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Part II: Section-by-Section Comments on Proposed Sign Regulations

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Committee of 100 on the Federal City

OFFICE OF THE MAYOR

NOTICE OF SECOND PROPOSED RULEMAKING

The Mayor of the District of Columbia, pursuant to Section 1 of An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, effective April 27, 2013 (D.C. Law 19-289; D.C. Official Code § 1-303.21 (2012 Repl.)), and Mayor's Order 2011-181, dated October 31, 2011, ++ It would clarify provisions relating to approval of Special Signs and billboards; amend the current rules to respond to issues raised by the Federal Highway Administration; create new Designated Entertainment Areas that would be open to the display of new signs; clarify the existing regulations as they relate to signs on public space, private property, and specific areas of the District; establish a means for enforcement; and establish a permit application fee schedule.

This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published on August 17, 2012 at 59 DCR 10022, and reflects changes made in response to comments received from the public.

Section 1 of the Act requires the Mayor to submit the proposed rules to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The proposed rules shall not become effective until the rulemaking is approved by the Council.

The Mayor also gives notice of her intent to take final rulemaking action to adopt the proposed new title in not less than ninety (90) days after the date of publication of this notice in the *D.C. Register*.

A new Title 13 DCMR, SIGN REGULATIONS, is added to read as follows:

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CHAPTER 1: PURPOSE AND SCOPE

100 PURPOSE

100.1 Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and other public and private places.

100.2 Signs are used by individuals and public, private, and government organizations to communicate information to the public. *(Rewrite in the active voice to say: **Individual and public, private and government organizations use signs to**)* Signs are vital to a healthy business environment and civic communications. They can create a vibrant sense of place and foster economic development.

100.3 The unregulated display of signs may, however, constitute a public nuisance detrimental to the health, safety, convenience, and welfare of the residents of the District of Columbia.

100.4 The purpose of this title is to establish reasonable and objective regulations for all signs, whether exterior signs or interior signs intended to be visible from the outside, on public space or on private property.

100.5 These regulations regulate the display of signs in order to convey information; maintain the health, safety, convenience, and welfare of residents and businesses of the District; and improve the overall visual appearance of outdoor space throughout the District.

As a matter of clear drafting, we previously noted that this sentence is ambiguously worded: does the phrase “to convey information; maintain the health etc.” modify “regulate” or “display”? On the assumption that the former is the better interpretation, we suggested dropping “to convey information” as redundant, since conveying information is presumably not a purpose of these regulations except to the extent that any regulations inform the public as to what the law permits or prohibits.

100.6 These regulations do not apply to interior signs that are not fully visible from the exterior of a building. Such signs remain subject to all other applicable statutes and regulations.

100.7 These regulations are further intended to:

- (a) Reduce the traffic hazards caused by signs that may distract, confuse, or impair the vision of motorists and pedestrians, and ensure the effectiveness of traffic signs and signals;

- (b) Protect property values *and the unimpeded use and enjoyment of nearby properties* by ensuring the compatibility of signs with the property surrounding them;

The unfortunate experience of Gallery Place apartment dwellers is by itself sufficient to demonstrate the need for this insertion.

- (c) Provide an appropriate and attractive visual environment in the District that emphasizes different land use goals for different parts of the city.

In the previous draft this section read: "Provide an attractive visual environment throughout the District." We found this a very weak treatment of the aesthetic interests to be served by sign regulations, and suggested adding: "and protect the distinctive streetscapes and viewsheds of the nation's capital." This suggestion was not accepted; on the contrary the provision has been further watered down to the point that it could be readily invoked to counter an open-ended class of objections to a particular sign as aesthetically offensive. Moreover, while it is appropriate to recognize that different aesthetic criteria may apply in, say, an industrial zone than in a historic residential neighborhood, in our view it is not appropriate to say that it is the job of the "visual environment" to "emphasize" difference among various land use areas." We suggest:

"Provide an appropriate and attractive visual environment in the District and protect the distinctive streetscapes and viewsheds throughout all communities in the nation's capital, taking into account different land use goals for different parts of the city."

- (d) Allow for the reasonable promotion of commerce and expression of business identification;
- (e) Provide for distinctive signs in areas of the city that have been identified as Designated Entertainment Areas (DEAs), when not in conflict with any federal or local law;

For reasons explained elsewhere, this provision should be deleted unless proposed regulations on "DEAs" are radically revised.

- (f) Ensure compliance with federal laws and Federal Highway Administration requirements;

This is an appropriate and welcome addition.

- (g) Protect the public investment in streets, highways and other public improvements; and
- (h) Protect and improve the public health, safety, and general welfare.

100.8 The regulations in this title directly advance these governmental interests and objectives and are the minimum amount of regulation necessary to achieve them.

101 SCOPE

101.1 This title governs the display of signs on private property and public space, except:

- (a) Signs displayed by the District of Columbia or the United States in furtherance of their governmental responsibilities;
- (b) Signs permitted by contracts or legal agreements with the District of Columbia government;

This provision carves out an open-ended exception to the provisions of this title, for any sign that the District may choose to arrange for by contract or other "legal agreement" such as a lease. If it is to be retained, in our view it must be narrowed to so as to enumerate the specific types of signs that would be covered, and the specific circumstances in which they could be authorized by contract or other legal agreement. As a case in point: for years it has appeared that, notwithstanding the existing prohibition of billboards, the Department of Transportation has arranged (presumably by legal agreement) to utilize the old-fashioned 4' x 8' wooden billboards that are installed on the exterior of some corner stores to display public service messages. (The same billboards, when not so utilized, sometimes display commercial advertising). To our knowledge no such billboards appear on the list of historically authorized billboards. Also to our knowledge there is no exception authorizing such use in current law or regulations, and in our view there should not be in the future. Any exception to the regulations that arises simply by reason of the the District's concluding a contract or other legal agreement must be identified in advance in these proposed regulations, for scrutiny by all concerned.

- (c) Signs displayed on the interior of a building that are not fully visible from the exterior;
- (d) Signs expressly regulated by the D.C. Construction Codes, including accessibility, capacity and egress signs, street number displays, and

street signs governed by 12-A DCMR § 118 of the D.C. Building Code Supplement; and

(e) Signs otherwise required by law to be displayed.

101.2 This title shall not require the removal, alteration, or abandonment of an existing sign, nor prevent the continued use and maintenance of an existing sign if the sign was lawfully constructed prior to the effective date of this title under a valid permit and is being used in conformity with all applicable requirements in effect when the permit was issued.

101.3 The future alteration, repair, or replacement of any existing sign covered by § 101.2 shall be subject to this title.

The two preceding provisions did not appear in the previous draft. Their apparent intent is to insulate any lawfully erected pre-existing sign against the application to it of any provision in this title that would require its removal or affect the conditions under which it could continue to be maintained, including those relating to public health and safety, except as to “future alteration, repair or replacement”. Each such sign would apparently continue to be specially covered by whatever regulatory regime was in effect on the date of its permit, however antiquated and inadequate to meet contemporary needs. This seems to be also the intent of the newly proposed §207 below, which states:

“207.1 Every existing sign that was constructed under a valid permit issued prior to the effective date of this title and that has been used in compliance with all regulations and approvals applicable to that permit shall remain subject to those regulations and approvals, even if subsequent regulations and approvals have changed the requirements.

207.2 Section 207.1 shall not apply to the luminance standards stated in § 723 or the certificate of inspection requirements stated in § 706.”

These provisions should be deleted. Although they would not affect the District’s legislative power to enact regulations requiring the removal of an existing lawfully erected sign, for example under an amortization arrangement, or to change the conditions of its continued operation, on their face they amount to a sweeping relinquishment of the District’s regulatory power. They would single out a sign permit for a special privileged treatment not afforded other permissions granted by the District in the exercise of analogous regulatory powers. A taxicab license, for example, or a certificate of occupancy for a commercial use of property, or a business license, does not insulate the holder from regulatory requirements adopted after the date of the issuance of the permit or license. New regulations such as those now

proposed, or future amendments to them, are intended to bring a regulatory regime into sync with newly perceived needs, and we see no valid reason why a sign permit that may have been obtained ten, twenty or fifty years ago should be exempt from this updating process. §§101.2 and 207 should be deleted. The only purpose served by the District's forever barring itself from upgrading the operating rules for existing signs would be to give the billboard industry a free pass.

101.4 All new signs, including signs replacing existing signs, displayed after the effective date of this title shall be subject to this title.

This provision did not appear in the previous draft.

101.5 This title shall supplement any additional, relevant requirements stated elsewhere in District law.

CHAPTER 2: GENERAL PROVISIONS

200 APPLICABILITY

200.1 Unless otherwise specifically stated, the general provisions in this chapter shall apply to all signs subject to this title.

201 PERMITTING AND ENFORCEMENT OFFICIALS

201.1 Unless otherwise specifically stated, the permitting and enforcement officials responsible for issuing sign permits and enforcing the rules for signs subject to this title shall be the persons designated in the chapters governing the particular types of signs, or their designees.

202 PERMIT REQUIRED

202.1 Unless specifically exempted in this title, no sign shall be displayed without a sign permit. Signs with an area no greater than one square foot (1 sq. ft.) shall be exempt from this permit requirement.

This provision replaces 12A DCMR N101.3 and N101.3.5. The latter section enumerates seven exemptions from permits (e.g. signs within a building), whereas proposed § 201.1 merely incorporates any exemptions found elsewhere in the new regulations. We previously suggested reverting to the practice of listing all exemptions in the same section as the general prohibition, which would produce a much more user-friendly provision. We reiterate that suggestion now. Surely it makes more sense for someone in

DDOT to locate all exemptions now and assemble them in one convenient place than to place burden of searching eighty pages of regulations on each future permit-seeker for many years to come.

The point is reinforced by the fact that proposed §§301.2, 402.1, 406.1, 502.1, 603.1, 610.2, 703.1 and 902.1 all refer a person seeking a permit to §202.1 in order to find out which signs are exempted from permit requirements.

202.2 Where a permit is required by this title to display a sign, the permit shall be kept on the premises where the sign is displayed. The permit holder shall show the permit to the permitting or the enforcement official upon request.

202.3 Every sign for which a permit is issued shall be marked with the permit number and the date of the permit's issuance in a format and location approved by the permitting official.

202.4 Exemption from permit requirements shall not relieve the owner of a sign from responsibility for displaying the sign safely.

203 SUBSTITUTION OF CONTENT

203.1 A non-commercial message may be substituted for the content of any commercial message on any sign allowed under this title, without any additional action with respect to a permit.

204 PERMIT APPLICATION PROCESS

204.1 An application for a sign permit shall be made in the form required by the permitting official and in accordance with the chapters in this title governing the particular types of signs.

204.2 An applicant for a sign permit shall obtain all applicable electrical, zoning, or other permits or approvals required for the display of a sign from the District or federal government entities responsible for issuing them prior to applying for the sign permit. Evidence of these permits and approvals shall accompany the sign permit application.

204.3 A sign permit application shall be considered submitted when the application has been fully completed, all information and drawings required by the permitting official have been provided, the sign has been approved by other reviewing entities where required, and all application fees have been paid. *An application for a sign over one square foot in areas shall be accompanied by 2-D and 3-D visual simulations of the proposed sign as installed in the proposed location.*

This improves on the corresponding provision in the previous draft by eliminating the requirement to provide not only information required by the permitting official but also information required “by this title” (which we previously said should be listed, in this section, for the convenience of the user, as is in done by the corresponding provision in the current regulations (12A DCMR N 101.3. 1, .2, and .3).)However, the addition indicated above, which would involve only the use of well-developed and widely available technology, is essential if the District authorities and potentially affected members of the public are to be accurately informed as to the nature and potential impact of the proposed sign.

205 ACTION ON A PERMIT APPLICATION

205.1 The permitting official shall approve or deny the permit application within the applicable timeframes stated in this title or within such period as the applicant and the permitting official may agree to establish for the review.

205.2 If the permitting official denies a permit application, the permitting official shall state the basis for the denial. Upon request, the permitting official shall notify the applicant in writing of the reasons for the denial no later than three (3) business days after receiving a request for explanation.

The corresponding provision in the previous draft stated:

“If the permitting official denies a permit application, the permitting official shall state the basis for the denial in writing, including references to the statutory or regulatory provisions that would be violated if the permit were granted. The permitting official shall notify the applicant in writing of the reasons for the denial no later than fourteen (14) days after the application is officially denied.”

It does not seem too great a burden to place on the permitting official to require a written explanation in all cases, which would include references to the legal basis for the denial, rather than doing so only when requested by the permit applicant. We urge reinstatement of those requirements in this provision.

206 COMPLIANCE WITH CONSTRUCTION CODES

206.1 All signs shall comply with and be subject to the D.C. Construction Codes, including the D.C. Building Code Supplement, Title 12-A DCMR, and the D.C. Electrical Code Supplement, Title 12-C DCMR. Signs shall be maintained in accordance with the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.

207 IMPLEMENTATION PROVISIONS

207.1 Every existing sign that was constructed under a valid permit issued prior to the effective date of this title and that has been used in compliance with all regulations and approvals applicable to that permit shall remain subject to those regulations and approvals, even if subsequent regulations and approvals have changed the requirements.

207.2 Section 207.1 shall not apply to the luminance standards stated in § 723 or the certificate of inspection requirements stated in § 706.

See comments on §101 above.

207.3 Every existing sign constructed without a required sign permit shall be subject to these regulations. The sign owner shall obtain a permit or remove the sign within ninety (90) days of the effective date of this title, or such longer period as may be designated by the permitting official.

207.4 Permit applications for new signs and alterations to existing signs filed on or after the effective date of these regulations shall comply with this title.

207.5 Work authorized by a valid permit issued before the effective date of this title may be carried to completion, subject to applicable permit expiration, termination and revocation provisions. These provisions include those stated in, the D.C. Building Code Supplement, Title 12-A DCMR, Chapter 1.

208 SIGN PERMIT PRELIMINARY REVIEW

208.1 When a sign permit application is subject to review by multiple agencies, the permitting official shall, upon request and according to its procedures, conduct a preliminary review of a proposed sign to determine its compliance with this title prior to the formal submission of a permit application.

CHAPTER 3: SIGNS SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS

300 APPLICABILITY

300.1 This chapter governs signs that are subject to additional review by the Commission of Fine Arts (Commission). Commission requirements may be stricter than those imposed under this title.

300.2 Signs are subject to review by the Commission when they are on buildings within the following areas:

- (a) The area controlled by An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital (Old Georgetown Act), approved September 22, 1950 (64 Stat. 904; D.C. Official Code §§ 6-1201 *et seq.* (2012 Repl.)); and
- (b) The area controlled by An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital (Shipstead-Luce Act), approved May 16, 1930 (46 Stat. 366; D.C. Official Code §§ 6-611.01 *et seq.* (2012 Repl)).

300.3 The Commission shall review permit applications and provide comments to the permitting official pursuant to Section 1 of the Shipstead-Luce Act (D.C. Official Code § 6-611.01) and Section 2 of the Old Georgetown Act (D.C. Official Code § 6-1202).

301 PERMITTING AND ENFORCEMENT OFFICIALS

301.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this chapter shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

302 PERMIT REQUIRED

302.1 Notwithstanding any other provision of this title, signs in areas subject to review by the Commission shall require a permit, except signs exempted from the permit requirement under § 202.1.

303 PERMIT APPLICATION PROCESS

303.1 An application for a sign permit subject to Commission review under this chapter shall be made in a form and with the supporting documentation required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property. The application shall also include any additional information required by the Commission.

303.2 Notwithstanding § 204.2, where Commission review of a proposed sign is required under this chapter, the permit application shall be submitted to the permitting official for referral to the Commission.

303.3 Upon receipt of a permit application, the Commission shall respond according to the timelines set forth in its rules or the application shall be deemed approved by the Commission.

In the previous draft, the preceding two sections set time limits for the permitting official to refer the application to the Commission (30 days) and for the Commission to respond (30 days for Shipstead-Luce Act signs, 45 days for Old Georgetown Act signs). While 30 days is obviously more than the permitting official should need just to ship the application over to the Board, the 30-and 45-day deadlines for the Board may be reasonable. But it is now proposed to omit any deadlines from the regulations, leaving the matter to the discretion of the permitting official, and the Commission, and some explanation is needed as to why that is a good idea. Reasonable deadlines should be set for each step in the process.

303.4 Additional information and guidelines for signs in areas subject to Commission review and approval are available directly from the Commission.

304 PROHIBITED SIGNS

304.1 *All billboards including* Special Signs *billboards*, signs on roofs, digital *billboards*, full motion video signs, and revolving signs are prohibited in the area controlled by the Shipstead-Luce Act and the Old Georgetown Act. Projecting signs are subject to the restrictions in § 305.1.

This section has been improved by the inclusion of revolving signs and projecting signs (C100 had suggested this). The changes indicated above are needed to avoid any terminological obfuscation of the fact that high-tech outdoor advertising technologies are the functional equivalent of old-fashioned billboards, differing only in scale and intensity of impact.

304.2 Notwithstanding § 304.1, variable message signs, including full motion video, are permitted on college and university campuses in areas controlled by the Old Georgetown Act if they are not visible from public rights of way and if they provide college or university-related information or publicize college or university events.

The previous draft did not include this section.

305 PERMITTED SIGNS AND REQUIREMENTS

305.1 The following signs are allowed in areas subject to review by the Commission if they comply with all other applicable provisions of this title:

- (a) In areas controlled by the Shipstead-Luce Act, single-faced signs on the exterior walls of buildings that project no more than twelve inches (12 in.) beyond the building or building restriction line; provided, that

any such sign advertises a commercial business operating on-site with a valid and current certificate of occupancy;

- (b) In areas controlled by the Old Georgetown Act, projecting or blade signs on properties with addresses on the principal commercial streets of Wisconsin Avenue NW, M Street NW, or K Street/Water Street NW and are limited to:
 - (1) Identifying a business located above another business on the street level; or
 - (2) Identifying a business on a side street adjacent to one of the principal commercial streets stated above;
- (c) Signs flat against awnings;
- (d) Signs on show windows, or any other windows that abut or overlook a street or public way; provided, that the signs have an aggregate area of not more than twenty-five square feet (25 sq. ft.) per business or are less than or equal to twenty percent (20%) of the area of the window, whichever is less; and
- (e) Other signs consistent with this title and not otherwise prohibited by this chapter.

