

Regional Planning Commission Transmittal Checklist

Hearing Date
08/08/2012
Agenda Item No.
8

Project Number: R2009-02036-(5)
Case(s): Nonconforming Use Review No. 200900014
Planner: Rudy Silvas

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- County Correspondence (Fire)
- Environmental Documentation (MND – Initial Study & MMP)
- Burden of Proof Statement(s)
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Site Plan
- Letter from applicant's attorney
- Correspondence on billboard revenue, repairs
- Billboard permits
- Correspondence to and from Acton Town Council

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6462
PROJECT NUMBER R2009-02036-(5)
RNCRT 200900014

PUBLIC HEARING DATE
 August 8, 2012

AGENDA ITEM
 8

RPC CONSENT DATE

CONTINUE TO

APPLICANT Lamar Advertising	OWNER Ina Hughes	REPRESENTATIVE Bruce Haney, Jr.
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PROJECT DESCRIPTION
 Nonconforming Structure Review (NCR) application for the continued use of an existing billboard in the billboard exclusion Acton Community Standards District (CSD). The existing billboard was damaged during a windstorm in 2008, after which its face was replaced when its original face had blown over.

REQUIRED ENTITLEMENTS
 The applicant requests entitlement for continued use of an existing billboard which was repaired after being partially damaged, located in the M-1 (Light Manufacturing) Zone and billboard exclusion Acton CSD, which requires a nonconforming structure review pursuant to Los Angeles County Code Section 22.56.1510 G.

LOCATION/ADDRESS
 Forest View Rd., west of Antelope Valley Freeway and north of Mountain Springs Rd., Acton (APN 3057-008-043)

SITE DESCRIPTION
 Site plan depicts subject property boundaries, billboard location and easement, City of Los Angeles Department of Water and Power (DWP) easement, Forest View Road, Antelope Valley Freeway, Mountain Springs Road intersection, and Sierra Highway. An elevation plan of the billboard depicts its dimensions and height.

ACCESS Forest View Road	ZONED DISTRICT Soledad
ASSESSORS PARCEL NUMBER 3057-008-043	COMMUNITY Acton
SIZE 13.14 Gross Acres	COMMUNITY STANDARDS DISTRICT Acton

	EXISTING LAND USE	EXISTING ZONING
Project Site	Subject billboard/vacant land/ second billboard to south	M-1
North	Vacant	A-1-1 (Light Agricultural - One acre min. size lot area required)
East	Antelope Valley Freeway/commercial and heavy industrial/billboards/Sierra Highway/vacant land	M-1, M-1.5 (Restricted Heavy Manufacturing), C-3 (Unlimited Commercial), A-1-1, A-2-1 (Heavy Agricultural – One acre min. size lot area required) on vacant land
South	City of Los Angeles DWP easement, vacant land, second billboard, residence	M-1, C-3, A-1-1
West	City of Los Angeles DWP easement/vacant land/single family residence	A-1-1, A-2-1

GENERAL PLAN/COMMUNITY PLAN Antelope Valley Areawide Plan	LAND USE DESIGNATION N1 – Non Urban 1	MAXIMUM DENSITY 0.5 dwelling units per acre
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption- Existing Facilities (Repair of existing private structure)

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Rudy Silvas		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

(O) = Opponents (F) = In Favor

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

PROJECT DESCRIPTION

The project application is for a nonconforming use 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.

REQUIRED ENTITLEMENTS

The applicant is requesting the continued nonconforming use of the repaired billboard.

1. 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., which allows the filing of such applications either before or after the date of termination of such nonconforming uses.

LOCATION

Forest View Road, west of Antelope Valley Freeway and north of Mountain Springs Road (APN 3057-008-043) within the unincorporated community of Acton and the Fifth Supervisorial District. Project site is also within the Soledad Zone District.

EXISTING ZONING

Subject Property

The subject site is currently zoned M-1 (Light Manufacturing)

Surrounding Zones

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

EXISTING LAND USES

Subject Property

Vacant land and subject billboard, second billboard located south of City of Los Angeles DWP easement which bisects overall property.

Surrounding Properties

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

SITE PLAN DESCRIPTION

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.

ENVIRONMENTAL DETERMINATION

Staff of the Los Angeles County Department of Regional Planning (DRP) has recommended that a Categorical Exemption, Class 1 – Existing Facilities, as the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The project is for the repair and continued use of an existing private structure.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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, property posting, library posting and DRP website posting.

In order to ensure notification thirty (30) days before the scheduled hearing date of August 8, 2012, and in accordance with above provisions, a total of 45 public hearing notices were mailed out on June 28, 2012 to all property owners within a 1,000 foot radius of the subject property.

Also in compliance with the thirty-day noticing requirement, the Notice of Public Hearing was published and advertised in *The Antelope Valley Press* newspaper on July 4, 2012, and *La Opinion* newspaper on July 4, 2012, and was also sent on June 28, 2012 to the Acton/Agua Dulce County Library located at 33792 Crown Valley Road, Acton, along with the Factual Sheet.

Staff also received the Certificate of Posting from the applicant stating that the Notice of Public Hearing was posted at the site 30 days before the hearing date in accordance with Section 22.60.175 of the County Code.

PREVIOUS CASES/ZONING HISTORY

- The current zoning of M-1 was established by Ordinance No. 7401 on September 30, 1958.
- Acton Community Standards District (CSD) ordinance was adopted by the County Board of Supervisors on November 21, 1995.

STAFF EVALUATION

General Plan Consistency

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".

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.

Zoning Ordinance and Development Standards Compliance

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.

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., which allows the filing of such applications either before or after the date of termination of such nonconforming uses, buildings or structures.

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.

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.

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.

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.

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.

Neighborhood Impact/Land Use Compatibility

The continued operation of the nonconforming use 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.

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.

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.

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.

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. Staff also recommends that the grant term of this nonconforming structure review due to use be limited to 5 years, and that no further applications for approval of the continued use of the nonconforming use billboard be considered beyond the grant term. The conditions of approval will ensure that the standards of the Acton Community Standards District for a billboard exclusion zone are maintained, in compliance with nonconforming use/structure review provisions for nonconforming uses. 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.

RELATED ZONING ENFORCEMENT CASES

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.

Burden of Proof

The applicant is required to substantiate all facts identified by County Code Section 22.56.1550 C. The NCR Burden of Proof with the applicant's responses is attached. Staff is of the opinion that the applicant has met the Nonconforming Use/Structure Review Burden of Proof. However, given the fact the nonconforming billboard use is located in the billboard exclusion Acton CSD, the approval of this grant will be the only grant in order to ensure that the billboard is eventually phased out of operation within the Acton Community.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

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.

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.

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.

PUBLIC COMMENTS

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.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that the Regional Planning Commission close the public hearing and approve Nonconforming Structure Review No. 200900014, subject to the attached Findings and Conditions.

SUGGESTED APPROVAL MOTIONS

I move that the Regional Planning Commission close the public hearing, determine that the project is exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption, and **APPROVE** Nonconforming Structure Review No. 200900014, Project No. R2009-02036-(5), subject to the attached findings and conditions of approval.

Prepared by Rudy Silvas, Principal Regional Planning Assistant
Reviewed by Mi Kim, Supervising Regional Planner

Attachments:

Draft Findings and Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

MKK:RS 07/26/2012

**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

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., which allows the filing of such applications either before or after the date of termination of such nonconforming uses.
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., which allows the filing of such applications either before or after the date of termination of such nonconforming uses, buildings or structures.
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. Staff also recommends that the grant term of this nonconforming structure review due to use be limited to 5 years, and that no further applications for approval of the continued use of the nonconforming use billboard be considered beyond the grant term. The conditions of approval will ensure that the standards of the Acton Community Standards District for a billboard exclusion zone are maintained, in compliance with nonconforming use/structure review provisions for nonconforming uses. 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. However, given the fact the nonconforming billboard use is located in the billboard exclusion Acton CSD, the approval of this grant will be the only grant in order to ensure that the billboard is eventually phased out of operation within the Acton Community.
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 limit the term of the grant to **5 years**, with **5 annual** site inspections required.
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
07/25/2012

**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. 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.
2. 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. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon final approval of this grant by the County.
3. 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.
4. 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.

