



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

Monday November 21, 2016, 3:00 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 3:00 p.m.

Present:

Jude Cook	CSCC, City Manager's Office
Dan Brocius	CSCC, City Manager's Office
Kathryn McLaughlin	CSCC, Ward 5
Shannon McBride-Olson	PC, Ward 2
Killian Harwell	PC, Mayor's Office

Not Present:

Curt Ench	PC, Ward 3
George Holguin	CSCC, City Manager's Office

Staff Members Present:

Russlyn Wells, PDS, Zoning Administrator
Daniel Bursuck, PDS, Lead Planner
Rebecca Ruopp, PDS, Principal Planner
Clayton Trevillyan, PDS, Building Official
Jim Mazzocco, City Manager's Office, Zoning Examiner
Piroschka Glinisky, 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 – November 7, 2016

It was suggested by Commissioner McLaughlin to add in changes to the minutes related to Section 7A.6.2.a, Section 7A.6.2.b, maximum sign area, and related to PAD zoning and the Master Sign Program.

It was then moved by Commissioner McBride-Olson, duly seconded, and carried by a voice vote of 5-0, to approve the November 14, 2016 Minutes with edits suggested by Commissioner McLaughlin.

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 as a follow up about process and how the City writes code. She commented on how staff had removed the word “interior” from the definition of window sign because it was unenforceable. She stated that she believes the issue of window signs is unresolved spoke to how other communities have addressed window signs. She urged staff to return to Mayor and Council for a time extension. She stated the top priority should be a sign code that is fair balanced and well written before moving it into the UDC.

Ben Buehler-Garcia, of Southern Arizona Home Builders Association(SAHBA), stated support for the City of Tucson’s initiative to bring the Sign Code into compliance with *Reed v. Town of Gilbert*. He stated SAHBA welcomes this opportunity to streamline and simplify the code in a way that helps homebuilders and residential developers promote their communities. He continued stating that a positive step forward in this regard reinforces the Mayor and Council goal of making Tucson more business friendly and helping to foster job creation. He also noted that a significant majority of sign users regulated by the code are commercial interests and there is nothing in *Reed v. Town of Gilbert* that connects further restrictions on businesses. He stated that it is essential that this process does not result in statutes that create further or more stringent regulations. He also recommended that the Mayor and Council enact an 18 month review period for the Sign Code Revisions.

Craig Masters, a Tucson resident, commented on the revision process. He stated that the code is very old and is in support of the effort. He also spoke to the Master Sign Program and urged the Committee and Staff to create something that is more predictable and simple. He spoke to the need for sign review to be introduced at the front end of development.

Amber Smith, of Metropolitan Pima Alliance, commented on the Sign Code revisions. She spoke to the need for good policy and that the Sign Code is old and needs to be updated for more efficiency. She stated the current review process is unnecessarily burdensome. She also spoke to the ability to remove the barriers to review at the front end of development. She stated that it is necessary to work together to make a code that works for all.

Meg Weesner, of Sierra Club – Rincon Group, commented on the Sign Code revisions. She spoke to her concern related to the weakening of the sign code. She stated to the importance of a quality visual environment in both rural and urban settings. She also spoke to the magnitude of the revisions and that it requires far more review than is allowed in a series of weekly meetings. She urged to limit the scope of the project to just those addressing *Reed* related issues.

Mark Mayer, of Scenic Arizona, commented on a few sections of the sign code revisions. He spoke to the purpose statement and the idea of intermediate scrutiny and that Staff's interpretation is incorrect. He spoke related to Electronic Message Centers and why the term "scrolling" should not be used. He expressed the lack of the Master Sign Program as written and it should be revised to include a better balance between tradeoffs and it should not be open ended. He spoke to the concern with referencing standards from the United States Sign Council model sign code. He spoke to the need to separate out the Master Sign Program as it is not a *Reed* issue.

Mike Addis, of Addisigns, encouraged the committee to look at the changes holistically. He spoke to the current public process and how it has worked in the past. He also stated the code is over 30 years old and needs updating. He stated the problems at the end of a project have created a community outcry and has created a situation where we are currently regulating through variance and ambiguity, and that should not happen. He stated when looked at from the outside, it is difficult to manage a project when there is no clear direction. He stated a Master Sign Program and simplification will help to address these issues.

Jeff Cesare, of Broadway Realty and Trust Inc., commented about the Master Sign Program and how it is a good stepping stone because you know what you are getting up front and has worked elsewhere. He also stated the code is 35 years old and needs updating.

