



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

Monday January 23, 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 (PDSD), at 2:00 p.m.

Present:

George Holguin	CSCC, City Manager's Office
Kathleen McLaughlin	CSCC, Ward 5
Rob East	CSCC, Ward 6
Shannon McBride-Olson	PC, Ward 2
Curt Ench	PC, Ward 3

Not Present:

Jude Cook	CSCC, City Manager's Office
-----------	-----------------------------

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 – January 9, 2017

It was moved by Commissioner McLaughlin, duly seconded by Ench, and carried by a voice vote of 5-0, to approve the January 9, 2017 Minutes with corrections as noted by Commissioner McLaughlin on page 2 related to Ruth Beeker's statement, Page 4 related to the 100 foot spire, and Page 6 related to text under three inches.

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 submitted public process proposal for the Master Sign Program and asked for the committees support. She also spoke to the recommendations of the Tucson Chamber and the Metropolitan Pima Alliance. In particular, she spoke to the cap on Master Sign Program deviations and the Menu Board distance from residential zone or residence. She asked if there will be a percentage cap for the Master Sign program and commented that the proposed doubling of the existing dimension to be too excessive. She also spoke to the proposal by the Chamber and MPA to reduce the menu board setback from 30ft to 20 ft. She questioned if it is from the menu board or from the speaker and lane edge. She spoke to the concern about noise pollution from cars and voices that have an impact on nearby homeowners. She stated that TRGG looks forward to seeing a Sign Code that is something equitable, comprehensive and inclusive of the entire community.

5. Review and Discussion by Subcommittee of the Following Sections of Preliminary Draft Sign Code Revisions:

- a. Prohibited and Exempt Signs (Section 7A.8 in Preliminary Draft, Section 3.53 in current Sign Code)

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

Commissioner Holguin said if we are going to have a sunset law provision, he is ok with leaving the two provisions related to murals and flags alone.

Commissioner McLaughlin stated that she is in agreement with Commissioner Holguin and that the way it is currently interpreted appears to work. She also asked about animated and intensely lighted signs and if animated means motorized or wind-blown in some cases.

Staff clarified that wind-blown would be a moving sign, but not an animated sign.

Commissioner McLaughlin stated that at certain apartment complexes, they are using the permitted non-commercial signs, to then draw to the commercial signs. She stated she has a problem when they are blended.

Staff stated this is a difficult line to determine and we run into legal issues related to the American flag.

Commissioner McLaughlin asked about putting a limit on the number of flags.

Staff stated that if we went in the direction of a regulation that is the way we would go.

Commissioner Ench suggested that we advise people to how to display the American flag properly.

Staff stated that they would run into free speech issues with this.

Commissioner Ench suggested we may want to provide something advisory related to how to display a flag properly.

Commissioner East asked if we are planning to prohibit feather banners.

Staff stated that as currently written into the revisions, we have interpreted them to be allowed, with certain restrictions. That could also be changed to prohibited, if the committee suggests.

- b. Appeals and Variances (Section 7A.12 in Preliminary Draft, Section 3.121 – 3.140 in current Sign Code)

Jim Mazzocco, City Manager's Office, gave a presentation of the Appeals and Variances section of the Sign Code Revisions.

Commissioner McLaughlin commented on how comprehensive the TRRG suggestions were and that it may affect what we are dealing with here. She continued that some of this information here may also want to be referenced in the Appeals section.

- c. Sign Design Review Committee (Section 2.1.1 in Preliminary Draft, Section 3.141 – 3.148 in Current Sign Code)

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

Commissioner McLaughlin asked for clarification related to the Design Review Committee's recommendations going forward to Mayor and Council and what happens if the Planning Commission and/or Mayor and Council don't agree with the sign code committee.

Staff responded that both the recommendations of the Planning Commission and the Sign Design Review Board would be forwarded to Mayor and Council should there be a difference in opinion between the two.

Commissioner McLaughlin asked if a member of the Planning Commission should be on the Sign Design Review Committee, so that there is one person in common between the two.

Staff responded that it is possible they could join when there are the text amendments. They don't necessarily need to be required to do so.

Commissioner McBride-Olson asked about how recommendations work, and if they vote against it, would the text amendment just go ahead without recommendation.

