



MEMORANDUM

DATE: August 27, 2020

TO: Tucson/Pima County Historical
Commission -Plans Review Subcommittee

FROM: Daniel Bursuck
Principal Planner, PDSD

SUBJECT: C8-19-03 Sign Code Revisions (City Wide)

Issue – The following item is for the Tucson/Pima County Historical Commission – Plans Review Subcommittee (PRS) to review and discuss proposed amendments to the sign standards within the Unified Development Code (UDC), related to historic provisions, in advance of the August 31, 2021 sign code sunset date.

Recommendation – Staff recommends that the PRS recommend approval to the Planning Commission on the proposed amendments, related to historic provisions, to the sign standards.

Background – From August 2016 through July 2017, Planning and Development Services (PDSD) conducted extensive public outreach to develop and review proposed sign code revisions, following the June 2015 U.S. Supreme Court decision in the case of *Reed v. Town of Gilbert*, which made it necessary for all jurisdictions in the country to review and amend their sign code to be content-neutral to avoid legal challenges. On December 5, 2017, Mayor and Council adopted the current sign code with a sunset date of August 31, 2019. Key revisions implemented under the adopted sign code include, moving sign standards from the City Code to the Tucson zoning code, establishing the master sign program and creating the Sign Design Review Committee. In July 2019, at the request of PDSD, Mayor and Council extended the sunset date to August 31, 2020 to allow for additional analysis of the newly adopted sign code. On June 23, 2020, in light of the suspension of public meetings due to COVID-19, Mayor and Council voted 7-0 to extend the sunset date to August 31, 2021 to allow for additional time to complete the public review of the amendments.

Planning and Development Services conducted that additional analysis of the adopted sign code and public outreach from August 2019 through February 2020. During this review and analysis internal meetings with sign review staff were held, sign permit data was reviewed, and complaints submitted to code enforcement related to signs were reviewed. The analysis indicated that the sign code is working well. Additionally, PDSD staff reviewed the potential text changes with the Sign Design Review Committee (SDRC). Beginning in November 2019, the SDRC held regular public meetings to discuss potential amendments to the sign standards. A total of six meetings were held to review the sign standards.

Throughout the process, historic preservation staff were consulted regarding potential changes to portions of the sign code relating to Historic Landmark Signs (HLS) and signs in Historic Preservation Zones (HPZ). Internal meetings were held with historic preservation to review text

TO: Tucson/Pima County Historical Plans Review Subcommittee

SUBJECT: C8-19-03 Sign Code Revisions (City Wide)

Page 2

changes, including, changing the name of the HLS program and whether the reviewing body for HLS should be the SDRC or the Plans Review Subcommittee (PRS). It was recommended by historic preservation staff, to review these proposed changes with the PRS.

On February 13, 2020, staff provided information to the Plans Review Subcommittee (PRS) in connection with those text changes that relate to signs in HPZ and the HLS program. PRS provided feedback related to changing the name of the HLS program, to differentiate this program from Historic Landmarks designated through a formal nomination process, and removing language in the HLS program that requires signs designated under this program to have been installed in a location within current Tucson city limits, and whether the SDRC should continue to be the reviewing body for HLS.

On March 20, 2020, at the suggestion of PRS, Staff met with stakeholders who were involved with the development of the HLS program, including Jude Cook, Demion Clinco, and Carlos Lozano. The following is an overview of that discussion:

- There was general agreement with allowing the relocation of HLS signs from outside of Tucson city limits into Tucson;
- There was general agreement with the name change from Historic Landmark Signs to Heritage Landmark Signs; and
- The question was brought up about if the HLS Concentration requirement is working as intended?

On April 30, 2020 staff presented to PRS related to the proposed changes to historic sign provisions along with an overview of the conversation about the HLS Concentration requirement. Please see Attachment A for the Legal Action Report from that meeting. At that meeting, PRS requested staff reach out to those who helped draft the HLS Concentration provision to provide more information related to its intent. Staff has since reached out to Brent Davis and Kathy McLaughlin, both former members of the Citizen Sign Code Committee for additional information. The reason they provided for the inclusion of the HLS Concentration was to protect against a proliferation of taller and larger signs through the HLS program.

Present Considerations – Based on the feedback from the PRS meeting on February 13, 2020, and the feedback from the stakeholders at the March 20, 2020 meeting, we are proposing the following amendments to the sign code related to its historic provisions:

1. Clarify regulations by moving all historic related language from 7A (*Sign Code*) to 5.8.9.M (*Signs in Historic Districts*).
2. Clarify that signs in commercial zone may be up to 40 sq ft and signs in residential zone may be up to 8 sq ft, with approval of PRS.
3. Clarify that an applicant in an HPZ may use Sign Design Options under 7A.7.
4. Amend to allow for Classic, Transitional and Replica signs from outside of Tucson city limits to be relocated into Tucson.
5. Change Historic Landmark Signs name to Heritage Landmark Signs.

