

>> HEARING OFFICER HACHIYA: THIS TUESDAY MORNING APRIL 16, 2013 HEARING OFFICER MEETING IS NOW CALLED TO ORDER. WE'RE GOING TO FIRST START WITH A PLEDGE OF ALLEGIANCE, SO IF YOU COULD PLEASE ALL STAND AND JOIN WITH ME IN SAYING: (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. IF YOU ARE INTERESTED IN FOLLOWING ALONG WITH THE PROCEEDINGS, THERE ARE AGENDAS AVAILABLE NEAR THE REAR EXIT DOOR AND YOU CAN GET THAT FROM STAFF. ALSO IF YOU PLAN ON SPEAKING ON ANY OF TODAY'S AGENDA ITEMS, THERE ARE SPEAKER CARDS THAT IS PROVIDED BY STAFF IN THE REAR OF THE ROOM. MY NAME IS PATRICIA HACHIYA, I'M A REGIONAL PLANNING STAFF MEMBER HERE, THERE ARE THREE HEARING OFFICERS HANDLING TODAY'S AGENDA ITEMS IN ORDER TO MAKE SURE EVERYTHING MOVES QUICKLY, WE'LL BE TAKING SOME THINGS -- ACTUALLY, IT'S SOMEWHAT IN ORDER, I'M GOING START WITH SOME ADMINISTRATIVE MATTERS AND THEN ALSO ITEM 1X WHICH IS ON THE SUPPLEMENTAL AGENDA, AND THEN I WILL HAND OVER THE HEARING OVER TO MR. ALEX GARCIA WHO WILL BE HANDLING A CONTINUED ITEM, AGENDA ITEM NUMBER 2. AFTER THAT, I WILL HEAR ITEMS 3 THROUGH 9 AND 11 THROUGH 17

AND THEN MR. MITCH GLASER WILL TAKE OVER THE HEARING TO HANDLE  
ITEM NUMBER 10 AS WELL ADJOURN THE HEARING OFFICER MEETING.  
PLEASE NOTE THAT THIS MORNING'S PROCEEDINGS ARE BEING VIDEOTAPED  
AND STREAMED LIVE, ARCHIVES OF THIS MORNING'S BROADCAST ARE  
AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE. WITH REGARDS  
TO THE ORDER OF TESTIMONY, PLEASE TRY TO REFRAIN FROM REPEATING  
ANY TESTIMONY BEING GIVEN BY OTHERS AT THE CONCLUSION OF THE  
TESTIMONY, THE HEARING WILL BE CLOSED. IN THE EVENT THAT 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, ANY  
DECISIONS MADE BY ME THIS MORNING MAY BE APPEALED TO THE  
REGIONAL PLANNING COMMISSION. TO EXPEDITE THIS MORNING'S  
PROCEEDINGS, FOR THOSE OF YOU IN THE AUDIENCE WHO INTEND TO  
TESTIFY THIS MORNING ON TODAY'S AGENDA ITEMS, IF YOU COULD  
PLEASE STAND AT THIS TIME TO BE SWORN IN MY STAFF. IF YOU PLAN ON  
SPEAKING TODAY ON ANY ITEMS, PLEASE STAND UP AND BE SWORN IN.  
THANK YOU.

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

>> HEARING OFFICER HACHIYA: IF YOU HAVE CELL PHONES, PLEASE PUT THEM ON VIBRATE OR SILENT AND ALSO IF THIS HEARING RUNS LONG, WE WILL BE TAKING A BREAK AROUND 10:00, OKAY, SO LET'S GO AHEAD AND START WITH AGENDA ITEM 1X, GO AHEAD.

>> MR. MONTGOMERY: HELLO, MY NAME IS TYLER MONTGOMERY WITH THE ZONING PERMIT'S WEST SECTION, AGENDA ITEM 1X IS A TIME EXTENSION REQUEST FOR CONDITIONAL USE PERMIT NUMBER 200900064, THIS CASE IS A CUP TO SELL BEER, WINE, AND DISTILLED SPIRITS IN A RESTAURANT IN THE C-2 NEIGHBORHOOD BUSINESS ZONE LOCATED AT 16943 EAST AVENUE P. LAKE LOS ANGELES IN THE ANTELOPE VALLEY EAST ZONED DISTRICT. IT WAS APPROVED ON APRIL 20TH, 2011 BY THE REGIONAL PLANNING COMMISSION. THE GRANT AUTHORIZES APPROVAL TO TERMINATE IF NOT USED BY APRIL 20TH, 2013, THE APPLICANT ENRIQUE RAMOS JR. FILED A TIME EXTENSION REQUEST AND REQUESTS ONE TIME EXTENSION FROM APRIL 20, 2013 TO APRIL 20, 2014, THE APPLICANT STATES THE REASON FOR THIS REQUEST IS HIS INABILITY TO FINISH THE REMODELING OF THE STRUCTURE WITHIN THE TIME PERIOD.

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>> HEARING OFFICER HACHIYA: OKAY, ARE THERE SPEAKERS ON THIS ITEM OR JUST ADMINISTRATIVE? OKAY, SO I DON'T HAVE ANY PROBLEMS WITH CONTINUING THIS.

>> MR. MONTGOMERY: I BELIEVE THE APPLICANT'S HERE, HE'D LIKE TO SAY SOMETHING.

>> HEARING OFFICER HACHIYA: OKAY.

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>> HEARING OFFICER HACHIYA: GOOD MORNING, WERE YOU SWORN IN THIS MORNING?

>> GOOD MORNING.

>> GOOD MORNING.

>> HEARING OFFICER HACHIYA: WERE YOU SWORN IN TO TESTIFY?

>> I DID RAISE MY HAND. MY NAME IS JOSE ALVAREZ AND I'M A RESIDENT OF LAKE LOS ANGELES AND I'M ALSO HERE REPRESENTING MR. ROSARIO SANDOVAL WHO'S THE OWNER OF THE PROPERTY. THE REASON WHY HE HASN'T OPENED UP IS BECAUSE THERE HAS BEEN PROBLEMS WITH THE BUILDING, MAJOR SEWER PROBLEM WHICH IS TAKEN CARE OF, THEN HE HAD BURGLARIES, YOU KNOW, THEY STOLE A LOT OF HIS TV'S THAT HE HAD IN THERE, VANDALISM, THEN RECENTLY, THERE WAS A -- THE FIRE

SPRINKLERS BUSTED AND DAMAGED THE WHOLE CEILING, SO IT'S BEEN ONE THING AFTER ANOTHER AND, YOU KNOW, THE ECONOMY IS NOT REALLY AS THEY SAY IT IS. I THINK SUNDAY'S TIMES SAID THERE WAS -- IF YOU HEAR NOISE, IT'S REALLY THE SOUND OF HAMMERS, YOU KNOW, CONSTRUCTION INDUSTRY IS REALLY BOOMING RIGHT NOW. WELL, WHO KNOWS, BUT ANYWAYS, MR. SANDOVAL IS ALSO THE PERSON THAT WAS THE APPLICANT WHO HAD THE ABC LICENSE NO LONGER HAS A LICENSE AND HE'S ALSO IN THE PROCESS OF APPLYING FOR THE ABC LICENSE IN HIS NAME. THE COMMUNITY NEEDS A FACILITY OF THIS NATURE, IT WILL BE A BOOM TO THE LOCAL ECONOMY. THERE ARE NO NEARBY SIT-IN RESTAURANTS IN THE AREA, ONE HAS TO TRAVEL 15, 20 MILES FOR A NICE SIT-IN PLACE. THIS PLACE, ALSO THIS RESTAURANT HAS HISTORY. YOU KNOW, THIS IS WHERE A LOT OF THE MOVIE STARS WOULD CONGREGATE AT THE END OF THE WORKING DAY BECAUSE THAT AREA WAS USED FOR A LOT OF THE FILMING OF WESTERN MOVIES OF THAT NATURE, SO I HOPE THAT YOU WOULD ALLOW THE EXTENSION FOR THE OWNER, THANK YOU. HE DOESN'T WANT TO SPEAK.

>> HEARING OFFICER HACHIYA: OKAY, THAT'S FINE. I DON'T HAVE A PROBLEM WITH THIS TIME EXTENSION QUESTION AND I'LL GO AHEAD TO APPROVE THE REQUEST AND CONTINUE THIS CUP FROM APRIL 20, 2013 TO APRIL 20, 2014. THERE'S NO APPEAL PERIOD ON THESE, RIGHT? OKAY, SO THANK YOU FOR COMING DOWN.

>> THANK YOU.

>> HEARING OFFICER HACHIYA: OKAY, I'LL GO AHEAD AND NOW TURN THIS HEARING OVER TO MR. ALEX GARCIA.

