

**Testimony of Commissioner Anthony Rivera, ANC6C05
Advisory Neighborhood Commission 6C
Chair, ANC6C Planning and Zoning Committee
Designated ANC6C Representative**

Before the Zoning Commission for the District of Columbia
Case No 04-27 Text and Map Amendments to Establish and Map the
H Street, NE Neighborhood Commercial Overlay District

April 7th, 2005

Good evening members of the Commission, and members of the audience I am Anthony Rivera, ANC Commissioner from ANC6C05, and chair of the Planning and Zoning Committee for ANC6C, which I represent before you tonight, in addition with me here tonight are Commissioner Mark Dixon (ANC6C02) and Chair of our Commission, and Richard Layman, a community representative on the Planning and Zoning Committee

We are limiting our remarks to a few specific matters with regard to the proposed H Street NE Neighborhood Commercial Zoning Overlay (HS NC) These matters are:

- 1 Design Guidelines for new construction on H Street
2. Signage Guidelines for commercial businesses on H Street
3. Recommendations with regard to specific zoning provisions
 - existing gas station parcels;
 - automobile parts sales;
 - non-bank financial services, in particular check cashing outlets; and
 - a general provision for "Other similar personal/consumer service establishment or retail use"
- 4 C2 zoning for the parcel on the 600 block of I Street currently zoned R4
- 5 Support for Affordable Housing

There is no need for ANC6C to reiterate the report or the presentation of the Office of Planning, our counterparts from ANC6A, or other organizations and individuals that are speaking before you tonight, although we will take a moment to set the stage for why the zoning overlay is important.

The H Street NE commercial district has a past history of great success At one point, H Street was home to the largest Chevrolet dealership in the United States, one of the first 25 Sears Department Stores, the fifth People's Drug Store, some of the earliest branches of Giant Supermarkets, Hechingers, and Kay Jewelers, and it was home to national and regional retail stores, as well as to more than one hundred independently owned and operated retail and service businesses. Until the mid-1950s, H Street was the second or third highest revenue shopping district in the region—second to downtown, and perhaps to 14th Street NW, but only because an automobile sold on "Automobile Row" cost so much more than the typical goods sold on H Street—a cart full of groceries, the "Back to School" wardrobes of local schoolchildren, or a prom dress for the senior year gala.

But today, despite the tremendous revival of the residential neighborhoods north and south of H Street (and throughout the District), you wouldn't know that H Street had such a great heritage. Many storefronts are vacant. Many businesses are just getting by. The corridor is tired, and in need of investment.

Investment, major investment, is happening all around the H Street Corridor. The DC Government has spent or will spend upwards of \$150 million including streetscape improvements, a coming streetcar line, funding for the H Street Connection, office buildings on the 600 block of H Street, and other ventures, in addition to the \$100+ million dollar investment in the New York Avenue Subway Station. Abdo Development is investing over \$100 million in the conversion of the Children's Museum into condominiums (a project that the Zoning Commission approved last month). More than 600 additional units of condominiums and/or apartments are in the pipeline on 3rd and 4th Streets north of H Street. Planned commercial development in the Union Station/NoMa submarket exceeds \$2 billion.

These investments, in addition to the more than \$1.2 Billion dollars in residential properties within 3-4 blocks north and south of the H Street corridor, call for more specific zoning regulations:

- to preserve viable businesses, jobs, tax revenues and local services through the upgrading of the business district,
- to safeguard the public investment in revitalization through prevention of inappropriate design and use in business areas targeted for concentrated public improvements and rehabilitation financing; and
- to protect and enhance residential and commercial property values and investments, particularly for businesses and residents committing private funds to rehabilitation in a neighborhood and/or commercial district that has experienced decades of disinvestment.

That is why we are before you today, to advocate for the passage of the H Street Neighborhood Commercial Overlay, to better direct the redevelopment of our commercial corridor, to support the creation of thematic areas in the Zoning Regulations for H Street for the development of housing, the strengthening of the retail core, and the creation of an arts and entertainment district around anchor investments in the Atlas Performing Arts Center and the H Street Playhouse, and to provide incentives for preferred uses.

1. Design Guidelines

One distinguishing factor that separates H Street from the other NC districts in the city. H Street isn't located within an historic district, even though much of the commercial and residential building is eligible for designation. So the guidelines and procedures used to address design of new construction, commercial storefront improvements, outdoor seating areas, and commercial signage in the other NC districts are not available to H Street.

It is for this reason that "Design Standards and Guidelines" are included in Section 1324 of the HS NC, and ANC6C fully endorses this, and ask that the Zoning Commission approve this, despite the fact that these provisions have not been included in the NC category heretofore

2. Signage Guidelines

Signage guidelines were not included in the HS NC Text Amendment that was submitted by the Office of Planning. ANC6C believes that is an oversight that needs to be corrected

Storefronts are the most prominent feature of buildings in retail districts and play a crucial role in a store's advertising and merchandising strategy. The functional and decorative features of storefronts are key to defining the overall character of the building and contribute to the coherence and distinctiveness of the commercial district as a defined destination with a sense of identity and place. The DC Office of Planning has acknowledged this importance through the publication of Thrive: A Guide To Storefront Design In The District of Columbia

Throughout the city's commercial areas, signs play a major role in creating either a positive or negative visual image. Signs should make a positive contribution to the general appearance of the street and commercial area in which they are located.

