

EXHIBIT NO:

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3-14-09


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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 4, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE AUTHORIZING EXTENSION OF PILOT PROGRAM FOR
TEMPORARY PORTABLE SIGNS FOR RETAIL BUSINESSES IN THE
CENTRAL BUSINESS DISTRICT (OLD TOWN)

ISSUE: Extension of the pilot program for temporary portable signs for retail businesses in the Central Business District .

RECOMMENDATION: That City Council accept the proposed ordinance on first reading, which authorizes the proposed extension until November 1, 2009 and provides for earlier termination if superseded by an adopted wayfinding program, of the pilot program for temporary portable signs for retail businesses in the Central Business District (generally located between Duke and Queen Streets, east of West Street, in Old Town) and set it for second reading, public hearing and final passage on March 14.

BACKGROUND: On November 25, 2008, the Alexandria City Council voted to adopt an emergency ordinance to establish a pilot program to allow temporary portable signs alerting King Street pedestrians to restaurant and retail-oriented businesses in the Central Business District (generally located between Duke and Queen Streets, east of West Street, in Old Town) but not located on King Street. The program established parameters for acceptable "A-frame" signs. Businesses were responsible for coordinating among the other businesses on the block to create an acceptable sign, and otherwise comply with the ordinance. The initial pilot program is effective through March 15, 2009. It is proposed to extend the pilot program until November 1, 2009.

DISCUSSION: Participating businesses off King Street report that the A-frame signs have had measurable positive impacts on sales during an extremely difficult retail period. Thirteen A-frame permits have been issued to date and many retailers have expressed an interest, though are reluctant to participate until they have more certainty regarding the program's longevity. Over the duration of the program, the City has received few complaints from residents and pedestrians, although when residents are asked directly, the response is more mixed. Resident objections have focused on a lack of uniformity of design, the image that A-frame signs convey, and concerns about barriers to pedestrian movement. These objections can be addressed by the proposed, but not yet funded Wayfinding Program, either through the proposed mini-kiosks, or

through a more standardized A-frame design and program consistent with the citywide Wayfinding system.

Because the A-frame signs have been, according to affected merchants, effective, City staff recommends that a public hearing be held to review an extension of the temporary sign program until fall 2009 and how it may be improved. This would provide the opportunity to assess the impact of the signs in terms of sidewalk clutter during the spring and summer months.

See attachment for the November 20, 2008, memorandum that describes the program components and review process.

FISCAL IMPACT: There is no direct fiscal impact of extending the temporary A-frame sign program, with the indirect fiscal impact of staff administration of the program absorbed by the staff of the Department of Planning and Zoning. The fiscal impact of the initial phase of the proposed Wayfinding Program would be \$250,000 plus operating support (see FY 2010 Budget Memorandum #8).

ATTACHMENTS:

Attachment I: Memorandum dated November 20, 2008, to Mayor and City Council on an Ordinance to Establish a Pilot Program for Temporary Portable Signs for Retail Businesses in the Central Business District

Attachment II: Ordinance Authorizing Extension of the Pilot Program for Temporary Portable Signs for Retail Businesses in the Central Business District

STAFF:


Mark Jinks, Deputy City Manager
Faroll Hamer, Director, Planning and Zoning
Richard Josephson, Deputy Director, Planning and Zoning
Kathleen Beeton, Division Chief, Planning and Zoning
Andrea Barlow, Principal Planner, Planning and Zoning
Peter Leiberg, Principal Planner, Planning and Zoning
Carrie Beach, Urban Planner, Planning and Zoning
Richard J. Baier, Director, Transportation & Environmental Services
Sandra Marks, Principal Transportation Planner, Transportation & Environmental Services
John Catlett, Director, Office of Building and Fire Code Administration
Mike Hatfield, Disabilities Resources Coordinator, Office on Human Rights

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 20, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMAN, CITY MANAGER 

SUBJECT: ORDINANCE TO ESTABLISH A PILOT PROGRAM FOR TEMPORARY
PORTABLE SIGNS FOR RETAIL BUSINESSES IN THE CENTRAL
BUSINESS DISTRICT

ISSUE: Ordinance to establish a pilot program for temporary portable signs for retail businesses in the Central Business District.

RECOMMENDATION: That City Council adopt the attached ordinance as emergency legislation at its November 25, 2008, meeting.

DISCUSSION: It is proposed that a pilot program of expedited administrative approvals for coordinated temporary portable signs be established to improve the visibility of restaurants and retail-oriented businesses in Old Town (Central Business District). The proposal is designed to provide one tool that small businesses can immediately use to stimulate business in the current economic downturn and during the upcoming holiday shopping season, and enhance the economic vitality of the business district as a whole. The recommendation builds on a series of other economic development efforts over the last several years, including the King Street Retail Strategy plan, the outdoor dining program, and the King Street trolley, all designed to bolster the pedestrian activity, economic stability, historic ambiance and tourist attraction of this important district. This pilot program recognizes that:

- The temporary portable signs to be allowed under the proposal would otherwise not be allowed because, as a zoning matter, they are remote from the location they advertise; in addition, an encroachment ordinance would normally be required to allow their location on the public right-of-way;
- Many vital businesses that are a part of the Old Town experience are located one or two blocks from the King Street corridor, but are not visible to pedestrians and others along King Street. Given the current economic and retail downturn, steps should be taken to assist the interesting, unique and attractive restaurants and retail businesses located in these areas and allow them to participate in the tourism and economic activity of King Street;

- Today, although not permitted by City ordinance, there are many businesses that erect signs on corners directing shoppers to their stores on side streets, but they are designed and placed on the sidewalk without coordination or oversight. The proposed program will provide expedited review of the location and design of all such signs, while maintaining a safe pedestrian thoroughfare and accessibility.
- The ongoing citywide Wayfinding planning process has recognized the dilemma posed by the recent proliferation of remote temporary portable signs, but will not have a solution for businesses not located on King Street in time to assist those enterprises for the upcoming holiday season.

The pilot program is a coordinated effort among several departments and agencies, including Planning and Zoning, Transportation and Environmental Services, Code Administration, the Disabilities Resources Coordinator and the Alexandria Economic Development Partnership (AEDP). The program includes the following proposed components:

Duration of the Program: The pilot program is temporary. If approved by Council, it would begin upon adoption of the ordinance and will end on March 15, 2009.

Eligibility: Restaurants and retail oriented businesses located (see map – Attachment I) within the Central Business District (CBD) not on King Street would be eligible to participate in the program. This includes businesses within the CBD on the 100 and 200 blocks of streets intersecting King Street and on streets parallel to King Street. The map attached to the proposed ordinance identifies the overall zone within which the temporary portable sign program applies. Eligible businesses include restaurants, retail uses and retail oriented businesses, which include personal services uses, as those terms are defined by the zoning ordinance. Eligible business shall not include banks, savings and loans, credit unions, real estate, contractor or other offices.

Coordination and Cooperation among Businesses: Eligible businesses would coordinate their efforts for King Street visibility by creating a single sign that refers to each of them and is placed at the corner of King Street closest to their location. If some businesses within a block face choose not to participate, then the remaining businesses may apply for a permit for a temporary portable sign. The permit application will require an affidavit attesting to the fact that all eligible businesses on the blockface were offered the opportunity to participate. A map and/or list will be made available to assist eligible businesses in determining which other eligible businesses must be contacted.

Eligible businesses within the Central Business District located on the east-west streets of Cameron, Queen, Prince and Duke will coordinate with other eligible businesses in the 100 and 200 blocks of the north-south streets in order to participate and have their business name included in a temporary portable sign located on the corner of King closest to their business. Maps showing the sign location plan will be available from P&Z.

Temporary Sign Permit: All participating businesses will submit a coordinated application for a temporary portable sign that will be reviewed and approved by the Directors of P&Z and T&ES. The application will include a photo of the proposed King Street corner, the specific location and method of sign placement, and a mock up of the proposed sign size and design. The

application will also include an affidavit indicating that all eligible businesses were invited to participate. Temporary portable signs without a permit will not be allowed. City staff is committed to reviewing and responding to complete sign permit applications as quickly as possible in order to facilitate this process for businesses. In some cases, complete applications may take up to 2 business days to review in order to ensure safe and unobstructed pedestrian clearance.

Sign Locations: Typically, the businesses on a street intersecting or parallel to King Street will erect their coordinated sign on the corner of King Street closest to their business locations. Some situations with unique circumstances will require a separate review and determination by staff to find the most appropriate location. However, only one temporary portable sign will be permitted on any one King Street corner, and each eligible business may be featured on only one sign. In addition, acceptable sign locations will:

- Maintain at least a five foot minimum pedestrian path along the sidewalk;
- Be placed so as not to obstruct pedestrian movement and safety. People should be able to safely cross the street, and safely enter and alight from cars and buses without obstruction;
- Allow clear access to curb ramps;
- Not be within five feet of a curb or curb ramp next to an accessible-only parking space;
- Be stabilized or weighted to remain safely in place, preferably with a sandbag within the base of the frame; and
- Not damage the public right of way or any other property.

Temporary Portable Sign Design: Signs will be relatively consistent in size; they may be up to 42" tall and up to 30" wide. Sign colors and design are at the discretion of the business owners, but should look professional and be in keeping with the character of the Old and Historic Alexandria District. No illumination, neon letters or neon background are permitted. A drawing or sample of the proposed sign, including its size, text, materials, colors, and method of installation will be part of the temporary sign permit application. The cost of the signs would be borne by a business or the businesses listed on the sign.

Potential Future Sign Changes: Depending on the success of the proposed pilot program for temporary portable signage on King Street, and after discussion with businesses, the economic development community, and interagency staff, staff will consider whether a long term temporary portable sign program should be pursued and, if so, what amendments to the zoning ordinance and other city requirements should be made to accomplish that end. Any long term changes will require public hearing so that the full public may be involved in that discussion.

