



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

Monday December 12, 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 (PDS), 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, 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 – November 21, 2016**

It was moved by Commissioner McBride-Olson, duly seconded by Ench, and carried by a voice vote of 5-0, to approve the December 5, 2016 Minutes with corrections as noted by Commissioner McLaughlin on page 6.

**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 (TRRG), spoke about two ideas, the process and product of the Master Sign Program. Related to process, she spoke on behalf of TRRG and suggested that a resident in the area of a project be selected to sit on the new Citizen Sign Code Committee. She also spoke to the product on behalf of herself, and stated it became clear there are two variables of permanent signage that should never be negotiable, light and height. She continued that there should be no exceptions to the Outdoor Lighting Code and no roof signs or billboards. Flexibility should be limited to size of monument signs, amount of wall signs (including parapets), and architectural features.

James Carpentier, of the Arizona Sign Association, commented on the proposed Master Sign Program. He spoke to the importance of a Master Sign Program and urged the Committee and Staff to create something that leaves less discretion to the applicant and the reviewer. He specifically spoke to section 7A10.E.1 in regards to color and the need for more specificity related to types of colors allowed. He also warned that this may run the risk of violating the Latham Act related to the color of national trademarks. He also spoke to legibility and for a standard similar to 1" per 30' to be established. He stated a sign height standard should be recognized and landscaping regulations have a specific formula.

Mike Addis, of Addisigns, commented on the Sign Code revisions. He spoke to the benefits of a Master Sign Program, its advantages, and how it has worked well in other Cities. He stated there is no need to reinvent the wheel as there are many good examples out there. He also stated it is important to note this can be used for both existing and new properties. He continued by providing an example of an existing property that could benefit from a Master Sign Program would be Tucson Medical Center.

**5. 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)

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

Jim Mazzocco, City Manager's Office, provided additional clarification on the Citizen Sign Code Committee related to the proposed process being modeled after existing Design Review Committee processes.

Commissioner McLaughlin asked a question related to the notice procedure and if there would be a procedure to surrounding properties.

*Staff clarified that there would be a notification procedure for the text amendments.*

Commissioner McLaughlin asked what the reason is for adding term limits to the Citizen Sign Code Committee

*Staff stated that the intention of adding in term limits is to be more in-line with most other committees. The addition of a term limit doesn't necessarily mean that a commissioner cannot be reappointed.*

Commissioner McBride-Olson asked if there is a reappointment every time there is a change of councilmember.

*Staff clarified that currently when there is a change in administration, the commissioner rolls over without reappointment. A term limit would require the new council member to reappoint the commissioner upon the beginning of their term.*

Commissioner McBride-Olson stated that this type of thing makes sense.

*Staff stated they currently do not have a position, but they just want to provide some information and options for organization of the committee moving forward.*

Commissioner McBride-Olson stated that she believes it is very important for a commission to have members with historic knowledge of past decisions and how they are made. She continued that putting a two term limit on a person may not be a wise thing to do. From past experience it has been difficult when new members are appointed to the Planning Commission.

*Staff clarified that as written, nothing will change related to term limits or composition of the committee.*

Commissioner McBride-Olson asked for clarification as to the two things being asked, one related to a term limit of four years should be added, the second being is a limit on the number of terms that can be served.

*Staff clarified that these are options for the committee.*

Commissioner Holguin stated that he is in support of term limits because it brings in new ideas to the committee.

Commissioner Ench asked if currently each member of the sign committee is attached to a council person?

*Staff clarified that it is a mix of four members appointed by City Manager and one member appointed by each of the council members.*

Commissioner Ench stated he likes it the way it is currently set up where there is no limit, but commissioner can be replaced by the council member if they would like to.

Commissioner Cook stated he is in agreement with Commissioner Holguin that there should be term limits.

Commissioner McBride-Olson spoke to the possibility for a different make-up of the commission. If we do this, we may have a new committee that is inexperienced and that is forced to be in place without the background knowledge.

*Staff clarified that it is possible for it to become a City Manager appointed committee to provide flexibility in the ability to be appointed and to remove open meeting law requirements and allow for a more open discussion with the applicant. There is still the option of term limits on this as well.*

Commissioner McLaughlin asked if the entire group would be appointed by the City Manager?

