



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

Monday November 14, 2016, 3:00 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 3:00 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

Staff Members Present:

Russlyn Wells, PDSD, Zoning Administrator  
Daniel Bursuck, PDSD, Lead Planner  
Rebecca Ruopp, PDSD, Principal Planner  
Jim Mazzocco, City Manager's Office, Zoning Examiner  
Piroschka Glinesky, 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 7, 2016**

It was suggested by Commissioner McBride-Olson to add in language to the discussion related to the purpose, regarding the addition of the word business, as it pertains to the general plan.

It was then moved by Commissioner Ench, duly seconded, and carried by a voice vote of 5-0, to approve the November 7, 2016 Minutes with edits suggested by Commissioner McBride-Olson.

**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 definition of “window sign”. She stated she is opposed to the deletion of the word “interior” from the definition. She stated that the City Sign Code is part of code enforcement and needs to be included so in the future, if there are enforcement issues, they can be addressed. If that definition were to be removed, it would make enforcement more difficult.

Dan Williams, a Tucson resident and member of the Citizen Sign Code Committee, expressed concern that the revisions have completely rewritten the Sign Code beyond the *Reed v. Gilbert* issues. As a member of the Citizen Sign Code Committee, he stated he could not support the proposed revisions.

Mark Mayer, of Scenic Arizona, commented on the particular sections to be reviewed at the meeting. He spoke to the need to separate the *Reed* issues from the rest of the issues. He voiced concern that this may be weakening the current sign regulations and would be playing into only certain stakeholder interests. He also spoke to the government sign issues and that he believes the City should not be exempt from their own Code. Additionally, he spoke to permitting and that the permission from the property owner should be required.

Richard Green, of the Astronomy, Planetary, and Space Sciences Coalition (APSS), commented on the documents he had submitted to the Subcommittee related to the Sign Code Revision Project and the need to be sensitive to dark sky protection. He said their group is concerned about revisions that allow more and larger lighted signs. The existing Outdoor Lighting Code is currently silent on sign size and frequency of signs. APSS advocates for many changes such as how electronic messaging are dealt with and requiring a dark colored background with light lettering for signs.

## **5. Presentation of Supporting Information Regarding Process and Requested Clarifications**

Jim Mazzocco, City Manager’s Office, provided clarification relating to “Electronic Sign Copy” and window signs. He provided an alternative of “Variable Message Center” for “Electronic Sign Copy.” Additionally he spoke to the lack of clarity in the current regulation for window signs. As currently read, interior window signs are not regulated. Additionally, they pose a significant challenge to Staff related to enforcement of those regulations and the issuing of permits.

Commissioner McBride-Olson asked what would regulate a business that just uses an interior window for signage.

*Staff stated they are currently unregulated.*

Commissioner Holguin asked about the sign allotment and if it is included in the Wall Sign amount of signs allowed.

*Staff confirmed this is the case.*

Commissioner Cook stated he recalled years ago a different approach to exterior and interior signs, however, things have changed over time. He asked if there is any legal opinion or precedent related to this.

*Staff stated the problem seems to be using the street rather than the building in regards to proportionality. It becomes more difficult when regulating the building.*

Commissioner Cook stated that the use of the word “digital” is used by manufacturers.

Commissioner Mc-Bride Olson stated she believed that moving forward the term “digital” may be used more.

**6. Review of Previous Meeting Discussion and Suggested Modifications to Language on the Following Sections:**

a. Applicability (Section 7A.1.2 in Preliminary Draft; Section 3.4 in current Sign Code)

Daniel Bursuck, PDSO, gave a presentation on the proposed edits to Section 7A.1.2 Applicability, to the subcommittee.

The following comments were made by the subcommittee members:

- Commissioner McLaughlin stated that she prefers that the City state that it follows its own Code and it might have something that references specific exceptions.

b. Definitions (Section 7A.3 in Preliminary Draft; Section 3.11 in current Sign Code)

Daniel Bursuck, PDSO, gave a presentation on the proposed edits to Section 7A.3 Definitions, to the subcommittee.

The following comments were made by the subcommittee members:

- Commissioner McLaughlin asked is it a property if it is a “premise” or is it “premises.”
  - *Staff responded that “Premise” it is property as defined in the dictionary. He stated the idea is to make it premise in relation to a singular site.*
- *Subcommittee was generally in agreement related to edit #7*
- *Subcommittee was generally in agreement related to edit #9.*
- Commissioner McLaughlin stated she accepted the removal of emergency sign locator, but did not accept the definition of “interior” signs.
- *Subcommittee was generally in agreement related to edit #10.*
- Commissioner McLaughlin stated, in relation to edit #11, that she thinks of a portable sign as something you can move. In the past she has tripped over poles used to affix banners. She stated she believes we should

address foundation. If it needs the earth to stand up, she would not consider it portable.

- Commissioner McLaughlin asked if we say “existing” for edit #12, could we add, “as it applied to historic sign definition.”
- Commissioner McLaughlin stated, her approval of edit #13 is depending on what is decided about “interior” signs. The word “outside” may be an issue.
- *Subcommittee was generally in agreement related to edit #14*
- Commissioner McLaughlin stated she appreciated Ms. Beeker’s comments and she believed we need to leave “interior” so there is something to fall back on if complaint from public.
  - *Staff stated that enforcement for interior windows would mean each piece of paper would need a permit.*
- Commissioner Ench stated sign users could get around the code for some of the bigger window signs, like Walgreens, that right now we don’t regulate.
- Commissioner McBride-Olson asked, isn’t there some way to regulate the Walgreens sort of design?
  - *Staff asked how far do you want to regulate? Other places use a proportional approach where a certain percentage of windows in place of using the wall sign reference, such as is done in the current Sign code.*
- Commissioner Holguin stated he believed if we consider putting regulation on percentage of window, it should apply to wall sign allotment.

No action taken.

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

- a. Violations, Location, and General Requirements (Section 7A.5 in Preliminary Draft; Sections 3.101-3.117 in current Sign Code)
  - Presentation given by Russlyn Wells, PDSO, related to Violations, Location, and General Requirements.
  - Commissioners agreed with the edits to this section.
- b. Measurement, Location, and General Requirements (Section 7A.6 in Preliminary Draft; Section 3.31-3.44 in current Sign Code)
  - Presentation given by Jim Mazzocco, City Manager’s Office, related to Measurement, Location, and General Requirements.
  - Commissioner Cook stated that interpretation related to measuring from grade created problems when fix for scenic corridor Houghton got applied elsewhere in the city. He stated he would like to see a solution that either measures from edge of curb or from existing grade.
  - Commissioner Holguin asked what signs are allowed to be in right-of-way and do you have to get a right-of-way permit?

- *Staff responded that the rest of definition says you have to be on private property.*
- Commissioner McLaughlin asked could you expand “cross” to mean symbols?
  - *Staff responded that it applies to everything and it was an attempt to address the odd shape of “crosses.”*
- Commissioner Holguin asked would this measurement include integrated architectural features?
- Commissioner McLaughlin expressed concern after previous experience with red spire sign.
- Commissioner McLaughlin asked if any of this applied to portable signs.
  - *Staff stated a section was created in the portable signs portion of the code.*
- Commissioner McLaughlin asked, in calculation for “bag of signage” portable signs don’t come out of the same bag, right? However, right now one can have a portable sign without a calculation. Is there anyway someone could exceed the allowable calculation?
  - *Staff responded that street signage calculations creates challenges of accounting for the City.*

No action taken.

## 8. Call to the Audience

Mark Mayer, of Scenic Arizona, spoke about the window signs, and that he does not agree with staff on interior windows and has similar memory of previous interpretation of the code. He suggested we follow Flagstaff in our regulations of the window signs. He also stated the definition of premise, that for free standing limits for malls, it would allow for a larger amount of signs. He stated nothing should be changed related to Electronic Message Centers, and that “digital” should be avoided as it is a term of the industry. He stated that historically, it was defined as prohibited so the applicant could not apply for a variance.

Dan Brosious, Smithsonian Institute and the Citizen Sign Code Committee, spoke to the speed of the process and how the *Reed* issues should be separated and the process slowed down to ensure there are no negative impacts of the revisions. He stated that council voted in 2012 to remove language that is still located in the new draft. He suggested we need more time to build confidence in the process.

Rob East, a Tucson resident and member of the Citizen Sign Code Committee, stated that he would like to know how many complaints the City receives and for what. In relation to interior signs, he asked the question, are we going to regulate a sign on a motorcycle that is in a shop and can be seen through a

window? He also stated with new buildings and energy code, the glazing makes it very difficult to see through the windows. He stated that we should just measure a symbol by a series of boxes. In regards to illumination and cabinet signs, they are currently regulated by the color of light and the amount of Kelvins that effect dark skies.

Rory Juneman, an attorney that does sign work, spoke to the suggested changes and the Sign Code Revision project. He stated he believes it is important to address process issues in the code as well as Reed issues. Much of the code is old and needs to be revamped and updated. The code needs to be fixed in a reasonable way.

Mike Addis, of Addisigns, encouraged the committee to look at the changes holistically. He spoke to the current public process and how it has worked in the past. He also stated the code is over 30 years old and needs updating. We are currently regulating through variance and ambiguity, and that should not happen. He stated when looked at from the outside, it is difficult to manage a project when there is no clear direction.

## **9. Adjournment**

Meeting adjourned at 5:00 PM