

**OUTDOOR ADVERTISING
SIGN (BILLBOARD)
ENFORCEMENT**

GLOSSARY

CalTrans – State Department of Transportation

CGJ -- (San Francisco) Civil Grand Jury

CPD -- City Planning Department

DBI -- Department of Building Inspection

OUTDOOR ADVERTISING SIGN (BILLBOARD) ENFORCEMENT

OVERVIEW

Citizen-action groups and City Planning Department (CPD) staff concur that San Francisco has hundreds of unidentified illegal outdoor advertising signs (billboards) which should be removed. As a follow up to the voter-approved March 2002 ballot measure banning all new billboard construction and to the June 2001 statute to tighten billboard code enforcement, the 2001-2002 San Francisco Civil Grand Jury (CGJ) recommends these additional measures to monitor efficiently the hundreds of billboards which will remain grandfathered:

- legislation to require annual renewal of permits for all outdoor advertising signs, with substantial renewal fees
- an allocation within CPD budget for billboard monitoring and enforcement
- a block-by-block survey of every existing billboard in San Francisco to count and identify the remaining legal signs, and to weed out the signs without valid permits
- an efficient data base in the CPD with an interface which allows for the exchange of pertinent information with the Department of Building Inspection (DBI) and the Assessor's Office
- closer integration between CPD and the State Department of Transportation (Cal Trans) billboard enforcement procedures concerning jurisdictional overlap in San Francisco
- a new CPD pamphlet which lists billboard regulations, is easily understood, and includes complaint forms for distribution to the public, thereby encouraging citizen assistance in controlling illegal billboard installations
- a well-publicized 24-hour CPD hotline to receive citizens' complaints regarding billboards

BACKGROUND

CGJ sought to evaluate the enforcement of existing CPD and DBI codes, and of pertinent City and State laws, covering outdoor advertising sign permits within San Francisco. Code enforcement of signs without permits and illegally altered signs was

insufficient during the decade of the 1990s due to Department budget and staffing shortages, and to the more lax nature of previous planning codes and city laws. Over the same period new technology evolved, making the installation of very large wall signs faster and cheaper, and the colors more vivid and eye catching. Combined with a hot economy, this spawned a proliferation of new billboards, an undetermined percentage of which are without valid permits. The Board of Supervisors passed legislation May 18, 2001, (effective June 17, 2001) giving added strength and incentive to the CPD for billboard regulation. The March 2002 ballot measure bans all future billboards, which is an indication that this "quality of life" issue is important to San Francisco voters. This ban does not affect existing permitted (grandfathered) outdoor advertising signs, which may remain in place as long as the frame, base, size, and orientation are not altered in any way.

INVESTIGATIVE PROCESS

CGJ examined CPD, DBI, and State outdoor advertising sign permitting and regulating operations to determine the history of past management practices, current systems, and plans for response to changing circumstances. CGJ attempted to ascertain additional needs, if any, for further management adjustments to respond to evolving conditions. Interviews were held with city and state officials, and with citizens concerned with this issue. Pertinent documents reviewed are listed in Attachment 1.

FINDINGS AND RECOMMENDATIONS

Finding 1 The CPD budget does not contain an allocation for the enforcement of outdoor advertising. The June 2001 legislation provides for extensive fines of up to \$2,500 per day for not removing those billboards without permits; although that money is designated to pay for enforcement, such fines are not a dependable source of income. Reliable and permanent funding is needed to pay for efficient enforcement. The economic incentives for scofflaw sign companies will increase as the combination of the new billboard ban and the number of legal existing sites begins to dwindle by attrition. Lack of steady enforcement measures would effectively negate the voter-approved ban.

Recommendation 1 Additional funds could be generated for enforcement by requiring annual renewal of permits and by inspection of existing billboard signs, with a yearly charge per sign. This would facilitate and pay for discovering sites without permits, illegally altered sites, and illegal new installations.

Required Response –
City Planning Department – 60 days

Finding 2 CPD and DBI electronic files are unable to distinguish outdoor advertising signs (those which do not pertain to an on-site enterprise) from standard signs (those with information concerning activity on the immediate premises). CPD has no way to determine with any accuracy how many legal billboards exist; any change to a legal, grandfathered billboard which affects size, location, direction, and the like requires a new building permit and triggers proof of the grandfathered status (permitted and in place prior to the March 2002 ban.)

Recommendation 2a Assign a separate and distinct numerical designation to all existing, active, legal outdoor advertising sign permits (to distinguish them from all other sign permits) for entry into the computer system. Flag each for automatic periodic site reviews by CPD.

