

Dear Members of the County Board,

It was good meeting with most of you this week to discuss the details of the request to advertise (RTA) revisions to the sign ordinance. I am most concerned about roof top signs and their relationship to the overall image of Arlington as well as their impact on residential neighborhoods throughout the county.

As you know, these signs are nothing more than billboards and corporate ego signs. Most worrisome is that, if they are allowed, the County must grant such signs to all buildings in similar situations and cannot effectively control their content. This could mean long vistas of roof top signs from our sky line and would become the iconic image Arlington presents to the rest of the world.

Therefore, at a minimum, options should be included in the advertisement that:

1. **Prohibit all rooftop signs, lighted or not, above 40 feet,**
2. **Clearly and effectively prohibit rooftop signs, lighted or not, that face residential neighborhoods whether they are low rise neighborhoods or high rise buildings,**
3. **County Board Must Continue to be Accountable for Rooftop Signs . Any rooftop signs that are allowed under the new code must go through the current process of County Board review and citizen input.**
4. **Prohibit any rooftop signs facing federally protected lands.**

Below are three (3) options to be added or modified from the staffs list for 34.7.O

1. Prohibit all Rooftop Signs

The County should advertise as one option the prohibition of all new rooftop signs in the County. While not reflected in the staff report, at the meetings I attended there was almost universal support from residents for banning such signs completely!!!

I therefore support Planning Commission Option 5 which would prohibit all signs from being placed above the height of 40 feet. Language could be used such as proposed by Aurora Highlands:

Add Option 1:

No signs above 40 feet, lighted or unlighted, will be allowed.

If the county were to allow sign above 40 feet then there is the need to codify current policy.

2. Clearly prohibit rooftop signs facing residential neighborhoods.

Current county policy and practice is to **not allow roof top signs to face residential neighborhoods.** This can be done by using or rewording staff Option A

Staff Option A, which staff proposed was their attempt to codify the current existing practice for protecting residential neighborhoods is acceptable,

OR the simpler and more direct Aurora Highlands language which states:

Add Option 2:

“No signs above 40 feet, lighted or unlighted, will be allowed that could be viewed, irrespective of viewing angle or legibility, from the residential neighborhoods as indicated on Map 34.1 “

3. County Board Must Continue to be Accountable for Rooftop Signs

Current policy also requires that the County Board approve any such signs in a public process.

Rooftop sign are very sensitive and how or who they effect is often very hard to define. Therefore, decisions should never be left to staff alone and it is critical that applications for rooftop signs that might be allowed must be approved by the County Board and have a public hearing. This gives the residents confidence in the system and insures that our elected officials are accountable on sensitive and complex decisions.

Staff did not include such an option, so it is critical that an option be added to the RTA that would require that any and all applications for signs above 40 feet will be subject to a mandatory County Board review and public hearing process. It could be worded such as:

Add Option 3:

All signs, lighted or unlighted, above 40 feet that are permitted under the Arlington code must be subject to mandatory County Board review and a public hearing.

4. Prohibit any rooftop signs facing federally protected lands.

In order to protect the image of Arlington to the rest of the world we should not have any roof top signs, lighted or not, facing monumental core.

Therefore, I support: **Staff Option F**

or

the **Planning Commission Option 9.**

Yours

Ted Saks

Aurora Highlands Draft Position: Arlington County Sign Ordinance Update, Public Draft 3, Signs Mounted More than 40 feet Above Grade

Summary

This note addresses the Arlington County Sign Ordinance Update, Public Draft 3, regarding signs mounted more than 40 feet above grade. Arlington County staff, commissions and residents have put tremendous effort into this update, and the result will be an improvement over the current ordinance. The update should codify County practices that have worked and improve practices that haven't. After reviewing some cautionary examples of roofline signs in Arlington, and approaches taken in other cities, this note concludes that roofline signs provide little benefit to our community and instead saddle us with negative impacts. With such minimal public benefit, roofline signs should be strictly limited; however, the technical framework needed to avoid negative impacts from such signs would be difficult to define and would require great discipline to prevent misuse. To remove this uncertainty, Arlington should decisively prohibit the use of roofline signs, not only by right, but also prohibit their use on an exception basis. The resulting ordinance should reaffirm our community values and be responsive to Arlington County's mission to create and sustain a world-class community.

Introduction

The sign industry is evolving quickly in this era of rapid technological change. Signs have become more reliable, legible and affordable; thus, the demand for signs has grown accordingly. Modern signs can be incredibly creative and have enormous visual appeal, especially street level signs. But signs can also become nuisances, cluttering our urban environment with visual blight, increasing our stress and degrading our quality of life. A regulatory framework for signs above 40 feet should consider that the potential adverse impacts of roofline signs are magnified enormously because the signs can be seen over such a broad area. When considering an update to the regulations for roofline signs, the question is not just "what problem are we trying to solve", but also "what problem are we trying to avoid".

In this note, I will provide some background information about this specific type of sign, describe some negative impacts of current roofline signs in Arlington, look at how other world class cities manage roofline signs. Then I will explain specific concerns with the current

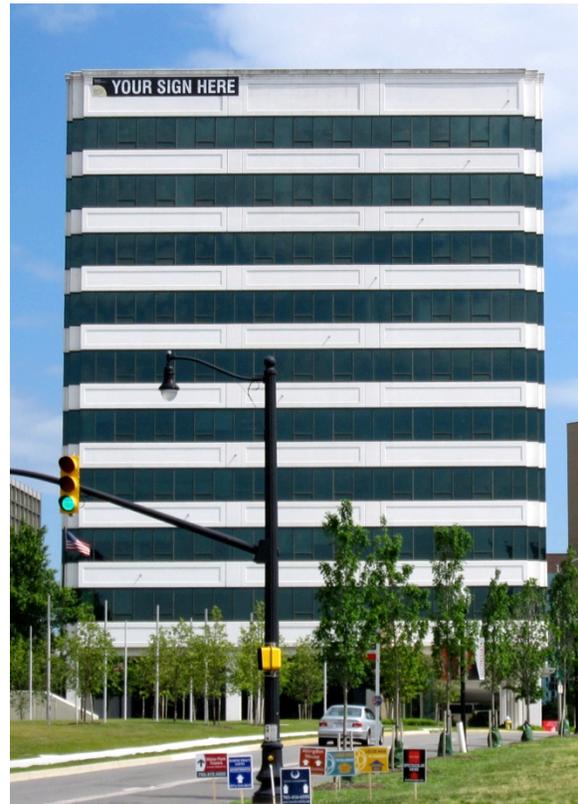


Figure 1 Crystal City, Roofline Sign advertising availability of Roofline Signs

language in the proposed update regarding signs above 40 feet and provide some recommendations.¹

The Status Quo in the Crystal-Pentagon City Core

There are currently only one or two roofline signs in the Crystal-Pentagon City core that are visible from the surrounding residential areas. That there are so few signs is no accident; but is instead a result of a sustained decades-long, concerted effort by the County Board and our community residents to ensure these highly visible roofline signs are oriented North or South along the Route 1 corridor and not toward the residential communities to the West. Facing North and South, the signs are facing the likeliest audience for such signs: visitors to Crystal City and through-traffic headed to or from the District of Columbia. The current situation, although it has required an enormous amount of work on the part of the County Board, Staff and residents, has been beneficial to our residential communities and has allowed a busy commercial area to thrive alongside a residential area. We encourage the codification of this practice for all of Arlington, to provide certainty to residents that a large sign will not suddenly appear in their viewshed. Correspondingly, codification of the current County Board practices will provide certainty to businesses regarding the requirements for such signs.

