**ARLINGTON COUNTY, VIRGINIA**
ARLINGTON COUNTY PLANNING COMMISSION
2100 CLARENDON BOULEVARD, SUITE 700
ARLINGTON, VIRGINIA 22201
(703) 228-3525 • FAX (703) 228-3543

ROSEMARY CIOTTI
CHAIR

STEVE SOCKWELL
VICE CHAIR

FREIDA WRAY
COORDINATOR

GIZELE C. JOHNSON
CLERK

December 2, 2011

Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

**SUBJECT: 2.** **ZOA-11-04.** Amendment to the ACZO, §§ 20 (Appendix A) and 34 to permit one temporary sidewalk sign (up to 7 sq. ft. per side) per entrance for establishments within "C", "M", "RA4.8", "RA-H-3.2", "R-C", Public, and Special Districts that have a direct entrance to the sidewalk, to be placed outside of the required clear walkway; to define "commercial message", "establishment", "landscape and utility zone" and "temporary sidewalk sign"; to permit up to four square feet of commercial messages on each umbrella within permitted outdoor cafes; and to permit one building or projecting sign per garage entrance to a garage available for parking by members of the general public during certain hours.

**RECOMMENDATIONS:** **Adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 20 (Appendix A) and 34 to permit temporary sidewalk signs, to permit up to four square feet of commercial messages on umbrellas within permitted outdoor cafés, and to permit coordinated parking signs on facilities that provide public parking during defined hours, with the recommendation:**

1) **Umbrella signs be permitted to have any text or image.**
2) **Temporary sidewalk signs have a sunset provision of three to five years.**

Dear County Board Members:

The Planning Commission heard these items at its November 28, 2011 meeting. Deborah Albert, CPHD Planning staff, described amendments to the sign regulations for temporary sidewalk signs, umbrella signs, and parking wayfinding signs. Also present was Claude Williamson, CPHD Planning.

**Public Speakers**

Bernie Berne, representing the Buckingham Community Civic Association, commented that he does not support the temporary sidewalk signs because they create clutter and can impact property values. Line 78 of the amended ordinance permits the signs to be located within the landscape and utility zone and line 82 permits the signs to be placed in tree pits covered by hard grates, both of which he opposes.

Maureen Ross, President of the Cherrydale Citizens Association, expressed opposition to relaxing the sign regulations. She presented several images of illegal signs in the Cherrydale neighborhood, many of which obstructed the sidewalks. She noted that the County has not been able to enforce the current sign regulations and is concerned that broadening the regulations will result in more illegal signs.

**Planning Commission Report**

Commissioner Cole thanked Ms. Albert for her very thorough and thoughtful support on all of these issues. He also thanked Commissioner Serie for chairing the ZOCO meeting on this topic on September 26, 2011. This component of the sign ordinance update was reviewed at three ZOCO meetings. Commissioner Cole proposed an outline for discussion, which included several questions regarding temporary sidewalk signs, umbrella signs, and parking wayfinding signs. Commissioner Savela suggested that enforcement be added to the outline for discussion.

**Planning Commission Discussion**

<u>Temporary sidewalk signs</u>

1. What is appropriate placement of temporary sidewalk signs? Should they be required to be placed only in front of the business, or should they also be allowed to be placed at a corner, for example, in order to provide direction to a business on a side street?

Commissioner Monfort asked if allowing sidewalk signs at all is appropriate. He commented that he has not seen a huge outcry for sidewalk signs. He shares many of Ms. Ross's concerns regarding their impact on pedestrians and does not see a rationale or need for the signs. Temporary sidewalk signs create visual and physical clutter and enforcement is an issue. If the County is considering allowing these signs, then a pilot program should be considered, perhaps in Rosslyn.

Commissioner Fallon inquired as to whether guidance will be provided at the Zoning Office counter to assist persons applying for sign permits. Ms. Albert responded that these signs would not require permits. There could be materials available at the counter to clarify where signs should be placed. Commissioner Fallon expressed further concern about pedestrian safety with regard to the placement of the signs.

Commissioner Fallon asked if this is approved and then later removed from the ordinance, would existing signs be allowed to continue, i.e., grandfathered. Ms. Albert responded that the signs are temporary and existing signs would not be grandfathered should the ordinance be subsequently amended.

