



# MEMORANDUM

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**DATE:** June 8, 2017

**TO:** Tucson-Pima County Historic Commission  
Plans Review Subcommittee

**FROM:** Daniel Bursuck  
Lead Planner

**SUBJECT:** Sign Code Revision Project – Historic Issues (Citywide)

**Issue** – This is a courtesy review to allow the Tucson-Pima County Historic Commission – Plans Review Subcommittee to deliberate on historic issues related to the draft amendments to the City of Tucson Sign Code, as directed by Mayor and Council on August 9, 2016 (see Background below and Attachment A for details). At the May 18, 2017 meeting of the Tucson-Pima County Historic Commission – Plans Review Subcommittee, staff presented proposed changes to the commission. Since that meeting, staff has revised the language based on feedback from the committee and the City of Tucson Historic Preservation Officer.

**Recommendation** – Staff recommends that the Tucson-Pima County Historic Commission – Plans Review Subcommittee vote to recommend proposed changes related to historic issues to the City of Tucson Sign Code.

**Background** – The June 2015 U.S. Supreme Court decision in the case *Reed vs. The Town of Gilbert* has required all jurisdictions in the country to review and amend their sign codes to be content-neutral. This case resulted in the City of Tucson needing to bring its Sign Code into conformance with the *Reed* decision. Additional background information about the *Reed* case is available in Attachment F.

About the time that *Reed* was announced, members of the business community raised concerns that the City's Sign Code is out of date, overly restrictive, and difficult to use in comparison to other regional and Arizona jurisdictions. After the Mayor and Council's August Study Session, several stakeholders not related to the business community have raised concerns that this revision project may cause the current Sign Code to be weakened.

*CSCC – PC Joint Subcommittee Review of the Preliminary Draft Sign Standards* - Between October 2016 and March 2017, a joint subcommittee to review the Sign Code revisions met fourteen times. Overall, the subcommittee members met for a combined total of 170 hours of meetings and reviewed 49 committee suggested edits (Attachment D) at least two times each. During the process, staff has sent out more than sixty emails to the subcommittee and notification group. 146 stakeholders have attended these meetings representing 32 different organizations (not including individuals representing themselves). There have also been 87 speakers at the call to the audience and 32 comments submitted on the Sign Code Revision website. Links to the website and public/stakeholder comments received to date are included in Attachment G.

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Planning Commission Study Sessions – To date, the Planning Commission has held four study sessions to provide updates on the process and progress related to the Sign Code Revision Project. At those meetings, staff has presented an overview of Reed v. Town of Gilbert and the problems it has created, existing procedural complications with the existing code brought up by staff and the business community, and ultimately proposed strategies to for Reed compliance and process improvement. The March 1, 2017 Planning Communication, which details these items, is provided in Attachment E, for reference.

Throughout the review of the proposed Sign Code Revisions, several historic related issues have arisen. While not originally part of the scope of this project, Staff has determined there are several relatively minor historic items that create procedural complications in achieving the intent of their goals. Those are related to the following:

- Due to the current interpretation of the Sign Code, Historic Landmark Signs (HLS) are not allowed in historic overlay zones, such as a Historic Preservation Zone (HPZ) or Historic Landmark (HL).
- Allow for a wall sign to be designated as a Historic Landmark Sign.
- Allow for rooftop-mounted signs for a building listed or eligible for listing on the National Register of Historic Places, when the applicant can show that there are no wall or building mounted options that would not damage historic integrity or have an adverse effect. In these cases the signs must be static channelized exposed neon or non-lit metal letters.
- Increase in maximum sign area allotment for Historic Districts when zoned as commercial (currently 8 square feet per street front and per sign).

By addressing these issues now, we can do a great deal to enrich the historic fabric of Tucson and reduce applicant's frustration at the same time.

**Present Considerations** – As a response to issues that have arisen during review of the Sign Code Revision Project, staff has prepared the following draft amendments:

1. Allow Historic Landmark Signs (HLS) in historic zones.

Summary – Over the years, as new regulations have been written for the Sign Code, and interpretations made, unintended consequences have arisen. One such case is that through interpretation, Historic Landmark Signs are not allowed in historic zones such as Historic Preservation Zones (HPZ) or Historic Landmark Zones (HL). A clarification would be made in the Sign Code, making it clear that Historic Landmark Signs are allowed in these historic zones.

Current Regulation – Historic Landmark Signs are prohibited in historic zones such as the HPZ and HL.

Proposed Revision

**H.** Permitted signs:

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10. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

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2. Allow for an HLS to be a wall sign.

Summary – In the current Sign code, the only sign types that fall under the Historic Landmarks Signs ordinance are detached, projecting, or roof sign.

