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March 19, 2014

Richard J. Bruckner, Director
LA County Department of Regional Planning
320 W. Temple Street
13th Floor, County Hall of Records
Los Angeles, California 90012

Re: Letter of Justification – Proposed Minor Modification to Conditions of Special Use Permit No. 1404-(5), Agua Dulce Airport

Dear Director Bruckner:

The owners of the Agua Dulce Airport, Wayne and Connie Spears (the “Spears”), are seeking several commonsense, minor modifications to the conditions of Special Use Permit 1404-(5) (the “SUP”), which is the County land use permit that governs operations at the Agua Dulce Airport (the “airport”). As set forth below, while the Spears’ proposed minor modifications to several conditions of the SUP would not materially deviate from the terms and conditions imposed in the SUP, the proposed condition modifications are necessary to allow the Spears’ reasonable operation and use of the airport, as regulated by the SUP.

When the Spears’ took over ownership of the airport in 2006, their goal was to reestablish and operate the airport as a general aviation facility; to provide facilities for aircraft owners in the area as well as to serve the community and contribute positively to the general economy of the Agua Dulce area.

Under the Spears’ ownership and control, the airport has established an excellent track record with the Agua Dulce community and the County with regard to airport operations and overall compliance with the SUP. This is evidenced, in part, by the dramatic reduction in airport-related community complaints fielded by County staff under the Spears’ ownership of the airport and by the Spears’ exemplary record regarding compliance with the terms and conditions

of the SUP. The Spears' have also taken seriously their commitment to make the airport a true local community asset, apart from the vital role the airport plays to the broader general aviation community. This is evidenced by the numerous special community events the Spears' have welcomed at the airport under their ownership, including community and charitable events benefiting the Agua Dulce Town Council, local Agua Dulce schools, the Agua Dulce Women's Club, and Carousel Ranch (a renowned Santa Clarita Valley non-profit organization which provides equestrian therapy for children with disabilities that has held its annual fundraising gala at the airport for the past several years).

While the vast majority of the SUP's conditions continue to do a good job regulating the airport, it has become evident there are several SUP conditions which serve to unreasonably burden to the Spears' operations at the airport, and thus warrant modification. The minor modification of these few SUP conditions, as proposed, would not negatively impact the airport's residential neighbors or the broader Agua Dulce community, but are necessary to facilitate the Spears' reasonable use of the airport and to bring the facility on a more level playing field with other County airports and businesses. **Importantly, the Spears' have obtained letters indicating support for their proposed minor condition modifications from the Agua Dulce Town Council, the Santa Clarita Valley Chamber of Commerce and FilmLA, Inc.** (see support letters attached; see also attached letter from the Castaic Town Council voicing general support for encouraging filming opportunities in the unincorporated areas of North LA County).

Specifically, there are four conditions of the SUP the Spears' propose to modify, as outlined below.

A. Temporary Use Permits

- **SUP Condition No. 32.A:** This SUP condition requires the Spears' to file for Temporary Use Permits ("TUP") for special events at the airport at least 60 days in advance of the special event date. To our knowledge, the airport is the only business in the County that is required to file for a TUP 60 days in advance of the event (we understand County requirements for all TUP filings other than the airport are 30 days in advance). The extra 30 days has made it difficult for some of the community organizations and charities who are accustomed to filing under the County's normal, 30-day time period (in fact, for one past

special event, the County had to make a special exception to this condition in order to allow the charitable event to happen on time at the airport). The Spears' thus propose that condition no. 32.A be modified to read as follows:

“The permittee shall file all temporary use permit applications with the Department at least ~~60~~ 30 days prior to the proposed scheduled date of the special event.”

B. Hangar Storage

- **SUP Condition No. 39.O**: The County has conservatively interpreted condition no. 39.O as permitting the storage of only “aircraft-related” personal property within a hangar at the airport. While the Spears' certainly agree the primary purpose of a hangar should be to house an aircraft and property related thereto, they also believe the owner or lessee of that hangar should be allowed to store non-aircraft-related personal property (e.g., car, off-road vehicle, etc.) in their own hangar. We understand this type of personal storage is routinely allowed at other County airports, such as Whiteman Airport. When an individual purchases or leases a hangar, it is a substantial financial commitment. If a lessee/owner is able to store personal items in their hangar, it helps reduce the expense and inconvenience of maintaining additional storage space elsewhere. We believe this is a reasonable accommodation, which, as noted, is allowed at the airports the County owns and operates. The Spears' thus propose that condition no. 39.O be modified to read as follows:

“This grant only provides for the maintenance of flyable, certified, operational aircraft and does not allow the dismantling, salvaging, or outside storage of wrecked aircraft. Repairs of aircraft located on the subject property are only authorized to occur within hangar structures; aircraft under repair and/or aircraft parts that are utilized for the repair of aircraft shall be stored within an enclosed hangar structure. The permittee and all lessees shall be permitted to conduct aircraft “hobbyist” activities, including washing, repairing, and the performing of routine maintenance required for the lessee’s or permittee’s aircraft

on the subject property, provided there is no attempt to perform such services for others for profit, and further provided that such right is conditioned upon compliance with applicable law. At no time shall any hangar of a lessee be utilized for any commercial, industrial, manufacturing, residential, or other use not typically associated with the maintenance and use of personal aircraft storage, whether for-profit or without charge; however, this provision notwithstanding, the permittee and hangar owners/lessees shall be permitted to store non-aircraft-related personal property within any hangar, provided that such personal property is owned by the permittee or hangar owner/lessee in question and the primary purpose of said hangar remains for the storage of personal aircraft. Spray coating operations using pumps and compressors are strictly prohibited within the storage hangars;”

C. Filming Activities

The third issue relates to the SUP’s regulation of filming at the airport. At the outset, the Spears’ acknowledge regulation of filming at the airport is a valid function of the SUP; the SUP works in concert with individual Film Permit requirements imposed by FilmLA to help ensure such filming does not result in adverse impacts to the airport’s neighbors. However, there are two filming-related conditions of the SUP that unreasonably serve—we believe, unintentionally—to hinder the Spears’ ability to attract filming to the airport. Since the County last modified the SUP in November 2006, the airport was able to generate an average of only eight (8) filming days per year between 2007 and 2012; this, despite the fact that the SUP currently allows up to 30 filming days per year at the airport. The Spears’ are confident the modifications they are proposing to the SUP’s filming-related conditions will allow the airport to compete on a more level playing field with other properties in the County that accommodate filming (including those owned by the County), while continuing to ensure filming at the airport is conducted with due consideration of residents in the vicinity of the property and in accordance with FilmLA Film Permit requirements and the conditions of the SUP. The Spears’ wish to

emphasize filming will remain a peripheral use at the property; the primary use of the property will be to continue to serve the needs of local pilots and the general aviation community.

As voiced in the attached support letters submitted by the Santa Clarita Valley Chamber of Commerce, the Agua Dulce Town Council, the Castaic Town Council and FilmLA, a broad coalition of North LA County residents and business interests have called upon the County to continue to do whatever it can to encourage local film production, in order to stem the rampant “film-flight” that is occurring as local film production companies leave the County for greener economic pastures outside the County and State. The Spears’ believe the modest SUP condition modifications they are proposing regarding filming at the airport will help to achieve this broader goal of retaining film production within the County while continuing to ensure all filming at the airport is conducted in a manner that is respectful of the airport’s neighbors. Further, in order to ensure the highest quality on-site management/oversight of filming at the airport, the Spears’ are in the process of hiring Santa Clarita Valley Locations, Inc., a Santa Clarita-based film management company that has a proven track record with FilmLA, the County and Santa Clarita Valley homeowner’s associations regarding film production oversight/management at local film shoots (please see attached letter from Santa Clarita Valley Locations).

- **SUP Condition No. 34:** Condition no. 34 of the SUP restricts filming at the airport to between the hours of 6:00 a.m. and 10:00 p.m.; filming of any kind at the airport—be it within the interior of an enclosed hangar or outdoors—is prohibited outside of these hours. Film production companies have chosen not to film at the airport due solely to this condition’s requirement that all filming must cease on the property by 10:00 p.m. The Spears’ believe filming within the confines of an enclosed hangar can be accommodated at the airport after 10:00 p.m. without any negative impacts to surrounding neighbors. In order to mitigate any potential negative impacts relating to noise, the Spears’ are amenable to modifying this condition to make it clear that film crews will be prohibited from congregating outdoors on the airport property after 10:00 p.m. With this proposed condition modification, filming after 10:00 p.m. would only be allowed within the confines of an enclosed hangar; outdoor filming of any kind at the airport would continue to be strictly prohibited after 10:00 p.m. The Spears’ believe this is a reasonable accommodation which

will help them to make the airport a more competitive location for filming while continuing to ensure filming's impacts are appropriately mitigated. The Spears' thus propose that condition no. 34 be modified to read as follows:

“Filming, as described in Condition No. 36, conducted ~~indoors or~~ outdoors on the grounds of the subject property after 10:00 p.m. and before 6:00 a.m. is strictly prohibited. Filming shall be permitted within the confines of an enclosed hangar(s) during all hours. However, film crews shall be strictly prohibited from congregating outdoors on the grounds of the subject property after 10:00 p.m.”

- **SUP Condition No. 36:** Condition no. 36 of the SUP places what the Spears' believe is an unreasonable, arbitrary “30-day cap” on the number of filming days that may occur at the airport during any given year. This cap has served to dissuade film production companies from considering the airport as a viable filming location. For example, reputable film production companies which might otherwise consider the airport an excellent filming location for a ‘feature’ film will not consider the airport due to the annual 30-day cap on filming presently in place. This results in the Spears’—and other Agua Dulce business owners and residents who would derive direct economic benefit from feature film production at the airport—from missing out on the opportunity simply due the annual 30-day limitation on filming. The Spears’ share the County’s and community stakeholders’ goal of retaining responsible filming in the County, and thus believe it is now appropriate to remove the 30-day filming cap at the airport as a means to encourage the retention of local film production. The Spears’ believe filming is a vital component of the local economy; if done responsibly—with due consideration of local neighbors’ welfare, peace and comfort—filming should be encouraged, rather than discouraged, at the airport. The Spears’ thus propose that condition no. 36 be modified to read as follows:

“~~Filming on the subject property shall not occur more the 30 days per calendar year, or in connection with more than 30 film permits per calendar year, whichever is less. For the purposes of this grant,~~

~~'filming' means the actual days during which filming occurs on the property as identified in a valid FilmLA, Inc. issued film permit, per Condition No. 33, and does not include days spent by film crews during film production assembly (prep days) and disassembly (strikedays).~~ The permittee shall keep a film log indicating all days on which filming occurs on the subject property and note the number of film permits issued in relation to the subject property. Said film log shall be made available upon request for inspection by the Department's staff."

Thank you for your consideration of the Spears' proposed minor modifications to the SUP conditions addressed above. While these minor modifications to the SUP conditions do not materially deviate from the terms and conditions imposed in the SUP and would not adversely impact the airport's neighbors, they are necessary to facilitate the Spears' reasonable continued use of the airport. We look forward to answering any questions you or your staff may have.

Very truly yours,



Aaron P. Clark
Armbruster, Goldsmith & Delvac LLP

Attachments

cc: Agua Dulce Town Council
Kathryn Barger-Leibrich, Chief Deputy to Hon. Supervisor Michael D. Antonovich
Wayne and Connie Spears