



**PLANNING COMMISSION/CITIZEN SIGN CODE COMMITTEE
SIGN CODE REVISIONS JOINT SUBCOMMITTEE**

Monday February 13, 2017 2:00 P.M.
Pima County Public Works Building
Planning and Development Services - 3rd Floor Conference Room
201 North Stone Avenue
Tucson, Arizona 85701

Legal Action Report and Meeting Minutes

1. Roll Call

Meeting was called to order by Planning and Development Services Department (PDS), at 2:00 p.m.

Present:

George Holguin	CSCC, City Manager's Office
Kathleen McLaughlin	CSCC, Ward 5
Jude Cook	CSCC, City Manager's Office
Shannon McBride-Olson	PC, Ward 2
Killian Harwell	PC, Mayor

Not Present:

Staff Members Present:

Russlyn Wells, PDS, Zoning Administrator
Daniel Bursuck, PDS, Lead Planner
Jim Mazzocco, City Manager's Office, Zoning Examiner
Piroschka Glinsky, City Attorney's Office, Principal Assistant City Attorney
Stacy Stauffer, City Attorney's Office, Principal Assistant City Attorney
Jan Waukon, Consultant Serving as Facilitator

2. Approval of Minutes/Legal Action Report – February 6, 2017

It was moved by Commissioner Harwell, duly seconded by McBride-Olson, and carried by a voice vote of 5-0, to approve the February 6, 2017 Minutes.

3. Review of Meeting Process

Jan Waukon, Consultant serving as Facilitator, explained the management of the meeting.

4. Call to the audience

Ruth Beeker, a Tucson resident, spoke about the Master Sign Program and the Sign Code Revisions. In particular, she spoke to the regulations within the Master Sign Program and what regulations no longer apply. She asked if everything starting at page 18 out the window and are there no prohibited signs. She said she sees there are caps as requested for freestanding signs, but not for other signs. She then questioned what the rationale is for the inception of a Master Sign Program. She wondered if they list best practices, why does the City not want these used at all times. She asked if it is the City's fault that we have mediocrity in design and stated that she has heard that the need for the Master Sign Program is due to the need for many variances, but hasn't seen any evidence yet. Related to page 21 on menu boards, she stated that the language is too vague and could be open to interpretation and create problems. She stated there needs to be some protection from the environmental pollution created by these. She stated to apply the regulation to single family residential and not others is discriminatory. She urged to keep the 30-foot buffer for all residential use. She also spoke to parapets and stated that people care about building heights. She asked if heights for parapets for more signage something that can be addressed in the master sign program. She urged the group to produce a document that is unambiguous as they finish this process.

Jim Marshall, a member of the Citizen Sign Code Committee and retired police captain in Detroit, told a story related about monkeys and their behavior. He urged the committee to think about the story as they process things.

5. Review and Discussion by Subcommittee of Suggested Edits Matrix

- a. Purpose (Section 7A.1.1 in Preliminary Draft; Sections 31-3.3 in Current Code)

Staff presented edit #6 related to Ruth Beeker's suggested purpose statement.

Commissioner McLaughlin stated that she believed it was very comprehensively done and like to see it become the purpose statement.

Commissioner McBride-Olson stated that she thought it was well done and would support it as well.

Commissioner McBride-Olson asked if when you have a purpose statement, is there any specific hierarchy.

Staff stated that the purpose statement is there to address certain issues such as freedom of speech, the visual environment, traffic and building safety, and property rights. They are generally all of equal weight, you just need to make sure it addresses all of these points.

Commissioner McBride-Olson asked Commissioner Cook about color, illumination, and dark skies and if the purpose statement supports regulating color.

Commissioner Cook stated that we have an outdoor lighting that addresses what they want, but doesn't specifically address color. He stated he doesn't have an issue with the purpose statement, but has an issue with how dark skies are addressed in the Sign Code General Standards and stated we don't need to regulate color.

