

Department of Permitting and Inspections

Zoning Division

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: July 20, 2021
RE: ZP21-479; 1-7 Church Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP21-479

Location: 1-7 Church Street (Masonic Temple)

Zone: FD6 **Ward:** 3C

Parking District: Multi Modal Mixed Use

Date application accepted: June 4, 2021

Applicant/ Owner: Courtney Boutin, SB Signs / One Church Street Partnership LLC

Request: Alternative/Alternate Compliance for blade sign.

Background:

- **ZP21-0793SN;** One blade, one band and two wall signs. Existing Master Sign Plan 14-0492MP. April 2021.
- **ZP21-0522CA;** change of use from retail to bank. November 2020.
- **ZP16-0402SN;** replace one parallel, non illuminated metal sign for Paul Frank + Collins Attorneys. September 2015.
- **Non-applicability of Zoning Permit Requirements 14-1041NA;** tenant fitup of first and second floor retail spaces for GAP and Athleta. Renovation of basement for storage. Relocating air intake. May 2014.
- **ZP15-0356SN;** install two parallel signs and two projecting signs for GAP. Locations approved by Master Sign Plan. September 2014.
- **ZP15-0297SN;** install three awnings with signs for Gap per Master Sign Plan 14-0492MP. September 2014.
- **ZP15-0146SN;** install two parallel signs and one projecting sign for Athleta. August 2014.
- **ZP14-0492MP;** modification of Master Sign Plan. July 2014.
- **ZP14-0492MP,** Master Sign Plan for whole building. November 2013.

- **ZP13-0526SN**; two parallel signs in sign band and one metal projecting non illuminated sign for One Church Street Place. November 2012.
- **ZP05-319SN**; parallel sign for Paul Frank + Collins. No illumination included. November 2004.
- **ZP95-472**; three parallel signs to be located above the fabric awnings of the building façade for the existing retail space Anne Taylor. June 1995.
- **ZP95-368**; awnings with lettering and infill of rear door for existing retail space, Anne Taylor. April 1995.
- **ZP92-204**; installation of two signs, no illumination and one parallel sign no illumination for “Kids Ink” bookstore. January 1992.
- **ZP90-229**; build out vestibules to protect against weather at three locations. May 1990.
- **ZP84-007**; restore and rehab the exterior of the building. One floor to be used for retail purposes, five floors to be used for offices. January 1984.
- **ZP76-788**; Nate’s Inc to remodel the office area and relocate the stairway at 5 Church Street. April 1976.

Overview:

This past spring the applicant applied for a permit to install one blade, one band and two wall signs for Chase Bank. The application was approved in April. The sign installer found, however, that the requirement for the blade sign to be within 48” of a principal entry (Section 7.2.4) was not achievable due to the large glazing area on both sides of the entrance. This standard reflects the requirements of the relatively new Sign regulations, adopted in October 2019.

The current application reflects a request for “Alternative Compliance” to allow a minor deviation in installation for the blade sign alone. The maximum allowance of 20% deviation from a numerical standard cannot be met. (20% of 48” = 57.6”. That allowance provides an area still within the window glazing.) Therefore, *Alternate Compliance* under the Form Code is explored.

The **Design Advisory Board** reviewed the application at their June 22, 2021 meeting, and voted unanimously to recommend approval of the request for Alternative/ Alternate Compliance

Recommended motion: Approval under Alternate Compliance, per the following Findings and Conditions:

I. Findings



**Article 7: Signs
Section 7.1.11
Alternative Compliance**

Minor variation and relief any non-numerical standard found in this Article, and any numerical standard by no more than 20% of such requirement, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing.

a) The relief sought is necessary in order to accommodate unique circumstance or opportunity;

The Masonic Temple is a National Register listed historic building with well articulated building features and architectural characteristics. The existing masonry pier which separates the glazed retail windows is set further away from the entry than the maximum allowance for blade sign placement by Article 7 (48” from principal entrance, *Alternative Compliance* would allow up to 57.6” – still glazing area.) **The existing conditions mandate either denial of the request, or consideration of alternative solutions** as there is no solid surface for sign attachment within the allowable distance.

