

>> HEARING OFFICER MCCARTHY: GOOD MORNING, THIS WILL BE THE HEARING OFFICER PROCEEDING FOR THE DEPARTMENT OF REGIONAL PLANNING FOR TUESDAY AUGUST 7, 2012. MY NAME IS PAUL MCCARTHY AND I WILL BE THE HEARING OFFICER FOR ALL OF THE ITEMS ON TODAY'S AGENDA, ITEMS 1-16. ALL OF THE DECISIONS OF THE HEARING OFFICER ARE SUBJECT TO APPEAL TO THE FULL PLANNING COMMISSION AND AT THE END OF EACH ITEM, YOU'LL HEAR THE STAFF GIVE AN APPEAL DEADLINE, THERE'S A DEADLINE AND THEY WILL GIVE YOU THE DATE THAT ON OR BEFORE THAT DATE, YOU MUST FILE APPEAL IF YOU WISH TO DO SO. NOW, AN APPEAL CAN BE FILED FROM SOMEONE THAT CAN BE OPPOSED TO AN PROJECT OR AN APPLICANT THAT MAY RECEIVE AN PARAGOULD OR DISAGREES WITH SOME PROVISION, SO AGAIN, YOU WILL BE CONTACTING STAFF FOLLOWING THIS. I WILL BE TAKING SOME ITEMS OUT OF ORDER, WE HAVE STAFF WITH US THAT NEED TO GET TO A TRAINING SESSION SO I'M GOING TO START WITH ITEM NUMBER 10 AND GO TO THE END AND WILL GO BACK TO THE REGULAR ORDER OF BUSINESS TODAY, AS DESCRIBED IN THE AGENDA AND THE AGENDA IS ON THE BACK AND THERE ARE SOME ADDITIONAL AGENDAS THERE FOR YOU. WE ALWAYS START THE HEARING WITH THE PLEDGE OF ALLEGIANCE, SO IF EVERYONE WILL STAND AND FACE THE FLAG. (PLEDGE OF ALLEGIANCE).

>> I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL. AND MR. GERINGER, WE'RE GOING TO HAVE YOU HANDLE ITEM NUMBER 10 FIRST, THIS WAS AN

APPEAL FROM A ZONING ENFORCEMENT ORDER AND I BELIEVE IT WAS PLACED ON OUR AGENDA BY MISTAKE TODAY.

>> MY NAME IS MR. GERINGER, AGENDA ITEM NUMBER 10, THAT'S AN APPEAL OF FINAL ZONING ENFORCEMENT ORDER RFS NUMBER 09-0007154/EF990399. JUST TO LET YOU KNOW THAT THIS ITEM WAS PLACED ON THE AGENDA BY MISTAKE, THE ACTUAL CONTINUANCE DATE IS NOVEMBER 6 AND THAT WAS SET AT THE LAST HEARING OF JUNE 5, 2012, SO THE CORRECT CONTINUANCE DATE IS NOVEMBER 6, 2012.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND I NOTICED THAT THE HEARING FOR THE ZONING CASE WILL BE TOMORROW BEFORE THE PLANNING COMMISSION, IS THAT CORRECT?

>> THAT'S CORRECT.

>> HEARING OFFICER MCCARTHY: SO, BY HAVING A CONTINUED DATE TO NOVEMBER 6, THAT WOULD GIVE TIME FOR AN APPEAL OR ANY SUCH MATTER TO BE RESOLVED HOPEFULLY, SO TO MAKE IT OFFICIAL ONCE AGAIN, THAT THIS ITEM IS CONTINUED TO NOVEMBER 6TH, 2012 IN THIS HEARING ROOM, ROOM 150 AT 9:00 A.M., THANK YOU.

>> THANK YOU.

>> HEARING OFFICER MCCARTHY: AND THE NEXT ITEM, NUMBER 11, MR. EDWARDS.

>> MR. EDWARDS: GOOD MORNING, MY NAME IS DEAN EDWARDS, I WORK FOR THE ZONING PERMITS NORTH SECTION, ITEM NUMBER 11 IS A REQUEST OF DAVID AND JOYCE TRAVERS FOR A CONDITIONAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FILM STUDIO LOCATED AT 22120 EAST PALMDALE AVENUE, SINCE THE APPLICATION WAS FILED ON APRIL 18, 2008, STAFF HAS MADE REPEATED ATTEMPTS SO RECEIVE REPEATED MATERIAL FROM THE APPLICANT, THE RELEVANT INFORMATION FOLLOWS, DECEMBER 30, 2008, STAFF SENT A LETTER TO THE APPLICANT REQUESTING BUILDING PERMITS, REVISED SITE PLANS AND A PROJECT NARRATIVE. AON APRIL 12, 2012, STAFF SENT A FOLLOW LETTER REQUESTING THE ITEMS AGAIN BY JUNE 11, 2012. THEN ON JULY 7, 2012 STAFF SENT A THIRD LETTER TO THE APPLICANT INFORMING THEM TO DENY THE APPLICATION DATE DUE TO INACTIVITY, TODAY THE REQUESTED ITEMS HAVE NOT BEEN SUBMITTED AND THE APPLICANT HAS NOT CONTACTED STAFF, SINCE THERE IS INSUFFICIENT INFORMATION TO PROCESS, STAFF RECOMMENDS THAT THE CONDITIONAL USE PERMIT BE DENIED DUE TO INACTIVITY. THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: DO WE HAVE ANY CARDS SIGNED FOR INDIVIDUALS WISHES TO SPEAK ON THIS ITEM?

>> NO, WE DO NOT.

>> HEARING OFFICER MCCARTHY: AND IS THERE ANYONE IN THE HEARING ROOM WISHING TO SPEAK, THIS IS IN THE ANTELOPE DISTRICT, WE SEE NO ONE WISHING TO SPEAK AND THE STAFF INDICATES THEY HAVE HAD NO COMMUNICATIONS FROM ANYONE TO OBJECT, SO THEREFORE I AM GOING TO DENY THE APPLICATION DUE TO INACTIVITY.THANK YOU.

>> AND THIS DENIAL ACTION CAN BE APPEALED THE LAST DAY TO APPEAL IS AUGUST 21, 2012.

>> HEARING OFFICER MCCARTHY: AND OUR NEXT ITEM, IN FACT, WE HAVE 11 THROUGH 15 ARE FOR -- BY MS. HIKICHI.

>> MS. HIKICHI: GOOD MORNING, MR. HEARING OFFICER, I AM LINDA HIKICHI WITH THE LAND DIVISION, ITEM NUMBER 12, STAFF [INAUDIBLE] AGENDA ITEM NUMBER 12 HAS TENTATIVE TRACT NUMBER 54032, A REQUEST FOR ONE MULTIFAMILY LOT WITH EIGHT CONDOMINIUMS WAS FILED, THE COMMITTEE MET IN 2008, NO ACTIVITY HAS BEEN ON THAT PROJECT AND THE LAST EXTENSION EXPIRED, STAFF NOTIFIED THE APPLICANT FOR AGENDA ITEM NUMBER 12 THAT THE PROJECT WOULD BE SCHEDULED BEFORE A HEARING OFFICER FOR DENIAL DUE TO INACTIVITY ON AUGUST 7, 2012.WE ASKED THEM TO CONTACT THE PLANNING STAFF IF HE OR SHE WANTED TO KEEP THE PROJECT ACTIVE.THE APPLICANTS DID NOT CONTACT STAFF

WITHIN THE REQUIRED TIME FRAME, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY.

>> HEARING OFFICER MCCARTHY: THANK YOU, MS. MASIS, HAVE WE RECEIVED ANYONE SIGNING UP FOR THE CARDS?

>> NO, WE HAVE NOT.

>> HEARING OFFICER MCCARTHY: AND IS THERE ANYONE IN THE AUDIENCE WHO WISHES TO SPEAK ON ITEM NUMBER 12, IN PARTICULAR, RAMON MAYORGA, SEEING NO ONE, I'M GOING TO DENY THIS CASE, PROJECT NUMBER 03301.

>> MS. HIKICHI: NUMBER 13 IS PROJECT NUMBER 03329, THIS LETTER DIRECTED THE APPLICANT TO CONTACT REGIONAL PLANNING STAFF WITHIN 30 DAYS OF THE JULY 15, 2012 LETTER, THEY DID CONTACT STAFF AND SUBMIT A TIME EXTENSION REQUEST AND SHOULD BE TAKEN OFF TODAY'S AGENDA.

>> HEARING OFFICER MCCARTHY: SO, WE WANT TO REMOVE THIS FROM TODAY'S AGENDA AND WE'RE GOING TAKE THIS OFF CALENDAR?

>> MS. HIKICHI: YES, FOR NOW.

>> HEARING OFFICER MCCARTHY: VERY WELL, WE WILL TAKE ITEM NUMBER 13 OFF CALENDAR, AND YOU MAY PROCEED WITH NUMBER 14.

>> MS. HIKICHI: AGENDA NUMBER 14 INCLUDES TENTATIVE PARCEL MAP 060661, STAFF SENT A LETTER TO THE APPLICANT, IT DIRECTED THEM TO CONTACT REGIONAL STAFF IN 30 DAYS, THEY DID CONTACT STAFF AND SUBMIT A TIME EXTENSION REQUEST ON AUGUST 2, 2012 AND SHOULD BE TAKEN OFF TODAY'S AGENDA AS WELL.

>> HEARING OFFICER MCCARTHY: VERY WELL, WE WILL TAKE OFF -- WE WILL TAKE THE TENTATIVE PARCEL MAP 060661 OFF TODAY'S CALENDAR. AND WE MAY PROCEED WITH NUMBER 15.

>> MS. HIKICHI: STAFF NOTES FOR THE RECORD THAT THERE IS NO VISUAL PRESENTATION ASSOCIATED WITH THIS ITEM NUMBER, IT INCLUDES TENTATIVE TRACT NUMBER 51521 AND A CONDITIONAL USE PERMIT, A REQUEST FOR 159 SINGLE FAMILY LOTS WAS FILED ON JANUARY 13, 2004, THE L.A. SUBDIVISION COMMITTEE MET AND THE LAST TIME EXTENSION EXPIRED ON NOVEMBER 3, 2008, STAFF NOTIFIED THE APPLICANTS IN A LETTER DATED JULY 5, 2012 THAT THE PROJECT WILL BE SCHEDULED BEFORE A HEARING OFFICE ON AUGUST 7, 2012. THE LETTER AS DIRECTED THE APPLICANT TO CONTACT REGIONAL PLANNING STAFF WITHIN 30 DAYS OF THE DATE OF JULY 5, 2012 LETTER IF HE OR SHE WANTED TO KEEP IT

ACTIVE, THEY DID NOT SEND ANYTHING, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY.

>> HEARING OFFICER MCCARTHY: DO WE HAVE ANY CARDS?

>> NO, WE DON'T HAVE ANY SPEAKER CARDS.

>> HEARING OFFICER MCCARTHY: THERE'S NO CARD FILLED OUT BY ANYONE WISHING TO TESTIFY. ANNA VERDE IS THE APPLICANT, ANYONE WISHING TO TESTIFY ON ITEM NUMBER 15? SEEING NO ONE, I WILL DENY THE TRACT MAP DUE TO INACTIVITY.

>> THE APPEAL PERIOD FOR THIS ACTION ENDS ON AUGUST 20, 2012.

>> HEARING OFFICER MCCARTHY: THANK YOU.

>> MS. HIKICHI: THANK YOU.

>> HEARING OFFICER MCCARTHY: NOW, WITH THAT, WE WILL RETURN BACK TO ITEM NUMBER 2, ITEM NUMBER 2 IS ANOTHER TIME EXTENSION REQUEST, PROJECT NUMBER 98062, MR. CHILD IS HANDLING THE MATTER.

>> MR. CHILD: MARK CHILD WITH THE CURRENT PRANCING DIVISION, ITEM NUMBER 2 IS A TIME EXTENSION REQUEST FOR CONDITIONAL USE

PERMIT NUMBER 98062.THIS CONDITIONAL USE PERMIT WAS FOR RELIGIOUS DAY SCHOOL LOCATED IN THE AGORA HILLS AREA.THE PERMIT ALLOW FOR 4 YEARS IN WHICH THE PERMIT COULD BE USED, IF THE FOUR YEAR PERIOD ENDS JULY 22, 2013, THE APPLICANT IS REQUESTING THE TIME EXTENSION TO EXTEND THAT BY ONE YEAR TO JULY 22, 2014, THE PROJECT HAS EXPERIENCED DELAYS DUE TO LITIGATION AND TO FINANCING PROBLEMS.SO, IF THIS EXTENSION IS APPROVED, THE DATE IN WHICH THIS PERMIT COULD BE USED WOULD BE EXTENDED TO JULY 22, 2014.

>> HEARING OFFICER MCCARTHY: VERY WELL, DO WE HAVE STAFF THAT HAS FILLED OUT A CARD REQUESTING TESTIMONY?

>> NO, WE HAVE NOT.

>> HEARING OFFICER MCCARTHY: IS THERE ANYONE IN THE AUDIENCE WHO WISHES TO TESTIFY THAT CAME IN AND DID NOT FILL OUT A CARD THAT WISHES TO TESTIFY ON THIS MATTER REGARDING THE PAOLO CAMADO ROAD LOCATION, MALIBU DISTRICT AND THIS IS FOR THE MATTER REGARDING BENJAMIN EPHRAIM.OKAY, I SEE NO ONE HERE WISHING TO TESTIFY, AND THEREFORE, WE'LL GRANT THE EXTENSION.AND THE NEXT ITEM, MR. MONTGOMERY, YOU HAVE ITEM NUMBER 3.

>> MR. MONTGOMERY: GOOD MORNING, MR. HEARING OFFICER, TYLER MONTGOMERY WITH THE PERMIT'S WEST, YES, THE APPLICANT, MS. SALUD

RIVERA WAS TO AUTHORIZE THE CONSTRUCTION OF A TWO FAMILY RESIDENCE IN THE C3 UNLIMITED COMMERCIAL ZONE AT 21603 BERENDO AVENUE IN CARSON ZONED DISTRICT.THE PERMIT WAS APPROVED BY THE BOARD OF SUPERVISORS AT A DUALY NOTICED PUBLIC HEARING ON APRIL 6, 2010.THE REQUESTED TIME EXTENSION WOULD LINK THE DEADLINE TO MAKE USE OF THE PERMIT TO APRIL 6, 2013.THE APPLICANT'S REPRESENTATIVE STATES THAT ALTHOUGH PRELIMINARY SITE WORK HAS BEEN DONE AND BUILDING PERMITS HAVE BEEN ISSUED, THIS TIME EXTENSION IS NECESSARY IN ORDER FOR THE APPLICANT TO CONSTRUCT AND ESTABLISH THE USE AT THE SITE.I'M FINISHED WITH MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: I THOUGHT YOU WERE WAITING FOR A CORRECTION ON THE SCREEN.