>> HEARING OFFICER GARCIA: GOOD MORNING, ITEM NUMBER 2, CONDITIONAL USE PERMIT NUMBER 2011100046 AND COASTAL DEVELOPMENT NUMBER 201200007 IS A REQUEST TO AUTHORIZE A MODIFICATION AND CONTINUING OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT IS CO-LOCATED WITH A SOUTHERN CALIFORNIA EDISON WATER TANK IN THE C/SF ZONE AND TO AUTHORIZE DEVELOPMENT WITHIN THE COASTAL ZONE WITHIN THE SANTA CATALINA ISLAND ZONED DISTRICT, THIS IS APPLIED FOR BY VERIZON WIRELESS. IT WAS CONTINUED TODAY DUE TO MODIFICATIONS TO THE REQUEST. WE HAVE ANY SPEAKER CARDS FOR THIS ITEM?

>> WE HAVE ONE SPEAKER, THE APPLICANT, STAN ZITO.

>> HEARING OFFICER GARCIA: OKAY, WILL THE APPLICANT PLEASE STEP DOWN. DID ANYBODY SIGN UP FOR THIS ITEM TO SPEAK? MR. ZITO? OH, OKAY, SO NO ITEMS FOR TODAY, WE'LL GO AHEAD AND START WITH STAFF'S PRESENTATION.

>> MR. MONTGOMERY: THANK YOU, MR. HEARING OFFICER, AGAIN, TYLER MONTGOMERY WITH ZONING PERMIT'S WEST. THE APPLICANT, VERIZON WIRELESS SEEKS TO MODIFY AN EXISTING WIRELESS COMMUNICATIONS FACILITY CO-LOCATED WITH AN EDISON WATER TANK, THE PROJECT SITE IS LOCATED ON THE RIDGE LINE SOUTHEAST OF TWO HARBORS ON SANTA CATALINA ISLAND. THIS ITEM WAS ORIGINALLY CONTINUED FROM THE PREVIOUS PUBLIC HEARING DATE OF MARCH 19, THE APPLICANT HAD ORIGINALLY PROPOSED TO ADD TWO MICROWAVE DISHES MOUNTED WITH HEIGHTS OF 14 FEET AND 32 ABOVE GRADE RESPECTIVELY, HOWEVER, AFTER THE PREPARATION OF THE PREVIOUS STAFF REPORT, THE APPLICANT SUBMITTED REVISED PLANS SHOWING AN INCREASE IN HEIGHT OF THE MONOPOLES TO 22 FEET, 6 INCHES AND 53 FEET 6 INCHES ABOVE GRADE RESPECTIVELY. BECAUSE OF THIS, STAFF REQUESTED ADDITIONAL TIME TO ANALYZE THE VISUAL PLANS OF THE HEIGHT AND TO ALLOW THE APPLICANT TO SUBMIT REVISED PHOTOSIMULATIONS, REVISED PHOTOSIMULATIONS WERE SUBMITTED TO STAFF ON APRIL 4, 2013 WHICH IS THE SAME DAY THAT THE UPDATE MEMO WAS DISTRIBUTED. BASED ON THOSE, STAFF CONCLUDES THAT THE TALLEST OF THE MICROWAVE DISHES WOULD BE SIGNIFICANTLY VISIBLE EVEN FROM A DISTANCE AWAY, THEREFORE STAFF REQUESTS THE APPLICANT LOWER THE HEIGHT OF THIS STRUCTURE TO THAT EQUAL TO THE EXISTING WATER TANK OR SUBMIT WIRELESS COVERAGE MAPS INDICATING THE NECESSITY OF MICROWAVE DISHES OF THE PROPOSED HEIGHTS TO ALLOW SUFFICIENT TIME FOR REGIONAL PLANNING STAFF TO ANALYZE THEM AND PREPARE THE ADEQUATE

FINDINGS AND CONDITIONS, STAFF RECOMMENDS THAT THIS HEARING BE CONTINUED PREFERABLY TO JUNE 4, 2013. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER GLASER:

>> THANK YOU VERY MUCH. SINCE WE HAVE NO SPEAKERS FOR THIS ITEM, I'LL GO AHEAD AND MOVE ON THIS ITEM. I WOULD LIKE TO ALLOW SUFFICIENT TIME FOR THE APPLICANT TO PREPARE AND SUBMIT THE REQUEST OF DOCUMENTATION AND FOR STAFF TO ANALYZE THIS DOCUMENT AND THEREFORE I WILL CONTINUE CONDITIONAL USE PERMIT NUMBER 201100046 AND COASTAL DEVELOPMENT PERMIT NUMBER 201200007 TO JUNE 4, 2013. AT THIS TIME, I WOULD LIKE TO TURN IT OVER TO HEARING OFFICER PAT HACHIYA TO CONTINUE THE HEARING.

>> HEARING OFFICER HACHIYA: THANK YOU. OKAY, WE'RE GOING TO GO TO ITEM -- AGENDA ITEM NUMBER 3 NOW, THIS IS PROJECT NUMBER R2012-02756, CONDITIONAL USE PERMIT 201200158 AND WE'LL GO AHEAD AND START WITH STAFF'S PRESENTATION.

>> MS. ARANDA: GOOD MORNING, MY NAME IS DIANA ARANDA AND I'M A WITH THE ZONING PERMIT'S EAST SECTION, THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT TO CONTINUE THE OPERATION OF AN EXISTING 19 ROOM MOTEL BUILT IN 1953 WITHIN THE UNLIMITED

BILLBOARD EXCLUSION ZONE IN THE PUENTE ZONED DISTRICT WITHIN THE UNINCORPORATED COMMUNITY, THE MOTEL IS LEGALLY ESTABLISHED IN 1953 PRIOR TO THE COUNTY CODE REQUIRING CONDITIONAL USE PERMITS FOR MOTELS IN THE UNLIMITED COMMERCIAL ZONES. THE APPLICANT AMORTIZATION PERIOD HAS EXPIRED AND CURRENTLY A CONDITIONAL USE PERMIT IS REQUIRED IN THE UNLIMITED COMMERCIAL ZONE PURSUANT TO THE COUNTY CODE. THE APPROVAL OF THIS GRANT WOULD AUTHORIZE THE CONTINUED OPERATION OF THE MOTEL WITH 12 STANDARD PARKING SPACES AS ORIGINALLY DEVELOPED IN 1953 WHICH IS DEFICIENT BY 89 PARKING SPACES, THEN WOULD BE REQUIRED UNDER CURRENT DEVELOPMENT STANDARDS. THE MOTEL IS NOT REQUIRED TO MEET CURRENT PARKING STANDARDS PURSUANT TO 22.56.510 OF THE COUNTY LOS ANGELES CODE UNDER THE CONTINUATION OF A LEGALLY ESTABLISHED NONCONFORMING USE BUILDING AND STRUCTURE WITH NO ALTERATIONS OR ADDITION TO THE BUILDING PROPOSED. THE MOTEL IS OPEN 24 HOURS A DAY, 7 DAYS A WEEK, EMPLOYEES CONSIST OF THE MANAGER, HIS WIFE AND ADDITIONAL PERSON TO HELP CLEAN ROOMS, BEFORE I CONTINUE, I WANTED TO STATE CORRECTIONS AND ADDITIONS TO THE DRAFT CONDITIONS AND FINDINGS, DRAFT CONDITION NUMBER 10 HAS BEEN MODIFIED TO ADD FIVE ANNUAL INSPECTIONS, THE FIRST FIVE YEARS OF THE GRANT TERM AND FIVE BIENNIAL INSPECTIONS FOR THE SUBSEQUENT TEN YEARS WITH THE PERMIT TEE DEPOSITING A TOTAL OF 2 THOUSAND IN THE PERFORMANCE FUND. DRAFT CONDITION 34 DELETED THE REQUEST TO TAKE OFF THE NO COVENANT OR TO TAKE OFF THE COVENANT LABELING ON THE SITE PLAN.

