

# Earl & Curley

ZONING & LAND USE LAW

November 20, 2023

RE: Zoning Adjustment Hearing (Case Number ZA-397-23)  
Property Address: 533 E. Dunlap Avenue  
APN: 160-49-135

Dear *Property Owner* or *Neighborhood Association President*:

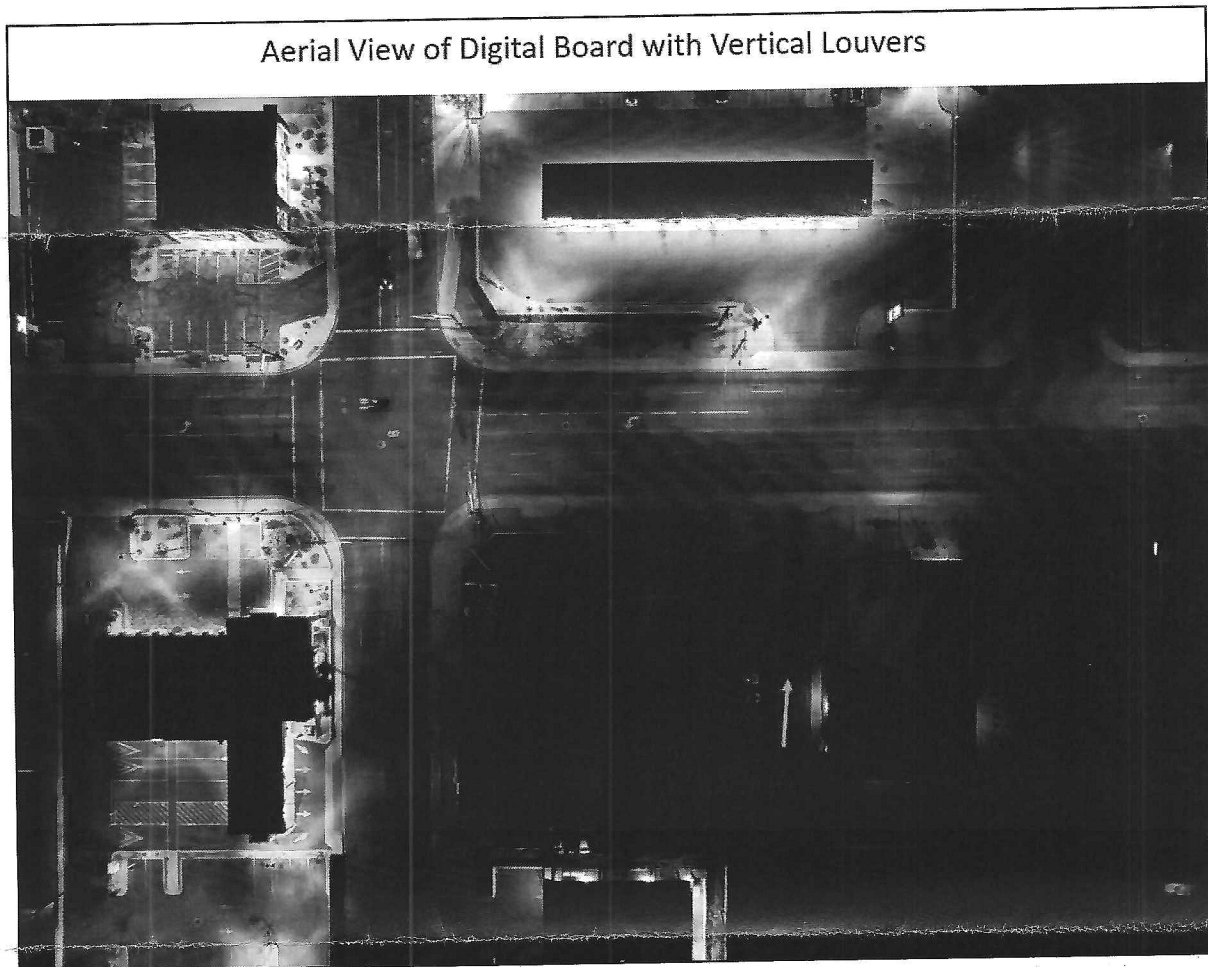
The purpose of this letter is to inform you that our office on behalf of Clear Channel Outdoor (“Clear Channel”) has filed a Zoning Adjustment application (Case No. ZA-397-23) for a site located at 533 E. Dunlap Avenue. There has been an existing sign at this location since at least 1975.