*Staff stated that would be the case.*

Commissioner Ench stated that he does not like the idea of a City Manager appointed committee.

*Staff clarified how other City Manager appointed groups, such as the Infill Incentive District Design Review, work. There is generally a list of professionals who submit an application. They are then recommended by Staff and submitted to the City Manager for potential appointment.*

Commissioner Holguin asked is there any notification to the public.

*Staff stated that there is no notification to the public.*

Commissioner Holguin stated there needs to be notification to the public as there are many people who would be interested in a position, but just unaware they are available.

Commissioner Cook stated that when the CSCC was first setup, it was supposed to have a diverse makeup, but it was difficult to fill those positions. He stated he is ok with having a diverse makeup, but is unsure they will be able to fill it.

Commissioner McBride-Olson asked the members from the Citizen Sign Code Committee as to why some of them have been members for such a long time and is it because there are no term limits or because there is a problem filling positions.

Commissioner Holguin stated he is concerned with the ability to fill the committee in the past and notification may help and the public may not be aware.

Commissioner Cook stated that he is on the committee because he was asked to do so in 2007 to work on revisions to the Sign Code that ultimately didn't get added. He also stated that he has stayed on it because he is in the industry and believes he can provide some relevant knowledge. Additionally, it is a hard board to fill.

Commissioner Ench stated that the idea of the City Manager having number of appointments is a good idea, but the right of council persons to have an appointed person is also a good idea. He stated he doesn't believe it is too much to ask for a council person to fill the position. He also stated he likes the idea of advertising the positions to get them filled.

*Staff stated that with the change of roll, the Citizen Sign Code Committee would be further removed from making a formal recommendation to Mayor and Council. While the role is still important, ultimately the Mayor and Council will still have input on text amendments through the Planning Commission.*

Commissioner Ench stated his concern for a precedent that could be created through the Master Sign Program. This would make it harder to back away from what has been approved in the past. This is why it should include public input.

Commissioner McBride-Olson stated that on Planning Commission, once they have served for eight years, they are off the Commission. She stated she believes this is a disservice to the Commission. She said she has less anxiety of having a commission solely appointed by the City Manager.

Commissioner Ench clarified that he was suggesting that it is a mix of City Manager appointees and elected official appointees.

Commissioner McLaughlin stated she has a real problem with the entire membership being chosen by the City Manager because I have alienated enough people in the past through my stance trying to protect the community. We have done a good job since the 80's with the fight against billboards and with a City Manager appointed body it could lead to a very one-sided group.

Commissioner Holguin stated that he is in favor of allowing the City Manager to appoint the group. In the past we have tried to get direction from Mayor and Council, but received push back.

Commissioner McBride-Olson asked if there is a way to do a blend?

*Staff replied that this is what we do currently and is what is written into the current draft.*

Commissioner Ench asked why if the City Manager has the ability to come up with a list of qualified individuals, why can they not just share it with the elected officials? He stated it seems like a lame argument.

Commissioner McLaughlin asked why if she is appointed by Ward 5, can she live in Ward 6.

*Staff stated that it is because it is unique to the Citizen Sign Code Committee.*

- 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 of updates on the Sign Design Option section of the Sign Code Revisions.

Commissioner McLaughlin stated that she has emailed Scenic America to see if they have any research related to legibility. She also stated that the sign industry has a standards with is an inch of sign height related to a distance, speed of traffic, and lanes in the road. If followed, this could lead to larger signs than our standards dictate. She also mentioned that related to term limits, this is her interest and to deny her the ability to sit on the committee, is sad, when it is something she has been interested for thirty years.

Commissioner Holguin asked if the Master Sign Program is something that is site specific.

*Staff clarified that the wording in the Purpose states "The purpose of this section is to respond to special permanent sign needs of a development..", which addresses it as site specific.*

*Staff also clarified that in section D. Decision, appeals would be changed to Board of Adjustment from Mayor and Council.*

Commissioner McLaughlin asked if there is any possibility for a non-applicant aggrieved party to appeal a decision.

*Staff stated there is a procedure for a Party of Record, and Staff will look into that.*

Commissioner McLaughlin stated that Mr. Carpentier mentioned the issues with trademarks and background color. She stated her concern that this would allow an applicant to trump the conditions from the design board.

