

December 10, 2012

Alice Kelley  
Manager,  
Public Space Division  
DC Department of Transportation  
Washington, D.C.

**Re: Comments on proposed new Title 13 of the DCMR: Sign Regulations**

Dear Alice,

It is commendable that DDOT has undertaken to consolidate many D.C. sign regulations into a single chapter of the DCMR. However, the proposed changes to current sign restrictions that would create new allowances raise questions about the vision for our commercial areas, large and small. It appears that DDOT is endorsing a major visual alteration of D.C. commercial areas and that what some would describe as visual pollution at Verizon Center and Gallery Place could become the norm citywide. I appreciate the opportunity to comment on some of the proposals below.

**Ch. 1: Purpose and Scope**

100.3 Comment: Establishing “impartial” regulations is another way of saying one-size-fits-all. It is also a means to ignore the planned differences among our hierarchy of commercial zones. Instead of “impartial” I suggest you insert “appropriate.”

100.5(c) Comment: Delete “throughout the District of Columbia” and make following insertions shown in italics – Provide an *appropriate and* attractive visual environment *in D.C. that emphasizes different land use goals for different parts of the city.*

100.5(e) Comment: Define “major entertainment areas. The vague reference to “District planning documents” does not provide any predictability.

100.6 and 101.2 (Scope) Comment: Suggest that you add a conflict provision to each of these sections so that it is clear that most restrictive regulation prevails when there is conflict between applicable provisions.

**Ch. 3: Signs Reviewed by Commission of Fine Arts**

305.1 (d) Comment: The proposed allowance for any sign that has not been explicitly prohibited does not take into consideration the evolving nature of the sign industry. There should not be an open-ended invitation to the industry to create a type of sign not anticipated in the prohibited sign provisions with the assurance that such a new type of sign will avoid scrutiny.

#### **Ch. 4: Signs Reviewed by HPRB**

Comment: In general, there is no mention of ANC review. Provision for notice to and review by the relevant ANC and any adjoining ANC proximate to the proposed signage should be included in the proposed regulations in each of the chapters that authorize review.

403.4 Comment: Why is DDOT proposing a relaxation in the current rules that prohibit digital signs and video monitors in historic districts? A proposed 20% of the window area restriction misses the point that these types of systems are not appropriate in HDs. The rules governing signage in HDs has been strict, in part, to protect the prominence of the architecture and avoid contemporary competing aesthetics. The proposed allowance should be deleted.

#### **Ch. 6: Signs on Public Space**

Comment: I did not see any proposed regulations governing signs on street furniture. Would commercial or public service announcements be allowed on benches, trash receptacles, planters in public space?

#### **Ch. 7: Signs on Private Property**

712 Comment: Variable message signs in a commercial area have the potential to change the existing character of a commercial area. The proposal would allow these types of signs at the ground level (only 8 ft above grade) of a business establishment and authorize the sign to extend up 14 ft., or more than a story. In commercial zones where the building height is limited and the purpose of the zone is to provide neighborhood serving retail and service, this type of sign could be a game changer. If allowed at all, variable message signs should be subject to special exception review and thus, not included in DDOT regulations.

#### **Ch. 8: Designated Entertainment Area Signs**

In general, this is a poorly conceived list of allowances based on transforming an unlimited number of areas citywide into flashy destinations. While the more high profile entertainment districts, like Verizon Center, Gallery Place, and the Ballpark, have been specifically mentioned as DEAs, there are proposals to allow the Mayor unbridled authority to designate almost any area a DEA. The proposed new zoning regulations include a new entertainment category that would be authorized in all commercial and mixed use zones. It seems clear that with this zoning allowance, the Mayor could take the next step and declare any or all commercial zones DEAs. If the goal, which is not stated, is to relax restrictions in order to increase the potential for more revenue, it would be done, based on the absence of any proposed guidance, without explicit consideration of the long term affect on the quality of existing commercial areas and the affect on adjacent neighborhoods. The proposals granting open-ended new mayoral power in this chapter should be deleted.

805.4 Comment: The restriction on the size of a single sign to 1,200sf in a DEA does not appear to be a restriction at all. There is no limit on the number of these signs and no table showing an incremental

size allowance based on size of building, location of sign, etc. 805.11 limits **attached** signs to 20% of a building façade area, but that limitation does not apply to unattached signs.

It is very difficult to read the proposed regulations and determine context since there is no information concerning which provisions are incorporating current regulations, which are modifying current regulations, and which represent current DDOT practices or new policy, whether supported by legislation or not. It would be very helpful if revisions to proposed Chapter 13 include a comprehensive annotation of the authority for each provision.

Sincerely,

Nancy J. MacWood  
ANC 3C09