b) The relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;

The proposed installation site will center the blade sign on an existing pier; a visually and functionally more appropriate installation location for the blade sign.

c) The relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;

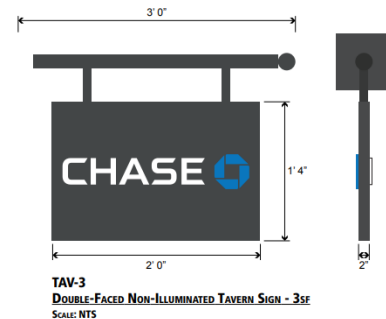
As there is no solid surface on which to install the proposed blade sign within the allowed 48”, centering it on the pier is an understandable deviation from the applicable standard.

d) The relief, if granted, will not impose an undue adverse burden on adjacent properties;

The alternate location introduces no undue adverse burden on adjacent properties.

and,

e) The remainder of the sign will otherwise be developed consistent with the purpose of this Article, and all other applicable standards.



No other relief is sought. The dimensions and area of the sign, height above the sidewalk, projection, and placement next to a building entrance installation below the floor level of the 2nd floor are acceptable.

The maximum 20% relief under Alternative Compliance (Article 7) still does not afford a solid surface on which to install a blade sign on this historic building. Therefore, examination of allowances under Article 14 is explored, below.

Article 14 Form Based Codes

Section 14.7 Administration and Procedures

e) Application Review

ii. Development Review Board (DRB) Review:

Applications subject to any of the following as applicable shall require review and approval by the Development Review Board pursuant to Sec. 3.2.8 of the BCDO:

- *Conditional Use Review or Major Impact Review pursuant to Sec. 3.5.2 of the BCDO;*
- *Request regarding the Alteration or Demolition of a Historic Building pursuant to Sec. 5.4.8 of the BCDO;*
- *Civic Buildings and Civic Spaces pursuant to Section 14.7.1 f);*
- *Applicable provisions of Article 10 of the BCDO regarding Subdivision review;*
- *Applicable provisions of Article 9 of the BCDO regarding Inclusionary and Replacement Housing;*
- *Request for additional Building Height pursuant to Sec. 14.6.4 f);*
- *Request for DRB Relief pursuant to Sec. 14.7.3 b);*
- *Request for a Variance pursuant to Article 12, Part 1 of the BCDO; and,*
- ***Any other section of the BCDO that specifically requires DRB review and approval.***

In such cases, the Development Review Board's review shall be limited to making findings only under the specific review criteria for the required approval listed above. All other elements and aspects of the application shall remain entitled to administrative review and approval by the Department.

The application specifically requests relief from the standard that limits blade sign installation to within 48" from a principal entrance. The installation distance proposed is 76" from the entrance, to secure a firm structural component on which to install the sign, centering it on an architectural pier. *Alternative Compliance* under Article 7 requires DRB review, however the 20% deviation from the standard falls within the glazing area and therefore falls short of the allowable *Alternative Compliance* of Article 7.

Unable to find a conforming solution with the *Alternative Compliance* standard of Article 7 *Alternate Compliance* under Article 14 directs this discretion to the DRB. The unique circumstances specifically associated with the notable architecture of the building, the large glazed areas on the ground floor, the limited and specific request for installation distance from a principal entry for a single sign, the visual characteristics of the proposed installation on a historic building, and the opportunity to request such *Alternate Compliance* support the applicant's request. Every other standard relative to the sign application remain compliant to the standards of Article 7, Section 7.2,4.

Affirmative finding, if DRB concurs with discretionary allowance for Alternate Compliance under Article 14.

II. Conditions of Approval

1. If approved, this Alternate Compliance applies only to the specific blade sign. Any future sign requests shall be reviewed under the regulations in effect at the time of application.
2. Standard Permit Conditions 1-15.

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