

Holland & Knight

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December 14, 2012

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Via E-Mail: policy.ddot@dc.gov

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

Re: Notice of Proposed Rulemaking, Sign Regulations,
Title 13, DCMR

Dear Ms. Kelly:

Please note the following comments concerning Proposed Title 13, DCMR, Signs:

1. Chapter 8, Designated Entertainment Area Signs.

Revise the Gallery Place DEA Section 800.2(a) to add a clause "that all four corners of the intersection of 7th and H Streets, N.W. are a part of this DEA as shown on the attached plat, which includes the following properties: Square 428, Lots 21, 22 and 23, Square 429, Lots 811, 812, 813 and 820, and Square 453, Lot 58."

Rationale:

This intersection is the closest intersection to the Chinatown arch, which in and of itself, is a destination venue with events such as the Chinese New Year's parade and other events occurring along H Street, N.W. The mix of uses at this location, including restaurants and similar venues, engage in activities that are designed to entertain others.

2. Signs Further Than 18" From a Window or Entrance.

Existing Section 3107.3.5.3, of Title 12, DCMR, under Exemptions from Permits, exempts "any sign located within a building not attached directly or painted on a window and not located within 18" of a window or entrance." This exemption from the requirement to obtain a permit is not found in a review of proposed Title 13. A request is made that this exemption be included in the proposed Title 13. There is no stated basis for the deletion of this exemption,

there is no definition of when a sign is being displayed without a permit, and such lack of clarity will lead to disputes with the District on this issue.

3. Transition (Transitory Provisions) Rules.

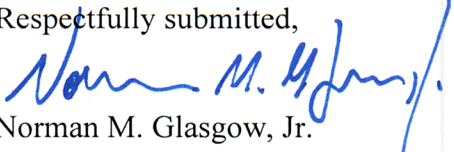
In review of the proposed Title 13, there is no reference to a transition rule such as is common when the Building Code is being amended. The transition period for the Sign Regulations should follow that which is used in 12 DCMR, the Construction Code, when a new code is to go into effect. There is no basis not to have a transition rule, particularly when materials and signs have been ordered under the old regulations and must be fabricated. (Compare with 12 DCMR Section 123.1.3).

4. Grandfather Rules.

There should be added a provision provided within Title 13 grandfathering all legally existing signs that would not be in compliance with the new sign regulations that go into effect as of _____, so that there is clarity as to the effective date of such regulations and when pre-existing signs were grandfathered. This is no different from provisions such as those in the Zoning Regulations under 11 DCMR, Chapter 20, which discusses non-conforming uses and structures. Similar language should be developed with respect to the Sign Regulations.

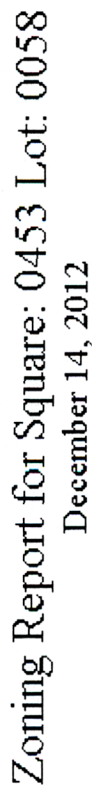
We appreciate this opportunity to submit these comments for your consideration and to work with those involved with this effort..

Respectfully submitted,

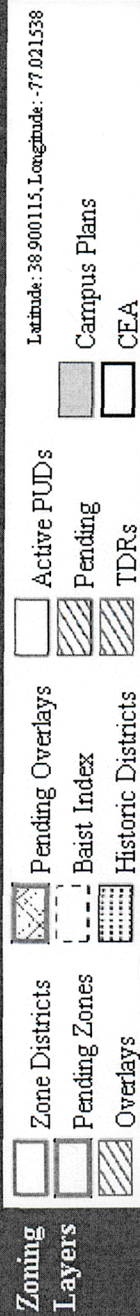


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Zoning Report for Square: 0453 Lot: 0058
December 14, 2012



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Square/Suffix/Lot	0453 / n/a / 00058
Premises Address	675 H ST
Zoning District (s)	C-3-C
Overlay District (s)	DD
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	2
Council Member	Jack Evans
ANC	2C
ANC Chairperson	Doris Brooks
SMD	SMD 2C03
Commissioner	Doris Brooks

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

**** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.**