



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

Monday February 27, 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 (PDS), at 2:00 p.m.

Present:

Rob East	CSCC, Ward 6
James Marshall	CSCC, Mayor
Kathleen McLaughlin	CSCC, Ward 5
Shannon McBride-Olson	PC, Ward 2
Killian Harwell	PC, Mayor

Not Present:

Jude Cook	CSCC, City Manager's Office
George Holguin	CSCC, City Manager's Office

Staff Members Present:

Daniel Bursuck, PDS, Lead Planner
Jim Mazzocco, City Manager's Office, Zoning Examiner
Piroshka Glinsky, City Attorney's Office, Principal Assistant City Attorney
Jan Waukon, Consultant Serving as Facilitator

2. Approval of Minutes/Legal Action Report – February 13, 2017

It was moved by Commissioner McLaughlin, duly seconded by Harwell, and carried by a voice vote of 5-0, to approve the February 13, 2017 Minutes with edits request by Commissioner McLaughlin on page 3 and edits requested by Commissioner Harwell on page 8.

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 to her submitted materials related to the Sign Code Revisions. She stated that she has spent time looking online searching for a solution to a master sign program lacking focus. She stated that if she were an applicant she would want parameters in place of it being a crap shoot at the end. She stated that Flagstaff and Scottsdale have specifics related to what you must do to get a specific amount of relief. She continued that in Flagstaff there are specific design features that can be exchanged for relief up to 50%. In fact, freestanding signs of reduced height get you a 15% increase in sign area. Scottsdale has community design districts where you can get relief in exchange for better design. She continued and referenced section C of the document she submitted. She stated that the United States Sign Council is very leery of Design Review. She spoke to their suggestions for Design Review and what should be utilized.

5. Clarification on the following items:

a. ~~Free speech / notification~~

b. Status of issues

Jim Mazzocco, City Manager's Office, gave a presentation handout related to issues close to be resolved in the Sign Code Revisions.

Commissioner East asked that staff post in meeting minutes when the upcoming Planning Commission meeting will be.

Staff stated that the meeting will be held on March 1, 2017 at 6PM in the Mayor and Council Chambers and that they would put this in the meeting minutes.

Commissioner McLaughlin asked if members are encouraged to attend the individual sessions of the other bodies meetings.

Staff stated that this would be beneficial and encouraged, but they should let staff know, in order to avoid potential quorum issues.

Commissioner Mc-Bride Olson expressed that there could be issues bringing unresolved issues to the joint commission.

Commissioner East stated that it is a lot of members from both bodies who haven't been involved much, and they will need to be in agreement on the revisions.

6. Review and Discussion by Subcommittee of Suggested Edits Matrix

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

Staff presented edit #24 from the Suggested Edits Matrix.

Commission was in general agreement with the edits.

Staff presented edit #25 from the Suggested Edits Matrix.

Commission was in general agreement with the edits.

b. Definitions (Section 11.3.4 in Preliminary Draft, Section 3.11 in Current Sign Code)

Staff presented edit #49 from the Suggested Edits Matrix.

Commission was in general agreement with the suggested edits.

7. Review and Discussion by Subcommittee of Revised Preliminary Draft of Sign Code Revisions

a. Section 7A.10 Sign Types and General Standards

Jim Mazzocco, City Manager's Office, gave a presentation of the Sign Types and General Standards section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner Marshall stated that if there the City has received no complaints that should address if it is a problem. He stated that problems would likely be resolved between residents and businesses.

Commissioner East stated that this comes up often as a condition of a rezoning and I has been regulated by decibels.

Commissioner McLaughlin asked that maybe Ruth Beeker would like to speak to this at the second call to the audience.

Commissioner McBride-Olson stated that she believes that 30 feet is a reasonable distance for a menu board to be from a single family residence. She stated that if there isn't a rezoning involved

Commissioner Harwell stated that she believed this was more of a drive through issue than a sign issue. She said that the lights from the cars have more of an impact than the light from the board.

Commissioner Marshall stated that there are menu boards that do not have sound. He stated that this is a noise issue and not a sign issue.

Commissioner East stated that sounds, exhaust, light are multiple issues that are beyond the sign code.

Commissioner McBride-Olson asked if there are other places in the code that address the drive through.

Staff stated that they need to look into this a little further. This appears to be more of a drive through issue and may be beyond the sign code. There is also a Neighborhood Preservation Ordinance, which is not part of the zoning code, which regulates the decibels at the edge of a property line.

Commissioner Harwell stated that she is still uncomfortable with regulating window signs only attached to the inside of windows and that she believes it should be those not attached as well.

Commissioner East stated that this is not enforceable and code enforcement has enough things on their plate as it is.