*Staff stated that they believe that while we shouldn't mess with logo color, we should have room to work, related to backgrounds. Even if that were a case, we could require a box around the trademarked logo, and a dark background behind that.*

Commissioner McLaughlin asked if there is a way to create a guideline or rubric related to accepted colors.

*Staff presented options that clarified what was meant by dark colors, but it could be something we develop with our building official.*

Commissioner McBride-Olson asked a question to Commissioner Cook to clarify related to opaque backgrounds as they apply to the panels.

Commissioner Cook stated that while the sign shown does not have a trademark color in it, some require it. In many cases they do use opaque backgrounds, with a window for the logo, such as highway signs. This seems to make sense in the Master Sign Program and goes a long way to reducing light.

Commissioner McLaughlin mentioned that it is very difficult to read the white sign on the right.

Commissioner McBride-Olson asked if ADA works into the sign code.

*Staff clarified that the only time ADA comes into place are with A-Frame and political signs.*

Commissioner McLaughlin stated during the scenic route discussion, she was a big proponent of looking at the streetscape comprehensively.

*Staff stated that the Master Sign Program would encourage this. This program is looking at the entire design as a whole.*

Commissioner McLaughlin asked if it is possible that the zoning review would not require installation of things that would then block a sign.

*Staff clarified that the Zoning Staff would not have the ability to waive those requirements. It would require a separate process to receive relief from the zoning code.*

Commissioner Holgiun asked if these proposed code changes are in conflict with the International Building Code?

*Staff clarified that this would be in conformance with the International Building Code and we have not removed anything from the proposed revisions that addresses this.*

Commissioner McLaughlin asked if it is possible to require project to be compatible with the streetscape.

*Staff clarified that the wording surrounding area would take care of impact on the streetscape.*

Commissioner Ench stated that he believes there should be a no larger than or a no higher than governing factor for the Master Sign Program similar to what is used in the City of Peoria. He stated he doesn't accept the idea that a cap would limit creativity.

Commissioner Cook stated that he generally agrees with Commissioner Ench that there needs to be some specifics, or it could create problems.

*Staff responded by stating that the building height profile is what is the governing factor for the Master Sign Program.*

Commissioner McLaughlin spoke to the 100-foot tall red spire on the Century Theater and that it did not coordinate with anything around it. She stated she would like to see some sort of upper limit on height and area.

Commissioner Ench stated that he though the word compatible was subject to too much interpretation and are inviting never-ending conflict.

Commissioner McBride-Olson clarified that staff was going to add in Scenic America into the list of design guidelines.

Commissioner McLaughlin spoke to Freeway signs and asked how they would be incorporated into the Master Sign Program.

*Staff clarified that a Master Sign Program could include a freeway sign, it would just have to be designed better and only placed where freeway signs are allowed.*

Commissioner McLaughlin asked if there is a definition of wayfinding and if we needed one.

*Staff stated that it is a generally understood term, but staff could develop a definition if committee would like.*

Commissioner McLaughlin spoke to the Best Practice Option and the option to use "an already approved permanent sign master sign program within the City." She expressed a concern that this would not benefit the site specific nature of

the Master Sign Program. She is worried about a precedent being created by this option.

*Staff clarified that it would still have to be approved by a design professional and the design review.*

Commissioner Ench stated this is exactly what he is concerned about setting a precedent and creates something institutionally acceptable.

*Staff clarified this was meant as a creative safety value to help with overly restrictive zoning codes.*

Commissioner Ench clarified that he was not encouraging bad design or less flexibility or creative options, he was stating that he is familiar with how non-official precedents grow in the city, and this could have that effect.

*Staff presented an example of how this worked in the Main Gate District Overlay and allowed for a historic precedent to be set.*

Commissioner Ench stated that perhaps if the provision said, if there is historic or significant precedent, that someone could use those. I am just concerned about the second phrase.

*Staff stated they added it because it had gone through the entire process and should ultimately meet the standard of the Master Sign Program. Ultimately if the committee would like to remove the second phrase, that may work as well.*

Commissioner Ench stated that a good example could come from anywhere, so it shouldn't be limited to a Master Sign Program.

