

REPORT TO THE REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
GASLAMP QUARTER REDEVELOPMENT PROJECT

City efforts to control billboards and other signs will be jeopardized seriously if you approve placement of approximately seventy-five (75) banners on the streets in the Gaslamp Quarter Redevelopment Project. The courts have made it clear that restrictions on outdoor advertising will be overturned if one type of advertising is permitted while another is prohibited. You can't say your ordinance banning billboards and strictly regulating other kinds of signs is necessary for aesthetic or traffic safety purposes (the only court-approved reasons for that kind of regulation) if you allow banners in the streets in large numbers.

San Diego Municipal Code (the "Code") section 95.0101 forbids the placement of signs or advertising structures over or upon public property unless authorized by the Code. Code Section 103.0410 regulates signage for the Gaslamp Quarter Planned District.

Section 95.0101 prevents the placement of banners with copy on the public right-of-way except on Broadway between 17th Street and Harbor Drive. Section 103.0410(A)(10) allows signage such as the proposed banners, as long as documentary evidence can be produced showing that the signs in question conform to signage used in the area prior to 1910. That documentary evidence must be approved by the Historical Site Board. As of the present time, no such evidence has been presented to, or approved by, the Historical Site Board regarding the banners.

Approval of the plans and specifications for the banners is a policy matter. However, it must be stressed that the City has been involved in costly and protracted litigation over various provisions of the sign code, including the placement of billboards and other signs on public property; e.g., *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981). Implementation of this project could undercut the ability of the Sign Code

Administrator and the City Attorney to uphold the general ban of signs or advertising structures in the public right-of-way. The fact that the project would greatly increase the number of signs in the public right-of-way is of particular concern.

In summary, every exception to the City's general regulatory scheme on signage may make enforcement more difficult in the future when the courts look at all of the City's sign control

measures to determine whether a particular ban is reasonable in light of ordinances permitting some displays.

Respectfully submitted,

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