

**Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, March 21, 2017 - 5:30 p.m.**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

The Chair called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and requested roll call.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt, Avrum Cohen, Larry Klein and Gerhard Mayer.

Staff Present: Warren Campbell, Audree Juhlin, Cari Meyer, Robert Pickels and Donna Puckett.

2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF

Chair Losoff mentioned that the City Manager's Office will be contacting each Commissioner to set-up a one-on-one meeting with each Commissioner, and Audree Juhlin confirmed that was done.

3. APPROVAL OF THE FOLLOWING MINUTES:

- a. February 7, 2017 (R)
- b. February 16, 2017 (WS)

Chair Losoff indicated he would entertain a motion to approve the minutes.

**MOTION: Commissioner Cohen so moved. Commissioner Klein seconded the motion.
VOTE: Motion carried seven (7) for and zero (0) opposed.**

4. PUBLIC FORUM: (This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

Chair Losoff opened the public forum and, having no requests to speak, closed the public forum.

5. Discussion/Public Hearing/Possible Action regarding the Draft Revised Sign Code (DRSC), an update of Sedona Land Development Code Article 11, Sign Regulations.

Presentation, Cari Meyer: Cari provided an overview of the background of the Sign Code, indicating that the Code is over 20 years old, so it doesn't address modern technologies, materials and illumination, etc. It also has been a Council priority to update this Code for a number of years.

Cari discussed the 2015 U.S. Supreme Court decision that ruled we can't regulate signs based on content and our update was already in process, but it is something that we have to incorporate with everything else we have been gathering. Our first draft was released to staff and some outside agencies, such as local sign companies, the Chamber of Commerce, etc. last December. Then, it was released to the general public for review in January. There also was a press release and article in the Red Rock News and posts on our department's social media with added outreach for comments to make sure that people knew.

Cari indicated that the Commission has had two work sessions, and we went through a number of questions while staff was having meetings with business and property owners, the realtors' group

and sign designers for comments. Based on all of those comments, staff created the public hearing draft, which was distributed in the packet and that is what you will take action on. Afterward, the City Council also will have work sessions and public hearings.

Cari explained that changes were made in the existing draft where there was consensus, so those will not be discussed further. We will be discussing those items where there was no consensus, and a couple of issues that came up with the interest groups that we have not discussed.

Cari then indicated she wanted to cover what the Community Plan says about signs and stated that as the guiding document, it addresses signs. There are a number of visions in the Community Plan and one is about the Sense of Place, which includes what Sedona will look like, what it means and how it will happen, which is with design standards that will continue to limit building height, lighting, signs, and colors. Therefore, sign regulations is part of how we will accomplish that Sense of Place vision to appreciate and respect our unique surroundings that reflect the natural beauty, arts, culture, heritage and opportunities for spiritual and physical renewal. Further in the Land Development Code section introduction, it states that we want the built and natural environments to be well integrated and the community's unique identity and character to be reflected in the built environment. A desire for a sense of community and small town character are recurring themes. We want our built environment to encourage uniqueness in architectural design, so that typical franchise architecture is not found here, buildings are designed on a human scale, signs are understated and indigenous and historic materials are utilized.

Cari stated that one of the Land Use policies states that we will require design standards that reflect Sedona's unique historical and cultural heritage, and sign standards that provide diversity and prevent franchise monoculture corporate signature signs. Finally, in the Community Character section, it states that one of the most obvious character features that the new arrival sees is a harmony in buildings and signage that have minimal visual impact.

Cari noted that is the stage that the Community Plan sets for sign standards; we are going to regulate them and want signs that are understated, fit into the built and natural environments and have minimal visual impact.

Cari referenced the items in the Staff Report and specifically 3-Dimensional relief, and indicated that we are talking about raised lettering, inset lettering, cut outs away from the wall, and the vinyl lettering that we are trying to get away from. Currently, relief is included in the Code as an incentive and not a requirement, but one goal is to improve the overall sign quality and when a sign without relief is put up, it is typically what generates some of the complaints from the community. During the previous Commission meeting, there were some thoughts that requiring this might be too onerous to businesses and the business community acknowledged that it would be more expensive, but they agreed that this is a way to require better quality signs, so the cost didn't seem to be an issue. They did ask that the relief be ¼-inch rather than ½-inch with some Director's discretion for natural materials, because they may be trying to sandblast a rock and for some incentive to go above the 50% required. Currently, they get a little additional signage if they do any relief and we would be taking that away when we require it, so we incorporated incentives to provide 75% or 95% of the sign area, so there would be a little bonus if they incorporate more relief than the minimum requirement. That approach is staff's recommendation and there is also the option to leave current language as is by providing an incentive for any 3-D relief.

Commission's Questions, Comments and Discussion:

Chair Losoff then asked for any discussion, and Commissioner Cohen asked who and how many in the business community were involved. Cari indicated that there were discussions with one of the sign designers about the cost, and he said generally \$30 - \$35 per letter, but she doesn't remember the specific business owners. A lot of them were in Uptown and do it anyway, because the City's Main Street Design Guidelines encourage 3-D signs.

The Commissioner then asked about the business people in West L.A. and Cari indicated that she didn't know. Audree Juhlin explained that staff worked with the Chamber, because we were having a difficult time getting responses from the business community after a number of attempts. The Chamber then sent out a couple of invitations through their group mailing list for a separate meeting with Uptown business owners, and then there was a West Sedona meeting, but there were only two businesses represented at that meeting, although a large number were invited to attend. The Commissioner then commented that it was extensive then.

Commissioner Brandt referenced the ¼-inch relief if it is a natural material and noted that there is fiberglass that looks like wood, so it seems like there shouldn't be an allowance to not have it in relief just because it is a natural material. One-quarter inch is not that big. He could understand that ½-inch might be extreme, but it doesn't mean that people can't do ½-inch and ¼-inch would be the minimum, but we should not give an allowance just because it is stone; you can carve stone.

Commissioner Mayer stated that he also has an issue with ¼-inch; it all depends on the size. You need a relationship with the size of the sign projected on the stone, because that determines how deep you will go. One-quarter inch doesn't make sense if you have lettering two inches wide. He doesn't know why we have to regulate it by ¼-inch or ½-inch. Cari explained that we need to define it, because we have to have an amount that qualifies as relief. Currently, we don't define that, so we have talked with sign makers as to what counts as relief. The Commissioner then stated that when he looks at the size of the lettering, the whole sign could be one letter and ¼-inch relief on that letter doesn't mean anything; it has to be related to the size of the letter. It shouldn't be regulated in that way, it always relates to the size of the sign and lettering, etc.

Audree Juhlin asked if there is consensus that relief should be required or encouraged, and if we are saying encourage or require relief, how that would be defined. Commissioner Barcus stated that we should encourage relief, but not require it, and Commissioner Klein referenced staff's notes from the February 7th meeting where it seemed that the Commission was against requiring relief, and for additional comments, it says that requiring relief seems unnecessarily onerous to business owners and the Commission would be interested in understanding the cost difference between a sign with relief and a sign without relief. The Commissioner then asked if staff has any information on that cost difference, and Cari indicated that a sign maker indicated that it is about \$30 per letter depending on the size, etc. The Commissioner then asked how many letters are on the average sign, and Cari explained that it varies quite a bit and if the sign has fewer letters, they might be larger. There are a lot of variables, but that was the estimate provided.

Chair Losoff suggested that before getting hung up on too many details, do we want to encourage relief or not? If we do encourage it, we can get into the technical specifics then. Commissioner Mayer asked if that just pertains to the letters or the whole sign? Does a logo have to be in relief too? Cari stated yes. The Commissioner then stated that he wouldn't require it.