Because of the importance of signage to the perceptions of residents, visitors, and current and prospective customers, and because of the impact on investment by other business proprietors, property owners, and other stakeholders in the commercial district, ANC6C recommends that sign guidelines be added to Section 1324 "H Street Northeast Commercial Corridor Design Requirements" of the proposed NC Overlay District for H Street NE.

This is recommended because the Sign Regulations that exist as part of 12DCMR, "The Building Code" administered by DCRA, are not concerned with or intended to achieve overall quality signage environments where individual signs:

1. are integrated into the particular architectural character of the building and neighborhood;
2. follow historical precedent of a particular building or of historic District of Columbia architecture generally, in form and in placement on the building,
3. are primarily pedestrian oriented;
4. are designed with lettering, colors and materials that complement and fit into surrounding architectural context and character of the H Street commercial district,
5. approximate the quality of materials, designs, and workmanship of surrounding architecture; and
6. where the lighting of signs is to be considered as part of the aesthetic illumination of the overall display and/or architecture. The illumination should be subtle, pedestrian oriented,

and not in competition with adjacent illuminated signs

ANC6C recommends that Section 1324.14 be added to include sign guidelines. This section could refer to a specific resource with more specific criteria detailing these requirements.

Model guidelines include: (1) The Historic Preservation Design Guidelines of the DC Historic Preservation Review Board/DC Office of Planning Historic Preservation Office, particularly the section on "Signs on Historic Commercial Buildings," (2) The Barracks Row Main Street Sign Guidelines; (3) or Storefront Guidelines currently being developed by the ReSTORE DC program of the Office of the Deputy Mayor for Planning and Economic Development.

Further, we recommend that such guidelines be administered through the design review procedures currently in place through the DC Historic Preservation Office. It is our understanding that design review services for designated Main Street programs are made available through that office via funds provided by the Deputy Mayor's Office. The proposed HS NC Overlay District is also a designated Main Street district recognized by the ReSTORE DC DC Main Streets program and is therefore eligible for such services.

To demonstrate the strength of our conviction that Sign Regulations are necessary for the success of the HS NC Overlay, we have appended the article "Sign Regulation" by Edward T. McMahon, formerly of the Conservation Foundation, and now a Fellow at the Urban Land Institute.

He makes the point far better than we can that "sign regulation is one of the most powerful actions a community can take to make an immediate, visible change in its physical environment." As you can see from the additional appended document depicting recently installed commercial signs on the H Street corridor, "too often signs are misused, poorly planned, oversized, inappropriately lit, badly located, and too numerous" all of which call for more substantive regulation than exists currently.

3. Recommendations with regard to specific zoning provisions

A. Delete 1320.4(e) and delete "after the effective date of this section" in 1320 5(d) related to gasoline stations. These sections provide special treatment for the BP site next to the Children's Museum site. We concur with the recommendation of ANC6A that gasoline stations should be listed as prohibited without further qualifications. This will make discussions about non-conforming uses more straightforward and consistent with the rest of the zoning regulations.

B. Add "automobile accessories sales" to prohibited uses in 1320 5, with a fall-back position of requiring a special exception under 1320 4. We endorse ANC6A's position on this matter.

C. ANC6C concurs with the Office of Planning's Memorandum of March 28, 2005, which in section 1322 2 (f) adds specific language that makes check cashing establishments a non-preferred use.

D. With regard to 1320 3 (b)(11) allowing for retail uses that are "Other similar personal/consumer service establishment or retail use" ANC6C recommends that this provision

be deleted as it is too general and nonspecific to provide guidance for preferred uses, and in fact, could be abused

4. C2 zoning for the parcel on the 600 block of I Street currently zoned R4

This parcel is currently a parking lot associated with the commercial buildings on the north side of the 600 block of H Street. ANC6C concurs with the recommendation to rezone this parcel commercially, to coincide with the substance of its current use, and to provide for the opportunity for a mixed-use redevelopment project on that square.

5. Support for Affordable Housing Development in the Urban Living Sub-District

ANC6C supports the consideration of incentives for affordable housing as part of the new emphasis on the creation of an urban living zone on the western end of the corridor, the part of the HS NC that lies within the boundaries of ANC6C. It is imperative that the H Street neighborhood remain economically, socially, racially, and economically diverse. The distinctiveness and authenticity of the neighborhood and the economic potential of the commercial district rest upon this diversity and providing affordable housing units within new developments provides one way to address this concern.

We understand that the Zoning Commission is considering affordable housing provisions in other matters before you. For this reason the Office of Planning Memorandum of March 28, 2005 does not recommend additional provisions for affordable housing within the proposed HS NC overlay. In any event, we wish to convey our strong desire for affordable housing to be considered in the context of H Street area projects that come before the Zoning Commission in the future.

We appreciate your time and your careful consideration of the HS NC. The decisions the Commission makes on this matter will shape and influence billions of dollars of private and public investment, and the quality of life for neighborhood residents in the decades to come.