Commissioner Kumm said that she shares Commissioner Monfort's views that this may result in more signs in sidewalks in commercial areas. She expressed concern that almost every parallel parking space may have a sidewalk sign adjacent to it. In addition, retail stores in small commercial areas typically have narrower widths, which will result in a lot of signs. This will cause a lot of clutter and conflicts with pedestrian traffic. She is opposed to signs going into tree pits, with or without tree grates, and believes enforcement will be a problem because not all trees have grates and it will be difficult to monitor.

Commissioner Savela indicated that she supports the signs permitted by the Zoning Ordinance amendment, but is concerned about enforcement and asked with whom citizens could file complaints. Ms. Albert responded that complaints would be filed with the Zoning Office. Commissioner Savela suggested that the County website contain a link for complaints and violations regarding signs. She also expressed concern about existing sign violations in the public sidewalks and the potential for increased violations with the passing of the ordinance amendment, and asked how the process will be changed should the amendment be approved. Ms. Albert responded that staff would need to have additional discussions about sign enforcement to determine if any changes to the enforcement process would be implemented. Commissioner Savela asked if it would be appropriate to outline in the zoning ordinance the consequences of multiple zoning violations related to illegally placed sidewalk signs. Ms. Albert expressed uncertainty pursuant to the state code and explained that the Zoning Ordinance has provisions regarding civil and criminal penalties for violations of the Ordinance.

Commissioner Malis asked if the phone number for the County's Code Enforcement Office could be included on the signs. Ms. Albert responded that she did not know if staff would be supportive of that at this time, but agreed to review it with staff.

Commissioner Cole asked if it would make sense to include sunset provisions, with the understanding that it could be further reviewed as part of the comprehensive sign revisions amendment in 2012. He noted that this is a unique opportunity to test a proposed amendment and revisit any issues in approximately five months when the full sign revisions are considered.

Commissioner Monfort commented that he would be more comfortable with the proposed amendment if it was limited to a certain area such as Clarendon, or if it was clear that it was temporary or had a specific sunset provision. He further noted that five months may not be long enough to test the amendment, and that one year may be better. Ms. Albert responded that while inclusion of a sunset provision could be done, she does not think it is necessary. All aspects of the sign ordinance are still under review and will be considered comprehensively in approximately six to seven months. She agreed that this is a unique opportunity because it is coming back as a part of the comprehensive review.

2. Should sidewalks signs require permits, or be permitted without permits?

Commissioner Fallon commented that in the initial period of implementation there should be an administrative process for approval of permits for these types of signs. Furthermore, he noted that he would not support the amendment without either a sunset provision or permit requirements.

3. Are the proposed sign dimensions (3½ feet tall and total sign area of 7 square feet on each side) too restrictive?

Commissioner Fallon expressed concern for the aesthetics of sidewalk signs and how the design might adversely impact the pedestrian experience. Commissioner Cole responded that taste or color content may not be regulated. Commissioner Fallon followed that the Planning Commission and the County Board do in fact try to control the aesthetics of signs through material and color.

Umbrella Signs

1. Should commercial messages on café umbrellas be limited to a total of four square feet per umbrella (which would allow one square foot per side in any pattern)?
2. Should café umbrella signs require permits, as the proposed amendment would permit them by right?

Commissioner Cole commented that he does not believe there should be restrictions on the square footage of commercial messages on umbrellas. They would be difficult to measure, especially when they contain images or graphics other than lettering.

Commissioner Malis suggested that the measurements be limited to the text. Images could potentially encompass the whole umbrella, but text should be more restrictive.

Commissioner Savela concurred with Commissioner Malis. The umbrella could be covered with advertisement for assorted products and violate the proposed principle. Ms. Albert clarified that the signage must pertain to the business under the draft ordinance amendment and the intent was to permit some identification for the businesses that would achieve an appropriate balance of activating the street while not being a distraction.

