

>> HEARING OFFICER GLASER: HI, GOOD MORNING, EVERYONE, THESE ARE THE HEARING OFFICER PROCEEDINGS FOR TUESDAY NOVEMBER 20, 2012.WE'LL BEGIN THIS MORNING'S PROCEEDINGS WITH THE PLEDGE OF ALLEGIANCE, IF YOU COULD PLEASE STAND AND JOIN ME AT THIS TIME.(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.

>> HEARING OFFICER GLASER: THANK YOU, MY NAME IS MITCH GLASER, I'M A SUPERVISING REGIONAL PLANNER IN THE ADVANCED PLANNING DIVISION AND I WILL BE SERVING AS THE HEARING OFFICER THIS MORNING, MR. GARCIA WILL BE HEARING ITEM NUMBER 2, THAT IS INCORRECT, I WILL BE HEARING THAT ITEM AS WELL.BEFORE WE BEGIN WITH THE PROCEEDINGS, LET ME JUST GO THROUGH SOME HOUSEKEEPING ITEMS, FIRST OF ALL, LET ME ADVISE YOU THAT THIS MEETING IS BEING BROADCAST LIVE OVER THE INTERNET AND IS ALSO BEING RECORDED AND WILL BE STORED IN OUR WEBSITE FOR FUTURE VIEWING.THERE ARE AGENDAS FOR THIS MORNING'S PROCEEDINGS, THEY'RE AVAILABLE AT THE REAR OF THE ROOM, SO PLEASE PICK ONE UP NOW IF YOU HAVE NOT DONE SO ALREADY.AND WE MAY TAKE SOME OF THE ITEMS OUT OF ORDER THIS MORNING, BUT WE WILL BEGIN WITH ITEM NUMBER 2, FOR THOSE OF YOU WHO MAY NOT HAVE ATTENDED A PUBLIC HEARING PREVIOUSLY, LET ME

BRIEFLY GO THROUGH THE PROCEDURE.FIRST OF ALL, I'LL CALL UP THE ITEM AND THEN STAFF WILL GIVE A BRIEF PRESENTATION, FOLLOWING STAFF'S PRESENTATION, I MAY HAVE QUESTIONS OF STAFF.IF NOT, WE'LL THEN PROCEED WITH PUBLIC TESTIMONY, WE'LL BEGIN WITH THE APPLICANT OR APPLICANT'S REPRESENTATIVE, HE OR SHE WILL BE GIVEN UP TO 15 MINUTES TO SPEAK, FOLLOWING THAT, I MAY HAVE QUESTIONS OF THE APPLICANT OR ADDITIONAL QUESTIONS OF STAFF.IF NOT, WE'LL THEN MOVE ON TO ANY OTHER SPEAKERS, EITHER IN SUPPORT OR IN OPPOSITION OR WITH CONCERNS, AND THOSE INDIVIDUALS WILL BE GIVEN UP TO 3 MINUTES TO SPEAK.I MAY HAVE QUESTIONS OF THE OTHER TESTIFIERS, THERE MAY BE SOME ADDITIONAL DISCUSSION AMONG MYSELF, STAFF, THE APPLICANT AND THE OTHER TESTIFIERS AND AT THE CONCLUSION OF THAT DISCUSSION, ONE OF SEVERAL ACTIONS COULD BE TAKEN, THE FIRST ACTION WOULD BE FOR ME TO APPROVE THE PERMIT, THE SECOND ACTION WOULD BE FOR ME TO DENY THE PERMIT, THE THIRD ACTION WOULD BE FOR ME TO CONTINUE THE PERMIT TO ANOTHER DATE, FOURTH, I COULD REFER THE MATTER TO THE REGIONAL PLANNING COMMISSION FOR THEIR CONSIDERATION.SO, WITH THAT OUT OF THE WAY, THE OTHER THING I WOULD LIKE TO DO IS FOR THOSE OF YOU WHO WOULD LIKE TO SPEAK ON ANY OF THE ITEMS THIS MORNING, WE DO REQUEST THAT YOU FILL OUT A SPEAKER CARD SO IF YOU WOULD LIKE TO SPEAK ON ANY ITEM THIS MORNING, PLEASE FILL OUT A SPEAKER CARD IF YOU HAVE NOT DONE SO.THEY'RE AVAILABLE AT THE REAR OF THE ROOM.ALSO REGARDLESS OF WHETHER YOU'VE FILLED OUT A SPEAKER CARD, WE WOULD LIKE TO SWEAR YOU IN AT THIS TIME, SO ANYONE WHO INTENDS

TO SPEAK ON ANY ITEM THIS MORNING, IF YOU COULD PLEASE STAND AND MS. MASIS WILL SWEAR YOU IN, THANK YOU.

>> PLEASE RAISE YOUR RIGHT HAND.DO EACH OF YOU SWEAR UNDER PENALTY OR PERJURY THAT THE MATTERS BEFORE YOU WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.THANK YOU.

>> HEARING OFFICER GLASER: WE'LL GO AHEAD WITH ITEM NUMBER 2, IT'S BEEN CONTINUED FROM JUNE 5TH, JULY 17TH AND AUGUST 21ST OF 2012, BUT IT HAS NOT BEEN HEARD ON ANY OF THOSE DATES, THIS IS PROJECT NUMBER R2007-01296 IN THE FIFTH SUPERVISORIAL DISTRICT, IT'S OAK TREE PERMIT NUMBER 200700032, MR. MONTGOMERY?

>> MR. MONTGOMERY: YES, TYLER MONTGOMERY WITH THE ZONING WEST SECTION, HERBERT AND KAY HAFIF SEEK TO AUTHORIZE THE ENCROACHMENT INTO THE PROTECTED ZONE OF 19 OAK TREES FOR GRADING AND CONSTRUCTION OF RETAINING WALLS AT AN EXISTING RANCH AND EVENT CENTER IN THE A-1-10,000 LIGHT AGRICULTURAL, THE APPLICANT HAS BEEN WORKING FOR SEVERAL MONTHS TO OBTAIN LOT LINE ADJUSTMENTS AND CERTIFICATES OF COMPLIANCE OF THE PARCELS THAT CONSTITUTE THE SUBJECT PROPERTY THESE DOCUMENTS ARE BEING PURSUED THROUGH THE DEPARTMENT OF REGIONAL PLANNING, THE PROJECT WAS CONTINUED FROM THE PREVIOUS PUBLIC HEARING DATES IN ORDER TO ALLOW THE APPLICANT ADDITIONAL TIME TO OBTAIN THESE PERMITS.THE APPLICANT'S SURVEYOR

HAS COMPLETED THE PROCESS FOR ACHIEVING THE CERTIFICATES OF COMPLIANCE, THEY ARE IN THE FINAL STAGES OF BEING FINALIZED, THEREFORE STAFF RECOMMENDS THIS ITEM BE CONTINUED TO DECEMBER 18, 2012.

>> HEARING OFFICER GLASER: THANK YOU, MR. MONTGOMERY, NOW, I UNDERSTAND LOOKING AT THE MOST RECENT SCHEDULE, DECEMBER 18TH IS NOT ASSIGNED TO ME, IT IS ASSIGNED TO MR. GARCIA BUT MR. GARCIA WILL NOT BE ABLE TO HEAR THE ITEM. IS IT MY UNDERSTANDING THAT I'LL NEED TO HEAR THE ITEM ON DECEMBER 18TH?

>> MR. MONTGOMERY: YOU MAY HEAR IT ON DECEMBER 18TH? I WAS UNDER THE IMPRESSION THAT MS. NATOLI BE THE HEARING OFFICER THAT DAY, OR WE CAN CONTINUE IT TO A LATER DATE.

>> HEARING OFFICER GLASER: WELL, MY NEXT DATE IS JANUARY 18TH, I'M GOOD ON HANDLING IT ON DECEMBER 18TH, SO I PLAN TO HEAR IT ON THAT DATE, THANK YOU, SO I'LL GO AHEAD AND WE'LL CONTINUE THIS ITEM TO DECEMBER 18TH. MR. DAY, HAS OUR SPEAKER TO NUMBER 8 ARRIVED? WE'RE GOING TO TAKE NUMBER 8 OUT OF ORDER. ITEM NUMBER 8, THIS IS PROJECT NUMBER 02124, THIS IS A MODIFICATION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NUMBER 02-124, MS. BLENGINI.

>> MS. BLENGINI: THE APPLICANT, BREAD OF LIFE CHRISTIAN CHURCH IS REQUESTING A MODIFICATION OF CONDITIONAL USE PERMIT NUMBER 02-124 WHICH WAS APPROVED ON SEPTEMBER 24, 2008, AUTHORIZE THING CONSTRUCTION OPERATION AND MAINTENANCE OF A CHURCH IN THE R-1 12 THOUSAND DP ZONE WITHIN THE UNINCORPORATED COMMUNITY OF ROWLAND HEIGHTS, THE APPLICANT INTENDS TO MODIFY THE MENTIONED CONDITIONS IN ORDER TO REDUCE THE SIZE OF THE CHAPEL AREA, CONSEQUENTLY LOWERING THE OCCUPANT LOAD AND THE NUMBER OF PARKING SPACES REQUIRED PER COUNTY CODE.THE REDUCTION OF PARKING WILL ALLOW THE REPLACEMENT OF THE TWO STOREY PARKING STRUCTURE WITH A SURFACE PARKING LOT.THIS PROJECT HAS NOT BEEN CONSTRUCTED YET AND THESE MODIFICATIONS WOULD ALLOW THE DEVELOPMENT OF A FINANCIALLY VIABLE PROJECT.WITH THE REQUESTED MODIFICATION, CONDITIONS NUMBER 20, 26I AND 26J WOULD READ AS FOLLOWS: SITE COVERAGE SHALL NOT EXCEED 27.44 PERCENT OF THE -- INCLUDING BUILDING, WALKWAYS AND OTHER PAVED AREAS, STEEL ARE COMPOSITE BASED PERMEABLE PAVEMENT MAY BE CONSIDERED OPEN SPACE ONLY FOR A MINIMUM OF 70% OF THE PAVEMENT IS COMPRISED OF GRASS, 26I, THE MAXIMUM OCCUPANCY OF THE CHAPEL AREA SHALL NOT EXCEED 254 PERSONS PERMITTED ON EXHIBIT A.26J, THE PERMITTEE SHALL PROVIDE PARKING AS PROVIDED BY THE COUNTY CODE CALCULATED AT A PARKING RATIO OF ONE PARKING SPACE FOR EACH 5 PERSONS BASED ON THE OCCUPANCY LOAD OF THE LARGEST STEAMILY AREA AS DETERMINED BY THE COUNTY ENGINEER AND SHOWED ON THE APPROVED EXHIBIT A, THE LARGEST ASSEMBLY AREA, CHAPEL AREA HAS AN OCCUPANT

LOAD OF 254 PERSONS WHICH WOULD REQUIRE NOT LESS THAN 51 SPACES TO BE PROVIDED INCLUDING THREE RESERVED SPACES ACCESSIBLE TO PERSONS WITH DISABILITIES, ONE OF EACH SHALL BE ACCESSIBLE, SAID ACCESSIBLE PARKING SPACES SHALL BE CLEARLY MARKED AND RESERVED BY USE FOR PERSONS WITH DISABILITIES. NOTICES WERE SENT TO HOME OWNERS WITHIN A 500 FOOT RADIUS OF THE SUBJECT PROPERTY LEGAL ADVERTISEMENT PLACED IN THE SAN GABRIEL TRIBUNE NEWSPAPER AND THE SUBJECT WAS POSTED FOR A 30 DAY PERIOD, STAFF RECEIVED THREE LETTERS IN OPPOSITION TO THE REQUEST DURING THE 15 DAY COMMENT PERIOD, HOWEVER, AFTER THE LETTERS WERE RECEIVED, THE APPLICANT MET WITH MEMBERS OF THE COMMUNITY AND AN AGREEMENT WAS REACHED THAT APPEASED THE COMMUNITY AND SATISFIED THE NEEDS OF THE APPLICANT. THE AGREEMENT COMPRISES OF THE MODIFICATION OF ONE ADDITIONAL CONDITION, CONDITION NUMBER 26Z, TO REQUIRE THAT THE OCCUR -- CURB ALONG THE SOUTH SIDE BE PAINTED RED FROM BREA CUTOFF ROAD, PAST THE ENTRANCE TO HILL TOP WIND RIVER LANE IN ADDITION TO THE NORTH SIDE OF THE ROAD TO THE SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS. WITH THE AGREEMENT IN PLACE, TWO MEMBERS OF THE PUBLIC WITHDREW THEIR PROTEST LETTERS, THEREFORE, ONLY ONE LETTER OF PROTEST REMAINS. IN VIEW OF THE FACTS PRESENTED ABOVE, STAFF RECOMMENDS THAT THE HEARING OFFICER ADDS THE FOLLOWING MODIFICATION TO CONDITION NUMBER 26Z, PRIOR TO THE ISSUANCE OF GRADING PERMIT, THE CURB ALONG THE SOUTH SIDE OF BALON ROAD SHOULD BE PAINTED RED TO 35 FEET OR TWO CAR LANES WEST PAST THE ENTRANCE

OF RIVER LANE AND ALONG THE WEST SIDE OF BALON ROAD TO THE
SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS. STAFF RECOMMENDS
APPROVAL OF MINOR MODIFICATION TO CUP NUMBER 02-124, ALL THE OTHER
CONDITIONS AE MAIN, THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU, MS. BLENGINI, THIS IS A
DISCUSSION ITEM, NOT A HEARING ITEM, BUT WE HAVE ONE SPEAKER, IS
THAT CORRECT?

>> YES, WE HAVE A REPRESENT AND HE'S HERE TO ANSWER QUESTIONS IF
WE HAVE ANY.

>> HEARING OFFICER GLASER: I DON'T HAVE ANY QUESTIONS FOR YOU,
SIR, UNLESS YOU HAD ANY QUESTIONS OR WANTED TO MAKE A STATEMENT.

>> [INAUDIBLE].

>> HEARING OFFICER GLASER: OKAY, THE APPLICANT'S INDICATING HE
DOESN'T HAVE ANY QUESTIONS. LET ME MAKE A COMMENT TO YOU, SIR, I
APPRECIATE YOUR EFFORTS TO WORK WITH THE COMMUNITY TO ADDRESS SOME
OF THEIR CONCERNS SO I WANTED TO STATE THAT. MR. DAY, ANY OTHER
SPEAKERS?

>> NO OTHER SPEAKERS FOR THIS ITEM.

>> HEARING OFFICER GLASER: OKAY, THERE BEING NO FURTHER SPEAKERS, I'M GOING TO GO AHEAD AND TAKE THE ACTION, I MOVE THAT THE MINOR MODIFICATIONS TO CONDITIONAL USE PERMIT NUMBER 02124, SPECIFICALLY THE CHANGES TO CONDITION NUMBERS 20, 26I, 26J AND 26Z BE APPROVED, NO OTHER CHANGES TO THE CONDITIONS. IS THERE AN APPEAL PERIOD ON THIS?

>> THE LAST DAY TO APPEAL YOUR ACTION ON THIS ITEM IS DECEMBER 4, 2012.

>> HEARING OFFICER GLASER: OKAY, THANK YOU VERY MUCH. WE'LL GO AHEAD AND RESUME WITH THE REMAINDER OF THE AGENDA AT THIS TIME, THE NEXT ITEM IS ITEM NUMBER 3, THIS IS PROJECT NUMBER R201200695 IN THE FOURTH SUPERVISORIAL DISTRICT. CONDITIONAL USE PERMIT NUMBER 201200052. MR. MONTGOMERY, PLEASE PROCEED.

