



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 27, 2012

TO: Curt Pedersen, Chair
David W. Louie, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Rudy Silvas *RS*
Principal Regional Planning Assistant
Zoning Permits West

SUBJECT: Project Number R2009-02036-(5)
Nonconforming Use Review No. 200900014
RPC Meeting: October 3, 2012
Agenda Item: 5

Based on the research and analysis conducted in response to issues raised at the August 8, 2012, Planning Commission hearing, we have concluded that the most appropriate manner in which to regulate the billboard at issue is to allow for its continued operation without an expiration date on the requested NCR subject to Condition No. 9 as modified. Therefore, the findings and conditions of approval have been modified accordingly.

Should you have any questions on this project please feel free to contact me at (213) 974-6462.

MKK:RS

DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NO. R2009-02036-(5)
NONCONFORMING USE REVIEW NO. 200900014**

REQUEST:

The project application is a request for a nonconforming use/structure review (NCR) to allow the continued use of an existing billboard located within the billboard exclusion zone of the Acton Community Standards District (CSD). The billboard was established in 1966 prior to the adoption of the Acton CSD, which established the billboard exclusion zone. The billboard was damaged during a windstorm in 2008. The face of the billboard had blown off the structure during the windstorm and was replaced. Two support pylons were damaged as a result of the toppled billboard face and were replaced as well. The electrical circuitry for the structure was also repaired. The repaired billboard, with its new billboard face and two new support pylons, is now back in full operation and producing revenue.

HEARING DATE: AUGUST 8, 2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on August 8, 2012, before the Regional Planning Commission. Commissioners Pedersen, Modugno, Louie, Helsley and Valadez were present. Staff gave a presentation recommending approval for the new CUP application.

Staff reported to the Commission that the Acton Town Council communicated to Regional Planning on August 7, 2012, and stated that although it did not agree with the rebuilding of the billboard to be entirely legal it strongly recommended no more than a five year grant term be allowed, and that no further renewals or extensions be allowed beyond the grant term. No other objections to the billboard NCR application or complaints to report.

The Commission expressed concerns regarding the billboard valuation numbers and how such numbers were calculated. The Commission specifically question which of the methods provided for in the County Code to calculate the billboard's value was utilized and why an appraisal by a certified appraiser was not performed. Staff explained that the information provided by the applicant regarding the valuation of the billboard was reviewed by Staff and found to be acceptable. The Commission also expressed concerns regarding how future potential damage of the billboard would be handled and whether repair or rebuilding would be allowed. An explanation of the provisions in the County Code regarding the repair and maintenance of nonconforming structures was provided, and it was noted that the Code allows for repairs provided the repair costs do not exceed specified amounts and the repair work occurs within a specified period of time. The Commission also asked questions regarding the proposed amortization period for the billboard and questioned whether the billboard would be required to be removed at the end of the proposed 5-year term on the grant.

The applicant's representative asserted that an amortization period and a termination date would be in violation of state law provisions governing outdoor advertising, and therefore objected to Condition No. 8 in the proposed conditions of approval, which required removal after the expiration of the grant term. The applicant's representative further testified that the repair and maintenance being proposed for the billboard did not constitute a major rebuild, but rather

only minor and customary maintenance of the billboard structure. In response to questions from the Commission, the applicant's representative explained that it was his position that the billboard would be able to remain without a termination date so long as only customary maintenance under applicable law allowed for it to remain operational, but that if significant enough damage occurred to the billboard in the future, then the billboard would be considered "gone."

The Commission expressed concern that any maintenance or repair of the billboard in the future be timely completed, and therefore asked the applicant's representative if the applicant would agree to post a bond of \$3,000 to cover the costs of future repair, should damage be incurred and to ensure that any necessary repairs were completed within 60 days of such damage. The applicant's representative responded they had no objection to posting the requested bond, particularly give the applicant's interest in maintain the advertising on the billboard.

The Commission made the motion to continue the hearing to September 19, 2012; the motion was seconded and the Commission voted 5-0 to continue the project. The hearing was continued to September 19, 2012.

HEARING DATE: SEPTEMBER 19, 2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

Staff appeared before the Commission and requested additional time to complete the required analysis related to the existing nonconforming billboard structure, and recommended that the public hearing for this project be continued to October 3, 2012, without further discussion.