Commissioner Brandt stated encourage, yes. Vice Chair Levin indicated that the question needs to be should we be encouraging or mandating, because staff's recommendation is to make it a requirement and she would mandate. Commissioner Cohen and Commissioner Klein both stated to encourage. The Chair then indicated that there is overall consensus and asked about in terms of size and numbers, none of the Commissioners except maybe Commissioner Mayer and Commissioner Brandt are experts on this, so staff will have to come back and tell the Commission what is reasonable. Audree Juhlin indicated that staff has done that in the discussions. We met with the sign manufacturers and basically, their recommendation is that ½-inch is perhaps too much and in other cases, it might be more than ½-inch, so having a minimum of ¼-inch is what we are recommending from staff's professional opinion and the sign manufacturers' opinions.

Chair Losoff indicated that when staff returns with a final document, come back with a couple of numbers for the difference in cost. Audree Juhlin explained that is subjective in nature, because each sign manufacturer will charge something different. The Chair then commented just for a ballpark and Audree asked if the Chair is anticipating continuing this meeting to another date and

the Chair suggested seeing what happens at the end. The issue is that this is something that we are encouraging and the standards are something we will come up with in the final draft.

Vice Chair Levin asked if we couldn't go with the staff-recommended language, but change it to say "encourage" rather than "require", then the characteristics are already built into Option 2. Commissioner Brandt stated that it is requiring 50%, so it is not requiring that it all be relief. The Vice Chair then suggested that perhaps staff could come up with that language during a recess, and Chair Losoff noted that Option 2 basically says that; it says if and nothing says mandate. We could insert the word "encourage".

Commissioner Klein stated that Option 2 says, "Include language that requires all signs", so that is mandatory; however, the Chair pointed out that we are removing that. Cari indicated that if that is the direction, we would essentially keep what the current Code says as far as giving a bonus to allow signs that incorporate relief to be a little larger, but we still want to define a minimum amount, so we don't get into discussions about what counts as relief. Chair Losoff then stated that basically it is Option 1 with the word "encourage" and a couple of parameters. Audree Juhlin added that we could say 1/4-inch relief in that language, and the Commissioners indicated agreement with that.

Commissioner Barcus asked if the Commission would get revised language from staff or if the Commission was going to proceed with Option 1; he just wants to know what we are doing. Chair Losoff indicated that after one or two more items, we will have a sense of whether or not we are going to need another meeting. Audree Juhlin clarified that with this direction of using Option 1 with a 1/4-inch relief, a motion could include that if we are ready to move forward. The Chair requested that notes be kept, because we want to ensure that is all incorporated.

Cari indicated that the next item is illumination and number of colors. When this was discussed last time, our current Code requires signage to comply with our Outdoor Lighting Ordinance, but we have no restrictions on the color of the lighting or the number of colors. Staff felt that the direction given by the Commission was that compliance with the Dark Sky requirements should guide the lighting discussion. There wasn't support for regulating the colors, but perhaps the maximum number of different colors on a sign, and the suggestion during the work session was that three would be the right number. We talked with a local sign maker, and he suggested two would be sufficient, but definitely no more than three. Another thing that was brought up during the last session was the issue of internally-illuminated signs and whether or not they met the Dark Sky requirements. Staff reached out to the International Dark Sky Association and their comment was that if you could prohibit them that would be the preferred method. They encourage backlighting or gooseneck lighting for signage, so we left the internally-illuminated cabinet signs as a prohibited type of sign, and there are also options showing the number of colors. We would support limiting the number to two or three, but we do not have a preference between those numbers.

Commissioner Barcus agreed that limiting it to three colors makes sense for letters, but one of the most prolific logos included in signs is from Microsoft with four colors, so we don't say except for logos, which he would recommend adding. We have talked about simplicity and people recognize logos when looking for a business. He would agree that Option 2 makes sense, but logos should be exempt. Chair Losoff stated as a Devil's Advocate that would open the door as to what is and isn't a logo and Vice Chair Levin stated, "Trademark". The Chair then asked if the Commissioner is okay with two or three, but for logos you want to see four, and Commissioner Barcus stated no – for logos he wants to see logos. If Chili's has four colors in their chili, he wants to see the chili.

Commissioner Brandt explained that the Commissioner might be confusing the lighting color with the sign color. We're talking about two or three lighting colors, not the actual sign, so if Microsoft wanted their colors, they could paint the sign those colors and Commissioner Barcus added and use white light; Commissioner Brandt agreed. Commissioner Barcus then indicated that he is fine with that, because apparently, we are going to ban internally-lit signs. Cari confirmed that is staff's recommendation.

Commissioner Brandt added that he would go with the sign maker's recommendation to limit it to two colors on lighting. Commissioner Mayer commented that we are really getting into the nitty-gritty. Logos are trademarks and if they have four or five colors, they aren't going to change it. We have a change in the teal arches for McDonald's, but that is not lit. Are we going to make a distinction between logos and signs that don't include logos? Three colors are fine with him on a sign, but for a logo, he doesn't know. It may be something to discuss as to if you can prohibit a company from using their logo on the building. Chair Losoff indicated that talking about a sign versus a logo is almost like splitting hairs and we could get into a real issue as to what is and isn't, and enforcement issues. We want to keep it simple.

Commissioner Cohen called for a point of order and asked if we aren't talking about two different things. We're talking about illumination and colors, and the question before us was two or three colors for the illumination, and the colors are a separate issue, so we need to make a decision on them separately. Cari agreed and pointed out that in the Land Use policy in the Community Plan, one thing was that we should have sign standards that provide diversity and prevent franchise monoculture corporate signature signs, but we are talking about lighting color, not signage color.

Commissioner Klein agreed with Commissioner Brandt and indicated that he made the right point. People can still have their logo on the sign in whatever colors; we are just talking about the lighting, so he agrees that two colors are sufficient for the lighting and he would go with Option 2. Vice Chair Levin stated that she also agreed.

Chair Losoff then indicated that staff is hearing two colors; however, Commissioner Cohen asked if the Commission was also going to talk about logos, because there were two separate discussions on the table. Audree Juhlin explained that basically as the Sign Code is proposed, logos are going to conform to our Sign Code in the final form. We are not giving any special exemptions for logos of corporations versus a mom and pop business. Everyone must play on the same level playing field and meet our Sign Code regulations. The Commissioner then asked if corporations have to give up their logo if a mom and pop store doesn't have one, and Audree stated no and referenced McDonald's teal arches if the regulations said that the sign colors need to be of a certain color. The current exemption in the Code says that if you have a corporate logo with more than three locations outside of the city limits, you can use your corporate logo. We're recommending eliminating that exemption and saying everybody has to adhere to the same requirements. Chair Losoff added that it was used with CVS as well. Audree Juhlin pointed out that another example was Starbucks that is typically white and green, and we talked with them about doing a metal brown color and they worked with us a little bit originally, but because of the exemption, they went with the white and green.

Commissioner Mayer asked if the City could be sued by a big corporation by not allowing their logo, and Robert Pickels stated that as long as we apply a reasonable and rationally-based code regulation, which is health, safety or welfare based, and we are talking about aesthetic regulations that are going to be evenly applied. It doesn't matter whether it is applied to a logo or some other component part, it is all the same basic aesthetic justification for the regulation, but we can always be sued for anything, although it can be justified.