>> MR. MONTGOMERY: GOOD MORNING AGAIN, MR. HEARING OFFICER. THE APPLICANT FOR THIS PROJECT, AT&T MOBILITY SEEKS A CUP TO AUTHORIZE THE CONTINUED OPERATION AND MAINTENANCE OF AN EXISTING WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF MONOPOLE FACILITIES, ABOVE GROUND WATER TANK, THE FACILITY IS LOCATED ON A RIDGE LINE APPROXIMATELY TWO-THIRDS OF A MILE TO THE EAST OF TWO HARBORS ON SANTA CATALINA ISLAND T FACILITY WAS ORIGINALLY APPROVED WITH A

CUP IN 1996 WHICH EXPIRED IN 2006. AS YOU CAN SEE FROM THE LAND USE MAP, THE ITEM IS USED FOR UTILITY, IT'S VACANT IN ALL AREAS WITHIN 500 FEET AND FURTHER IN TERMS OF THE ZONING, IT'S CFS WHICH IS ORGANIZED CAMPS AND SPECIAL FACILITIES AND THAT'S IN THE ENTIRE VICINITY AS WELL. YOU CAN GO TO THE NEXT SLIDE IN THE MIDDLE THERE, HENRY. ONE MORE, THANKS. THE SITE PLAN DEPICTS THE EXISTING SOUTHERN CALIFORNIA EDISON WATER TANK WHICH IS 46 FEET IN HEIGHT, IT'S LOCATED ON THE CENTRAL PORTION OF THE HALF ACRE PROPERTY THE ANTENNA IS THE EQUIPMENT OF FOUR TELECOMMUNICATION FACILITIES ARE LOCATED IMMEDIATELY WEST OF THE TANK, IT CONSISTS OF FOUR PANEL ANTENNAS ON A 34 FOOT HIGH MONOPOLE, THE PROPERTY IS AXE SENSED FROM THE SOUTHEAST BY A PRIVATE DIRT DRIVEWAY WHICH CONNECTS TO LITTLE HARBOR ROAD, IT'S ORGANIZED IN THE SPECIAL USE LAND AREA OF THE COASTAL PLAN. THE SSF LAND USE DESIGNATION IS FOR THE IMPROVEMENT OF EXISTING HIGH INTENSITY RECREATION AND EDUCATION FACILITIES AND ACTIVITIES WHILE RECOGNIZING THE IMPORTANCE OF OPEN SPACE USES FOR RESOURCE CONSERVATION, THE DESIGNATION ALLOWS FOR NECESSARY INFRASTRUCTURE AND COMMUNICATION FACILITIES. THE PROJECT IS SUBJECT TO THE STANDARDS OF THE SANTA CATALINA ISLAND'S SPECIFIC PLAN, BECAUSE THE WIRELESS FACILITY IS ALREADY IN EXISTENCE AND NO MODIFICATIONS ARE PROPOSED, THERE ARE NO APPLICABLE DEVELOPMENT STANDARDS OF THE CSF ZONE, IT APPLIES WITH ALL APPLICABLE STANDARDS OF THE INTERPRETATION MEMO. STAFF RECOMMENDS THIS PROJECT QUALIFY FOR A CATEGORICAL EXEMPTION AS A

CLASS 1 EXEMPTION EXISTING FACILITIES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND COUNTY ENVIRONMENTAL GUIDE LOINS AS THE FACILITY IS ALREADY IN EXISTENCE.THE PROPOSED PROJECT HAS BEEN NOTICED IN ACCORDANCE WITH STATE LAW AND THE PROVISIONS OF THE COUNTY CODE THROUGH NEWSPAPER AND ONLINE PUBLICATION AND MAILINGS, BECAUSE THIS SITE IS NOT VISIBLE FROM ANY PUBLIC ROAD, THE ON-SITE PUBLICATION NOTICE WAS WAIVED.STAFF HAS RECEIVED NO COMMENTS FOR OR AGAINST THE PROJECT FROM THE PUBLIC.THE ESTHETIC IMPACT OF THE EXISTING 30 FOOT TALL MONOPOLE IS LESSENERED BY ITS PLACEMENT, IN ADDITION, THE PROJECT SITE IS SURROUNDED BY VACANT LAND IN ALL DIRECTIONS AND STAFF HAS RECEIVED NO OBJECTIONS FROM THE PUBLIC, THE PROJECT WILL BE ADEQUATELY SERVED BY THE PRIVATE ACCESS DRIVEWAY LINKING TO LITTLE HARBOR ROAD WHICH WOULD BE ADEQUATE TO ACQUIRE PERIODIC MAINTENANCE VISITS, ONE PARKING SPACE IS PROVIDED BY THE EXISTING DRIVEWAY.DUE TO THE AFOREMENTIONED FACTORS, STAFF BELIEVES THE APPLICANT HAS SATISFIED THE BURDEN OF PROOF FOR A CONDITIONAL USE PERMIT AND RECOMMENDS APPROVAL OF CUP 201200052 SUBJECT TO THE SUBMITTED CONDITIONS OF APPROVAL.THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU, MR. MONTGOMERY, THANK YOU FOR A THOROUGH PRESENTATION AS WELL AS A THOROUGH STAFF REPORT.I DON'T HAVE ANY QUESTIONS FOR YOU AT THIS TIME.DO WE HAVE ANY SPEAKERS ON THIS?

>> YES, WE HAVE THE APPLICANT'S REPRESENTATIVE.

>> HEARING OFFICER GLASER: IF YOU COULD HAVE A SEAT UP HERE.AND AS I MENTIONED, YOU'LL HAVE UP TO 15 MINUTES TO SPEAK AND FOR THE CAPTIONING, PLEASE STATE YOUR NAME BEFORE PROCEEDING, THANK YOU.

>> GOOD MORNING, MR. HEARING OFFICER, MY NAME IS BETH BRUSARD, I WORK FOR COASTAL BUSINESS GRIPE, WE'RE REPRESENTING AT&T FOR THE HEARING.I AGREE WITH EVERYTHING THAT WAS JUST PRESENTED TO YOU IN THE STAFF REPORT, MOSTLY I WANTED TO GO OVER A COUPLE OF CONDITIONS.STARTING WITH CONDITION NUMBER 15, GRAFFITI REMOVAL, THAT'S A PRETTY STANDARD CONDITION THAT WE'RE USED TO WORKING WITH, IN THIS CASE, WE'RE LIMITED TO 24 HOURS TO GO TO CATALINA ISLAND AND HAVE THAT REMOVED.IT TAKES A LITTLE TIME TO COORDINATE PUTTING A TEAM TOGETHER AND THEN PUTTING THEIR EQUIPMENT AND SO ON ON THE BOAT TO GET THEM OUT THERE.IS THERE ANY CHANCE THAT WE WOULD CHANGE THAT TO TEN DAYS?

>> HEARING OFFICER GLASER: DID YOU HAVE OTHER CONDITIONS?WHAT I WOULD PREFER IS IF YOU HAD SOME OTHER CONDITIONS, IF YOU COULD GO THROUGH ALL OF THEM AND THEN WE'LL GO AHEAD AND DISCUSS THOSE.

>> CERTAINLY, CONDITION NUMBER 19, THE TIMELINE FOR THE STATES THAT UPON CONSTRUCTION, WE WOULD GIVE YOU A COMPLIANCE LETTER SHOWING THAT WE COMPLY WITH EMISSION LEVELS AND SO ON, IT'S ALREADY BUILT. COULD WE JUST CHANGE THAT TO UPON APPROVAL? AND THEN CONDITION 24 ASKS US TO PROVIDE ONE PARKING SPACE FOR MAINTENANCE. YOU HAD JUST STATED THAT THE SPACE IS ALREADY THERE, SO PERHAPS WE COULD JUST REMOVE THAT CONDITION ALL TOGETHER. AND THAT'S EVERYTHING.

>> HEARING OFFICER GLASER: OKAY. LET ME GO AHEAD AND WORK BACKWARDS, TAKE THE LAST ONE FIRST. SO, FOR 24, NUMBER 24, WHAT I WOULD SUGGEST IS RATHER THAN JUST ELIMINATING IT ALL TOGETHER IS JUST MODIFY IT TO SAY ONE PARKING SPACE FOR VEHICLE -- FOR MAINTENANCE VEHICLES SHALL CONTINUE TO BE PROVIDED, IS THAT REASONABLE?

>> CERTAINLY.

>> HEARING OFFICER GLASER: MR. MONTGOMERY, ANY OPPOSITION TO THAT?

>> MR. MONTGOMERY: NO.

>> HEARING OFFICER GLASER: NUMBER 19, AND I DID NOTICE THIS AS WELL, SO YOUR REQUEST THERE IS JUST TO ACKNOWLEDGE THE FACT THAT IT'S ALREADY CONSTRUCTIONS TO CHANGE UPON COMPLETION OF CONSTRUCTION OF THE FACILITY TO UPON APPROVAL OF THE FACILITY, IS THAT CORRECT?

>> SURE, MAYBE IF YOU COULD JUST GIVE US TEN MORE DAYS TO PUT THE REPORT TOGETHER.

>> HEARING OFFICER GLASER: OKAY, SO WITHIN 10 DAYS OF APPROVAL.

>> CERTAINLY.

>> HEARING OFFICER GLASER: MR. MONTGOMERY, ANY ISSUE THERE?

>> MR. MONTGOMERY: WE COULD SAY UPON FINAL APPROVAL OF THE FACILITY, WHICH WOULD BE WHEN WE STAMPED THE APPROVAL, THE APPLICANT MAYBE HAVE A LITTLE BIT MORE TIME IF THEY NEEDED IT TO GET THAT TOGETHER.

>> HEARING OFFICER GLASER: THAT SOUNDS GOOD TO ME. IS THAT OKAY WITH YOU.

>> CERTAINLY.

>> HEARING OFFICER GLASER: THE LAST ONE IS THE GRAFFITI CONDITION, NUMBER 15, AS YOU MENTIONED, MS. BRUSARD, THIS IS A STANDARD CONDITION, AND MY UNDERSTANDING IS OUR REGIONAL PLANNING COMMISSION WHICH IS OUR POLICY MAKING BODY HAS STUCK TO THIS CONDITION PRETTY STRICTLY, BUT I THINK IT'S A FAIR POINT THAT YOU BROUGHT UP WITH REGARD TO THE VERY REMOTE LOCATION OF THIS, AND IF I RECALL, MR. MONTGOMERY MENTIONED THIS IN THE STAFF PRESENTATION, THE PROPERTY IS SO INACCESSIBLE THAT WE DECIDED TO WAIVE THE POSTED NOTICE ON THE PROPERTY SO FIRST OF ALL, I'M NOT SURE IT'S LIKELY THAT WE'RE GOING TO SEE GRAFFITI OR A SUBSTANTIAL AMOUNT OF GRAFFITI ON THIS FACILITY IN THE FIRST PLACE, AND THAT BEING SAID, I THINK WE STILL WANT THE CONDITION IN THERE. I UNDERSTAND WHY 24 HOURS MAY NOT WORK IN THIS INSTANCE AND I UNDERSTAND YOU'RE ASKING FOR TEN DAYS. SO, BEFORE WE CONSIDER THAT, LET ME POSE THE QUESTION TO MR. MONTGOMERY, I DON'T KNOW, IF YOUR EXPERIENCE, WE PROBABLY DON'T HAVE A LOT OF CELL PHONE TOWERS IN CATALINA IN REMOTE CONDITIONS, HAS THIS COME UP BEFORE AND HAVE WE BEEN FLEXIBLE ON THIS 24 HOUR TIMEFRAME WHEN IT COMES TO REMOTE LOCATIONS SUCH AS THIS?

>> MR. MONTGOMERY: I HAVEN'T HAD A LOCATION QUITE THIS REMOTE, EVEN TO GET A VEHICLE ON TO THAT ROAD, YOU NEED SPECIAL PERMISSION FROM THE ISLAND CONSERVATORY, AND THEN IT'S ANOTHER 1300 FEET TO

THE ACTUAL FACILITY, PLUS THEY WOULD HAVE TO GET OVER THE GATED FENCE AND YOU CAN'T SEE THE SITE FROM ANY OTHER LOCATION ON THE ISLAND. I DON'T KNOW WHY ANYONE WOULD WANT TO PUT GRAFFITI ON THE SITE. IF THEY DID THOUGH, I MEAN, WE GENERALLY STUCK PRETTY CLOSELY TO THE 24 HOURS, BUT I MEAN, IF WE WANTED TO GO A LITTLE BIT LONGER, I DON'T THINK -- I THINK THAT'S A LITTLE BIT TOO LONG, 10 DAYS, IN TERMS OF LOGISTICS, I THINK SOMEBODY COULD GET OUT THERE SOONER THAN THAT, SO I WOULDN'T BE ADVERSE TO SLIGHTLY LONGER PERIOD THAN 24 HOURS.

>> HEARING OFFICER GLASER: OKAY, HOW ABOUT A WEEK, WOULD THAT WORK?

>> SURE.

>> HEARING OFFICER GLASER: BECAUSE I THINK BASED ON MR. MONTGOMERY'S TESTIMONY, WE'RE ON THE SAME PAGE SO WE'LL SPLIT THE DIFFERENCE AND GO WITH 7 DAYS.

>> THANK YOU.

>> HEARING OFFICER GLASER: ABSOLUTELY, NO PROBLEM. ANY OTHER SPEAKERS MS. MASIS ON THIS ITEM?

>> NO, NO OTHER SPEAKERS.

>> HEARING OFFICER GLASER: ALRIGHT, THERE BEING NO FURTHER SPEAKERS, I'M GOING TO GO AHEAD AND CLOSE THE PUBLIC HEARING AND TAKE AN ACTION.SO, AS I MENTIONED I'M CLOSING THE PUBLIC HEARING, FIRST OF ALL, LET ME STATE I HAVE CONSIDERED THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND IT IS CONSISTENT WITH THE FINDING THAT THIS CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, SECONDLY IN VIEW OF THE FINDINGS OF FACT AND CONCLUSIONS THAT WERE PRESENTED TO ME, CONDITIONAL USE PERMIT NUMBER 2001200052 IS APPROVED SUBJECT TO THE CONDITIONS THAT WERE PROVIDED WITH THE MINOR MODIFICATIONS TO CONDITIONS NUMBER 15, 19 AND 24 AS DISCUSSED THIS MORNING.THE APPEAL PERIOD, PLEASE.

>> YES, THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 4TH, 2012.

>> HEARING OFFICER GLASER: OKAY, THANK YOU ALL VERY MUCH.

>> MR. MONTGOMERY: THANK YOU.

>> HEARING OFFICER GLASER: WE'RE ON TO ITEM NUMBER 4.ITEM NUMBER 4 IS PROJECT NUMBER R201101185 IN THE FOURTH SUPERVISORIAL DISTRICT, THIS IS CONDITIONAL USE CASE NUMBER 201100113 AND ENVIRONMENTAL ASSESSMENT NUMBER 201100174.MR. MAR.