The Commission voted 3-0 to continue the project to October 3, 2012.

Findings

1. The subject property is located off Forest View Road, west of the Antelope Valley Freeway and north of Mountain Springs Road (APN 3057-008-043) within the unincorporated community of Acton, and within the Fifth Supervisorial District. The project site is also within the Soledad Zone District.
2. The applicant is requesting the continued nonconforming use of the repaired billboard. The billboard is located in the M-1 (Light Manufacturing) Zone and within the billboard exclusion zone of the Acton CSD. A nonconforming structure review pursuant to Los Angeles County Code Section 22.56.1510 G. has been initiated due to repairs done to the damaged structure which is nonconforming due to use. The billboard retains a nonconforming use status due to its location in the Acton CSD, of which its ordinance provisions were adopted by the County Board of Supervisors on November 21, 1995. The Acton CSD ordinance, under County Code Section 22.44.126 C.5, states that the Acton CSD shall be designated a billboard exclusion zone in compliance with Part 3 of Chapter 22.40. The subject billboard became a legal nonconforming use upon the effective date of the ordinance, and was allotted a five year amortization time limit per County Code Section 22.56.1540 (B) 1.d. The application for the NCR has been accepted under County Code Section 22.56.1550 (A) 2.

3. The subject property consists of vacant land and the subject billboard, and a second billboard located south of City of Los Angeles DWP easement which bisects the overall property.
4. The site plan depicts the subject property boundaries, subject billboard location and its easement, separate City of Los Angeles Department of Water and Power (DWP) easement, Forest View Road, Antelope Valley Freeway, Mountain Springs Road intersection, and Angeles Forest Highway. Located on the north end of Forest View Road, the site's topography consists of hilly terrain which slopes towards the northwest. Native vegetation is abundant throughout the site and surrounding area. The subject billboard is located on the north end of the City of Los Angeles Department of Water and Power easement, which runs in a northwest to southeast direction and bisects the property into two halves. A second billboard is located on the south end of the property, south of the DWP easement. An elevation plan of the subject billboard depicts its dimensions and height. The billboard is located on sloping terrain, with a billboard face dimension of 12 feet by 40 feet. The height of the billboard is depicted at 16 feet above grade on its west end, and scales to 24 feet above grade on its east end.
5. Surrounding properties are zoned:
 - North: A-1-1 (Light Agricultural – One acre minimum size lot area required)
 - South: M-1, C-3 (Unlimited Commercial), A-1-1
 - East: M-1, M-1.5 (Restricted Heavy Manufacturing), C-3, A-1-1, A-2-1 (Heavy Agricultural – One acre min. size lot area required) on vacant land
 - West: A-1-1, A-2-1
6. Surrounding land uses consist of:
 - North: Vacant land
 - South: City of Los Angeles DWP easement, vacant land, second billboard, residence
 - East: Antelope Valley Freeway/heavy industrial, billboards, Sierra Highway, vacant land
 - West: City of Los Angeles DWP easement/vacant land/single family residence
7. The current zoning of M-1 was established by Ordinance No. 7401 on September 30, 1958.
8. The project site is located in the Antelope Valley "Areawide Plan" Category "N1" – Non Urban 1 (0.5 dwelling units per acre), and the Los Angeles Countywide General Plan Land Use Category for the subject property is category "R" (Non Urban). The established commercial billboard use does not conflict with the Non Urban 1 category of the Antelope Valley Areawide Plan, which allows for some non-residential uses in the designated non-urban areas. The subject billboard meets the design standards outlined under subsection C.4 of Non-Residential Uses in Non-Urban Areas of the Antelope Valley Areawide Plan, which states,

"Outdoor advertising should be designed in such a way as to minimize negative impacts on adjacent properties".
9. The outdoor advertising sign (billboard) is an existing sign that was damaged and repaired with the replacement of the damaged sign face. In addition, the billboard's size and placement minimizes negative impacts on adjacent properties as it is surrounded by a transportation corridor and industrial properties to the east and south, and vacant land

primarily to the north and west. It is staff's opinion that the existing commercial billboard is consistent with the Antelope Valley Areawide Plan's policy on outdoor advertising in a non-urban area.