THE PROPERTY -- THE LOTS DO NEED A COVENANT, THEY NEED A COVENANT TO BE RECORDED SO WE WOULD LIKE THAT TO BE ON THE SITE PLAN, AND THEN WE'RE ALSO GOING TO ADD A CONDITION NUMBER 35 WHICH STATES THE PERMIT TEE HAS HAVE A COVENANT TO PERFORM SUCH A SATISFACTORY OF REGIONAL PLANNING PRIOR TO THE EFFECTIVE DATE OF THIS GRANT, THE HEARING OFFICER RECEIVED A COPY OF THE CHANGES PRIOR TO TODAY'S CHANGES AND THERE ARE COPIES IN THE BACK OF THE ROOM FOR THE PUBLIC. THERE'S ALSO AN ADDITION, FINDING NUMBER 13 STATES THAT ON APRIL 8, 2013, STAFF RECEIVED AN UPDATED CRIME HISTORY REPORT AND LETTER OF RECOMMENDATIONS, THE CRIME HISTORY REPORT IS FROM JANUARY 1, 2008 TO MARCH 31, 2013, THERE WERE 17 CALLS FOR SERVICE AND THE SHERIFF'S DEPARTMENT DOES GIVE AN OVERALL RECOMMENDATION OF APPROVAL FOR THE CUP. MAY I CONTINUE? I'D LIKE TO SHIFT YOUR ATTENTION OVER TO THE LAND USE MAP, TO THE NORTH, THERE'S A CHURCH, BEAUTY SALON, SINGLE, MULTIPLE FAMILY RESIDENCES, TO THE SOUTH, THERE IS AUTO REPAIR AND A BANQUET HAUL, THERE'S OTHER AUTO MOTIVE USES, TO THE EAST, THERE'S SINGLE FAMILY RESIDENCES, THE ZONING MAP SHOWS TO THE NORTH UNLIMITED COMMERCIAL AND SINGLE FAMILY RESIDENTIAL, ALSO TWO FAMILY RESIDENTIAL, TO THE SOUTH IS UNLIMITED COMMERCIAL MOSTLY AND TO THE EAST IS SINGLE FAMILY RESIDENTIAL. TO THE WEST IS UNLIMITED COMMERCIAL. THIS SITE PLAN IN IS CENTER DEPICTS A ONE STOREY 3688 BUILDING ON A .4 ACRE LOT, THE BUILDING CONTAINS 18 RENTAL UNITS, A MANAGER'S DWELLING UNIT,

OFFICE RECEPTION UNIT, 17 RENTAL UNITS CONSIST OF ONE BEDROOM AND ONE BATHROOM, ONLY UNIT NUMBER 10 CONSISTS OF [INAUDIBLE] AND A BATHROOM. THERE IS NO UNIT NUMBER 13. THE MAIN ACCESS IS FROM A 20 FOOT PAVED DRIVEWAY AND SECONDARY ACCESS ALONG A 20 FOOT WIDE ALLEY WAY TO THE EAST OF THE PROPERTY GUEST VEHICLE PARKING SPACES ARE LOCATED ON-SITE ON A PAVED PARKING AREA IN THE CENTER WITH 12 STANDARD PARKING SPACES INCLUDING ONE HANDICAPPED PARKING SPACE. THE SUBJECT PROPERTY HAS APPROXIMATELY 1500 SQUARE FEET OF LANDSCAPING THROUGHOUT THE FRONT OF THE BUILDING ALONG SOUTH ATLANTIC AVENUE AND ALONG THE PARKING AREA. THERE'S ONE EXISTING FREESTANDING 16 FOOT BUILDING SITE. CAN YOU GO TO A PHOTOGRAPH, PLEASE. THESE ARE JUST PHOTOGRAPHS OF THE LOCATION, HERE WE HAVE, I BELIEVE IT'S THE NORTH AREA OF THE BUILDING WITHIN THE PARKING AREA, SO FACING NORTH, AND THESE ARE JUST PICTURES OF THE SURROUNDING ADJACENT PARCELS AND AN ALLEY WAY ALSO ON THE BOTTOM AND RIGHT HERE IS WHERE YOU GO IN TO CHECK IN AS YOU DRIVE UP, IT'S A LITTLE OFFICE AREA, AND THEN THIS IS JUST A VIEW TO THE -- I BELIEVE TO THE WEST, AND IT SHOWS WHERE THE VEHICLE WOULD ACCESS THE PROPERTY AND DRIVE IN AND THIS IS THE FRONT, FRONTAGE OF THE LOCATION AND THEN THIS IS JUST ADDITIONAL BUILDING, THIS IS UNIT NUMBER 10 WITH TWO BEDROOMS, AND THE BATHROOM, AND I THINK THAT'S IT, YEAH. THANK YOU, MARY. ON OCTOBER 13, 2011T LOS ANGELES COUNTY SHERIFF'S DEPARTMENT PROVIDED STAFF WITH A CRIME ANALYSIS REPORT REGARDING

CALLS FOR SERVICE AND RECOMMENDATION FOR THE SUBJECT PROPERTY IT HAD VEHICLE CITATIONS, ALCOHOL INTOXICATION AND VEHICLE BOATING LAWS, THE SHERIFF'S DEPARTMENT MADE THE FOLLOWING RECOMMENDATIONS, NO LOITERING SIGNS SHOULD BE PLACED AND CLEARLY PLACED AROUND THE BUSINESS AND ANY LOITERING ACTIVITY BE MONITORED AND DISCOURAGED BY MANAGEMENT, THE PARKING AREA IS MAINTAINED WITH SUFFICIENT LIGHTING TO ILLUMINATE THE CONDUCT OF ALL PERSONS OF THE PARKING AREA AND MANAGEMENT HAS A LIAISON RELATIONSHIP WITH THE SHERIFF'S DEPARTMENT, SO THAT COULD BE EASILY FACILITATED WHEN PROBLEMS OCCUR. ON APRIL 8, 2013, THE SHERIFF STATION SENT AN UPDATED CRIME HISTORY REPORT WITH 17 CALLS FOR SERVICE AND RECOMMENDATION FOR APPROVAL. THE CONDITIONS THAT -- THE RECOMMENDATIONS FROM THE SHERIFF'S DEPARTMENT HAVE BEEN ADDED TO THE CONDITIONS OF APPROVAL. THE COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING BY MAIL, NEWSPAPER PROPERLY POSTED, THERE'S LIBRARY ALSO RECEIVED INFORMATION, THERE'S DRP WEBSITE POSTING, THE DEPARTMENT HAS DETERMINED THIS PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA REPORTING REQUIREMENTS AND QUALIFIES FOR A CLASS 1 EXISTING FACILITIES CATEGORICAL EXEMPTION, STAFF ANALYSIS THINKS THAT THE PROJECT IS IN CONFORMANCE OF THE GENERAL PLAN AND THE COUNTYWIDE ZONING CODE. STAFF IS OF THE OPINION THAT THE APPLICANT'S REQUEST IS TO CONTINUE THE MOTEL IN AN EXISTING COMMERCIAL CORRIDOR, WILL TAKE ADVANTAGE OF PUBLIC SERVICES AND FACILITIES,

CAPABILITIES BY UTILIZING EXISTING PUBLIC UTILITIES INTENSELY USED HIGHWAYS AND TRANSPORTATION SYSTEM, THE MOTEL WAS LEGALLY ESTABLISHED IN 1953 AND SERVES LOCAL AND REGIONAL AREAS, THE MOTEL SERVES AS A BUFFER BETWEEN INTENSIVE USES SUCH AS AUTO REPAIR THAT IS LOCATED TO THE WEST AND RESIDENTIAL UNITS LOCATE TODAY THE EAST OF THE PROPERTY THE PROPOSAL TO ALLOW THE MOTEL TO CONTINUE OPERATION WILL NOT DISRUPT THE SURROUNDING NEIGHBORHOOD. FINALLY, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT NUMBER [INAUDIBLE].

>> HEARING OFFICER HACHIYA: AND I APPRECIATE THAT. I DON'T HAVE ANY OTHER QUESTIONS FOR STAFF RIGHT NOW. ARE THERE PEOPLE SIGNED UP TO SPEAK ON THIS ITEM?

>> YES, WE HAVE THREE PERSONS SIGNED UP TO SPEAK, STANLEY ZITO, SHARLA [INAUDIBLE] AND ALPHA BAKPA.

>> HEARING OFFICER HACHIYA: OKAY, PLEASE COME ON DOWN.

>> HEARING OFFICER HACHIYA: GO AHEAD AND EXTEND YOUR NAME FOR THE RECORD.

>> MY NAME IS STAN ZITO.

>> MY NAME IS ALPA BAKPA, I'M A RESIDENT OF ORANGE COUNTY.  
CALIFORNIA, 9620.

>> GOOD MORNING, I'M HERE SPEAKING ON BEHALF OF THE APPLICANT WHO'S ALSO THE PROPERTY OWNER AND THE MOTEL OWNER. WE'RE APPLYING FOR A CONDITIONAL USE PERMIT TO ALLOW THE EXISTING MOTEL AT THIS LOCATION. THIS HOTEL WAS BUILT IN 1953 AND IT HAS BEEN A MOTEL SINCE THAT TIME. THE PROPERTY OWNER ACTUALLY INHERITED THIS PROPERTY FROM THEIR PARENTS WHO RECENTLY PASSED AWAY AND THEY WERE NOT AWARE OF THIS CONDITIONAL USE PERMIT REQUIREMENT, SO HERE WE ARE TRYING TO GET ALL THE PERMITS STRAIGHTENED OUT. WE READ THE CONDITIONS OF THE STAFF REPORT AND DON'T HAVE ANY OBJECTIONS, WE ALSO RECEIVED A COPY OF THESE AMENDED CONDITIONS THIS MORNING. WITH REGARDS TO CONDITION NUMBER 29, I BELIEVE THE COVENANT HAS BEEN RECORDED, I HAVE A COPY OF THIS PROFILE AND GRANTEE THAT SHOWS ALL THE EXHIBITS OF THE COVENANT TYING THE THREE LOTS TOGETHER, I DON'T HAVE THE INSTRUMENT OF THE LOT TIES BUT I WOULD LIKE TO SUBMIT THIS TO THE HEARING OFFICER FOR YOUR REVIEW.