Thank you.

Sign Regulation

by Edward T. McMahon

[Editor's Note: In this issue, Edward McMahon departs from his usual column format to present a more comprehensive look at an important issue facing many cities and towns: the regulation of on-premise signs].

When was the last time you really looked at the streets of your community? Drive out to the edge of town. Stop at the city limits. Now look at what you see. Is the scene pleasing? Does it make a good first impression on visitors, or is the scene ugly and cluttered?

Now, head downtown. Look at the streetscape along the way. Does your community appear attractive, interesting, unique? Or, does your town look like "Anyplace, USA?" Whatever your answer, you know that the physical appearance of your community is important. You should also recognize that sign control — or the lack of sign control — can have a significant impact on your community's appearance.

Sign regulation is one of the most powerful actions a community can take to make an immediate, visible change in its physical environment. Properly drafted and enforced, sign controls can reinforce the distinctive design quality of the entire community. And as I have noted in previous columns, a community's image and how it looks often correspond with its economic vitality. [See, e.g., "Design Matters," in PCJ #21].

We need signs. We can't get along without them. They give us direction and necessary information. As a planned feature, a business sign can be colorful, decorative, even distinguished. So why talk about a sign problem? The answer is obvious: too often signs are misused, poorly planned, oversized, inappropriately lit, badly located, and altogether too numerous.



Sign clutter is ugly, costly, and ineffective. (All photos by E. McMahon unless otherwise noted.)

In many cities, sign clutter dominates the landscape, overshadowing buildings and trees, eroding community identity, ruining scenic views, degrading historic ambiance, and blighting whole neighborhoods.

In an effort to attract business, merchants often engage in a destructive competition to see who can build the biggest, tallest, most attention-grabbing signs. Ironically, in such competition both the merchants and the town lose. When there is an overabundance of competing signs, the message of each is lost. One city planner explained it this way: "When everyone shouts, no one can be heard; when all speak softly, each voice is distinct."

Some towns allow signs in such profusion that drivers have to scan a confusing smorgasbord of clutter to find what they are looking for. Other, more successful towns control the size, number, and materials of signs. The result: a pleasing, inviting appearance that gently beckons consumers instead of assaulting them.

A good sign code is pro-business, since an attractive business district will

attract more customers than an ugly one. Moreover, when signs are controlled, merchants do a better job of selling, and at less cost. Indeed, studies on visual perception (like those detailed in *Street Graphics and the Law*, cited in the *Resources* sidebar) have shown that when the size and number of signs are reduced, the viewer actually sees more.

Sign control is especially important to areas that seek to increase tourism. Why? Because the more one town comes to look like every other, the less reason there is to visit. On the other hand, the more a community does to enhance its unique assets, the more tourists it will likely attract.

This article examines some of the key legal, political, and practical aspects of on-premise sign regulation. Because off-premise billboards present special problems, they will be the subject of a subsequent article.  "On- v. Off-Premise Signs"

Sign regulation raises a number of legal issues. These issues do not prevent effective regulation of outdoor signs. However, signs codes must be carefully drafted to avoid legal challenges.

Like any regulation based on the police power of local government, sign regulation must advance a public interest related to the preservation of the public's health, safety, or welfare.

Courts routinely uphold sign codes under two separate aspects of the police power. First, courts uphold sign ordinances as traffic safety measures, reasoning that signs can distract drivers. Second, many court decisions, particularly in recent years, have upheld the power of a community to maintain or improve its appearance through aesthetic regulations that are related to the general welfare. [For more on legal issues in sign regulation, consult the material listed in the Resources sidebar; see also Christopher Duerksen's "Zoning for Aesthetics" in PCJ #7].

TYPES OF ON-PREMISE SIGNS

1. Portable and Sidewalk Signs

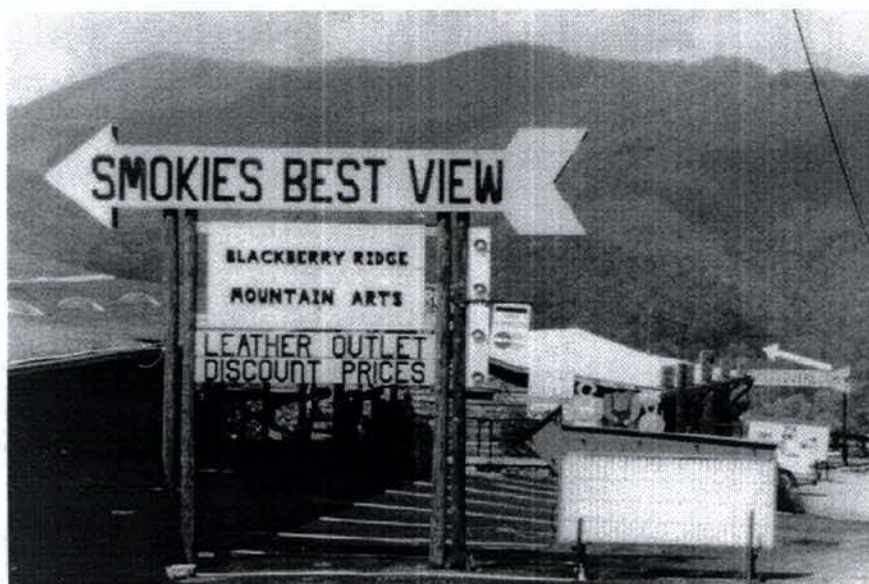
Portable signs are the junk mail of the streetscape. They move around, get in people's way and clutter up the sidewalks in many commercial areas.



