Signs of Progress

Rolling back the awning regulations could cost merchants a Lotto business.

By Jennifer Gerend

IT SOUNDED LIKE a classic little-guy-gets-dumped-on-by-big-bureaucracy tear-jerker: First came the pictures in the papers and on TV of familiar-looking awnings advertising “beer, cigarettes, Lotto, sandwiches, 24 hours, delivery,” accompanied by the oh-so-shocking news that such awnings are actually illegal. Then there were the wet-eyed testimonials from merchants who received fines of $2,500 this past spring, and who insisted they didn’t know about the law.

During a ticket blitz that included $55 fines for those car-dealer license-plate frames, a $50 ticket for feeding pigeons in the park and a summons for a pregnant woman blocking a stairwell, it was easy to add “illegal awning crackdown” to the list, and the media did just that. The papers were quick to label the law “arcane” and the summonses “silly.” ABC’s 20/20 saved the story for its “Give Me a Break” segment. As he stood before the wonderfully dizzying signage of Times Square, John Stossel expressed his disbelief at the stupidity of it all: “Wasn’t big, flashy signage a quintessential New York experience?”

Well, yes and no. Times Square is really more the exception than the rule. All of the buildings in the core of Times Square are required to have large, flashy signage as part of a Midtown special district passed in 1990, according to Daniella Eidelberg of the Times Square Business Improvement District. The intent of the regulations, according to Eidelberg, was to “preserve the bright lights and signs that have made Times Square famous.” Eidelberg added, “They help create the ambiance of Times Square and distinguish it from other parts of Midtown.”

In other words, Times Square is world-renowned because it doesn’t look like the rest of the city, and for good reason: How beloved would Times Square-like signage really be on your block?

The truth is, the current awning regulations do serve a purpose. They not only help keep the city from becoming one big Times Square, but they also help businesses prosper and encourage the economic development of the communities they serve.

If you were house-hunting for your family, you would probably prefer a home in an area where residents sweep the sidewalks, plant flowers and maintain their buildings. Business owners feel the same way. Furthermore, neat, clean storefronts attract pedestrian traffic. In general, when choosing which way to walk to the subway or another local destination, people naturally gravitate toward the route that seems the safest and most visually pleasing. That has certainly been true on Myrtle Avenue in Brooklyn, where the aesthetic improvements to the commercial strip have led to such a boom in pedestrian traffic that our Local Development Corporation has to employ private sanitation workers from 6 a.m. to 7 p.m., six days a week, to remove litter and empty overflowing trash cans.

To be sure, the current rules are a little strict. Under the regulations, which took effect in 1961, when awnings were mostly retractable and mainly used to provide shade or cover from the rain, an awning is only allowed to state a business name and address in a 12-inch or smaller font. By contrast, regulations governing flat signs focus not on their content, but on ensuring that their size, hanging height and illumination are appropriate to the zoning. But taken together, these regulations make a certain sense: They allow merchants to say what they wish on their awnings anyway.

Although they got most of the attention, the rules governing the content of a merchant’s awning are not the only place businesses got into trouble last spring. The New York Times reported that 494 of the 1,211 awning summonses were for awnings without permits. Most signs and awnings require permits, which can be filed by licensed awning or sign companies that employ permit brokers. Many merchants don’t request these permits, however, either because the process is not clear to them, or because they hear the law is never enforced and would rather save the money (often around $700).

This is one reason it’s also fair to say there was indeed a ticket “blitz.” Enforcement of awning and sign regulations over the years has been minimal, so when Department of Buildings inspectors this spring began issuing tickets, it felt to many like a sting operation. To be fair, maybe the fines given out during that period should be waived, or perhaps those merchants should be given a grace period in which to comply with the law, since enforcement was sudden and some business owners may not have known of the rules.

However, while some reform may be needed, the answer is not to discard the existing regulations entirely.

To understand the reason for regulation, you have to delve into the psychology behind an average commercial strip. Given free rein, merchants will list as much on their awnings as possible— even their entire menus. I have spoken with merchants about this, and many admit their tendency to be “long-winded” on awnings. One Brooklyn merchant acknowledged, “There needs to be a limitation on the amount of language on awnings to head off ridiculous amounts of information.”

Why do merchants want to put so much stuff on their awnings anyway?

I believe that many small-business owners get pulled into an awning “arms race.” One merchant will put up a large, flashy awning and block the view to the other more modest signs on the block. As a result, the neighboring
Neat, attractive storefronts increase sales and can help strengthen an entire retail strip.

Let's use these six months to have a dialogue about reform among the mayor's agencies that deal with signage and small businesses, the City Council, the City Planning Commission and BIDs and LDCs around the city that operate commercial revitalization programs. We should also include merchants and awning companies, to ensure that the regulations are both fair and clear to those who must comply with them.

Perhaps the rules should be relaxed just a little. For example, I agree that a phone number would be useful on an awning, and maybe an appropriately sized logo for the business (not an advertiser like Lotto or a soda manufacturer). And while we're looking into a signage regulation and trying to develop an enforcement system that works better, maybe we could trim a little bit off the cost of the permits? I know we're living in tough budget times, but even if signage permits were significantly cheaper the city would likely take in more revenue overall, because merchants would much more likely to comply with the law and apply for them. Maybe we should also reconsider which signs and awnings should even require a permit. Currently only very small signs, those less than six square feet, are exempt.

But let's not lose hope about the future for attractive and individualized signage. City Council Speaker Gifford Miller has said that 90 percent of our awnings are in violation of the code, and therefore the code must be reformed. This is the wrong motivation to change a policy. If 90 percent of our restaurants violated the health codes, would we change the legislation to make that standard legal?

Honestly, New York has some of the ugliest signage in the world. Go to London, Berlin, Paris, Brussels or most other major metropolitan cities and tell me otherwise. Stateside, Boston seems to be winning the fight. On a trip there last fall, I was surprised to see even the likes of CVS and 7-11 conforming to minimalist signage code. When we try to get national chains to participate in our signage programs in New York, they laugh in my face.

We can do better. Instead of simply abandoning the awnings code, let's develop a system that is clear, sensible, enforceable and helps our merchants dress for success.

Jennifer Gerend is executive director of the Myrtle Avenue Revitalization Project Local Development Corporation, and a member of the American Institute of Certified Planners.