But with the majority of new County residents moving into mixed-use areas, whether in townhouses, condominiums or apartment buildings, it will not suffice simply to protect single-family residents. If Arlington is to hold true to its mission, similar protections must be extended to these residents as well. We should not be carried away by claims that we have or need 24-7 areas in Arlington. Nor should we be persuaded by the often-heard dismissive comment that residents of our urban cores “chose to live there” and therefore don’t merit any consideration. There are very few exclusively commercial areas in Arlington. Residents live in or near almost every developed block of Arlington. All of us need quiet, dark portion in each day to sustain a healthy life. So, we need to consider how to extend equivalent protection from the glare of roofline signs to the residents of mixed-use areas.

A Public Good: Our Urban Cityscape and Night Sky

It is well accepted that a municipality can plan and regulate the public environment for the public benefit. Thus advertising and other signage that intrudes on the public space is not a right that needs only to be recognized; instead, it is a right that is awarded in return for a public benefit. So when considering the regulations on sign placements, the public benefit of the signs must be considered.

For example, there is little public benefit in allowing a firm to mount a sign high on a building, if the majority of the people who will view the sign live in residences within the sign viewshed and have expressed a desire to not have such signs. If, on the other hand, a hospital desires a high-mounted

¹ Folks in Arlington County sometimes uses the term “rooftop signs” when speaking about all signs mounted higher than 40 feet or two stories from the ground. However, most municipalities define rooftop signs to be signs that project above a building roofline, almost like a billboard. So this note will use the term ‘roofline signs’. I am aware of only one true rooftop sign in Arlington: The Qwest building in Ballston has a sign above the roofline on the penthouse. Most municipalities prohibit such signs. The Qwest sign provides a cautionary tale for Arlington, which I will explain over the course of this note.

sign to effectively provide aerial landmark for a shock trauma helicopter, then there is a public benefit to be considered.

Roofline signs are often justified by claiming that they provide a street level way-finding benefit for people. However, in a dense urban environment, a sign mounted several hundred feet high on a building provides little practical way-finding benefit. The sign is difficult to see unless one is far away, and the sign, seen from afar, provides no guidance regarding the street navigation needed to get there. Furthermore, the widespread use of GPS units provides more accurate way-finding capability, so the use of roofline signs for way-finding, while never very effective, is largely obsolete.

Overall, there is little public benefit to be gained by allowing high wall-mounted signs, especially in this age of targeted advertising. Furthermore, there is much to lose in terms of quality of life for residents, if roofline signs are allowed to proliferate out of proportion to their public benefit. Roofline signs are simply advertising, with minimal public benefit.

Many world-class cities have thought carefully about the balance of signs and the public good. Cities such as San Francisco², Cambridge³, New York City^{4,5} and Westminster (Central London) prohibit signs above ground level, or restrict their use to well-defined districts such as Times Square in Manhattan and Piccadilly Circus in London.



Figure 2 In a pedestrian-oriented environment, street level signs provide more effective way-finding than roofline signs

² Los Angeles Department of City Planning, Recommendation Report. 22 January 2009. Page 18. http://cityplanning.lacity.org/Code_Studies/Other/StaffReportOrd.pdf retrieved 12 June 2012. This report, albeit for a large city, has a very complete survey of best practices for signs, albeit for a large city. San Francisco prohibits roofline signs, but allows for building identification signs at heights up to 100 feet.

³ Save Our Skyline – Save the Cambridge Skyline. <http://saveourskyline.org/home> retrieved on 3 June 2012.

⁴ Zoning Resolution, The City of New York, Articles 32-654-657. <http://www.nyc.gov/html/dcp/pdf/zone/allarticles.pdf> retrieved 12 June 2012. Signs above 40 feet are allowed only in the Times Square and other limited areas (zones C6-5, C6-7 and C7).

In 2011, citizens in Cambridge Massachusetts successfully mounted a petition to force their City Council to rescind their recent approval of roofline signs.⁶ The Council had approved the roofline signs in response to intense lobbying by Microsoft to allow a sign on their Cambridge building. On the petition webpage, the Cambridge citizens express their view of the pros and cons of roofline signs in their community:

A look at who wins as a result of the recently passed zoning amendment – and who pays the price.

Who Wins

Big landlords – An illuminated sign atop a big building is a valuable commodity. Landlords reap the benefit of this in the form of higher rents, profiting from increased income immediately and a higher price when the property is sold.

Politicians & lobbyists – The amendment replaces the stringent zoning variance process with a much more subjective special permit process. That opens the door for politicians and lobbyists to “influence” the Planning Board. We can anticipate an increase in lobbying fees and campaign contributions to accompany the flurry of new special permit applications for signs.

Microsoft – The amendment clears a path for Microsoft to erect a large illuminated sign high above the river that will be visible to anyone viewing Cambridge from Beacon Hill or the Back Bay or entering the city via the Longfellow Bridge. And, once Microsoft sets the precedent, how many more signs will follow?

Who Loses

Residents – Many residents consider these signs to be an eyesore, but the people in residential neighborhoods adjacent to large commercial buildings will bear the heaviest burden: a proliferation of big signs brightly illuminated 24 hours per day.

Small businesses – Small and medium sized businesses are not eligible for Building Identification Signs – you need to be a “substantial” tenant in a big building. But these local businesses will pay a price in the form of higher rents and dislocation as landlords seek to cash in on “sign rental” opportunities.

Walkers, runners, bikers, sailors – Everyone who enjoys the Charles – on the water or along the banks – will find a much different environment once signs start sprouting up along the river.⁷

Many of the arguments for the citizens of Cambridge are equally true for us in Arlington. But it is far better to be pro-active rather than reactive. For example, it is helpful for a municipality to state its objectives and its concerns. From the Introduction to the “City of Westminster Advertisement Design Guidelines”:

Through this Design Guide, the Council aims to make two general points: the first concerns the design of individual advertisements. An advertisement can be visually good or bad irrespective of how much it costs and regardless of whether the firm or product it advertises is big, small, long established, new traditional, modern, expensive or cheap.

⁵ Mala, Elisa. “Burberry Puts its Mark on Madison Avenue, New York Times, 29 May 2009. <http://cityroom.blogs.nytimes.com/2009/05/29/burberry-puts-its-mark-on-madison-ave/>, retrieved 12 June 2012.

⁶ Save Our Skyline – Save the Cambridge Skyline. <http://saveourskyline.org/home> retrieved on 3 June 2012.

⁷ Save Our Skyline. http://saveourskyline.org/who_benefits, retrieved 3 June 2012.

The second point concerns the cumulative visual effect, which advertisements - of either good or bad design - have on the character of areas and on the general townscape. Excessive and un-coordinated advertising creates visual disorder and can easily defeat its own purpose, which is to attract attention to a particular product, service or place.

In general terms, the quality of advertisements depends primarily on whether they show concern for the buildings and the areas which they affect and, through this, respect for the public to whom they are directed. Almost invariably, following these fundamental principles of good design will lead to visual and commercial success.⁸

So, rather than mount petitions to rescind and fix bad decisions, whether in the active ordinance itself or for specific building sites, it is in our collective interests to get the ordinance correct now.

The Claim: Firms will not locate in Arlington if they cannot have a high wall-mounted sign on their building.

Property developers, sign organizations, and some folks in the county government claim that Arlington needs to offer roofline signs by right to prospective tenants or risk losing them to other counties. To justify such a significant change in signage regulations, one would expect to review data to substantiate the claim that Arlington will suffer economically. I have asked the County staff and Planning Commission members to provide data that shows Arlington has suffered economically by not offering roofline signs by right. There is none.^{9 10}

The Cambridge folks had to deal with similar claims.

Are big signs necessary to attract large corporations to Cambridge? It has been suggested that, without this amendment, high profile companies would decide not to locate in Cambridge and that some companies already here might decide to leave because they are denied a building sign. The facts don't support this contention. Many international biotech and computer technology firms settled in our city before this amendment was adopted and they will continue to do so long after this amendment is repealed.

