



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

Monday March 6, 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:

Jude Cook	CSCC, City Manager's Office
George Holguin	CSCC, City Manager's Office
Kathleen McLaughlin	CSCC, Ward 5
Shannon McBride-Olson	PC, Ward 2
Killian Harwell	PC, Mayor

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
Jan Waukon, Consultant Serving as Facilitator

2. Approval of Minutes/Legal Action Report – February 27, 2017

It was moved by Commissioner McLaughlin, duly seconded by Harwell, and carried by a voice vote of 5-0, to approve the February 27, 2017 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, Tucson Residents for Responsible Government (TRRG), spoke to her submitted materials related to the Sign Code Revisions. She stated that

TRRG requests two sections, 7A.7 Sign Design Options and 2.2.12 Sign Design Review Committee, be removed from the current draft revision of the Tucson Sign Code now under review. Neither is directly related to the original need to make the code compliant with the Reed Supreme Court decision. Both appear to be topics added to address long-term staff and special interest concerns now that the court has provided the opening to alter content in the code. Since both would significantly change current City policy, both require significant public scrutiny of their own merits and impact. She commended the group for all of the hard work that has been done, but stated that the task at hand has been overwhelming. She stated that she appreciated that the staff had tried to do a “one and done,” but putting the *Reed* revisions, moving the document into the UDC, and design review into one draft for review, she sees as idealistic, not realistic. Therefore, she requested that the city focus its review on the more important immediate question, are the proposed changes to the present Sign Code the best solutions to make Tucson’s Sign Code compliant with the legal mandate. She continued that after that question is answered, would be the appropriate time to address the sign design option and its related review committee. She then referenced the green sheet she had presented the week prior and asked the committee to review those as to why they are making this request.

5. Review and Discussion by Subcommittee of Suggested Edits Matrix

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

Staff presented edit #30 from the Suggested Edits Matrix.

Commission was in general agreement with sending along the three options for suggested edit #30.

Staff presented edit #40 from the Suggested Edits Matrix.

Commission was in general agreement with sending along the two options for suggested edit #40.

Commissioner Cook also stated that he would submit some additional language that may help to clarify for the larger bodies.

b. Section 7A.11 Special Districts

Staff presented edit #48 from the Suggested Edits Matrix.

Commission was in general agreement with the suggested edits.

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

a. Section 7A.12 Appeals and Variances

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

Commissioner McLaughlin asked if this applies to those not in the Master Sign Program.

Staff clarified that the appeal process could apply to a Master Sign Program that has been approved or denied.

b. Section 2.2.12 Sign Design Review Committee

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

Commissioner McBride-Olson asked if the one-year hiatus applies to Mayor and Council appointed commissions.

Staff clarified that currently according to Chapter 10, there are no term limits and that would carry forward for the time being, but could potentially be changed in the future.

Commissioner Harwell stated that she believes the City Manager option is the best way to go and is best for the sign design option.

c. Section 4.9.4 Commercial Services Use Group

Jim Mazzocco, City Manager's Office, gave a presentation on the Commercial Services Use Group section of the Revised Preliminary Draft of Sign Code Revisions.

d. Section 10.3.7 Sign Violations, Enforcement, Penalties

Jim Mazzocco, City Manager's Office, gave a presentation on the Sign Violations, Enforcement, Penalties section of the Revised Preliminary Draft of Sign Code Revisions.

Commissioner McLaughlin asked if this is enforcement for the Master Sign Program.

Staff clarified that this is for all signs, including the Master Sign Program.

Commissioner McLaughlin asked what keeps a developer from changing their signage because they have a new owner.

Staff stated that they would be required to come in for a permit, and there would be information at that address with all the approved Master Sign Program regulations. They would be able to change the copy, as long as it is the same. If it were not in compliance with the Master Sign Program and a substantial change, they would be required to go back to the Sign Design Review Committee to have the program amended.

Commissioner Holguin asked if this would be a staff decision.

Staff clarified that this would be part of the application review.

Commissioner McLaughlin stated that she is generally not ok with the Master Sign Program when looking at other communities.

7. Forward a draft with edits from the Subcommittee to the Joint Planning Commission / Citizen Sign Code Committee for Review

Jim Mazzocco, City Manager's Office, gave a presentation on the issues yet to be resolved for review by the Committee. He started with *Section 7A.8 Exempt and Prohibited Signs* related to if we allow commercial flags as part of a Portable Master Sign Program.

Commissioner McBride-Olson asked to hear Commissioner McLaughlin's opinion on this issue.

Commissioner McLaughlin stated that she has never liked anything purposely moving to be allowed. She continued that she never liked the reasoning that if it is already being done, being the reason to allow something.

Commission voted 4-1 and decided to send the issue, related to allowing commercial flags as part of a Portable Master Sign Program forward, as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.8 Exempt and Prohibited Signs* related to if we allow commercial and non-commercial murals to be exempt in the Pedestrian District.

Committee in agreement with change and forwarding as resolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.9 Non-Conforming Signs and Change of Use* related to if we allow alteration to electronic components by statics sign cannot be made into a digital sign.