Current Regulation – “d. The sign shall be a detached, projecting, or roof sign.”

Proposed Revision – “d. The sign shall be a permanent sign, including but not limited to a detached, projecting, wall, or roof sign.”

3. Roof Signs as a permitted sign type on buildings listed or eligible to be listed on the National Register of Historic Places.

Summary – Currently, on some of the older commercial corridors, preservation efforts towards buildings listed, or eligible to be listed in the National Register of Historic Places are being compromised. Examples of this are the old Table Talk building, which is now the Bisbee Breakfast Club in Broadway Village, and the old Tucson Podiatry building on Broadway Boulevard. Because there were no obvious locations for signs (all glass walls, art walls, and shallow or no parapets), the parapet heights were significantly increased to accommodate new signs. These changes have compromised the historic integrities, designs and National Register eligibilities of the buildings.

Current Regulation – Roof signs are currently prohibited in the Sign Code.

Proposed Revision – Allow for rooftop-mounted signs for a building listed, or eligible for listing, in the National Register of Historic Places, when the applicant can show that there are no wall or projecting sign options that would not damage historic integrity or have an adverse effect on National Register status. In these cases the roof signs must be static channelized exposed neon or non-lit metal letters. The following is proposed language to be added:

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**Roof signs:** Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a canopy sign, ~~or a historic landmark sign (HLS), or on a National Register of Historic Places (NRHP) listed or eligible to be listed building where the applicant can demonstrate both, (1) that the only wall or building-mounted options available would damage the building's historic fabric or would have an adverse effect on qualities that make building eligible for listing in the NRHP, and (2) that use of a roof sign would result in minimal damage to historic fabric and avoid adverse effects on qualities that make building eligible for listing in the NRHP.~~ Review and recommendation of roof signs on NRHP listed or eligible to be listed buildings shall be provided by the Tucson-Pima County Historic Commission Plans Review Subcommittee (TPCHC-PRS). **Signs placed upon the face of a parapet or architectural feature are considered a wall sign.**

4. Increase in maximum sign area allotment for a Historic Districts when in a commercial zone.

Summary – The current sign area allotment for all zones in a historic district (HPZ or HL) is 8 square feet per street front and per sign. In order to allow for commercial properties that are either within an HPZ or seeking an HL designation to remain economically viable, we should consider increasing the maximum sign area allotment for buildings in commercial zones.

#### Current Regulation

**C.** Maximum area of any sign: Eight (8) square feet.

#### Proposed Revision

**C.** Maximum area of any sign: Eight (8) square feet in a residential zone; Forty (40) square feet in a commercial zone. Sign shall be appropriately sized, result in minimal damage to historic fabric, and avoid adverse effects on qualities that make a building eligible for listing in the National Register of Historic Places.

#### **Next Steps:**

The Planning Commission (PC) and Citizen Sign Code Committee (CSCC) will hold a joint public hearing to make independent recommendations to the M&C on June 21, 2017. Staff anticipates the draft going to Mayor and Council by fall. It will include a sunset provision to look at it again in 18 months to determine if additional revisions are needed.

#### **Attachments:**

A - Preliminary Sign Standards Draft – March 30, 2017

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B - Draft Sign Standards Issues Requiring Resolution – Updated on April 19, 2017

C - Sign Table of Changes

D - Updated Matrix of Suggested Edits

E - March 1, 2017 PC Communication for Sign Code Revision Project

F - Background on Reed and the Subcommittee Process

G - Links to website and public - stakeholder comments received to date

H - Outline of proposed timeline to Mayor and Council



2017

**Tucson-Pima County Historical Commission**

Plans Review Subcommittee

**LEGAL ACTION REPORT**

**Thursday, June 8, 2017**

**4<sup>th</sup> Floor North Conference Room, Joel D. Valdez Main Library,  
101 N. Stone, Tucson, AZ 85701**

**1. Call to Order / Roll Call**

Meeting called to order at 12:06 P.M.

Commissioners Present: Terry Majewski (Chair), Jim Sauer, Helen Erickson, Arthur Stables, Jill Jenkins

Commissioner Absent/Excused: Sharon Chadwick, Michael Becherer,

Staff: Michael Taku, Jonathan Mabry, Daniel Bursuck (PDSD), Elaine Becherer (City Manager's Office), Alison Miller (Ward 6).

**2. Approval of \*Revised Legal Action Report and Summary of Minutes for the Meeting(s) of: 5-18-17**

Motion by Commissioner Stables, duly seconded by Commissioner Jenkins, to approve the revised Legal Action Report and Summary of Minutes from the meeting(s) of 5-18-17.