>> MR. MAR: MY NAME IS STEVE MAR AND I'M WITH THE ZONING EAST SECTION, THIS IS PROJECT NUMBER R2011011854, CONDITIONAL USE PERMIT 201100113, THIS IS TO AUTHORIZE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY, THE CONSTRUCTION OF A NEW LEASE AREA CONTAINING UPPER TENANT EQUIPMENT CABINETS LOCATED ON THE PROPERTY OF AN EXISTING SINGLE FAMILY RESIDENCE LOCATED AT 14251 SKYLINE DRIVE IN HACIENDA HEIGHTS WITHIN THE HACIENDA HEIGHTS ZONED DISTRICT AND FOURTH SUPERVISORIAL DISTRICT, THE PROJECT SITE LIES WITHIN THE SIGNIFICANT ECOLOGICAL AREA, HOWEVER, THE PROJECT SITE WILL LIE OUTSIDE OF THE NEW PROPOSED SCA BOUNDARY OF THE UPDATED GENERAL PLAN. THE SUBJECT PROPERTY IS ZONED A11, LIGHT AGRICULTURAL AND WIRELESS TELECOMMUNICATION FACILITIES ARE PERMITTED IN THIS ZONE PURSUANT TO SECTION 22.24.100 ONCE A CUP IS OBTAINED, LAND USES SURROUNDING THE SITE INCLUDE SINGLE FAMILY RESIDENCES TO SOUTH AND EAST AND VACANT AND RESIDENTIAL USES TO THE WEST. THE SITE PLAN DEPICTS THE EXISTING SINGLE FAMILY HOME ADJACENT TENNIS COURT ALONG SKYLINE DRIVE AND EQUIPMENT LEASE AREA LOCATED ON THE SOUTHERN HALF OF THE TENNIS COURT. THE PROJECT WILL SWAP MORE EXISTING 21 AND A HALF FOOT TENNIS LIGHT POLES WITH [INAUDIBLE] UPPER TENANT EQUIPMENT INCLUDING FOUR NEW EQUIPMENT CABINETS AND SIX MOUNTED EQUIPMENT CABINETS WILL BE IN THE 26 SQUARE FOOT LEASE AREA TO BE BUILT ON THE WESTERN SIDE OF THE TENNIS COURT AND WILL

BE SURROUNDED TO BLOCK WALLS. ALTHOUGH THE PROJECT SITE WILL LIE OUTSIDE OF THE PROPOSED SYCAMORE AND TURNBULL SCA, THE TECHNICAL ADVISORY COMMITTEE REVIEWED THE PROJECT AND DETERMINED IT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SCA, THE ENVIRONMENTAL IMPACT IS THE APPROPRIATE ACTION, AND ALSO BY COUNTY, OTHER REVIEWING AGENCIES HAVE [INAUDIBLE] BIOLOGICAL RESOURCES, HOWEVER, THESE IMPACTS WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT WITH THE IMPLEMENTATION OF PROPOSED MITIGATION MEASURES, THE STAFF IS OF THE OPINION THAT THE APPLICANT'S BURDEN OF PROOF HAS BEEN MET, STAFF HAS RECEIVED NO PUBLIC COMMENTS FOR THE PROPOSED PROJECT AT THIS TIME, THIS IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE HACIENDA COMMUNITY PLAN, COUNTY WIDE GENERAL PLAN AND CURRENT ZONING DESIGNATION, THEREFORE STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 201100113 WITH THE ATTACHED FINDINGS AND CONDITIONS, THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU MR. MAR FOR THE THOROUGH PRESENTATION, NO QUESTIONS FOR YOU AT THIS TIME, DO WE HAVE ANY SPEAKERS ON THIS ONE?

>> YES, WE HAVE THE APPLICANT'S REPRESENTATIVE, MICHELLE YEN.

>> HEARING OFFICER GLASER: AS I MENTIONED FOR THE CAPTIONING, I NEED YOU TO STATE YOUR NAME AT THE BEGINNING OF YOUR TESTIMONY.

>> GOOD MORNING, MY NAME IS MICHELLE WYNN REPRESENTING VERIZON WIRELESS, I WANT TO THANK MR. STEVE MAR WORKING WITH US ON THIS, I KNOW IT'S LENGTHY AND WE HAD TO GO THROUGH A LOT OF ENVIRONMENTAL REVIEW PROCESSES BUT HE STUCK WITH US AND SUPPORTED US THROUGH THIS PROJECT AND ALSO WE WANTED I GUESS ADD ON TO THE PRESENTATION THAT WE DID DO A THOROUGH ALTERNATIVE SITES ANALYSIS FOR THIS, WE'RE LOOKING FOR WATER TANKS TO GO ON AND THOSE WORKED OUT FOR US, EVERYTHING OUT THERE, IF IT'S NOT RESIDENTIAL, THEN IT'S OPEN SPACE OR PRESERVED LAND SO THEN WE WEREN'T ABLE TO UTILIZE ANY OTHER TYPE OF INSTALLATION, SO THIS WAS KIND OF WHAT WE HAD TO WORK WITH AND IT'S NOT REALLY ON A RESIDENTIAL -- IT'S NOT ON A HOUSE, BUT IT IS LOCATED ON TENNIS COURTS BUT THAT'S WHAT WE HAD TO WORK WITH FOR THIS PROJECT.

>> HEARING OFFICER GLASER: THANK YOU.DID YOU HAVE ANY QUESTIONS ABOUT THE CONDITIONS, HAVE YOU REVIEWED THEM AND YOU'RE WILLING TO ABIDE BY THOSE?

>> I DID, I HAD A FEW QUESTIONS INITIALLY AND WE BROUGHT THAT UP WITH MR. MAR AND WORKED THROUGH THOSE.

>> HEARING OFFICER GLASER: OKAY, GREAT, SO EVERYTHING'S BEEN RESOLVED.THANK YOU FOR YOUR COMMENTS, I MUST REMARK THAT, YEAH,

THIS IS A VERY UNUSUAL PROJECT BUT IT LOOKS LIKE AN INNOVATIVE SOLUTION USING THE TENNIS COURT.ANY OTHER SPEAKERS ON THIS?

>> NO, NO OTHER SPEAKERS.

>> HEARING OFFICER GLASER: WELL, THERE BEING NO FURTHER SPEAKERS, NO QUESTIONS ABOUT THE CONDITIONS, I THINK IT WOULD BE APPROPRIATE TO CLOSE THE PUBLIC HEARING AND TAKE AN ACTION, SO FIRST OF ALL, LET ME STATE THAT I HAVE CONSIDERED THE NEGATIVE MITT AILED DECLARATION AND I CERTIFY IT IS CONSISTENT WITH THE FINDING BY LOCAL GUIDELINES THAT THIS PROJECT DOES NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT WITH MITIGATION MEASURES, IN VIEW F THE FINDINGS OF FACTS AND CONCLUSIONS THAT HAVE BEEN PRESENTED TO ME, CONDITIONAL USE PERMIT NUMBER 201100113 IS APPROVED SUBJECT TO THE CONDITIONS THAT HAVE BEEN PROVIDED.THE APPEAL PERIOD, PLEASE?

>> YES, THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 4, 2012.

>> HEARING OFFICER GLASER: ALRIGHT, THANK YOU.

>> THANK YOU SO MUCH.

>> HEARING OFFICER GLASER: OKAY, WE'RE MOVING RIGHT ALONG. ITEM NUMBER 5 IS PROJECT NUMBER R201200503 IN THE FOURTH SUPERVISORIAL DISTRICT, THIS IS CONDITIONAL USE PERMIT CASE NUMBER 201200043. MISS TASHJIAN?

>> MS. TASHJIAN: GOOD MORNING, MR. HEARING OFFICER, I'M A PLANNING WITH THE ZONING PLANNING EAST SECTION, ITEM NUMBER 5 IS A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONTINUED USE OF AN EXISTING SCHOOL SITE FOR CLASSROOMS, MAINTENANCE AND OPERATIONS, FACILITIES, STORAGE AND OFFICE SPACE FOR PROPOSED PORTABLE MEETING ROOMS IN THE SOUTHEAST WHITTIER ZONED DISTRICT. IT IS SURROUNDED BY A PREDOMINANTLY SINGLE FAMILY RESIDENTIAL AREA, THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES ARE ZONED R-A-6000 WHICH IS RESIDENTIAL AGRICULTURAL, 6 THOUSAND SQUARE FOOT MINIMUM LOT AREA. THE PROJECT SITE IS DEVELOPED WITH FIVE BUILDINGS, A PORTABLE CLASSROOM WHICH IS NOT USED FOR STUDENT INSTRUCTION AND SOME ANCILLARY EQUIPMENT STRUCTURE, 12 ON-SITE PARKING SPACES ARE PROVIDED. THE PROPOSED PORTABLE BUILDINGS, PORTABLE OFFICE BUILDINGS WOULD FUNCTION AS TEMPORARY CONSTRUCTION OFFICES, THIS WOULD BE INSTALLED IN THE SCHOOL DISTRICT WILL SUCCESSFULLY PASS GENERAL OBLIGATION BONDS AT ITS SIX SITES OFFICE AND MAINTENANCE FACILITY, THE LENGTH OF TIME EACH PORTABLE BUILDING WOULD REMAIN AT THE SITE IS APPROXIMATELY 3 YEARS FOR EACH GENERAL OBLIGATION BOND. ACCORDING TO THE APPLICANT, THE PROPERTY HAS BEEN OPERATED BY

THE SCHOOL DISTRICT SINCE 1963, THE SCHOOL SITE HAS EXISTED AT THIS LOCATION SINCE THEN WITH NO RECORD OF ZONING RELATED COMPLAINTS FROM THE SURROUNDING COMMUNITY, PURSUANT TO THE ZONING CODE, THE COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING BY MAIL, NEWSPAPER, PROPERTY POSTING AND WEBSITE POSTING. STAFF HAS DETERMINED THAT THE BURDEN OF PROOF HAS BEEN MET AND THAT THE PROPOSED USE IS COMPATIBLE WITH THE SURROUNDING USES, IS CONSISTENT WITH THE COUNTY WIDE GENERAL PLAN, STAFF HAS DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CLASS 1 CATEGORICAL EXEMPTION WHICH APPLIES TO EXISTING STRUCTURES AND FACILITIES, STAFF RECOMMENDS APPROVAL OF THE CONDITIONAL USE PERMIT WITH THE ATTACHED CONDITIONS. THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU FOR THE PRESENTATION AS WELL AS THE THOROUGH STAFF REPORT. DO WE HAVE ANY SPEAKERS?

>> YES, WE HAVE ONE SPEAKER, TERRY TAO.

>> HEARING OFFICER GLASER: OKAY, SIR, PLEASE HAVE A SEAT, PLEASE STATE YOUR NAME.

>> THANK YOU, I'M TERRY TAO, I'M ONE OF THE ATTORNEYS FOR LOWELL JOINT SCHOOL DISTRICT, WE ARE HERE TO ANSWER ANY QUESTIONS, WE DO HAVE ONE ISSUE, WHICH WE DID NOTE.THERE IS A NOISE ORDINANCE 12.08.440 AND THERE IS A CONDITION 21 WHICH IS JUST A LITTLE OFF FROM THE NOISE ORDINANCE, OUR UNDERSTANDING IS THE NOISE ORDINANCE PROVIDES FOR 7 A.M. UNTIL 8 P.M. AND WHAT CONDITION NUMBER 21 SAYS IS 7:30 A.M. TO 6 P.M. AND IT IS ONLY FOR WEEKDAYS BUT THE NOISE ORDINANCE ITSELF PROVIDES FOR ALSO SATURDAYS, IT'S NOT EXPECTED THAT THE LOWELL JOINT SCHOOL DISTRICT WILL ACTUALLY HAVE SIGNIFICANT NOISE, BUT WE COULD FORESEE SITUATIONS WHERE WE WOULD NEED TO BE ABLE TO OPERATE WITHIN THE CONTEXT OF THE NOISE ORDINANCE.WE ALSO -- SINCE WE ARE AN OPERATING SCHOOL AND THIS IS THE FACILITY THAT SUPPORTS ALL THE SCHOOLS, WE WOULD WANT TO HAVE SUPPORT FACILITIES PRIOR TO THE OPERATION OF SCHOOL WHICH STARTS AT 8:30 IN THE MORNING AND FOR EXAMPLE, IF YOU HAVE VANDALISM, WE WOULD NEED THE ABILITY TO ACTUALLY DO SOME WORK ON VERY RARE OCCASIONS, FOR EXAMPLE, CUTTING SOME PLYWOOD IN ORDER TO PLYWOOD UP A WINDOW THAT GETS DAMAGED ON THE WEEKENDS.SO, ALL WE WOULD ASK FOR IS WE MATCH THE CURRENT ORDINANCE 12.08.440.

>> HEARING OFFICER GLASER: OKAY, THANK YOU.I'M JUST LOOKING AT THE CONDITIONS AND THE FINDINGS.LET ME GO AHEAD AND POSE A QUESTION TO STAFF.IF I'M READING THE CONDITIONS CORRECTLY AND I MAY NOT BE, I DON'T SEE ANY CONDITIONS OR FINDINGS THAT LIMIT THE

OPERATION OF THIS FACILITY.WE JUST HAVE A CONDITION LIMITING THE NOISE.IS THAT CORRECT, OR DO WE ALSO HAVE A LIMITATION ON JUST THE OVERALL OPERATION OF THE FACILITY?

>> MS. TASHJIAN: THAT'S CORRECT, THE LIMIT IS ONLY ON THE NOISE, WHEN NOISE COULD OCCUR.

>> HEARING OFFICER GLASER: OKAY, AND I GENERALLY THINK WE HAVE SOME DISCRETION HERE TO REQUIRE MORE THAN THE COUNTYWIDE NOISE ORDINANCE DOES, EXCUSE ME, THAT BEING SAID, I THINK THERE WERE SOME PRETTY GOOD POINTS THAT WERE RAISED SO I WANT TO KIND OF TALK TO YOU ABOUT IT.IN TERMS OF THE CONDITION WHEN YOU WERE DRAFTING IT, WAS IT BASED ON ANY SORT OF FEEDBACK THAT WE HAD RECEIVED, LET ME START WITH -- MAYBE LET ME START WITH THE BEGINNING TIME, IF I UNDERSTAND CORRECTLY, THE COUNTYWIDE NOISE ORDINANCE SAYS THE WORK CAN START AT 7 A.M., IS THERE A REASON WHY WE'RE SPECIFYING 7:30 INSTEAD OF 7?

>> MS. TASHJIAN: IT WAS TO BE SENSITIVE TO THE SURROUNDING RESIDENTIAL USES.I DID GET A PHONE CALL FROM AN ADJACENT RESIDENT AND THEY HAD MENTIONED THERE HAD BEEN ISSUES WITH NOISE A LONG TIME AGO, NOTHING RECENT, BUT IT WAS MAINLY TO -- BECAUSE OF THAT COMMENT.

>> HEARING OFFICER GLASER: OKAY, AND LET ME THEN, LET'S STAY FOCUSED ON THE BEGINNING TIME AND ON WEEKDAYS AND I'M SORRY, I ALREADY FORGOT YOUR NAME, SIR, BUT WHAT YOU SAID, WHAT TIME DOES THE CLASSES START, WHAT TIME -- YOU SAID ABOUT AN HOUR BEFORE?

