



Digital billboards in the nation's capital: update

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A Report from Larry Hargrove & Meg Maguire

Dear billboard blight opponents,

As you know, this past Monday the Council adopted a bill on Nats stadium billboards. And Councilmember Evans' outrageous "emergency" proposal to validate the unauthorized digital billboards installed around the city by Digi Media faded in the face of vocal opposition. So this is a good time to take stock of where the digital billboard issue stands, what we and other opponents of billboard blight were able to accomplish and where our efforts fell short, and what we will be facing going forward.

In deference to the holiday season, first the good news – all of which falls in the “bullets dodged” category:

You'll recall that after the Council subcommittee hearing on the November 14 (CM Nadeau, Chair, Subcommittee on Consumer Affairs) the original Nats stadium bill (originated by CM Allen) -- which simply authorized ten digital billboards on the stadium and its garages – was quickly replaced by a bill that

- allowed an unlimited number of billboards at Nats Park,
- set up a system in which the Mayor could create future billboard areas (“Designated Entertainment Areas”), and
- immediately created one such new DEA, with very permissive rules on the number and size of its billboards, on the city block north of Nats Park.

By the time the Council acted on Monday, widespread opposition from the community had resulted in two important changes:

- The number of stadium signs allowed was whittled down to five, limited in size and location – obviously more than the zero that many of us had sought, but much better than the unlimited number that the subcommittee's bill allowed; and
- A provision was inserted that creating a new “DEA” would require legislative action by the Council, thus ensuring that billboard opponents will have an opportunity to muster the troops, enlist the press and weigh in with

individual Councilmembers and before the Council. For the time being this frustrates the billboard lobby's goal to reduce the establishment of new digital billboard areas and the permitting of the individual signs to matters of regulatory routine.

Also:

- Hours of operation of digital billboards were reduced to between 7 PM and 11 PM, from between 6 PM and midnight;
- Permit applications were required to provide three-dimensional renderings of the proposed sign; and
- In reviewing permit applications, OP was required to consider adverse impact on hotels and offices as well as residences.

The rest of the news on this bill is bad:

Of course we're stuck with five billboards on the stadium. Beyond this: without any hearing or opportunity for comment by the public or residents or others that may be adversely affected, as a special favor to certain developers and their chosen billboard companies, the Council created the mis-named "Ballpark Designated Entertainment District" north of Nats Park. The area is a developing office and mixed-use area that is neither a ballpark nor a significant entertainment venue. Digital billboards may be as large as 1200 square feet (30' x 40'), and there is no limit on the number that can be crammed in. Once a digital billboard is in place, the rules are tilted in favor of its staying in place indefinitely regardless of adverse effects.

What's ahead?

Digi Media billboard rescue? There have been persistent rumors that Councilmember Evans, the Mayor, or both may be contemplating other means of validating these signs, currently under preliminary injunction as a result of Attorney General Racine's legal action against them. And the court has yet to determine whether a permanent injunction is warranted. We'll need to be vigilant.

Proposals for new "DEAs"? Executive branch testimony on the Nats Stadium bill as much as promised that these would be emerging from the Mayor, particularly as to sports facilities or the Convention Center. Or they can originate with billboard-sympathetic Councilmembers, as was the case with the Nats bill.

For the time being, the action lies with the Council – which is a good thing to the extent that it assures an opportunity for public participation. The bad news is that the Council's past record, on balance, has been one of rolling over on cue to accommodate the billboard industry.

A third set of proposed comprehensive sign regulations revisions?

DDOT had expected to have produced this by the fall of 2016. When it does appear, it may well incorporate the billboard industry's agenda to the same extent as in the aborted drafts that emerged in 2012 and 2015. Only then will the public have a chance to weigh in, and a very big mobilization effort will be called for. Again, the ultimate decision will rest with the Council. We anticipate that the sign regulations will fall under the Committee on Business Development and Regulatory Affairs (McDuffie, Chair; Bonds, Evans, Gray and Grosso) whom we expect to be quite friendly to the billboard industry based on past experience and their recent votes.

FINALLY: We could not have done any of this without you and the bill would be much worse than it is. Your many emails and phone calls made it clear that this was not popular and nothing to be proud of. And we are better prepared for what will come next and how to mobilize even greater numbers to shame members and get better results.

For both of us personally, the best part of this battle has been getting to know many new people who care deeply about our city and who stepped up to the plate to take action again and again. We look forward to working with you in the future on behalf of this city that we all love.

Happy Holidays,

Larry and Meg