

>> GOOD MORNING, THIS HEARING IS NOW CALLED TO ORDER. TODAY'S DATE IS MARCH 19TH, 2013. I AM REGIONAL PLANNING STAFF MEMBER ALEX GARCIA SERVING AS HEARING OFFICER IN TODAY'S CASES. COPIES OF AGENDAS ARE AVAILABLE AT THE BACK OF THE ROOM. I WOULD LIKE TO START WITH THE PLEDGE OF ALLEGIANCE, SO PLEASE DIRECT YOURSELF TO THE FLAG. (PLEDGE OF ALLEGIANCE).

>> I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

>> HEARING OFFICER GARCIA: JUST TO LET YOU KNOW, OUR HEARINGS ARE BROADCAST LIVE ONLINE AND ARCHIVES ARE AVAILABLE TO THE PUBLIC ON OUR WEBSITE. THE HEARING PROCEDURE WHICH WILL VARY SOME DEPENDING ON THE CIRCUMSTANCES IS AS FOLLOWS. TESTIMONY WILL BE GIVEN BY THE APPLICANT AND PROPONENTS, THEN THE OPPONENTS AND FINALLY ONE REBUTTAL BY THE APPLICANT OR ONE OTHER PROPONENT. AT THE CONCLUSION OF THE TESTIMONY, THE HEARING WILL BE CLOSED AND I WILL RENDER MY DECISION AT THE CLOSE OF THE HEARING. IN THE EVENT IT BECOMES APPARENT THAT THE CASE INVOLVES A MAJOR PLANNING ISSUE, I MAY REFER THE CASE TO THE REGIONAL PLANNING COMMISSION WITHOUT FURTHER ACTION OR DECISION ON MY PART. AND ANY DECISION MADE BY A HEARING OFFICER MAY BE APPEALED TO THE REGIONAL PLANNING COMMISSION, ANY ACTION BY REGIONAL

PLANNING COMMISSION MAY FURTHER BE APPEALED TO THE BOARD OF SUPERVISORS. I HAVE REVIEWED THE MATERIAL AND I HAVE DISCUSSED THE CASES WITH THE APPROPRIATE STAFF. ANYBODY WHO WISHES TO TESTIFY ON ANY OF TODAY'S CASES MUST SEE A STAFF PERSON AT THE BACK OF THE ROOM TO FILL OUT A SPEAKER CARD. AT THIS TIME, WE WILL SWEAR ANYBODY IN WHO PLANS TO TESTIFY ON ANY OF TODAY'S CASES, SO IF YOU PLAN TO TESTIFY ON ANY OF TODAY'S CASES, PLEASE STAND AND RAISE YOUR RIGHT HAND.

>> DO EACH OF YOU SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE TESTIMONY YOU MAY GIVE IN THE MATTERS NOW PENDING BEFORE THE HEARING OFFICER SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH? THANK YOU.

>> HEARING OFFICER GARCIA: THANK YOU. OUR FIRST CASE TODAY IS ITEM NUMBER 2, IT'S NONCONFORMING REVIEW NUMBER 201100003, IT WAS A CONTINUED CASE FROM A PREVIOUS HEARING. IT IS A REQUEST TO AUTHORIZE A CONTINUED O RATION OF AN EXISTING CONVENIENCE MARKET, THREE APARTMENT UNITS AND A TWO CAR GARAGE ON ONE PARCEL IN THE R-3 ZONE WITHIN THE FLORENCE-FIRESTONE ZONE DISTRICT, THE PERMIT IS APPLIED FOR BY LYDIA SANDOVAL. DO WE HAVE ANY SPEAKER CARDS FOR THIS ITEM? NO SPEAKERS CARDS YET? THEY'RE COMING DOWN, WE'LL GO AHEAD AND START WITH STAFF'S PRESENTATION.

>> MR. SVITEK: GOOD MORNING, MR. HEARING OFFICER, THIS HEARING IS A CONTINUED ITEM FROM FEBRUARY 5TH. AT THAT TIME, THE HEARING OFFICER CONTINUED THE PUBLIC HEARING TO ALLOW THE APPLICANT ADDITIONAL TIME TO MEET THE PUBLIC HEARING NOTICE REQUIREMENTS FOR POSTING. STAFF HAS RECEIVED VERIFICATION FROM THE APPLICANT THAT THE SITE WAS PROPERLY POSTED BEFORE FEBRUARY 19TH AND THAT THE HEARING NOTICE HAS REMAINED ON THE PROPERTY FOR 30 DAYS PRIOR TO THIS HEARING. THIS IS A REQUEST FOR THE CONTINUATION OF AN EXISTING NONCONFORMING MARKET IN THE R-3 ZONE OF THE FLORENCE-FIRESTONE COMMUNITY STANDARDS DISTRICT, THE SITE PLAN SHOWS A .1 ACRE SITE WITH A 780 SQUARE FOOT MARKET AND ATTACHED 731 SQUARE FOOT ONE BEDROOM DWELLING UNIT, A DETACHED 492 SQUARE FOOT ONE BEDROOM DWELLING UNIT AND ANOTHER DETACHED 506 BEDROOM UNIT AND A 370 SQUARE FOOT TWO CAR GARAGE WHICH SERVES THE RESIDENTIAL UNITS. THE PROJECT IS NONCONFORMING DUE TO USE WHICH IS THE COMMERCIAL USE AND THEN R-3 ZONE AS WELL FOR STANDARDS DUE TO DENSITY, SETBACKS, PARKING AND LANDSCAPING. THE NONCONFORMING MARKET WAS PREVIOUSLY AUTHORIZED THROUGH A NONCONFORMING REVIEW CASE IN 1981, 1991 AND 2001. STAFF BELIEVES THAT THE APPLICANT HAS MET THE BURDEN OF PROOF, THE MARKET IS A SMALL SIZE MARKET THAT SERVES PRIMARILY THE RESIDENTS WHO ARRIVE BY FOOT AS THE MARKET HAS NO PARKING, THIS IS PRIMARILY A NEIGHBORHOOD SERVING MARKET AND THE ENTRANCE FACES GAUGE AVENUE WHICH IS A BUSY COMMERCIAL STREET AND THAT KEEPS IT FROM

DISTURBING ANY RESIDENTIAL USES. STAFF WOULD LIKE TO POINT OUT SEVERAL CONDITIONS, CONDITION NUMBER 8 SHOULD BE MODIFIED TO STATE THAT THE GRANT TERM WILL TERMINATE ON MARCH 19, 2028, WHICH IS 15 YEARS FROM TODAY'S DATE, ALSO CONDITION NUMBER 19 REQUIRES COMPLIANCE WITH A NONCONFORMING PROVISIONS OF THE CODE REGARDING ANY OR PROHIBITION AGAINST EXPANSIONS OR CHANGES IN USE BECAUSE THIS IS A NONCONFORMING REVIEW APPROVAL, ALSO CONDITION NUMBER 26 PROHIBITS VENDING MACHINES TO BE PLACED ON THE SIDEWALK, SO STAFF RECOMMENDS APPROVAL OF THIS REQUEST FOR A GRANT NUMBER OF 15 YEARS, THIS PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA, LAST ONE, AND THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GARCIA: THANK YOU. MR. SVITEK, I DIDN'T UNDERSTAND YOUR COMMENT REGARDING CONDITION NUMBER 26, IS THAT BEING MODIFIED AS WELL?

>> MR. SVITEK: IT'S NOT, I JUST WANTED TO POINT THAT CONDITION OUT BECAUSE THERE PREVIOUSLY WAS A WATER DISPENSER ALONG THE SIDEWALK AND THAT'S BEEN REMOVED AND THIS CONDITION WILL ENSURE THAT IT'S NOT REPLACED.

>> HEARING OFFICER GARCIA: OKAY, GREAT, THANK YOU. DO WE HAVE ANY SPEAKER CARDS FOR THIS ITEM?

>> YES, WE HAVE TWO SPEAKERS, LYDIA SANDOVAL AND EMILIO GUTIERREZ.

>> HEARING OFFICER GARCIA: CAN YOU PLEASE STATE YOUR NAME?

>> YES, I'M EMILIO GUTIERREZ AND I'M THE [INAUDIBLE] ON THIS CASE, AND TOGETHER WITH THE APPLICANT, WE HAVE REVIEWED ALL THE RECOMMENDATIONS FROM THE PLANNING DEPARTMENT AND WE AGREE WITH THOSE RECOMMENDATIONS.

>> HEARING OFFICER GARCIA: OKAY. MS. SANDOVAL, WOULD YOU PLEASE STATE YOUR NAME FOR THE RECORD.

>> LYDIA SANDOVAL, 1630 [INAUDIBLE] AVENUE.

>> HEARING OFFICER GARCIA: DO YOU HAVE ANYTHING ELSE TO ADD TO THE REPORT?

>> NO.

>> HEARING OFFICER GARCIA: I WOULD LIKE TO DIRECT YOUR ATTENTION TO FINDING NUMBER -- I THINK IT'S FINDING NUMBER 2, I'M NOT SURE IF MR. SVITEK ADDRESSED THIS BUT IT STATES THAT THE HEARING DATE IS FEBRUARY 5TH, I WOULD ASK YOU TO BE MARCH 15TH,

2012 IN THE FINDINGS. AND MR. SVITEK HAD INDICATED THAT THE VENDING MACHINE HAD BEEN REMOVED FROM THE SIDEWALK?

>> THAT'S CORRECT.

>> HEARING OFFICER GARCIA: AND ALSO THERE WAS ALSO FOUND SOME -- I THINK SOME LIVING ARRANGEMENTS INSIDE THE STORE, IS THERE ANY PROOF THAT THAT WAS REMOVED AS WELL?

>> MR. SVITEK: MAYBE THE APPLICANT CAN SPEAK TO THAT BUT BASED ON A CONVERSATION THIS MORNING, THAT'S BEEN ADDRESSED?

>> YES, IT WAS REMOVED, [INAUDIBLE] IT'S MY UNDERSTANDING AND THE APPLICANT IS ASSURING ME IT HAS BEEN REMOVED AND IT WILL NOT BE PLACED IN THERE.

>> HEARING OFFICER GARCIA: OKAY, GREAT. AND MR. GUTIERREZ, MS. SANDOVAL, YOU READ THE CONDITIONS OF APPROVAL AND YOU AGREED TO THE MODIFIED CONDITIONS THAT MR. SVITEK ADDRESSED?

>> YES, WE ARE PROVE.

>> HEARING OFFICER GARCIA: I HAVE CONSIDERED THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND IT IS CONSISTENT WITH THE FINDING

BY THE STATE SECRETARY FOR RESOURCES OR BY LOCAL GUIDELINES, AND TODAY'S CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF THE FINDINGS OF FACT PRESENTED NONCONFORMING REVIEW NUMBER 201100003 IS APPROVED SUBJECT TO THE ATTACHED CONDITIONS, AND THE APPEAL PERIOD?

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

>> HEARING OFFICER GARCIA: THANK YOU. THANK YOU, VERY MUCH.

>> THANK YOU SO MUCH.

>> HEARING OFFICER GARCIA: SURE. OUR NEXT CASE TODAY IS CONDITIONAL USE PERMIT NUMBER 201200095, IT IS A REQUEST TO AUTHORIZE AN UPGRADE TO THE FACILITY AND CONTINUED OPERATION, MAINTENANCE OF AN EXISTING UNMANNED WIRELESS TELECOMMUNICATION FACILITY IN THE A1 ZONE WITHIN THE SAN GAY AGREE WELL ZONED DISTRICT, IT IS APPLIED FOR BY AT&T WIRELESS. DO WE HAVE ANY SPEAK CARDS FOR THIS ITEM.

>> WE HAVE ONE SPEAKER REPRESENTING THE APPLICANT.

>> HEARING OFFICER GARCIA: OKAY, WE'LL HAVE THE SPEAKER COME UP AND GO AHEAD AND START WITH THE STAFF PRESENTATION.