Staff responded that this is the case.

Commissioner Ench stated that he believed a quorum number of three is sadly low and that it should be at least four or five. He continued it that he is unsure if eight is the correct total number, but a quorum of three doesn't encourage participation.

Commissioner Holguin stated that they have had to cancel a few meetings this year due to lack of quorum, including last week.

Commissioner Ench asked if the bulk of the work would be these designs.

Staff stated that they believe this would be the case.

Commissioner McLaughlin stated that she agreed with Commissioner Ench and that three is low and wouldn't encourage a mix of opinion. She stated she would like to see at least four and depending on the total number, maybe even five.

Commissioner Ench stated that he feels the representation mix is a good idea.

Commissioner McLaughlin stated that she didn't see anything in here that would preclude someone from having a four year term, then having a year off, then having another four year term. She stated that she doesn't agree with term limits.

Commissioner Ench clarified that it would be two four year terms, then a one year hiatus before a commissioner could come back.

Staff stated that this is the case, but would require Chapter 10 of the Tucson Code be changed if it were to be a Mayor and Council appointed committee.

Commissioner Ench stated that he would also like to recommend we change Chapter 10 of the Tucson Code and go with the Mayor and Council option.

Commissioner Holguin asked if there is a way to stagger the four year terms so there is new blood on the committee.

Staff stated that this is beyond this project, but may be something we could come back to at a later date.

Commissioner McBride-Olson stated that she agrees with this suggestion.

Commissioner McLaughlin stated that there is more of a chance of things being set up related to voting.

Commissioner Holguin said he agreed with a quorum of three being too small, and we would need four or five.

Staff asked the committee to provide their opinion related to if we should do a City Manager appointed committee or a Mayor and Council appointed committee.

Commissioner Holguin stated that he likes the City Manager appointed committee.

Commissioner East stated that he likes the City Manager appointed committee, and is concerned about quorum numbers. He stated he also believes the group should have a term limit.

Commissioner McLaughlin stated that she sees value either way, but doesn't believe having a City Manager group would have the same political pressures. She continued that at this time she is in favor of the Mayor and Council appointed group, but sees the value in not being beholden to the Open Meeting Law. She stated she is not sure how to get equity with the appointments.

Staff clarified that at least one of the appointments is not coming from the City Manager and is an ad hoc community member.

Commissioner Ench stated that he believes the bulk of the work is going to be about the design. He stated that this reminds him of the PAD process and other processes like a rezoning. He stated he is not entirely concerned that the committee could be somewhat burdened is a good thing.

Commissioner McBride-Olson stated that she is somewhat on the fence and in agreement with Commissioner Ench, but likes the idea of a City Manager appointed group as it would allow them to discuss a project freely with the applicants.

Commissioner Holguin asked if the design review committee would have regular meetings or if they would meet as needed.

Staff stated that this could be dealt with either way. In the past staff has submitted doodle polls to set up a meeting a few weeks off.

Commissioner McLaughlin asked who is going to present the findings.

Staff asked if everyone is fine with four as a quorum.

The Committee was in general agreement with four as the quorum number.

No action taken.

6. Review and Discussion by Subcommittee of Suggested Edits Matrix
 - a. Measurement, Location, and General Requirements (Section 7A.6 in Preliminary Draft, Sections 3.31 – 3.44 in Current Sign Code)

Staff presented edit #16 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #16.

Staff presented edit #17 from the Suggested Edits Matrix.

Commissioner McLaughlin stated her concern with the words copy or information. She stated this has been abused in the past.

Staff suggested we could use “sign copy, information, or graphic.”

Commissioner McLaughlin asked if this is the time to address the one hour limit. She asked if is possible for the group to discuss.

Commissioner McBride-Olson stated she is unsure if she is qualified to discuss. She asked the group for their thoughts.

Commissioner McLaughlin stated that if she is sitting at a stop light, she doesn't want to see the sign change. She stated that five-minutes is a reasonable rate of change.

Commissioner East stated that his opinion is that he is not at a stop light for five minutes. ADOT's standard is eight seconds and our standard is an hour. He stated he believes it should be somewhere in between that and that an hour change rate is too long.

