

7A.7 Design Option Overview

The proposed new article to the Unified Development Code is Article 7A Sign Standards. Section 7A.7 Design Option is a replacement design review provision for the current Chapter Three Sign Code's Integrated Architecture Features.

Below is an overview summary of issues and process related to 7A.7 Design Option.

Additionally, the Planning Commission/Citizens Sign Code Committee requested staff to respond to comments from members of the public who expressed concerns about the proposed Design Option.

OVERVIEW

What is the current design option in the Chapter Three Sign Code?

The Chapter Three Sign Code has the following standard that is the closest thing to a design option.

“Sec.3-42. Integrated architectural features.

To encourage and promote a harmonious relationship between buildings and signs, the Sign Code Advisory and Appeals Board is authorized to approve a special permit in accordance with Article XI of this Sign Code for signs that are designed into and constructed as part of an integrated architectural feature of a building where strict application of the provisions of this Sign Code would otherwise prohibit such signs.”

The Integrated Architecture section above requires the sign to be designed as an integrated architecture feature and have a harmonious relationship between sign and building. It is heard by the Board of Adjustment and can be appealed to Mayor and Council at a public hearing. There is little that guides the applicant, staff reviewers, and Board of Adjustment on what is appropriate or inappropriate in a given application. It comes down to how the decision makers feel about the proposal and if they perceive the proposal to be harmonious and integrated with the architecture. One viewpoint is this type of process is too open-ended that can be criticized as being arbitrary.

Why is a Design Option under consideration now?

August 9, 2016 Mayor and Council direction was to develop a process for a master sign program which is the current draft Design Option. The current Integrated Architecture section is limited in the type of application that can apply. Further, it can be viewed as arbitrary and capricious, since there are no design standards or clear design-oriented findings required in a decision.

Staff recommends the Design Option because it allows a master sign program or singular sign to go through a design review process. Under the Chapter Three Sign Code's current process, a master sign program must be treated as a Board of Adjustment variance. Variances are not an ideal design review forum because the key finding is that there is a unique physical hardship on a property that puts it at a disadvantage in comparison to similar properties. Also the members of the Board may or may not have sign design review background. Further, the current Integrated Architecture section is limited by interpretation as to what is an acceptable application and excludes master sign programs.

At the August 9 Mayor and Council meeting, it was also agreed that the new draft sign standards should attempt, as is practicable, to assure the signage rights for a property owner that are similar to the Chapter Three Sign Code's standards, which were adopted prior to the *Reed vs. Town of Gilbert (Reed)* decision.

The real estate industry is the most affected business sector in the community because their ability to use temporary/portable signs is diminished by a *Reed*-adjusted sign code. The Design Option allows a more flexible approach on the amount and size of signs as long as the outcome meets a set of findings that assures compliance with the purpose statement, complies with the First Amendment, and does not reduce the quality of the visual environment along public streets.

The business community has long supported a master sign program provision because it can provide a comprehensive way to assemble a unified signage program based on the location, site planning and architecture of the site. The value to the community is signage coming from such programs tends to be among the best designed signs in the community.

There is not a consensus view on the proposed Design Option. There are stakeholders expressing concerns because there are no dimensional caps to sign height and area. They state other jurisdictions have caps and this draft should have them too. In addition, the Design Option is such a significant change that it should be reviewed separately from this project. Some stakeholders want a degree of certainty of outcome that a design review process cannot provide. Other stakeholders support this approach for adding some flexibility to City's Chapter Three Sign Code that is mostly prescriptive general standards that allow very little flexibility other than through the Integrated Architecture or variance processes.

Describe the Proposed Design Option

The proposal is modeled on existing City design review processes. A common goal is to be efficient, comprehensive and firmly guided by the purpose statement during the review. Additionally, the review is verifiable through comparisons with general standards, as well as presentation of supportive graphic and dimensional materials. The nature of the

process is to assure that it cannot be considered arbitrary and capricious but implements the purpose statement with documentation and findings.

The Sign Design Review Committee

The Committee, which is an evolution of the Citizens' Sign Code Committee, includes both community stakeholders and members with expertise in design review and signs. They include an Outdoor Lighting Committee member, an architect, a sign industry representative, a local business representative, a planner or similar professional, a real estate broker, an at-large member, an at-large neighborhood representative and a local neighborhood representative from the location of the application. The City's experience with similar design review committees suggests the committee will be conscientious and fair to all applicants and stakeholders.

Their recommendation is forwarded to the Director of PDSO for a decision. Her decision can be appealed to the Board of Adjustment or Mayor and Council. The process and composition are modeled on current design review processes of the City.

Connection to the Purpose Statement

The Purpose Statement conveys the key goals of First Amendment protection and community character such as assuring an acceptable visual environment, promoting public safety, protecting property rights and dark skies. The *Reed* case makes the focus on emphasizing the First Amendment a prudent adjustment. The Purpose is referred to and is the model for the Design Standards and the Findings later in the design review process.

The Format of the Design Option

The Option assumes the following three types of sign permits:

Master Sign Program for Permanent Signs – This program involves the review of all permanent ground-mounted and wall-mounted signs on a unified site or premise.

Master Sign Program for Portable Signs – This program allows, for example, the real estate industry to have an option to define and present a sign program for real estate development like a subdivision or an apartment complex. The August 9 direction from Mayor and Council was not to re-think the restrictiveness of real estate signs but to comply with *Reed* and keep, as is practicable, similar signage rights for property owners. The focus of the program is to allow the minimal amount of portable signs to accomplish effective wayfinding and identification of a project then set a time frame for removal.

Singular Sign Design Option for a Permanent Sign. – This program allows for the adjustment of one sign. There are non-conforming signs that should come down but since the only option is ten feet of height with fifty square feet of area they are compelled to stay up. This provision allows for various issues a modification of a single sign structure.

Design Standards

The Design Standards address both ground-mounted, wall-mounted signs and integrated architecture signs that have features of both. Among the key areas that must be addressed include dark skies illumination, uniformity in backgrounds and the proportionality of sign copy, legibility, sign height and area that are consistent with the surrounding height profile and are not imposing on scenic vistas, harmonious architectural design, proportional landscaping area, and best practices of wayfinding as appropriate. There are professional design organizations as well as nationally renown technical manuals and sign studies stated in the section that can be used as reference materials. Compliance with a technical standard must be weighed against the other design standards to assure an overall acceptable visual environment is attained as envisioned in the Purpose Statement.

Design Findings The findings guide decision making of the applicant and the committee through major issues that reflect the Purpose Statement and Design Standards. They include the purpose statement compliance in general, design with architectural harmony, proportionality of sign sizes with the setting, legibility improvement, support of safe vehicle movement, use of acceptable wayfinding and identification, protection of scenic views and dark skies, and, overall reduction of disorienting clutter.

Decision

The Sign Design Review Committee makes a recommendation on a sign application using the Design Option. The PDS Director makes the decision. The Director could ask her Design Professional for a second opinion in the case of an especially complicated or controversial recommendation by the Committee. Considering the other design review committees of the City, the Director tends to follow the design review committees' recommendations.

Appeal

A decision can be appealed to the Board of Adjustment and further to the Mayor and Council. This appeal is similar to the one in the integrated architecture section which requires an appeal to the Mayor and Council.