305.2 The aggregate area of all signs associated with any one (1) business or entity on a building or premises shall be limited to twenty-five square feet (25 sq. ft.) per street frontage.

305.3 If not otherwise prohibited or limited by this section or the Commission, signs may be illuminated if they are authorized by an annual illumination permit and meet the luminance standards stated in § 723.

§305.4 in the previous draft, requiring all signs to be stationary, has been dropped. Presumably that provision would now be superfluous, since apparently all signs now permitted are of a stationary type.

306 EXCEPTIONS

306.1 When the Commission finds that a sign or the conditions surrounding a sign subject to this chapter justifies granting an exception from any of the requirements of this chapter, and the Commission further finds that granting such an exception will not impair the intent and purpose of this chapter or of the Old Georgetown Act or the Shipstead-Luce Act, the Commission shall

notify the applicant, or the permitting official if appropriate, of its support of such an exception.

- 306.2 The permitting official may approve an application to display a sign not conforming to the requirements of this chapter pursuant to the Commission's recommendation if the sign satisfies all other requirements of this title.

This section and the preceding one (305) carry forward provisions in 12A DCMR N101.4.1.1 - 9, with two significant exceptions:

(1) Section 305.1(d) would establish an open-ended additional category of permitted signs. This permission is either broader than the existing "exception" category carried forward in 306 or redundant of it; it invites attempts at further broadening of the Commission's discretion. We renew our earlier recommendation that it be deleted.

(2) Existing §112A DCMR N101.4.2.5, which limits sign copy to the name, address and type of the business, was dropped in the previous draft. We previously recommended that this limitation be restored, and it has been largely restored as to signs described in §§305.1.5(a) and (b), but not as to the other permitted signs. We believe it should be restored as to all signs permitted by §305, since omitting it would presumably authorize any sort of commercial messaging, on signs that could be as large as 5' x 5'.

CHAPTER 4: SIGNS SUBJECT TO REVIEW BY THE HISTORIC PRESERVATION REVIEW BOARD

400 Applicability

- 400.1 This Chapter shall supplement Title 10-C DCMR and the Historic Landmark and Historic Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code §§ 6-1101 *et seq.* (2012 Repl. & 2013 Supp.)) (Historic Preservation Act) and shall govern signs on buildings or land:

- (a) Within a historic district designated by the Historic Preservation Review Board (HPRB); or
- (b) Designated as a historic landmark by the HPRB.

- 400.2 Signs governed by this chapter shall be subject to the review and recommendations of either the HPRB or the Historic Preservation Office (HPO) under delegated authority established in Title 10-C DCMR.

400.3 Proposed sign location and design shall be evaluated against the principles, standards and design guidelines in Title 10-C DCMR, Chapter 25. The HPO and the HPRB shall refer to these principles, standards, and design guidelines when reviewing an application for a sign or sign master plan.

400.4 Signs and related building features subject to this chapter and the jurisdiction of the Commission shall be reviewed by the Commission and the HPRB.

401 PERMITTING AND ENFORCEMENT OFFICIALS

401.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

401.2 In addition, the Office of Planning (OP) shall have enforcement authority with respect to signs subject to this chapter.

402 PERMIT REQUIRED

402.1 Signs in areas subject to this chapter shall require a permit unless expressly exempted by this chapter. Signs exempted from permitting requirements under § 202.1 in areas subject to this chapter shall not require a permit.

403 PERMIT APPLICATION PROCESS

403.1 An application for a permit requiring HPRB review under this chapter shall be made in the form required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property.

403.2 The applicant shall obtain HPRB review of the proposed sign and evidence of HPRB approval pursuant to procedures established by the HPRB.

403.3 The permitting official shall not approve a permit for a sign subject to HPRB review without prior HPRB review and approval. Upon receipt of the permit application, the HPRB, or HPO if so delegated, shall review the application and take action as appropriate.

403.4 If the application is consistent with the appropriate standards, guidelines, and delegation of authority established by the HPRB, the HPO shall clear the application for issuance.

403.5 The HPO shall return a cleared application to the applicant, within three (3) business days after clearance.

403.6 If the application is not consistent with standards, guidelines, or delegation of authority established by HPRB and the HPO is not able to resolve the

deficiencies directly with the applicant, the HPO shall prepare and forward the case for review by the HPRB pursuant to Title 10-C DCMR.

- 403.7 If not cleared for issuance by the HPRB, the HPO shall notify the applicant, within fifteen (15) business days after HPRB has reviewed the application, of the right to request a hearing before the Mayor's Agent pursuant to Title 10-C DCMR.
- 403.8 The permitting official shall not issue a sign permit unless the HPO, HPRB, or the Mayor's Agent has cleared the application for issuance.
- 403.9 Upon receipt of the HPO clearance and the application for a sign permit, the permitting official shall issue a sign permit, provided that the sign is in compliance with all other applicable provisions of this title.
- 403.10 If there is a conflict between the requirements of this title and the requirements of Title 10-C DCMR, the more restrictive shall apply.

404 PROHIBITED SIGNS

- 404.1 Billboards and Special Signs are prohibited on historic landmarks and on any property in a historic district.
- 404.2 Signs on roofs are prohibited on historic landmarks and on any property in a historic district, except for vintage, historic, or replica signs as provided for in 10-C DCMR § 2513.
- 404.3 Variable message signs, including full motion video signs, are prohibited on the exterior of any historic landmark and on the exterior of any building in a historic district, except as provided in § 404.4.
- 404.4 Variable message signs, including full motion video signs, are permitted on college and university campuses in historic districts if they are not visible from public rights of way and if they provide college or university-related information or publicize college or university events.

The previous draft did not include this section.

- 404.5 Outdoor advertising on bicycle-sharing, car-sharing or other commercial facilities in public or private space are prohibited on any property in a historic district.

This provision should be included to clarify the prohibited status of these signs.

404.6 If not otherwise prohibited or limited by this section or by the HPRB, illuminated signs are allowed provided they meet the luminance standards set forth in § 723 and the owner obtains an annual illumination permit.

We welcome deletion of “digital signs and video monitors in storefront windows” from the list of permitted signs, which we had recommended. We welcome also the addition of § 404.3 above.

405 MASTER PLANS FOR SIGNS

405.1 If a master plan for signs is created, it shall be submitted to the HPRB for review according to the provisions for concept design review outlined in 10-C DCMR, Chapter 3.

In the previous draft, Section 404, Master Plans for Signage, repeated verbatim 10C DCMR 2511. It has properly been dropped (as we had recommended), except for the sentence contained in 405.1.

(1) Both new section 405 and existing 2511 are headed “Temporary signs”. At least sections 405.2 through .5 should be dropped as almost exactly duplicative of parts of section 2511, and 405.1 appears to be superfluous as well.

406 TEMPORARY SIGNS

406.1 Temporary signs on historic properties or in historic districts shall require a permit unless they are exempted by § 202.1.

406.2 HPO shall routinely recommend approval of temporary signs to be installed for less than ninety (90) days and temporary signs that are less than twenty square feet (20 sq. ft.) in area; provided that the sign is installed in a manner that does not cause permanent damage to the historic property.

406.3 HPO shall review temporary signs that do not meet the standards of § 406.2 according to the standards and criteria for permanent signs.

406.4 HPO may make recommendations to the permitting official regarding the size, placement, type, shape, and material of the sign as necessary to prevent a temporary sign from causing permanent damage to a historic property; provided, the change is consistent with the requirements of this title, and principles, standards, and design guidelines in Title 10-C DCMR, Chapter 25.

406.5 HPRB may recommend denial of a temporary sign permit if the sign is incompatible with the architecture and characteristics of the building, site, or

district, or if its installation is likely to cause permanent damage to the historic property.

As we noted in our comments on the previous draft, both the proposed new section 13 DCMR §405 and existing 10C DCMR §2511 are headed “Temporary Signs”. There are pairs of provisions in these two DCMR sections that appear intended to deal in whole or part with the same subject, with highly similar but nevertheless different language. These include 2512.2 and 406.2; 2513.3 first sentence and 406.3; 2512.3 second sentence and 406.4; 2512.4 and 406.5. In our view DCMR should not end up with two sets of regulations doing the same thing even if they are exactly the same in language, and certainly not if there are differences. Some of these differences may not be of substantive consequence, but all of them will cause needless puzzlement, confusion and perhaps consternation on the part of future DCMR users.

We urge DDOT to work with HPO/HPRB to correct this situation, which would mean recommended changes either in the current draft of 13 DCMR or in 10C DCMR.

407 SIGNS ON AWNINGS AND CANOPIES

407.1 Signs identifying the name or trade of an occupant may be placed on an approved awning or canopy.

407.2 Signs on awnings shall be consistent with the following criteria:

- (a) Signs on the valance of an awning shall be limited to lettering and logos no taller than twelve inches (12 in.);
- (b) A logo may be permitted on the slope of an awning;
- (c) A sign on the valance of an awning shall not be illuminated, except that unobtrusive storefront lighting fixtures may be attached to the underside of an awning; and
- (d) Signs on canopies shall not be illuminated.

CHAPTER 5: CHINATOWN DISTRICT REVIEW PROCEDURES

DCMR Title 10-B, Planning and Development, Chapter 24, Chinatown Design Review Procedures, deals with permit review procedures for “projects” as to which DCRA is required to submit permit applications to the Office of Planning. It explicitly covers permits for signs, in that OP is to review the application on the basis of “Contribution of building design,

including signs and awnings, to the Chinese identity of Chinatown;” 10B DCMR 2400.2(b). It sets out detailed provisions on application for and review of permits.

The proposed Chapter 5 supplements 10B DCMR 24, and in the previous draft established, in §502.1 even more detailed requirements for application for signs in Chinatown, some of which were duplicative of provisions in 10B DCMR 24. These have now been largely removed, but one identical provision still appears in both places and it remains the case that a person seeking such a permit must go to two sets of regulations relating just to Chinatown (in addition to consulting the special regulations in Chs. 6 and 7 of proposed Title 13 on signs in public or private space, as well as 10C DCMR for signs in historic districts, if applicable). The overlap in the sign regulations relating specifically to Chinatown signs is an unnecessary additional complexity and apparently could be eliminated by striking the proposed 13 DCMR 501.1(b) (which already appears in the general Chinatown regulations at 10B DCMR 2401.1), and substituting for it: “Documents and information required by 10B DCMR 2401.1.”

500 APPLICABILITY

500.1 This chapter governs signs on buildings or land within Chinatown, being that area bounded by Mount Vernon Square, Massachusetts Avenue, NW, 5th Street, NW, G Street, NW, and 8th Streets NW, as defined by Title 10-B DCMR, Chapter 24.

500.2 Signs in Chinatown shall be subject to the review and recommendations of the OP and, where applicable, HPO and HPRB.

500.3 Proposed sign location and design shall be reviewed and evaluated by the OP, the Chinatown Steering Committee, and other relevant agencies, against the principles, standards, and design guidelines in Title 10-B DCMR, Chapter 24 and this chapter.

500.4 This chapter does not apply to federally owned properties within Chinatown.

501 PERMITTING AND ENFORCEMENT OFFICIALS

501.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this chapter shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

501.2 OP shall also have enforcement authority with respect to signs subject to this chapter.

The anomaly of designating both OP and the director of either DDOT or DCRA as having enforcement authority should be cleared up, perhaps by striking 501.2. While under the proposed and existing regulations OP is the primary reviewing agency, it is not clear in what sense OP is in a position to act as an enforcing authority.

502 PERMIT REQUIRED

502.1 Signs in Chinatown shall require a permit, except signs exempted under § 202.1.

503 PERMIT APPLICATION PROCESS

503.1 An application for a sign permit under this chapter shall be made in the form and with the supporting documentation required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property. Applications for signs in Chinatown shall also include:

- (a) A statement setting forth the historic preservation constraints on Chinese design character and how Chinese design character has been accommodated within those constraints to achieve an appropriate balance between potentially competing objectives; and
- (b) A statement setting forth the relationship of the proposed sign to the objectives of the *Chinatown Design Guidelines Study Report*.

503.2 An applicant for a sign permit shall obtain review of the proposed sign by OP and HPRB or HPO, as applicable, and obtain evidence of any necessary HPRB and OP approval pursuant to procedures established by HPRB and OP.

503.3 The permitting official shall not approve a permit for a sign subject to OP or HPRB or HPO review without these agencies' review and approval. Upon receipt of the permit application, OP and the HPRB or HPO, as applicable, shall review the application and take appropriate action.

503.4 If the application is consistent with standards and guidelines that apply to the particular location, OP and HPRB shall clear the application for issuance.

503.5 OP and HPRB shall return the application to the applicant within three (3) business days after clearance. Each agency shall provide the applicant with a report indicating that the application has been cleared.

503.6 If either OP or HPRB, as applicable, does not clear the application for issuance, the relevant agency shall notify the applicant within three (3) business days of this decision.

CHAPTER 6: SIGNS ON PUBLIC SPACE

This chapter is a lengthy and detailed set of rules governing temporary and permanent signs in public space, both those erected on “fixtures” (e.g. light or electricity poles) and those resting on or fixed in the ground (e.g. A-frame sidewalk signs, bulletin signs typically used by churches). The existing regulations in DCMR dealing with signs in public space are fairly skimpy. 12A DCMR contains at least six such provisions: requiring permits for such signs (N101.7.8), prohibiting carrying signs on public space (with certain exceptions such as picketing signs) (N101.7.9), allowing signs on WMATA vehicles in public space (N101.7.10), allowing temporary street decorations (N101.6.6.2), and regulating the projection into public space of “banner signs and flags” (all of which are to be repealed as part of the repeal of 12A DCMR N101.A). The one provision to be found in 24 DCMR (Occupation and Use of Public Space) dealing with signs in public space (24-107.8, regarding holiday banners, ornaments or lights) is also to be repealed. (See sections II and III and the very end of the Notice of Proposed Rulemaking.)

On its face, this Chapter seems to have done a commendable job than Chapters 4 and 5 of bringing together in one place almost all of the substantive and procedural rules governing the topic; where necessary, repealing existing regulations on the same topic; (apparently) elevating existing agency practices to the status of codified regulation; and clearly informing the user as to what additional rules must be consulted.

*However, a caveat: We have not yet been able to identify any existing legislative or regulatory provisions covering this subject beyond those mentioned above. It seems likely that some of the proposed rules are reflected currently only in DDOT policy. (The DDOT website, in providing rules on applying for permits for banners on public space, cites “DDOT policy” as one source). **Both the first and second Notices of Proposed Rulemaking are unfortunately devoid of any information as to whether a given section is carried forward from an existing provision, carried forward with modification, or new. Consequently it is often difficult, and in some cases impossible, to determine how much new policy is being made by the proposed regulations and how much existing policy is being altered or abandoned, and thus to arrive at a comprehensive evaluation of the proposed regulations.***

600

APPLICABILITY

600.1

This chapter shall govern all signs on public space in the District, except those excluded under § 101.1. Where applicable, signs on public space are also subject to Chapters 3 – 5.

We previously recommended that a definition of “public space” be added to Chapter 99 below, and that has been done.

600.2 Signs on private property that project more than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists, into public space shall be governed by this chapter.

601 PERMITTING AND ENFORCEMENT OFFICIALS

601.1 The permitting official responsible for issuing permits for signs on public space shall be the Director of the District Department of Transportation (DDOT). The enforcement official responsible for enforcing the provisions of this title for signs on public space shall be the Director of DDOT. The Director of the Department of Public Works (DPW) shall also have enforcement authority for violations of §§ 606.1 through 606.7 and 607.

602 PROHIBITED SIGNS

602.1 Commercial **billboard** signs are prohibited on public space, public buildings, public structures, and public fixtures, including benches, furniture, art, trash receptacles, planters, and other objects on public space, ~~except as specifically allowed by this chapter or as consented to in writing by the permitting official and a District government entity with jurisdiction over the public space, public building, public structure or public fixture.~~

This provision did not appear in the previous draft. This grants broad new powers to agencies to do whatever they please. Permissive language should be removed as indicated above.

603 PERMIT REQUIRED

603.1 All signs on public space shall require a permit except temporary signs governed by § 607.8 and those exempted under § 202.1.

603.2 Any illuminated sign, including a digital sign, shall require a separate electrical permit and shall comply with the luminance standards in § 723.

603.3 Permits for all types of billboards or on-premise banners shall be valid for no longer than six (6) months. Permits for permanent signs shall be valid for the life of the sign.

This means that the Verizon Center and other so-called “entertainment district” signs could be replaced and thus have an indefinite right. There should be a stringent provision to review violations: 2 violations of any sort and the billboards must be removed at the expense of the owner.

604 PERMIT APPLICATION PROCESS

604.1 An application for a permit under this chapter shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the applicant(s) and the adjacent property owner(s) or their authorized agents, where applicable;
- (b) The size of the sign, the location where the sign will be displayed, and whether the sign will be illuminated; and
- (c) Any other material required by this title, DDOT, or the Public Space Committee.

604.2 In addition to the permit application requirements stated in § 604.1, an applicant for a sidewalk sign permit shall:

- (a) Demonstrate that the applicant is the owner or authorized agent of the business where the sign will be displayed; and
- (b) Provide design specifications showing that the sign complies with the standards stated in § 608.

“Sidewalk” has replaced “freestanding” in the previous draft, without apparent substantive change in the applicable rules.

604.3 In addition to the permit application requirements stated in § 604.1, an applicant for a banner permit shall:

- (a) Send a copy of all proposed banners electronically to the permitting official;
- (b) Provide banner design, mounting hardware specifications, and décor rigger information showing that the sign complies with the standards stated in § 609;
- (c) Submit an Application to Install Electric Wiring in Public Space and a public space electrical permit if electrical service is required.
- (d) Secure an agreement with the electric supplier for energy use and present it with the application;

- (e) Provide a site map or plan showing the location of poles, including pole numbers, if the applicant proposes to mount banners on lamp posts; and
- (f) Show proof of insurance to indemnify the District for property damage and personal injury resulting from the installation or removal of the banners.

604.4 In addition to the permit application requirements stated in § 604.1, an applicant for a permanent sign permit shall:

- (a) Demonstrate that the applicant is the owner or authorized agent of the property adjacent to where the sign will be displayed; and
- (b) Provide design specifications showing that the sign complies with the standards stated in § 610.