>> SCHOOL STARTS AT 8:30 IN THE MORNING, SO WE NEED SOME OPERATION TIME, AND FOR EXAMPLE, OUR MAINTENANCE PERSONNEL HAVE SHIFTS THAT ARRIVE AT 6 AND 6:30 IN THE MORNING, SO WHAT WE WOULD BE ABLE TO DO IS IF SOMETHING NEEDS TO BE DONE BEFORE THE START OF SCHOOL, THAT WE BE ABLE TO DO IT, HAVE IT UP AND READY FOR THE START OF SCHOOL AT 8:30.

>> HEARING OFFICER GLASER: OKAY, SO YOU WOULD NEED ABOUT 90 MINUTES, THAT'S WHY YOU'RE REQUESTING 7 A.M.?OKAY, SO THAT CLARIFIES THAT, NOW LET ME GO AHEAD AND TALK ABOUT THE EVENING HOURS, SO I UNDERSTAND THAT THE CONDITION IS 6 P.M., NOW THE COUNTYWIDE NOISE ORDINANCE MAY GO TO 8 P.M. BUT THAT'S GETTING A LITTLE BIT LATE.DID I HEAR YOU SAY -- IF 6 P.M. IS TOO EARLY, WHAT'S THE LATEST THAT YOU WOULD WANT TO GO SHORT OF 8 P.M., IS YOUR REQUEST JUST 8 P.M.?

>> WE WOULD LIKE TO MATCH THE ORDINANCE BECAUSE THE ORDINANCE IS WRITTEN AROUND RESIDENTIAL AND MULTIFAMILY AND HAS TWO DIFFERENT STRANDS FOR MULTIFAMILY AND RESIDENTIAL.THE ONLY REASON WHY WE

WOULD ASK FOR MATCHING IS BECAUSE WE HAVE SITUATIONS WHERE IN AN EMERGENCY, WE WOULD HAVE TO ON RARE OCCASIONS DO SOMETHING WITHIN THOSE HOURS, FOR EXAMPLE, IF SOMEBODY VANDALIZED, WE WOULD NEED TO BE ABLE TO SET UP AN OPERATION TO DO THAT, EITHER BEFORE SCHOOL OR SOMETIMES AFTER SCHOOL.

>> HEARING OFFICER GLASER: BACK TO STAFF, WERE THERE ALSO CONCERNS ABOUT THE EVENING HOURS? I'M TRYING TO GET A SENSE OF WHY WE PICKED 6 P.M. INSTEAD OF 8 P.M. OR 7 P.M.?

>> MS. TASHJIAN: IT'S ONLY TO BE SENSITIVE TO THE SURROUNDING RESIDENCES.

>> HEARING OFFICER GLASER: OKAY, I THINK THAT'S REASONABLE. NOW, WAS SATURDAY ALSO 7 A.M. TO 8 P.M. FOR THE NOISE ORDINANCE? OKAY.

>> THE NOISE ORDINANCE PROVIDES AN OFF-TIME FOR SUNDAYS ONLY IS MY UNDERSTANDING, AND WE WANTED THE FLEXIBILITY OF SATURDAY. WE DON'T PLAN ON OPERATING ON SATURDAY, BUT WE DO SEE THE POSSIBILITY OF VANDALISM AND THEN THE NEED TO, FOR EXAMPLE, DO THINGS IN ORDER TO BE READY FOR SCHOOL THE FOLLOWING MONDAY.

>> HEARING OFFICER GLASER: OKAY, LET ME TELL YOU WHERE I'M GOING WITH THIS BECAUSE I'M THINKING ABOUT -- THE OTHER ISSUE IS THAT,

YOU KNOW, WE DON'T ENFORCE THE NOISE ORDINANCE, THE HEALTH DEPARTMENT DOES. OBVIOUSLY IF WE GET A COMPLAINT, WE CAN MAKE A REFERRAL TO THEM, SO THE THOUGHT THAT I HAVE AND I'LL RUN THIS BY STAFF BUT LET ME RUN IT BY YOU FIRST, MAYBE WE SHOULD CHANGE THE CONDITION THAN RATHER THAN TALKING ABOUT NOISE COMPLIANCE, IS ABOUT HOURS OF OPERATION TO THE FACILITY AND THAT'S WHY I POSED THAT FIRST QUESTION ABOUT WHY WE WERE LIMITING THE HOURS OF THE FACILITY ITSELF AND MY UNDERSTANDING IS THAT THIS BEING A CONDITIONALLY PERMITTED USE AS OPPOSED TO A BY RIGHT USE, WE DO HAVE THE ABILITY TO LIMIT THE HOURS OF OPERATION AND THAT WAY, WE DON'T HAVE TO EXPLICITLY TALK ABOUT THE NOISE ORDINANCE, SO LET ME POSE A QUESTION TO YOU FIRST, SIR, WOULD YOU BE COMFORTABLE WITH THAT APPROACH?

>> I WOULD PREFER THE NOISE ORDINANCE BECAUSE THE NOISE ORDINANCE TALKS ABOUT THE LOWER LIMITS OF NOISE AND WE THINK IT'S DESIGNED AROUND CONSTRUCTION NOISE MORE THAN ANYTHING ELSE.

>> HEARING OFFICER GLASER: I UNDERSTAND, I'M NOT SURE NOISE IS THE MAIN ISSUE, IT'S WHEN THE FACILITY IS OPERATING, NOISE COMES WITH THAT AND THE NEIGHBORHOOD IMPACTS, YOU WANT 7 A.M. TO 8 P.M. MONDAY THROUGH SATURDAY IF I UNDERSTAND YOU CORRECTLY, BUT I'M NOT SURE WE -- I MIGHT WANT TO LIMIT THAT A LITTLE BIT.

>> I'LL GIVE YOU AN EXAMPLE WHERE YOU HAVE THE NEED FOR OPERATION. IF THE LOWELL SCHOOL DISTRICT IS LUCKY ENOUGH TO PASS A GENERAL OBLIGATION BOND AND THEY HAVE THOSE THREE CONSTRUCTION TRAILERS OPERATIONAL, WHAT WILL HAPPEN IS DURING THE CONSTRUCTION OF A PROJECT OR THE MODERNIZATION OF ONE OF THE SCHOOLS, IT'S ENTIRELY FORESEEABLE THAT THE CONSTRUCTION MANAGERS WOULD LITERALLY BE PREPARING SCHEDULES WITHIN THE OFFICES, THE PORTABLE STRUCTURES THAT WOULD BE PLACED THERE FOR THAT TEMPORARY PERIOD. I COULD LITERALLY SEE THEM IN THERE IN THE EVENING TIMES WORKS AWAY, SO -- WHICH WOULD NOT CAUSE ANY NOISE BUT WOULD REQUIRE OPERATION DURING THAT PERIOD OF TIME.

>> HEARING OFFICER GLASER: OKAY, I UNDERSTAND THE ISSUE, LET ME GO AHEAD AND POSE SOME QUESTIONS TO STAFF THEN AND LET'S TRY TO RESOLVE IT. IN TERMS OF WHAT I'M SUGGESTING, IN TERMS OF CHANGING THE CONDITION TO SPEAK TO OPERATING HOURS INSTEAD OF THE NOISE ORDINANCE COMPLIANCE, DO YOU HAVE AN OPINION ON THAT? IS THAT NOT A GOOD WAY TO GO OR A GOOD WAY TO GO? ARE YOU ABLE TO FOLLOW MY THOUGHT PROCESS?

>> MS. TASHJIAN: I'M FOLLOWING. I THINK EITHER WAY WOULD WORK.

>> HEARING OFFICER GLASER: OKAY. LET ME POSE THE QUESTION THEN. I GUESS MY CONCERN ABOUT EXTENDING THIS WAS NOTIFIED, PEOPLE WERE

ABLE TO REVIEW THE CONDITIONS AS DRAFTED, AND SO I'M JUST A LITTLE CONCERNED ABOUT THE NEIGHBORHOOD INVOLVEMENT.HAVE WE IN THE PAST - - I'LL POSE THIS QUESTION TO STAFF -- I GUESS WHERE I'M COMING FROM IS I THINK THE WEEKDAY STUFF, I THINK IT'S OKAY, 7 A.M. TO 8 P.M. IS A REASONABLE TIME I THINK.OBVIOUSLY THESE FOLKS HAVE LIVED NEXT TO THE FACILITY FOR SOME TIME SO THEY KNOW IT'S THERE, SO IT'S THE SATURDAY THOUGH THAT I GET A LITTLE CONCERNED ABOUT JUST BECAUSE THE CONDITIONS AS WERE DRAFTED AND POSTED ON THE WEBSITE DID NOT DEAL WITH SATURDAY, SO LET ME POSE THE QUESTION TO STAFF.HAVE WE IN THE PAST MAYBE REQUIRED SOME SORT OF NOTIFICATION, FOR EXAMPLE, IF THERE'S GOING TO BE THE CONSTRUCTION WORK ON A SATURDAY AND I'M GOING TO POSE THE QUESTION TO YOU AS WELL, IF THERE'S CONSTRUCTION WORK ON A SATURDAY, HAVE WE REQUIRED OR IN OUR CONDITIONS MAYBE THAT THERE'S SOME NOTICE THE NEIGHBORHOOD AHEAD OF TIME SO THEY'RE AWARE OF IT, WE'RE AUTHORIZING IT BUT JUST GIVING PEOPLE A HEADS-UP SO TO SPEAK?

>> MS. TASHJIAN: I THINK THAT HAS BEEN DONE IN SOME CASES.

>> HEARING OFFICER GLASER: LET ME POSE THE QUESTION TO THE ATTORNEY, IF YOU CAN FOLLOW ME HERE, THE WEEKDAYS WERE RESOLVED, HOW WOULD THE SCHOOL DISTRICT FEEL ABOUT SAYING IT'S OKAY TO DO IT ON SATURDAY BUT WE WANT SOME ADVANCED NOTIFICATION AND I'M NOT TALKING ABOUT A 500 FOOT RADIUS.

>> THE NOISE ORDINANCE ANTICIPATES THIS, WHAT THEY DO IN THE NOISE ORDINANCE IS THEY HAVE TWO DIFFERENT DECIBEL RANGES, ONE FOR DAYTIME WHICH IS THE 7 A.M. TO 8 P.M. OF 75 DB'S, AND A NIGHTTIME RANGE OF 60 DB'S, AND THAT'S HOW THEY ADDRESS THE AMBIENT NOISE AND CONSTRUCTION RELATED NOISE, AND THESE ARE FAIRLY HIGH LEVELS OF NOISE AS IT IS IN THE ORDINANCE ITSELF, WE WOULD LIKE THE FLEXIBILITY OF BEING ABLE TO HAVE OUR MAINTENANCE PERSONNEL WORK AS YOU KNOW WHEN OPERATING A SCHOOL DISTRICT, ALL TYPES OF THINGS COME UP AND WHEN THINGS COME UP, WE HAVE TO BE ABLE TO OPERATE AND THE REALITY IS, WITH RESPECT TO THE FACILITY ITSELF, IT'S PRIMARILY USED AS A BASE OF OPERATIONS AND IT'S PRETTY MUCH QUIET. IT'S PRETTY MUCH AN OFFICE, ADMINISTRATIVE OFFICES AND HAS SOME STORAGE, MAINTENANCE PEOPLE COME HERE, GRAB THINGS AND GO OFF TO THE SITES TO DO WHATEVER IT IS THEY NEED TO DO, SO WE WILL NEED THE ABILITY TO HAVE IT OPEN ON A WEEKEND.

>> HEARING OFFICER GLASER: OKAY, BUT NOT SUNDAY, RIGHT, WE'RE NOT TALKING ABOUT SUNDAY?

>> NO.

>> HEARING OFFICER GLASER: OKAY, GOT IT, AND I'M NOT TRYING TO MAKE A BIGGER DEAL OUT OF THIS, I WANT TO BE SENSITIVE TO THE

COMMUNITY ESPECIALLY SINCE THIS WASN'T DEALT WITH IN THE
CONDITIONS AS PRESENTED, SO GOING BACK, YOU HAD QUOTED THE ACTUAL
SECTION FROM TITLE 12, COULD YOU --

>> IT IS 12.08.440.

>> HEARING OFFICER GLASER: OKAY, IN THAT ONE SECTION, IS THAT
WHERE THE DISTINCTION IS MADE BETWEEN THE DAYTIME AND THE NIGHT
TIME NOISE YOU JUST MENTIONED, SO IT'S ALL IN ONE CODE SECTION,
CORRECT?

>> IT'S ALL IN ONE CODE SECTION, IT HAS A MULTIFAMILY RESIDENTIAL
NOISE, BUT WE DON'T HAVE MULTIFAMILY RESIDENTIAL IN THE AREA SO
WE'RE OPERATING WITH THE RESIDENTIAL AND IT HAS A PROCEDURE IF
YOU'RE GOING TO DO SOMETHING DIFFERENT THAN WHAT IT IS THAT'S
HERE.

>> HEARING OFFICER GLASER: OKAY. I UNDERSTAND YOUR ARGUMENT AND
THE MORE WE'VE TALKED THROUGH IT, THE MORE COMFORTABLE I AM
RELYING UPON THIS CODE BECAUSE IT'S BEEN LOOKED AT, IT'S BEEN
ANTICIPATED AS YOU SAID, SO I THINK I'M GOING TO GO AHEAD AND GIVE
IN ON THIS, SO I'M GOING TO SUGGEST THAT CONDITION NUMBER 21,
NOISE GENERATED AT THE SITE SHALL COMPLY WITH SECTION 12.08.440 OF
THE COUNTY CODE AND I THINK IF WE SPECIFY THAT, THAT WE CAN JUST

REFER IT TO THE HEALTH DEPARTMENT, MS. TASHJIAN, DO WE NEED TO PUT THAT IN THE CONDITION AS WELL, TO HELP ZONING ENFORCEMENT, DOES IT MATTER?AT MINIMUM, WE'LL SAY SHALL COMPLY WITH 12.08.440 OF THE COUNTY CODE, SO THAT IS CLEAR, MY QUESTION IS, DO WE NEED TO ADD TO THE CONDITION THAT REGIONAL PLANNING SHALL REFER NOISE COMPLAINTS TO THE HEALTH DEPARTMENT, DO WE NEED TO SAY THAT?

>> MS. TASHJIAN: WE CAN ADD THAT IN THERE.

>> HEARING OFFICER GLASER: JUST TO MAKE IT CLEARER, WE'RE NOT EXPECTING, IF WE GET A COMPLAINT, THAT OUR ZONING ENFORCEMENT IS GOING TO GO OUT AND ENFORCE IT, THEY'LL REFER IT TO HEALTH.THE MORE WE TALKED THROUGH IT, I'M MORE COMFORTABLE WITH THAT SO I'M ASSUMING THE SCHOOL DISTRICT IS COMFORTABLE WITH THAT CHANGE?

>> YES.

>> HEARING OFFICER GLASER: ANY OTHER CONCERNS?ANY SPEAKERS ON THIS?

>> NO.

>> HEARING OFFICER GLASER: WE HAD A THOROUGH DISCUSSION ON THE NOISE ISSUE SO I FEEL COMFORTABLE CLOSING THE PUBLIC HEARING AND

TAKING AN ACTION, SO FIRST OF ALL, LET ME STATE THAT I HAVE CONSIDERED THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND I CERTIFY IT IS CONSISTENT WITH THE FINDING BY THE STATE SECRETARY FOR RESOURCES OR BY LOCAL GUIDELINES THAT THIS CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, SECONDLY, IN VIEW OF THE FINDINGS OF FACT AND THE CONCLUSIONS THAT HAVE BEEN PRESENTED TO ME, CONDITIONAL USE PERMIT NUMBER 200120043 IS APPROVED SUBJECT TO THE CONDITIONS THAT WERE PROVIDED WITH THE MODIFICATION TO CONDITION NUMBER 21 THAT WE'VE DISCUSSED THIS MORNING. THANK YOU.