>> MR. MONTGOMERY: THE ZONING AND LAND USE MAPS I THINK ARE FOR THE NEXT PROJECT.

>> HEARING OFFICER MCCARTHY: STAFF, DO WE HAVE ANY TESTIMONY CARDS HERE?

>> YES, WE DO, WE HAVE THE APPLICANT'S REPRESENTATIVE, CONSUELO, AND ONE ADDITIONAL PERSON, CHRIS.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND AT THIS TIME, WE'RE GOING TO WISH FOR ANYONE WHO WISHES TO TESTIFY EITHER ON THIS MATTER OR ANY MATTER THIS MORNING, IF YOU WISH TO TESTIFY, PLEASE STAND AND WE'LL SWEAR YOU IN AT THIS TIME.PLEASE RAISE YOUR RIGHT HAND.(SWEARING-IN).

>> HEARING OFFICER MCCARTHY: VERY WELL.WILL THE APPLICANT'S REPRESENTATIVE PLEASE STEP FORWARD.HAVE A SEAT HERE.THAT'S FINE.IS HER MIC. ON?IS HER MIC. ACTIVATED?IT'S ON, OKAY, GREAT.OKAY, IF YOU'LL GIVE US YOUR NAME AND ADDRESS FOR THE RECORD.

>> MY NAME IS CONSUELO CHANECO, I'M REPRESENTING THE OWNER.CONSUELO CHANECO.

>> HEARING OFFICER MCCARTHY: THANK YOU, YOU MAY PROCEED.YEAH, GIVE US YOUR TESTIMONY.

>> YES, I WOULD LIKE TO REQUEST FOR EXTENSION OF TIME TO CONTINUE THE PROJECT.WE ARE ALREADY CONSTRUCTING THE GARAGE FOR THE SECOND UNIT AND THE PERMIT FOR THE SECOND UNIT IS BEING DONE RIGHT AWAY -
- WE ARE DOING THE DRAWING FOR THE SECOND UNIT.

>> HEARING OFFICER MCCARTHY: IS THERE CONSTRUCTION TAKING PLACE ON THE SITE RIGHT NOW? IS THERE CONSTRUCTION TAKING PLACE ON THE PROPERTY NOW, IS SOMEBODY BUILDING SOMETHING NOW?

>> YEAH, WE ARE BUILDING THE NEW ADDITION FOR THE FIRST UNIT AND THE GARAGE FOR THE SECOND UNIT RIGHT NOW.

>> HEARING OFFICER MCCARTHY: BUT THEY HAVE STARTED CONSTRUCTION?

>> WE HAVE STARTED THE EXCAVATION AND THE REBARS AND IT HAS BEEN INSPECTED ALREADY.

>> HEARING OFFICER MCCARTHY: OKAY. AND DOES THAT CONCLUDE YOUR TESTIMONY?

>> SORRY?

>> HEARING OFFICER MCCARTHY: DO YOU HAVE ANYTHING ELSE YOU WOULD LIKE TO SAY?

>> I WOULD APPRECIATE IF YOU COULD GIVE US 12 MONTHS FROM TODAY BECAUSE NOW IS APRIL 6 IS ALREADY A FEW MONTHS FROM NOW, TODAY IS ALREADY AUGUST, IF YOU COULD GIVE US 12 MONTHS TO FINISH EVERYTHING.

>> HEARING OFFICER MCCARTHY: VERY WELL, LET ME DEFER TO STAFF ON THAT, MR. MONTGOMERY?

>> MR. MONTGOMERY: THE ORIGINAL WAS APPROVE ON [INAUDIBLE] AND WOULD EXPIRE WITHOUT USE ON APRIL 6, 2012, THE ORIGINAL CONDITIONS ALLOW FOR ONE-YEAR TIME EXTENSION FROM THAT DATE, SO THAT WOULD BE THE MAXIMUM DATE THAT YOU COULD EXPEND WOULD BE APRIL 6, 2013 UNLESS THE APPLICANT WANTED TO APPLY FOR A NEW CONDITIONAL USE PERMIT.

>> HEARING OFFICER MCCARTHY: BUT THE APPLICANT REPRESENTATIVE HERE SEEMS TO INDICATE THAT CONSTRUCTION IS TAKING PLACE NOW, THAT WOULD INDICATE USE IS TAKING PLACE.

>> MR. MONTGOMERY: THERE WAS EXCAVATION AND SOME WORK THAT WAS DONE, HOWEVER, THAT WORK WAS DONE WITHOUT THE PROPER PERMITS INITIALLY, THE PERMITS WERE THEN APPLIED FOR OR I GUESS THEY WERE IN PROCESS OF BEING APPLIED FOR AT THE TIME, THERE WAS A STOP WORK ORDER ISSUED, THE WORK WAS STOPPED AND THEN THESE PERMITS WERE FINALIZED AFTER THE EXPIRATION DATE OF THE ORIGINAL TIME PERIOD.

>> JULY 9.

>> MR. MONTGOMERY: JULY 9.

>> HEARING OFFICER MCCARTHY: VERY WELL, DO YOU HAVE IN ADDITION ADDITIONAL YOU WANT TO SAY?

>> YEAH, THE PERMIT WAS ISSUED JULY 9 BECAUSE FROM OTHER REQUIREMENTS THAT WAS NOT DONE BEFORE.

>> HEARING OFFICER MCCARTHY: OKAY, IF YOU WANT TO TAKE A SEAT BACK IN THE AUDIENCE AND WE'LL HAVE THE NEXT SPEAKER COME UP, AND IF YOU WANT, LISTEN CAREFULLY TO THE TESTIMONY AND IF YOU WANT TO GIVE A REBUTTAL, YOU HAVE A RIGHT TO COME UP AND GIVE A REBUTTAL.AND THE NEXT SPEAKER IS?

>> CHRIS TABILARIO.

>> HEARING OFFICER MCCARTHY: ARE YOU GOING TO PASS?OKAY.ALRIGHT, WE HAVE INDICATING SHE WISHES TO PASS.I WOULD APPEAR THEN UNDER THE ORDINANCE, I'M ALLOWED TO GIVE AN EXTENSION TO APRIL 6, 2013, BUT NOT TO EXTEND IT TO AUGUST, BUT I JUST WANT THE APPLICANT TO KNOW THAT YOU'RE NOT REQUIRED TO COMPLETE CONSTRUCTION, YOU'RE REQUIRED TO COMMENCE CONSTRUCTION, AND MAYBE THERE'S SOME CONFUSION ON THAT AND MR. MONTGOMERY, IF YOU COULD AFTER THE

MEETING DISCUSS THAT WITH HER BECAUSE IT SOUNDS AS IF THEY SHOULD BE ABLE TO EASILY MEET THE APRIL 6, 2013 DEADLINE.

>> MR. MONTGOMERY: IF THEY COMMENCE CONSTRUCTION BEFORE THAT DATE, THEN, YES, THEY WOULD.

>> HEARING OFFICER MCCARTHY: YES, AND I THINK IT SOUNDS THAT THEY'RE ABOUT TO DO THAT, AND SO I DON'T SEE A PROBLEM, SO THE DATE THIS MATTER FOR CONDITIONAL USE PERMIT NUMBER 200600329, THE HEARING OFFICER APPROVES THE CONTINUANCE, A TIME EXTENSION FROM APRIL 6, 2012 TO APRIL 6, 2013. AND THAT WILL CONCLUDE THE MATTER. ITEM NUMBER 4, MR. MAR, THE APPLICANT IS CALIFORNIA AMERICAN WATER COMPANY, LOCATED AT 4118 ATHENIAN WAY, VIEW PARK ZONED DISTRICT, COUNTY OF LOS ANGELES, THE PROJECT NUMBER IS R2011-000719, IT'S IN THE SECOND SUPERVISORIAL DISTRICT, THE CONDITIONAL USE PERMIT NUMBER IS 201100066, AND THERE WAS AN ENVIRONMENTAL ASSESSMENT ATTACHED TO THAT, 201100100, MR. MAR?

>> MR. MAR: GOOD MORNING, MR. HEARING OFFICER, I'M A PLANNING FOR THE ZONING PERMITS EAST SECTION, AGENDA ITEM NUMBER 4 IS R2011-00719, CONDITIONAL USE PROJECT NUMBER 201100066, THIS ITEM HAS PREVIOUSLY GONE BEFORE THE HEARING OFFICER ON MARCH 20, 2012, APRIL 17, 2012 AND JUNE 5, 2012, THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT FOR THE REPLACEMENT OF AN EXISTING WATER

SUPPLY BOOSTER STATION WITH A CONSTRUCTION OF A NEW WATER BOOSTER STATION WITH UPPER TENANT PIPING AND A NEW DECHLORINATION PIPE AND BOOSTER STATION SITE, EXISTING BOOSTER STATION WILL BE DECHLORINATED ONCE IT'S COMPLETE AND OPERATIONAL, THE SUBJECT PROPERTY IS LOCATED AT 4118 ATHENIAN WAY IN THE UNINCORPORATED COMMUNITY WITHIN THE VIEW PARK ZONED DISTRICT AND SUPERVISORIAL DISTRICT, THE SUBJECT PROPERTY IS ZONED R-1, SINGLE FAMILY RESIDENTS, WATER RESERVOIRS, WATER BOOSTER STATIONS AND UPPER TENANT TO THE DISTRIBUTION OF THE WATER [INAUDIBLE] PURSUANT TO SECTION 22.20 .100 ONCE A CUP IS OBTAINED, LAND USES SURROUNDING THE SITE INCLUDES SINGLE FAMILY RESIDENTS, IT HAS A BOOSTER FACILITY ON A 1.3 ACRE SITE, THE PROPOSED BOOSTER PUMP STATION ALONG WITH NEW UNDERGROUND PIPING AND A NEW DECHLORINATION PIPE IS DEPICTED ON THE SITE PLAN, IT IS LOCATED ON THE SOUTHEAST CORNER OF THE PROJECT SITE AND THE PROPOSED DECHLORINATION VAULT IS LOCATED ON THE SOUTHERN BORDER OF THE SITE, IT WOULD ALLOW THE APPLICANT TO DECHLORINATE THE WATER IF THEY WERE TO DRAIN ALL OF THE APPLICANT BEFORE BEING DISCHARGED IN THE PIPE DRAIN SYSTEM, THE CONTROL BOARD REQUIRES THEM TO DECHLORINATE THE WATER AND TO PROPOSE THE DECHLORINATION VAULT WOULD PERFORM THIS FUNCTION, IT WOULD INTRODUCE TABLETS MADE UP OF VITAMIN C, IT IS ORGANIC AND NON-TOXIC TO HUMANS AND ANIMALS. THE FIRST THING I WOULD LIKE TO POINT OUT ON THE PROPOSED BOOSTER STATION FLOOR PLAN IS THAT THE APPLICANT IS NO LONGER PROPOSING A CHEMICAL ROOM AND WILL INSTEAD

PLACE A RESTROOM WHERE THE CHEMICAL ROOM IS DEPICTED ON THE PLAN SHOWN BEFORE YOU WHICH THE APPLICANT IS CONFIRM DURING HIS TESTIMONY. THE PROPOSED BOOSTER STATION HAS FOUR VERTICAL TURBINE PUMPS, THE PUMPS WILL HELP MAINTAIN ADEQUATE WATER PRESSURE THROUGHOUT THE SYSTEM, IT ALSO CONTAINS AN ELECTRICAL ROOM. NEXT SLIDE, PLEASE. THE PROPOSED PUMPS WILL BE LOCATED BELOW STREET LEVEL GRADE AND AS FAR AWAY FROM THE STREET AS POSSIBLE WITHIN THE BOOSTER STATION. IT HAS BEEN DETERMINED THAT A MITIGATED NEGATIVE DECLARATION IS AN APPROPRIATE DETERMINATION PURSUANT TO CEQA REPORTING REQUIREMENTS, ANALYSIS BY COUNTY HAS PROVIDED POTENTIAL ENVIRONMENT [INAUDIBLE] HOWEVER, THESE IMPACTS WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT WITH THE PROPOSED MITIGATION MEASURES, STAFF HAS RECEIVED PUBLIC COMMENTS ON THIS PROJECT RELATED TO NOISE CONCERNS WITH THE BOOSTER PUMPS AND PROPOSED EMERGENCY GENERATORS, NOT GENERATORS, SINGLE GENERATOR. THE APPLICANT HELD A COMMUNITY OPEN HOUSE MEETING AT THE SENIOR CENTER, THEY PRESENTED THAT PROJECT AND HAD A Q AND A SESSION ON THE PROJECT, THE BOOSTER STATION ON THE PROJECT PROPERTY IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH ON THE CURRENT ZONING DESIGNATION, STAFF FINDS THAT IMPLEMENTATION WOULD REDUCE POTENTIAL ENVIRONMENTAL IMPACTS FROM THE PROJECT TO A LESS THAN SIGNIFICANT LEVEL, THEREFORE, STAFF RECOMMENDS APPROVAL OF PROJECT NUMBER R201100719, THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: HOW MANY PEOPLE DO WE HAVE THAT HAVE SUBMITTED CARDS?

>> WE HAVE FOUR SPEAKERS.

>> HEARING OFFICER MCCARTHY: OKAY.AND I ASSUME WE HAVE AT LEAST ONE OF THOSE IS THE APPLICANT'S REPRESENTATIVE.

>> WE HAVE TWO REPRESENTATIVES FOR THE APPLICANT AND TWO PERSONS IN OPPOSITION.

>> HEARING OFFICER MCCARTHY: VERY WELL.CAN WE HAVE THE APPLICANT'S REPRESENTATIVES COME FORWARD AND BE SEATED.

>> GOOD MORNING, TIM MILLER, CORPORATE COUNSEL FOR CALIFORNIA AMERICAN WATER, WE CAN JUST RESPOND FROM ANY COMMENTS FROM THE PUBLIC, WE UNDERSTAND THERE'S SOME MEMBERS OF THE COMMUNITY THAT STILL HAVE CONCERN, WE PREFER TO RESERVE OUR TIME TO RESPOND TO THOSE ISSUES IF THAT'S ACCEPTABLE.

>> HEARING OFFICER MCCARTHY: WELL, WE CAN DO THAT AND MOVE RIGHT INTO TESTIMONY ON YOUR APPLICATION.THEN YOU EACH -- BUT REMEMBER, IN TERMS OF RESPONSE, ONLY ONE INDIVIDUAL GETS TO RESPOND IF YOU

DO THAT, SO APPARENTLY A STAFF MEMBER IS WITH YOU FROM THE WATER COMPANY?