Cari Meyer indicated that the next item is the onsite directional signs, which are typically seen in centers with a number of businesses. Our current Code doesn't allow these, but they are helpful and they are often needed to help direct vehicle and pedestrian traffic around a site. As we previously discussed, it is really dependent on the specific site as to how many are needed and at what locations, so in the draft Code, staff has indicated that each property gets one, but additional signs could be allowed through the Master Sign Plan process, which would allow evaluation of the appropriate number and locations, because we can't write a regulation that anticipates all of the different properties. Chair Losoff asked if there were any issues or comments or if the Commission was in agreement. The Commissioners had no comments and indicated agreement.

Cari Meyer explained that the next item is new. We are changing the way we are measuring the sign area to simplify it. As an example, Cari showed a picture of a sign that is not in Sedona and indicated that under current regulations, what is shown in yellow would count for the sign area, and under the new regulations, we are counting everything that distinguishes it from the wall it is placed on. As we talked to the business owners and sign makers, there was a concern that making that change to the sign area without looking at how big a sign could be, we would be not allowing signs to be as readable. The sign maker provided us with some examples, and we agreed that we need to look at some of those sizes to ensure that we are able to get signs that meet the goals of readability and legibility. There also is a concern about signs getting too big, so we tried to weigh that with the need for readability and legibility, and we are also trying to accomplish the Community Plan goal of having understated signs with a minimum visual impact, while making sure people can find where they are going. Staff's proposal is to increase the base sign area by 25%, so something that would currently be allowed 12 sq. ft. would go up to 15 sq. ft., and based on the examples, staff feels that is a reasonable increase and wouldn't allow signs that are too big, but would allow readability. Option 3, since the Commission is not requiring relief, staff would go back to recommending Option 2, because you would still be giving that bonus in sign area for the signs with relief. Additionally, we didn't increase all sign areas by 25%, just those lowest ones, so the 12 sq. ft. signs would go to 15 sq. ft., a 20 sq. ft. sign would go to 25 sq. ft., so there is an ability to increase it based on the business frontage, in order to keep the size in proportion with the size of the space. There wasn't any support for making the 50 sq. ft. maximum any larger and there are no readability concerns with that size, so we are keeping the 50 sq. ft. maximum, but we would recommend increasing the base by 25%.

The Commission indicated agreement that Option 2 works for them, and the Chair noted that there is a lot of head-shaking for Option 2, but noted that it is difficult for him, because at his age, the bigger the better, although we have to be aesthetically correct.

Cari Meyer then stated that the next item is window signs, and we had discussed the lifestyle graphic signs that cover a window, but don't necessarily have a sign, and the input from the Commission was that you wanted feedback from the Police Department as to whether or not it was a public safety concern. Police Chief McGill stated that as they patrol, they need to be able to see into the stores, and he supports the 25% limitation on the coverage of windows no matter what the content is, so you don't have to be concerned about whether or not it is a sign, and that is what staff is recommending. The Commission had no comments or questions, and Chair Losoff indicated that he appreciated staff following-up on the Commission's request for feedback.

Cari indicated that landscaping around a sign is the next item to discuss, and she explained that we currently require a landscape area, but it doesn't specify any planting, so the landscape could be gravel, cinders, rock or bark. In previous discussions, the Commission expressed concerns regarding water conservation, so staff looked at that and the City's landscape standards were based on water conservation goals and objectives. There was an advisory committee in place at that time and the Code was adopted based on their recommendations. Additionally, we have our native and adaptive low-water plant list, and once those plants are established, they survive on the rainwater, so there shouldn't be ongoing irrigation concerns beyond the three to five years needed to get the roots established. Irrigation systems are designed to be turned off after that period of time; therefore, staff is recommending a requirement for plantings around signs.

Chair Losoff indicated that in the Appendix of the Design Review Manual, there is a list of all approved and prohibited plants. Commissioner Klein then referenced articles that say the Southwest is in a long-term drought in spite of the good winter we have had. Obviously the area around signs would look better with Option 3, but he is more concerned about the water issue. It isn't absolutely necessary to use water on these plants for three to five years, so if you want to increase the overall size, that would be okay with him, but he wouldn't favor requiring any planting that needs water.

Commissioner Cohen indicated he also is interested in water conservation, so his question is about businesses that spray in the summer to cool folks off and that is terrible in two places. Chair Losoff noted that we want to stick to signs, and the Commissioner then said that the second has to do with the fact that we change the nature of the air and precipitation in a desert. He then asked how we regulate that sort of thing and does that fit under a Sign Code, because in a sense, it is a sign depending on how you want to define it. Chair Losoff stated that is stretching it and the Commissioner commented that he stretches. Robert Pickels stated that wouldn't be aligned with a Sign Code, and the Commissioner then stated that he agrees with Commissioner Klein.

Vice Chair Levin indicated that she would err on the side of planting with the recommendation that staff provided, and that the naturalization will take place and the monument signs will look nice and will have adaptive and desert landscaping around them.

Commissioner Brandt indicated that a new building would have its own landscape plan, so a question would be if this would or would not pertain. Cari explained that for a new building the development standards require street frontage landscaping, and they will typically place a sign in an area with landscaping as part of that requirement, so there is typically no additional landscaping required for new buildings. It would typically be for existing buildings and sites that are redoing their signs. Audree Juhlin added that it might send a conflicting message too, because they would be subject to this as far as a sign is concerned, so we are saying that the streetscape needs to be landscaped, but around the sign, you don't have to because of water conservation, so we would be applying this Code even for new development and the rest of the street frontage requirements would remain in place, but the sign would be subject to some different form of landscaping requirement. Commissioner Brandt then indicated that it would seem that you would just apply the landscaping everywhere and you have plantings around the sign because of landscaping codes, and if that is the case, is this in addition to those landscape codes or is it actually because people don't want. . . Cari explained that this typically comes up when there is an existing site that is redoing their monument sign and doesn't have landscaping, but they aren't redoing the parking lot, so we can't apply the parking lot landscaping. Audree Juhlin then added that when a new development comes forward and the Sign Code says you don't have to have landscaping around the sign, they can adhere to that regulation, so you can't say that in their case we want landscaping around the sign.

Vice Chair Levin noted that if most of this arises with redevelopment, there may or may not be water in the area, which may be an additional expense in adding landscaping. Cari indicated yes, typically landscaping would require some additional expense. Commissioner Brandt then indicated that if there was already water there for plantings, it wouldn't be an issue, but if there isn't, it is going to be a big deal, or they will plant stuff that is going to croak in the middle of the parking lot. The Commissioner then indicated that since there is already landscaping for new buildings, maybe the whole thing should just rely on the landscaping requirements for new buildings and not worry about old signs.

Chair Losoff asked if the Commissioner was going for Option 1, 2 or 3, and Commissioner Brandt stated Option 1, leave the Code as currently written – at least you have gravel around it. Commissioner Mayer also stated Option 1. Commissioner Barcus explained that his reason for recommending Option 1 is that if you plant shrubs, you need a taller sign and if the idea is to minimize sign size, then plants in front of the sign means the sign necessarily has to be larger in terms of its height, so it seems counter-intuitive that if we want smaller signage, we shouldn't require landscaping. If people want landscaping, it should be acceptable.

Audree Juhlin then asked if there is consensus for Option 1, and Commissioner Klein stated that is fine. Chair Losoff noted that he would vote for Option 3, and Vice Chair Levin indicated that she was changing her vote from Option 3 to Option 1. Chair Losoff then indicated he would be the only holdout, so it is six to one for Option 1.

Cari then indicated the next item is drive-thru menu board signs and we don't have regulations on them, but we had heard from the Commission that you are interested in hearing from the community. Staff heard from the community that they don't have a great concern and don't see this as a common type of sign, so they think we should mirror what has been done in similar communities. The language in the draft Code was put together by looking at other communities and taking the most conservative regulations, so staff is recommending that it be adopted as currently written. The Chair then commented that it wasn't a big issue and Cari agreed that it didn't seem like it when staff talked to people. The Chair then asked for any comments or questions and there were none, so he said he thought the Commission was okay with it.

