

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend, on a temporary basis, Chapter 31A of Title 12A of the District of Columbia Municipal Regulations to establish appropriate graphics for the Gallery Place Project; and the Construction Codes Approval and Amendments Act of 1986 to make a conforming amendment regarding the approval of proposed rules.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Gallery Place Project Graphics Temporary Amendment Act of 2004”.

Sec. 2. Chapter 31A of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3105 *et seq.*), is amended by adding a new subsection 3107.18 to read as follows:

DCMR

“3107.18 Rules for Gallery Place Project Graphics: The code official is authorized to issue a permit for Gallery Place Project Graphics, as defined in subsection 3107.18.1. Gallery Place Project Graphics shall be subject to the rules of this subsection and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, Special Signs, and other specific types of signs, except those specific types of signs indicated below. Gallery Place Project Graphics shall not be subject to subsection 3107.10 or other similar provisions of this chapter that limit the maximum size or height of signs, other than the limitations stated or incorporated into this section. All other provisions of this chapter shall apply, including, but not limited to, subsections 3107.3.4 (permits for electrical signs), 3107.7.1 (projecting signs), 3107.7.2 (roof signs), 3107.7.3 (signs supported by projecting construction), 3107.7.4 (signs on awnings or similar projections), 3107.7.8 (signs on public space), 3107.11 (structural and materials requirements), 3107.13 (dangerous signs), and 3107.14 (obstructive signs).

“3107.18.1 Definitions: As used in this subsection, the following definitions apply:

“Gallery Place Project: (a) The project described in D.C. Official Code § 47-2005(30)(B), except that the lots comprising the project have been combined and are now known as Lot 50 in Square 454; (b) the private alley located between the project and the property known as the MCI Center, Square 455, Lot 47; and (c) the northern facade of the MCI

Center.

“Gallery Place Project Graphics: The outdoor graphics and visuals for the Gallery Place Project, including, but not limited to, banners, digital screens, digital video monitors, theater marquees, fixed and animated signs for commercial establishments located within the project, projectors for projecting static and moving images onto the Gallery Place Project, interactive kiosks, and images projected onto the façade of the Gallery Place Project.

“3107.18.2 Additional Requirements and Restrictions: In addition to all other applicable provisions of this chapter not exempted by this subsection 3107.18, Gallery Place Project Graphics and those graphics and visuals located in the public space immediately adjacent to the Gallery Place Project shall be designed, located, erected, hung, placed, posted, painted, displayed, and maintained in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6, which are incorporated by reference into this section and made an appendix to this chapter (the “Illustrations”).

“3107.18.2.1 Flexibility on Character of Advertisement: Notwithstanding subsection 3107.6, Gallery Place Project Graphics located in those areas identified in the Illustrations as the “Corner Heroic Sign Area” or the “Additional Signage Area” may advertise businesses not located on the premises, including the goods and services sold at such business, provided that the businesses so advertised are located within the Gallery Place Project.

“3107.18.2.2 Displays of Video, Flashing, or Animation: Only that portion of a graphic or visual which is permitted by subsection 3107.6.1 to advertise products or commodities may display video, flashing, or animation.

“3107.18.2.3 Intensity or brilliance of signs: No Gallery Place Project Graphic shall have such intensity or brilliance as to cause glare or impair the vision of any driver, otherwise interfere with the driver's operation of a motor vehicle, or adversely impact an owner's enjoyment of residential property located within the Gallery Place Project.

“3107.18.2.4 Projection at certain locations: Notwithstanding subsection 3107.7.1.1, the following specific rules apply to projecting Gallery Place Project Graphics:

“3107.18.2.4.1 No Gallery Place Project Graphic located in any area shown as cross-hatched in the Illustrations shall project more than 12 inches (304 mm) beyond the facade of the structure.

“3107.18.2.4.2 Gallery Place Project Graphics located in the “Storefront Signage Areas” depicted on the Illustrations may project no more than 48 inches (1219.20 mm) beyond the building line or building restriction line, on the street frontage of a building.

“3107.18.2.5 Revolving Signs: Notwithstanding subsection 3107.7.11, revolving signs shall be permitted in the private alley located between the project and the property known as the MCI Center, Square 455, Lot 47, subject to the conditions of subsections 3107.7.11.1 through 3107.7.11.7.

“3107.18.3 Gallery Place Project Graphics Permit: No Gallery Place Project Graphics may be erected, hung, placed, posted, painted, displayed, or maintained without the owner of

such Gallery Place Project Graphic first obtaining a Gallery Place Project Graphics Permit from the Department in accordance with subsection 3107.18.4. A Gallery Place Project Graphics Permit authorizes the location, size, and design of the graphic or visual.

