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October 28, 2025

Humboldt County Board of Supervisors
Clerk of the Board
825 Fifth Street
Eureka, CA 95501
cob@co.humboldt.ca.us

CC: Mr. John Ford, Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
jford@co.humboldt.ca.us

RE: Application to Modify Special Permit #6269, PLN-2019-16029, BLD 2019-50667

To the Board of Supervisors,

I write on behalf of my client Geoff Wills and Allpoints Outdoor Inc. (hereinafter "Applicant") regarding Special Permit # 6269, PLN-2019-16029, BLD 2019-50667. Special Permit #6269 concerns Applicant's billboard, located at post mile 82.54L along Highway 101, APN No. 305-031-007, N 40.819253, W 124.095917 (hereinafter the "Billboard"). Submitted herewith is Applicant's application for modification to the Special Permit in response to Director John Ford's (hereinafter the "Director") position to remove the billboard by September 29, 2025. Alternatively, Applicant demands compensation for the proposed removal pursuant to California Business and Professions Code Section 5412 (hereinafter "Section 5412").

FACTUAL BACKGROUND

Applicant's Billboard

The Billboard was constructed and has been in continuous use since 1963. The Billboard is a Legal Non-Conforming Structure pursuant to section 313-149 of the Zoning Ordinance. Applicant, in association with Outfront Media, LLC, purchased the Billboard in 2017. In November 2019, the Billboard was damaged by a wind storm.

Applicant took immediate action to repair the Billboard. On December 9, 2019, Applicant submitted

building permit application BLD 2019-50667. A pre-site application and preliminary review form was submitted to the Planning & Building Department on December 20, 2019. Applicant's notice to the County was timely pursuant to Cal. Code Regs. ("CCR") Tit. 4, § 2271.

Applicant's ODA Permit

At all relevant times, Applicant had held a valid Outdoor Advertising Permit.

On January 17, 2020, the California Dept. of Transportation's notified Outfront Media LLC of a 60-day deadline to repair the Billboard, pursuant to CCR § 2271. Applicant showed a good cause effort to timely repair the display. The Office of Encroachment and Outdoor Advertising granted Applicant a six-month extension, requiring that the Billboard repaired by February 8, 2021.

Special Permit Review Process

The Planning Commission considered Applicant's Special Permit on February 20, 2020. On May 7, 2020, the Commission denied the Special Permit. Applicant timely appealed, arguing that the Commission abused its discretion by relying on inapplicable, improper, and insufficient evidence. On appeal, the Board of Supervisor reversed its position and approved Applicant's Special Permit on September 29, 2020.

In approving Applicant's Special Permit, the Board of Supervisors considered evidence and findings regarding the fact that the Billboard had been in continuous use since 1963 and that its repair would conform to its existing use. As to Special Circumstances justifying the Special Permit, the Board found the following:

- **“Applicant has continued to maintain this sign at this location and in this configuration and has made application to reconstruct the sign in a timely manner.”**
- **“This is not a new sign**, but a request for reconstruction of an existing nonconforming sign that was destroyed in a storm event, which is given special consideration in the Zoning Ordinance.”
- “The applicant is proposing **replacing the structure like for like**,” which proposal does not include and shall not allow any lights or mechanical devices of any kind.

(Resolution No. 20-90 [Emphasis added].)

The Board's decision referenced provisions in the Humboldt County Code regarding non-conforming structures, specifically:

- HCC § 313-132.5.1 (“Approval of a variance or other discretionary permit shall not be required for “one-for-one” structural alterations.”)
- HCC § 313-132.5.2 (“The Director may approve a Special Permit for the reconstruction of a nonconforming structure that is damaged by any casualty if application is made within two (2) years after such destruction or damage and if the Director makes all of the required findings in Chapter 2 of this Code.”)

Billboard Repair and Amortization

The Board approved the Special Permit with a five-year period for its removal. The issue of the Billboard amortization period was not raised either in public comment or by the Board until after public comment was closed. Applicant had no meaningful opportunity to comment or provide evidence on his expected financial loss. Accordingly, the Board did not consider the amount of Applicant's initial investment, the Billboard's depreciated value, remaining useful life, or lease terms.