604.5 An applicant for a permit for a permanent sign on public space shall obtain the approval of the Public Space Committee for the proposed sign and provide evidence of this approval, including a Public Space Committee authorized signature, with the application.

In the previous draft (§604.1) the DDOT director was required to refer any applications for permanent signs to the Public Space Committee, after which the applications would come back to the Director for approval. Now the applicant will be required to get the Committee's signoff before submitting the application to the Director, which seems the more sensible procedure.

605 ACTION ON A PERMIT APPLICATION

605.1 If an applicant submits an application to the permitting official without evidence of prior approval by other applicable agencies, the permitting official shall reject the application as incomplete.

605.2 The permitting official shall approve or deny the application within thirty (30) days of receipt of a complete application.

606 GENERAL REQUIREMENTS AND RESTRICTIONS

Most of the material in this section appeared in §610 of the previous draft.

606.1 Signs placed on public space shall not reduce the clear pedestrian path to less than ten feet (10 ft.) in the Central Business District as defined in 18 DCMR § 9901 nor to less than seven feet (7 ft.) in all other areas of the District. The clear pedestrian path shall be a continuous section of sidewalk running parallel to the curb.

- 606.2 It shall be unlawful to display a sign directly on a sidewalk or a public building in any manner whatsoever without the permitting official's express written consent or the written consent of another District government entity with jurisdiction over the sidewalk or public building. This includes projecting images or shadows on the sidewalk or public building or the use of lenses or reflectors.
- 606.3 It shall be unlawful to deface any public building or any structure or fixture on public space by use of lime, mortar, paint, ink, adhesive, chemical, chisel, or any other material or device.
- 606.4 It shall be unlawful to mark, paint, or engrave a sidewalk, roadway, curb, or any other surface on public space.
- 606.5 Unless permitted by these regulations or the permitting official, it shall be unlawful to attach any guy-wire, rope, chain, or other object to a fixture on public space for the purpose of displaying a sign.
- 606.6 It shall be unlawful for any person, other than an employee or agent of the District, to climb or use any tool or equipment to scale a fixture on public space, without a permit.
- 606.7 It shall be unlawful to display material on any tree or in any tree box on public space except:
- (a) The Metropolitan Police Department (MPD) may display signs in the interest of public safety or crime investigation outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space;
 - (b) Emergency No Parking or Reserved Parking signs may be displayed as authorized by the permitting official; and
 - (c) Temporary road work signs authorized by the permitting official may be displayed outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space.
- 606.8 Any sign displayed on a tree in accordance with § 606.7 shall be affixed in a manner that does not puncture, strip, or otherwise harm the bark of the tree. Nailing, stapling, tacking, pasting, or similarly affixing a sign to a tree on public space is prohibited. The use of flagging ribbon or tape is permissible. Signs shall not be affixed to trees along federal aid highways.

- 606.9 No sign shall be affixed to the front or rear face of a traffic control sign as defined in the Manual of Uniform Traffic Control Devices (MUTCD) or on any part of a traffic signal light or pole.
- 606.10 All signs shall be maintained in a structurally sound condition. Any sign that is unsafe or not properly maintained shall be subject to removal.
- 606.11 No sign shall be allowed on public space that pictorially represents the commission of or the attempt to commit a crime or depicts nudity (male or female genitals, pubic areas or buttocks with less than a fully opaque covering, female breasts with less than a fully opaque covering on any part of the areola or nipples, or the covered genitals in a discernibly turgid or other recognizable state) or sexual intercourse or other sexual act.
- 606.12 The following signs and sign locations are prohibited:
- (a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic;
 - (b) Except as provided for elsewhere in this chapter, signs encroaching upon or overhanging a public right-of-way;
 - (c) Signs, including those that blink or flash, that resemble traffic safety signs or lights, or municipal vehicle warnings from a distance;
 - (d) Portable signs except as allowed in Section 608; and
 - (e) Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this paragraph, "temporarily" means no more than twenty-four (24) hours before an event or twenty-four (24) hours after the event and no more than twenty (20) days in any calendar year.

607 TEMPORARY SIGNS ON PUBLIC SPACE

- 607.1 It shall be unlawful to display a temporary sign on public space, except as provided in this section.
- 607.2 No temporary sign that publicizes the sale of goods or services shall be displayed on public space.
- 607.3 A temporary sign that is not prohibited by § 607.2 may be displayed on public space or affixed to a public lamp post for no more than one hundred eighty (180) days.

- 607.4 A sign related to a specific event shall be removed no later than thirty (30) days following the event to which it is related. This subsection does not extend the time limit in Subsection 607.3.
- 607.5 Signs allowed under this section shall not be displayed in a public parking by anyone other than an owner, authorized agent, or occupant of the adjacent building.
- 607.6 Temporary signs authorized by § 607.3 shall:
- (a) Be no larger than six square feet (6 sq. ft.);
 - (b) Be affixed or displayed securely to avoid being torn or disengaged by normal weather conditions;
 - (c) Not be affixed by adhesives or by any other method that is likely, either in the installation or removal, to damage the fixture;
 - (d) Not block or actively interfere with any portion of the pedestrian or vehicular public right of way; and
 - (e) Comply with § 606.1.
- 607.7 No more than three (3) versions or copies of a temporary sign shall be displayed on one (1) side of a street within one (1) block. Temporary signs in a public parking that are displayed by an owner or occupant of the adjacent building are not subject to this restriction.
- 607.8 Temporary signs authorized by § 607.3 that are not subject to review by the Commission, OP, the HPRB or HPO, CFA, or the Chinatown Steering Committee do not require a permit. Each of these signs shall contain the date upon which it was initially displayed on public space.
- 607.9 Temporary construction signs may be displayed, under permit, on public space on temporary barricades, covered walkways, construction offices, and public space between the building line and such structures.
- 607.10 Temporary construction signs may give the name and address of the engineers, architects, contractors, and financing institutions, and identify the project or purpose of the building. On a covered walkway they may indicate the entrance to a business that is operating during construction.
- 607.11 The total area of temporary construction signs shall be a maximum of two square feet (2 sq. ft.) for each foot of street frontage of the lot, with a maximum area of forty square feet (40 sq. ft.) for a property within a Residential District and two hundred square feet (200 sq. ft.) for a property

within any other district. An additional five square feet (5 sq. ft.) of sign area shall be permitted on barricades or covered walkways to identify each adjoining premises or business.

607.12 Temporary directional signs indicating the holding of an event at a particular location may be displayed without a permit; provided that these signs are:

- (a) Six square feet (6 sq. ft.) or less;
- (b) First posted on the day of the event; and
- (c) Removed within twenty four (24) hours after the event concludes.

608 SIDEWALK SIGNS ON PUBLIC SPACE

608.1 It shall be unlawful to place a sidewalk sign on public space without a permit.

608.2 Permits shall be issued only for valet parking signs and signs authorized under §§ 608.3 and 608.6.

608.3 The owner, occupant, or authorized representative of a business premises with a sidewalk sign permit may, during the time the establishment is open for business, use the space in front of the building for the display of one (1) sidewalk sign.

608.4 A sidewalk sign shall:

- (a) Be secured from blowing over in inclement weather either by attachment to the building, by weight at the bottom, or by another method;
- (b) Not be attached to the sidewalk or any other structure or fixture on public space by post, pole, chain, or any other method; and
- (c) Be placed only in one (1) of the following locations:
 - (1) Up to three feet (3 ft.) from the building wall;
 - (2) On a paved sidewalk area up to two feet (2 ft.) from the front face of the roadway curb and at least five feet (5 ft.) from any marked cross walk, curb ramp, alley or driveway; or
 - (3) For a business with a sidewalk café, inside the perimeter of the café.

- 608.5 Signs displayed under § 608.3 shall:
- (a) Be no larger than six square feet (6 sq. ft.);
 - (b) Be no taller than forty-two inches (42 in.), including the height of any post or stand used to display or secure the sign;
 - (c) Be no wider than twenty six inches (26 in.);
 - (d) Advertise only those goods, wares, merchandise, or services provided within the establishment; and
 - (e) Comply with § 606.1.

608.6 Sidewalk signs indicating the location of parking facilities for patrons of a business are allowed on public space under permit, subject to the restrictions of this section; provided they are no larger than ten square feet (10 sq. ft.).

608.7 Sidewalk signs indicating the location of a public market may be displayed on public space without a permit during the time of the operation of the public market, subject to the restrictions of this section.

609 BANNERS ON PUBLIC SPACE

609.1 No banner shall be displayed on public space without a permit. Banners attached to private property that extend over public space must be approved by both the Department of Consumer and Regulatory Affairs (DCRA) and DDOT. *(Rewrite in active voice.)*

609.2 Banners shall not extend over public space more than forty-two inches (42 in.), or be maintained less than fourteen feet (14 ft.) above public space or a public parking.

609.3 The permitting official may issue a permit to erect a banner, ornament, or set of lights between lamp posts or across a street or avenue between buildings or lamp posts; provided, that these objects do not obstruct the free passage of pedestrian or vehicular traffic.

609.4 It shall be unlawful to attach any electrical wiring, lighting, banners, or other similar objects to trees on public space.

609.5 Supports for banners shall be rigid. Banners shall be installed by trained and insured installers. *(Rewrite in active voice.)*

609.6 Banners shall be non-commercial and shall serve a public, civic, cultural, neighborhood or community interest.

- 609.7 Sponsor logos may occupy up to ten percent (10%) of the lower portion of a banner.
- 609.8 Supports for pendant poles, as defined in the Standard Specifications for Highways and Structures, shall have a minimum of sixteen feet (16 ft.) of clearance from the bottom of the lower arm to the bottom of the banner.
- 609.9 Mounting hardware shall be made of corrosion-resistant material.
- 609.10 All electrical work shall comply with Chapter 12 of this title and the D.C. Electrical Code Supplement, Title 12-C DCMR;
- 609.11 For Twin 20 street light poles, as defined in the Standard Specifications for Highways and Structures, a banner shall not exceed:
- (a) Two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) of clearance from the bottom of the banner if located on the pedestrian walkway side of the pole; or
 - (b) One and one half feet (1.5 ft.) wide by three feet (3 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) of clearance from the bottom of the banner if located on the roadway side of the pole.
- 609.12 For #18 street light poles, as defined in the Standard Specifications for Highways and Structures, the banner shall not exceed:
- (a) Two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) of clearance from the bottom of the banner if located on the pedestrian walkway side of the pole; or
 - (b) One and one half feet (1.5 ft.) wide by two feet (2 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) of clearance from the bottom of the banner if located on the roadway side of the pole.
- 609.13 For #16 street light poles, as defined in the Standard Specifications for Highways and Structures, the banner:
- (a) Shall not exceed two feet (2 ft.) wide by two and one half feet (2.5 ft.) high and shall have an absolute minimum of eleven feet (11 ft.) of clearance from bottom of the banner if located on the pedestrian walkway side of the pole; and
 - (b) Shall not be attached on the roadway side of this type of pole.
- 609.14 Banners shall not be attached to fiberglass poles.

- 609.15 The owner of a permitted banner shall notify the permitting official when the banner has been removed. If, upon inspection, there is damage to one (1) or more poles, the District shall repair the damage and the owner shall pay the cost of repairing the damage.
- 609.16 The owner of a permitted banner shall follow a traffic control plan approved by the permitting official for the use of curb space during banner installation. No work may take place in travel lanes during rush hours.
- 609.17 The owner shall remove a banner that is torn, damaged, or badly faded within forty-eight hours (48 hrs.) after the permitting or enforcement official provides notice to the owner of the banner's unacceptable condition.

610 PERMANENT SIGNS ON PUBLIC SPACE

- 610.1 It shall be unlawful to display a permanent sign on public space, except as authorized by this section.
- 610.2 Except as provided in § 202.1, permanent signs displayed on public space shall require a permit. Permanent signs on public space are subject to the review and approval of the Public Space Committee.
- 610.3 Bulletins may be displayed on public space under permit; provided they:
- (a) Announce non-commercial events that are open to the public or provide non-commercial information of general interest;
 - (b) Are located on a public parking;
 - (c) Do not exceed twenty square feet (20 sq. ft.);
 - (d) Are supported on posts or pilasters or included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign; and
 - (e) Comply with the luminance standards in § 723 if the bulletin uses illumination.

As we previously recommended, a definition of "monument sign" should be added to Chapter 99 below.

610.4 Public facility signs, such as signs and nameplates for public schools, libraries, recreation centers, and parks, may be displayed on public space under permit and subject to the following conditions:

- (a) The text of the sign is limited to the name of the facility and street number;
- (b) The sign faces the street or streets upon which entrances to the facility are located; and
- (c) The area of the sign does not exceed forty square feet (40 sq. ft.) or, if displayed at an entrance driveway, the sign is not more than six square feet (6 sq. ft.).

610.5 Neighborhood signs that promote neighborhood identity and are sponsored by non-government organizations may be displayed on public space under permit and subject to the following conditions:

- (a) The signs are located at the boundaries of a neighborhood;
- (b) No more than four (4) signs are displayed for each neighborhood;
- (c) The signs are either twenty-four inches (24 in.) by twenty-four inches (24 in.) or forty inches (40 in.) by seventy-two inches (72 in.); and
- (d) The signs are supported by posts or pilasters or are included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign.

610.6 Signs denoting Historic Districts may be displayed on public space under permit. These signs shall be of a design approved by the HPO.

610.7 Signs for a school, college, hotel, philanthropic institution, non-profit organization, hospital, residential care facility, or place of worship may be displayed on public space under permit. These signs shall be limited to a total area of forty square feet (40 sq. ft.).

610.8 When approved by the permitting official and the Public Space Committee, a nameplate or nameplates may be displayed on the public parking at entrance driveways. No plate shall be more than six square feet (6 sq. ft.). The area of the nameplates shall not be counted toward the limits on total sign area specified in § 610.7.

611 SIGNS ON VEHICLES

- 611.1 Unless otherwise specifically allowed by §§ 611.4 through 611.7, no sign that relates to the sale of goods or services shall be transported over public space, except signs displayed on motor vehicles that advertise the *bona fide* business of the owner.
- 611.2 The prohibition stated in § 611.1 shall include any sign attached to, or placed on, a vehicle or trailer parked on public space, except where:
- (a) The primary purpose of the vehicle or trailer is not the display of signs;
 - (b) The signs are magnetic decals, or painted upon an integral part of the vehicle or equipment;
 - (c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, when applicable, and actively used or available for use in the daily function of the business to which the signs relate; and
 - (d) The vehicles or trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter, or distribution points for commercial products or services for the general public.
- 611.3 No digital sign or full motion video sign shall be affixed to any part of a motor vehicle.
- 611.4 Bumper stickers are allowed.
- 611.5 Commercial advertising on the rear and side exteriors, or entire exterior surfaces of Metrobus public transit vehicles under the control and operation of the Washington Metropolitan Area Transit Authority, or other publicly owned transit vehicles under the control and operation of a public transit agency, may be displayed subject to the following conditions:
- (a) No advertisement shall be displayed that violates this title or any other District or federal law; and
 - (b) The rear and side exterior advertising space on at least ten percent (10%) of the total number of Metrobus vehicles available for public transit operations shall be reserved for free public service announcements and advertisements regarding community, art, cultural, educational, or similar events.
- 611.6 Commercial advertising may be displayed on D.C. Circulator vehicles and other assets pursuant to an agreement with the permitting official.

611.7 Commercial advertising may be displayed on pedicabs and other non-motorized vehicles; provided that such advertising signs shall not:

(a) Extend past the frame of the vehicle; or

(b) Obstruct or interfere with any safety devices.

12A DCMR N101.7.12 et seq. allows commercial advertising on taxicabs, and presumably should be carried forward here in the interest of completeness of the proposed new Title 13.

611.8 Unless otherwise specifically allowed by § 611.8 (a) and (b), no sign that relates to the sale of goods or services shall be transported over the waterways.

(a) A sign advertising a business conducted on, or products sold on a vessel may be displayed on the exterior of the vessel if the sign is no greater than ten square feet (10 sq. ft.) in area.

(b) No more than two (2) signs, ten square feet (10 sq. ft.) or less in area may be used on any vessel. The signs shall be displayed with one (1) sign on the port side and one (1) sign on the starboard side of the vessel.

CHAPTER 7: SIGNS ON PRIVATE PROPERTY

700 APPLICABILITY

700.1 This chapter shall govern the display of signs on private property. Where applicable, signs on private property are also subject to Chapters 3 – 5.

700.2 The following signs are not subject to this chapter except as expressly stated:

(a) Interior signs expressly regulated by the D.C. Construction Codes, 12 DCMR, including, but not limited to, accessibility, capacity and egress signs;

(b) Required street number displays and street sign specifications that comply with the D.C. Building Code Supplement, 12-A DCMR § 118 and the D.C. Property Maintenance Code Supplement, 12-G DCMR § 304.3;

- (c) Real Estate Signs (Chapter 8);
- (d) Designated Entertainment Areas (Chapter 9);
- (e) Special Signs (Chapter 10); and
- (f) Billboards (Chapter 11).

700.3 Where a Board of Zoning Adjustment or Zoning Commission order imposes more stringent sign requirements on a specific use or occupancy, the terms of the order shall take precedence over this chapter.

We have identified at least 19 provisions in the Zoning Regulations that make reference to signs, either by prohibiting a sign, permitting a sign, or indicating that the Board of Zoning Adjustment may establish conditions regarding signage in particular cases. This section 700.3, together with § 707.6 below, sets the order of precedence between the proposed DCMR Title 13 and a BZA or ZC order, but not between Title 13 and Title 11 – the Zoning Regulations. We think that it should do so unless an analysis of the relevant Zoning provisions discloses no existing or likely future conflict between the two Titles.

Ideally a person considering erection of a sign on private property would be able to find, in the sign regulations, references to all provisions relevant to his or her proposed sign. The current proposed regulations contain some such references, but we would recommend that all such references be included.

Several sections in this chapter apply to signs erected wholly or partly in public as well as private space (e.g. 706.3, 706.6, 708.7 708.9), and to this extent should be incorporated by reference or otherwise into Chapter 6.