Portable signs are the junkmail of the streetscape.

Portable signs are almost never allowed in shopping malls or other controlled environments. They are likewise out of place on Main Street. Not only are they unsightly and unnecessary; they are also dangerous in high winds or stormy weather and a hazard to the handicapped and visually impaired (as such, sidewalk signs may well violate provisions of the Americans With Disabilities Act). Sign ordinances typically define a portable sign as "any sign which is movable and which is not permanently attached to a building, structure or the ground."

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Is this the best view of the Smoky Mountains?



On- v. Off-Premise Signs

Most local ordinances distinguish between on-premise and off-premise signs. On-premise signs are integral to the business and the building. They are not a separate and distinct land use or business. Off-premise signs, also known as billboards, are a separate and distinct business since a billboard is not an accessory to a building or business.

The distinction between on-premise and off-premise signs is important because communities are allowed to more heavily restrict off-premise signs. On-premise signs are necessary to identify a business. Thus, a total prohibition would violate a property owner's First Amendment right to free speech. On-premise signs are also an accessory to a permitted use, i.e., the store or business. On the other hand, billboards are a distinct business that can be regulated or even totally prohibited by a sign ordinance.



Editor's Note: Sign Illumination

A few years back we ran several articles dealing with outdoor lighting — including the impact that "light pollution" can have on our ability to view stars, planets, and other celestial objects. See PCJ #4. Poorly designed illumination of outdoor advertising signs is one the major culprits.

There is no reason today for municipalities to sanction poor lighting practices. A lighting ordinance can make a major difference. For example, lighting fixtures used to illuminate outdoor advertising signs should be mounted on the top, not the bottom, of the sign structure, and aimed downward, not upward. Not only does this reduce light pollution, but it results in more effective illumination of the sign.

Lighting fixtures should also be shielded. This keeps the light from intruding on other uses, and helps prevent glare, a safety hazard to oncoming vehicles.

In certain parts of a municipality, it may also make sense to require that the lighting be turned off after a certain hour.

Copies of the Tucson and Pima County, Arizona, Outdoor Lighting Control

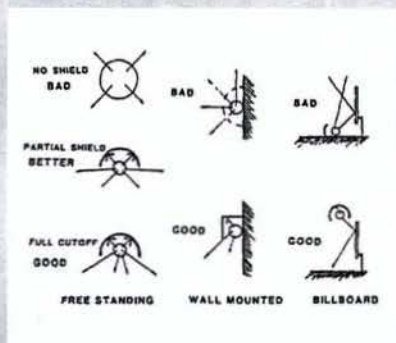
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Sign Illumination

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Ordinances, which include all of the above requirements, can be obtained from the International Dark-Sky Association, 3545 N. Stewart Ave., Tucson, AZ 85716 (ask for Information Sheet 91).

As with sign controls, good lighting standards can help businesses communicate more effectively with potential customers. And as with sign controls, education is key to showing businesses that good lighting is, in fact, good for business.



Some examples of good and bad shielding arrangements for outdoor lighting fixtures. From *Light Pollution: The Adverse Impact of Urban Sky Glow* ..., by David Crawford.

One excellent educational resource is the recently published *Outdoor Lighting Manual for Vermont Municipalities*. Funded in part by a grant from the U.S. Dept. of Energy, this well-written and illustrated booklet has much information of value to communities just about anywhere. One section deals with illuminated signs; other sections cover lighting of gas stations, convenience stores, canopies, and other types of buildings. Model ordinance provisions are included. The *Manual* also contains an especially good summary of key outdoor lighting issues. For ordering information, contact Deb Sachs at the Chittenden County RPC, P.O. Box 108, Essex Jct., VT 05453; 802-658-3004.



Lighting from the top works better than lighting from the bottom.

Sign Regulation

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There are two approaches to regulating portable signs. One is to prohibit them outright, as many communities do. The other is to allow portable signs for *temporary display only* — e.g., 30 days a year for sales, grand openings, etc. This approach, however, has two



Sandwich signs continue down this sidewalk.

problems. First, it is almost impossible to administer and enforce. Second, courts are more likely to strike it down, questioning how a portable sign can be safety hazard and aesthetic concern at certain times but

not at others. In my experience, from both a legal and a practical standpoint, the simplest solution to regulating portable signs is to prohibit them outright.

2. Wall Signs

Wall signs are signs attached to a building. The design of a building usually dictates the best location for a wall sign. Such signs should be limited in proportion to the size of the building, and not exceed a certain maximum size. For example, a typical sign ordinance might allow wall signs up to 150 square feet or 15 percent of the frontal area, whichever is smaller. Wall signs should also not obscure windows or other key architectural details.

