



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



May 13, 2015

Alice Kelly, Manager, Policy Branch
Policy Planning and Sustainability Administration
District Department of Transportation
55 M Street, S.E., 5th Floor
Washington, D.C. 20003

Re: Proposed changes to sign regulations

Dear Ms. Kelly:

At a regularly scheduled and properly noticed meeting¹ on May 14, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to share the following concerns with the proposed sign regulations.

- 1) As sign regulation is a land use/zoning issue as well as a transportation issue. The Zoning Commission should review sign permits for aesthetics and land use considerations in addition to the traffic safety review by DDOT.
- 2) Because the impact of electronic signs on a neighborhood would be so significant and long-lasting, the Council (and not the Mayor) should approve any DEA.

The DDOT proposed regulations describe the procedure to designate a DEA:
“Other areas the Mayor designates [as a DEA] as a result of a process determined by the Mayor which shall include consultation with the Office of Planning, the Department of Consumer and Regulatory Affairs (DCRA), the District Department of Transportation (DDOT), the appropriate Advisory Neighborhood Commissions (ANCs), and appropriate federal agencies if required based on the location of the proposed DEA. “
13 DCMR 900.2(e)

- 3) The ANC must be notified of permits applications for **all** digital signs, not just signs with motion or moving images and allowed time to comment on the size and placement of these signs.

The DDOT proposed regulations do not require notification of the ANC for a digital sign permit, unless the sign is a motion or moving image sign. 13 DCMR 905.7, 906.10, 9901.1 "digital sign," animated sign, full-motion video.² Thus, the ANC is not required to be

¹ ANC 6A meetings are advertised electronically on the listservs anc6a-announce@yahoogroups.com, anc6a@yahoogroups.com and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the *Hill Rag*.

² 906.10 The permitting official shall notify potentially affected Advisory Neighborhood Commissions in writing of the submission of an application for any sign that includes motion or moving images within ten (10) days of receipt of the application and invite the ANC to submit a written response within forty-five (45) days of the date of the notice.



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notified of a digital sign "that is internally illuminated and displays static images or variable messages on an alternating basis."³ This type of digital sign is intrusive, and the ANC must have the right to be notified and comment on all electronic signs.

4) No sign permit should be issued unless the applicant proves that the sign will have no adverse impact on the character or integrity of DEA or adjacent neighborhood.

This critical protection is missing from the requirements to obtain a sign permit in a DEA. Under 13 DCMR 905.8 this standard is only relevant if the Office of Planning (OP) reports an adverse impact.⁴ The ANC and the public cannot raise adverse impact unless OP had also raised this issue. Adverse impact must be an affirmative standard to be considered, and the ANC and the public have the right to raise an adverse impact on the adjacent neighborhood (and not just the immediately adjacent neighborhood) from signs.

5) Certain types of electronic signs are allowed in DEAs (discussed below) The regulations must provide that no part of any electronic sign or the light it transmits within a DEA will be visible from any area zoned for residential use or zoned C1 or C2A. Applicants for permits should be required to include sight line studies in the permit application (not currently required in 13 DCMR 904.1).

A DEA is "a specific area recognized by the Mayor as a destination venue that provides a concentrated number of venues for events, performances, or activities designed to entertain others." 13 DCMR § 9900.1. H Street, NE has a theater, a nightclub, multiple restaurants with live entertainment, and a street festival attracting thousands of people. Therefore, H Street, NE, which is not in a historic district, is a potential DEA.

Variable message signs (signs with a changing message, including digital signs, full-motion video signs) are allowed in a DEA. 13 DCMR 9900.1. ANC 6A opposes DEA designation for H Street, NE, because the signs allowed in a DEA are detrimental to our neighborhood.

³ Animated – actual motion or the illusion of motion through devices activated by wind, thermal changes or other natural environmental input, or by a mechanical system powered by electric motors or other mechanically induced means. Animated devices include spinners, pinwheels, pennant strings and other devices that respond to naturally occurring external motivations.

Definitions: Full motion video – images presented on an internally illuminated device, including a television or a video monitor, that change at a rate that makes objects appear to move smoothly and continuously.

Digital sign – A sign that is internally illuminated and displays static images or variable messages on an alternating basis. Digital signs do not include full motion video signs.

13 DCMR 9900.1

⁴ 905.8 No permit shall be granted if, within the time period provided in this section:

(a) DDOT reports in writing that the location, size, lighting, or height above grade of the sign negatively impacts vehicular traffic safety or violates the Highway Beautification Act; or

(b) OP reports in writing that the proposed sign would adversely impact the character and integrity of the DEA or the immediately adjacent neighborhood.



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6) The proposed regulations would allow signs on roofs up to the lesser of the permitted height limit of the zoning district in which the sign is placed or ninety feet (90 ft.). 13 DCMR 906.5. The H Street overlay zone allows building heights up to 90 feet. Many buildings on H Street, NE are two- and three stories, which would allow signs on roofs in many areas. ANC 6A opposes all roof signs, because they will blight our neighborhood

7) The provisions in 13 DCMR 906.5 and 906.8 are subjective and provide inadequate protection for homeowners or tenants living near H Street, NE.⁵ This shortcoming is compounded by an inadequate enforcement process. DCRA is responsible for enforcement of the sign regulations for signs on private property, and DDOT is responsible for enforcement for signs in public space. 13 DCMR 901.1, 601, 701. ANC 6A suggests that residents affected by violations of the sign regulations be provided with a right of private action, to sue for enforcement in DC Superior Court.

Thank you for the opportunity to submit comments on the proposed regulations.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

cc: Muriel Bowser, Mayor
Phil Mendelson, Council Chair
Charles Allen, Councilmember Ward 6

⁵ 906.5 No sign shall:

(b) Cast light directly or indirectly into a residential unit; or

(c) Adversely impact an owner's enjoyment of residential property located within or adjacent to a DEA.

906.8. No variable message or animated sign or image shall be placed on the exterior of any building in a DEA such that the sign or image is directly across from and parallel to any residential building, including buildings where fifty percent (50%) or more of the gross floor area contains Residential Group R-2, R-3 or R-4 occupancies as defined in the D.C. Building Code Supplement, 12-A DCMR.