>> HEARING OFFICER HACHIYA: DID YOU HAVE ANY OTHER TESTIMONY WHILE I TAKE A LOOK AT THAT?

>> NO.

>> HEARING OFFICER HACHIYA: YOU CAN GO AHEAD IF YOU HAVE ANYTHING ELSE TO SAY, I'M LOOKING AT IT RIGHT NOW. DID YOU HAVE ANYTHING ELSE YOU WANTED TO ADD? NO? MAYBE WHAT I'LL DO IS I'M GOING TO ASK STAFF TO TAKE A LOOK AT THIS TO FIND IF IT'S SUFFICIENT. WHAT I'LL DO IS I'M GOING TO CONTINUE THIS ITEM WHILE SHE TAKES A LOOK AT THAT AND GO ON TO ANOTHER ITEM AND WE'LL COME BACK TO THIS IF THAT'S ALRIGHT WITH YOU, GIVE HER A FEW MINUTES TO REVIEW IT SO WE'LL COME BACK TO THIS ITEM NUMBER 3.

>> THANK YOU.

>> HEARING OFFICER HACHIYA: THANK YOU. OKAY, IN THE MEANTIME, LET'S GO ON TO ITEM NUMBER 4, THIS IS PROJECT NUMBER R2012-02220, CONDITIONAL USE PERMIT 201200127. GO AHEAD.

>> MR. CURZI: GOOD MORNING, MADAM HEARING OFFICER, MY NAME IS ANTHONY CURZI WITH THE PERMIT'S WEST SECTION, THE MATTER BEFORE YOU IS A REQUEST FROM METRO PCS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WIRELESS TELECOMMUNICATION FACILITY ON A VACANT PARCEL IN THE UNINCORPORATED COMMUNITY OF ACTON, THE PROJECT IS LOCATED AT 7648-3 ESCONDIDO CANYON ROAD IN THE SOLEDAD ZONE DISTRICT, THE ANTELOPE VALLEY FREEWAY IS LOCATED 200 FEET TO THE SITE, IT IS ZONED HEAVY AGRICULTURAL, THE

PROJECT WAS LOCATED IN THE N1 LAND USE CATEGORY OF THE COUNTYWIDE GENERAL PLAN, AND IT IS UNDER THE 2012 SANTA CLARITA VALLEY AREA PLAN, AS SUCH, THE PROJECT WAS PROCESSED UNDER THE FORMER AV PLAN DESIGNATION, THE SURROUNDING AREA CONSISTS OF VACANT LAND AND SINGLE FAMILY RESIDENCES. THE FACILITY WILL CONSIST OF ONE 20 FOOT TALL MONOPOLE TOWER IN A LEASE AREA SURROUNDED BY A WROUGHT IRON FENCE. THE PHOTOSIMULATIONS INCLUDED IN THE STAFF REPORT SHOW THE FACILITY WITH A CHAIN LINKED FENCE BUT THE VISUALS ON THE SCREEN SHOW THE CORRECT FENCING. THE FACILITY WILL BE PAINTED AN EARTH TONE COLOR TO BLEND IN WITH THE SURROUNDING LANDSCAPE. THE TOWER WILL CONSIST OF TWO PANEL ANTENNAS AND TWO MICROWAVE DISHES. STAFF RECEIVED 11 LETTERS IN OPPOSITION TO THE FACILITY, LETTERS STATE THAT THE PROJECT SHOULD HAVE BEEN PRESENTED TO THE AGUA DULCE TOWN COUNCIL AND THAT THE PROJECT WILL HAVE ESTHETIC IMPACTS TO THE COMMUNITY, THE LETTERS ALSO STATE THAT IF APPROVED, THE TOWER SHOULD BE DISGUISED AS A TREE. STAFF HAS ALSO RECEIVED A LETTER FROM THE AGUA DULCE TOWN COUNCIL REQUESTING THE FACILITY BE CO-LOCATED WITH OTHER WIRELESS FACILITIES AND THAT THE PROJECT BE PRESENTED TO THEM. THE PROJECT WAS PRESENTED BEFORE THE ACTON TOWN COUNCIL AS THE PROJECT IS LOCATED WITHIN THE BOUNDARIES OF THAT AREA, THE ACTON TOWN COUNCIL DOES NOT PROPOSE TO THE PROJECT, IT IS COMPATIBLE WITH THE SURROUNDINGS AND THE COMPATIBILITY OF THE TOWER WILL [INAUDIBLE] SERVICE

COMMUNICATION IS THE TELECOMMUNICATION MEDIUM FOR MANY INDIVIDUALS AND IS OFTEN USED TO MAKE EMERGENCY CALLS. THEREFORE, STAFF RECOMMENDS APPROVAL OF CUP 201200127 SUBJECT TO THE CONDITIONS OF APPROVAL. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU. I DON'T HAVE ANY -  
- THANK YOU FOR CLARIFYING THAT WITH REGARDS TO THE AV PLAN VERSUS THE SANTA CLARITA VALLEY PLAN, IF YOU CAN MAKE SURE WHAT YOU SAID ABOUT IT, WHY IT'S IN ONE PLAN VERSUS ANOTHER PLAN, IF YOU COULD MAKE THAT A FINDING IN THE APPROVAL THAT THE APPLICATION HAD BEEN DEEMED COMPLETE UNDER THE AV PLAN AND THAT'S WHY IT'S BEING PROCESSED THAT WAY, ALTHOUGH NOW IT'S UNDER THE SANTA CLARITA VALLEY AREA PLAN, IF YOU COULD CLARIFY THAT.

>> MR. CURZI: OKAY.

>> HEARING OFFICER HACHIYA: I DON'T HAVE ANY OTHER COMMENTS TO STAFF, AND GO AHEAD, SIR, WITH YOUR TESTIMONY.

>> GOOD MORNING, MADAM HEARING OFFICER, MY NAME IS PETE SHUBEN, I'M REPRESENTS METRO PCS THIS MORNING, WE'VE REVIEWED THE DRAFT CONDITIONS OF APPROVAL AND CAN ACCEPT THEM AS PRESENTED IN THE

STAFF REPORT. IF YOU LIKE, I COULD GO INTO ITEMS THAT ADDRESS THE CONCERNS RAISED IN THE OPPOSITION LETTERS.

>> HEARING OFFICER HACHIYA: THAT WOULD BE GREAT, I WOULD APPRECIATE THAT.

>> THERE WERE A COUPLE OF KEY POINTS RAISED IN THE OPPOSITION LETTERS, MAINLY TO DO WITH THE NEED FOR A NEW FACILITY AND WHY AT THIS LOCATION. THERE ARE THREE OTHER LOCATIONS IN THIS SECTION OF THE VALLEY, AND THIS SECTION GO A MILE OF ANY DIRECTION FROM THE PROPOSAL THAT HAVE WIRELESS FACILITIES, ALL THREE ARE DISCUSSED IN THE APPLICATION. THE ONE THAT IS REFERRED TO AS RIFLE CANYON IS CURRENTLY UP ON THE SCREEN IN THE LOWER PICTURE AND IT'S A MONOPOLE THAT IS OVER 100 FEET IN HEIGHT, THAT THREE CARRIERS LOCATED ON IT AND IS AT THE TOP A RIDGE, THIS WAS ORIGINALLY THE FIRST CANDIDATE SELECTED BY METRO PCS TO PROVIDE SERVICE TO THIS AREA. IF YOU THINK ABOUT THE AREA OF THE FREEWAY, IT HAS A CURVE IN IT, IT RUNS FROM EAST/WEST, TURNS TO THE SOUTH AND THIS SITS OUTSIDE THE CURVE, SO SIGNAL FROM THE SITE LOOKS BOTH WAY THROUGHOUT THE HIGHWAY FROM THIS VALLEY, THE SITE'S VERY TALL BECAUSE IT HAS A RIDGE LINE TO THE EAST OF IT THAT BLOCKS SIGNAL FROM GROUND LEVEL UP TO ABOUT 60 FEET FROM AN ANTENNA POSITION LOOKING TOWARDS THE EAST ALONG THE FREEWAY, SO ANY LOWER THAN THAT AT THAT LOCATION AND YOU CAN'T GET THE