Commissioner Forinash requested clarification of Section E.17 (page 11 of staff report), regarding permitted outdoor cafes and umbrella signs. Ms. Albert responded that outdoor cafes are only permitted by an approved use permit or site plan amendment, so umbrella signs would only be permitted at outdoor cafes that have been approved by the County Board, and that the size and number of umbrellas at a permitted outdoor cafés have not typically been regulated by the outdoor café approval process. Based on the intent of paragraph 17, Commissioner Forinash sees no problem with unlimited graphics, and potentially text, on umbrellas.

Commissioner Kumm commented that graphic artists can do fabulous things with the text and graphics on umbrellas, that umbrellas can add to the vibrancy of a commercial area, and that it would be arbitrary to restrict them.

Commissioner Harner asked Ms. Albert to explain the permitting process for the umbrella signs. Ms. Albert responded that no permit would be required, therefore there would be no fee associated with the umbrella sign.

Commissioner Savela asked staff to identify the reasons an application for an umbrella sign could be denied. Ms. Albert responded that a few reasons for denial under the proposed amendment would

include, if the commercial message exceeds a total of four square feet; the outdoor café has not been approved or obtained a Certificate of Occupancy; or the commercial message does not relate to the business.

Commissioner Cole clarified that even though a permit or permit fee is not required, the umbrella sign would still be required to meet the standards of the Zoning Ordinance. Enforcement is key and staff would have to confirm that the sign meets the ordinance requirements.

Wayfinding Parking Signs

1. Should buildings be allowed to have more than one wayfinding parking sign per garage?

Commissioner Fallon stated that parking signs at multiple garage entrances do not appear to be harmful. He asked if there would be additional signs providing direction to the garage entrances. Ms. Albert responded that the proposed amendment would allow one sign per garage entrance. Additionally, the County has started to install wayfinding signs in the public rights-of-way to aid the public in locating available public parking through a coordinated system of public and private wayfinding signs.

Commissioner Cole clarified that in situations where a parking wayfinding sign directs traffic to a garage entrance two blocks away, he thought it would be better for garage owner to pay for sign rather than the County.

Commissioner Forinash indicated that when this was presented to the Transportation Commission as an informational item, they noted that as service streets move from “A” to “B” or “C” streets, especially in the commercial corridors, it is more important to provide additional signage for motorists looking for parking. The Rosslyn pilot program is addressing that by putting wayfinding signs in the public rights-of-way. There could be other examples where it might be desirable for a building owner to have wayfinding signs and not just garage entrance signs. The Transportation Commission indicated that they would like to have additional provisions along that line. Ms. Albert indicated that the advertised amendment would only allow one sign per garage entrance and it would not be within the scope of the advertisement to allow additional signs. However, such signs could be addressed differently in the comprehensive sign revisions amendment, which will have more content-neutral regulations. The proposed amendment would be an interim fix that would allow wayfinding signs on garages, but the comprehensive amendment could put the wayfinding parking signs in the category of incidental signs, which would be less restrictive.

Commissioner Malis noted the discussion is more targeted towards building signs and the concept of wayfinding, where you put it, and what the sign looks like, would probably require a more comprehensive discussion and is premature for the Commission to act on at this time.

2. Should any text or symbols beyond the “P”, such as information on the hours that the garage is open to the general public, be permitted on a parking wayfinding sign?

Ms. Albert responded that the signs depicted in the proposed amendment conform to the County standards for wayfinding signs. The signs, which were developed by AED for the Rosslyn pilot

program, were designed to include some additional information but not necessarily parking hours due to the limited available space. Commissioner Cole followed by asking what is the best way to inform motorists that parking is actually available for the general public to use. Ms. Albert responded that most of the parking is available to the general public for a fee. Therefore the signs were not designed to accommodate that additional information.

Commissioner Malis commented that the signs are very plain, but that her understanding is that they are a part of the AED wayfinding program and the only way the design can change is if the wayfinding program changes. Ms. Albert agreed with Commissioner Malis and explained that the ordinance does not regulate design, but only requires that the signs meet the standards of the wayfinding program. Commissioner Cole responded that he believes they meet the international sign standards.

Commissioner Fallon asked if there was anything in the ordinance that prohibits additional information from being placed in front of the garage entrance, such as rates, hours of operation, available parking (or garage full), etc. Ms. Albert responded that any other signs would have to be approved through a comprehensive sign plan for the property. The purpose of the amendment is to allow signs to direct the public to available public parking.

