

CITY of CARPINTERIA, CALIFORNIA



September 10, 2025

The Honorable Buffy Wicks
Chair, Assembly Committee on Appropriations
1021 O Street, Suite 8220
Sacramento, CA 95814

Members of the City Council

Natalia Alarcon - *Mayor*
Mónica Solórzano - *Vice Mayor*
Al Clark
Julia Mayer
Wade T. Nomura

RE: SB 364 (Strickland) Billboard Signs: Permitting.
Notice of OPPOSE UNLESS AMENDED (*As amended*
7/15/2025)

Dear Chair Wicks,

The City of Carpinteria **regretfully must take a position of oppose unless amended SB 364 (Strickland)**, to expand the definition of “customary maintenance” for outdoor advertising structures that would potentially compromise public safety and efforts to protect environmental resources, as well as undermining public oversight of commercial interests.

By expanding the definition of "customary maintenance" in Business and Profession § Code Section 5208.3 to include, “replacing structural members, posts, internal bracing, and using stronger materials, while keeping or reducing the number of posts,” SB 364 would effectively grant billboard owners the exact exemption from basic building and safety standards that was successfully defended against in *Viacom v. City of Arcata*, 140 Cal.App.4th 230 (2006). The Court of Appeal's decision was predicated on the fundamental legal distinction between repair and reconstruction—that substantial structural work requires permits because it constitutes reconstruction, not repair or maintenance. Cal Cities filed an amicus brief in support of City of Arcata when the case was pending before the Court of Appeal in 2006.

From an environmental perspective, the scope of activities allowed under Section 5208.3—including excavation, staging of heavy equipment, and new foundation work necessary for "replacing structural members" and "using stronger materials"—clearly constitutes reconstruction, not repair. These activities exceed what any reasonable interpretation of "repair" or "maintenance" would permit. When protected by Business and Profession § Section 5412's anti-limitation and removal clause, these reconstruction activities could proceed without triggering CEQA review, leading to erosion, habitat degradation, and impacts to sensitive ecosystems, including riparian corridors, coastal zones, and wetlands.

Additionally, SB 364 creates the potential for disturbances to cultural and archaeological resources, particularly those significant to local tribal nations. Business and Professions § Sections 5208.3 and 5412 could sidestep the review and consultation processes mandated by CEQA and other protective frameworks. Any local governmental attempt to

require cultural resource surveys or consultation could be challenged as an impermissible "limitation" on maintenance under Section 5412.

As a result, SB 364 now 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 now in direct conflict with California case law, local government's authority and would expose local governments to unnecessary litigation. For these reasons, Cal Cities respectfully requests that the measure revert to its original scope related to Caltrans by removing the provision related to expanding the definition of "customary maintenance".

For these reasons, the City of Carpinteria regrettably must take a position of oppose unless amended to **SB 364 (Strickland)**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Natalia Alarcon', is positioned above the printed name.

Natalia Alarcon, Mayor
City of Carpinteria

cc. The Honorable Tony Strickland
Senator Monique Limón
Assemblymember Gregg Hart
David Mullinax, League of California Cities Channel Counties Public Affairs Manager
(via email): dmullinax@cacities.org
cityletters@cacities.org