SIGNAL DOWN THE FREEWAY TOWARDS ACTON. ALSO THERE'S A LOT OF HOMES OVER THERE THAT WOULD NOT HAVE COVERAGE FROM THIS LOCATION. WE TALKED WITH THIS LANDLORD, WE TALKED WITH THE TOWER, THE TOWER COMPOUND IS FULL, WE WOULD NEED NEW SPACE UP ON A VERY STEEP SLOPE AND WE WERE NOT ABLE TO REACH TERMS AFTER ABOUT TWO YEARS OF DISCUSSIONS WITH THIS PROPERTY OWNER TO LOCATE WHAT WOULD HAVE BEEN THEN A NEW FACILITY ABOUT 80 FEET TALL TO LOOK OVER THAT RIDGE LINE TOWARDS THE EAST TO PROVIDE THE COVERAGE IN BOTH DIRECTIONS DOWN THE ROAD. WE THEN INVESTIGATED WHAT A PRIOR CARRIER WHO ALSO TRIED TO LOCATE THERE AND COULDN'T WHICH WOULD HAVE BEEN A FOURTH CARRIER, IT WOULD HAVE BEEN A T-MOBILE FACILITY, AND ONE OF THEIR FACILITIES IS THE PHOTO ON THE SCREEN CURRENTLY AT THE TOP WHICH IS A SIMILAR PROPOSAL TO THE CURRENT METRO PCS PROPOSAL. THOSE TWO LOCATIONS THAT PROVIDE THE SAME COVERAGE AS THE PHOTO OF THE SITE ON THE BOTTOM, THE VERY TALL 100 FOOT TALL PLUS MONOPOLE NEEDED TWO SITES TO PROVIDE THE SAME COVERAGE BECAUSE IT'S ON THE INSIDE OF THE CURVE AND THE TERRAIN DOESN'T ALLOW EITHER OF THOSE SITES, THE CURRENT SITE THAT'S ON THE BOARD, THE OTHER ONE DISCUSSED IN THE APPLICATION TO SEE BOTH DIRECTIONS, THERE'S A RIDGE LINE THAT DIVIDES IT, SO T-MOBILE NEEDED TWO FACILITIES TO PROVIDE THE SAME COVERAGE TO THE AREA, ONE OF THEIR FACILITIES IS ON THE PROPERTY OWNED BY OUR CURRENT PROPERTY OWNER THAT IS THE SUBJECT OF THE CURRENT PROPOSAL, SO WE'VE BEEN TO BOTH OF THEM, WE

LOOKED AT CO-LOCATING AND IT WOULD TAKE TWO FACILITIES AND NOT CO-LOCATING ON THE T-MOBILE FACILITIES BUT TWO ENTIRELY SEPARATE ONES BECAUSE THEY'RE VERY SHORT, SO WE WOULD NEED TWO FACILITIES TO PROVIDE THE SAME COVERAGE AND ALSO NEITHER OF THOSE LOCATIONS CAN SEE OVER THE RIDGE TO THE WEST INTO THE NEAR SIDE OF AGUA DULCE, SO THE PROPOSAL THAT WE PRESENTED PROVIDES THE SAME COVERAGE AS TWO FACILITIES ON THE ROAD, THEN ADDITIONAL COVERAGE THAT STARTS INTO AGUA DULCE THAT YOU CAN'T SEE FROM ANY OTHER LOCATION IN THE VALLEY, IT'S THE CHARACTERISTICS OF THE TERRAIN AND HOW THE AREA WORKS. WE'RE NOT SURE WHY T-MOBILE DIDN'T LOCATE ON THIS POINT THAT WE ARE CURRENTLY PROPOSING TO LOCATE. WE DID KNOW AT THE TIME THE CURRENT PROPERTY OWNER DID NOT OWN THE LAND IN THAT AREA, HE HAS SINCE ACQUIRED MULTIPLE LOTS AT A FIRE ROUTE OUT OF HIS HOUSE WHICH IS JUST TO THE EAST TO PROVIDE THAT BACK ROUTE OUT, SO HE OWNS ALL THE SURROUNDING PARCELS. THAT COULD BE A REASON WHY THEY DIDN'T, WE JUST DON'T HAVE THAT INFORMATION, BUT ALL OF THE OTHER LOCATIONS ARE INFERIOR, THEY'RE EITHER UNAVAILABLE TO US OR THEY PROVIDE INSUFFICIENT COVER AND REQUIRE MULTIPLE SITES TO PROVIDE EQUIVALENT COVERAGE OF THE PROPOSAL WHICH IS WHY WE DIDN'T LOCATE THE FACILITIES THERE. I BELIEVE THAT ADDRESSED ALL THE ISSUES THAT THEY RAISED.

>> HEARING OFFICER HACHIYA: YEAH, THAT'S FINE, THAT EXPLAINS IT TO ME AND I FEEL LIKE THAT HELPS ME UNDERSTAND WHY YOU PICKED THIS LOCATION. I THINK THE ONLY OTHER THING THAT I WOULD LIKE TO SEE IS I WOULD LIKE TO SEE HOW THE EQUIPMENT BOXES ARE GOING TO BE SCREENED OR CAMOUFLAGED OR AT LEAST AN EXPLANATION OF HOW YOU'RE GOING TO DO IT.

>> WE PREMED INITIALLY CHAIN LINKED AND WE WERE TOLD BY STAFF IT IS NO LONGER PERMITTED SO WE CHANGED IT TO A WROUGHT IRON WITH MESH, THERE'S A PROPERTY LINE WITH THE ROAD RUNNING THROUGH IT BUT ALL THAT LAND IS UNDER COMMON OWNERSHIP AT THIS TIME, THE PROPERTY OWNERS ACQUIRED EVERYTHING, THE NEAREST VIEWABLE POINT OF THE FACILITY IS APPROXIMATELY 1200 FEET AWAY, IT'S DOWN SLOPE CONSIDERABLY AND YOU DON'T HAVE A DIRECT LINE OF SIGHT TO THE EQUIPMENT ITSELF, YOU WOULD SEE THE TOP OF THE TOWER AS THE PHOTOSIMS SHOW BUT NOT THE EQUIPMENT ITSELF, THE REASON WE PICKED THE WROUGHT IRON WITH MESH INSTEAD OF A BLOCK WALL TO COMPLETELY CONCEAL EVERYTHING IT, BLOCKED WALLS BECOME AN ATTRACTIVE NUISANCE, THAT YOU HAVE A NICE SMOOTH SURFACE THAT WILL GET PAINTED WITH GRAFFITI, WE WANTED TO AVOID THAT, WE ALSO HAVE MAINTENANCE WITH BLOCKED WALLS, AS THE SAND NOT TENDS TO BLOW THROUGH THE FACILITY RATHER THAN COLLECT INSIDE OF IT AND YOU GET LITTLE SAND DUNES IN THE FACILITY SO WE WANTED TO AVOID A HARD STRUCTURE TO AVOID HAVING THOSE TWO ISSUES. THE LOCATION

IN THE PHOTOS AS YOU COULD SEE WHEN WE LOOKED AT THOSE WHERE THE CARS ARE PARKED, THERE'S A LARGE FLAT AREA THAT WHEN YOU LOOK UP TO IT, THE SITE FITS IN THAT AREA SO YOU DON'T HAVE IT SITTING OUT ON THE EDGE OF A CLIFF LIKE ONE OF THE PHOTOS OF THE LOWER PHOTO ON YOUR SCREEN OF THE TALL SITE WHERE THE FACILITY IS TOTALLY EXPOSED DUE TO THE IMMEDIATE DROP IN TERRAIN SO WE'RE USING A COMBINATION OF TERRAIN AND PAINTING IT THE COLOR OF EVERYTHING OUT THERE TO CAMOUFLAGE AND BLEND IT IN.

>> HEARING OFFICER HACHIYA: I'M SORRY, STAFF, IS THAT WHAT THE CONDITION STATES, I CAN'T RECALL THAT IT WILL BE PAINTED.

>> MR. CURZI: YES, LET ME CHECK WHICH CONDITION THAT IS.

>> IT'S ALSO SHOWN IN THE PLANS, WE REVISED THE PLANS TO ADD NOTES THAT EVERYTHING WOULD BE PAINTED A SPECIFIED BROWN COLOR.

>> HEARING OFFICER HACHIYA: I THINK THE CONSTITUENCY IS ASKING FOR A HUNTER GREEN WHICH I'M NOT SURE WHAT THAT LOOKS LIKE.

>> THEY WANT IT PAINTED HUNTER GREEN, WE'D BE GLAD TO PAINT IT HUNTER GREEN.