In addition to wall signs, some cities permit one hanging or projecting sign mounted at a right angle to the building. In general, projecting signs should be limited in size, and the ordinance should require that the sign be constructed of materials appropriate to the building.

3. Freestanding Signs

Freestanding signs are signs held above the ground by a permanent structure and not attached to a building. There are two types of freestanding signs: pole signs and ground signs. Their



Signs of the respect shown to America's first president?

principal use is for business identification outside the downtown commercial core.

Pole signs are elevated above the ground by a pole or other structure. In many commercial areas, tall pole signs proliferate, creating an unattractive, cluttered appearance. Effective sign control ordinances commonly limit a business to one freestanding sign with a maximum height of 12 to 15 feet. Signs much taller than this are difficult to see through an automobile windshield. Reducing sign height also saves merchants money and makes it easier for signs to do the job they are meant to do.

A growing number of cities are prohibiting pole signs, allowing only ground signs (also referred to as monument signs). Ground signs, as their name implies, are low to the ground. They are typically used by vacation resorts, planned communities, and other cities that seek a distinctive image.

4. Flags, Banners, and Pennants

Many cities have ordinances that prohibit flapping pennants, banners, balloon, and inflatables because of their distracting nature. Regulating flags and banners, however, presents problems



This simple, but attractive, ground sign fits well with its surroundings.

that require special attention. It is almost certainly unconstitutional to prohibit the display of the U.S. or other official flags. Yet everyone is familiar with the car dealers and other merchants who display enormous American flags, far larger than any permitted sign. To address this problem, communities can limit the height of flagpoles and the size of flags. In addition, communities can regulate all non-official flags — the McDonald's flag, for example — as signs subject to normal size limitations.

Official banners in a downtown can add color and interest to the streetscape. So how can a community ban unsightly commercial banners that say "Sale Here" or "Open Today" and still allow decorative banners for special events or seasonal decorations? The answer is simple: prohibit banners except as "temporary signs on public property (e.g., street lights) to promote events of general civic interest, subject to a special permitting process."

5. Historic Signs

Cities, in their effort to clean up unsightly commercial clutter, sometimes throw out the good with the bad. Old painted wall signs, barber poles, neon, porcelain, and other signs of outstanding craftsmanship or design frequently run afoul of local ordinances drafted to clean up sign clutter or foster a distinctive design image.

Unlike the homogenized, plastic backlit signs so prevalent today, unique, labor-intensive signs from the past are often worth saving. Peter Phillips of the Society for Commercial Archeology describes old historic signs as "examples of a dying art," noting that "they provide local color, historic character, indi-

viduality, a sense of place, and clues to a building's history."

But how do you draft a sign ordinance that cleans up the clutter and, at the same time, recognizes the value of historic signs? First, survey historic signs. Develop an inventory of any signs that may be worth saving because of age, historical association, exemplary design, or aesthetic quality. This list can then be used as the basis for individual designation and protection.

Some cities permit signs to be designated as historic by the city council or planning commission if the signs meet certain criteria. In Culver City, California, for example, a sign can be designated if it is:

- At least 50 years old.
- An appurtenant graphic (i.e., it is an on-premise sign, not a billboard).
- Unique and enhances the cultural, historical, or aesthetic quality of the city.
- Structurally safe.

Once designated, historic signs are deemed in compliance with the sign ordinance regardless of their size, materials, colors, or location.

DEALING WITH NONCONFORMING SIGNS

One key legal issue in sign regulation involves the removal of nonconforming signs. When you pass a new sign code, many old signs that don't conform to the new law will remain. How do you deal with them?

There are several techniques for removing nonconforming on-premise signs. The most common method is to set a specific date by which they must be removed. This process is known as amortization. Businesses are given a designated period of time (usually between one and five years) during which the nonconforming sign may remain. When the time period is up, the sign must be removed or modified to comply with the code.

Amortization is based on the principle that business owners depreciate, or amortize, their investment in a sign within a number of years, typically five

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Resources:



Scenic America, 21
Dupont Circle, NW, Wash-
ington, DC 20036; 202-833-4300.

This organization acts as a clearinghouse for information on sign control, scenic roads and other forms of aesthetic regulation. It publishes a newsletter and provides technical assistance, a video, and other materials to communities upon request. Most of the books and articles listed below are available from either Scenic America or the American Planning Association.

Books, Articles, and Monographs:

- Kelly, Eric and Gary Raso. *Sign Regulation for Small and Midsize Communities*. APA, 1989.
- Mandelker, Daniel and William Ewald. *Street Graphics and the Law*. APA Press, 1988.
- McMahon, Edward T. "Controlling Billboards." *Zoning News*. APA, June 1988.
- Mintz, Norman. *Signs for Main Street*. National Main Street Center. Washington, D.C.: National Trust for Historic Preservation, 1987.
- Phillips, Peter. "Sign Control for Historic Signs." *PAS Memo*. APA, Nov. 1988.
- Slaughter, Katherine McNett. *Visual Pollution and Sign Control: A Legal Handbook*. Southern Environmental Law Center, 1987.
- Smardon, Richard and James P. Karp. *The Legal Landscape: Guidelines for Regulating Environmental & Aesthetic Quality*. New York: Van Nostrand Reinhold, 1993.



