



ARLINGTON COUNTY, VIRGINIA

ARLINGTON COUNTY PLANNING COMMISSION

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



STEVE SOCKWELL
CHAIR

BRIAN HARNER
VICE CHAIR

FREIDA WRAY
COORDINATOR

GIZELE C. JOHNSON
CLERK

July 13, 2012

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

SUBJECT: 6. **ZOA-12-01 Zoning Ordinance amendment to Sections 20, 20 (Appendix A), 31A, 34 and 37** to reorganize the sign regulations in the Arlington County Zoning Ordinance and to amend regulations on amount of sign area, number of signs, distance signs may be placed from residential uses and/or zoning districts, direction signs may face, types of signs allowed and Form Based Code sign regulations.

RECOMMENDATIONS: **Adopt ZOA-12-01 Zoning Ordinance amendment to Sections 20, 20 (Appendix A), 31A, 34 and 37 to reorganize the sign regulations in the Arlington County Zoning Ordinance and to amend regulations on amount of sign area, number of signs, distance signs may be placed from residential uses and/or zoning districts, direction signs may face, types of signs allowed and Form Based Code sign regulations, as modified by the proposed refinements contained in the memorandum from Deborah Albert to the Planning Commission dated July 12, 2012, with the following modifications:**

- 1. That the adopted amendment to Section 34 of the Arlington County Zoning Ordinance prohibit the installation of signs above 40 feet after the date of adoption as delineated on pages 1 and 2 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations", and that staff make any modifications to the recommended changes to the County Manager's proposed zoning ordinance amendment needed to achieve this objective.**
- 2. That standards for lighted signs not be included in the adopted amendment to Section 34 of the Arlington County Zoning Ordinance as delineated on pages 3 and 4 of the**

P.C. #50

document entitled “Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations”, and that staff make any modifications to the recommended changes to the County Manager’s proposed zoning ordinance amendment needed to achieve this objective.

3. That the adopted amendment not deem as conforming signs approved as part of a comprehensive sign plan prior to the date of adoption of the amendment to Section 34 of the Arlington County Zoning Ordinance, as delineated on page 5 of the document entitled “Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations”, and that staff make any modifications to the recommended changes to the County Manager’s proposed zoning ordinance amendment needed to achieve this objective.
4. That the adopted amendment to Section 34 of the Arlington County Zoning Ordinance allow individual Arlington residents to post seven-day signs related to lost pets and yard, garage and similar sales in locations other than the ground in sizes as large as 8.5 inches by 11 inches and that these sales be deemed to be noncommercial for the purpose of this section, as delineated on pages 6 and 7 of the document entitled “Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations”, and that staff make any modifications to the recommended changes to the County Manager’s proposed zoning ordinance amendment needed to achieve this objective.
5. That the adopted amendment to Section 34 of the Arlington County Zoning Ordinance allow the posting of individual candidate signs outside locations of registered political party nominating caucuses, as delineated on page 8 of the document entitled “Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations”, and that staff make any modifications to the recommended changes to the County Manager’s proposed zoning ordinance amendment needed to achieve this objective.
6. That for all zoning districts, under Incidental Signs in the General Standards table and the Separate Lighting row, add, after the prohibition for separate lighting, an

7. That if the County Board decides to retain the luminance standards, then the table on page 47 after line 534, in Section 37.11.B, be amended to set the maximum allowable luminance standard for signs below 40 feet in any zoning district facing “R” or “RA” districts to a maximum luminance level of 50, and that Section 34.11.C. be amended to add that signs below 40 feet directly facing “R”, “RA” and “S-3A” districts be illuminated only during the hours of operation of the business.
8. That language be added to Section 34-10.A, to read as follows, *“Such signs shall be temporary freestanding signs, shall not be lighted and shall be affixed to the ground such that they will not easily be removed by wind or other natural forces, unless they are sidewalks signs as defined in the ordinance.”*, and to amend Section 34.10.E, which addresses temporary signs placed by private parties in the public right-of-way, to add sidewalk signs as an allowable sign type.

Dear County Board Members:

The Planning Commission heard this item at its July 12, 2012 meeting. Deborah Albert, CPHD Planning staff, described the request to amend Sections 20, 20 (Appendix A), 31A, 34 and 37 of the Zoning Ordinance. She described the public outreach and review process, which began in January 2011. Ms. Albert also presented a summary of the proposed changes, including a new format and organization for the regulations; refinements in the current regulations to allow additional flexibility to facilitate creativity and innovation; to allow administrative approval for most signs; codification of consistent administrative practices; incorporation of new standards and technologies; and to codify a new map as a part of amended Section 34. Finally, Ms. Albert addressed several concerns raised by the community, including limited County Board review for signs; signs in the public right-of-way; and signs placed above a height of 40 feet. Also present were Claude Williamson and Richard Tucker of CPHD Planning, and Jill Griffin of AED.

Public Speakers

Dave Millard, Chairman of the Northern Virginia Chapter of NAIOP, thanked Ms. Albert and other staff on behalf of the NAIOP for their tremendous effort. He stated that he appreciates the County’s recognition of the need to improve the sign ordinance and is generally supportive of efforts to codify current policies and decisions related to signage in Arlington and adoption of a largely administrative process to permit greater clarity on signage. Mr. Millard identified several items that have the potential to alter the future of signage in Arlington. 1) Rooftop signs, 2) temporary leasing signs, 3) treatment of existing sign approvals, and 4) the need for greater flexibility. NAIOP supports the allocation of additional wall sign area based on building height and width; however, NAIOP is concerned about several restrictive alternatives and supports Option C in the staff report. To unduly restrict the ability to

develop effective signage for high visibility tenants may hinder the ability to attract tenants like the Corporate Executive Board, WJLA and PBS. Mr. Millard noted that Arlington has a unique ability to attract commercial tenants based on its smart place success. He said that another key element is the ability to place rooftop signs on buildings to highlight regional and global headquarters. Arlington is one of the few locations within the Washington metro area that can market this amenity. Increasing office vacancy and a more competitive office market in the next three to five years concerns us and will require flexibility, including on signage. NAIOP is also concerned about Option A that would prevent the placement of signs over 40 feet if they face residential areas or federal lands and instead supports Option B, which would permits such signs but restricts the hours of illumination. In NAIOP's view, Mr. Millard stated, this is a fair and reasonable compromise that does not intrude on the residential communities but still allows buildings to be marketed and tenants to have identity at their locations. Bottom line: existing buildings in the Rosslyn-Ballston corridor will shortly have space available to lease of 2.4 million square feet. In Crystal City the comparable amount is 3.5 million square feet. Lots of economic issues will pertain to the successful releasing of this space. Mr. Millard concluded that a big consideration for larger, first-rate tenants will be signage.

Carl Cunningham, President of the Rock Springs Civic Association, stated that non-profit community-based organizations should be allowed to continue placing A-frame or sandwich board signs in public medians/rights-of-way. For decades, these organizations (churches, schools, civic associations, etc.) have used these very simple signs to inform residents of events taking place in the community. Mr. Cunningham indicated that he was aware that these signs have not been legal and that those posting them have been scofflaws. He noted that he thought with a new sign ordinance being drafted these signs would become legal. Mr. Cunningham noted the staff recommendation, however, is to prohibit these signs because of concerns that they will be hazardous to vehicular traffic; in a storm they could blow over and block the roadway. The other concern is that they may block the visibility of drivers. Mr. Cunningham noted that in his very residential section of the County, this isn't a problem because the intersections are wide and it would be difficult to miss an oncoming car. He suggested that if these are problems, the County should consider regulating the usage of these signs rather than prohibiting them entirely. Mr. Cunningham concluded that he was testifying because these signs are the most valuable tools they have to advertise events in the community. It is important that the signs be large enough to read, as the typical sign is two by three feet with an overall height of four feet. These signs help make the community a more livable place and let everyone know they are part of a community that is bonded together.

Jonathan Kinney thanked staff for all the work on what is generally a good document. He expressed concern about a possible unintended consequence of the proposed regulations for signs above 40' that face properties that are zoned residential --"R" and "RA." Mr. Kinney noted that some properties zoned residential are not used that way, such as the St. George Church and the beaver pond in Ballston. He suggested that the regulations relate to use rather than zoning. Mr. Kinney also stated that consideration should be given to allowing the County Board greater flexibility regarding the heights of rooftop signs and the restriction to a band 20 feet from the rooftop, as signs at that height may have a greater intrusion into residential neighborhoods than ones placed lower on the building, which would not be allowed under the proposed amendment. He concluded by noting that he thinks we might want to allow this flexibility if a sign is not intrusive in the neighborhood.

Mary Cottrell stated that the process has become exceedingly detailed. She raised concern about the regulations relating to signs placed by non-profit organizations, churches, schools, and civic associations. She stated that she is not aware of problems associated with these uses having temporary signs, as the signs provide needed advertisement of events and activities in their communities. She also noted that there seem to be variances about the exact height, size and location and number of days they are allowed to be in place. Keeping the signs in their neighborhoods seems appropriate.

Kyle Milleman, representing Daktronics, a large LED manufacturer, thanked staff for all their work on the proposed ordinance. He indicated that his company is pleased with the proposed changes. Their only real issue is with the recommended brightness limitation of electronic signs of 2,000 nits during daytime hours, which he said is too low and will result in unreadable signs. Mr. Milleman referred to other municipalities that have nighttime brightness limitations that exceed Arlington's daytime brightness limitations. Mesa, Arizona, he noted, permits electronic signs to be 2,500 nits at night, whereas Arlington's daytime standard is 2,000 nits. Mr. Milleman noted that daytime ambient light is very bright, so daytime limitations are unnecessary. He described how his company's signs adjust to the brightness of the environment using photo sensors. Mr. Milleman concluded by recommending that regulation at 5,000 nits or higher will maintain the regulations while permitting signs to be legible.

Bernard Berne expressed concern that signs permitted in the public right-of-way will proliferate and result in a tremendous amount of clutter.

Ben Helwig, representing the National Park Service, asked that Arlington continue to cooperate with the NPS to protect and preserve the natural scenery of the Potomac River Gorge. There are currently few rooftop signs impacting the Gorge and the National Mall seeming to reflect an informal understanding. The sign review process opens a new scenario, one that could impact or enhance the sense of response that has been afforded to these two view corridors. The NPS is concerned that the staff report does not go far enough to protect the national parks of the National Capital Region and Arlington National Cemetery. Partially lit and partially toned-down billboard facing National Parks are still billboards facing national parks. Mr. Helwig stated that one of the reasons Arlington is popular with residents and tourists is its proximity to the national parks, and while a lighted "billboard" next to Arlington National Cemetery may attract corporate tenants, it does not say much about attracting tourists or keeping residents happy or preserving the sanctity afforded to a national cemetery for our nation's veterans. He further stated that these lighted "billboards" could be 800' from the Iwo Jima Memorial and Arlington National Cemetery, and one mile from the Lincoln Memorial. No one would expect to find a sign facing "Old Faithful". Finally, Mr. Helwig urged that, even in times of economic uncertainty and possible great change, the County take the long view and protect Arlington National Cemetery and the National Parks and ban all signs above 40 feet facing these areas and the memorial core.

Jim Hurysz expressed concern that political signs permitted during caucuses do not address independent candidates.

Carrie Johnson expressed concern about signs facing the monumental core and federal areas that have not typically been approved in the past, with few exceptions. County policy has been to avoid

egregious intrusions toward the National Mall. She referred to the policy for Ft. Myer Heights East that requires the next generation of buildings constructed behind Iwo Jima Memorial to be shorter than the buildings that currently exist there. Ms. Johnson noted that is an interesting situation to have such a great location and avoid exploiting it. She went on to say that she is tempted to say that we should allow as many signs to be as visible from the Mall as are visible from Fairfax, Loudon or Montgomery Counties. Ms. Johnson observed that of course these counties do not have signs visible from the Mall and that points out that we do not compete with them on the same grounds; we have a entirely different set of circumstances from those counties – created by our proximity to Washington, D.C. – in addition to all of the other things that distinguish Arlington. Ms. Johnson urged the codification of our best past practices, the most respectful, the most understanding of the federal areas that we effect. Ideally, she said, that would mean no signs in those areas above 40 feet; it would certainly mean no lighted signs. Furthermore, she urged that signs that do not conform to the new rules go away, as these properties will become the most valuable resources in Arlington if they do not. Finally, Ms. Johnson commended the great process and all of the work of Ms. Albert.