Cari indicated that the next one is new and came up during a walking tour of Uptown regarding the issue of under canopy signs. People on the tour were supportive that these signs count for a different square footage. . . The Chair interrupted to ask who was on the tour and Cari explained that tour was with Uptown business owners, and one thing they pointed out is a lot of buildings are older buildings and the Code requires an 8 ft. clearance from the bottom of the sign. Some of them can't get an 8 ft. clearance, so they asked that we consider a different clearance based on the design of the building, so they can have some signage in the pedestrian walkway that points to the business. Therefore, staff is recommending that based on the design of the building, the Director would be able to approve a 7 ft. clearance, which is a little taller than the height of the average door. One person indicated that a 7 ft. person is probably used to ducking, so hopefully, people won't hit their head, but it is to give a little more flexibility with those signs. Chair Losoff asked for comments or issues and there were none. He then indicated the Commission was okay with that.

Cari stated that we had discussed temporary banner signs that each business is allowed on the premise, and staff had recommended a maximum of 20 days per year with five days per permit, and the Commission had indicated maybe 25 days per year, so this is drafted from what the Commission said last time. The Chair asked if this will be an enforcement issue and Cari explained that we currently have a permitting system and they apply for a temporary sign permit. We check how many permits they have had that year, and if they have a permit available, they are approved and get a sticker that goes on the sign with the date, so Code Enforcement can tell if it is permitted. It would be the same process; we would just be looking at a different number of days.

Chair Losoff asked if there were any questions or issues, and Commissioner Barcus indicated that he confirmed with Cari that this only applies to on-premise temporary signs that require a permit. The Chair then added that he thinks the Commission is okay with this. He then asked if in the next one, #10 could be eliminated and combined with #9, and Cari explained this is a little different type of sign. Currently, our Code allows promotional, grand opening, and going out of business signs, and we combined all of those due to some content-neutral concerns. Eliminating the grand opening type of sign could hurt a business. Oftentimes, the sign is the last thing a business will do before. . . The Chair interrupted to say he wasn't suggesting that – just have one category for temporary signs including those. Cari stated that staff is proposing looking at them a little differently, because the concern was if their permanent sign is not ready, they should be able to put something up on a temporary basis until the permanent sign is done, so we looked at doing that in a content-neutral manner by tying it to the issuance of the Tennant Occupancy Permit and their Certificate of Occupancy, to allow 30 days for a temporary sign, so it is a little different than the temporary sign allowed on an annual basis.

Chair Losoff noted that they would have to conform to the standards; some of them just fly in the wind and look pretty tacky. Commissioner Cohen asked if that includes going out of business signs and Cari stated no; if they were going out of business, they could use the temporary signs they are allowed. This was specifically to address the concern about not having a permanent sign yet.

Commissioner Barcus stated that he didn't understand the cycle time for ordering signs, but he would imagine that you can't order a sign and have it delivered tomorrow. He wants to encourage new businesses to order their signs early, so they get a permanent sign up, but if the cycle time is 60 days and we are only allowing a grand opening sign for 30 days, then we have a mess. He

thinks 30 days is good, but if the sign falls off of the truck on the way to the business, he wants the Director to have the ability to extend this for another 30 days, so we don't have a business without a sign; however, he doesn't want an incentive for businesses to order their sign at the last minute. Chair Losoff indicated that the biggest issue is that sometimes the sign maker, business owner and architect are trying to agree on what the sign should look like and we get into some legal problems.

Audree Juhlin indicated that she agrees with both the Commissioner and the Chair in this case. We can handle that by saying you can't have this new business sign if your permanent sign is already up. We can create language that states that as long as you're in the process of getting the permanent sign, but not both at the same time. Commissioner Barcus noted there is a conflict and some of the vinyl signs are artfully done, but we don't want temporary vinyl signs up for 60 or 90 days, because they forgot to order their sign. We just need to be careful with how we do this to provide an incentive for a permanent sign.

The Chair then asked Commissioners Brandt and Mayer what they think about ordering the signs upfront, since they are in the business. Commissioner Mayer stated that wouldn't be his business, but if the sign falls off of the truck, he is sure the City could accommodate that. Commissioner Brandt stated that is not part of his business either, but he would go with Option 2. Vice Chair Levin also stated Option 2 and Commissioner Cohen indicated he was thinking about what Commissioner Barcus stated, so he would go with Option 2. Cari explained that there is not really an Option 1 and Option 2, so she is assuming when you say Option 1, it would be don't do anything and Option 2 would be the recommendation up there. Chair Losoff stated that there was consensus on Option 2, and you also are hearing discretion on the Director's part to deal with some of the issues Commissioner Barcus brought up. Audree Juhlin stated that if staff has that direction from the Commission, we can easily add that language, and Vice Chair Levin indicated that the Department Head has that discretion administratively anyway.

Cari then indicated that we are ready for #11 about real estate lead-in signs. Chair Losoff stated that we have two cards from the public and asked the Commissioners if they wanted to hear from the public first or let Cari continue. Vice Chair Levin suggested letting Cari speak first, and then let the public speak.

Cari explained that real estate lead-in signs are considered off-premise signs, because they are directing traffic to a location other than the property they are on. Currently, the Code prohibits off-premise signs, but gives an exemption for lead-in signs for open houses and garage sales; however, this exemption is not content neutral. As staff looked at this, the potential for sign proliferation and to keep something we have now, we would essentially have to get rid of the prohibition and allow all businesses to put up off-premise signs, although we can regulate size, location, etc. Audree Juhlin clarified that it is not just all businesses; it is that all businesses and property owners would have the off-premise allowance.

Cari then added that due to the potential for sign proliferation, aesthetic concerns and enforcement concerns, the recommendation is to prohibit all off-premise signs. We called a couple of other communities, Flagstaff and Gilbert that was the one that spurred the Supreme Court case, and they prohibit off-premise signs. Our Sign Code process was already underway when the Supreme Court opinion was issued, and the two cities have already updated their Code for this. If we go forward, just because Phoenix would allow something doesn't mean that Sedona should allow it. You also have to keep in mind the directives in the Community Plan about signs not having a visual impact and being understated, etc.

Cari explained that staff met with local realtors and they obviously were very concerned. You saw a number of emails that were sent in the last week. There were about 15 emails from realtors asking not to prohibit open house signs. Again, we can't say an open house sign is okay, but a business sign isn't; it needs to be content neutral based on the Supreme Court opinion. Commissioner Mayer asked about the difference between an opinion and a ruling, and Robert Pickels explained that it really means the same; it is what we are bound to follow. Cari continued to say that they had

proposed a permit system that allowed all residential properties, commercial businesses and organizations. . . Chair Losoff interrupted to ask if this was a pretty good representation of the realtors, and Audree Juhlin explained it was a meeting. The Commission had asked if staff could meet with various organizations, and we held a meeting specifically for realtors and they basically said that having nothing is not an option. They have to have some ability to have off-premise signs, so we asked what that would look like and, in a brainstorming type session, they came up with this idea as an option to allow off-premise signs.

Cari indicated that it would essentially set a number of days per year and a number of signs per permit, so maybe seven times a year you would have three signs of the height, area and no illumination. They also requested an online or over-the-counter process with a price range of \$2 to \$5 per permit. In considering this, you should keep in mind that there are over 7,000 residential properties and over 800 commercial properties in the City, and many of the commercial properties have more than one business on them. If each one were allowed that number of days, there is the potential for sign clutter with a negative aesthetic impact, and it will be difficult to enforce and require additional resources such as staff and permit-tracking software to put the system together as they described it. Additionally, the only group that weighed-in was the real estate group, so there is concern that this didn't come as a proposal from the business community as a whole, so there is concern that it could be an inequitable approach. Audree Juhlin added that she has talked to businesses off of the highway and they would love to have every Friday night or this ability once a week, so seven days would be too limiting for their needs and they would want at least once a month or more.

Commissioner Cohen stated that some businesses are doing that now and asked if they are out of compliance. Cari indicated yes, and then pointed out some pictures and stated that yard sale, garage sale and real estate signs are currently permitted, but they still are an enforcement problem because of where they are placed. Most people don't realize that the ADOT right-of-way goes about 30 ft. back from the road, and we can't permit something to be placed in ADOT's right-of-way. She then pointed out one picture of the City's truck showing signs that were placed incorrectly on Friday morning and another picture showing a couple of open house signs in ADOT's right-of-way as well, so there are a lot of enforcement problems, and the realtors come in to collect their signs and there is a lot of education that our Code Enforcement Officers try to do. So if every business and residence puts them up incorrectly, it would be a very time-consuming code enforcement effort.

Chair Losoff opened the public comment period at this time.

Ron Volkman, lives about 15 miles out of Sedona: Mr. Volkman indicated that he moved to Sedona in 1974 and lived here for 28-30 years, but he is the Government Affairs Director of the Sedona-Verde Valley Association of Realtors, and he might petition you for more time. The Chair noted that the Commission is pretty strict about the three minutes, and Mr. Volkman stated that they understand the Gilbert court case and the ruling; they understand it puts the City in the all or none situation on signs. Based on what he is about to tell you, maybe this section for real estate lead-in signs would end up being renamed to off-premise temporary portable signs. They are asking that the City's Sign Code be changed to allow all temporary portable signs for non-retail business and individuals, with some reasonable rules. What arguments support their request? Number one, the Community Plan even talks about it. Is it lip service or is it real – small town atmosphere; these kinds of signs they are asking you to allow would be open house signs, garage sale signs, estate signs and special music and event signs that are portable. The Community Plan also talks about economic diversity, "The long-term health and prosperity of people, resources and the economy will be a consideration in all decisions."

Mr. Volkman then indicated that he wanted to describe how it works in real estate. On Thursdays, there is a realtor open house tour and that is when anywhere between 10 and 25 homes are on tour in West Sedona. Then, there are open houses that realtors themselves hold any day of the week or on the weekend, and that is why it is a big deal to their industry. By the way, the major brokerages in Sedona have reported to him that between 15% and 18% of their annual sales are

open-house generated. It is a big economic factor to them. Number three, these signs are for far more benefits and advantages to the community than negatives or disadvantages. There are lots of other exceptions, such as churches, open studios, special events, film festival, jazz at the Episcopal Church on S.R. 179 and See's Candy. It goes on and on and on and it has been part of life since he has first been in Sedona. Number four, there is no evidence of a real blight or dangerous abuse caused by these signs.

The Chair asked him to end at this time.

Mr. Volkman continued to say it is just not a legitimate problem. Here is the proposal on how to fix it. A-frame sign designs, weatherproof signs, so you don't have paper blowing, 7:00 a.m. to 7:00 p.m., the ownership and contact information of the sign would be tagged on the sign, so staff could bust them or just take the sign down if there is no contact or ownership information. They are not favorable to a fee procedure; otherwise, every Thursday, 25 realtors will be marching over. It is not a necessary bureaucratic need, and no illumination.

Chair Losoff asked Mr. Volkman to give his recommendations to staff and the Commission will get copies of it.

Erin Estes, with the SVVAR Board: Ms. Estes indicated that there are a couple of things these directional signs also do that they wanted to be sure the Commission is aware of. Now that we use so much online services to direct people to the tours, these directional signs help people safely get there. She is used to watching those signs as she gets to tours as well, so there is a small safety factor that she would like for you to consider. The open house signs are really a tradition. Before incorporation, when she came to Sedona she saw open house signs and would visit realtors, and when the incorporation came, she worked for the City of Sedona for ten years and understands what you are doing, but this is a tried and true tradition with these signs, specifically the realtor signs, so she would ask that you also look at the sense of place that this creates and the sense of continuity from years gone by. Thank you.

Having no additional requests to speak, the Chair closed the public comment period at this time.

Chair Losoff noted that unfortunately he doesn't think there is any one or two individuals that speak for all of the realtors. Tonight, we heard some disagreements with some of the things we heard earlier, so we have the question about off-premise signs.

Commissioner Brandt stated that there is a lot to be said for creating goodwill within the community and there is going to be a lot of people that have yard sales, etc., and are going to put up signs and discover no one is there, because the sign is gone, and why is that? Does it meet the Sign Code? It seems there is a way to have a win-win situation. He occasionally works with realtors in both directions, and he has come to the conclusion that they are the ambassadors to Sedona in a lot of ways. They are the first people that people moving to town meet so keeping goodwill within the City of Sedona is to have the people introducing new residents to town, speak of the town in the best possible way. There are a lot of reasons why we need to find a solution. To him, he knows we can't legislate on the content, but we do have other sections that restrict by location, for instance Section 1111 says that permanent signs and in parentheses (residential district), so if there was some way to say that we can have these temporary signs within residential zones, but not commercial zones, it would seem to be a win-win situation. Is that possible?

Robert Pickels explained that we need to focus on two legal issues. One is that we are talking about the content of a sign and that is a read issue that we can't regulate. We also have to be cognizant of an equal protection issue. We can't discriminate or distinguish between one classification of individual who can have a sign versus another that cannot, unless there is a rational basis for that, and he doesn't know that we can establish that. He hasn't heard anything that could support a justification for a legitimate interest that has to be promoted by differentiating between one classification that can have a sign, such as commercial versus residential, etc.

Commissioner Brandt indicated that you can say that you can't have a sign in a residential zone, according to Section 1111. You can't have signs on premises in a residential zone; and that is part of the proposed Code. Audree Juhlin explained that it is correct that we say that in commercial zones, it is her understanding that we can regulate based on zoning areas, but in this case, you are saying in a residential zone off-premise signs would be allowable and that off-premise signs would not be allowable in commercial areas. Commissioner Brandt indicated that is correct and Audree then added, nothing on the highway and S.R. 179, but into the neighborhoods is what the Commissioner is proposing. Robert Pickels asked if that is for all purposes, and Commissioner Brandt indicated that it is a way to get a win-win situation, so for all purposes, would you have a sign in a residential zone that would be promoting a commercial business somewhere else? Is that likely to happen? Vice Chair Levin stated no. Commissioner Brandt then indicated could it happen, sure, but is it likely to happen, no. Is someone going to put up a yard sale sign on the highway in a commercial zone, yes, but he has seen them driving on Thunder Mountain where it shows it going down the side streets, so it seems that as long as you get in the right neighborhood, the sign says it is that way. It is also easier to patrol the highway as opposed to going into the neighborhood, because a lot of people will put up signs anyway.

Chair Losoff indicated that Commissioner Brandt is asking if there is some kind of win-win situation that could be achieved, and he liked the comment about goodwill, but we can't say that is a good reason to make it discriminatory. There is a reasonable factor that the goodwill was there for many years, and if we start to play with that it could interfere.