Commissioner Holguin stated that he believes an hour is way too much and he thinks five minutes would work.

Commissioner Ench stated he believes it could be as low as ten minutes. He stated as long as it isn't changing quickly it should be fine.

Staff clarified related to the science of the rate of change and the Zeigarnik effect, which can lead to distracted driving if the rate of change is too quick. Staff also stated they are concerned with the extent of the change submitted by the Citizen Sign Code Committee. In that change it regulates the amount

of a sign that can be a digital sign to fifty percent, which is a significant difference from the current regulation.

Commissioner McLaughlin clarified that the reason they had originally used that regulation is because she wants to make sure that the sign has the name of the store on it, and not to be all electronic. If there is some portion that is static, it would be forced to have the name of the store on it for notification.

Staff stated that they believe is possible for a digital part of a sign to act as a static sign. Staff stated they are concerned that we are not adequately regulating to future of how digital signs are used.

Commissioner McLaughlin stated that they have had violators all the time and to try and enforce part of it to be static would be a nightmare.

Commissioner East stated that signs are expensive and he doesn't believe that a sign owner is going to use a digital sign for a static message. The rate of change is very critical as signs are very expensive.

Staff stated that maybe we do a five minute rate of change for a 50/50 sign and remain an hour for more than that.

Commissioner East stated that in terms of regulations, that is not going to be enforceable. We need something that works so we don't have to enforce it.

Commissioner McBride-Olson spoke to signs inside the airport and that even at a 30-second change it is distracting. She stated she believes that something slower like a five minute option seems reasonable.

Commissioner McLaughlin stated that to use the ADOT eight-second rule is completely worthless. She stated that as a driver I cannot even catch the entire message. She also stated that she would like this to be something that is entirely enforceable and that the people who may violate this would be ruining it for everyone in the future as we will be returning to in 18 months.

Staff presented edit #18 from the Suggested Edits Matrix.

Commissioner McLaughlin asked if the portion of the sign added at the top that is sometimes the address, is included in the height.

Staff clarified that that is not counted in the calculation.

Commissioner East asked for clarification on what crown means and maybe that it should be highest point of road.

Staff stated that they would research this and clarify.

The Subcommittee generally agreed to the suggested redline edits with the suggested changes for edit #18.

Staff presented edit #19 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #19.

Staff presented edit #20 from the Suggested Edits Matrix.

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

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

Staff presented edit #21 from the Suggested Edits Matrix.

Commissioner McLaughlin stated that given that this is the master sign program and one of the intensions is on dark skies, that she doesn't mind the wording.

Commissioner East stated that he doesn't believe that color should be regulated.

Staff clarified that this is only for the design option and not the general standards.

Staff presented edit #22 from the Suggested Edits Matrix.

Commissioner McLaughlin stated that she is concerned about the height and area being determined by the sixteen items and the readability and any number of things the applicant comes up with. She stated she would like to see some sort of general limits to make it workable, but under no circumstances will it go beyond this.

Commissioner Holguin stated that he doesn't believe there should be any limitations as one is unable to predict the scale of a project. He thinks it should be left as is.

Staff stated that if we were to do a limit per the MPA letter, it would be 20 feet in height and 100 square feet of sign area.

Commissioner McLaughlin stated that that amount sounds reasonable to her.

Staff presented edit #23 from the Suggested Edits Matrix.

Commissioner McLaughlin asked if there is a sign that an applicant thinks there is a match, they would still be required to meet the other criteria.

Staff clarified that the Sign Design Option is site specific and they would be required to show compliance with that.

Commissioner McLaughlin stated that she is somewhat on the fence for this one.

Staff presented edit #24 from the Suggested Edits Matrix.

Commissioner McLaughlin stressed that she continues to support this. Anything that they can do to make signs legible but not hurt the dark skies, is beneficial.

Commissioner East asked if the reason we are discussing color is because of the dark skies. He asked if we have this in here twice, isn't it kind of a double whammy.

Commissioner McLaughlin clarified that this is a finding for the consideration of the Design Review committee. They would have to demonstrate that they meet the criteria, not a color thing.

Staff clarified that we aren't touching anyone's art or making anyone change their logo.

