Public Places, Private Messages: How the First Amendment Shapes Street Art and Advertising

Municipal Government Perspective
City of Lakewood

- Incorporated in 1969
- Population 155,070
- 44 square miles
- 66,388 housing units
FasTracks Region-Wide
- 2004 voter approved ballot measure
- 122 miles of new rail
- 18 miles of bus transit

West Corridor
- 12.1 miles
- Opened April 2013
- 7 Lakewood stations
Lamar Station

- Located in historic Two Creeks Neighborhood
- Neighborhood walk-up station
- ¼ mile from retail on Colfax Avenue, Rocky Mountain College of Art + Design, 40 West Arts galleries and studios
- ½ block from 110 unit Lamar Station Crossing development and 155 unit West Line Flats, with more development online
- Zoned for TOD
- Vision is to transform the station area into a small-scale, mixed-use area, focusing on arts and creative industries
Background + Adopted Plans

- 2006 - West Colfax Avenue Action Plan
- 2010 - Lamar Station Area Plan
- 2011/2012 – EPA Area Wide Brownfields Planning Grant/40 West Urban Design and Mobility Concepts Plan
- 2012 - City passed the torch to 40 West Champions + 40 West designated Emerging Creative District by State of CO
- 2014 - 40 West receives full Creative District certification
- 2016 – City and 40 West awarded major NEA Our Town Grant to create 40 West ArtLine
40 WEST ARTS DISTRICT
URBAN DESIGN AND MOBILITY CONCEPTS
ADOPTED JANUARY 2012
- Core area anchored by RMCAD, Lamar Station, W. Colfax Ave
- Mobility Improvements
- Streetscapes
- Wayfinding Signage
- Connect the parks with an Arts Loop (40 West ArtLine)
- Public Art
Mobility + Streetscape
Our Town Grant

The National Endowment for the Arts Our Town grant program helps transform communities into lively, beautiful and resilient places with arts at their core.

2016 Stats
Approximately 25% of applicants funded
Awards ranged from $25,000 - $100,000
Lakewood awarded $100,000
Only Our Town Grant in Colorado
The 40 West ArtLine: Connecting people and places through an interactive walking and biking arts experience.
Wayfinding: Signage + Green Line
Conclusions:

• Collaboration + partnerships between local government, arts non-profits, BID are key to success, both in creating and sustaining this kind of effort

• Community involvement, dedicated champions and artists are essential

• Be creative with funding mix

• Be bold!
www.Lakewood.org/CommunityPlans
www.40WestArtLine.org
40 West Character
Sign Regulations by Zone District & Use
Standards by Sign Type

- Awning Signs
- Major Tenant Identification Signs
- Projecting Signs
- Wall Signs
- Freestanding Signs
- Digital Display Boards
- Menu Boards
- Temporary Signs
- Political Signs
- Special Event Signs
- Portable A-Frame Signs
- Construction Signs
Prior to update…
Major Court Case
• Reed v. Town of Gilbert, AZ
  o Lawsuit where the church argued that the town’s sign regulations were a violation of its First Amendment right to the freedom of speech.
  o In 2015, the US Supreme Court decided in favor of the church 6-3
Purpose of Sign Ordinance

“...to provide standards that result in a reasonable balance between the right of an individual to exercise freedom of speech through signage, and the right of the public to be protected from the potential health impacts, safety hazards and visual blight that result from the unrestricted display of signs.”
Reasonable balance?

Sign Codes are actually good for business.
Ideal Message
Next best thing...
Tragedy of the Commons
Sign Ordinance Update Process

- Lakewood Resident Working Group
- Legal Review
- Review with 40 West Arts District, West Colfax Community Association and Lakewood Cultural Center
- Review by City staff
- 2 Study Sessions with the Planning Commission
- 3 Study Sessions with the City Council
- 2 Public hearings
Painted Wall Signs:

### Table 17.9.13: Painted Wall Signs

<table>
<thead>
<tr>
<th>Applicable Zone District</th>
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<th>Maximum Size per Sign Face</th>
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**Supplemental Standards:**

a. Unless permitted as a Wall Sign, Painted Wall Signs shall not contain a business name, business logo or commercial message.

b. Permits may only be issued to:
   1. Certified Public Arts District; or
   2. Governmental organization working on a public art project; or
   3. A Special District; or
   4. Registered Neighborhood Organization or similar community based organization.
Painted Wall Sign Definition:

A sign painted or applied on the side of a building that has no sign structure.

Sign Definition:

Any structure, which requires a temporary or permanent location, that has a visual display visible from the public right-of-way and is designed to identify, announce, direct or inform.
Works of art which in no way identify a specific business, business activity, product are not considered a sign and shall be allowed. Works of art which contain text or logos that portray a message suggestive of the on-site business shall be interpreted to constitute a sign, shall be counted toward the number and size of signs permitted for the premises, shall comply with building height limits and setback requirements applicable to the property on which they are located.
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Complete Angler Mural

photo from Municipal Lawyer, Vol. 59 No. 1
Arlington’s Wag More Mural

photo from The Washington Post
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Blue Lion Mural

photo from West Line Flats website
Conclusion & Lessons Learned:

- Explaining Gilbert v. Reed takes time.
- Commercial vs. non-commercial speech is nuanced and difficult to explain.
- Changes to the standards for political signs weren’t popular.
- There’s never enough sign area allowance.
Thank You