Michael Dowell, representing the Aurora Highlands Civic Association (AHCA), thanked Ms. Albert for removing the term “lighted” from subsection 34.7.F. He noted that the 200-foot requirement for lighted signs within the urban cores should be scaled to the height of the building. Mr. Dowell stated that roofline signs are incompatible with what the County wants to achieve. The previous evening AHCA voted to prohibit signs above 40 feet throughout the County because they serve no other purpose but advertising. He noted that no other jurisdiction controls the hours of lighted roofline signs. Roofline signs do not work well in mixed-use commercial and residential areas because of the impacts on residential uses. Mr. Dowell went on to say that the County has an obligation to protect federal lands from commercial advertising. He added that rooftop signs and mixed-use development are incompatible. He suggested that if Arlington had an entertainment district or purely commercial areas, these signs might be appropriate. But, he argued, we want people to live in these more urban areas and we want them to want to live in these areas. He also stated that the change in the legal environment is an important consideration. He observed that about all that can be controlled is where signs go, and “if you grant a special exception, pretty soon it’s not special and it’s not an exception. It becomes the rule.” He concluded by noting that Arlington’s competitive advantages are our location, our infrastructure and our people. It’s not signs.

Ted Saks thanked Ms. Albert for all her excellent work. He stated that he supports the previous two speakers and the prohibition of all rooftop signs. He said this issue has to do with the image of Arlington, what we want to be identified with, and whether we want our image to be defined by the quality of our architecture and the quality of our development or the uncontrolled branding of corporate tenants. He wished the Commission to point out to the County Board the following with regard to the staff recommendations: 1) while the proposed ordinance would prohibit rooftop signs facing residential neighborhoods, it would allow all other rooftop signs as a matter of right, which is unprecedented and goes consistently against existing policy. All rooftops signs should go through the public review process and require County Board review because of the sensitivity to adjacent uses. Rooftop signs should go through the special exceptions process. This is the right way to deal with anything that is this important and has great sensitivity. Further, this kind of review would strengthen the County Board’s negotiating position. 2) The proposed ordinance amendment would allow rooftop signs by right to face federal lands as a matter of right although lighting would be controlled. All rooftop signs should be banned from facing federal lands. 3) The 200-foot

requirement within sensitive areas will not work. In summary, Mr. Saks strongly recommended that no rooftop signs be allowed; that the Commission remind the County Board that the proposed ordinance would permit rooftop signs by-right, except as prohibited by the map; and rooftop signs should not face federal lands or other nearby buildings.

Lucia de Cordre, representing the Roslyn BID, spoke on behalf of the commercial core of Rosslyn and generally is supportive of the proposed ordinance as it is miles ahead from where the ordinance is today. She commended staff for all their hard work. She spoke to the items in her June 5, 2012 letter. Given Rosslyn's unique character as a commercial center, the Rosslyn BID supports the needs of tenant signage, especially at the roofline, for purpose of economic viability and urban vibrancy. The signs can be designed and lighting controlled in a way that is minimally intrusive to neighbors, including federal lands and areas. The BID also believes the County Board should review these signs. She strongly supports controls over lighting and hours of illumination. Due to Rosslyn's density and high-end competitive nature, and its proximity to and visibility from Washington, D.C., Rosslyn's needs for signage particularly at the roofline are distinct from other commercial areas. Signage is an economic tool that should be used to enhance Arlington's commercial strengths and expand opportunities for unique up-to-date signage. Exceptions to the ordinance must be allowed and tenants should have an opportunity to review alternatives with the County Board under special circumstances. She expressed strong support for signs such as the Jumbotron in Rosslyn and the use of technological advances in lighting to add life to the public realm.

Stuart Stein thanked all who were involved in the development of the ordinance, including Ms. Albert and Commissioner Cole. He expressed concern for the sections pertaining to rooftop signs. Having Arlington Cemetery and the Iwo Jima Memorial as prominent parts of my neighborhood has made us very familiar with rooftop signs. Mr. Stein stated that current policy does not provide for sufficient review of these signs, including review by the Planning Commission before they go to the County Board. He stated that more review, not less, is needed to address the potential for significant impacts. Mr. Stein indicated that by allowing rooftop signs by right, there would be a proliferation of these signs. He noted that businesses already believe they have an obligation to pursue this sort of advertising. Current policy, which generally says rooftop signs should not face residential areas or federal lands, Mr. Stein argued, should be codified and not the exceptions that have occasionally been allowed. He is against increasing the size of the signs from 6' to 9' for 20 percent of the sign band. Mr. Stein stated that previously approved signs should not be allowed to come into conformance with the new regulations, as no signs should be allowed above 40 feet; the nonconformance section allows us to correct the mistakes of the past.

Kenneth Peskin, representing the International Sign Association, indicated his strong support for the ordinance, which makes the permit approval process much easier, more straightforward, and allows greater flexibility. His only issue is with some of the lighting provisions. He believes there will be issues with exposed neon and message centers where brightness levels are set and believes they will be difficult to enforce. He stated that the County is uncertain about who will be impacted by the brightness regulations because they had not been required in the past and there will be limited benefit to restricting the sign brightness because there is no general lighting ordinance.

Christer Ahl commented that in Crystal City there is mixed-use commercial and residential development surrounded by residential neighborhoods and federal lands and there should be understanding of the needs of both the residential and commercial uses. Revamping Crystal City will only be successful if the County can attract and retain people to be long-term residents. Because of the frustration they have experienced in how mixed-use communities are viewed, and because they feel they have exhausted all other options, Crystal City's only option is to recommend removal and prohibition of all signs above 40 feet. The County is constantly striving for world-class architecture, which will be undermined by the use of rooftop signs. Rooftop signs have no useful purpose, as they are an eyesore and a nuisance. He urged the County Board to adopt a prohibition and, if they cannot, to require County Board review of all signs proposed to be placed above 40 feet.

Planning Commission Discussion

Chair Sockwell recognized Commissioner Cole as leading this important task as Zoning Committee Chair for quite some time and suggested that he facilitate the Commission discussion.

Commissioner Cole expressed the view that signs play a central role in determining how people experience their communities. He suggested the discussion start with his main motion and follow with one-by-one consideration of amendments to the motion, each of which is a departure from the staff recommendation. He also asked Commissioners to identify additional amendments. Several Commissioners had questions about the proposed ordinance.

Commissioner Monfort inquired about line 129, as modified in the memo dated July 12, 2012, and specifically about the necessity of the phrase "such signs may be allowed". Ms. Albert responded that the phrase is not needed and will be deleted in the proposed.

Commissioner Klein inquired about the list in the staff report relative to other local jurisdictions that permit signs above 40 feet. Ms. Albert responded that most of Arlington's neighboring counties allow signs above 40 feet as a matter of right, including Fairfax, Loudon and Montgomery Counties. Alexandria allows signs above 40' by special use permit, but they may not face the George Washington Parkway.

Commissioner Fallon asked if the artistic treatment of windows in vacant storefronts is considered a sign, citing the Metropolitan Park development in Pentagon City as an example. Ms. Albert responded that the proposed ordinance allows vacant office windows to be completely covered, subject to the same requirements as window signs – 20 percent of window openings or up to a maximum of 80 square feet; however, vacant windows signs would be calculated the same as temporary construction fencing signs, in which only letters and symbols are counted as sign area and the artistic images are not.

Commissioner Fallon stated that he has observed that a number of small businesses that have wall signs may also have a commercial vehicle parked outside their establishment that is used for advertising purposes. He asked if the vehicle is considered a sign. Ms. Albert responded that Section 2, Applicability, indicates that signs on regularly used licensed vehicles are not regulated as signs. However, if a vehicle is parked in front of a business and is never moved it would be considered a sign.

Commissioner Fallon inquired about whether the proposed ordinance allows independent political candidates to place signs in the public right-of-way during political caucuses, to which Ms. Albert responded that all non-commercial signs are permitted during that period.

Commissioner Malis asked for clarification about lighted signs below 40 feet that face residential neighborhoods. The proposed ordinance does not appear to have restrictions on the level of luminance and hours of illumination. Ms. Albert responded that staff has proposed a variation of the Planning Commission recommendation for the lowest luminance level of 50 nits and that illumination be turned off at 10 p.m. Staff is recommending (in Section 34.11.B.1) a middle luminance level of 200 nits, which is lower than the standard commercial level of 350 nits that would be applied to low-density service commercial zoning districts with no restrictions on the hours so that the signs can stay lit while businesses are open.

Commissioner Malis asked staff to summarize the signs that are allowed and not allowed for community organizations, such as schools, churches and civic associations. She wanted a clarification on A-frame signs and other allowable options. Ms. Albert responded that the ordinance allows private groups to place the following types of signs in public rights-of-way: 1) 4.5 square foot signs with no commercial speech, such as for spaghetti dinners, lost pets, and meeting notices, for 7 days. She noted that signs advertising yard sales are considered commercial speech and are only allowed on weekends. 2) In the new subsection for public zoning districts, non-commercial signs up to 7 square feet are allowed for such uses as schools, parks, etc. For example, if a civic association is having an event in a park and has permission from the Parks Department, it can take advantage of this regulation. Public uses can also have a temporary banner up to 40 square feet, the number of banners dependent upon the number of entrances and calculated at one banner per entrance. Public uses are also allowed to have temporary sidewalk signs pursuant to the same restrictions applied to commercial uses. For example, a school could have a temporary sidewalk sign as long as it meets all the minimum standards for sidewalk widths, etc.

Commissioner Cole asked for clarification regarding temporary signs in parks and if they require permits. Ms. Albert responded that generally the smaller temporary signs do not require permits, such as the seven square foot non-commercial signs; however, the 40 square foot banners do require permits.

Commissioner Malis asked if A-frame signs are allowed in medians, to which Ms. Albert responded no. Commissioner Malis noted that she is sympathetic to civic associations and schools wanting to place these signs in medians, many of which are wide enough to handle the signs, and does not understand the issue.

Commissioner Savela, in following up on Commissioner Malis' comment, indicated that she too is extremely sympathetic to the aforementioned issues and the concerns presented by Mr. Cunningham in his testimony. She asked about the rationale for limiting the size of temporary non-commercial signs in the public rights-of-way to 4.5 square feet and if the size could be increased. Ms. Albert responded that the scope of the advertising limits the size to 4.5 square feet. She further explained that the regulations on these temporary signs are designed to be sensitive to traffic's line of sight. The flat areas of medians that are most conducive to placement of A-frame signs are designed as

pedestrian refuge areas for persons crossing streets. There were a lot of concerns expressed, and restrictions identified relative to pedestrian and traffic safety during the previous discussions of temporary signs on sidewalks. In medians, signs not affixed to the ground could become wind-blown and thus hazardous to vehicle traffic. Traffic safety is one of the main reasons that signs are regulated. Commissioner Savela suggested that the County may be micro-managing this to the extent that it could become detrimental to communities as she is aware of civic associations and other non-profit groups that place signs in neighborhoods have them constructed for a particular location that accommodates pedestrian traffic and vehicle line of sight.

Commissioner Ciotti asked if staff has identified problems with these signs that have led to the recommendation. Ms. Albert responded that, while no problems have been identified, the signs are currently not allowed by the ordinance and staff has not proposed to change this regulation.

Commissioner Fallon commented that he too is sympathetic to these concerns and that the County may be unnecessarily burdening non-profits. He also agreed with the concerns expressed by Commissioner Savela regarding A-frame signs. Commissioner Fallon asked if the scope of advertising would preclude a motion to allow larger signs for the community, for example.