>> MR. GLASER: GOOD MORNING, MY NAME IS ROBERT GLASER, I WORK WITH THE NORTH SECTION, TODAY I'LL BE DISCUSSING AGENDA ITEM NUMBER 3, PROJECT NUMBER 201201837-1 WITH ASSOCIATED CONDITIONAL USE PERMIT 201200095, THE SUBJECT PROPERTY IS LOCATED AT 7606 MOONEY DRIVE IN ROSEMEAD WHICH IS IN THE SOUTH SAN GABRIEL ZONED DISTRICT, THE APPLICANT AT&T WIRELESS IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE A FACILITY UPGRADE AND THE CONTINUED OPERATION AND MAINTENANCE OF AN EXISTING UNMANNED WIRELESS TELECOMMUNICATION FACILITY LOCATED IN THE A1 LIGHT AGRICULTURAL ZONE, IT IS LOCATED ON AN EXISTING SOUTHERN CALIFORNIA EDISON TRANSMISSION TOWER, THE FACILITY UPGRADE WILL INCLUDE THE REMOVAL OF SIX EXISTING ANTENNAS LOCATED AT THE HEIGHT OF 49 FEET AND AT THE CENTER LINE AND INSTALL 9 NEW ANTENNAS AT THE 51 FOOT HEIGHT AND REACH 54 FEET TO THE TOP OF THE ANTENNA, THERE WILL ALSO BE REMOVAL OF 12 TOWER MOUNTED AMPLIFIERS AND THE REPLACEMENT OF 2 NEW AMPLIFIERS IS PROPOSED ALONG WITH THE INSTALLATION OF 3-D C SERVICE SUPPRESSERS AND 6 RADIO, REMOTE RADIO UNITS. THE TOWER MOUNTED AMPLY FIRES, REMOTE UNITS AND THE DC SUPPRESSER WILL BE INSTALLED AT THE ANTENNA LEVEL. IT HAS BEEN DETERMINED THAT THE PROJECT WOULD QUALIFY FOR A CLASS 3 CATEGORICAL EXEMPTION, NEW CONSTRUCTION OR CONVERSION

OF SMALL STRUCTURES FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, SINCE THE PROJECT IS FOR THE FACILITY EQUITY AND THE CONTINUED OPERATION OF AN EXISTING UNMANNED WIRELESS TELECOMMUNICATION FACILITY, IN ADDITION, THE PROJECT IS NOT LOCATED IN AN ENVIRONMENTAL SENSITIVE AREA AND THEREFORE I RECOMMEND THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA. STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT NUMBER 201200095 WITH THE ATTACHED CONDITIONS, SINCE THE FACILITY IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AND PERMITTED IN THE A1 ZONE WITH A CEP, CELLULAR SERVICE IS IMPORTANT TO MAINTAIN AND IS IMPORTANT TO MAKE EMERGENCY CALLS, THERE ARE SOME CHANGES TO THE FINDINGS AND CONDITIONS, FINDING NUMBER 2, I WOULD LIKE TO MODIFY, CURRENTLY, THE HEARING DATE READS APRIL 16, 2013, IT SHOULD BE CHANGED TO MARCH 19, 2013, FINDINGS 10, 11 AND 18 HAD SOME SLIGHT EDITORIAL CHANGES AND CONDITION NUMBER 17 WILL BE MODIFIED, INSTEAD OF SAYING WITHIN 60 DAYS OF THE DATE OF THE FINAL APPROVAL, IT SHOULD READ BY MAY 20, 2013 AND ALSO CONDITION NUMBER 27 WILL BE MODIFIED, INSTEAD OF THE SPACE DOES HAVE TO BE DEDICATED, IT SHALL READ THIS SPACE SHALL BE DEDICATED SOLELY FOR MAINTENANCE VEHICLES AND THAT'S ALL I HAVE, THANK YOU.

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH, WE'LL START WITH THE APPLICANT.

>> YES, GOOD MORNING, MY NAME IS VINCENT MAYO, I'M HERE TODAY REPRESENTING AT&T AND I WOULD LIKE TO START BY SAYING THANK YOU FOR HAVING ME HERE TODAY, HEARING OFFICER, ROB, AND IF YOU HAVE ANY QUESTIONS FOR ME.

>> HEARING OFFICER GARCIA: GREAT. DID YOU UNDERSTAND THE MODIFICATIONS THAT WERE ADDRESSED?

>> YES.

>> HEARING OFFICER GARCIA: HAVE YOU HAD A CHANCE TO READ THE CONDITIONS OF APPROVAL?

>> I HAVE, SO HAS THE CLIENT, THERE WAS NO REJECTION TO THE CONDITIONS.

>> HEARING OFFICER GARCIA: OKAY, GREAT, WHAT I'LL DO IS GO AHEAD AND MOVE ON THIS ITEM. I HAVE CONSIDERED THE CATEGORICAL EXEMPTION ON THIS PROJECT AND CERTIFY IT IS CONSISTENT WITH THE FINDING OF THE STATE SECRETARY FOR RESOURCES OR BY LOCAL GUIDELINES AND THIS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF FINDINGS OF FACTS PRESENTED, CONDITIONAL USE PERMIT NUMBER

201200095 IS APPROVED SUBJECT TO THE MODIFIED ATTACHED
CONDITIONS. AND THE APPEAL PERIOD.

>> YES, THE LAST DAY TO APPEAL THIS IS APRIL 2, 2013, THANK YOU.

>> HEARING OFFICER GARCIA: OUR NEXT CASE TODAY IS CONDITIONAL
USE PERMIT NUMBER 201200032, IT IS A REQUEST TO AUTHORIZED A
CONTINUED OPERATION AND MAINTENANCE OF AN EXISTING UNMANNED
WIRELESS TELECOMMUNICATION FACILITY IN THE C-3 ZONE WITHIN THE
EAST COMPTON ZONED DISTRICT, THE PERMIT IS APPLIED FOR MY CORE
DEVELOPMENT SERVICES. DO WE HAVE SPEAKER CARDS FOR THIS ITEM?

>> YES, WE HAVE ONE SPEAKER, UMI KIM.

>> HEARING OFFICER GARCIA: OKAY, WE'LL GO AHEAD AND START WITH
STAFF PRESENTATION.

>> GOOD MORNING, MR. HEARING OFFICER, RUDY SILVAS, PLANNING WITH
REGIONAL PLANNING, PRESENTING TO YOU THIS MORNING PROJECT NUMBER
2012-00492, CONDITIONAL USE PERMIT NUMBER 201200032. THIS
CONDITIONAL USE PERMIT APPLICATION IS TO CONTINUE THE EXISTING
USE OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY
OPERATED BY SPRINT LOCATED AT 4413 EAST COMPTON BOULEVARD. THE
SUBJECT PROPERTY IS ZONED C-3, UNLIMITED COMMERCIAL AND THE

SURROUNDING ZONING TO THE NORTH, SOUTH, EAST AND WEST IS ALSO ZONED C-3. THE COUNTYWIDE GENERAL PLAN LAND USE DESIGNATION FOR THE PROPERTY IS DESIGNATED ADDS MAJOR COMMERCIAL. THIS WIRELESS TELECOMMUNICATIONS FACILITY ALSO HAS A SECOND FACILITY WHICH IS NOT PART OF THIS PERMIT APPLICATION LOCATED 32 FEET TO THE WEST OF THE SUBJECT FACILITY AND THAT SEPARATE FACILITY IS OPERATED BY T-MOBILE AND IS NOW PART OF THIS APPLICATION. THE SUBJECT WIRELESS FACILITY BEFORE YOU THIS MORNING WAS ORIGINALLY APPROVED UNDER CONDITIONAL USE PERMIT NUMBER 01-012 APPROVED BY HEARING OFFICER IN OCTOBER OF 2002. THIS CONDITIONAL USE PERMIT EXPIRED IN AUGUST OF 2012. THE SUBJECT WIRELESS FACILITY IS CONSISTENT WITH THE COUNTYWIDE GENERAL PLAN AND THAT IT IS PART OF A SERVICE FACILITY, PART OF A TELECOMMUNICATIONS NETWORK PROVIDING SERVICE TO THE LOCAL COMMUNITY AS WELL AS TO THE LOS ANGELES REGION. IT IS ALSO ESTABLISHED IN AN AREA SET FOR RETAIL COMMERCIAL AND SERVICE USES. THE SITE ITSELF IN COMPARISON WITH TODAY'S SUBDIVISION OF ZONING ORDINANCE POLICY NUMBER 01-.10 FOR WIRELESS TELECOMMUNICATION FACILITIES IS CONSISTENT IN SOME ASPECTS WITH THAT CURRENT POLICY. THE CELL SITE WHICH IS CAMOUFLAGED AS A PARKING LOT OR STREET LIGHT IS AT A MAXIMUM HEIGHT OF 55 FEET. LOCATED IN THE C-3 ZONE, THE MAXIMUM HEIGHT PERMITTED FOR ANY STRUCTURE IN THAT PARTICULAR ZONE IS 13 TIMES THE BUILDABLE AREA, SO THE FACILITY AT A MAXIMUM HEIGHT AT 55 FEET IS CONSISTENT WITH THE CURRENT ZONE LIMITATION FOR THE

HEIGHT OF STRUCTURES IN THAT ZONE AND IT IS ALSO BELOW 75 FEET WHICH THE POLICY WOULD ALLOW THE MAXIMUM HEIGHT OF THE WIRELESS FACILITY TO BE IF ESTABLISHED IN THAT PARTICULAR LOCATION TODAY. HOWEVER, THE FACILITY HAVING A WROUGHT IRON FENCE TO BUFFER IT AND SCREEN IT FROM THE PUBLIC ALLEY AND THE ADJACENT PROPERTY TO THE NORTH IS NOT QUITE CONSISTENT WITH TODAY'S POLICY FOR SCREENING PURPOSES. TODAY'S POLICY WOULD REQUIRE THAT THE FACILITY AND ALL ITS GROUND MONITORED EQUIPMENT BE COMPLETELY SCREENED FROM ANY PUBLIC RIGHT-OF-WAY OR ADJACENT PROPERTY. HAVING A WROUGHT IRON FENCE DOES NOT COMPLETELY MEET TODAY'S POLICY, HOWEVER, BECAUSE THIS CONDITIONAL USE PERMIT, THE ORIGINAL CONDITIONAL USE PERMIT 01-102 WAS APPROVED WITH THE ESTABLISHMENT OF THE WROUGHT IRON FENCE TO BUFFER THE SITE FROM THE ALLEY AND THE PROPERTY TO THE NORTH, STAFF HAS COME TO THE CONCLUSION THAT IT DOES NOT CREATE ANY TYPE OF A BLIGHT ON THE SITE OR FOR THE SURROUNDING COMMUNITY AND HAS AGREED TO ALLOW THE WROUGHT IRON FENCE AND MAKE A RECOMMENDATION TO ALLOW THE WROUGHT IRON FENCE TO REMAIN AS IT WAS ORIGINALLY ESTABLISHED AND THEREFORE WE'RE GOING TO RETRACT OUR ORIGINAL RECOMMENDATION TO REMOVE THE WROUGHT IRON FENCE AND TO CONSTRUCT A CINDER BLOCK WALL, THEY DO HAVE A CINDER BLOCK WALL AROUND SOME PORTIONS AROUND IT BUT IT ALSO HAS A WROUGHT IRON FENCE AROUND THE BACK END WHICH ALSO BUFFERS THE SITE FROM THE ALLEY, SO THE EXISTING WROUGHT IRON FENCE FOR THIS EXISTING FACILITY IS

IN UNIFORMITY WITH THE SITE LOCATED DIRECTLY TO THE WEST WITH THIS WROUGHT IRON FENCE. STAFF RECEIVED NO PUBLIC COMMENTS ON THIS PROJECT, NO COMPLAINTS, OUR CHECK WITH ZONING ENFORCEMENT IS THAT THE SITE HAS NO CURRENT VIOLATIONS ON IT AS WELL. STAFF HAS ALSO RECOMMENDED A CATEGORICAL EXEMPTION, CLASS 1 FOR EXISTING FACILITIES ON THIS PROJECT. BEFORE I CONCLUDE, I WOULD LIKE TO DIRECT YOUR ATTENTION TO THE DRAFT FINDINGS PREPARED FOR THIS PROJECT, PAGE 3 OF 6, AND WE'LL LIKE TO MAKE A RECOMMENDATION TO MODIFY SOME OF THE FINDINGS TO REFLECT THAT WE ARE IN ACCEPTANCE OF THE WROUGHT IRON FENCING TO REMAIN, SO ON PAGE 3 OF 6 OF THE DRAFT FINDINGS, FINDING NUMBER 12, WE'D LIKE TO STRIKE THE SENTENCE, THE LAST SENTENCE IN FINDING NUMBER 12 OF THE PORTION OF THE SENTENCE THAT READS ALL AFTER WTF IS EXISTING, I WOULD LIKE TO ADD A PERIOD THERE AND REMOVE THE REMAINING PART OF THAT SENTENCE. GOING DOWN TO FINDING NUMBER 15, WE'D ALSO LIKE TO MAKE JUST A SLIGHT MODIFICATION, WE HAD MADE A REFERENCE THAT IF ANOTHER POLE WERE TO REPLACE THIS EXISTING POLE, THAT THE LATEST CAMOUFLAGE DESIGN IN THE FORM OF A MONO PALM OR OTHER ACCEPTABLE STEALTH DESIGN BE PRESENTED, WE'D LIKE TO KEEP A NEW CAMOUFLAGE DESIGN CONSISTENT WITH THE OTHER FACILITY ON THAT SITE SO WE WOULD ASK FOR THE LATEST STREET LIGHT OR PARKING LOT LIGHT DESIGN THAT COULD BE AVAILABLE SHOULD THIS POLE BE REMOVED IN THE FUTURE AND REPLACED. FINDING NUMBER 16 ON PAGE 406 OF THE DRAFT FINDINGS, IT BEGINS WITH THE

POLICY REQUIRES CONCEALMENT, WE'D LIKE TO ADD ALSO AFTER POLICY, THE POLICY ALSO REQUIRES CONCEALMENT, AND WE'D LIKE TO MAKE A STRIKE AFTER THE WORDING THAT READS 8 FOOT HIGH WROUGHT IRON FENCE, PERIOD, ALL AFTER TO BE STRICKEN OUT AND REPLACED WITH THE WORDING, ALTHOUGH NONCONFORMING TO POLICY, THE CONTINUED USE OF THE WROUGHT IRON FENCING WOULD BE ALLOWED TO REMAIN, PERIOD. JUMPING DOWN TO FINDING NUMBER 19 ON THE SAME PAGE, WE'D LIKE TO MAKE ANOTHER STRIKE-OUT. I BELIEVE IT'S THE FOURTH SENTENCE DOWN, THE WORDING AFTER THE CONCLUSION OF THE SENTENCE THAT READS AT THE TOP OF THE POLES, PERIOD, THE SENTENCE IMMEDIATELY FOLLOWING WHICH BEGINS WITH THE WORDS IN RELATED GROUND MONITORED EQUIPMENT, WE REQUEST THAT THAT SENTENCE BE COMPLETELY REMOVED AND THE FINAL SENTENCE, WE WOULD LEAVE THAT IN WHICH READS HOWEVER, THE SPRINT WTF AND THE NEIGHBORING T-MOBILE WTF, WE WOULD LEAVE THAT SENTENCE IN THERE. ALSO GOING TO THE CONDITIONS, WE HAVE A REQUEST FOR SOME MODIFICATIONS THERE AS WELL. THERE WAS AN ERROR IN THE HEADER, THE PROJECT NUMBER WAS 2012-00492, CONDITIONAL USE PERMIT 201200032, THOSE CORRECTIONS WILL BE MADE TO THE HEADER OF THE CONDITIONS. ON PAGE 3 OF 5 OF THE CONDITIONS, CONDITION NUMBER 16, THE LAST SENTENCE, LAST PART OF THE SENTENCE WHERE IT READS WITHIN 60 DAYS WE WILL MODIFY TO READ, SHALL BE SUBMITTED TO REGIONAL PLANNING BY MAY 20, 2013. ON THE LAST PAGE OF THE DRAFT CONDITIONS, PAGE 5 OF 5, CONDITION NUMBER 33, SINCE WE ARE IN

ACCEPTANCE WITH THE WROUGHT IRON FENCE, WE RECOMMEND COMPLETELY STRIKING OUT CONDITION NUMBER 33 WHICH WOULD REQUIRE A NEW CINDER BLOCK WALL. FINALLY, CONDITION NUMBER 36, WE REQUEST TO MODIFY THAT CONDITION WITH THE WORDING ZONING ENFORCEMENT WEST TO JUST SIMPLY READ ZONING ENFORCEMENT SECTION. STAFF IS RECOMMENDING APPROVAL OF THIS CONDITIONAL USE PERMIT WITH A GRANT TERM OF 15 YEARS, NO COMMENTS WERE RECEIVED FROM ANY OTHER COUNTY AGENCIES, THIS WAS NOT CONSULTED WITH IN I OTHER COUNTY AGENCIES TO THIS CONDITIONAL USE PERMIT FOR A CONTINUED FO SILT, THIS CONCLUDES MY PRESENTATION, I'M AVAILABLE FOR ANY QUESTIONS YOU MAY HAVE.