TO: Tucson/Pima County Historical Plans Review Subcommittee
SUBJECT: C8-19-03 Sign Code Revisions (City Wide)
Page 3

Additionally, there is currently a requirement in the HLS ordinance that any replica HLS sign or any relocated HLS sign be located within what it calls an HLS Concentration. This is defined as:

“A minimum of three previously designated HLS, or signs meeting the criteria for designation, within 2,640 linear feet (1/2 mile) as measured along the center line of a street, including turning in any direction at the intersection of a street to connect with another designated HLS or sign meeting the criteria for designation, together with an additional 440 linear feet (1/16 mile) beyond the terminus HLS. A replica HLS cannot be used as part of the number of HLS in the calculation of a HLS concentration.”

As noted in the background section, this provision’s removal was suggested by the stakeholders who had helped draft the HLS ordinance. On April 30, 2020, PRS requested staff to go back and speak with some of those people who helped draft the original HLS ordinance to better understand what the intent of the HLS Concentration provision was. Between that meeting and now, staff reached out to Brent Davis and Kathy McLaughlin, both former members of the Citizen Sign Code Committee for additional information. The reason they provided for the inclusion of the HLS Concentration was to protect against a proliferation of taller and larger signs through the HLS program.

Staff would like PRS to provide a recommendation on the five changes listed above, in addition to if the HLS Concentration provision should be removed.

DRAFT

2020

Tucson-Pima County Historical Commission Plans Review Subcommittee

LEGAL ACTION REPORT

Thursday, August 27, 2020

Pursuant to safe practices during the COVID-19 pandemic, all in-person meetings are cancelled until further notice. This meeting was held virtually to allow for healthy practices and social distancing. The meeting was accessible at provided link to allow for participating virtually and/or calling in.

1. Call to Order and Roll Call

Meeting called to order at 1:04 P.M., and per roll call, a quorum was established.

Commissioners Present: Terry Majewski (Chair), Michael Becherer, Jim Sauer, Jan Mulder, and Sharon Chadwick.

Commissioners Absent/Excused: Jill Jenkins.

Applicants/Public Present: Abigail Rosenberg, Miguel Fuentevilla, and Richard Wiehe.

Staff Members Present: Michael Taku, Jodie Brown, Nic Ross, Maria Gayosso, Mallory Ress, and Dan Bursuck (PDSD).

2. Approval of the Legal Action Report (LAR) from Meeting of 8-13-20

It was moved by Commissioner Becherer, duly seconded by Commissioner Mulder, to approve the Legal Action Report from the Meeting of 8-13-20. After discussion, Commissioner Becherer amended the motion to recommend approval of the minutes of the Legal Action Report for the meeting of 8-13-20 and passed unanimously by a roll call vote of 5-0 with a modification to the wording of the motion for item 4a to state that *[Commissioner Sauer asked about a possible amendment to the motion and Commissioner Becherer moved that this motion be amended to recommend...]*. The remainder of the original motion remains the same. Commissioner Mulder had no objection to the amended motion.

3. Historic Preservation Zone Review Cases

**3a. HPZ 20-027, 380 N. Meyer (T20BU00249) (continued)
El Presidio Historic Preservation Zone (ELPHPZ), Contributing Resource,**

Demolition of a remnant exterior wall dating to exterior ca. 1901.

Staff Taku summarized the history of the project review and read into the record the recommendations from the El Presidio Historic Zone Advisory Board (ELPHZAB) from the meeting of 5-29-20 and PRS on 6-11-20 [continued]. Staff noted that the proposed wall for demolition was part of an addition to the historic house that shows on the Sanborn maps as an addition in 1901.

Abigail Rosenberg, the property owner, presented the requested documentation by PRS that included site plan, wall elevations, and photos of all the existing wall sections being requested to be demolished.

Discussion was held. Action was taken.

It was moved by Commissioner Becherer, duly seconded by Commissioner Mulder, and passed unanimously by a roll call vote of 5-0 to recommend approval as presented.

3b. Sign Code Sunset Amendment

Update on the Historic Landmark Signs Unified Development Code (UDC) section, the review process for designation, and signs in historic zones.

Staff Taku introduced the presentation noting the courtesy review with PRS at the 2-13-20 and 4-30-20 meetings with no actions taken. Today presentation will require PRS action.

PDSD staff Dan Bursuck and Mallory Ress presented an overview of the proposed amendments to the sign standards within the UDC related to historic provisions in advance of the sign code sunset of 8-31-21. Staff updated on findings from consultations with City of Tucson Historic Preservation Office staff, Sign Design Review Committee (SDRC), PRS, and stakeholders who were involved in the construction of the HLS concentration requirement. The feedback indicated that the concentration requirement was created out of concern for allowing

larger(area) and taller(height) signs. Proposed changes are detailed in a MEMO dated 8-27-20 to PRS and include but are not limited to: a name change from Historic Landmark Sign to Heritage Landmark Sign (HLS), remove language to allow signs to be relocated from outside city jurisdictional limits to Tucson, PRS to remain as the review authority, clarifying the sizes of signs in commercial and residential zones, clarifying that HPZ applicants may use Sign Design Options in UDC and well-defined process for designation and review of signs in historic zones. Staff informed that PRS recommendations will be submitted to the Planning Commission at the public meeting on 9-16-20.