>> WELL, I'M CORPORATE COUNSEL AND WE HAVE AN ENGINEER.

>> HEARING OFFICER MCCARTHY: RIGHT, BUT IT WOULD BE ONE OR THE OTHER, IT WON'T BE BOTH ON A RESPONSE.

>> THAT'S FINE.

>> HEARING OFFICER MCCARTHY: SO, WHAT YOU NEED TO DO IS LISTEN CAREFULLY TO THE TESTIMONY AND DECIDE WHO'S GOING TO BE GIVE THING REBUTTAL.

>> THANK YOU.

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>> HEARING OFFICER MCCARTHY: OBVIOUSLY IT'S FROM A TECHNICAL STANDPOINT, THE ENGINEER, IF IT'S A LEGAL ISSUE, THEN YOURSELF.OKAY, THE FIRST OPPONENT WE HAVE?

>> WE HAVE LEON DAVIS.

>> HEARING OFFICER MCCARTHY: ANYBODY ELSE WISHING TO TESTIFY IN FAVOR OF THE APPLICATION AND IN FAVOR COME FIRST, AND THEN PEOPLE WHO ARE OPPOSING IT, SO ARE YOU TESTIFYING IN OPPOSITION OR IN FAVOR, SIR?

>> IN OPPOSITION, MR. HEARING OFFICER.

>> HEARING OFFICER MCCARTHY: AND YOU'RE TESTIFYING IN OPPOSITION AS WELL?

>> YES.

>> HEARING OFFICER MCCARTHY: OKAY, VERY WELL, AND IF YOU'LL GIVE US YOUR NAME AND ADDRESS FOR THE RECORD.

>> THANK YOU, MR. HEARING OFFICER, MY NAME IS GUSTAVA LAMANNA.MR. HEARING OFFICER, I ALSO HAVE AND I WILL HAND OVER A COPY OF OUR WRITTEN COMMENTS AND ASK THAT THEY BE MADE PART OF THE RECORD.

>> HEARING OFFICER MCCARTHY: AND YOU SEE IN FRONT OF YOU, THERE'S A GREEN LIGHT AND WE HAVE ABOUT A THREE MINUTE TIME LIMIT.

>> THANK YOU VERY MUCH, I'LL TRY TO GET THROUGH.MR. HEARING OFFICER, WE REPRESENT THE VIEW PARK PRESERVATION SOCIETY FOR

ITSELF AND ON BEHALF OF A GROUP OF CONCERNED CITIZENS, INSIDE THE MATERIALS, WE'VE SUBMITTED A LIST OF 70 COMMUNITY MEMBERS WRITING IN OPPOSITION TO THE PROJECT.WE ASK YOU TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT BEFORE CONSIDERATION OF THE REFERENCE PROJECT BY REGIONAL STAFF AND CALIFORNIA AMERICAN WATER.YOU MUST PREPARE AN ENVIRONMENTAL IMPACT REPORT AS AN EXISTENCE OF SUBSTANTIAL EVIDENCE PRECLUDES A NEGATIVE MITIGATION, THE NEW BOOSTER STATION WILL CONSIST OF FOUR TURBINE PUMPS ALONG WITH THE PROVISION FOR A FIFTH PUMP AND A DECHLORINATION VAULT, THAT IS THE EXTENT OF THE PROJECT DESCRIBED TO YOU TODAY.THEY HAVE NOT DESCRIBED THE EXISTING OPERATIONS ON THE LAND.THE MITIGATED MONITORING PROGRAM IS LIMITED TO BIRD NESTING SURVEYS AND BEST MANAGEMENT PRACTICES FOR EROSION CONTROL.THE MATERIALS PRESENTED TO STAFF AND THE DEPARTMENT TO YOU TODAY HAVE CHOPPED UP WHAT THE COMMUNITY BELIEVES A PROJECT THAT WILL GO OVER A PERIOD OF TIME.THE KEY ELEMENTS THAT WERE ADMITTED BY THE APPLICANT AND THE HISTORIC OPERATIONS ON THE SITE ARE AS FOLLOWS, NUMBER 1, THERE HAS BEEN FRAUD COMMITTED UPON THE WATER COMPANY AND IN OUR WRITTEN MATERIALS OF 170 PAGES WITH 16 EXHIBITS, WE HAVE INCLUDED A COPY OF THE INDICTMENT.PART OF THAT FRAUD WOULD HAVE REQUIRED THE WATER COMPANY TO APPLY AND COMPLY WITH CERTAIN CALIFORNIA COMMISSION REGULATIONS INVOLVING THE TRANSFER OF OPERATIONS.THE FRAUD INVOLVED THE SALE OF TWO ADJACENT VACANT LOTS THAT ARE NOW BEING IMPROVED, THOSE VACANT LOTS INCLUDE A SPECIFIC AREA FOR

PERMANENT OVERFLOW IN AN EVENT OF THE WATER OPERATIONS. NUMBER 2, THERE ARE NO CHEMICALS ON THE SITE RIGHT NOW, WHETHER IT'S VITAMIN C OR ANY OTHER ALTERNATIVE THAT CAN BE PUT INTO A DECHLORINATION VAULT, NONETHELESS, THEY ARE INCLUDING A DECHLORINATION VAULT THAT IS PRESENTLY NOT IN OPERATION ON THE SITE. I'M SORRY, THIRD, RIGHT NOW, THE OPERATIONS INVOLVE A GRAVITY SYSTEM AND THEY ARE TURNING IT INTO A TURBINE SYSTEM. THAT IS GOING TO INCREASE THE WATER PRESSURE FOR THE RESIDENCE, IN THE MATERIALS, WE'VE INCLUDED RESIDENTS THAT HAVE FACED RUPTURES IN THEIR PIPES DUE TO INCREASES IN WATER PRESSURE SINCE THE TIME THIS MATTER WAS CALENDARED. IN ADDITION, WE HAVE SUBMITTED THREE EXPERT REPORTS, ONE OF MR. BRANDMAN AND ASSOCIATES, ANOTHER ONE WITH STUDIO 9102 AND CHARLES TOBIN, AN EIR WOULD BE REQUIRED BECAUSE OF THE INTRODUCTION OF HAZARDOUS MATERIALS, THE LACK OF HISTORIC RESOURCE, AND NUMBER 3, BECAUSE OF THE LACK OF ANALYSIS OF HOW THE PROJECT WILL IMPACT AREAS OUTSIDE OF THE SITE. I NOTICED THAT HAS GONE OVER AND I ASK IF I CAN CONTINUE WITH MY COMMENTS.

>> HEARING OFFICER MCCARTHY: YOU MAY.

>> THANK YOU VERY MUCH. IN ADDITION, THE REVISED PROJECT BACK IN MARCH, THERE WAS AN INITIAL STUDY FOR A NEGATIVE DECLARATION, NOW SINCE THE PROJECT HAS BEEN REVISED FOR A NEGATIVE MITIGATION, THERE HAS BEEN EVIDENCE PRESENTED TO THE DEPARTMENT THAT THERE MAY

BE ASBESTOS ON THE SITE. THAT IS A CONTINGENCY DESCRIBED IN THE PROJECT, HOWEVER, IN THE COMMUNITY'S BELIEF, IF AN EIR IS PRESENTED AND ORDERED BY THE GOOD HEARING OFFICER FOR THIS PROJECT, WE WOULD SUGGEST THAT THERE BE AN ANALYSIS OF THE IMPACT OF THAT HAZARDOUS CHEMICAL ON THE SITE. TODAY, THE CONDITIONAL USE PERMIT DOESN'T COMPLY WITH THE RELEVANT ZONING CODE, IN ADDITION TO NOT COMPLYING WITH THE RELEVANT ZONING CODE, THERE IS INSUFFICIENT EVIDENCE THAT THE CODE WOULD NOT ADVERSELY AFFECT THE NEIGHBORING COMMUNITY INCLUDING EMPLOYEES OF THE APPLICANT. THE APPLICANT HAS NOT ENDEAVORED A DAMAGE STUDY FOR A WATER RESERVOIR THAT WAS CONSTRUCTED IN THE 1930S, AND THE FACT THAT THE BOOSTER STATION IS A PART OF THE OPERATIONS AND WILL BE MOVED, IT IS PRUDENT AND PROPER TO ENDEAVOR A DAMAGE STUDY. THE MITIGATED NEGATIVE DECLARATION IS INADEQUATE. THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. THE SIGNIFICANT EFFECT ON THE ENVIRONMENT IS A TERM OF ART AND WE HAVE PRESENTED TO THE GOOD HEARING OFFICER TODAY SUBSTANTIAL EVIDENCE OF A FAIR ARGUMENT THAT A SIGNIFICANT IMPACT MAY OCCUR. NEXT, THE DEPARTMENT HAS FAILED TO GATHER INFORMATION AND UNDERTAKE AN ADEQUATE ENVIRONMENTAL REVIEW. MITIGATED NEGATIVE DECLARATIONS ARE INAPPROPRIATE WHEN ALL THE EVIDENCE HAVE BEEN PRESENTED TO YOU TODAY AND IN THE ORAL COMMENTS THAT WILL BE MADE, THERE IS EVIDENCE THAT IS NOT AND HAS NOT BEEN PUT FORTH TO THE DEPARTMENT. NEXT, THE DEPARTMENT FAILED TO GATHER THE INFORMATION AND LIKELY IMPROPER NARROWED THE PROJECT

DESCRIPTION TO A SEGMENTED REVIEW. UNDER CEQA, THERE'S A PROHIBITION OF CHOPPING UP THE PROJECT INTO SMALL BITS, WE UNDERSTAND THIS IS A WATER COMPANY, THEY ARE SUBJECT TO CALIFORNIA PUBLIC UTILITIES COMMISSION AND IN FACT THERE IS A LIKELIHOOD THAT THE PROJECT WILL BE SEGMENTED, AN ENVIRONMENTAL REVIEW, FULL ENVIRONMENTAL REVIEW WITH THE ENTIRE PROJECT AND SCOPE SHOULD BE ENDEAVORED BEFORE THE MITIGATED NEGATIVE DECLARATION IS PRESENTED, IN CONCLUSION, MR. HEARING OFFICER -

>> HEARING OFFICER MCCARTHY: CAN I JUST INTERRUPT THERE, HOLD HIS TIME, ARE YOU STATING THAT THERE ARE ADDITIONAL PORTIONS OF THE PROJECT WHICH WILL BE FORTHCOMING WITHIN THE FORESEEABLE FUTURE THAT HAVE NOT BEEN DESCRIBED IN THE CURRENT APPLICATION?

>> MR. HEARING OFFICER, AT THE COMMUNITY MEETING, THE WATER COMPANY PRESENTED WHAT THEY CALL A LONG-RANGE PLAN FOR ALL THEIR WATER OPERATIONS AS THEY HAVE ADMITTED THAT THERE ARE DEFERRED MAINTENANCE ITEMS FOR THEIR WHOLE CIRCUIT, SO WHILE WE HAVE NOT BEEN TOLD EXACTLY WHAT IS PROPOSED, WE DO KNOW THAT AN APPROXIMATELY 80 YEAR-OLD RESERVOIR IS LIKELY TO UNDERGO MORE THAN JUST ROUTINE MAINTENANCE. WE HAVE ASKED FOR THAT, THERE MAY BE SOME SECURITY ISSUES BECAUSE OF THE PATRIOT ACT THAT WOULD PROVIDE US FROM GETTING INFORMATION BUT WE WOULD ASK THE HEARING OFFICER TO PRESENT THIS QUESTION TO THE APPLICANT.

>> HEARING OFFICER MCCARTHY: YES, AND I KNOW THE APPLICANT'S IN THE AUDIENCE LISTENING AND I WANT AN ANSWER TO THAT.

>> AND IN CONCLUSION, BEFORE I LET OUR GOOD COMMUNITY MEMBER CONTINUE IS ISSUANCE OF THE CONDITIONAL USE PERMIT AN ADOPTION OF THE NEGATIVE DEG DECLARATION AS PROHIBITED BY LAW, THE MATERIALS PRESENTED THEREIN, AND THEY DEMONSTRATE THERE IS SUBSTANTIAL EVIDENCE IN LIGHT OF THE WHOLE RECORD BEFORE THE DEPARTMENT THAT MITIGATION MEASURES INCLUDED IN THE MITIGATION MONITORING PROGRAM AND CONDITIONS MADE PART OF THE PROJECT WILL NOT MITIGATE THE EFFECT OF THE PROJECT ON THE ENVIRONMENT AS PROPOSED AND THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AN EIR IS THEREFORE REQUIRED.THANK YOU, MR. HEARING OFFICER.

>> HEARING OFFICER MCCARTHY: THANK YOU, AND THE NEXT WITNESS.