Commissioner Harwell stated that she does not think it is a problem to have these things, but that regulating it should be allowed. She stated that merchandise should be included, but signage should be included in the 30%.

Commissioner Marshall asked what harm does this bring to have signs on the inside of a business. Regulating what is inside of the business is a problem. He asked how far inside the window do you go.

Staff clarified that currently the code states you can have 100 percent coverage, and this brings it down to 30 percent.

Commissioner McLaughlin stated that in the data of the 30 or so municipalities that regulate window signs, was quite a big range, and many said anything within three feet of a window, is a sign. She stated that the required exit width is 44 inches, and that would be a good start. She stated that she would like to include the language "any sign intended to be read from the outside."

Commissioner Harwell stated that she is in agreement with that and that some clarification could be added related to transparency.

Commissioner McLaughlin stated that she has a good point and there should be something related to transparency of the sign.

Commissioner McBride-Olson stated that if there is no regulation of what happens in the window, it could create big problems.

Commissioner East asked how we are going to measure opacity in the field. He also asked how we would deal with Christmas displays. Should we regulate that as well.

Commissioner Marshall stated that his background is in law enforcement and that he has no idea how this can be enforcement.

Commissioner Harwell stated that in relation to extended parapet walls, they are ok sending to the larger body with the options.

Commissioner McBride-Olson asked if the parapet is above and beyond the building height.

Commissioner East stated that a parapet is a certain height above the building height.

Staff stated that this has been an interpretation related to this over time that allows similar to 10' by 10'.

Commissioner McLaughlin stated that she would like it to be known that she was not against either of them, just more supportive of option number one.

Commissioner East stated that he believes the section needs more work.

Commissioners were in general agreement with sending the two options forward to the larger bodies.

Commissioner McLaughlin stated that she saw something in her neighborhood that she hadn't seen before. It was every single contractor had a sign on a fence in front of a house.

Commissioner McLaughlin asked if this is based on linear feet of street frontage.

Staff stated that it is not.

Commissioner McLaughlin asked where staff came up with the 16 square feet number.

Staff stated that this came directly from Arizona Revised Statutes.

Commissioner McLaughlin asked if there is any other thing Reed driven about the rest of the matrix.

Staff stated that the issue here is that we are dealing with freedom of speech, and a clutter issue. Staff tried to come up with a reasonable amount of signs that has existing case law supporting it. This is what we came up with.

Commissioner McLaughlin stated that this seems generous. Four sheets of plywood seem like a lot. She asked does this include permanent?

Staff stated that this does not count for the permanent sign allotment.

Commissioner Marshall stated that he believes that the basis for coming up with the square footage is sound and anything else would be arbitrarily selected. He stated that it is conservative, but defensible.

Commissioner East stated that they have a 65 acre site right now, and this would not come close to being enough signage for that.

Staff stated that this is where it comes down to general standards vs. the design standards. It is essentially a balancing act. Applicants are allowed more signage, but they just need to use a design option.

Commissioner McLaughlin stated that she printed out the Scottsdale draft and they are allowing one 16 sf sign per street frontage. Then they are limited the duration to no more than twice in a year. She stated that there are communities that are being much more conservative in their response to Reed. She stated that every single aspect of this revised code is liberalizing the code and is not really responding to the citizens. She stated that she does not agree with the Chambers comments related to businesses utilizing signs. She stated that a vibrant pedestrian zone may be good place for more signage, but the rest of us drive the streets and pay taxes and also count. She stated that we need to be more conservative with new sections of the sign code.

Commissioner Marshall stated that the reason we are here is because Mayor and Council gave direction to the process. One of those is that we are trying to make it more business friendly through the simplification process. He stated that technical studies were to be used in developing this, which is done regarding the 16 square feet. He stated that clutter, beauty, aesthetics are very hard to define. Who is the one who makes the decision on those decisions. He stated that when we talk about the citizens, how many are really concerned about the sign code. He stated that if it is a residential area, don't they have control over that through an HOA or CCNRs.

Commissioner East asked about complaints, how many we have had, and who did they come from. He said that answer was that out of about 1600 about 95% of those came from one person.

Commissioner McLaughlin stated that Jim asked about where are the citizens, and that the citizens came out in 1988 and she suspects the same folks would come out if you were to put this to a vote, and it would be 2/3rd to vote against this like the billboard industry. The reason people came out, was because they had an issue.

Commissioner McBride-Olson asked if the 16 square feet, is that distinctly tied to residential local streets.

Staff stated that the Arizona Revised Statutes allows this, and we extrapolated for a more business road.

Commissioner McLaughlin asked related to ground mounted signs and if the height is the same as permanent signs.

Staff stated that this was taken from the old code and we didn't change it.

Commissioner Harwell asked where the hula-strips are located.