>> HEARING OFFICER GARCIA: PLEASE STATE YOUR NAME.

>> MY NAME IS UNI KIM, I WANTED TO THANK STAFF TODAY FOR THEIR WORK ON THIS PROJECT.

>> HEARING OFFICER GARCIA: BEFORE YOU CONTINUE, DID YOU HAVE A CHANCE TO SWEAR IN TODAY?

>> I'M SORRY?

>> HEARING OFFICER GARCIA: DID YOU GET SWORN IN TODAY?

>> NO, I DID NOT.

>> HEARING OFFICER GARCIA: CAN YOU PLEASE STAND UP AND RAISE YOUR RIGHT HAND.

>> AND I THINK THERE MAY BE ADDITIONAL PEOPLE IN THE AUDIENCE TOO.

>> HEARING OFFICER GARCIA: IF ANYBODY IN THE AUDIENCE WAS NOT SWORN IN TODAY AND YOU WISH TO SPEAK ON ANY OF THE ITEMS TODAY, PLEASE STAND AND BE SWORN? , EXCUSE ME, MR. AND MISS IN THE FRONT OF THE ROOM? GO AHEAD AND STAND UP AND RAISE YOUR RIGHT HAND.

>> DO EACH OF YOU SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE TESTIMONY YOU MAY GIVE IN THE MATTERS PENDING BEFORE THE HEARING OFFICER SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.

>> YES.

>> HEARING OFFICER GARCIA: GO AHEAD AND CONTINUE.

>> AGAIN, I WANTED TO THANK STAFF, MR. SILVAS ON HIS WORK ON THE PROJECT AND I'M HERE BEFORE YOU TODAY TO REQUEST THE APPROVAL OF CONDITIONAL USE PERMIT 201200032 FOR THE PERMIT RENEWAL OF SPRINT 60 STING WIRELESS FACILITY, I'M HERE TO ANSWER ANY QUESTIONS IF YOU MAY HAVE THEM?

>> HEARING OFFICER GARCIA: SURE, DID YOU UNDERSTAND THE MODIFICATIONS OF THE FINDINGS AND CONDITIONS THAT WERE ADDRESSED AT THIS HEARING TODAY?

>> YES, I DID. I JUST MISSED THE ONE CORRECTION TO THE CONDITIONS REGARDING THE DATE CHANGE.

>> HEARING OFFICER GARCIA: THAT MODIFICATION WAS JUST CHANGING THE WORDING FROM WITHIN 60 DAYS OF THE FINAL APPROVAL TO BY MAY 20, 2013, SO INSTEAD OF SAYING 60 DAYS, WE'RE PUTTING THE DATE AFTER 60 DAYS OF TODAY, SO IT'S MAY 20, 2013.

>> OKAY. I'M SORRY, CAN YOU DIRECT ME TO THAT CONDITION.

>> HEARING OFFICER GARCIA: YES, CONDITION NUMBER 16 AT THE END OF THE CONDITION, THE VERY LAST MAYBE 6, 7 WORDS, STARTING WITHIN 60 DAYS OF THE DATE OF THE FINAL APPROVAL, THAT WILL BE REPLACED WITH BY MAY 20, 2013.

>> GREAT, THANK YOU.

>> HEARING OFFICER GARCIA: SURE. IS THERE ANY OTHER QUESTIONS YOU HAVE REGARDING THE MODIFIED CONDITIONS OR FINDINGS?

>> NO.

>> HEARING OFFICER GARCIA: OKAY. HAVE YOU HAD A CHANCE TO READ THE REST OF THE CONDITIONS?

>> YES.

>> HEARING OFFICER GARCIA: AND ACCEPT THE CONDITIONS?

>> YES.

>> HEARING OFFICER GARCIA: OKAY. WE'LL GO AHEAD AND MOVE ON THIS ITEM. I HAVE CONSIDERED THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND CERTIFY THAT IT IS CONSISTENT WITH THE FINDING BY STATE SECRETARY FOR RESOURCES OR BY LOCAL GUIDELINES, THIS CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF FINDINGS OF FACT PRESENTED, CONDITIONAL USE PERMIT 201200032 IS

APPROVED BY THE SUBJECT MODIFIED FINDINGS AND CONDITIONS. AND
THE APPEAL PERIOD IS?

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

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH. OUR NEXT CASE
TODAY IS CONDITIONAL USE PERMIT NUMBER 201000063, IT'S A REQUEST
TO AUTHORIZE A CONTINUED SALE OF BEER AND WINE AND DISTILLED
SPIRITS FOR OFF-SITE CONSUMPTION WITHIN A MINI MARKET WITHIN THE
CHARTER OAK ZONED DISTRICT, THE PERMIT IS APPLIED FOR BY SUPER
STOP NUMBER 4 CENT MARKET, DO WE HAVE SPEAKER CARDS FOR THIS
ITEM?

>> YES, WE HAVE ONE SPEAKER CARD, SAMIR GANEM.

>> HEARING OFFICER GARCIA: WE'LL GO AHEAD AND START WITH
STAFF'S PRESENTATION.

>> MR. MAR: MY NAME IS STEVE MAR, I'M WITH THE ZONING PERMIT'S
EAST SECTION, AGENDA ITEM NUMBER 5 IS PROJECT NUMBER 99236-5,
CONDITIONAL USE PERMIT NUMBER 201000063, THE APPLICANT IS
REQUESTING A CONDITIONAL USE PERMIT FOR THE CONTINUED SALE OF
BEER, WINE AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION IN AN
EXISTING MINI MARKET WITHIN AN EXISTING SHOPPING CENTER IN THE

C-2 BE NEIGHBORHOOD BUSINESS BILLBOARD EXCLUSION ZONE, THE SALE OF ALCOHOLIC BEVERAGES IS PERMITTED IN THIS ZONE PURSUANT TO SECTION 22 PREPONDERANCE 28.680 ONCE A CUP IS OBTAINED, THE SUBJECT PROPERTY IS LOCATED AT 200040 WITHIN THE CHARTER OAK ZONED DISTRICT, LAND USES SURROUNDING THE SITE INCLUDE AUTO REPAIR SHOPS, A BAR, A GAS STATION AND A MOBILE HOME PARK TO THE NORTH, MULTIFAMILY AND SINGLE FAMILY RESIDENTIAL USES TO THE SOUTH AND EAST AND A MOTEL RETAIL COMMERCIAL USES AND A MOBILE HOME PARK TO THE WEST. THE SITE PLAN DEPICTS THE EXISTING 2525 SQUARE MILE CENTER, IT SHOWS THE TOTAL PERCENTAGE OF SHELF SPACE WILL BE LIMITED TO LESS THAN 5% OF THE MARKET'S TOTAL SHELF SPACE. THIS PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXEMPT, CLASS 1, EXISTING FACILITIES PURSUANT TO CEQA REPORTING REQUIREMENTS BECAUSE NO ALTERATIONS, CHANGES OR EXPANSION OF USE BEYOND THAT CURRENTLY EXISTING ARE PROPOSED. STAFF HAS RECEIVED NO PUBLIC COMMENTS AT THIS TIME, STAFF FINDS THAT THE EXISTING USE LOCATED ON THE SUBJECT PROPERTY IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE COUNTYWIDE GENERAL PLAN AND THE SITE'S CURRENT ZONING DESIGNATION, THEREFORE STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT NUMBER 201000063 WITH THE ATTACHED FINDINGS AND CONDITIONS. THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GARCIA: THANK YOU. SIR, WOULD YOU LIKE TO STEP UP. COME ON UP. HAVE A SEAT. GO AHEAD AND STATE YOUR NAME FOR THE RECORD. WOULD YOU STATE YOUR NAME. YOUR NAME, SIR?

>> YES, CAN I SPEAK?

>> HEARING OFFICER GARCIA: YES, WHAT'S YOUR NAME?

>> MY NAME IS SAMIR GANEM, WE DID BUY THIS MARKET, LIQUOR STORE FROM A GENTLEMAN MICHAEL GEORGES AND WE FOUND OUT AFTER THAT THERE WAS A CONDITION FROM L.A. COUNTY. AFTER WE GET THE APPROVED FROM THE ABC FOR OUR LIQUOR LICENSE AND IT WAS EVERYTHING RIGHT, WE FIND CONDITION FROM THE L.A. COUNTY ON THIS LOCATION, FIRST OF ALL, THIS IS THE ONLY LOCATION ON ARROW HIGHWAY HAVE THE CONDITION FROM L.A. COUNTY. THIS LOCATION SOLD BECAUSE IT WAS VERY, VERY SLOW, THE PREVIOUS OWNER WAS GOING TO CLOSE AND HE DECIDED TO CLOSE, BEFORE HE CLOSED, WE OFFER HIM TO BUY THE INVENTORY IF HE CAN LOAN FOR US FOR THIS INVENTORY, THEN WE CAN HAVE A JOB FOR THREE FAMILY, ME, MY WIFE AND THREE KIDS, MY BROTHER AND HIS WIFE AND TWO DAUGHTER AND MY SISTER AND HER 18 YEARS TWINS. ALL THOSE THREE FAMILIES, 9 PEOPLE NEED A JOB. IT WAS TOO HARD TO FIND A JOB, ESPECIALLY BECAUSE WE ARE THREE FAMILY RUN AWAY FROM SYRIA BECAUSE OF THE WAR OVER THERE, SO GOD BLESS THE UNITED STATES, THEY PROTECT US AND GIVE A LIFE TO LIVE

BUT IT WAS VERY HARD TO FIND A JOB. WE FOUND IT A LOT WISER TO BUY THIS LOCATION AND TO WORK ALL THAN TO FIND A JOB NOT EVEN FOR ONE OF US BECAUSE A LOT OF REASONS. SO, THIS CONDITION REALLY KILLING THE BUSINESS BECAUSE THIS IS THE ONLY LOCATION AND THIS STREET HAVE THIS CONDITION FROM L.A. COUNTY, THE GROSS IN THE BUSINESS 15 TO 20 THOUSAND DOLLARS A MONTH, OF THOSE MONEY, WE NEED TO BUY INVENTORY, WE NEED TO PAY THE STATE PORT TAX, WE NEED TO PAY THE RENT, WE NEED TO PAY ALL THE OTHER BILLS, PLUS WE NEED TO PROTECT OUR HOUSE FOR THREE FAMILIES, 13 PEOPLE. THE OTHER REASON WE NEED YOUR HELP, YOUR HONOR AND LADIES BECAUSE THERE ARE 14 COMPETITION AND LESS THAN HALF MILE CIRCLE OF THIS STORE, ACROSS THE STREET EXACTLY, THERE IS OUR [INAUDIBLE] SELLING WITH VERY CHEAP PRICE OF CIGARETTE, RIGHT NEXT DOOR IS 7-11, ON THE RIGHT SIDE, THERE IS A LIQUOR STORE WITH NO CONDITION, ON THE LEFT SIDE LIKE THREE METERS, THERE IS A LIQUOR STORE, LIQUOR LAND NUMBER 5, AND IT WAS BELONGED TO L.A. COUNTY, AND THIS LIQUOR STORE HAD THE LIQUOR LICENSE WITHOUT ANY CONDITION, AND HE CLOSED, HE CLOSED BECAUSE THE BUSINESS WAS VERY, VERY SLOW. THE OWNER, HE WAS TO LOSE BETWEEN 2 TO 3 THOUSAND DOLLARS AND HE WAS TRYING TO FIND SOMEBODY TO BUY IT, NOBODY BUY IT. AFTER THAT, THERE IS GONE LIQUOR. I HAVE A [INAUDIBLE] ABOUT HOW MANY COMPETITION THERE IS.

>> HEARING OFFICER GARCIA: THANK YOU.

>> SO, WE REALLY NEED YOUR HELP BECAUSE THIS BUSINESS IS GOING TO CLOSE. THE CONDITION, IT'S NOT JUST TO SELL THE MINIATURE, IT'S NOT A PROBLEM TO SELL THE MINIATURE FOR ONE DOLLAR OR TWO DOLLARS, THE THING IS THE COMPETITION AROUND THIS BUSINESS, THE THING IS WHEN THE CUSTOMER COME, THEY PURCHASE LIKE 10, 15 DOLLARS OF GROCERY AND SOMETHING ELSE, AND HE ASK FOR THE MINIATURE, IF YOU DON'T HAVE IT, HE MAYBE LEAVE EVERYTHING AND GO BECAUSE HE WANT TO DO ONE-STOP AND HE'S NOT GOING TO COME BACK. THE OTHER THING WE NEED TO FIGHT THE COMPETITION AROUND US TO MAKE -- TO PROTECT OUR LIFE, TO PROTECT OUR LIVING, WE NEED TO HAVE A SIGN, A LIQUOR SIGN AND MARKET OUTSIDE. WE REALLY NEED YOUR HELP, YOUR HONOR AND LADIES, TO WAIVE THIS CONDITION, AND THIS CONDITION BEING IN THIS LOCATION 10 YEARS AND THE VERY GOOD THING IS IN THIS 10 YEARS, NOT ANYTHING WAS HAPPENED AGAINST THE LAW, AGAINST THIS CONDITION, AND WE I BELIEVE HAVE A GOOD RECORD, WE DON'T HAVE ANY BAD IN OUR REGARD, WE ARE ALWAYS WITH THE LAW AND WE PROMISE TO YOU TO RESPECT THE LAW, RESPECT THE LAW AND OUR BUSINESS AND OUR WORK, YEAH, AND WITH ALL DUE RESPECT.

>> HEARING OFFICER GARCIA: THANK YOU, SIR. IF I UNDERSTAND CORRECTLY, YOUR CONCERN IS WITH A SPECIFIC CONDITION, CORRECT, OR WITH PREVIOUS CONDITIONS IN A PREVIOUS CONDITIONAL USE

PERMIT, IS IT WITH CONDITION NUMBER, I BELIEVE NUMBER 28 WHERE IT STATES THE BEER IN CONTAINERS OF 16 FLUID OUNCES OR LESS SHOULD NOT BE SOLD IN SINGLE CONTAINERS, IS THAT WHAT YOU'RE CONCERNED WITH OR ARE YOU CONCERNED WITH THE PREVIOUS CONDITIONAL USE PERMIT?

>> I WISH I CAN GET YOUR HELP, YOUR HONOR, TO WAIVE THE CONDITION -- ALL THE CONDITIONS YOU HAVE FROM L.A. COUNTY ON THIS LOCATION. THIS IS THE ONLY WAY THIS LOCATION CAN STAY OPEN AND CAN MAKE A LIVING FOR THREE FAMILIES.

>> HEARING OFFICER GARCIA: SO, YOUR REQUEST IS TO WAIVE ALL THE CONDITIONS FROM THE CONDITIONAL USE PERMIT, IS THAT YOUR REQUEST?

>> ALREADY I PASS?

>> HEARING OFFICER GARCIA: NO, MY QUESTION TO YOU, SEE, OUR PROCESS IS IF WE HAVE A CONDITIONAL USE PERMIT BEFORE US, IT HAS TO INCLUDE CONDITIONS, THAT'S WHY IT'S A CONDITIONAL USE PERMIT, WE CANNOT APPROVE A CONDITIONAL USE PERMIT WITHOUT CONDITIONS, OKAY, SO WE HAVE TO HAVE SOME CONDITIONS ON THIS PERMIT. THE PERMIT BEFORE ME HAS A TOTAL OF 36 CONDITIONS. NOW, YOU CAN ADDRESS ANY CONDITIONS THAT YOU HAVE CONCERNS WITH, AND I CAN

SPEAK TO THOSE CONDITIONS, BUT I CANNOT WAIVE ALL THE CONDITIONS IN THE PERMIT AND STILL APPROVE THE PERMIT. YOU UNDERSTAND WHAT I'M SAYING?

>> YEAH, YEAH. YOU MEAN, YOUR HONOR, YOU NEED TO KEEP CONDITIONS ON THIS BUT WE CAN WAIVE SOME OF THE CONDITIONS?

>> HEARING OFFICER GARCIA: CORRECT, WE HAVE TO HAVE CONDITIONS ON THIS PERMIT AND WE COULD TALK ABOUT WHICH CONDITIONS WE CAN RECONSIDER, BUT THERE HAS TO BE CONDITIONS, AND WITH REGARDS TO THE SIGN OUTSIDE OF YOUR FACILITY, YOU CAN ADDRESS -- IF YOU DIDN'T INCLUDE IT IN YOUR REQUEST NOW, YOU CAN AFTER THIS PROCESS, IF THIS CONDITIONAL USE PERMIT IS APPROVED, YOU CAN REQUEST THAT THROUGH A MINOR REVISION PROCESS, IT'S CALLED A REVISED EXHIBIT A PROCESS, OKAY, BUT WE'RE GOING TO LOOK AT WHAT WE HAVE BEFORE US TODAY AND TRY TO ACT ON THIS ITEM TODAY SO THAT YOU CAN MOVE FORWARD WITH YOUR BUSINESS. I DO WANT TO ADDRESS CONDITION NUMBER 28 SPECIFICALLY WHERE IT STATES THAT BEER IN CONTAINERS OF 16 FLUID OUNCES OR LESS SHALL NOT BE SOLD IN SINGLE CONTAINERS. I THINK THAT'S ONE OF THE CONDITIONS THAT YOU WERE CONCERNED WITH BECAUSE YOU'RE SAYING COMPETITION IS VERY HARD OUT IN THIS AREA, BUT MY CONCERN IS THAT WITHOUT THIS CONDITION, WE MIGHT HAVE OTHER FACTORS, UNINTENDED FACTORS, CONSEQUENCES THAT CAN OCCUR IN THE AREAS WHERE ALCOHOL IS SOLD

BY THIS MEANS, BY SINGLE CONTAINERS. THAT IS A CONDITION THAT'S
PRETTY STANDARD FOR LIQUOR STORES WITHIN L.A. COUNTY AND I WOULD
NOT WAIVE THAT CONDITION.

>> WHICH ONE?

>> HEARING OFFICER GARCIA: CONDITION NUMBER 28.

>> WHAT IT SAYS?

>> HEARING OFFICER GARCIA: IT SAYS BEER IN CONTAINERS OF 16
FLUID OUNCES OR LESS SHALL NOT BE SOLD IN SINGLE CONTAINER.

>> I RESPECT THAT AND I UNDERSTAND THAT.

>> HEARING OFFICER GARCIA: IS THERE ANY OTHER CONDITION THAT
YOU'RE CONCERNED WITH?

>> YES, PLEASE, YOUR HONOR, THE FIRST CONDITION, WE NEED TO HAVE
A LIQUOR SIGN OUTSIDE.

>> HEARING OFFICER GARCIA: OKAY, FOR A SIGN, WE CAN'T APPROVE
THAT THROUGH A CONDITION, YOU WOULD HAVE TO HAVE INCLUDED IN

YOUR REQUESTS, AND MR. MAR, DID HE INCLUDE IN A SIGN IN THE REQUEST FOR THE CUP?

>> MR. MAR: NO, THERE WAS NO SIGN REQUEST.

>> HEARING OFFICER GARCIA: SO, AFTER THIS PROCESS, YOU CAN TALK TO MR. MAR AND HE CAN TELL YOU ABOUT HOW YOU CAN OBTAIN THE SIGN OUTSIDE IF YOU'RE QUALIFIED. THERE'S CERTAIN REQUIREMENTS FOR A SIGN OUTSIDE OF A STORE DEPENDING ON WHETHER IT'S A WALL SIGN OR A FREESTANDING SIGN, THERE'S SPECIFIC GRIPERS THAT YOU HAVE TO FOLLOW, SO IF YOU WANT TO FOLLOW THROUGH WITH A SIGN, THAT'S NO PROBLEM, BUT YOU WOULD HAVE IT TO DO IT AFTER THIS PROCESS BECAUSE YOU DIDN'T INCLUDE IT IN THIS REQUEST, UNLESS YOU WANT TO CONTINUE THIS ITEM AND INCLUDE IT IN THIS REQUEST, THAT'S SOMETHING WE CAN CONSIDER BUT I WOULDN'T RECOMMEND THAT SINCE THIS IS BEFORE US TODAY AND WE WOULD LIKE TO ACT ON THIS TODAY SO YOU CAN MOVE FORWARD WITH YOUR BUSINESS AND YOU CAN ACT ON A SIGN REQUEST AFTER THIS, IS THERE ANY OTHER CONDITION?

>> THE OPEN HOUR, WE OPEN AT 9:00 AND CLOSE AT 10:00, WE WISH WE CAN DO OPEN AT 7:00 AND CLOSE AT 11:00 BECAUSE 9 PEOPLE NEED TO WORK, AT LEAST EVERYBODY CAN HAVE FOUR HOURS A DAY.

>> HEARING OFFICER GARCIA: AND THE HOURS OF OPERATION THAT HAVE BEEN REQUESTED ARE -- IS THAT 9-9 OR 9-11?

>> MR. MAR: 9-11, THAT'S WHAT YOU REQUESTED.

>> HEARING OFFICER GARCIA: YOU REQUESTED FROM 7-11. IS THERE A REASON WHY YOU WANT TO START AT 7?

>> KIDS GO TO SCHOOL, THE FAMILY, WE HAVE BIG APARTMENT BEHIND US T LADIES NEED TO BUY MILK, NEED TO BUY EGG SOMETIMES, CANDY, ON THEIR WAY TO SCHOOL. A LOT OF PEOPLE GO TO JOB, THEY NEED TO STOP TO BUY THEIR CIGARETTES OR THEIR SODA OR THEIR COFFEE.

>> HEARING OFFICER GARCIA: I CAN UNDERSTAND OPENING AT 7 A.M. BUT NOT SELLING ALCOHOL AT 7 A.M., SO THIS PERMIT IS CONDITIONING YOUR ALCOHOL SALE USE, SO YOU CAN OPEN AT WHATEVER TIME YOU WANT, BUT THE CONDITIONAL USE PERMIT SAYS THAT YOU CAN'T SELL ALCOHOL AT OTHER TIMES OTHER THAN WHAT YOU'RE ALLOWED HERE, OKAY, SO YOU CAN OPEN, WE DON'T HAVE TO CONDITION IT, WE'RE NOT REQUIRED TO CONDITION YOUR NORMAL HOURS OF OPERATION THROUGH A CONDITIONAL USE PERMIT FOR ALCOHOL USE, BUT YOUR ALCOHOL USE WILL BE RESTRICTED THROUGH THIS CONDITIONAL USE PERMIT.

>> YEAH, I UNDERSTAND THAT.

>> HEARING OFFICER GARCIA: SO, RIGHT NOW, WE'RE JUST CONSIDERING THE SALE OF ALCOHOL, WE'RE NOT MONITORING YOUR STORE HOURS OR YOUR STORE OPERATION, WE'RE JUST MONITORING THE SALE OF ALCOHOL AND THE STORAGE OF ALCOHOL AND THE SHELF SPACE OF ALCOHOL.

>> YEAH, I UNDERSTAND THAT, OFFICER GARCIA, BUT THE THING IS WHEN YOU OPEN YOUR MARKET AND YOU HAVE ITEM LIKE BEER AND WINE AND LIQUOR AND WHEN YOU OPEN THE DOOR, YOU CAN'T STOP SELL THIS AND SELL THIS AND I CAN'T SELL THIS UNTIL 9:00, SO YOU HAVE TO THEN DO OPEN AT 9:00.

>> HEARING OFFICER GARCIA: WELL, YOU MIGHT WANT TO FIND SOME OTHER MEANS OF LOCKING OUR COOLERS OR SECURING YOUR ITEMS ARE NOT SOLD AT THE TIME YOU'RE NOT SUPPOSED TO BE SELLING ACCORDING TO THESE CONDITIONS BECAUSE YOU WILL BE MONITORED, THERE ARE CONDITION CHECKERS AND PLANNERS THAT DO CONDITION CHECKS UNANNOUNCED AND IF THEY FIND THAT YOU'RE NOT COMPLYING WITH THESE CONDITIONS, THEN YOU CAN GET FINED AND YOU CAN GET SENT BACK TO THE HEARING FOR REVOCATION OR MODIFICATION HEARING.

>> YEAH.

>> HEARING OFFICER GARCIA: SO, IT'S YOUR RESPONSIBILITY TO MONITOR YOUR EMPLOYEES, TO MONITOR WHAT YOU'RE SELLING AND MAKE SURE YOU COMPLY WITH THESE CONDITIONS.

>> YEAH.

>> HEARING OFFICER GARCIA: YOU UNDERSTAND WHAT I'M SAYING?

>> YES.

>> HEARING OFFICER GARCIA: SO, IF YOU DECIDE TO OPEN 24 HOURS AND START SELLING ALCOHOL AT 3:00 IN THE MORNING AND AN ENFORCEMENT OFFICER GOES AND FIND OUT YOU ARE SELLING ALCOHOL AT 3:00 IN THE MORNING, YOU ARE GOING TO GET FINED AND YOU MAY GET A REVOCATION, MODIFICATION HEARING TO ADDRESS THAT ISSUE.