Commissioner McLaughlin agrees with Commissioner Ench and would like to see that statement taken out.

Commissioner McBride-Olson asked if this is the best avenue to go with this as it could be a best practice to look at, when it may be applicable to some projects.

Commissioner McLaughlin stated when arguing in front of a body, I would agree it should be able to be used as an example, but it shouldn't be the only argument.

*Staff stated that this best practice option is for proposals that may require something of an outlier. It doesn't mean it is automatically approved, just meant to be used for the proposal.*

Commissioner McLaughlin asked if it is possible to state this will not be used as a city wide precedent.

*Staff stated this is taken care of through the design review process. This is also something that we may want to review after 18 months to see if it has had any unintended consequences.*

Commissioner McLaughlin asked if there will be a minimum premise size for the Master Sign Program.

*Staff clarified that there will not be a minimum premise size for this option.*

Commissioner McLaughlin asked if the aggregate of the signs would be the table, depending on the type of street.

*Staff stated that yes, that is the intension.*

Commissioner McLaughlin asked if someone has a spot in a shopping center, how many sign would they get?

*Staff clarified they would get four ground mounted signs.*

Commissioner McBride-Olson asked what is it about this program that would encourage a business owner to use this option.

*Staff stated that the proposed general standards are not adequate for a few different industries. This would allow an option for them. In general this would be used primarily by the Real Estate industry.*

Commissioner Ench asked if this could be used as a blanket city-wide?

*Staff stated it could be used for that, but we expect it to be used as a site specific program.*

Commissioner Ench asked if this would be forever, or would there be a time limit?

*Staff clarified that in some cases it would be, but all of these cases could have conditions added by the design review committee, which could include a time limit.*

Commissioner McLaughlin stated that many of her comments were about it being vague, but it appears this is intended for the program.

Commissioner McLaughlin asked about section C.5 and how far back this provision goes back?

*Staff stated that the intention of this provision is to set a limit of what is currently accepted.*

Commissioner McLaughlin stated her concern about someone using a very old sign code for this provision.

Commissioner Ench asked if this specifies that it must be a development or site.

Commissioner McBride-Olson asked what the intent is of this section.

*Staff stated that this is intended to be used for unique situations related to a single sign or modification or replacement of an existing sign. This is also a replacement for the integrated architecture option.*

Commissioner Ench asked is that why it doesn't have findings?

*Staff stated it refers to the Master Sign Program and would be the same process.*

Commissioner McLaughlin clarified as to the 20/20 provision that was not utilized very often. That allowed people with a non-conforming sign bring it into something closer conformance.

Commissioner Ench asked is there anything that can be achieved through the individual sign program that cannot be achieved through the master sign program?

Staff clarified that a Master Sign Program is for an entire site, but an Individual Sign Program could be used for a single sign on a premise but may not involve other signs. A Master Sign Program would be required for all the signs on a project.

Commissioner Ench suggested we add some clarifying language related to the difference.

No action taken.

## **6. Call to the Audience**

James Carpentier, of the Arizona Sign Association, commented on the proposed Master Sign Program. He also spoke to the importance of a Master Sign Program and suggested some minimal criteria that allows for a cap on height and area, but allows for creativity. This would help the committee to provide some guidance as they review the projects.

Ruth Beeker, a Tucson resident, spoke to the revisions on page 28 of the draft and the findings. She stated that she doesn't see anything that ties these findings back to the site. She spoke to another project that the way height was reviewed was not clear. She urged the committee to ensure this type of unclear parameters for height not be included in the Sign Code revisions.

Jason Wong, a commercial real estate broker, commented on the revision process and common sense approaches. He spoke in regards to term limits and that they are good and have a purpose. He continued by stating that they allow for fresh ideas to be brought into a commission and encourages them to be added to the Citizen Sign Code Committee.

Jim Marshall, a member of the Citizen Sign Code Committee, spoke to term limits and the need for new members. He continued that long term members sometimes become entrenched and don't necessarily reflect changing situations. Additionally, he spoke to the Time Life article related to Speedway Boulevard and some misinformation being distributed regarding it. He stated that new members will learn and become experienced over time in the sign code.

## **7. Adjournment**

Meeting adjourned at 4:55 PM