Signs of Stressful Times

Can sign clutter make you sick? Yes, according to Roger Ulrich, an environmental psychologist at Texas A&M University. Ulrich spent two years with a team of researchers studying the suburban sprawl, and concluded that it is not just unattractive and inefficient. It also has negative psychological and physiological consequences on those who view it.

Although the study appears to be the first time anyone has tried to isolate suburban sprawl as a public health issue, many others have studied and speculated about the effect of the environment on our behavior and well being. For example, investigators at the University of California-Irvine have found a relationship between commuting and stress levels.

For additional information about the Texas A&M study contact Professor Roger Ulrich, Texas A&M University, College of Architecture, College Station, TX 77843-3137.



Business signs can be decorative, distinctive, and in scale with their location.



Sign Regulation

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years or less. With an amortization provision in place, the municipality does not pay for the value of the sign after the amortization time period has run. [Note: Please consult your municipal or county attorney before developing an amortization provision, as rules vary with state law].

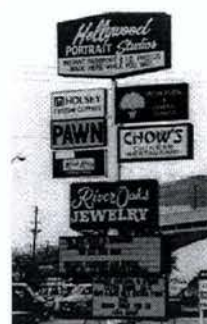
Another method for eliminating nonconforming signs is for the ordinance to require that whenever an old sign is removed, it can only be replaced with one that conforms to the sign control regulations.

Additional techniques that communities have used to encourage the removal of nonconforming signs include the following:

- Provide a size bonus for a new sign if the old sign is removed by a certain date.
- Prohibit installation of any new signs on the property while a nonconforming sign remains.
- Prohibit modification or maintenance of nonconforming signs.
- Prohibit issuance of building permits for the zone lot while nonconforming uses remain.
- Offer to remove the nonconforming sign without charge to the owner.
- Offer a cash incentive or a tax credit for removal of nonconforming signs.
- Condition any rezonings, variances, or conditional use permits on the removal of nonconforming signs.
- Require nonconforming signs to be removed any time there is a change in the certificate of occupancy or business license for the premise.

SELLING SIGN CONTROL

While there is no legal impediment to effective sign regulation, there is often a political one. Sign manufacturers frequently try to convince local officials that sign control will hurt local business. To combat this tactic, counter-persuasion needs to begin early. Planners need to educate the local business community about the advantages of sign control, and explain how improving the



Left: A confusing array of signs mark the entrance to this shopping plaza.



Below: In contrast, a single sign can be easier to read, more attractive, and less costly. Likewise, one sign effectively announces the tenants of an office complex.

community's overall appearance will benefit businesses. If this is done, the business community itself may become the most effective advocate for sign control.

In Lubbock, Texas, for example, the planning commission was able to demonstrate that sign controls would benefit businesses, and that smaller signs were more attractive and would cost less than larger signs. As a result, more than 60 percent of the local businesses were in compliance with the sign law before the amortization period ended.

In Baldwin County, Alabama, a local quality of life group commissioned a survey of residents' views on sign control, tree preservation, and other community appearance issues. The results: residents preferred fewer signs and more trees and landscaping. The survey helped convince local businesses that sign control was an essential ingredient in enhancing both quality of life and economic vitality.

The State of Vermont is perhaps the most striking example of the economic



Suggestions for On-Premise Sign Control

Based upon a review of successful local ordinances and recommendations from around the country, communities considering on-premise sign controls should consider the following:

- Limit freestanding signs to one per business, with a maximum height of no more than 15 feet.
- Encourage the use of ground signs by allowing them a size bonus (relative to freestanding pole signs).
- Prohibit, or strictly regulate, "problem" signs such as billboards, portable signs, pennants, streamers, and flashing signs or intermittent lights.
- Limit shopping centers, malls, offices parks, and similar large developments to

one group sign, with no freestanding signs for individual businesses.

- Develop special controls for historic areas, downtown commercial districts, neighborhood shopping areas, and commercial corridors of special importance. These might include limiting the color and material of signs, requiring the use of smaller, shorter signs, or encouraging integrated sign designs for new development.
- Link sign controls to an overall streetscape improvement plan.
- Wherever possible set a limit to life of nonconforming signs and use incentives, education, negotiation, and other techniques to encourage their early removal.

—ETM

benefits that accrue from strict sign controls (in Vermont, all off-premise advertising signs have been prohibited by state law since 1968). When asked about the state's experience with sign control, a spokesman for the Vermont Travel Division said, "Although there was some initial sensitivity that removing big signs might hurt tourism, it has had the opposite effect. Tourism is up for all businesses, both large and small."

Additional benefits of sign regulation include:

- Individual businesses receive a "level playing field." In other words, they get a fairer assurance that their signs will not be obscured by those of neighboring businesses.
- Because small signs cost less than big ones, the total cost of each business's signs will be less in the long run.
- As clutter is reduced, commercial areas will become more attractive to customers.
- The community as a whole will attain a more distinctive sense of place, becoming a more attractive place to live, work, and visit.