Jason Wong, a real estate broker, thanked the Committee for their diligent work and spoke to revision process. He stated that the Committee should be asking themselves, "does it make sense and is it reasonable?" He commented that he believes a Master Sign Program is sensible and reasonable proposal for predictability in on the front end. He stated that interior signs serve a purpose for the benefit of those individual projects. He also commented that Electronic Message Centers are advancements in technology and we can make a reasonable regulation.

Katie Castillo, of Ashland Group Commercial Property Management, spoke to electronic message centers and requested that the change of copy length be revised from 1 hour to 1 minutes like is done in other communities, such as Phoenix.

5. **Presentation of Supporting Information Regarding Process and Requested Clarifications**

Daniel Bursuck, PDSD, provided clarification on a few changes to the suggested edits matrix. He stated that the matrix, from now on, would have columns to show if an edit was an issue related to Reed v. Town of Gilbert, an issue related to fairness between codes or rough proportionality, and / or an issue related to process improvement. Additionally, due to the subcommittee process taking more time than had been anticipated, he asked the Committee if they would be willing to have longer meetings and/or additional meetings added to the timeline.

The Committee agreed to starting the meetings at 2:00 pm instead of 3:00 pm and to adding meetings in January.

Daniel Bursuck, PDSD, provided an update on the interior sign edit presented at the previous meeting. He stated, Staff recommends there be no changes to the interior sign definition, but the additional clarifying language be added to wall signs section to ensure there are no unintended consequences of this regulation. For discussion, staff suggests the addition to the wall signs regulation would be to require a setback of 100 feet for illumination of interior wall signs facing adjacent single-family residential uses that are not viewable from a right of way.

Jim Mazzocco, City Manager's Office, provided clarification relating to the current regulation for window signs and a Staff suggestion. He recommended a regulation that limited total sign coverage in windows to 30% for exterior or interior attached window signs. He stated this number aligns with Chapter 7 of the Tucson Code, in relation to permeability of late night establishments. He also suggested these window signs would not be required to apply for a permit, but could be enforced through code enforcement.

Commissioner McLaughlin asked if that was 30% of sign allotment or 30% of entire window area.

Staff stated it would be of the entire window area.

Commissioner McBride-Olson asked if other communities required permits for window signs.

Staff stated they were unsure of all of them, but the Pima County sign code has a threshold for when a permit is needed. The recommended regulation does not count toward the wall sign allotment.

Commissioner Harwell asked about interior signs and why we can't change attached to a dimension such as 2 feet.

Staff stated they used the current regulation which was to regulate as an attached sign.

Commissioner McLaughlin stated that last week she was under the impression that no one counted window signs on the interior. She continued and stated it appears this is not the case, and that many communities do regulate interior windows and many include distance inside the window. She stated this may be one place to trade-off a more stringent regulation for one of the other places in the revisions that loosens the code.

Commissioner Brocius asked a question if this 30% is part of the wall sign allowance.

Staff clarified that this does not count toward the wall sign allowance.

Russlyn Wells, PDSD, provided an update on the number of sign violations in the City of Tucson. She stated that there were 1,394 sign violations reported in 2015 and 179 sign violations reported in 2016.

Commissioner Cook asked if we have an indication of where the reports of violations came from.

Staff stated they do not have this detail at this time.

Jim Mazzocco, City Manager's Office, provided clarification relating to the definition of premise. He stated that currently you are allowed for a sign for every 150 feet of street frontage. He commented that self-contained premises are creating problems related to the density of signage along the street frontage. He recommended to use 300 feet as the interval for spacing on larger sites and a cap of 4 signs.

Commissioner Cook asked for a real life situation related to this issue.

Staff used the site at the corner of Wetmore Road and 1st Avenue as an example to explain the proposal.

Commissioner Cook asked a question if weather there will be an 18 month sunset date for the Sign Code revisions.

Staff stated they believed an 18 month sunset date is a good idea as it gives you a year to understand how it is working and another six months to make corrections.

Commissioner McLaughlin clarified that the current Sign Code is not 35 years old and that the Citizen Sign Code Committee has been a standing committee since at least 1980 and they have made many changes over the years.

Clayton Trevillyan, PDSD, provided clarification related to the Outdoor Lighting Code and its relationship to the Sign Code. He stated he met with the Outdoor

Lighting Committee and they have are currently looking at updating the Outdoor Lighting Code. He said he recommended the two codes should stand apart from each other. The Sign Code should regulate the size and frequency of signs and the Outdoor Lighting Code should regulate the light distributed from all property.