In response to a request from Commissioner Cole for an explanation of the scope of advertising, Ms. Albert responded that generally with regard to numbers, percentages, distances, lines, etc., the County Board can adopt something smaller but not larger. Additionally, the County Board could not expand the size of a sign or add a sign type. She suggested that if the Planning Commission would like to consider something different, then she would look into whether it is within the scope of advertising.

Commissioner Iacomini, in response to one of the speakers, commented that one of the unintended consequences would be signs on such entities as churches that are zoned "R" or "RA" and not "S-3A". Ms. Albert responded that the more restrictive by-right provisions for signs above 40 feet prohibit placement within 200 feet of "R" and "RA" districts; however, if a request is received for sign within 200 feet of an "R" or "RA" district, special exception provisions require the County Board to make a finding that the sign is substantially not visible from adjacent residential properties. The intent is that since the property is zoned residential, it could be redeveloped in the future as residential.

For churches that are zoned "R" or "RA" and have previously approved signs, Commissioner Iacomini asked if the signs would be allowed to continue. Ms. Albert responded that it is dependent upon how the sign was approved. If it were legally approved before the current ordinance, then it would be allowed as a nonconforming sign. Commissioner Iacomini followed asking if the sign could be replaced if destroyed by weather or a vehicle. Ms. Albert responded that nonconforming signs can be refaced, but she would have to research further whether nonconforming signs could be replaced if destroyed by weather, a vehicle or a storm.

Commissioner Kumm asked for clarification about how staff determined the maximum allowable luminance levels. Ms. Albert explained that staff worked with a lighting consultant to develop the standards in response to community concerns regarding the brightness of certain signs and their impacts relative to signs above 40 feet and signs located within and adjacent to residential areas. A

survey was conducted and measurements were taken on a sampling of the different types of signs and their luminance levels. Ms. Albert said that the proposed luminance levels in the ordinance are based on the professional judgment of the lighting consultant, research by the sign industry, and standards of existing commercial signs to ensure that the resulting standards do not create a lot of nonconforming signs. Commissioner Kumm followed asking why luminance standards are needed. Ms. Albert responded that electronic changeable copy signs, for example, typically have maximum luminance levels; and the County is recommending that luminance levels of conventional signs be regulated in response to community concerns regarding the brightness of commercial signs and the proximity of commercial properties to residential areas. Ms. Albert further commented that this appears to be the general direction that sign industry is moving. The U.S. Sign Council has a model sign lighting ordinance that recommends the same scientific concept, although a higher luminance standard of 750 nits, and its literature states that signs can be manufactured to meet certain luminance levels as well as measured in the field. The draft from the International Dark Sky Association recommends a 250 nit luminance range. The draft LEED standard for the light trespass credit recommends a 250 nit maximum standard. Commissioner Kumm asked if having a standard is a way of establishing compatible levels of what is considered acceptable brightness, to which Ms. Albert responded yes, as brightness of lighting is very subjective and proposed luminance levels would provide objective standards.

Commissioner Iacomini asked staff to confirm the standards for placement of horizontal signs above 40 feet at a height no greater than 20 feet from the rooftop. Ms. Albert responded that the standards require 20 feet from the main roofline or other rooflines; if the building has step backs, the other rooflines could apply. She added that other signs, such as projecting or vertical signs, do not have the same restrictions and can be placed lower on the building. Commissioner Iacomini followed up by asking how the proposed amendment would treat corporate logos, especially circular logos with no accompanying words. Ms. Albert replied that she would look into this and follow up on this.

Commissioner Kumm inquired about the enforcement of the luminance standards, to which Ms. Albert responded that pre-certification would be required for signs above 40 feet, and enforcement for signs below 40 feet would be on a complaint basis.

Planning Commission Motion

Commissioner Cole moved that the Planning Commission recommend the County Board adopt ZOA-12-01 Zoning Ordinance amendment to Sections 20, 20 (Appendix A), 31A, 34 and 37 to reorganize the sign regulations in the Arlington County Zoning Ordinance and to amend regulations on amount of sign area, number of signs, distance signs may be placed from residential uses and/or zoning districts, direction signs may face, types of signs allowed and Form Based Code sign regulations, as modified by the proposed refinements contained in the memorandum from Deborah Albert to the Planning Commission dated July 12, 2012. Commissioner Ciotti seconded the motion.

Amendment to the main motion on signs above 40 feet

Commissioner Cole moved that the main motion be amended to recommend to the County Board that the adopted amendment to Section 34 of the Arlington County Zoning Ordinance prohibit the installation of signs above 40 feet after the date of adoption as delineated on pages 1 and 2 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning

Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations.” Further, Commissioner Cole moved that staff make any modifications to the recommended changes to the County Manager’s proposed zoning ordinance amendment needed to achieve this objective. Commissioner Iacomini seconded the motion.

The intent of this amendment is to prohibit signs above 40 feet, making moot a discussion about regulation of lighting signs above 40 feet. He noted that what makes Arlington a great place to be is not that we would allow signs, it’s that we have developed in a smart way; it’s that we have created great places where people want to be and we are still in the process of creating great places; and we have the three most important attributes that any community could want for success: location, location and location. That can’t be taken away from us. We can do a lot of stupid things, but we can’t lose our location. In that regard, respecting our location seems to be not just an obligation to the nation, which Commissioner Cole believes, but an obligation to Arlington’s citizens because respecting our location means we are protecting the very resource that Arlingtonians value so much. The purpose for having signs above 40 feet, on which he believed most people generally agree, is solely to advertise and, as a result, hard to justify.

Commissioner Savela stated that she strongly agrees with Commissioner Cole and endorses the comments of several speakers on this issue. She stated that Arlington is not Fairfax or Loudon County, that the County needs to celebrate who we are, the types of planning we do in this county, and the fact that we are located immediately adjacent to the monumental core and the George Washington Memorial Parkway. To Mr. Dowell’s points, by virtue of aggressively pursuing high-density mixed-use districts, the County is defining neighborhoods that are very different from the commercial office parks and commercial areas in Fairfax and Loudon Counties. The County is trying to create an environment where residents want to live, and that does not occur with brightly lit signs at the tops of buildings for residents to look at in the evenings. Commissioner Savela stated that she hopes the County Board will take a longer view and think about who we are as a community and how the County distinguishes itself from other jurisdictions further out and what it is we are selling by virtue of being in Arlington. She noted that she fears that this can be whittled away and that any rooftop sign adjacent to federal lands is insulting to the County. She also thinks that the lighting of signs above 40 feet is similarly offensive.

Commissioner Ciotti stated that the Commission is the steward of the treasures and history of this County and allowing rooftop signs to face federal lands and parks is the ultimate in disrespect. She suggested that perhaps if we don’t allow signs we would get more iconic architecture. And, the views from inside these buildings are spectacular. She wishes to send a strong message to the County Board that these lands need to be treasured and not compromised.

Commissioner Iacomini stated that she finds herself in her own beliefs and own preferences differing from her fellow Commissioners. She is not as bothered by rooftop signs as she does not feel signs in the urban parts of Arlington impinge upon her enjoyment of her neighborhood. Similarly some of the signs that others object to strongly, she experiences as a blur on her way home from work. She does not feel a horrible sense of outrage when she sees signs facing the monumental core. This is not the same as a sign facing Old Faithful, for example. She stated, however, that she is willing to support the motion because if she is wrong and we start allowing signs, we’re not going to get rid of them. She would rather say no and have people make strong cases for putting them up.

Commissioner Serie stated that he associates himself with both Commissioners Savela and Ciotti, and he fully supports the amendment. He sought clarification of the definition of main roof, especially when the penthouse is designed into building architecture to eliminate its distinction. He suggested the definition could result in problems that may need to be addressed. He restated his support for the amendment, noting that at all the many meetings no one provided solid research that rooftop signs are essential.

Commissioner Monfort stated that he intends to support the amendment.

Commissioner Kumm stated that she supports the amendment and aligned herself with her fellow commissioners. She stated that good design is good economic development. Great architecture and great places are the best way to advertise a business. She expressed concern that if some portion of this proposal is approved the ordinance will increase the number and size of signs on tops of buildings, making it difficult for the County to become that special place that is envisioned.

Commissioner Klein stated that she supports the amendment. There are a lot great benefits of signs, but below 40 feet on a building. Arlington is not Las Vegas, Montgomery or Fairfax County. It's Arlington. She noted Arlington is all about great community, character, location, transportation, and a great workforce. There needs to be greater reliance on achieving superior architecture and amenities to attract businesses, rather than signs.

Commissioner Malis agreed with Commissioner Klein, as the economic development argument has never been quantified that signs bring more resources into the community and therefore saves residents taxes. She noted she has hardly found a resident who supports rooftop signs. She said that she wants to stick with the residents.

Commissioner Sockwell stated that he did not share the same sense of outrage regarding rooftop signs, but his position has evolved. He understands the economic development argument, can see the value to commercial interests and believes that rooftop signs add a certain urban vibrancy. The rooftop signs send a message on behalf of private individuals, but the lack of signs also sends an affirmative, subtle message on behalf of the public and the community. Commissioner Sockwell concluded that the County should not have these signs and he intends to support the amendment.

Commissioner Harner, based on a discussion with a Washington, D.C. developer noted that he learned that rooftop signs are enormously valuable to developers. At the same time, the County is unfamiliar with the quantification or fiscal impact of the signs. For such an important decision, a hard economic study of the private value ought to aid our understanding. While the commercial value of these signs is clear, the County is also creating enormous value for developers by providing opportunities to build taller, larger buildings. He concluded it is hard to argue that signs above 40 feet add anything to public value and that the by-right option for two signs at the top of buildings suggests a proliferation of undistinguished signs, which could diminish the value of the signs themselves.

Commissioner Fallon stated that he is not as bothered by some rooftop signs and is more bothered by lights coming from empty office buildings. He would prefer to see the complete enclosure of

penthouses within the design of the building than not allowing rooftop signs. Commissioner Fallon stated that he believes the analysis for not allowing them is incomplete. He also stated that while he would not want rooftop signs to face the monumental core, he is not completely opposed to them. Commissioner Fallon believes that there are ways to manage the signs, as he believes they are a part of the urban fabric and have a purpose.

The Commission voted 11-1 to support the amended motion. Commissioners Ciotti, Cole, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. Commissioner Fallon opposed the amended motion. The amendment was incorporated into the main motion.

Commissioner Iacomini moved to amend the amended motion to exempt for purposes of wayfinding signs above 40 feet for hotels, public safety buildings, and hospitals. Commissioner Fallon seconded the motion.

Commissioner Iacomini explained her reason for the motion. She stated that there are buildings like hotels that have people can have a difficult time finding, particularly at night, and rooftop signs can be helpful in locating these buildings. Public safety buildings, which may be used as places of refuge, could be located in mixed-use developments and they may be easier to locate if there were rooftop signage. In addition, it would be helpful in emergency situations, for hospitals to have rooftop signs to better locate them.

Commissioner Monfort stated that while he understands the motivation behind this amendment, he does not agree. He does not understand why hotels should be exempted but not restaurants or other commercial buildings, and therefore intends to vote against the amendment to the amended motion.

Commissioner Serie stated that he would not support the exemption for hotels as he does not see the need for signage to find hotels.

Commissioner Savela stated that she had a lot of sympathy with the hotel signs issue during the ZOCO meetings, but she finds lighted hotel signs most useful when she has been looking for her hotel late at night in an unfamiliar suburban area where the sign is clearly visible from a great distance. That is not the issue here in Arlington.

The Commission voted 2-10 on the amendment to the amended motion. Commissioners Fallon and Iacomini supported the amendment. Commissioners Ciotti, Cole, Harner, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell opposed the amendment. The motion failed for a lack of majority.

