

Ad Hoc Group on Digital and A-Frame Signs
Meeting #4 Notes
August 19, 2015

Group Members Present:

Nate Macek (Chair), Lynn Bostain, Steve Milone, Carol Supplee,, Pat Miller, Danielle Romanetti, Jay Nestlerode, Pete Benavage, Fernando Torrez, Bill Blackburn, Peter Smeallie, Barbara Belmont

Staff: Alex Dambach, Nancy Williams, Kristen Walentisch, Ray Hayhurst (T&ES), Al Cox (P&Z), Paul Smedburg

Mr. Macek went over the agenda then Mr. Dambach went over notes from the prior meeting.

Mr. Dambach discussed the goals of this meeting then went over the impacts of the recent Supreme Court ruling in Reed vs. Town of Gilbert. He described how the decision will affect the decisions made by the Ad Hoc group moving forward. Mr. Dambach gave a background of the case and the events that led up to the court ruling. He stated that the bottom line of the decision is that if a regulation affects the content of the sign, it is invalid. He gave the general instruction that if a regulation requires someone to read the sign to know if it is permitted, the regulation is invalid. He finished by claiming that the next steps the City would make is to use the determinations made by this Group and work with the City Attorney's Office to establish better regulations for signage, both to reflect the issues brought up by the Group and the public and the new laws established by the Reed vs. Town of Gilbert case.

Ms. Romanetti asked if the Committee is comfortable with continuing the corner wayfinding signs based on the possibility that the recent ruling may not permit control over which businesses can advertise on them. Mr. Smeallie made the point that all King Street businesses, retail or not, are going to want to be on corner wayfinding signs. Ms. Romanetti suggested staff should gather data on how many businesses (estimated) Ms. Romanetti asked Mr. Dambach if he personally is going to build another bureaucracy, which led to laughter in the room.

Mr. Milone clarified the original purpose of the wayfinding signs. Mr. Smeallie pointed out that the new SC decision will affect our current regulations. Group agreed. Mr. Dambach said he wants the group to make the determination about whether the possibility of having doctors and dentists on wayfinding signs, for example, will be acceptable or not in moving forward. He wants to know group's opinion. Ms. Supplee made the argument of content vs free speech argument.

Mr. Macek gave example of the Dept of Transportation, and how they mediate multiple businesses wanting signage along roads. He said there are ways that a policy can be crafted that reflects the changes we want to make on signage while not upsetting too many businesses by regulating further.

Mr. Torrez pointed out that there will not be a font small enough to fit all businesses on these new signs that want to be on them, because every store on that side street will want to be on the sign if allowed. He pointed out that the City wants to keep a business-friendly attitude so as to not scare off businesses from coming to Alexandria, which will hurt taxes, economy, etc... Wants uniform sign but doesn't want content to be regulated.

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Mr. Macek clarified that the new policies would not limit businesses. We are trying to minimize clutter, meet objectives of historic districts, while giving businesses the advertising mechanisms they need.

Mr. Milone also clarified ways that businesses can improve signage and advertising methods by getting the proper approval and permits. Mr. Dambach added that certain zones and buildings in the historic districts also allow for more signage. Mr. Smeallie reemphasized the flexibility that the BAR has the potential to approve/allow.

Ms. Romanetti again brought up that it would not be fair to businesses on a side street who signed a lease under the assumption they could have an A-frame sign, under current regulations.

Mr. Macek got general consensus from the group that the City should have corner wayfinding signs that promote businesses, but that the current non-regulation of A-frame signs cannot continue. Ms. Belmont wanted the group to keep in mind the other alternatives the group has discussed RE signage, like menu boards for all businesses, etc...

Mr. Macek moved to discuss the draft modifications in the meeting packet to the Alexandria Zoning Ordinance. He pointed out several items that would change as a result of the SC ruling. Pointed out that new program would be adopted by City and regulated by City Staff, other than organic adoption of rules that city business have taken up at this point.

