

>> HEARING OFFICER HACHIYA:THIS TUESDAY MORNING DECEMBER 18TH, 2012 HEARING OFFICER MEETING IS NOW CALLED TO ORDER.WE'LL GO AHEAD AND START WITH THE PLEDGE OF ALLEGIANCE, PLEASE.IF YOU WILL JOIN ME BY STANDING.(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 HACHIYA: GOOD MORNING, I HOPE EVERYBODY'S READY FOR THE HOLIDAY SEASON.THIS MORNING, THE AGENDAS ARE AVAILABLE NEAR THE REAR EXIT DOOR, I'M PATRICIA HACHIYA, THERE ARE THREE HEARING OFFICERS HANDLING THE AGENDA.WE WILL BE TAKING THINGS OUT OF ORDER.AFTER I FINISH THE VARIOUS ADMINISTRATIVE ANNOUNCEMENTS, I WILL PASS THIS HEARING OVER TO MS. GINA NATOLI TO MY LEFT AND SHE WILL HANDLE ITEM NUMBER 11, AFTER THAT, I WILL HEAR ITEMS 3 THROUGH 10 AND ALSO ITEM 12.THEN ANOTHER HEARING OFFICER, MR. MITCH GLASER WILL COME DOWN AND TAKE OVER THE HEARING, ITEMS 2, 13 AND 13X AS WELL ADJOURN THIS MEETING.THIS MORNING'S PROCEEDINGS ARE BEING VIDEOTAPED AND BEING STREAMED LIVE, ARCHIVES ARE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.IF YOU PLAN ON SPEAKING ON ANY OF THE ITEMS TODAY, PLEASE GO AHEAD AND RETRIEVE A SPEAKER CARD IN THE BACK OF THE ROOM AND YOU CAN SIGN UP TO SPEAK ON TODAY'S ITEMS.WITH REGARDS TO ORDER OF

TESTIMONY, PLEASE TRY TO REFRAIN FROM REPEATING TESTIMONY GIVEN BY OTHERS. THE ORDER OF THE TESTIMONIES EITHER TODAY OR AT A CONTINUED HEARING, THE HEARING WILL BE CLOSED N THE EVENT IT BECOMES APPARENT THAT THE CASE INVOLVES ANY MAJOR PLANNING ISSUES, I MAY REFER THE CASE TO THE REGIONAL PLANNING COMMISSION WITHOUT ANY FURTHER ACTIONS OR DECISIONS ON MY PART, BUT BASED ON MY REVIEW OF THE MATERIALS THIS MORNING, THAT'S NOT -- I DON'T SEE ANY ITEMS THAT I PLAN ON REFERRING, BUT ANY DECISION MADE BY ME THIS MORNING MAY BE APPEALED TO THE REGIONAL PLANNING COMMISSION. TO EXPEDITE THIS MORNING'S PROCEEDINGS, FOR THOSE OF YOU IN AUDIENCE WHO INTEND TO TESTIFY TODAY ON ANY OF THE AGENDA ITEMS, PLEASE STAND AT THIS TIME TO BE SWORN IN BY STAFF.

>> PLEASE RAISE YOUR RIGHT HAND. (SWEARING-IN OF SPEAKERS).

>> HEARING OFFICER HACHIYA: THANK YOU, I WILL NOW HAND OVER THIS HEARING TO MS. GINA NATOLI.

>> HEARING OFFICER NATOLI: THANK YOU, MS. HACHIYA, ITEM 11 IS A CONTINUED HEARING, PROJECT NUMBER 03341-2, A MODIFICATION TO CONDITIONAL USE PERMIT NUMBER 03341, MR. SILVAS, PLEASE PROCEED.

>> MR. SILVAS: GOOD MORNING, MADAM HEARING OFFICER, PRINCIPAL REGIONAL PLANNING ASSISTANT, CONTINUING BEFORE YOU THIS MORNING,

PROJECT NUMBER 03341, THIS APPLICATION HAS BEEN MODIFIED TO CHANGE ITS REQUEST FROM ELIMINATION OF CONDITIONS TO MODIFICATION OF CONDITIONS AND THE CONDITIONS TO BE MODIFIED AT THE REQUEST OF THE APPLICANT WILL BE CONDITION NUMBER 18I AND 18J. THE APPLICANT HAS REQUESTED MODIFICATION OF THESE TWO CONDITIONS IN ORDER TO ALLOW THE SALE OF INDIVIDUAL SINGLE CONTAINERS OF BEER GREATER THAN 16 OUNCES IN QUANTITY AND TO ALSO ALLOW THE SALE OF WINE COOLERS IN NO LESS THAN FOUR PACK QUANTITIES. IN CHANGING THE APPLICATION FOR THIS MODIFICATION TO THIS CONDITIONAL USE PERMIT, STAFF WAS REQUIRED TO RENOTICE TO THE COMMUNITY THE HEARING ON THIS APPLICATION AND DID SO WITH DISTRIBUTION OF NOTICES TO ALL THE PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT LIQUOR STORE KNOWN AS VERMONT DISCOUNT LIQUOR AND ALSO HAD PUBLISHED IN THE SENTENTIAL NEWSPAPER PUBLISHED A NOTICE OF TODAY, THIS IS SEEN IN FINDING 20 WHICH IS UPDATED IN THE DRAFT FINDINGS, PAGE 7 OF 9 AND I WOULD ALSO LIKE TO READ AS PART OF FINDING 20 THAT STAFF DID RECEIVE SEVERAL PHONE CALLS FROM THE COMMUNITY MEMBERS INQUIRING ABOUT THE APPLICATION, BUT THAT NO OFFICIAL PROTESTS TO THE APPLICATION FOR MODIFICATION OF THE CONDITIONS WERE RECEIVED, NO PROTESTS AT ALL. IN ADDITION, FOLLOWING THE CONCLUSION OF THE INITIAL HEARING, STAFF WAS PROVIDED A SET OF PETITIONS BY THE APPLICANT AND THIS WAS AFTER THE INITIAL HEARING OF NOVEMBER 6, WHICH CONTAINED 572 ORIGINAL SIGNATURES SUPPORTING THE LIQUOR STORE'S APPLICATION TO SELL BEER IN SINGLE CONTAINERS OVER 16

OUNCES. STAFF HAS ALSO BEEN IN CONSULTATION WITH THE SOUTHWEST COMMUNITY ASSOCIATION AND HAS NOT REGISTERED ANY OFFICIAL OPPOSITION OR PROTESTS TO THIS MODIFICATION TO THE APPLICATION BEFORE YOU TODAY. STAFF IN REVIEWING THE MODIFICATION REQUEST TO CONDITION NUMBER 18 WHICH WOULD ALLOW THE APPLICANT TO SELL BEER IN QUANTITIES IN SINGLE CONTAINERS GREATER THAN 16 OUNCES FOUND THAT THE MODIFIED BURDENS OF PROOF FOR THE CONDITIONAL USE PERMIT AND THE ALCOHOL BURDEN OF PROOF WERE FOUND ACCEPTABLE AND I'LL READ FROM FINDING NUMBER 21, THE PROPOSED MODIFICATION OF CONDITION NUMBER 18I WOULD NOT ADVERSELY AFFECT THE HEALTH, PEACE, COMFORT AND WELFARE OF PERSONS RESITING OR WORKING IN THE SURROUNDING AREA OR BE MATERIALLY DETRIMENTAL TO THE USE, ENJOYMENT OR EVALUATION OF THE PROPERTY OF THE PERSONS WORKING NEAR THE VICINITY OF THE SITE OR JEOPARDIZING..[reading].. SAFETY OR GENERAL WELFARE OF THE COMMUNITY. ALSO MODIFICATION OF CONDITION NUMBER 18I, WOULD NOT ADVERSELY AFFECT THE USE OF A PLACE USED EXCLUSIVELY FOR RELIGIOUS WORSHIP, A SCHOOL, PARK OR SENSITIVE USE WITHIN A 600 FOOT RADIUS. STAFF IN ALSO REVIEWING THE REQUEST TO MODIFY 18J TO ALLOW THE SALE OF WINE COOLERS IN NO LESS THAN 4 PACK QUANTITIES FOUND THE MODIFIED BURDENS OF PROOF FOR THE CONDITIONAL USE PERMIT AND THE ALCOHOLIC BEVERAGE CONDITIONAL USE PERMIT WAS FOUND TO BE ACCEPTABLE AND THE PROPOSED MODIFICATION OF CONDITION NUMBER 18J ALSO WOULD NOT ADVERSELY AFFECT THE HEALTH, PEACE, COMFORT AND WELFARE OF PERSONS RESITING OR WORKING IN THE

SURROUNDING AREA OR BE MATERIALLY DETRIMENTAL TO USE, ENJOYMENT OR EVALUATION OF OTHER PERSONS LOCATED IN THE VICINITY OF THE SITE OR JEOPARDIZE OR..[reading].. GENERAL WELFARE OF THE COMMUNITY, MODIFICATION OF CONDITION NUMBER 18J WOULD NOT ADVERSELY AFFECT THE USE OF A PLACE USED EXCLUSIVELY FOR RELIGIOUS WORSHIP, PARK OR SCHOOL WITHIN THE RADIUS.GOING TO THE DRAFT OF THE MODIFIED CONDITIONS OF THE ORIGINAL CONDITIONAL USE PERMIT 03341, PAGE 4 OF 5, WHERE CONDITIONS NUMBER 18I AND J ARE REWRITTEN AS MODIFIED, I WILL READ INTO THE RECORD, CONDITION NUMBER 18I IS MODIFIED, SHALL READ, NO BEER IN CONTAINERS OF 16 OUNCES OR LESS SHALL BE SOLD BY SINGLE CONTAINER BUT MUST BE SOLD IN MANUFACTURER PREPACKAGED MULTIUNIT QUANTITIES BUT NO LESS THAN 6 PACK QUANTITIES AND NO MALT LIQUORS OR MALT BASED PRODUCING WITH ALCOHOLIC CONTENT GREATER THAN 5% WILL BE SOLD IN ANY CONTAINERS OF ANY SIZE, CONDITION 18J AS MODIFIED SHALL READ, THERE SHOULD BE NO WINE SOLD IN CONTAINERS LESS THAN 750 MILLILITERS WITH THE EXCEPTION OF WINE COOLERS, AND NO MINIATURE ALCOHOLIC BEVERAGES OF ANY TYPE SHALL BE SOLD.IN ADDITION, THERE IS A CORRECTION TO CONDITION NUMBER 18G ON THE MODIFIED CONDITIONAL USE PERMIT SET OF CONDITIONS AND THIS WAS DUE TO A TYPO, A BOILER TEMPLATE ERROR, AND AS CORRECTLY WRITTEN, IT SHALL READ THAT IT WILL BE LIMITED TO 5% OF THE TOTAL MERCHANDISE AND SHELF SPACE OR 25% OF THE STORE'S FLOOR SPACE, WHICHEVER IS LESS, THE CORRECT NUMBER IS 5%, NOT 4.STAFF IS ALSO PREPARED TO ADD AN ADDITIONAL FINDING WITH THE HEARING OFFICER'S

APPROVAL AND DIRECTION TO DECLARE THAT THE CONTINUED USE OF THIS LIQUOR STORE DOES SERVE AS A PUBLIC CONVENIENCE AS LONG AS THEY COMPLY WITH ALL THE CONDITIONS SET FORTH HERE TODAY, A PUBLIC CONVENIENCE AND THAT IT DOES PROVIDE A SERVICE TO THE COMMUNITY, NOT ONLY AS A LIQUOR STORE BUT AS A MARKET AS WELL, IT IS CLEAN AND RUN EFFICIENTLY AND HAS NO RECORD OF POLICE CALLS RESPONDING TO INCIDENTS OF DRUNKENNESS OR OTHER RELATED TYPES OF ISSUES.AND ALSO WE ARE GOING TO ENSURE THAT THE ZONING ENFORCEMENT WEST SECTION ACTIVELY ENFORCES THESE CONDITIONS AND VERIFIES THAT THEY ARE BEING CORRECTLY OPERATED AND DONE INCLUDING THE PERCENTAGE OF ALCOHOL STORED ON THE SITE IN ACCORDANCE WITH CONDITION 18G AND WE WILL KEEP THE COMMUNITY ASSOCIATION INFORMED SHOULD THERE BE ANY CHANGES TO THIS MODIFICATION TO THIS CONDITIONAL USE PERMIT OR ANY OTHER APPLICATIONS FILED IN THE FUTURE.ALSO OF NOTE, THIS ORIGINAL CONDITION USE PERMIT APPLICATION WILL BE EXPIRING ON JUNE 28, 2014, SO THE APPLICANT WILL BE REQUIRED TO SUBMIT A NEW CONDITIONAL USE APPLICATION FOR THE CONTINUED USE OF THE DISTRIBUTION OF OFF-SITE SALE OF BEER AND WINE AND HARD LIQUOR WITHIN ONE YEAR OF THIS MONTH.THIS CONCLUDES MY PRESENTATION, I'M AVAILABLE FOR ANY QUESTIONS YOU MAY HAVE.

>> HEARING OFFICER NATOLI: THANK YOU, I DON'T HAVE ANY QUESTIONS FOR YOU AT THIS TIME.IS ANYONE SIGNED UP TO SPEAK ON THIS ITEM, I KNOW IT'S A CONTINUED HEARING BUT I WILL TAKE TESTIMONY AGAIN.

>> YES, WE HAVE THE APPLICANT, JUSTIN KIM AND ALSO HENRY PORTER.

>> HEARING OFFICER NATOLI: YES, MR. KIM, COME DOWN.PLEASE GO AHEAD AND TAKE A SEAT AND STATE YOUR NAME FOR THE RECORD.

>> GOOD MORNING, MY NAME IS JUSTIN KIM, I'M HERE TO REPRESENT THE APPLICANT IN THIS MATTER.I RECEIVED A COPY OF THE DRAFT OF THE MODIFIED CONDITIONAL USE PERMIT CONDITIONS AND I WENT OVER THEM, I SPOKE TO MR. SILVAS BRIEFLY REGARDING THE TYPO ON THE FLOOR SPACE, OTHER THAN THAT, I THINK EVERYTHING ELSE HAS BEEN WORKED OUT TO BE SATISFACTORY FOR OUR CLIENT AND I THANK YOU FOR THE OPPORTUNITY AT THE LAST HEARING TO MODIFY OUR REQUEST BECAUSE I THINK IT WAS MISDIRECTED WHEN WE ASKED TO ELIMINATE THE CONDITIONS BUT ACTUALLY MODIFIED WOULD HAVE BEEN A BETTER WAY TO DO IT SO I THANK YOU FOR THAT AND I THINK THAT THIS IS PRETTY MUCH WHAT OUR CLIENT WAS LOOKING FOR, SO I THINK THIS IS SATISFACTORY TO US AND WE'LL BE SURE TO -- AND I THINK MR. SILVAS KNOWS THAT WHEN HE CAME UP TO DO THE INSPECTION, WE'RE NOT PLANNING ON CHANGING ANYTHING BUSINESS-WISE, EVERYTHING WILL REMAIN THE SAME AND WE'LL BE FOLLOWING ALL THE RULES JUST LIKE WE HAVE BEEN ALL THIS TIME.WE WANTED TO MAKE THE ONE CHANGE TO MODIFY THAT ACCORDING TO WHAT'S ALLOWED, THE PROVISIONS ALLOWED IN THE RULES FOR THE COUNTY AND JUST SELL THE SINGLES THAT ARE 24 AND ABOVE, AND THAT WAS THE ONLY CHANGE THAT

WE REALLY WANTED TO MAKE WITH MAYBE THE WINE COOLERS BECAUSE THAT'S THE WAY THEY COME PREPACKAGED BUT OTHER THAN THAT, I THINK BUSINESS WILL BE JUST LIKE USUAL AND I BELIEVE THAT WHEN WE COME BEFORE THE COUNTY AGAIN IN A YEAR TO RENEW THE CONDITIONAL USE PERMIT, I THINK WE'LL BE ABLE TO SATISFY THAT NOTHING'S CHANGED AND THAT WE'RE STILL RUNNING A RESPECTABLE BUSINESS AND WE WON'T HAVE ANY PROBLEMS AND WE LOOK FORWARD TO COMING BEFORE THE COUNTY AGAIN IN A YEAR TO RENEW OUR CONDITIONAL USE PERMIT.THANK YOU.

>> HEARING OFFICER NATOLI: THANK YOU, MR. KIM.MR. PORTER?GOOD MORNING, SIR.

>> GOOD MORNING, HENRY PORTER, SOUTHWEST COMMUNITY ASSOCIATION MAILING ADDRESS POST OFFICE BOX 47898, LOS ANGELES, 90047, WITH THE PROPOSED CHANGE AND FOR IF MODIFICATION OF WHAT THEY'RE REQUESTING, WE HAVE NO PROBLEM WITH THAT.

>> HEARING OFFICER NATOLI: EXCELLENT.

>> I DID SOME RESEARCH NOT BEING A DRINKER MYSELF, I HAD TO RELY ON A COMMUNITY PERSON THAT OWNS A LIQUOR STORE TO KIND OF EDUCATE ME A LITTLE BIT IN THE FACT THAT THE BEER DOES NOT COME, OVER 16 OUNCES DOES NOT COME PACKAGED, IT IS SINGLES, AND IT'S NOT OUR OBJECTIVE TO BE AN OBSTRUCTIONIST TO BUSINESS PEOPLE AND I DON'T

THINK WE CAN IMPOSE CONDITIONS UPON ANYONE THAT IS CONTRARY TO WHAT A MANUFACTURER PRODUCES, IN OTHER WORDS, HE CAN'T BUY IT THAT WAY. WITH WHAT MR. SILVAS HAS READ AND SO FORTH, THE FOUR-PACK AS I LOOKED INTO THAT, EACH ONE OF THOSE IS 187 MILLILITERS TIMES 4 COMES UP TO 748 MILLILITERS, SO YOU KNOW, WE DID LOOK INTO THAT AND THEY DO COME IN THE FOUR-PACKS THAT I DID SEE FOR MYSELF, SO I THINK WHAT WE HAVE HERE, WE COULD COMFORTABLE LIVE WITH, IF PEOPLE COULD BUY SOMETHING, IT COULD PROHIBIT TO SOME INEBRIATION, BUT NOT TO TRY TO IMPOSE SOMETHING UPON A BUSINESS PERSON THAT DOESN'T COME FROM THE MANUFACTURER OR PACKAGED THAT WAY, SO WE CAN LIVE WITH THE CONDITIONS.

>> HEARING OFFICER NATOLI: VERY GOOD, AND I WILL REMIND YOU THAT THE CUP COMES UP FOR RENEWAL IN A VERY SHORT PERIOD OF TIME SO YOUR MONITORING DOESN'T NEED TO GO ON FOR VERY LONG BEFORE YOU CAN FORM AN OPINION AS TO WHETHER THE CHANGES AND CONDITIONS HAVE AFFECTED THE COMMUNITY AND YOU CAN CERTAINLY PRESENT THAT AT THE NEXT CUP HEARING.

>> ABSOLUTELY, AND I APPRECIATE YOUR CONCERN, MS. NATOLI, AND MR. SILVA, THE CONCERN FOR OUR COMMUNITY BECAUSE THAT'S THE BOTTOM LINE FOR ME IS HOW IT'S GOING TO IMPACT THE HEALTH AND WELFARE OF OUR COMMUNITY.

>> HEARING OFFICER NATOLI: THANK YOU, MR. PORTER.

>> OKAY, THANK YOU.

>> HEARING OFFICER NATOLI: DO YOU HAVE ANYTHING TO ADD, MR. SILVAS?

>> MR. SILVAS: NO, MA'AM.

>> HEARING OFFICER NATOLI: THEN LET ME GO THROUGH A COUPLE OF THE CHANGES TO THE FINDINGS I HAVE, ADD A FINDING OF PUBLIC CONVENIENCE OR NECESSITY THAT WILL ALLOW US TO LIMIT THE FLOOR SPACE.ON FINDING 14, PLEASE ADD A DISCUSSION OF THE NOTICING THAT WAS UNDERTAKEN FOR TODAY'S CONTINUED HEARING, I DIDN'T SEE THAT IN THE REVISED FINDINGS.IN FINDING 17, THERE ARE A COUPLE OF WORDS I WANT YOU TO ADD, TO ALLOW THE EXISTING LIQUOR STORE TO SELL BEER IN LESS THAN 6 PACK QUANTITIES WITHOUT RESTRICTION CONFLICTS WITH THE COUNTY'S STANDARD CONDITIONS.AND ALSO ON FINDING 18, THE SAME WORDS IN THIS PLACE, TO ALLOW THE EXISTING LIQUOR STORE TO SELL WINE IN CONTAINERS LESS THAN 750 MILLILITERS IN SIZE WITHOUT RESTRICTION INFLICTS WITH THE COUNTY'S STRUCTURED CONDITIONS, AND ON FINDING 23 UNDER THE ENVIRONMENTAL DETERMINATION, PLEASE ADD AT THE END, AND THE MODIFICATIONS DO NOT ALTER THE INTENSITY OR DENSITY OF THE EXISTING USE.THIS ISN'T A COMPLETELY NO-CHANGE

ACTION.MR. KIM, DO YOU UNDERSTAND THE CHANGES THAT I DIRECT TO BE MADE.DO YOU HAVE ANY QUESTIONS ON THEM?NO QUESTIONS?GOOD, THANK YOU.WITH THAT, I'M GOING TO CLOSE THE PUBLIC HEARING AND I CERTIFY THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND I APPROVE THE MODIFICATION OF CONDITIONS TO CONDITIONAL USE PERMIT 03341 AS AMENDED AND THE APPEAL PERIOD?

>> YES, THE LAST DAY TO APPEAL THIS ACTION IS JANUARY 2, 2013.

>> HEARING OFFICER NATOLI: THANK YOU, THANK YOU, MR. SILVAS, THANK YOU, MR. YOUNG, MR. KIM AND THANK YOU MR. PORTER.THANK YOU, PAT.

>> HEARING OFFICER HACHIYA: THANK YOU.OKAY, LET'S MOVE ON TO THE NEXT ITEM.WE ARE GOING TO SKIP OVER ITEM 2 AND GO TO ITEM 3, THAT'S PROJECT NUMBER R2008-00616, CONDITIONAL USE PERMIT NUMBER 200800074.

>> MR. GLASER: THANK YOU, MADAM HEARING OFFICER AND GOOD MORNING.MY NAME IS ROBERT GLASER, I WORK WITH THE ZONING PERMIT'S NORTH SECTION.TODAY I'LL BE DISCUSSING ITEM NUMBER 3, PROJECT NUMBER R200800616-5 WITH ASSOCIATED CONDITIONAL USE PERMIT 200800074.THE PROJECT SITE IS LOCATED AT 35460 87TH STREET EAST IN LITTLEROCK ZONED DISTRICT, THE APPLICANT IS REQUESTING THE

CONDITIONAL USE PERMIT TO AUTHORIZE THE CONTINUED OPERATION OF AN EXISTING CHURCH FACILITY IN THE A-2 10 THOUSAND ZONE WHICH IS THE HEAVY AGRICULTURAL 10 THOUSAND MINIMUM LOT SIZE STANDARD. THE CHURCH FACILITY INCLUDES AN EXISTING 3840 SQUARE FOOT CHURCH BUILDING WITH OFFICES AND CLASSROOMS AND A MAIN HALL FOR WORSHIP. ALSO WITH AN EXISTING 1645 SQUARE FOOT PASTOR'S RESIDENCE. THERE IS NO EXPANSION OR NEW CONSTRUCTION PROPOSED FOR THE CHURCH STRUCTURE OR THE PASTOR'S RESIDENCE, THE LOT IS RELATIVELY FLAT AND NO GRADING IS BEING PROPOSED AS PART OF THE REQUEST. THE CHURCH IS LEGALLY ESTABLISHED WITH BUILDING PERMITS IN 1966, CHURCHES WERE NOT REQUIRED TO OBTAIN A CUP IN THE A-2 ZONE UNTIL NOVEMBER 5, 1971 PER ORDINANCE NUMBER 10366, CHURCHES WERE PERMITTED USE BY RIGHT IN THE A-2 ZONE UNTIL THAT TIME. NOW, IT'S BEEN DETERMINED THE PROJECT WILL QUALIFY FOR A CLASS 1 CATEGORICAL EXEMPTION EXISTING FACILITIES FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SINCE THE PROJECT IS FOR THE CONTINUED OPERATION OF A CHURCH FACILITY AND A PASTOR'S RESIDENCE WITH NO CHANGES OTHER THAN AN UPGRADE TO THE WASTE WATER TREATMENT SYSTEM, NO GRADING IS ASSOCIATED WITH THE PROJECT, IN ADDITION, THE PROJECT IS NOT LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA, THEREFORE, I FIND THE PROJECT CATEGORICALLY EXEMPT FROM SEEK WHAT, STAFF RECOMMENDS PROJECT NUMBER R200800616 WITH THE SUBJECT CONDITIONS SINCE IT'S BEEN MAINTAINED FOR 45 YEARS WITHOUT ANY COMPLAINT, THE FACILITY IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE GENERAL

PLAN AND THE ANTELOPE VALLEY AREA GENERAL PLAN, A PLACE OF RELIGIOUS WORSHIP IS PERMITTED IN THE A-2 ZONE AND IS IT'S IMPORTANT TO MAINTAIN CURRENT FACILITIES IN THE AREAS OF THE COUNTY THAT DOES NOT OFFER SUCH SERVICES.THANK YOU.

>> HEARING OFFICER HACHIYA: THANK YOU.I HAD A REQUEST FOR STAFF AS TO THE AUTHORITY WE HAVE THROUGH THE CUP PROCESS BECAUSE THIS CHURCH WAS LEGALLY ESTABLISHED BUT SINCE NOW, WE'RE REQUIRING A CUP TO REQUIRE COMPLIANCE WITH THE ZONING, I WANTED TO FIND OUT WHETHER THROUGH THE CUP PROCESS WE CAN REQUIRE THEM TO COME UP TO TODAY'S STANDARDS WITH REGARDS TO PARKING AND ADA ACCESS.I BELIEVE YOU NEED TO SPEAK WITH COUNTY COUNSEL ON THAT MATTER, OR IS THAT SOMETHING --.

>> MR. GLASER: WE CAN CERTAINLY CONTINUE THE PUBLIC HEARING SO WE CAN WORK OUT THE ADA REGULATIONS WITH THE PARKING COMPLIANCE.

>> HEARING OFFICER HACHIYA: AND THERE'S NO EXPANSION OCCUR, I WAS WONDERING BECAUSE THE CUP PROCESS IS DISCRETIONARY, WHETHER THROUGH THAT, WE CAN REQUIRE SORT OF AN UPGRADE SINCE WE'RE GRANTING AN ENTITLEMENT, BUT I WOULD LIKE TO KNOW IF THERE ARE PEOPLE SIGNED UP TO SPEAK ON THIS ITEM.

>> WE HAVE THE APPLICANT PRESENT.

>> HEARING OFFICER HACHIYA: OKAY.GOOD MORNING, SIR.PLEASE HAVE A SEAT AND STATE YOUR NAME FOR THE RECORD.

>> MY NAME IS KENNETH BAKER AND I'M THE STAFF DIRECTOR FOR THE PROPERTY OWNER, THE PRESBYTERIA OF SAN FERNANDO.

>> HEARING OFFICER HACHIYA: DID YOU HAVE A PRESENTATION THIS MORNING?

>> NOT REALLY, I'M HERE TO ANY QUESTIONS YOU MAY HAVE.AS YOU KNOW FROM THE STUDY THAT YOU'VE DONE, THERE'S NO PROPOSED CHANGES OF ANY KIND WITH THE USE OF THE PROPERTY AND WE'RE CERTAINLY COMFORTABLE WITH THE REQUESTS THAT HAVE BEEN MADE IN THE ANALYSIS AND ARE PREPARED TO COMPLY.

>> HEARING OFFICER HACHIYA: I'M CURIOUS, THE PARKING CURRENTLY RIGHT NOW, IS THE PARKING LOT PAVED OR WHERE DO PEOPLE PARK?

>> THE PARKING LOT ISN'T PAVED, IT'S SORT OF -- WELL, ACTUALLY, COME TO THINK OF IT, THERE MAY BE A SECTION OF OLD PAVEMENT BUT IT'S NOT A LARGE ONE.MOST OF THE ACREAGE THERE AND I THINK IT'S ABOUT 4 AND A HALF ACRES IS FLAT AND UNDEVELOPED AND THE PARKING

TAKES PLACE BEHIND THE BUILDING OFF FROM 87TH EAST, SO IT'S SOMEWHAT AWAY FROM THE STREET.

>> HEARING OFFICER HACHIYA: OKAY, SO IT'S JUST A DIRT LOT RIGHT NOW?

>> IT'S A LITTLE MORE DEVELOPED THAN A DIRT LOT BUT FRANKLY MOST OF THE PROPERTY IS UNIMPROVED AT THIS TIME.

>> HEARING OFFICER HACHIYA: OKAY. I DID HAVE SOME QUESTION THAT I THINK STAFF IS GOING TO DO SOME MORE RESEARCH WITH REGARDS TO THE PARKING JUST BECAUSE I THINK SINCE WE'RE REQUIRING A CUP THAT WHETHER THE COUNTY CAN REQUIRE THAT YOU STRIPE THE PARKING BASED ON WHATEVER THE OCCUPANCY LOAD IS FOR THE MEMBERS AND ALSO WHETHER THE CHURCH WOULD NEED TO DEVELOP AT LEAST A FEW PARKING SPACES TO COMPLY WITH ADA, I DON'T KNOW IF WE CAN REQUIRE THAT OF YOU, SO I WANTED TO ASK STAFF TO RESEARCH THAT, SO IF YOU DON'T MIND, WE WOULD LIKE TO CONTINUE THIS HEARING TO JUST LOOK INTO THAT ISSUE, THAT'S THE ONLY THING I WAS CONCERNED ABOUT.

>> CERTAINLY, WHATEVER YOU NEED TO DO, WE'LL CERTAINLY COOPERATE.

>> HEARING OFFICER HACHIYA: THANK YOU.WHEN'S THE NEXT HEARING
DATE FOR THIS?OR I DON'T KNOW HOW LONG STAFF THINKS YOU'LL NEED TO
--

>> MR. GLASER: IT WOULD PROBABLY BE APPROPRIATE TO DO A 30 DAY
CONTINUANCE TO WORK IT OUT WITH COUNTY COUNSEL.

>> HEARING OFFICER HACHIYA: SO, 30 DAYS, MS. MASIS?

>> THE JANUARY 15TH DATE IS ALREADY VERY, VERY FULL.THE DATE
FOLLOWING THAT IS FEBRUARY 5TH.

>> HEARING OFFICER HACHIYA: FEBRUARY 5, WILL THAT WORK FOR YOU,
SIR?

>> FEBRUARY 5TH, MA'AM?YES, THAT WOULD BE FINE.I COULD BE BACK AT
THAT TIME.

>> HEARING OFFICER HACHIYA: GREAT, SO WE'LL GO AHEAD AND
CONTINUE THIS ITEM TO FEBRUARY 5, 2013.

>> MR. GLASER: THAT'S GREAT, THANK YOU VERY MUCH.

>> HEARING OFFICER HACHIYA: OKAY, GREAT. EXCUSE ME, I DIDN'T SAY 13? YEAH, 2013, FEBRUARY 5, 2013. OKAY, LET'S GO ON TO ITEM -- I BELIEVE THE NEXT FEW ITEMS ARE GOING TO BE WRAPPED UP IN ONE PRESENTATION. THIS IS ITEMS 4, 5 AND 6, THESE ARE PROJECT NUMBER R2012-02099, PROJECT NUMBER R2012-02100 AND PROJECT NUMBER R2012-02102, STAFF, GO AHEAD.

>> MR. LEMIEUX: GOOD MORNING, MADAM HEARING OFFICER, THE APPLICANT IS REQUESTING CONDITIONAL USE PERMITS TO AUTHORIZE THE CONTINUED OPERATION AND MAINTENANCE OF THREE WIRELESS TELECOMMUNICATION FACILITIES LOCATED WITHIN THE RIGHTS OF WAY WITHIN KANAN DUME ROAD AND MALIBU, THE SITES IS ALL AGRICULTURE WITH THE ONE MINIMUM LOT SIZE, THE SURROUNDING LOT USES ARE AS FOLLOWS, FOR CUP 201200112 TO THE NORTH, SOUTH AND WEST, THEY'RE SINGLE FAMILY RESIDENCES, TO THE EAST, THERE IS OPEN SPACE. FOR THE OTHER TWO FACILITIES, CUP'S NUMBER 20120013 AND 201200114, THERE IS OPEN SPACE TO THE SOUTH, WEST, AND NORTH OF THE FACILITIES. AS FOR THE SITE PLANS, FOR CUP 201200112, THE SITE PLAN SHOWS THE EXISTING UTILITY POLE WITH APPROXIMATELY 45 FEET TALL WITH ATTACHED MICRO CELL AND ANTENNA AND ASSOCIATED GROUND EQUIPMENT, THE GROUND EQUIPMENT CONSISTS OF A CONCRETE PAD APPROXIMATELY 8 BY 4, A THREE QUARTER SURROUNDING BLOCK WALL, SPRINT EQUIPMENT CABINET AND A BALLARD, FOR CUP 201200113, THE SITE PLAN SHOWS THE EXISTING UTILITY POLE APPROXIMATELY 45 FEET TALL WITH ATTACHED

MICRO CELL AND ANTENNA AND ASSOCIATED GROUND EQUIPMENT, THE GROUND EQUIPMENT CONSISTS OF A CONCRETE PAD APPROXIMATELY 6 BY 4 AND A HALF FEET AND A SPRINT EQUIPMENT CABINET.FOR CUP 201200114, THE SITE PLAN SHOWS THE EXISTING UTILITY POLE THAT IS APPROXIMATELY 40 FEET TALL WITH ATTACHED MICRO CELL AND ANTENNA AND ASSOCIATED GROUND EQUIPMENT, THE GROUND EQUIPMENT CONSISTS OF A CONCRETE PAD APPROXIMATELY 7 BY 4 FEET AND A THREE QUARTER SURROUNDING CONCRETE BLOCK WALL AND SPRINT EQUIPMENT CABINET.CONDITIONAL USE PERMITS NUMBERS 0024100242 AND 00243 WERE PRIESTLY APPROVED BY THE REGIONAL PLANNING COMMISSION AS PART OF A WIRELESS TELECOMMUNICATION CLUSTER ON SEPTEMBER 27, 2001, THESE WERE PART OF A CLUSTER OF 9 WIRELESS APPROVES THAT AUTHORIZED THE CONSTRUCTION AND MAINTENANCE OF THE 9 WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY.PRIOR TO THOSE NINE APPROVALS, THERE WAS NO CELL PHONE SERVICE IN THE AREA AND OF COURSE CONTINUED OPERATION OF THESE FACILITIES WERE BEING NEEDED TO CONTINUE CELL PHONE SERVICE FOR THE AREA.THE DEPARTMENT HAS DETERMINED THAT ALL THREE PROJECTS ARE CATEGORICALLY EXEMPT UNDER THE CEQA REPORTING REQUIREMENTS AS CLASS 1 EXISTING FACILITIES.FOR CUP 201200112, STAFF SENT A TOTAL OF 23 HEARING NOTICES REGARDING THE PROPERTY THAT THE PROJECT TO PROPERTY OWNERS WITHIN A 500 FOOT RADIUS AND THAT WAS ON NOVEMBER 6, 2012, ALSO TWO NEWSPAPER ADS WERE TAKING OUT, ONE IN THE MALIBU TIMES PUBLISHED NOVEMBER 15TH AND ONE IN LAU PINON [PH.], FOR CUP 201200113, STAFF SENT A TOTAL OF THREE

HEARING NOTICES TO THE PROPERTY OWNERS WITHIN A 500 FOOT RADIUS ON NOVEMBER 6, 2012, TWO NEWSPAPER ADS WERE ALSO TAKEN OUT, ONE IN THE MALIBU TIMES AND ONE IN LAU PINON BOTH PUBLISHED IN NOVEMBER, AND CUP 201200114, WE SENT ONE HEARING NOTICE WITHIN 500 FEET, AND TWO ADS WERE TAKEN OUT.FOR CUP 201200112, STAFF DID RECEIVE ONE PHONE CALL FROM A RESIDENT WHO RECEIVED A HEARING NOTICE IN THE MAIL, THE CALLER WAS INQUIRING WHETHER OR NOT THEY COULD COME DOWN TO THE HEARING, AND WHEN STAFF EXPLAINED THAT NO NEW CONSTRUCTION WAS TAKING PLACE, THE CALLER WAS SATISFIED AND HAD NO OTHER INQUIRIES, STAFF RECEIVED THE CERTIFICATE OF POSTING, STATING THE POSTERS WERE PLACED ON THE PROPERTY ON NOVEMBER 16TH, 2012 FOR ALL THREE PROPERTIES, STAFF ANALYSIS INDICATES THE BURDEN OF PROOF REQUIREMENTS HAVE BEEN SATISFIED FOR ALL THREE OF THE SITES.THE PROPOSED WIRELESS TELECOMMUNICATION FACILITIES WILL NOT HAVE ANY ADVERSE IMPACTS ON THE SURROUNDING NEIGHBORHOODS AS THESE FACILITIES HAVE BEEN OPERATING ON THE PROPERTIES FOR OVER 10 YEARS WITHOUT ANY PROBLEMS AND COMPLAINTS AND IT PROVIDES NEEDED SELL PHONE SERVICE TO THE AREA, STAFF RECOMMENDS APPROVAL OF THE THREE CONDITIONAL PERMIT NUMBERS 201200112, 201200113 AND 201200114 SUBJECT TO THE DRAFT CONDITIONS, THAT CONCLUDES MY PRESENTATION.I'M AVAILABLE FOR ANY QUESTIONS.

>> HEARING OFFICER HACHIYA: THANK YOU.I JUST HAD ONE QUESTION.SINCE THESE ARE IN THE PUBLIC RIGHT OF WAY, I KNOW

THERE'S A CONDITION THAT MENTIONS IN CONDITION 33, ALL THE CONDITIONS ARE TOGETHER, THAT MENTIONS IF NECESSARY, THE PERMITTEE SHALL OBTAIN AN ENCROACHMENT PERMIT.DO THEY KNOW -- DO YOU KNOW WHETHER THEY NEED AN ENCROACHMENT PERMIT?

>> I BELIEVE THEY DID CHECK WITH PUB LICKER WORKS AND THEY DID NOT, THEY DID RECEIVE A WAIVER FROM THE CALIFORNIA COASTAL COMMISSION FOR THAT, BUT THAT'S SOMETHING SEPARATE.BUT YOU CAN CHECK WITH THE APPLICANT, THEY'RE HERE TO ANSWER THAT QUESTION.

>> HEARING OFFICER HACHIYA: OKAY, GREAT, THANK YOU.

>> OKAY, WE HAVE ONE SPEAKER FOR ALL THREE ITEMS, MARK MYERS.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.

>> GOOD MORNING.MY NAME IS MARK MYERS REPRESENTING SPRINT NEXTEL, THE APPLICANT HAS READ ALL THE CONDITIONS OF APPROVAL AND SPRINT COMPLIES WITH THEM AND I'M HAPPY TO ANSWER ANY QUESTIONS, AT THE TIME THOSE WERE CONSTRUCTED, THE ONES REQUIRED DID GET AN ENCROACHMENT PERMIT, THIS IS MERELY A RENEWAL OF THE PROGRAM SO WE WOULDN'T NEED ANY EXTRA PERMITS AT THIS TIME.

>> HEARING OFFICER HACHIYA: SO, ARE THE ENCROACHMENT PERMITS RENEWED ANNUALLY?NO, SO --

>> ONCE THEY'RE COMPLETED, THE WORK IS FINAL.

>> HEARING OFFICER HACHIYA: SO, YOU DON'T HAVE TO RENEW IT WITH PUBLIC WORKS OR ANYTHING LIKE THAT?

>> CORRECT, YES.

>> HEARING OFFICER HACHIYA: OKAY.SO, DOES STAFF THINK THAT THAT CONDITION IS STILL NECESSARY?

>> MR. LEMIEUX: I DID CONSULT WITH PUBLIC WORKS AND THEY DID NOT HAVE A COMMENT ON THIS PROJECT.

>> HEARING OFFICER HACHIYA: BUT THE WAY THEY SAW IT WAS -- MAYBE WE SHOULD LEAVE IT IN JUST IN CASE THERE'S ANY FUTURE WORK.

>> I WOULD SUGGEST YOU LEAVE IT IN CASE THE POST GETS RELOCATED OR DAMAGED AND IF YOU HAVE TO GET A NEW PERMIT, YOU HAVE SOMETHING IN PLACE TO GET AN ENCROACHMENT PERMIT.

>> MR. LEMIEUX: WE'D LIKE TO LEAVE THAT IN THERE.

>> HEARING OFFICER HACHIYA: OKAY, I DON'T HAVE ANY ADDITIONAL QUESTIONS OF STAFF OR OF THE APPLICANT, I'LL GO AHEAD AND CLOSE THE PUBLIC HEARING AND I'M GOING TO APPROVE THESE THREE CONDITIONAL USE PERMITS, NUMBER 201200112, 201200113 AND 201200114 AND ALSO CERTIFY THE ENVIRONMENTAL DOCUMENTS.

>> OKAY, AND THE LAST DAY TO APPEAL YOUR ACTION ON THESE ITEMS IS JANUARY 2, 2012.

>> HEARING OFFICER HACHIYA: THANK YOU.

>> THANK YOU.

>> HEARING OFFICER HACHIYA: OKAY, AND THEN THE NEXT FEW ITEMS ARE ALSO IN A BATCH.THESE ARE ITEMS NUMBER 7, 8, 9 AND 10.THESE ARE PROJECTS NUMBER R2012-02163, PROJECT NUMBER R2012-02164, PROJECT NUMBER R2012-02165 AND PROJECT NUMBER R2012-02167, STAFF, WHEN YOU'RE READY, YOU CAN GO AHEAD WITH YOUR PRESENTATION.

>> MR. MONTGOMERY: MY NAME IS TYLER MONTGOMERY WITH THE ZONING PERMIT'S WEST SECTION, AGENDA ITEMS NUMBER 7, 8, 9 AND 10 ARE ALL BEING HEARD TOGETHER, THEY ARE CONDITIONAL PERMITS 201200120, 201200119, 201200118 AND 201200116, THIS IS TO AUTHORIZE THE

CONTINUED OPERATION AND MAINTENANCE OF FOUR SEPARATE TELECOMMUNICATION FACILITY, THE PROJECT SITES ARE ALL LOCATED WITHIN THE PUBLIC RIGHT OF WAY IN THE MALIBU ZONED DISTRICT AND WITHIN THE SANTA MONICA NORTH AREA COMMUNITY STANDARDS DISTRICT. THE FACILITIES WERE ORIGINALLY APPROVE WITH FOUR CUP'S IN 2001 WHICH ALL EXPIRED IN 2011. THE FIRST OF THE THREE PROJECTS IS LOCATED WITHIN THE KANAN ROAD RIGHT-OF-WAY AND THEY'RE ALL WITHIN AREA ZONED A120 WHICH IS LIGHT AGRICULTURE 20 MINIMUM REQUIRED LOT AREA WHILE THE FOURTH PROJECT SITE IS LOCATED WITHIN THE CORNELL RIGHT-OF-WAY IS ZONED A110, 10 ACRE MINIMUM REQUIRED AREA, THESE ARE SURROUNDED BY SOME SINGLE FAMILY RESIDENCES, SOME RESORT AND RECREATION. GO TO THE PHOTOS, PLEASE. THE FIRST FACILITY IS LOCATED ON THE WEST SIDE OF KANAN ROAD APPROXIMATELY 900 FEET NORTH OF HIDDEN HIGHLAND ROAD, APPROXIMATELY HERE ON THE MAP, YOU CAN SEE ON THE LEFT, IT CONSISTS OF FOUR PANEL ANTENNAS MEASURES 24 INCHES IN LENGTH, THE WIRELESS ANTENNAS HAVE A MAXIMUM FEET OF [INAUDIBLE] ABOVE GRADE. THE SECOND FACILITY IS LOCATED ON THE WEST SIDE OF KANAN ROAD AS WELL APPROXIMATELY 0.85 MILES NORTH OF HIDDEN HIGHLAND RECORD EPOXY HERE, CONSISTS OF FOUR PANEL ANTENNAS MEASURING 24 DIRNDLS ON LENGTH MOUNTED ON AN EXTENSION ARM, THE WIRELESS ANTENNAS HAVE A MAXIMUM HEIGHT OF 24 INCHES, 8 INCHES ABOVE GRADE. THE NEXT ONE AND THE NEXT, ONE MORE, THERE WE GO. THE THIRD FACILITY IS LOCATED ON THE NORTH SIDE OF KANAN ROAD APPROXIMATELY A THIRD OF A MILE WEST AND ADJACENT TO 2101 KANAN

ROAD. APPROXIMATELY HERE. IT CONSISTS OF FOUR PANEL ANTENNAS MEASURING 24 INCHES IN LENGTH MOUNTED ON A 36 FOOT TALL UTILITY POLE, THEY HAVE A MAXIMUM HEIGHT [INAUDIBLE]. THE FOURTH AND FINAL FACILITY IS LOCATED ON THE WEST SIDE OF CORNELL ROAD APPROXIMATELY 400 FEET SOUTH OF WAGON ROAD APPROXIMATELY HERE, IT CONSISTS OF TWO MICRO CELL OMNI ANTENNAS MEASURING 28 INCHES LONG MOWN TAPED ON A 75 FOOT TALL UTILITY POLE, IT HAS A MAXIMUM HEIGHT OF 24 FEET ABOVE GREAT. SO, PROJECT SITES 1 THROUGH 3 ARE LOCATED WITHIN THE N20 MOUNTAIN LANDS 20, HAND USE AREA OF THE SANTA MONICA NORTH AREA MOUNTAIN PLAN, IT IS INTENDED FOR VERY LOW INTENSITY RESIDENTIAL USES, THE DENSITIES OF NO MORE THAN ONE DWELLING UNIT PER 20 ACRES. THE PROJECT SITE, 4 CORNELL ROAD, IS LOCATED WITHIN THE N10 WHICH ALLOWS FOR SIMILAR TYPES OF DEVELOPMENT OF DENSITIES OF NO MORE THAN ONE DWELLING UNIT PER TEN ACRES, INFRASTRUCTURES ARE ALSO PERMITTED WITHIN THESE DESIGNATION, THE EXISTING WIRELESS TELECOMMUNICATION FACILITIES ARE FOR COMMUNICATION AND ARE THERE FOR THE PERMITTED LAND USE CATEGORIES, THE FACILITIES WOULD COMPLY WITH ALL APPLICABLE DEVELOPMENTAL STANDARDS WITH A1 ZONE, THE SANTA MONICA MOUNTAINS PLAN AND SUBDIVISION AND ORDINANCE POLICY NUMBER 01-210. THE PROJECT SITES ARE TWO LANE THOROUGHFARES, ONE PARKING SPACE FOR EACH SITE WOULD ALSO BE PROVIDED BY A NEARBY ROAD SHOULDERS. STAFF RECOMMENDS THE PROJECT QUALIFY FOR A CATEGORICAL EXEMPTIONS AS CLASS 1 EXISTING FACILITIES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE FACILITIES ARE ALREADY

IN EXISTENCE AND THE PROPOSED PROJECT HAS BEEN NOTICED IN ACCORDANCE WITH STATE LAW AND THE PROVISIONS OF THE COUNTY CODE THROUGH NEWSPAPER AND ONLINE PUBLICATION, ON-SITE POSTING AND MAILINGS. THE EXISTING STRUCTURES ARE RELATIVELY SMALL IN NATURE AND THE THEY'RE RELATIVE UNOBTRUSIVE, THE ESTHETIC IMPACT OF THE PANEL ANTENNAS IS LESSEMED ON THEIR PLACEMENT ON UTILITY POLE, STAFF HAS RECEIVED NO OBJECTIONS TO THE PROJECTS FROM THE PUBLIC. DUE TO THE AFOREMENTIONED FACTORS, STAFF BELIEVES THE APPLICANT HAS SATISFIED THE BURDEN OF PROOF FOR EACH CONDITIONAL USE PERMIT AND RECOMMENDS APPROVAL TO ALL FOUR CUP'S SUBJECT TO THE CONDITIONS OF APPROVAL.

>> HEARING OFFICER HACHIYA: THANK YOU. I DON'T HAVE ANY QUESTIONS FOR STAFF. ARE THERE ANY PEOPLE SIGNED UP TO SPEAK ON THIS ITEM?

>> WE HAVE THE APPLICANT'S REPRESENTATIVE, NORM MCCLOUD.

>> HEARING OFFICER HACHIYA: OKAY.

>> GOOD MORNING, MADAM HEARING OFFICER, NORM MCCLOUD, PRINT, PCS. THEY'VE BEEN IN OPERATION FOR TEN YEARS NOW, SO I HAVE NO CONCERNS OR ANY ISSUES OF THE CONDITIONS OF APPROVAL AS THEY ARE WRITTEN.

>> HEARING OFFICER HACHIYA: THANK YOU, AND I DON'T HAVE ANY QUESTIONS FOR YOU ON THIS ITEM, IT'S PRETTY STRAIGHT FORWARD.I'M GOING TO CLOSE THE PUBLIC HEARING AND GO AHEAD AND APPROVE THESE CONDITIONAL USE PERMITS, THAT'S CONDITIONAL USE PERMIT NUMBER 201200120, 201200119, 201200118 AND 201200116 AND CERTIFY THE CATEGORICAL EXEMPTIONS.

>> THE LAST DAY TO APPEAL THESE ACTIONS IS JANUARY 2, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.AND NOW WE ARE GOING TO -- WE ALREADY DID ITEM NUMBER 11 SO WE'RE GOING TO ITEM NUMBER 12, THAT'S PROJECT NUMBER R2010-00808, AND WHEN YOU'RE READY, STAFF, YOU MAY BEGIN YOUR PRESENTATION.

>> MR. CURZI: GOOD MORNING, MADAM HEARING OFFICER, BEFORE I PROCEED, I WOULD LIKE TO CORRECT AN ERROR ON THE FACTUAL, THE CORRECT ENVIRONMENTAL ASSESSMENT NUMBER IS 2001000032.MY NAME IS ANTHONY CURZI WITH THE NORTH SECTION, THE MATTER IS A REQUEST FOR A MINOR MODIFICATION FOR A PREVIOUS CONDITIONAL USE PERMIT, THE CUP THAT IS REQUESTED TO BE MODIFIED PERTAINS TO A -- AS THE ANTELOPE SOLAR PROJECT AND WAS APPROVED IN 2011.THE PROJECT IS 4782 ACRES LARGE OF WHICH 1238 ACRES ARE WITHIN THE LOS ANGELES COUNTY AND THE REMAINING IN CURRENT COUNTY, CURRENT COUNTY WAS [INAUDIBLE] OVERRIDING ADOPTED.THE APPLICANT, SOLAR STAR XIX, LLC

IS REQUESTING THAT CONDITION NUMBER 28 BE MODIFIED TO ALLOW AN INCREASE IN WATER USAGE DURING THE PROJECT'S 36 MONTH CONSTRUCTION PERIOD, CONDITION NUMBER 28 CURRENTLY ALLOWS A MAXIMUM OF 38 ACRE FEET PER YEAR, THE APPLICANT IS REQUESTING AN INCREASE TO AN AVERAGE ANNUAL USE OF 110 ACRE FEET PER YEAR OR 330 ACRE FEET DURING THE PROJECT'S 36 MONTH CONSTRUCTION PERIOD. THIS ADDITIONAL WATER IS NECESSARY FOR DUST CONTROL DURING CONSTRUCTION. ALL THE WATER THAT WOULD BE USED WOULD COME FROM A SOURCE IN CURRENT COUNTY WHICH IS OUTSIDE THE ADJUDICATED AREA OF THE GROUND WATER BASIN, A MAXIMUM OF 13 ADDITIONAL TRUCK TRIPS PER DAY TO THE LOS ANGELES PORTION OF THE AREA WOULD OCCUR AND AIR QUALITY IMPACTS, AN ADDENDUM WAS PREPARED FOR THE MODIFICATION. STAFF SUPPORTS THE REQUESTED MODIFICATION TO THE DID CUP AS IT WILL ALLOW THE APPLICANT TO HAVE MORE WATER ON HAND FOR CONSTRUCTION PURPOSES TO CONTROL POSSIBLE DUST. FURTHERMORE, POLICY 102 OF THE ANTELOPE VALLEY AREA WIDE GENERAL PLAN ENCOURAGES THE USE OF IMPORTED WATER TO RELIEVE PRESSURE ON BASIN WATER. NO WRITTEN PROTEST TO THE PROPOSED MODIFICATION WERE RECEIVED. THEREFORE, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT AND MODIFICATION NUMBER 2001000071. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU. I DON'T HAVE ANY QUESTIONS FOR STAFF ON THIS ITEM. ARE THERE ANY PEOPLE SIGNED UP TO SPEAK ON THIS?

>> YES, WE HAVE TWO REPRESENTATIVES FOR THE APPLICANT, RENE ROBIN AND ANDREW WELLS.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.

>> HELLO, HI, MY NAME IS RENE ROBIN, I'M DIRECTOR FOR PERMITTED FOR SUN POWER CORPORATION AND SOLAR STAR CALIFORNIA IS A WHOLLY OWNED SUBSIDIARY OF SOLAR POWER, WE SUPPORT THE STAFF REPORT, WE BELIEVE IT'S VERY COMPREHENSIVE, WE'RE HERE TO ANSWER ANY QUESTIONS YOU MAY HAVE ABOUT THIS TEMPORARY CONSTRUCTION WATER INCREASE.

>> HEARING OFFICER HACHIYA: OKAY, I DON'T HAVE ANY QUESTIONS ON THIS ITEM. I THINK STAFF ALSO DID A GOOD JOB BRIEFING YOU EARLIER ON THIS SO I DIDN'T HAVE ANY QUESTIONS. SIR, DID YOU WANT TO SAY SOMETHING OR YOU'RE JUST HERE TO ANSWER QUESTIONS?

>> GOOD MORNING, I DIDN'T HAVE ANY COMMENTS.

>> HEARING OFFICER HACHIYA: I DON'T HAVE ANY QUESTIONS. FOR STAFF THOUGH, SINCE THIS IS NOT A PUBLIC HEARING, I DON'T CLOSE THE PUBLIC HEARING, I JUST MAKE MY DECISION, RIGHT.

>> YES.

>> HEARING OFFICER HACHIYA: OKAY, SO I'LL GO AHEAD AND APPROVE THE ENVIRONMENTAL IMPACT REPORT ADDENDUM AND THE MINOR MODIFICATION TO THE CUP NUMBER 201000071 WITH THE REVISED CONDITIONS AS GIVEN BY STAFF.THANK YOU.

>> THANK YOU VERY MUCH.

>> THERE IS AN APPEAL PERIOD AND THE LAST DAY TO APPEAL THIS ACTION IS ALSO JANUARY 2, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.OKAY.MAYBE WE SHOULD TAKE A BREAK.OKAY, SO WE'LL GO AHEAD AND TAKE A 10 MINUTE BREAK.WELL, I HAVE 9:48 RIGHT NOW, LET'S TAKE A 12 MINUTE BREAK AND WE'LL BE SWITCHING HEARING OFFICERS TO MR. MITCH GLASER SO WE'LL RECONVENE AT 10:00.(MEETING IN RECESS UNTIL 10:00).

>> GOOD MORNING, IT'S APPROXIMATELY 10:00 A.M., WE'LL GO AHEAD AND RESUME WITH THE HEARING OFFICER PROCEEDINGS AT THIS TIME, MY NAME IS MITCH GLASER, I'M WITH THE ADVANCED PLANNING DIVISION AND I WILL BE HEARING AS THE HEARING OFFICER AS THE REMAINING ITEMS, WE'LL GO AHEAD AND BEGIN WITH AN ITEM MS. HACHIYA SKIPPED OVER WHICH IS ITEM NUMBER 2, THIS ITEM WAS PREVIOUSLY CONTINUED FROM

JUNE 5TH, JULY 17TH, AUGUST 21, AND NOVEMBER 20TH OF THIS YEAR, THIS IS PROJECT NUMBER R2007-01296 IN THE FIFTH SUPERVISORIAL DISTRICT, OAK TREE PERMIT 200700032.MR. MONTGOMERY?

>> MR. MONTGOMERY: AGENDA ITEM NUMBER 2 IS OAK TREE PERMIT NUMBER 2007003032, THE APPLICANT HERBERT AND KAY HAFIF WANTED 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, IT IS IN THE NORTH CLAREMONT ZONED DISTRICT IN LOS ANGELES COUNTY, THE APPLICANT HAS BEEN WORKING FOR SEVERAL MONTHS TO OBTAIN LOT LINE ADJUSTMENTS AND CERTIFICATES OF KLEIN THAT CONSTITUTE THE SUBJECT PROPERTY THESE DOCUMENTS ARE BEING PURSUED THROUGH THE LAND USE DIVISION SECTION OF THE DEPARTMENT OF REGIONAL PLANNING.THE PROJECT WAS CONTINUED FROM JUNE 5TH, JULY 17TH AND AUGUST 21TH AND NOVEMBER 20TH TO ALLOW THE APPLICANT ADDITIONAL TIME TO OBTAIN THESE PERMITS, THE APPLICANT SURVEYOR HAS COMPLETED THE PROCESS AND THE LOT LINE ADJUSTMENTS THOUGH NOT COMPLETED ARE IN THE FINAL STAGES OF BEING ISSUED, STAFF ANTICIPATES THE REPORTING OF THESE DOCUMENTS SHOULD OCCUR IN APPROXIMATELY TWO TO THREE WEEKS WHICH WOULD MOST LIKELY BE AFTER THE -- WHICH IS AFTER THIS HEARING DATE OBVIOUSLY, THEREFORE, STAFF RECOMMENDS THAT THIS ITEM BE CONTINUED WITHOUT HEARING TO JANUARY 15TH, 2013.

>> HEARING OFFICER GLASER: THANK YOU, WE'LL GO AHEAD AND GRANT THE CONTINUANCE TO FEBRUARY 15TH. THAT'S GOING TO WRAP IT UP FOR THE PUBLIC HEARING ITEM, WE HAVE ONE ITEM ON THE ZONING ENFORCEMENT ITEMS. THE FIRST IS ITEM NUMBER 13TH ON THE AGENDA, THIS IS AN APPEAL OF A FINAL ZONING ENFORCEMENT ORDER, THIS IS ENFORCEMENT CASE REQUEST FOR SERVICE 120012173, ENFORCEMENT FILE 902046, THIS ITEM WAS BEING HANDLED BY MR. BESEM, HE HAS TOLD ME THE APPLICANT HAS WITHDRAWN THIS AND AS SUCH, THERE IS NO ACTION TAKEN ON THIS TODAY. THIS IS SUPPLEMENTAL 13X, THIS IS ALSO AN APPEAL OF A ZONING ENFORCEMENT ORDER, THIS IS REQUEST FOR SERVICE 120015082, ENFORCEMENT FILE 084656, MR. D'AMICO, BEFORE YOU PROCEED, LET ME GO THROUGH THE PROCEDURE, WHAT WE'RE GOING TO DO FIRST IS HAVE STAFF GIVE A BRIEF PRESENTATION REGARDING THE VIOLATION, FOLLOWING THAT, I MAY HAVE QUESTIONS OF STAFF, IF NOT, WE'LL GO AHEAD AND MOVE FORWARD WITH THE APPELLANT, THE APPELLANT WILL BE GIVEN UP TO 15 MINUTES TO SPEAK, FOLLOWING THERE, THERE MAY BE QUESTIONS OF THE APPELLANT, QUESTIONS OF STAFF, AND AT THE CONCLUSION OF THAT DISCUSSION, I'LL GO AHEAD AND TAKE AN ACTION. THERE ARE THREE ACTIONS THAT COULD BE TAKEN TODAY, THE FIRST ACTION WOULD BE TO DENY THE APPEAL AND UPHOLD THE NON-COMPLIANCE FEE, THE SECOND WOULD BE TO UPHOLD THE APPEAL AND NOT ASSESS THE NON-COMPLIANCE FEE AND THE THIRD OPTION WOULD BE TO CONTINUE THE MATTER TO ANOTHER DATE FOR WHATEVER REASON, SO WITH

THAT PROCEDURAL STUFF OUT OF THE WAY, GO AHEAD, MR. D'AMICO,
PLEASE PROCEED.

>> GOOD MORNING, MR. HEARING OFFICER, NICHOLAS D'AMICO WITH THE ZONING EAST SECTION, THE APPELLANT MR. WILLIAMS IS THE OWNER OF THE PROPERTY IN ROWLAND HEIGHTS, MR. WILLIAMS IS APPEALING THE FINAL ZONING ENFORCEMENT ORDER FOR VIOLATIONS OF THE FOLLOWING SECTIONS OF THE ROWLAND HEIGHTS COMMUNITY STANDARDS DISTRICT, NO PORTION OF A RECREATIONAL VEHICLE EXCEEDING 36 INCHES IN HEIGHT SHOULD BE KEPT, STORED, MAINTAINED OR OTHERWISE PERMITTED WITHIN 10 FEET OF THE FRONT LOT LINE OR CORNER SIDE LOT LINE, AND ALSO NO RECREATIONAL VEHICLE SHOULD BE KEPT, STORED, PARKED OR OTHERWISE PERMITTED TO COVERED PARKING ON THE SAME LOT OR PARCEL OF LAND AND THAT IS THE SAME SECTION AND SUBPARAGRAPH 4.I'LL BEGIN WITH A DESCRIPTION OF THE SUBJECT PROPERTY.THE ASSESSOR'S RECORDS INDICATE THE PROPERTY IS A SINGLE FAMILY DWELLING, THE LOT IS APPROXIMATELY 600 FEET IN AREA AND THE STRUCTURE WAS BUILT IN 1961, THE EXISTING ZONING IS LIGHT AGRICULTURE, A-1 IN THE PUENTE ZONED DISTRICT, IT IS SINGLE FAMILY RESIDENCES, TO THE WEST, THERE IS A PROPERTY ZONED COMMERCIAL 2 AND THE USE THERE IS A SCHOOL.IN RESPONSE TO AN ANONYMOUS PUBLIC COMPLAINT ABOUT RECREATIONAL VEHICLE PAGING AT THE ADDRESS, STAFF CONDUCTED AN INITIAL INSPECTION ON JUNE 14TH, 2012.STAFF OBSERVED A TRAILER NEAR THE GARAGE, THE SAID BOAT TRAILER WAS APPROXIMATELY 32 INCHES IN

HEIGHT AND WAS PARKED ABOUT THREE FEET FROM THE LOT LINE, IT
BLOCKED ACCESS TO COVERED PARKING, PHOTOGRAPHS OF THESE
OBSERVATIONS ARE ATTACHED. I'LL DIRECT YOUR ATTENTION TO THE
PHOTOGRAPH TO MY LEFT DATED JUNE 14TH, 2012, AS YOU CAN SEE, THE
BOAT TRAILER IS RIGHT UP AGAINST THE FRONT LOT LINE WHICH WOULD BE
ALONG THE SIDEWALK. STAFF MAILING NOTICE OF VIOLATION ON JUNE 25
AND SPOKE TO THE OWNER ON JUNE 28 OVER THE PHONE, DURING THIS
CONVERSATION, STAFF EXPLAINED WHY THE NOTICE WAS ISSUED AND WHAT
MEASURES COULD BE TAKEN TO CORRECT THE VIOLATION. ON SEPTEMBER 18,
STAFF CONDUCTED A FOLLOW-UP INSPECTION AND DISCOVERED VIOLATION
IN QUESTION HAD NOT BEEN CORRECTED. AS SUCH, STAFF ISSUED A FINAL
ZONING ENFORCEMENT ORDER TO THE PROPERTY OWNER VIA CERTIFIED MAIL,
THIS APPEAL FILED ON -- I'M SORRY, ON NOVEMBER 7TH, 2012, WHEN
STAFF RECEIVED A LETTER FROM THE LAW OFFICES FORMERLY REQUESTING
AN APPEAL. ON DECEMBER 6, STAFF RETURNED TO THE SUBJECT PROPERTY
FOR ANOTHER FOLLOW-UP INSPECTION AND STAFF OBSERVED THAT THE BOAT
TRAILER HAD NOT BEEN REMOVED FROM ITS ORIGINAL LOCATION AND I'LL
DIRECT YOUR ATTENTION TO THE PHOTO TO MY RIGHT, YOUR LEFT DATED
DECEMBER 6, 2012, AND AS YOU COULD SEE, THERE'S A VEHICLE PARKED
IN FRONT OF THE DRIVE WAY. I'LL MOVE ON TO STAFF'S RECOMMENDATION,
STAFF RECOMMENDS THAT THE HEARING OFFICER SUSTAIN THE FINAL ZONING
ENFORCEMENT ORDER AND HAVE THE APPELLANT TO [INAUDIBLE] AND PAY
THE APPELLANT FEE, THIS CONCLUDES STAFF'S REPORT.

>> HEARING OFFICER GLASER: I HAD A COUPLE OF QUESTIONS FOR YOU, SO DECEMBER 6TH WAS THE MOST RECENT INSPECTION, CORRECT?

>> THAT'S CORRECT.

>> HEARING OFFICER GLASER: I HAVE REVIEWED THE APPELLANT'S ATTORNEY'S LETTER THAT YOU DID PROVIDE TO ME AS PART OF YOUR STAFF REPORT. BASICALLY, THE MAIN ISSUE I SEE IN THAT APPEAL LETTER HAS TO DO WITH SORT OF A CONCERN ABOUT SELECTIVE ENFORCEMENT. NOW, I UNDERSTAND THAT IN YOUR PRESENTATION, YOU INDICATED THAT YOUR INVESTIGATION WAS PROMPTED BY A COMPLAINT, IS THAT CORRECT?

>> THAT IS CORRECT.

>> WE HAVE PROACTIVE CODE ENFORCEMENT BUT MY UNDERSTANDING IN THE COMMUNITY OF ROWLAND HEIGHT, ENFORCEMENT IS SIMPLY BASED ON COMPLAINTS, IS THAT CORRECT?

>> YEAH, PRIMARILY WE BASE THE ENFORCEMENT IN THAT AREA ON PUBLIC COMPLAINTS, ESPECIALLY FOR VIOLATIONS OF THIS KIND, PARKING VEHICLES.

>> HEARING OFFICER GLASER: I UNDERSTAND, AND THERE ARE FOUR PROPERTIES HERE, AND MY QUESTION TO YOU IS SUBSEQUENT TO RECEIVING

THIS LETTER, DID YOU CONDUCT AN INVESTIGATION AT THOSE FOUR PROPERTIES AND DID YOU ISSUE A NOTICE OF VIOLATION IF VIOLATIONS EXISTED AT THOSE FOUR PROPERTIES?

>> YES, I DID, VIOLATIONS EXISTED AT ALL FOUR PROPERTIES AND I SUBSEQUENTLY ISSUED LETTERS TO ALL FOUR OF THE PROPERTY OWNERS.

>> HEARING OFFICER GLASER: IF THE APPELLANT OR ANYONE ELSE PROVIDED ADDITIONAL ADDRESSES IN THE ROWLAND HEIGHTS AREA, YOU WOULD BE PUTTING THOSE FORTH?

>> ABSOLUTELY.

>> HEARING OFFICER GLASER: IF YOU COULD GO AHEAD AND HAVE A SEAT UP HERE AND AS I MENTIONED IN SORT OF THE HOUSEKEEPING, WE'LL GIVE YOU UP TO 15 MINUTES TO SPEAK, SO AGAIN, I HAVE REVIEWED THE APPEAL LETTER BUT ANY OTHER COMMENTS YOU WOULD LIKE THE MAKE, PLEASE FEEL FREE TO DO SO.

>> OKAY.ON THAT LETTER, THERE'S OTHER PROPERTIES ON THE SAME BLOCK.THEY'RE NOT BEING BOTHERED.HE'S SAYING HE'S MAILED THEM LETTERS BUT I SPOKE TO PEOPLE, TOOK VIDEO YESTERDAY, THE BOATS ARE STILL THERE.WE HAVE DOUBLE STACKERS, WE HAVE AN R.V. THE SIZE OF MY HOUSE PARKED IN FRONT OF OTHER HOUSES.

>> HEARING OFFICER GLASER: I MEANS TO INTERRUPT YOU, FOR THE CAPTIONING, I NEED YOU TO STATE YOUR NAME.

>> I'M SORRY, DAMON WILLIAMS.AND THAT SEEMS TO BE THE PROBLEM, I SENT A LETTER TO THE ATTORNEY.THE ATTORNEY HAD TO PAY FOR THE -- THE ATTORNEY COMES OUT TO MY HOUSE, HE SEES PROBLEMS WITHIN MY BLOCK.THERE'S OTHER PEOPLE, LIKE I'M THE OTHER -- ONLY ONE BEING MESSED WITH, THAT SEEMS TO BE THE PROBLEM.I MEAN, THERE'S HUNDREDS IF NOT THOUSANDS OF MORE BOATS IN THE L.A. REGION.

>> HEARING OFFICER GLASER: ALRIGHT, WELL, THANK YOU.I ATTEMPTED TO ADD -- ADDRESS SOME OF THE CONCERNS IN THE LETTER, BEFORE WE TALK ABOUT OTHER PROPERTIES, I JUST WANT TO ASK YOU IN TERMS OF -- BECAUSE MR. DAMICO HASN'T BEEN THERE MORE RECENTLY THAN DECEMBER 4TH, IS THE BOAT AND TRAILER IN THE DRIVEWAY AS DEPICTED IN THE PHOTOS, IS THAT STILL THE CASE TODAY?

>> YES, SIR, I MOVED MY BOAT BACK ON THIS PROPERTY ON DECEMBER 1, MY BOAT WAS NOT THERE UNTIL THE 1ST BECAUSE HE TOLD ME ALL I BASICALLY HAD TO MOVE WAS PUT IT ON THE STREET AND HE WILL COME BY AND INVESTIGATE IT AND IF THE BOAT WAS MOVED, THIS WOULD BE WASHED, SO I MOVED THE BOAT, I PUT IT IN PUBLIC STORAGE, THEN HE

COMES UP WITH THE 6TH, I GUESS HE SHOWS THE BOAT RETURNED ON THE 6TH, YOU DID NOT SEE THAT BOAT AT MY HOUSE LAST MONTH.

>> HEARING OFFICER GLASER: IS THE BOAT ON YOUR DRIVEWAY RIGHT NOW?

>> YES, I PUT IT BACK ON THE 1ST.

>> HEARING OFFICER GLASER: LET'S GO BACK TO THE FOUR ADDRESSES THAT WERE IN THE APPEAL RECORD, NOW, MR. D'AMICO, HAVE YOU ISSUED NOTICES OF VIOLATIONS ON THOSE PROPERTIES?

>> YES, I DID.

>> HEARING OFFICER GLASER: ARE YOU ABLE TO PROVIDE NOTICES TO THE APPLICANT?

>> YES.

>> HEARING OFFICER GLASER: I UNDERSTAND MR. WILLIAM'S TESTIMONY, THE OTHER ITEMS ARE THERE IN FRONT OF THEIR PROPERTIES, IT DOESN'T MEAN WE HAVEN'T CITED THEM.

>> THEY'VE BEEN CITED UNDER THE SAME PROCESS THAT MR. WILLIAMS WAS.

>> HEARING OFFICER GLASER: SO, I THINK THAT WILL ADDRESS HIS CONCERN ABOUT THE SELECTIVE ENFORCEMENT, AND MR. WILLIAMS HAD MENTIONED THROUGHOUT GREATER LOS ANGELES, THERE'S A LOT OF PROPERTIES WITH THIS SITUATION, BUT IF I UNDERSTAND CORRECTLY, THE CODE THAT IS BEING CITED IS THE ROWLAND HEIGHTS COMMUNITY STANDARDS DISTRICT WHICH ONLY APPLIES TO THE UNINCORPORATED COMMUNITY OF ROWLAND HEIGHTS, CORRECT?

>> YES, SIR, THAT'S CORRECT.

>> HEARING OFFICER GLASER: SO, IF THERE ARE OTHER PROPERTIES WITHIN ROWLAND HEIGHTS, THEY WOULD BE CITED UNDER THE SAME CODE, CORRECT?

>> YES, IF I OBSERVE THEM, I'LL CITE THEM ACCORDINGLY.

>> HEARING OFFICER GLASER: AND I'VE ALREADY INDICATED TO MR. WILLIAMS, THERE'S FOUR PROPERTIES AND MAYBE OTHER PROPERTIES IN ROWLAND HEIGHTS AND HE'S MENTIONING BLOCKS OR STREETS, SO IF HE OR ANYBODY ELSE WANTED TO MAKE COMPLAINTS ABOUT OTHER PROPERTIES, WOULD YOU NEED THE SPECIFIC ADDRESS OR WOULD IT BE ACCEPTABLE FOR

SOMEONE TO SAY THIS SIDE OF THIS STREET OR THIS BLOCK OR THIS STREET BETWEEN X AND Y STREET, CAN YOU CLARIFY THE REQUIREMENTS FOR LODGING THE COMPLAINT?

>> WELL, A SPECIFIC ADDRESS WOULD USUALLY BE REQUIRED BUT THERE WOULD BE NOTHING STOPPING ME FROM SURVEYING AN AREA IF IT WAS ALLEGED THERE THERE WERE MANY VIOLATIONS THAT WERE ON STREET, I WOULD STILL GO AHEAD AND INVESTIGATE THAT AND SEE IF THERE WERE VIOLATIONS AT OTHER PROPERTIES.

>> HEARING OFFICER GLASER: MR. WILLIAMS, WE'RE GOING THERE THIS BECAUSE I WANT TO CLARIFY TO YOU, I KNOW WHERE YOU'RE COMING FROM IN TERMS OF THE SELECTIVE ENFORCEMENT BY MR. D'AMICO WAS SAYING THERE WAS A COMPLAINT MADE WITH REGARD TO YOUR PROPERTY THERE WAS COMPLAINTS MADE ON THE FOUR OTHER PROPERTIES, AND CERTAINLY IF THERE'S ADDRESSES BUT IF THERE'S CERTAIN STREETS, HE WOULD BE WILLING TO INVESTIGATE THAT, I WANT YOU TO UNDERSTAND THAT YOU HAVE THAT ABILITY IF YOU WANT MR. D'AMICO TO LOOK AT OTHER PROPERTIES, ARE YOU CLEAR ON THAT?

>> YEAH, BUT I STILL HAVE A PROBLEM. THOSE FOUR ADDRESSES, I SPENT MY TIME GOING TO FIND THOSE ADDRESSES, THESE GUYS ARE NOT DRIVING AROUND FINDING THE ADDRESSES, AFTER I GO FIND THEM, HE GOES AND CITES THEM, HE WANTS ME TO SPEND MY TIME WHILE HE'S OUT DOING

NOTHING AND I GIVE HIM THE ADDRESS AND HE GOES AND CITES THEM, THAT'S WHY I HAVE AN ATTORNEY, I DON'T HAVE ANY OTHER CHOICE, I DON'T MEAN TO SOUND RUDE, BUT THAT IS TOTALLY UNFAIR FOR ME TO SPEND MY TIME TO FIND THESE GUYS ADDRESSES IN ORDER TO FIGHT THIS CASE AND THERE'S HUNDREDS OF OTHER BOATS, YOU KNOW, HE'S NOT SPENDING HIS TIME DRIVING AROUND AND WRITING AND CITING PEOPLE.

>> HEARING OFFICER GLASER: I UNDERSTAND.

>> THAT SEEMS TO BE THE PROBLEM.

>> HEARING OFFICER GLASER: I UNDERSTAND THAT, MR. WILLIAMS AND AGAIN, I THINK IT'S FAIR FOR US TO EXPLAIN TO YOU THAT IT IS A COMPLAINT-BASED SYSTEM, THAT'S SIMPLY HOW THINGS ARE OPERATED IN THIS PARTICULAR AREA WITH REGARD TO THAT ISSUE, SO AS LONG AS YOU UNDERSTAND THAT THAT'S THE SITUATION, WHETHER YOU AGREE WITH IT OR NOT OBVIOUSLY IS A SEPARATE QUESTION BUT THE PURPOSE OF YOUR APPEAL IS NOT TO QUESTION OUR ZONING ENFORCEMENT PROCEDURES, IT'S TO ENFORCE YOUR VIOLATION, BUT THE QUESTION BEFORE ME TODAY IS SIMPLY WITH REGARDS TO YOUR PROPERTY AND WHETHER A VIOLATION EXISTS, AND BASED ON YOUR TESTIMONY AS WE SIT HERE TODAY, THE BOAT AND TRAILER ARE STILL IN THE DRIVEWAY. IF THAT IS THE CASE, THEN THE VIOLATION EXISTS. I THINK THE CODE IS VERY CLEAR ON THIS POINT AND AS SUCH, YOU'RE IN VIOLATION OF THE ZONING ORDINANCE. SO,

FRANKLY I DON'T SEE ANY REASON NOT TO SUSTAIN THE APPEAL. I THINK THAT THAT IS AN ORDER, BUT WHAT I WOULD LIKE TO DO, MR. D'AMICO, LET ME POSE THIS QUESTION TO YOU, IN TERMS OF THE FINAL ZONING ENFORCEMENT ORDER THAT WAS PREVIOUSLY ISSUED, A COMPLIANCE DATE WAS SPECIFIED AND THE NON-COMPLIANCE FEE WOULD BE ASSESSED IF THE VIOLATION IS NOT CORRECTED 15 DAYS AFTER THE COMPLIANCE DATE, IS THAT CORRECT?

>> YES, SIR.

>> HEARING OFFICER GLASER: HERE'S WHAT I WOULD LIKE TO DO, MR. D'AMICO, YOU'RE RECOMMENDING THE APPELLANT CORRECT THIS AND PAY THE NON-COMPLIANCE FEE, I KNOW THIS VIOLATION HAS BEEN GOING ON FOR QUITE A WHILE BUT I'M HOPING NOW THAT WE'VE HAD THIS DISCUSSION AND CLARIFIED WHAT THE ISSUES ARE AND WHAT MR. WILLIAMS NEEDS TO DO, WHAT I WOULD LIKE TO DO IS SET A NEW COMPLIANCE DATE FOR 15 DAYS FROM TODAY WHICH BASED ON MY CALENDAR YOU CAN VERIFY, MR. D'AMICO IS JANUARY 2, SO WHAT I WOULD LIKE TO DO IS SPECIFY JANUARY 2 AND SO LOOKING OUT 15 DAYS BEYOND THAT, APPROXIMATELY 30 DAYS FROM NOW IS GOING TO BE JANUARY 17, SO I'D LIKE TO GO AHEAD WITH YOUR RECOMMENDATION, MR. D'AMICO AND I WOULD ASK MR. WILLIAMS TO CORRECT THE VIOLATION NO LATER THAN JANUARY 17 BUT I WOULD ALSO LIKE TO SPECIFY THAT THE NON-COMPLIANCE FEE WILL ONLY BE ASSESSED IF HE DOES NOT COMPLY BY JANUARY 17, SO THE 30 DAYS IS STILL THE

SAME, BUT I'M GOING TO GO AHEAD AND WAIVE THE NON-COMPLIANCE FEE PROVIDED THAT HE COMPLIES BY JANUARY 17TH. SO, MR. D'AMICO, ANY QUESTIONS ABOUT THE SORT OF MODIFIED ACTION I'D LIKE TO TAKE HERE?

>> NO QUESTIONS, STAFF IS AMENABLE TO THAT.

>> HEARING OFFICER GLASER: MR. WILLIAMS, UNDERSTANDING YOU DON'T AGREE WITH THE COMPLAINT BASED PROCESS, WITH REGARD TO YOUR PARTICULAR PROPERTY AND WHAT YOU NEED TO DO, DO YOU UNDERSTAND WE'RE ASKING YOU TO REMOVE THE BOAT AND THE TRAILER NO LATER THAN JANUARY 17TH?

>> YES, YOUR ON NOR.

>> HEARING OFFICER GLASER: AND YOU DO UNDERSTAND IF YOU DON'T REMOVE IT BY JANUARY 17TH, IT'S NOT GOING TO BE TO BE ANOTHER APPEAL, MR. D'AMICO IS GOING TO ASSESS THE NON-COMPLIANCE FEE AND IT COULD GO FURTHER WITH US REFERRING TO THE DISTRICT ATTORNEY WHICH WE DON'T WANT TO DO, SO THAT BEING SAID, I'LL GO AHEAD, LET ME TAKE THE ACTION AS MODIFIED SO I'M GOING FIRST OF ALL SUSTAIN THE FINAL ZONING ENFORCEMENT ORDER, I WILL DIRECT MR. WILLIAMS TO ABATE ALL ZONING VIOLATIONS ON THE PROPERTY WITHIN 30 CALENDAR DAYS, NO LATER THAN JANUARY 17TH, AND I WILL ALSO SPECIFY THAT HE WILL NEED TO PAY THE NON-COMPLIANCE FEE ONLY IF HE DOES NOT ABATE

THE VIOLATION BY JANUARY 17TH AS PROVIDED BY SECTION 226390A1 OF
THE COUNTY CODE.SO, THAT WILL GO AHEAD AND WRAP THIS MATTER UP, SO
THANK YOU MR. WILLIAMS FOR COMING DOWN AND EXPRESSING YOUR
CONCERNS AND THANK YOU MR. D'AMICO FOR BEING FLEXIBLE ON THE NON-
COMPLIANCE FEE.OKAY, SO THAT'S GOING TO WRAP UP THE ITEMS.I THINK
THERE'S ONE LAST ITEM WHICH IS --

>> [INAUDIBLE].

>> HEARING OFFICER GLASER: MR. WILLIAMS, YOU NEED TO COMPLY, IF
YOU DON'T, YOU'RE NOT GOING TO BE SEEING ME, YOU'LL PROBABLY BE
SEEING THE DISTRICT ATTORNEY, THAT'S GOING TO WRAP UP MY PART OF
IT.

>> I COULD STILL TAKE THIS TO HIGHER COURT?

>> HEARING OFFICER GLASER: YES, IF WE REFER THIS TO THE DISTRICT
ATTORNEY, IT WILL BE REFERRED TO JUDICIAL COURT, ABSOLUTELY.

>> I HAVE TO MOVE THAT BOAT?

>> HEARING OFFICER GLASER: THAT'S ALL YOU HAVE TO DO.

>> EVEN IF I GET AN ATTORNEY.

>> HEARING OFFICER GLASER: THAT'S CORRECT, MY ORDER IS YOU NEED TO COMPLY NO LATER THAN JANUARY 17TH, THAT'S MY ORDER TODAY, OKAY.

>> OKAY.

>> HEARING OFFICER GLASER: SO, THAT CLARIFICATION OWL OUT OF THE WAY, ANY PUBLIC COMMENT PURSUANT TO SECTION 54954.3 OF THE GOVERNMENT CODE.SEEING NONE, WE'RE ADJOURNED.THANK YOU.(MEETING IS ADJOURNED).