



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

Monday December 5, 2016, 2:00 P.M.  
Pima County Public Works Building  
Planning and Development Services - 3<sup>rd</sup> 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 (PDSD), at 2:00 p.m.

Present:

Jude Cook	CSCC, City Manager's Office
George Holguin	CSCC, City Manager's Office
Kathryn McLaughlin	CSCC, Ward 5
Shannon McBride-Olson	PC, Ward 2
Curt Ench	PC, Ward 3

Not Present:

Staff Members Present:

Russlyn Wells, PDSD, Zoning Administrator  
Daniel Bursuck, PDSD, 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 – November 21, 2016**

It was moved by Commissioner McLaughlin, duly seconded by McBride-Olson, and carried by a voice vote of 5-0, to approve the November 21, 2016 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 representative of Tucson Residents for Responsive Government, spoke about the need to get things with the Sign Code Revisions right the first time. She commented on how with the Infill Incentive District, it took three years to come back and make the needed corrections and by then, much damage was already done. She urged staff and the committee to take care in reviewing and drafting the Master Sign Program and the Individual Sign Option, in relation to using best practices. She stated the top priority should be how to create a code that is done right the first time and not waiting for unintended consequences.

Craig Masters, a Tucson resident, commented on the revision process. 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. He also spoke to the potential changes for spacing of freestanding signs and suggested the current language is adequate and the new language penalizes a property that is irregularly shaped and the redevelopment of 2<sup>nd</sup> and 3<sup>rd</sup> generation sites.

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 and flexibility. 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 to provide an atmosphere that beautifies the community and promotes a better quality of life.

Grace Gegenheimer, of Tucson Metro Chamber, spoke to the need for the Sign Code to address trends in signs and be updated to be current so it can address all sign users. She stated the code should be comprehensive, efficient, and less of a burden on the business community. She also stated if the subcommittee would like to meet with members from the business community, Tucson Metro Chamber would be happy to facilitate that.

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 approach for development. It gives all parties the ability to know what the sign regulations are.

## **5. Update on Timeline**

Daniel Bursuck, PDSO, discussed the updated timeline for the Sign Code Revision process and the results of extending and adding meetings to the schedule.

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

- a. Citizen Sign Code Committee (Section 7A.13 in Preliminary Draft; Section 3.141-3.148 in current Sign Code)
- b. 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.

Russlyn Wells, PDSD, gave a presentation on the Citizen Sign Code Committee section of the Sign Code Revisions.

Commissioner McBride-Olson asked staff to provide a summary of the Citizen Sign Code Committee as it stands right now.

*Staff clarified that currently there are 11 members on the Citizen Sign Code Committee, 1 member is appointed by each representative of the Mayor and Council and the remaining 4 are appointed by the City Manager. The function is to recommend amendments to the Tucson Sign Code to the Mayor and Council. They are co-terminus with the authority that appointed them, but they have no term limits.*

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

Commissioner McLaughlin asked if the Citizen Sign Code Committee would make recommendations to the Planning Commission, then to the Planning Director.

*Staff clarified that the Citizen Sign Code Committee would have two new roles. The first is to advise the Planning Commission on Sign Code amendments to the Unified Development Code and second is to make recommendations to the PDSD Director in regards to the Master Sign Programs and Individual Sign Program.*

Commissioner Ench asked how much of those recommendations does the Planning Director have to abide by?

*Staff clarified that their experience something like 98% of those recommendations are followed. Generally when they do not follow it is due to a legal issue.*

Commissioner McLaughlin asked if there will be some standard of colors to pick from.

Commissioner Cook questioned if we could properly dictate the color of signs legally to help with the dark skies initiative. He added in some feedback from Arizona Sign Association related to too much discretion and it will be a challenge to determine which colors reduce light trespass and may infringe on the Lanham act in regards to trademarks. Arizona Sign Association recommended the use of an opaque background to qualify for the Master Sign Program.

