



TO: Members of the Council of the District of Columbia

FROM: Nancy MacWood, Chair

**RE: (1) Bill 21-919 - Nationals Park and Ballpark District Designated
Entertainment Area Signage Regulations Amendment Act of 2016
(2) Signs Appendix Regulation Emergency Declaration Resolution and
Emergency Amendment Act of 2016**

DATE: December 16, 2016

We are writing to express our concerns about two pieces of billboard legislation:

1. B21-919 – Nationals Park billboards. On December 6 you approved on first reading what 12 of the 13 Council members regarded as a reasonable compromise bill that authorized a maximum of five digital signs on the Nats stadium and garages (§N101.20(a) (1) through (5)), and adopted a procedure by which any proposal to create new digital billboard areas would have to be presented to the Council (§N101.20(d)), thus ensuring opportunity for full notice to the public and hearing on the proposal.

But at the same time the bill circumvented that process by creating one new billboard area immediately – dubbed “Ballpark District Designated Entertainment Area” -- on the city block north of the stadium grounds (§N101.20(c)).

We strongly urge you to:

- **Oppose any effort to enlarge the number of Nats Park billboards beyond the five authorized.**
- **Oppose any effort to return to a procedure by which the Mayor could designate new billboard areas by rulemaking or any other means.**
- **Delete the creation of the “Ballpark District Designated Entertainment Area,”** an action taken without a public hearing or opportunity for comment, and which has no benefits for the Nats. The area is neither a ballpark nor the site of any major entertainment venue, nor intended or expected to become either, but is developing as a mixed-use residential and office area. The bill as written allows signs up to 1200 square feet (30 x 40 feet, or 52 x 23 feet) in size, sets no limits on the number and gives no information on the specifications of the particular signs that would be erected.
- **Correct a number of policy and technical problems posed by the bill, listed on the attached sheet. (See Addendum)**

2. Proposals to validate digital billboards erected by Digi Media without legal authorization.

The “Signs Appendix Regulation Emergency Declaration Resolution and Amendment Act”, which would have validated digital billboards erected by Digi Media without legal authorization, was before you on December 6 but withdrawn. We understand that other means for accomplishing the same objective, by legislation or executive action, may be under consideration.

We again urge you to oppose any such outrageous effort to rescue Digi Media and its unpermitted exterior billboards, thus inflicting those billboards permanently on District streetscapes. As we noted previously, Digi Media -- the digital billboard company now under preliminary injunction by the Superior Court -- knew exactly what risks it was running in coming into the District, misrepresenting the nature of its permit applications for installation brackets, and proceeding without permits for the signs, apparently in the expectation that some DCRA inspector would acquiesce in its spurious interpretation of the regulations. It was a classic billboard industry tactic: ride into a town, confront us with a *fait accompli*, and force us to acquiesce with the threat of litigation costs.

Fortunately, Digi misjudged DCRA and our Attorney General. To rescue Digi Media would be to send a signal to the billboard industry that DC can be had, because the Council will intervene when our law enforcement officials try to do their duty.

Addendum:

Changes Required to Bill to Prevent Further Adverse Consequences

Throughout: To comport with the usage in line 80, which properly narrows the scope of the term, change “Designated Entertainment Areas” to “Designated Sports Entertainment Area”.

Lines 92-96: The second sentence of N101.20.1(c), regarding renewal of permits, should be struck. It would create a presumption in favor of renewal regardless of what the mandatory review may have disclosed as to the sign’s adverse impact. The mere fact that a sign has been previously permitted should not justify evaluating its impact by a weaker standard than that applied to new signs.

Lines 44 and 49: “15 degrees of parallel” will not mitigate any adverse effects but only project more light pollution down the street. Therefore, impact statements should have to include in their assessment all buildings within a 5-block area that are exposed to the direct light, the reflected light or the bounced light for all billboards.

Line 80-81: Insert language ensuring that the Council will hold a properly noticed public hearing on the Mayor’s request before taking action on it.

Lines 97-103: Add “, provided that signs on roofs, and “Special Signs”, shall not be allowed.” ***Line 105:*** Strike “N101.7.67 (Roof Signs).” Locating a digital billboard on a rooftop greatly expands the reach of its intrusive effect, and should not be allowed.

Lines 110-119: These general standards limiting permissible size of 1200 sq. ft. (30x40 sq. ft.), height and width (52 feet – the equivalent of five stories), and density of concentration (every 2 feet), etc. are much too permissive and should be modified accordingly. In any event the exact specifications of each sign to be allowed should be a part of an authorization of a digital billboard area.

Line 120: Delete “operable”. No sign should obstruct any window architecturally designed to permit viewing of the outside from inside the building or to admit light to the building.

Line 129: Insert, before “and”: “or is constructed as of right in the future.” DC policy strongly favors expanding the housing supply. Accordingly, new residential construction should not be deterred by the pre-existence of a digital billboard that would not have been allowed had the residential building existed when the sign permit was applied for.

Line 133: Hours of operation should be a standard times of rising and sleeping which are 7 AM – 11 PM providing 8 hours of dark time for healthy sleep.

Line 212-215: “create an unreasonable risk for vehicular traffic safety” is too vague and needs to be tightened with appropriate metrics. Note that DDOT has failed to cite the accident data for 7th and H after digital billboards went in when **accidents doubled**. Require that accident data be gathered every year for all locations where the billboards are visible and immediately note any change in accident rates and patterns after installation.

Line 230: Insert the following permit request submission requirement: “(7) A set of three-dimensional visual simulations showing the effects of the billboards as seen from the inside of all buildings both in existence and in design on all floors both parallel to and adjacent to the sign for the entire block on which it is located. The simulations shall also include any potential for light bouncing off buildings opposite the sign and into windows of surrounding buildings. In addition, the simulations shall model the view of the sign from the street in both directions for a distance of 6 blocks to better determine its impact on the streetscape.”

Line 296-297: Amend to read: (1) Protects and does not detract from views along prominent corridors and the Anacostia and Potomac riverfronts, any city or Federal park, the U.S. Capitol or any other national or city monument, memorial or government building.

Line 301: Amend to read: “(3) Minimizes its impact on residents’ use and enjoyment of a residential unit or residential property, office unit or office property, or hotel unit or hotel property. Such impacts include light or glare being cast directly or indirectly into a residential, office or hotel unit or interference with the restful use of a residential or hotel unit at night”.