

SIGNS and MORE SIGNS:

A COMMITTEE OF 100 GUIDE TO ASPECTS OF DC SIGN LAW

Prepared by Ann Hargrove, November 2010

The Committee of 100, in cooperation with other organizations and individuals, has been an active advocate of laws and regulations aimed at limiting the intrusion of commercial signage on the city's streetscapes, as well as strict enforcement of existing sign law. It opposed the adoption of the original provisions on so-called "Special Signs", and, in the form proposed, the regulations on Gallery Place Graphics. In 2010 the Committee of 100 was among those successfully opposing a proposal for expansion of the allowable number of Special Sign permits.

This guide covers those provisions of DC law and regulations regarding signs that are of principal concern because of the scale of their potential impact on the visible environment. Not included, for example, are provisions found principally in section 3107A of the Building Code (12A DC Municipal Regulations (DCMR)) but also in the Zoning Regulations (11 DCMR) and Public Space and Safety Regulations (24 DCMR), dealing with such matters as size and placement standards and permitting requirements for signs on commercial establishments, professional offices, buildings housing home occupations, or apartment buildings; physical specifications for signs of various physical configurations; size limits in certain zoning districts; posting of signs on public lamp posts; temporary signs during construction; signs on WMATA vehicles; real estate signs, and a number of other matters. It does not deal with outdoor murals, despite their potential aesthetic impact for good or ill, because they are not regarded as covered by DC law unless they contain an advertising message. (There are, however, some illegal advertising murals to be found in the District.)

An important aspect of signage issues in the District is the fact that in recent years the Department of Consumer and Regulatory Affairs (DCRA) has taken an unprecedentedly active stance toward enforcement of DC sign law as to both billboards and wall posters, and maintains a place on its website for reporting ostensibly illegal signs. The task of eliminating unlawful outdoor commercial signs in the District is not complete, and we invite you to contact DCRA about any possibly illegal signs that you confront.

In 2010 the DC government began an inter-agency project aimed at consolidation of all sign regulations currently found in the DC Municipal Regulations (DCMR), which would bring together in one place regulations now spread out among DCMR Titles 10A (Historic Preservation), 11 (Zoning), 12 (Construction) and 24 (Public Space and Safety). This affords a rare opportunity to revisit all the sign law provisions.

The table below deals with seven areas of concern:

(1) *Billboards*, outlawed by Congress in the 1930’s unless grandfathered; almost all grandfathered billboards have now disappeared as a result of development, but there are some non-grandfathered illegal signs. These signs were limited in size (to a maximum of 300 square feet) and could be located no closer than 300 feet to a historic district.

(2) *So-called “Special Signs”*, authorized in 2000 over substantial citizen opposition. They are subject to no legal size limitation and can be huge, employing a vinyl screen technology that enables them to cover an entire side of a multistory building. Permanently limited to 32 signs, they can be located only in designated, mostly downtown, areas, within which they may be moved to a new site when an existing site becomes unavailable.

(3) *Gallery Place signs*: Law and regulations were enacted in 2004 specifically for Gallery Place, allowing illuminated, projecting signs with digital moving graphics. They are not subject to the “Special Sign” regulations and are exempt from certain other aspects of signage law.

(4) *“Free speech signs”*: Outdoor signs presenting a non-commercial message of fact or of personal or political opinion, largely exempt from regulation.

(5) *Signs inside buildings, displayed in windows*: Prospective misuse of a regulation exempting “signs within buildings” from permit requirements to justify large-scale hi-tech advertising signs installed behind windows in commercial or other buildings.

(6) *Unlawful small (4x8) billboards on which are displayed DC government safety or other public service messages*, pursuant to an understanding between the District Department of Transportation (DDOT) and the sign company involved.

(7) *Signs on or affecting historic properties*. Signs on historic properties are governed by detailed regulations in DCMR Title 10A, chapter 25.

Type of Sign	Code Reference	Description; Problems and Issues	Recommendations
(1) Billboards	12A DCMR § 3107.7.6	Banned by Congress in 1931 except for grandfathered signs: no new signs are permitted and existing ones cannot be replaced elsewhere if a site becomes unavailable. The old rules on billboards, still found in the Building Code (12A DCMR), are instructive because of the contrast between requirements imposed on billboards (e.g. limitation in size to 300 square feet (12A DCMR §3107.7.6.7)) and the much more permissive rules for Special Signs (see below). According to DCRA less than half a dozen grandfathered billboards remain; however, despite legal prohibitions, a few large freestanding conventional billboards, a	The responsible DC agency (DCRA or DDOT) should force removal of all of the few remaining non-grandfathered large billboards, and aggressively seek removal of any remaining wall-mounted smaller billboards (including those that may have been used by the DC government for display of public interest messages). The DC government should continue compelling the removal of wall posters. It should take whatever legal action is appropriate and effective to prevent recidivism by installers of wall posters or other billboards.