Public Outreach: Because of the rapid nature of the economic downturn, staff worked very quickly to have the parameters of the pilot program finalized so that businesses could take advantage of the signs in time for the post Thanksgiving holiday shopping weekend and the remaining holiday shopping season. Regrettably, this accelerated timeframe did not allow for the public outreach that staff would conduct under normal circumstances. If Council determines that the pilot program should be extended, a full public outreach process and public hearing would be conducted. Outreach to businesses was conducted by AEDP after Council's

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November 19 legislative meeting. Information about the proposed pilot program was posted on the P&Z website on Monday, November 24.

ATTACHMENTS:

Attachment I: CBD Map

Attachment II: Proposed Ordinance.

STAFF:

Farroll Hamer, Director, Planning and Zoning

Richard Josephson, Deputy Director, Planning and Zoning

Peter Leiberg, Principal Planner, Zoning Compliance, Planning and Zoning

Carrie Beach, Urban Planner, Planning and Zoning

Richard Baier, Director, Transportation and Environmental Services

Sandra Marks, Principal Transportation Planner, Transportation and Environmental Services

John Catlett, Director, Office of Building and Fire Code Administration

Michael Hatfield, Disabilities Resources Coordinator, Office on Human Rights

10
3-10-09

Introduction and first reading: 03/10/09
Public hearing: 03/14/09
Second reading and enactment: 03/14/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to extend the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

Summary

The proposed ordinance extends the pilot program established in late 2008 by Ordinance No. 4566 through November 1, 2009, unless superseded by an adopted way-finding program.

Sponsor

Staff

Mark Jinks, Deputy City Manager
Faroll Hamer, Director of Planning and Zoning
Christopher P. Spera, Acting City Attorney

Authority

§2.04, Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to extend the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

WHEREAS, the City Council finds and determines that:

1. There is an economic downturn that is affecting all businesses in the City of Alexandria and in the Central Business District, and there is a particular hardship being experienced by restaurants, retail merchants, and small businesses;

2. Many such businesses within the Central Business District, on blockfaces close to but not on King Street, are small businesses which contribute to the unique character of Old Town, and are particularly vulnerable to the current economic downturn, and the loss of such businesses would cause irreparable harm to the character and economic viability of Old Town and the City;

3. Adoption of Ordinance No. 4566 in November of 2008 was necessary and desirable to aid such businesses by increasing their visibility to visitors and customers during the recent holiday season, to secure the appropriate balance between competing uses in and along the public right-of-way, and to preserve the health, safety and general welfare of the residents of the City, and

4. The economic conditions that existed at the time of the implementation of this pilot program persist and justify extension of this program until November 1, 2009 or such earlier time as the City may adopt and implement a way-finding program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That temporary portable signs shall be permitted to encroach into the public sidewalk right-of-way along King Street, within the Central Business District as defined in Section 8-300 of the Zoning Ordinance, until November 1, 2009, or earlier if superseded as part of an adopted way-finding program; provided that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefore, which shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located on the public right-of-way, and such additional information as the Director of Planning and Zoning may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed

1 encroachment will be reasonable, attractive and promote pedestrian and retail vitality in the
2 Central Business District, and that there is adequate space remaining within the public right-of-
3 way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan
4 shall be made without prior written approval by the Director.
5

6 Section 3. That any such encroachment shall be subject to the following terms and
7 conditions:
8

- 9 (A) A maximum of four signs may be located at the intersection of King Street and
10 each intersecting street thereto, one on each corner.
11
- 12 (B) For each sign, eligible businesses include restaurants, retail uses and retail
13 oriented businesses, which include restaurants and retail and personal services
14 uses, as those terms are defined by the zoning ordinance, located on an adjacent
15 blockface on a street within the Central Business District, which street intersects
16 with or is parallel to King Street. Eligible business shall not include banks,
17 savings and loans, credit unions, and contractor or other offices.
18
- 19 (C) A maximum of one coordinated temporary sign is permitted for all eligible
20 businesses on any eligible blockface.
21
- 22 (D) Signs may not exceed 42 inches in height and a width of 30 inches. Illuminated
23 signs are prohibited.
24
- 25 (E) Pedestrian safety shall be preserved through the placement and securing of signs
26 so as to permit safe and adequate pedestrian thoroughway along the sidewalk,
27 crossing of streets, entry and alighting from cars and buses, and access to curb
28 ramps.
29
- 30 (F) All signs, including installation materials, placed in the right-of-way shall be
31 temporary and shall be readily removable without any damage to the surface of
32 the right-of-way.
33
- 34 (G) Signs shall comply with all applicable city, state and federal laws and regulations.
35
- 36 (H) Signs shall comply with such additional, reasonable terms and conditions as the
37 Director of Planning and Zoning may include in the permit.
38

39 Section 4. That this ordinance shall preempt any contrary provision of law, general or
40 special.

Section 5 That this ordinance shall become effective on the date and time of its final passage and shall apply to all such applications which may be filed after such date; provided, however, that this ordinance shall expire on November 1, 2009, or earlier if superseded as part of an adopted way-finding program.