After the Special Permit was approved, Applicant sought to repair the Billboard within the six-month period pursuant to the Outdoor Advertising Act permit requirements in CCR § 2271. On January 21, 2021, Applicant was informed by the Director that a Building Permit and authorization from the Coastal Commission were still required to proceed. Applicant obtained all necessary authorizations. On February 8, 2021, the Billboard's repairs were completed.

Recently, the Director has notified Applicant that the Billboard must be removed by September 29, 2025. The Director offered Applicant the option to apply for a modification to the Special Permit. Submitted herewith is Applicant's Request for a Special Permit Modification.

AUTHORITY AND DISCUSSION

It is well established by the California Supreme Court that a billboard is a protectible property interest with inherent value. *Traverso v. People ex rel. Dept. of Transportation* (1993) 6 Cal.4th 1152, 1160. The Outdoor Advertising Act was enacted with the intent to protect these property interests in nonconforming billboards. Accordingly, Section 5412 requires compensation to the owners of an advertising display in the event that the billboard is "compelled to be removed" or where "its customary maintenance or use be limited." Bus. & Prof. Code, § 5412. This applies to all displays in existence and compliance as of November 6, 1978, "regardless of whether the displays have become nonconforming or have been provided an amortization period." *Ibid.*

Despite Section 5412 of the Outdoor Advertising Act, the Director contends Applicant's Billboard must be removed without any compensation. The Director argues the Billboard lost its vested rights as a legal non-conforming structure when damaged by wind in November 2019. In support of its position, the Senior Planner Cliff Johnson argued to Applicant that Section 5412 is inapplicable because Applicant's reconstruction efforts were not "customary maintenance" but instead a "new placement," citing *Lamar Advertising Company v. County of L.A.* (2018) 22 Cal.App.5th 1294, 1302. The Director further argued that Section 5412 is inapplicable because it was erected pursuant to a written agreement with the County, i.e. the Conditions of Approval attached to the Special Permit, citing *Metropolitan Outdoor Advertising Crop. v. City of Santa Ana* (1994) 23 Cal.App.4th 1401, 1405. In short, the Director argues that the Billboard (1) is a new sign, which (2) Applicant agreed to remove on September 29, 2025.

The Director's position is unsupported by law or fact.

Without authority or explanation, the Director asserts that Applicant's billboard lost its vested status in November 2019. A property owner acquires a vested right where they have performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government. *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791. At the time the Billboard was damaged in November 2019, no local permit had been issued, however an Outdoor

Advertising Permit has been held and maintained on this Billboard since 1963. The Billboard was a legal non-conforming structure, which Humboldt County Code allows to be continued indefinitely. HCC § 313-131.3. The repair of the Billboard did not alter the vested interest in Applicant from continuing the use of the Billboard as repaired, nor did it alter the vested interest in the structure of the Billboard itself.

Applicant has performed a substantial amount of work acquiring and maintaining this Billboard pursuant to a 20-year investment plan. The substantial liabilities he has incurred, which total over \$600,000, will only be offset by the Billboard's continued use or just compensation. In fall 2014, prior to his purchase, Applicant was personally assured at a Board of Supervisors meeting that no billboard would be forcibly removed without compensation, pursuant to Section 5412. Applicant took all efforts to maintain his Outdoor Advertising Act permit and repair the billboard pursuant to CCR § 2271. Applicant invested in the Billboard, relied on the Board of Supervisors, and has held and maintained a valid ODA permit.

The Board's actions supported Applicant's expectation he could continuously use the Billboard. The Special Permit makes clear that the Board of Supervisors understood "[t]his is not a new sign, but a request for a reconstruction of an existing nonconforming sign..." The Billboard was erected prior to 1955, and Applicant maintained the Billboard's continuous use since he purchased it in 2017. The Board also understood Applicant's intention and required that he restore the Billboard "like for like." The approach is consistent with the Humboldt County Code which does not require a variance or discretionary permit for "one-for-one" structural alterations. See H.C.C. § 313-132.5.1. In both materials and design, Applicant was careful to simply repair – not improve or upgrade – the longstanding legally non-conforming structure.

Accordingly, the authorities cited by the Director are inapposite. In *Lamar*, the billboard owner's "repairs were not merely incidental to erecting a smaller billboard, but included new lighting, a new electrical box and wiring, new lateral supports, and a new catwalk." *Lamar Advertising Company v. County of L.A.* (2018) 22 Cal.App.5th 1294, 1304. These upgrades did not constitute "customary maintenance" and precluded the owner from compensation under Section 5412. (CCR § 2270.) Here, in contrast, Applicant was careful to repair the Billboard to its previous conditions, particularly without adding any new electronic displays or lights.

