

CAPITOL HILL RESTORATION SOCIETY

P.O. Box 15264 Washington, DC 202.543.0425

December 13, 2012

Ms. Alice Kelly, Manager, Policy Branch
Policy, Planning and Sustainability Administration
DC Department of Transportation
55 M Street, SE, Fifth Floor
Washington, DC 20003

Subject: Capitol Hill Restoration Society Comments on Proposed New Sign Regulations

Dear Ms. Kelly:

The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to offer comments on the proposed new DC sign regulations that were published on August 17, 2012. You and your team are to be commended for executing the challenging task of reorganizing and updating the city's sign regulations and working to bring them into a coherent and comprehensive whole.

We want at the outset to endorse the comments that have been submitted by the DC Historic Districts Coalition, of which CHRS has been a long-time member. We also wish to endorse the comments of the Committee of 100 on the Federal City, which has extensively studied, analyzed, and annotated the regulations with comments and recommendations. By endorsing these organizations' comments, we incorporate them into ours and will not repeat them. Beyond that, we have additional comments, which follow.

We understand that for the most part, the proposed regulations update and consolidate the city's current sign regulations into a single title. To the extent that they update the regulations, however, it would be helpful for citizens and business owners if DDOT would identify which provisions in the proposed regulations comprise new policy and/or the first codification of existing practice not heretofore in city regulations, so that they can be clearly understood and any prior application evaluated. There is at present no such clarification provided, which has hampered thorough understanding and analysis of the proposed regulations.

Chapter 6 – Signs on Public Space

In **Section 606, Freestanding Signs on Public Space**, we note that it appears that advertising signs which DDOT plans for the opposite sides of the freestanding map signs at Capitol BikeShare stations are not consistent with provisions in this section. Section 606 seems to assume all freestanding signs would be associated with, in front of, or very close to a specific business, whereas in fact DDOT itself plans for freestanding advertising signs at most CaBi stations. Sections 606.4(a) & (b) restrict businesses to freestanding signs no taller than 4 feet and no wider than 30 inches,

and 606.5 restricts parking signs to no more than 6 square feet, whereas an ad on the opposite side of a CaBi map would be about 5 feet tall and 3 feet wide. CHRS considers the freestanding sign size limitations in 606.4 and 606.5 to be very reasonable and questions why DDOT apparently plans to have freestanding ads in public space that would be exempt from these limitations. Indeed, we see nothing in Chapter 6 indicating that the ads at the CaBi stations would conform to these regulations. If a DC business is constrained by reasonable maximum sign sizes, DDOT should not give itself or its designee latitude to, in effect, violate its own regulations. In our view, the solution would be not to increase the size limits of freestanding signs in public space, but rather to rethink the appropriateness of having a DC agency clutter up public space throughout the city with large, intrusive, and distracting ads at CaBi stations.

Section 608.5 regarding Neighborhood Signs is also troubling to CHRS if such signs “that promote neighborhood identity” are meant to include historic district identification signs. The round signs denoting the Capitol Hill Historic District and other historic districts in DC were actually funded by DDOT grants, including monies for enhancements and performance parking amenities, and CHRS worked closely with DDOT on their creation and installation. These standardized signs were designed in concert with DDOT, in accordance with DDOT parameters, and were installed by DDOT on fixtures in the historic district. None of these signs meet the conditions set forth in 608.5, and some of them may still be awaiting installation. If these historic district signs were now banned by these regulations or subject to their strict limitations, they would all have to be removed, creating a huge waste of public funds and efforts. We really hope that is not the intent of this section. If not, these historic district signs should be explicitly exempted or grandfathered in by the new regulations. If so, we would like to meet with you to discuss why this DDOT-funded and DDOT-facilitated effort is now being repudiated and whether there’s any way to accommodate historic district signs as distinct from “neighborhood signs”.