		number of smallish billboards mounted on walls of businesses, and pasted wall posters (often posted in multiple copies) are still to be found in the city . Wall posters, if not taken down promptly, have sometimes morphed into illuminated signs of similar size enclosed in well-constructed weather-proof frames--some of which have recently been removed.	In the current consolidation of sign regulations, provisions in the building code that appear to contemplate the issuance of permits for new billboards should be eliminated as obsolete.
(2) Special Signs	12A DCMR §3107.17 (general)	Over citizen opposition, the Council approved Mayor Williams’ proposal to allow these signs, but limited their number to 32. They can be moved around indefinitely within designated areas (mainly the central business district and the New York Avenue corridor) as the need arises (12A DCMR §3107.17.17). With no legal limit on size, they employ wall-screen technology that makes possible signs of 10,000 square feet or more covering the entire wall of a multistory building but may not cover windows. Must be installed on the exterior surface of a building, except that 12 original freestanding signs were permitted to be moved to construction sites and installed for a limited period of two years (12A DCMR §3107.17.1). They are subject to relatively lax restrictions on installation near residential districts (12A DCMR §3107.17.10); prohibited in Old Georgetown Act and Shipstead Luce Act areas and in Waterfront districts (3107.17.11). Original regulations permitted them to be located on historic properties under certain circumstances, but this is prohibited by later regulations (10A DCMR §2506.1). In 2010 the Council rejected a mayoral proposal to expand the 32-sign limit.	The Mayor and the Council should support legislation to amortize these special signs over a reasonable period of time such as 5 years, and continue to resist any future efforts to allow additional signs of this sort.
(3) Gallery Place Signs	General: 12A DCMR §3107.18	Special provisions on “Gallery Place graphics” allow an open-ended array of sign types, specifically including animated signs, video monitors, and digital screens, to be placed at certain locations on buildings within the designated Gallery Place area, including the mixed-use building next to the Verizon Center. The law purports to protect the interests of residential owners and occupants of the mixed-use building but in fact signs already in place substantially and adversely affect those interests, and at least one currently proposed sign would do so as well. There is no restriction on proximity to historic districts or landmarks (the buildings across Seventh Street from the Verizon Center are in a historic district).	The District should revisit this law to consider strengthening its provisions designed to protect the interests of residents and ensure that existing protections, along with any other applicable protections in District law, are fairly enforced. The District should resist efforts to extend such exemptions from the protections of DC sign law to other areas of the city.
(4) Public free speech signs	12A DCMR §3107.1 (general exemption); §3107.14	Unless on a historic structure, these signs are exempt from permit requirements and other provisions of DC sign regulations except where regulations explicitly provide otherwise. The signs currently displayed are huge, and while lacking commercial	District law already recognizes that the mere fact that a sign does not contain a commercial message does not exempt it from all regulation. Accordingly the District should enforce existing regulations applicable to these signs. Additionally, it should require

	(obstructive signs)	advertising messages, are overwhelming to the visible environment and particularly objectionable in their effects on a major L'Enfant Plan street and proximity to important sites such as Lafayette Square and the White House. They are exempt from, and greatly exceed, legal size limits on advertising signs other than "Special Signs", but are subject to the provision prohibiting signs that obstruct windows, which they violate.	such signs to obtain permits, and add to the list of regulations applicable to them any further existing provisions that would facilitate protection of the visual environment, to the extent deemed constitutionally sustainable.
(5) Signs inside buildings, displayed in windows	12A DCMR §3107.3.5.3	This provision exempts from the requirement to obtain a permit signs within a building that are no closer than 18" from a window. It is at least ambiguous as to whether it was intended to permit a sign installed in such a way as to be effectively visible through a window. Some outdoor advertising companies, however, have reportedly expressed interest in utilizing it as a basis for displaying large-scale digital or other signs in windows, perhaps in a vertical array on multiple floors of the same building. (Any such use would seem to violate 12A DCMR § 3107.14 prohibiting signs that obstruct windows.)	The provision needs to be clarified by DCRA and/or the Council to forestall its use to secure additional large advertising capability on any side of various kinds of buildings. Signs intended to be viewed from outside should be required to obtain permits and made to comply with other provisions applicable to outdoor advertising signs.
(6) DC government public service messages on unlawful billboards		A number of these remain despite the fact that DDOT apparently no longer utilizes the advertising space and remaining messages are obsolete.	If not already discontinued, this practice should be, and the District's ban on billboards enforced. The District should comply with its own laws.
(7) Signs on historic properties	10A DCMR Chapter 25	All signs over 1 square foot on the exterior of a "building on historic property" or inside such a building within 18 inches of a glazed opening require a permit (10A DCMR §2501.1).* This includes "free speech" signs (signs containing statements of fact, belief, or personal or political opinion"), which must comply with existing prohibitions on dangerous signs or signs that obstruct windows (10A DCMR §2501.3).** Billboards and (notwithstanding contrary provisions in the Special Sign regulations mentioned above) Special Signs are prohibited (10A DCMR §2506.1; other types of signs are regulated in various ways. "Temporary signs" are permitted routinely if for less than 90 days, and are permitted after review on the same basis as permanent signs if for more than 90 days (10A DCMR §2512). This Chapter contains lengthy statements of signage "principles" and "criteria", as well as detailed provisions on signs on residential or institutional properties and non-contributing buildings, vintage signs, historic signs, awnings, canopies and marquees. *Apparently supersedes similar provision in 12A DCMR	Provisions are often couched as statements of fact or rather vague and open-ended policy, rather than regulatory rules, and should be reexamined for clarity.

		§3107.3a. **Apparently supersedes similar provision in 12A DCMR §3107.3a.1.	
--	--	---	--