>> HEARING OFFICER HACHIYA: OKAY, LET'S DO THAT. I'M NOT SURE IF STAFF WOULD KNOW WHAT HUNTER GREEN IS, BUT HOPEFULLY -- MAYBE YOU COULD GIVE US A SAMPLE OF WHAT THE HUNTER GREEN WOULD LOOK LIKE AND THAT WOULD BE FINE. IF YOU COULD CHANGE THE CONDITION TO REFLECT THAT.

>> MR. CURZI: OKAY.

>> WOULD THE NEW CONDITION READ TO JUST BE A COLOR APPROVED BY STAFF?

>> HEARING OFFICER HACHIYA: THAT WOULD BE FINE.

>> OKAY.

>> HEARING OFFICER HACHIYA: MR. CURZI, I HOPE YOU'RE NOT COLOR BLIND.

>> MR. CURZI: NO, NO.

>> HEARING OFFICER HACHIYA: OKAY. ARE THERE ANY OTHER SPEAKERS SIGNED UP FOR THIS ITEM?

>> NO, THERE ARE NO OTHER SPEAKERS.

>> HEARING OFFICER HACHIYA: OKAY. OKAY, I'M GO GOING TO GO AHEAD AND CLOSE THIS PUBLIC HEARING AND APPROVE THIS PROJECT NUMBER R2012-02220, CONDITIONAL USE PERMIT NUMBER 201200127 AND ALSO APPROVE THE ENVIRONMENTAL DOCUMENT AND WHAT IS THE APPEAL PERIOD ON THIS?

>> THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.

>> THANK YOU, MADAM HEARING OFFICER.

>> MR. CURZI: THANK YOU.

>> HEARING OFFICER HACHIYA: ARE WE READY TO COME BACK TO ITEM NUMBER 3? OKAY. SO, WE'RE GOING BACK TO ITEM NUMBER 3, THIS IS THE APPLICANT IS BAKTA, I DON'T WANT TO MISPRONOUNCE THE LAST NAME, THE ADDRESS IS 14900 SOUTH ATLANTIC AVENUE. STAFF?

>> MS. ARANDA: SO, I LOOKED OVER AND REVIEWED THE DOCUMENTS AND IT'S NOT A RECORDED COVENANT SO I RECOMMEND THAT WE LEAVE CONDITION NUMBER 35 AS PART OF THE CONDITIONS OF APPROVAL AND I WILL HAVE THE APPLICANT APPLY TO RECORD THE COVENANT.

>> HEARING OFFICER HACHIYA: OKAY, THAT WOULD BE FINE. SO, AT THIS POINT THEN ON THIS ITEM, I WILL GO AHEAD AND CLOSE THE PUBLIC HEARING, I CONCUR WITH ALL OF STAFF'S RECOMMENDATIONS WITH REGARDS TO THE CHANGES AS WELL, AND I WILL FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVE THE CONDITIONAL USE PERMIT NUMBER 2012000158 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU. OKAY. NOW WE ARE ON AGENDA ITEM NUMBER 5, THIS IS PROJECT NUMBER R2012-02000, CONDITIONAL USE PERMIT NUMBER 201200105. I'M READY FOR THE STAFF REPORT.

>> MR. GLASER: GOOD MORNING, MADAM HEARING OFFICER, MY NEIGHBORING IS ROBERT GLASER, I WORK WITH THE ZONING WEST SECTION AND I'LL BE DISCUSSING ITEM NUMBER 5, R201202000-5 WITH CONDITIONAL USE PERMIT 201200105, THE PROJECT SITE IS LOCATED AT 12682 KAGEL CANYON ROAD WHICH IS WITHIN THE MOUNT GLEASON ZONED DISTRICT. THIS IS TO AUTHORIZE THE CONTINUED OPERATION OF AN EXISTING PRIVATE HORSE BOARDING AND TRAINING FACILITY AS A RIDING ACADEMY AND STABLES WITH THE BOARDING OF HORSES, THE

EXISTING FACILITY EXISTING OF TWO PIPE TRAIL, TWO BARNs WITH HORSE STALLS, STORAGE FACILITIES FOR FEED AND THREE RIDING ARENAS, THE PROPERTY OWNER RESIDES IN A SINGLE FAMILY RESIDENCE ON THE SITE, THE PROJECT PROPERTY IS SURROUNDED BY AN EXISTING 6 FOOT HIGH CHAIN LINKED FENCE WITH 20-2 FOOT WIDE ENTRANCES WITH GATES TO THE FACILITIES. THERE ARE NO PROPOSED CHANGES TO THE FACILITY, IT HAS BEEN DETERMINED THAT THE PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION CLASS 1 UNDER THE CALIFORNIA QUALITY ACT AND THE COUNTY ENVIRONMENTAL GUIDELINES, THE PROJECT IS FOR THE CONTINUED OPERATION AND MAINTENANCE FOR AN EXISTING HORSE BOARDING AND TRAINING FACILITY WITH NO IMPROVEMENTS OR INTENSIFICATION OF USE. STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 201200105 SUBJECT TO THE CONDITIONS SINCE THE FACILITY IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE COUNTYWIDE GENERAL PLAN AND IS PERMITTED IN THE A1 ZONE WITH A CONDITIONAL USE PERMIT, THE SIZE OF THE PROPERTY IS MORE THAN ADEQUATE ENOUGH TO ACCOMMODATE THE USE OF THE HORSE BOARDING FACILITY AND THE FACILITY IS NEXT TO DEXTER COUNTY PARK WHICH HAS TRAIL FOR THE ENJOYMENT OF HORSE RIDERS, THE FACILITY HAS BEEN IN OPERATION FOR MORE THAN 25 YEARS WITHOUT COMPLAINT. THAT CONCLUDES MY PRESENTATION.

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

>> YES, WE HAVE THE APPLICANT, MS. SUSAN FRIEND.

>> GOOD MORNING, MY NAME IS SUSAN FRIEND, I AM THE APPLICANT AND THE OWNER OF THIS PROPERTY. AND I DO AGREE WITH THE FINDINGS OF THE STAFF, I DO HAVE ONE QUESTION ON CONDITION NUMBER 10 WHICH REQUIRES THE DEPOSIT OF 400 DOLLARS FOR TWO INSPECTIONS, ONE FOR ONE YEAR FROM NOW AND ONE FOR 30 YEARS FOR NOW FOR THE EXPIRATION OF THIS PERMIT AND I WANTED TO ASK FOR A WAIVER OF THOSE FEES, FIRST OF ALL THE PROPERTY IS ALWAYS INSPECTED YEARLY BY HEALTH PERMITS -- FOR HEALTH DEPARTMENT FOR THE ANIMAL PERMIT AND IT WAS ALREADY INSPECTED BOTH BY THE ZONING ENFORCEMENT UNDER THE PREVIOUS CUP AND THEN ALSO BY THE PLANNING PERSON FOR THIS PERMIT AND THERE'S NO PROPOSED CHANGES, THERE'S NO DEVELOPMENT, THERE'S NOTHING THAT I WANT TO DO THAT IN A YEAR FROM NOW WOULD BE DIFFERENT, SO THAT'S WHY I DON'T MIND THE INSPECTION BUT I PREFER IT WAIVED, IN 30 YEARS, WHO KNOWS WHERE WE'RE GOING TO BE IN 30 YEARS, FIRST OFF, THIS WHOLE AREA COULD BE ANNEXED TO THE CITY OF SAN FERNANDO, COULD BE THE CITY OF LOS ANGELES, IT COULD NOT EVEN BE GOVERNED BY THE CITY OF LOS ANGELES AND I'LL BE OVER 80 IN 30 YEARS AND I DOUBT I WILL STILL

BE A HORSE TRAINER BUT YOU NEVER KNOW, IT IS NOT TO DELETE THE INSPECTION BUT POSTPONE THE PAYMENT UNTIL THE INSPECTION IS DONE.

>> HEARING OFFICER HACHIYA: THANK YOU. I THINK IT'S TRUE, THERE ARE MULTIPLE AGENCIES THAT COME AND VISIT, BUT UNFORTUNATELY, THEY DON'T CHECK FOR THE SAME THING. I AM WILLING TO JUST HAVE ONE INSPECTION THOUGH DONE AND DONE IN A YEAR FROM THE APPROVAL DATE JUST TO MAKE SURE THAT EVERYTHING'S CONSISTENT WITH WHAT WAS APPROVED AT THE HEARING, AND THEN AFTER THAT, THEN IT WILL BE DONE ONLY IF THERE'S A VIOLATION THAT OCCURS, OR WE GET COMPLAINTS. I DID RECEIVE A COPY OF A REVISED SITE PLAN THAT JUST MORE CLEARLY DEPICTS WHAT'S ON THE PROPERTY. THE ONLY THING THAT I WOULD ASK STAFF THAT WHEN YOU APPROVE THE EXHIBIT A, IF YOU COULD JUST MAKE SURE EVERYTHING'S TO SCALE AND ALSO SHOW I GUESS HOW TALL THE FENCING IS SUPPOSED TO BE, IT'S GETTING A LITTLE MORE SPECIFIC. DO YOU HAVE ANY QUESTIONS WITH REGARDS TO THAT?

