

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

January 15, 2020

ITEM 4

DISTRICT 7

SUBJECT:

Application #: Z-115-50-7 (PHO-1-19)
Zoning: DTC-Business Core
Location: Northeast corner of 1st Avenue and Adams Street
Acreage: 1.75
Request: 1) Comprehensive Sign Plan Review for more than two (2) signs
on a building over fifty-six (56) feet in height.
Applicant: Chad Keller, Christy Signs
Owner: 101 North First Ave LLC
Representative: Chad Keller, Christy Signs

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On January 24, 2020, the Planning Hearing Officer took this case out from under advisement and recommended denial.

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on January 13, 2020 and recommended denial by a 13-0 vote.

DISCUSSION

4 cards submitted in opposition to the request, 2 wishing to speak.

Chad Keller, applicant and representative with Christy Signs, explained that he was requesting a third sign on the building at 101 North 1st Avenue. He stated that the Zoning Ordinance allows two signs, but with Planning Hearing Officer (PHO) approval can be permitted up to four signs. He stated that the building has two US Bank signs at the top of the tower section and the new sign would be for WeWORK, a major tenant of the building. He stated that the sign would be illuminated by LEDs with a day/night vinyl face to restrict nighttime illumination.

Mr. Keller stated that Section 705.D.3.i.(4) lists four criteria to be considered for additional signage over 56 feet in height and he meets three of the four points. Criterion (a) reads that "additional signage is necessary to provide building identification for those members of the public accessing the site from arterials or freeways." He stated that the building is on an arterial and people need signage to determine where WeWork is. He

added that WeWork has five floors in the building, making it a major tenant, equivalent to US Bank. He stated that building identification should be a sign that identifies what is in the building. He stated that this tenant needs its own signage because it draws a large amount of traffic to the building.

Criterion (c) reads that “the location and/or grouping of other buildings limits or restricts the visibility of the signs.” Mr. Keller stated that visibility is difficult due to the number of high rises in the area. He stated that signs are typically very large and placed at the top of the building. He stated that the WeWORK sign would be much smaller and would only be six stories high. He stated that this placement and design choice would allow people in traffic to maneuver to the building with ease.

Criterion (d) reads that “the buildings be located on the Central Avenue Corridor, or within, abutting or adjoining a designated village core.” Mr. Keller stated that the location of the building fulfilled this requirement.

Adam Stranieri asked for the applicant to discuss the outcome at the January 13th Central City Village Planning Committee (VPC) which was a unanimous 13-0 recommendation for denial of the request. Mr. Keller stated that he brought a sample sign to the meeting and addressed those who lived in the area. He stated that while he understands the neighbors' concerns, they have decided to live in the downtown core and have to tolerate the signage of businesses around them. He stated that businesses have the right to put up signs and represent themselves.

Mr. Stranieri asked if residents of the Orpheum Lofts were present, whose units are directly west of the proposed sign. Mr. Keller stated that there were some residents in attendance. He added that during the VPC meeting there were doubts about whether he met any of the criteria for an additional sign. Mr. Keller noted that the current application only addressed whether or not a third sign should be permitted, and other concerns would be addressed during the Comprehensive Sign Plan Amendment (CSP). Mr. Stranieri agreed that the current PHO application only addresses the request for a third sign but noted that signs above 56 feet are limited to either identification of the building or one occupant of the building. He clarified that the two signs could only be for one tenant and the addition of a third sign for a second tenant would require not only PHO approval, but also a variance. He added that the CSP Amendment for the 101 North building would also require a use permit. He stated that the evaluation in a CSP would include sign placement, sign quantity, size, materials, illumination, and context of the surrounding area.

Doug Newton, past president and member of Phoenix Downtown Neighborhood Alliance (PHXDNA) and resident of downtown Phoenix, stated that the PHXDNA is the city charter neighborhood association for the downtown core and represents about 5,000 people who live in the core. He stated that the neighborhood did have concerns regarding the illumination but understood that this may be addressed at a future hearing. He added that the PHXDNA have worked with a number of sign companies in putting up signs downtown, but have major concerns with the proposed signage, especially considering the proximity to residences in the Orpheum Lofts. He stated that adding an additional tenant sign will only confuse the identification of the building. He

added that WeWORK had other visibility options at street level to identify their location, such as eyebrow signs, banners, or monument signs. He added that the sign is not close to a building entrance, which could further confuse people.

Mr. Newton stated that he also wanted to address the criteria to allow the third sign. Regarding criterion (a), he stated that there is no way to see the sign from any arterials other than First Avenue, due to the taller buildings in the area. He added that people looking for the sign at 90 feet while driving decreases safety in the area. Regarding criterion (b), which reads that "illumination from the signs will be restricted to no greater than one footcandle as measured at the property line", he stated that the sign is on the property line and the sign company has not done the necessary tests to show appropriate illumination. Regarding criterion (c), he stated that the surrounding buildings will prohibit visibility of the sign. Regarding criterion (d), he stated that the building is not within the Central Avenue Corridor because it is half of a mile south of Fillmore Avenue. Mr. Newton stated that he and the PHXDNA supports a vibrant downtown, including signage, but also supports livability. He stated that the proposed signage does not meet any of the criteria outlined in Section 705 and should thus be recommended denial.

Mr. Stranieri asked Mr. Newton to clarify his comments regarding criteria (c). Mr. Newton stated that he reads that point to mean that the signage would only be necessary if other placement options are blocked by other buildings. He noted that this would make sense if a lower portion of the building is blocked and an additional sign needed to be placed on the tower element of a building. He said that the proposed placement of the WeWORK sign is inherently blocked and defeats the purpose of installing the sign for wayfinding purposes. He stated that it is necessary to resist the notion of using high rise signs to advertise all the tenants in a building.

