

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 9, 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 approve on first reading the proposed ordinance authorizing the proposed extension of the pilot program for temporary portable signs for retail businesses in the Central Business District until June 30, 2011, or until implementation of the Wayfinding Design Guidelines whichever is sooner, and set it for second reading, public hearing and final passage on October 27, 2009.

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 recent economic recession and the City's initiative to retain shopping dollars within the City provided the justification for the emergency measure. The City Council extended the pilot program in March 2009 until November 2009, anticipating that the Wayfinding Program would be adopted at that time. A further extension of the pilot program is now proposed since the conditions that were the basis for the emergency ordinance still exist and since the Wayfinding program has been temporarily delayed, with an anticipated completion date in spring 2010. The pilot program itself establishes parameters for acceptable "A-frame" signs and businesses are responsible for coordinating among the other businesses on the block to create an acceptable sign, and otherwise comply with the ordinance.

DISCUSSION: Participating businesses off King Street report that the signs have had measurable positive impacts on sales during an extremely difficult retail period. Twenty portable A-frame permits have been issued to date, with a total of 97 businesses participating. Over the duration of the program, the City has received very few complaints from residents, pedestrians, and City staff.

In September 2009, City staff solicited feedback from civic and business groups to gauge opinion regarding the signs' impact over the summer months. Feedback was uniformly positive from all of the groups contacted, including: Old Town Business and Professional Association, Alexandria Chamber of Commerce, Retailers Off King Street (ROKS), The Old Town Boutique District, Old Town Civic Association, and the Wayfinding Stakeholder Advisory Group. A matrix detailing all feedback received is provided as Attachment II. In addition to support for the program, some groups provided the following suggestions for improvement of the program, should it be continued:

- Require that signs be maintained and replaced on a periodic schedule;
- Prohibit attaching any additional notices or information on the sign;
- Require that signs conform to a more uniform design and structure;
- Keep the simple and free permit process; and
- Investigate the implementation of this program in other parts of the City.

In addition, City staff from T&ES, Code Administration, P&Z and the Office on Human Rights, as well as Alexandria Convention and Visitors Association were contacted to determine if any complaints had been received over the course of the year. Only one complaint was reported from a visitor using the trolley regarding a sign reported to be blocking the sidewalk at King and Lee Streets, and that the print was too small to read. Staff from Code Administration and Planning & Zoning provided the following suggestions for improving the program, should it be continued:

- Examine options for better securing signs
- Require regular maintenance & replacement
- Require more design/sign type uniformity

Staff will take the above suggestions and concerns under consideration during the remaining phase of the Wayfinding program to determine the appropriate solutions to address them if a permanent A-frame program is selected as the best way to address retail signage for businesses off King Street. The Wayfinding Design Guidelines Manual, the design document for the entire Wayfinding system, will either propose a permanent A-frame program or mini-kiosks that serve a similar purpose.

Because the A-frame signs have been demonstrated to be very effective for the participating businesses and have received very few complaints from residents and visitors, City staff recommends that the City Council approve an extension of the temporary sign program for one year or until superseded by the Wayfinding Program, whichever comes first.

No changes are proposed to program components as currently constituted. See Attachment I for the November 20, 2008 memorandum that describes the program components and review process in greater detail.

FISCAL IMPACT: There is no direct fiscal impact of the extension of this pilot program. The indirect fiscal impact will continue to be positive with the continuation of this pilot program, as the increased business sales triggered by the signage adds to the City's tax revenue collections.

There will be a fiscal impact of a currently unknown amount, if and when the Wayfinding Design Guidelines are implemented. To the degree those implementations costs are City costs, they would need to be budgeted as part of the FY 2001 (or later) City operating and/or Capital budget.

ATTACHMENTS:

Attachment I: Memorandum dated March 4, 2009 to Mayor and City Council on an Ordinance to Extend the Pilot Program for Temporary Portable Signs for Retail Businesses in the Central Business District (includes 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: Feedback received from Civic, Business, and City stakeholders regarding the impact 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

Carrie Beach, Urban Planner, Planning and Zoning

Mike Hatfield, Disabilities Resources Coordinator, Office on Human Rights

Introduction and first reading: 10/17/09
Public hearing: 10/27/09
Second reading and enactment: 10/27/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to further 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 portable sign program currently in effect in the Central business district for an period of time or until the implementation of the permanent way-finding program, whichever is sooner.

Sponsor

Staff

Faroll Hamer, Director, Planning and Zoning
Christopher P. Spera, Deputy City Attorney

Authority

§2.03(a), (h) §2.04(d)(e), 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 further 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 2008 holiday season, and extension of the program by adoption of Ordinance No. 4583 for the spring and summer of 2009 was also necessary 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 and extension of this pilot program persist and justify extension of this program until June 30, 2011 or such earlier time as the City may adopt and implement a permanent way-finding guideline 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 June 30, 2011, or earlier if superseded as part of an adopted and implemented way-finding guideline 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 throughway 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 June 30, 2011, or earlier if superseded as part of an adopted and implemented way-finding guideline program.

