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December 14, 2012

Mrs. Alice Kelly
Manager, Policy Branch
Policy, Planning and Sustainability Administration
District Department of Transportation
55 M Street, SE, 5th Floor
Washington, DC 20003

Re: Comments on Proposed Revisions to Sign Regulations
For District of Columbia

Dear Mrs. Kelly:

The following are submitted as comments of the District of Columbia Building Industry Association (DCBIA) to the proposed rulemaking, Title 13 (signage regulations) of the DCMR.

A first general comment is that the proposed rulemaking appears to establish a new regulatory regime, the costs of which are likely to far out-weigh its presumed public benefits. In our view, we would be instituting an elaborate new permit process that entails multiple lengthy reviews and that suggests vigorous enforcement with substantial penalties by requiring the posting of permit numbers and issuance dates on all approved signs. All of which begs the question: what egregious threats to public safety and welfare are posed by relatively benign and commonplace signage activity to warrant the extent of regulation proposed?

It would seem an alternate approach of establishing general signage standards with specific exceptions for designated areas and of designing a permit approval process as a more routine "walkthrough" by permit officials (DCRA and DDOT) to verify those standards would be sufficient and far more functional. It would also tend to more closely balance costs and benefits. The requirement for formal signage reviews by PCS, COFA, HPRB, NCPC, for example, would seem more a matter of preserving jurisdictional prerogatives than providing needed expert input to the approval process.

Another general comment relates to the treatment of so-called temporary signs. In the case of real estate leasing signs, for example, the underlying leasing

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activity, particularly for larger developments, typically extends beyond an initial lease-up period and well beyond 180 days.

Substantial penalties are noted for "displaying a sign without approval by the Commission of Fine Arts when such approval is required." This implies that the permit applicant is responsible for determining when such approvals are necessary. Such determinations would seem more logically made by the permitting official.

We are concerned that the proposed rulemaking does not provide a workable schedule of phase-in – leaving the status of existing signs upon final rulemaking as uncertain. Will permits be required immediately? Will non-compliance penalties (eg, no posted permit number) immediately apply to existing signs?

One probable result of implementing the proposed rulemaking will be the creation of vast new business opportunities for sign makers to serve their clients as interpreters of regulation and expeditors of permit applications.

Specific comments follow.


- 100.4 – This requires some kind of definitive standard. The original rule (18" from the window) at least provided a tangible reference.
- 201.3 – The provision requires clarification. Does any substitution require a new permit? What is the intent here?
- 204.1 – Is the determination that a construction code permit is required made by the permitting official?
- 303.2 – 30 days for referral to the Commission is excessive.
- 402.2 – 30 days for referral to the HPRB/HPO is excessive.
- 405.2 – 90 days duration for many temporary signs will be insufficient.
- 502.2 – 30 days for referral to HPRB/HPO and/or OP is excessive.

- 502.3 – What is the point of a separate OP "design review"? Aesthetics? Technical standards (size, location) should be able to be reviewed by the permitting official.
- 604.1 – What does the PSC bring to the review process that is beyond the scope of the permitting official?
- 604.3 – 30 days for review is excessive. Why not "walkthrough" approvals?
- 605.2 – This would seem to supersede all other provisions for signs "that relate to the sale of goods and services." Why the distinction?
- 605.3 – Apparently non-commercial signs are preferred in public space, at least for 180 days. Permit required?
- 605.4 – Permit required?
- 607.6 – Is the intent here to discourage banners with a commercial message?
- 608.2 – Why the PSC?
- 608.3 – Need definition of "bulletins."
- 704.2 – NCPC review? Why?
- 704.5 – Does this renewal require another application and fee?
- 705.2 – What is the intent of the 50% limit?
- 706.1 – 180 days will often be insufficient for leasing purposes.
- 707.1 – An example of a sign for which a permit serves no purpose.
- 723.3 – 180 days is insufficient, especially for larger developments.
- 804.5 – DDOT and OP reviews of 60 days or more are excessive.
- 804.6 – No timeline maximums are given for Commission reviews.

We respectfully submit these comments and thank you for this opportunity. We look forward to working with you to further streamline the new sign regulations, which are so vitally important to the development industry in the District of Columbia.

Sincerely yours,

District of Columbia Building Industry Association

A handwritten signature in cursive script, reading "Ernest D. Jarvis". The signature is written in black ink and is positioned above the printed name and title.

Ernest D. Jarvis
President