>> NO, THAT'S FINE. THE NEW SITE PLAN, ALL I DID WAS A TRACING OF THE EXISTING SITE PLAN SO EVERYTHING SHOULD BE TO SCALE IN HOW IT WAS WHEN IT WAS APPROVED BEFORE. IF YOU LAY THE OLD ONE OVER THE NEW ONE, IT'S THE EXACT SAME PLAN, IT'S JUST NOT WITH ALL YOUR TOPOGRAPHY LINES AND TRUE IDENTIFICATION OF THE BUILDINGS AS REQUESTED.

>> MR. GLASER: AND I WILL MAKE SURE THE DIMENSIONS ARE INDICATED ON THERE AS FAR AS THE ENTRANCES AND THE DISTANCE OF THE SETBACKS.

>> HEARING OFFICER HACHIYA: GREAT, I WOULD APPRECIATE THAT, THANK YOU.

>> MR. GLASER: NO PROBLEM.

>> HEARING OFFICER HACHIYA: AND WE DON'T HAVE ANY OTHER SPEAKERS, DO WE?

>> NO, WE DO NOT.

>> HEARING OFFICER HACHIYA: THANK YOU FOR COMING DOWN HERE, I THINK IT WILL BE A NICE FACILITY, I HAD A CHANCE TO GO TAKE A LOOK BECAUSE I WAS DEALING WITH SOME OTHER STABLE ISSUES SO I'M GOING TO GO AHEAD AND CLOSE THIS PUBLIC HEARING AND APPROVE THIS PROJECT NUMBER R2012-02000, CONDITIONAL USE PERMIT NUMBER 201200105 AND ADOPT THE ENVIRONMENTAL -- I GUESS IT'S A CATEGORICAL EXEMPTION, AND THAT'S IT. WHAT'S THE APPEAL PERIOD?

>> AND ONCE AGAIN, THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: THANK YOU.

>> THANK YOU.

>> HEARING OFFICER HACHIYA: OKAY, NOW WE'RE ON TO AGENDA ITEM NUMBER 6, PROJECT NUMBER R2012-02420, CONDITIONAL USE PERMIT NUMBER 201200141.

>> MR. GLASER: THANK YOU AGAIN, MADAM HEARING OFFICER, MY NAME IS ROBERT GLASER, I WORK WITH THE ZONING PERMIT'S NORTH SECTION, TODAY THE PROJECT IS LOCATED IN A MALL WITH THE ADDRESSES THAT RANGE FROM 27911-27977 ON SLOAN CANYON ROAD IN CASTAIC WHICH IS ALSO WITHIN THE CASTAIC CANYON ZONED DISTRICT, THEY ARE REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES, TYPE 47 WHICH WOULD INCLUDE BEER, WINE AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION AT A RELOCATED RESTAURANT WITHIN THE SAME EXISTING SHOP B CENTER WHICH IS WITHIN THE PLANNED COMMERCIAL DEVELOPMENT ZONE, THERE'S A RESTROOM, STORAGE FACILITIES, A RESTAURANT, AN OFFICE AND AN OUTDOOR DINING PATIO, THE RESTAURANT HAS AN OCCUPANT LOAD OF 47 SEATS FOR THE OUTDOOR AND 45 SEATS FOR THE INDOOR, IT IS

[INAUDIBLE] AT A DIFFERENT LOCATION WITHIN THE SAME SHOPPING CENTER BUT IS REQUIRED TO GET A NEW CONDITIONAL PERMIT DUE TO THE RELOCATION. IT IS DETERMINED THAT THE PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION CLASS 1 UNDER THE CALIFORNIA ENVIRONMENTAL ACT WHICH IS THE EXISTING FACILITIES AND THE COUNTY ENVIRONMENTAL GUIDELINES TO ESTABLISH THE SALE OF ALCOHOLIC BEVERAGES AND THERE IS NO INTERRUPTION OF USE. NOW, STAFF HAS RECEIVED COMMENT FROM THE APPLICANT'S REPRESENTATIVE REGARDING DRAFT CONDITIONS THAT LIMIT THE SALES OF ALCOHOLIC BEVERAGES TO BE SERVED IN THE PAT YORE AREA, IT WAS RECOMMENDED BY STAFF IN ORDER TO ENSURE THERE WOULD BE NO ADVERSE EFFECTS ON ANY SENSITIVE USES INCLUDING THE PUBLIC LIBRARY FROM THIS REQUEST, BASED ON FURTHER REVIEW, STAFF WOULD LIKE TO RECOMMEND THE FOLLOWING CHANGES TO CONDITION NUMBER 30B AND CONDITION NUMBER 30C, I WOULD LIKE TO READ THOSE INTO THE RECORD, ON THE CONDITION 30 DB, ALCOHOLIC BEVERAGES SHOULD BE SOLD TO CUSTOMERS ONLY WHEN FOOD IS ORDERED AND CONSUMED WITHIN THE SUBJECT RESTAURANT OR PATIO AREA. CONDITION NUMBER 30C WILL BE REMOVE AND HAD BE REPLACED WITH THE OUTSIDE PATIO SHALL BE SCREENED WITH A 4 FOOT HIGH LANDSCAPE BUFFER. STAFF WOULD ALSO TAKE AN OPPORTUNITY TO CLARIFY OTHER CONDITIONS REGARDING ALCOHOL THAT CAN BE CONSUMED, WHERE ALCOHOL CAN BE CONSUMED AND THE EMPLOYMENT OF THE COOK, CONDITION NUMBER 25, I HEREBY RECOMMEND TO SAY, THERE SHALL BE NO CONSUMPTION OF ALCOHOLIC BERGS OUTSIDE

THE DESIGNATED AREAS OF THE SUBJECT FACILITY, THE DESIGNATED AREAS ARE WITHIN THE RESTAURANT AND WITHIN THE OUTSIDE PATIO AREA, THE PERMIT TEE IS THAT INSTRUCT ALL DESIGNATED EMPLOYEES WHO ARE DIRECTLY TO SERVE OR ARE IN PRACTICE OF SELLING ALCOHOLIC BEVERAGES REGARDING THIS RESTRICTION. EMPLOYEES SHALL BE INSTRUCTED TO CALL LOCAL LAW ENFORCEMENT AS NECESSARY. CONDITION 30D, IT'S HEREBY RECOMMENDED TO SAY THAT THE FACILITY SHALL MAINTAIN AT LEAST ONE COOK THAT IS ENGAGED IN THE PREPARATION OF MEALS DURING ALL HOURS OF OPERATION, NOW, BASED ON THE CONDITIONS CHANGED FOR THE LANDSCAPE BUFFER, IF YOU, THE HEARING OFFICER AGREE WITH THE CONDITION, THEN STAFF WOULD REQUEST AN UPDATED STAFF PLAN FOR THE LANDSCAPE BUFFER AND BE SUBMITTED FOR FINAL APPROVAL. NOW, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 201200141 SUMMING TO THE MODIFIED CONDITIONS SINCE THE THEY'RE SET FORTH WITH THE SANTA CLARITA COUNTYWIDE PLAN, THANK YOU.

>> HEARING OFFICER HACHIYA: THANK YOU VERY MUCH. I CONCUR WITH YOUR RECOMMENDED CHANGES. I DO HAVE SOME EDITORIAL COMMENTS THAT -- SOME OF IT YOU CAN JUST LOOK AT, THE CHANGES I PUT IN HERE, BUT THERE ARE A FEW THINGS I WOULD LIKE TO CALL OUT. I THINK FINDING NUMBER 22, I THINK MOSTLY I JUST WANTED A CLARIFICATION OF THE LANGUAGE JUST SO THAT IT'S CLEAR WHAT WE'RE APPROVING AND WHY WE'RE APPROVING IT, SO I KIND OF DID A LITTLE REWRITE FOR