Commissioner McLaughlin asked why the El Rancho sign could change frequency as much as it does.

Staff stated that the sign is a non-conforming use.

Commissioner McLaughlin asked if they would be able to change their sign to a smaller resolution, and if so, would they be required to change their frequency to be at code.

Staff stated that it would have to be both comparable to what technology they had previously in terms of bulb. If they were to change the resolution, they would be required to meet current code because it is a complete change of the sign.

Commissioner Cook stated that if you replace a nonconforming sign with newer technology, it should be brought up to current code and whatever rate of change is required.

Committee voted 5-0 to send the issue forward as resolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.11 Special Districts* related to if we keep spacing for scenic routes what they currently are in the sign code, or if they are changed per MPA letter.

Commissioner McLaughlin stated that there is a group of people who in the past have gutted the scenic route regulations and cannot understand why they would be given any more leeway.

Commissioner Cook asked what this is regarding.

Staff stated our recommendation is to send forward with the language as is for now, and if it later wants to be opened back up, we can.

Commissioner Cook stated that he has a problem with scenic corridors. He stated that we are putting up large shopping complexes but we do not have adequate signage for them. He stated that we should move this forward, but it should be addressed at some point.

Staff stated that this could potentially be addressed through the Master Sign Program.

Committee agreed to send the issue forward with current language as is but generally unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.6 General – Measurements* related to the rate of change.

Committee was in agreement with sending forward with options. Committee voted as 4 in favor of the five-minute rate of change and 1 in favor of the one-minute rate of change.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.6 General – Measurements* related to definition of Premise.

Committee in agreement and voted 5-0 with recommending the current draft version and forwarding as resolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.7 Sign Design Option* related to Notice Options.

Committee voted three in favor of the PDSD Notice Policy and two in favor of the Mailed Notice and to send this issue forward as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.7 Sign Design Option* related to Dark Skies Illumination.

Committee in general agreement and voted 5-0 to send this issue forward as resolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.7 Sign Design Option* related to Master Sign Programs (MSP) and Prohibited Signs.

Commissioner McLaughlin stated she would not like commercial flags to be allowed.

Committee voted 4-1 in regards to commercial flags and to send this issue forward as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.7 Sign Design Option* related to more prescriptive version of MSP for permanent signs.

Commissioner McLaughlin stated that she is in favor of more prescriptive version of the Master Sign Program similar to what has been proposed in Flagstaff and Scottsdale. This would include something similar to the performance standards used in Flagstaff where you would get a certain percentage for meeting specific criteria. In addition, you may be able to get more area on a sign if a developer were to lower the height. She stated that she is unsure if the proposed draft isn't open ended. She stated that she believes we need to go back and take another look at the Master Sign Program and to have an identifying paragraph that under no circumstances are any of the prohibited signs to be allowed. She also stated that she believes that the sections should be more cohesively put together so each of the three are similar.

Committee voted two in favor of no change and three to include more prescriptive caps to MSP and to forward this issue as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.7 Sign Design Option* related to uniform background for listed tenants.

Commissioner McLaughlin stated that while logos aren't required to be a certain color, she believes we should require a uniform background color.

Commissioner Cook stated that it is not quite resolved, but has reservations related to panel size.

Committee voted 4-1 in regards to recommending as in current draft. The issue will be sent forward unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.13 Sign Design Review Committee* related to its composition.

Commissioner Cook asked with a quorum set at four, would you need four votes to pass or just four people present.

Staff clarified that it would just need a majority to pass a motion and quorum to be present.

Commissioner McLaughlin stated that her concern with a four person quorum could create a problem such as the 100 foot spire. By adding a ninth person she suggested the quorum be set at 5.

Committee was in general agreement and voted 5-0 for sending forward with 9 people including a portable sign expert, as long as quorum number is expanded to 5.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.13 Sign Design Review Committee* related to it being a Mayor and Council or City Manager

Commissioner McLaughlin asked if there is a Public Hearing process regarding the Design Review Committee.

Staff clarified that we would do similar to what other committees do, which would have a call to the audience and would be noticed.

Majority of committee in favor of the City Manager option, but would like sent forward with both options.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.13 Sign Design Review Committee* related to the quorum size.

With the addition of a portable sign expert, committee agreed to set the quorum number at five.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.3 General Portable Sign Standards* related to allow or prohibit feather banners.

Commissioner McLaughlin stated that if they are prohibited now, they should remain prohibited.

Committee voted two in favor of allowing four feather banners using two colors and one portable sign in commercial/industrial zones and three to prohibit feather banners. Issue will be sent forward as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.3 General Portable Sign Standards* related to increasing or decreasing all portable sign area allotments (SAA) and the number of signs.

Commissioner Cook stated that his only comment or concern is regarding SAHBA and the amount of signage that is being cut back for real estate.

Staff stated that this is an on or off switch. However, when we add in the portable sign design option it would allow for more signage, but with better design.

Commissioner McLaughlin asked for folks to take a look at what Flagstaff does related to portable signs.

Committee voted 1 in favor of decreasing the number and SAA, 1 in favor of increasing the SAA, and 3 in favor of keeping as recommended in the draft. Issue will be sent forward as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.1 Generally Permitted Signs* related to menu board setbacks.