Commissioner Mayer commented with churches too; they put the A-frame signs right on the highway on Saturday and Sunday and in the roadway. Robert Pickels pointed out that was the *Reed* case. Chair Losoff then asked Robert Pickels to describe that case, and Robert Pickels explained that was a church in the town of Gilbert that had a temporary sign, and the town of Gilbert prohibited that, and it was determined to be a content-based regulation that the Supreme Court said you cannot do. Commissioner Mayer then stated that we have them here too; he sees many church signs out there, so what is wrong with that? Nothing. There are a lot of visitors looking for a church. Audree Juhlin explained that under our current code, they would not be allowed. Commissioner Mayer stated that he is personally interested in the yard signs, because they are ugly, so what about having a permit for yard signs too and a restriction in A-frames, rather than a carton out there. Charge a fee. Audree Juhlin indicated that what the Commissioner is saying is to allow any off-premise sign anywhere under certain standards, and the Commissioner stated correct, under certain standards, a fee, and they have to be regulated with a certain form as well, so they don't fly all over with a rock in there and it is aesthetically pleasant.

Commissioner Barcus indicated this has caused him more angst, and he has been paying attention to not only what everybody has been saying the last couple of meetings, but he has also talked with a couple hundred people in the community about this, and it reminds him that we are Commissioners appointed by the City Council elected by the residents of the City of Sedona, and most of the realtors in Sedona are City residents as well, and for some of the things that Commissioner Brandt was describing and some of the things we heard in the testimony today, this is a very important part of our community, so he has been trying to deal with the all or nothing. He didn't come up with the clever suggestion that Commissioner Brandt came up with to prohibit these signs, except in residentially-zoned areas. If we are doing all or nothing, he would support all businesses and all residents having signs, but those signs would need to meet some quality standard that should be established. He doesn't like the cardboard boxes, although he talked to at least a dozen people who think that it is part of the charm of Sedona as well, so he doesn't know where we are in terms of . . . but, if we are in the all or nothing choice, we should respect the residents of the City of Sedona and the businesses that operate here and allow temporary signs off-premise, not in the right-of-way.

Commissioner Klein stated this is the most important issue in the Sign Code, and he has tried to look at the arguments on both sides. If you bar these signs, it will have a significant economic impact in Sedona. When Mr. Volkman spoke, he didn't address this, but he can somewhat do it.

He always tells people he is an attorney, but he was a licensed California real estate broker for 38 years, and he has held open houses. His wife is currently a real estate agent here, and he goes to every open house with her. He can tell you, and he doesn't know the percentage, but a lot of people who come to open houses do so because they are driving down the highway and see the open house sign. If those signs aren't there, then we will have a percentage of people who won't come to the open house. Mr. Volkman said that 15% to 18% of sales are generated from open houses. Let's look at the real estate industry in Sedona, it is one of the largest employers, one of the major contributors to economic activity in Sedona, and it is one of our most vital industries. It doesn't just employ real estate brokers and agents; you also have appraisers, home and pest inspectors, mortgage lenders and contractors of all types, so if you outlaw these signs, it will lessen the amount of real estate sales in Sedona, which will have a negative impact on all of those professions. He doesn't know how many millions of dollars we are talking about in all of those types of jobs in Sedona, but it has to be pretty significant. If you are doing away with 15% to 18% of those sales, you are talking about a lot of money being lost. If you want to do away with all of these signs, that is a key point to consider.

Commissioner Klein then referenced the garage and estate sales and indicated that a very high percentage of people going to garage and estate sales show up because they are driving down the main road and see those signs. If you don't allow those signs on S.R. 89A and S.R. 179, you are going to have less people going to garage and estate sales, so the people holding those sales are losing money. The same also would apply to open art studio signs.

Commissioner Klein stated that on the other side of the coin looking at staff's reasons for recommending that we outlaw these signs -- may contribute to excessive sign clutter, may negatively impact the aesthetic beauty of Sedona, may contribute to sign litter when improperly constructed or use flimsy materials – of course that can be regulated, may negatively impact quality of life by taking away from appearance of streetscape. In every one of those reasons, the word "may" is used and that doesn't mean it is definitely going to happen; could it happen, sure, and are these valid points, yes. The final point was it would be difficult to enforce, so as he looks at this, there are good arguments on both sides of the issue, but when he weighs which is more important, it is much more important to him to not potentially negatively impact this economic activity in Sedona. That is much more important to him than any potential sign clutter, and if we vote to allow these signs, it doesn't have to be permanent. We could allow these signs and in a year or 18 months or 2 years see what has happened. Have we created a huge problem with signs? Whereas, if we say we are going to outlaw these signs now, any negative impact generated on economic activity in Sedona cannot be undone. The negative impact on the economy of Sedona far outweighs the potential problem with signs, so he is in favor of allowing these signs wherever they can be, and frankly, he doesn't know how concerned ADOT is, but signs along the main highway are what get a lot of people to these types of events.

Commissioner Cohen stated that he agrees with the all that Commissioner Barcus and Commissioner Klein were talking about, but he has a different viewpoint about why. Seven thousand residential properties – the real estate folks are selling, but what are they selling? They are selling residents' homes when residents wish to or must move, and they are providing an essential service to how the community functions. The basis of the economics that Commissioner Klein pointed out is an excellent position, but he would expand that by saying the service provided to the residents is as important or more important, and that is what the real estate agents do; that is why they are called agents, because they represent the people for whom they are selling.

Vice Chair Levin stated that the signage that the real estate industry uses to attract people and safely guide them to open houses and to homes for sale is really important to preserve. Right now, signs can't go in the right-of-way where they would be in violation anyway, and that would be true of open house signs, real estate signs or garage sale signs, so that is already a compliance issue taken care of by ADOT right-of-way. She sees that as a non-issue, and she knows that realtors will put them at the intersection of S.R. 179 and S.R. 89A, and that now is in violation. Once they get into the neighborhood, it is important to direct people, but along with their online and print marketing

budgets, it is a really important marketing tool for their profession and potential residents of the community. The biggest question is how the 840 commercial properties would potentially impact streetscape with three off-premise signs seven times a year. What might they try to do with this door opening?

Audree Juhlin indicated that you will see a lot of interest in this. She is already getting calls and has been since she has been a City employee. The ability, especially for off-highway businesses, to have more of a highway frontage appearance is really important to their business plans, and they have been asking for it for years and years, so you will see that, and with regulations allowing for all, if Basha's says yes and they have a lease program for space, you could have a potential for a good number of those businesses located somewhere in the vicinity off-highway to have signage there. Another important point is that home occupations would also like to take advantage of off-premise signs, so whatever their occupation is – an accountant, massage therapist, etc., they are also asking for the same allowance and you will see those as well. Part of the concern is if we are opening it up to all, where does the readability come into play when you may have ten signs on one small site and everybody is putting their sign in front of others. When she was appointed in 1994 to head up the Sign Code one of the biggest issues she was charged with was to figure out a way to reduce the clutter, and that will resume with this. She has already seen it once.

Vice Chair Levin then asked if some percentage of the 800 properties are not along the highway and staff's greatest concern is that those that are hidden now, like El Portal, need to have a better way to direct traffic and potential guests to their hotel, so it would be that type of commercial use that would most want to utilize an off-premise sign seven times a year. Audree Juhlin stated yes, an example would be the Contractor's yard area. There are probably several hundred businesses in that general vicinity and all of them would love to have some signs on Coffee Pot or closer to the highway . . . Vice Chair Levin then interrupted to say that those signs would have to have a private property owner consent and they could not be in an ADOT right-of-way or in the right-of-way along Coffee Pot Drive; however, Audree Juhlin clarified that the way the Code is written now, they couldn't be in ADOT's right-of-way, but could be in the City's right-of-way. The Vice Chair then commented that they would have to get an ADOT permit; however, Audree explained that ADOT does not allow them period, and we do the enforcement for ADOT. They also do their own enforcement and come through at least once a week. Vice Chair Levin asked if she is missing something about where these signs would be placed. If they can't be in the ADOT right-of-way, they would have to be on a private property with consent. Audree again explained they could be on private property or the City's right-of-way.