Mr. Milone suggested adding Director of P&Z to a section. Mr. Blackburn said that a certain A-frame sign regulation in Section 5 might not (20 ft something) be ideal for businesses outside of the historic districts. Mr. Macek said to make note of technical aspects of section 5 and that the group will have to revisit those regulations to make sure they are what the group sees to be the best regulations for regions/business corridors outside of the historic districts.

Macek clarified that the group sounds like it wants to make policies for businesses outside of historic districts to have a-frame signs. Group went into technical aspects of A-frames on public/private property away from King Street. The group discussed Emma's Coffee shop and how her business basically NEEDS an A-frame sign on the corner of Mt Vernon Ave in order to draw patrons in. Mr. Smeallie asked if intent for future policy will be to have the A-frame sign directly outside of that business. Group said yes.

Mr. Benavage brought up the West End and points out that draft regulations seem geared toward King St/historic districts. Mr. Dambach clarified that the draft modifications were created with the West End and other areas in mind. Pointed out further determinations are needed to establish guidelines.

Mr. Smeallie suggested to let businesses put up signs and let the market determine how effective and purposeful the signs really are for the businesses in areas outside of the historic districts.

Ms. Romanetti pointed out that Potomac Yard will prove to be difficult if more lax distance regulations are created for areas outside of Old Town. Dambach suggested a limit on distance between 2 signs next to each other. Mr. Benavage agrees with Mr. Smealie to let the market play it out.

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Mr. Milone pointed out he just took a trip to a Sanibel Island in Florida and in the nicest parts of town the town had completely prohibited any sort of free standing signs, while the bad areas of town had signs all over the place and wanted to remind group we don't want to head in that direction.

Group consensus that free-standing signs should be a standard distance away from the building face, which should be changed in section 5. Mr. Blackburn suggested 5 ft is too little. Group discusses other areas of town and where 5 feet would not work. Issue was flagged as something for staff to research.

Mr. Macek brought up vision clearance and how that should be added to section 5.

Mr. Macek brought up other items flagged for further review in the draft zoning ordinance modifications. Asked for clarification for increased width for wayfinding signs. Dambach says It was for addition of poles for signs. Group discusses technical regulations in section 5.

Mr. Smealie pointed out that BAR has its own regulations and some of the items proposed in the modified ordinance would not pass through BAR review. He went on to discuss some factors that the BAR does review closely, and why their regulations are in place. Group loosely agrees that 30-32 inches should be maximum width for wayfinding signs.

Mr. Macek went on to discuss differences between certain neighborhoods and how the group must establish regulations for whether the City should allow for other wayfinding programs outside of the King Street corridor and how those areas would be regulated if they wanted/needed wayfinding signs as well in the future. Should King Street wayfinding program be applicable to other pedestrian-oriented areas? Group agrees that Del Ray/Mount Vernon Avenue should also be included in wayfinding program and be able to use their policies.

Al Cox pointed out that BAR staff has recently received requests from businesses outside of King St (like Washington St) for more signage, and that in the future City should keep in mind other areas and how signage might change there in the future. Mr. Smealie asked group to endorse recognition that there are other areas in the city outside of King Street that should be able to adopt wayfinding program, but that the group doesn't have to create their regulations as well.

****Group makes a formal recommendation that Group encourages expansion of the formal wayfinding program to other areas of the city.**

****Group also made a formal recommendation that a permit be required for businesses with A-Frame signs and for businesses on wayfinding signs. Group discussed technical aspects of sign appearances as mentioned in section 5 (page 4) of the drafted ordinance.**

Group consensus on permit requirements and format is needed to avoid a process that becomes overly bureaucratic.

Ms. Romanetti proposed that area for A-Frame signs should be included in signage regulation size limits. She discussed unfair advantages some businesses would have if they added A-Frames to their maximum sign allowance. Mr. Blackburn and Mr. Smealie argued for wayfinding signage area to be additional to

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existing signage limits for that business. They stated that leasee or renter of property should know before they sign the lease what their signage options are.