The construction projects cited in *Metropolitan* and its supporting case law also involved completely new structures, not repairs. The billboard owner in *Metropolitan* sought to "erect" a new billboard, even though the property owner had not secured a local zoning variance. *Metropolitan Outdoor Advertising Corp. v. City of Santa Ana* (1994) 23 Cal.App.4th 1401, 1403. The court in *Metropolitan* distinguishes *Goat Hill Tavern v. City of Costa Mesa*, which also includes a business owner's attempt to rely on conditional use permit for \$1.75 million "expansion" of a game room onto his tavern. Here, Applicant did not risk his investment by constructing a brand-new structure or expansion in the hopes that he would later secure a variance. His and the Board's intentions were clearly to repair a structure to its prior status, in the location where it had stood for 65+ years.

The Director also pointed out that Section 5412 "does not apply to displays which were erected pursuant to a written agreement with a governmental entity providing for the removal of the displays after a fixed period of time." *Metropolitan, supra*, at 1405. Again, the Billboard at issue was repaired, not "erected" anew. Further, unlike in *Metropolitan*, Applicant had ample reason to believe there was an "implicit understanding the permit would be renewed" since the Humboldt County Zoning Ordinances make clear that a non-conforming use could be repaired and the use continued "indefinitely." *Metropolitan, supra*, at 1404.

The Board of Supervisors did not indicate there were any legal grounds to deny Applicant's permit. Moreover, the issue of amortization was not discussed at any of the public hearings. Instead, the Board repeatedly acknowledged that the Billboard has long been standing as a legally non-conforming structure. Applicant had a valid ODA permit, complied with its existing zone, CEQA, the Coastal Commission, and all relevant plans, including County General Plan and Humboldt Bay Area Plan. Applicant would have no reason to believe that his otherwise longstanding Billboard would suddenly be subject to a period of limiting use.

Furthermore, Applicant took all efforts to repair the Billboard in a speedy fashion to preserve his ODA permit. The Outdoor Advertising Act requires a permit holder to give notice of its intent to repair a damaged display within 60 days. Upon good cause, the Department may not extend the time period to repair the display by more than six months. (CCR § 2271(c).) Accordingly, Applicant ensured that he maintained his vested interest and had the Billboard's repairs completed within the statutory timeframe. The Board's unilateral imposition of the five-year amortization period interferes with Applicant's vested interest and local ordinances specifically allowing the Billboard's continuous use. (HCC § 313-131.3.)

Applicant's Billboard was not "erected pursuant to a written agreement." It is a long-standing, legally compliant non-conforming structure in existence prior to November 6, 1978. Applicant has a vested right in its continued operation. Applicant respectfully requests the Board of Supervisors modify the Special Permit to provide for the Billboard's continuing use and customary maintenance, or else compensate Applicant for compelling its removal and interfering with its customary use.

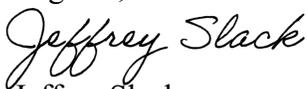
THE REMOVAL WILL RESULT IN LOSS TO APPLICANT

Applicant purchased this board and the underlying real estate in 2017 for a purchase price of \$108,336. With borrowing costs, Applicant's total out of pocket expenses on this board equate to \$201,582. Based on market conditions, the Billboard has a market value of approximately \$427,875.00

Profit from the Billboard is \$14,700 annually. Based on the payment for the board and the net revenue produced, a forced removal of the Billboard would result in an out of pocket loss to Applicant of \$83,982 and will lose all market value of the Billboard.

Applicant, understandably, has an investment backed expectation that the use of the Billboard would continue and structure, while non-conforming, would remain. Applicant engaged in good-faith with the County to repair the Billboard and obtain permits for the repair. The Special Permit should have been approved without conditions so long as it met the requirements of Zoning Code. It did. The County Supervisors' arbitrary and capricious action in placing a five-year amortization period on the Billboard with no consideration of Applicant's investment in the Board will result in a loss to the Applicant if the Special Permit is not modified.

Regards,



Jeffrey Slack

Attorney for Applicant

Allpoints Outdoor Advertising