Chair Losoff referenced a neighborhood where there is a local seamstress who would like signs on the corner surrounding her neighborhood. The Vice Chair noted that she would need private property consent; however, Audree added unless it is in the City's right-of-way. The Chair noted that he is also aware of another business in another neighborhood that is chomping at the bit to do something like that too.

Audree stated that she wanted to expand on the enforcement. As Cari pointed out, off-premise signs are not allowed with two exceptions, garage sale and open house lead-in signs. We really don't have a lot of issues off of the highway, most enforcement is along the highway and we go twice a day and fill up the truck. This will expand the enforcement area to be in the neighborhoods to ensure that they have the permits, if we have a permitting process, because that will be a great enforcement concern, unless we don't have a permitting process and you can do as many as you want per year.

Chair Losoff indicated he had also had angst and he wants to fully support staff on these recommendations, but listening to some of the comments tonight, he thinks Commissioner Brandt has a major point about goodwill. We don't want to alienate a major portion of our businesses that do good things for the City, but on the other hand, he doesn't want to see a proliferation of signs, so he is kind of in-between, and yet whenever he goes to dinner parties and social engagements, and not with realtors, why are we talking about signs – what is wrong? They like the community

characteristic of signs, so he hears that a lot, like worry about traffic, not signs. Commissioner Cohen interjected that with the traffic, all of the signs out there give people something to read while they are waiting.

Chair Losoff indicated that it sounds like there is going to be consensus for all as opposed to nothing, but is there some way to come up with some compromise that would be like a win-win? Commissioner Brandt and Commissioner Mayer mentioned a couple of things, so is there room for something? Robert Pickels stated that all he can tell the Commission is that all of the municipal attorneys have been trying to come up with an acceptable compromise, and he is talking about all 91 municipalities, for the better part of the last two years, and they have not arrived at any compromise solutions, so we are talking about legal minds that are a lot better than his that have been considering this, and there has not been a compromise identified that will work. That is why it has been characterized as an all or nothing proposition. Chair Losoff indicated that Commissioner Klein pointed out the economic piece and from a few of the retailers he has talked to, they have said there is a changing face that more and more people looking for homes are relying on the Internet with pictures and not necessarily the open houses or for sale signs. We also have to keep in mind that we are not eliminating all signs; we're saying off-premise, so if you are driving in a neighborhood you will still see a for sale or open house sign on the property. So again, he is in-between on some of those things. He knows what staff is trying to accomplish, but he is torn and kind of leaning the other way. He wishes there wasn't an all or nothing, but we have heard from just about everybody and we would prefer . . .

Commissioner Mayer interrupted to comment that if it hits home one of those people who are against all of those signs and wants to sell that house and there is no sign out there, so their sale will take a lot longer. If it hits home, it is a different story. If he has a garage sale and he can't put a sign out there, he puts an ad in the paper and puts it on the Internet if possible, but nobody shows up, because they cannot find it. There are a lot of people coming to town over the weekend, and they enjoy going from garage sale to garage sale, because they are looking for a find. If they don't find the place, he is going to be sitting there all day. It is unfair to say it is all or nothing, but that is what the law says and if the yard sale signs are going to be in the regulated form, it would be a lot better looking too, because most people are upset about the cartons, the green and yellow signs sitting with a rock on it, although some people say that is the small town flair, but he doesn't like it either. Something has to be done, so people can find the place where they want to go.

Chair Losoff indicated that he doesn't know if we have time for all of this research, but a neighbor of his had a garage sale not too long ago and did not put signs out, except in front of the house and put an ad in the paper, and they were inundated with shoppers, so there were no signs and the ad in the paper is what drew them to the garage sale. He also knows people who have bought houses by going online without looking at signs. On the other hand, the 15% to 18% that Mr. Volkman mentioned is a big number in terms of sales. When it is all said and done, is he getting the flavor around the table on all or nothing? Other Commissioners stated all, except Commissioner Brandt added all with zoning district restrictions and Commissioner Barcus stated all with sign quality restrictions. Chair Losoff then stated that we are hearing some criteria that signs aren't just cardboard, etc. Audree Juhlin stated that we have consensus and staff can write the quality standards for the Commission. The next question is how many times per year or does that matter – can they have them 365 days per year?

Chair Losoff asked if this is going to be an enforcement issue and Audree Juhlin indicated that if it is going forward, staff will be making recommendations that additional staff and software programs will be needed to administer this program. The Chair indicated that if we are saying all or nothing, do we even need to regulate the number of times? It would seem if it is all or nothing; it is all.

Commissioner Barcus stated that we should regulate the time of day they can be displayed; however, Commissioner Brandt asked if it is just residential, why you would need to have a restriction like that. Why can't it just be in the residential zone? If you can have restrictions in the S.R. 89A Character District, permanent signs allowed in the residential districts, and permanent

signs in special use, community facilities, transitional and parks & recreation districts, why can't you have signs in the residential districts? Robert Pickels explained that the distinction is that those regulations are all germane to that district. There is a rational basis to have that list of regulations for those particular districts and those types of uses within that district. We're talking about something much more broad; however, the Commissioner stated no, it is germane to residential real estate sales, yard sales and estate sales – and what were the other things that were allowed, they were all residential.

Robert Pickels indicated that he is not sure that he follows the alignment of the argument. The Commissioner then stated it is a residential district and you are allowing residential uses. Audree Juhlin explained that there are also home occupations, so there is commercial activity and you also have short-term vacation rentals that have been contacting staff for their B&Bs to have off-premise signs, so you do have commercial activity in residential areas. Commissioner Brandt commented that if they are temporary and a few days a year or whatever. . .

Chair Losoff indicated that since there was a strong consensus, he didn't want to get into an argument for not doing it, but we don't have CC&Rs or a homeowners' association, and he knows that there are at least four B&Bs going on very close to his house, and at least two of them would love to put up signs in the neighborhood, not on premise, and he doesn't want to see all of these things going on. Commissioner Brandt then interjected to have a timeframe, and the Chair continued to say that if we are going to say all or nothing, it is all or nothing and we are opening the door for a lot of stuff. If we approve it, as Commissioner Klein suggested, maybe we put a sunset on it to look at it again in a year to see how it is going and to give us a chance to track if technology is taking over yard sales, etc., so these signs aren't needed as much.

Audree indicated that her question to the Commission is, with the understanding that the consensus is to allow for these types of signs, does the Commission want a permitting process or would these signs be allowed by right with no permit, under certain standards? Robert Pickels added that just because you are allowing all off-premise signs doesn't mean you lose the authority to regulate how they are displayed. You still have the ability to regulate aesthetics and it is critical that you do that. Audree asked in addition to that is there any timeframe – is there any limit or is it every single day, because then maybe it is not a permitting process. We would just pull signs that don't meet the quality standards.