Mr. Macek also mentioned the wayfinding signage system used in Williamsburg, which has transparent plexiglass panels where signage can be inserted into clear sleeves.

Digital & Graphic Signs Discussion

Mr. Macek read the definition for these signs as written in the draft zoning ordinance modifications. He suggested that digital signs should only be used for government use. This is in part because of the Reed decision, which has inflicted restrictions on City regulatory powers. The question was asked of whether a school sign constitutes a government sign? Staff is waiting to hear back from Counsel. Discussion continued on the question of how many times a day can a sign change? The consensus was that the signs should mostly be static, with the exception of BRT signs and other transportation signs, because is public service. He also stated that City Code is superseded by VA law (gas station signs).

Mr. Nestlerode asked about parking garages and what can be regulated/allowed. Al Cox pointed out that governmental signs are excluded from BAR review. Mr. Dambach mentioned that it is possible for parking information signs to be government signs. Clarification was given that BAR endorsed/advisory decision for wayfinding program. Clarification given that the new proposed wayfinding program would also go to the BAR for review.

Ms. Supplee pointed out that we are in the 21st century and that digital signs are more the way of the future. Mr. Macek pointed out where digital signs are now around town and that they are tacky for example in parts of Arlandria and at convenience stores that sell Lotto tickets. Mr. Smeallie reflected on an old BAR case where it was a close call in the historic district to permit a digital sign, but the conclusion was that they really shouldn't be allowed in windows. Mr. Dambach reflected on a recent zoning enforcement case where digital sign was made to be taken down from flower shop in Old Town. The owner of that shop was in the audience and introduced himself.

Mr. Nestlerode asks what basis is for time for operation of digital signs. Dambach proposed a restriction that other types of ordinances prohibit noise and deliveries, such as from 11 p.m. to 7 a.m. Mr. Milone pointed out that these time regulations are already in ordinance. Questions were raised about transportation signs that may need to operate all day and night.

Mr. Benavage does not suggest group is making decisions in the right direction regarding digital signs. He suggested they are the way of the future, and the City will be shooting itself in the foot if it puts too harsh of restrictions on digital signs. He pointed out that most of the city is not in a historic district. He said there should be guidelines that must be met in order for a business to have a digital sign, but it should be possible for businesses other than the government agencies, to use digital signs. With emerging technology, the group needs to have enough information or research to make a decision to ban these signs. Smeallie countered that he would support recommendation from group that suggests that staff look into current technology for digital signs. He does not suggest that the group is ready to make firm decision on prohibiting digital signs.

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Mr. Dambach asked what specific areas should NOT have digital signs. Milone argued that most areas are becoming mixed use, making them inappropriate for digital signs. Could a coordinated sign plan be used? Could certain areas be exempt from restrictions?

Mr. Macek pointed out that he still doesn't think digital signs should be allowed anywhere in city. He also pointed out that Alexandria is unique and there is a visible difference between Alexandria and Fairfax or Arlington.

The group went over technical aspects for digital signs as written in draft ordinance. Mr. Macek pointed out some things that will no longer remain in the ordinance due to Reed vs. Town of Gilbert ruling. The group has some other objections to technical restrictions/requirements that are currently in place such as hours of operation and time limits because of transportation and/or changing message needs.

Mr. Benavage said he does not want the group to agree now that all digital signs should be banned. He and Torrez both said they do not want to limit the city.

**Group resolved that there must be distinction made between public service signs and private business signs.

Public Comment:

Rick Metzger of Lee Street, a representative of the Old Town Civic Assoc; He stated his group is opposed to the 'cacophony' of A-frames on King Street, and he likes direction of group; He asked to see the Chamber of Commerce involved by possibly creating an app for advertising businesses so people can use phones to find out what shops are in their vicinity. He suggested QR Codes as a possible mechanism. He said the group should think of how to keep businesses successful.

