

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Chapter 31A of Title 12A of the District of Columbia Municipal Regulations to authorize and establish guidelines for the issuance of permits for the erection of graphic displays and digital signage on the exterior of the Verizon Center building.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Verizon Center Graphics and Entertainment Amendment Act of 2012”.

Sec. 2. Chapter 31A of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 3107A *et seq.*) is amended by adding new Sections 3107.19 through 3107.19.16 to read as follows:

DCMR

“3107.19 Rules for Verizon Center Graphics. The code official is authorized to issue a permit for each of up to nine (9) “Verizon Center Graphics” as defined in Section 3107.19.1. The Verizon Center Graphics shall be subject to the provisions of Sections 3107.19 to 3107.19.16 and the following provisions, as applicable: Sections 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), 3107.7.8.1 (Signs on public space), 3107.11 (Structural and materials requirements), 3107.13 (Dangerous signs), and 3107.14 (Obstructive signs) except as applied to windows. The Verizon Center Graphics shall not be subject to any other provision of this Chapter or any provision of Titles 10 or 12 pertaining to the permitting, approval, erection, placing, painting, display, or maintenance of billboards, poster panels, wall signs, special signs, and any other types of outdoor signs, including, without limitation, Section 3107.10 (Maximum size of street signs) or any other provision of this Chapter that limits the maximum size or height of signs, other than the limitations stated or incorporated into this section. Nothing in this section shall prevent the operation of Sections 3107.3.5 (Exemptions from permit) or 3107.6.6.1 (Temporary decorations for buildings) with respect to the Verizon Center.

“3107.19.1 Definitions. As used in Sections 3107.19 to 3107.19.16, the following definitions apply:

“Department” means the Department of Consumer and Regulatory Affairs.

“Director” means the Director of the Department or his or her designee.

“Verizon Center” means the property and structure currently known as the Verizon Center, located at Square 455, Lot 47, including, without limitation, the Gallery Place Metro entrance on the corner of 7th and F Streets, N.W.

“Verizon Center Graphics” means outdoor signs, visuals, digital displays, and static canvas displays placed on the Verizon Center, which were not existing on the Verizon Center as of June 11, 2012, consisting of:

(1) Two (2) separate digital displays on the western side of Verizon Center, each measuring no more than 1,200 square feet, which would replace two (2) static canvas displays on the western side of Verizon Center as they existed on June 11, 2012;

(2) One (1) digital display that forms a right angle around the southwest corner of the Verizon Center with each display panel of the digital display forming a right angle measuring no more than twenty-four (24) feet in height and forty-three (43) feet in width with the top of each panel of the digital display starting at the top of the glass windows on the Verizon Center as they existed on June 11, 2012;

(3) Two (2) separate digital displays, each measuring no more than three (3) feet in height and eighteen (18) feet 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 7<sup>th</sup> and F Streets, N.W.;

(4) Up to two (2) digital displays or static canvas displays in the interior space above and around the escalators in the Metro station identified in paragraph 3 of this section;

(5) One (1) static canvas display that forms a right angle around the southeast corner of the Verizon Center with each panel forming a right angle measuring no more than twenty-four (24) feet in height and forty-three (43) feet 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

(6) Up to two (2) separate static canvas displays on the eastern side of the Verizon Center, each measuring no more than 1,200 square feet.

“3107.19.2 Intensity or Brilliance of Graphics. None of the Verizon Center Graphics shall have such intensity or brilliance as to create an unreasonable risk for vehicular traffic safety as determined by the Director of the District Department of Transportation pursuant to section 3107.19.8.

“3107.19.3 No Sound. None of the Verizon Center Graphics shall have an audio or sound other than any de minimis sounds caused by general operation.

“3107.19.4 Digital Displays. No digital display shall be placed on the exterior of the Verizon Center that is parallel to any residential building existing as of June 11, 2012.

“3107.19.5 Verizon Center Graphics Permit. No Verizon Center Graphics may be erected, installed, hung, placed, posted, painted, displayed, or maintained without the owner of Verizon Center or the owner’s designee first obtaining a Verizon Center Graphics permit from the Department in accordance with this Chapter. A Verizon Center Graphics Permit authorizes the location, size, and structural design of the Verizon Center Graphics and shall be valid for three (3) years with no limitation on the number of renewals of the permit. Each renewal of the Verizon Center Graphics permit shall require a review under section 3107.19.10 if substantive changes to the permit application merit such review and payment under section 3107.19.6.