Chair Losoff indicated that he is aware of at least one household that has a garage sale about every other week, and he is sure that goes on in a lot of neighborhoods. Vice Chair Levin asked if it is possible to do permitting online and would that be helpful in reducing staff time. Audree Juhlin explained that permitting online would be possible, but we would need the software program to do so, plus the capability to take the funds. The Vice Chair then asked if it would be reasonable to regulate certain dimensions, and Audree indicated that we could have dimensions. The Vice Chair asked if that would be applicable across the landscape, because with content-neutral that 3x4 or whatever could be used throughout the community. Audree explained that is where we would probably request another staff person for enforcement of the neighborhoods. The Vice Chair then asked if that would be as to exceeding the time in which they were up or the construction, etc., and Audree explained that if we are not talking about any time limitations, it would be the aesthetic quality standards established. Vice Chair Levin then indicated that may be another thing the Commission needs to determine in terms of the timeframe. She thinks there is agreement on how it should look and she likes the idea of testing it to see if it becomes a problem, which would probably invoke an entire review of the Sign Code, not just sunseting Section 1111. She is not sure we want to build in sunseting, but we certainly want to be able to see, like ADUs and other things that were new, if the legislation put in place can be effective and if we saw enough into the future to see if it was going to be a detriment to the community or not.

Commissioner Klein stated that if we are going to do all, he would be in favor of regulating the aesthetics of the signs, but not in favor of limiting them to just residential districts. Where it says one 24-hour period, he doesn't think that is necessary when you could limit it. When you are doing

an open house, most of them don't last longer than four or five hours and garage sales maybe eight hours, so you may limit the signs to no more than eight hours on any given day. Audree Juhlin explained that would be the biggest nightmare for Code Enforcement to determine when it went up and when it came down; it would be almost unenforceable. The Commissioner then asked, otherwise, what you are going to do, say they can be up all the time, and then you don't have to worry about Code Enforcement, and Audree stated, for that purpose. We would only be looking at quality standards.

Commissioner Mayer stated that he would just stick with the aesthetics and that is it, and Commissioner Klein indicated that he doesn't know that he is in favor of a permit process. Chair Losoff indicated that he understands that these are from some of the realtors staff talked to, but it doesn't necessarily reflect staff's recommendations for criteria; however, Audree stated no, the recommendations that we will be moving forward will be the no recommendation, but absolutely, we will move the Commission's recommendation forward as well. Chair Losoff stated that what staff is hearing from the Commission is pretty much a strong consensus for all with strict criteria for aesthetics, and whether or not we want to talk about frequency as far as how many times in a year or if we start to regulate how many times you can have an open house on one property, etc.

Audree indicated that the other question in moving this recommendation forward is how many off-premise signs per business or property do you want? Currently, it says three and that was part of the brainstorming session with realtors, so do you want three, and if so, we would recommend a permitting process so we know what three are associated with what, and we would probably want to include in that permitting process the identification of who the sign belongs to, so we have contact information, and that would need a permitting process. Chair Losoff agreed that is a very good idea and asked the Commissioners if they wanted to start to develop this policy or should it go back to staff to come up with criteria.

Audree Juhlin pointed out if it is sent back to staff, we want more direction in which to draft the language, because this is going to be the Commission's recommendation moving forward, so your direction needs to be pretty clear in what you want it to look like. Are we in consensus that we are not going to restrict the number of days per year that they can do the signs?

Commissioner Brandt stated that it should be restricted and asked what the current Code is now. Audree Juhlin explained that the current Code is no off-premise signs except for garage sale and lead-in signs with no restriction on how many times per year, so you can do it every day of the year, but you are limited to how long you leave the signs up and how many signs you have. Basically, the Code currently says that you need to take the sign down when your event is over. The Commissioner then asked if there are size requirements, and Audree stated that there is size, and we pulled the ones that Warren had on the screen from the current Code, so basically the square footage allowed maximum, height limitations and no illumination are already in the Code. Commissioner Brandt then asked if there is anything in those that staff would recommend changing, and Audree indicated that they are all very good standards, but we would need to add language for material and type of construction. Other communities actually provide the signs, so the City could provide the signs if you want to do this or the permitting process. Every sign would look the same, but you would put in your information; that is what some communities do and others say you can't have signs made out of cardboard or paper, it has to be a metal-type A-frame sign or similar to what we have now in the field.

Chair Losoff indicated that staff knows what the Commission is discussing and could come up with the criteria, plus staff has dealt with this for many years and has ideas of how to regulate it, now that we are going to the all. Audree Juhlin stated that staff would probably come back with a permitting process like with the temporary banners and signs that identify those that have been permitted or not, and we would recommend a fee higher than \$2 or \$5 per sign. We would also have to have the ability to have a time limitation on that permitting process, so we would probably have a recommendation on that too, whether it would be a month, a year, etc., there would have to be some expiration date for the permit. Chair Losoff indicated that his gut reaction is all of those

are reasonable, and the Vice Chair agreed. The Chair then added that we want to be careful that we don't price it too high, but whatever we can do to restrict would be good.

Audree Juhlin then stated that at the next meeting, staff will bring back some recommendations to address the Commission's recommendation. The Chair then stated that in the meantime if any Commissioners have any specific ideas to share, let staff know whether it is 20 days per year or no days per year, etc. Audree Juhlin then cautioned the Commissioners to only send those recommendations to staff, not to the rest of the Commission, to avoid Open Meeting Law violations.

Commissioner Klein asked about the thinking on limiting the number of signs per year, like the neighbor that does a garage sale sign every other week, so that is 26 times a year. If you put a limit on that, will that prevent the person from holding those garage sales? What if you represent a homeowner and want to hold an open house every week until the house is sold. When you represent a homeowner, your duty is to try to sell the house as quickly as possible. If you put a limit on how many times you can hold an open house, are you restricting their ability to get a sale?

Chair Losoff stated that the person who is having a garage sale every other week isn't having a garage sale, he is running a business. Commissioner Klein then said to go back to the real estate example. The Chair commented that if you have an open house daily, 52 weeks a year, then the house shouldn't be on the market. Audree Juhlin cautioned the Commission about developing standards just around the realtor profession, because that invites equality issues.

Commissioner Cohen asked, if a person is holding a garage sale, how many times a year they can hold a garage sale before they need a business license. Robert Pickels stated that he has no idea whether or not there is a distinction between the number of garage sales that trigger a business. The Commissioner then stated that there are people doing it every other week; he lives near them. Robert Pickels stated that there is a definition in the Code of what a business is. The Commissioner then asked if that needs to be investigated, because that would take care of one of the problems. Audree Juhlin pointed out that is not part of the agenda item; however, the Commissioner commented that it affects the signs. Audree then added that the number of garage sales per property is a constant complaint.

Chair Losoff noted that it is like home businesses. People have businesses out of their homes, so you see cars lined up around the houses. In terms of signage, staff is hearing the discussion and it would be better for staff to come back to the Commission with what you think. Audree Juhlin explained that staff won't be able to come up with a time limitation, the Commission needs to provide some parameters with which to do that.

Commissioner Mayer suggested thinking about it and coming back with the Commissioners' own ideas; otherwise, it fizzles out and will go back right to where it was. We are in consensus that we are going to allow that and leave it at that, and then come up with the details in order to implement it, including aesthetics, size and maybe how many times, but he wouldn't restrict it, because if somebody has a garage sale every week, he doesn't know how many times that is going to happen. If he has a truckload coming in to unload that is a different story, but people selling their goods in order to move on or get rid of stuff. . . Commissioner Cohen interjected that they are not going to do that every week or every other week.

Robert Pickels clarified that we were talking about semantics earlier. You aren't going to have a recommendation from staff; you will have options presented, because staff's recommendation is still going to be the same. Vice Chair Levin indicated that is understood, and Chair Losoff then indicated that for summary's sake, we're pretty much okay with the rest of the Sign Code. Audree Juhlin agreed that there is consensus on the rest of the Code, so for the next meeting, we will incorporate everything discussed tonight and you will see a final draft, and then we will present options. The quality standards are fairly easy to identify; the biggest one will be duration.