When asked why they come to Cambridge, high tech companies point to the depth of our talent pool and the ability to collaborate with our universities. Often, they speak enthusiastically about the quality of life here that helps them attract and retain the staff they need to build their businesses. Has

⁸ Westminster Advertisement Design Guideline.

<http://transact.westminster.gov.uk/spgs/publications/Advertisement%20design.pdf>, retrieved 3 June 2012. This document is subordinate to the Unitary Development Plan for Central London, (<http://www.westminster.gov.uk/services/environment/planning/unitarydevelopmentplan/>), which lays out Westminster's approach for maintaining a world class, capital city, encouraging business and protecting long standing residential communities. It's a very thoughtful document.

⁹ Arlington allowed Qwest to put two rooftop signs on the building in Ballston, mounted above the roofline at the penthouse level. One of the signs can be read, and is uncomfortably bright from Washington-Lee High School and the surrounding single-family residential neighborhood, more than half a mile distant.

¹⁰ Although roofline signs were not addressed, Los Angeles did a study of retail signs in Los Angeles County to see if more signs led to more sales tax revenue. Their conclusion was that it didn't: "While many factors and variables contribute to high per capita retail sales, a permissive sign code is evidently not one of them, at least not among the most business-friendly cities in the county." Roofline signs are different types of signs, but the study conclusion can be generalized – an aesthetically attractive city is far better for business than a whole bunch of signs. Los Angeles Department of City Planning, Recommendation Report. 22 January 2009. Page 11. http://cityplanning.lacity.org/Code_Studies/Other/StaffReportOrd.pdf retrieved 12 June 2012.

anyone ever heard of a company identifying signage as a material factor in their decision about where to locate?¹¹

A similar argument can be made for Arlington. With a highly educated workforce, a location near major government agencies and a superior transportation system, it seems extremely unlikely that a roofline sign could be a significant factor in a decision process.

Furthermore, it is difficult to conclude, presuming rational decision making is at work, that a roofline sign offered to a prospective tenant would provide a compelling advantage if the tenant's other potential location, with no sign on offer, would not share a similar viewshed. A sign in Arlington cannot be seen in Fairfax – they have different viewsheds and they have different markets. Were Washington, DC to allow roofline signs, which they don't, a good argument could be made that Arlington would lose business to DC. However, this is not the case.

Given the complete absence of data to support the claim that Arlington will suffer economically if roofline signs are not allowed, and the high potential for negative impacts, we must proceed carefully indeed.

County Board Review of Sign Applications.

The Arlington sign ordinance update proposes to allow roofline signs by right, with no review of the sign design. This creates a risk for us that a bad sign that otherwise meets the explicit requirements of the ordinance will be approved by right. Instead, the sign ordinance should provide some explicit requirements and in addition, mandate a design review prior to approval. This makes sense given that many factors that govern whether a sign is appropriate in a specific location are difficult to quantify, especially given the large area that will be obligated to see the sign. Below is a relevant section from the City of Pittsburgh sign ordinance, from which some of the new Arlington County sign ordinance appears to have been derived. Note that their ordinance has similar language regarding sign luminance for signs located more than forty feet above grade, but adds that signs are subject to design review and approval by a Planning Commission.

(c) Only [business and building name signs] the name of the building or business shall be mounted higher than forty (40) feet above grade and [shall] may face in all directions but shall not be roof mounted nor project above the roof peak or parapet wall, shall not exceed in face area 40 square feet or two (2) percent of exposed facade area whichever is larger, shall be limited to four (4) per building, shall include no motion or animation, shall not exceed a luminance of forty-five hundred (4,500) nits during daylight hours between sunrise and sunset, shall not exceed a luminance of three hundred fifty (350) nits at all other times, shall permit electronic illumination with no motion or animation, and shall be subject to design review and approval by the City Planning Commission. All applications shall include certification that the sign will comply with luminance level standards at the time of application and must certify again that the sign is operating in compliance with the standards prior to issuance of an occupancy permit.¹²

¹¹ Save Our Skyline, <http://saveourskyline.org/faq> retrieved 3 June 2012.

¹² Ordinance amending and supplementing the Pittsburgh Code, Title Nine, Zoning Code, Articles IV through VII, Sections 910, 913, 919, and 921 to provide new sign categories, definitions, procedures, and regulations regarding electronic signage. http://www.pittsburghpa.gov/dcp/files/Sign_Legislation_2011-1916.pdf, retrieved 2 June 2012

Since roofline signs have such high potential to degrade the urban environment and provide such marginal public benefit, Arlington should at minimum follow the example of other cities: specify technical requirements for the sign and review the sign design itself, soliciting public comment on the proposed sign. This careful review is needed to ensure compatibility with the local environment. The consequences of a bad sign are long lasting, as many corporations are not good community citizens, and will refuse to modify a sign, once approved, if a problem is discovered.¹³

Signs Convey Values, not just Advertising

A business uses a sign to advertise their goods and services, and to provide identification of their establishment. Hand in hand with these messages, the values of the business are communicated to the public. We can see this around Arlington. The businesses signs below communicate values that we generally share in our community. When we see these signs, we generally have positive feelings for the firm and by extension for our community, for hosting the firm.



Figure 3 The Nature Conservancy, Ballston. Protecting the Environment



Figure 4 Northside Social, Clarendon. Fair Trade Coffee, Local Ownership



Figure 5 Smokey Shope III, Aurora Highlands. Promoting Illegal Behavior, Poor Spelling.

Other businesses, like the one below, have signs that communicate values that we don't generally share as a community. When we see these signs, many of us have negative feelings for the business and are a little embarrassed that such businesses are in our community.

Fortunately, retail businesses that do not share our values will have difficulty attracting customers, and thus will not stay in business for long. Similarly, retail businesses with signs that are too bright or garish will get complaints directly from their customers, and will adjust, or lose business. This natural

¹³ Calhoun, Patricia. "The Bright Stuff", Denver Westword News, 23 December 2004, <http://www.westword.com/2004-12-23/news/the-bright-stuff/>, retrieved 4 June 2012. The Qwest Corporation refused to dim their sign despite citizen complaints. The city of Denver reviewed their ordinance and found that they had no way to compel Qwest to dim their sign.

feedback mechanism works quite well for street level signs of retail establishments.

However, roofline signs don't have the same natural consequences as street level signs, for several reasons. First, national or international corporations typically own most roofline signs. These firms often have no meaningful management presence in our community, so the firm may not necessarily share our community values nor have the authority to respond to community feedback. Second, these firms have no local retail customers, so there are no natural incentives to manage their signs so that they don't offend the community.¹⁴ Third, the viewshed (the total area or neighborhoods that can see the sign) of the roofline signs is extensive, so the impact of a sign that conveys negative values is much greater. Yet we can't expect every business to share and reinforce our community values. Rather it is the grand platform that a roofline sign provides a firm, and the lack of a corrective feedback loop between the community that must see their sign and the firm whose values are on display that magnifies the problem.

Yet a company's products and services aren't the only values conveyed by a sign. A company's behavior also reflects its values. Below are two roofline signs for businesses whose behavior has been not just reflective of poor values, but also illegal.

Qwest, a national telecommunications firm, has a sign on their building in Ballston. Qwest is best known for the behavior of its former CEO, Joe Nacchio, who was convicted of securities fraud in 2007.¹⁵

So, irrespective of the quality of Qwest's telecommunications services, the values conveyed by the Qwest sign are those of an organization that defrauded the public. The Qwest sign thus reflects poorly on our community because by allowing the sign such prominence in our skyline, we are tacitly agreeing with their values. And therein lie the hazards of granting organizations such a large portion of our publicly shared urban skyline. Nacchio is currently serving six years in Federal prison.¹⁶



Figure 6 Qwest, Ballston. Securities Fraud

¹⁴ Qwest's bad behavior in Denver is a compelling example of poor corporate citizenry.