“3107.18.4 Gallery Place Project Graphics Permit Application: An application for a Gallery Place Project Graphics Permit shall be submitted by the owner to the Director of the Department, or his or her designee, on a form provided by the Department, and shall include the following:

“(1) Identification of: (a) the applicant; (b) the proposed location of the Gallery Place Project Graphics by the street address of the building or premises and the face direction of the wall or surface (e.g., northern-facing); (c) the proposed linear dimensions of the Gallery Place Project Graphics; and (d) such other information as the Director may require.

“(2) An affidavit signed by the applicant or his or her duly authorized representative, certifying that the applicant is in compliance with subchapter II of Chapter 28 of Title 47 of the District of Columbia Official Code.

“(3) A permit fee in the amount of one dollar (\$1.00) per square foot of the Gallery Place Project Graphics. The permit fee may be paid by check made payable to the order of the "D.C. Treasurer." The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the provisions of Chapter 1 for the refund of unused permit fees.

“3107.18.5 Permit Applications Referrals: The Director of the Department, or his or her designee, shall refer all permit applications to the District Department of Transportation and the Office of Planning. The agencies shall have 60 (sixty) days from the referral date to submit a written report to the Director of the Department, except that the Director may allow for an extension of this period of up to thirty (30) days for good cause.

“3107.18.6 Effect of Adverse Report: No permit shall be granted if, within the time period provided in subsection 3107.18.5:

“(1) The Director of the Department of Transportation reports in writing that the location, size, or height above grade of the visual or graphic is objectionable with regard to vehicular traffic safety; or

“(2) The Director of the Office of Planning reports in writing that the proposed graphic or visual:

“(a) Does not comply with the specifications, drawings, limitations and requirements of the MOA; or

“(b) Would adversely impact the character and integrity of the Gallery Place Project.

“3107.18.7 Review, Approval, and Denial of Permit Applications: The Director of the Department, or his or her designee, shall review and approve or deny a Gallery Place Project Graphics Permit application within twenty (20) days of after the expiration of the time period provided in subsection 3107.18.5. Gallery Place Project Graphics Permits shall be issued in the

name of the applicant and shall pertain solely to the Gallery Place Project Graphics location identified on the permit.

“3107.18.7.1 Denial of Application: If the Director denies a Gallery Place Project Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

“3107.18.8 Applicability of Other Laws and Regulations Unaffected: Other than the exempted provisions of this chapter, the Gallery Place Project shall continue to be subject to all applicable rules and regulations, including, but not limited to, Chapter 24 of Title 10 (CHINATOWN DESIGN REVIEW PROCEDURES).

“3107.18.9 Enforcement of Regulations and Removal of Gallery Place Project Graphics: Any unauthorized Gallery Place Project Graphic (including Gallery Place Project Graphics without a permit) shall be taken down or removed within ten (10) days after receipt of written notification of violation from the Department. Following the expiration of this time period, the code official is authorized, through personnel of the Department or the Metropolitan Police Department, to remove or take down the unauthorized Gallery Place Project Graphic and to impose civil fines of no more than three dollars (\$3) per square foot of sign, per day, that the unauthorized Gallery Place Project Graphic fails to be taken down or removed. Both the owner of the premises upon which the Gallery Place Project Graphic is displayed and the permit holder are responsible for taking down or removing the graphic or visual upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of section 113, "Violations and Infractions."

“3107.18.10 Maintenance and repair: Whenever the code official finds that any Gallery Place Project Graphic is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the Gallery Place Project Graphic within a specified time, but not less than 10 calendar days. If the code official finds that the Gallery Place Project Graphic has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the Gallery Place Project Graphic and the owner of the real property on which said Gallery Place Project Graphic is located to remove the Gallery Place Project Graphic from the property within a specified time. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in section 4 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, approved March 31, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to Titles I through III of 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.*). The code official may extend the time periods stated in this subsection upon

the owner's written showing of good cause.

“3107.18.11 Rulemaking Authority: Notwithstanding section10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), the Director may amend the provisions of this subsection and the specifications, drawings, limitations, and requirements of the Illustrations by rulemaking pursuant to section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.”.

Sec. 3. Section10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 6-1409

“(a-1) Notwithstanding the provisions of subsection (a) of this subsection, the Mayor may amend the provisions of subsection 3107.18 of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3107.18), including the specifications, drawings, limitations, and requirements of the Illustrations, as defined in subsection 3107.18.11 of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3107.18.11), by rulemaking pursuant to section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.”.

Sec. 4. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia