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# Notes for MTA Executive Board Development Agreement with City of Santa Clarita

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Agreement was negotiated over three years with no public input regarding the concept of placing digital billboards along in the Gateway areas of the Santa Clarita Valley.

MTA has no record of disclosing "Closed Sessions" with negotiators discussing the agreement with the City of Santa Clarita.

Agreement was rushed to a vote on March 25 and was approved by a 3-1 vote because it would not have been approved as negotiated with the new council. A 2-2 vote would have blocked approval due to Weste's recusal.

Councilman Ferry (aye) is no longer on council. Council woman Laurene Weste will be recused as to any issues that come up during development for conflict of interest.

There is substantial community opposition to the agreement within the City of Santa Clarita.

Allvision had the contract to advise MTA at the same time they had a registered Lobbyist Arthur Sohikian (since 2008) working with the City of Santa Clarita. Allvision was on both side of the table.

Notification of Agreement was very limited in unincorporated areas like Stevenson Ranch-West Ranch, Castaic, Agua Dulce, and Acton.

There is disparate treatment between city residents and those living in unincorporated areas.

MTA initially refused to indemnify city against lawsuits alleging billboards contributed to accident, then had change of heart just hours before a critical council meeting. (Section 6.12 of contract).

The city buyout of Edwards Outdoor Advertising and MTA administration of MTAs contract with Edwards should be audited for past compliance to its terms . MTA staff, Allvision, and the city negotiated away this revenue stream and you have no recourse to reclaim it should the DBBs not materialize.

The agreement precludes political speech or messaging in Exhibit E section 5. This violates the US Constitution and judicial precedent as established in Maldonado v Kempton and Metromedia vs City of San Diego, It also ignores the CA Business and Professions Code Section 5275. No provision is made for indemnification against First Amendment lawsuits.

The Remsen site is located at the Gateway to the SCV in an area of the 14 freeway which does not have lighting. The billboard will be obtrusive to the valley vista. The LED light will be invasive to a relatively dark area and will project its message into the Elsmere Canyon Open Space area day and night.

### **Magic Mountain Site**

This site is literally located across the street from unincorporated Los Angeles County. The DBB will dwarf all of the other signs for hotels, motels and restaurants located in this area.

There will be homes in West Ranch (Slate Ct) , Apartments (The Fairways at Westridge) recreational areas (TPC golf club and Old Iron Horse Trail) and office buildings the LNR building scheduled to be the new home of Sunkist that will have the message visible. These facilities are not afforded the same consideration as the Norland facilities for blocking message view.

Properties in the Tourism Marketing District of Santa Clarita may get lower advertising rates than those in the unincorporated county area.

I believe that many of the businesses along the 5 corridor in unincorporated county do not fully understand the implications and will be shocked when construction commences.

It is my belief that the town councils in West Ranch and Castaic were not fully briefed about the MTA and city agreement and this may very well be problematic down the road.

### **Conclusion**

I believe it is incumbent upon the MTA executive board to take a close look at the issues raised in the Development Agreement that I have raised. The people in Santa Clarita are largely opposed to the Agreement before you for ratification. We plan to monitor this agreement through its approval process to make sure that it fully complies with all of the terms and agreements herein.

## Norland Site

Currently zoned Open Space....Allvision made material misstatement in preliminary application to Caltrans and had permit pulled.

The Norland site is being spot zoned for a DBB and this may not be acceptable to Caltrans.

The Norland site has an easement for hiking and equestrian trail in close proximity to the proposed site that will preclude the quiet enjoyment of the area.

The DBB will project its message into the Rural Outdoor Lighting District of unincorporated Los Angeles county.

The DBB is located in a designated FEMA Flood Zone of the Santa Clara River.

The digital billboard will be sited in a dangerous S curve area of the 14 freeway.

Norland site is in close proximity to residences and apartments in the Canyon Country/ Sand Canyon areas of the Santa Clarita Valley. City has assured that all homes will not have view of billboard although we do not know if this is possible. (Section 3.1.6.5). In any case disparate treatment is given to homeowners in the city and such consideration is not extended to property and homeowners in the West Ranch area.

## Remsen St Site

Site is an abandoned street ROW (Remsen), misleading residents to believe that this area is Open Space with signage. Remsen St gives ingress and egress to the Elsmere Canyon Open Space area through a critical wildlife corridor known as the Los Pinetos underpass. Remsen St site is in close proximity to Las Lomas development that will soon be designated for Open Space.

The ROW runs through and across two parcels on land zoned for a business park. These two parcels are owned by Forum Engineering which is controlled by Moshe Zemach.

Moshe Zemach has pled guilty to illegal gravel mining in Shadow Hills and is under court order to fund a trust for \$650,000 which he has not complied. He is under order to disclose his assets to the court and is scheduled to appear in Van Nuys court in May. Superior Court Docket # 6PY07491.

The placement of this sign on the ROW may hasten it's development as a business park further degrading the natural splendor found in Elsmere Canyon.

The Remsen site was preciously used by the Hondo Petroleum Company and there may be environmental issues that may preclude or make the site unuseable for a Digital Billboard.