WILLIAM D. EUILLE
Mayor

Introduction:	3/10/2009
First Reading:	3/10/2009
Publication:	
Public Hearing:	
Second Reading:	
Final Passage:	

REVISED

25
11-25-08

DATE: NOVEMBER 20, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMAN, CITY MANAGER

SUBJECT: ORDINANCE TO ESTABLISH A PILOT PROGRAM FOR TEMPORARY
PORTABLE SIGNS FOR RETAIL BUSINESSES IN THE CENTRAL
BUSINESS DISTRICT

ISSUE: Ordinance to establish a pilot program for temporary portable signs for retail businesses in the Central Business District.

RECOMMENDATION: That City Council adopt the ordinance as emergency legislation at its November 25, 2008 meeting.

DISCUSSION: City staff is proposing a pilot program of expedited administrative approvals for coordinated temporary portable signs to improve the visibility of restaurants and retail-oriented businesses in the Central Business District. The proposal is designed to provide one tool that small businesses can immediately use to stimulate business in the current economic downturn and during the upcoming holiday shopping season, and enhance the economic vitality of the business district as a whole. The recommendation builds on a series of other economic development efforts over the last several years, including the King Street Retail Strategy plan, the outdoor dining program, and the King Street trolley, all designed to bolster the pedestrian activity, economic stability, historic ambiance and tourist attraction of this important district. This pilot program recognizes that:

- The temporary portable signs to be allowed under the proposal would otherwise not be allowed because, as a zoning matter, they are remote from the location they advertise; in addition, an encroachment ordinance would normally be required to allow their location on the public right of way;

- Many vital businesses that are a part of the Old Town experience are located one or two blocks from the King Street corridor, but are not visible to pedestrians and others along King Street. Given the current economic and retail downturn, steps should be taken to assist the interesting, unique and attractive restaurants and retail businesses located in these areas and allow them to participate in the tourism and economic activity of King Street;
- Today, there are many businesses that erect signs on corners directing shoppers to their stores on side streets, but they are designed and placed on the sidewalk without coordination or oversight. The proposed program will provide expedited review of the location and design of all such signs, while maintaining a safe pedestrian thoroughfare and accessibility.
- The ongoing citywide Wayfinding planning process has recognized the dilemma posed by the recent proliferation of remote temporary portable signs, but will not have a solution for businesses not located on King Street in time to assist those enterprises for the upcoming holiday season.

The pilot program is a coordinated effort among several departments and agencies, including Planning and Zoning, Transportation and Environmental Services, Code Administration, the Disabilities Resources Coordinator and the Alexandria Economic Development Partnership (AEDP). The program includes the following proposed components:

Duration of the Program

The pilot program is temporary. It will begin upon adoption of the ordinance and will end on March 15, 2009.

Eligibility

Restaurants and retail oriented businesses located within the Central Business District (CBD) not on King Street are eligible to participate in the program. This includes businesses within the CBD on the 100 and 200 blocks of streets intersecting King Street and on streets parallel to King Street. The map attached to the proposed ordinance identifies the overall zone within which the temporary portable sign program applies. Eligible businesses include restaurants, retail uses and retail oriented businesses, which include personal services uses, as those terms are defined by the zoning ordinance. Eligible business shall not include banks, savings and loans, credit unions, real estate, contractor or other offices.

Coordination and Cooperation among Businesses

Eligible businesses will coordinate their efforts for King Street visibility by creating a single sign that refers to each of them and is placed at the corner of King Street closest to their location. If some businesses within a block face choose not to participate, then the remaining businesses may apply for a permit for a temporary portable sign. The permit application will require an affidavit

attesting to the fact that all eligible businesses on the blockface were offered the opportunity to participate. A map and/or list will be made available to assist eligible businesses in determining which other eligible businesses must be contacted.

Eligible businesses within the Central Business District located on the east-west streets of Cameron, Queen, Prince and Duke will coordinate with other eligible businesses in the 100 and 200 blocks of the north-south streets in order to participate and have their business name included in a temporary portable sign located on the corner of King closest to their business. Maps showing the sign location plan will be available from P&Z.

Temporary Sign Permit

All participating businesses will submit a coordinated application for a temporary portable sign that will be reviewed and approved by the Directors of P&Z and T&ES. The application will include a photo of the proposed King Street corner, the specific location and method of sign placement, and a mock up of the proposed sign size and design. The application will also include an affidavit indicating that all eligible businesses were invited to participate. Temporary portable signs without a permit will not be allowed. City staff is committed to reviewing and responding to complete sign permit applications as quickly as possible in order to facilitate this process for businesses. In some cases, complete applications may take up to 2 business days to review in order to ensure safe and unobstructed pedestrian clearance.

Sign Locations

Typically, the businesses on a street intersecting or parallel to King Street will erect their coordinated sign on the corner of King Street closest to their business locations. Some situations with unique circumstances will require a separate review and determination by staff to find the most appropriate location. However, only one temporary portable sign will be permitted on any one King Street corner, and each eligible business may be featured on only one sign. In addition, acceptable sign locations will:

- Maintain at least a five foot minimum pedestrian path along the sidewalk;
- Be placed so as not to obstruct pedestrian movement and safety. People should be able to safely cross the street, and safely enter and alight from cars and buses without obstruction;
- Allow clear access to curb ramps;
- Not be within five feet of a curb or curb ramp next to an accessible-only parking space;
- Be stabilized or weighted to remain safely in place, preferably with a sandbag within the base of the frame; and
- Not damage the public right of way or any other property.