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700.4 Permits for signs on private property shall be subject to the administrative and enforcement provisions of Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR; provided that, if a conflict arises between the provisions of the D.C. Building Code Supplement and this title, this title shall take precedence.

700.5 Signs on private property shall be maintained in accordance with the D.C. Property Maintenance Code Supplement and this title; provided that, if a conflict arises between the D.C. Property Maintenance Code Supplement and this title, this title shall take precedence.

701 PERMITTING AND ENFORCEMENT OFFICIALS

701.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

702 PROHIBITED SIGNS

702.1 Commercial signs on private property containing off-premises advertising are prohibited.

702.2 The following signs and sign locations are prohibited:

- (a) Signs located in a manner that obstructs or otherwise interferes with an official traffic sign, signal or device, or obstructs or interferes with a driver's view of approaching, merging or intersecting traffic;
- (b) Except as provided for elsewhere in this title, signs encroaching upon or overhanging a public right-of-way; and
- (c) Signs, including those that blink and flash, that resemble traffic safety signs or lights, or municipal vehicle warnings from a distance.

703 PERMIT REQUIRED

703.1 No sign on private property shall be displayed without a permit unless exempted by § 202.1 or this chapter.

703.2 Any sign that will be illuminated, including a digital sign, shall require a separate electrical permit and shall comply with the luminance standards in § 723.

704 PERMIT APPLICATION PROCESS

704.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign company and property owner(s) or their authorized agents;
- (b) The size of the sign, the location where the sign will be displayed, the dimensions of the premises and whether the sign will be illuminated;
- (c) The documents and other materials required under Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR, that are required for a building permit authorizing the construction of the sign; and
- (d) Any additional information or documentation required by the permitting official.

The following material in this section is new. Its primary message is that authorization to display a sign on private property entails both a sign permit and a construction permit. This raises a couple of questions: Are there not signs of such simple composition that they could not properly be regarded as “structures” within the meaning of the Chapter 1 of the Construction Codes Supplement and so would not require a building permit? And where a construction permit is required, should not DCRA seek to devise a scheme by which both the construction and the sign authorizations could be sought and granted in a single transaction pursuant to a single permit application?

- 704.2 A permit application to authorize the display of a sign on private property shall be submitted separately from and in addition to an application to authorize construction or alteration of a building on which the sign will be displayed.
- 704.3 Signs indicated on a building permit application shall not be reviewed or approved during processing of the building permit application, and shall not be deemed approved by the issuance of the building permit.
- 704.4 A sign permit separate from the building permit is required to display the sign and to engage in any construction or other work necessary to display the sign.
- 704.5 A permit to authorize a sign related to a new building or an existing building undergoing alteration shall not be granted until after the building permit for the building’s construction or alteration has been issued.
- 704.6 Where an application filing deposit for a sign permit has been paid before the effective date of this title pursuant to Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR, the application shall be processed under the regulations in effect on the date the application was filed.
- 704.7 Work authorized by a permit issued pursuant to § 704.6 may be carried to completion, subject to the following conditions:
- (a) The application shall have been accompanied by plans and other information sufficient to allow processing of the permit without substantial change or deviation;
 - (b) The permit fee shall be paid in full and the permit obtained by the applicant within three (3) months after the effective date of this title;
 - (c) All work authorized by the permit shall comply with the terms of the permit; and

- (d) A permit granted under this section shall not be extended if it expires or is revoked as provided in Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR.

705 ACTION ON A PERMIT APPLICATION

705.1 The permitting official shall review and approve or deny the sign permit application within thirty (30) days of submission of a complete application.

705.2 An application for a sign permit is complete when:

- (a) All information and documents required by § 704.1 are filed and all required fees are paid; and
- (b) The application contains any necessary approvals of the sign by the Commission, the HPRB or HPO, OP, and the Chinatown Steering Committee, as applicable.

705.3 The permitting official shall reject a permit application at the time of filing if the application is incomplete.

705.4 If deficiencies in the application are discovered during processing, the permitting official shall, if reasonably feasible, give the applicant an opportunity to correct the deficiencies prior to taking action to approve or reject the application.

705.5 The time frames included in this chapter shall not apply until the application is complete.

705.6 If the application does not satisfy the requirements of this title and the D.C. Building Code Supplement, the permitting official shall deny the application in accordance with the procedures in Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR.

705.7 All permits authorizing the construction of a sign shall expire in accordance with 12-A DCMR § 105.5 of the D.C. Building Code Supplement. Extension of permits shall be governed by 12-A DCMR § 105.5.1.

705.8 Where a sign is constructed and displayed under a valid permit and a certificate of inspection is obtained in accordance with § 706, no further authorization is required to display the sign, unless bi-annual renewal of the certificate of inspection is required pursuant to § 706.5.

§ 704.5 of the previous draft provided that “All permits shall be valid for one (1) year, unless otherwise noted on the permit.” What is now proposed is that, except for those covered by § 706.5 below, a sign once permitted would

(or could) be permanently authorized. While this obviously would reduce the workload of all concerned, we believe it is unwise to thus permanently immunize such signs from any required further scrutiny by the District or the application to them of future regulation. We recommend that a one- or at most two-year limit be reinstated.

705.9 Where a sign is displayed pursuant to a permit, and the sign is damaged or otherwise requires repair or replacement, the permit holder shall apply for a new permit, unless repair of the sign is an ordinary repair not requiring a permit pursuant to the D.C. Building Code Supplement, 12-A DCMR § 105.2.2.

706 **CERTIFICATE OF INSPECTION**

706.1 The permit holder shall obtain a final inspection of a sign requiring a permit from the permitting official to verify that the work complies with the permit.

706.2 The permit holder shall provide the permitting official with at least two (2) business days advance notice of the final display of the sign and request a final inspection within this two (2) business day period.

706.3 If the work complies with the permit upon final inspection, the permitting official shall issue a certificate of inspection approving the sign.

706.4 The most current certificate of inspection shall be available for inspection by the enforcement official on the premises where the sign is located, or such other location as the enforcement official may approve.

706.5 Owners of signs in the following categories shall bi-annually submit to the permitting official a request for renewal of the applicable certificate of inspection:

- (a) Special Signs;
- (b) Billboards;
- (c) Signs within a Designated Entertainment Area;
- (d) Permanent commercial signs advertising goods or services; and
- (e) Illuminated and digital signs.

706.6 The permitting official may require the owner of a sign subject to § 706.5 to certify, as a condition of bi-annual renewal of the certificate of inspection, that there has been no alteration of the sign.

707 GENERAL REQUIREMENTS AND RESTRICTIONS

- 707.1 No sign shall be displayed on private property unless the sign advertises a *bona fide* business lawfully conducted on the premises, except for non-commercial signs pursuant to § 708.
- 707.2 When a sign advertises a business on the premises and the business is discontinued, the property owner shall immediately remove the sign, subject to the issuance of any required DCRA demolition permit.
- 707.3 Every sign shall be subject to inspection by the permitting and enforcement official. The permitting and enforcement official may enter any premises at any reasonable time to inspect a sign to determine whether it complies with a sign permit or the provisions of this title.
- 707.4 All signs shall be maintained in a structurally sound condition. Any sign that is unsafe or not properly maintained shall be subject to repair or removal, as applicable, pursuant to the D.C. Property Maintenance Code Supplement, Title 12-G DCMR, and the provisions of this title

As we noted in our previous comments, this provision appears to carry forward, in severely weakened form, 12 DCMR N101.13, Dangerous Signs. That provision places an affirmative duty on the code official to order the sign to be “taken down, removed, or made safe”, and places an affirmative duty to comply on the “owner, occupant, agent, or person having the beneficial use” of the premises. The proposed new provision should be amended so as to do the same.

705.6

- 707.5 All signs displayed without a required permit shall be subject to removal, and to other applicable remedies and penalties, pursuant to the enforcement provisions of Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR, and the Civil Infractions Act.
- 707.6 For buildings or premises approved by the Board of Zoning Adjustment or Zoning Commission, the total area of signs and other sign restrictions for the building or premises shall not exceed the lesser of the limits prescribed in this chapter or any other more restrictive limitations imposed by the Board of Zoning Adjustment or Zoning Commission.

708 NON-COMMERCIAL SIGNS

- 708.1 Non-commercial signs may be displayed without a permit on private property by the owner or occupant of the property, provided, that the sign:

- (a) Is not more than ten square feet (10 sq. ft.) in area;
- (b) Does not use electricity; and
- (c) Does not require approval by the Commission, HPRB or HPO, OP, or the Chinatown Steering Committee.

708.2 Non-commercial signs that exceed ten square feet (10 sq. ft.) in area shall require a permit to confirm compliance with the structural requirements in Chapter 12.

709 TEMPORARY SIGNS ON PRIVATE PROPERTY

The corresponding provision in the previous draft (§706) limited the signs allowed to four types: sales or leasing, directional, business identification and project identification, without size limitation, plus non-commercial signs on residential property not larger than twenty square feet. By contrast, this provision (§709) in the current proposal would allow any commercial sign on any private property, with a size limitation of 6 square feet (slightly less than 2.5' x 2.5') and a time limit of 180 days. (Temporary construction signs would be dealt with in separate provision, §721 below.).

Proposed §709, together with §720.1 below (which authorizes temporary signs on residential property as well as certain permanent non-commercial signs), would thus authorize commercial signs on residential property for up to nearly six months at a stretch. We see no reason to abandon the restriction of temporary signs on residential property to non-commercial signs, and urge that that limitation be restored.

709.1 It shall be unlawful to display a temporary commercial sign on private property, except as provided in this section.

709.2 A temporary commercial sign may be displayed on private property without a permit for no more than one hundred eighty (180) days, provided that the sign does not use electricity and does not require approval by the Commission, HPRB or HPO, OP or the Chinatown Steering Committee.

709.3 Temporary commercial signs authorized by § 709.2 shall be no larger than six square feet (6 sq. ft.) and shall be affixed or displayed securely to avoid being torn or disengaged by normal weather conditions;

709.4 Each temporary sign authorized by § 709.2 shall contain the date upon which it was initially displayed.

- 709.5 Temporary directional signs indicating the holding of an event at a particular property may be displayed without a permit; provided that these signs are:
- (a) Six square feet (6 sq. ft.) or less;
 - (b) First posted within twenty-four (24) hours of the event; and
 - (c) Removed within twenty-four (24) hours after the event concludes.

710 BANNERS ON PRIVATE PROPERTY

- 710.1 Banners on private property shall require a permit unless they meet the requirements in §§ 709.2 and 709.3, or are non-commercial banners within the scope of § 708.
- 710.2 Banners that extend from private property over public space shall comply with § 711.
- 710.3 Banners shall not exceed the maximum size restrictions set forth in §§ 716 - 722.
- 710.4 Banners for the sale or lease of land or premises are governed by Chapter 8. *(Rewrite in active voice.)*
- 710.5 The supports for banners shall be installed so as to be rigid. Banners shall be firmly affixed at all corners to prevent movement with air currents.

711 PROJECTING SIGNS

This section carries forward 12A DCMR N101.7.5

- 711.1 Signs projecting beyond a lot line or building restriction line shall be allowed under permit when supported on iron or steel brackets and stayed securely or affixed in an approved equivalent manner, subject to the limitations imposed by this section.
- 711.2 No sign, banner or flag may project more than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists, into or above public space.
- 711.3 Hooded lights may be placed on projecting signs solely to illuminate the signs, subject to luminance standards in § 723, and provided that the hoods of the lights shall not project more than an additional six inches (6 in.).

- 711.4 No part of a projecting sign shall have less than eleven feet (11 ft.) of clearance above the surface of a sidewalk or any other space used by pedestrians, nor less than fifteen feet (15 ft.) of clearance above the surface of any driveway in public space.
- 711.5 No portion of a projecting sign shall extend over public space closer than eighteen inches (18 in.) from the curb lane. No sign, including illumination, shall project more than six inches (6 in.) beyond the lot line in a public alley.
- 711.6 Double-faced projecting signs on the front of buildings shall not extend above the roof or parapet a distance of more than one-third (1/3) of the height of the sign nor more than four feet (4 ft.). Such signs may return over the roof or parapet not over eighteen inches (18 in.) back of the face of the wall.
- 711.7 No sign attached to a building or installed on private property and projecting over public space shall be erected or hung so as to swing, sway, or revolve in any manner, except banners or flags.
- 711.8 Signs may be supported by canopies, marquees, porticos, and roofs of show windows constructed so as to safely support the weight of the sign or signs, in addition to the required snow and wind loads. These signs shall not extend more than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists.
- 711.9 Signs may be placed or painted on the vertical faces of valances, or on top of or hung from a canopy, marquee, portico, or awning if the sign designates only the street number of the premises and the name or trade name of the occupant or building.
- 712 *SIGNS ON ROOFS – STRIKE THIS SECTON. No rooftop advertising should be permitted on rooftops within the city. We oppose any rooftop advertising in the District of Columbia.***
- This section carries forward 12 DCMR N101.7.2.*
- 712.1 Signs on roofs are allowed, under permit and subject to the requirements of this chapter, if they meet the following conditions:
- (a) The top of the sign is not above the building height limit established by the Zoning Regulations or the Height Act (An Act To Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.)) for the zoning district or location in which the sign is located;

The reference to the statutory height limit, which may be lower than the zoning limit in the particular case, is essential.

- (b) The base of the sign is not less than six inches (6 in.) nor more than eighteen inches (18 in.) above the top of the roof parapet wall on which it is erected or affixed;
- (c) The height of the sign does not exceed half of the width of its base; and
- (d) The maximum area of the sign does not exceed one hundred square feet (100 sq. ft.) facing any one street frontage.

This provision in the previous draft had allowed the permitting official to authorize a larger size. That possibility has now properly been removed.

712.2 All roof signs shall be securely braced and fastened by an approved structurally sound method.

712.3 Roof signs shall not be erected or hung so as to swing, sway, or revolve in any manner.

712.4 Complete structural plans indicating roof construction, method of attachment, and sign framing shall be provided with all applications for permits for signs on roofs.

712.5 Variable message signs are prohibited on roofs.

713 FREESTANDING SIGNS

713.1 Freestanding signs are allowed, under permit and subject to the requirements of this chapter, if they meet the following conditions:

- (a) The sign and any supporting structure is located entirely on the land of the owner, and in back of the lot line or building restriction line, if one exists; and
- (b) The sign and its supporting structure complies with the structural requirements set forth in Chapter 12 and the aggregate maximum size limits set forth in §§ 716 - 722.

713.2 Only one (1) freestanding sign may be displayed per building street frontage. Freestanding signs may be two-sided.

713.3 Freestanding signs in Commercial, Industrial or Waterfront Districts are subject to the following conditions in addition to those stated in §§ 713.1 and 713.2;

- (a) The top of the sign, including its supporting structure, shall not exceed a maximum height of fifteen feet (15 ft.) above grade ROOF
- (b) The sign face shall not exceed two square feet (2 sq. ft.) per linear foot of the lot's street frontage for multi-use lots, or one and one-half square feet (1.5 sq. ft.) per linear foot for single-use lots; or
- (c) The supporting structure shall be located at least five feet (5 ft.) from the front lot line.

713.4 Freestanding signs in Residence, Mixed Use and Special Purpose Districts are subject to the following conditions in addition to those stated in §§ 713.1 and 713.2:

- (a) The sign face shall not exceed twenty square feet (20 sq. feet); and
- (b) The top of the sign, including its supporting structure, shall not exceed four feet (4 ft.) above grade.

The previous draft contained no section on "freestanding signs." It contained sections on "Wall Signs" and "Ground and Pole Signs" that have now been dropped.

714 VARIABLE MESSAGE SIGNS

*As a result of some changes in definitions in Ch. 99 since the previous draft, variable message signs (VMS's) are any signs with changing images or messages, including digital and full motion video signs. This largely new section 714 is designed to accommodate new digital technology, while stopping short of the full tech blowout allowed or proposed for "Designated Entertainment Areas", and is a **major escalation in the intrusiveness of commercial outdoor advertising allowed in the District.***

In the previous draft VMSs were limited to Commercial and Industrial zones, but now have been extended to Mixed Use and Waterfront zones as well – essentially anywhere present zoning allows matter-of-right commercial uses, but in some zones that allow residential uses. There is no restriction on off-premises advertising, as there is for the proposed DEAs. In short, it is a formula for proliferating highly intrusive, all-purpose electronic billboards through the city – albeit, for now, with slower, smaller, and less brilliantly lit digital signs than in the proposed DEAs (Ch. 9), where full

motion video is allowed. It would be the final nail in the coffin of the Districts' historic ban on billboards. While full motion video VMS's are excluded for the time being, this section would provide the first step in turning even neighborhood commercial districts all over the city into "little Verizon Centers."

All this would take place without review by interested residents, property owners, ANCs or others, and from the point of view of the sign industry constitutes a very large camel's nose under the tent.

The authors should strike this section.

- 714.1 Variable message signs, excluding full motion video signs, are allowed under permit in Commercial, Industrial, Waterfront and Mixed Use Districts when they are:
- (a) Located entirely upon the land of the owner;
 - (b) Not located within two hundred feet (200 ft.) of a Residence or Special Purpose District *or a residential unit*; and
 - (c) Not projecting beyond the lot line or building restriction line, if one exists.

Should this section 714 be retained in any form, the addition indicated above is essential, for as written it would allow variable message signs to be installed immediately adjacent to residential units, with the same adverse effects on residential use and enjoyment as Gallery Place signs imposed on apartment owners there.

- 714.2 Variable message signs that contain full motion video are prohibited in all Zoning Districts, except for Designated Entertainment Areas subject to the requirements in Chapter 9.
- 714.3 Variable message signs are prohibited on the roofs of buildings or structures.
- 714.4 Complete details of the erection and operation of variable message signs shall be submitted with the sign permit application.
- 714.5 The area of a variable message sign shall not exceed forty square feet (40 sq. ft.).
- 714.6 Variable message signs shall have not less than eight feet (8 ft.) clearance above the adjacent ground level and the total height of the sign above grade

shall not exceed twenty feet (20 ft.), except for free-standing signs which are subject to the height restrictions § 713.