>> GOOD MORNING, MR. HEARING OFFICER, I'M LEON DAVIS, I'M A 32 YEAR-OLD RESIDENT OF VIEW PARK, I LIVE ABOUT TWO HOUSES DOWN FROM THE RESERVOIR.WE HAVE HAD SEVERAL MEETINGS WITH THE HOME OWNERS AT MY HOUSE THAT ARE VITALLY VERY CONCERNED ABOUT HAVING AN ENVIRONMENTAL IMPACT REPORT DONE ON THE PROJECT RATHER THAN JUST A MITIGATED NEGATIVE DECLARATION.MY EXPERIENCE WITH DEALING WITH AN EIR IS BASED BACK TO APPROXIMATELY 32 YEARS, I'M A A RETIRED

ASSISTANT DIRECTOR OF OUR HOUSING OF THE LOS ANGELES HOUSING DEPARTMENT AND OVERSEEING REHABILITATION PROJECTS, I FOUND ON MANY OCCASIONS THAT AN EIR WAS VERY, VERY IMPORTANT THAT WE DO IT IN ORDER TO MAINTAIN THE VIABILITY OF A PROJECT, I'LL JUST GIVE ONE EXAMPLE, ONE EXAMPLE IS THAT WE APPROVED A REHABILITATION LOAN ON A FOUR-PLEX, AND THE CONSTRUCTION SPECIALIST THAT I HAD ASSIGNED TO THE PROJECT KEPT COMPLAINING ABOUT SMELLS FROM THE PROJECT, KIND OF ALL OIL SMELLS, AND INSPECTING THE FRAME AND THE FOUNDATION OF THE HOUSE, THE SMELL INCREASED SO WHEN HE REPORTED BACK TO ME ABOUT THIS, I ORDERED AN ENVIRONMENTAL IMPACT REPORT, AND LOW AND BEHOLD, WE FOUND AN OIL WELL UNDER THE HOUSE, OKAY, WE HAD APPROVED A LOAN AND WE HAD TO MAKE SURE THAT THE STATE OF CALIFORNIA HAS A FUND TO RECAP OIL WELLS THAT WERE NOT CAPPED PROPERLY OVER A HUNDRED YEARS AGO, THERE WAS AN OIL BOOM HERE IN THE DOWNTOWN AREA ABOUT THE TURN OF THE CENTURY.WHAT WE HAVE NOW, THAT WAS A VERY BAD SMELL THAT FORCED ME TO ORDER THE EIR.NOW, WE DO HAVE SOME EVIDENCE THAT WE DO HAVE SOMEWHAT, THERE ARE SIGNS THAT WE DO NEED TO DO AN ENVIRONMENTAL IMPACT REPORT, SOME OF MY NEIGHBORS WERE COMPLAINING ABOUT THE SMELL FROM THE WATER, JUST THE COLOR RATION OF THE WATER AND ONE NEIGHBOR WHO LIVED ABOUT A BLOCK FROM IT HAD TO REDO HER PLUMBING BECAUSE OF TOO MUSH PRESSURE.I THINK THAT IS DIRECT EVIDENCE THAT AN ENVIRONMENTAL IMPACT REPORT NEEDS TO BE DONE.AS YOU KNOW, WHEN THE PROJECT WAS ORIGINALLY DONE BACK IN THE LATE 30S, AN ENVIRONMENTAL IMPACT

REPORT WAS UNHEARD OF, BUT TODAY WE SEE SIGNS THAT WE KNOW THAT IT NEEDS TO BE DONE, THE RESERVOIR IS NOT LOCATED IN THE MIDDLE OF THE SANTA MONICA MOUNTAINS, IT'S LOCATED IN A DEPOPULATED AREA, FOR THE HEALTH AND THE SAFETY, NOT ONLY MY IMMEDIATE NEIGHBORS BUT ALL OF THE NEIGHBORS, WE ARE RECOMMENDING AN ENVIRONMENTAL IMPACT REPORT BECAUSE WE FEEL THAT A NEGATIVE DECLARATION WOULD NOT GIVE US THE INFORMATION TO BE SECURE, SO WE'RE SAYING THAT AN OUNCE OF PREVENTION IS WORTH AN OUNCE OF CURE, AND IF WE DON'T PROCEED WITH THE EIR NOW BECAUSE OF TRYING TO CORRECT SOMETHING THAT COULD HAVE BEEN CORRECTED UPFRONT WOULD JUST BE DETRIMENTAL AND THAT CAUSE WILL BE PASSED ON TO THE NEIGHBORS OF VIEW PARK.THANK YOU.

>> HEARING OFFICER MCCARTHY: CAN I JUST ASK ONE CLARIFICATION, YOU MENTIONED ODORS, ARE YOU SAYING THESE ARE ODORS COMING FROM THE WATER OUT OF THE TAP OR ARE THESE ODORS EMANATING FROM THE SUBJECT PROPERTY?

>> COMING FROM THE TAP WATER.

>> HEARING OFFICER MCCARTHY: COMING FROM THE TAP WATER, THANK YOU.

>> OKAY.

>> HEARING OFFICER MCCARTHY: AND FOR THE REBUTTAL, THE APPLICANT WILL GIVE HIS REBUTTAL. AND ONCE AGAIN, IDENTIFY YOUR NAME. DO YOU WANT TO PULL THE MIC. UP OR IS IT ON?

>> GOOD MORNING, TIMOTHY MILLER, THANK YOU FOR THE OPPORTUNITY TO RESPOND TO SOME OF IF COMMUNITY CONCERNS. WE THOUGHT WE HAD TAKEN CARE OF THAT WITH OUR COMMUNITY HEARING. I'VE GOT ABOUT NINE POINTS HERE RESPONDING TO WHAT THE PROJECT OPPONENTS RAISED. IN TERMS OF THIS ISSUE ABOUT FUTURE CAPITAL IMPROVEMENTS TO THE SITE, THIS IS AN OPERATING WATER SYSTEM, SO WE HAVE TO DISTINGUISH BETWEEN CAPITAL IMPROVEMENTS AND MAINTENANCE, THE REPLACEMENT OF THE BOOSTER STATION IS A CAPITAL IMPROVEMENT THAT'S BEEN APPROVED BY THE PUBLIC UTILITIES COMMISSION, WE DO NOT HAVE ANY REQUESTS OR ANY AUTHORIZATION FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION NOW NOR ARE WE PROPOSING ANY FOR THE PERIOD 2015, 16 OR 17 TO REQUEST FUNDING FROM THE PUBLIC UTILITIES COMMISSION TO MAKE CAPITAL IMPROVEMENTS TO ANY ASPECT OF THE SITE. IF THERE IS MAINTENANCE THAT'S NEEDED TO BE DONE, THEN WE WOULD OF COURSE CONDUCT MAINTENANCE AT THE SITE AND THAT MAY OR MAY NOT INCLUDE THE RESERVOIR. I THINK IT'S IMPORTANT AT THIS POINT ALSO TO DISTINGUISH BETWEEN WHAT THE PROJECT IS HERE. THE PROJECT IS THE REPLACEMENT OF A BOOSTER STATION. THIS IS NOT A PERMIT TO AFFECT OUR EXISTING OPERATIONS OR TO ALLOW OUR EXISTING OPERATIONS. OUR EXISTING OPERATIONS ARE GOVERNED BY A PUBLIC UTILITIES CODE

GENERAL ORDER AND BY THE CALIFORNIA SAFETY DRINKING ACT AND THE REGULATIONS OF PUBLIC HEALTH. CALIFORNIA AMERICAN WATER SUBMITS THAT IT DOES NOT EXTEND TO OUR FUTURE OPERATIONS AND UNDER THE CASE OF CALIFORNIA WATER AND TELEPHONE VERSUS THE CITY OF LOS ANGELES, THE COUNTY IS PREEMPTED FROM REGULATING OUR OPERATIONS. IN TERMS OF WHETHER OR NOT THERE IS SUBSTANTIAL EVIDENCE THAT THE REPLACEMENT OF THE EXISTING BOOSTER STATION WITH A NEW BOOSTER STATION WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AS TO THE BRANDMAN REPORT, IT WAS PROVIDED IN APRIL, WE WENT OVER THAT WITH COUNTY STAFF AND BECAUSE OF THE ISSUES RAISED BY THE BRANDMAN REPORT, WE WENT TO A NEGATIVE MITIGATED DECLARATION, WE THOUGHT THAT IT ADEQUATELY ADDRESSED EVERYTHING THERE.

>> HEARING OFFICER MCCARTHY: CAN YOU ELABORATE ON THE BRANDMAN REPORT.

>> YES, THEY PROVIDED A REPORT BY A PLANNER, AND THIS IS IN THEIR MATERIALS ATTACHED AS EXHIBIT D1, AND THEY TALK ABOUT THE ESTHETICS AIR QUALITY BIOLOGICAL RESOURCES, CULTURAL RESOURCES, ENERGY, GEOLOGY AND SOILS, GREENHOUSE GAS EMISSIONS, HAZARDS AND HAZARDOUS MATERIAL, AND NOISE AS POTENTIAL IMPACTS OF THE PROJECT, AND IN RESPONSE TO THE CONCERNS THAT WERE RAISED THERE, CALIFORNIA AMERICAN WATER WORKING WITH PLANNING STAFF REVISED THE INITIAL

STUDY AND WENT FROM A NEGATIVE DECLARATION TO A MITIGATED NEGATIVE DECLARATION TO ADDRESS THE CONCERNS THAT WERE RAISED THERE.

>> HEARING OFFICER MCCARTHY: VERY WELL.

>> AS TO THE STUDIO REPORT WHICH IS EXHIBIT D2 FROM THE APPLICANT'S MATERIALS, I THINK IT'S IMPORTANT THAT THE HEARING OFFICER EXAMINE THAT IN DETAIL BECAUSE IT'S IMPORTANT TO UNDERSTAND EXACTLY WHAT THIS PERSON IS REPRESENTING. THEY'RE NOT REPRESENTING THAT THE STRUCTURE ITSELF IS HISTORICALLY SIGNIFICANT. THEY'RE REPRESENTING THAT THE AREA HAS HISTORICAL SIGNIFICANCE AND THESE STRUCTURES MAY OR MAY NOT HAVE EXISTED AT THE TIME OF THE TENTH OLYMPICS IN 1932, AND THEREFORE BECAUSE THIS AREA HAS HISTORICAL SIGNIFICANCE, THIS STRUCTURE WHICH MAY OR MAY NOT HAVE EXISTED AT THE TIME THEREFORE HAS HISTORICAL SIGNIFICANCE. THERE IS NO OPINION IN THIS REPORT THAT SAYS A BOOSTER STATION THAT MAY HAVE EXISTED AFTER THE VIEW PARK AREA WAS THE OLYMPIC VILLAGE OR COME INTO EXISTENCE AFTER THE VIEW PARK AREA WAS ITSELF OF HISTORICAL SIGNIFICANCE. LASTLY, THE OPPONENTS HAVE SUBMITTED A REPORT OF A PERSON WHO IS A PLUMBER AND WAS A FACILITIES WORKER AND OFFER THAT PERSON'S OPINION AS TO THE AFFECT OF REPLACING BOOSTER PUMPS ON A PORTABLE WATER SYSTEM. THIS PERSON ISN'T AN ENGINEER, THIS PERSON HAS EXPERIENCE OPERATING INDUSTRIAL FACILITIES OR INSTITUTIONAL FACILITIES, THIS REPORT CONTAINS NO

INFORMATION THAT THEY ARE AN ENGINEER OR HAVE ANY EXPERIENCE OPERATING A PORTABLE WATER SYSTEM SUCH THAT THEY CAN OPINE ON THE OPERATION OF THE WATER COMPANY, BUT OUR EXISTING OPERATIONS AND THE WAY WE WILL OPERATE DOES NOT COME WITHIN THE COUNTY'S LAND USE JURISDICTION, THAT'S CONTROLLED BY THE PUBLIC UTILITIES COMMISSION AND OUR COMPLIANCE WITH GENERAL ORDER 103A.

>> HEARING OFFICER MCCARTHY: DO YOU KNOW WHAT THE WATER PRESSURE IS CURRENTLY ON THE STREET?

>> IN THE STREET, NO, THAT CAN VARY AT ANY PARTICULAR POINT IN TIME.

>> HEARING OFFICER MCCARTHY: ON A NEW RESIDENTIAL SUBDIVISION, IT'S REQUIRED TO BE 250 GALLONS A MINUTE.

>> I'M SORRY, ARE YOU TALKING ABOUT FLEE OR PRESSURE, NO, I DO NOT KNOW THE FLOW AT THIS PARTICULAR POINT IN TIME, MR. MASAKI MAY BE ABLE TO PROVIDE THAT INFORMATION, THIS ISN'T INTENDED TO ALTAR FLOW, IT'S INTENDED TO PROVIDE MORE ENERGY EFFICIENT EQUIPMENT AND MAKE SURE WE HAVE RELIABLE OPERATIONS AND THE FACT THAT WE NEED TO DO THAT HAS BEEN REVIEWED BY THE PUBLIC UTILITIES COMMISSION.

>> HEARING OFFICER MCCARTHY: ARE YOU COMPLETED?

>> AS TO THE ISSUES OF ASBESTOS, THERE'S NO EVIDENCE TO SUGGEST THAT COMPLIANCE WITH EXISTING OCEA AND FEDERAL EPA HAZARD POLLUTANT MEASURES WILL NOT ADEQUATELY IMPLICATION ASBESTOS, I WANT TO MAKE SURE THE RECORD'S CLEAR ON THAT, THERE MAY BE BECAUSE OF THE AGE OF THE STRUCTURE ASBESTOS IN THE PAINT OR THE STUCCO OR THE ROOFING MATERIALS, THERE ARE EXISTING REGULATIONS THAT CONTROL TESTING AND HOW YOU CONTROL ASBESTOS EMISSIONS FROM SUCH DEMOLITION ACTIVITY.I THINK IT'S ALSO IMPORTANT TO HIT ON THIS NOTION OF A DAMAGE STUDY AND THIS CONCERN ABOUT THE SALE OF THE ADJOINING PROPERTY.FIRST AND FOREMOST IN TERMS OF WHETHER OR NOT CALIFORNIA AMERICAN WATER COMPLIED WITH SECTION 851 WHICH THERE'S NO EVIDENCE THAT WE DIDN'T, THE SIMPLE FACT IS THAT THAT DOESN'T AFFECT THE COUNTY'S LAND USE JURISDICTION, THAT'S WHETHER OR NOT WE COMPLIED WITH PUBLIC UTILITIES CODE REGULATIONS.BUT AGAIN, WE NEED TO FOCUS ON WHAT THE PROJECT IS.THE PROJECT IS THE REPLACEMENT OF THE BOOSTER STATION, NOT ANY ALTERATIONS TO THE RESERVOIR ITSELF, SO IMPACTS ASSOCIATED WITH THE EXISTENCE IN THE OPERATION OF THE RESERVOIR AREN'T PART OF THE PROJECT, THEY EXIST AND THEY'RE NOT GOING TO CHANGE.BASED ON THAT, I THINK IT'S ALSO IMPORTANT TO ADDRESS ONE ASPECT OF THE OTHER OPPONENTS, THIS ISSUE ABOUT THE ORDERING AN EIR TO DETECT THE EXISTENCE OF ODORS AND ALL OF THAT.I BELIEVE THE HEARING OFFICER HAS ADEQUATE EVIDENCE TO FIND THAT HIS TESTIMONY DOES NOT CONSTITUTE SUBSTANTIAL EVIDENCE

BECAUSE IT SEEMS TO ME THAT THE APPLICANT WAS CONFUSING AN EIR WITH A PHASE 1 ENVIRONMENTAL ASSESSMENT, IT IS WHAT YOU NEED TO DETECT THE HAZARDOUS THINGS ON A SITE, NOT THE ENVIRONMENTAL IMPACT, AND THEN IN TERMS OF THIS WHOLE OTHER NOTION IN TERMS -- THAT THE USE PERMIT DOES NOT COMPLY WITH THE ZONING CODE. THE SIMPLE FACT IS THIS, WE HAVE AN EXISTING OPERATION, THE PUBLIC UTILITIES COMMISSION HAS REVIEWED AND APPROVED THESE IMPROVEMENTS, THE QUESTION AGAIN BECOMES WHAT IS WITHIN THE COUNTY'S LAND USE JURISDICTION ABOUT THE CONSTRUCTION AND RELOCATION OF A NEW BUILDING AS OPPOSED TO THE OPERATION OF OUR FACILITIES. I THINK THAT'S A CRITICAL DISTINCTION THAT NEEDS TO BE MADE IN ADDRESSING THE ISSUES HERE, SO BASED ON THAT, WE DON'T BELIEVE THAT THERE IS SUBSTANTIAL EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THAT AT LEAST ANY EFFECTS THAT HAVE NOT BEEN ADEQUATELY MITIGATED BY THE MITIGATION MEASURES REQUIRED BY STAFF, THAT WOULD CONCLUDE OUR PRESENTATION, UNLESS THE HEARING OFFICER HAS ANY ADDITIONAL QUESTIONS.