SUMMING UP:

Almost nothing will destroy the distinctive character of a community faster than uncontrolled signs and billboards. Sign control plays an important role in improving the appearance of small

towns and traditional commercial areas, particularly as part of an overall community revitalization process.

The signs along a city's streets influence the public's perception of individual businesses, commercial districts, and the community as a whole. Well-designed, appropriately scaled signs can enhance a community's unique image, while an overabundance of haphazardly placed, oversized, look-alike plastic signs detracts from the community's appearance — and ultimately hurts business.

Today, once skeptical businesses are flourishing in Fairhope, Alabama; Raleigh, North Carolina; Tempe, Arizona; Boca Raton, Florida; Palo Alto, California; Madison, Mississippi; Paella, Iowa; Germantown, Tennessee; and in hundreds of other communities with strong sign controls. ♦

Edward McMahon is a land use planner, attorney, and director of The Conservation Fund's "American Greenways Program." He is former president of Scenic America, a national non-profit organization devoted to protecting America's scenic landscapes. McMahon's regular "Looking Around" column will return in the next issue of the PCJ.



On-Line Comment

"I am familiar with the sign controls in Columbia, Maryland. This really does make the case that "less is more," and that smaller, ground level signs at a relatively close distance to the viewer actually are better attention grabbers than huge high signs that are above the normal viewing angle. Note, however, that the signage controls are part of a set of overall streetscape design standards ... if you really want to address the overall appearance issue, think in terms of total street design standards, of which signage controls are an important part.

One example of dysfunctional signage control might be noteworthy. Along Rockville Pike, a major retailing strip artery for an affluent suburban area north of Washington, D.C., they have planted landscaping strips between the main roadway and the strip parking lots ... and they've restricted the signs to modest storefront signs only. However, the stores are so far back from the main road, the permitted signs are so small, and the landscape strip trees are now so tall that nobody can see the signs, and it's virtually impossible to tell who's in business along some of the parts of the roadway. ... The result? Merchants are resorting to "sandwich" signs (walking live people wearing "sandwich" boards) — and costumed characters carrying "enter here" arrows. I've seen hand-lettered sandwich boards, walking mattresses, and a pink pig in front of a barbecue place.

Commercial signage is an important, informative service. You can't and shouldn't try to do without it, you just have to do it well."

—Wayne Lemmon, Silver Spring, Maryland

415 H Street. This typical lightbox sign was purchased and installed as part of Community Development Block Grant (CDBG)-funded facade improvements on H Street in 2003.

Photo by Michael Berman.



506 and 508 H Street. The sign on the left was installed as part of the CDBG project. The two signs on the right have been installed within the past few months as part of the opening of two new businesses on H Street.

Photo by Michael Berman.



832 H Street. The newest "Stan's" sign was installed as part of the "Expressive Sign" project spearheaded by Derrick Woody of the Office of the Deputy Mayor for Planning and Economic Development, and implemented by the DC Commission on the Arts and Humanities.

Photo by Michael Berman.



1000 and 1002 H Street. Run-of-the-mill signs on the H Street corridor.

Photo by Michael Berman.



New business on the 1000 block of H Street. Signs installed within the past three months.

Photo by Elise Bernard.



Stalwart business on the 1300 block of H Street. This new sign was installed as part of the Expressive Signs project.

Photo by Elise Bernard.



Design Matters

by Edward T. McMahon

Travel teaches you many things, not the least of which is that the world doesn't have to be ugly.

I first learned this lesson while serving in the U.S. Army in Germany during the 1970s. Heidelberg, where I lived, was clean, compact, and dripping with history. The old town center was packed with sightseers, shops, and sidewalk cafes. Missing were cars, which you really didn't need because you could walk from one end of town to the other in about 20 minutes.

The countryside outside of town was gloriously free of strip shopping centers, billboards, and overhead powerlines. The country inns were packed with tourists. The back roads lined with trees and cyclists. Children walked to neighborhood schools and senior citizens visited friends after strolling to the pharmacy or corner store.

This is not to say that Germans and other Europeans don't love their cars. They do. But they don't have to use them all the time. They can ride the "clean as a whistle" electric trolleys and high speed trains that go everywhere, or they can ride on an extensive network of bikeways. They can even walk.

Footpaths! An entire network, extending all the way from the edge of town, up the hillsides, into the forests — eventually linking up with trails that crisscross the entire country.

I often think back to Heidelberg and other European towns when I observe the changes we are making here at home. From California to Carolina, we are tearing up the good stuff and replacing it with the banal and worse. We're letting look-alike fast-food emporiums, soulless subdivisions, and cluttered commercial strips turn our communities into what author James Howard Kunstler calls the "geography of nowhere."

America can't imitate Europe, and we shouldn't try, but we can learn some

lessons. One important lesson is that design matters.

Mayor John Bullard of New Bedford, Massachusetts put it this way, "Challenge anyone to name his or her favorite place and then ask why." Many of the reasons that attractive places are attractive have to do with design. Without thoughtful attention to design, a town will become "Anywhere USA." Design of a community communicates what it is.

DESIGN OF A COMMUNITY COMMUNICATES WHAT IT IS.

Design is also important because it relates directly to economic development and equals cold hard cash for many communities. Mayor Michael Polovitz of Grand Forks, North Dakota observed that, "Design reflects on the city as a whole. How a city looks to new businesses is very important to whether or not a business locates in your city." Likewise, Mayor David Musante of Northampton, Massachusetts noted, "Design relates directly to an impression of livability and economic vitality. It has a major impact on our city."

Good design is especially important to those communities seeking to attract tourists and their dollars. This is because the more a community does to protect and enhance its unique characteristics, whether natural or man-made, the more tourists it will attract. On the other hand, the more a community comes to resemble everywhere else, the less reason there is to visit.

While good design can mean more tourists, increased jobs, a better tax base, increased property values, and a better quality of life, bad design or no design can lead to polarization and citizen opposition

to new development. Without doubt, there would be far less opposition to new developments, of all types, if builders, developers, and public officials paid more attention to the appearance, design, and compatibility of the new development with the existing natural and architectural character of our communities.

Design does matter. All we need to do is to look around to see that this is true. In this new column, we'll look around: at what works and what doesn't. At good design and bad. We'll compare what happens when a development is designed in harmony with nature versus what happens when developers ignore the unique characteristics of a site. We'll discuss scenic roads, open space design, greenways and buffers, retaining farmland and farmers, sign control and view protection, tree ordinances and landscaping, design guidelines and historic preservation; and we'll examine the economic, social, and environmental impacts of these techniques and others.

Travel teaches us that those communities that have retained their unique character are places that use vision, planning, and design to preserve the features that make them special. It also teaches us that progress does not demand degraded surroundings. This column will offer some ideas on how communities can prosper and grow without destroying those things that make them unique. ♦

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All Development Is Not Created Equal

by Edward T. McMahon

Has your commission ever been pressured to lower its standards under the guise of generating economic development? Do you have elected officials who think all growth is good regardless of the long-range costs or the birth-right of future generations?

A few months ago, during a workshop I conducted in Virginia, a planning commissioner told me that a national restaurant chain wanted to erect an enormous sign — more than double the size permitted by county ordinance — next to their proposed restaurant along the interstate. The restaurant developer had not so subtly suggested that they might locate their business elsewhere, unless they received the variance. What was my experience with this kind of request? he asked.

I responded by saying that a community's image is important to its economic well-being. The best places to live, work, and visit are those places that are willing to uphold their standards in the face of pressure to allow lowest common denominator development. The bottom line for most businesses is securing access to profitable trade areas. They evaluate locations based on their economic potential. If they are required to address local design, landscaping, or signage requirements, they will usually do so. They might prefer a gaudy 100-foot tall sign, but they will settle for the 20-foot tall sign everybody else has.

By chance I happened to have with me several slides of a restaurant from the same chain located across the border in Maryland. This restaurant had a low sign — and a full parking lot!

I later learned that the Virginia commissioners denied the variance request and that, despite its bluster, the restaurant had opened on time in the location originally proposed.

It is important to recognize that all

development is *not* created equal. Too many communities delude themselves into thinking that it doesn't really matter whether a project is good or bad, consistent with the local plan or inconsistent, so long as it produces jobs and tax collection opportunities.

SMALL BUSINESSES AND INVESTORS WERE LURED ... BY THE KNOWLEDGE THAT THEIR INVESTMENTS WOULD BE PROTECTED BY STRONG ZONING STANDARDS.

How often have you heard local officials express the opinion that imposing standards to assure high quality growth will scare away economic development? The truth is just the opposite. In his book, *Planning America's Communities: Paradise Found? Paradise Lost?*, Herbert Smith, the former planning director of Albuquerque, New Mexico, examines planning successes and failures in 15 cities and concludes that, "quality urban development, whether it is residential, commercial or industrial wants no part of an unstable, unplanned, uncontrolled environment as they know this is not a place to make a long-term investment."

A case in point is Denver, Colorado's, Lower Downtown area. Before it was designated as an historic district, it saw blighted conditions and low property values. Developers could build anything they wanted — but there was almost no private investment because there were no standards. After the area was designated as an historic district, it boomed. Small businesses and investors were lured by the area's historic warehouse buildings and by the knowledge that their invest-

ments would be protected by strong zoning standards.

Think about your own community. Imagine that it has developed an excellent comprehensive master plan, approved by the planning commission and endorsed by the governing body. The zoning ordinance was also recently reviewed and updated.

But now a developer, who has obtained an option on a large parcel at the edge of town, appears before your board and tells you that he has great news: the XYZ Company is considering locating there. All that is needed is a rezoning, albeit one that doesn't quite mesh with the recently adopted plan's policies.

"Think of all the new jobs and tax revenue this project will create," he says. "Your community is really fortunate," he adds, "but XYZ is also looking at sites in two other communities, so if we don't get a speedy rezoning, they may go elsewhere."

Scenarios like this are repeated in one community after another. Herbert Smith calls this "The Fable of Prosperity Shopping Center." It can be hard to say no to the promise of immediate jobs and development. But successful communities understand that when they say no to development that is contrary to the long-term health of their community, they will almost always get better development in its place. In the long run, all development is *not* created equal. ♦

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