- 714.7 For digital signs, the duration of each display shall not be less than eight (8) seconds and the transition time between messages shall not be greater than two (2) seconds.
- 714.8 During the message transition described in § 714.7, the sign shall not display any visible effects, such as action, motion, fading, dissolving, blinking, intermittent or flashing light or the illusion of such effects.
- 714.9 All variable message signs shall comply with the luminance standards in § 723.
- 714.10 No variable message sign shall be displayed if the permitting official determines that the sign location, size, or height above violates a specific standard in federal or District law, including 23 U.S.C. § 131, Control of Outdoor Advertising.

715 TRANSIT INFORMATION SIGNS

- 715.1 Transit Information Signs on private property are allowed and shall not require a permit if:
- (a) No more than ten percent (10%) of the screen contains commercial advertisements;
 - (b) The sign is not installed or constructed within an interior or exterior wall of a building; and
 - (c) The sign does not exceed six square feet (6 sq. ft.).

716 MAXIMUM SIZE OF SIGNS

- 716.1 Signs on private property subject to this chapter shall comply with the size restrictions and requirements in §§ 716 – 722.
- 716.2 The size restrictions and requirements in §§ 717 and 718 apply to signs in Commercial, Mixed Use, Industrial and Waterfront Districts, except for Residential Group R-2 buildings, *as defined in the D.C. Building Code Supplement, 12-A DCMR* which are subject to § 719. Signs in Residence and Special Purpose Districts are subject to § 720.

Unlike the corresponding provisions in the previous draft, this draft now utilizes the concept of “Residential Group R buildings or occupancies”, this

section being the first instance. The source of the concept in the Construction Code should be indicated here. The meaning and source of the term, as well as of the various subgroups of occupancies, should be given in a definition in Ch. 99 if not elsewhere, presumably by expanding the existing minimally informative definition of "Residential Group R".

716.3 Where this chapter requires the sign face area to be calculated as a percentage of the wall or façade of a building, the area of the wall or façade shall include the windows it contains.

716.4 Where 24 DCMR § 609 requires the posting of a schedule of automobile parking rates, a sign setting forth this schedule, not more than forty square feet (40 sq. ft.) in area, is permissible, in addition to the aggregate maximum sign areas otherwise allowed under §§ 716 through 722.

716.5 A permanent parking directional sign not more than six square feet (6 sq. ft.) in area indicating the location of parking facilities may be attached to a building under permit. This sign shall be in addition to the aggregate maximum sign areas otherwise allowed under §§ 716 through 722.

716.6 A permanent parking directional sign:

- (a) May be illuminated if an electrical permit is obtained;
- (b) Shall not contain advertising; and
- (c) Shall comply with the luminance standards set forth in § 723.

716.7 The area of any sign displayed on a marquee or awning, or any freestanding sign, shall be included in determining the total area of signs displayed on a lot.

716.8 For corner lots, or lots with more than one (1) street frontage, each frontage shall be measured separately for purposes of determining the aggregate maximum allowable sign area.

717 FIRST STORY SIGNS

717.1 The maximum aggregate sign area of all signs on the first story of a building, including wall, window, overhanging structure signs, and freestanding signs, shall not exceed two square feet (2 sq. ft.) per foot of building street frontage. When the building is located on a corner lot, each street frontage shall be calculated separately.

- 717.2 Wall mounted signs on the first story of a building shall be located no higher than twenty feet (20 ft.) above the sidewalk grade and shall not extend beyond either end of the wall on which the sign is erected.
- 717.3 When a retail business is located on the first story, the sign for that business shall be located within the limits of the business' street frontage, and the business shall be allowed maximum sign area of two square feet (2 sq. ft.) per linear foot of street frontage for that business.
- 717.4 In multi-story buildings with more than one (1) non-retail tenant located above the first story, signs at the lobby or entry level shall be permitted, no higher than twenty feet (20 ft.) above the sidewalk for such non-retail tenant(s) in lieu of signs above the first story to which the business would have been entitled under Table 718.1, subject to the building owner's permission. The aggregate maximum size of the additional signs permitted by this section shall comply with the provisions of Table 718.1 for signs above the first story.

718 FAÇADE SIGNS ABOVE THE FIRST STORY

- 718.1 The total area of all signs above the twenty foot (20 ft.) height specified in § 717.2 shall not exceed the limits set forth in Table 718.1 for each street frontage.

**TABLE 718.1
SIGNS ABOVE THE FIRST STORY
In Multi-Tenant, Multi-Story Buildings**

Area of Building Façade on Street Frontage <i>(Above the First Story)</i>	Aggregate Maximum Allowable Sign Area on Street Frontage <i>(Above the First Story)</i>
Up to and including 1600 sq. feet	40 sq. ft.
More than 1600 sq. feet, up to and including 4000 sq. feet	2.5% of façade area above 20 ft. height
More than 4000 sq. feet	2.5% of façade area above 20 ft. height

718.2 Where an entire building over one (1) story in height is occupied by one (1) business, store, or occupant, the total area of all signs on each street frontage, regardless of location above the sidewalk, shall not exceed the limits set forth in Table 718. 2.

**TABLE 718. 2
SIGNS ON SINGLE-OCCUPANT MULTI-STORY BUILDINGS**

Area of Building Façade on Street Frontage	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 4000 sq. ft.	100 sq. ft.
More than 4000 sq. ft.	2.5% of façade area

719 GROUP R-2 OCCUPANCIES

719.1 For Residential Group R-2 occupancies, regardless of the Zoning District in which they are located, signs shall be limited to the name and street number of the building. These signs shall only be permissible if they face the street or streets upon which entrances to the building are located.

719.2 Signs for Residential Group R-2 occupancies shall not exceed the limits in Table 719.1 for each building frontage. Notwithstanding § 716.7, signs placed on a marquee, canopy, or awning, as allowed under § 711.9, shall not be counted towards the area limitation specified in Table 719.1.

**TABLE 719.1
RESIDENTIAL GROUP R-2 SIGNS**

Street Frontage of Building (Linear feet)	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 45 ft.	4 sq. feet
Over 45 ft.	4 sq. feet plus 1 sq. foot for each additional 5 feet of the building's street frontage

719.3 Signs for the sale or lease of Group R-2 buildings or units within those buildings are governed by Chapter 8. (Rewrite in active voice.)

720 RESIDENCE AND SPECIAL PURPOSE DISTRICT LIMITATIONS

720.1 Signs in Residence Districts are prohibited, except for non-commercial signs (§ 708), temporary signs (§ 709), Group R-2 signs (§ 719), home occupation signs (§ 720.4), temporary construction signs (§ 721), and on-premise advertising signs for commercial activities lawfully conducted in a Residence District.

720.2 If an illuminated sign is authorized in a Residence or Special Purpose District, the sign shall be illuminated by steady white lighting only, and shall not exceed a maximum allowable luminance of fifty (50) nits. No variable message signs are allowed in a Residence or Special Purpose District.

720.3 For buildings or premises located in Residence or Special Purpose Districts, the total aggregate area of on-premise advertising signs on buildings or premises (not including Residential Group R-2 occupancies) shall not exceed the limits set forth in Table 720. 1.

**TABLE 720. 1
ON-PREMISE ADVERTISING SIGNS
IN RESIDENCE AND SPECIAL PURPOSE DISTRICTS**

Street Frontage of Building (Linear feet)	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 40 ft.	40 sq. ft.
Over 40 up to and including 100 ft.	1 sq. ft. per foot of street frontage
Over 100 ft.	100 sq. ft. plus 0.5 sq. ft. per foot of street frontage over 100 feet

720.4 No permit shall be required for a sign on a dwelling or building in which a home occupation is lawfully practiced, subject to the following conditions:

- (a) The home occupation use is authorized by the Zoning Regulations;
- (b) No more than one (1) exterior sign is displayed on a dwelling or other building in which a home occupation is practiced, regardless of the number of home occupations permitted in the dwelling or building;
- (c) The sign does not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (d) The sign is flush-mounted;
- (e)The sign is not illuminated; and
- (f)The sign states only the name(s) of the practitioner(s) and the type(s) of home occupation(s).

The corresponding section of the previous draft included the following:

“724.2 This section shall not be construed to grant any greater area or illumination than limited by specific order of the Board of Zoning Adjustment or Zoning Commission. If a specific order prohibits any sign or illumination, the specific order shall take precedence over this section.”

We believe this provision should be included here, in §720, since other proposed provisions regarding ZC or BZA orders apparently do not cover the situation dealt with by that section.

721 TEMPORARY CONSTRUCTION SIGNS

- 721.1 Temporary construction signs may be displayed on premises for which a building permit has been approved giving the name and address of the engineers, architects, contractors, and financing institutions, and identifying the project or purpose of the building.
- 721.2 Temporary construction signs that exceed the one hundred eighty (180) day limit specified in § 709.2 or the size limitations specified in § 709.3, may be installed, under permit, on private property, subject to the conditions of this section.
- 721.3 The total area of temporary construction signs shall be a maximum of two square feet (2 sq. ft.) for each foot of street frontage of the lot, with a maximum area of forty square feet (40 sq. ft.) for property in a Residence or Special Purpose District and two hundred square feet (200 sq. ft.) for property in a Commercial, Industrial, Mixed Use, or Waterfront District.

721.4 Business identification signs may be installed, under permit, on premises where building operations are being conducted during authorized construction activities, including on temporary barricades, covered walkways, or construction offices; provided that, if the sign is located wholly or partially on public space, the requirements of Chapter 6 shall apply.

721.5 The aggregate maximum sign area of temporary construction signs and business identification signs during construction shall not exceed the size limitations in §§ 716 through 722. An additional five square feet (5 sq. ft.) of sign area shall be permitted on barricades to identify each adjoining premises or business.

721.6 Real estate signs on construction fencing or scaffolding, for sale or lease of buildings or premises that are being constructed or altered pursuant to a building permit, and which are unoccupied during construction, are governed by § 805.

722 UNIMPROVED LOTS, SEASONAL BUSINESSES, AND SPECIAL EVENTS

This section substantially expands on the previous § 719.

722.1 Where a business is lawfully conducted on an unimproved lot or a lot with a small office such as a parking lot, the maximum amount of permitted signage shall be two square feet (2 sq. ft.) of sign area for each linear foot of the lot's street frontage, up to a maximum aggregate sign area of twenty square feet (20 sq. ft.) per frontage.

722.2 Where a seasonal or temporary business, such as the licensed retail sale of fireworks or Christmas trees, is lawfully conducted on private property, signs up to a maximum aggregate sign area of nine square feet (9 sq. ft.) may be displayed without a separate sign permit for the duration of business operations, not to exceed one hundred eighty (180) days.

722.3 Signs are allowed pursuant to § 722.2 if:

(a) The business has obtained a building permit from DCRA for structures relating to the business activity; and

(b) The building permit application shows the size and location of signs.

722.3 Where a special event is lawfully conducted on private property, and a Special Event License is required under D.C. Official Code § 47-2826 and Chapter 13 of Title 19 DCMR, any proposed signs shall be included and reviewed as part of the application for the Special Event License.

LUMINANCE

The previous draft had no separate section on luminance. This simply cannot be understood by the average person and must be visualized if you expect people to understand it. (Nit is defined as “the egg or young form of a louse or other parasitic insect, especially the egg of a head louse attached to a human hair.” “Nit” in the context of these regulations is the parasite that digital billboards leave in our eyeballs.)

- 723.1 The maximum allowable luminance of signs subject to this chapter shall comply with the standards in this section, subject to additional restrictions imposed by appropriate reviewing entities pursuant to Chapters 3, 4 or 5.
- 723.2 Permitted signs in Residence and Special Purpose Districts shall not exceed a maximum allowable luminance of fifty (50) nits between sunset and sunrise.
- 723.3 Signs in Commercial (lower density), Mixed Use, and Waterfront Districts shall not exceed a maximum allowable luminance of two hundred fifty (250) nits between sunset and sunrise. Commercial (lower density) for purposes of this section means C-1 and C-2 Districts as defined by the Zoning Regulations.
- 723.4 Signs in Commercial (higher density) and Industrial Districts shall not exceed a maximum allowable luminance of five hundred (500) nits between sunset and sunrise except for signs located within two hundred feet (200 ft.) of a Residence or Special Purpose District, which shall not exceed a maximum allowable luminance of two hundred (200) nits between sunset and sunrise. Commercial (higher density) for purposes of this section means C-3, C-4 and C-5 Districts as defined by the Zoning Regulations.
- 723.5 Variable message signs located in Commercial, Mixed Use, Industrial, and Waterfront Districts shall not exceed a maximum allowable luminance from sunrise to sunset of two thousand (2000) nits. The maximum allowable luminance of variable message signs, from sunset to sunrise, shall comply with §§ 723.3 or 723.4, based on location.
- 723.6 The maximum luminance of a neon sign shall not exceed the following limits:
- (a) Neon signs are prohibited in Residence and Special Purpose Districts.
 - (b) Neon signs in Commercial (lower density), Mixed Use, and Waterfront Districts shall not exceed a maximum allowable luminance of one thousand (1000) nits.
 - (c) Neon signs in Commercial (higher density) and Industrial Districts shall not exceed a maximum allowable luminance of two thousand (2000) nits

The

The specific Commercial zone districts need to be identified in subparagraphs (b) and (c).

- 723.7 Indirect lighting for signs shall direct all light toward the sign surface, fully shielding it from the sky and from surrounding uses or buildings.
- 723.8 Signs in Designated Entertainment Areas shall comply with the luminance standards set forth in Chapter 9.
- 723.9 Lighting for a sign that is installed or altered after the adoption of this title shall have:
- (a) An ambient light monitor that allows automatic adjustment of the brightness level of the sign based on ambient light conditions to reduce light levels at night and under cloudy or darkened conditions; and
 - (b) An easily accessible dimming controller to allow immediate corrections where the luminance levels established in this section are exceeded.
- 723.10 Signs in existence on the date of adoption of this title shall have twelve (12) months to comply with this section.

CHAPTER 8: REAL ESTATE SIGNS

800 APPLICABILITY

- 800.1 This chapter shall govern the display of real estate signs on public space and private property.

801 PERMITTING AND ENFORCEMENT OFFICIALS

- 801.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title for signs on public space and private property shall be those stated in § 601 and § 701.

802 PERMIT REQUIRED

- 802.1 Real estate signs greater than ten square feet (10 sq. ft.) shall require a permit.

802.2 Temporary directional signs indicating the holding of a real estate open house at a particular property may be displayed without a permit; provided that these signs are:

- (a) Six square feet (6 sq. ft.) or less;
- (b) First posted on the day of the event; and
- (c) Removed within twenty four (24) hours after the event concludes.

803 PERMIT APPLICATION PROCESS

803.1 An application for a permit under this chapter shall be made in the form and with content required by the permitting official according to the requirements in Chapters 6 and 7.

804 ACTION ON A PERMIT APPLICATION

804.1 Action on permit applications for real estate signs shall be taken in accordance with § 605 for real estate signs on public space and § 705 for real estate signs on private property.

805 GENERAL REQUIREMENTS AND RESTRICTIONS FOR PERMITTED REAL ESTATE SIGNS

805.1 Signs for the sale or lease of land or premises may be placed on private property or attached to the exterior of any building with the written consent of the owner or the owner's agent, provided that:

- (a) Only one (1) sign may be displayed for buildings in Residence or Special Purpose Districts or for buildings up to and including four (4) stories outside a Residence or Special Purpose District; and
- (b) Multiple signs may be displayed for commercial buildings more than four (4) stories in height located outside a Residence or Special Purpose District.

805.2 For purposes of this section, commercial buildings shall mean all buildings except:

- (a) Residential Group R-2, R-3 or R-4 buildings; and
- (b) Buildings regulated by the D.C. Residential Code Supplement, Title 12-B DCMR.

805.3 The total area of real estate signs shall not exceed:

- (a) Twenty square feet (20 sq. ft.) for a property located within a Residence or Special Purpose District;
- (b) Sixty square feet (60 sq. ft.) for a building up to and including four (4) stories located outside a Residence or Special Purpose District; and
- (c) Eight hundred square feet (800 sq. ft.) for a building over four (4) stories located outside a Residence or Special Purpose District.

805.4 Real estate signs shall be located only on the premises advertised.

805.5 Signs marketing residential units for lease or sale shall be allowed for a maximum of one hundred eighty (180) days from date of permit issuance, and shall be removed upon the lease or sale of the unit, or the initial sale of units within a multi-unit development. When all units are initially sold, the owner or manager of the property may no longer renew the permit.

This clause, paralleling §806.2 below, should be added to forestall display beyond the time to fulfill the purpose of the sign.

805.6 Digital signs, variable message signs, including full motion video signs, and internally illuminated signs are prohibited as real estate signs.

806 CONSTRUCTION PROJECTS

806.1 For new construction or the alteration of an unoccupied building, a permit is required for real estate signs to be displayed on fencing, scaffolding or wrapping, if they exceed the limitations in § 709.

806.2 Signs allowed under this section may bear images of the proposed project along with information relating to the sale, leasing or construction of any part of the project, provided that text and numbers shall occupy no more than the larger of:

- (a) One hundred twenty square feet (120 sq. ft.) on each street frontage; and
- (b) Twenty percent (20 %) of the area of the screening on a construction fence along the project's street frontage (provided when a project is located on a corner lot each street frontage will be calculated separately for signage purposes).

806.2 Any sign displayed under this section shall be removed upon completion of construction.

CHAPTER 9: DESIGNATED ENTERTAINMENT AREA SIGNS

Please see separate comments on this Chapter, in addition to those set out below.

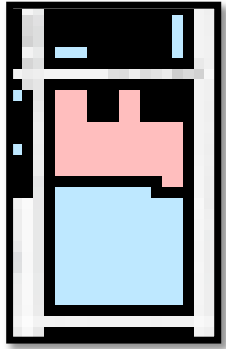
900 APPLICABILITY

900.1 This chapter shall govern signs within Designated Entertainment Areas (DEAs).

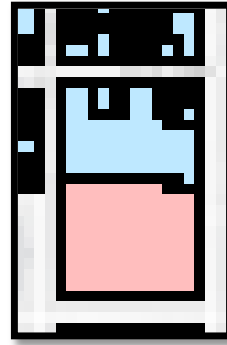
“Designated Entertainment Area” is defined in §9900.1 as “any location recognized by the Mayor as a destination venue that provides events, performances or activities designed to entertain others.”