*Staff clarified it is in agreement and under no circumstance should we messing with Federally Registered Trademarks. Staff is suggesting that there should be a dark background.*

Commissioner McBride-Olson stated she thought it may cause some legal challenges related to Federally Registered Trademarks.

Commissioner McLaughlin stated she has a problem with a body that does research funded by an industry with an interest. The United States Sign Council and the Street Graphics and the Law document have been funded by the sign industry. She stated that we don't mention any of the work on signs by Scenic America.

*Staff clarified that it could be added to the recommended documents and this is not an exhaustive list.*

Commissioner McLaughlin stated she is concerned about the validity of the manuals from United States Sign Council or the Street Graphics and the Law and applicants using that to demonstrate best practice.

*Staff stated they do not believe those two documents should be prohibited.*

Commissioner McLaughlin stated, she does not believe they should be prominent in their use.

*Staff asked if there are additional sources the committee would like to include, they should share them for inclusion.*

Commissioner McLaughlin stated her fear is that we will be going down this road, and ultimately legibility comes up and that leads to bigger signs and bigger typefaces. Legibility has never been an issue in the city as far as she knows.

Commissioner Cook stated that he believed further on in the standards, Jim has addressed elements and how to address legibility.

Commissioner Ench asked what do you think about things like "no bigger than", or "no higher than" to keep this in some kind of ballpark?

Staff replied that this was mentioned by a previous stakeholder that The City of Peoria limits the dimensional variation to 25%. What that would mean in the City of Tucson, would now be a 12' tall and 62 square feet area in C-2 zone or 14' and 90 square feet in the C-3 zone. Staff is unsure if that is enough to incentivize people use the design option.

Commissioner McLaughlin stated all she sees is ways that the sign code is being diluted. She asked what are the citizens getting back and what is the tradeoff?

*Staff responded that you would end up with a better designed sign that is readable, more dark-sky compliant and sited better than the general standards. The Master Sign Program would require a higher design standard than what is normally required.*

Commissioner McBride-Olson asked if staff could outline how a Master Sign Plan will be reviewed?

*Staff responded that it would be similar to existing design review processes. There would be a completeness review by sign staff to make sure they have all the necessary items and findings for the application. This would include things like sample sign copy and how it is meeting the design standards. It then would be sent to the committee to get input and eventually a recommendation to the PDSD Director.*

Commissioner Cook stated he believes this gives flexibility in exchange for something that reduces clutter and looks better. He continued, it appears to be meant to be used for larger projects and is a small nod to being business friendly, which we do not have a good reputation for being. He stated we lose projects basically because we do not have the needed flexibility. He stated he doesn't agree with everything, but it is a good start.

Commissioner Ench stated that it would be nice to know exactly what projects we have lost because of this. He also stated that most of the projects are for larger projects and asked what the process is for the integrated architecture option.

Staff clarified that it would go to the Board of Adjustment for special permit.

Commissioner Ench asked how many of those are denied.

*Staff stated they only know of one case.*

Commissioner McLaughlin stated they have the ability to put conditions on sign at the hearing and she had confidence in the group.

Staff clarified that these applications would come to the Citizen Sign Code Committee, and they have the ability to put conditions on the projects.

Commissioner Ench stated he would be more comfortable with an approach to the City of Peoria.

Commissioner McLaughlin stated it may seem like she is against this, but does think there is merit in the Master Sign Program.

Commissioner McLaughlin stated she likes the examples but those communities do not have mountains to contend with and maybe we need something more site specific. She also stated she is excited about the integrated architectural feature of this and that there are Reed benefits to it.

Commissioner McBride-Olson asked is there a limit to the side of a project that can utilize this?

Staff stated there isn't a size restriction other than it would be for a project with multiple signs. Staff would prefer to leave open ended.

Commissioner Ench stated he is concerned that this is open ended and that the window sign issue could be taken advantage of. He asked, in relation to exterior permanent signs, does this apply to interior windows?

Staff clarified what we had discussed at the previous meeting, which was a 30% coverage limit for all interior and exterior attached window signs, and those would require no permit.