Temporary Portable Sign Design

Signs will be relatively consistent in size; they may be up to 42" tall and up to 30" wide. Sign colors and design are at the discretion of the business owners, but should look professional and be in keeping with the character of the Old and Historic Alexandria District. No illumination, neon letters or neon background are permitted. A drawing or sample of the proposed sign, including its size, text, materials, colors, and method of installation will be part of the temporary sign permit application.

Potential Future Sign Changes: Signs that advertise businesses off King Street will ultimately be addressed through the Wayfinding process. Issues will include whether or not to have such signs; ensuring that if the decision is made to allow such signs that they are designed in such a way to reduce visual clutter and be compatible with the Old and Historic District; whether they should include general retail opportunities or name specific stores; whether they should be part of a kiosk or mounted on a pole; funding mechanisms and maintenance costs and responsibilities. There is a public advisory group that meets regularly to discuss the Wayfinding plan as well as periodic community meetings. There will be work sessions for the Planning Commission and City Council in January, and ample opportunities for public comment. The staff will incorporate the results of this process into our final recommendations.

Public Outreach

Because of the rapid nature of the economic downturn, staff worked very quickly at Council's direction to have the parameters of the pilot program finalized so that businesses could take advantage of the signs in time for the post Thanksgiving holiday shopping weekend and the remaining holiday shopping season. Regrettably, this accelerated timeframe did not allow for the public outreach that staff would conduct under normal circumstances. If Council determines that the pilot program should be extended, a full public outreach process and public hearing would be conducted. Outreach to businesses was conducted by AEDP after Council's November 19 legislative meeting. Information about the proposed pilot program was posted on the P&Z website on Monday, November 24.

STAFF :

Faroll Hamer, Director, Planning and Zoning
Richard Josephson, Deputy Director, Planning and Zoning
Peter Leiberg, Principal Planner, Zoning Compliance, Planning and Zoning
Carrie Beach, Urban Planner, Planning and Zoning
Richard Baier, Director, Transportation and Environmental Services
Sandra Marks, Principal Transportation Planner, Transportation and Environmental Services
John Catlett, Director, Office of Building and Fire Code Administration
Michael Hatfield, Disabilities Resources Coordinator, Office on Human Rights

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11-25-08

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ORDINANCE NO. 4566

AN EMERGENCY ORDINANCE to establish a pilot program to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

WHEREAS, the City Council finds and determines that:

1. There is an economic downturn that is affecting all businesses in the City of Alexandria and in the Central Business District, and there is a particular hardship being experienced by restaurants, retail merchants, and small businesses;
2. Many such businesses within the Central Business District, on blockfaces close to but not on King Street, are small businesses which contribute to the unique character of Old Town, and are particularly vulnerable to the current economic downturn, and the loss of such businesses would cause irreparable harm to the character and economic viability of Old Town and the City;
3. Adoption of this emergency ordinance is necessary and desirable to aid such businesses by increasing their visibility to visitors and customers during the upcoming holiday season, upon which such business substantially rely for their annual revenue; to secure the appropriate balance between competing uses in and along the public right-of-way, and to preserve the health, safety and general welfare of the residents of the City, and
4. All requirements of law precedent to the adoption of this emergency ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That temporary portable signs shall be permitted to encroach into the public sidewalk right-of-way along King Street, within the Central Business District as defined in Section 8-300 of the Zoning Ordinance, until March 15, 2009; provided that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefore, which shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located on the public right-of-way, and such additional information as the Director of Planning and Zoning may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed encroachment will be reasonable, attractive and promote pedestrian and retail vitality in the Central Business District, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

- (A) A maximum of four signs may be located on any one intersection of King Street and each intersecting street, one on each corner.
- (B) For each sign, eligible businesses include restaurants, retail uses and retail oriented businesses, which include restaurants and retail and personal services uses, as those terms are defined by the zoning ordinance, located on an adjacent blockface on a street within the Central Business District, which street intersects with or is parallel to King Street. Eligible business shall not include banks, savings and loans, credit unions, and contractor or other offices.
- (C) A maximum of one coordinated temporary portable sign is permitted for all eligible businesses on any eligible blockface.
- (D) Signs may not exceed 42 inches in height and a width of 30 inches. Illuminated signs are prohibited.
- (E) Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps.
- (F) All signs, including installation materials, placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.
- (G) Signs shall comply with all applicable city, state and federal laws and regulations.
- (H) Signs shall comply with such additional, reasonable terms and conditions as the Director of Planning and Zoning may include in the permit.

Section 4. That this ordinance shall preempt any contrary provision of law, general or special.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all such applications which may be filed after such date; provided, however, that this emergency ordinance shall expire on March 15, 2009.

