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736 F Street
Arcata CA 95521

August 12, 2025

The Honorable Tony Strickland
1021 O Street, Suite 6730
Sacramento, CA 95814

RE: SB 364 (Strickland) – Advertising displays: customary maintenance. OPPOSE (As amended July 15, 2025)

Dear Senator Strickland,

On behalf of the City of Arcata, I write to express our strong **opposition to Senate Bill 364 (Strickland), as amended on July 15, 2025**. This bill represents a direct threat to cities' ability to regulate land use, enforce building safety, and protect environmental and cultural resources. It is especially concerning for Arcata, given our role in the legal precedent that upheld municipal authority over billboard regulation.

In *Viacom Outdoor Inc. v. City of Arcata* (2006), the Court of Appeal affirmed that local governments have the authority to require permits for billboard repair, reconstruction, replacement, or alteration. SB 364 would undermine this precedent by redefining substantial structural modifications as "customary maintenance," effectively exempting them from local permitting and review.

SB 364 Erodes Local Permitting and Planning Authority

The City of Arcata has long prioritized responsible land use planning, environmental stewardship, and public safety. SB 364 directly threatens these responsibilities by:

- Allowing billboard operators to replace foundational elements, structural supports, and other major components **without a local permit**;
- Preventing cities from conducting site-specific inspections and code compliance reviews;
- Preempting zoning ordinances and general plan consistency checks that are essential to orderly development.

Permitting and land use review are foundational tools that cities rely on to uphold community standards, protect residents, and ensure infrastructure safety. SB 364 would strip these essential powers from local governments.

Public Safety Risks and Environmental Harm

Major billboard modifications often require ground disturbance, excavation, or replacement with heavier materials—posing risks such as:

- Soil instability and interference with underground utilities;

- Structural failure during high-wind or seismic events;
- Damage to sensitive environmental or cultural sites.

Arcata's proximity to coastal zones, wetlands, and tribal cultural areas makes local review crucial for avoiding unintended consequences of unpermitted construction. SB 364's exemption from local oversight threatens both public safety and the natural and cultural heritage cities are entrusted to protect.

A Dangerous Legislative Precedent

This bill invites a troubling approach: redefining terms in state law to exempt certain industries from local regulation. If successful, SB 364 could serve as a model for bypassing municipal authority in other contexts—further weakening the ability of cities to govern land use in the public interest.

Conclusion

The City of Arcata firmly opposes SB 364 (Strickland). This legislation:

- Undermines a legal precedent established by our city;
- Erodes essential local permitting and planning authority;
- Creates significant safety and environmental risks;
- And sets a harmful precedent that invites further erosion of local control.

As a result, SB 364 creates the potential for unnecessary litigation for local agencies charged with protecting cultural resources. Local governments will be forced to choose between enforcing their legal obligations to protect sensitive archaeological sites and tribal resources or avoiding costly eminent domain claims.

SB 364 is in direct conflict with California case law, local government's authority and would expose local governments to unnecessary litigation. For these reasons, the City of Arcata must regrettably oppose SB 364.

The City of Arcata strongly opposes the proposed legislation in your Senate Bill 364.

Sincerely,



Alexandra Stillman
Mayor
City of Arcata

cc.

Mike McGuire, State Senator, District 2
Jared Huffman, Congressman, District 2
Chris Rogers, State Assemblymember, District 2
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