Motion passed unanimously. Voice Vote 5-0

**3. Courtesy Review Cases**

Scott Avenue, Pennington-Congress Streetscape Project: Relocation of Historic Light Poles: An Informational Presentation and Update, City Manager's Office, Project Manager, Elaine Becherer

Presentation by Elaine Becherer, Project Manager from City Manager's Office on work being undertaken along the Scott Avenue streetscape. The project scope included improvement and security; maintain a two-way street; removal and salvage of three (3) historic streetlights; extended sidewalks and addition of four (4) new street lights. City Historic Preservation Officer described a TDOT policy being developed that will require that historic street lamps displaced by either City projects or private developments are to be relocated to historically appropriate locations when possible, and the relocation costs to be covered by project budgets. Additionally, a study is being undertaken to map all historic street lights citywide. Questions were posed and clarifications provided. No action taken.

4. **Proposed Revisions to the Sign Code in Historic Zoning Overlay Districts**  
*Chapter 3 Tucson Sign Code. Review and recommendation limited to Historic items in the revision project*

Historic Landmark Signs (HLS) in historic zones; HLS to be a wall sign; Roof Signs permitted on buildings listed or eligible to be listed on the National Register of Historic Places and increase in maximum sign area allotment for a Historic Districts when in a commercial zone.-General Discussion; Feedback and Action [Update from meeting of 5/18/17]

Staff Bursuck and Mabry presented the updated proposed changes. According to staff, the revision project is an outcome of *Reed v City of Gilbert*. The proposed revisions added clarity and use of appropriate historic language conditioning installation of rooftop signs on National Register listed or eligible buildings, or signage exceeding 8 square feet on buildings with "H" zoning overlays, requiring (1) minimal damage to historic fabric and (2) avoidance of adverse effects on qualities that make the buildings eligible for listing in the NRHP. PRS was provided with next steps for the revision project. Action was taken.

It was moved by Commissioner Stables, duly seconded by Commissioner Erickson, to recommend approval of the proposed updated revisions to the City of Tucson Sign Code related to historic issues, noting that staff should include changes to the document as discussed during the meeting.

Motion passed unanimously. Voice Vote 5-0.

5. **Unified Development Code Text Amendment Review Cases**  
*UDC Section 3.7 for Recommendation from Tucson-Pima County Historical Commission, Plans Review Subcommittee on Proposed Revisions to the West University Historic District Design Guidelines.*

**HPZ-17-48**– Historic Preservation Zone: Historic District Design Guidelines Text Amendment-Window Alternative Materials (West University Historic Preservation Zone)

Staff Taku summarized the mechanism for review and implementation of the approved window text amendment by the Historic Preservation Zone Advisory Boards. At issue is property owners' request for West University Historic Zone Advisory Board (WUHZAB) to start considering, on a case-by-case basis, metal-clad wood windows as an alternative window material. The PRS will review and make recommendation(s) on WUHZAB proposed amendments to their Design Guidelines. If recommended for approval, WUHZAB will amend its Design Guidelines-Section G (Windows), post for public access, and will from henceforth start considering metal-clad wood windows as a potentially acceptable option for window material on a case-by-case basis.

It was moved by Commissioner Erickson, duly seconded by Commissioner Stables, to recommend approval of the proposed amendment to the West University Historic District Design Guidelines, Section G (Windows) as presented and noting the following:

(1) Checking appropriate numbering sequence;

(2) "All glazing material to be glass" is acceptable and should be #10 per item (1) above;

Motion passed unanimously. Voice Vote 5-0.

**6. Historic Preservation Zone Review Cases**

*UDC Section 5.8/TSM 9-02.0.0/Historic District Design Guidelines/Secretary of the Interior's Standards and Guidelines*

**HPZ-17-40**– Trinity Presbyterian Church-Planned Area Development (Historic) - Project Design for Planned Mixed Use Community Development: Housing, Office, Retail, Parking and Landscape-400 E. University Boulevard (West University Historic Preservation Zone)

Staff Taku informed PRS that at the request of the applicant(s), review will be scheduled for 6/29/17. No action taken.

**7. Current Issues for Information/Discussion**

a. Minor Reviews

At the request of staff, Subcommittee provided feedback on seven (7) cases for on-site review scheduled for 6/9/17.

**b.** Appeals

None pending

**c.** Zoning Violations

Staff continues to assist owners on abatement of violations within the City Historic Preservation Zones and Rio Nuevo Area.

**d.** Review Process Issues

None at this time

**8. Call to the Audience (Information Only)**

No one to speak.

**9. Future Agenda Items for Upcoming Meetings**

Historic Depot re-roofing project; New Construction/Additions (BH).

Due to the State Historic Preservation Conference, the next regular PRS meeting will be scheduled for 6/29/17.

**10. Adjournment**

1:07 PM.