>> HEARING OFFICER MCCARTHY: THANK YOU.

>> MR. MAR, HAD YOU RECEIVED THIS REPORT PRIOR TO TODAY'S HEARING?

>> MR. MAR: NO, I HAD NOT RECEIVED A REPORT PRIOR TO TODAY'S DATE.

>> HEARING OFFICER MCCARTHY: I RECEIVED A REPORT JUST A MINUTE OR TWO BEFORE TODAY'S HEARING BEGAN AND ALTHOUGH I SUCCESSFULLY COMPLETED THE SPEED READING COURSE, I CAN'T GO THROUGH THIS IN TWO MINUTES SO I'M NOT GOING TO TRY TO GO THROUGH IT HERE TODAY.WHAT DO WE HAVE -- WHAT'S THE NEXT AGENDA, HEARING OFFICER AGENDA SCHEDULED?LET'S GO FOR 30 DAYS, WHAT DO WE GET 30 DAYS FROM NOW?

>> WE HAVE SEPTEMBER 4.

>> HEARING OFFICER MCCARTHY: WHAT WAS THAT DATE AGAIN?

>> SEPTEMBER 4 OR SEPTEMBER 18 ARE THE DATES IN SEPTEMBER.

>> HEARING OFFICER MCCARTHY: VERY WELL, I'M GOING TO DIRECT THE APPLICANT'S REPRESENTATIVE TO PRESENT A WRITTEN RESPONSE TO THIS REPORT AND GIVE THAT TO THE HEARING OFFICER UPON -- AS SOON AS POSSIBLE, AND THEN WE WILL CONTINUE THIS HEARING TO SEPTEMBER 18, AND AT THAT POINT, I'LL RENDER MY DECISION, SO I WOULD HAVE HAD AN OPPORTUNITY TO REVIEW THIS REPORT AND YOUR REBUTTAL.I KNOW YOU GAVE YOUR REBUTTAL VERBALLY.DO YOU WANT TO GIVE A REBUTTAL IN WRITING OR DO YOU WANT TO PAZ ON THAT?

>> WE'RE MORE THAN HAPPY TO PROVIDE A WRITTEN REBUTTAL SO THERE'S A CLEAR RECORD. I GUESS WHAT I WOULD LIKE TO CLARIFY IS THAT OTHER THAN SUBMITTING THIS REBUTTAL, THAT THE HEARING OFFICER HAS REQUESTED, IS THE RECORD OF THIS PROCEEDING OTHERWISE CLOSED OR ARE WE --

>> HEARING OFFICER MCCARTHY: NO. THE HEARING REMAINS OPEN AND IF THERE IS ADDITIONAL TESTIMONY THAT COUNSEL FOR THE APPLICANT WISHES TO SUBMIT OR COUNSEL FOR THE OPPOSITION WISHES TO SUBMIT, THAT'S FINE, BUT I DO WANT TO SAY THAT -- LET'S SET A DEADLINE HERE OF SEPTEMBER 1, SOMETIME BEFORE SO I HAVE SOMETIME TO ADEQUATELY REVIEW BOTH DOCUMENTS, BUT IT'S JUST -- THERE'S A LOT OF MATERIAL IN HERE. I'VE GONE THROUGH IT VERY RAPIDLY, BUT I'M GOING TO NEED A LITTLE MORE TIME AND TWO MINUTES, FIVE MINUTES HERE ON THE STAND IS NOT APPROPRIATE.

>> THANK YOU, CALIFORNIA AMERICA'S WATER ONLY CONCERN IS WE HAVE CONTINUED THIS MATTER 90 DAYS AND I'M CONCERNED THAT WE'RE GOING TO GET INTO A SITUATION THAT EVERY TIME THIS MATTER GETS CONTINUED, THERE'S NO EVIDENCE BEING PRESENTED AND WE'RE GOING TO HAVE THESE SERIAL MEETINGS, SO I WOULD LIKE TO REQUEST THE HEARING OFFICER CONSIDER HOW WE CAN AVOID THAT RESULT AND HOPEFULLY REACH A FINAL DECISION ON THE 4TH.

>> HEARING OFFICER MCCARTHY: WELL, AS SOON AS YOU GET YOUR COMMENTS IN TO ME, THE MORE TIME I'LL HAVE TO REVIEW IT AND THE LESS LIKELIHOOD OF ANY FURTHER CONTINUANCE, AND NORMALLY WE DO NOT ALLOW THE OPPOSITION TO COME BACK, BUT IF YOU HAVE A PROCEDURAL QUESTION, COUNSEL?

>> I JUST WANTED TO ASK IF WE COULD BE PROVIDED WITH A COPY OR IF WE COULD OBTAIN A COPY?

>> HEARING OFFICER MCCARTHY: YES, AND THAT'S A GOOD POINT, AT THE TIME YOU SUBMIT YOUR REPORT TO THE HEARING OFFICER, SUBMIT A COPY TO THE COUNSEL FOR THE OPPOSITION, AND YOU MAY HAVE ALREADY EXCHANGED BUSINESS CARDS, BUT IF YOU HAVEN'T, PLEASE DO SO AND IT MIGHT BE A GOOD IDEA FOR THE RECORD TO HAVE IT GO OUT THROUGH CERTIFIED MAIL SO THERE'S NO QUESTION.

>> THANK YOU.

>> HEARING OFFICER MCCARTHY: VERY WELL, THIS ALTER WILL BE CONTINUED TO TUESDAY, 9:00 A.M., SEPTEMBER 18, THIS ROOM, WEST TEMPLE STREET. NOW, WE'RE GOING TO TRY TO MOVE ON TO NUMBER 5, MS. SIEMERS.

>> MS. SIEMERS: GOOD MORNING, MR. HEARING OFFICER, BEFORE I GET STARTED ON MY PRESENTATION, I WOULD LIKE TO NOTE A CORRECTION TO THE HEARING MATERIALS YOU WERE PROVIDED AND WERE PROVIDED ONLINE. THE FACTUAL AND THE STAFF REPORT DESCRIBE THE DRIVEWAY WITHIN THIS SITE BEING 15 FEET WIDE, IN FACT, THE DRIVEWAY IS 26 FEET WIDE AS REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS.

>> HEARING OFFICER MCCARTHY: YES, THERE WAS A COMMENT MADE ON THAT FROM ELLEN MATKINS?

>> CORRECT.

>> HEARING OFFICER MCCARTHY: AND I RECEIVED THAT LAST NIGHT.

>> MS. SIEMERS: OKAY.

>> HEARING OFFICER MCCARTHY: AND I BELIEVE ALSO, HE IS REQUESTING ADDITIONAL TIME BEYOND THE 15 IN THE STAFF REPORT.

>> MS. SIEMERS: IS APPLICANT IS EXTRA PAGE STORAGE AND THEY'RE REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONTINUED OPERATION OF AN EXISTING SELF-SERVICE STORAGE AT 11469 WASHINGTON BOULEVARD, THE ORIGINAL CUP WAS APPROVED IN FEBRUARY, 2001 AND EXPIRED IN FEBRUARY, 2011, DURING THE GRANT PERIOD OF THE PREVIOUS

CUP, NO COMPLAINTS FROM THE COMMUNITY WERE REPORTED ON THE PROPERTY. THE EXISTING SELF-SERVICE STORAGE FACILITY CONSISTS OF 8 STORAGE BUILDINGS AND ONE OFFICE/MANAGER'S RESIDENCE WITH A TOTAL BEDDING AREA, IT ENCIRCLES TWO-14 FOOT WALKWAYS THAT DIVIDE THE STORAGE AREA FROM EAST TO WEST, IT IS DEVELOPED WITH A RECEPTION, AND A TWO BEDROOM ONE BATH RESIDENCE ON THE SECOND FLOOR, ACCESS TO THE SITE IS VIA WASHINGTON BOULEVARD, INTERIOR ACCESS TO THE STORAGE UNITS IS PROVIDED THROUGH A LOCKED GATE ADJACENT TO THE RESIDENCE ASSOCIATED TO THE PROPERTY EMERGENCY ACCESS GATES ARE LOCATED ON THE EAST SIDE OF THE PROPERTY OFF OF WASHINGTON BOULEVARD. IN TOTAL, 52 PARKING SPACES INCLUDING TWO GARAGE SPACES FOR THE RESIDENTS ARE PROVIDED FOR THE STORAGE FACILITY WHERE 14 SPACES ARE REQUIRED PER THE ZONING RESIDENCE, LANDSCAPING IS PROVIDED, WROUGHT IRON FENCING FRONT WASHINGTON BOULEVARD. AN EXISTING TELECOMMUNICATION FACILITY NOT SUBJECT TO THIS CUP IS LOCATED ON THE WESTERN AGE OF THE PROPERTY LINE ADJACENT TO THE OFFICE SLASH MANAGER'S OFFICE, THIS FACILITY IS NOT SHOWN ON THE SITE FLASH, THE SUBJECT PROPERTY IS ZONED COMMERCIAL MANUFACTURING, BILLBOARD EXCLUSION ZONING, IT DESIGNATING THE PROPERTY AS CATEGORY 1, IT IS CONSISTENT WITH THIS. ONE ZONING VIOLATION WAS REPORTED DURING THE PREVIOUS GRANT TERM FOR OUTDOOR SIGNAGE OR BANNERS AND WAS RESOLVED EXPEDIENTLY, IT IS APPROPRIATE FOR THE SITE AND AREA, THE PROJECT HAS ADEQUATE LANDSCAPING AND BUFFERING FROM NEIGHBORING USES, THE FACILITY

PROVIDES VALUABLE SERVICE TO THE COMMUNITY AND HAS BEEN IN EXISTENCE SINCE 2001 WITH NO COMPLAINTS FROM THE PUBLIC, THE ON-SITE MANAGER ENSURE THAT IS ANY ISSUES THAT ARISE ARE RESOLVED IN A TIMELY MANNER, THIS IS CONSISTENT WITH THE GENERAL PLAN PERMIT IN THE CM ZONE WITH A CUP, IT IS A CONVENIENCE. STAFF RECOMMENDS A CATEGORY CAL EXEMPTION CLASS 1 EXISTING FACILITIES AS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REPORTING REQUIREMENTS. I AM OF THE OPINION THAT THE BURDEN OF PROOF REQUIREMENTS HAVE BEEN SATISFIED AND I HAVE NOT RECEIVED ANY CORRESPONDENCE EITHER IN OPPOSITION TO OR IN FAVOR OF THIS PROJECT. FINALLY, I RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT NUMBER 201100148 WITH CONDITIONS, AND TO ADDRESS THE CORRESPONDENCE THAT WAS RECEIVED YESTERDAY FROM THE APPLICANT'S REPRESENTATIVE, THEY ARE REQUESTING AN EXTENSION OF THE GRANT TERM UNTIL 2051, THAT IS THE YEAR IN WHICH THE LEASE FOR THIS SITE WILL EXPIRE BETWEEN THE GROUND LEASE BETWEEN THE APPLICANT AND THE OWNER OF THE PROPERTY. IN LIGHT OF THE ZONING VIOLATION THAT WAS NOTED ON THE PROPERTY THAT WAS ACTUALLY A DRIVE-BY, IT WAS NOT A COMPLAINT RECEIVED FROM THE COMMUNITY, IT WAS A ZONING ENFORCEMENT INSPECTOR THAT NOTICED THIS VIOLATION. WE BELIEVE -- STAFF BELIEVES THAT THE FACILITY HAS A GOOD OPERATING PLAN AND IS OPERATING IN COMPLIANCE WITH ALL STANDARDS AND WE DO NOT HAVE AN OPPOSITION TO THE EXTENSION OF THE TIME PERIOD.

>> HEARING OFFICER MCCARTHY: VERY WELL.THE BANNER, IT APPEARS TO BE A BANNER IF YOU GO BACK TO THE PICTURE OF THE BUILDING, THERE, IS THAT -- THAT IS LEGAL?

>> MS. SIEMERS: NO, THAT BANNER HAS BEEN REMOVED SINCE THE PHOTOGRAPH WAS TAKEN.

>> HEARING OFFICER MCCARTHY: OKAY.VERY WELL.DO WE HAVE ANY REPRESENTATIVE FROM THE APPLICANT HERE TODAY TO TESTIFY?ANY OTHER SPEAKER CARDS SIGNED?

>> NO, ONLY ONE SPEAKER, THE APPLICANT.

>> HEARING OFFICER MCCARTHY: YOU'LL GIVE US YOUR NAME AND ADDRESS.

>> YES, MY NAME IS PATRICK PERRY, I'M AN ATTORNEY WITH ALAN MATKINS.AND I REALLY HAVE NOTHING TO ADD TO THE STAFF REPORT AND THE STAFF PRESENTATION THIS MORNING OTHER THAN TO ENCOURAGE YOU TO APPROVE THIS APPLICATION AND ALSO THE REQUEST FOR THE EXTENSION OF TIME TO MAKE THE GRANT OF THE CUP CO-TERMINUS WITH THE EXISTING GROUND LEASE, AND I'M AVAILABLE FOR ANY QUESTIONS.

>> HEARING OFFICER MCCARTHY: VERY WELL, WE SEE NO ONE HERE, ADDITIONAL TESTIFIERS, SO I'M GOING TO APPROVE THIS CASE AND I DO WANT STAFF TO -- IF YOU COULD GIVE STAFF THE EXACT DATE THE LEASE EXPIRES, I KNOW WE HAVE A DATE HERE IN 2051, BUT WHAT DATE IS IT, JANUARY 1, IS IT JUNE --

>> YES, JUNE 30.

>> HEARING OFFICER MCCARTHY: JUNE 30, VERY WELL, SO WE'LL EXTEND IT TO JUNE 30, 2051, AND STAFF INDICATES NO OBJECTIONS TO THAT?

>> MS. SIEMERS: CORRECT.

>> HEARING OFFICER MCCARTHY: I THINK THAT MAKES A LOT OF SENSE AND I THOUGHT YOU HAD AN UNUSUALLY SHORT TIME PERIOD IN THE BEGINNING WHEN THE BUILDING WAS CONSTRUCTED, SO THIS MATTER IS RECOMMENDED FOR APPROVAL AND I WILL APPROVE IT AND SIGN THE NECESSARY PAPER WORK AND THE CONDITION WILL BE JUNE 30, 2051 FOR THE TIME EXTENSION.

>> ALRIGHT, THANK YOU VERY MUCH.

>> HEARING OFFICER MCCARTHY: YOU'RE WELCOME.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS AUGUST 21, 2012.

>> HEARING OFFICER MCCARTHY: AND NOW WE HAVE ITEM NUMBER 6, MS. BUSH?

>> MS. BUSH: GOOD MORNING, HEARING OFFICER, MICHELLE BUSH, I'M WITH THE ZONING EAST SECTION IN THE DEPARTMENT OF REGIONAL PLANNING. AGENDA ITEM NUMBER 6 IS A REQUEST BY THE APPLICANT, AT&T MOBILITY FOR THE CONTINUED OPERATION OF A PREVIOUSLY APPROVED UNMANNED WIRELESS TELECOMMUNICATION FACILITY. THE PROJECT SITE IS LOCATED IN THE M1BE LIGHT MANUFACTURING BILLBOARD EXCLUSION ZONE, THE PROJECT REQUEST CONSISTS OF A 60 FOOT HIGH MONOPOLE AND A PERTINENT EQUIPMENT, REQUEST ALSO CONSISTS OF THE REMOVAL OF 11 EXISTING ANTENNAS TO BE REPLACED WITH 12 NEW ANTENNAS TO BE MOUNTED ON THE EXISTING MONOPOLE. OTHER MODIFICATIONS INCLUDE THE INSTALLATION OF 12 REMOTE RADIO UNITS THAT ARE USED FOUR PER SECTOR, AT THE GROUND LEVEL. THE ADDITION OF THE NEW ANTENNAS WILL INCREASE THE OVERALL HEIGHT OF THE PROJECT TO 62 FEET. THE PROPERTY IS LOCATED AT 135 SOUTH 9TH AVENUE IN THE UNINCORPORATED COMMUNITY OF AVOCADO HEIGHTS IN THE PUENTE ZONED DISTRICT, THE PREVIOUS CUP WAS APPROVED ON MARCH 29, 1993 AND REVISED EXHIBIT A WAS APPROVED OF THE INSTALLATION OF TWO NEW ANTENNAS TO THE WIRELESS TELECOMMUNICATIONS FACILITY ON APRIL 19, 1993, THE PREVIOUS CUP EXPIRED ON APRIL 1, 2003, THE EXISTING UNMANNED WIRELESS

TELECOMMUNICATIONS FACILITY AND PERTINENT COMMUNITY ARE LOCATED ON THE NORTHWESTERN BOUNDARY OF THE PROPERTY THE MONOPOLE IS LOCATED ON THE SITE, THE 1.8 ACRE PARCEL IS ACCESSED VIA SOUTH AVENUE, ONE PARKING SPACE IS PROVIDED TO SERVE THE WIRELESS FACILITY. THIS PHOTO AND OTHERS SHOW THE EXISTING MONOPOLE AND ALSO THE EQUIPMENT SHELTER ON THE GROUND LEVEL AND THERE'S ALSO A COMPARISON OF THE EXISTING AND PROPOSED MONOPOLE. THERE ARE NO ZONING VIOLATIONS ON THIS CONDITIONAL USE PERMIT. THE SUBJECT PROPERTY IS ZONED M1BE, SURROUNDING PROPERTIES ARE ZONED C3BE, UNLIMITED COMMERCIAL BILLBOARD EXCLUSION TO THE NORTH, M1BE TO THE SOUTH AND EAST AND M1.5BE RESTRICTED HEAVY MANUFACTURING BILLBOARD EXCLUSION TO THE WEST, SURROUNDING LAND USES INCLUDE FLOOD CONTROL PUENTE CREEK TO THE NORTH AND COMMERCIAL AND INDUSTRIAL USES TO THE -- ZONING ISSUES TO THE SOUTH AND WEST, STAFF HAS DETERMINED THAT THE PROJECT WILL QUALIFY FOR A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BECAUSE ONLY MINOR ALTERATIONS OF THE EXISTING FACILITY ARE PROPOSED. THEREFORE, STAFF RECOMMENDS THAT THE HEARING OFFICER DETERMINE THE PROJECT AS CATEGORICALLY EXEMPT FROM CEQA, THE COMMUNITY WAS APPROPRIATELY NOTIFIED BY PROPERTY POSTING, LIBRARY AND DIP LIBRARY POSTING, NO PUBLIC COMMENTS HAVE BEEN RECEIVED AT THIS TIME. STAFF FINDS THE EXISTING USE IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE COUNTYWIDE GENERAL PLAN AND CURRENT ZONING DESIGNATION. IF APPROVED, STAFF RECOMMENDS A 15 YEAR TERM FOR THE REQUESTED

CONDITIONAL USE PERMIT WITH 8 BIENNIAL INSPECTIONS FOR COMPLIANCE WITH THE CONDITIONS OF APPROVAL. STAFF RECOMMENDS APPROVAL OF PROJECT NUMBER 92-261-1 AND CONDITIONAL USE PERMIT NUMBER 201100149. SUBJECT TO THE ATTACHED CONDITIONS, THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: THANK YOU, AND STAFF, DO WE HAVE THE APPLICANT HERE TO TESTIFY?

>> YES, WE HAVE STEVE GRAHAM REPRESENTING THE APPLICANT.

>> HEARING OFFICER MCCARTHY: ANY OTHER CARDS FILLED OUT?

>> NO OTHER SPEAKERS.

>> HEARING OFFICER MCCARTHY: VERY WELL, COME FORWARD AND HAVE A SEAT.

>> GOOD MORNING, OFFICER MCCARTHY, STEVE GRAHAM WITH CBS COMMUNITY REPRESENTING AT&T MOBILITY. WE'VE REVIEWED THE STAFF REPORT, WE'RE IN AGREEMENT WITH THE FINDINGS AND THE CONDITIONS SET FORTH BY STAFF. WE WOULD ASK THAT CONDITION 31 BE STRUCK, THIS REQUIRES FENCING AROUND THE BASE OF THE MONOPOLE AND THERE'S ALSO CONDITION 29 WHICH TALKS TO REPLACEMENT OF THAT FENCING AT SOME FUTURE DATE

SHOULD IT BE NECESSARY, WE ASK THAT 31 BE STRUCK AS IT'S
DUPLICATIVE AND MAY BE CONFUSING AT THE TIME OF IMPLEMENTATION.

>> HEARING OFFICER MCCARTHY: DOES STAFF WISH TO COMMENT?

>> MS. BUSH: I'M NOT SURE WHERE THE CONFUSION IS ON THAT ONE,
NUMBER 31 IS JUST SAYING THAT THE FENCE BASICALLY SHOULD BE
MAINTAINED OR BE ON-SITE.

>> 31 STATES THAT, YOU KNOW, THE MONOPOLE AREA IS TO BE ENCLOSED.

>> HEARING OFFICER MCCARTHY: HANG ON, SIR, COULD WE HAVE STAFF
READ IT INTO THE RECORD.

>> MS. BUSH: THE AREA OCCUPIED BY THE MONOPOLE AND THE PERTINENT
EQUIPMENT SHOULD BE ENCLOSED BY A PERIMETER FENCE OR A BLOCK WALL.

>> HEARING OFFICER MCCARTHY: AND THERE APPEARS TO BE A PERIMETER
FENCE THERE ON THE PHOTOGRAPH NOW.

>> TRUE, YES.

>> HEARING OFFICER MCCARTHY: AND YOU'RE ADVOCATING THAT THAT
CONDITION BE REMOVED AND THE FENCE BE REMOVED?

>> IT'S DUPLICATING CONDITION NUMBER 29 WHICH STARTS TO STATE --

>> HEARING OFFICER MCCARTHY:I'LL HAVE STAFF READ THAT.

>> MS. BUSH: IT SHOULD BE SECURED BY FENCING, GATES OR LOCKS, ANY NEW WALLS USED FOR SCREENING OR SECURING THE FACILITIES SHOULD BE COMPOSED OF WOOD, FINAL STONE, STUCCO OR WROUGHT IRON, CHAIN LINK WITH SLOTS BARBED AND OTHER TYPES OF WIRED FENCING ARE PROHIBITED, IF THE WALLS ARE FIXABLE FROM THE PUBLIC RIGHT-OF-WAY, LANDSCAPING, MINIMUM PLANTER WITH FIVE FEET SHOULD BE PROVIDED TO SCREEN THE FENCE FROM THE STREET.

>> HEARING OFFICER MCCARTHY: AND YOUR CONFUSION ON THAT, IF YOU COULD DESCRIBE YOUR CONFUSION, YOU SAID THERE'S CONFUSION BETWEEN CONDITION 29 AND 31.IT SEEMS TO ME THAT CONDITION NUMBER 29 GIVES DETAILING ABOUT WHAT THE FENCING MAY CONSIST OF OR NOT CONSIST OF, IT'S NOT ASKING FOR TWO LAYERS OF FENCING.

>> I BELIEVE 29 STATES THAT THE FACILITY SHOULD BE FENCED WHICH IT CURRENTLY IS, THEREFORE ANY FUTURE MODIFICATION TO BE MADE WOULD BE GUIDED BY CONDITION NUMBER 29 RATHER THAN 31.

>> HEARING OFFICER MCCARTHY: DO YOU HAVE ANY COMMENT, MS. MASIS?

>> NO, I DON'T THINK, WE MAY BE ABLE TO REMOVE THE PART ABOUT THE LANDSCAPING, I DON'T THINK THIS IS VIEWED FROM THE RIGHT-OF-WAY, IS THAT CORRECT?

>> MS. BUSH: YES, I BELIEVE SO.

>> BUT OTHER THAN THAT, I THINK THE LANGUAGE IS OKAY.

>> MS. BUSH: I GUESS IF IT SOLVES THE CONFUSION, WE COULD COMBINE 31 AND 29 AND JUST PUT THE PORTION OF 31 ON THE BEGINNING OF 29.

>> THAT WOULD BE FINE.

>> MS. BUSH: OKAY.

>> WE JUST DON'T WANT TO BE TRYING TO SATISFY TWO CONDITIONS REGARDING THE SAME FENCE.

>> HEARING OFFICER MCCARTHY: YES, ACTUALLY, I THINK THAT STAFF'S SUGGESTION TO COMBINE THE TWO, PROBABLY START OUT WITH THE AREA OCCUPIED BY THE MONOPOLE SHOULD BE ENCLOSED BY A PERIMETER FENCE AND A BLOCK WALL AND THEN CONTINUE WITH WHAT'S IN 29 AT THIS

POINT, AND -- I WOULD THEN GO SAID FENCING GATES, ETC., AND
CONTINUE THROUGH IT WITH 29, SO JUST COMBINE THOSE TWO, SO YOU'LL
BE DELETING CONDITION 31 AND COMBINING ITS PROVISIONS WITH
CONDITION 29, SO WE'LL HAVE A TOTAL OF 30 CONDITIONS ON THE
APPLICATION.

>> THANK YOU, I HAVE NO OTHER STATEMENT.

>> HEARING OFFICER MCCARTHY: THANK YOU, AND AGAIN, DO WE HAVE
ANYONE IN THE AUDIENCE IN THIS MATTER THAT WISHES TO
COMMENT?SEEING NO ONE AND WE HAVE NO CARDS, I WILL RECOMMEND
APPROVAL OF THE MATTER WITH THE ADJUSTMENT TO CONDITIONS 29 AND 31
AS JUST DESCRIBED.

>> MS. BUSH: THANK YOU.

>> HEARING OFFICER MCCARTHY: THANK YOU.THANK YOU.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS AUGUST 21, 2012.

>> HEARING OFFICER MCCARTHY: VERY WELL, MOVING ON TO ITEM NUMBER
7, AGAIN, MS. BUSH?

>> MS. BUSH: GOOD MORNING, MICHELLE BUSH OF THE DEPARTMENT OF REGIONAL PLANNING, AGENDA ITEM NUMBER 7 IS PROJECT NUMBER R2006-00645-4, CONDITIONAL USE PERMIT NUMBER 201100005. THE APPLICANT, GENESIS CONSULTING INCORPORATED IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE SALE AND DISPENSING OF BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH AN EXISTING 2310 SQUARE FOOT RESTAURANT RUBI'S GRILL AND FROSTY FREEZE, IT'S IN THE C2BE NEIGHBORHOOD BUSINESS BILLBOARD EXCLUSION ZONE, THERE ARE TWO DAILY WORK SHIFTS FROM 9 TO 5 P.M. WITH A MAXIMUM NUMBER OF 8 EMPLOYEES, THE PROPERTY IS LOCATED AT 11401 WASHINGTON BOULEVARD IN THE UNINCORPORATED AREA WITHIN THE WHITTIER DOWNS ZONED DISTRICT. BASED ON THE REVIEW OF PREVIOUSLY ISSUED BUILDING PERMITS, THE RESTAURANT ESTABLISHMENT WAS BUILT IN 1979, IN 2006, A PLOT PLAN RPP200602088 WAS RECOMMENDED TO PUT A DRIVE-THRU WINDOW, CONVERT THE DINING AREA TO A STORAGE AREA, AN INSTALLATION OF LANDSCAPING, PURSUANT TO SECTION 22.56 .1720 OF THE COUNTY CODE, THE PROJECT REQUEST WAS DENIED. THE SITE PLAN DEPICTS THE PARCEL OF LAND DEVELOPED WITH AN EXISTING 2310 SQUARE FOOT RESTAURANT WITH 25 STANDARD PARKING SPACES, ONE HANDICAPPED ACCESSIBLE SPACE AND LANDSCAPING, THE SITE IS ACCESSED VIA EXISTING DRIVEWAYS ON WASHINGTON BOULEVARD AND BROADWAY AVENUE. SURROUNDING PROPERTIES ARE ZONED R1, SINGLE FAMILY RESIDENTS TO THE NORTH, C2BE TO THE EAST AND WEST AND WITHIN THE CITY OF SANTA FE SPRINGS TO THE SOUTH, SURROUNDING LAND USES