>> THANK YOU. THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 4, 2012.

>> HEARING OFFICER GLASER: THANK YOU, WE'LL GO AHEAD AND MOVE ON WITH ITEM NUMBER 6. ITEM NUMBER 6 IS PROJECT NUMBER 99270 IN THE FIRST SUPERVISORIAL DISTRICT, THIS IS CONDITIONAL USE PERMIT NUMBER 201000109. WE'LL GO AHEAD, MS. NAZAR, PLEASE PROCEED.

>> MS. NAZAR: TODAY STAFF PRESENTS AGENDA ITEM NUMBER 6, THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUESTING THE CONTINUED USE AND OPERATION OF A PALLET YARD WITH CARETAKERS UNIT LOCATED AT 158 SOUTH FIFTH AVENUE AND M-1-DP, CUP 992070 APPROVED A ZONE CHANGE FROM A16 THOUSAND TO N1 AND A CONDITIONAL USE PERMIT

TO ALLOW THE EXISTING PALLET USE WITH THE CARETAKER'S UNIT AT THIS LOCATION IN 2001 FOR A TERM OF 10 YEARS.THE APPLICANT IS SEEKING TO RENEW THE PREVIOUS CONDITIONAL USE PERMIT.THE EXISTING PALLET YARD OPERATIONS OF ASSEMBLING, REPAIRING, STORING, RECYCLING AND DELIVERING PALLETS TO THE CUSTOMERS.THE SUBJECT PROPERTY IS DEVELOPED WITH A FLAT PAVED PARCEL OF APPROXIMATELY 28 THOUSAND SQUARE FEET IN AREA WITH TWO-THIRDS OF THE LOT DEVELOPED WITH THE PALLET YARD OPERATIONS AND ONE-THIRD IS DEVELOPED APPROXIMATELY ONE-THIRD IS DEVELOPED AS A SINGLE FAMILY DWELLING, THE SITE PLAN IN THE MIDDLE DEPICTS A 2100 SQUARE FEET SINGLE FAMILY DWELLING AND OFFICE BUILDING, 8 PARKING SPACES, 2 LOADING ZONES, A TEN FOOT HIGH CANOPY AREA DESIGNATED FOR WORK AS A WORK AREA, A [INAUDIBLE] FOR EMPLOYEE LUNCH AREA AND SEVERAL STORAGE BEANS FOR RECYCLING AND STORAGE PURPOSE.THERE IS LANDSCAPING THROUGHOUT THE SUBJECT PROPERTY AND THE PROPERTY IS SURROUNDED BY AN 8 TO 10 FEET HIGH WALL WITH METAL PANELS AND THERE ARE TWO SEPARATE ENTRANCE ACCESSES TO THE PROPERTY FROM FIFTH AVENUE.THERE ARE SINGLE FAMILY DWELLINGS, LIGHT INDUSTRIAL USES, AUTO REPAIR, TIRE SHOPS SURROUNDING THE PROPERTY.THERE IS A FIVE ACRE VACANT LOT ON THE OTHER SIDE OF FIFTH AVENUE WITH POTENTIAL OF INDUSTRIAL DEVELOPMENT.THE PROPERTY IS SURROUNDED BY LIGHT MANUFACTURING ZONES ON ALL SIDES AND A BUFFER STREET TO THE IMMEDIATE EAST.THERE'S ALSO A COMMERCIAL AREA WITHIN THE 500 FOOT RADIUS.THE SUBJECT PROPERTY IS DESIGNATED LIGHT INDUSTRIAL LIGHT INDUSTRIAL

CATEGORY WITHIN THE CITYWIDE GENERAL GUIDELINES, THE SUBJECT PALLET LOT PROVIDES SUFFICIENT LAND TO ACCOMMODATE THE ACCOMMODATION OF A PALLET USE AND THE LABOR USE EMPLOYED. CURRENTLY THERE ARE FIVE EMPLOYEES AND THAT INCLUDES THE OWNER AND THE MANAGER. THE SUBJECT PROPERTY ALSO MEETS THE GENERAL PLAN GUIDELINES BY PROVIDING THE HIGH QUALITY DESIGN WITH TYPICAL ELEMENTS AND IDENTICAL FEATURES. AND HERE THE MIDDLE SCREEN DEPICTS THE DRIVEWAY, THE ACCESS TO THE SITE FROM FIFTH AVENUE AND WE CAN SEE THE PALLET YARD AT THE END OF THE LOT. HERE IS THE PALLET YARD OPERATION WITH THE WORK AREA. NEXT, AGAIN, THE WORK AREA WITH THE TEN FOOT HIGH CANOPY, STORAGE AND RECYCLING BEANS, NEXT PLEASE. AND HERE ANOTHER PICTURE OF THE PALLET YARD. NEXT. ANY OTHER? NO? OKAY. THE HOUR OF OPERATION OF THE PALLET YARD REMAINS THE SAME, FROM 7 A.M. TO 6 P.M. STAFF HAS RECEIVED CLEARANCE LETTERS FROM PUBLIC WORKS, FIRE, PUBLIC HEALTH AND PARKS AND REC. THE APPLICANT SUBMITTED REVISED PLANS WITH THE FOLLOWING CHANGES, THE REVISED PLAN INCLUDES 8 PARKING SPACES VERSUS THE 13 THAT WAS DEPICTED IN THE PREVIOUS PLAN, TWO TYPE C LOADING AREAS, THE 8 PARKING SPACES INCLUDE ONE HANDICAPPED AND ONE TRUCK PARKING AND 6 STANDARD PARKING AREAS. THOSE CHANGES MEET THE PARKING REQUIREMENTS FOR AN INDUSTRIAL USE. STAFF WILL REVISE FINDING NUMBER 4, 13 AND 24 AND INCLUDE A CONDITION TO REFLECT THE CHANGES IN THE NUMBER OF PARKING SPACES. THERE ARE NO ZONING ENFORCEMENT CASES OPEN AT THIS TIME. STAFF HAS NOT RECEIVED ANY COMMENTS OPPOSING THE PROJECT AND

[INAUDIBLE] ASSOCIATION SUPPORTS THE PROJECT, THEREFORE STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 201000109 IN THE FIRST SUPERVISORIAL DISTRICT, AND THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU FOR THE PRESENTATION, AS WELL AS THE THOROUGH STAFF REPORT, NO QUESTIONS FOR YOU AT THIS TIME. DO WE HAVE ANY SPEAKERS?

>> YES, WE HAVE THE APPLICANT AND THE APPLICANT'S REPRESENTATIVE.

>> HEARING OFFICER GLASER: WHOEVER WOULD LIKE TO GO FIRST, BETWEEN THE TWO OF YOU, YOU HAVE UP TO 15 MINUTES AND JUST MAKE SURE YOU STATE YOUR NAME FOR THE CAPTIONING.

>> THANK YOU VERY MUCH, GOOD MORNING, MR. GLASER, GOOD MORNING TO THE STAFF, MY NAME IS CAROLINE INGRIM SITES, I'M A CONSULTANT HERE THIS MORNING REPRESENTING JOE GONZALEZ AND I DON'T THINK WE'LL TAKE OUR WHOLE 15 MINUTES, I THINK THE CONTINUATION OF THIS EXISTING USE UNUSUAL AS IT IS FOR A PALLET YARD SHOULDN'T TAKE 15 MINUTES. I THINK IF YOU LOOKED AT THE AERIAL PHOTOS, THERE ARE A LOT OF MATURE PALM TREES IN THE AREA, I'VE DESCRIBED THIS PALLET YARD WHICH HAS EXISTED HERE FOR 30 YEAR, I DESCRIBED IT AS IF IT'S BEEN SCRUBBED BY A TOOTHBRUSH, YOU DON'T SEE PALLET YARDS THAT LOOK LIKE THAT AND YOU CAN'T SEE THE PALLET ACTIVITY FROM THIS

STREET. I HAVE AS YOU MIGHT IMAGINE, ALTHOUGH I HAVEN'T HAD VERY MANY OPPORTUNITIES TO BE IN FRONT OF YOU AS A CONSULTANT PRESENTING A CASE WITH YOU AS THE HEARING OFFICER, THIS IS UNUSUAL FOR ME, THIS IS NICE, THANK YOU. I WOULD LIKE TO THANK THE STAFF FOR DOING A REALLY GOOD JOB, SHE SPENT A GOOD AMOUNT OF TIME OUT ON THE PROPERTY ALSO. WE WALKED THE SITE, WE SAT ON THE SITE, WE LOOKED AROUND THE SITE, SHE MADE SOME SUGGESTIONS AND WE TOOK HER SUGGESTIONS TO HEART AND LOOKED A LITTLE IN MORE DETAIL AT THE SITE PLAN ITSELF AND THE WAY IT WAS CONSTRUCTED. I WANT TO TALK ABOUT THE LOADING AREA. THE PREVIOUS SITE PLAN SHOWED A VERY LARGE LOADING AREA BUT A WHOLE LOT OF THAT LOADING AREA ENDED UP BEING STRIPED MORE OR LESS TO MAKE SURE THAT THE FIRE DEPARTMENT HAD GOOD ACCESS INTO THE PALLET AREA SO WE COMBINED WHAT WAS TWO TRUCK PARKING SPACES TO CALL IT A LOADING AREA AND THEN THE TRUCK CAN OBVIOUSLY PARK THERE FOR THE EVENING AT THE END OF THE DAY, SO THERE ARE TWO LOADING SPACES AND A TRUCK PARKING SPACE. WE TOOK OUT SOME OF THE OTHER PARKING SPACES BECAUSE IT LOOKED AS IF THERE WAS A WHEAT STOP AT BOTH ENDS OF THE PARKING SPACES, THE WHEEL STOPS WERE WELL PLACED BECAUSE MR. GONZALEZ WHO IS SITTING WITH ME, THEY HAVE A LITTLE TRAMPOLINE IN THE AREA WHERE WE REMOVED SOME PARKING SPACES SO THE PARKING SPACES HAVE BEEN REPRISED AS A PLAY AREA FOR THE KIDS. I WOULD RESPECTFULLY REQUEST THAT YOU RECONSIDER DRAFT FINDING NUMBER 26 WHICH STATES THE TERM OF THE GRANT OR RECOMMENDS A TERM OF 15 YEARS, WE WOULD REALLY LIKE TO ASK FOR 20

INSTEAD. THIS IS AN UNUSUAL PALLET YARD. THE PROPERTY IS EXTREMELY WELL MAINTAINED, IT HAS COMMUNITY SUPPORT, IT HAS NO HISTORY OF VIOLATION AND PUBLIC WORKS IS ASKING THAT HE MODIFY THE DRIVEWAYS TO PUT HANDICAPPED LANDING PADS, AND IN THIS ECONOMY, IT'S DIFFICULT FOR ANYBODY TO STAY IN BUSINESS BUT WHEN YOU HAVE A SMALL BUSINESS LIKE THIS SUPPORTING YOUR FAMILY, IT'S MADE MORE DIFFICULT SO HAVING EVEN A LITTLE MORE TIME TO AMORTIZE THE COST OF THAT WORK WOULD BE HELPFUL TO HIM AND I THINK IF YOU CAN MODIFY FINDING NUMBER 26, IT WOULD ALSO REQUIRE A CHANGE TO CONDITION NUMBER 10 AND TO THE ZONING INSPECTION FEE, AND THEN THE CONDITION THAT WOULD STATE THAT THE TERM OF THE GRANT WOULD EXTEND TO 2032 INSTEAD OF 2027, I BELIEVE I'LL BE RETIRED BY THEN. I THINK OTHER THAN THAT, WE DON'T REALLY HAVE ANY QUESTIONS, THE STAFF REPORT WAS DONE AND THOROUGHLY PREPARED AND I DID HAVE ONE MINOR CORRECTION, AUTO SPELL CHECK CAN DO TERRIBLE THINGS WHEN YOU LEAST EXPECT IT, THE VERY LAST CONDITION ON PAGE 5 OF 5 OF THE CONDITIONS IS CONDITION NUMBER 32 AND IT SAYS THAT THE LANDSCAPING MUST BE MAINTAINED IN A NEAT, CLEAN AND HEALTHFUL CONDITION INCLUDING PROPER PRUNING, I BELIEVE THAT THAT WAS PRUNING, AND WITH THAT, I HAVE NO QUESTIONS. WE WOULD BE HAPPY TO ANSWER YOUR QUESTIONS IF YOU HAVE THEM AND MR. GONZALEZ WOULD ALSO ANSWER YOUR QUESTIONS IF YOU NEED TO.

>> HEARING OFFICER GLASER: MR. GONZALEZ, DO YOU WANT TO ADD ANYTHING AT THAT TIME BEFORE WE PROCEED?

>> I WANT TO THANK ALL THOSE.

>> HEARING OFFICER GLASER: VERY GOOD, ALRIGHT, ANY OTHER SPEAKERS ON THIS? OKAY, VERY GOOD, SO MS. NAZAR, GOOD EYE ON ITEM 32, IT SHOULD BE PRUNING, AND THEN WE'LL GO BACK, SO I UNDERSTAND THE ONLY REQUEST IS FOR A LONGER TIMEFRAME, THAT RELATES TO FINDING 26 AND ALSO CONDITIONS NUMBER 8 WHICH SPECIFY THE TERMINATION DATE AND CONDITION NUMBER 10 CONCERNING THE INSPECTION FEES, SO YOU AND THE APPLICANT DO UNDERSTAND THAT IF WE WERE TO EXTEND THE TIMEFRAME THIS MORNING THAT WOULD REQUIRE I BELIEVE TWO ADDITIONAL INSPECTIONS WHICH WOULD INCREASE THE DEPOSIT AMOUNT, IS THAT -- OKAY, WE'RE ALL ON THE SAME PAGE THERE, OKAY, VERY GOOD. LET ME GO AHEAD AND JUST TURN TO STAFF WITH REGARD TO THE REQUEST, NOW IT'S MY UNDERSTANDING THAT THE INITIAL GRANT TERM, WHEN THE ZONE CHANGE AND THE CONDITIONAL USE PERMIT WERE APPROVED IS 10 YEARS, IS THAT CORRECT?

>> MS. NAZAR: THAT IS CORRECT, YES.

>> HEARING OFFICER GLASER: AND YOU ALREADY SPOKE TO THIS, WE HAVEN'T HAD ANY RECORD OF ANY ZONING ENFORCEMENT ISSUES OR ANY COMPLAINTS?

>> MS. NAZAR: THAT IS CORRECT. E ALSO WANTED TO INCORPORATE ON THE CHANGES AND THE CORRECTIONS, THERE IS A SPELL CHECK ON CONDITION NUMBER 32 AND ALSO CONDITION NUMBER 10 WHICH INDICATES THAT THERE ARE 8 BIENNIAL INSPECTIONS AND IT SAYS 10 BUT THAT SHOULD BE 8, BUT WITH THE CHANGES OF 20 YEARS WHICH STAFF CONCURS, THAT WOULD CHANGE AS WELL.

>> HEARING OFFICER GLASER: SO, 20 YEARS WOULD REQUIRE 10 INSPECTIONS, SO ALL WE WOULD HAVE TO DO IS CHANGE THE 8 TO THE PARENTHESES TO A 10 AND THE INSPECTION FEE AMOUNT WOULD ALSO INCREASE, IS THAT CORRECT?

>> MS. NAZAR: THAT IS CORRECT.

>> HEARING OFFICER GLASER: THANKS FOR CLARIFYING THAT, I'M GLAD WE CAUGHT THOSE, SO GETTING BACK THEN TO -- SO, RIGHT NOW, STAFF'S RECOMMENDATION IS 15 YEARS, MY UNDERSTANDING IS AT LEAST FOR THE LAST YEAR OR TWO, THAT'S BEEN THE STANDARD TERM, IS THAT CORRECT?

>> MS. NAZAR: THAT IS CORRECT.

>> HEARING OFFICER GLASER: BUT I DO UNDERSTAND THAT WE HAVE THE DISCRETION TO GRANT LONGER TERMS UNDER CERTAIN INSTANCES, CORRECT?

>> MS. NAZAR: YES, CERTAINLY WE DO.

>> HEARING OFFICER GLASER: I WANTED TO CLARIFY THAT FOR THE RECORD, SO I THINK IN REVIEWING THIS CASE, I WANT TO AGREE WITH PRETTY MUCH EVERYTHING MS. SITES SAID, I THINK IT IS VERY UNUSUAL, BUT PLANERS LOVE MIXED USE AND THIS IS A MIXED USE PROJECT, LIVING AND WORKING IN THE SAME LOCATION, THAT IS OUR IDEAL. I WANT TO ACKNOWLEDGE, I'VE HAD SOME EXPERIENCE WORKING IN SOUTH LOS ANGELES NEED THE ALAMEDA CORRIDOR, I INSPECTED A LOT OF PALLET YARDS AND I AGREE 100%, THIS IS THE BEST I'VE EVER SEEN, IT'S BEEN EXTREMELY WELL MAINTAINED, THERE'S NO RECORDS OF COMPLAINT. WE HAVE A LETTER OF APPROVAL FROM THE WORKMAN MILL ASSOCIATION SO WE HAVE COMMUNITY SUPPORT, SO I THINK IT'S OBVIOUS THAT MR. GONZALEZ HAS BEEN A GOOD OPERATOR AND I THINK IN LIGHT OF THAT, IT'S APPROPRIATE IN THIS INSTANCE TO GO AHEAD AND GRANT THE 20 YEARS SO I AM VERY COMFORTABLE DOING THAT TODAY, SO I'LL GO AHEAD AND JUST ASK STAFF TO CHANGE FINDING 26 AND CONDITIONS 8 AND 10 TO REFLECT THE LONGER GRANT TERM AS WE'VE DISCUSSED THIS MORNING. SO, AND THEN OF COURSE THAT TYPO ON I BELIEVE IT WAS 32 OR WHICHEVER CONDITION IT WAS, SO WE'LL GO AHEAD THEN AND -- NOW I HAVE TO CLOSE THE HEARING AND

TAKE THE ACTION SO LET ME DO THAT, FIRST OF ALL, I'VE CONSIDERED THE CATEGORICAL EXEMPTION WITH THIS PROJECT AND FIND THAT IT'S CONSISTENT WITH THE FINDING BY THE SECRETARY OF RESOURCES THAT THIS CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, IN VIEW OF THE FINDINGS OF FACT AND CONCLUSIONS THAT HAVE BEEN PRESENTED TO ME, CONDITIONAL USE PERMIT 201000109 IS APPROVED SUBJECT TO THE CONDITIONS WITH THE MODIFICATIONS TO THE FINDINGS AND CONDITIONS THAT HAVE BEEN DISCUSSED THIS MORNING.THE APPEAL PERIOD, PLEASE?

>> YES, THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 4, 2012.

>> HEARING OFFICER GLASER: ALRIGHT, THANK YOU.

>> THANK YOU VERY MUCH.

>> HEARING OFFICER GLASER: LET'S GO AHEAD, WE HAVE ONE MORE ITEM TODAY, LET'S TAKE A 10 MINUTES BREAK THEN AT THIS TIME IF WE COULD.(MEETING IN RECESS FOR 10 MINUTES, TO RESUME AT 10:15).

>> HEARING OFFICER GLASER: ALRIGHT, EVERYONE, WE'RE GOING TO GO AHEAD AND RESUME THE PROCEEDINGS AT THIS TIME, WE HAVE ONE MORE PUBLIC HEARING ITEM THIS MORNING, THIS IS ITEM NUMBER 7, THIS IS PROJECT NUMBER R201200035 IN THE SECOND SUPERVISORIAL DISTRICT,

THIS IS CONDITIONAL USE PERMIT NUMBER 201200006.MR. SVITEK, PLEASE PROCEED.

>> MR. SVITEK: MY NAME IS ANDREW SVITEK, I'M WITH PLANNING WEST, THIS IS TO AUTHORIZE THE CONSTRUCTION FACILITY TO BE DISGUISED AS A MONOPOLE, IT WILL INCLUDE 8 EQUIPMENT CABINETS AND IT WILL BE ENCLOSED BY A 6 FOOT HIGH CHAIN LINK FENCE, THE LOCATION OF THE SITE IS AT THE SOUTHWEST CORNER OF RAYMOND AVENUE AND 120TH STREET IN THE WEST ATHENS- WESTMONT ZONED DISTRICT, IT IS LOCATED IN AN R-1 ZONE AND IS SURROUNDED BY PRIMARILY R-1 ZONING IN ALL DIRECTIONS, THE LEASE AREA IS LOCATED WITHIN THE LAWP, TRANSMISSION CORRIDOR AND IT WILL BE CLOSE TO AN EXISTING LATTICE TOWER.ALTHOUGH THE MAXIMUM HEIGHT LIMIT IN THE R-1 ZONE IS 55 FEET, THE HEARING OFFICER MAY APPROVE A HIGHER LIMIT.THE WEST FATNESS WESTMONT COMMUNITY DISTRICT [INAUDIBLE] LANDSCAPING, BUT IN DISCUSSIONS LEADING UP TO TODAY, THE APPLICANT HAS AGREED TO MODIFY THEIR DESIGN TO BE NO TALLER THAN 50 FEET AND THAT WOULD INCLUDE THE CAMOUFLAGE.THE ENTIRE STRUCTURE INCLUDING THE HEIGHT OF THE CAMOUFLAGE WILL BE UNDER 50 FEET.THE SOUTHWEST COMMUNITY ASSOCIATION HAS SUBMITTED A LETTER OF SUPPORT OF THIS PROJECT AND THEY HAVE ALSO REQUESTED THE ADDITION OF SEVERAL NEW CONDITIONS WHICH STAFF HAS REVIEWED, AGREES WITH AND WILL INCORPORATE.THE TWO MAIN CONDITIONS INCLUDE PROVIDING INSTALLATION AROUND ANY NOISE GENERATING EQUIPMENT AND ALSO PROVIDING LANDSCAPING ALONG THE

WESTERN EXTERIOR WALL OF THE LEASE AREA TO PROVIDE MORE OF A BUFFER WITH THE ADJACENT RESIDENTS. STAFF HAS ALSO RECEIVED TWO LETTERS FROM PEOPLE IN THE COMMUNITY OPPOSING THIS REQUEST, ONE LETTER CITES HEALTH CONCERNS AND RADIO FREQUENCY INTERFERENCE, THE SECOND LETTER CITES HEALTH CONCERNS AND CONCERNS REGARDING THE COMPATIBILITY OF THIS TYPE OF STRUCTURE WITH THE LOW LYING RESIDENCES THAT SURROUND THIS AREA. IN A PHONE CONVERSATION WITH THE SECOND LETTER WRITER, THAT NEIGHBOR EXPLAINED TO STAFF THAT THERE MAY BE OTHER NEIGHBORS WHO DON'T SUPPORT THIS PROJECT BUT DUE TO THE HOLIDAY COMING UP, THEY MAY NOT BE ABLE TO BE HERE TODAY. STAFF HAS REVIEWED THIS PROJECT AND BELIEVES THAT THE PROJECT IS COMPATIBLE BECAUSE IT IS SITED WITHIN THE TRANSMISSION LINE CORRIDOR AND STAFF WILL WORK WITH THE APPLICANT TO RECEIVE THE REVISED PLANS SHOWING A LOWER TOWER THAT DOES NOT EXCEED THE 50 FOOT HEIGHT LIMIT. STAFF IS ALSO PROPOSING ONE CHANGE TO AN EXISTING CONDITION, CONDITION NUMBER 26 STATES THAT THE MAXIMUM HEIGHT OF THE FACILITY SHOULD NOT EXCEED 50 FEET ABOVE FINISHED GRADE, STAFF WOULD LIKE TO MODIFY THAT CONDITION TO READ THE HEIGHT OF THE FACILITY INCLUDING ALL CAMOUFLAGE SHALL NOT EXCEED 50 FEET ABOVE FINISHED GRADE. BASED ON A REVIEW OF THE MATERIALS THE APPLICANT HAS SUBMITTED, THEIR BURDEN OF PROOF AND STAFF IS SATISFIED THAT THE APPLICANT HAS MET THEIR BURDEN OF PROOF IN SUPPORT OF THIS APPLICATION AND STAFF RECOMMENDS APPROVAL OF THIS PROJECT AT THIS TIME AND THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER: THANK YOU, MR. SVITEK FOR THE PRESENTATION AS WELL AS THE THOROUGH STAFF REPORT AND ANALYSIS. YOU HAD MENTIONED IN ADDITION TO THE MODIFICATION TO NUMBER 26 THAT STAFF WAS WILLING TO ADD SOME CONDITIONS SUGGESTED BY THE SOUTHWEST COMMUNITY ASSOCIATION, DID I UNDERSTAND YOU CORRECTLY?

>> MR. SVITEK: THIS IS CORRECT.

>> HEARING OFFICER GLASER: DO YOU HAVE A COPY OF THOSE?

>> MR. SVITEK: YES.

>> HEARING OFFICER GLASER: IF I COULD PLEASE SEE THOSE, THANK YOU. SO, I SEE FIVE CONDITIONS HERE, ARE THEY ALL GOING TO BE ADDED AS WRITTEN OR IS STAFF PROPOSING ANY MODIFICATIONS TO THESE?

>> MR. SVITEK: I BELIEVE WE CAN INCORPORATE NOISE AS WRITTEN.

>> HEARING OFFICER GLASER: OKAY.

>> MR. SVITEK: I THINK THE MAIN ONES I POINTED OUT WERE THE REQUIREMENT FOR INSTALLATION OF NOISE EQUIPMENT, ANY NOISY

EQUIPMENT AND THE LANDSCAPE ALONG THE WESTERN SIDE OF THE LEASE AREA WHICH WOULD HAVE TO BE SHOWN ON THE SITE PLAN.

>> HEARING OFFICER GLASER: UNDERSTOOD.SOME OF THESE SEEM TO BE SOMEWHAT SIMILAR TO OUR STANDARD CONDITIONS, I WANT TO MAKE SURE ALL OF THESE ARE INCORPORATED IN SOME FASHION, SO I JUST WANT TO MAKE SURE WE'RE ALL ON THE SAME PAGE, IF THIS IS APPROVED, THAT THESE CONDITIONS WILL BE ADDED.

>> MR. SVITEK: AND STAFF MAY INCORPORATE THOSE ALONG WITH THE SAME TYPE OF CONDITION BUT MAY ANNOTATE IF THERE'S SOMETHING ADDITIONAL THAT'S BEING ASKED SPECIFIC FOR THIS SITE.

>> HEARING OFFICER GLASER: OKAY, THANK YOU.NO OTHER QUESTIONS FOR YOU AT THIS TIME, MR. SVITEK, ANY SPEAKERS?

>> YES, WE HAVE THREE SPEAKERS, WE HAVE THE APPLICANT'S REPRESENTATIVE, MARY ANNE HARWOOD, WE HAVE HENRY PORTER AND GLORIA WATSON.

>> HEARING OFFICER GLASER: LET'S START WITH THE APPLICANT, HAVE A SEAT.AND WE'LL SEE IF THERE'S ANY COMMENTS OR QUESTIONS FROM THE APPLICANT BEFORE WE PROCEED WITH THE OTHER TESTIFIERS.SO, PLEASE, STATE YOUR NAME FOR THE CAPTIONING.

>> HI, THANK YOU, THIS IS MARY ANNE HARWOOD, REPRESENTATIVE FOR AT&T, I JUST WANTED TO SAY THANK YOU TO ANDREW FOR WORKING WITH ME ON THIS PROJECT. IT'S BEEN QUITE A LONG PROCESS, AND I KNOW HE'S DONE A LOT OF WORK ON THIS PROJECT, SO THANK YOU, EVERYONE. I FIRST WANTED TO KIND OF GIVE YOU A LITTLE HISTORY ON THIS PROJECT. WE HAVE BEEN LOOKING FOR SERVICE FOR AT&T. THEY ARE OVERCAPACITY ON THEIR OTHER SURROUNDING SITES AND THEY ALSO NEED TO SERVICE THE NEW TECHNOLOGY, THE LTE TECHNOLOGY. IF YOU NOTICE ON THE JUSTIFICATION THAT I HAD SENT OVER TO ANDREW, THE 105 IS JUST NORTH OF OUR -- A COUPLE -- I WOULD SAY OVER A THOUSAND FEET AWAY FROM OUR PROPOSED LOCATION, SO THAT IS THE VERY HIGH TRAFFIC AREA, AND THERE ARE SEVERAL CARRIERS THAT ARE JUST NORTH OF THAT HIGHWAY. WE LOOKED INTO TRYING TO GO CLOSER TO THAT HIGHWAY BUT THAT WASN'T THE ACTUAL COVERAGE AREA THAT WE NEEDED, AND WE HAVE AN AT&T SITE JUST UP AT THE 105, WE LOOKED AT SEVERAL OTHER AREAS AND THE PROPERTY SURROUNDING OUR PROPOSED LOCATION ARE ALL R-1 ZONES, THERE ARE COMMERCIAL AREAS TO THE EAST OF THE PROPERTY AND TO THE WEST, BUT THOSE WERE OVER A THOUSAND -- I THINK IT WAS OVER 1500 FEET AWAY FROM OUR PROPOSED AREA, SO WE WERE TRYING TO LOOK FOR THE MINIMAL IMPACT AND THAT'S WHY WE CHOSE THE DWP LATTICE TOWER PROPERTY BECAUSE IT'S NOT BEING USED AS A SINGLE FAMILY RESIDENCE AND THERE WERE OTHER VACANT PROPERTIES KIND OF AROUND THE AREA, SO I CAN GO INTO MORE SPECIFICS ON THE JUSTIFICATION FOR

THIS LOCATION, BUT I ALSO WANTED TO GO OVER THE CONDITIONS THAT WERE PROPOSED. AT THIS POINT, WE HAVE A -- WE'VE PROPOSED A CHAIN LINK FENCE, SO AS FAR AS THE INSTALLATION GOES FOR THE RECOMMENDATION, ADDING INSTALLATION TO THE CHAIN LINK FENCE MAY NOT BE THE BEST WAY TO GO ABOUT IT. WE COULD PROPOSE DOING A DIFFERENT TYPE OF FENCE, MAYBE A [INAUDIBLE] AND THAT WOULD PREVENT ADDITIONAL NOISE THROUGH THE FENCE AND WE COULD ADD SHRUBBERY ON THAT WEST SIDE OF THE PROPERTY. I BELIEVE THAT WOULD KIND OF SATISFY THAT CONDITION THAT HE HAS BECAUSE THESE EQUIPMENT CABINETS AREN'T RUNNING 24/7, AND IT'S JUST A LITTLE HUMMING NOISE OCCASIONALLY. AND I ALSO WANTED TO DISCUSS THE HEIGHT. WE DID PROPOSE IT AT 55 FEET TO ADD ADDITIONAL FOLIAGE AND HELP DISGUISE THE ANTENNAS, SO OBVIOUSLY WE DID TRY TO -- WE WANTED TO GET A VARIANCE FOR THE ADDITIONAL HEIGHT, BUT IF STAFF CAN'T SUPPORT THAT, WE CAN GO DOWN TO THE 50 FEET TOP OF FOLIAGE, TOP OF TREE, AND THEN WE'LL JUST RESUBMIT OUR PLANS I GUESS TO MR. ANDREW SVITEK WITH THE LOWER HEIGHT AND WE WOULD HAVE TO LOWER OUR ANTENNAS AS WELL SO THAT WE COULD INCLUDE AT LEAST TWO FEET OF FOLIAGE TO HELP, BUT I GUESS THAT CONCLUDES, YOU KNOW, -- AT&T NEEDS THE COVERAGE FOR THE GROWING DEMAND AND IT WILL SERVICE 911 AND SERVICE THE PUBLIC UTILITY, THANK YOU.

>> HEARING OFFICER GLASER: THANK YOU, MS. HARWOOD, BEFORE WE MOVE ON TO THE OTHER TESTIFIERS, I'M GLAD YOU'RE WILLING TO ABIDE

TO THE 50 FOOT TOTAL HEIGHT LIMIT, MY ONLY REQUEST AGAIN IF WE APPROVE THIS TODAY, MR. SVITEK, LOOKING AT THE STAFF REPORT AND THE PROJECT DESCRIPTION, A LOT OF PLACES IT SAYS 55 FEET, BUT I CAN RELY UPON YOU TO MAKE SURE THAT EVERY PART OF THE STAFF REPORT AND THE CONDITIONS AND THE FINDINGS REFERENCE THE 50 FEET MAXIMUM HEIGHT AS OPPOSED TO 55?

>> MR. SVITEK: ANYTHING THE CONDITIONS AND FINDINGS WILL GO --

>> HEARING OFFICER GLASER: I'M COMFORTABLE WITH THAT, OKAY, SO THANK YOU FOR THAT, I HAVE A QUESTION FOR MS. HARWOOD, LET ME ASK THIS, WAS THERE ANY CONSIDERATION INTO ADDING ANTENNAS TO THE ACTUAL -- ONE OF THE LATTICE TOWERS THEMSELVES? I KNOW -- NOT ANY CASES I'VE SEEN BUT I KNOW IN OTHER JURISDICTIONS, I'VE SEEN THAT HAPPEN, SO WAS THAT INVESTIGATED AS AN OPTION? IS THERE ANY REASON WHY THAT WASN'T FEASIBLE?

>> YES, TYPICALLY, YOU KNOW, THAT'S THE FIRST CHOICE IS TO PUT THE ANTENNAS ON THE LATTICE TOWERS BECAUSE THAT IS THE LEAST -- HAS THE LEAST VISUAL IMPACT. WE DID TRY TO PURSUE THAT WITH LADWP, HOWEVER, WE DO HAVE AN E-MAIL FROM THEM, THEY ARE NO LONGER ALLOWING ANY CARRIERS TO ADD ANY ANTENNAS TO THEIR EXISTING SITES BECAUSE OF THE ADDITIONAL LOAD CAPACITY, THEY'VE BEEN HAVING TO REINFORCE THE LATTICE TOWERS THAT THEY HAVE AND ALSO ACCESS AND

MAINTAINING THEM FROM THE CARRIERS NOT BEING ABLE TO GET ON TO THE PROPERTY SO WE DID TRY TO GO THAT ROUTE, UNFORTUNATELY, THEY WOULDN'T ALLOW IT.

>> HEARING OFFICER GLASER: OKAY, THANK YOU, THAT DOES ANSWER THE QUESTION, IF DWP SAYS NO, THEN THE ANSWER IS NO.

>> YEAH, UNFORTUNATELY.

>> HEARING OFFICER GLASER: AND MR. PORTER, I WANT TO TALK TO HIM ABOUT THE FENCING AND THE LANDSCAPING SINCE HE MENTIONED THAT IN THE CONDITIONS AND I UNDERSTOOD YOUR TESTIMONY, MS. HARWOOD, YOU UNDERSTAND IF WE WERE TO GO WITH A SOLID WALL, THAT RAISES THE POTENTIAL ISSUE OF GRAPH -- GRAFFITI AND WE'RE NOT ON CATALINA ISLAND HERE, SO THERE'S MORE POTENTIAL HERE. I KNOW THIS HAS BEEN DONE IN OTHER LOCATIONS AND IT TAKES A WHILE, LET'S SAY WE ALL AGREE THAT WE WANT TO DO A SOLID WALL HERE, WHAT I WOULD SUGGEST IS THAT THERE BE SOME SORT OF VINES OR COVERING THAT'S GROWN ON THAT FENCE OVER TIME BECAUSE THAT HELP MITIGATE THE GRAFFITI ISSUE, IS THAT SOMETHING YOU WOULD BE WILLING TO CONSIDER, AND AGAIN, I WANT TO DISCUSS THAT WITH MR. PORTER SINCE HE RAISED THAT ISSUE. WHAT'S YOUR TAKE ON THAT?

>> ARE YOU SAYING AT&T WOULD BE FINE OR THEY WOULD HAVE TO COME BACK OUT AND CLEAN THE FACILITY FREE OF GRAFFITI YOU'RE SAYING?

>> HEARING OFFICER GLASER: I THINK THE CONDITION'S IN THERE THAT IT'S A 24 HOUR FEEDBACK FOR THE GRAFFITI, I THINK WE HAVE A COMMON UNDERSTANDING THERE, I GUESS WHERE I'M COMING FROM, IF YOU GUYS PUT IN A SOLID WALL, MAYBE EVERY 24 HOURS OR SO, YOU'RE GOING TO BE OUT THERE CLEANING THE GRAFFITI, THAT COULD BE A POTENTIAL ISSUE AND I'M PAINTING A WORST CASE SCENARIO HERE, IN ADDITION TO THAT STANDARD CONDITION, THE 24 HOURS, IT MIGHT BE BETTER TO GO WITH A SOLID FENCE AND IT MIGHT TAKE SOME TIME TO GROW, BUT TO HAVE SOME VINES OR COVERINGS THAT IT'S SO DIFFICULT TO TAG THE WALL.

>> SO, WHAT WE'RE LOOKING AT IS PROBABLY PUTTING A CMU WITH CRAWLING VINES OVER IT.

>> HEARING OFFICER GLASER: THAT'S WHERE I'M GOING, IS THAT SOMETHING YOU'RE WILLING TO CONSIDER?

>> YES.

>> HEARING OFFICER GLASER: OKAY, GREAT.

>> MR. SVITEK: WHAT TYPE OF FENCE WILL THIS BE, TO CLARIFY?

>> HEARING OFFICER GLASER: LET'S MAKE SURE WE ALL HAVE AN IDEA AND THEN WE'LL WORK OUT THE SPECIFIC LANGUAGE, OKAY, SO YOU MIGHT JUST WANT TO TAKE A SEAT BEHIND THERE IN CASE WE NEED YOU TO COME BACK UP FOR FURTHER DISCUSSION, WE HAD TWO OTHER SPEAKERS, MAYBE REITERATE THEIR NAMES, I KNOW MR. PORTER'S ONE OF THEM.

>> WE HAVE HENRY PORTER AND GLORIA WATSON.

>> HEARING OFFICER GLASER: OKAY, IF YOU COULD BOTH COME DOWN, WHICHEVER ONE OF YOU WOULD LIKE TO GO FIRST, JUST AS YOU PROBABLY HEARD ME SAY FIVE TIMES TODAY, MAKE SURE YOU STATE YOUR NAME FOR THE CAPTIONING.

>> GOOD MORNING.HENRY PORTER, SOUTHWEST COMMUNITY ASSOCIATION, POST OFFICE BOX 47898, LOS ANGELES 90047, AGAIN, THIS IS JUST TO REITERATE THE INFORMATION THAT WE SUBMITTED DATED NOVEMBER 13TH.THE FACT THAT STAFF IS SATISFIED THAT EVERY EFFORT FOR CO-LOCATION HAS BEEN EXHAUSTED BECAUSE WE DO HAVE NUMEROUS INSTALLATIONS THROUGHOUT THE ATHENS- WESTMONT COMMUNITY, THE RECOMMENDATION OF THAT IS PRIMARILY TO MAINTAIN A QUALITY OF LIFE IN ADDITION TO SUPPORTING THE INSTALLATION, THERE IS RESIDENTIAL PROPERTY TO THE WEST OF THIS PROPOSED LOCATION.THERE ARE TWO

HOUSES ON THE LOT, A FRONT HOUSE AND A REAR HOUSE.THEREBY, WE'RE ASKING FOR THE WEST, NORTH AND SOUTH FACES OF THE WALL TO BE OBSCURED FROM THOSE PEOPLE SO THAT THEY DON'T HAVE TO LOOK AT THAT GOING OR COMING TYPE OF THING.I THINK IT WOULD ALSO SORT OF BUFFER ANY POTENTIAL NOISE THAT MAY EMANATE FROM THE SITE.IN ADDITION TO THAT, THERE WILL BE BACKUP GENERATORS, NORMALLY THEY ARE PUT THERE, SO WE'RE ASKING FOR SOUND INSTALLATION MATERIAL TO BE PLACED ON THAT EQUIPMENT AND MAINTAINED BECAUSE OUT IN THE WEATHER, IT WEATHERS, IT DETERIORATES AND SO FORTH, SO WE NEED TO HAVE THAT MAINTAINED.ALSO THAT THE SERVICES FOR THE PROPOSED INSTALLATION BE PERFORMED BETWEEN THE HOURS OF 7 A.M. AND 5 P.M. MONDAY THROUGH FRIDAY, 8 TO 5 ON SATURDAYS AND NONE ON SUNDAYS AND HOLIDAY, AGAIN, THIS IS TO HONOR AND RESPECT THE PRIVACY OF THE RESIDENTIAL COMPONENT, NOT ONLY JUST TO THE WEST BUT THERE IS ALSO SOME TO THE SOUTH ACROSS 121ST STREET, AND I THINK THAT ALSO SORT OF ALIGNS ITSELF WITH THE NOISE ORDINANCE FOR L.A. COUNTY, SO THAT'S KIND OF WHAT WE'RE SAYING.THIS IS AN UNIMPROVED LOT, DURING THE RAINY SEASON AND SO FORTH, TRUCKS GOING IN AND OUT WILL HAVE MUD, TRASH, OTHER DEBRIS, AND THEY HAVE TO BE RESPONSIBLE FOR MAKING SURE THE STREETS ARE KEPT CLEAN WHEN THEY DO THIS, AND ALSO I THINK FOR RESIDENTS' COMFORT, THERE SHOULD BE CONTACT INFORMATION, CONSPICUOUSLY PLACED ON THE FENCE, THE PROPERTY IS FENCED, THEY HAVE TO MAINTAIN THAT PROPERTY IMMACULATELY, THEY'RE OUT THERE ALL THE TIME, THEY OWN THE PROPERTY SO THE CONTACT

INFORMATION COULD BE FOR WATER AND POWER AND/OR AT&T, BUT THE RESIDENTS SHOULD HAVE SOME WAY OF CONTACTING PEOPLE -- IF CONCERNS ARISE OR SO FORTH, SO THOSE WOULD BE THE RECOMMENDATIONS HERE, AND ONE OTHER THING I THOUGHT ABOUT IS, AND I DON'T THINK THIS SITE WILL BE ABANDONED, BUT IN THE EVENT IT IS, THE INSTALLATION NEEDS TO BE REMOVED WITHIN 3 MONTHS, 6 MONTHS OR WHATEVER TIMEFRAME, THAT WOULD BE REASONABLE. THOSE WERE THE CONCERNS THAT WE HAD ON THAT.

>> HEARING OFFICER GLASER: THANK YOU MR. PORTER, LET ME POSE A QUESTION TO YOU BEFORE WE MOVE ON, I DON'T KNOW IF YOU WERE ABLE TO FOLLOW THE STATEMENT THAT THE APPLICANT MADE AND I HAD A LITTLE BIT OF DISCUSSION, I THINK WE UNDERSTAND THEIR REQUEST IS ON THE NORTH, WEST AND SOUTH SIDE TO OB -- OBSCURE FROM VIEW AND THAT SERVES THE NOISE INSTALLATION, SO HER STATEMENT WAS IN ORDER TO MEET THOSE OBJECTIVES, RIGHT NOW, THEY'RE PROPOSING A CHAIN LINK FENCE, SO SHE HAD SUGGESTED MAYBE A CMU FENCE INSTEAD A SOLID FENCE, AND THAT'S FINE WITH ME, AND IT MAY SERVE THE PURPOSE THAT YOU'RE SUGGESTING, I THINK THERE'S BEEN OTHER PROJECTS IN YOUR COMMUNITY WHERE THIS HAS BEEN DONE, WE'LL HAVE A SOLID FENCE, IN ADDITION TO HAVING THAT STANDARD 24 HOUR GRAFFITI REMOVAL CONDITION, WE REQUIRE THE CLIMBING VINES, WHAT IS YOUR TAME ON THAT? DO YOU THINK THAT WOULD SERVE THE COMMUNITY'S INTEREST IF WE WERE TO SPECIFY THAT?

>> YEAH, THE MASONRY FENCE, THE LOCATION OF THE PROPOSED INSTALLATION IS I THINK FAR ENOUGH FROM THE PUBLIC STREET ON EITHER SIDE THAT IT WOULD BE DIFFICULT FOR A TAGGER TO SPECIFICALLY TASTER THAT, AND THE FREQUENCY THAT I SEE OF WATER AND POWER, STAFF THERE, I THINK IT WOULD BE MANAGEABLE IF WE HAD A SOLID WALL INSIDE THERE.SO, I DON'T THINK THE PEOPLE WILL GO THAT FAR ON PRIVATE PROPERTY BUT PART OF OUR FOCUS ON THE COMMUNITY, OUR VOLUNTEERS ON PATROL AND WHAT HAVE YOU, WE MAINTAIN VISUAL ON ALL THESE THINGS ANYWAY, AND WITH THE PROPER CONTACT INFORMATION FOR AT&T AND WATER AND POWER, I'M SURE WE CAN DO IT.WE'VE HAD ISSUES WITH WATER AND POWER ON SOME OF THE OTHER LOTS THERE, THE OTHER SITES AND THEY'VE BEEN EXTREMELY RESPONSIVE SO I'M CONFIDENT THAT IT'S SOMETHING THAT CAN BE IMAGINED IF WE HAD A SOLID WALL, IT WOULD ALSO CONTRIBUTE TO THE SOUND INSTALLATION POSSIBILITY OF TRANSMITTING SOUND TO THE PROPERTY SO, YEAH, I THINK A SOLID WALL WOULD WORK WELL.

>> HEARING OFFICER GLASER: THANK YOU FOR THAT, I APPRECIATE YOUR INSIGHT, I THINK A SOLID WALL WOULD WORK AND WE DON'T HAVE TO WORRY ABOUT THE COVERING, AND THANK YOU AGAIN, MR. PORTER.PLEASE, MA'AM, PROCEED WITH YOUR TESTIMONY.

>> MY NAME IS GLORIA WATSON AND I LIVE ON 120 AND RAYMOND, THAT'S WHERE MY HOUSE IS, AND I'VE BEEN THERE ALMOST THREE YEARS NOW, SO I JUST CAME INTO THIS NEIGHBORHOOD, I HAVE SEEN A LOT OF AREAS AROUND ME THAT HAS GRAFFITI WITH THE SOLID WALL, I'M STATING UP FRONT, SOLID WALL, NOT A GOOD CHOICE, NOT AROUND THAT AREA, AND BECAUSE I LIVE RIGHT THERE ACROSS FROM WHERE THEY'RE GOING TO PUT IT, I'M NOT COMFORTABLE -- I HAVE HEARD ABOUT RADIATION, I HAVE GRAND KIDS, THE WHOLE AREA, YOU HAVE SCHOOLS, YOU HAVE KIDS EVERYWHERE, I'M TOTALLY OPPOSED TO IT, MAINLY BECAUSE IT IS NO KNOWN DOCUMENT THAT THIS TOWER DOES PUT OUT RADIATION BUT IT'S NOT AGAINST IT EITHER, SO MY CONCERN IS MY KIDS, NUMBER ONE, MY GRAND KIDS, THE KIDS AROUND THAT AREA, AND I OPPOSE IT BEING RIGHT ACROSS THE STREET FROM ME.

>> HEARING OFFICER GLASER: ALRIGHT, THANK YOU, MS. WATSON, I DON'T HAVE ANY QUESTIONS FROM YOU, I JUST WANT TO PARAPHRASE WHAT YOU SAID, IF WE ALLOW IT WITH A SOLID WALL, YOUR PREFERENCE WOULD BE THE HANGING VINES OR SOME SORT OF HANGING THING.

>> MY PREFERENCE WOULD BE NOT TO HAVE IT THERE AT ALL.HAVING A SOLID WALL, IT'S A BLOCK FROM ME THAT THEY KEEP TAGGING.THESE PEOPLE HAVE -- THERE'S NO LIMIT TO WHERE THEY WILL GO TO TAG, THEY HAVE BEEN UP IN ON THE FREEWAY, UP IN THE AIR, YOU CANNOT SAY THIS IS FAR ENOUGH FOR THEM NOT TO TAG.THEY WILL DO IT.THEY HAVE PROVEN

THAT AND UNLESS YOU HAVE YOUR HEAD IN THE CLOUD, AND LIVE IN THAT NEIGHBORHOOD, YOU KNOW, I KNOW, I'VE BEEN THERE THREE YEARS SO I'VE SEEN IT, I KNOW ABOUT IT.

>> HEARING OFFICER GLASER: THANK YOU, MS. WATSON, THANK YOU FOR THAT.LET ME GO AHEAD, I'M NOT GOING TO HAVE ANY ADDITIONAL QUESTIONS FOR THE SPEAKERS, FOR THE TWO TESTIFIERS, BUT I DO WANT TO BRING THE APPLICANT UP JUST FOR ONE SECOND.MS. HARWOOD.I TEND TO BE SOMEONE WHO LIKES TO AIR ON THE SIDE OF CAUTION, LET'S GET BACK TO THE FENCING ISSUES, SO I THINK WE SHOULD GO AHEAD AND GO WITH THE SOLID WALL AND I UNDERSTOOD YOUR TESTIMONY TO BE THAT YOU'RE WILLING TO PROVIDE A SOLID WALL IN LIEU OF THE CHAIN LINK BUT IN AN ABUNDANCE OF CAUTION, HAVING THERE BE GRAFFITI ISSUES, WOULD YOU BE WILLING TO PLANT -- IS IT HANGING VINES?

>> CRAWLING LINES.

>> HEARING OFFICER GLASER: I APOLOGIZE.

>> CAN I CLARIFY AS WELL, WITH THE CMU WALL, RIGHT NOW WE HAVE A CHAIN LINK FENCE, IF WE DO ADD THE WALL, IT IS GOING THE INCREASE THE FOOTPRINT A LITTLE BIT.I DON'T KNOW THE EXACT SIZE OF THAT FOOTPRINT BUT I CAN SUBMIT THAT TO ANDREW AND IT WILL BE A LITTLE BIT LARGER BECAUSE THE CMU WALLS ARE THICKER AND WE CAN ADD THE

CRAWLING VINES TO IT.THE OTHER THING THAT I WAS CONCERNED ABOUT, I JUST REALIZED, IS ACTUALLY PLANTING ON THE WEST SIDE, WE'LL NOT BE ABLE TO DO THAT ON THE WEST SIDE OF THE FENCE, WE CAN PUT THE CRAWLING VINES ON THAT SIDE, BUT WE WOULD BE PLANTING ON THE ADJACENT PROPERTY SO WE COULD DO IT ON THE NORTH KIND OF ON THE NORTH AND SOUTH END.

>> HEARING OFFICER GLASER: OKAY.I THINK THAT'S REASONABLE.WE'VE HEARD SM WHAT VARYING TESTIMONY OF HOW GRAFFITI WILL BE AN ISSUE ON THIS PARTICULAR PROPERTY WHERE YOU CAN DO IT, TO PLEASE DO IT, SO I'M HEARING ON THE NORTH AND SOUTH YOU CAN DO IT, SO THE CONDITION WOULD SPECIFY THE SOUTH AND NORTH SIDE?

>> YEAH, WE COULD DO IT.

>> HEARING OFFICER GLASER: I THINK THAT'S PROBABLY THE BEST WE COULD DO UNDER THE CIRCUMSTANCES.WITH REGARDS TO EXPANDING THE FOOTPRINT, IT'S GOING TO BE MARGINABLE, SO I'M COMFORTABLE TO LEAVING IT TO YOU AND MR. SVITEK.

>> THANK YOU.

>> HEARING OFFICER GLASER: THANK YOU FOR YOUR WILLINGNESS TO MAKE SOME CHANGES HERE, SO BEFORE WE KIND OF -- I DO WANT TO WRAP

THIS UP TODAY, BUT I WANT TO MAKE SURE WE DISCUSS THE ISSUES THAT MS. WATSON RAISED SO I DO WANT TO TALK A LITTLE BIT ABOUT THE HEALTH ISSUES. IN TERMS OF OUR ABILITY HERE IN LOCAL GOVERNMENT IN TERMS OF CELL PHONE TOWERS, WE ARE CONSTRAINED BY FEDERAL LAW, IN 1996, THE FEDERAL TELECOMMUNICATIONS ACT WAS PASSED AND IF I CAN PARAPHRASE WHAT THAT LAW DID, IT SAID LOCAL GOVERNMENT, YOU CAN LOOK AT CELL PHONE TOWERS AND YOU CAN REGULATE THEM BUT YOU CAN'T REGULATE THEM ON THE BASIS OF THE HEALTH EFFECTS. THE FEDERAL GOVERNMENT'S POSITION WAS THAT'S THE S FCC JOB AND THEY LOOKED AT IT AND LOCAL GOVERNMENTS NEED TO RELY UPON -- FIRST OF ALL, NUMBER 18 TALKS ABOUT COMPLIANCE WITH THE STATE PUBLIC UTILITIES COMMISSION. I WANT TO CALL OUT ENFORCEMENT SECTION, WRITTEN CERTIFICATION THAT THE RADIO FREQUENCY ELECTROMAGNETIC EMISSION LEVELS COMPLY WITH ADOPTED S FCC LIMITATIONS, THE FEDERAL GOVERNMENT HAS TOLD US THAT'S THE MOST WE CAN DO HERE, BUT I DO WANT TO CALL THAT OUT BECAUSE CERTAINLY MS. WATSON AND CERTAINLY ANYONE ELSE WHO'S CONCERNED THAT THIS DOCUMENTATION WILL BE AVAILABLE AND CAN BE REQUESTED FROM THE COUNTY TO GIVE YOU THE PEACE OF MIND THAT WE'VE DONE OUR DUE DILIGENCE IN TERMS OF FCC COMPLIANCE, SO I WANT TO MAKE THAT STATEMENT JUST TO ADDRESS THE CONCERNS, SO IN TERMS OF THE ISSUES WHERE LOCAL GOVERNMENT IS ALLOWED TO LOOK AT, THE FIRST HAS TO DO WITH THE LOCATION AND AS YOU HEARD, MS. HARWOOD INDICATE, THERE WAS AN EXTENSIVE SEARCH FOR AN APPROPRIATE LOCATION, WHAT WE HEARD IS THAT A RESIDENTIAL ZONE

WASN'T THE FIRST PREFERENCE BUT OTHER ZONES WERE LOOKED AT, WE HEARD THEY DID LOOK AT THE LATTICE TOWER AS OPPOSED TO ANOTHER FACILITY, BUT THAT WASN'T FEASIBLE EITHER, THEY ARE WILLING TO CAMOUFLAGE THE FACILITY IN TERMS OF THE MONOPALM, WE HEARD THE APPLICANT SAY THEY WERE LOOKING AT SOME BUFFERING AND THEY'RE WILLING TO ADD THE SOLID WALL, THEY'RE WILLING TO ABIDE BY THE OTHER CONDITIONS THAT MR. PORTER HAS SUGGESTED AND THEY'RE ALSO WILLING TO DO SOME PLANTING, SO IN TERMS OF THE LOCATION AND THE ESTHETICS, THOSE ARE THE THINGS WE'RE ALLOWED TO REGULATE. I AGREE WITH MR. SVITEK'S RECOMMENDATION, WE HAD THE HEIGHT LIMIT ISSUE AGAIN, THIS NOW AFTER SOME DISCUSSION TODAY, WE HAVE AN ASSURANCE THIS WILL FULLY COMPLY WITH THE COMMUNITY STANDARDS DISTRICT WHICH SPECIFIES A HEIGHT LIMIT OF 50 FEET, SO WITH ALL OF THAT BEING SAID, I FEEL COMFORTABLE ACCEPTING STAFF'S RECOMMENDATION, BUT LET ME GO BACK TO YOU, MR. SVITEK, IN TERMS OF -- WE'VE ALREADY TALKED ABOUT CONDITION NUMBER 26 AND ANY OTHER CONDITIONS OR FINDINGS THAT REFERENCE THE HEIGHT. WE'RE GOING TO MAKE SURE THEY'RE ALL 50 FEET. WITH REGARD TO THE CONDITIONS THAT MR. PORTER THAT PROPOSED, MY DIRECTION TO YOU IS TO PLEASE INCORPORATE THOSE INTO THE CONDITIONS, IF YOU WANT TO REARRANGE THE WORDING OR THE NUMBERING AS YOU INDICATED, YOU MAY WANT TO DO, I'M COMFORTABLE WITH THAT, I JUST WANT TO MAKE SURE THE CONTENT OF THESE REQUESTS MAKES IT INTO THE CONDITIONS, AND LASTLY, IN TERMS OF THE CONDITIONS, AND I DON'T KNOW WHICH CONDITION IT IS, BUT THE ONE THAT PREVIOUSLY

TALKED ABOUT THE CHAIN LINK, I WANT TO MAKE SURE THAT'S GOING TO BE CHANGED TO A SOLID FENCE, AS WE HEARD MS. HARWOOD INDICATE, IT COULD HAVE A DOMINO EFFECT IN RELATION TO THE CONDITIONS, I'M GIVING YOU THE DISCRETION TO WORK WITH MS. HARWOOD ON A THAT AND LASTLY WITH REGARD TO THE SOLID FENCING, I THINK WHERE WE LANDED IS ON THE NORTH AND SOUTH SIDE OF THE SOLID FENCING AND I'LL GO AHEAD AND FOR NOW, I'LL USE MS. HARWOOD'S TERM OF CRAWLING VINES WITH THE EXPECTATION WE BOTH KNOW WHAT THAT MEANS AND WE CAN COUNT ON YOU TO MAKE SURE THAT THAT IS ADDRESSED.SO, MR. SVITEK, ARE YOU COMFORTABLE WITH WHAT WE'RE LAYING OUT, DO YOU HAVE ANY QUESTIONS, DO YOU WANT TO TALK ABOUT THE SPECIFIC LANGUAGE ON ANY OF THIS?

>> MR. SVITEK: I AM COMFORTABLE.I ALSO WANTED TO ADD THAT REVISED EXHIBIT A -- I GUESS IT IS EXHIBIT A SHOWING THESE CHANGES WILL BE SUBMITTED WITHIN 30 DAYS.

>> HEARING OFFICER GLASER: MS. HARWOOD, ARE YOU WILLING TO ABIDE BY THAT?

>> YES.

>> HEARING OFFICER GLASER: SO, WE'LL TRY TO GET THIS DONE IN 30 DAYS.CAN YOU DO THIS, MR. SVITEK, ONCE THIS IS ALL FINALIZED, CAN YOU SEND COPIES OF THE FINAL COPIES OF FINDINGS AND CONDITIONS TO

MR. PORTER AND MS. WATSON, I THINK MAYBE IF MS. WATSON HAD IT IN PAPER FORM, THAT WOULD BE HELPFUL AND GIVE HER SOME ASSURANCE THAT THAT WOULD BE ADDRESSED. ARE YOU WILLING TO DO THAT?

>> MR. SVITEK: I WILL FOLLOW UP WITH HER.

>> HEARING OFFICER GLASER: AND I ASSUME YOU CAN GET HER CONTACT INFORMATION. WE HAD SOME ISSUES HERE BUT I THINK WE WERE ABLE TO RESOLVE THEM. FOR THE MOST PART TO EVERYONE'S SATISFACTION, SO AS I'M INDICATING, I FEEL COMFORTABLE CLOSING THE PUBLIC HEARING AND TAKING AN ACTION SO I'M GOING TO DO THAT. FIRST OF ALL, LET ME STATE THAT I'VE CONSIDERED THE CLASS 1 CATEGORICAL EXEMPTION FOR THIS PROJECT AND I CERTIFY IT IS CONSISTENT WITH THE FINDING BY THE STATE'S SECRETARY BY RESOURCES OR BY LOCAL GUIDELINES THAT THIS CLASS OF PROJECT DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, FROM THE FINDINGS AND FACTS OF CONCLUSIONS THAT WERE PROVIDED TO ME, CONDITIONAL USE PERMIT 20120006 IS APPROVED SUBJECT TO THE FINDINGS AND CONDITIONS WITH THE NUMEROUS REVISIONS THAT WE'VE DISCUSSED AND WILL BE INCORPORATED. SO, THAT WILL DO IT. APPEAL PERIOD, PLEASE?

>> YES, THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 4, 2012.

>> HEARING OFFICER GLASER: ALRIGHT, THANK YOU VERY MUCH, THANK YOU, MR. SVITEK.

>> MR. SVITEK: THANK YOU.

>> HEARING OFFICER GLASER: THAT'S GOING TO CONCLUDE OUR PUBLIC HEARING ITEMS. ONE LAST ITEM, PUBLIC COMMENT PURSUANT TO SECTION 54954.3 OF THE GOVERNMENT CODE, SEEING NONE, WE ARE ADJOURNED TO 9:00 A.M. ON TUESDAY DECEMBER 4, 2012. THANK YOU.