“3107.19.6 Verizon Center Graphics Permit Application. An application for a Verizon Center Graphics Permit shall be submitted by the owner, or the owner’s designee, of the Verizon Center to the Director and shall include the following:

“(1) Identification of:

“(A) The applicant with contact information including the applicant’s telephone number, e-mail address, and mailing address;

“(B) The proposed type and location of the Verizon Center Graphics and the face direction of the wall or surface;

“(C) The proposed linear dimensions of the Verizon Center Graphics and its projection from the Verizon Center facade;

“(D) The proposed structural design of the Verizon Center Graphics;

“(E) The proposed intensity or brilliance of the Verizon Center Graphics;

“(F) The potentially affected Advisory Neighborhood Commissions; and

“(G) Any use on the digital displays constituting Verizon Center Graphics that the applicant may provide for public service announcements and advertisements regarding community, art, cultural, educational and similar events, including public services notices that the District of Columbia government may want to post.

“(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, and has consulted with or attempted in good faith to consult with the potentially affected Advisory Neighborhood Commissions about the permit application.

“(3) A permit fee in the amount of three dollars (\$3.00) per square foot of the Verizon Center Graphics; provided, that this permit fee may be amended by rulemaking or act consistent with permit fees for similar signs. The permit fee may be paid by check made payable to the order of the “D.C. Treasurer.”

“(4) Five (5) copies of the application and all illustrations; and

“(5) Any other information required by the Director to assist in reviewing the permit application.

“3107.19.7 Permit Application Referrals. The Director shall refer all Verizon Center Graphics permit applications to the District Department of Transportation and the Office of Planning within ten (10) days of receipt of the permit application by the Department. The District Department of Transportation and the Office of Planning shall have seventy (70) days from the date the Department receives the permit application to submit a written report to the Director, except that the Director may allow for an extension of this period of up to thirty (30) days for good cause.

“3107.19.8 Effect of Adverse Report. No Verizon Center Graphics permit shall be approved by the Department if:

“(1) The Director of the Department of Transportation reports in writing with a detailed statement of reasons that the location, size, height above grade, brilliance, or

illumination of the Verizon Center Graphics would create an unreasonable risk for vehicular traffic safety;

“(2) The proposed Verizon Center Graphics would violate applicable federal or District of Columbia laws or regulations; or

“(3) The Director of the Office of Planning reports in writing with a detailed statement of reasons that the proposed Verizon Center Graphics would adversely impact the character and integrity of the Verizon Center as a sports and entertainment arena or the character and integrity of the surrounding neighborhood as a whole for residential, business, and recreation uses.

“3107.19.9 Advisory Neighborhood Commission Notification. The Director shall notify in writing potentially affected Advisory Neighborhood Commissions of the submission of an application for Verizon Center Graphics within ten (10) days of receipt of such application and invite the submission of any written comments within forty-five (45) days of the date of such notice.

“3107.19.10 Review, Approval, or Denial of Verizon Center Graphics Permit Applications.

“(a) The Director shall review and either approve or deny a Verizon Center Graphics permit application within twenty-one (21) days after the expiration of the time period provided in Section 3107.19.7. The approval or denial of the permit application shall be based on the following:

“(1) Whether the permit application meets the requirements set forth in this Chapter; and

“(2) Whether an adverse report has been issued by either the District Department of Transportation or the Office of Planning pursuant to Section 3107.19.8.

“(b) A Verizon Center Graphics permits shall be issued in the name of the applicant and shall pertain solely to the specific Verizon Center Graphic and specific location identified in the permit.

“3107.19.11 Denial of Application.

“(a) If the Director denies a Verizon Center Graphics permit application, the denial shall be issued in writing to the applicant and shall explain in detail the basis for the denial. The applicant shall have thirty (30) days from receipt of the denial to:

“(1) Correct any defect in the application identified by the Director and submit a corrected Verizon Center Graphics application to the Department; or

“(2) Seek review of the permit denial at the Office of Administrative Hearings.