>> YEAH, THE THING IS USUALLY THE BEER AND THE ALCOHOL SELL BETWEEN 9:00 -- BETWEEN 12 NOON AND 10 IN THE EVENING, BETWEEN THIS 10 HOURS USUALLY, BUT THE THING IS, IF THE CUSTOMER COME AND HE WANT TO BUY 12 BAG BEER, TAKE IT ON HIS WAY TO HIS TRIP OR SOMETHING OR TAKE IT TO THE HOUSE AT 3 IN THE MORNING, WHAT I'M ASKING TO LET US SELL ALCOHOL AT 7:00 WHEN WE CAN OPEN BECAUSE WE DON'T WANT TO MISS WITH THAT CONDITION, IF SOMEBODY

SELL IT TO ME, THAT MAYBE WE FIGHT WITH THE CUSTOMER, WHY YOU DON'T WANT TO SELL IT, WHY YOU OPEN IT AND WE NEED TO TELL EVERYBODY, THAT DOESN'T HAPPEN, AND THE OTHER THING, OFFICER GARCIA, THERE IS LAW AND VERY HARD LAW WITH THE CITY OF COVINA WITH THE SHERIFF, WITH THE POLICE DEPARTMENT IF WE DO ANY MISTAKES WITH SELLING BEER AND THAT WAY WE CAN DO IT, LIKE, YOU CAN'T CONTROL YOUR HELPER, YOUR FAMILY, YOUR WIFE, YOUR BROTHER, IN CASE SOMEBODY MISSED AND HE DIDN'T PAY ATTENTION, IT'S NOT 9:00 AND HE DIDN'T SELL IT, AND THE PERSON BUY A 12 BAG BEER AND HE WANTS TO KEEP IT IN HIS REFRIGERATOR AT NIGHT, I CAN'T SELL BEER AT THIS TIME, WHY YOU OPEN, WHY YOU HAVE THE BEER? THAT'S WHY, I DON'T WANT TO MISS, I DON'T WANT TO GET -- YOU'RE NOT SUPPOSED TO SELL --.

>> HEARING OFFICER GARCIA: I GET YOUR POINT, SIR, UNFORTUNATELY, I CAN'T CONSIDER THAT AT THIS TIME, AS AN OPERATOR, IT IS YOUR RESPONSIBILITY TO CONTROL YOUR STAFF, TO CONTROL YOUR EMPLOYEES AND TO ABIDE BY THESE CONDITIONS. THAT'S NOT A CONDITION THAT I WILL CONSIDER AT THIS TIME. THE CONDITION THAT'S BEFORE ME IS THAT YOU CAN SELL ALCOHOL BETWEEN 9 A.M. AND 11 P.M. AND I'M NOT GOING TO BE VERY FLEXIBLE ON THAT, OKAY.

>> BETWEEN 9 A.M. AND 11 P.M.

>> HEARING OFFICER GARCIA: 9 A.M. AND 11 P.M.

>> YEAH, THE THING IS I UNDERSTAND, I RESPECT WHAT YOU SAY, OFFICER GARCIA, BUT THE THING IS, IF WE OPEN THE DOOR AND CUSTOMER --.

>> HEARING OFFICER GARCIA: I UNDERSTAND THAT, BUT THERE ARE OTHER FACTORS INVOLVED, YOU TOLD ME TODAY THAT THERE ARE CHILDREN THAT YOU WANT TO PROVIDE SERVICE FOR, AND THAT'S A BIG CONCERN TO ME TO START SELLING ALCOHOL AT 7 A.M., WHETHER YOU SELL IT TO MINORS OR NOT, THAT'S NOT MY CONCERN, MY CONCERN IS THE AVAILABILITY OF ALCOHOL BEING SOLD AT THIS SITE AT 7 A.M. CAN BE AVAILABLE TO CHILDREN, AND THAT'S MY BIGGEST CONCERN, SO LIKE I SAID, THE CONDITION NUMBER 24 STATES THAT YOU CAN SELL ALCOHOL BETWEEN 9 A.M. TO 11 P.M. AND THAT'S SOMETHING THAT I'M NOT WILLING TO BE FLEXIBLE ON.

>> YEAH, I UNDERSTAND, I RESPECT.

>> HEARING OFFICER GARCIA: IS THERE ANOTHER CONCERN WITH REGARDS TO ANY OTHER CONDITION?

>> I RESPECT WHAT YOU SAY ABOUT THE HOUR, THE THING IS, THE SELLING BETWEEN 7 AND 9 IS MILK, CIGARETTE, EGGS, STUFF,

GROCERY, BUT THE THING IS IN CASE ONCE IN A WHILE A CUSTOMER
COME IN THESE TWO HOUR TO BUY A BEER, THAT MAYBE MAKE US A
PROBLEM, WE WANT TO WAIVE THE SHARK THAT GET US IN TROUBLE WITH
THE CUSTOMER OR MISSING SELLER.

>> HEARING OFFICER GARCIA: I'M SORRY, SIR, I THINK I ADDRESSED
THIS ISSUE L I WOULD LIKE TO MOVE FORWARD. IS THERE ANY OTHER
ISSUE WITH ANY OTHER CONDITIONS?

>> THE MOST IMPORTANT ONE TO SELL THE MINIATURE WHICH IS EVERY
LIQUOR STORE, EVERY BIG MARKET SELL IT.

>> HEARING OFFICER GARCIA: DO YOU KNOW WHICH CONDITION THAT
IS?

>> MR. MAR: ARE YOU TALKING ABOUT SELLING MINIATURE LIQUOR.

>> YEAH, ALCOHOLIC HARD LIQUOR.

>> MR. MAR: IN MINIATURE SIZES, THAT WAS ALREADY ADDRESSED.

>> THE MINIATURE IS THE 15 ML ALCOHOLIC.

>> HEARING OFFICER GARCIA: WITH KIDS WALKING BY THERE EVEN IN THE AFTERNOONS WHEN YOU CAN SELL ALCOHOL, ONCE AGAIN, THIS IS A CONDITION THAT'S PRETTY STANDARD WITH YOUR LIQUOR STORES WITHIN L.A. COUNTY AND I'M NOT LOOKING INTO BEING FLEXIBLE ON THAT CONDITION EITHER.

>> THE MINIATURE SELLING IN EVERY LIQUOR STORE.

>> HEARING OFFICER GARCIA: I UNDERSTAND THAT, SIR.

>> THIS IS THE ONLY ONE IN COVINA CITY INCLUDING FIVE MILES CIRCUMSTANCE LIQUOR STORE WHICH IS 32 LIQUOR STORE AND FIVE MILE CIRCLE HAVE THE CONDITION TO NOT SELL THE MINIATURE.

>> HEARING OFFICER GARCIA: THIS IS A STANDARD THAT WE USE FOR A LOT OF LIQUOR STORES IN L.A. COUNTY AND THAT'S SOMETHING WE'RE GOING TO KEEP STANDARD. I UNDERSTAND THAT A LOT OF LIQUOR STORES DON'T HAVE THAT CONDITION BUT IN MOVING FORWARD WITH YOUR LIQUOR STORES AND ANY APPROVAL THAT WE CONSIDER, WE ARE INCLUDING THIS CONDITION AND IT'S GOING TO BE A STANDARD CONDITION AND I WOULD LIKE TO KEEP IT STANDARD SO WE CAN REMAIN CONSISTENT. IS THERE ANY OTHER CONDITION THAT YOU WOULD LIKE ME TO ADDRESS?

>> LIKE OF ANY OF THE ITEM WE ASK, LIKE MORE CONDITION?

>> HEARING OFFICER GARCIA: THE SALE OF ALCOHOL IS A VERY RESTRICTED BUSINESS, MORE AND MORE IN L.A. COUNTY, WE'RE COMING UP WITH MORE EFFECTIVE CONDITIONS TO CONTROL SOME OF THE UNINTENDED CIRCUMSTANCES IN THESE AREAS, LIKE I SAID, THESE ARE CONDITIONS THAT ARE BEING PLACED ON YOUR CONDITIONAL USE PERMIT FOR YOU TO CONTROL YOUR EMPLOYEES, FOR YOU TO CONTROL YOUR OPERATION. AND SOME OF THESE CONDITIONS, I CAN ADDRESS THEM, I CAN TELL YOU WHY WE PLACE THESE CONDITIONS AND I CAN SEE MAYBE IF WE CAN BE FLEXIBLE ON THEM BUT THE TWO THAT YOU HAVE MENTIONED ARE THE TWO THAT WE ARE -- WE HAVE A VERY HARD STAND ON AND I WOULD LIKE TO KEEP THESE CONDITIONS AS A STANDARD CONDITION FOR MOST OF THE LIQUOR STORES IN L.A. COUNTY. IS THERE ANY OTHER CONDITION THAT YOU WOULD LIKE TO ADDRESS OR ANY OTHER ISSUE YOU WOULD LIKE TO ADDRESS WITH REGARDS TO THIS PERMIT?

>> I JUST WISH IF YOU LET ME EXPLAIN, I READ THE LAW ABOUT ALCOHOLIC LICENSE IN CALIFORNIA AND I READ ALL THE LAW ABOUT MY NEW BUSINESS, THERE IS A LAW CONTROL SELLING ALCOHOL IN CALIFORNIA, NOT SELLING TO MINOR, NOT SELLING TO DRUNK, NOT SELLING BETWEEN 2 IN THE MORNING AND 6 IN THE MORNING, AND THEY'RE WATCHING, YOU KNOW, LIKE THERE IS A LAW CONTROLLING THAT, RIGHT, AND IT'S TIGHT, THIS BUSINESS, SO WHEN THERE IS CONDITION WITH THIS LAW, THAT MEANS YOU WANT TO HOLD THIS

BUSINESS. I WISH, I DID WISH TO FIND A JOB BEFORE I BUY THIS BUSINESS, EVEN I BUY IT BY LOAN, YOU JUST PAY FOR THE INVENTORY, TO NOT HAVE THIS BUSINESS, THIS IS THE ONLY ONE THAT HAVE A CONDITION, THERE IS ANOTHER ONE NEXT STREET, BELONG TO THE L.A. COUNTY AND WITH NO CONDITION AND THEY CLOSE.

>> HEARING OFFICER GARCIA: SIR, OUR INTENTION IS NOT TO KILL THE BUSINESS, OUR INTENTION IS TO RESTRICT AND TO CONDITION THIS PERMIT APPROPRIATELY, AND THIS IS -- I THINK THAT THE STAFF HAS DONE A WONDERFUL JOB AT ASSESSING ALL THE FACTORS INVOLVED WITH THIS PERMIT AND WITH THE LOCATION AND THE AREA AROUND THIS LIQUOR STORE. YOU HAVE A COUPLE OF DOWNSWINGS. IF WE DO APPROVE THIS CONDITIONAL USE PERMIT WITH THE CONDITIONS, YOU KNOW, THOSE ARE THE CONDITIONS THAT ARE PLACED ON THIS STORE, ON THIS LOCATION. YOU HAVE THE OPTION OF APPEALING THAT CONDITIONAL USE PERMIT APPROVAL TO THE PLANNING COMMISSION WHICH YOU WOULD HAVE TO PAY A FEE, AND REQUEST THAT TO THE PLANNING COMMISSION. AT MY LEVEL, I'M LOOKING AT WHAT WE'RE LOOKING AT NOW IS THE CONDITIONS THAT ARE APPROPRIATE AND THAT ARE ADEQUATE FOR THIS TYPE OF FACILITY AND THIS LOCATION, OKAY. I UNDERSTAND THAT THERE'S RULES THAT MIGHT BE A LITTLE BIT MORE FLEXIBLE THAN WHAT WE ARE RIGHT NOW BUT THAT'S WHY THIS IS A DISCRETIONARY PERMIT BECAUSE IT IS TO MY DISCRETION TO IMPOSE CONDITIONS APPROPRIATELY, AND THIS IS WHAT I THINK IS APPROPRIATE, LIKE I

SAID, I THINK THAT STAFF HAS DONE A WONDERFUL JOB AT DRAFTING THESE CONDITIONS THAT ARE ADEQUATE TO THIS LOCATION AND ARE ADEQUATE DO D -- TO THE OPERATION. IS THERE ANYTHING ELSE THAT YOU WOULD LIKE TO ADD OR THAT YOU WOULD LIKE TO ADDRESS WITH REGARDS TO THESE CONDITIONS?

>> WELL, I DID REALLY NEED YOUR HELP, LADIES AND GENTLEMEN ABOUT THIS CONDITION BECAUSE THAT REALLY MAKE ME FEEL SORRY WHEN THIS IS THE ONLY LOCATION BETWEEN 14 LOCATIONS HAVE THIS CONDITION.

>> HEARING OFFICER GARCIA: SIR, WE ARE LOOKING AT THIS LOCATION AND WE'RE NOT LOOKING AT ANY OTHER OPERATION, WE'RE NOT BASING IT ON ANY OTHER OPERATION. A LOT OF OTHER OPERATIONS ARE NONCONFORMING, WHICH MEANS THEY MIGHT NOT HAVE A CONDITIONAL USE PERMIT RIGHT NOW, BUT IN THE FUTURE WHEN THAT NONCONFORMING EXPIRES, AND NONCONFORMING STATUS EXPIRES, THEY WILL HAVE TO COMPLY WITH CONDITIONS LIKE YOU ARE. NOW, LIKE I SAID, THESE ARE CONDITIONS SPECIFIC TO THIS LOCATION, SPECIFIC TO THIS OPERATION, SO WE CAN'T COMPARE THIS TO ANOTHER LIQUOR STORE, WE CAN'T COMPARE THIS TO ANOTHER 7-11 OR ANOTHER LOCATION BECAUSE WE ARE TALKING ABOUT THIS SPECIFIC LOCATION, OKAY. AND THESE -- LIKE I SAID, THESE ARE THE CONDITIONS THAT I THINK THAT ARE ADEQUATE AND APPROPRIATE FOR THIS LOCATION. NOW, I'D LIKE TO MOVE FORWARD, AND LIKE I SAID, I AM CONSIDERING APPROVAL WITH THESE

CONDITIONS IF YOU WOULD LET ME MOVE FORWARD WITH MOVING ON THIS ITEM. I WOULD ALSO LIKE TO ADDRESS SOME OF THE ISSUES THAT I HAVE FOUND ON MY FIELD VISIT WHEN I WENT TO THIS LOCATION. ONE OF THE ISSUES THAT I FOUND, LIKE I SAID, THERE'S RESTRICTIONS AND REGULATIONS FOR ALCOHOL SALES, THERE'S DEVELOPMENT STANDARDS FOR ANY OTHER TYPE OF DEVELOPMENT ON THE PROPERTY AND WHAT I FOUND IS THAT THE SIGNAGE ON THE WINDOW EXCEEDS WHAT'S ALLOWED, WHAT'S ALLOWED IS 25% OF THE WINDOW SIGN, YOU'RE ALLOWED TO HAVE 25% OF THE WINDOWS TO BE COVERED WITH SIGNS AND I FOUND THAT IN MY FIELD VISIT, IT EXCEEDS THE 25%, SO I WANT TO BRING THAT TO YOUR ATTENTION, LET YOU KNOW THAT THE 25% WINDOW COVERAGE IS A RESTRICTION AND IS A DEVELOPMENT STANDARD THAT EXISTS. IT WON'T BE A CONDITION OF THIS CONDITIONAL USE PERMIT BUT IT IS A CONDITION THAT IS -- OR IT IS A REQUIREMENT FROM THE CODE THAT EXISTS TODAY, AND I JUST WANT TO BRING THAT TO YOUR ATTENTION, IN ADDITION, I FOUND THAT THERE WAS OUTSIDE DISPLAY IN FRONT OF THE STORE, IT WAS A TABLE WITH, I BELIEVE, IT WAS CANDY THAT WAS BEING SELLING AND A 99 CENT SIGN ON IT. YOU'RE NOT ALLOWED TO DISPLAY OUTSIDE OF THE STORE, SO THAT'S SOMETHING ELSE, LIKE I SAID, IT'S NOT A CONDITION OF THIS PERMIT BUT IT IS IN VIOLATION OF OUR COUNTY CODE AND I WANTED TO BRING THAT TO YOUR ATTENTION. DO YOU UNDERSTAND THAT? OKAY, IS THERE ANYTHING ELSE OTHER THAN WHAT WE'VE DISCUSSED THAT YOU WOULD LIKE TO ADDRESS?

>> NO, THANK YOU.

>> HEARING OFFICER GARCIA: ONE OTHER ITEM I WOULD LIKE TO ADDRESS IS CONDITION NUMBER 16, I'M NOT SURE IF MR. MAR HAD ADDRESSED THIS, BUT CONDITION NUMBER 16 STATES AT THE END OF THE CONDITION STATES WITHIN 60 DAYS OF THE FINAL APPROVAL, IF YOU'RE REQUIRED TO SUBMIT AN EXHIBIT A, THAT YOU WOULD HAVE TO DO IT WITHIN 60 DAYS, I WOULD LIKE TO CHANGE THAT FROM WITHIN 60 DAYS TO BY MAY 20, 2013. IT BASICALLY GIVES YOU THE SAME AMOUNT OF TIME FROM TODAY, BUT IT'S JUST WRITTEN IN A DIFFERENT WAY. CONDITION NUMBER 24 STATES THAT THE SALE OF ALCOHOLIC BEVERAGES BETWEEN 9 AND 11 P.M. AND ALCOHOL SALES SHOULD BE PROHIBITED BETWEEN -- IT SHOULD SAY BETWEEN 11 P.M. AND 9 A.M., 7 DAYS A WEEK, AND I BELIEVE THAT'S ALL. SIR, DID YOU UNDERSTAND THE MODIFICATIONS TO THE CONDITIONS?

>> YES, I DO.

>> HEARING OFFICER GARCIA: DO YOU ACCEPT THOSE CONDITIONS?

>> YES.

>> HEARING OFFICER GARCIA: I'M GOING TO GO AHEAD AND MOVE ON THIS ITEM, I HAVE CONSIDERED THE CATEGORICAL EXEMPTION ON THIS

ITEM AND THIS CLASS OF PROJECTS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AT THIS TIME, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF THE FINDINGS OF FACT PRESENTED, CONDITIONAL USE PERMIT NUMBER 201000063 IS APPROVED SUBJECT TO THE ATTACHED MODIFIED CONDITIONS, AND THE APPEAL PERIOD IS?

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

>> HEARING OFFICER GARCIA: THANK YOU, SIR, HAVE A NICE DAY.

>> THANK YOU, THANK YOU.

>> HEARING OFFICER GARCIA: OUR NEXT CASE TODAY IS CONDITIONAL USE PERMIT NUMBER 2011300040, IT'S A REQUEST TO AUTHORIZE A RETRO ACTIVE APPROVAL OF AN EXISTING MONOPOLE WITH APPURTENANT EQUIPMENT AND TO CO-LOCATE ADDITIONAL ANTENNAS AND EQUIPMENT FOR A WIRELESS TELECOMMUNICATIONS FACILITY IN THE M2 ZONE DISTRICTED. THE APPLICANT IS METRO PCS CALIFORNIA.

>> WE HAVE ONE SPEAKER, JERRY AMBROSE.

>> HEARING OFFICER GARCIA: WE'LL GO AHEAD AND START WITH STAFF'S PRESENTATION.

>> MS. NAZAR: GOOD MORNING, MR. HEARING OFFICER, MS. NAZAR WITH ZONING PERMIT'S EAST SECTION, AS STATED, STAFF PRESENTS AGENDA ITEM NUMBER 6, PROJECT NUMBER R201100378, THIS ITEM IS A REQUEST FROM VERIZON WIRELESS TO LEGALIZE AN EXISTING MONOPOLE RETROACTIVELY WITH APPURTENANT AN EQUIPMENT AND TO CO-LOCATE ADDITIONAL ANTENNAS AND EQUIPMENT FOR A WIRELESS TELECOMMUNICATIONS FACILITY IN THE M2 HEAVY MANUFACTURING ZONE, THE PROJECT IS LOCATED AT 3615 EAST VERNON AVENUE WITHIN THE BANDINI ZONED DISTRICT. THE ZONING SURROUNDING THE PROPERTY IS M2 HEAVY INDUSTRIAL TO THE NORTH, EAST, WEST AND CITY OF VERNON ON THE SOUTH OF THE SUBJECT PARCEL, AND YOU CAN SEE THE ZONING MAP TO YOUR LEFT SCREEN. THE LAND USE MAP ON THE RIGHT SCREEN DEPICTS THE SUBJECT PARCEL IS DEVELOPED WITH A WIRELESS FACILITY AND THE PROPERTY SURROUNDED BY L.A. RIVER TO THE NORTH, FOOD PROCESSING FACILITY TO THE SOUTH, A WAREHOUSE TO THE WEST AND RAILROAD TRACKS TO THE EAST. THE SITE PLAN IN THE MIDDLE DEPICTS THE EXISTING AND PROPOSED LEASE AREAS, THE ACCESS IS THE VERNON AVENUE THROUGH AN EASEMENT, THE NEXT PLAN, PLEASE. THIS PLAN SHOWS THE VERIZON EQUIPMENT CAB -- CABINET AND IS THE PROPOSED AREA AS WELL AS THE MONOPOLE. NEXT, PLEASE. THE ELEVATION PLAN SHOWS THE HIGH DEAF MONOPOLE WHICH IS APPROXIMATELY 62 FEET WITH VERIZON ANTENNAS ON THE TOP AND PROPOSED METRO PCS ANTENNAS AT 44 FEET IN HEIGHT. NEXT PLEASE. HERE ARE SOME PHOTO OF THE EXISTING MONOPOLE AND THE LEASE AREA, NEXT PLEASE. AND THESE ARE

SOME PHOTO SIMULATIONS SHOWING THE MONOPOLE IN THE AREA. THE PROPOSED WIRELESS TELECOMMUNICATION FACILITY COMPLIES WITH THE DEPARTMENT STANDARDS IN TERMS OF HEIGHT AND CO-LOCATION, THE EXISTING MONOPOLE IS APPROXIMATELY 62 FEET IN HEIGHT AND A MAXIMUM OF 75 FEET IS ALLOWED. THE SUBJECT FACILITY ALLOWS CO-LOCATION WHICH IS ENCOURAGED BY THE DEPARTMENT GUIDELINES. THE EXISTING WIRELESS FACILITY IS COMPATIBLE IN THE AREA NEXT TO OTHER UTILITY TOWERS AT THE SAME HEIGHT. THE APPLICANT HAS PROVIDED A TITLE REPORT AND THE LAND RESEARCH AND ENFORCEMENT STAFF REVIEWED THE SUBJECT TITLE REPORT AND DETERMINED THAT THE CERTIFICATE OF COMPLIANCE IS NECESSARY. PRIOR TO COMPLETING MY PRESENTATION, STAFF WOULD LIKE TO MAKE THE CHANGES TO THE FINAL DRAFT CONDITIONS AND FINDINGS, FINAGLED NUMBER 4 READS THE PROJECT IS A REQUEST TO AUTHORIZE A RETROACTIVE CONDITIONAL USE PERMIT, STAFF WOULD LIKE TO ADD A STATEMENT THAT EXPLAINS THE RETRO ACTIVITY OF THIS CONDITIONAL USE PERMIT AND IT SHALL ADD THE STATEMENT AS THE SUBJECT FACILITY WAS PERMITTED BY THE CITY OF VERNON, THE APPLICANT FOUND OUT ABOUT THE REQUIRED PERMITS FROM LOS ANGELES COUNTY RECENTLY AND HAS APPLIED FOR PROPER PERMITS FROM THE LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING AND BUILDING AND SAFETY DIVISIONS. FINDING NUMBER 7 READS, THIS PROJECT ALSO INCLUDES VERIZON WIRELESS PANEL ANTENNAS AND EQUIPMENT CABINETS THAT ARE NOT PERMITTED BY DEPARTMENT OF REGIONAL PLANNING. THIS FINDING SHALL READ -- THIS

PROJECT ALSO INCLUDES VERIZON WIRELESS PANEL ANTENNAS AND EQUIPMENT CABINETS THAT ARE NOT LEGALLY ESTABLISHED. AGAIN, THIS EXPLAINS THAT IT WAS PERMITTED BUT IT WAS PERMITTED THROUGH THE CITY OF VERNON AND NOT THE COUNTY. ALSO DRAFT CONDITION NUMBER 34, IT SHALL READ THAT THE PERMITTEE, VERIZON WIRELESS SHALL PROVIDE FOUR SETS OF THE REVISED PLAN BY APRIL 19, 2013.

BASICALLY WE'RE ASKING THEM TO PROVIDE US THE REVISED PLANS BY APRIL 19, AND CONDITION NUMBER 35, THE PERMITTEE SHALL FILE FOR A CERTIFICATE OF COMPLIANCE WITH THE REGIONAL PLANNING DEPARTMENT AND SUBMIT THE REQUIRED APPLICATION BY MAY 19, 2013, AND FINALLY STAFF WOULD LIKE TO REMOVE CONDITION NUMBER 37 WHICH IS THE SAME AS CONDITION NUMBER 35. FINALLY, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 201100040 IN THE FIRST SUPERVISORIAL DISTRICT SUBJECT TO DRAFT CONDITIONS AND FINDINGS AND THE CHANGES AS INDICATED. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH. JUST ONE QUESTION, DO YOU HAPPEN TO KNOW WHAT THE STATUS OF THE CERTIFICATE OF COMPLIANCE IS AT THIS POINT?

>> MS. NAZAR: I'M SORRY?

>> HEARING OFFICER GARCIA: DO YOU KNOW WHAT THE STATUS OF THE CERTIFICATE OF COMPLIANCE IS AT THIS TIME?

>> MS. NAZAR: THEY HAVE NOT SUBMITTED ANY APPLICATION FOR A CERTIFICATE OF COMPLIANCE AT THIS TIME.

>> HEARING OFFICER GARCIA: SO, A CERTIFICATE OF COMPLIANCE APPLICATION MA NOT BEEN SUBMITTED?

>> MS. NAZAR: YES, WE JUST FOUND OUT ABOUT A NEED OF A CERTIFICATE OF COMPLIANCE JUST YESTERDAY, I DID RECEIVE A TITLE REPORT RECENTLY AND THE PLANNING STAFF TOLD US THEY WOULD NEED TO FILE FOR THE COC.

>> HEARING OFFICER GARCIA: OKAY, GREAT, THANK YOU. WOULD YOU LIKE TO STATE YOUR NAME.

>> MY NAME IS JERRY AMBROSE, I'M HERE ON BEHALF OF THE APPLICANT.

>> HEARING OFFICER GARCIA: DID YOU GET A CHANCE TO GET SWORN IN TODAY?

>> I HAVE, YES.

>> HEARING OFFICER GARCIA: DO YOU HAVE ANYTHING ELSE TO ADD?

>> I HAVE NOTHING TO ADD, WE READ THE CONDITIONS AND WE CONCUR AS THEY'RE PRESENTED AND ADDS MODIFIED AS WELL AND I'M HERE TO ANSWER ANY QUESTIONS YOU MAY HAVE.

>> HEARING OFFICER GARCIA: OKAY, GREAT, THANK YOU. I'D LIKE TO ADDRESS THE MODIFICATION THAT WAS ADDRESSED DURING THE PRESENTATION FROM STAFF WITH REGARDS TO CONDITION NUMBER 34 AND 35 REGARDING THE TIME OR THE DATE THAT THEY WOULD -- THAT THE APPLICANT WOULD BE REQUIRED TO SUBMIT THESE PLANS IN THE CERTIFICATE OF COMPLIANCE, NUMBER 35 STATES THE PERMITTEE SHALL PROVIDE A COPY OF THE CERTIFICATE OF COMPLIANCE BY MAY 19TH, THAT'S THE MODIFIED CONDITION, IF THE CERTIFICATE OF COMPLIANCE MODIFICATION HAS NOT BEEN APPLIED FOR YET, I THINK THE PERMITTEE SHALL APPLY FOR A CERTIFICATE OF COMPLIANCE AND PROVIDE A COPY OF THAT CERTIFICATE OF COMPLIANCE UPON APPROVAL, AND HAVE THEM APPLY WITHIN 30 DAYS, SO BY APRIL 19TH.

>> MS. NAZAR: SO, APRIL 19TH WILL BE WHEN THEY WOULD APPLY FOR THE APPLICATION?

>> HEARING OFFICER GARCIA: CORRECT, AND ALSO TO HAVE THEM PROVIDE A COPY OF THE DOCUMENTATION TO THE FILE, EITHER TO ZONING PERMITS OR TO ZONING ENFORCEMENT, ALSO CONDITION NUMBER

34 STATES THE PERMITTEE SHALL PROVIDE SITE PLANS PRIOR TO THE FINAL APPROVAL OF THIS PROJECT. I BELIEVE YOU HAD INDICATED MAY 19TH?

>> MS. NAZAR: APRIL 19TH.

>> HEARING OFFICER GARCIA: OKAY, SO 30 DAYS AS WELL, OKAY APRIL 19TH IS FINE, AND THEN CONDITION NUMBER 37 IS GOING TO BE ELIMINATED, CORRECT?

>> MS. NAZAR: THAT'S CORRECT.

>> HEARING OFFICER GARCIA: AND, SIR, DID YOU UNDERSTAND THOSE MODIFICATIONS TO THOSE CONDITIONS?

>> YES.

>> HEARING OFFICER GARCIA: AND DID YOU AGREE TO THEM AND ACCEPT THEM?

>> YES.

>> HEARING OFFICER GARCIA: I'LL MOVE ON THIS ITEM. I HAVE CONSIDERED THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND

CERTIFY THAT IT IS CONSISTENT WITH THE FINDING BY THE STATE SECRETARY OF RESOURCES AND BY LOCAL GUIDELINES, THIS DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF THE FINDINGS OF FACT PRESENTED, CONDITIONAL USE PERMIT NUMBER 201100040 IS APPROVE SUBJECT TO THE ATTACHED MODIFIED CONDITIONS AND THE APPEAL PERIOD IS?

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

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH.

>> OKAY, THANK YOU.

>> HEARING OFFICER GARCIA: OUR NEXT CASE TODAY IS CONDITIONAL USE PERMIT NUMBER 20120006, IT IS A REQUEST TO AUTHORIZE THE ADDITION OF VERY TWO LOW-INCOME HOUSING UNITS TO AN EXISTING 59 UNIT AFFORDABLE HOUSING APARTMENT COMPLEX FOR SENIOR CITIZENS IN THE R3 ZONE WITHIN THE WILLOWBROOK-ENTERPRISE ZONED DISTRICT, IT IS APPLIED FOR BY LOGAN'S PLAZA LP.

>> WE HAVE ONE SPEAKER, THE APPLICANT, RONALD CARGO.

>> HEARING OFFICER GARCIA: PLEASE STAY STANDING AND RAISE YOUR RIGHT HAND? (SWEARING-IN OF WITNESS).

>> MR. MONTGOMERY: GOOD MORNING, MR. HEARING OFFICER, AGENDA ITEM 7 IS HOUSING PERMIT NUMBER 201200006 LOCATED IN SECOND SUPERVISORIAL DISTRICT, THE APPLICANT, LOGAN'S PLAZA LP SEATS A DISCRETIONARY HOUSING PERMIT TO ADD TWO ADDITIONAL LOW-INCOME HOUSING UNITS TO AN EXISTING 9 UNIT AFFORDABLE HOUSING COMPLEX FOR SENIOR CITIZEN, TWO EXISTING STORAGE UNITS WOULD BE CONVERTED INTO DWELLING UNITS, THE RESULT IN TOTAL OF 61 UNITS ON 2.19 ACRES WOULD RESULT IN A DENSITY OF 27.9 DWELLING UNITS PER GROSS ACRE, 24 WOULD BE AN INCREASE OF 12 UNITS OF GROSS ACRE, NO ALTERATIONS TO THE FACILITY WOULD OCCUR. THE PROJECT SITE IS LOCATED FROM 2019-2039 EAST 122ND STREET IN THE WILLOWBROOK-ENTERPRISE ZONED DISTRICT OF UNINCORPORATED LOS ANGELES COUNTY. BEFORE I CONTINUE, I WOULD LIKE TO MAKE A COUPLE OF CORRECTIONS TO THE ORIGINAL STAFF REPORT WHICH STATE THAT IS THE SMALLEST APARTMENT BUILDING IS ONE STOREY WITH A MAXIMUM HEIGHT OF 19 FEET, IN FACT, IT IS TWO STOREYS WITH A MAXIMUM HEIGHT OF 26 FEET AS INDICATED ON THE SITE PLAN AND ELSEWHERE IN THE STAFF REPORT. THIS CHANGE SHOULD ALSO BE REFLECTED IN DRAFT FINDING NUMBER 6. IN ADDITION, DRAFT FINDING NUMBER 15, MISTAKENLY REFERS TO CERTAIN PARKING SPACES RATHER THAN THE 43 THAT ARE PROVIDED IN THE STAFF REPORT, THIS SHOULD ALSO BE CORRECTED. TAKE A LOOK AT THE LAND USE MAPS, THE PROJECT SITE IS A SENIOR AFFORDABLE HOUSING COME FLEX, IT'S SURROUNDED BY

MULTIFAMILY RESIDENTS IN ALL DIRECTIONS, THERE'S ALSO SOME SINGLE FAMILY RESIDENTS AND TWO FAMILY RESIDENTS MIXED IN FURTHER TO THE EAST IS THE BLUE LINE LIGHT RAIL FOR METRO, IN TERMS OF ZONING, ZONING IS R3, THERE IS SOME R-1, R3 IS LIMITED MULTIPLE RESIDENCE, THERE IS SOME R3 TO THE SOUTH AND SOME R-2, FURTHER RESIDENCE TO THE NORTH. THE SITE PLAN, IF YOU CAN GO TO THAT, THE SITE PLAN DEPICTS THE EXISTING SENIOR CITIZEN APARTMENT COMPLEX ON 2.19 GROSS ACRES WHICH INCLUDES A COMMUNITY BUILDING SURROUNDED BY OPEN SPACE AND FIVE TWO STOREY APARTMENT BUILDINGS, A 4-3 PAVED PARKING LOT IS LOCATED ON THE WESTERN PORTION OF THE PROPERTY COMMUNITY ROOMS CONTAINS A TELEVISION LOUNGE, LAUNDRY ROOM AND ON-SITE OFFICE, IT CONTAINS 59 UNITS, 57 OF WHICH ARE ONE BEDROOM UNITS, ONE IS A TWO BEDROOM UNIT AND ONE IS A THREE BEDROOM UNIT, THE APPLICANT WANTS TO CONVERT [INAUDIBLE] ONE OF THE STORAGE UNITS IS LOCATED ON THE NORTH EASTERN BUILDING AND WOULD BE CONVERTED INTO A TWO BEDROOM UNIT WHILE THE SECOND STORAGE UNIT IS LOCATED ON THE WESTERN SIDE OF THE BUILDING AND WOULD BE CONVERTED INTO A STUDIO UNIT, THE RESULTING COMPLEX WOULD HAVE A TOTAL OF 61 DWELLING UNITS. THE ZONING OF THE PROJECT SITE WAS CHANGED TO R3 LIMITED MULTIPLE RESIDENTS BY THE BOARD OF SUPERVISORS IN 1978, THIS ZONE ALLOWS FOR A MAXIMUM DENSITY OF 30 DWELLING UNITS BY ACRE BY RIGHT. THE EXISTING APARTMENT COMPLEX WAS SUBSEQUENTLY PERMITTED TO 61 DWELLING UNITS IN 1979, AT SOME POINT BETWEEN THAT AND 1994, TWO

OF THESE WERE CONVERTED INTO STORAGE UNITS, WHILE IT REMAINS R.3, THE LAND USE DESIGNATION WAS CHANGED TO LOW MEDIUM DENSITY RESIDENTIAL, UPON ADOPTION OF THE WILLOWBROOK CSD BY THE BOARD OF SUPERVISORS IN 1994, THIS RESTRICTS RESIDENTIAL, WHILE THE EXISTING 59 UNIT APARTMENT COMPLEX BECAME LEGALLY NONCONFORMING AT THAT TIME, AN INCREASE IN THE NUMBER OF DWELLING UNITS IS NO LONGER ALLOWED BY RIGHT. THEREFORE, THE APPLICANT IS REQUESTING A DISCRETIONARY HOUSING PERMIT TO CONVERT THE EXISTING STORAGE UNITS TO DWELLING UNITS WHICH EFFECTIVELY RESULTS IN A 133% DENSITY BONUS. THE REQUESTED DENSITY IS CONSISTENT WITH THE PROVISION OF THE GENERAL PLAN HOUSING ELEMENT WHICH ALLOWS FOR DISCRETIONARY HOUSING PERMITS TO GRANT DENSITY BONUS OF MORE THAN 50% FOR AFFORDABLE HOUSING UNITS, IT IS FOR LOW-INCOME SENIOR CITIZEN HOUSING, IT IS CONSISTENT WITH THE GENERAL PLAN POLICIES AND GOALS ON AFFORDABLE HOUSING AND WITH THE CRITERIA OF A DISCRETIONARY HOUSING PERMIT. APARTMENT BUILDINGS ARE ALLOWED BY RIGHT WITHIN THE R3 ZONE, IT ALSO PRESCRIBES A MAXIMUM DENSITY OF 30 DWELLING UNITS PER NET ACRE AS PROPOSED, THE APARTMENT COMPLEX WOULD HAVE A DENSITY OF APPROXIMATELY 29 UNITS PER NET ACRE, BECAUSE THE EXISTING STRUCTURES WERE LEGALLY CONSTRUCTED, THEY'RE NOT REQUIRED TO LIMIT TO THE HEIGHT LIMIT STANDARDS, REGARDLESS, THE EXISTING FACILITY WOULD COMPLY WITH THESE STANDARDS. THE 61 DWELL DWELLING UNITS WOULD REQUIRE A 29 PARKING SPACES, 8 OF WHICH MUST BE RESERVED FOR GUESTS, THE

EXISTING FACILITY PROVIDES A TOTAL OF 43 PARKING SPACES, 9 OF WHICH ARE RESERVED FOR GUESSES, THE PROJECT AS PROPOSED WOULD APPLY TO ALL APPLICABLE PARKING STANDARDS, THE WILLOWBROOK-ENTERPRISE REQUIRES [INAUDIBLE] IT INDICATES APPROXIMATELY 35% OF THE LOT AREA IS CURRENTLY LANDSCAPED, THEREFORE, THIS STANDARD WOULD BE MET. STAFF RECOMMENDS THAT THIS PROJECT QUALIFY FOR A CATEGORICAL EXEMPTION AS A CLASS 3 NEW CONVERSION OR CONSTRUCTION, UNDER THE CALIFORNIA QUALITY ACT AND THE COUNTY ENVIRONMENTAL GUIDE LOINS AS THE PROPOSED PROJECT IS THE EXISTING SMALL STRUCTURES WITH ONLY MINOR MODIFICATIONS MADE TO EXTERIOR SURFACES. THE CONVERSION OF TWO STORAGE UNITS INTO AFFORDABLE HOUSING UNITS FOR SENIOR CITIZENS IS UNLIKELY TO AFFECT THE HEALTH, PEACE OR WELFARE OF THE SURROUNDING RESIDENTS, THE PROJECT WOULD INVOLVE INTERIOR RENOVATIONS ONLY AND THE OVERALL FLOOR AREA OF THE SENIOR COMPLEX WOULD NOT BE EXPANDED, COUNTY DEPARTMENTS OF FIRE AND PUBLIC WORKS WERE CONSULTED AROUND THE PROJECT AND DUE TO THE SMALL NATURE, NO FURTHER REVIEW WERE REQUIRED ON THEIR PARTS. THEREFORE, THE ADDITION OF TWO DWELLING UNITS TO AN EXISTING 59 UNIT APARTMENT COMPLEX IS TO ADVERSELY AFFECT SURROUNDING APARTMENTS IN ANY NOTICEABLE WAY AND STAFF HAS RECEIVED NO OBJECTIONS TO THE PROJECT FROM THE PUBLIC, THE PROJECT SITE IS ADEQUATELY SERVED BY EAST 122ND STREET, A LOCAL COLLECTOR ROAD, AND A FOUR LANE DIVIDED HIGHWAY TO THE WEST. THE PROPOSED PROJECT AT THE

LOCATION HAS BEEN DESIGNED TO BE COMPLEMENTARY SURROUNDING AREA
IN TERMS OF LAND USE DEPARTMENT AND SITE, NO EXTERIOR CHANGES OR
FLOOR AREA EXPANSIONS ARE BEING PROPOSED. THE PROPOSED PROJECT
BE ASSIST IN SATISFYING NEEDS. STAFF RECOMMENDS APPROVAL OF
HOUSING PERMIT NUMBER 201200006.

>> HEARING OFFICER GARCIA: CAN YOU PLEASE STATE YOUR NAME.

>> MY NAME IS RONALD CARGIL, I'M HERE ON BEHALF OF THE
APPLICANT, WE'VE REVIEWED THE STAFF RECORD AND THE FINDINGS, AND
WE AGREE AND APPRECIATE THE REVISIONS AND CORRECTIONS TO THE
STAFF REPORT. WE BELIEVE THAT WE'VE MET THE BURDEN OF PROOF AND
WE ALSO AGREE WITH THE FINDINGS THAT ARE PROPOSED FOR THE
HEARING OFFICER'S CONCLUSIONS. THANK YOU. WE'D LIKE TO THANK
STAFF FOR THE EXPEDITIOUS PROCESSING OF THIS REQUEST. THANK YOU.

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH. I DO HAVE ONE
QUESTION FOR STAFF, CONDITION NUMBER 9 STATES THAT A 200
INSPECTION FEE DEPOSIT TO BE SUBMITTED FOR AN INSPECTION TO BE
CONDUCTED THREE YEAR AFTER THE APPROVAL, IS THERE A REASON WHY
IT'S THREE YEARS AFTER THE APPROVAL, IS THAT STANDARD FOR
HOUSING PROJECTS OR IS THERE ANOTHER REASON FOR THE THREE YEARS?

>> MR. MONTGOMERY: THE THREE YEARS GENERALLY GIVES THEM, IN THIS CASE, SINCE IT'S NEW CONSTRUCTION, IT GIVES THEM -- THE PERMIT, IF IT'S NOT USED WITHIN TWO YEARS, IT EXPIRES BUT THERE'S A PROVISION FOR A ONE YEAR TIME EXTENSION, SO THE THREE YEARS GIVES IT THE MAXIMUM PERIOD OF TIME TO ELAPSE FOR ZONING ENFORCEMENT TO CHECK ON WHETHER OR NOT THE CONSTRUCTION HAS TAKEN PLACE AND THE PERMIT HAS BEEN USED.

>> HEARING OFFICER GARCIA: OKAY, GREAT, THANK YOU. THAT'S ALL THE QUESTIONS THAT I HAVE. I'D LIKE TO MOVE FORWARD ON THIS PROJECT AND ACT ON IT. HAVING HEARD THAT THE APPLICANT HAS READ AND ACCEPTED THE CONDITIONS AND MODIFIED CONDITIONS, I HAVE CONSIDERED THE CATEGORICAL EXEMPTION OF THIS PROJECT AND CERTIFY IT IS CONSISTENT WITH THE FINDING OF THE STATE SECRETARY BY RESOURCES AND BY LOCAL GUIDELINES AND THIS CLASS OF PROJECT DOES NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, I WILL CLOSE THE PUBLIC HEARING, IN VIEW OF THE FINDINGS OF FACT PRESENTED, HOUSING PERMIT NUMBER 201200006 IS APPROVED SUBJECT TO THE ATTACHED MODIFIED CONDITIONS, AND THE APPEAL PERIOD?

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

>> HEARING OFFICER GARCIA: THANK YOU VERY MUCH.

>> THANK YOU.

>> HEARING OFFICER GARCIA: OUR NEXT CASE TODAY IS CONDITIONAL USE PERMIT NUMBER 201100046 AND COASTAL DEVELOPMENT PERMIT NUMBER 201200007, IT'S A REQUEST TO AUTHORIZE A MODIFICATION, CONTINUED OPERATION OF A CONTINUED TELECOMMUNICATION FACILITY THAT IS CO-LOCATED WITH A SOUTHERN CALIFORNIA EDISON WATER TANK, THE PERMIT IS APPLIED FOR BY VERIZON WIRELESS.

>> WE HAVE ONE SPEAKER, HIS UNI KIM.

>> MR. MAR: YES, THANK YOU. TYLER MONTGOMERY, ZONING WEST AGAIN, ITEM 8 IS CONDITIONAL USE PERMIT NUMBER 2011300046 AND COASTAL DEVELOPMENT PERMIT 201200007 IN THE FOURTH SUPERVISORIAL DISTRICT, IT IS TO AUTHORIZE THE MODIFICATION AND CONTINUING OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY, IT IS IN A RIDGE LINE OF TWO HARBORS IN SOUTH CATALINA ISLAND, THE APPLICANT HAD PROPOSED TO MODIFY THE CONDITION TO MICROWAVE [INAUDIBLE] WITH HEIGHTS OF 14 FEET AND 32 FEET ABOVE GRADE RESPECTIVELY, HOWEVER AFTER THE PREPARATION OF THE PREVIOUSLY DISTRIBUTED STAFF REPORT, THE APPLICANT SUBMITTED REVISED PLANS SHOWING AN INCREASE OF THE HATE OF THE MONOPOLES TO 22 FEET, SIX INCHES AND 53 INCHES ABOVE GRADE RESPECTIVELY, BECAUSE OF THIS, STAFF WITH LIKE ADDITIONAL TIME TO FURTHER ANALYZE THE ESTHETIC

IMPACTS OF THE PROJECT AS ONE OF THE MONOPOLES EXTENDS ABOVE THE WATER TANK WHICH HAS A MAXIMUM HEIGHT OF 42 FEET ABOVE GRADE, THE APPLICANT MAY USE THIS TIME TO PREPARE REVISED PHOTO SIMULATION, THEREAFTER STAFF RECOMMENDS THIS PROJECT BE CONTINUED TO THE HEARING DATE OF APRIL 16, 2013.

>> HEARING OFFICER GARCIA: THANK YOU, MS. KIM, WOULD YOU LIKE TO STATE YOUR NAME FOR THE RECORD, PLEASE.

>> HI, IT'S UNI KIM, I'M REPRESENTING VERIZON WIRELESS TODAY. I WOULD LIKE TO REQUEST IF WE CAN HAVE THIS HEARING TODAY. I UNDERSTAND THE CHANGES THAT WERE MADE AND THEY WERE COMMUNICATED TO STAFF, HOWEVER, WE FEEL THAT WE CAN JUSTIFY THE CHANGES THAT WERE MADE.

>> HEARING OFFICER GARCIA: IS THAT ALL YOU HAVE -- THAT'S THE ONLY REQUEST YOU HAVE FOR TODAY?

>> YES.

>> HEARING OFFICER GARCIA: AND YOU'VE READ THE CONDITIONS, THE DRAFT CONDITIONS AND THE FINDINGS?

>> WE HAVE, WE ACCEPT THEM.

>> HEARING OFFICER GARCIA: OKAY, I DO -- I AM CONCERNED WITH THE FACT THAT THIS ANTENNA IS EXTENDING OVER THE HEIGHT OF THE WATER TANK AND I WOULD LIKE TO HAVE STAFF ANALYZE THIS A LITTLE MORE, ESPECIALLY TO SEE IF WE CAN ANALYZE AS WELL THE SIMULATION PICTURES THAT YOU MAY BE ABLE TO PROVIDE.

>> I'M SORRY, PHOTO SIMULATIONS HAVE BEEN MADE REFLECTING THE TALLER POLES THAT WOULD CARRY THE MICROWAVE DISHES, HOWEVER, WE HAD UTILIZED EXISTING PHOTOS AND UNFORTUNATELY, WE DID NOT HAVE ANY SHOTS FROM A FAR REMOVED DISTANCE FROM THE WATER PER SE OR FROM A DIFFERENT VANTAGE POINT, THE TERRAIN THAT EXISTS IN AND AROUND THE WATER TANK, IT'S AT A MUCH HIGHER ELEVATION, SO IT WOULD BE HARD PRESSED TO FIND A VIEW THAT CAN SHOW THE FULL ELEVATION OF THE TANK AND THE POLES BECAUSE YOU'RE ESSENTIALLY LOOKING UP TOWARDS THE HILL, THE WATER TANK IS SORT OF SET IN A HILL. WHAT YOU WOULD PROBABLY SEE FROM THE COASTAL LINE IS JUST THE TOP PORTION OF THE TANK AND THEN JUST MAYBE THE HALF TOP PORTION OF THE TALLER MICROWAVE DISH.

>> HEARING OFFICER GARCIA: WHAT'S THE DIFFERENCE IN HEIGHT? WHAT WAS PREVIOUSLY REQUESTED AND WHAT'S NOW BEING REQUESTED?

>> I BELIEVE IT WAS ABOUT 30 FEET FOR THE HIGHER POLE AND CURRENTLY IT'S AT 53 FOOT, 6 INCHES.

>> HEARING OFFICER GARCIA: WHAT IS IT AT?

>> 53 FOOT, 6 INCHES.

>> HEARING OFFICER GARCIA: SO, YOU'RE REQUESTING 30 FEET HIGH, OR IT WAS AT 30 FEET HIGH.

>> IT WAS AT 30 FEET, SO IT'S ABOUT A 20 FOOT INCREASE. THIS IS FOR THE REASON THAT WE HAD TO STAY WITHIN THE SOUTHERN CALIFORNIA DISTANCE PROPERTY LINES AND WE DO NEED TO HAVE A 30 FOOT SEPARATION, SO AS I MENTIONED BEFORE, THE WATER TANK DOES SIT ON A HILL, SO AS WE KIND OF GO CLOSER TO THE TANK WHERE NATURALLY RAISING THE POLE AND THERE HAS TO BE A 30 FOOT SEPARATION BETWEEN THE 53 FOOT POLE AND THE SECOND 22 FOOT POLE, AND THIS IS FOR RADIO FREQUENCY PURPOSES, IT'S CALLED A SPACE DIVERSITY SYSTEM AS I WAS INFORMED BY OUR RF ENGINEER, AND BECAUSE IT'S SHOOTING ACROSS THE WATER, THAT 30 FOOT OF SEPARATION ACCOUNTS FOR THE REFLECTION THAT'S CREATED, SO THAT IF THE ONE POLE HAS DISTURBANCE FROM THIS REFLECTION, THEN THE OTHER POLE CAN COMPENSATE AND IT WON'T SUFFER THE SIGNAL COVERAGE.

>> HEARING OFFICER GARCIA: OKAY, AND THE -- MR. MONTGOMERY, WHEN WAS THIS CHANGE SUBMITTED, DO YOU RECALL? LET ME ASK YOU THIS, WAS IT SUBMITTED AFTER WE SENT THE STAFF REPORT FROM THE LIBRARY AND HAD RELEASED IT TO THE PUBLIC?

>> MR. MONTGOMERY: AFTER WE SENT THE -- WELL, WE SENT A FACTUAL ONE, THE INFORMATION TO THE LIBRARY, IT WAS SUBMITTED AFTER THE PROJECT WAS ADVERTISED.

>> HEARING OFFICER GARCIA: OKAY.

>> MR. MONTGOMERY: OKAY, I BELIEVE THE DATE ON THAT WAS MARCH 25.

>> HEARING OFFICER GARCIA: THAT'S OKAY, IF WE CONTINUE THIS CASE, WOULD THE WEB MATERIAL INDICATE THE CHANGES SO THAT IT GIVES THE PUBLIC AN OPPORTUNITY TO VIEW WHAT THE CHANGES ARE?

>> MR. MONTGOMERY: YES, IT WOULD.

>> HEARING OFFICER GARCIA: MY CONCERN IS THAT LIKE I SAID, IF IT WASN'T ADVERTISED WITH THIS INFORMATION AND ALSO I STILL FEEL A LITTLE UNCOMFORTABLE MAKING A DECISION BASED ON THE

INFORMATION THAT WE HAVE NOW AND BASED ON WHAT THE REQUEST WAS, SO I WOULD LIKE TO MOVE FORWARD AND CONTINUE EVEN THOUGH IT'S GOING TO BE CONTINUED, IT WON'T BE CONTINUED FOR VERY LONG. I WOULD LIKE TO SEE IF WE CAN FIT IT INTO THE APRIL 16TH CALENDAR DATE, IS APRIL 16TH AVAILABLE?

>> YES, THAT WOULD BE FINE.

>> HEARING OFFICER GARCIA: SO, THAT'S MY INCLINATION IS TO ALLOW STAFF TIME TO ASSESS, TO ANALYZE THE NEW PROPOSAL AND ALSO TO GIVE THE PUBLIC THE OPPORTUNITY TO VIEW IT AT LEAST ON THE WEBSITE, WHAT THE NEW REQUEST IS, EVEN THOUGH IT'S AN INCREASE OF HEIGHT, I STILL WANT TO HAVE THAT TIME, THE ADEQUATE TIME FOR STAFF AND THE PUBLIC TO RECEIVE THIS INFORMATION, IN AN EFFORT TO ALLOW STAFF TO ANALYZE THE NEW SITE PLAN AND TO GIVE THE PUBLIC MORE TIME TO SEE WHAT THE NEW REQUEST IS, I MOVE TO CONTINUE CONDITIONAL USE PERMIT NUMBER 2011000046 AND COASTAL DEVELOPMENT PERMIT 201200007 TO APRIL 16, 2013. THANK YOU VERY MUCH.

>> THANK YOU.

>> HEARING OFFICER GARCIA: SURE. IS THERE ANYBODY ELSE WHO WISHES TO COMMENT ON ANY ITEM NOT ON TODAY'S AGENDA BUT WHICH IS

WITHIN MY PURVIEW, NOT SEEING ANYBODY, TODAY IS MARCH 19, 2013,
AND IT IS 10:33 A.M., THIS MEETING IS NOW ADJOURNED.