We have submitted an application to update the northeastern face of the existing billboard to digital illumination, with vertical louvers. Only one side is being converted to digital. There is no sign face on the west, and this application would not propose to alter that. Converting old billboards to new digital illumination has been occurring in the Valley for years, including along commercial corridors in central Phoenix. We are seeking to make that same upgrade here.

As a key part of this application, the digital face would include “vertical louvers.” This is a technology that has been added more and more to digital billboards over the past several years. This technology directs the digital light in a more controlled manner than standard digital billboards, and it mitigates views outside of the primary viewing angles. With this technology, the farther away a viewer moves to the left or right from 0 degrees from center, the less light from the sign face is visible.

In addition to the lighting controls, the conversion to digital illumination with vertical louvers reduces light emittance into the sky. Below is a drone photo we took of that same digital billboard with vertical louver technology that is referenced above. The billboard is identified by the green arrow, and it is fully illuminated in this photo, even though it doesn't appear to be. This billboard is well within the ambience generated by the commercial corridor at 7<sup>th</sup> Street and Hatcher Road. The same would be true of the subject site and the commercial corridor at 7<sup>th</sup> Street and Indian School Road.



Additionally, although printed billboards with traditional illumination can remain illuminated all night, if the subject billboard was converted to digital, it would have to automatically shut off at 11:00pm. That is another positive for the area.

The legal language of our request is shown on the attached copy of our application and is as follows:

Use Permit to convert the east face of a nonconforming off-premise sign to digital. Use permit required. 705.2.G.4



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**APPLICATION NO: ZA-397-23**

CASE TYPE: Sign/Use Permit

COUNCIL DISTRICT: 3  
Village: North Mountain

EXISTING ZONING: C-3

DATE FILED:  
09/29/2023

PROPERTY LOCATION 533 East Dunlap Avenue.  
PROPERTY ADDRESS 533 East Dunlap Avenue

**HEARING INFORMATION**

Hearing Date & Time	Hearing Location
December 7, 2023 1:30 PM	Meetings to be held virtually

**GEOGRAPHIC INFORMATION**

APN	Quarter Section
160-48-135	Q26-28; Map J8; Annex March 23, 1959

**CONTACT INFORMATION**

Name	Relationship Types	Address	Phone	Fax	Email
Paul Hickman / Clear Channel	Applicant	2325 E. Camelback Road, #250, Phoenix, AZ 85016	(602) 381-4741		paulhickman@clearchannel.com
CubeSmart Self Storage	Owner	5 Old Lancaster Road, Malvern, PA 19355	602-233-5353		
Brian Vaccaro	Representative	3101 N. Central Ave #1000 Phoenix AZ 85012	(602) 265-0094		bvaccaro@earlcurley.com

**REQUEST**

A. Use permit to convert the east face of a nonconforming off-premise sign to digital.  
Use permit required.

**ZONING ORD. SECTIONS**

705.2.G.4

200 W. Washington St., 2<sup>nd</sup> floor, Phoenix, AZ 85003 • 602-262-7131

For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 voice or TTY use 7-1-1.

The hearing for this request is as follows:

**Zoning Adjustment Hearing**

Meeting will be held virtually.

To participate, see the instructions on the agenda available on the Public Meeting Notices website:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

**On December 7th, 2023 at 1:30 PM**

You may attend this virtual hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your feelings known on this case by writing to the Planning and Development Department at 200 West Washington, 2<sup>nd</sup> Floor, Phoenix, Arizona, 85003 and referencing the case number. You can also send an email to [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me at (602) 265-0094 or you may reach my in-house planner, Brian Vaccaro, at (602) 265-0094 or by email: [bvaccaro@earlcurley.com](mailto:bvaccaro@earlcurley.com). You may also reach the City of Phoenix's Planning and Development Department at 602-262-7131, Option 6 or [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email to expedite a response.

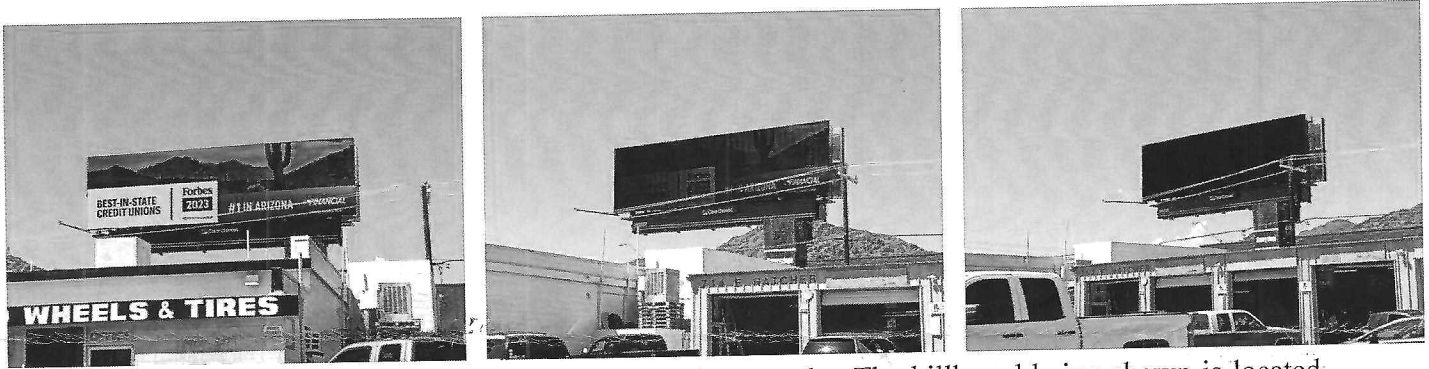
Sincerely,



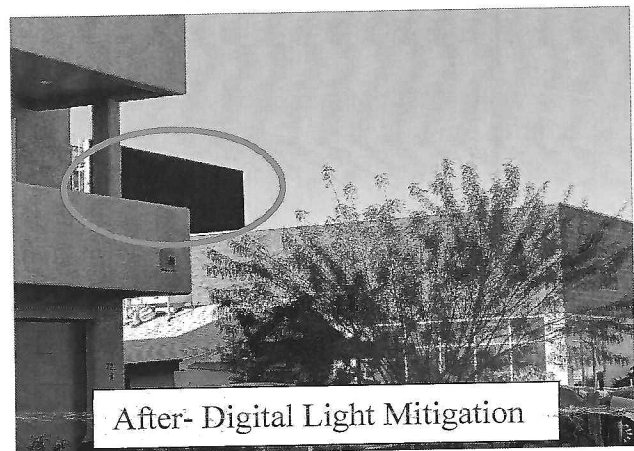
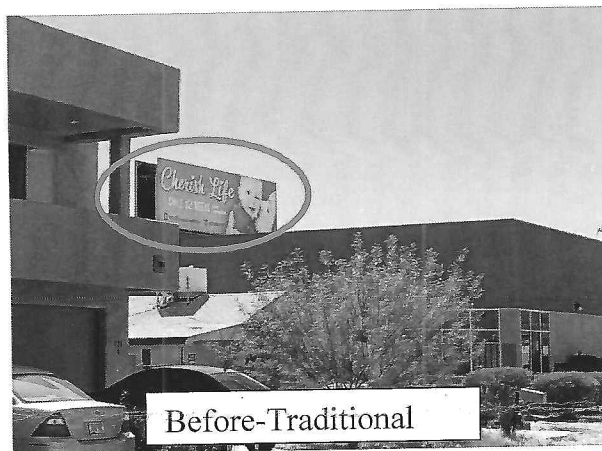
**Taylor C. Earl**  
Partner  
(602) 265-0094  
[tearl@earlcurley.com](mailto:tearl@earlcurley.com)

Attachments: Copy of Application

Below is an example of how this technology works in practice. The images below show that as one passes the billboard's intended viewing angle, the image illumination becomes increasingly less visible to the point where it appears that the billboard's image is fully extinguished.



Below is another example of how this technology works. The billboard being shown is located nearby on 7<sup>th</sup> Street and Hatcher Road in Phoenix. This billboard was recently upgraded from a printed billboard with traditional illumination to a digital billboard with this vertical louver technology. As this exhibit shows, from the angle of the adjacent residents, the billboard went from being fully visible (when it was just a printed billboard) to appearing off (when the billboard was converted to digital and the vertical louvers were added). The same technology would be implemented here.



Additionally, the City of Phoenix regulates digital sign face brightness, and Clear Channel will comply with all such regulations.