Amendment to the main motion on standards for lighted signs

Commissioner Cole moved that the main motion be amended to recommend to the Arlington County Board that standards for lighted signs not be included in the adopted amendment to Section 34 of the Arlington County Zoning Ordinance as delineated on pages 3 and 4 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations." Further, Commissioner Cole moved that staff make any modifications to the recommended changes to the County Manager's

proposed zoning ordinance amendment needed to achieve this objective. Commissioner Savela seconded the motion.

Commissioner Cole stated that he does not oppose lighting standards, but in this case he opposes them because he does not believe they can be applied fairly and objectively. He also believes this is a solution in search of a problem. He noted that complaints to the Zoning Office on brightness of signs are rare – only a few known complaints, mostly about a particular sign facing the Mall. He also said believes these standards are at risk of measurement error. He added that the sign industry is pretty good at self-policing. They are sensitive to the needs of their customers who, in turn are sensitive to the needs of consumers. Nobody wants to put up a sign that chases people away. He noted that at some point luminance standards would make sense when we can measure them reliably and fairly, however, he suggested that that time is not here.

Commissioner Savela stated that she would support the amended motion, particularly because the Commission has already moved to eliminate all signs above 40 feet. The only argument for incorporating a very imperfect lighting standard would be to address rooftop signs. Commissioner Savela agreed with Commissioner Cole that for signs below 40 feet this is a solution in search of a problem, and she would be afraid implementation would stymie some of the creativity they hope to achieve with this ordinance amendment.

Commissioner Kumm stated that she supports the luminance standards. While she understands and agrees that business do not want to chase away customers, it's still a very subjective and everyone doesn't experience it in the same way. She noted that people would continue to complain and there is a need to deal with these complaints. Staff has called for a standard against which to assess compliance. She noted that Commissioner Malis raised the adjacency issue and argued that we want to be sure that signs that abut residential areas are reasonably lighted. If we don't have a luminance standard, we cannot be sure. She said that she does support the staff proposal and noted that staff hired a consultant who proposed standards based on what has been determined to be most effective. The standards can be reevaluated over time and modified.

Commissioner Malis noted that this proposal breaks new ground and asked how the County Board would be assured that the County has a technically reliable method to measure luminance. Ms. Albert responded that staff made reliable measurements of signs in the field and the proposed methods are consistent with the industry recommendations. The U.S. Sign Council's model sign ordinance states that luminance is an objective way to measure signs and this it does not vary with ambient light conditions. It can be objectively measured during both sign fabrication and after installation. Ms. Albert indicated that staff has relied on the expertise of the professional lighting consultants who have the scientific background necessary to measure luminance levels, as well as other research in the sign industry. For electronic changeable copy signs, it has become fairly standard in other jurisdictions to regulate luminance levels and there are meters that can be used to take the measurements. Commissioner Malis followed asking why this is not a commonly used method for other signs. Ms. Albert responded that it might be that in other communities signs are not as controversial as they are in Arlington. Arlington is geographically different, as there are residential areas in close proximity to commercial areas, which is unusual, so lighting is a very sensitive issue.

Commissioner Malis asked Commissioner Cole why he has concerns about the technology. Commissioner Cole read a letter from the International Sign Association: "ISA would like to address one shortcoming of the proposal. Section 34.11, Standards for Lighted Signs, establishes restrictions that are set at incorrect levels, difficult to enforce, impact unknown number of businesses, and are of very limited benefit to the community. ISA believes that the Planning Commission should consider removing the provisions of Section 34.11 for lighted signs." Commissioner Cole explained that his own personal views were shaped in a Zoning Committee meeting with the lighting consultants where during the discussion Commissioners for a range of reasons expressed skepticism of the proposed standards. This was based in part on the view that people experience signs differently, it raises a lot of questions, and he is concerned about applying the measurements fairly. Commissioner Cole stated that while he is not against standards inherently, he thinks the proposal is, however, fraught with unfairness. In the final analysis, I still think it's a problem in search of a solution. Commissioner Cole concluded that if he doesn't have confidence in the solution and doesn't think there's a problem, it would be hard for him to take the leap and support doing this.

Commissioner Serie indicated that he will support the amendment and asked about existing signs that will not be in compliance with the standards, to which Ms. Albert responded that the proposed ordinance would give existing signs 10 years to come into compliance.

The Commission voted 9-2 to support the amended motion. Commissioners Cole, Fallon, Iacomini, Klein, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. Commissioners Harner and Kumm opposed the amended motion. The amendment was incorporated into the main motion.

Amendment to the main motion on nonconforming signs

Commissioner Cole moved that the main motion be amended to recommend to the Arlington County Board that the adopted amendment not deem as conforming signs approved as part of a comprehensive sign plan prior to the date of adoption of the amendment to Section 34 of the Arlington County Zoning Ordinance, as delineated on page 5 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations." Further, Commissioner Cole moved that staff make any modifications to the recommended changes to the County Manager's proposed zoning ordinance amendment needed to achieve this objective. Commissioner Savela seconded the motion.

Commissioner Cole noted that the purpose of the sign ordinance amendment is to establish the vision for signs in the community for years to come. The purpose of this particular amendment to the motion is to ensure that over time signs out of compliance with the new ordinance will ultimately come into compliance. This is addressed in the General Provisions, Section 34.16.B. In addition, it allows signs that would not nonconform with the new rules to be nonconforming and not be deemed conforming as proposed by staff. The overall goal is to make all signs in the County comport with the vision expressed in the ordinance and by ensuring nonconforming signs not be treated as conforming signs, they will more quickly come into conformance.

The Commission voted 10-1 to support the amended motion. Commissioners Cole, Fallon, Harner, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion.

Commissioner Iacomini opposed the amended motion. The amendment was incorporated into the main motion.

Amendment to the main motion on 7-day signs placed by private parties in the public right-of-way

Commissioner Cole moved that the main motion be amended to recommend to the Arlington County Board that the adopted amendment to Section 34 of the Arlington County Zoning Ordinance allow individual Arlington residents to post seven-day signs related to lost pets and yard, garage and similar sales in locations other than the ground in sizes as large as 8.5 inches by 11 inches and that these sales be deemed to be noncommercial for the purpose of this section, as delineated on pages 6 and 7 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations." Further, Commissioner Cole moved that staff make any modifications to the recommended changes to the County Manager's proposed zoning ordinance amendment needed to achieve this objective. Commissioner Serie seconded the motion.

The Commission voted 11-0 to support the amended motion. Commissioners Cole, Fallon, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. The amendment was incorporated into the main motion.

Amendment to the main motion on political party nominating caucuses

Commissioner Cole moved that the main motion be amended to recommend to the Arlington County Board that the adopted amendment to Section 34 of the Arlington County Zoning Ordinance allow the posting of individual candidate signs outside locations of registered political party nominating caucuses, as delineated on page 8 of the document entitled "Arlington County Proposed Zoning Ordinance Amendments, Planning Commission Public Hearing Version, July 5, 2012, Proposed Changes to Staff Recommendations." Further, Commissioner Cole moved that staff make any modifications to the recommended changes to the County Manager's proposed zoning ordinance amendment needed to achieve this objective. Commissioner Serie seconded the motion.

The Commission voted 10-0-1 to support the amended motion. Commissioners Cole, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. Commissioner Fallon abstained. The amendment was incorporated into the main motion.

Additional amendments to the main motion

Commissioner Savela moved to amend the main motion to recommend that for all zoning districts, under Incidental Signs in the General Standards table and the row related to Separate Lighting, add, after the prohibition for separate lighting, an exception for signs that only display the building street address. Commissioner Malis seconded the motion.

Commissioner Cole read the specific provision related to this, as found on page 7, lines 190-191. He further noted stated he and Ms. Albert agreed to remove the picture under Incidental Signs that shows the sign with the street number and name. The provisions are intended to allow such signs to be lighted and he did not want to create confusion. Commissioner Savela stated that there is still an issue with emergency response. The labeling of Incidental Signs refers to wayfinding signs, and the language only applies to the "R" districts. She thinks it should be applied to all districts because, for

example, an apartment building should not be prohibited from lighting its street address, which would allow emergency response personnel to locate it at night. Ms. Albert responded that street address signs are not regulated under the sign ordinance, but rather under Chapter 27 of the County Code. Commissioner Cole further explained that Chapter 27 of the County Code requires that street addresses be visible a distance of 30 feet and is silent as to whether they must be lighted. He stated that he shares the sentiment of Commissioner Savela's motion, but is not certain that it is necessary.

Commissioner Malis stated that if there is uncertainty, then the Commission should err on the side of certainty.

The Commission voted 11-0 to support the amended motion. Commissioners Cole, Fallon, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. The amendment was incorporated into the main motion.

Commissioner Malis moved to amend the main motion to recommend that the table on page 47 after line 534, in Section 37.11.B, be amended to set the maximum allowable luminance standard for signs below 40 feet in any zoning district facing "R" or "RA" districts to a maximum luminance level of 50, and that Section 34.11.C. be amended to add that signs below 40 feet directly facing "R", "RA" and "S-3A" districts be illuminated only during the hours of operation of the business. Commissioner Kumm seconded the motion.

Commissioner Malis explained that if the County Board decides that it does not want to accept the Commission's recommendation to eliminate the luminance standards, then this motion would take the place of that.

Commissioner Monfort offered a friendly amendment to the motion to recommend that if the County Board decides to retain the luminance standards, then the table on page 47 after line 534, in Section 37.11.B, be amended to set the maximum allowable luminance standard for signs below 40 feet in any zoning district facing "R" or "RA" districts to a maximum luminance level of 50, and that Section 34.11.C. be amended to add that signs below 40 feet directly facing "R", "RA" and "S-3A" districts be illuminated only during the hours of operation of the business. Commissioner Malis accepted the amendment to her motion.

The Commission voted 10-1 to support the amended motion. Commissioners Fallon, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion. Commissioner Cole abstained. The amendment was incorporated into the main motion.

Commissioner Malis moved to amend the main motion to recommend that language be added to Section 34-10.A, to read as follows, "*Such signs shall be temporary freestanding signs, shall not be lighted and shall be affixed to the ground such that they will not easily be removed by wind or other natural forces, unless they are sidewalks signs as defined in the ordinance,*" and to amend Section 34.10.E, which addresses temporary signs placed by private parties in the public right-of-way, to add sidewalk signs as an allowable sign type. Commissioner Kumm seconded the motion.

Commissioner Malis stated that the intent of the motion is to not require that 7-day signs be affixed to the ground. Commissioner Cole suggested that there be unanimous consent to amend the motion

to amend the main motion to add at the end, "Further, staff shall make any modifications to the recommended changes to the County Manager's proposed zoning ordinance amendment needed to achieve this objective." Commissioner Malis stated that the intent is to identify sidewalk signs as allowable temporary freestanding sign types. They are not nailed down to the street and the wind issue has more to do with yard sale-type signs, which are flimsier and can blow away. This amendment would give the County Board the ability to allow sidewalk signs where we allow stick-in-the-ground signs.

Commissioner Savela stated that she would support the amended motion but recognizes the problem of not being able to address the size of A-frame sidewalk signs. Commissioner Malis clarified that when defined as a sidewalk sign, the ordinance defines A-frame signs as having a size of seven square feet on each side.

Commissioner Monfort stated that he would oppose the amended motion because of the many discussions that were had on how sidewalk signs should be designed, their size, and the location of the signs; they are not allowed in medians, landscaped areas or corners, but only in sidewalks where there is sufficient pedestrian clearance. He believes the intent of the amended motion is to get around the restrictions of commercial signs to allow the sidewalk signs in this instance.

Commissioner Monfort stated that he sees no reason to encourage them anywhere that they are not allowed in the ordinance. Ms. Albert explained that by definition, sidewalk signs are required to be placed in front of the use for which they are being used. The size limitations are not in the definition, but rather in the regulations.