Commissioner Holguin stated he agreed with adopting the purpose statement

Commissioner Harwell stated she agreed with adopting the purpose statement.

b. Measurement, Location, and General Requirements (Section 7A.6 in Preliminary Draft, Sections 3.31 – 3.44 in Current Sign Code)

Staff presented edit #18 from the Suggested Edits Matrix.

Commissioner Cook stated that he is fine with five minutes but that the Chamber and MPA would like to see one minute related to rate of change

Commissioner McLaughlin stated that when we started out with the meetings it is something that can go to Mayor and Council with that the whole group agrees with. She stated that she is not supportive of one minute and going from one hour to five minutes is a significant change.

Staff presented edit #20 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #20

c. Sign Design Option (Section 7A.7 in Preliminary Draft)

Staff presented edit #28 from the Suggested Edits Matrix.

Commissioner McLaughlin asked if there could be for a single tenant a requirement for a letter from the owner identifying if there are non-conforming signs onsite.

Commissioner Holguin stated that anytime you ask for documentation from the owner is difficult. Many times the owner is out of state and usually they are run by management companies.

Commissioner McLaughlin stated that she is aware of lots of signs, particularly billboards, and site plans are approved without knowing or visiting the signs. She asked how these signs are going to be addressed. If people are getting an advantage or benefit, through the Master Sign Program, there needs to be some

balance. She stated that if there are non-conforming signs on-site, she would like them to be identified as part of the information gathering for the application process.

Commissioner McBride-Olson stated that she understands what Commissioner McLaughlin is saying and that it needs to fit into surrounding area.

Staff stated that while the review is about a singular sign, there are criteria that address what is surrounding that sign. A non-conforming sign and information related to it would be a part of this.

Commissioner Cook asked how are billboards are addressed. Are there any left?

Commissioner McLaughlin stated that there around three hundred left in the valley which is down from around nine hundred.

Commissioner Cook asked when is the point to which they are supposed to remove the billboard from the property.

Staff stated that a lot of the billboards remaining are subject to the Clear Channel lawsuit, so many are handled by that document.

Commissioner Cook asked if we are specifically talking about the Singular Sign Option.

Staff stated that yes, this is in relation to the Singular Sign Option.

Commissioner Cook asked if he is looking at a Singular Sign Option, would he typically be looking at a small premise. If that were the case, it wouldn't be too difficult. He stated that Crossroads or El Con Mall would be a bear. He stated that based on this, what Staff is saying, case-by-case, makes sense, but he doesn't have an answer.

Commissioner McLaughlin stated that she would be interested in only non-conforming signs. Would there be a lot of those.

Staff stated that it really does depend on when it was developed.

Commissioner Harwell stated that maybe an applicant can submit current photos of the signs on-site for documentation. She stated that it makes sense for it to have some sense of context.

Staff stated that there is a standard in the Master Sign Program that may take this into account. The provision "The sign height shall be compatible with the surrounding building height profile of the buildings and structures on the property and the surrounding area," would address this. This would at least

take into account the freestanding non-conforming signs. If we are saying all structures, it was meant to address sign structures.

Commissioner McLaughlin stated she isn't sure she would assume that structures meant sign structures in addition to buildings.

Staff stated that we can add language to clarify a freestanding sign is part of this as well.

Commissioner McLaughlin stated that she thinks that would take care of it.

Commissioner Cook stated that he thinks this is reasonable and could work.

d. Sign Types and General Standards (Section 7A.10 in Preliminary Draft, Sections 3.51 – 3.71 in Current Sign Code)

Staff presented edit #36 from the Suggested Edits Matrix.

Commissioner McLaughlin stated that she believes we should keep the 20 feet from the wall as it ensures it doesn't go above the parapet height and it still makes sense.

Commissioner Cook stated that the MPA and Chamber would like to see more height allowed. One thing he does know is that the existing canopy sign allowed for a two foot logo and it was for good reason.