**Planning Commission Motion**

Commissioner Cole moved that the Planning Commission recommend that the County Board adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 20 (Appendix A) and 34 to permit temporary sidewalk signs, to permit up to four square feet of commercial messages on umbrellas within permitted outdoor cafés, and to permit coordinated parking signs on facilities that provide public parking during defined hours. Commissioner Malis seconded the motion.

Commissioner Cole asked for unanimous consent to amend the motion to permit umbrellas signs with any text or image. There was no objection, so it became a part of the main motion.

Commissioner Monfort stated that he has no problem with the parts of the ordinance that address café umbrellas or parking signs, but he does not support the allowance of sidewalk signs without a way of reviewing their impact, and therefore will not support the motion specifically because of the impact of temporary sidewalk signs on the pedestrian safety and access in commercial areas.

Commissioner Fallon asked for unanimous consent to amend motion to recommend that sidewalk signs require a permit. There was an objection. Commissioner Fallon moved to amend the motion that the Planning Commission recommends to the County Board that sidewalk signs only be approved by permit. Commissioner Monfort seconded the motion. The motion failed by a vote of 4-5.

Commissioner Fallon asked for unanimous consent to recommend to the County Board that the provisions for sidewalks signs have a sunset provision, without definition of the sunset period. There was an objection. Commissioner Fallon moved to amend the motion that the Planning Commission recommend to the County Board that there be a sunset provision with respect to temporary sidewalk signs. Commissioner Monfort seconded the motion.

Commissioner Fallon clarified that he would rather see the temporary sidewalk signs allowed on a trial basis with some form of sunset provision or permitting process to test it. He has no objections to the wayfinding parking signs or umbrella signs, as amended by unanimous consent; however, he cannot support the motion without some type of limitation on the temporary sidewalk signs.

Commissioner Savela commented that the proposed amendment is too vague to garner her support. She would consider a motion for a sunset after a suitable period of time of three to four years. She believes a trial period of six to eight months is too short for businesses to understand the program and invest in new signs and could envision a sunset provision to test the program countywide for a few years and let businesses know that if issues arise the County Board may not renew it.

Commissioner Kumm asked if the Commission could consider a pilot program with a sunset period within a specific area, such as Clarendon.

Commissioner Fallon indicated that he has no objection to Commissioner Savela's suggestion for a more specific time period. While his motion has been put forward and seconded, he had no problem with amending it and requested unanimous consent to amend the motion to recommend to the County Board that the provisions for temporary sidewalk signs include a sunset provision of three to five years. There was no objection, so it became a part of the amended motion. The Planning Commission voted unanimously to support the amended motion.

Commissioner Malis indicated that she would support the motion. She noted that sidewalk signs can add vibrancy to the streetscape. Vibrancy comes from the personal touch to the signs that provide human interaction between the storekeeper and the pedestrians, such as drawings or a daily menu. But vibrancy can involve some messiness and the question becomes how much messiness can the County tolerate. Too much regulation goes against vibrancy we are trying to achieve.

Commissioner Cole expressed support for Commissioner Malis' comments. If design is an issue, he suggested that materials could be limited to black or white boards with handwritten information.

Commissioner Monfort stated that now that the motion contains a sunset provision – which addresses his specific concern – he intends to vote for the ordinance amendment.

Commissioner Sockwell associated himself with Commissioner Monfort's comments. While sidewalk signs could activate the streetscape, they could potentially result in clutter. He has no objection to the wayfinding parking or umbrella signs. He supports the motion because of the sunset provision for sidewalk signs and suggests that the County Board reassess the program after a few years.

Commissioner Fallon supports the motion to approve the ordinance amendment because of the sunset provision. He does not object to the umbrella and wayfinding parking signs. However, there is a very limited area in which sidewalk signs can be placed and the County will need to step up enforcement of the ordinance provisions. He sees the benefits of the signs to smaller businesses and the key role they can play in areas such as Crystal City. He supports the inclusion of the sunset provisions, because if there are any issues they can be addressed.

The Planning Commission voted 9-0 to support the amended motion. Commissioners Cole, Fallon, Forinash, Harner, Kumm, Malis, Monfort, Savela, and Sockwell supported the motion.