WILLIAM D. EUILLE
Mayor

Introduction: 10/17/2009
First Reading: 10/17/2009
Publication:
Public Hearing:
Second Reading:
Final Passage:

EXHIBIT NO. 1 ¹⁸
3-14-09 ~~10~~
~~3-10-09~~

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 *J*

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

Attachment 1

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11-25-08

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 20, 2008
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMAN, CITY MANAGER *J*
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;

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- 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

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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:

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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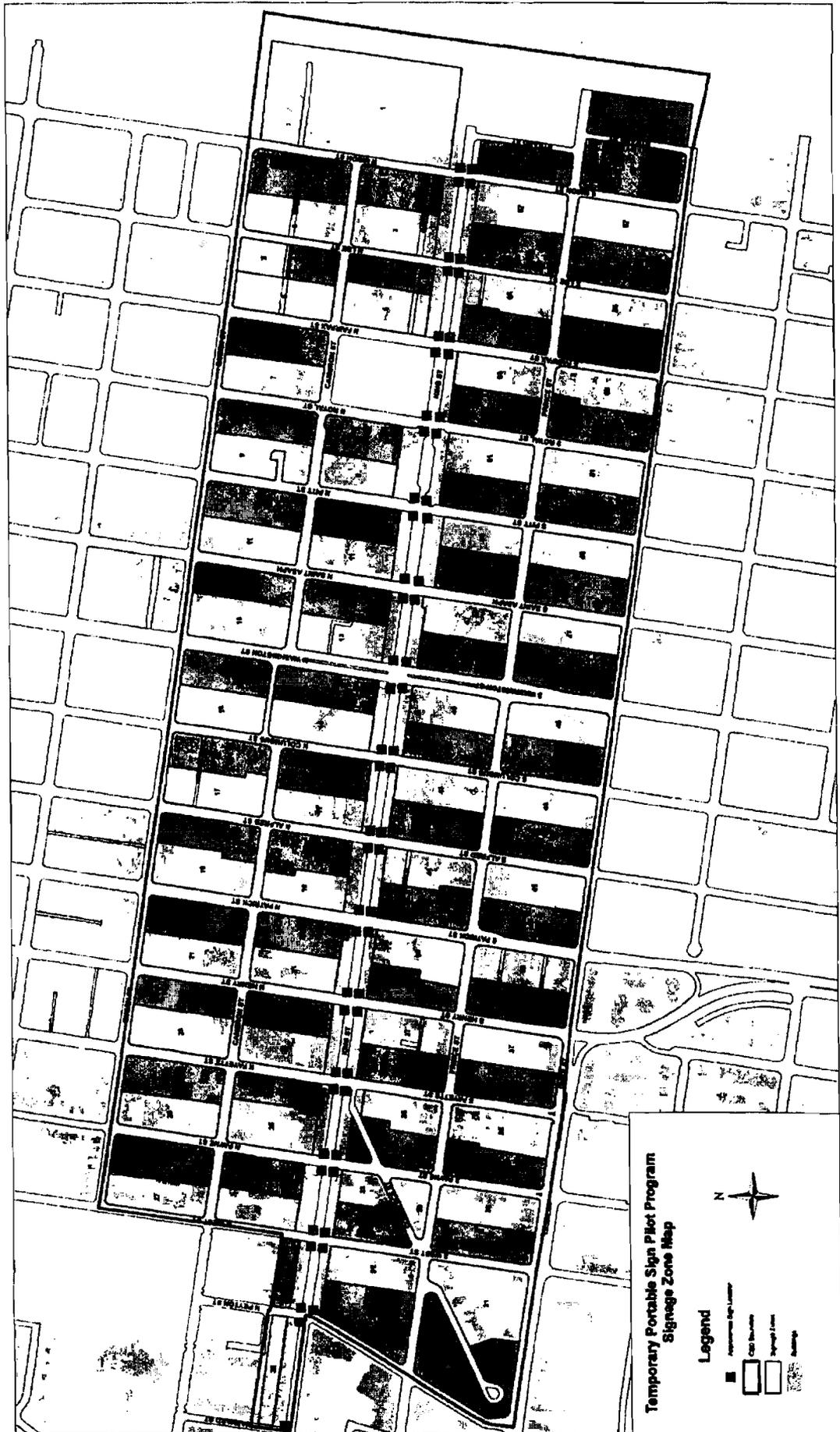
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Potential Future Sign Changes: Signs that advertise businesses off King Street will ultimately be addressed through the Wayfinding process. Issues will include whether or not to have such signs; ensuring that if the decision is made to allow such signs 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 worksessions 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.

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Organization	Summary of Response
Old Town Civic	No objection
OTBPA	Support the program. Impose stricter requirements regarding type and design of sign.
ROKS	Support the program
Chamber of Commerce	Support the program. Keep the permit process simple, and investigate a citywide program.
Boutique District	Support the program
Wayfinding SAG - Rep	Support the program
Wayfinding SAG - Rep	Support the program
Wayfinding SAG	Support the program. Require periodic maintenance and replacement. Prohibit taped-on attachments.
ACVA	Support the program, but only until Wayfinding Mini-kiosks are implemented and include retail names. Mini-kiosks should replace A-frames as a more permanent integrated solution.
Code Enforcement staff	No complaints received. Examine options for securing signs and address issues of maintenance & replacement
T&ES staff	1 complaint received regarding a sign blocking the sidewalk at King and Lee Streets
Human Rights staff	No complaints received
P&Z staff	Determine better way to secure signs; Require design/sign type uniformity; require maintenance/replacement

STAKEHOLDER FEEDBACK