Chapter 7—Signs on Private Property

We note in this chapter a number of instances where reference is made to a particular kind of District “as defined in the Zoning Regulations” or, in one case, as “fixed by the Zoning Regulations”, and there are probably additional instances in other sections of the proposed sign regulations. Such reference is made to Commercial and Industrial Districts (708.1 & 712.1), Residential Districts (713.5 & 724.1) and Special Purpose Districts (724.5). Since the Zoning Regulations are undergoing considerable revisions and will be issued anew in the not too far distant future, we suggest that all such instances in the new sign regulations be flagged for checking against and reconciling with the new Zoning Regulations to ensure consistency of intent and definition.

Chapter 800 – Designated Entertainment Area Signs

Some of CHRS’s biggest concerns involve this chapter governing signs within Designated Entertainment Areas (DEA). Because our concern is so great and the unilateral powers granted by this chapter so broad, CHRS must explicitly echo and underscore concerns raised by the Committee of 100 and others.

First and foremost, we are surprised and outraged that these regulations propose to grant the Mayor such sweeping authority that he can – with no prior notice to any city Board, Commission, or ANC; no Council notice, review, and endorsement; no public notice, opportunity for comment, or due process – unilaterally designate DEAs in any part of the city solely by mayoral declaration. We are glad the variable message signs allowed in DEAs appear not to be allowed in historic districts, which precludes Barracks Row from becoming a DEA, but we're concerned about non-landmarked neighborhoods in the Capitol Hill area and beyond that could be affected. For instance, the Mayor could arbitrarily and unilaterally, with no notice at all, decide to designate H Street NE a DEA, with truly unfortunate consequences for residents in the surrounding neighborhood who would be directly and indirectly affected by the array of "variable message signs" allowed in DEAs. None of these residents – near H Street or elsewhere in the city – invested hundreds of thousands of dollars in their homes only to find they're unexpectedly living in Reno-on-the-Anacostia or Reno-on-the-Potomac due to mayoral fiat.

We strongly urge that any mayoral DEA designations be required to provide ample public notice and undergo scrutiny and affirmative action by the City Council, affected ANCs, and any and all applicable city Boards and Commissions. There also should be requirements that those residing in and/or owning property in affected neighborhoods be given sufficient notice of the Mayor's intent and sufficient opportunities to convey their concerns to the Mayor, Council, ANCs, and Boards and Commissions.

As the proposed regulations now stand, residents in neighborhoods afflicted by the "three-dimensional, moving, rotating, animated signs" with "changing images or text" would be dependent on the Director of OP to agree that a given proposed sign "would adversely impact the character and integrity of the DEA or the immediately adjacent neighborhood" and report that in writing before a permit is issued. This is a slender reed on which to rely given that there are no provisions for residents near a DEA to even find out about a proposed sign – no one is charged with responsibility for notifying them of an application, nor is OP required to consult with residents about impacts before making its decision on a sign permit.

It is simply not enough, for instance, that 895.5 requires that "no sign shall have such intensity or brilliance as to cause glare or...cast light directly or indirectly into residential units, or adversely impact an owner's enjoyment of residential property located within or adjacent to a DEA", or that 805.6 requires that "no sign shall have audio or sound" when the regulations provide no avenue for recourse if residents find themselves so impacted. These proposed regulations need to explicitly provide clear avenues and means of recourse for impacted residents, not only to express their concerns prior to DEA designation and prior to issuing sign permits, but also once signs are in place.

In conclusion, CHRS hopes that its comments are helpful and will be considered and reflected in a revised draft that will in turn be published for review and comment. We recommend that DDOT expand its public notice for the next iteration of proposed sign regulations, since we did not receive notice directly from DDOT but heard about the proposed regulations only because a Board member heard about them elsewhere and alerted the full CHRS Board. We also heard yesterday that at least one Capitol Hill

ANC received no notice of the proposed regulations and thus had no opportunity for the review and comment to which it should be entitled.

Sincerely,

Shauna Holmes

Chair, Historic Preservation Committee