Respectfully Submitted,
Arlington County Planning Commission

Rosemary Ciotti

Rosemary Ciotti
Planning Commission Chair

**Freida Wray**

**From:** Terry Savela <tsavela@comcast.net>
**Sent:** Monday, November 28, 2011 6:40 PM
**To:** Gizele Johnson; Freida Wray
**Subject:** FW: Planning Commission Meeting of Nov. 28, 2011, Agenda Item No. 2: Sidewalk Signs

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**From:** Bernard H. Berne [mailto:bhberne@yahoo.com]
**Sent:** Sunday, November 27, 2011 7:27 PM
**To:** Brian Harner; Charles Monfort; Chris Forinash; Inta Malis; Karen Kumm Morris; Nancy Hunt; Peter Fallon; Rosemary Ciotti; Stephen Sockwell; Steve Cole; Suzanne Klein; Terry Savela; Terry Serie
**Subject:** Planning Commission Meeting of Nov. 28, 2011, Agenda Item No. 2: Sidewalk Signs

Re. Planning Commission Meeting of November 28, 2011

Agenda Item No. 2:
*ZOA-11-04.*
*Amendment to the ACZO, §§ 20 (Appendix A) and 34 to permit one temporarysidewalk sign (up to 7 sq. ft. per side) per entrance for establishments within "C", "M", "RA4.8", "RA-H-3.2", "R-C", Public, and Special Districts that have a direct entrance to the sidewalk, to be placed outside of the required clear walkway; to define "commercial message", "establishment", "landscape and utility zone" and "temporary sidewalk sign"; to permit up to four square feet of commercial messages on each umbrella within permitted outdoor cafes; and to permit one building or projecting sign per garage entrance to a garage available for parking by members of the general public during certain hours.*

I request that you recommend that the County Board not adopt the portion of the amendment that will permit sidewalk signs. It will be impossible to stop business establishments from placing signs in illegal locations. Code Enforcement does not have sufficient personnel to do this. Further, sidewalk signs will add a great deal of clutter to commercial areas. This will lower property values. You won't see sidewalk signs along Fifth Avenue in New York City. There is a good reason for this.

Sidewalk signs help businesses that erect the signs. They disadvantage competitors that don't erect such signs. They do not produce net revenue to the County. They only help establishments that create clutter.

Further, the proposed amendments have the following defect:

Lines 72 through 83 of the proposed amendments state:

<u>4) Sidewalk signs shall be permitted only on sidewalks where there is an existing minimum six-foot clear walkway (an unobstructed area serving as circulation space for pedestrians). In order to provide adequate clearance for pedestrians and persons with visual and mobility disabilities, such signs shall not be placed within any required clear walkway for the site, and shall be located either entirely within two feet of the building face, or within the landscape and utility zone such that there is at least one foot between the sign and the edge of the curb (on sidewalks where there is no landscaping, sidewalk signs may be placed within four feet of the edge of the curb if such placement maintains the clearwalkway required in this subparagraph);</u>

Note the provision describing the placement of signs on sidewalks where there is no landscaping. On such sidewalks, the amendment permits the placement of signs within four feet of the curb or within two feet of the building face.

Therefore, if a sidewalk is ten feet wide and lacks landscaping, one business establishment can place a sign nearly four feet from the curb. The establishment next door can place a sign almost two feet from the building face. The two signs can be very close to each other, as they advertise different establishments.

The sidewalk in front of each establishment will have a six foot clear area. However, people won't be able to walk, cycle or travel in a wheelchair in a straight line unless they are in the middle four feet of the sidewalk.

The County Manager apparently intends that the clear area on the sidewalk will be six feet in width. However, in actuality, the effective clear area will be only four feet in width if the two signs are close to each other. A four foot wide sidewalk is clearly insufficient in a commercial area. Even if the signs are not close to each other, people will not be able to travel in a straight line unless they are in the middle of the sidewalk.

Please recommend that the County Manager and revise the language of the above provision before the County Board considers the proposed amendments.

Thank you.

Bernie Berne
4316 N. Carlin Springs Road, Apt. 26
Arlington, Virginia 22203-2035