Commissioner East stated that if Don Baker were here and he wanted to do Crossroads with a white background. He continued that with the master sign program it would be an issue. He stated that regulating color isn't necessary, it is regulated by kelvins related to the Outdoor Lighting Code.

Commissioner McLaughlin stated that she believes that internally lit signs aren't regulated by anything under the Outdoor Lighting Code because they don't fall under the site lumen cap.

Commissioner East stated that lamps inside the signs are regulated by the kelvins.

Staff presented edit #25 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #25.

Staff presented edit #26 from the Suggested Edits Matrix.

Commissioner McLaughlin suggested that part of the information that is submitted for the Singular Sign Design Option should include a list of non-conforming signs on site, as that should be taken into consideration into the decision.

Staff clarified that the committee can recommend approval with conditions, so bring a sign up to code could be a condition.

- c. Non-Conforming Signs and Change of Use (Section 7A.8 in Preliminary Draft, Sections 3.96 – 3.100 in Current Sign Code)

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

Staff presented edit #27 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #27.

Staff presented edit #28 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #28.

Staff presented edit #29 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #29.

Staff presented edit #30 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #30.

Staff presented edit #31 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #31.

Staff presented edit #32 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #32.

Staff presented edit #33 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #33.

Staff presented edit #34 from the Suggested Edits Matrix.

Commissioner East stated that while he hasn't dealt with it, he has heard horrendous stories about this. He stated that it should be reviewed.

Staff stated that they believe this could be dealt with by something as simple as counting it as a wall sign.

Commissioner Holguin stated that he is fine with that approach.

Commissioner McLaughlin stated that she believes she will be fine with that approach as well. She asked if the onerous part is the measurement portion.

Commissioner East stated that if you talk to Mike Addis, he has had multiple variances related to Canopy Signs.

Staff stated that it is onerous for staff to measure it and the application and plans rarely have adequate dimensions and information to do so.

Commissioner Holguin stated that we should just go ahead now and change it to a wall sign.

The Subcommittee generally agreed to remove the regulations for Canopy Signs and to count them as part of the wall sign allotment for edit #34.

Staff presented edit #35 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #35.

Staff presented edit #36 from the Suggested Edits Matrix.

Commissioner East stated that we should clarify that it should be a minimum of ten feet wide.

Commissioner McLaughlin stated that she agreed that it should be clarified.

Commissioner McLaughlin suggested that we add language related to shielding of braces for wall.

Staff suggested that we add in language related to possible review by design professional

Staff presented edit #37 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #37.

Staff presented edit #38 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #38.

Staff presented edit #39 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #39.

Staff presented edit #40 from the Suggested Edits Matrix.

Commissioner McLaughlin stated that this is an issue and may be addressed through education of applicants.

Commissioner Holguin asked if staff knows all of the ADA requirements to tell applicants.

Staff stated that with this being added into the Unified Development Code, we have more latitude for review and can help applicants on siting of their A-Frame signs.

The Subcommittee generally agreed to the suggested redline edits for edit #40.

Staff presented edit #41 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #41.

Staff presented edit #42 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #42.

Staff presented edit #43 from the Suggested Edits Matrix.

The Subcommittee generally agreed to the suggested redline edits for edit #43.

e. Special Districts (Section 7A.11 in Preliminary Draft, Sections 3.81 – 3.83 in Current Sign Code)

7. Call to the Audience

James Robertson, a realty executive and commercial broker, commented on the proposed sign code revisions. He suggested that in regards to the committee that we add a commercial broker as part of the group. He also urged the committee to support term limits. His goals are to have good sign design and to have a predictable code.

Jason Wong, from Southern Arizona Commercial Investor Bankers, urged the committee to leave feather banners and flags along, as they are non-issues. He stated that we should not be looking for a problem. He also spoke to the need for a quorum that can be attainable. This is necessary for projects and costs developers thousands of dollars for delays. He stated that term limits are important and they should be staggered. He spoke to the MPA and Chamber letter and urged the board to the impact a sign code may have on businesses. In relation to EMCs the group should be progressive and one hour is way too long and three-minutes seems ok. In relation to too much clutter on a sign, a business will use common sense and will not do something that doesn't properly advertise their message.

8. Adjournment

Meeting adjourned at 4:35 PM