Discussion was held. PRS expressed agreement with the proposed amendments to the sign standards of the UDC related to historic provisions. PRS also discussed removal of the HLS concentration. Specifically, discussion was had relating to whether removal or reduction of the HLS concentration requirement was appropriate. Action was taken.

It was moved by Commissioner Sauer, duly seconded by Commissioner Becherer, and passed unanimously by a roll call vote of 5-0 to recommend to the Planning Commission that the staff proposed amendments to the sign code related to its historic provisions in the August 27, 2020, memo provided for this meeting, "C8-19-03 Sign Code revisions (City Wide)" all be adopted: These proposed amendments include,

1. Clarify regulations by moving all historic related language from 7A (*Sign Code*) to 5.8.9.M (*Signs in Historic Districts*);
2. Clarify that signs in commercial zone may be up to 40 sq. ft and signs in residential zone may be up to 8 sq. ft, with approval of PRS;
3. Clarify that an applicant in an HPZ may use Sign Design Options under 7A.7;
4. Amend to allow for Classic, Transitional, and Replica signs from outside of Tucson city limits to be relocated into Tucson; and
5. Change Historic Landmark Signs name to Heritage Landmark Signs.

In addition, we recommend that the current requirement within the HLS ordinance requiring an HLS concentration be removed, language of which is in the sign code memo provided for this meeting.

In discussion, Chair Majewski asked to amend the motion to insert a comma after the word "Transitional" in item 4 from the sign code memo provided for this meeting, in order to be clear that there are three types of signs that can be relocated into Tucson. The mover (Commissioner Sauer) and seconder (Commissioner Becherer) had no objections.

4. **Rio Nuevo Area (RNA)/Infill Incentive District (IID) Review Cases**
UDC Section 5.12.6.E.2; 5.12.7 & 5.12.10

4a. HPZ 20-046/IID 19-15, 305 N 4th Avenue (T20SA00218)
Fourth Avenue Commercial Historic District, Pie Allen, Contributing.
Construct new one-story building with a roof deck at the northwest corner of the property, install access doors for the existing building to new roof deck, increase the area of the fenced perimeter yard, site improvements.

[Note: Commissioner Becherer recused from this case and left the meeting at 1:41 P.M.]

Staff Ross presented an overview of the project. Staff stated that the applicant is proposing to extend an existing outdoor patio to fully utilize the 4th Avenue frontage of the parcel and to construct a new single-story building in the northwest corner of the property, which will incorporate a roof deck to further increase the outdoor use area. As part of the proposal, a small storage shed will be demolished but will not require architectural documentation due to its age being newer than 50 years. There are two contributing buildings located on site, and the applicant is proposing to maintain both of them in their current state, with the exception of adding a door in an existing opening on the second level of the brick building to allow access to the roof deck. The Design Professional reviewed this application on August 7, 2020, and recommended approval as submitted.

Architects Miguel Fuentesvilla and Richard Wiehe, FOR architecture +Interiors provided an overview of the project. Presenter discussed the IID waivers, site improvements, area of fenced perimeter yard, exterior patio for seating, activity area, and entertainment area. Also presented was a proposed new building for storage/utility. This new building is located behind the historic buildings and will not be visible from the public right-of-way. The historic contributing Quonset Hut structure and 2-story brick building are to be preserved. A modification to the brick building will be to cut in a door from the second floor to access the new rooftop deck.

Subcommittee discussed and asked for clarifications, which were provided. Action was taken.

It was moved by Commissioner Sauer, duly seconded by Commissioner Mulder, and passed by a roll call vote of 4-0 [Commissioner Becherer recused and did not vote] to recommend approval as presented and also recommend that the applicant be required to provide architectural drawings and photographic details of the north façade of the contributing brick building that will be changed and partially obscured by the proposed new building.

5. **Armory Park Historic Preservation Zone (APHPZ) Design Guidelines**
UDC Section 5.8/TSM 9-02.7.2. A-D/Historic Preservation Zone Design Guidelines/Revised Secretary of the Interior's Standards and Guidelines

4a. Updates on proposed revisions to the existing APHPZ Design Guidelines.

[Note: Commissioner Becherer returned to the meeting at 2:08 P.M.]

City of Tucson Historic Preservation Officer Jodie Brown updated commissioners, noting that the core group working on the revisions to the Armory Park Historic Preservation Zone Design Guidelines met to edit and reduce the size of the document. John Burr is working on it. No action was taken.

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

a. Minor Reviews

Staff provided an update on pending and recently conducted reviews.

b. Appeals

None at this time.

c. Zoning Violations

Staff provided information on ongoing and pending cases being worked on for compliance and/or in the review process.

d. Review Process Issues/Discussions

Subcommittee requested staff to provide notice to members whenever additional review materials are uploaded to the Boards, Committees and Commissions website.

7. **Summary of Public Comments (Information Only)**

None at this time.

8. **Schedule and Future Items for Upcoming Meetings**

The next scheduled meeting is September 10, 2020; PRS meetings to be conducted virtually until further notice.

9. **Adjournment**

Meeting adjourned at 2:19 P.M.