Jody Manor, owner of Bittersweet and Waterfront Market: He discussed OTAPS, data points such as general sales tax for businesses on King Street are quickly declining while general economy is improving, which is bad. He said it is critically important to support small businesses. He then commented on campaign material from Mr. Torrez that featured a photograph that he called distasteful and misleading.

David Fraum of Del Ray: asked if there is fee for current King Street program. Staff responded that there is a fee. He then suggested that The City could add at the bottom of wayfinding signs if run out of room for area businesses that there are more businesses at the affected block. He also offered the alternative of rotating businesses. He argued against letting A-frame signs get away from building frontages. He suggested as a standard: "Private property contiguous with store entrance not separated by any pedestrian or vehicular right of way." He recommends signs must stay tight to buildings. He said he doesn't think the group is being broad enough with digital signs. He said there are new devices that could be tasteful. He brought up a need to break down uses for digital signs. Storefront digital signs might not be too obtrusive.

Gloria Barbre, an artist at Torpedo Factory: She stated that she noticed at least 5 light posts on each block and suggested putting signs on already-existing lamp posts to accommodate businesses if it is

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permissible to use them. She said light posts are already there, so there wouldn't be an expense of putting in additional post structures. She pointed out Philadelphia's wayfinding program as being very effective. She said signs should be readable for vehicle traffic. She went on to suggest that the City install gas, food, and hotel signs off the highway and along main roads and coming off Wilson Bridge. She then made contact with staff from the Department of Transportation and Environmental Services that is installing a wayfinding signage system much like she is suggesting.

Kevin Aubrey, owner of Aubrey Flowers: Discussed process he took to prepare his window signage with video displays. He used these instead of showing off merchandise as a creative marketing tool. He said he didn't know he had been violating regulations. He argues his display is attractive and not garish. He said he agrees with Mr. Benevage that group needs to be more forward-thinking because digital signs are the way of the future. He encouraged the group to think of commercial digital signs.

Amy Slack: Clarifies what she had said at the previous committee meeting. She said digital signs can emit too much light and that light is a form of signage. In regards to A-frame sign locations, she said Del Ray has offsite parking areas, but there's no way for the businesses to advertise where their parking is located because The City doesn't allow A-frames. If City will allow A-frames, she's going to put one in front of her business directing people to the parking lot where patrons can park.

Phillip Mattis of Pitt St, a real estate broker: He thanked the group for recognizing proliferation of A-frames. He said enforcement should be more aggressive and that the issue could have been avoided if enforcement had been done in first place. He said he thinks proposed A-frame policy changes are in right direction. He suggested wayfinding signs should be higher up on poles at intersection. He suggested that having the signs higher would prevent kids from hang on them or sitting on them. He also said there needs to be a requirement that people cannot tie up or attach anything to these signs like people do now with Vespas, etc. Businesses should share expense for what is being designed. He also said he does not think commercial billboards/real estate companies should be advertising in the city. He also pointed out his concern for the barricade around the Potomac River Generating Station complaining that the new mural is actually advertising.

Group Recommendations:

A-Frame Signage:

A-Frames on private property should be limited to within a specific distance (possibly 5 to 10 feet) from the building face of a commercial building.

A permit shall be required for A-Frame signs on private property.

Standards are needed for weight and materials of A-Frame signs.

Staff is to work to produce some informative publication for businesses so they know what is prohibited, what's regulated, and what's allowed.

Add 'Director of Planning and Zoning' to Section 9-202 (F) (E) after Director of TES.

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Wayfinding program be encouraged to be expanded to other pedestrian-oriented streets like Mt Vernon Avenue and Washington Street.

Wayfinding sidewalks signs should be limited to a width of 30 inches.

Placement of wayfinding signs shall take into account the need for vehicle vision clearance.

There was a Universal finding of the group that standards moving forward are to be consistent with ruling of Reed vs Gilbert.

Digital Signage:

Staff should further study standard for signage technology and make a distinction between government and private signage;

Recommend for further study: regulations commercial and institutional signage, but permit transportation signage

Group not ready to adopt digital signage for commercial use, but there may soon be technology available that group is not aware of.