10. Located in the Acton community of unincorporated Los Angeles County, the existing billboard is currently located in the M-1 zone. The billboard was originally established in the M-1 zone in 1966 under a state permit issued by the State of California – Department of Public Works, Division of Highways, Outdoor Advertising Section. The dimensions of the approved sign face were 12 feet high by 60 feet wide.
11. The Acton Community Standards District (CSD) ordinance was adopted by the County Board of Supervisors on November 21, 1995. The Acton CSD, under County Code Section 22.44.126 C.5, states that the Acton CSD shall be designated a billboard exclusion zone in compliance with Part 3 of Chapter 22.40. The subject billboard became a legal nonconforming structure due to use upon the effective date of the ordinance, and was to have an amortization period of five years per County Code Section 22.56.1540 B.1.d. The application for the NCR has been accepted under County Code Section 22.56.1550 (A) 2.
12. The existing billboard remained in place until a windstorm in November 2008 blew off and damaged the existing billboard face. The applicant and operator of the billboard, Lamar Advertising, also repaired damaged pylons for the structure and replaced the billboard face in March of 2009. In April of 2009, Zoning Enforcement North cited the operator of the billboard for maintaining it within the Acton CSD, subject to the provisions of County Code Section 22.44.126 C.5., and for repairing a partially damaged nonconforming structure without complying with Section 22.56.1510 G. of the County Code. The later of the two code sections pertains to the repair of damaged or partially destroyed buildings or structures nonconforming due to use and/or standards. The section further states that any building or structure nonconforming due to use and/or standards which is damaged or partially destroyed may be restored to the condition it was in immediately prior to the occurrence of such damage or destruction, provided that the cost of reconstruction does not exceed 50 percent of the total market value of the building or structure as determined by one of two methods. The first method is for the applicant to provide a copy of the current assessment roll immediately prior to the time of damage or destruction. The second method is for the applicant to provide a narrative appraisal by a certified member of a recognized professional appraiser's organization, which requires approval by the Director of Regional Planning. The applicant chose to provide an appraisal per the second method.
13. The applicant provided a narrative appraisal and a billing structure audit of the subject billboard's revenue earned up to nearly one year before it was damaged. The applicant declared that a conservative valuation of the billboard in 2008 would have placed the acquisition value (i.e. market value) at upwards of \$360,000. The method of calculation was to multiply the gross annual income of the billboard by two or six times, two for bad economic times versus six for good. The year the billboard was damaged, 2008, was considered by Lamar Advertising to be a good economic period. Per the declaration, the billboard generates approximately \$5,000 per month in gross income, or \$60,000 per year. Multiplied by six, the calculation totals \$360,000. The declaration declares that a value higher than this figure is possible due to the fact that Lamar Advertising owns a permanent easement over the site where the billboard is located, in comparison to a leased area. The billing structure audit provided by Lamar Advertising indicates a gross revenue of \$4,764 per month from September 2007 to September 2008, (nearly matching the \$5,000

approximation in the declaration) or \$57,168 per year. Using the conservative valuation of six, the conservative yearly revenue or the total acquisition value would be upwards of \$343,000, which is consistent with the \$360,000 estimate in the declaration.