Commissioner Brocius stated that the size of a sign directly effects the amount of light it puts out. He asked how does the Outdoor Lighting Code control the light if it doesn't control the size of the sign?

Staff clarified that the current Outdoor Lighting Code doesn't currently address internal illuminated signs, but they are looking to address this in revisions to the Code.

Commissioner Cook stated he doesn't see how the Sign Code Revisions are permitted much larger signs that currently. He stated we do need to educate businesses about shutting their lighted signs off.

Commissioner McLaughlin commented that she doesn't see many limits on area within the Master Sign Code sections.

6. Review of Previous Meeting Discussion and Suggested Modifications to Language on the Following Sections:

- a. Applicability (Section 7A.1.2 in Preliminary Draft; Section 3.4 in current Sign Code)

Daniel Bursuck, PDSD, gave a presentation on the proposed edits to Section 7A.1.2 Applicability, to the subcommittee.

The Subcommittee was in general agreement with the changes.

Daniel Bursuck, PDSD, gave a presentation on the proposed edits to Section 7A.3 Definitions, to the subcommittee.

The following comments were made by the subcommittee members:

- Commissioner Cook expressed concern about the use of the word "scroll" or "scrolling" in the regulation later in the Sign Code.
- *Subcommittee was generally in agreement related to edit #8*
- *Subcommittee was generally in agreement to addressing issues related to edit #10 later on in the Sign Code.*
- *Subcommittee was generally in agreement to addressing issues related to edit #12 later on in the Sign Code.*
- Commissioner McLaughlin stated she believed the comma in the definition of wall sign should be after the word "vertical" instead of after the word "including."

- Commissioner Harwell stated she feels there should be a regulation on signs within a dimension of a window to prevent workarounds.
- Commissioner McLaughlin stated that she found it interesting the research done by Mr. Mayer and sent to the Commission in relation to the window sign regulations of other communities. She stated she believed anything intended to be a sign on the inside should be counted. She continued that other communities did not include any merchandise in windows in the definition.
- Commissioner Brocius has a concern with illuminate screens in windows and looked at how we define signs.
- Commissioner Cook stated that he understood where the Commission was coming from, but as a business owner he would be against someone telling him what to do inside his building.

No action taken.

7. Introduction of the following sections of preliminary draft sign code revisions for review and discussion by subcommittee.

- a. Sign Design Option (Section 7A.7 in Preliminary Draft)
 - i. Master Sign Program – Permanent Signs (Section 7A.7.1 in Preliminary Draft)
 - ii. Master Sign Program – Portable Signs (Section 7A.7.2 in Preliminary Draft)
 - iii. Individual Sign Design Option (Section 7A.7.3 in Preliminary Draft)

Jim Mazzocco, City Manager's Office, gave a presentation on the Sign Design Option section of the Sign Code Revisions.

This presentation and section will be continued at the December 5, 2016 Sign Code Subcommittee meeting.

No action taken.

8. Call to the Audience

Craig Masters, a Tucson resident, commented on the revision process common sense approaches. He spoke to the need for sign review to be introduced at the front end of development. He also spoke to the Master Sign Program and urged the Committee and Staff to create something that is more predictable and simple and avoids unintended consequences.

Mark Mayer, of Scenic Arizona, commented on window signs within the sign code revisions. He spoke to the need to regulate items inside of windows that are not attached, but suspended or put behind the window. He also spoke that up until a year ago, exterior window signs should be permitted and included in the Wall Sign allotment. He presented an example that was presented to Mayor

and Council by Staff at the study session and asked for a limit to the Master Sign Program.

Robert Medler, of Tucson Metro Chamber, spoke to the sign revisions and an aesthetically pleasing community. He stated the economy and tourism are very important to the Chamber, but they are concerned with the practicality of the proposals. He continued that the Sign Code is a barrier to new businesses locating here and some of the discussion here is leaps backwards.

Mike Addis, of Addisigns, spoke to the property at 1st Avenue and Wetmore to make code for other types of development could create problems. He stressed a code that is more flexible than that. The Master Sign Program creates the flexibility needed to allow for this type of situation. The current code doesn't address for when a portion of a site is sold off and still need signage. The City needs to make sure there are no unintended consequences.

Jason Wong, a real estate broker, spoke to window signs and how we have been dealing with window signs for years. This was addressed years ago through the police code and being able to see into businesses. He stated that certain national businesses have national campaigns that they must run and need flexibility. He commented that this is something we addressed years ago and need to move on from. He asked who it is hurting besides the businesses and that the committee asks themselves if it makes sense and is it reasonable.

9. **Adjournment**

Meeting adjourned at 5:00 PM