Commissioner Malis stated that if a motion is needed to change the definition of sidewalk signs for noncommercial uses to allow them to not be in front of the use for which they are used, she would be supportive of that. Ms. Albert recommended against that because changing the definition would have consequences for other areas of the ordinance where the definition is used and would change the rules for where they are currently allowed. Commissioner Malis noted that part of the frustration is that there is so much regulation.

Commissioner Kumm stated that there should be support for community and civic groups who rely upon these signs to advertise events in the community. These signs are not an issue, yet the proposal is to regulate them. She believes this is overkill and the County should step back to allow the civic spirit to flourish.

Commissioner Monfort stated that the signs are not allowed now but are used all over the County and are not enforced. He believes this is an overblown concern and there will be enforcement issues in general on signs, and it will be very difficult to enforce regulations requiring civic associations to remove their signs advertising their monthly meetings.

Commissioner Fallon agreed with Commissioner Monfort in that the ordinance is attempting to regulate too much. He does not believe there is a widespread problem with organizations advertising their events in the community. His concern is more the interrelationships of the different ordinance regulations. Commissioner Fallon indicated that he would not support the motion. The ordinance should not make it hard for community groups to advertise legitimate functions.

Commissioner Savela stated that the Commission's attempt to modify the definition of sidewalk signs to exclude temporary signs placed by private entities in the public right-of-way cannot be achieved at the hearing and recommended that a vote on the amendment would send a message to the County Board on their intent, recognizing that the wording will need to be fixed later and it will need to be determined whether it is within the scope of the advertisement.

Commissioner Cole applauded Commissioner Malis for raising this important issue and indicated that he will support it. In response to Commissioner Monfort, he stated that the County would be amending the sign ordinance in totality, thus legalizing many circumstances that are currently not captured in the existing ordinance. He agreed that a lot of discussion was had on the sidewalk signs.

Commissioner Monfort indicated that voting for something the Commission knows up front to be wrong is not a good idea. He believes the Commission is attempting to amend parts of the ordinance without understanding their implication. He stated that he would be more comfortable with a motion that suggested that the County Board look consider the issue and find a way to allow the signs without coming up with specific language recommendations tonight. He did not agree to make a substitute motion.

The Commission voted 7-4 to support the amended motion. Commissioners Cole, Iacomini, Klein, Kumm, Malis, Savela, and Serie supported the amended motion. Commissioners Fallon, Harner, Monfort and Sockwell opposed the amended motion. The amendment was incorporated into the main motion.

Commissioner Cole expressed his deep gratitude to Ms. Albert for her commitment, intellectual rigor, and passion and thanked Ms. Albert on behalf of the Commission. The County has an ordinance of which it can be proud. Commissioner Cole thanked his colleagues on the Commission for all the contributions they made over time.

Commissioner Malis thanked Commissioner Cole for his leadership, as this was very painstaking, detailed work.

The Commission voted 11-0 to support the amended main motion. Commissioners Cole, Fallon, Harner, Iacomini, Klein, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the amended motion.

Respectfully Submitted,
Arlington County Planning Commission

A handwritten signature in cursive script that reads "Stephen Sockwell". The signature is written in dark ink and is positioned above the printed name and title.

Stephen Sockwell
Planning Commission Chair

Gizele Johnson

From: Kenneth Peskin <Kenneth.Peskin@signs.org>
Sent: Thursday, July 12, 2012 11:12 AM
To: 'sock3@verizon.net'; 'bharner@mac.com'; 'rosemary.Ciotti@gmail.com';
'cole.arl@gmail.com'; 'pfallon591@aol.com'; 'christopher.forinash@alumni.duke.edu';
'srklein@verizon.net'; 'IAMalis@cs.com'; 'cmonfort@comcast.net'; 'kkumm@comcast.net';
'tsavela@comcast.net'; 'tlserie@aol.com'
Cc: Freida Wray; Gizele Johnson; Deborah Albert; Norma Cozart; Linh Ong;
'rwpepper@snsigns.org'; 'bob@artdisplayco.com'; 'bobanderson@metrosign.com'; 'Terra
Fisher'
Subject: ZOA-12-01 Comments from Int'l Sign Association
Attachments: ISA Arlington PC Comments 071212.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

The International Sign Association would like to submit its updated comments on ZOA-12-01 (Sign Amendments to Zoning Ordinance). ISA wishes to go on record in overall support of the proposed language, but with reservations about the proposed lighting restrictions.

Attached is a letter summarizing the specific areas of concern that ISA has with the existing draft ordinance. (While our intent was to submit this to the entire Planning Commission, I was unable to locate an email address for Commissioner Nancy Iacomini.)

I will be addressing my comments during the public hearing portion of tonight's meeting. I would be happy to address any questions you have either at that time or over email.

Thank you!

Kenny Peskin

State & Local Government Affairs Manager

International Sign Association

1001 N. Fairfax Street, Suite 301

Alexandria, VA 22314

(703) 778-8096 Tel

(202) 236-0903 Cell

(703) 836-8353 Fax

www.signs.org | www.signexpo.org

kenneth.peskin@signs.org





INTERNATIONAL SIGN ASSOCIATION

Steve Cole
Chairman
Zoning Committee of the Planning Commission
Arlington County
2100 Clarendon Blvd.
Arlington, VA 22201

Chairman Cole,

Thank you for the opportunity to participate in the sign ordinance development process to this point. Based on the information contained within Public Draft 3, the International Sign Association (ISA) has significant reservations about the methodology used to measure lighting and the relationship between the new lighting standards and nonconformity language contained in other parts of the ordinance.

I will attempt to summarize my comments on illumination first, followed by the nonconformity language.

§34.10.A Illumination Standards

ISA has strong doubts as to the accuracy of the luminance values reported in the consultant's report. In our opinion, the primary reason for this is the distance (and angle) from which the measurements were recorded.

The consultant measured signs using a Konica Minolta LS-100 luminance meter. According to page 13 of the Instruction Manual:

NOTES ON USING THE LS-100/LS-110

- **When taking measurements, be sure that the subject fills the measurement area. If subject does not fill the measurement area, move closer or use a close-up lens and refocus. Measurements of subjects smaller than the measurement area will not be accurate.**

According to an engineer who works for a sign company (one without any business interests in Arlington's on-premises signs):

"When using a luminance meter the only area measured is the small circle in the center of the viewfinder. I've attached a spreadsheet that will calculate the Angle of View (what you see when



INTERNATIONAL SIGN ASSOCIATION

looking through the meter and the Acceptance Angel (The small circle in the middle). In cases where they claim the brightness is half as much when measured farther away is not how luminance meters work. What I expect is they filled the little circle with white light up close and didn't fill it when they moved away. The 1 minute of angle translates to a circular area of 27.5 feet in diameter for the measurement they supposedly took at almost 1600 feet away."

Since Arlington limits current roofline signs to a 6' letter height, it would be impossible to fill a circle measuring 27.5' diameter (if the measurement was taken from an angle directly in front of the middle of the sign). In fact, any measurement taken at an angle off-center and at a distance greater than 344 ft from the surface of a 6' (diameter) object will be measuring (in part) the non-illuminated background adjacent to the sign.

Measuring Distance

Even if the luminance meter is properly focused on a bright sign, the measurement standard employed by the consultant is unable to accurately measure most of the roofline signs included in the Lighting Tour study.

To ensure that the luminance meter is measuring only the illuminated portion of the sign, the measurement distance must be much closer to the face of the sign. For example, at a measurement distance of 10', 1 degree angle of acceptance is equal to ~2 inches; at 50', it is equal to ~10 inches. Few signs in Arlington have illuminated channel letters with a width of even 10". This should restrict an accurate measurement based on sign luminance to a distance of less than 50'.

Inability to Reverse-Engineer Compliance

A well-crafted brightness standard should allow for a sign manufacturer to design a sign that will operate within the limits of the regulation, while still being as bright as possible within those limits. But the method employed in this report does not allow for that process.

For example, the SAIC sign was measured at a luminance of 2.03 cd/m², well below the allowable brightness standard. But that measurement was taken from a distance of 1,130'. If the sign was measured at a distance of 200', the sign would record a very different number, possibly on the other side of the allowable limits. Additionally, if the sign was measured with a focus on the "S", the measurement may be different than if the meter is focused on the right stem of the "A".

A sign designer cannot know how to build a sign designed to operate within this lighting standard, without leaving an unreasonably large margin of error. Similarly, a sign owner cannot operate the sign at the limit, for fear of the variance in possible measurements. (This would be the analogue to driving a car at 30 mph for fear of violating a 55mph speed limit.) If the lighting maximum is set at 200 cd/m² (or



INTERNATIONAL SIGN ASSOCIATION

323 cd/m² or 500 cd/m²), a sign should be able to operate at that limit. Under the proposed standard, that is not possible until a member of the County zoning enforcement staff takes a field measurement, perhaps an inaccurate measurement.

§34.16 Nonconforming Sign

§34.16.1(c) "Any nonconformity that relates to the lighting or motion or perceived motion of a sign shall be corrected and brought into conformity by January 1, 2023."

§34.16.2 "No permit for an additional sign shall be issued for any premises on which there are nonconforming signs."

Cost of Modifications

The lighting consultant's report suggests amortization as a means of eliminating nonconformities with lighting. In subsequent discussions with County staff, it has been suggested that updating signs to comply with the lighting regulations would have a minimal cost (because existing electrical components would be replaced with updated components upon failure at the normal service intervals). ISA strongly disagrees with this analysis. We believe that retrofitting existing signs to be in compliance would have a significant cost for two main reasons:

- 1) Because different lighting sources look different (either in color temperature or brightness), lighting parts of the same sign with different types of illumination would cause the sign to either have "hotspots" or appear to have color variations. For reasons of appearance, a sign would be converted in its entirety at the same time. (Even if some components are not at the end of product life-cycle.)
- 2) Requirements for "Level Controls" would require rewiring to allow for an easily accessible dimming controller. In practical terms, this requirement would lead most sign contractors to choose LED lighting as a means of internal illumination in most signs.

§34.10.A.2.(d) Level Control "Lighting for a sign that is installed or modified after [date of adoption] shall include an easily accessible dimming controller to allow immediate corrections where violations of the levels established by this section 34 are exceeded."

Cost for Modification of Existing Arlington Signs (Est. by Service Neon Signs (Springfield, VA); 2012 \$\$\$)



INTERNATIONAL SIGN ASSOCIATION



Bray & Scarff Appliances (Lee Hwy)
\$6,300 (new LED systems)



Columbia Pike Plaza
\$13,500 (new LED lighting and border tubing)



IHOP (Fairfax Drive)
\$9,200 (new LED systems)



Lee Harrison Center
\$4,900 (new LED systems)

(plaza wall sign only; w/o United Bank,
Freestanding sign, or any tenant wall signs)



McDonald's (Columbia Pike)
\$19,700 (new LED systems)

These two provisions (conformity by 2023, nonconformity prohibits new signs) create a significant burden on owners of existing signs. Most of them will be required to spend \$5,000-20,000 to buy an



INTERNATIONAL SIGN ASSOCIATION

upgrade for a sign that works just fine as it exists. The new sign won't be any better for them, at best it will function the same as the existing sign (that already has been paid off).

Additionally, for some of these "upgraded" signs, the cost of these alterations in relation to the overall value of the existing sign may raise issues with Section 35 of the Zoning Ordinance (Nonconforming Buildings)

Preventing new signs throughout the county

Based on the results of the April 3 Lighting Tour, more than 20 locations in the County will be prevented from obtaining any permits for new signs. (Additionally, the tour also measured another ½ locations that were measured right at the lighting threshold, but at a distance well beyond 200 feet. This suggests that, with a measurement at 200 ft., the sign could be found in violation.) For those locations, especially the office buildings with roofline signage, this will prevent ground-floor retail tenants from locating in vacant spaces or existing tenants from updating their signage.

Also of concern, multi-tenant retail centers (that were not studied on the Tour) could be subject to this restriction. If one tenant sign is in violation of the lighting standards, other tenants may be unable to obtain new signs.