WILLIAM D. EUILLE
Mayor

Final Passage: November 25, 2008

Introduction and first reading: 03/10/09
Public hearing: 03/14/09
Second reading and enactment: 03/14/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE TO EXTEND THE PILOT PROGRAM ESTABLISHED BY CITY COUNCIL BY ORDINANCE NO. 4566 TO AUTHORIZE PORTABLE SIGNS IN THE PUBLIC RIGHT-OF-WAY FOR BUSINESSES IN THE CENTRAL BUSINESS DISTRICT, WITH ADMINISTRATIVE APPROVAL.

Summary

The proposed ordinance extends the pilot program established in late 2008 by Ordinance No 4566 through November 1, 2009, unless superseded by an adopted way-finding program .

Sponsor

Staff

Mark Jinks, Deputy City Manager
Faroll Hamer, Director of Planning and Zoning
Christopher P. Spera, Acting City Attorney

Authority

§2.04, Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to extend the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

WHEREAS, the City Council finds and determines that:

1. There is an economic downturn that is affecting all businesses in the City of Alexandria and in the Central Business District, and there is a particular hardship being experienced by restaurants, retail merchants, and small businesses;
2. Many such businesses within the Central Business District, on blockfaces close to but not on King Street, are small businesses which contribute to the unique character of Old Town, and are particularly vulnerable to the current economic downturn, and the loss of such businesses would cause irreparable harm to the character and economic viability of Old Town and the City;
3. Adoption of Ordinance No. 4566 in November of 2008 was necessary and desirable to aid such businesses by increasing their visibility to visitors and customers during the recent holiday season, to secure the appropriate balance between competing uses in and along the public right-of-way, and to preserve the health, safety and general welfare of the residents of the City, and
4. The economic conditions that existed at the time of the implementation of this pilot program persist and justify extension of this program until November 1, 2009 or such earlier time as the City may adopt and implement a way-finding program; now, therefore

THE CITY COUNCIL OF THE CITY OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That temporary portable signs shall be permitted to encroach into the public sidewalk right-of-way along King Street, within the Central Business District as defined in Section 8-300 of the Zoning Ordinance, until November 1, 2009, or earlier if superseded as part of an adopted way-finding program; provided that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefore, which shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located on the public right of way, and such additional information as the Director of Planning and Zoning may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the

1 proposed encroachment will be reasonable, attractive and promote pedestrian and retail
2 vitality in the Central Business District, and that there is adequate space remaining within the
3 public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to
4 the approved plan shall be made without prior written approval by the Director.
5

6 Section 3. That any such encroachment shall be subject to the following terms and
7 conditions:
8

9 (A) A maximum of four signs may be located at the intersection of
10 King Street and each intersecting street thereto, one on each
11 corner.
12

13 (B) For each sign, eligible businesses include restaurants, retail uses and
14 retail oriented businesses, which include restaurants and retail and
15 personal services uses, as those terms are defined by the zoning
16 ordinance, located on an adjacent blockface on a street within the
17 Central Business District, which street intersects with or is parallel to
18 King Street. Eligible business shall not include banks, savings and
19 loans, credit unions, and contractor or other offices.
20

21 (C) A maximum of one coordinated temporary sign is permitted for all
22 eligible businesses on any eligible blockface.
23

24 (D) Signs may not exceed 42 inches in height and a width of 30 inches.
25 Illuminated signs are prohibited.
26

27 (E) Pedestrian safety shall be preserved through the placement and
28 securing of signs so as to permit safe and adequate pedestrian
29 thoroughway along the sidewalk, crossing of streets, entry and
30 alighting from cars and buses, and access to curb ramps.
31

32 (F) All signs, including installation materials, placed in the right-of-way
33 shall be temporary and shall be readily removable without any
34 damage to the surface of the right-of-way.
35

36 (G) Signs shall comply with all applicable city, state and federal laws and
37 regulations.
38

39 (H) Signs shall comply with such additional, reasonable terms and
40 conditions as the Director of Planning and Zoning may include in the
41 permit.
42

43 Section 4. That is ordinance shall preempt any contrary provision of law, general or
44 special.
45

46 Section 5 That this ordinance shall become effective on the date and time of its final
47 passage and shall apply to all such applications which may be filed after such date; provided,

1 however, that this ordinance shall expire on November 1, 2009, or earlier if superseded as
2 part of an adopted way-finding program.