CONSIST OF SINGLE FAMILY AND VACANT PROPERTY TO THE NORTH,
RESTAURANT TO THE SOUTH, COMMERCIAL TO THE EAST AND GAS STATION TO
THE WEST, WITH THE PROPOSED CONDITIONS, THE USE WILL REMAIN
CONSISTENT AND COMPATIBLE WITH THE SURROUNDING COMMUNITY, THERE
ARE SENSITIVE USES WITHIN 600 FEET OF THE SUBJECT PROPERTY THE
SANTA FE KID COMPANY OF WHITTIER PRESCHOOL AND A PORTION OF THE
PROPERTY CONTAINING CORNER STONE PRESCHOOL ARE LOCATED, THESE USES
ARE BUFFERED BY THE SUBJECT PROPERTY BY WASHINGTON BOULEVARD,
SINGLE FAMILY RESIDENTS, VACANT PROPERTIES AND OTHER COMMERCIAL
USES.THERE ARE NO ZONING VIOLATIONS ON THE SUBJECT PROPERTY.STAFF
RECOMMENDS THIS PROJECT BE DETERMINED CATEGORICALLY EXEMPT, CLASS
1 EXISTING FACILITIES UNDER THE ENVIRONMENTAL REPORTING
PROCEDURES, STATISTICAL DATA FROM THE CALIFORNIA FROM ALCOHOLIC
BEVERAGE CONTROL SAYS IT IS LOCATED IN A HIGH CRIME REPORTING
DISTRICT, THERE ARE CURRENTLY TWO TYPE 41 ABC LICENSES FOR THE
SALE AND DISPENSING OF BEER AND WINE FOR ON-SITE CONSUMPTION ON
THIS CENSUS TRACT, SIX ARE ALLOWED.ABC DATA SHOWS THE ADDITION OF
A LICENSE FOR THE RESTAURANT WILL NOT CREATE AN UNDUE
CONCENTRATION WITHIN THE CENSUS TRACT, HOWEVER, THERE ARE
ESTABLISHMENTS WITHIN 500 FEET OF THE PROJECT SITE THAT SELL
ALCOHOLIC BEVERAGES.THE GRANTING OF THIS CUP TO AUTHORIZE THE SALE
AND DISPENSING OF BEER AND WINE FOR ON-SITE CONSUMPTION, ALCOHOLIC
BEVERAGE CONSUMPTION TYPE 41 AT AN EXISTING RESTAURANT WILL SERVE
AS A PUBLIC CONVENIENCE TO THE SURROUNDING NEIGHBORHOOD AND

PATRONS OF THE ESTABLISHMENT AND WILL BE A COMPLEMENTARY USE FOR THE RESTAURANT, THE SALE OF ALCOHOL BY THE APPLICANT WILL PROVIDE A CUSTOMARY ACCOMPANIMENT TO THE ITEMS PROVIDED ON THE MENU. THE COUNTY OF LOS ANGELES, PICO RIVERA STATION RESEARCHED THE DATABASE FROM MARCH 8, 2007 THROUGH MARCH 8, 2012 AND 15 CALLS FOR SERVICE WERE MADE TO THE RESTAURANT, UPON REVIEW OF THE APPLICANT, THE SHERIFF'S DEPARTMENT MADE NO CONCERNS OR OBJECTION TO THE CONDITIONAL USE PERMIT TO AUTHORIZE THE SALE AND DISPENSING OF BEER AND WINE FOR ON-SITE CONSUMPTION. THIS PHOTO SHOWS THE PROPERTY ALONG BROADWAY AVENUE, THE NEXT PHOTO SHOWS THE INTERSECTION OF WASHINGTON BOULEVARD AND BROADWAY AVENUE, AND THIS IS ALONG WASHINGTON BOULEVARD. PHOTOS, THESE NEXT TWO PHOTOS SHOW THE PARKING LOT ALONG BROADWAY AVENUE. THE COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING BY MAIL, NEWSPAPER, PROPERTY POSTING, LIBRARY AND DRP WEBSITE POSTING. NO PUBLIC COMMENTS HAVE BEEN RECEIVED AT THIS TIME. STAFF FINDS THE EXISTING USE IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE COUNTYWIDE GENERAL PLAN AND ZONING DESIGNATION. IF APPROVED, STAFF RECOMMENDS A 15 YEAR TERM FOR THE REQUESTED CONDITIONAL USE PERMIT WITH 8 BIENNIAL INSPECTIONS WITH THE CONDITIONS OF APPROVAL, STAFF RECOMMENDS APPROVAL OF PROJECT NUMBER R2006-00645-4, CONDITIONAL USE PERMIT NUMBER 201100005 SUBJECT TO THE ATTACHED DRAFT CONDITIONS. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: VERY WELL, DOES THE APPLICANT HAVE
A REPRESENTATIVE WHO WISHES TO TESTIFY?

>> YES, WE HAVE ALEX GU.

>> HEARING OFFICER MCCARTHY: AND DO WE HAVE ANY OTHER CARDS?

>> ONLY ONE SPEAKER.

>> HEARING OFFICER MCCARTHY: ONE SPEAKER.

>> GOOD MORNING, SIR.

>> HEARING OFFICER MCCARTHY: GOOD MORNING, DO YOU WANT TO GIVE
US YOUR NAME.

>> MY NAME IS ALEX GU, OUR MAILING ADDRESS IS 1521 [INAUDIBLE]. WOO
IS MY LAST NAME. FOR STARTERS, WE WOULD LIKE TO THANK MICHELLE BUSH
FOR ALL HER TIME AND ASSISTANCE, AND WE HAVE REVIEWED THE
CONDITIONS FOR APPROVAL AND WE CONCUR WITH ALL THE CONDITIONS OF
APPROVAL. WE DO HAVE ONE CONDITION THAT WE WOULD LIKE TO SEE IF WE
COULD GET A POINT OF CLARIFICATION OR SOME MODIFICATION WHICH IS
CONDITION NUMBER 35 WHICH STATES THE LICENSE PREMISES SHALL HAVE
NO COIN OPERATED USENET SUCH AS POOL TABLES, VIDEO GAMES OR OTHER

SIMILAR EQUIPMENT AT ANY TIME, WE PRESENTLY HAVE TWO MACHINES WHICH ARE THE ONES THAT YOU WILL SEE LIKE YOUR CHUCK-E-CHEESE WHERE WE HAVE THE PLUSH ANIMAL TOYS WITHIN A MACHINE AND YOU HAVE AN ARM OR A CRANE THAT YOU WOULD DROP AND YOU WOULD TRY TO GRAB ONE OF THE TOYS AND WE HAVE TWO MACHINES THAT ARE PRESENTLY ON SITE THAT WE HAVE A PERMIT FOR, BUT WE WANT TO KNOW, WOULD THAT FALL WITHIN THE PARAMETERS OF THESE PROHIBITED USES BEING THAT WE DO HAVE A PERMIT AND THAT WE WILL GO AHEAD AND STIPULATE THAT WE WILL NOT BE INSTALLING ANY ADDITIONAL EQUIPMENT OR HAVE ANY ARCADE OR ANY VIDEO GAMES AS SUCH.

>> HEARING OFFICER MCCARTHY: WELL, THERE ARE SPECIFIC REGULATIONS REGARDING ARCADES AND VIDEO GAMES. DOES STAFF WISH TO COMMENT ON THAT? NORMALLY IT HAS TO BE -- IF YOU HAVE ARCADES AND VIDEO GAMES, IT HAS TO BE SPECIFIED IN THE APPLICATION, IN THE ADVERTISEMENT, AND IF YOU HAVE THOSE AND THEY HAVE NOT BEEN ADVERTISED, WE WOULD NEED TO CONTINUE THE MATTER TO READVERTISE IT.

>> IT'S NOT AN ARCADE OR A VIDEO GAME, IT'S A MACHINE WHERE YOU HAVE THE PLUSH ANIMALS WITHIN.

>> HEARING OFFICER MCCARTHY: OKAY.

>> THE ONES THAT YOU WILL SEE AT A CHUCK-E-CHEESE, YOU HAVE AN ARM LIKE A CRANE AND THE KIDS WILL BE ABLE TO MOVE IT AND IT WILL HIT A BUTTON AND IT WILL TRY TO GRAB ONE OF THE MACHINES, THEN IT WILL GO AND GRAB IT. WE HAVE TWO MACHINES ON-SITE WE HAVE PERMITS FOR.

>> HEARING OFFICER MCCARTHY: THOSE GENERALLY HAVE NOT BEEN CONSIDERED AS ARCADES, SO THAT WOULD NOT BE A MATTER FOR --

>> GREAT, THEN WE CONCUR WITH ALL THE OTHER CONDITIONS.

>> HEARING OFFICER MCCARTHY: WE MIGHT PUT IN A FINDING TO THAT EFFECT, STAFF, ADD ONE FINDING TO THE EFFECT THAT THE MACHINES WITH THE ARMS THAT PICK UP THE CUDDLY LITTLE TEDDY BEARS, WHATEVER'S INSIDE, THAT THEY'RE PERMITTED, SO THAT JUST IN CASE SOMEONE FROM ZONING ENFORCEMENT COMES UP WITH A REQUEST ABOUT THAT, THE FINDINGS WILL MAKE IT CLEAR THAT WE KNEW THAT EXISTED AT THE TIME OF APPROVAL AND THAT -- OF THE DECISION, WE HAVEN'T DECIDED TO APPROVE IT YET, WE HAVEN'T HEARD FROM THE OPPOSITION, BUT IF WE DO MOVE IN THAT DIRECTION, THEN WE NEED TO HAVE THAT KIND OF A FINDING.

>> THAT WOULD BE GREAT, SIR.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND WE HAVE ONE PERSON WISHING TO TESTIFY ON THE MATTER FROM THE COMMUNITY.DID YOU INDICATE THERE WAS ANOTHER --

>> NO, ONLY THIS ONE SPEAKER.

>> HEARING OFFICER MCCARTHY: I SEE, THEN I WILL DIRECT STAFF TO ADD THAT ADDITIONAL FINDING AND PREPARE THE PAPER WORK NECESSARY FOR MY APPROVAL AND I'LL BE APPROVING THIS APPLICATION.

>> THANK YOU VERY MUCH, SIR.

>> AND WE'LL CLOSE THIS MATTER, THANK YOU.

>> HAVE A GREAT DAY.

>> HEARING OFFICER MCCARTHY: THANK YOU.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS AUGUST 21, 2012.

>> HEARING OFFICER MCCARTHY: AND NUMBER 8.

>> GOOD MORNING, MR. HEARING OFFICER, MY NAME IS MS. TASHJIAN WITH THE ZONING PERMITS EAST SECTION, ITEM NUMBER 8 IS A REQUEST FOR A

CONDITIONAL USE PERMIT TO OPERATE A CHANGE IN USE FROM AN EXISTING MOTEL TO APARTMENTS AND TO AUTHORIZE A REDUCTION IN PARKING SPACES IN THE C2 NEIGHBORHOOD BUSINESS AND C3 UNLIMITED COMMERCIAL ZONES IN THE EAST LOS ANGELES ZONED DISTRICT.THE SUBJECT PROPERTY IS LOCATED AT 1444 SOUTH ATLANTIC BOULEVARD WITHIN THE UNINCORPORATED COMMUNITY OF EAST LOS ANGELES, THE PROPERTY IS ZONED C2 AND C3, SURROUNDING PROPERTIES ARE ZONED C3, R3 TO THE NORTH, C2, C3, M1 TO THE SOUTH, R3, M1 TO THE EAST, M1, C3 AND R3 TO THE WEST AND THE CITY OF COMMERCE IS LOCATED TO THE SOUTH AND EAST.THE PROJECT SITE IS DEVELOPED WITH 8 EXISTING SINGLE STOREY BUILDINGS CONSISTING OF 45 DWELLING UNITS.THE SITE WAS ORIGINALLY DEVELOPED AND ESTABLISHED AS A MOTEL.BUILDING PERMITS INDICATE THAT THE STRUCTURES DATE FROM 1930, THE MOTEL USE WAS LATER CONVERTED TO APARTMENTS WITHOUT A CONDITIONAL USE PERMIT, ACCORDING TO THE APPLICANT, THEY HAVE OPERATED THEIR APARTMENTS FOR APPROXIMATELY TWO TO THREE DECADES, THEY RANGE FROM BACHELOR UNITS TO TWO BEDROOM UNITS AND REQUIRE A TOTAL OF 47 PARKING SPACING, 40 OF WHICH ARE PROVIDED.IT IS THE UNINCORPORATED PROPERTY OF EAST L.A. AND IS SURROUNDED BY SINGLE AND MULTIFAMILY USES, THE APARTMENT USE EXISTED AT THIS LOCATION FOR SEVERAL DECADES AND NO COMPLAINTS HAVE BEEN RECEIVED FROM THE SURROUNDING COMMUNITY, THEY ARE CONSISTENT WITH THE LOCAL DEVELOPMENT PLAN, IT PROVIDES A BARRIER BETWEEN THE ADJACENT AND SINGLE FAMILY RESIDENTS AND LIGHT MANUFACTURING, AND PROVIDES HOUSING FOR LOW INCOME GROUPS IN THE

SURROUNDING COMMUNITY.THEREFORE, STAFF IS OF THE OPINION THAT THE CHANGE IN USE FROM MOTEL TO APARTMENTS AND THE CONTINUED USE OF THE APARTMENTS AT THIS LOCATION IS COMPATIBLE WITH THE SURROUNDING USES, PURSUANT TO THE ZONING CODE, THE COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING BY MAIL, NEWSPAPER, PROPERTY POSTING, LIBRARY POSTING AND WEBSITE POSTING, ONE COMMENT LETTER WAS RECEIVED YESTERDAY AND WAS MADE AVAILABLE THIS MORNING.THE LETTER IS FROM A MEMBER OF THE PUBLIC WHO PREFERS TO STAY ANONYMOUS EXPRESSING OPPOSITION TO THE PROJECT SITE CONCERNING -- SIGHTING CONCERNS OF GANG RELATED AND OTHER CRIMINAL ACTIVITY.DURING A SIDE VISIT, STAFF OBSERVED A PHONE BOOTH TO A BILLBOARD SIGN ON THE PROPERTY ZONING ENFORCE REQUESTED REMOVAL OF THESE WHEN THERE IS CRIMINAL ACTIVITY PRESENT AT A SITE AS THEY ARE ASSOCIATED WITH DRUG DEALING, SO STAFF WOULD RECOMMEND THAT AN ADDITIONAL CONDITION OF APPROVAL TO REQUIRE THE REMOVAL OF THE PHONE BOOTH TO ADDRESS THE PUBLIC'S CONCERN.STAFF HAS DETERMINE HATED THE BURDEN OF PROOF HAS BEEN MET AND THE PROPOSED USE IS CONSISTENT WITH THE COUNTYWIDE GENERAL PLAN, STAFF HAS ALSO DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT IF THE CALIFORNIA ENVIRONMENTAL ACT AND THE GUIDELINES PURSUANT TO THE CLASS 1 CATEGORICAL EXEMPTION WHICH APPLIES TO EXISTING STRUCTURES AND FACILITIES, STAFF RECOMMENDS APPROVAL OF THE CONDITIONAL USE PERMIT AND PARKING PERMIT WITH THE ATTACHED CONDITIONS AND THE

ADDITION OF THE CONDITION TO REMOVE THE TELEPHONE BOOTH, THAT
CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: VERY WELL, DO WE HAVE ANYONE
WISHING TO SPEAK ON BEHALF OF THE APPLICANT?

