

June 28, 1967

TO: PLANNING COMMISSIONS OF ALL CITIES AND COUNTIES

FROM: THE CALIFORNIA ROADSIDE COUNCIL

A BILL MOVING FAST IN THE LEGISLATURE POSES AN APPALLING THREAT to the RIGHT ENJOYED by our CITIES and COUNTIES to adopt effective SIGN CONTROL RULES. Unless we can make sure that SB 636 is drastically amended in the Assembly, California cities and counties will find this right seriously curtailed. THERE IS NO TIME TO LOSE.

Originally a standard measure conforming to the federal Highway Beautification Act, SB 636 (Collier) was passed by the Senate with author's amendments making it the WORST LIMITATION ON LOCAL POWERS OF SIGN CONTROL that the Legislature has seen in years.

SB 636 applies directly to Interstate and primary highways, but its effect will extend indirectly to all other highways and streets.

SB 636 would establish as a "LEGISLATIVE FINDING" the precept that "OUTDOOR ADVERTISING . . . SHOULD BE ALLOWED TO EXIST IN BUSINESS AREAS" . . . "MORE SEVERE RESTRICTIONS WOULD BE INCONSISTENT WITH CUSTOMARY USE IN THE STATE".

AT FIRST GLANCE, this may appear reasonable. But is it? Where is the catch?

FIRST, the act defines a "business area" NOT as in our state Vehicle Code (a bona fide definition) but with a new, absurdly loose definition which would open up many areas to billboards where now they are not permitted.

SECOND, by a devious route of referring from one section of the bill to another, and from there to "federal standards promulgated by the Secretary of Commerce", SB 636 makes sure that no local regulations will be "more restrictive" than these federal "standards". THE CATCH here is that the Secretary of Commerce has recently yielded to billboard lobby pressure and has reduced these "standards" to nothing more than compliance with "customary use" in each state.

SO THIS COMES BACK TO WHERE IT STARTED --

OUTDOOR ADVERTISING SHOULD BE ALLOWED WHEREVER ZONING IS "COMMERCIAL OR INDUSTRIAL", (ANY KIND of "commercial or industrial") and wherever the new loose term "business area" applies.

As a "FINDING BY THE LEGISLATURE", this dictum will be used in legislative procedures and in court to break down local zoning distinctions. For example, the following "Commercial and industrial" classifications will be discredited as the basis of billboard control:

Planned business districts; Neighborhood shopping centers;  
Industrial parks; Most "civic center districts"; Motorist service  
areas on Scenic Highways; Landscaped freeways traversing business  
districts (miles of these in certain cities alone). . . . And other  
areas carefully zoned for special reasons of local significance.

This is the fundamental unsound basis of SB 636 -- establishing with the muscle of a

"legislative finding" a basis for INEFFECTIVE billboard control far lower than most cities and counties recognize as essential to good development -- and by means of that "legislative finding", undermining present and future local ordinances.

A DOZEN OTHER MAJOR FAULTS EXIST IN SB 636 -- Reaffirming "mandatory compensation" without qualification; setting such standards for billboards in commercial zones as 1200 square feet of sign area, maximum! (The standard billboard is 300 square feet.) And so forth. The bill, in short is a travesty on billboard control. It would block local decisions almost completely. Without drastic amendment it would be a sheer disaster.

To enumerate the needed amendments would tax our space and your time. We suggest therefore that you write or wire your ASSEMBLYMAN (or Assemblymen) expressing disapproval of SB 636 in the form in which it passed the Senate and asking that it be amended to be more in line with Assemblyman Z'berg's AB 1666, which also makes California conform to federal requirements but without the unnecessary undermining of local zoning powers which perverts the true purpose of any Highway Beautification legislation.

Copies of both SB 636 (amended as of May 24) and of AB 1666 may be obtained from the Legislative Bill Room, State Capitol, Sacramento.