3

4

WILLIAM D. EUILLE

5

Mayor

6

7

8 Introduction: 3/10/2009

9 First Reading: 3/10/2009

10 Publication:

11 Public Hearing:

12 Second Reading:

13 Final Passage:

ORDINANCE NO. 4583

AN ORDINANCE to extend the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

WHEREAS, the City Council finds and determines that:

1. There is an economic downturn that is affecting all businesses in the City of Alexandria and in the Central Business District, and there is a particular hardship being experienced by restaurants, retail merchants, and small businesses;
2. Many such businesses within the Central Business District, on blockfaces close to but not on King Street, are small businesses which contribute to the unique character of Old Town, and are particularly vulnerable to the current economic downturn, and the loss of such businesses would cause irreparable harm to the character and economic viability of Old Town and the City;
3. Adoption of Ordinance No. 4566 in November of 2008 was necessary and desirable to aid such businesses by increasing their visibility to visitors and customers during the recent holiday season, to secure the appropriate balance between competing uses in and along the public right-of-way, and to preserve the health, safety and general welfare of the residents of the City, and
4. The economic conditions that existed at the time of the implementation of this pilot program persist and justify extension of this program until November 1, 2009 or such earlier time as the City may adopt and implement a way-finding program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That temporary portable signs shall be permitted to encroach into the public sidewalk right-of-way along King Street, within the Central Business District as defined in Section 8-300 of the Zoning Ordinance, until November 1, 2009, or earlier if superseded as part of an adopted way-finding program; provided that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefore, which shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located on the public right-of-way, and such additional information as the Director of Planning and Zoning may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed

encroachment will be reasonable, attractive and promote pedestrian and retail vitality in the Central Business District, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

- (A) A maximum of four signs may be located at the intersection of King Street and each intersecting street thereto, one on each corner.
- (B) For each sign, eligible businesses include restaurants, retail uses and retail oriented businesses, which include restaurants and retail and personal services uses, as those terms are defined by the zoning ordinance, located on an adjacent blockface on a street within the Central Business District, which street intersects with or is parallel to King Street. Eligible business shall not include banks, savings and loans, credit unions, and contractor or other offices.
- (C) A maximum of one coordinated temporary sign is permitted for all eligible businesses on any eligible blockface.
- (D) Signs may not exceed 42 inches in height and a width of 30 inches. Illuminated signs are prohibited.
- (E) Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps.
- (F) All signs, including installation materials, placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.
- (G) Signs shall comply with all applicable city, state and federal laws and regulations.
- (H) Signs shall comply with such additional, reasonable terms and conditions as the Director of Planning and Zoning may include in the permit.

Section 4. That this ordinance shall preempt any contrary provision of law, general or special.

Section 5 That this ordinance shall become effective on the date and time of its final passage and shall apply to all such applications which may be filed after such date; provided, however, that this ordinance shall expire on November 1, 2009, or earlier if superseded as part of an adopted way-finding program.

WILLIAM D. EUILLE
Mayor

Final Passage: March 14, 2009



Amelia Bennett
<amelia@sofinestudios.net>

03/11/2009 05:14 PM

Please respond to
Amelia Bennett
<amelia@sofinestudios.net>

To william.euille@alexandriava.gov, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: portable signage on King St.

18
3-14-09

Time: [Wed Mar 11, 2009 17:14:59] IP Address: [141.156.192.15]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Amelia

Last Name: Bennett

Street Address: 218 N. Lee Street, Suite 4

City: Alexandria

State: VA

Zip: 22314

Phone: (703)299-3463

Email Address: amelia@sofinestudios.net

Subject: portable signage on King St.

Dear Mr. Mayor and City Council Members,

I am in favor of extending the

permit for the portable signage on King Street, for businesses not on King

Street. I regret that I
will be unable to attend the meeting on Saturday

to voice my support of the item on your agenda. I have appointments in my

studio that day.

Comments: Please consider this e-mail as my voice speaking for

the approval of the signage, and my hope that you will approve the

measure on behalf of the business in the neighborhood, but not on King

Street.

Sincerely,
Amelia R. Bennett
So Fine



Cindy McCartney
<divaboutique@comcast.net>

03/11/2009 03:15 PM

Please respond to
Cindy McCartney
<divaboutique@comcast.net>

To william.euille@alexandriava.gov, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: Thank you for your continued support...

18
3-14-09

Time: [Wed Mar 11, 2009 15:15:36] IP Address: [76.21.173.82]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Cindy
Last Name: McCartney
Street Address: Diva Designer Consignment and Other Delights
116 S. Pitt Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-683-1022
Email Address: divaboutique@comcast.net

Subject: Thank you for your continued support...
Dear Mayor Euille and Members of Council:

Thank you so much for your
continued support of businesses off King St. by accepting the extension
of the "Ordinance for Temporary Portable Signage" at Tuesday's Council
meeting.

I know that there is a public hearing and roll call vote this

Saturday. Due to the fact that
the docket item will most likely be

entertained during Diva's Saturday business hours and I will
not be able

to attend the meeting, I wanted to write and reinforce the fact that many
of the merchants who have put up the signs have seen an uptick in footsteps
in their establishments; there are
also many who haven't yet had signs

made (though they want to) because they didn't want to spend the money
if

the program were to be discontinued this month.

I can speak to my

business—I am currently running an increase this year and have noticed a

Comments: large percentage of my clients are coming in and saying they would not

have known we were here if the sign were not at the corner. Even

residents can't believe they never knew that a lot of the unique shops

which are down the side streets even existed. The comments from those

residents who have come into Diva have been 100% positive. Thriving

retail adds much to the cache and value of any City.

In these tough

financial times, this is a major support to the small business owners in

Old Town. The Buy Alexandria campaign is one phase of the support, but in

my view the signing is every bit as important to our welfare as shop

owners.