900.2 DEAs shall include the following:

- (a) The Gallery Place Project, comprising of property and building located at Square 455, Lot 50 and the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47; and the northern façade of the Verizon Center;
- (b) The Verizon Center property and building located at Square 455, Lot 47, including the Gallery Place Metro Entrance on the corner of 7th and F Streets, NW;
- (c) The Ballpark Area between South Capitol Street, SE, and First Street, SE, from M Street, SE, to Potomac Avenue, SE;
- (d) The Southwest Waterfront (SW Waterfront), including the Southwest Fish Market, between Maine Avenue, SE, and the Washington Channel, from the 12th Street Expressway to a line north of M Street, SW, as it would be extended to Washington Channel; and
- (e) Other areas the Mayor designates as a result of a process determined by the Mayor which shall include consultation with the Office of Planning, the Department of Consumer and Regulatory Affairs (DCRA), the District Department of Transportation (DDOT), the appropriate Advisory Neighborhood Commissions (ANCs), and appropriate federal agencies if required based on the location of the proposed DEA. *Where are the public hearings for neighbors to weigh in?*



900.2(a) The Gallery Place Project



900.2(b) The Verizon Center



900.2(c) The Ballpark Area



900.2(d) SW Waterfront and fish market

As we stated in commenting on the previous draft: for reasons explained separately, §§900.2 (c) and (d) should be struck, and §900.2(e) should be modified to require, in order to establish a new DEA, affirmative action by the Council on detailed proposals identifying precisely what types of signs are to be displayed, and under what special terms and conditions applicable specifically to the area in question, on the basis of specific information about each sign proposed for the area. Contrary to our previous recommendation, under the new draft the creation of these new hi-tech billboard advertising havens is still left to the sole discretion of the Mayor. That is true despite the fact that under the current draft the Mayor must consult in advance with a number of agencies: a mere requirement of consultation, however appropriate, is just window-dressing. If a Mayor wishes to create a new DEA, including one in the ball park or waterfront areas, any Mayoral proposal to do so must go to the Council as a proposed rulemaking for approval by the Council. All proposals must be accompanied by full motion visual simulations that show the ANCs and neighbors what the digital billboards will look like.

- 900.3 DEA signs may include projections of static or moving images onto:
- (a) The Gallery Place Project, including the private alley located between the Project and the property known as the Verizon Center;
 - (b) Buildings in squares 700 and 701 within the Ballpark area, with the exception of any façade facing South Capitol Street; and
 - (c) Non-residential buildings within the SW Waterfront, with the exception of any façade facing Maine Avenue, SW.

This section would introduce to the nation's capital, on top of 6000-foot wall signs, giant full motion video advertising screens and all manner of constantly churning digital signs, yet another form of supersized high-intensity billboard, albeit geographically limited for the time being. It seems obviously tailored to accommodate specific proposals presented to DDOT for installation of this technology by persons or organizations in a position to proceed with that installation. What possible reason could there be to subject the District to this sort of technological overkill, other than that the technology is there and that someone would like to try to turn it to profitable use on the city's streetscapes?

This Section should be struck.

901 PERMITTING AND ENFORCEMENT OFFICIALS

- 901.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title for signs in DEAs on public space and private property shall be those stated in § 601 and § 701.

902 PERMIT REQUIRED

- 902.1 New signs and alterations of existing signs in DEAs shall require a permit, unless exempted by § 202.1 or they are temporary signs on public space, real estate signs, transit information signs, and non-commercial signs exempted from permit requirements pursuant to §§ 607.8, 708, 709, 715, and 802.
- 902.2 Signs in DEAs shall also require a valid certificate of inspection, obtained and renewed bi-annually in accordance with Section 706.
- 902.3 Any sign that uses electricity for illumination or any other purpose shall require the issuance of a separate electrical permit and shall be designed in accordance with the D.C. Electrical Code Supplement, Title 12-C DCMR.

903 APPLICANT QUALIFICATIONS

903.1 At the time of the submission of an application for a sign in a DEA, the applicant shall:

- (a) Have a valid Basic Business License in the District of Columbia;
- (b) Have a valid Good Standing Certificate issued by DCRA pursuant to D.C. Official Code § 29-102.08; and
- (c) Be in compliance with the Clean Hands Act.

904 PERMIT APPLICATION PROCESS

904.1 An application for a permit under this chapter shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign owner and property owner(s) or their authorized agents;
- (b) Documents showing the size of the sign, the location where the sign will be displayed, the height of the sign the dimensions of the premises, whether the sign will be illuminated and any other information needed to determine the allowable area of the sign, materials for the sign and its support, and all electrical and structural details including the method of attachment of the sign; and
- (c) Any additional information or documentation required by the permitting official.

904.2 Sign permits shall be issued in the name of the applicant and shall pertain solely to the location identified on the permit.

904.3 The provisions of §§ 704.2 through 704.7 shall apply to permit applications for signs on private property in DEAs.

905 ACTION ON A PERMIT APPLICATION FOR SIGNS IN DEAs

905.1 The permitting official shall not issue a sign permit if the sign would be located on a private property classified by the Office of Tax and Revenue (OTR) as Class 3 or Class 4 for property tax assessments.

905.2 No application shall be deemed complete until all information required by this chapter, and Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR, is filed and all required fees are paid. The permitting official shall

reject a permit application that is not substantially complete at the time of filing.

- 905.3 The time frames included in this chapter shall not apply until the permitting official determines that the application is complete.
- 905.4 The permitting official shall refer all applications for DEA sign permits to DDOT and OP within three (3) business days after the permitting official determines that the application is complete. DDOT and OP shall review the application and make recommendations concerning the requested permit
- 905.5 DDOT and OP shall submit a written report to the permitting official within thirty (30) days from the referral date, except that the permitting official may allow an extension of up to thirty (30) additional days upon written request.
- 905.6 The permitting official shall refer signs and related building features subject to the jurisdiction of the Commission to the Commission for review and recommendation pursuant to Chapter 3 of this title at the same time as they are referred to DDOT or OP.
- 905.7 The permitting official shall review and approve or deny a DEA sign permit application within twenty (20) business days after the expiration of the time period provided in § 905.5 or the receipt of a Commission report, whichever is later; provided that where a permit application requires notice to an Advisory Neighborhood Commission, action shall be no earlier than forty-five (45) days after the date of such notice.
- 905.8 No permit shall be granted if, within the time period provided in this section:
- (a) DDOT reports in writing that the location, size, lighting, or height above grade of the sign negatively impacts vehicular traffic safety or violates the Highway Beautification Act; or
 - (b) OP reports in writing that the proposed sign would adversely impact the character and integrity of the DEA or the immediately adjacent neighborhood.
- 905.9 If deficiencies in the application are discovered during processing, the permitting official shall, if reasonably feasible, give the applicant an opportunity to correct the deficiencies prior to taking action to approve or deny the application.
- 905.10 Where a sign is constructed or altered in accordance with a valid permit and a certificate of inspection is obtained, no further authorization is required to display the sign, except bi-annual renewal of the certificate of inspection as required pursuant to § 706.5.

905.11 Where a sign is displayed pursuant to a permit, and the sign is damaged or otherwise requires repair or replacement, the permit holder shall apply for a new permit, unless the repair is considered an ordinary repair not requiring a permit pursuant to the D.C. Building Code Supplement, 12-A DCMR § 105.2.2.

906 GENERAL DEA REQUIREMENTS

906.1 The following requirements shall apply to all DEA signs.

906.2 Variable message signs, including signs containing full motion video, are permitted in DEAs including in private alleys and private spaces that are open to the general public, subject to the conditions of § 714.

906.3 Signs that identify a specific location on private property such as a pier, market, or stadium are allowed across entrances to these locations, including private alleys and private spaces that are open to the general public.

906.4 No single sign shall exceed an area of one thousand two hundred square feet (1200 sq. ft.).

906.5 No sign shall:

- (a) Have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle;
- (b) Cast light directly or indirectly into a residential unit; or
- (c) Adversely impact an owner's enjoyment of residential property located within or adjacent to a DEA.

906.6 Illuminated signs shall comply with the luminance standards provided in § 908.

906.7 No sign shall emit sound other than *de minimis* sound caused by general operation.

906.8 No variable message or animated sign or image shall be placed on the exterior of any building in a DEA such that the sign or image is directly across from and parallel to any residential building, ~~including buildings where fifty percent (50%) or more of the gross floor area contains Residential Group R-2, R-3 or R-4 occupancies as defined in the D.C. Building Code Supplement, 12-A DCMR.~~ *in which the Zoning Regulations allow residential use.*

Protection must be provided to any lawful residential unit, of which there are many that are not located in residential zoned buildings.

906.9 Signs on roofs in a DEA shall be subject to the following restrictions and requirements:

This section should be struck: – rooftop signs generally, and especially signs such as permitted under this proposed section, cross the threshold of acceptable visual intrusion, and should be prohibited. But should this provision go forward, changes indicated below are required.

- (a) No part of a sign on a roof or its support structure shall exceed the lesser of the permitted height limit of the zoning district *or location* in which the sign is placed or ninety feet (90 ft.);

The insertion indicated above is necessary to take account of the fact that the sign height must also be limited by the height established by the Height Act for the particular location, which is not based on the Zoning Regulations and may be lower than that allowed under zoning.

- (b) The maximum total length of a sign on a roof shall be no greater than seventy percent (70%) of the building width;
- (c) The maximum total height of a sign on a roof shall be the lesser of twenty five percent (25%) of the building height or ten feet (10 ft.);
- (d) The maximum total area of a sign on a roof placed on one (1) roof shall be two-hundred square feet (200 sq. ft.);
- (e) No more than two (2) signs shall be placed on a roof of any building;
- (f) A sign on a roof shall not have moving graphics or flashing or strobe lights;
- (g) Luminance of a sign on a roof shall compliance with standards set forth in § 908;
- (h) All signs on roofs shall be located:
 - (1) At least ten feet (10 ft.) from interior lot lines;

- (2) A distance from the edge of the roof equal to at least sixty percent (60%) of the sign's total height;
- (3) With the plane of the sign face approximately parallel to the face of the building; and
- (4) No closer than five hundred feet (500 ft.) to:
 - (A) A Residence or Special Purpose District ;
 - (B) The National Mall;
 - (C) A national memorial;
 - (D) The U.S. Capitol Building and Grounds; or
 - (E) The White House.

Five hundred feet, the length of an ordinary city block, is inadequate to protect against unacceptable visual intrusion by a 10' x 20' sign mounted up to 90 feet high. The distance should be expanded to 1500 feet, and the protected areas should include historic districts and landmarks.

906.10 The permitting official shall notify potentially affected Advisory Neighborhood Commissions in writing of the submission of an application for any sign that includes motion or moving images within ten (10) days of receipt of the application and invite the ANC to submit a written response within forty-five (45) days of the date of the notice.

The following section from the previous draft has been dropped:

“805.9 Any sign with motion, including but not limited to digital screens, digital video monitors, theater marquees, animated signs and images, or other projections, shall not change images more frequently than every eight (8) seconds and the amount of time between changed images is no greater than two (2) seconds.”

*We believe it to be in the public interest to have this operating feature regulated.. **This provision should be restored.***

906.11 The total area of all signs attached to any building façade facing a public street may not exceed twenty percent (20%) of the total area of that building façade.

906.12 A Special Sign may be transferred into a DEA subject to the requirements of this chapter and Chapter 10. Such a sign not count toward the total sign area permitted by this chapter.

For reasons explained separately, this section should be deleted.

We would note that it is not clear what is the “total sign area” referred to by the second sentence (“Such a sign [sic] not count toward the total sign area permitted by this chapter”). If it is intended to mean that Special Signs may exceed the twenty percent limit set by §906.11, it is bad policy, for which the only reason would be to make more space available for installing Special Signs should they be allowed. There are good reasons to set such a limit, and surely they would apply most importantly of all to the huge wall signs. The second sentence should be struck in any event.

907 SPECIFIC LOCATION REQUIREMENTS

907.1 Gallery Place Project Graphics shall be displayed in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6 (Illustrations), which are incorporated by reference into this chapter and are available in the office of the permitting official.

907.2 Signs in a DEA may advertise off-premises businesses, including the goods and services sold at these businesses; provided that the businesses advertised are located within the same DEA as the sign and the sign complies with any restrictions applicable to that DEA. Full motion video shall not be used for off-premises advertising.

907.3 The following specific rules apply to projecting Gallery Place Project Graphics:

- (a) The signs shall be located in those areas identified in the Illustrations as the "Corner Heroic Sign Area" or the "Additional Signage Area";
- (b) No Gallery Place Project Graphic located in any area shown as crosshatched in the Illustrations shall project more than eight inches (8 in.) beyond the façade of the structure; and
- (c) Gallery Place Project Graphics located in the "Storefront Signage Areas" depicted on the Illustrations shall project no more than forty-eight inches (48 in.) beyond the building line or building restriction line on the street frontage of a building.

907.4 The following signs are permitted on the specified location on the Verizon Center:

- (a) Two (2) separate variable message signs on the western side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.), which would replace two static canvas displays on the western side of Verizon Center as they existed on June 11, 2012;
- (b) One (1) variable message sign that forms a right angle around the southwest corner of the Verizon Center with each display panel of the digital sign forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in width with the top of each panel of the digital sign starting at the top of the glass windows on Verizon Center existing as of June 11, 2012;
- (c) Two (2) separate variable message signs, each measuring no more than three feet (3 ft.) in height and eighteen feet (18 ft.) in width, mounted on the exterior of the top of the western and southern entrances to the Gallery Place Metro station at the corner of 7th and F Streets, NW;
- (d) Up to two (2) variable message signs or static canvas signs in the interior space above and around the escalators in the Metro station identified in paragraph (c) above;
- (e) One (1) static canvas sign that forms a right angle around the southeast corner of the Verizon Center with each panel forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in width with the top of each such panel starting at the top of the glass windows on the Verizon Center as they existed on June 11, 2012; and
- (f) Up to two (2) separate static canvas signs on the eastern side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.).

907.5

As part of a Verizon Center Graphics permit application, the owner of the Verizon Center or the owner's designee may apply to the permitting official for a change in the number, location, and size of the static canvas signs authorized in Subsection 907.4, but shall not do so for variable message signs. The Director shall grant such application if:

- (a) The total number of permits for Verizon Center Graphics does not exceed ten (10); and
- (b) The display size of any one (1) static canvas sign does not exceed one thousand two hundred square feet (1200 sq. feet).

907.7 The permitting official shall notify potentially affected ANCs in writing of an application for a change in Verizon Center Graphics within ten (10) days of receipt of the application and invite the ANC to submit a written response within forty-five (45) days of the date of such notice.

908 LUMINANCE

908.1 Signs in a DEA shall not exceed a maximum allowable luminance of five hundred (500) nits between sunset and sunrise and five thousand (5000) nits between sunrise and sunset.

908.2 Lighting for a sign installed or modified after the effective date of this title shall have an ambient light monitor that allows automatic adjustment of the brightness of the sign based on ambient light conditions. This automatic adjustment shall reduce light levels at night and under cloudy or darkened conditions. The signs shall also have an easily accessible dimming controller to allow immediate corrections where maximum luminance levels are exceeded.

908.3 Signs in existence on the effective date of this title shall have twelve (12) months from the effective date to comply with §§ 909.1 and 909.2.

909 MAINTENANCE

909.1 Whenever the enforcement official finds an authorized DEA sign on private property to be unsafe or to constitute an imminent danger to the public, pursuant to the D.C. Property Maintenance Code Supplement, 12-G DCMR § 106, the enforcement official shall notify the sign owner and the owner of the real property on which the sign is located and order the repair or removal of the sign within a specified time.

909.2 If the enforcement official finds that removal is necessary then the owner shall have at least ten (10) days to remove the sign, unless an imminent danger requires less time due to public safety concerns. The owner shall obtain any demolition permit required for removal of the sign.

909.3 If the unsafe sign is located on public space, the enforcement official shall proceed in accordance with Section 9k of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.01 *et seq.*), as added by the Public Space Enforcement Amendment Act of 2014, passed on final reading on November 18, 2014 (Engrossed version of Bill 20-905).\

The addition of this provision corrects an omission in the previous draft, which contained no provision on maintenance of DEA signs. However, it

deals only with unsafe signs. It should be supplemented by adding a provision on removal of unauthorized signs and on signs that are not maintained in good repair, such as those that presently apply to Gallery Place and Verizon Center signs in 12A DCMR N101.18.9 and .10 and N011.19.13 and .14 respectively. We see no reason why provisions dealing with these additional enforcement issues should have been dropped.

CHAPTER 10: SPECIAL SIGNS

1000 APPLICABILITY

1000.1 This chapter shall govern Special Signs. Where applicable, Special Signs are also subject to Chapters 3 – 5.

1001 PERMITTING AND ENFORCEMENT OFFICIAL

1001.1 The permitting and enforcement official responsible for permitting Special Signs and enforcing the provisions of this chapter shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

1002 INSPECTION OF EXISTING SPECIAL SIGNS

1002.1 Within thirty (30) days after the effective date of this title, owners of Special Signs shall request an inspection by DCRA to confirm the location, size, artwork and other relevant characteristics of their Special Signs. DCRA shall issue a Certificate of Inspection if the sign complies with the owner's Special Sign permit. Thereafter, each owner of a Special Sign shall renew the Certificate of Inspection bi-annually pursuant to § 706.

1003 PERMIT REQUIRED

1003.1 No new permits relating to Special Signs shall be issued after the effective date of this title, except for permits authorizing changes in artwork pursuant to § 1005 and transfers of location pursuant to § 1009.

1003.2 No Special Sign shall be authorized to change artwork or transfer location without a valid permit issued in accordance with this chapter.

1004 APPLICANT QUALIFICATIONS

1004.1 An applicant for a permit to change location or artwork of a Special Sign, at the time of the submission of the application, shall:

- (a) Have a valid Basic Business License;

- (b) Have a valid Good Standing Certificate issued by DCRA Corporations Division pursuant to D.C. Official Code § 29-102.08;
- (c) Be in compliance with the Clean Hands Act;
- (d) Be the owner of an existing, permitted Special Sign; and
- (e) Have a current certificate of inspection, pursuant to § 706.