¹⁵ Vuong, Andy, "Victims of Qwest securities fraud get little back." 4 May 2012, http://www.denverpost.com/breakingnews/ci_20548197/victims-qwest-securities-fraud-get-little-back, retrieved on 3 June 2012.

¹⁶ Joseph Nacchio entry, Wikipedia, http://en.wikipedia.org/wiki/Joseph_Nacchio, retrieved 3 June 2012.

Another prominent sign in our skyline is shown below. BAE Systems is an international defense contractor, based in Great Britain. In 2010, BAE was found to have illegally exported US Arms Technology to several Central European countries. Despite paying over \$400M in fines, BAE was widely seen as having gotten off lightly.¹⁷

In addition to the arms export violations, BAE is the target of an ongoing US investigation, as officials consider the evidence that BAE may have engaged in illegal payments to win business in Saudi Arabia and other countries.¹⁸

The illegal arms exports were no small matter. The size of the illegal scheme was so large and the organizational complicity so deep, that the penalty called for BAE to be debarred from United State defense business, to be ousted from current contracts and banned from future contracts.

However, the DoD concluded that the BAE Systems U.S. defense contract portfolio was so extensive that real harm would be done to our national security should the penalty be levied.

Ultimately, the US State Department issued a notice stating that BAE was debarred from conducting business in the United States, and then within the same notice rescinded the debarment, preventing any negative impact to DoD programs. The language is harsh:



Figure 7 BAE Systems, Rosslyn. Illegal Arms Exports

Notice is hereby given that the Department of State, acting pursuant to section 127.7(c) of the International Traffic in Arms Regulations (“ITAR”) (22 CFR Parts 120-130), imposed a statutory debarment on BAE Systems plc (“BAES”) as a result of its conviction of conspiracy (18 U.S.C. 371) to violate certain provisions of U.S. law, including section 38 of the Arms Export Control Act, as amended, (“AECA”) (22 U.S.C. 2778) and at the same time reinstated BAES. Concurrently, pursuant to section 126.7 of the ITAR, the Department of State is providing notice of a presumption of denial (also referred to as a policy of denial) regarding certain of BAES' non-U.S. subsidiaries because of

¹⁷ Leigh, David et al. “BAE pays fines of £285m over arms deal corruption claims”, The Guardian. 5 February 2010. <http://www.guardian.co.uk/world/2010/feb/05/bae-admits-bribery-saudi-yamamah> , retrieved 4 June 2012.

¹⁸ Wikipedia entry, BAE Systems, http://en.wikipedia.org/wiki/BAE_Systems , retrieved 10 June 2012.

their substantial involvement in activities related to the conviction. These non-U.S. subsidiaries are: BAE Systems CS International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd.¹⁹

However, the stigma remains – many defense industry and military folks view this as a profoundly serious violation, one that calls into question the values of the BAE organization. The BAE Systems sign has also been given a prominent position in the Arlington skyline. So here too, the expressed values of a large corporation are conveyed with their sign, reflecting negatively on our community.

As a community, we rely on shared values, laws and regulations to govern the conduct of the businesses in Arlington. However, we have limited visibility or jurisdiction into the conduct of businesses that are managed from outside our community, state or even our country. Like it or not, the values conveyed by these signs become a proxy for our community values. So, we should be cautious when we consider allowing any company, large or small, local or not, to be given such a prominence position in our public skyline. We frequently hear of television and radio stations who drop sponsors because the person or the organization's behavior, not the ad or logo itself, has offended their values. So too, we need to manage our skyline in Arlington; however, we are not able to pick and choose, nor turn the lights out on a bad company. Instead, as explained below, we get one choice, one time: whether to allow the signs at all.

And, no, we cannot put a morals clause in the sign ordinance.

Signs and the First Amendment

The U.S. court system has traditionally distinguished between non-commercial speech such as political messages, and personal speech; and commercial speech, such as advertising and speech related to commerce. Non-commercial speech enjoys greater protections than commercial speech, although the courts have tended to narrow the gap in recent years.²⁰ However, recent court cases have re-emphasized that municipalities can regulate where signs are located, sign types and other technical parameters for a variety of reasons, ranging from public safety to community aesthetics.^{21, 22}

But the courts have also made clear that anywhere commercial speech is allowed, that non-commercial speech must be automatically allowed. Arlington's current sign ordinance allows this, as does the proposed update, Section 34.15.A

Substitution of message

Any sign allowed under this Section 34 or a predecessor ordinance, by special exception, or by variance, may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for

¹⁹ Statutory Debarment and Reinstatement of BAE Systems plc, Federal Register 23 May 2011. <https://www.federalregister.gov/articles/2011/05/23/2011-12628/statutory-debarment-and-reinstatement-of-bae-systems-plc> , retrieved on 4 June 2012.

²⁰ Commercial Speech entry, Wikipedia. http://en.wikipedia.org/wiki/Commercial_speech, retrieved 3 June 2012.

²¹ Mandelker, Daniel, "Sign Regulation and Free Speech", <http://law.wustl.edu/landuselaw/signartsite1.htm>, retrieved 3 June 2012. This provides a good overview of subject.

²² "Appeals Court rules NYC can limit Billboards", Associated Press, <http://www.crainsnewyork.com/article/20100203/FREE/100209949> retrieved 3 June 2012.

sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance.

Arlington's proposed sign ordinance states that roofline signs are allowed, but the content must be related to the business purpose of the building. However, consideration of Section 34.15.A means that wherever we allow roofline signs for commercial use in Arlington, we must accept that we ultimately will have no control over their use for non-commercial speech and no control over the specific subject matter. Here too, the message is that allowing roofline signs, even with tight technical regulation, can expose a community to a lot of heartache.

Sign Location and Viewshed

In much of the discussion and in the ordinance language itself, we focus on where a sign is located and the direction it faces. This formulation makes it difficult for to convey the intent of the signs ordinance, which is to manage to impact of the sign, maximizing public benefit and minimizing adverse impacts. This is particularly frustrating for all, because the consequences of getting a sign wrong are quite consequential. Below are several examples.

First, the Qwest sign (again). This sign is not just visible from over half a mile distant, but is still readable and annoyingly bright, in the single-family neighborhoods from which it can be seen. Whatever benefit Qwest has gained from their sign is more than offset by the negative social impact on the neighborhoods that must endure its glare.

