

# A History of Billboards in Washington, D.C.

In 1931 Congress banned new billboards in the District, conferring "grandfather" rights on then-existing billboards, of which some still exist. Moreover, despite the ban, the District has been allowed to become littered over the years with additional, unauthorized billboards of all sizes and configurations.

A major breach of the Congressional ban occurred in 2000, when at the insistence of billboard companies, Mayor Williams proposed regulations to allow huge billboards -- dubbed "Special Signs" -- imprinted on tough flexible screens, a new technology that can produce signs of enormous size of 10,000 square feet or more (while existing DC regulations limit the size of other billboards to 300 square feet). The Council was asleep at the switch and allowed those regulations to become law through inattention.

After widespread protest developed the Council enacted a proposal by Councilmember Evans to place a Permanent Moratorium on new Special Sign Permits beyond 32 permits that had already been applied for, and designate areas where they could be located. But DC has been stuck with these 32 ever since -- along with a lot of other billboards, some grandfathered but most unauthorized.

Recently, however, the city's Department of Consumer and Regulatory Affairs (DCRA) mounted vigorous efforts to get rid of billboard blight, resulting in the removal of a number of billboards erected in violation of District law, but also resulting in a lawsuit by Clear Channel to block the removal of five of the old "grandfathered" billboards located in residential neighborhoods.

DCRA then rescinded its removal order, opting instead to draft and publish in the DC Register last month proposed blight removal regulations that, among other things, would have made clear the District's right to remove such billboards by means of "amortization", without concessions to the billboard company. This mechanism has been successfully used by many jurisdictions to get rid of billboard blight and is regarded as anathema by the billboard industry.

But before DCRA's proposal could take effect, AG Peter Nickles pulled the rug out from under the whole effort by agreeing to a giveaway settlement with Clear Channel - the company agreed to remove the five old billboards (which it promptly did), in return for which Nickles had the District agree:

- (1) to rescind DCRA's proposed new blight removal regulations,
- (2) to propose other new regulations lifting the Special Sign moratorium to allow DCRA to issue new Special Sign permits to any owners of grandfathered billboards in return for the removal of those billboards, and
- (3) to issue three new Special Sign permits to Clear Channel if the regulations lifting the moratorium became law.

This proposal is pending before the Council under the under the disingenuous title "Billboard Blight Removal Approval Resolution".

Any such trade of an old size-limited conventional billboard for a potentially huge Special Sign will almost certainly produce substantially more billboard blight -- possibly many times more -- than it would get rid of, at great profit to the billboard companies and at great aesthetic cost to the District's streetscapes. The legal size limit on the old billboards is 300 square feet, while the average size of the Special Signs, according to DCRA figures, is now almost 1500 square feet each, with sizes ranging up to 6,000 square feet.

Moreover, when development displaces a 'grandfathered' billboard, that sign is gone forever, so the great majority have now disappeared. This process of attrition is ongoing. But when a Special Sign is displaced, the permit can be moved to another location, and then another, indefinitely: it is essentially immortal.

The five old Clear Channel billboards are gone, and both Clear Channel and DC have fully performed their obligations under the settlement, leaving the Council free to act in the best interest of the District. All the Council need do is disapprove the resolution, and then get serious about billboard blight removal by taking up DCRA's aborted blight removal regulations as permanent legislation. DC doesn't need any more of these monster billboards, and it needs to get rid of old billboard blight the right way.

#### **UPDATE:**

The City Council has formally shot down the Nickles' agreement with a unanimous vote of approval of the "Billboard Blight Removal **Disapproval** Resolution of 2010."