1005 PERMIT APPLICATION PROCESS FOR SPECIAL SIGN RELOCATION

1005.1 An application for a permit to change the location of a Special Sign shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign owner;
- (b) The name of the property owner(s) of the location to which the Special Sign will be transferred or the property owner(s)' agent(s);
- (c) The size of the sign, the location where the sign will be placed, the dimensions of the premises and whether the sign will be illuminated; and
- (d) Any additional information or documentation required by the permitting official.

1005.2 The permitting official shall, within three (3) business days of receipt of a complete application to change the location of a Special Sign, simultaneously refer the application to the following agencies for review and recommendations before a permit is issued:

- (a) DDOT, which shall determine whether the proposed Special Sign location, size, lighting, and height above grade comply with federal law and whether it negatively impacts vehicular or pedestrian traffic safety; and
- (b) OP, which shall determine whether the proposed Special Sign location violates Chapters 3, 4, ~~and 5~~ and 10 of this title.

The change indicated seems necessary because someone must determine whether the location complies with Chapter 10 including especially §§1006 and 1007.

- 1005.3 The agencies identified in § 1005.2 shall submit a written report to the permitting official within thirty (30) days after the referral date, either approving or objecting to the proposed relocation. If the agencies do not submit the written report by the thirty (30) day deadline, the agencies shall be deemed to have no objections to the permit application or to the proposed location, and the permitting official shall proceed accordingly.
- 1005.4 Within five (5) business days of receiving a report from the agencies identified in § 1005.2 approving or objecting to the permit application, or following conclusion of the thirty (30) day period specified in § 1005.3, the permitting official shall approve or deny the permit application.
- 1005.5 A permit authorizing a change of location of a Special Sign shall be issued in the name of the applicant and shall pertain solely to the Special Sign location identified on the permit, subject to the transferability provisions of § 1007.
- 1005.6 No permit to relocate a Special Sign shall be issued unless the Special Sign complies with all applicable District and federal laws and regulations.

1006 LOCATION LIMITATIONS ON SPECIAL SIGNS

- 1006.1 No Special Sign shall be displayed upon buildings or land located:
- (a) Within one hundred feet (100 ft.) of a Residence or Special Purpose District;
 - (b) Within one hundred feet (100 ft.) of a school or place of religious worship with a valid certificate of occupancy for such use;
 - (c) Within one hundred feet (100 ft.) of a federal or District of Columbia park or monument;
 - (d) Between one hundred and two hundred feet (100 ft.- 200 ft.) of a Residence or Special Purpose District, unless the Special Sign faces away from the Residence or Special Purpose District and is placed at an angle of forty-five degrees (45°) or less with the closest Residence or Special Purpose District boundary line;
 - (e) In or within sixty feet (60 ft.) of any Historic District, Historic Landmark, or site listed on the most current edition of the “District of Columbia Inventory of Historic Sites,” unless the Special Sign is located on a side-wall or back-wall of a building or site outside a

Residence or Special Purpose District, and HPO approves the Special Sign, if necessary;

Inasmuch as Special Sign billboards are now prohibited, and will continue to be prohibited by proposed §404.1, “on historic landmarks and on any property in a historic district”, this provision must be either deleted or revised to accord with §404.1

- (f) In or within one hundred feet (100 ft.) of premises within the area controlled by the Old Georgetown Act;
- (g) In a Waterfront District if prohibited by the Zoning Regulations;
- (h) On a property that is classified by the OTR as Class 3 or Class 4 for property tax assessments; or
- (i) On a property whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.

1007 RELOCATION OF SPECIAL SIGNS

1007.1 The twelve (12) approved self-standing Special Signs existing as of January 1, 2004, shall be allowed to remain or be transferred within the area specified in § 1007.2(c); provided, that the transfer of an existing self-standing Special Sign to a new self-standing Special Sign location is subject to the following conditions, in addition to the other conditions contained in this section:

- (a) A transferred self-standing Special Sign shall be issued a permit to relocate and shall be allowed to remain in its transferred location for only a twenty-four (24) month period beginning on the latter of:
 - (1) The date of issuance of the permit to relocate the Special Sign; or
 - (2) The date of issuance of the associated building permit for the construction site on which the Special Sign is located; and
- (b) The location to which the self-standing Special Sign is transferred shall be a future construction site, to be developed in the foreseeable future as demonstrated by development plans, marketing materials, or ongoing administrative processes.

*Self-standing Special Signs are in every respect functionally equivalent to old-fashioned conventional billboards, which the existing and proposed regulations prohibit in the District, except that they can be very much bigger than is allowed for DC billboards. This section carries forward the restrictions on transferability now found at 12A DCMR N101.17.1. Casual observation raises serious questions about whether this restriction has been enforced in good faith – witness the familiar double-faced Special Sign that has been a fixture at 6th and New York Avenue NW for years. **If DCRA is interpreting the language on calculating the two-year time period to mean that a sign can remain indefinitely so long as no building permit for the planned project for the site has been issued, that interpretation is clearly wrong and must be changed. The regulation clearly means that no transferred self-standing sign can lawfully exist for longer than two years. The regulations should require removal of super-annuated freestanding Special Signs.***

- 1007.2 A Special Sign Location permit shall be transferable to a new location only under the following conditions:
- (a) The proposed new location of the Special Sign complies with all applicable provisions of this title and all applicable District and federal law;
 - (b) Except for transfers from locations presently outside the area defined in § 1007.2(c), the transfer is only for the following causes:
 - (1) The lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid;
 - (2) The Special Sign is partially or totally obstructed; or
 - (3) The location of the Special Sign is or would be no longer feasible because of construction or development; and
 - (c) The proposed new location of the Special Sign is within:
 - (1) The Central Business District (C-4 or the successor thereto), as defined by the Zoning Regulations;

- (2) A Commercial or Industrial District located within the New York Avenue corridor;
- (3) One of the areas within the Central Employment Area that are bounded as follows:
 - (A) Beginning at the corner of F Street, NW, and 17th Street, NW, west along F Street, NW, to 20th Street, NW, north along 20th Street, NW, to Pennsylvania Avenue, NW, west along Pennsylvania Avenue, NW, to 21st Street, NW, north along 21st Street, NW, to M Street, NW, east along M Street, NW, to 20th Street, NW, north along 20th Street, NW, to N Street, NW, east along N Street, NW, to 19th Street, NW, south along 19th Street, NW, to G Street, NW, east along G Street, NW, to 17th Street, NW, south along 17th Street, NW, to F Street, NW;
 - (B) Beginning at the corner of Rhode Island Avenue, NW, and M Street, NW, northeast along Rhode Island Avenue, NW, to Massachusetts Avenue, NW, east along Massachusetts Avenue, NW, to 15th Street, NW, south along 15th Street, NW, to M Street, NW, west along M Street, NW, to 16th Street, NW, south along the east side of 16th Street, NW, to I Street, NW, north along the west side of 16th Street, NW, to M Street, NW, west along M Street, NW, to Rhode Island Avenue, NW;
 - (C) Beginning at the intersection of Massachusetts Avenue, NW, and H Street, NW, east along H Street, NW, to the closed alley (formerly Smith Court) in the mid-block between 1st Street, NW, and North Capitol Street, south along that closed alley line to G Street, NW, east along G Street, NW, to North Capitol Street, south along North Capitol Street, NW, to Massachusetts Avenue, NW, northwest on Massachusetts Avenue, NW, to H Street, NW; and
 - (D) Beginning at the intersection of Florida Avenue, NE, and North Capitol Street, southeast along Florida Avenue, NE, to 4th Street, NE, south along 4th Street, NE, to M Street, NE, west along M Street, NE, to 3rd Street, NE, south along 3rd Street, NE, to K Street, NE, west along K Street, NE, to 1st Street, NE, south

along 1st Street, NE, to G Place, NE, west along G Place, NE, to North Capitol Street, north along North Capitol Street to Florida Avenue, NE;

(4) Any Designated Entertainment Area.

1007.3 The size of the display area of the proposed Special Sign is equal to or lesser than the total square footage of the display area of the Special Sign that is being relocated.

1008 INSTALLATION

1008.1 Except for a self-standing Special Sign, a Special Sign shall be installed on a building. No part of either the Special Sign or its supporting structure shall protrude above or beyond the wall upon which it is installed.

1008.2 Subject to the limitations placed on the permitted transfer of a self-standing Special Sign in § 1007.1, the height of a self-standing Special Sign shall not exceed thirty feet (30 ft.). The self-standing Special Sign shall provide at least eight feet (8 ft.) of clearance from the ground, as measured from the adjacent grade.

1008.3 A Special Sign shall not be installed on a building wall so as to cover any existing window.

1008.4 A Special Sign shall not be installed so as to extend above the lowest portion of the roofline of an existing building.

1008.5 The topmost point of a Special Sign or its supporting structure shall be no higher than the allowable height for a new building at the premises, as provided by the Zoning Regulations.

1009 PERMIT FOR CHANGE OF SPECIAL SIGN ARTWORK

1009.1 Prior to installation of new or replacement artwork on a Special Sign a permit must be obtained from the permitting official. The applicant must comply with the qualifications set forth in § 1004.1.

1009.2 The application for a permit to change Special Sign Artwork shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the applicant(s);

- (b) Four (4) copies of drawings, drawn to scale, showing the visual characteristics of the proposed artwork and text, including, but not limited to, dimensions and lettering; and
- (c) Other documentation required by the permitting official to confirm compliance with the provisions of this chapter.

1009.3 The permitting official need not refer an application to change Special Sign Artwork to any other agency if the size and location of the proposed Special Sign Artwork is the same as the Special Sign Artwork that it is replacing.

1009.4 A permit application to change Special Sign Artwork shall be submitted either as part of a permit application to change location of a Special Sign or as a separate application. If the artwork is being changed or replaced in conjunction with the transfer of a Special Sign location, the applicant may file one (1) permit application to cover the artwork and location changes.

1009.5 The permitting official shall not approve a Special Sign Artwork change permit if the artwork violates District or federal law or contains any sign illuminated from within.

1009.6 The permitting official shall review the Special Sign Artwork permit application and approve or deny the Special Sign Artwork permit within five (5) business days of submission of a complete application.

1009.7 The permitting official shall not issue a permit to change Special Sign Artwork unless:

- (a) The identification of the sponsor of the Special Sign, when provided, is limited to the bottom center, bottom right, or bottom left corner of the Special Sign artwork, and is limited to the words “Sponsored by [Name and/or Logo of Sponsor]”;
- (b) The sponsor identification is no higher than one-tenth (1/10) of the maximum vertical dimension of the face of the sign, and no wider than one-third (1/3) of the maximum horizontal width of the face of the sign;
- (c) The Special Sign Artwork is predominantly pictorial with textual matter on no more than twenty-five percent (25%) of the display area of the sign; and
- (d) Words included in the body of the Special Sign Artwork do not directly or indirectly identify the sponsor or any of the sponsor’s recognizable campaign slogans, or serve as a direct “Call to Action” on behalf of the sponsor, except as provided in § 1009.7(a).

1009.8 The space occupied by any sponsor identification shall not be counted against the twenty-five percent (25%) limitation. Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, shall be considered pictorial and shall not count in the calculation of the percentage of textual matter.

1009.9 The permitting official shall not issue a permit to change Special Sign Artwork if the Special Sign Artwork would be located on a property:

- (a) Classified by the OTR, at the time the permit application is submitted, as Class 3 or Class 4 for property tax assessments; or
- (b) Whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.

1009.10 Once a permit to change Special Sign Artwork is approved, the permitting official shall stamp as “approved” two (2) copies of the artwork. One (1) copy of the artwork shall be retained by the permitting official and made available for inspection in accordance with procedures established by the permitting official pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq.* (2012 Repl.)). One (1) copy shall be returned to the applicant.

1010 LUMINANCE

1010.1 A Special Sign shall not contain any movable parts or highly reflective or fluorescent materials, nor shall it contain three (3)-dimensional, moving, animated, or periodically-changing images or text.

1010.2 A Special Sign located within five hundred feet (500 ft.) of a Residence or Special Purpose District shall not be illuminated.

1010.3 A Special Sign located more than five hundred feet (500 ft.) from a Residence or Special Purpose District may be indirectly illuminated by projecting artificial light on the surface of the Special Sign. A Special Sign shall not be internally illuminated and shall not be constructed of or incorporate neon or any other type of gas or vapor lights.

1011 REMOVAL

1011.1 The removal of any Special Sign that is painted, drawn, or attached to an existing structure shall be done in a manner that leaves the existing structure

in a stable, undamaged, and sign-free condition. The sign owner shall obtain a demolition permit if required.

1011.2 The owner of a Special Sign at a location not authorized by § 1007 shall remove the Special Sign in a manner that complies with § 1011.1 before a Special Sign permit shall be issued allowing for its transfer to a new location in an area approved under § 1007. The applicant shall submit photographic or other evidence showing that the removal complied with § 1011.1.

1011.3 No Special Sign shall be permitted in a location from which a Special Sign has been removed if the location is not within an area approved under § 1007.

1011.4 The enforcement official shall notify the owner of record of any property where an unauthorized Special Sign is located and shall order the removal of the unauthorized Special Sign by the sign owner and the property owner.

CHAPTER 11: BILLBOARDS ON PRIVATE PROPERTY

1100 APPLICABILITY

1100.1 This chapter shall govern billboards on private property in the District.

1101 PERMITTING AND ENFORCEMENT OFFICIAL

1101.1 The permitting and enforcement official responsible for issuing permits and enforcing the provision of this title shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

1102 PERMITS FOR NEW BILLBOARDS PROHIBITED

1102.1 No permit shall be issued for the erection of any new billboard, or the relocation of any Authorized Billboard, in the District of Columbia.

1102.2 No permit shall be issued to replace an authorized billboard listed in § 1104.2 with a sign that is illuminated from within.

1103 PERMITS FOR AUTHORIZED BILLBOARDS

1103.1 The owner of an authorized billboard listed in § 1104.2 shall submit to the permitting official an application for a sign permit, within ninety (90) days of the effective date of this title, or within ninety (90) days of verification pursuant to § 1106. The permitting official shall issue a Certificate of

Inspection, pursuant to § 706, if the billboard complies with the terms of its prior authorization and the requirements of this title.

1103.2 The owner of an authorized billboard shall renew the certificate of inspection bi-annually in accordance with § 706.

1103.3 The permit application required under this section shall contain sufficient information to allow the permitting official to determine that the billboard:

- (a) Contains no moving parts;
- (b) Contains no flashing, intermittent, moving, or neon lights;
- (c) Will be lighted so as not to permit beams of light to be directed at any portion of a public right-of-way or to cause glare or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of a motor vehicle;
- (d) Will not obstruct or undermine the traffic information systems of signs and lights;
- (e) Has not been changed from its original height, size, dimensions, height above grade, or any other matter that affects its location; and
- (f) Conforms to the D.C. Construction Codes.

1103.4 Failure to submit a sign permit application for a billboard within the period stated in § 1103.1 shall constitute abandonment of the billboard and the billboard shall no longer be authorized.

1103.5 The owner of record of the property shall immediately remove an unauthorized or abandoned billboard and shall obtain a demolition permit from DCRA if required.

1103.6 The enforcement official shall notify the property owner that a billboard on the property is unauthorized and order the property owner to remove the billboard.

1104 AUTHORIZED LIST OF BILLBOARDS

1104.1 Only those billboards that were in existence on the effective date of this title and are described in the Authorized List in § 1104.2, or verified pursuant to § 1106 may remain in place, subject to the requirements of this chapter.

1104.2 The Authorized List of Billboards (“Authorized List”) is as follows:

Street Address	Square & Lot Number	Number of Displays	Size (feet)
1200 Block 3 rd Street, NE	0747 0008	1	14 x 48
1021 Brentwood Road, NE	PAR 01430083	2	12 x 25
2200 Block New York Avenue, NE	4102 0248	1	14 x 48
1815 Montana Avenue, NE	4107 0241	2	12 x 25
190 Riggs Road, NE	3766 0005	1	14 x 48
2800 Block of V Street, NE	PAR 0173 0102	4	12 x 25
1601 South Capitol Street, SW	0660 0011	1	14 x 48

1104.3 The Authorized List in § 1104.2 shall repeal and replace the Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs, dated November 30, 1931.

1104.4 No change in size or location of a billboard is permitted. All authorized billboards shall be maintained and repaired in accordance with § 1107.

1105 RAZED, DEMOLISHED, OR REMOVED BILLBOARDS

1105.1 A billboard included in the Authorized List in § 1104.2 that is razed, demolished, or removed shall be considered stricken from the Authorized List and shall not be replaced in any form or in any location.

1106 UNAUTHORIZED BILLBOARDS

1106.1 A billboard shall be unauthorized if it is not included in the Authorized List in § 1104.2 and if its owner cannot demonstrate that the District government issued a permit for or otherwise authorized its construction. The billboard’s owner shall demonstrate the billboard’s prior authorization within six (6) months of the effective date of this title, or the enforcement official may require its removal.

1106.2 The enforcement official shall notify the owners of an unauthorized billboard and any property where an unauthorized billboard is located that the billboard is unauthorized and shall order the removal of the billboard.

1107 MAINTENANCE AND REPAIR

- 1107.1 Whenever the enforcement official finds that an authorized billboard is unsafe or constitutes an imminent danger, the enforcement official pursuant to § 106 of the D.C. Property Maintenance Code Supplement, 12-G DCMR, shall notify the owner of the billboard and the owner of the real property on which the billboard is located that the billboard is unsafe or dangerous.
- 1107.2 The enforcement official shall order the repair or removal of the billboard within a specified time, pursuant to the procedures set forth in § 106 of the D.C. Property Maintenance Code Supplement, Title 12-G DCMR. If the enforcement official finds that removal is necessary the owner shall have at least ten (10) days to remove the billboard, unless an imminent danger requires less than ten (10) days due to public safety concerns. The owner shall obtain any demolition permits required for removal of the billboard.
- 1107.3 All billboards ordered to be removed shall be stricken from the Authorized List in § 1104.2 on the later of (1) expiration of the time limit set in the removal notice or order, if the owner has not appealed the order; or (2) if the owner has filed a timely appeal, upon affirmation of the order. Failure to comply with a removal order shall subject the relevant owners, upon adjudication, to the fines provided for under the Civil Infractions Act and other penalties and remedies set forth in the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.

