

Tighten the law on billboards

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It makes no sense to compensate someone for breaking the law. But that is exactly what California law allows for billboard owners who violate the terms of their permit.

Here is the issue: Under existing law, a billboard that violates the conditions of its original permit - most typically, the owner enlarges it or converts it to a two-sided sign without getting the required permission - is effectively "grandfathered" as legal if no notice was served on the owner for five years. Even worse, a local government that tries to enforce the law by requiring the owner to adhere to regulations is required to compensate the billboard owner.

"It is crazy," said Sen. Mark Leno, D-San Francisco, who has introduced legislation to remove this anomaly in state law. "They've gotten these ill-gotten gains, and if five years pass, there's a rebuttable presumption that it's lawfully erected. And there's nothing that can be done."

Leno's SB690, which he authored at the behest of Los Angeles City Attorney Rocky Delgadillo, would close those loopholes. It would give local governments the authority to force owners to remove or modify billboards that violate their original conditions. Leno is anticipating a major fight when the measure reaches a committee hearing next month.

"It's a very powerful lobby in Sacramento, as you can see from the nature of the current law, which is written for the industry, not the community," said Leno.

At the moment, Los Angeles, where there are an estimated 10,000 outdoor signs, is the front line in the billboard war. Just last week, the city's Planning Commission recommended a multifaceted tightening of its billboard regulations. Among the provisions: A billboard of equal or greater size would need to be removed for each new sign erected. The package also would reduce the size of most allowable signs and ban new digital billboards and "supergraphics" - vinyl signs that are attached to sides of buildings - in most of the city. Los Angeles has just six sign inspectors to cover its 468 square miles, according to

Leno.

Even in San Francisco, where 78 percent of voters in 2002 approved a prohibition on new billboards, enforcement is a challenge. The Planning Department has stepped up efforts to monitor the 1,500 billboards in the city. A department report issued in November said just 55 percent of the 580 signs it reviewed were "broadly in compliance" with the planning code. Of those that were out of compliance, 141 had been removed.

Leno's SB690 will provide an incentive for cities throughout the state to enforce the law - and a disincentive for sign companies to breach their permit conditions.

"California's going to set a precedent for the United States," said Leigh Ann Baughman, executive director of San Francisco Beautiful, which supports both SB690 and separate legislation (AB109) by Assemblyman Mike Feuer, D-Los Angeles, that would impose a two-year moratorium on the installation of digital billboards in the state. Feuer's goal is to allow time to study the effect of such high-intensity, flashing billboards on traffic safety.

Bay Area residents experienced jolting evidence of the distinction between an old-fashioned billboard and the digital variety when the lights went on at a converted billboard at the Bay Bridge toll plaza on March 31, 2007. It wasn't just drivers who complained of the distraction. Residents from high in the East Bay hills, and as far away as Sausalito, objected to the assault on their nightscape.

"They (sign companies) are taking something that does not belong to them - your line of sight - and selling it to someone else for a profit," Baughman said.

However, even Californians who do not share San Francisco Beautiful's philosophical objections to outdoor advertising should be concerned about the fairness of a law that makes it difficult to take down a sign that is in violation of local law. And, from a standpoint of traffic safety, there is good reason to question whether a high-wattage sign that is designed to grab drivers' attention is a hazardous distraction.

SB690 and AB109 are reasonable bills that deserve to advance in the California Legislature.