Commissioner McLaughlin stated that she would be on board with that.

Commissioner Cook stated that they have had six or seven variances. He requested that it be at a minimum of 24 inch height with an 8 inch descender to fix some of that.

Commissioner McLaughlin asked if there had been a lot of variances for this type of canopy sign.

Staff stated that there have a been several.

Commissioner Cook stated that there have been six or seven.

Commissioner McLaughlin stated that she would assume that is a good proportion of what was installed.

Commissioner Cook agreed with Commissioner McLaughlin.

Commissioner McLaughlin stated that maybe we do a 24 inch height with 6 inch descender.

Commissioner Cook stated that it needs to be proportional, so it would be 24 inch with an 8 inch descender.

Commissioner McLaughlin stated that she would not object to a 24 inch letter, but would object to a 30 inch letter.

Commissioner McLaughlin asked if Commissioner McBride-Olson or Harwell have any thoughts on increasing the letter size.

Commissioner McBride-Olson asked for some examples of canopy signs.

Commissioner Cook gave several examples including 5151 East Broadway and Tucson Medical Center. He stated that the example at Tucson Medical Center would not fit into the 24 inch lettering regulation and it doesn't appear very big because it is set back so far.

Commissioner Harwell stated that she doesn't have an objection to 24 inch lettering.

Commissioner McLaughlin stated that maybe if a building is set back a certain amount, should they get more lettering. She asked if this will create a giant nightmare.

Commissioner Harwell asked if one could put a cap on the length.

Staff stated that our position was that we were thrilled that we were going to throw this thing out and use a wall sign. This is because this regulation has been a nightmare. Staff would rather not get into the details of the current regulation because it is difficult to regulate.

Commissioner Holguin stated that he would rather just get rid of all the restrictions and counting it as a wall sign.

Commissioner Harwell stated that she would agree with staff and wouldn't object to removing the restrictions.

Commissioner McLaughlin stated that we can always go back to Canopy Signs are not allowed. She said this was a very controversial sign type.

Staff stated that they do not have that history and it appears to be a somewhat innocuous sign type.

Commissioner McLaughlin stated that discount tire on the top of billboards was a huge concern.

Staff stated that in no way are we suggesting that this be allowed to go above the top of a building. But if it is in the framework of a wall sign, it seems ok.

Commissioner Cook stated that he would be fine with Staff's direction, but if we go the other way 24 inches and 8 inch descender would work with a 30 inch logo.

Commissioner McBride-Olson stated that she is fine with Staff's direction that as long as it is like it wall sign, it should be regulated as one.

Commissioner McLaughlin stated that she liked the comments of limiting the amount or length of the sign. She stated that she sees it as a sticking point with the Sign Code committee. She also stated that she may be willing to do a maximum area for this regulation.

Staff stated that they would document the three options in the edits matrix.

Staff presented edit #38 from the Suggested Edits Matrix.

Commissioner Harwell stated that she tends to like the second option because she doesn't believe it should regulate the architecture. She stated that for the braces, it should say, "all braces should be concealed from street view."

Commissioner Holguin stated that he likes number two because it is left up to the designer.

Commissioner McLaughlin stated that she likes the first option because of the flag wall, and that because it limits the height and size.

Commissioner McBride-Olson stated that she agrees that the second option does a better job of not limiting the architecture.

Commissioner Cook stated that he doesn't like either one, but if he had to choose, he would choose the second one. Ultimately it is a wall and should be regulated as one.

The Commission was unable to come to a consensus in regards to edit #38.

Staff presented edit #47 from the Suggested Edits Matrix.

Staff presented edit #48 from the Suggested Edits Matrix.

Commissioner McLaughlin asked about the design center at Ft Lowell and Dodge is cantilevered. She stated she would like to see that allowed.

Commissioner McLaughlin suggested we change the language and remove continuous to allow for this.

Staff stated they could adjust the language to address continuous to allow for this.

Commission was in general agreement with this.

Staff presented edit #49 from the Suggested Edits Matrix.

Commission was in general agreement with the suggested edits.

6. Review and Discussion by Subcommittee of Revised Preliminary Draft of Sign Code Revisions

a. Section 7A.7 Sign Design Options

Jim Mazzocco, City Manager's Office, gave a presentation of the Sign Design Options section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner McLaughlin asked if the TRRG notification recommendations have been included in the draft.

Staff clarified that some of the notification recommendations have been included in the Sign Design Review Committee, but others have not been included. Staff has recommended alternative methods of notification similar to the internal policy for NPZ's and a new electronic notification method.

Commissioner Harwell asked in relation to the dark skies regulation does it make sense to limit the amount of illumination. Large amount of illumination with little sign copy is a problem.

Staff stated that this is an awkward zoning issue and borders on light engineering so we are working on a best practice of light engineering of the outdoor lighting code.

Commissioner Harwell asked if it makes sense to add a recommendation to Mayor and Council to direct the Outdoor Lighting Committee to revise the Outdoor Lighting Code.

Commissioner Cook stated that he understands where the illumination regulation is coming from because the Outdoor Lighting Code doesn't address certain things. The only way we can attack things is how the regulations are currently.

Commissioner Harwell stated that the color background isn't necessarily dark skies compliant, but it is more legible and goes back to the purpose statement.

Commissioner McLaughlin stated that when drawings are submitted, is there something on the document that is submitted that shows the type of light.

Commissioner Cook stated that one cannot determine what the end light output is going to be for a custom made sign and that is why they are currently regulating signs the way they are.

Commissioner Cook stated that he prefers the language of two or more components for the top, middle, and bottom components.

Commissioner McLaughlin asked what you would call them. She stated she is concerned it will just be a box

Staff stated that it would be a component and would provide a vocabulary for the design of the signs.

Commissioner Harwell suggested we add language two or more components articulated by materiality.

Commissioner McLaughlin suggested that the dark or opaque background could be a best practice for dark skies.

Staff stated that we are working on developing a best practice design guidelines for master sign programs and that would be included.

Commissioner McLaughlin asked if contrast is mentioned in the legibility standards.

Staff stated that when you add up the uniform background color and legibility, it would add up to address contrast.

Commissioner Cook stated that he thinks it has merit and the example shown is decent.

Commissioner McLaughlin asked what is allowed at Miller Surplus. They currently have a Raiders flag, country flags. Clearly they are using flags as an attention getting device.

Staff stated that we are not regulating non-commercial flags, which include country flags. Commercial flags would be anything other than non-commercial flags. We discussed that we get into a difficult situation once we regulate the American flag.

Commissioner McLaughlin asked about the flying man on the roof of the McDonalds at Alvernon and Speedway.

Staff stated that those are prohibited now and could be enforced pretty easily once the Reed issue is taken care of.

Commissioner McLaughlin asked about how many portable signs we are planning on allowing in residential. She asked if they could get eight total signs.

Staff stated they were allowed a total of sixteen sf with four total signs.

Commissioner McLaughlin stated that she thinks we need to reduce this amount

Staff stated that it is allowed by the ARS and we are following the State Statute and it may not be a good idea.

Commissioner McLaughlin asked about the sixteen sf and if that is political signs.

Staff stated that it is the case.

b. Section 7A.8 Exempt and Prohibited Signs

Jim Mazzocco, City Manager's Office, gave a presentation of the Exempt and Prohibited Signs section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner McLaughlin stated that she much prefers the McDonalds flag with the US flag than what is on Miller Surplus.

Commissioner Cook stated that he did not realize that commercial flags are prohibited

Staff stated that they believe we may want to think twice about regulating flags and the American flag.

c. Section 7A.9 Nonconforming Signs and Change of Use

Jim Mazzocco, City Manager's Office, gave a presentation of the Nonconforming Signs and Change of Use section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner McLaughlin asked about what uses we are using for this code.

Staff clarified that we are using categories from the building code as changing the uses could create a lot of unintended consequences.

d. Section 7A.10 Sign Types and General Standards

Jim Mazzocco, City Manager's Office, gave a presentation of the Sign Types and General Standards section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner McLaughlin stated that she believes there is a town or city that talked about signs mounted within 3 feet of the glass are regulated.

Staff's recommendation is to stay with what we currently regulate which is a sign that is attached to the window.

Staff will continue the presentation again at the next meeting.

7. **Call to the Audience**

Jim Marshall, member of the Citizen Sign Code Committee, spoke to goal of the committee, do they want all small signs. He stated it sounds like an HOA trying to regulate individualism. He stated if you want to see the flora and fauna of Tucson one should leave the City of Tucson to do it. There are many other things that are blocking views in commercial areas. He stated that he hasn't heard anything factual related to reasoning for doing things in the sign code. He stated that according to one historian, one hour was determined by the time it would take to get a ladder and change a sign code manually on a marquee. He stated that using that logic, we should just continue to do things how we have always done them, like we are monkeys. He also stated that there is no study or research that these digital signs change frequency has a negative impact on traffic safety. He stated that if this is a distraction to drivers, we should regulate other things like trees, telephone polls, and other things as a part of the driving experience. He stated that people do business and find businesses through signs.

Grace Gegenheimer, of the Tucson Metro Chamber, MPA, and SAHBA, stated that they have had ongoing stakeholder meetings and this should be based on the whole community and not business vs community. They stated they continue to have problems with language they deem as a barrier to growth. She continued to state they will be submitting a letter of recommendations to review and include in the draft.

Rob East, member of the Citizen Sign Code Committee, asked about the zeigernick effect and stated he would like to know what that is. He spoke to canopy signs and that this needs to be something that is enforceable and needs to make sense. He spoke to color and that it is regulated by Kelvins and it is not the color that needs to be regulated. He stated that the city does not need to get into design and it is unenforceable. He spoke to roof signs and a parapet is a wall and is ultimately a wall sign and not a roof sign. He stated we should not be regulating the architecture. He also stated that the Raiders are still in Oakland, but are looking to move to Vegas.

Mike Addis, of Addissigns, spoke to Canopy Signs and stated that his company has submitted several canopy sign variances. He stated that he encourages Staff to review the variances and make a regulation that makes sense and one that doesn't affect architectural design. The complexity of the regulation is an arduous task for staff and the sign companies. He stated that the recommendation to remove the Canopy Sign will not affect the visual environment. He also stated that we need a definition of parapet to provide some clarity to the issue. He spoke to non-conforming status and that we are not allowing a static change to a digital change and asked does it mean that signs

that have marquee letters cannot be changed to a digital sign because those marquee letters are non-conforming.

Les Pierce, president of the Arroyo-Chico Neighborhood Association, asked about considering building owners of historic buildings be given incentive or variance to have a rooftop sign as an incentive so they do not have to change the roofline. She stated that an example of this is the Warner-Voss building on Broadway where they changed the roofline solely for signage. She stated that this signage issue made the building non-contributing.

Ruth Beeker, a Tucson resident, spoke about the Master Sign Program and that it is clear that it does not make changed to 7A.8 and if things are not actually prohibited, they need to take them out. She asked staff to please get in touch with TRRG if they plan to change the 300 foot and 50 foot notification and if they are going to be modernized in any way. She stated that they would us to work with them. She also spoke to the 18 month sunset date and her experience with the Unified Development Code. She stated that when they put things in the parking lot, the parking lot never opened again. She urged them that if those things are going to be revisited we need to ensure that we follow up on those.

8. **Adjournment**

Meeting adjourned at 4:40 PM