Required Response –
City Planning Department – 60 days

Recommendation 2b Conduct a city-wide count and permit history of every existing billboard sign. Many of the originally grandfathered signs (prior to 1966) have no permits on file. Researching ownership (which may have changed repeatedly over time); checking the existence of permits or verifying legal status with other evidence, such as dated photos; and entering this information into the database, under the applicable numerical code, would allow staff a way to monitor continued use and to eliminate billboards without permits in a timely manner.

Required Response –
City Planning Department – 60 days

Finding 3 The City Planning Department at present has neither budget nor experienced staff with time to conduct the much needed census of billboards in San Francisco.

Recommendation 3 The Planning Director should hire a temporary staff person -- with special expertise to conduct a city-wide survey of all extant billboards -- to enter the information into the electronic database described Recommendation 2a. Under the

direction of a professional who has knowledge of San Francisco's billboard history, collegiate Urban Planning interns who are periodically invited to train in the CPD might assist with the accurate, professional completion of such an effort at minimum cost to the City.

Required Response –
City Planning Department – 60 days

Finding 4 CalTrans requires permits for any billboards within 600 feet of all Interstate and Primary Highways, several of which run through San Francisco's jurisdiction. No efficient process has existed in the past for coordination between the State and San Francisco outdoor advertising sign permitting and regulating offices. By law the State billboard permits may not violate any City regulations; therefore, the March 2002 city-wide ban now prohibits all new billboards, including those within CalTrans jurisdiction.

Recommendation 4 CPD staff and CalTrans Right of Way staff should coordinate immediately to enforce the new ban within the 600 ft. corridor, so that no Cal Trans permits are issued. Failure to do so will cause confusion among billboard businesses and could evolve into costly regulatory procedures. Pertinent billboard census information should be shared regularly between the two agencies.

Required Response –
City Planning Department – 60 days

Finding 5 There is no comprehensive, easily understood guide to the maze of laws, regulations, policies, and procedures pertaining to outdoor advertising signs. This lack becomes even more significant with the recent ban on new billboards.

Recommendation 5 CPD should prepare a pamphlet containing an explanation of the relevant rules for sign regulation, as well as a complaint form to help citizens identify suspected billboard signs without valid permits. That same information should be added to CPD web site.

Required Response –
City Planning Department – 60 days

Finding 6 Citizen complaints concerning illegal signs are filed with all other citizen complaints received at the CPD and DBI. As a result of this commingling of complaints, response to the questionable signs is frequently delayed. The potential for profit during the delay period can represent an incentive for those wishing to create new signs.

Recommendation 6 To help each CPD Quadrant Senior Planner quickly identify possible non-compliance situations, CPD should set up a 24-hour call line for billboard

complaints only; this phone number should be listed in CPD's white page telephone directory. CPD should disseminate information to the public by other means, such as placing the public information pamphlet, suggested in Recommendation 5 above, in public places, on MUNI placards (for example, "See an illegal sign? Call XXXX"), and on posters in government offices.

Required Response – City Planning Department – 60 days

Source References

In 2001 an independent professional public opinion survey, by a non-profit organization, reported that 65% of San Francisco voters would approve a billboard ban, and that 15% were undecided.

Election results, March 2002 ballot -- voters approved the billboard ban by 79.3%, the second highest Proposition victory margin in city history. (First was the vote for the new Main Library by 80%).

Documents Examined

CITY PLANNING DEPARTMENT

- Department Codes: Article 6 (Including Department Code interpretations by the Zoning Administrator and the most recent amendments under the Leno Law), Article 7, Article 9, Article 11
- Zoning maps, showing boundaries of special sign districts
- Written statement from the Director to the Grand Jury describing his position on sign regulation
- Citizens' Guide to Sign Regulations, Department draft version
- March 2002 Ballot Measure, outdoor advertising sign ban

BUILDING DEPARTMENT

- Department Codes 106.4.1.1 through 106.4.4
- The track of a permit for a sign in the Department tracking system
- A Department Job Card

STATE DEPARTMENT OF TRANSPORTATION (CALTRANS)

- Instructions for Sign Permit Applicants
- Billboard Sign Violations roster, cited since October 1998 along the State right of way through Routes 80 and 101 within San Francisco City and County jurisdiction
- State Outdoor Advertising Act, full text, effective 1 January 2000
- California Code of Regulations, Title 4, Chapter 6, concerning outdoor advertising.