14. The second declaration used by the applicant was provided by the local branch office of Lamar Advertising in its Lancaster. In this declaration, the total cost of repair to the billboard was \$2,658. In addition, it was declared that \$900 was spent for an electrician to restore power to the display after the repairs were completed. The total cost of the repairs was \$3,558.
15. The total costs of the repairs do not exceed 50 percent of the total estimated market value of \$343,000 of the billboard at the time it was damaged in November 2008.
16. The submission of the narrative appraisal was found to be sufficient with its attached declarations, billing structure audit, and commercial billing slip for on-premise sign repairs, and found to be acceptable to prove that the reconstruction costs for the nonconforming billboard structure are in compliance with County Code Section 22.56.1510 G.
17. The continued operation of the nonconforming billboard structure, which is located in a billboard exclusion zone, has been in existence 12 years beyond its schedule termination of amortization. The intent of the billboard exclusion zone, as it is related to existing legal nonconforming billboards, is to eventually phase out their use within the Acton Community. It is a goal to further improve the aesthetic quality of neighboring land uses in the community and along major transportation routes. The subject billboard's sign face is oriented towards the Antelope Valley Freeway. The second billboard on site is located south of the City of Los Angeles DWP easement, which bisects the overall property, and is also oriented towards the Antelope Valley Freeway corridor. This second billboard is also a nonconforming structure due to use, located in a C-3 (Unlimited Commercial) zoned portion of the property, and is deemed legal nonconforming with a permit issued for its establishment in 1967 by the State of California – Department of Public Works, Division of Highways, Outdoor Advertising Section, the same agency which issued the permit for the subject billboard. The dimensions of the second billboard for the permit issued are 14 feet by 48 feet, with a height on the permit indicated at 30 feet above grade. The subject billboard and the second billboard are situated 820 feet apart.
18. There is also a series of four freeway oriented billboards located on a strip of land between the Antelope Valley Freeway and Sierra Highway, just north of Mountain Springs Road, on property zoned C-3. All together, there are at least six billboards located in this vicinity.
19. A member of the Acton Town Council communicated in writing to Regional Planning on May 30, 2010 the Town Council's opposition to the placement or maintenance of billboards in the community of Acton. Concern was expressed regarding the nonconforming review application for the subject billboard, as to whether a permit from the state was ever issued for the subject billboard to be established, and also questioning the applicant's claim that the repair costs were less than 50 percent of the total market value of the billboard. Now that these concerns have been investigated and clarified by Staff, a letter was sent to the Acton Town Council on April 30, 2012 to inform them that the case was ready to move forward to public hearing. The applicant's agent was also copied on this letter and was advised to contact the Acton Town Council to inform them of the project.

20. The Acton Town Council did review the project at their regularly scheduled meeting of May 21, 2012. On July 25, 2012, the Town Council informed Staff that they would still like to ensure that the billboard was established legally with permits, that a final review of the matter is to take place on August 6, 2012, at their scheduled Town Council meeting, and that further comments are forthcoming. Staff will present any final comments from the Acton Town Council to the Regional Planning Commission before or during the scheduled public hearing.
21. Staff, at this time, recommends that the applicant, Lamar Advertising, be allowed to continue operating the subject billboard and to retroactively approve the repair work completed on the damaged billboard structure under the attached conditions of approval. The applicant will continue to operate the subject billboard properly and in accordance with all applicable County and State regulations, and ensure that the lease area of the property is maintained in a clean and orderly manner, and that the use will continue to be community compatible. The use of the property would be in adherence to the qualities outlined in the Antelope Valley Areawide Plan for the Community.
22. Zoning Enforcement opened case file EF 990399 on April 7, 2009, citing repairs to a nonconforming structure and maintenance of the subject billboard in the Acton CSD, a billboard exclusion zone per County Code Section 22.44.165 C.5, and a violation of County Code Sections 22.56.1510 G. for conducting such repairs without first obtaining a nonconforming structure review permit. County Code Sections 22.32.010, for industrial zone designation, and 22.32.020 for industrial zone use restrictions were also cited. Prior to filing for the NCR, the applicant appealed the noted citations to a Hearing Officer on September 15, 2009. The applicant submitted the NCR on December 14, 2009 after being instructed to do so by the Hearing Officer. Zoning Enforcement Case No. EF 990399 is still open, and the status of the NCR's progress has been continually reported before the Hearing Officer. The last appearance before the Hearing Officer was on June 5, 2012, in which it was reported that the NCR case would soon be scheduled to go to Public Hearing. The zoning violation will not be cleared until the NCR is approved.
23. Staff consulted with the County Departments of Public Works, Fire and Public Health. Staff received comments from Public Works on July 27, 2011 to coordinate the inspection of the subject billboard on site with its Building and Safety Division in Lancaster, as to the legality of electrical work done. Building and Safety Division in Lancaster issued a citation to Lamar Advertising for electrical work on the billboard without a County permit. After inspecting the case, the Lancaster Building and Safety Division reported on September 27, 2011, that no County permit for electrical work on the billboard was necessary. Lancaster Building and Safety further reported that an active permit from the State was on record for the billboard and that Building and Safety did not have jurisdiction for issuance of an electrical permit.
24. The County Fire Department returned comments on January 22, 2010 after reviewing the subject billboard project. There were no further requirements indicated, and the project has been cleared for public hearing.
25. The County's Public Health Department returned comments on July 15, 2011. Public Health indicated after their review of the project that there will be no impacts to Public Health. Public Health had no further comments.