>> YES, WE HAVE DARRYL FISHER SIGNED IN TO SPEAK.

>> GOOD MORNING, MR. HEARING OFFICER, MY NAME IS DARRYL FISHER,
21520 YULINDA BOULEVARD, I AM A PLANNING CONSULTANT AND ASSISTING
THE PROPERTY OWNER. WE HAVE REVIEWED THE TOTAL REPORT, STAFF DID AN
EXCELLENT JOB AND WE ENJOYED WORKING WITH HER ON THIS PROJECT AND
WE HAVE NO PROBLEM WITH ANY OF THE CONDITIONS INCLUDING THE
ADDITIONAL CONDITION, WE DON'T THINK THERE IS ANY ISSUE RELATED TO
CRIME OR NICK, BUT IF THAT IS SATISFACTORY BY REMOVAL OF A PHONE,
THEN THAT'S FINE, OTHER THAN THAT, WE JUST RECOMMEND THAT YOU
APPROVE THE STAFF REPORT.

>> HEARING OFFICER MCCARTHY: IN TERMS OF -- DOES THAT INCLUDE
YOUR REMARKS?

>> YES.

>> HEARING OFFICER MCCARTHY: IN TERMS OF THE WAY IN WHICH THE FACILITY IS MANAGED, DO YOU HAVE A LIMIT ON THE NUMBERS OF OCCUPANTS PER UNIT?

>> YES.AND IT VARIES WITH THE SIZE OF THE UNIT, BUT YES.

>> HEARING OFFICER MCCARTHY: I SEE, AND THE TYPICAL UNIT WOULD BE A BEDROOM AND A BATHROOM?

>> THERE ARE BACHELOR UNITS THAT DON'T HAVE SEPARATE BEDROOMS, THEY ALL HAVE BATHROOMS, YES.

>> HEARING OFFICER MCCARTHY: I SEE.WHAT IS THE HIGHEST OCCUPANCY OF ROOM YOU ALLOW?

>> PROBABLY FOUR.

>> HEARING OFFICER MCCARTHY: AND THEN SMALLER THAN THAT FOR THE SMALLER ROOM, LESS THAN THAT FOR THE SMALLER ROOMS?

>> RIGHT, MY CLIENT BOUGHT THE PROPERTY OVER 25 YEARS AGO AND THEY WERE SHOCKED WHEN THE ENFORCEMENT ACTION SUGGESTED THAT THIS CONDITIONAL USE WAS NECESSARY BECAUSE THEY'VE HAD IT FOR OVER 25

YEARS AND THEY BOUGHT IT AS AN APARTMENT AND ASSUMED IT WAS FINE AS AN APARTMENT.

>> HEARING OFFICER MCCARTHY: SO, IT WAS OUR ZONING ENFORCEMENT PEOPLE CONTACTING THE OWNER THAT PRECIPITATED THIS APPLICATION?

>> CORRECT.

>> HEARING OFFICER MCCARTHY: AND NORMALLY SOMETHING LIKE THIS WOULD COME UP WITH A REFINANCING, BUT THE DEAL -- THE MORTGAGE WAS PROCESSED WITH THE UNDERSTANDING IT WAS GOING TO BE AN APARTMENT?

>> CORRECT.

>> HEARING OFFICER MCCARTHY: OKAY, VERY WELL, AND AGAIN, WE HAVE NO ONE -- DOES ANYONE ELSE IN THE AUDIENCE WISH TO SPEAK ON THIS MATTER, AND WE HAVE NO ONE SIGNED UP? OKAY, I'M GOING TO APPROVE THE APPLICATION BECAUSE ALTHOUGH THE MATTER WITH THE ASSERTION THAT THERE'S SOME GANG ACTIVITY ON SITE, GENERALLY SPEAKING, WE FIND -- AND I THINK STAFF ALLUDED TO THAT IN THEIR COMMENTS, WE FIND THAT MOTELS ARE MORE DISRUPTIVE THAN APARTMENT BUILDINGS, AND BECAUSE THERE TENDS TO BE A GREATER AMOUNT OF TRANSIENT ACTIVITY AND PERHAPS MORE OF A TENDENCY TO ATTRACT PROSTITUTION, ETC., SO I DON'T WANT TO APPEAR TO BE IGNORING THE LETTER THAT CAME IN FROM

THE INDIVIDUAL WHO WISHED TO REMAIN ANONYMOUS, THAT'S WHY WE'RE GOING TO ASK YOU TO TAKE OUT THE PHONE BOOTH, BUT IT'S OUR EXPERIENCE HERE IN THE PLANNING DEPARTMENT GOING BACK OVER MANY, MANY YEARS THAT A MOTEL WILL TEND TO GENERATE MORE CALLS TO THE SHERIFF'S DEPARTMENT THAN WILL THE APARTMENT BUILDINGS, IN OTHER WORDS, THE HIGHER THE CRIME RATE, SO I'M GOING TO LEGALIZE YOUR APARTMENT BUILDING AND APPROVE THE CONDITIONAL USE PERMIT NUMBER 200700220.THANK YOU.

>> MS. TASHJIAN: THANK YOU.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS AUGUST 21, 2012.

>> GOOD MORNING, MR. SILVAS.HERE TO PRESENT TO YOUR PROJECT NUMBER R2012-00600, THIS IS A CONDITIONAL USE APPLICATION FOR A CONTINUED USE OF AN EXISTING WIRELESS FACILITY LOCATED IN THE UNINCORPORATED COMMUNITY AT 680 AND A HALF CRATER CAMP DRIVE, THE SUBJECT PROPERTY IS ZONED A1-1, LIGHT AGRICULTURAL ONE ACRE MINIMUM REQUIRED, IT IS THE LAND USE CATEGORY OF THE MALIBU LAND USE PLAN, SURROUNDING ZONING NEAR THE PROPERTY IS ALSO A1-1, TO THE NORTH, SOUTH, EAST AND WEST AND SURROUNDING LAND USES TO THE NORTH SOUTH, EAST AND WEST IS SINGLE FAMILY RESIDENTIAL.THE EXISTING WIRELESS FACILITY WAS ORIGINALLY APPROVED ON JULY 2 OF 2002 AND RECENTLY EXPIRED ON JULY 16 OF 2012.THE SUBJECT PROPERTY HAS BEEN

MAINTAINED IN A CLEAN AND ORDERLY MANNER DURING THE TERM OF THE LAST CONDITIONAL USE PERMIT APPROVAL AND STAFF ALSO VERIFIED WITH ZONING ENFORCEMENT WEST THAT THERE ARE NO CURRENT ZONING VIOLATIONS ON THE SITE AND THAT THE TRACT RECORD FOR CONDITIONS CHECK ON THE LAST CONDITIONAL USE PERMIT WAS GOOD, THERE WERE NO DISCREPANCIES REPORTED. THE EXISTING WIRELESS TELECOMMUNICATIONS FACILITY CONSIST OF TWO OMNI WIP TYPE ANTENNAS MOUNTED ON A POLE 34 FEET IN HEIGHT AND IT ALSO HAS GROUND MOUNTED EQUIPMENT AS WELL, STAFF DID VISIT THE SITE AND DID CONFIRM THAT IT IS KEPT IN A NICE, CLEAN, ORDERLY MANNER SURROUNDING THE WIRELESS FACILITY. STAFF HAS ALSO FOUND THAT THE USE IS CONSISTENT WITH THE MALIBU LAND USE PLAN AND THAT IT DOES NOT OBSTRUCT SCENIC ELEMENTS IN THE SURROUNDING ELEMENTS AND IT DOES PRESENT A HARMONIOUS RELATIONSHIP WITH THE SURROUNDING ENVIRONMENT. STAFF WILL RECOMMEND APPROVAL OF THIS CONDITIONAL USE PERMIT AND WILL ALSO BE IMPLEMENTING CONDITIONS, PROJECT SITE CONDITIONS OF THE LAST CONDITIONAL USE PERMIT, AND ONE OF THESE WOULD BE THAT THE APPLICANT CONTINUE TO MAINTAIN AN INSURANCE INDEMNIFICATION TO THE MALIBU HOMEOWNER'S ASSOCIATION THAT HOLDS THE HOMEOWNER'S HARMLESS, THE PARKING TO FACILITATE THIS FACILITY ARE ADJACENT TO IT ON CRATER CAMP ROAD ON THE RIGHT-OF-WAY, THE SITE IS ACCESSED THROUGH A SMALL STAIRCASE CONSISTING OF RAILROAD TIES. ALSO, TO BE MAINTAINED AS CONDITIONS OF APPROVAL AND WE WILL ALSO BE ASKING THAT THE APPLICANT PAINT THE POLE IN A TONE COLOR, PREFERABLY A

DARK BROWN COLOR OR THAT IT CONTINUES TO MATCH THE SURROUNDING AREA AND THE EQUIPMENT CABINET WE WILL ALSO ASK THEM TO PAINT THAT AN EARTH TONE COLOR AND ALSO FROM THE ORIGINAL PERMIT AS CONDITIONS OF APPROVAL, WE WILL ASK THAT THE APPLICANT MAINTAIN THE DROUGHT TOWER LANDSCAPING SURROUNDING THE POLE, UPON STAFF'S VISIT, IT DID APPEAR THAT THE LANDSCAPING WAS IN GOOD CONDITION, BUT SHOULD THE LANDSCAPING FAIL, IT WILL BE THE APPLICANT'S RESPONSIBILITY TO REPLACE IT AND ALSO TO CONSULT WITH THE FIRE DEPARTMENT ON ANY OF THE REQUIREMENTS FOR -- PLANNING REQUIREMENTS. STAFF HAS NOT RECEIVED ANY COMMENTS FROM THE PUBLIC OR COMPLAINTS REGARDING THIS PROJECT AND HAS ALSO FOUND THAT THE BURDEN OF PROOF PURSUANT TO COUNTY CODE SECTION 22.56 .460 IS SUFFICIENT, STAFF ALSO ASKS THE HEARING OFFICER FOR YOUR CONSIDERING OF A CLASS 1 CATEGORICAL EXEMPTION FOR EXISTING FACILITIES ON THIS PROJECT AND IN CONCLUSION RECOMMENDS THE APPROVAL OF CONDITIONAL USE PERMIT NUMBER 201200046 AND WE ARE ALSO ASKING FOR A GRANT TERM OF 15 YEARS ON THIS PROJECT. THIS CONCLUDES MY PRESENTATION, I'M AVAILABLE FOR ANY QUESTIONS YOU MAY HAVE.

>> HEARING OFFICER MCCARTHY: VERY WELL, SO THE LIGHTER -- WE'RE LOOKING AT THE PICTURE OF THE TOWER HERE AND WE CAN SEE THE TOP, THAT LIGHTER COLOR IS METAL, IS THAT METAL OR IS THAT JUST THE WAY THE SUN IS HITTING IT?

>> MR. SILVAS: THE POLE IS WOOD.

>> HEARING OFFICER MCCARTHY: NO, I CAN SEE NOW, SO IT WILL FROM TOP TO BOTTOM, OKAY. AND DO WE HAVE A REPRESENTATIVE FROM THE APPLICANT HERE WISHING TO SPEAK?

>> GOOD MORNING, MR. HEARING OFFICER, NORM MACLEOD, 765, CITY DRIVE, ORANGE, CALIFORNIA. JUST TO ANSWER THE QUESTION ABOUT THE POLE COLOR, IT'S A WOODEN POLE, SIMILAR TO THE OTHER POLES IN THE NEIGHBORHOOD AND THE COMMUNITY, PAINTING IT AGAIN IS I'M NOT SURE REALLY JUSTIFIED, IT'S THE EQUIPMENT, IT'S AN INNOCUOUS INSTALLATION. THE ANTENNAS ARE OMNI WIP DIRECTIONAL, IT'S A SMALL INSTALLATION TYPICAL, PANEL ANTENNA INSTALLATIONS, WE GOT A REQUEST TO PAINT THE CABINET, IT HASN'T BEEN PAINTED IN THE LAST FIVE YEARS, I'M NOT SURE IF IT'S NECESSARY TO HAVE IT PAINTED AS WELL, IT'S SCREENED BY THE LANDSCAPING AND MAINTAINED BY THE LANDSCAPING AS WELL.

>> HEARING OFFICER MCCARTHY: MOST OF THOSE CABINETS ARE PAINTED GREEN ANYWAY, RIGHT?

>> YES.

>> HEARING OFFICER MCCARTHY: IS THIS ONE OFF WHITE, IS THAT THE PROBLEM?

>> MR. SILVAS: YES, WE WERE ASKING IT TO BE PAINTED A NICER TONE COLOR TO CAMOUFLAGE IT.

>> HEARING OFFICER MCCARTHY: SOME AREAS, EVERYTHING'S BROWN DURING THE SUMMER.

>> I HAVE A PROBLEM, I DON'T SEE THE CLIENT WOULD HAVE TROUBLE PAINTING THE CABINETRY A CERTAIN COLOR, IF IT'S A BEIGE OR A TONE, THAT'S PERFECTLY ACCEPTABLE.

>> HEARING OFFICER MCCARTHY: VERY WELL.AND THAT'S IN THE CURRENT CONDITIONS AS ARE WRITTEN?

>> YES, THAT'S CORRECT, MR. HEARING OFFICER.

>> HEARING OFFICER MCCARTHY: ARE THERE SITE SPECIFIC CONDITIONS?

>> MR. SILVAS: ARE YOU REFERRING TO THE CABINET?

>> HEARING OFFICER MCCARTHY: YES.

>> MR. SILVAS: I BELIEVE THAT'S CONDITION 34.

>> HEARING OFFICER MCCARTHY: AND HAVE YOU REVIEWED THE OTHER
CONDITIONS?

>> YES, I HAVE, THEY'RE ACCEPTABLE.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND YOU'RE IN AGREEMENT
WITH THIS CONDITION 34?

>> THAT'S FINE.

>> HEARING OFFICER MCCARTHY: DO WE HAVE ANY OTHER SIGNATURES?

>> WE DO NOT.

>> HEARING OFFICER MCCARTHY: NO ONE ELSE INDICATING THEY WANT TO
TESTIFY, THEREFORE, I WILL APPROVE THIS ITEM AND IT'S ITEM NUMBER
9 ON TODAY'S AGENDA, CUP 201200046.THANK YOU, MR. SILVAS.AND UNDER
PUBLIC COMMENT, PURSUANT TO SECTION 54954.3,DO WE HAVE ANYONE
WISHING TO MAKE PUBLIC COMMENT,SEEING NO ONE IN ATTENDANCE AT THIS
TIME IN THE HEARING ROOM, THIS HEARING IS ADJOURNED UNTIL 9:00
A.M. TUESDAY AUGUST 21, 2012.(MEETING IS ADJOURNED).