CHAPTER 12: ADDITIONAL STRUCTURAL AND TECHNICAL REQUIREMENTS

1200 APPLICABILITY

- 1200.1 This chapter shall apply to all signs displayed pursuant to this title, including associated appurtenant and auxiliary devices.

1201 GENERAL REQUIREMENTS

- 1201.1 Signs and sign support structures, together with their supports, braces, guys and anchors shall be kept in good repair. The display surfaces of signs shall be kept neatly painted or posted at all times.
- 1201.2 Where not galvanized or constructed of approved corrosion-resistant, noncombustible material, signs shall be painted.
- 1201.3 The owner of every sign shall maintain the immediate premises occupied by the sign in a clear, sanitary, and healthful condition.

1201.4 No sign shall be displayed in a manner that obstructs a fire escape or any window, door, or opening used for egress or that prevents free passage from one part of a roof to another. No sign shall be attached to a fire escape or placed in a manner that interferes with an opening required for ventilation.

1202 STRUCTURAL AND MATERIAL REQUIREMENTS

1202.1 Signs shall be designed and constructed to withstand wind pressure as required in Title 12-A DCMR, Chapter 16 (Structural Design) of the D.C. Building Code Supplement.

1202.2 Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as stated in Title 12-A DCMR, Chapter 16 of the D.C. Building Code Supplement.

1202.3 The allowable working stresses shall satisfy the requirements of Title 12-A DCMR, Chapter 16 of the D.C. Building Code Supplement. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners, except that:

- (a) The allowable working stresses for steel and wood shall be in accordance with Title 12-A DCMR Chapters 22 (Steel) and 23 (Wood) of the D.C. Building Code Supplement; and
- (b) The working strength of chains, cables, guys, or steel rods shall not exceed one fifth (1/5) of the ultimate strength of the chains, cables, guys, or steel rods.

1202.4 Signs attached to all structures shall be safely and securely fastened by metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. The structures to which signs are attached shall be designed to support the loads applied. Signs shall not be attached to or supported by unbraced parapet walls.

1202.5 For design of lateral bracing in the direction of the length of the sign, the wind shall be assumed at an angle of forty-five degrees (45°) with the front or back of the sign, and the bracing designed for the force on the projected area perpendicular to the wind.

1202.6 Ground supports shall comply with the following requirements:

- (a) Where wood is embedded in the soil, the wood shall be pressure treated with an approved preservative; and
- (b) Metal materials shall be protected from corrosion.

1203 COMBUSTIBLE AND NONCOMBUSTIBLE MATERIALS

1203.1 Plastic materials shall burn at a rate no faster than two and one half inches (2 1/2 in.) per minute when tested in accordance with the most recent version of ASTM D 635.

1203.2 The following signs shall be made of noncombustible material except that sign capping, decorations, lettering, and moldings may be of combustible materials:

- (a) Wall signs exceeding forty square feet (40 sq. ft.) in area, flat against or supported not more than fifteen inches (15 in.) away from the wall;
- (b) Projecting signs exceeding two and one half square feet (2 1/2 sq. ft.) in area;
- (c) Ground-supported signs located six feet (6 ft.) or less from any building;
- (d) Roof signs, irrespective of height or area; and
- (e) Signs using electricity.

1204 GLASS

1204.1 Glass in signs shall be double-strength plain glass, plate glass, or wired glass. Glass shall be designed per the following table, except that no panel of more than ten square feet (10 sq. ft.) of glass other than wired glass shall be used in signs projecting over public space:

Maximum Size of Exposed Panel		Minimum Thickness of Glass	Type of Glass
Any dimension (inches)	Area (square inches)	(inches)	
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3,600	1/4	Plain, plate, or wired
>144	>3,600	1/4	Wired

1205 ELECTRICAL

- 1205.1 A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the D.C. Electrical Code Supplement, 12-C DCMR. No spark or open flame shall be used for display purposes unless specifically approved.

- 1205.2 Except as otherwise provided in 12-A DCMR § 2611 of the D.C. Building Code Supplement, where internally illuminated signs have facings of wood or approved plastic, the area of such facing section shall not be more than one hundred twenty square feet (120 sq. ft.) and the wiring for electric lighting shall be entirely enclosed in the sign cabinet with clearance of not less than two inches (2 in.) from the facing material.

- 1205.3 The dimensional limit of one hundred twenty square feet (120 sq. ft.) stated in § 1205.2 shall not apply to sign facing sections made from flame-resistant coated fabric (ordinarily known as “flexible sign face plastic”) that weighs less than twenty ounces per square yard (20 oz. per sq. yd.) and that, when tested in accordance with the D.C. Fire Code Supplement, 12-H DCMR, meets the fire propagation performance requirements of both Test 1 and Test 2, or that, when tested in accordance with an approved test method, exhibits an average burn time of two seconds (2 sec.) or less and a burning extent of five and nine tenths inches (59/10 in.) or less for ten (10) specimens.

- 1205.4 Signs that require electrical service shall comply with the D.C. Electrical Code Supplement, 12-C DCMR, and with the electrical permitting requirements of 12-A DCMR, Chapter 1.

1206 ANIMATED DEVICES

- 1206.1 Signs that contain animated devices shall have fail-safe provisions that prevent the section or ornament from releasing and falling or shifting its center of gravity more than fifteen inches (15 in.).

- 1206.2 The fail-safe device shall be in addition to the mechanism and the mechanism’s housing that operate the animated device. It shall be capable of supporting the full dead weight of the device when the moving mechanism releases.

CHAPTER 13: ENFORCEMENT AND ADJUDICATION

1300 GOVERNING AUTHORITY

- 1300.1 Enforcement and adjudication of this title with respect to signs on private property shall be governed by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) (Civil Infractions Act), and associated rules at 16 DCMR Chapter 31 and shall be conducted by the Director of the Department of Consumer and Regulatory Affairs (DCRA).
- 1300.2 The Director of DCRA is authorized to issue notices of violation or orders to the person(s) responsible for the unauthorized display of a sign or any other violation of this title with respect to signs on private property. The Director may also undertake abatement and corrective actions, pursuant to the procedures set forth in the D.C. Construction Codes, including the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.
- 1300.3 Enforcement and adjudication of this title with respect to signs on public space and other public property shall also be governed by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) (Civil Infractions Act), and associated rules at 16 DCMR Chapter 31 and shall be conducted by the Director of the District Department of Transportation (DDOT).
- 1300.4 The Director of DDOT may also enforce this title through Section 9k of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921 *et seq.*).
- 1300.5 Notwithstanding § 1300.3, the Director of the Department of Public Works (DPW) may also enforce and adjudicate violations of §§ 606.1, through 606.7 and § 607 pursuant to the Litter Control Administration Act of 1985, effective March 25, 1985 (D.C. Law 6-10; D.C. Official Code §§ 8-801 *et seq.*) and associated rules at 24 DCMR Chapter 1300.
- 1300.6 Enforcement and adjudication of permits granted by DCRA pursuant to this title, shall be governed by Chapter 1, 12-A DCMR.
- 1300.7 The imposition of penalties prescribed in this title shall not preclude the Office of the Attorney General for the District of Columbia from instituting appropriate action to prevent unlawful display of a sign or to restrain, correct or abate a violation of this title.

In recent years some communities directly impacted have confronted continuing difficulties in their efforts to ensure compliance with regulations governing sign display, particularly as to electronic billboards. We believe this experience demonstrates the need for a more systematic and thorough

monitoring at least of the more intrusive sign technologies, and so recommend the addition of the following:

- 1300.8 The permitting and enforcement authorities for Special Signs, variable message signs, digital or on-premise sign, variable message signs, projected image signs or other electronic signs shall annually publish a report on compliance or non-compliance by each permitted sign, any measures that have been taken to ensure compliance, and any obstacles encountered in securing compliance.

CHAPTER 14: PERMITTING FEES

1400 PERMIT APPLICATION FEES

- 1400.1 Fees for permit applications for signs on public space are listed in 24 DCMR § 225, Public Space Permit Fees.
- 1400.2 Fees for permit applications for signs on private property are listed in 12-M DCMR Chapter 1, DCRA Permits Division Schedule of Fees.
- 1400.3 Fees for basic business license renewal (Companies engaged in outdoor advertising) are listed in Title 17 DCMR (Business, Occupations, and Professionals), Chapter 5 (Basic Business License Schedule of Fees).

CHAPTER 99: DEFINITIONS

- 9900.1 As used in this title, the following terms shall have the meaning ascribed:

Animated – actual motion or the illusion of motion through devices activated by wind, thermal changes or other natural environmental input, or by a mechanical system powered by electric motors or other mechanically induced means. Animated devices include spinners, pinwheels, pennant strings and other devices that respond to naturally occurring external motivations.

ASTM – the American Society for Testing Materials.

Awning – an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is composed of a lightweight, rigid skeleton structure over which a covering is attached.

Banner billboard or on—premise sign – a hanging sign, typically of fabric, that can be hung perpendicular or parallel to the face of a building.

Billboard – *a sign that advertises goods or services not available at the site of the sign*

The appropriate definition is “a sign that advertises goods or services not available at the site of the sign.” This language must replace the definition above. Billboards may be either large or small. DC should use a common definition that does not distinguish permanent from non-permanent (are Verizon billboards permanent? You bet they are!). The basic distinction should be between on-premise and off-premise advertising.

Building restriction area – the portion of a lot between a building restriction line and a lot line adjoining a street.

Building restriction line – a line that defines a required set-back on a lot, a certain distance from the public right-of-way, that is recorded on the records of the Surveyor of the District of Columbia. Any area between a lot line adjoining a street and the building restriction line is private property set aside and treated as public space.

Bulletin – a free-standing or wall-mounted sign box usually constructed of metal with a hinged glass face, housing a letter board for changeable copy.

Business day – a day other than Saturday, Sunday, or a legal holiday in the District of Columbia. If business day is not specified, a day shall mean a calendar day.

Call to Action – an explicit, specific or blatant message to consumers from the sponsor that asks consumers to take action by purchasing, using, or considering the use of a sponsor's product or service, including providing price or value information and inducements to act. (COMMENT: Clearly this is what the Verizon Center is doing and what all advertising does. Otherwise, why put it up in the first place?)

Canopy – an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and at the outer end by at least one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

Chinatown – the area bounded by Mount Vernon Square, Massachusetts Avenue NW, 5th Street, NW, G Street, NW, and 8th Street, NW, as defined by Title 10-B DCMR, Chapter 24.

Chinatown Steering Committee – the Chinatown community organization, authorized under Mayor’s Order 89-132, effective June 9, 1989, to advise the District government on physical, economic, and social impacts in Chinatown.

Chinatown Design Guidelines Study Report – the publication that establishes building design guidelines and streetscape standards for Chinatown. *See* <http://planning.dc.gov/DC/Planning/In+Your+Neighborhood/Wards/Ward+2/Small+Area+Plans+&+Studies/Chinatown+Design+Guidelines+Study>.

Civil Infractions Act – the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.* (2012 Repl.)).

Clean Hands Act – the Clean Hands Before Receiving A License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861 *et seq.* (2012 Repl. & 2014 Supp.)).

Commercial advertising – a type of advertising that promotes or directs attention to businesses, goods, services, matters or activities for the purpose of encouraging their sale.

Fine Arts Commission – the Commission of Fine Arts.

D.C. Building Code – the 2012 International Building Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Building Code Supplement, 12-A DCMR, or any successor thereto.

D.C. Construction Codes – the 2012 International Codes published by the International Code Council and the 2011 National Electrical Code published by the National Fire Protection Association, and any subsequent editions thereof (together, the International Codes), as adopted by the District of Columbia with any additions, insertions, deletions and changes to the International Codes as set forth in the 2013 District of Columbia Construction Codes Supplement, 12 DCMR, or any successor thereto.

D.C. Electrical Code – the 2011 National Electrical Code published by the National Fire Protection Association and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Electrical Code Supplement, 12-C DCMR, or any successor thereto.

D.C. Fire Code – the 2012 International Fire Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Fire Code Supplement, 12-H DCMR, or any successor thereto.

D.C. Property Maintenance Code – the 2012 International Property Maintenance Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Property Maintenance Code Supplement, 12-G DCMR, or any successor thereto.

Designated Entertainment Area – a specific area recognized by the Mayor as a destination venue that provides a concentrated number of venues for events, performances, or activities designed to entertain others.

Digital sign *billboard* or on-premise sign– A sign that is internally illuminated and displays static images or variable messages on an alternating basis. Digital signs do not include full motion video signs.

Directional sign – a sign providing information, either written or visual, that helps direct a person to a destination.

District, Commercial – C-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

District, Industrial – CM-prefixed and M-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

District, Mixed Use – CR-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

District, Residence – R-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

District, Waterfront – W-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

Display – to construct, install, erect, hang, place, post, paint, project, or exhibit a sign.

Drip line – the area beneath the tree canopy that extends from a tree trunk's outermost leaves.

Event – an occurrence, happening, activity, or series of activities, specific to an identifiable time and place, if referenced on the sign itself or reasonably determined from all circumstances by the enforcement official.

First story – the story with the floor nearest to the average elevation of the surface of the ground where it meets the front wall of the building.

Fixture – a permanent installation on public space that includes lamp posts, telephone poles, and electric poles. The term fixture does not include traffic boxes, bus shelters, traffic lights, or regulatory signs.

Freestanding billboards or on-pre – a sign supported by one or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building or fence.

Full motion video – images presented on an internally illuminated device, including a television or a video monitor, that change at a rate that makes objects appear to move smoothly and continuously.

Historic Preservation Office or HPO – the administrative staff of the Mayor's Agent, State Historic Preservation Officer, and Historic Preservation Review Board.

Historic Preservation Review Board – the Historic Preservation Review Board established by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code §§ 6-1101 *et seq.* (2012 Repl.)).

Historic sign – a sign that is original to a building, historically significant, or at least fifty (50) years old and that has features, qualities, or associations that may warrant preservation.

Illumination – artificial light emanating from within a sign, as from a video monitor, or projected onto a sign, as from a spot light.

Logo – the symbol, emblem, typeface, or other visual device used by an entity to identify itself and to distinguish itself from others in the marketplace.

Lot line – a line dividing one lot from another, or from a street or any public place.

Luminance – the luminous intensity emitted by the surface area of 1 cm² of the light source. The unit of luminance is cd/m² (or 1 nit).

Mayor's Agent – the person officially designated by a Mayor's Order to carry out specified functions pursuant to the Historic Protection Act, or the hearing officer to whom the officially designated Mayor's Agent has delegated the authority to hold public hearings pursuant to that act.

National Capital Planning Commission (NCPC) – the U.S. government agency that provides planning guidance for Washington, D.C. and the surrounding National Capital Region.

Nit – a brightness measurement of light whose standard is the amount of light that one candle gives off in one square meter of area. The nit is a unit of measurement that is used for light given off in illuminated displays such as computer screens, video games and other visual appliances.

Neon sign – a sign with luminous tubing that contain neon or other inert gases, which are illuminated through electrification and which displays a static or variable message

Non-commercial advertising – a type of advertising that is typically for the purpose of educating viewers on non-commercial matters or promoting specific ideas.

Off-premise advertising – advertisement of a brand name or trade name where the product or service advertised is only incidental to the principal activity, or it brings rental income to the property owner.

Old Georgetown Act – An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital, approved September 22, 1950 (64 Stat. 904; D.C. Official Code §§ 6-1201 *et seq.* (2012 Repl.)).

On-premise advertising – advertisement of the name of the establishment or the establishment's principal or accessory products or services offered on the property.

Permit holder – the person, organization, or other entity issued a permit by a permitting official.

Person – any individual, corporation, company, association, partnership, firm, organization, or society.

Public market – a vending operation that takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site. The term “public market” may include a farmer’s market, flea market, antiques market, or other similar type of market.

Public parking – the area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

Public space – all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District including any roadway, tree space, sidewalk, or parking between such property lines. Any building restriction area, where one exists on a lot, shall be treated as public space.

Public Space Committee – the committee established for the purpose of making final determinations in cases involving the use of public space as specified by Mayor's Order No. 1977-150, dated August 31, 1977, as amended.

Real estate sign – a sign announcing the sale or lease of land or premises.

Replica sign – a sign that replicates a historic or vintage sign.

Residential Group R – a building classification that includes Groups R-1, R-2, R-3 and R-4 occupancies.

Shipstead-Luce Act – An Act To regulate the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital, approved May 16, 1930 (46 Stat. 366; D.C. Official Code §§ 6-611.01 *et seq.*(2012 Repl.)).

Show window – a window for a street-level business behind which goods or services are displayed to passersby.

Sidewalk sign – a portable (typically double-sided, unlit) sign designed to stand independently upon a surface on which it is placed.

Sign – a physical medium or display, including its structure and component parts, used to advertise, to identify a person, object, or entity, to provide information, or to convey a message, consisting of words, letters, figures, designs, symbols, numbers, illumination, or projected images.

Special Purpose District – SP-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

Special Sign – a sign that is displayed on an outdoor structure or exterior wall or surface of a building pursuant to a Special Sign permit issued by the Director of the Department of Consumer and Regulatory Affairs under the Rules for Special Signs adopted September 22, 2000 (47 DCR 7695).

Special Sign Artwork – the visual characteristics on a Special Sign.

Sponsor – the entity that contracts with the permit holder for the use of a Special Sign to display the sponsor's artwork.

Temporary sign – a sign erected for a limited and defined period of time.

Transit information sign – a sign that provides real time information on a variety of public transportation options at a location, including buses, trains, and shared vehicles.

Variable message sign – an electronic, dynamic-sign (often abbreviated VMS, CMS, or DMS) upon which the images or messages provided change. Variable message signs include digital signs, full motion video signs, and electronic traffic signs used on roadways to give travelers information about special events.

Vintage sign – a sign more than fifty (50) years old that has distinctive characteristics or aesthetic qualities that lend character to a building or district.

Zoning Regulations – Title 11 DCMR.

12-A DCMR § 3107 and 12-A DCMR Appendix N of the D.C. Building Code Supplement are repealed.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than sixty (60) days after the publication of this notice in

the *D.C. Register*, with Alice Kelly, Manager, Policy Branch, Policy, Planning and Sustainability Administration, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to policy.ddot@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at [www.ddot.@dc.gov](http://www.ddot.dc.gov).