5. 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.

6. 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.
7. 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.
8. **This grant shall terminate on August 8, 2017.** No further Nonconforming Use Review Permit applications may be submitted to continue the operation of the nonconforming use billboard. The billboard will then be required to be removed. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. In the event that the permittee seeks to discontinue or otherwise change the use prior to the grant termination date for the nonconforming use billboard, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. 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.
10. 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 \$ 1,000.00. 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 five (5) annual inspections. Inspections shall be unannounced.

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.

11. 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.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. 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.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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

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

PROJECT SITE SPECIFIC CONDITIONS

18. 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.
19. 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
07/26/2012



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: January 22, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: NCR R2008-02036

22-09-02036

LOCATION: Vincinity of Forestview Road and the Antelope Valley Freeway (SR14), APN #3057-008-043

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. __ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is _____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing _____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Verify __ 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments: THIS PROJECT IS CLEARED FOR PUBLIC HEARING BY THE FIRE DEPARTMENT.
- Location: _____
- Access: _____
- Special Requirements: _____

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins *WC*

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

- 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.

Please see attached

- 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 prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.

Please see attached

- 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.

Please see attached

- 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.

Please see attached

- 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.

Please see attached

Burden Of Proof

A.

1. The billboard in place is not a threat to any persons comfort, health, or welfare. The billboard is located on vacant property where it is not affecting the people residing or working in the area.
2. The billboard in question is located on a small portion of the property and will not prevent enjoyment or valuation of property located in the vicinity. The billboard only takes up a small portion of the property and is always maintained properly.
3. The billboard is composed of wood and metal which will not endanger public health, safety, or general welfare.

B.

The property is adequate to accommodate the billboard as the billboard is only 12x40 and takes even less land space.

C.

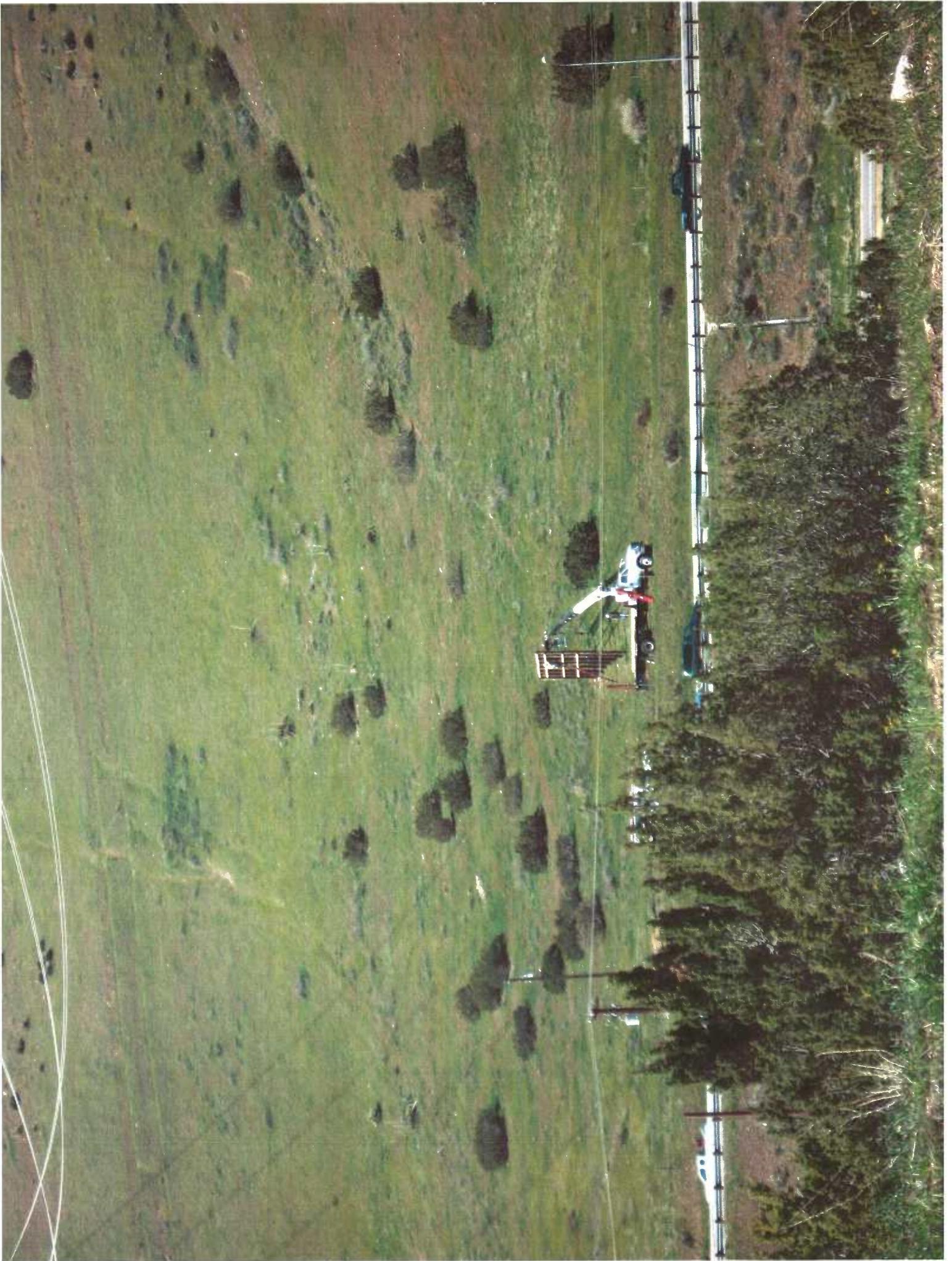
1. The billboard will not generate any new traffic and the road that is next to the billboard is sufficient
2. The billboard is adequately served by the public and private service facilities required.

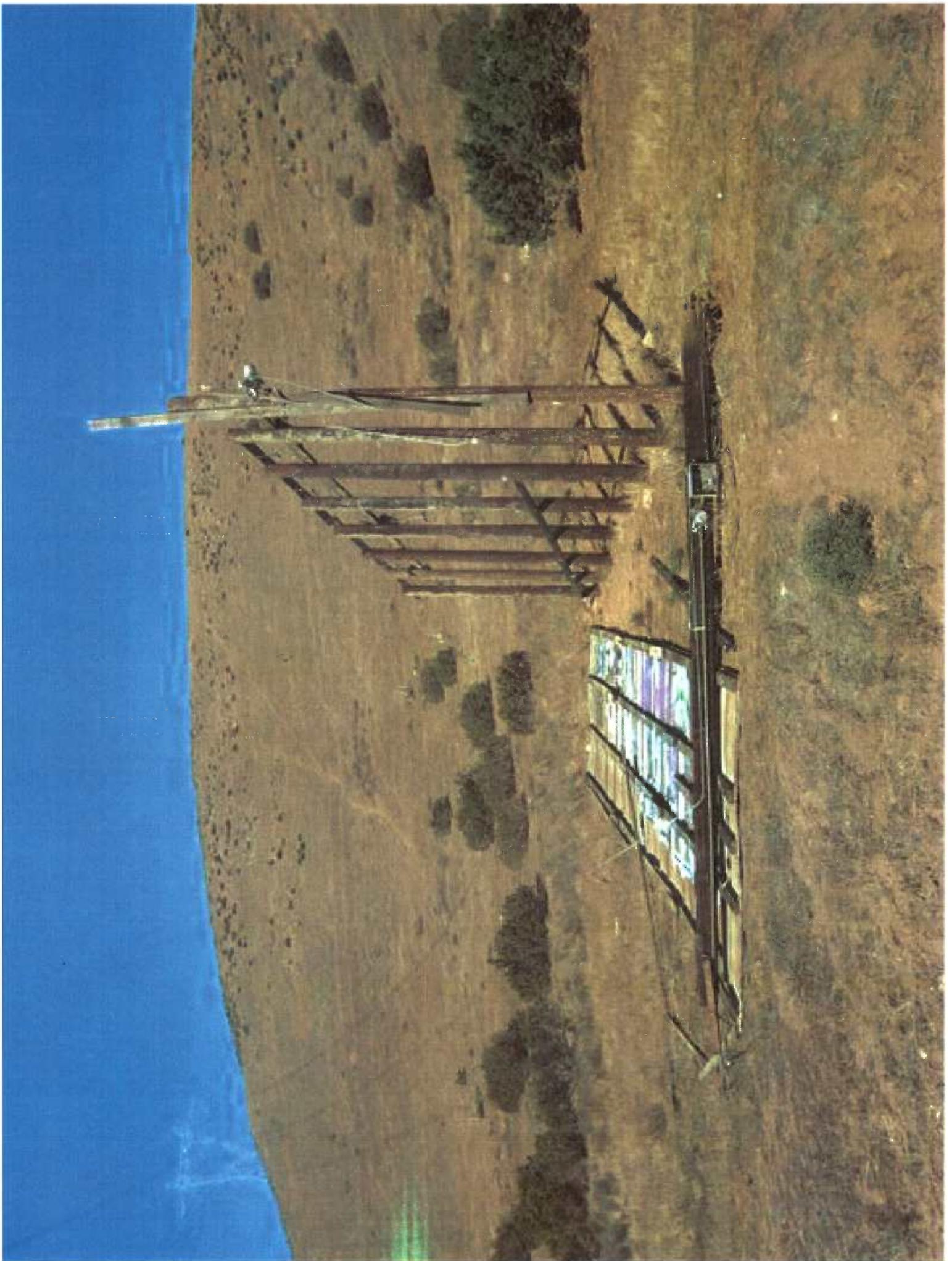
D.

The billboard already exist and will not require cessation of use or impair the property, or property rights of any person and is not an unconstitutional taking of the property.

E.

The billboard already exists. There will not be an adjustment. With that said the public health, safety, general welfare will not be detrimental. Also the existing billboard will not affect other persons in the vicinity in regards to the enjoyment or valuation of their property. The billboard in question has existed since 1966.







LAND USE 1000 FOOT RADIUS MAP

Proj. R2009-02036 (5)
RNCR 2009-00014

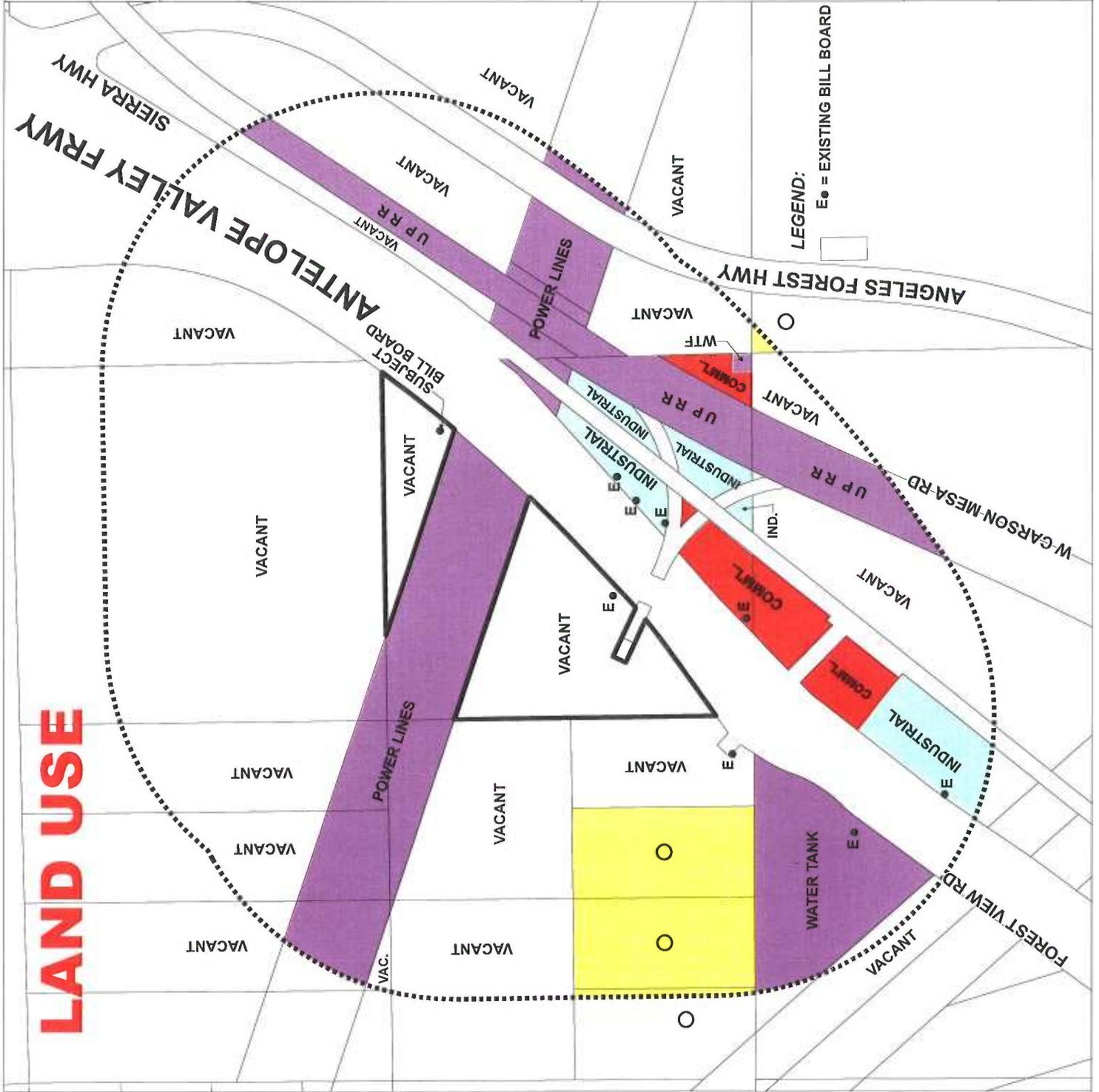
Legend

- SINGLE-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- COMMERCIAL
- LIGHT INDUSTRY
- PUBLIC UTILITY
- VACANT

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
220 W. Temple Street
Los Angeles, CA 90012



LEGEND:
E ● = EXISTING BILL BOARD

LAND USE

ZONING 1000 FOOT RADIUS MAP

Proj. R2009-02036 (5)
RNCR 2009-00014

Legend

- A-1 - LIGHT AGRICULTURE
- A-2 - HEAVY AGRICULTURE
- C-3 - UNLIMITED COMMERCIAL
- M-1 - LIGHT MANUFACTURING
- M-1.5 - RESTRICTED HEAVY MANUFACTURING

VICINITY MAP



Feet
0 75 150 300 450 600

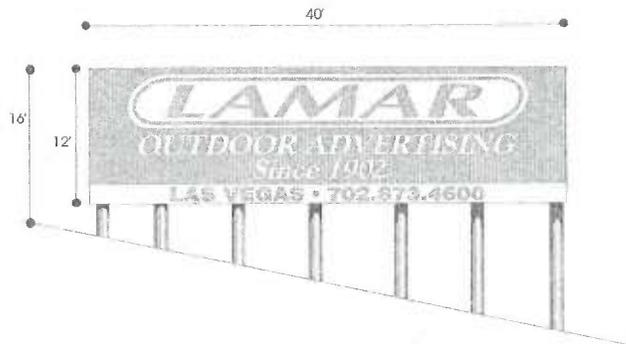
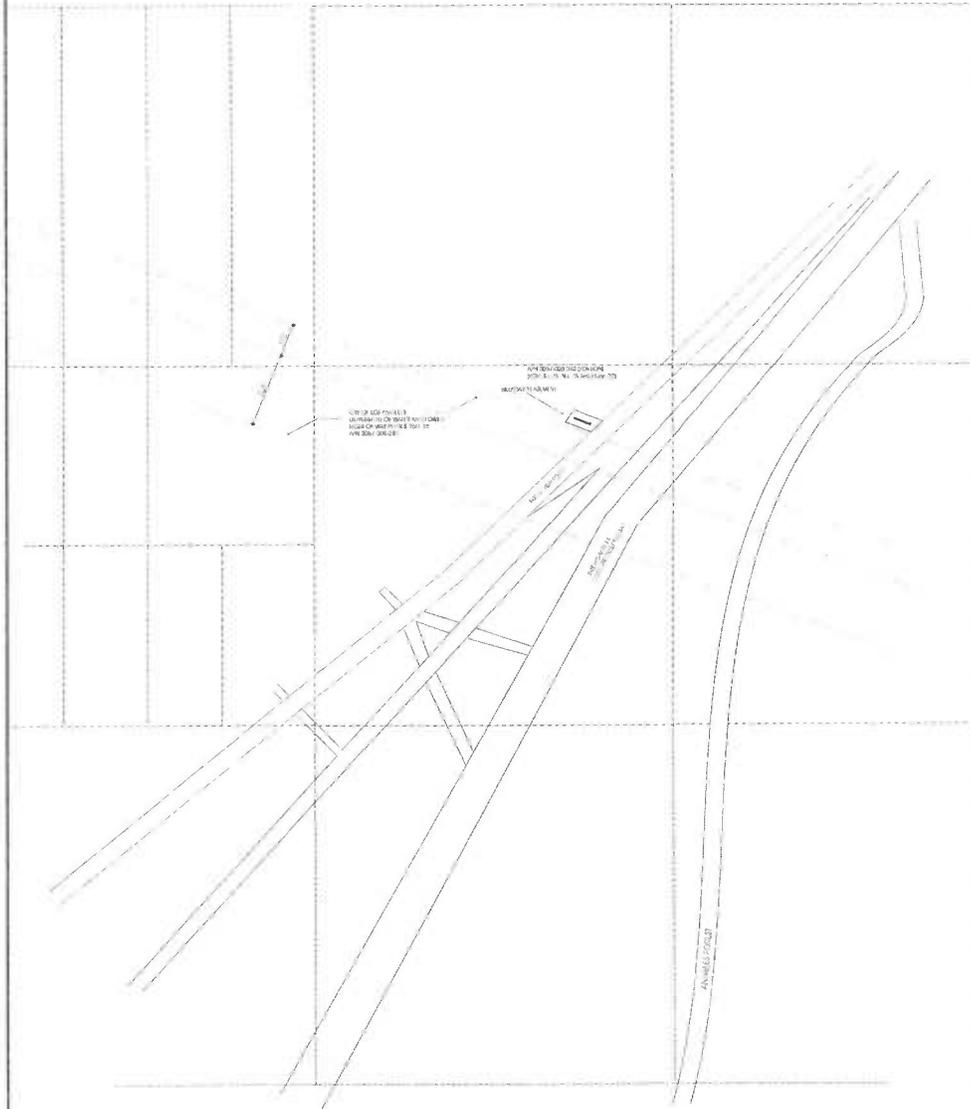


LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

ZONING



SITE PLAN



ELEVATION

PROJECT: LANCASTER 1000' VICINITY MAP

APN#: 3057008043

SCALE: 1" = 150'

DRAWING: 1

DATE: 10/25/09

LAW OFFICES OF
GARY S. MOBLEY
A PROFESSIONAL CORPORATION
17011 BEACH BLVD., SUITE 900
HUNTINGTON BEACH, CALIFORNIA 92647

GARY S. MOBLEY

TELEPHONE (714) 968-8181
TELECOPIER (714) 375-6672

October 13, 2011

VIA EMAIL

Mr. Rudy Silvas, Principal Planner
Zoning Permits West Section
Department of Regional Planning
COUNTY OF LOS ANGELES
320 W. Temple Street
Los Angeles, CA 90012

Re: LAMAR ADVERTISING
Project No. R2009-02036-(5)
Non-Conforming Structure Review No. 200900014

Dear Mr. Silvas:

This firm represents Lamar Advertising in connection with the above-referenced Non-Conforming Structure Review Application No. 200900014 for the repairs to the billboard on Forest View Road in Acton, California. I am providing this letter and the attached documentation to supplement Lamar Advertising's application and to respond to your July 19, 2011, letter requesting additional information.

In response to Paragraph 1 of your letter, enclosed is a declaration of Todd Porter, Vice-President and General Manager of Lamar Advertising, testifying under penalty of perjury that the subject billboard display was worth well in excess of \$120,000.00 at the time the repairs were undertaken in 2008, following damage to the display caused by a windstorm. Although your letter requested a formal appraisal by a certified independent appraiser, there is no authority to require an independent third-party appraisal in connection with this permit application. As the Vice-President and General Manager of Lamar Advertising, Mr. Porter is qualified to express an opinion of value of the subject billboard display. Further, state regulations no longer impose a "percentage of value of the display" limitation for repairs to qualify as "customary maintenance" protected under Business and Professions Code, section 5412. *See*, Title 4, Cal. Code of Regs., section 2270.

In response to Paragraph 2 of your letter, enclosed is a declaration of Lamar Advertising's operations manager, Michael Gentile, testifying under penalty of perjury that the total cost of repairs to this display was less than \$2,800.00. As indicated in Mr. Gentile's declaration, most of the repairs to this display were performed using materials on hand at Lamar Advertising's yard. As such, there are no dated receipts for these repairs. The only substantial construction cost was the cost of constructing a new catwalk on the display of \$2,658.00. As you will note, the total cost of the repairs is insignificant compared to the value of the billboard display. Besides, as noted above, state regulations no longer impose a "percentage of value of

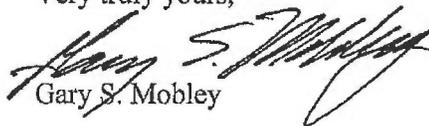
Rudy Silvas, Principal Planner
Zoning Permits West Section
Department of Regional Planning
COUNTY OF LOS ANGELES
October 13, 2011
Page 2

the display limitation" in order for repairs to qualify as "customary maintenance" under Business and Professions Code, section 5412.

As requested in Paragraph 3 of your July 19, 2011, letter, enclosed are photographs of the damaged billboard display prior to the repairs undertaken by Lamar Advertising in 2008. (These photographs were also attached to the County's Staff Report dated August 17, 2009, in connection with the earlier administrative hearing on this matter.) Please note that the subject billboard display is in "old style" billboard constructed on telephone poles as indicated in the photographs. The panel of the display was blown down during the windstorm, but the telephone poles remained in the ground. Accordingly, the repairs consisted of simply replacing the panel of the display and installing a new catwalk, which is specifically authorized under Title 4, Cal. Code of Regulations, section 2271(c).

Finally, Paragraph 4 of your July 19, 2011, letter requested copies of any electrical permit for the rebuilding of this display. At your direction, Lamar Advertising applied for a new electrical permit at this location even though it did not believe it needed to do so in view of the fact that there was a pre-existing electrical permit for this location. Lamar's position was reaffirmed by Francis A. Dominguez, Supervising Building and Safety Engineering Specialist, who indicated that he could not issue an electrical permit due to the fact that the State of California has an active permit on file. A copy of Mr. Dominguez' October 3, 2011, e-mail confirming this point is enclosed.

Very truly yours,


Gary S. Mobley

GSM/kn
EnclS.

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DECLARATION OF TODD PORTER

I, TODD PORTER, declare:

1. I am a Vice-President of Lamar Advertising and the General Manager of its Lancaster Branch, located in Lancaster, CA. I am submitting this declaration in response to questions raised by the County planner, Rudy Silvas, concerning the value of an existing legal non-conforming billboard display of Lamar Advertising located in Acton, CA (APN 3057-008-043), that was repaired by Lamar Advertising in 2008 following damage caused by a windstorm. Except for those matters stated on information and belief, the following is based on personal knowledge and, if called as a witness, I could competently testify thereto.

2. I have worked for Lamar Advertising for a total of 14 years, the past 10 years as Vice-President and General Manager. As Vice-President and General Manager of Lamar Advertising, I am responsible for all day-to-day operations of the company in the geographical area covered by Lamar's Lancaster Branch, which includes the areas of Action, Bishop, Baker and Victorville. My responsibilities for Lamar's operations in these areas include sales, leasing, operations and acquisitions.

3. Part of my responsibilities include valuing billboard signs for possible acquisition by Lamar Advertising and valuing Lamar's signs in condemnation actions. As a result, I am familiar with the value of Lamar Advertising's billboard displays.

4. Typically, Lamar Advertising values billboard displays for potential acquisition based on a multiple of the income generated by the display adjusted for other factors; e.g., whether the sign company leases the land from a property owner or has a permanent easement for the display. The multiple applied depends on the general economy and varies anywhere from two times gross annual income in bad economic times to five to six times annual income in a good economy. Presently, Lamar Advertising values sign for acquisition on the lower range of approximately two times annual gross income.

5. The subject sign at issue here generates approximately \$5,000.00 per month

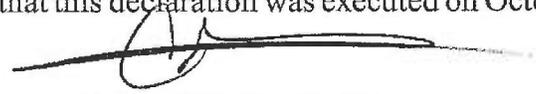

Declaration of Todd Porter

1 in gross income, or \$60,000.00 per year. Accordingly, based on the most conservative
2 method of valuation, this billboard display is currently worth at least \$120,000.00 in the
3 current economic environment and would have been worth considerably more in 2008
4 when the sign was repaired, upwards of \$360,000.00.

5 6. In addition, the value of this display is enhanced because Lamar Advertising
6 owns a permanent easement on the site of this display in contrast to most displays, which
7 are located on property leased by the sign company for the purpose of maintaining the
8 display. The fact that Lamar Advertising has a permanent easement allowing to maintain
9 this sign considerably enhances the value of this display because it removes any risk that
10 the sign lease might be terminated or the lease payments increased by the property
11 owner. Thus, the present value of this display based on an acquisition valuation is higher
12 than \$120,000.00 and would have worth considerably more in 2008, when the repairs
13 were undertaken.

14 7. The value of this sign for condemnation purposes would be much higher
15 than this acquisition value. For example, I was recently involved in the condemnation
16 of a Lamar Advertising display in Victorville that had similar income to the subject
17 billboard display. That display for condemnation purposes was valued at \$750,000.00.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct and that this declaration was executed on October 11, 2011.

20 

21 Todd Porter

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Bruce Haney, Jr <bhaney@lamar.com>

Bill Board

1 message

Dominguez, Francis <FDOMINGU@dpw.lacounty.gov>
To: bhaney@lamar.com

Mon, Oct 3, 2011 at 11:35 AM

Bruce, I have talk to RPC and have indicated that I cannot issue an Electrical permit due to the State of Cal. having an active permit on file. The State has jurisdiction at this point.

Francis A. Dominguez

SUPERVISING BUILDING AND SAFETY ENGINEERING SPECIALIST

Building and Safety Division

Antelope Valley Office

335-A East Avenue K-6

Lancaster, CA. 93535

(661) 524-2390 office

(661) 524-2399 fax



256 - Lancaster, CA
Billing Structure Audit
Dates: 01/01/2007 To 12/31/2007

Panel Lease-Sub ILL/RC Size Location
Cust # Customer Name Lessor # Lessor Name Contract Invoice Gross Net Inv Print Date Start Date End Date
Currency: USD
Type: Bulletin
Market: 4 - PALMDALE, CA
A.V. FWY 14 WL S/O ANGELES FOREST HWY

4722	03199-01	A	12' 0" x 60' 0"	85750	TLC PROPERTIES	BEAZER HOMES	306456	10107745	4,452.00	4,452.00	1/20/2007	1/20/2007	2/19/2007						
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10181254	4,452.00	4,452.00	2/20/2007	2/20/2007	3/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10256808	4,452.00	4,452.00	3/20/2007	3/20/2007	4/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10335266	4,452.00	4,452.00	4/20/2007	4/20/2007	5/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10415011	4,452.00	4,452.00	5/20/2007	5/20/2007	6/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10494326	4,452.00	4,452.00	6/20/2007	6/20/2007	7/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306456	10573245	4,452.00	4,452.00	7/20/2007	7/20/2007	8/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306941	10651642	4,452.00	4,452.00	8/20/2007	8/20/2007	9/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306941	10731105	4,764.00	4,764.00	9/20/2007	9/20/2007	10/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306941	10810653	4,764.00	4,764.00	10/20/2007	10/20/2007	11/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306941	10889413	4,764.00	4,764.00	11/20/2007	11/20/2007	12/19/2007							
149983	BEAZER HOMES	1			BEAZER HOMES	306941	10965910	4,764.00	4,764.00	12/20/2007	12/20/2007	1/19/2008							
Available for Sale:											12	Number Sold:	12	Occupancy %:	100 %	Panel Total:	54,672.00	Net	54,672.00
Available for Sale:											12	Number Sold:	12	Occupancy %:	100 %	Market Total:	54,672.00		54,672.00
Available for Sale:											12	Number Sold:	12	Occupancy %:	100 %	Type Total:	54,672.00		54,672.00
Available for Sale:											12	Number Sold:	12	Occupancy %:	100 %	Company Total:	54,672.00		54,672.00



256 - Lancaster, CA
Billing Structure Audit
Dates: 01/01/2007 To 12/31/2007

Search Parameters

Panel Number	4722
Acquisition	<ALL>
Department	<ALL>
Customer Number	<ALL>
Contract Market	<ALL>
Contract	<ALL>
Panel's Indicator	<ALL>
Lessor Number	<ALL>
Advertiser Number	<ALL>



256 - Lancaster, CA
Billing Structure Audit
Dates: 01/01/2008 To 12/31/2008

Panel Lease-Sub ILL/RC Size Location

Cust # Customer Name Lessor # Lessor Name Contract Invoice Gross Net Inv Print Die Start Date End Date
Currency: USD

Type: Bulletin
Market: 4 - PALMDALE, CA

4722	03199-01	A	12' 0" x 60' 0"	85750	TLC PROPERTIES	A.V. FWY 14 WL S/O ANGELES FOREST HWY															
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11036361	4,764.00	4,764.00	1/20/2008	1/20/2008	2/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11109837	4,764.00	4,764.00	2/20/2008	2/20/2008	3/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11185416	4,764.00	4,764.00	3/20/2008	3/20/2008	4/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11263441	4,764.00	4,764.00	4/20/2008	4/20/2008	5/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11343669	4,764.00	4,764.00	5/20/2008	5/20/2008	6/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11423392	4,764.00	4,764.00	6/20/2008	6/20/2008	7/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11502073	4,764.00	4,764.00	7/20/2008	7/20/2008	8/19/2008											
149983	BEAZER HOMES	1	BEAZER HOMES	306941	11579040	4,764.00	4,764.00	8/20/2008	8/20/2008	9/19/2008											
										Gross	Net										
Available for Sale:										12	Number Sold:	8	Occupancy %:	67 %	Panel Total:	38,112.00	38,112.00				
Available for Sale:										12	Number Sold:	8	Occupancy %:	67 %	Market Total:	38,112.00	38,112.00				
Available for Sale:										12	Number Sold:	8	Occupancy %:	67 %	Type Total:	38,112.00	38,112.00				
Available for Sale:										12	Number Sold:	8	Occupancy %:	67 %	Company Total:	38,112.00	38,112.00				



256 - Lancaster, CA
Billing Structure Audit
Dates: 01/01/2008 To 12/31/2008

Search Parameters

Panel Number	4722
Acquisition	<ALL>
Department	<ALL>
Customer Number	<ALL>
Contract Market	<ALL>
Contract	<ALL>
Panel Indicator	<ALL>
Lessor Number	<ALL>
Advertiser Number	<ALL>

Attention : Mike

Please return to TLC Billing
Dept upon completion

Co # 256

Commercial Billing
For On-Premise Signs

Customer: LAMAR Advertising

Description: Rebuild wind damage Billboard - FWY 14
W/2 @ Vincent Hill. notes: Eliminate Two
Poles. Build BACK as 12x40 NOT 12x60

Gross Billing	\$	_____
Date Billed: _____		
Material out of Inventory	\$	<u>450⁰⁰</u>
Material Purchased	\$	<u>483¹³</u>
Contract Labor	\$	<u>900⁰⁰</u>
Net Billing	\$	_____
Direct Labor Cost	\$	<u>1725⁰⁰</u>
Direct Labor Paint	\$	<u>0</u>
Direct Labor Posting	\$	<u>0</u>
Net Total	\$	_____
Percent Profit		_____ %

Do not write in this space
 District 07 Co. LA Rte. 14 Sec. _____
 Road or Town Old Rte 23 E
54062 54.501
 Permit No. (Orig.) 25673
 Date granted 9-20-66
5902

App. No. **133376**

**APPLICATION FOR
 OUTDOOR ADVERTISING PERMIT**

(CHAPTER 32 OF THE STATUTES OF 1939 AS AMENDED)

Applications need not be filed for displays located upon property to which they exclusively apply except that to be exempt from the requirement of filing an application displays advertising a business conducted, services rendered, or goods produced or sold upon the same property must be on the same side of the highway and within 800 feet of the point on the property or within 800 feet of the entrance to the site at which the business is conducted, services are rendered or goods are produced or sold. Such displays shall conform to all other provisions of the Outdoor Advertising Act and are subject to county ordinances relating to building requirements.

This form shall be prepared and filed in quadruplicate; the triplicate (yellow copy) will be returned if permit is granted. Any material misstatement or misrepresentation shown hereon will result in delay of issuance of a permit or in revocation of permit, if granted.

NOTE.—Section 5268 provides that: "The issuance of a permit does not affect the obligation of the owner of the advertising display to comply with a zoning ordinance applicable to the advertising display under the provisions of this chapter nor does the permit prevent the enforcement of the applicable ordinance by the county."

The applicant hereby agrees to place and maintain the advertising display described hereon, in accordance with the provisions of and regulations pursuant to the terms of the Outdoor Advertising Act.

PERMITS MAY NOT BE GRANTED UNLESS ALL DATA ARE SUPPLIED—This Application MUST Be Completed in FULL

SIGN HERE Janette L. Kury Secy. Treas California Sept. 16, 1966
Display owner's or authorized agent's signature Place Date

Applications may not be accepted unless accompanied by check or money order covering annual fee payment.
 Fee for structure including copy thereon 5.00 (\$ 5.00) enclosed for the year ending December 31, 1966
 Fee for sign (never added to structure fee) \$0.50
 Penalty fee \$1.00 (\$ _____) enclosed.
 Checks, money orders, etc., shall be made payable to Division of Highways

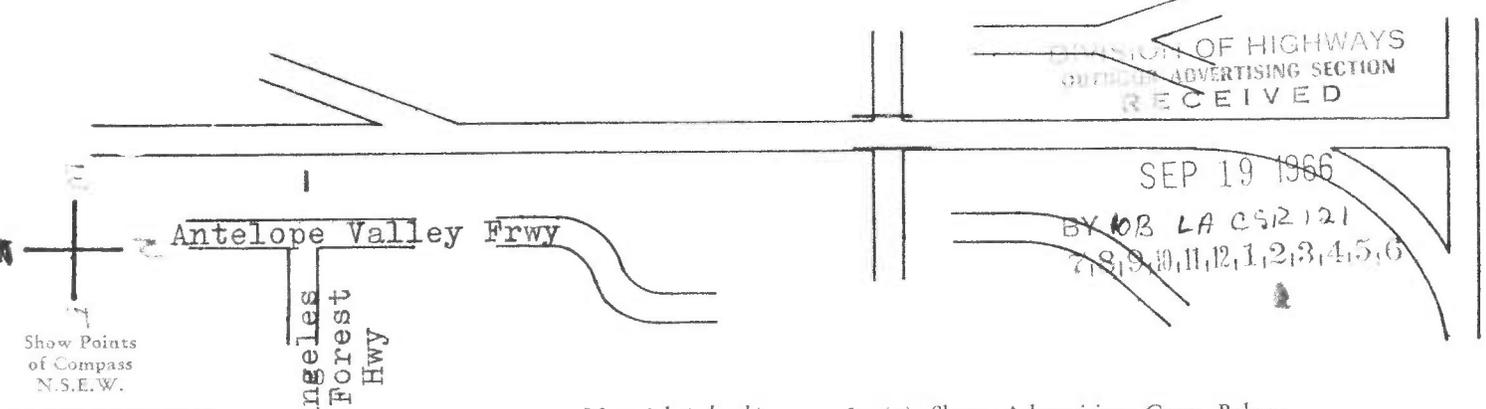
1. NAME and ADDRESS of APPLICANT (a) L. A. OUTDOOR ADVERTISING 3005
 (b) (corp) L. A. OUTDOOR ADVERTISING INC. PO BOX 3565 Terminal Annex L.A.
Print name of owner of firm Street and number or P.O. box number City or town

2. NAME and ADDRESS of the PERSON or FIRM in CONTROL of PROPERTY upon which structure/sign will be located:
 (a) John G. Johnson 33458 Angeles Forest Hwy, Palmdale
Name Street and number or R.F.D. No. City or town
 (b) If consent to placing is Written check here or if Verbal, check
 (c) PROPERTY OWNER MUST SIGN HERE if consent is VERBAL

3. The display will be installed in (a) LA (b) 4 (c) ES of (d) Vineent Palmdale
 on the (e) W side of (f) Antelope Valley Frwy at Angeles Forest Hwy
County Miles N.S.E.W. Local name of road, U. S. Hwy. No. or State Sign Rt. No. (Bear Shield); also distance to and name of nearest cross road

4. Underline type of real property: Ranch/Subdivision/Unincorporated town, village, business district.
 5. Date of installation 10/15/66 Applicant's Serial No. LA197 Notice No. if display has been cited _____
 6. Placed by L. A. OUTDOOR ADVERTISING PO BOX 3565 Terminal Annex LA 90054
Name Address

7. Display Location Sketch: Indicate distances from intersections; from curve beginning or ending if reflectorized display.
 Type of Panel: Indicate Single Panel thus—I Indicate V-shaped Display thus—V
 Show U. S., State or County road numbers



8. DIMENSIONS
 (a) Panel: Height 2 Length 60 Material (check) Wood Metal
 (b) Uprights: Number 10 Size 8x12
 (c) Braces: Number _____ Size _____
 (d) Distance between panel and ground _____
 (e) Depth of posts in ground _____
 (f) If Neon show colors _____

9. (a) Show Advertising Copy Below:
QUAIL MTN. ESTATES

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

DO NOT WRITE -
Date application.

City of _____

County of Los Angeles

(Date stamp all copies)

Applicant L. A. Outdoor Advertising

P. O. Box 3565 Terminal Annex, Los Angeles, California 90054

Street Address or P.O. Box _____ City _____ State _____ Zip Code _____

~~Existing~~
Proposed location of Advertising Display 2105 Ft. Southwesterly of _____
Miles/Feet (N.S.E.W)

Angelus Forest Hiway on the N.W. side of Antelope Valley Freeway
Nearest Intersection (N.S.E.W) Highway No. or Street Name

Size and Type of Construction of Advertising Display:

Panel: Height 12' Length 60' Square Footage 720

Uprights: Number 10 Size 8 x 12 Material Timber

Distance between panel and ground 9 Ft. Total Height 21 Ft.

Illuminated? Yes No //V-Shaped Copy one side Copy both sides
(check one) (check one)

A PLOT PLAN SHOWING LOCATION OF THE PARCEL ON WHICH ADVERTISING DISPLAY IS PROPOSED AND PROPOSED SITE ON THE PARCEL MUST ACCOMPANY THIS APPLICATION.

DO NOT WRITE BELOW THIS LINE

HM-OA-21A

CERTIFICATE OF ZONING COMPLIANCE

It is hereby certified that the above-described advertising display is in compliance with local zoning regulations.

Zone designation of display location M-1

Pertinent restrictions within the zone (if any) UNLIMITED

Regional Planning Commission
Antelope Valley Branch Office
1110 W. Ave. J
Lancaster, California

Paul M. Stophammer JAN 7 1969
Signature of Local Official Date

HM-OA-21B

NOTICE OF NONCOMPLIANCE WITH LOCAL ZONING REGULATIONS

The above described advertising display does not comply with the following zoning regulations: _____

Signature of Local Official Date

NOTE: Mail original Certificate of Zoning Compliance or Notice of Noncompliance to applicant with copy to Director of Public Works, c/o Outdoor Advertising Section, P. O. Box 1499, Sacramento, Calif. 95807. Notice of noncompliance must be mailed within seven days of application date.

HM-OA-21C

Do not write in this space
 District 07 Co. LA Rte. 14
 Road _____
 Post (log) Mile 53.951
 Permit No. 24745
 Date granted 10-17-67
 R.C. No. 6228

**APPLICATION FOR STATE
 OUTDOOR ADVERTISING PERMIT**

(CHAPTER 32 OF THE STATUTES OF 1939 AS AMENDED)

Applications need not be filed for displays located upon property to which they exclusively apply except that to be exempt from the requirement of filing an application displays advertising a business conducted, services rendered, or goods produced or sold upon the same property must be on the same side of the highway and within 800 feet of the point on the property or within 800 feet of the entrance to the site at which the business is conducted, services are rendered or goods are produced or sold. Such displays shall conform to all other provisions of the Outdoor Advertising Act and all subject to county ordinances relating to building requirements.

This form shall be prepared and submitted in quadruplicate; the yellow copy will be returned if permit is granted. Any material misstatement or misrepresentation shown hereon will result in delay of issuance of a permit or in revocation of permit, if granted.

NOTE.—Section 5268 provides that: "The issuance of a permit does not affect the obligation of the owner of the advertising display to comply with a zoning ordinance applicable to the advertising display under the provisions of this chapter nor does the permit prevent the enforcement of the applicable ordinance by the county."

The applicant hereby agrees to place and maintain the advertising display described below in accordance with the provisions of and regulations pursuant to the terms of the Outdoor Advertising Act.

PERMITS WILL NOT BE GRANTED UNLESS ALL ITEMS ARE COMPLETED AND PROPER FEES REMITTED

SIGN HERE Melven Genser Outdoor Signs North Hollywood California October 9, 1967
Display owner or authorized agent Address Date

Structure Permit Fee, including copy, effective May 15, 1965 \$5.00 \$ 5.00
 Sign Permit Fee \$0.50 \$ _____ All permits expire Dec. 31
 Penalty fee \$1.00 \$ _____

Checks, money orders, etc., shall be made payable to Division of Highways

1. APPLICANT Melven Genser Outdoor Signs National
Print name of firm owning structure/sign
a corp., 5321 Vineland Avenue, North Hollywood, California
Print name of owner of firm Street address P.O. box City

2. PERSON or FIRM in CONTROL of PROPERTY upon which structure/sign will be located:
 (a) John G. Johnston, 33458 Angeles Forest Highway, Palmdale, California
Print name Street address P.O. box City

(b) PROPERTY OWNER MUST SIGN HERE if consent is VERBAL _____
 (c) If consent to placing is Written check here

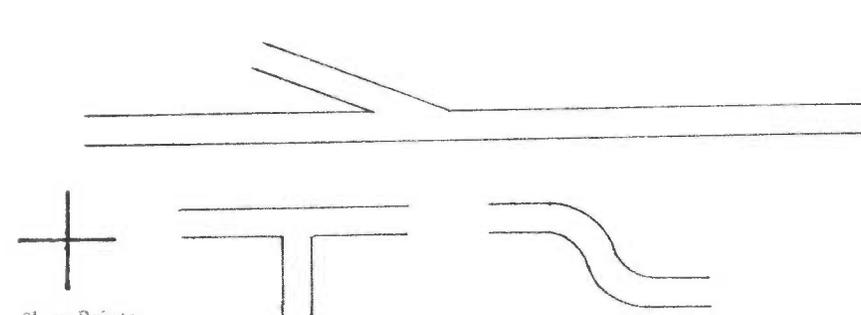
3. The display will be installed in LA County 5.4 miles N(S)E. W. of Palmdale City Limits
 on the N.S.E(W) side of Antelope Valley Freeway (530 n/o Mountain Springs Rd.)
(Circle one) Local name of road, U. S. Hwy. No. or State Sign Rt. No. (Bear Shield); also distance to and name of nearest cross road.

4. Underline type of real property: Ranch/Subdivision/Unincorporated town/Business district.

5. Proposed date of installation 11/1/67 Applicant's Serial No. 071293 Notice No. if display has been cited _____

6. To be placed by Same
Name of firm Address Licensed outdoor advertising operator No.

7. Display Location Sketch: Indicate distances from intersections; from curve beginning or ending if reflectorized display,
 Type of Panel: Indicate Single Panel thus—I Indicate V-shaped Display thus—V
 Show U. S., State or County road numbers and name of nearest cross street



Show Points of Compass
 N.S.E.W.

DIVISION OF HIGHWAYS
 OUTDOOR ADVERTISING SECTION
 RECEIVED

OCT 17 1967
 BY 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6

8. DIMENSIONS
 Panel: Height 14' Length 48' Material (check) Wood Mas Metal
 Uprights: Number _____ Size _____
 Braces: Number _____ Size _____
 Distance between panel and ground 30'
 Depth of posts in ground 10'
 If Neon show colors _____
 Illumination? Yes Reflector Material? _____

9. Advertising Copy:



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 30, 2011

2/5
DATE
CORRECTION
"2012"

Ms. Lenore Wengstrom
Acton Town Council
P.O. Box 810
Acton, CA 93510

**SUBJECT: NONCONFORMING STRUCTURE REVIEW FOR BILLBOARD
PROJECT NO. R2009-02036
CASE NO. NCR 200900014**

Dear Ms. Wengstrom:

As discussed per our phone conversation, the Department of Regional Planning has completed its review of an application for a billboard that is a nonconforming use due to its location in the Acton Community. As you know, the Acton Community Standards District is a billboard exclusion zone as specified under Section 22.44.126 C.5. of the Los Angeles County Zoning Code.

The billboard in question is located along the west side of Forest View Road, just west of the Antelope Valley Freeway, north of Mountain Springs Road and a Los Angeles City Water and Power easement for high wire towers. The billboard was originally permitted by the State of California's Department of Transportation in 1966, and was partially damaged when its face blew over during a windstorm in November 2008. Lamar Advertising erected a new billboard face in March 2009, but was subsequently cited in May 2009 by the County for repairing a partially damaged nonconforming use structure without a permit. In accordance with the Nonconforming Use, Buildings and Structures provisions of Section 22.56.1510 G. of the County Zoning Code, Regional Planning intends to move the case forward now to a public hearing before the Regional Planning Commission.

Prior correspondence from Jackie Ayer of your Acton Town Council stated that the Town Council had gone on record opposing placement or maintenance of billboards in the community, and that it was concerned regarding the nonconforming review application for the subject billboard. A copy of the correspondence is attached to this letter. The applicant is aware of the correspondence. Should you have any further questions or comments about the project, please feel free to direct them to my attention, Rudy Silvas, the case planner assigned to the project. You may contact me at (213) 974-6462, email me at rsilvas@planning.lacounty.gov or fax me at (213) 626-0434.

Sincerely yours,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Rudy Silvas
Zoning Permits West

cc: Oscar Gomez
Daniel Geringer
Bruce Haney, Jr. (Lamar Advertising)

Attachments: Jackie Ayer letter; Site plan with elevation plan

Dear Mr. Estes;

Consistent with the County Code, the Acton Town Council has gone on record opposing the placement or maintenance of billboards in the community of Acton.

Consequently, there is substantial concern regarding the nonconforming review application submitted last November for a billboard in Acton (RNCR 200900014 Project 2009-02036A).

1. A review of state and local records assembled for this billboard structure indicates that it may not have a county permit, and it definitely does not have an active Caltrans permit. In fact, it appears that Caltrans has never issued a permit for this billboard.

This particular billboard should never have been constructed without these permits, thus it appears that it was not "legally" constructed in the first place. Therefore, the County is precluded by law from issuing any kind of permit of other approval for the billboard in question.

2. Also, the applicant's claim that the repairs cost less than 50% of the total market value of the sign is completely false. County Code section 22.56.1510G requires that such a determination be established for the sign only (and not include the land value) and must be based on either the assessor tax roll (which shows a \$0 value for the improvements on parcel 3057-008-043) or an independent analysis that must be first reviewed and approved by the director.

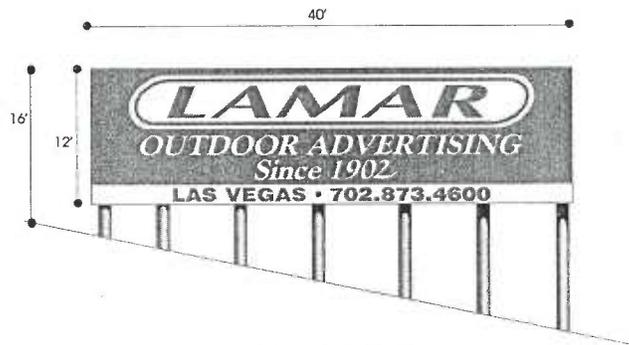
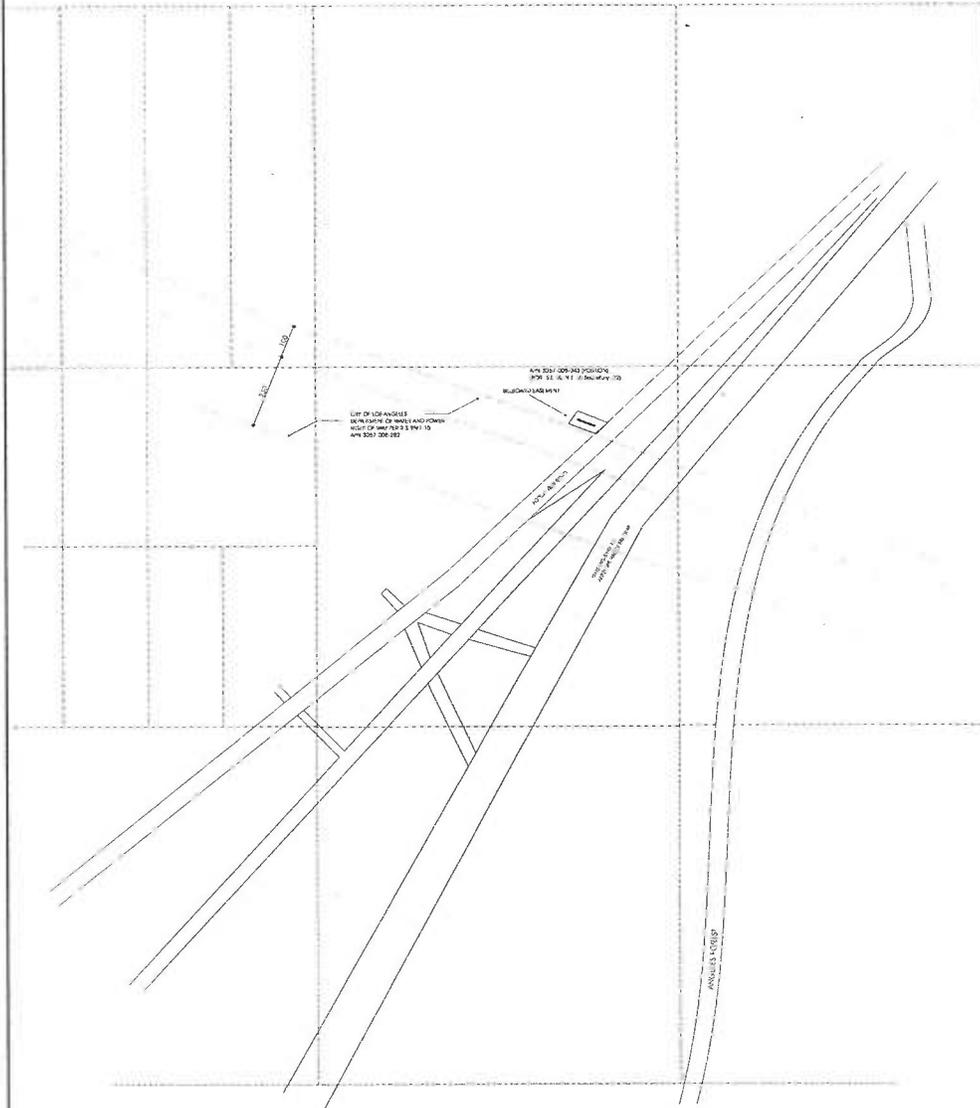
LAMAR did not provide such an analysis, and the assessor report says the sign has no value, so any expenditure to "repair" it already exceeds the 50% value. So, it does not qualify for consideration under 22.56.1510.

3. Finally, you should know that, since the zoning code prohibits billboards in Acton, the plain language of the state billboard statute only allows minor maintenance on pre-existing billboards; it does NOT permit damaged billboards to be repaired, thus the County cannot issue any sort of permission for the repairs that the applicant has or will conduct.

For further information, please see *Viacom International vs. City of Arcata*.

Thank you both very much
Jacki Ayer

SITE PLAN



ELEVATION

PROJECT: LANCASTER 1000' VICINITY MAP	
APN#: 3057008043	SCALE: 1" = 150'
DRAWING: 1	DATE: 10/25/09

Rudy Silvas

From: Tucker, Katherine S (AS) [Katherine.Tucker@ngc.com]
Sent: Wednesday, July 25, 2012 4:39 PM
To: Rudy Silvas; m_r_hughes@earthlink.net; 'Ray Billet'
Subject: Billboard Nonconforming Review (NCR 2009-00014)
Attachments: DOC001 (5).PDF

Mr. Silvas,

Please see the e-mail attached from 5/30/2010 stating the position of the Acton Town Council on the Billboard Nonconforming Review (NCR 2009-00014). Unless it can be shown that there is an active permit for this billboard, when it was originally erected and currently, the Acton Town Council would still maintain that the County would be precluded from issuing any kind of approval on the billboard in question. The Acton Town Council will make its final review of the matter at the Acton Town Council meeting on 8/6/2012 and provide this to you.

Regards,

Katherine Sky Tucker, on behalf of the Acton Town Council
(661) 575-7486

From: airtspecial@aol.com
Sent: Sunday, May 30, 2010 2:44 PM
To: pestes@planning.lacounty.gov
Cc: mchild@planning.lacounty.gov; mmasis@planning.lacounty.gov; byronbetts0706@yahoo.com; kwipff@antelecom.net; daveyoung@stillsoncompany.com; Laura@theatg.org; tuckertwo@hughes.net; Airtspecial@aol.com; m_r_hughes@earthlink.net; Tucker, Katherine S (AS); lmurbanski@gmail.com; BlumRanch@aol.com; ogomez@planning.co.la.ca.us; dgeringer@planning.co.la.ca.us; NHickling@bos.co.la.ca.us
Subject: Billboard nonconforming review (NCR 2009-00014)

Dear Mr. Estes;

Consistent with the County Code, the Acton Town Council has gone on record opposing the placement or maintenance of billboards in the community of Acton. Consequently, there is substantial concern regarding the nonconforming review application submitted last November for a billboard in Acton (RNCR 200900014 Project 2009-02036A). A review of state and local records assembled for this billboard structure indicates that it may not have a county permit, and it definitely does not have an active CalTrans permit. In fact, it appears that CalTrans has never issued a permit for this billboard. This particular billboard should never have been constructed without these permits, thus it appears that it was not "legally" constructed in the first place. Therefore, the County is precluded by law from issuing any kind of permit of other approval for the billboard in question. Also, the applicant's claim that the repairs cost less than 50% of the total market value of the sign is completely false. County Code section 22.56.1510G requires that such a determination be established for the sign only (and not include the land value) and must be based on either the assessor tax roll (which shows a \$0 value for the improvements on parcel 3057-008-043) or an independent analysis that must be first reviewed and approved by the director. LAMAR did not provide such an analysis, and the assessor report says the sign has no value, so any expenditure to "repair" it already exceeds the 50% value. So, it does not qualify for consideration under 22.56.1510. Finally, you should know that, since the zoning code prohibits billboards in Acton, the plain language of the state billboard statute only allows minor maintenance on pre-existing billboards; it does NOT permit damaged billboards to be repaired, thus the County cannot issue any sort of permission for the repairs that the applicant has or will conduct. For further information, please see Viacom International vs City of Arcata.

Thank you both very much
Jacki Ayer