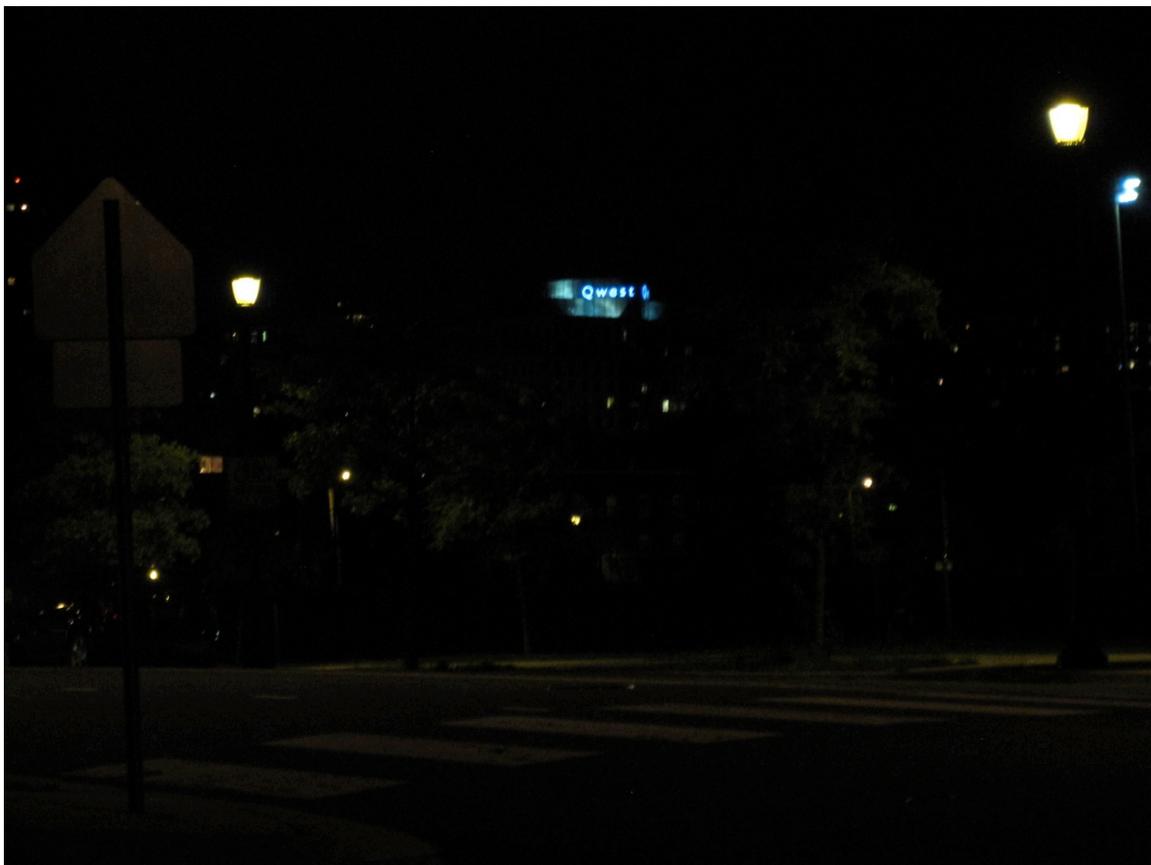


Figure 8 Qwest, Ballston. From the Corner of Quincy and 14th St, about a half-mile distant

Compounding our frustration, Qwest, having illuminated a neighborhood with the roofline signs, has elected to keep their more appropriate street level sign turned off.



Figure 9 Qwest, Ballston. A Sunday evening, 10:30 pm. Rooftop sign is illuminated, but street level sign is not

Another example, BAE Systems (again) concerns the visibility of Arlington-based advertising from the national monuments in Arlington and in Washington DC. The sign can be clearly seen, day and night from the Iwo Jima Memorial. Recall that BAE Systems, their illegal arms export conspiracy and the ongoing bribery investigation, and our embarrassment increases further yet. We didn't intend to approve the use of our nation's Marine Corp memorial for a product placement promotion, but that's the problem with roofline signs. The unintended consequences are hard to sort through, and the consequences can be gravely insulting.



Figure 10 Iwo Jima Memorial, BAE Systems sign visible on right

for our nation and our descendants. We host memorials to our armed services, such as Iwo Jima Marine Memorial and the Air Force Memorial, and Arlington Cemetery provides the final resting place for hundred of thousands of our fallen. Millions of people visit these sites each year to pay respects to the sacrifices that our soldiers have made. It is unseemly that we have allowed and are contemplating allowing by right, corporate signage to intrude on these hallowed areas. Not only should we not allow more of these signs, but we should work hard to remove the intrusive signs that are already there.

From these examples, we can conclude that a sign ordinance that relies on corporations to be good community citizens is not going to work. It only takes a few corporations to substantially degrade the quality of life in Arlington; hence the need for well defined regulations. This is not unusual – many laws and regulations are enacted to curb the unacceptable behavior of a few. However, we have obligations to respect our memorials and obligations to protect our own citizens. The examples above show that we cannot allow the businesses to respect these obligations.

So, our sign ordinance needs to reflect our values and the language of the ordinance needs to convey this intent. The effectiveness or nuisance potential of a sign has much more to do with from where it can be seen, than where it is located. However, an emphasis on location-based sign regulation means that one must cobble together odd language to limit adverse impacts.

For example, Fairfax County uses an algorithm based on sign height and distance from the residential area:

- D. In addition to the above and Sect. 10-104, on lots which abut property that is residentially zoned and developed, vacant or homeowner's association open space, all outdoor lighting, to include light poles located on top of any parking deck or structure, shall be:
- (1) Mounted at a height which is measured from grade to the bottom of the lighting fixture, including the height of the parking deck or structure when located on top of a parking deck or parking structure, and is equal to or less than the value $3 + (D/3)$, where D is equal to the horizontal distance in feet from the light source to the nearest residential lot line extended vertically; or
 - (2) Equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.²³

In another example, the City of Las Vegas does not allow illuminated wall signs within 200 feet of a residential neighborhood.

- D. Illumination permitted. Internal and or direct external illumination, except on a building elevation facing and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached) use. Animated and electronic message unit signs are prohibited.²⁴

Arlington's proposed sign ordinance has an option that is similar to the Las Vegas ordinance, although it is not as strict. From Section 34.7, paragraph 0.3 (b):

²³ Fairfax County, Zoning Article 14, section 14-902.2.E
<http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art14.pdf>, retrieved 4 June 2012.

²⁴ Las Vegas Zoning Code, Chapter 19.14, Sign Standards.
http://www.lasvegasnevada.gov/files/Chapter_19.14.pdf, retrieved 4 June 2012.

(b) [OPTION B]: zoning district and distance to define direction combined with hours of illumination] Signs placed at a height of more than 40 feet in the following locations may only be lighted as follows.

(1) Signs that are directly facing and within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district shall not be lighted.

(2) Signs that are directly facing and within 200 feet of a multifamily residential building in any zoning district shall not be lighted between 10 pm and 8 am. Hours of illumination may not be modified by the County Board.

But none of these ordinance language examples really satisfy the intent, which is to limit signs from shining into neighborhoods or the monument areas. Arlington offers a second option to consider, which has the right intent, prohibiting signs from shining into residential neighborhoods, but the language is difficult to interpret and would be difficult implement, as the intent would be lost in the details. From Section 34.7, paragraph 0.2.(e):

(e) [OPTION A]: map to define direction combined with hours of illumination] Lighted signs placed above a height of 40 feet may be placed on building facades perpendicular to or facing away from the line identified as Line A on Map 34-1, but shall not be placed on facades facing Line A (a façade shall be considered to be facing Line A if it is less than 90 degrees from parallel). Provided, however, that lighted signs may be placed on building facades immediately adjacent to streets parallel to Line A, including but not limited to, Wilson Blvd., Clarendon Blvd., Fairfax Dr., S. Randolph St., S. Quincy St. and Campbell Ave, if the building façade is not within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district, and the applicant demonstrates that view of the sign is substantially blocked from the aforementioned zoning districts by a building or other structure of equal or greater height to the height of the sign.

Nonetheless, the intent of OPTION A is correct. So to come up with better wording, we should start by recognizing that businesses and residents have a shared interest in understanding what locations will be able to see a proposed sign. The ordinance language then should flow from that shared interest: that roofline signs need to be regulated from the perspective of the locations where they would be visible in addition to their mounting location. With this approach, OPTION A can be reworded simply:

No signs above 40 feet, lighted or unlighted, will be allowed that could be viewed, irrespective of viewing angle or legibility, from the residential neighborhoods.

No signs above 40 feet, lighted or unlighted, will be allowed that could be viewed, irrespective of viewing angle or legibility, from Arlington Cemetery, the Monumental Core or GW Parkway.

Determining the locations from which a sign will be visible can done by conducting a viewshed analysis.²⁵ A sign viewshed identifies the areas that can see a sign, accounting for variations in topography, the buildings and other structures and the characteristics of the sign itself. Rewording the sign ordinance language to simply identify where signs can or cannot be seen from, would get directly at our concerns about protecting the residents of Arlington County, and would allow businesses to adjust their sign designs to more directly target their intended audience.

²⁵ A viewshed analysis is commonly performed to determine the field of view for outdoor surveillance cameras.

A viewshed analysis can provide value to county staff, residents and businesses by specifically identifying what areas of the county will be able to see a sign. This is particularly important for roofline signs – recall that the Qwest sign can be easily read, and is still annoyingly bright from more than half a mile away. A viewshed analysis will identify during the sign design phase, prior to review and costly expenditures. There are several tools available for performing view shed analyses, ranging from simply walking an prospective area to determine the locations from which a sign would be seen, to using free tools such as Google Earth, and using purpose-specific view-shed analysis software packages. The analysis is not particularly difficult, and answers up-front the question that everyone needs the answer to: who will be able to see the sign.

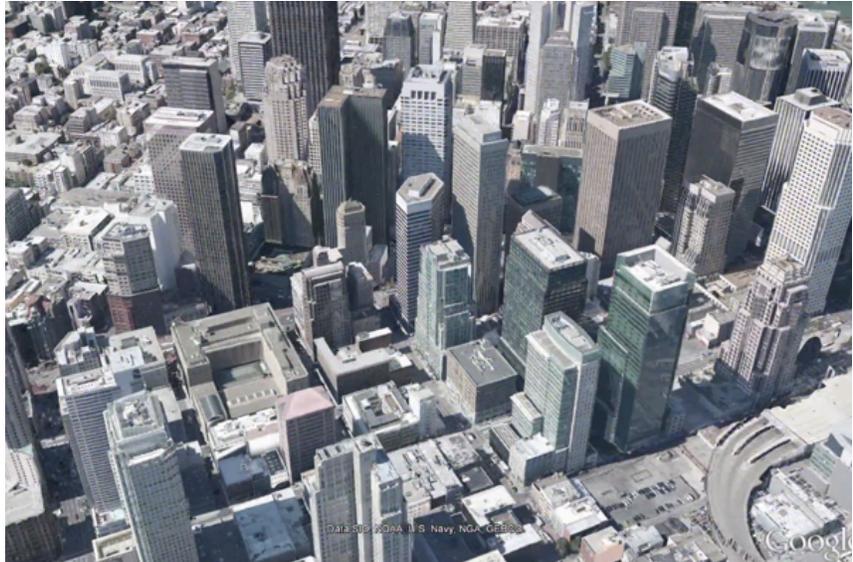


Figure 12 Viewshed analyses will become easier and more detailed with the continued evolution of 3D visualization tools, such as the Google 3D Maps imagery above

Regarding signs that would be completely contained within the urban cores and not visible from the residential areas, the earlier discussion shows that roofline signs anywhere create problems and provide little benefit. In the denser urban cores, the problems become much more difficult to avoid – the fundamental tension between commercial firms who want people to see their sign and the residents, who don't want to see their signs, is unresolvable. However, it is not impossible to have an inoffensive sign above 40 feet, provided the signs are very carefully designed and located. A viewshed analysis would be especially helpful within the complex topography of the urban cores of Crystal City or the Rosslyn-Ballston Corridor, as it would show with high detail, where a sign could be seen and where not. This would be vital to managing the mixed-use environment, ensuring that signs point toward their intended audiences, such as pedestrians on a street, and not at unintended audiences, such as a condominium residence. With such an analysis, the ordinance can be simplified here as well:

Signs above 40 feet can be located within and viewable solely within mixed use areas with both residential and commercial activity, on the condition that such signs are approved by the residents of such areas and are subject to mandatory County Board review.

The viewshed analysis should be required as part of the sign application for signs above 40 feet. Below are the suggested details for the analysis.

All applications for signs above 40 feet will be subject to mandatory County Board review and that all other sign applications be reviewed by the County Board upon the request of an Arlington County resident. To provide a basis for review and decision, the following information must be available at minimum:

- a. Technical details of the sign, including size, luminance, colors, lighting source, and filters, lensing, and other features that may increase visibility or legibility of the sign.
- b. High-resolution rendering of the proposed sign and dimensioned drawing of sign and proposed location.
- c. The sign viewshed map, indicating what areas will be able to see the sign, irrespective of whether the sign is legible.
- d. Estimates of the residential population, current and planned, in the sign viewshed.
- e. The sign distance from residences within the mixed-use area, current and planned.
- f. Statements regarding the proposed sign, from the affected residents and property owners within the viewshed.

However, allowing the prospect of a sign above 40 feet into the ordinance will increase the work load of county staff and the vigilance needed by residents to ensure that no bad signs leak through. For the minimal public benefit these signs provide, the effort required to do no harm seems disproportionately large, given the almost non-existent public benefit.

Achieving a Diverse Urban Environment.

Much of the appeal of an urban area is the variety of environments available within a small area. Single family residential, commercial, mixed use, entertainment districts, and industrial districts can all thrive in specific zones of a city. However, unlike a suburban area, where only one, or a few at most, zones are defined, an urban area needs multiple zones defined in order to provide purpose specific regulations for the primary activity. Accordingly, the homogeneity inspired by the one-size or a few-sizes-fit-all suburban ordinance is replaced by the heterogeneity inspired by a fine-grained multi-zone ordinance. By formally defining entertainment districts, historic districts, mixed use areas and so on, a municipality can align its ordinance more appropriate to the primary activity of an area. In so doing, a municipality can encourage the development of a richly diverse environment.

The sign ordinance, while only one of many ordinances that regulates activities, is significant in this regard because the sign itself can subvert the primary activity of an area. For example, a historic district, absent any accompanying recognition in the sign ordinance, can quickly lose its historic feel, with the erection of several commercial signs. A single-family residential area can become less desirable should a local business put up a large sign that shines into the residential area. In Arlington, although our zoning recognizes single-family residential areas, mixed-use areas, it does not recognize entertainment districts or other districts that desire to achieve a specific feel for their community. Instead entertainment districts are informally defined – for example the Crystal City sector plan has an entertainment district, but the sign ordinance does not recognize it, and instead treats Crystal City as a single homogenous area, rather than the diverse area that is intended. Many cities known for their vibrancy, economic dynamism and livability, use a more finely grained zoning structure or design overlay areas to ensure the development of a diverse environment and align their sign ordinance with this structure. By comparison, the Arlington ordinance structure is coarser grained with fewer distinctions among zones, and seems to be more aligned with its suburban past than its urban future. There is not much to be done about this situation at this time, but this may grow into a larger concern as Arlington becomes more densely developed.

Specification and Control of Sign Brightness

Recognizing the growing market for roofline signs, and sensitivity to public concerns, several organizations have taken on the task of defining luminance limits. Our perception of sign brightness is complex and not well understood: Not only is the intensity or luminance of a sign important, the colors in the sign and the luminance of the background is also a factor. A sign located at a roofline several hundred feet high may look acceptable during the daylight hours yet may be uncomfortably bright at nighttime with the dark sky in the background. Recalling the discussion of the Qwest and the BAE Systems signs, there are several modifications that need to be considered for the ordinance to ensure that Arlington County retains control over our skyline.

First, the luminance levels in the proposal, ranging from 50 to 350 nits, are generally acceptable. Note that environmentally concerned organizations favor a maximum luminance of 250 nits.

Second, although the luminance measurement is adjusted to compensate for light wavelengths to which the human eye is particularly sensitive, white and off white colors still pose an annoyance to the public, even if the sign otherwise complies with the luminance limits.²⁶ Again, the example is the Qwest sign, which has a white-blue light that is piercing to the human eye. The Qwest sign in Denver was similar:

The problem with Qwest's signage wasn't just the wattage, but how that brightness emphasized the blue neon behind the translucent panels (with a white-neon outline adding insult to injury). "Any blue light will appear very bright to us in our nighttime vision," explains lighting engineer Nancy Clanton. "It goes back to when we were cavemen and we relied on the moon, which sheds a blue light."²⁷

In Fairfax County Virginia, the sign ordinance deals with this problem concisely:

D. Internally illuminated signs, except those which bear a state or federal registered trademark, shall have an opaque background and translucent text and symbols, or shall have a translucent background that is not white, off-white or yellow in color. In addition, internally illuminated signs must comply with the provisions of Article 12. All illuminated signage located on the sides of a canopy shall be internally illuminated or backlit.²⁸

Last, the Arlington County needs to retain ultimate authority over the level of sign illumination. The ordinance requires dimmer circuits, which is good. However, the ordinance should explicitly state that the County may require additional adjustment of the sign illumination. By asserting the county's dimming prerogative, the value of the luminance requirement and the no-white requirement is to inform the sign designer of the approximate level of luminance and allowable color, thereby allowing the sign to be successfully designed. One more important point is that an acceptable sign lighting level is determined by increasing the light level from a condition of sign

²⁶ Private conversation and follow-up email with Bob Parks, director of the International Dark Sky Association, 6 April 2012.

²⁷ Calhoun, Patricia. "The Bright Stuff", Denver Westword News, 23 December 2004, <http://www.westword.com/2004-12-23/news/the-bright-stuff/>, retrieved 4 June 2012.

²⁸ Fairfax County, Zoning Article 14, section 14-902.2.D <http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art14.pdf>, retrieved 3 June 2012.

darkness to discover the minimum lighting level needed for an effective sign. A procedure that starts from the maximum lighting and adjusts downward until the sign is no longer painful or annoying, would likely result in a sign lighting level that is still excessively bright.

Some suggested language is provided below.

The County retains the authority to require additional dimming of a sign, even if it is in compliance with the luminance standards, if needed for to address public safety, public annoyance, aesthetics or other reasons.

Nonconforming Signs

With the suggested changes to the sign ordinance, public draft 3, new signs would provide a good balance of public benefit for the right to display the signs. However, existing signs would pose a problem, as shown by the Qwest and BAE Systems signs. The nonconforming sign section (34.26) of the proposed sign ordinance update is quite complete. One additional modification is suggested.

Nonconforming signs that reference organizations that are no longer doing business using the name on the sign shall be removed.²⁹

Furthermore, the county is urged to develop a mechanism by which the removal of non-conforming signs can be required in a timelier manner than simply waiting for them to fail.

Recommended Changes to the Draft Ordinance

The appendix summarizes the two options for language modifications to the Draft Ordinance, each of which has been explained over the course of this note. The first option is the simplest to state and administer, which is to prohibit signs above 40 feet. This language is clear and unambiguous, and would not allow any exceptions to be granted. The second option proposes the technical requirements that prohibit signs that would be seen from the memorials and monuments and the residential areas, but would allow roofline signs to be considered within the urban core. The first option is preferred.

Conclusion

World-class cities have generally severely restricted the use of roofline signs, while remaining economically vibrant locations that attract businesses that embrace their highly educated, creative workforce. Companies locate in these cities for much the same reason they come to Arlington; our people, our location and our infrastructure. These are our true competitive strengths.

After reviewing some cautionary examples of roofline signs in Arlington, and approaches taken in other cities, we conclude that roofline signs provide little benefit to our community and instead saddle us with large prospective negative impacts. With such minimal public benefit, roofline signs

²⁹ Roberts, Michael, "Qwest merger and Phil Anschutz: More riches for Colorado's richest man?", Denver Westword Blog. 22 April 2010. http://blogs.westword.com/latestword/2010/04/qwest_merger_and_phil_anschutz.php, retrieved on 4 June 2012. Qwest has been acquired by CenturyLink and no longer uses the Qwest name.

should be strictly limited; however, the technical framework needed to avoid negative impacts from such signs would require great discipline to prevent misuse. To remove this uncertainty, Arlington should decisively prohibit the use of roofline signs, not only by right, but also prohibit their use on an exception basis. The resulting ordinance should reaffirm our community values and be responsive to Arlington County mission sustain a world-class community.

Given the scope of the changes in the sign ordinance, it would be prudent for the County Board to schedule a public review of the ordinance, administration, the enforcement mechanisms, and the impact on the Arlington citizens, businesses and the skyline after a suitable period.

Appendix – Recommended Changes to Public Draft 3,

Option 1, the Preferred Approach – No Signs above 40 feet.

§34.4. Signs prohibited in all districts

Add:

T. Any sign mounted more than 40 feet above grade.

§34.7. Signs in C, M, mixed-use districts (RA4.8, R-C, RA-H, RA-H-3.2, MU-VS) and public districts (S-3A, S-D, PS)(excluding one- and two-family and town house uses)

Modify as indicated:

Section N. Wall Signs

2. General standards

Permit required?	Yes
Separate lighting?	Yes
Automatic changeable copy?	Yes, subject to standards of §34.11.B
Commercial messages?	Yes
Included in aggregate sign area?	Yes
Maximum height to top of sign	40 feet, except a maximum of two wall or projecting signs per building may be placed above a height of 40 feet, subject to the standards in 34.7.0.2 and 3.

3. Dimensional Standards

(a) For a property or building for which there is not an approved comprehensive sign plan, the following dimensional standards apply to wall signs:

Maximum size per sign	60 sq. ft.; see additional limitations below
Maximum sign area per occupant	The larger of 60 sq. ft. or one sq. ft. of sign per foot of building frontage; see also additional signs below
Maximum number	3 per establishment located on 1st or 2nd floor; see also additional signs below
Additional signs	1 additional sign not exceeding 6 sq. ft. to identify secondary entrances to a building
	1 additional side or rear sign not exceeding

	30 sq. ft. on the side or rear wall of a commercial building which abuts a public street or a parking lot associated with the commercial building, for buildings located on corner lots or lots abutting streets at both the front and rear, or for buildings served by an abutting parking lot of no less than 60 feet in width located to the side or rear of the main building
Maximum height to top of sign	40 feet, except as provided below

Section O. Additional sign area above a height of 40 feet for specified uses

1. Any building that meets the following criteria may install up to a maximum of two additional wall or projecting signs, with a permit, subject to the standards listed below. Such signs shall not be counted as part of allocated aggregate sign area.

~~(a) The building is not located in an S-3A, S-D, R, RA14-26, RA8-18, RA7-16, RA6-15, C-1, C-2, C-1-O, C-0-1.0 or C-1-R zoning district~~

~~(b) The building is more than 70 feet in height; and~~

~~(c) The building is devoted primarily to office, commercial, public or at least 50% to hotel uses above the ground floor.~~

~~(d) The maximum area of each additional sign is limited as follows:~~

Height of building	Maximum sign area (sq. ft.)
70 ft. – 100 ft.	0.6 x bldg. width at height of sign
101 ft. – 200 ft.	1.0 x bldg. width at height of sign
>201 ft.	1.5 x bldg. width at height of sign

2. Placement of all signs above a height of 40 feet

~~(a) No lighted sign in an S-3A, S-D, R, RA14-26, RA8-18, RA7-16, RA6-15, C-1, C-2, C-1-O, C-0-1.0 or C-1-R zoning district may be placed above a height of 40 feet.~~

~~(b) Horizontally oriented signs shall fit within a sign band with a maximum of six feet in height, provided, however, that up to 20% of the sign may exceed the sign band up to a maximum of nine feet in height. The designated sign band shall be placed within the 20 feet of the building façade below the main roofline or other roofline of the building below the main roofline for a building where there are multiple rooflines;~~

~~(c) No sign placed above a height of 40 feet shall have any automatic changeable copy element; and~~

~~(d) All signs placed above a height of 40 feet may be illuminated only by internal lighting and hours of illumination shall be as set forth in §34.10.A.3~~

~~(e) [OPTION A]: map to define direction combined with hours of illumination] Lighted signs placed above a height of 40 feet may be placed on building facades perpendicular to or facing away from the line identified as Line A on Map 34-1, but shall not be placed on facades facing Line A (a façade shall be considered to be facing Line A if it is less than 90 degrees from parallel). Provided, however, that lighted signs may be placed on building facades immediately adjacent to streets parallel to Line A, including but not limited to, Wilson Blvd., Clarendon Blvd., Fairfax Dr., S. Randolph St., S. Quincy St. and Campbell Ave, if the building façade is not within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district, and the applicant demonstrates that view of the sign is substantially blocked from the aforementioned zoning districts by a building or other structure of equal or greater height to the height of the sign.~~

3. Hours of Illumination

~~(a) No sign placed at a height of more than 40 feet shall be lighted between midnight and 8 am; and
(b) [OPTION B]: zoning district and distance to define direction combined with hours of illumination] Signs placed at a height of more than 40 feet in the following locations may only be lighted as follows.~~

~~(1) Signs that are directly facing and within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district shall not be lighted.~~

~~(2) Signs that are directly facing and within 200 feet of a multifamily residential building in any zoning district shall not be lighted between 10 pm and 8 am. Hours of illumination may not be modified by the County Board.~~

~~(c) [OPTION C: no additional restrictions]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted between midnight and 8 am.~~

~~(d) [OPTION D: reduced hours of illumination]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted between 10 pm and 8 am.~~

~~(e) [OPTION E: no lighted signs]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted.~~

~~(f) [OPTION F: no signs above 40 feet]~~

~~Under no circumstances shall a sign be placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1.~~

§34.16. Nonconforming signs

Add:

E. Nonconforming signs that were approved for tenants that are no longer doing business using the name on the sign shall be removed.

F. Nonconforming signs that were approved for tenants that are no longer resident in the building shall be removed.

Option 2, An alternate framework for allowing roofline signs within the urban cores

§34.7. Signs in C, M, mixed-use districts (RA4.8, R-C, RA-H, RA-H-3.2, MU-VS) and public districts (S-3A, S-D, PS)(excluding one- and two-family and town house uses)

Replace paragraph 0.2(e)

~~(e) [OPTION A]: map to define direction combined with hours of illumination] Lighted signs placed above a height of 40 feet may be placed on building facades perpendicular to or facing away from the line identified as Line A on Map 34-1, but shall not be placed on facades facing Line A (a façade shall be considered to be facing Line A if it is less than 90 degrees from parallel). Provided, however, that lighted signs may be placed on building facades immediately adjacent to streets parallel to Line A, including but not limited to, Wilson Blvd., Clarendon Blvd., Fairfax Dr., S. Randolph St., S. Quincy St. and Campbell Ave, if the building façade is not within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district, and the applicant demonstrates that view of the sign is substantially blocked from the aforementioned zoning districts by a building or other structure of equal or greater height to the height of the sign.~~

With:

(e) No signs above 40 feet, lighted or unlighted, will be allowed that could be viewed, irrespective of viewing angle or legibility, from the residential neighborhoods as indicated on Map 34.1.

(f) No signs above 40 feet, lighted or unlighted, will be allowed that could be viewed, irrespective of viewing angle or legibility, from Arlington Cemetery, the Monumental Core or GW Parkway, as identified on Map 34.1.

(g) Signs above 40 feet can be located within and viewable solely within mixed use areas with both residential and commercial activity, on the condition that such signs are approved by the residents of such areas and are subject to mandatory County Board review.

(h) All applications for signs above 40 feet will be subject to mandatory County Board review and that all other sign applications be reviewed by the County Board upon the request of an Arlington County resident. To provide a basis for review and decision, the following information must be available at minimum:

- a. Technical details of the sign, including size, luminance, colors, lighting source, and filters, lensing, and other features that may increase visibility or legibility of the sign.
- b. High-resolution rendering of the proposed sign and dimensioned drawing of sign and proposed location.
- c. The sign viewshed map, indicating what areas will be able to see the sign, irrespective of whether the sign is legible.
- d. Estimates of the residential population, current and planned, in the sign viewshed.
- e. The sign distance from residences within the mixed-use area, current and planned.
- f. Statements regarding the proposed sign, from the affected residents and property owners within the viewshed.

Modify paragraph 0.3 as indicated:

~~(b) [OPTION B]: zoning district and distance to define direction combined with hours of illumination] Signs placed at a height of more than 40 feet in the following locations may only be lighted as follows.~~

~~(1) Signs that are directly facing and within 200 feet of an R or RA14-26, RA8-18, RA7-16 or RA6-15 district shall not be lighted.~~

~~(2) Signs that are directly facing and within 200 feet of a multifamily residential building in any zoning district shall not be lighted between 10 pm and 8 am. Hours of illumination may not be modified by the County Board.~~

~~(c) [OPTION C: no additional restrictions]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted between midnight and 8 am.~~

~~(d) [OPTION D: reduced hours of illumination]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted between 10 pm and 8 am.~~

~~(e) [OPTION E: no lighted signs]~~

~~Under no circumstances shall a sign placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1, be lighted.~~

~~(f) [OPTION F: no signs above 40 feet]~~

~~Under no circumstances shall a sign be placed above a height of 40 feet and directly facing the monumental core, George Washington Parkway or Arlington Cemetery, as identified by Line B on Map 34-1.~~

§34.10. Standards for lighted signs

Add:

A.6. Internally illuminated signs, except those which bear a state or federal registered trademark, shall have an opaque background and translucent text and symbols, or shall have a translucent background that is not white, off-white or yellow in color.

A.7. The County retains the authority to require additional dimming of a sign, even if it is in compliance with the luminance standards, if needed to address public safety, public annoyance, aesthetics or other reasons.

§34.16. Nonconforming signs

Add:

E. Nonconforming signs that were approved for tenants that are no longer doing business using the name on the sign shall be removed.

F. Nonconforming signs that were approved for tenants that are no longer resident in the building shall be removed.

BALLSTON

BUSINESS IMPROVEMENT DISTRICT

June 15, 2012

Chair, Mary Hughes Hynes
Vice-Chair, J. Walter Tejada
Member, Jay Fiset
Member, Libby Garvey
Member, Christopher Zimmerman
Arlington County Board
2100 Clarendon Blvd., Suite 300
Arlington, VA 22201

RE: Sign Regulations Revisions

Dear Board Members,

Thank you for the opportunity to comment on the proposed revisions to the sign regulations in the Arlington County Zoning Ordinance. We appreciate the County Staff's time and effort that has been dedicated to this proposal.

We believe that the proposed changes to the sign regulations are significant improvements to the current ordinance, including the changes to roof-top signage, vacant space window signage, construction site screening, and signs on awnings, sidewalks and umbrellas. We also believe that these revisions will benefit small businesses by expediting the approval process and creating more consistency within the process.

We would, however, encourage you to allow businesses more opportunities, flexibility and creativity for their signage.

We are concerned about an approaching large amount of commercial vacancy in Arlington that will surface in the next couple of years. Arlington County is already operating in a highly competitive environment as it works to attract businesses to locate here.

Signage plays a critical economic role for communities. It sends a message to people about a place, helping to create, define and boost its profile as well as, in some cases, support wayfinding.

We have an opportunity, by incorporating more flexibility and more creativity into the sign regulations, to create another great reason for businesses to choose Arlington for their home as well as to keep those businesses that are already here.

Specifically, we recommend that:

1. Additional signage area should be considered for residential buildings over 70 feet in height;
2. Additional sign area should be considered for buildings over 300 feet in height;
3. Businesses be able and encouraged to promote themselves in creative ways that may include- murals, projections, art-infused signage, flexible changeable copy, digital, and other methods that are consistent with the character of their neighborhood, particularly in defined businesses areas where there is a business improvement district; and that
4. The County Board retain its power to review signage requests in order to accommodate unanticipated situations, as well as to approve creative, distinctive signage that may not conform to the zoning ordinance but enhances a neighborhood's appeal and supports its image.

Thank you again for considering our comments on changes to the sign regulations of the zoning ordinance. Please contact me if you have any questions at 703-786-6037 or tina@ballstonbid.com

Sincerely,



Tina Leone
Executive Director