Commissioner Harwell stated that she has concerns about putting zoning issues in the sound code.

Committee in general agreement to send forward with 30 foot setback with option for sound mitigation wall.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.1 Generally Permitted Signs* related to window sign standards.

Committee voted 3 in favor of proceeding as recommended in the draft and 2 in favor of changing to include signs hung within 36 inches inside the window. The issue will be forwarded as unresolved.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.2 Permanent Signs by Zone* related to maximum sign area for non-residential uses in residential zones.

Commissioner Cook asked if it is to vote on both or either or.

Staff clarified that it is either or and just for the general standards.

Commissioner Holguin asked if an apartment complex would be considered as a residential use or commercial use.

Staff clarified that it would be considered residential in terms of signage and be limited to 20 square feet.

Committee was in general agreement with sending this forward as currently written.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.2 Permanent Signs by Zone* related to standards for canopy signs.

Commissioner Harwell asked if it would go forward with the three options in the edits matrix.

Staff stated that they would be sending it forward with the three options.

Committee was not in agreement with this recommendation and will forward with options outlined in the edits matrix.

Jim Mazzocco, City Manager's Office, gave a presentation on *Section 7A.10.2 Permanent Signs by Zone* related to the extended parapet option for wall signs.

Commissioner Harwell stated that she is concerned about option number one because it regulates architecture and not the sign. She stated that this is a wall sign.

Commissioner Cook stated that he has visuals related to this and shared the images of nine different situations along Broadway. He stated that it should just be counted as a wall sign. He continued that there are many buildings throughout the City that were designed to have signs on them, but because of interpretation, they are not allowed to.

Commissioner McLaughlin stated that she wants a 100 square foot limit on Flag Walls, not on the extended parapet.

Commissioner Cook stated that if the City of Tucson will let you build it, they should let you put a wall sign on it. He stated that the Dick's Sporting Goods sign is proportional and should be allowed.

Commissioner Holguin stated that it should be proportional to the building.

Staff asked Commissioner Cook to develop an idea that we could incorporate into the draft and bring to the Planning Commission and the Citizen Sign Code Committee.

Commissioner Cook stated that he would be willing to do that.

Committee voted 1 in favor of option one and 4 in favor of option two. The issue will be forwarded as unresolved.

Staff asked the subcommittee to take a vote if they are ready to send forward a draft to the Planning Commission and Citizen Sign Code Committee with consideration of edits in the matrix and the conclusions related to the unresolved issues discussed at this meeting.

It was moved by Commissioner Harwell, duly seconded by Commissioner Cook, and carried by a voice vote of 4-1 (Commissioners McLaughlin dissenting), move the draft forward to the Planning Commission and Citizen Sign Code Committee with consideration of edits in the matrix and the conclusions related to the unresolved issues discussed at this meeting.

8. Call to the Audience

Ruth Beeker, a Tucson resident, stated that there are lots and lots of unresolved issues. She stated that she is requesting that we pull out five pages with the accompanying change to the BCC because there has not been the right process. TRRG is all about process. We look at things and try to make them better. She stated that she tried to rewrite what the five page segment says and she said it is impossible to make that section better. She continued that it is badly written code and is a kitchen sink approach to writing good code. Unlike the adjoining piece, the Sign Design Review Committee, which is well written code. She stated that there is also the question of process related to BCCs. BCCs that are being eliminated are given a process for the public to review and for Mayor and Council to evaluate. She continued that this board, which is basically being eliminated, has not gone through the proper process and that is disturbing. It is being repositioned, but it is losing what its original purpose. She believes that we are sliding in something, the optional section and change of the Citizen Sign Code Committee, that should not be part of addressing Reed in the code.

Jaime Gutierrez, of Arizona Multi-Housing Association, thanked the subcommittee members who had been staunch stalwarts of moving along this difficult agenda. He thanked staff for their effort as well and the extensive process. He said that in today's deliberations they heard many issues that affect his organization. He continued that it is important to understand that apartment

owners rely heavily on advertising. He stated that as we proceed he thinks there are several unresolved issues, but appreciates the meetings.

Rob East, of the Citizen Sign Code Committee, spoke to a few items related to the Sign Code Revisions. He stated that the Flagstaff code came up a few times in the meeting and that if we are going to compare Tucson to another code, we should probably pick a jurisdiction of like size, like Albuquerque. He continued that Flagstaff is 65,000 residents and Tucson is half a million and over a million in the metro area. He also stated that Flagstaff allows Billboards and Roof Signs and you cannot pick and choose a code. He also spoke to the scenic corridor and the amount of variances and that is why we are here, to fix the signage. He spoke to the Dicks Sporting Goods sign and he came to staff with renderings, elevations and reviewed it with staff and it was approved by staff. He continued that when the sign was being shipped out, he received an email from staff stating there was a concerned citizen who had problems with the sign and that they thought it was a roof sign, even though it is an architectural element. He stated that per code, this is allowed and it should not have created the problems it did.

9. **Adjournment**

Meeting adjourned at 4:50 PM