Laurence Gaffney, an owner and resident of the Orpheum Lofts, stated that he has an east facing loft on the seventh floor, with multiple windows directly facing the proposed sign. He stated that the light box demonstration provided by the applicant at the VPC meeting proved that the night-time illumination will light his residence "like a Christmas tree". He noted that he is aware of the pros and cons of living downtown and has lived in the core since 2006. He stated that he is not opposed to having a third sign on the building, but other placement options need to be considered. He noted that there are corporate entities along the south elevation, which may be more appropriate than placing a sign facing residential units. He stated that he agreed with the decision made at the VPC meeting to recommend denial of the proposal.

Mr. Keller stated that he understood why neighbors would oppose a sign being built directly across from them, but according to the Ordinance he is allowed the sign because he meets three of the four criteria. He stated that the opposing arguments made were not appropriate for the PHO process and could be discussed later, during other relevant hearings. He stated that the additional signage would not be confusing and would allow for other options when giving directions. He stated that any additional signage will be helpful for those driving to the building.

Mr. Stranieri asked if the applicant had considered any alternative locations on the building for sign placement. Mr. Keller stated that they had not because the current proposed location is near the main entrance and is on an arterial street. Mr. Stranieri stated that the northwest corner of the building is across from the 111 West Monroe building, which has no residential units and is equally as far from WeWORK's actual location in the building. He asked if the applicant had considered this location. Mr. Keller stated that the location had not been considered. Mr. Stranieri stated that the south façade is also an option, which is across from Renaissance Square and leads directly to a light rail transit stop. Mr. Keller stated that he felt most of the visitors to the building would be by car. Mr. Stranieri stated that in the Downtown Core most policy plans and frameworks are focused on promoting foot traffic and utilization of transit lines. Mr. Keller stated that the proposed location is his client's desired location.

Mr. Stranieri asked the applicant if dimming devices or hours had been considered for the sign. Mr. Keller stated that the proposed day/night vinyl on the sign face would restrict illumination by 70%. He added that he was willing to discuss and work with any further restrictions during the CSP amendment process.

Mr. Stranieri asked if WeWORK was a 24-hour operation. Mr. Keller stated that he was not sure.

Regarding criterion (a), Mr. Stranieri stated that despite being located on an arterial, at the proposed height the sign would only be visible to people in close proximity to the building and would not be seen outside of the urban canyon created by the surrounding buildings. Regarding criterion (b), Mr. Stranieri stated that he was glad the applicant considered alternatives that restrict illumination. Regarding criterion (c), Mr. Stranieri stated that the placement raises concerns since the visibility is immediately restricted by the adjacent buildings. Regarding criterion (d), he stated that as defined in this criterion, the building is not located in the Central Avenue Corridor, however it is located within the designated Central City Village Core.

Mr. Stranieri noted that he would like time to review the Central City VPC meeting summary. He added that he would also like to gather information regarding meetings with City staff and local stakeholders which were referenced in correspondence he had received from Mr. Newton and PHXDNA as he had not been involved in these meetings. Because of these reasons, the PHO stated that he would take the case under advisement.

FINDINGS

- 1) The proposed signage does not provide building identification for those members of the public accessing the site from arterials or freeways.

The closest adjacent arterial streets are 1st Avenue, Central Avenue, Van Buren Street and Washington Street. The proposed location of the sign, on the west façade of the building at approximately 90 feet in height, will not be visible for individuals accessing the site from Central Avenue, Van Buren Street, and Washington Street due to the existing building massing in the surrounding area.

1st Avenue is limited to one-way, southbound traffic in the immediate vicinity of the subject building. It is unlikely that the sign will be clearly visible to southbound traffic on 1st Avenue until they have arrived or nearly arrived at the site, limiting the ability to quickly maneuver to the site. The sign will not be visible from any nearby freeways.

- 2) There is inadequate information to determine if illumination from the proposed sign will be restricted to no greater than one footcandle as measured at the property line.

Illumination of one footcandle as measured at the property line, or greater illumination, is likely to have a negative impact on nearby residential properties. The proposed sign location directly faces residential units in the Orpheum Lofts residential condominium community, located across 1st Avenue to the west, at a distance of approximately 100 feet. There is a potential for negative impact on these nearby residential properties.

- 3) The location and/or grouping of other buildings does not limit or restrict the visibility of potential signs on other areas of the building.

The applicant's proposed location for the sign limits its visibility. The proposed sign location is at approximately 90 feet in height. The average building height in the immediate vicinity is considerably taller. Therefore, there is no clear argument that nearby building massing is obscuring sign visibility, given that the proposed sign location is significantly lower than the average building height and other high-rise signage in the surrounding area, as well as the existing signage on the subject building.

- 4) The building is not located on the Central Avenue Corridor (Third Avenue to Third Street, and Fillmore Avenue to Camelback Road), as defined in Zoning Ordinance section 705.D.3.i.(4).(d). The property is located within the designated Central City village core.
- 5) There is an increased concern among stakeholders in the downtown community about the illumination of high-rise signs. There are discussions among the sign industry, neighborhood representatives, and the City of Phoenix working to establish illumination regulations for these signs.

Staff received correspondence from the Phoenix Downtown Neighborhood Alliance expressing concern regarding the potential impact of the illuminated sign on residents in the Orpheum Lofts building on the northwest corner of 1st Avenue and Adams. These residences face the proposed sign location and are located across 1st Avenue to the west, at a distance of approximately 100 feet.

DECISION: The Planning Hearing Officer took this case under advisement. On January 24, 2020, the Planning Hearing Officer took this case out from under advisement and recommended denial.

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