Commissioner Ench stated that the entire situation should be considered in master sign program and it only seems reasonable. He stated that whatever is intended to be seen should be included.

Commissioner McLaughlin stated that possibly items in windows that are on paper or non-illuminated should not be counted.

Commissioner McLaughlin stated that the thought a four sign limit at 16 square feet seems reasonable.

Commissioner McLaughlin stated that while this addresses Reed related to non-commercial off-site signs, what about commercial off-site signs?

Staff stated they believe this should not be an issue as commercial off-site signs are restricted.

Commissioner Ench asked, What about permanent /or semi-permanent For Rent Signs in residential neighborhoods, what are they classified as?

*Staff stated it is classified by material and addresses issue with many real estate signs not really being temporary.*

Commissioner McBride-Olson stated she is a bit fuzzy as to who is going to use the Master Sign Program for Portable Signs. She asked, can this be applied for by organizations.

*Staff stated it can be applied for by an organization, or a subdivision developer, or auto dealerships.*

Commissioner Holguin asked, in relation to A-Frame signs or all signs in the Right of Way, are any signs allowed in the ROW?

*Staff clarified, this is something that is hard to monitor, but political signs are allowed in the ROW. Banners on poles use a temporary revocable easement for this and benches are similar where they are owned by a company and they pay rent to the City.*

Jim Mazzocco, City Manager's Office, gave a presentation on the Sign type and General Standards section of the Sign Code Revisions.

Commissioner McLaughlin asked what had spurred the interpretation in relation to parapets and roof signs.

*Staff stated they would have to get back to the commission.*

Commissioner McLaughlin asked about canopy signs in residential churches

Staff stated that they would have to meet the allotment.

Commissioner Ench stated he believes we should leave at 20 square foot max in residential zones. He stated, if they want more they can go through sign program. This seems reasonable.

Staff stated they are concerned about singling out churches and religious groups and the potential RIFRA implications. Staff continued by stating that they don't believe this would have Reed implications, however.

No action taken.

## **7. Call to the Audience**

Ruth Beeker, a Tucson resident, spoke about how in education teachers use rubrics to help people understand and to give examples. She commented how with the Master Sign Program we are dealing with something visual so a document with visual parameters would be very useful. She suggested establishing a rubric with the design professionals that the design group can use

for review of the projects. She stated a visual criteria is something that is reasonable and could possibly be used as a model for other communities.

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.

Rory Juneman, a land use attorney, stated that he believes clients will use the Master Sign Program mainly for Larger Developments and will be used for unique sites. While they may need a little more signage, this is not a sign grab. He continued that he is worried about an arbitrary limit to the Master Sign Program, as it could just become a new maximum standard.

Rob East, of the Citizen Sign Code Committee, asked a question as to why the change from 1400 violations in 2015 to 180 violations in 2016 and who they came from.

*Staff responded that they cannot say who they came from, but the vast majority did come from one source. The reason for the drastic change is because our code enforcement has stopped enforcing certain signs due to Reed v. Town of Gilbert.*

He then stated that in relation to the Master Sign Program, they are useful all over Maricopa County and that it would also be used here and people would adhere to a maximum standard; it creates less clutter and looks better. In relation to the roof sign issue, a parapet is not a roof, it is a wall and should be defined as such.

Paul Schloss, a real estate broker, spoke to the wall sign vs roof sign issue and stated that this is just splitting hairs and things like this make a code more complicated. He continued that we need to have something that is reasonable and allows for companies to have their signs. We need to look at 99 percent of the sign situations and not the 1 percent.

Courtney Tejada, a representative from Metropolitan Pima Alliance, stated they fully support the effort to modernize the current code and to help with economic development and the City's aesthetics. In addition, they support the Master Sign Program and the new role for the Citizen Sign Code Committee. The current code does not make things easy for businesses and this should be changed.

## 8. **Adjournment**

Meeting adjourned at 4:55 PM