Finally, we'd like to note for the record that the sign industry has long-established guidelines for the appropriate luminance of internally illuminated signs. We urge Arlington officials to use this information and expertise about the operational properties of signs

Thank you for your time and consideration to the ISA recommendations to the proposed sign ordinance. If you have any questions, do not hesitate to contact us.

Sincerely,

Kenneth Peskin

Manager, State and Local Government Affairs

A handwritten signature in black ink that reads "Kenneth Peskin". The signature is written in a cursive, flowing style.

Lee Harrison Shopping Center

Arlington, Virginia

Impacts of Proposed Sign Nonconformity Provisions

The Lee Harrison Center is located at the corner of Lee Highway (Route 29) and N. Harrison Street in Arlington, VA. This 128,106ft² center is anchored by a Harris Teeter grocery store and features a diverse mix of eateries, retail stores and personal services. In addition to an upgraded conventional strip center, the site also features a 3-story bank building with office tenants.

Tenants in the center have wall-mounted signs that assist customers coming from busy Lee Highway in locating the businesses.

The proposed sign ordinance contains provisions that could adversely impact the ability of the center to attract new tenants and prohibit new businesses from obtaining sign permits. Existing tenants wanting to rebrand or change signs would also be affected.

Brightness Limit

New signs would be subject to a proposed brightness standard. Existing signs would be required to comply by 2023.

Nonconformity

As a result of the new brightness standard, an additional nonconformity category is created. While existing signs are not required to be compliant until 2023, the proposed ordinance prohibits new sign permits on premises with existing nonconforming signs.

The proposed provisions pertaining to non-conformity are especially burdensome for multi-tenant properties, since they are considered as a single lot or building. The proposed ordinance stipulates that no permits for additional signs shall be issued if there are nonconforming signs on the premises.

Example

Suppose the proposed ordinance provisions were in place when Elevation Burger located to the Lee Harrison center and applied for a sign permit.

Under the proposed ordinance, Elevation Burger could not be issued a sign permit until other existing, non-conforming signs on the "premises" were brought into compliance. If the nearby Starbucks, or any other business in the Lee Harrison Shopping Center, had a sign that was not in compliance, then Elevation Burger could not obtain a permit.



Property Information

2425-2511 N. Harrison St
Arlington, VA 22207

2012 Assessed Value: \$39,612,800
RPC# 02073084

Management

AJ Dvoskin & Associates
9302 Lee Highway, Suite 300
Fairfax, VA 22031

Recent Sign Permit Activity

1/23/2009 Elevation Burger, 2447 N. Harrison
3.5' x 12' internally illuminated letter sign

11/22/2010 MBH Settlement Group, 2425 N.
Harrison
2' x 21' wall sign

12/15/2011 H&R Block,
2491 N. Harrison
11' x 1'5" channel
letters mounted on
building façade



Brookfield

Brookfield Properties Management LLC
The Victor Building
750 9th Street, NW, Suite 700
Washington, DC 20001-4590

T 202.467.7700
F 202.467.7930
www.brookfieldproperties.com

Signs

June 22, 2012

Mary Hynes
County Board Chair
Arlington County Board
2100 Clarendon Boulevard
Arlington, VA 22201

Dear Ms. Hynes:

On behalf of Brookfield Office Properties, which owns six office buildings in Arlington County, I am writing to express support for the concept of greater flexibility to provide rooftop signage on our buildings.

Due to BRAC and spending cutbacks, the environment is much more competitive now than in the recent past. Arlington must strive to meet the needs of corporate tenants in order to compete with neighboring jurisdictions and continue to thrive.

I would be happy to share my thoughts in greater detail if you are interested. I can be reached at (202) 391-5636.

Thank you for your service to Arlington County.

Sincerely,



Greg Meyer
Senior Vice President

11/10/12

Remarks Regarding Columbia Pike Redevelopment
Arlington County Planning Commission, July 11, 2012

Good Evening,

I'm Jim Hurysz, and I live in Fairlington, a historic community that was designed in 1941 to be affordable rental housing for federal workers. Beginning in 1975, Fairlington was converted to affordable condominiums. In 1992, when I moved to Fairlington, a small condominium typically sold for \$145,000. Today the same condominium unit is assessed for \$400,000 and the owner will pay almost \$8,000 in condo fees and real estate taxes this year.

I've been attending County Board meetings for many years. It became obvious to me years ago that two major reasons why there is so little affordable housing in Arlington are – first, the County Board refused to build new affordable housing in Potomac Yards, Shirlington, and elsewhere, and second, thousands of affordable homes and apartments have been and are being redeveloped into upscale housing. Moreover, new so-called 'affordable' housing largely consists of 1-bedroom apartments renting for \$1000 - \$1300 per month.

Concomitantly mixed-use redevelopment has created thousands of hotel, restaurant, retail, and service jobs in Arlington that don't pay a living wage, and thousands more are on the way.

In fact, our neighborhoods are being marketed across America as 'redevelopment opportunities' by a huge economic development and planning bureaucracy, directed by the County Board and County Manager. Mr. Holzheimer, Mr. Brosnan, and Ms. Donnellan are not Arlington residents and will not suffer the consequences of the massive urbanization of this County. Typically, urbanization redevelopment deals are concluded six or more months before residents are informed that a developer is interested in redeveloping their neighborhood.

Neighborhoods on the Pike like Foxcroft Heights must be preserved as sources of moderate income housing for people who work literally across the street - Fort Myer and the Sheraton Hotel - or 'Smart Growth' is a total oxymoron.

We don't need or want more 'done deals' with developers, followed by laundry lists of non-binding promises to residents by County Government. Like this July 9th memorandum from Jennifer Smith, who is not an Arlington resident.

That's why I'm voting for Audrey Clement for County Board on November 6th.



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
 Planning Division

#1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201
 TEL 703.228.3525 FAX 703.228.3543 www.arlingtonva.us

MEMORANDUM

TO: Planning Commission

FROM: Deborah Albert

DATE: July 12, 2012

SUBJECT: Refinements to modifications (34.3) and signs above 40 feet (34.7.A); and Form Based Code shared parking signs

The attached excerpts from the proposed amendment to the sign regulations show a change-tracked version of some refinements to the modification regulations and regulations for placement of sign above a height of 40 feet that have been made since the draft Planning Commission report was distributed. The changes in the attached include the following :

Line 80 123	Moved from line 123
Line 92	Placement of signs above a height of 40 feet, when used from aggregate sign area (as opposed to additional sign area) may be modified. The reference to 34.7.A.7(b) allows the applicant to request modification of placement in the sign band within the 20 feet below the roofline under this provision.
Line 109	Item ii is removed because the first finding the County Board has to make is that the requested sign is substantially blocked from residentially zoned properties within one mile of the sign.
Line 119	The reference to 34.7.A.7(f) provides a clarification about what standards may be modified under this provision. The reference is to the provision that describe direction signs may face based upon map 34-1.
Line 125	This provision was moved from 34.19, allowing the County Board to modify provisions if the HALRB has determined that a modification is needed in order for the property to meet the standards for a CoA.
Line 273 and 293	Text was added to clarify the intent that no more than two signs may be permitted above a height of 40 feet on any single building
Line 295 and 309 (last paragraph)	The standards in 34.7.A.7. regarding placement about signs above a height of 40 feet should apply to all signs above a height of 40 feet, not only to lighted signs. The language has been corrected to strike the word "lighted" from the two paragraphs where it was included.
Line 304	This provision is redundant of the definition of sign height definition
Line 309 (Last paragraph)	"structure" was replaced with "obstruction" to be consistent with the definition of "directly facing" in subsection 34.18.

Also attached is a copy of a memo distributed to the Form Based Code Advisory Working Group, following up on concerns raised by the Planning Commission regarding proposed provisions for signs for shared parking structures in the Form Based Code. Staff has done some additional follow-up on this issue to ensure that the allowed signage will allow for both way finding and identification of parking entrances. Details are provided in the attached memo, and full proposed text may be found in Attachment B of the Planning Commission report.

61 **§34.3. Modifications**

62 **A. Special exceptions**

63 1. The standards in this Section 34 may be modified by approval of a Comprehensive Sign
64 | Plan. ~~Comprehensive sign plans may be approved~~ through the use permit process in
65 Section 36.G., or for properties that are the subject of a special exception site plan
66 through the site plan approval process in Section 36.H. In addition to the applicable
67 standards in Section 36, the County Board may approve modifications to standards in
68 this Section 34 where it finds that the modification of regulations is in keeping with the
69 character of the neighborhood and will not adversely impact the neighborhood in
70 | which the sign is located, as follows:-

71 (a) Under no circumstances, shall the County Board approve:

72 (1) A sign type or characteristic explicitly prohibited in §34.4 except as set forth in
73 (b) below;

- 74 (2) Sign luminance exceeding maximum standards in §34.10.F
- 75 (3) Modification of hours of sign illumination unless expressly permitted in
- 76 §34.11.C.
- 77 (4) A sign type not listed as an allowed sign type for the district in which the
- 78 property is located; or
- 79 ~~(5)~~ More aggregate sign area than is allocated by §34.14.B.4.
- 80 ~~(5)~~(6) Modification of additional sign area or sign placement for signs placed
- 81 above a height of 40 feet as set forth in §34.7.A.5(b) or §34.7.A.7 except
- 82 where expressly permitted below.
- 83 (b) For those signs included in aggregate sign area on properties subject to §34.6 or
- 84 §34.7, the County Board may:
- 85 (1) Reallocate sign area among sign types. The County Board may approve an
- 86 increase in the maximum permitted sign area identified for the subject sign
- 87 type for one sign per building, if it also finds that:
- 88 (i) The aggregate sign area for the building or project does not exceed the
- 89 area allocated by §34.14.B.4; and
- 90 (ii) The reallocation of sign area and/or lighting of the sign does not adversely
- 91 impact adjacent residential properties.
- 92 (2) Modify placement standards for signs, including standards for signs placed
- 93 above a height of 40 feet only as set forth in §34.7.A.7(c), where topography
- 94 or lot configuration significantly limits placement or effectiveness of signs(s)
- 95 on the subject building or property, such that:
- 96 (i) The location of the building, main building entrance or tenant entrance is
- 97 not visible to pedestrian traffic; or
- 98 (ii) The surrounding street network or other transportation options limit
- 99 visibility of signs placed in permitted locations; or
- 100 (iii) The building has frontage on a plaza or other pedestrian pathway where
- 101 signs are not otherwise allowed.
- 102 (c) The County Board may modify regulations to approve innovative elements of signs
- 103 that conform to the following Ordinance requirements: automatic changeable
- 104 copy elements as set forth in §34.12; distance from R, RA14-26, RA8-18, RA7-16
- 105 and RA6-15 zoning districts; direction the sign faces; number of signs; maximum
- 106 sign size and height; and total aggregate sign area.
- 107 (d) Where the County Board finds that a sign is i) substantially blocked from view from
- 108 properties within one mile of the sign and zoned R, RA14-26, RA8-18, RA7-16 and
- 109 RA6-15; ~~ii) not located within 200 feet of and facing a residential building;~~ iii)
- 110 compatible with the architectural style of the building on which it is located in
- 111 scale, design and color; and iv) compatible with other signs on the building; then,
- 112 subject to such conditions as the County Board may impose to ensure that the sign
- 113 functions without glare or disturbance to nearby uses, which conditions may
- 114 include but shall not be limited to reduced luminance levels, reduction in sign area,
- 115 and reduced hours of illumination, the County Board may modify regulations in this
- 116 §34 as follows:

- 117 (i) The County Board may allow illumination of a sign placed above a height of
118 40 feet where not otherwise allowed by the standards set forth in
119 §34.7.A.7(f); and
120 (ii) Except where expressly prohibited, the County Board may modify hours of
121 illumination set forth in §34.11.C for a sign placed above a height of 40
122 feet;
123 ~~Provided, however, that under no circumstances shall the County Board~~
124 ~~modify provisions in 34.7.A.5 or 34.7.A.7.~~
125 (e) If the Historical Affairs and Landmark Review Board determines that no sign can
126 both meet the standards for approval of a Certificate of Appropriateness and be in
127 compliance with this Section 34, then the County Board may approve a sign that
128 does not comply with this Section 34, but meets the standards for a Certificate of
129 Appropriateness, such sign may be allowed.
130 2. For treatment of signs allowed by a site plan or comprehensive sign plan approved by
131 Special Exception before [date of adoption], see §34.17.D.