Again, I very much appreciate your efforts in behalf of the continuation of the initiative.

Cindy McCartney, Owner, Diva Designer

Consignment and Other Delights

18
3-14-09

**Old Town Civic Association, Inc.
P.O. Box 1213
Alexandria, Virginia 22313**

RE: ORDINANCE AUTHORIZING EXTENSION OF PILOT PROGRAM FOR
TEMPORARY PORTABLE SIGNS FOR RETAIL BUSINESSES IN THE
CENTRAL BUSINESS DISTRICT (OLD TOWN)

Dear Mr. Mayor and members of the City Council,

The board of the Old Town Civic Association requests that the City Council extend the temporary signage program through the summer of 2009.

The planning director did inquire the OTCA membership at our February meeting about the signage program. There was, however, no consensus on the matter. Might we then suggest that the extension be used as an opportunity for the City staff to work with the community to come up with mutually acceptable solutions that would resolve some of the concerns.

Sincerely



Poul Hertel

President Old Town Civic Association

.
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.

18
3-14-09



Alicia McCaslin
<alicia@shophysteria.com>

03/10/2009 04:58 PM

Please respond to
Alicia McCaslin
<alicia@shophysteria.com>

To william.euille@alexandriava.gov, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: Sign Program for local businesses off King St

Time: [Tue Mar 10, 2009 16:58:36] IP Address: [70.108.245.48]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Alicia
Last Name: McCaslin
Street Address: 125 S. Fairfax Steet
City: Alexandria
State: VA
Zip: 22314
Phone: 703-548-1615
Email Address: alicia@shophysteria.com
Subject: Sign Program for local businesses off King St
I just wanted to support the program - I am unable to attend the meeting tonight but would like to express the need for such information in order for tourists and visitors to be able to find the hidden gems off King Street. I have lived here my entire life and remember coming to Old Town as a child - a lot has changed and in order to keep the pertinent businesses around we need the city to assist in providing the proper signage. We are in the process of putting our sign together for S. Fairfax Street but are waiting to here if the program will be approved to continue.
Comments: Every decision attached to dollars in very thought out these days and we have all pieces in place to go through with our sign once the program is approved to go forward.
Thank you for your time concerning these matters,
Alicia McCaslin
Manager

Hysteria



Joseph Egerton
<artsafire@artsafire.com>

02/06/2009 02:33 PM

Please respond to
Joseph Egerton
<artsafire@artsafire.com>

To william.euille@alexandriava.gov, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,

cc

bcc

Subject COA Contact Us: A Frame Street Signs

18
3-14-09

Time: [Fri Feb 06, 2009 14:33:45] IP Address: [70.21.127.69]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Joseph
Last Name: Egerton

Street Address: 1117 King Street

City: Alexandria

State: VA

Zip: 22314

Phone: 703 838 9785

Email Address: artsafire@artsafire.com

Subject: A Frame Street Signs
Your Honor and Council Members,

I hope you will support the continuance

of tasteful A-Frame Street Signs directing people to shops off King Street.

Any support the city can muster to keep these shops alive and well is
beneficial to the city as well as the shop owners.

The quality shops

that have been forced out by the economy and high rents over the last year
is appalling. We have had 40% of our retail businesses close in the 1100
block of King Street this last year (5 out of 13 retail businesses). And,
this was the strongest block on upper King Street. Several others are in
jeopardy at this writing. The new businesses that have gone into some of
these slots are not the same quality as their predecessors, and some, I
fear will not survive more than a year. Two weeks ago, Le Gaulois
Restaurant (a landmark) closed its doors. I hope by Spring, someone else

Comments: will revive this attention getter.

So, retail needs all the help it can
get in these difficult times.

Thank you for your consideration. I know
you have a massive burden on your shoulders, but the dollars generated by
visitors and tourists depends heavily on their finding attractive
businesses when they do come.

I continue hosting many visitors that
come over from National Harbor via the water taxi as well as commercial
taxis. Thank you for continuing the Old Town Trolley's service. In general,
street traffic is down because there are fewer than usual seminars being
conducted due to our sad economic conditions. Even though buying is down,
they still love to explore this beautiful town we're all so proud to be a
part of.



Ronda Fortson
<ronda.fortson@morrisonhouse.com>

02/07/2009 12:29 AM

Please respond to
Ronda Fortson
<ronda.fortson@morrisonhouse.com>

To william.euille@alexandriava.gov, timothylovain@aol.com,
councilmangaines@aol.com, council@krupicka.com,
delpepper@aol.com, paulcsmedberg@aol.com,
cc
bcc
Subject COA Contact Us: King Street Signage Program

18
3-14-09

Time: [Sat Feb 07, 2009 00:29:01] IP Address: [67.132.197.163]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Ronda
Last Name: Fortson
Street Address: 1908 S. Monroe Street
City: Arlington
State: VA
Zip: 22204
Phone: 703-521-1346
Email Address: ronda.fortson@morrisonhouse.com
Subject: King Street Signage Program
Comments: Please allow the King Street signage program to continue.