Those of us who like to gloat that it's "Just another beautiful day in San Diego," find many things to distinguish our city from the ugly metropolises we disdain. But one difference is so subtle it can go unnoticed: the relative dearth of billboards in San Diego.

The qualitative difference this absence creates in our environment is no happenstance. It resulted from a hard-fought battle by city officials, inspired in part by First Lady Ladybird Johnson's highway beautification campaign of the mid-1960s. The rebellion against sign pollution spread, and by 1972 the San Diego City Planning Commission had already spent years debating proposals to ban all off-site advertising signs in the city.

Pete Wilson made a billboard ban one of his campaign goals, and within months of being elected mayor oversaw enactment of a law prohibiting nearly all off-site ad signs. The ban had two purported purposes: to preserve and improve the beauty of San Diego, and to advance traffic safety.

In reality, the main criticism of billboards always has been an aesthetic one: They obscure views and force their messages on passersby.

C. Alan Sumption was the deputy city attorney who defended San Diego's sign ordinance before the U.S. Supreme Court in 1981. He recalls that traffic safety was argued to avoid an old California Supreme Court ruling that cities could not ban billboards for aesthetic reasons alone. That 1909 case, Varney & Green vs. Williams, for decades had scuttled attempts to regulate billboards. By arguing both aesthetics and public safety, San Diego's sign law prevailed before the court. In upholding San Diego's sign ordinance in 1980, the state high court cited the following words of U.S. Justice William O. Douglas as grounds for abandoning the idea that
aesthetics were too subjective to be legislated: "The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the Legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

That was not to be the final word on San Diego's law, however. Billboard firms appealed, and the ordinance was overturned on First Amendment grounds by the U.S. Supreme Court in 1981. The decision in Metromedia Inc. vs. City of San Diego was so split among differing justices that no majority opinion could be found. But observers gleaned some key holdings from the case. While a total ban on commercial and non-commercial billboards violated free speech guarantees, restrictions on commercial billboards might be constitutional. In addition, the high court endorsed the holding of the California Supreme that cities could regulate billboards to promote aesthetics.

Despite the defeat at the U.S. Supreme Court, San Diego city officials didn't give up. In early 1984 the City Council enacted an ordinance that compromised with the billboard companies. The new ordinance froze the number of signs at slightly less than 1,000 and mandated they gradually be relocated to commercial and industrial zones.

Even though the city's first sign ordinance was overturned by the U.S. Supreme Court, San Diego's path-breaking effort gave many other cities the constitutional tools to regulate visual pollution. As recently as March of this year, the Ninth Circuit Court of Appeals cited the U.S. Supreme Court decision in Metromedia Inc. vs. City of San Diego as the basis for an opinion upholding Seattle's new sign ordinance. Seattle's law is even more restrictive than San Diego's and will steadily decrease the number of billboards in that city by requiring that signs come down when their leases with private property owners expire. In the case upholding the ordinance, Ackerly Communications of Northwest vs. Krocha-lis, the Ninth Circuit cited the Metromedia decision for the premise that, "It is not speculative to recognize that billboards, by their very nature, wherever located and however constructed, can be perceived as an 'aesthetic harm.'" The Ackerly court also echoed the Supreme Court's conclusion in Metromedia that, "... a city's interest in prohibiting visual clutter suffices to justify a prohibition of billboards ...

It may seem ironic that while other cities are surpassing San Diego's lead with yet stricter billboard ordinances, this city has sold the name of a key public building to the highest commercial bidder. Perhaps it's of some consolation that signs on existing buildings block no more vistas than already are obscured by the buildings on which they are placed, while billboards by their very existence blot out sunsets, the ocean and the twinkling lights around Mission Bay. Sumption says it was this key difference between on-site and off-site signs that the city targeted in its campaign against billboards.

The idea that cities have the right to protect their inherent natural beauty seems apparent today. San Diego deserves credit for establishing that legal principle.
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