132 **B. No variances**

133 The standards in this Section 34 are not subject to variance under Section 36.E. of the Zoning
134 Ordinance.

231 **§34.7. Signs in C, M and mixed-use districts (RA4.8, R-C, RA-H, RA-H-**
232 **3.2, MU-VS) (excluding one- and two-family and town house uses)**

233 **A. General**

234 **1. Signs allowed**

235 The sign types listed and described in this subsection §34.7 are allowed on private
236 property in the all commercial, industrial and mixed use (RA4.8, R-C, RA-H, RA-H-3.2,
237 MU-VS) districts, except for one- and two-family ad town house uses, subject to the
238 permit requirements, standards and conditions set forth for each sign type .

239 **2. Lighting**

240 Signs allowed under §34.7 shall not be separately lighted unless the standard in the
241 table says “yes” or “see standards” next to the “separately lighted?” query. The fact
242 that a sign may be partly or wholly illuminated by a porch light or other light serving
243 another purpose shall not be considered “separately lighted.”

244 **3. Changeable copy**

245 Signs allowed under this §34.7 shall not include changeable copy elements unless the
246 standard in the table says “yes” next to the “automatic changeable copy?” query. See
247 §34.12 for standards that apply to all automatic changeable copy signs under this
248 Section 34.

249 **4. Aggregate sign area allowed**

250 The maximum aggregate sign area allowed for a single building, or combination of
251 buildings, is the larger of:

- 252 (a) One square foot of sign area per linear foot of building frontage; or
253 (b) For a building with one or more establishments with at least one exterior public
254 entrance and less than 60 feet of frontage, 60 square feet for each such
255 establishment plus one square foot per linear foot of building frontage, excluding
256 any frontage occupied by those establishments.

257 **5. Additional sign area for specified uses**

- 258 (a) In addition to other signs on a development project, the County Manager may
259 place, or cause to be placed wall or freestanding signs at the garage entry to a
260 public parking facility. Such signs shall:
- 261 (1) Be limited to noncommercial messages that show parking availability within
262 the public parking facility and shall be no larger than 60 sq. ft;
- 263 (2) Be allowed in addition to otherwise allowed aggregate sign area;
- 264 (3) Notwithstanding the provisions of §34.12.B, be allowed to include up to 12 sq.
265 ft. of automatic changeable copy elements for each sign,
- 266 (4) Be of such design as the County Manager may determine.
- 267 (b) Any building that meets the following criteria may install up to a maximum of two
268 additional wall or projecting signs, with a permit, subject to the standards listed
269 below. Such signs shall be allowed in addition to otherwise allocated aggregate
270 sign area.

- 271 (1) The building is not located in an S-3A, S-D, R, RA14-26, RA8-18, RA7-16, RA6-
 272 15, C-1, C-2, C-1-O, C-0-1.0 or C-1-R zoning district, however, under no
 273 circumstances shall more than two signs per building be placed above a height
 274 of 40 feet.
- 275 (2) The building is more than 70 feet in height; and
- 276 (3) The building is devoted primarily to office, commercial, public or at least 50%
 277 to hotel uses above the ground floor.
- 278 (4) 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

279 **6. Placement standards for signs below a height of 40 feet**

- 280 (a) No signs shall be permitted on that part of the side or rear wall of a building within
 281 100 feet from any R or RA14-26, RA8-18, RA7-16, RA6-15 District except, where a
 282 tenant’s primary entrance is located on a side or rear wall of a building, the
 283 tenant’s sign that otherwise would be allowed on the front wall of the building may
 284 be erected on the wall where the primary entrance is located;
- 285 (b) No sign shall extend above the height of the actual roofline of the building,
 286 measured from the actual roofline in the case of a flat roof or from the eaves line in
 287 the case of a hip or gable roof; except, on a building that is 24 feet or less in height,
 288 up to 20 percent of the sign area may extend up to 1.5 feet above the roofline.

289 **7. Placement standards for signs above a height of 40 feet**

290 In order to protect the viewshed for properties in residential zoning districts that face
 291 commercial areas of the County, the following provisions are set forth in order to limit
 292 visibility of signs placed above a height of 40 feet.

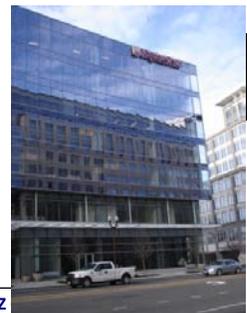
- 293 (a) Under no circumstances shall more than two signs per building be placed above a
 294 height of 40 feet

- 295 ~~(a)(b)~~ No sign may be placed above a height of 40 feet in a C-1, C-
 296 2, C-1-O, C-0-1.0 or C-1-R zoning district ~~may be lighted~~.

- 297 ~~(b)(c)~~ Horizontally oriented signs shall fit within a sign band that is
 298 no more than six feet in height, provided, however, that up to
 299 20% of the sign may be no more than nine feet in height. The
 300 designated sign band shall be placed within the 20 feet of the
 301 building façade below the main roofline or other roofline of
 302 the building below the main roofline for a building where there
 303 are multiple rooflines;

- 304 ~~(c)~~ Vertically oriented signs shall be placed such that the top of the
 305 sign is above a height of 40 feet.

- 306 (d) No sign placed above a height of 40 feet shall have any
 307 automatic changeable copy element; and



308 (e) All signs placed above a height of 40 feet may be illuminated only by internal
309 lighting and hours of illumination shall be as set forth in §34.11.C

- (f) ~~Lighted signs~~ 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 obstruction~~ of equal or greater height to the height of the sign. Placement of lighted signs may be allowed by the County Board as set forth in §34.3.A.1(d).



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
Planning Division

#1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201
TEL 703.228.3525 FAX 703.228.3543 www.arlingtonva.us

MEMORANDUM

TO: Form Based Code Advisory Working Group

FROM: Deborah Albert

DATE: July 10, 2012

SUBJECT: Form Based Code Sign Regulations (SHARED PARKING)

The County Board, at its June 19, 2012 meeting, authorized advertisement of an amendment to the sign regulations in the Zoning Ordinance, including amendments to the FBC signage regulations.

Prior to advertisement, I had sent an email notification to the Form Based Code Advisory Working Group (AWG) that in addition to the provisions discussed at meetings in the spring and fall, staff was also proposing to allow signs for shared parking (current FBC regulations allow signs only for retail and office tenants). All FBC projects containing structured parking have included requests for additional signs to identify parking facilities, and these signs have been supported by the AWG and by staff, and have been approved by the County Board. The proposal is consistent with the signs that have been approved to identify shared parking structures, and was included in the advertisement authorized by the County Board last month.

Staff subsequently followed up with Commissioner Malis in response to concerns raised by the Planning Commission about these signs. The proposal has been revised to allow:

- 1 wall sign for each entrance to shared parking, to be placed immediately above the entrance. These wall signs would have the same dimensional standards as other wall signs (within a 2-foot tall band no more than 20 feet long, and with letters no more than 18" high); and
- Parking could also be identified by blade signs meeting standards for "incidental" signs (signs up to 4 sf; or if meeting County way finding standards, up to 6.5 sf).

Please let me know if you have any questions or concerns about this proposal. For your reference, the proposed language allowing these signs is shown below in red. The proposed amendment will be heard by the Planning Commission on Thursday, July 12, 2012 and by the County Board on Tuesday, July 24, 2012.

Form Based Code Section VI. Architectural Standards, F. Signage

2. STANDARDS FOR SIGNAGE

* * *

Form Based Code projects may have the following number of signs, provided they comply with the standards set forth below:

- A. Building signs: 1 sign per building which may be a masonry or bronze plaque, or alternatively, a wall or blade type building sign;
- B. Signs for retail and office spaces: AWNING signs; and STREET address signs. In addition, 1 blade sign; 1 graphics sign; and up to a total of 3 wall or window signs per tenant. One additional wall or window sign and 1 additional blade sign are permitted for tenants occupying retail or office spaces with more than one STREET FRONTAGE.
- C. Signs for SHARED PARKING within a structure: 1 wall sign meeting the standards below; and blade signs meeting the standards for incidental signs as set forth in 34.7.H.

Signage Standards:

- Wall signs for retail and office spaces are permitted either within the area above the GROUND STORY windows and below the second STORY windows, or on the vertical front of or on top of a CANOPY. All wall signs shall be placed within a horizontal band not to exceed 2 feet in height. This band shall not be located higher than 18 feet or lower than 12 feet above the adjacent sidewalk, unless placed on the front of or on top of a CANOPY. If placed on top of a CANOPY, the 2-foot band shall not extend more than 2 feet beyond the top of the CANOPY. Wall signs shall not come closer than 2 feet to an adjacent COMMON LOT LINE or the boundary of the area permitted to be used by the retail or office tenant.
- Wall signs for SHARED PARKING within a structure shall be placed in a horizontal band not to exceed 2 feet in height. This band shall be located immediately above the entrance to the SHARED PARKING structure and shall not be higher than 4 feet from the top of the entrance opening.
- Letters on all wall signs shall not exceed 18 inches in height or width and 3 inches in relief. Wall signs shall not exceed 20 feet in length.

* * *

Ilene Muhlberg

FM/Signo

From: Ross, Maureen <Maureen.Ross@USONCOLOGY.COM>
Sent: Thursday, June 28, 2012 5:14 PM
To: Mary Hynes
Subject: FW: Dunkin D'nut Sign DEFINITE zoning violation
Attachments: Dunkin Donuts Sign.BMP

fyi this is typical, what the new sign ordinance is going to do, everyone will be confused as to what is allowed.

-----Original Message-----

From: Ross, Maureen [<mailto:Maureen.Ross@USONCOLOGY.COM>]
Sent: Thursday, June 28, 2012 1:54 PM
To: Harry Spector; Maureen Ross
Cc: sharrison@arlingtonva.us; sflanagan-watson@arlingtonva.us
Subject: RE: Dunkin D'nut Sign DEFINITE zoning violation

this is without doubt a code violation going on this minute

-----Original Message-----

From: Harry Spector [<mailto:spec2@mac.com>]
Sent: Thursday, June 28, 2012 1:40 PM
To: Maureen Ross
Subject: Dunkin D'nut Sign

Does this sign meet code? (pic attached). Since you are the sign expert I thought I'd ask. I'm not nearly as anti-sign as you but this one seems over the top. It's nearly as tall as the street light and almost in the street.

Harry

</pre>The contents of this electronic mail message and any attachments are confidential, possibly privileged and intended for the addressee(s) only.
Only the addressee(s) may read, disseminate, retain or otherwise use this message. If received in error, please immediately inform the sender and then delete this message without disclosing its contents to anyone.</pre>

379700

379608

HHR/CB





June 15, 2012

The Honorable Mary Hynes
Chair
Arlington County Board
Arlington, Virginia

RE: June 19, 2012, Item #45: Sign Ordinance

Dear Mrs. Hynes:

NAIOP Northern Virginia is a regional association which represents the commercial development industry. The majority of the commercial property owners in Arlington are members of NAIOP. Our members play an important role in the economic success of the County and the Commonwealth of Virginia. Signage is an extremely important issue in helping lease buildings, provide corporate identify to tenants and shows that Arlington is a vibrant and diverse office and retail community.

NAOIP and its members have followed and participated in the County outreach process regarding the update to the signage ordinance for the past year. We believe the adoption of selected revisions in December 2011 was a step in the right direction. The RTA for the comprehensive changes to the Sign Ordinance is now before you for action.