26. To date, the only comments received were the written comments from the Acton Town Council on May 30, 2010, and on July 25, 2012. The applicant appeared before the Acton Town Council on May 21, 2012 to present the project. Further comments from the Acton Town Council are anticipated to be received prior to the public hearing date of August 8, 2012 before the Regional Planning Commission.
27. Staff is of the opinion that the applicant has met the Nonconforming Use/Structure Review Burden of Proof.
28. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
29. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determined that it is necessary to monitor and routinely inspect the subject property for the first 20 years of continued use subsequent to the approval of this grant with **10 biennial** site inspections. Additional site inspections beyond 20 years shall be based on an as needed basis.
30. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features described in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.
- D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
- E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

REGIONAL PLANNING COMMISSION ACTION:

1. Staff of the Department of Regional Planning has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Regional Planning Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Nonconforming Use Review No. 200900014, Project No. R2009-02036-(5), is **APPROVED** subject to the attached conditions.

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: August 8, 2012

c: Zoning Enforcement North, Building and Safety

MKK:RS
09/27/2012

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2009-02036-(5)
NONCONFORMING USE/STRUCTURE REVIEW NO. 200900014-(5)**

PROJECT DESCRIPTION

The project application is a request for a nonconforming use/structure review (NCR) to allow the continued use of an existing billboard located within the billboard exclusion zone of the Acton Community Standards District (CSD). The billboard was established in 1966 prior to the adoption of the Acton CSD, which established the billboard exclusion zone. The billboard was damaged during a windstorm in 2008. The face of the billboard had blown off the structure during the windstorm and was replaced. Two support pylons were damaged as a result of the toppled billboard face and were replaced as well. The electrical circuitry for the structure was also repaired. The repaired billboard, with its new billboard face and two new support pylons, is now back in full operation and producing revenue. The project is **APPROVED** subject to the following conditions of approval:

GENERAL CONDITIONS

1. This grant authorizes the continued use of the existing billboard as situated in its current configuration. The billboard must be maintained in its current configuration in order to retain its legal nonconforming status with the provisions of the Title 22 Los Angeles County Code. Refer to Condition No. 9.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 11. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 10 shall be effective immediately upon final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the

County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This use shall be allowed to continue provided that it maintains its legal nonconforming status pursuant to the applicable provisions of Title 22 of the County Code and State Law.** Customary routine maintenance may be performed as provided by the County Code and applicable State Law. The permittee shall not expand, add additional sign faces, or otherwise change the existing billboard in a manner that results in the loss of the billboard's legal nonconforming status. Additionally, damages to the billboard that result in repair costs that exceed the amounts provided in the County Code or applicable State Law may result in loss of the billboard's legal nonconforming status. As agreed to by the permittee, the permittee shall post a \$3,000 dollar bond with the County to ensure the immediate repair of any damages to the billboard. The repairs shall be completed within 60 days of the damage occurring.

10. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the billboard and satisfaction of Condition No. 2 shall be considered use of this grant.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$ 2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (10) biennial** inspections over a 20 year period. Inspections shall be unannounced. Additional inspections beyond 20 years shall be based on an as needed basis.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.
13. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
14. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
15. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.

16. Structure, billboard face and pylons open to public view, shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PERMIT SPECIFIC CONDITIONS

17. The permittee shall maintain the property in a neat and orderly fashion.
18. The permittee shall maintain free of litter all areas on the premises under which the permittee has control.

PROJECT SITE SPECIFIC CONDITIONS

19. All lighting shall be maintained and arranged to prevent glare or direct illumination into adjoining residential properties or directly into oncoming traffic on Forest View Road or the Antelope Valley Freeway.
20. With the exception of lighting fixture replacements, in compliance with Condition No. 18, no other changes or modifications to the structure are permitted. Any necessary repairs to the structure must first be reported to Zoning Enforcement North Staff prior to any work being commenced.

MKK:RS
09/27/2012