Staff stated that it was in the prohibited section and will be moved into the temporary section.

Commissioner McLaughlin asked about feather banners and if they should be prohibited. She stated that they are not taut, as we had added earlier.

Commissioner East asked if ARS stipulates 90 days. That sounds like a long time.

Staff stated that it is two 45 day permits and is from the current code.

Commissioner McLaughlin asked how long it would take for the banners to be made.

Commissioner East stated that it shouldn't take long for these to be made; they are usually sent from corporate or shipped in.

b. Section 7A.11 Special Districts

Jim Mazzocco, City Manager's Office, gave a presentation of the Special Districts section of the Revised Preliminary Draft of Sign Code Revisions.

Staff suggested to the committee, allowing commercial murals in the pedestrian districts.

Commissioner East stated that he is in favor of this, especially in the downtown pedestrian district.

Commissioner McLaughlin stated that she agrees and that she saw a fabulous mural on a tattoo parlor on 6th Avenue.

Commissioner McBride-Olson stated that it is worth look at opening it up city wide. She stated that there are cultural elements in those murals that make us who we are.

Commissioner Harwell stated that she thinks murals are fabulous and should be allowed everywhere. She stated she has a little concern with just painted on words and maybe we need to define a mural.

Commissioner Marshall asked when a mural becomes a commercial sign.

Staff stated that it is when an element of that business is depicted on the mural.

Commissioner McLaughlin stated that long ago there was a mural that was vines with groups of grapes at an Italian restaurant and was originally called a sign until they turned the grapes into flowers.

Commissioner East stated that the other positive aspect is that it cuts down on graffiti on blank walls.

Commissioner McLaughlin asked how the pedestrian district boundaries amended.

Staff stated that it would be through a text amendment.

Commissioner Harwell asked if these maps would be put into the Tucson Maps.

Staff stated that they could do both, put it online and put new maps in the text.

8. **Call to the Audience**

Ruth Beeker, a Tucson resident, spoke about menu board and that the impacts that they may have, including, noise, car lights, and exhaust. She stated that she heard four different options, (1) have it be considered an interior sign, (2) have it be something considered during a rezoning, (3) remedy it, if there is a probable that already exists as in the Neighborhood Preservation Ordinance, (4) keep it like it is and regulate it like it is a normal drive-in. She stated that it is not like a normal drive-in, as there is a much larger impact that something like a wall greens pick-up window. Examples of this are that the hours are different; they are usually much longer hours at fast food restaurants. Many times they also have more stops; this causes much more of an impact. In regards to using the neighborhood preservation ordinance, this means that it has already been allowed to go on and you are trying to take care of it through code enforcement, which is not a good solution. She spoke to negotiations for a rezoning and that if there were rezoning for each time one of these went it, it could be a good idea, but that is not the case. She stated that in some way this needs to be regulated. She continued that a menu board is a sign and as such should be regulated there. She stated that if there is a place in the UDC where drive-ins are addressed and put in special conditions on any proposed fast food drive in and have the 30 feet not be from the residents but from any residential property line, she stated that would be the best solution.

Mike Addis, of Addissigns, shared several images with the committee and spoke to Canopy Signs and stated that his company has submitted several canopy sign variances. He took pictures of canopy signs to depict this. He warned that if you regulated by the existing language it would be influencing building design. He stated that he encourages Staff to review the variances and make a regulation that makes sense and one that doesn't affect architectural design. The complexity of the regulation is an arduous task for staff and the sign companies. He also stated that we need a definition of parapet to provide some clarity to the issue. For example the images of Tucson Medical Center show this clearly.

Countney Tejada, of the MPA, stated that she is one of the authors of the MPA, Tucson Chamber, SAHBA letter. She stated that she wanted to clarify related to the comment that they are in full support of only business that was not the intent. She stated that businesses are the greatest users of signage and they are impacted the most. Additionally she stressed that this should be based on the whole community and not business vs community. These business owners are property owners, residents, and tax payers in the community. She also clarified that the recommendation for the rate of change for a digital sign had been changed from eight seconds on the first letter to one-minute on the second.

Ben Buelher-Garcia, of SAHBA, spoke to goal of the committee, and that the goal of Mayor and Council was to retain the rights and privileges of the existing code, as much as possible in concert with the Reed decision. He stated that his industry is the one that is most impacted by the Reed decision and the revisions. They gathered data on signage used and the smallest amount used was 96 square feet. In most cases it exceeded the allowed 128 square feet. In one case a builder stated that 70% of their new home buyers came from on-site signage. When you look at those number, you need to keep in mind there is a whole industry that needs much more signage than is what is proposed in these changes.

9. **Adjournment**

Meeting adjourned at 4:50 PM