We understand the purpose of the RTA is to ensure that all potential issues are identified such that the scope allows the Board to act in the future. We have a number of issues that we will continue to work with the County on in the next four weeks but want to make sure the scope of the RTA can include these items. They include:

1. Rooftop Signage:

- Rooftop signage is important to the economics of buildings and the leasing of available space. These signs provide identity for tenants and also represent Arlington County as a business community. One of the proposals, which we generally support, states that for buildings over 300 feet, "rooftop" signage will be calculated as below:

Buildings 70-100 feet tall	.75 x Building Width
Buildings 101-200 feet tall	1.0 x Building Width
Buildings 201-300 feet tall	1.5 x Building Width
Buildings > 300 feet tall	x Building Width
- It is also our belief that recently approved signage packages have been good policy, allowing signage to face I-66, the GW Parkway and areas to the east while limiting hours of illumination from 7 p.m. to midnight.
- We also believe that for visibility purposes signage lettering be allowed up to 9 feet in height for buildings 201 feet tall or higher, which would not increase the overall signage square footage allowed.

Chairman

David R. Millard
Avison Young

President

Martha D. Marks
NAIOP Northern Virginia

Executive Committee

Brian S. Benninghoff
Buchanan Partners, LLC

Kathryn B. Ciliberti
DBI Architects, Inc.

Michael J. Cooper
Brandywine Realty Trust

Stephen W. Daves
R. W. Murray Co.

James H. Dawson
First Potomac Realty Trust

Marc C. DeLuca
Clarion Partners, LLC

Matthew C. Hallam
Baker Tilly

Mark S. Hassinger
WestDulles Properties, Inc.

John G. Lavoie
Cooley LLP

James J. Lee
Manhattan Construction

Mark G. Levy
Prologis

Keith W. Summers
PS Business Parks

Kenneth W. Wire
McGuireWoods

Tony N. Womack
Tishman Speyer

Board of Directors

Martha M. Almquist
Avison Young

Derrick C. Boegner
Corporate Office Properties Trust

Robin A. Burke
KBS Realty Advisors

Christopher A. Ciliberti
Panattoni Development

James E. Creedon
Vornado/Charles E. Smith

Brian J. Fitzgerald
BPG Development Company, L.P.

Bradley C. Flickinger
CBRE, Inc.

Barbara J. Gertzog
SunTrust Bank

Timothy H. Helmig
Monday Properties

Henry L. Lucas
ECS

Gregory B. Meyer
Brookfield Office Properties

Peter V. Otteni
Boston Properties, Inc.

Peter S. Scholz
Duke Realty Corporation

Spencer R. Stouffer, Jr.
Cassidy Turley

Daniel G. Waetjen
BB&T

Mil L. Wallen III
TRINITY Group Construction, Inc.

Kathleen L. Webb
The JBG Companies

2. Temporary Leasing Signage:

Currently, temporary leasing banners are restricted to 60 square feet, which is impossible to see on a large building and are largely unsuccessful in their purpose. We request the ability to hang temporary leasing signs at any height on the building at a size not to exceed 1,000 square feet (based on size of building or amount of vacancy).

3. Wind Resistant Signs:

Due to observations and complaints from building owners and lease holders regarding the approved A-Frame signs, we believe that the ordinance should be modified to allow for more wind resistant signs to be placed on the ground in the public right of way. More durable and stable ground signs are available which would meet the intention of the County's new policy. We are pleased that this has been added to the scope of the RTA and look forward to its adoption.

4. Flexibility and Special Exceptions:

This continues to move in a positive direction but we continue to believe that room must be made for new technology and unexpected changes in signage. The County Board must retain the ability to consider and approve future requests for exceptional signs.

5. Existing Non-Conforming Signs:

We continue to be concerned about how non-conforming signs will be addressed and the ability of property owners to maintain these signs in the future.

Between now and July we plan to continue to work closely with staff on this important update to the Sign Ordinance. We hope to come to you in July in support of staff efforts. Our industry is generally supportive of the County's direction, but we strongly believe that continued discussion on these key points is important.

Sincerely,



Martha D. Marks
President

From: Linh Ong [<mailto:linh@puremediasigns.com>]

Sent: Tuesday, July 10, 2012 3:45 PM

To: Mary Hynes

Cc: Christopher Zimmerman; Jay Fiset; Walter Tejada; Libby Garvey; cole.arl@gmail.com; Norma Cozart; Deborah Albert; Richard Tucker; 'Robert Bushkoff'; 'Tad Lurger'; 'Kenneth Peskin'

Subject: FW: ISA Comments on Sign Ordinance

Dear Ms. Hynes:

As you know, I've been following the efforts of the County to update the Sign Ordinance with great interest over the past 18 months and commend the energy and work by Staff and ZOCO.

I would like to take this opportunity to forward comments by Kenny Peskin of the International Sign Association that I feel would help greatly in the final tweaks of the Sign Ordinance as these concerns would, without a doubt, be one of the problems encountered once the new ordinance is in effect. Mr. Peskin has also attended many of ZOCO and public discussions over the months.

Should you have any questions, pls do not hesitate to contact Kenny (Kenneth.Peskin@signs.org) or myself.

With best regards,
Linh

Linh Ong

Pure Media Sign Studio

Tel (703) 822-5468

Cell (703) 887-7374

<http://www.PureMediaSigns.com>

2012 Winner of Arlington Chamber of Commerce's ABBIE for Best Green Business



Please consider the environment before printing this email.

-----Original Message-----

From: Kenneth Peskin [<mailto:Kenneth.Peskin@signs.org>]

Sent: Thursday, June 28, 2012 5:02 PM

To: Linh Ong

Subject: ISA Comments on Sign Ordinance

Linh,

Thank you for your continued interest and involvement in the Arlington County sign ordinance development process. As I mentioned earlier in our conversation, ISA generally supports the proposed ordinance. Taken as a whole, the new regulations will allow for additional sign forms, simplify the permit approval process, and provide greater flexibility in sign locations. That said, we continue to have concerns about several provisions. The two main areas of concern are with the lighting controls and the treatment of nonconforming signs under the new ordinance.

On the issue of the limits on maximum lighting levels, ISA is concerned that neither County staff nor the public has a good grasp on which existing signs are

in violation of the proposed limits. (Additionally, we have significant concerns that those existing signs can be accurately measured by County staff while in their installed locations. And the costs associated with the use of a bucket truck to measure that.) However, ISA recognizes that the establishment of lighting limits is broadly supported by County policymakers and members of the public. Thus, we concede that lighting limits are inevitable. And the current proposal is far more palatable than the two earlier proposals.

Our remaining issue of concern deals with the issue of nonconforming signs. Under the existing sign ordinance, any sign that was legally installed under the rules that existed at that time is allowed to continue to exist indefinitely without threat of removal. (Sites with nonconforming signs are subject to limits on modification, which causes many sign owners to remove them.) In plain terms, a sign that is too large, too tall, or too close to the right-of-way can remain, but an overly bright sign cannot.

Reading the new ordinance (excerpted in attached file), specifically lines 662-663, highlights the problem with the nonconforming language as it relates to lighting. Any "premises on which there are nonconforming signs" means that a multitenant property with one nonconforming sign could be prohibited from obtaining any permits for new signs, even if those sign permits are for another tenant.

In my opinion, County staff recognized the difficulty in applying the new regulations to existing development; for that reason, the proposed ordinance exempts comprehensive sign plan properties from restrictions beyond that which was agreed as part of the Board approval for the sign plan. But comprehensive sign plans, while common in the Rosslyn-Ballston corridor and Crystal City, are rare along Lee Highway and Columbia Pike. Commercial development in those areas (both shopping centers and office buildings) have signage that was allowed through a "by right" process. That means that properties along Lee Highway must comply with the new rules.

I have attached a document ("Lee Harrison Case") showing the potential difficulties for one commercial property (Lee Harrison Center) if required to comply with the new language on nonconforming signs. I believe that many other properties (along commercial corridors on Four Mile Run and Glebe Roads) also may be affected by the rule.

ISA would recommend that §34.16 C.2 (lines 662-663) be modified to include the clause "Except for nonconformities with the lighting requirements in §34.10,..." to allow for all businesses and property owners the ability to use the full 10 year period before mandating compliance of older signs with the new lighting regulations.

Kenny Peskin

July 12, 2012

The Honorable Mary Hynes
Chair, Arlington County Board
2100 Clarendon Boulevard, Suite 300
Arlington, Virginia 22201

RE: Proposed Sign Ordinance Amendment

Dear Chairman Hynes,

Over the past eighteen months, we have been following the County's extensive outreach process led by Debbie Albert for the collection of input on the revised Sign Ordinance Amendment, Sections 20, 20 (Appendix A), 31A, 34 and 37 of the Arlington County Zoning Ordinance. We applaud the work that has been done and strongly support the decision to re-write this ordinance. We believe the proposed streamlined administrative process will expedite sign permit review and provide more clarity on proposed signage.

There are three items that we need to bring to your attention as they have serious business implications for us and other owners, our tenants, and prospective businesses considering Arlington County locations. They are:

1. Rooftop Signage:

Tenants rely upon rooftop signage to identify themselves and promote their brand. For large corporate tenants signage can be a "make or break" issue. With signage opportunities available in competing markets such as Fairfax, Loudoun and Montgomery counties, eliminating rooftop signage would put Arlington County at a significant competitive disadvantage and will have a serious impact on Arlington's ability to attract business. This would not only cause harm to our business it would create economic harm to the County.

As you know, the vacancy rate has climbed in Arlington over the past 2 years and BRAC related tenants continue to vacate a number of our buildings and others. Eliminating rooftop signage would negatively impact our ability to re-lease buildings and erode the commercial tax base. We faced a similar situation in 2006 when the Patent and Trade Office (PTO) moved from Crystal City to Alexandria. That move added 2 million square feet of vacancy to the market, virtually overnight. We backfilled this space over time with companies like BNA, PBS, KBR, Conservation International, National Cooperative Bank, and others. Rooftop signage was extremely important to these tenants and was a key factor in filling the hole that PTO left behind.

We understand the concerns of the citizens and agree that signage facing residential zones should be limited. We do, however, believe that any negative impact of signage facing I-66,

GW Parkway and Washington, D.C. has been overstated. We believe that the illumination standard proposed by County Staff is fair and with regulated hours of illumination (sunset to midnight) a reasonable balance can be achieved.

The calculation of allowable rooftop signage is also a concern. The Planning Commission considered two different calculation standards and has recommended the lesser standard. This proposed standard will mean a reduction in the square footage allowed for rooftop signs when compared to what is allowed today. We believe the first option, as shown below, better adheres to the current ordinance and provides the necessary square footage to make the rooftop signs legible.

Buildings 70-100 feet tall .75 x Building Width
Buildings 101-200 feet tall 1.0 x Building Width
Buildings 201-300 feet tall 1.5 x Building Width
Buildings > 300 feet tall x 1.5 Building Width

2. Temporary Leasing Signage:

Temporary leasing banners are currently restricted to 120 square feet. These banners are extremely difficult to see on a large building and are ineffective. We request the ability to hang temporary leasing banners at a size not to exceed 1,000 square feet. Releasing these empty buildings benefits all of the stakeholders of Arlington. These signs would be temporary, and would be removed after buildings are leased.

3. Flexibility and Special Exceptions:

We support the move to a more streamlined administrative process for signage applications; however, flexibility is needed for new technology and unique situations. The proposed restrictions to special exceptions allow Board action on only a select number of circumstances and therefore prevents the Board from considering all possible circumstances. Special exceptions allow the Arlington community to have a voice, the applicant to make a case and the Board to make the right decision. The County Board must retain the ability to consider and approve future requests for special exceptions as they relate to signage.

Thank you for your attention to these matters and for understanding our vested interest in helping to keep Arlington the successful and vibrant employment center that it is today.

Very truly yours,



Mitchell N. Schear