“(b) If the applicant timely submits a corrected Verizon Center Graphics application to the Department, the Director, within five (5) days of receipt of the permit application, shall refer the permit application to the District Department of Transportation and the Office of Planning and each agency shall provide a report required under Section 3107.19.7 within fourteen (14) days. The Director shall review and either approve or deny the corrected permit application within thirty (30) days of receipt of the corrected permit application. If the Director denies the

corrected permit application, the applicant shall have thirty (30) days from receipt of the denial to file a notice with the Office of Administrative Hearings for adjudication.

“3107.19.12 Static Canvas Display Changes. As part of a Verizon Center Graphics permit application, the owner of the Verizon Center or the owner’s designee may apply to the Director for a change in the number, location, and size of the static canvas displays as defined in the definition of Verizon Center Graphics in Section 3107.19.1, but shall not do so for digital displays. The Director shall grant such application if:

“(1) The total number of permits for Verizon Center Graphics does not exceed nine (9);

“(2) The display size of any one (1) static canvas display does not exceed 1,200 square feet;

“(3) The Verizon Center Graphics are deemed to be in compliance with applicable federal or District of Columbia laws or regulations; and

“(4) All other requirements applicable to the Verizon Center Graphics set forth in this Chapter are met.

“3107.19.13 Enforcement of Regulations and Removal of Verizon Center Graphics. Any unauthorized Verizon Center Graphics, including Verizon Center Graphics without a permit or Verizon Center Graphics that are not in full compliance with provisions of the District of Columbia Official Code, District of Columbia Municipal Regulations, or federal law, including D.C. Official Code § 1-303.21 *et seq.* and this Chapter, that become effective within one (1) year of the issuance of the permit authorizing the Verizon Center Graphics permitted under this Chapter, shall be taken down or removed within fourteen (14) days after receipt of written notification of violation from the Mayor directing that the Verizon Center Graphics be removed or taken down. Further, the Mayor shall impose civil fines of no more than \$5 per square foot of sign, per day, if the unauthorized Verizon Center Graphics are not taken down or removed after the specified 14-day period. The permit holder, at its sole cost and expense, shall be responsible for taking down or removing unauthorized Verizon Center Graphics upon notification by the Mayor to do so and shall be solely and exclusively responsible for any expense incurred by the District of Columbia if the Mayor removes the unauthorized Verizon Center Graphics as described herein. The permit holder shall also be held solely and exclusively responsible for any penalties or fines imposed by this violation. Any changes made to sign and advertising requirements under District of Columbia law after the issuance of a Verizon Center Graphics permit shall not apply to the Verizon Center Graphics for the life of the permit or three (3) years from the issuance of the permit, whichever is shorter.

“3107.19.14 Maintenance and Repair. Whenever the code official finds that any of the Verizon Center Graphics are not maintained in good repair and have not deteriorated more than fifty percent (50%) of their replacement value, the code official shall notify the Verizon Center owner and permit holder and order the repair of the Verizon Center Graphics within a specified time, but not less than ten (10) days. If the code official finds that any of the Verizon Center Graphics are not maintained in good repair and have deteriorated more than fifty percent (50%) of their replacement value, or are not repaired within the time specified

in the repair notice, the code official shall order the Verizon Center owner and permit holder to remove such Verizon Center Graphics within a specified period of time, but not less than five (5) days. Failure to comply with such order shall subject the Verizon Center owner and the permit holder, upon adjudication, 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 section upon written showing of good cause by the Verizon Center owner and permit holder.

“3107.19.15 Existing Verizon Center Signs. Any outdoor graphics, signs, visuals, digital displays, and static canvas displays existing on the Verizon Center as of June 11, 2012 shall be deemed to be approved under District of Columbia law and a permit shall be issued by the Department for each sign after the applicable permit fee is paid by the owner of the Verizon Center.

“3107.19.16 Rulemaking Authority. Notwithstanding section 10 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 of the Department may amend the provisions of sections 3107.19 through 3107.19.16 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), upon review and active approval by the Council.”.

#### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 4. Effective date.

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

**ENROLLED ORIGINAL**

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia