign" - North Elevation			
Standards	Allowed	Provided	Compliance
Maximum Projection	A wall sign shall not project more than 4 feet from the structure to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection	0 Feet	Y
Additional Standards	1. Signs shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.08.120(C)	Wall Mounted w/ No Residential Properties within 200 feet	Y
Illumination	Internal and external illumination of wall signs is permitted except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use	100% animated internal LED	Y*

*This sign is located outside the Las Vegas Scenic Byway Overlay.

Pursuant to Title 19.08.120(F)(19), the following development standards apply:

Wall Sign (BG-1) - Las Vegas Boulevard - "Public Parkade" - West Elevation			
Standards	Allowed	Provided	Compliance
Maximum Number	No specific limit on the number of signs, although total area limits apply	1 Proposed Wall Sign	Y

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Wall Sign (BG-1) - Las Vegas Boulevard - "Public Parkade" - West Elevation			
Standards	Allowed	Provided	Compliance
Maximum Area	The total amount of wall signage allowed per building elevation is equivalent to 20% of the building elevation. In multi-tenant buildings, the 20% maximum sign area for each tenant will be based upon that portion of the building elevation of the leased/occupied area only, except as may be approved through a Master Sign Plan	260.95 (261) SF [Las Vegas Boulevard - West Elevation = 6,303 SF x .20 = 1,261 Maximum Area)	Y
Maximum Height	A wall sign shall not extend more than 12 inches above top of wall, marquee or parapet to which it is attached	Below the eave or rafter line	Y
Minimum Setback	N/A	N/A	Y
Maximum Projection	A wall sign shall not project more than 4 feet from the structure to which it is attached. There shall be no additional message on the additional horizontal surface created by the projection	2 Feet	Y
Additional Standards	1. Signs shall be an integral part of or be supported by the wall or wall element (such as awning or marquee) to which they are attached. 2. See also Residential Protection Standards in LVMC 19.08.120(C)	Wall Mounted w/ No Residential Properties within 200 feet	Y

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Wall Sign (BG-1) - Las Vegas Boulevard - "Public Parkade" - West Elevation			
Standards	Allowed	Provided	Compliance
Illumination	75% neon, animated or a combination thereof	100% animated halo wash - reverse channel cabinet letters with blue returns, white acrylic faces with led and clear acrylic backer with blue translucent vinyl	Y*

*This sign is located within the Las Vegas Scenic Byway Overlay.

Pursuant to Title 19.08.120(F)(24), the following Development Standards apply:

Projecting Sign (BD-1) – 6th Street - "Public Parkade"			
Standards	Allowed	Provided	Compliance
Maximum Number	1 sign per entrance	1 Proposed Projecting Sign	Y
Maximum Area	32 SF	49.56 (50) SF	N*
Maximum Height	1 foot above eave or rafter line, whichever is higher	Below the eave or rafter line	Y
Minimum Setback	A projecting sign may project over the public right-of-way, provided the projecting sign maintains a minimum setback of 3 feet measured from the back of the curb and such signs do not project more than 6 feet from the building elevation to which they are attached	10-Foot setback from curb / 5 Feet, 7 inch Projection from building	Y
Minimum Clearance	8 Feet from the ground to the bottom of the sign	10 Feet	Y

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<i>Projecting Sign (BD-1) – 6th Street - “Public Parkade”</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Illumination	Internal, external, animated and electronic message unit signage	100% animated halo wash - reverse channel cabinet letters with blue returns, white acrylic faces with led and clear acrylic backer with blue translucent vinyl	Y**

* The applicant has requested a Variance (23-0672-VAR1) to allow installation of a new projecting sign that does not comply with Title 19.08 development standards.

**This sign is located outside the Las Vegas Scenic Byway Overlay.