FINDING 22 AND IT'S -- I'M GOING TO ASK THAT YOU BREAK IT OUT INTO THREE FINDINGS, SO THE FIRST ONE WILL JUST SAY THE REQUESTED USE AT THE PROPOSED LOCATION WILL NOT RESULT IN AN UNDUE CONCENTRATION OF SIMILAR PREMISES, THE SUBJECT ALCOHOL REQUEST IS FOR THE SALE OF ALCOHOLIC BEVERAGE FOR ON-SITE CONSUMPTION AT A RESTAURANT LOCATED WITHIN THE SAME COMMERCIAL CONTEXT AND A PREVIOUS CUP WAS APPROVED IN 2007 FOR ALCOHOL USE FOR ON-SITE CONSUMPTION. NO OTHER ESTABLISHMENTS HAVE A CUP OR ALCOHOL LICENSE FOR ON-SITE CONSUMPTION WITHIN 500 FEET OF THE..[reading].. THAT HAS A CUP FOR SALE OF ALCOHOLIC BEVERAGE FOR OFF-SITE CONSUMPTION, THUS REQUIRING THE COUNTY TO MAKE A FINDING OF PUBLIC CONVENIENCE OR NECESSITY, A SEPARATE FINDING, ACCORDING TO THE DEPARTMENT OF ALCOHOLIC BEVERAGE ALCOHOL, THE TOTAL NUMBER OF ALCOHOL LICENSES ALLOWED IS 2 AND CURRENTLY THERE IS ONLY ONE EXISTING ALCOHOL LICENSE WHICH IS FOR LOS ROCCAS BAR AND GRILL, IT WILL NOT CREATE AN UNDUE CONCENTRATION PER ABC STANDARDS AND THE LAST ONE, THE APPROVAL OF THE CUP WOULD PROVIDE A PUBLIC CONVENIENCE AND COMMUNITY BENEFIT ..[reading].. WITH A MEAL. IN ADDITION, ABC WILL REQUIRE TRAINING FOR ALL EMPLOYEES OF THE RESTAURANT TO ENSURE ALL ALCOHOLIC CONSUMPTION OCCURS IN A SAME MANNER AND I HAVE IT ALL TYPED OUT SO YOU CAN HAVE THIS.

>> MR. GLASER: THANK YOU.

>> HEARING OFFICER HACHIYA: AND I DO HAVE ONE QUESTION, THIS IS IN THE FINDING -- THIS IS ON PAGE 9G, AND MAYBE MARIA WOULD FEED INTO THIS DISCUSSION AS WELL. I THINK G, PART OF G HAS TO DO WITH SALE FOR OFF-SITE CONSUMPTION, AND SO I DON'T KNOW IF WE NEED THE ENTIRE FINDING RIGHT NOW, IT TALKS ABOUT THE PLANNING AGENCY MAY FIND THAT THE PUBLIC CONVENIENCE AND NECESSITY FOR AN ADDITIONAL FACILITY SELLING ALCOHOL FOR OFF-SITE CONSUMPTION OUT WEIGHS THE FACT THAT IT IS BLAH, BLAH, BLAH, BLAH, BLAH, SO I THINK IF WE COULD JUST KEEP THE FIRST PART THAT JUST SAYS THE REQUESTED USE AT THE PROPOSED LOCATION WILL NOT RESULT IN AN UNDUE CONCENTRATION OF SIMILAR PREMISES, PERIOD, AND I THINK THE REST OF IT HAS TO DO WITH SALE FOR OFF-SITE. RIGHT?

>> YES, I THINK THAT'S FINE TO DELETE THAT.

>> HEARING OFFICER HACHIYA: I JUST WANT TO MAKE IT CLEANER. I'M SORRY, DID YOU HAVE -- DID YOU WANT TO SAY SOMETHING?

>> HI, MADAM HEARING OFFICER, SUSIE TAI, IT DOES CLARIFY THAT SIMILAR PREMISES ARE ANY FACILITY THAT SELLS ALCOHOL FOR EITHER ON-SITE OR OFF-SITE CONSUMPTION, BUT HEARING THE HEARING OFFICER, WE CAN CLARIFY THAT THE LIMITATION ON SHELF SPACE WOULD NOT APPLY IN THIS CASE BECAUSE IT IS FOR ON-SITE

CONSUMPTION BUT THERE IS A FINDING OF PUBLIC CONVENIENCE THAT WE  
NEED TO MAKE IN ORDER TO ADDRESS THE UNDUE CONCENTRATION  
COMPONENT WITHIN OUR COUNTY STANDARDS.

>> HEARING OFFICER HACHIYA: AND I THINK THAT'S WHY WE'RE  
KEEPING THE FIRST PART THAT SAYS THE REQUESTED USE -- I SEE WHAT  
YOU'RE SAYING. I THINK THAT'S A FINDING THAT WE'RE MAKING  
SOMEWHERE ELSE, BUT THAT'S OKAY. AS LONG AS WE TAKE OUT THE 5%  
SHELF SPACE.

>> OF COURSE, AND MAKE IT APPLICABLE TO THIS PROJECT.

>> HEARING OFFICER HACHIYA: BECAUSE FOR RESTAURANTS, WE DON'T  
USUALLY CONFINE SHELF SPACE, CORRECT?

>> THAT'S CORRECT, WE DO NOT.

>> HEARING OFFICER HACHIYA: SO, IF WE COULD TAKE THAT OUT,  
THAT WOULD BE GREAT.

>> THANKS.

>> HEARING OFFICER HACHIYA: AND THEN IN CONDITION 10, I JUST  
WANTED TO BE A LITTLE BIT SPECIFIC, THIS TALKS ABOUT THE

INSPECTIONS AND IF WE COULD JUST SAY SOMETHING ABOUT STARTING 6 MONTHS AFTER THE APPROVAL, THAT WOULD BE THE FIRST INSPECTION, SO JUST ANY LANGUAGE THAT YOU CAN PUT IN THERE THAT JUST SAYS THAT, AND I THINK THAT'S IT FROM MY COMMENTS AND I'M READY TO HEAR FROM THE APPLICANT IF YOU HAVE ANY TESTIMONY YOU WOULD LIKE TO PROVIDE. I'M SORRY, I THOUGHT OF ONE MORE THING. IF YOU COULD -- IF STAFF COULD JUST DESCRIBE IN A FINDING THE SITE PLAN AND ESPECIALLY THE FLOOR PLAN AND WHAT IT'S SUPPOSED TO LOOK LIKE BECAUSE SOMETIMES I KNOW THAT THE ACTUAL SITE PLAN OR FLOOR PLAN ITSELF GETS SEPARATED FROM THE FINDINGS AND CONDITIONS, SO AT LEAST WE'LL HAVE THAT IN THE FINDINGS AND CONDITIONS.

>> MR. GLASER: AND THAT'S NOT A APPROXIMATE I'LL HAVE TWO SEPARATE FINDINGS, ONE FOR THE FLOOR PLAN AND ONE FOR THE SITE PLAN.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU. I'M SORRY, DO YOU HAVE ANY TESTIMONY?

>> I DIDN'T KNOW IT WAS MY TURN. BEFORE WE BEGIN, TWO PEOPLE WHO ARE A PART OF THE LOS ROCCAS BAR AND GRILL AND THEY CAME IN AFTER EVERYBODY WAS SWORN IN THIS MORNING, SO I'M SORRY, BUT WOULD YOU PLEASE DO ANY OTHER SWEARING IN?

>> HEARING OFFICER HACHIYA: WHEN THEY COME AND SIT DOWN, WE'LL GO AHEAD AND DO THAT. ARE YOU READY TO SPEAK RIGHT NOW?

>> WELL, SHE MAY BE.

>> HEARING OFFICER HACHIYA: OKAY, GO AHEAD AND STATE YOUR NAME FOR THE RECORD.

>> MY NAME IS CAROLINE INGRIM CYTES, AND THANK YOU VERY MUCH, MADAM HEARING OFFICER AND GOOD MORNING TO YOU AND TO THE STAFF. AND I APPRECIATE THE DISCUSSION AND THE REQUEST FOR CLARIFICATION ON SOME OF THE FINDINGS. IN ONE OF THE FINDINGS YOU READ HAD TO DO WITH THE REQUIRED SAFE BEVERAGE HANDLING CLASS THAT THE ABC REQUIRES THAT MANAGERS AND BARTENDERS DO FOR -- AND THE LICENSEE DOES FOR ALCOHOL LICENSES BUT THAT ISN'T INTENDED TO APPLY TO ALL EMPLOYEES. WHEN YOU USE THE WORD ALL, IT MEANS THAT THE DISHWASHER, THE BUSBOY, THE PREP CREW AND THE CHEF AND THE CLEANING CREW WOULD HAVE TO DO LEVERAGING HANDLING CLASSES, I THINK THE STAFF STATED IT CLEARLY AND MADE ONE OF THOSE DISTINCTIONS IN ONE OF THE CONDITIONS. DO YOU RECALL WHAT CONDITION THAT WAS, ROB?

>> HEARING OFFICER HACHIYA: OKAY, I KNOW WHAT YOU'RE TALKING ABOUT NOW.

>> WHEN YOU REPEATED IT IN THE CLARIFICATION YOU MADE, I THINK IN FINDING NUMBER 22, YOU READ IT AGAIN OR SAID IT AGAIN AS ALL EMPLOYEES WHEN I THINK THE INTENT IS THE LICENSEE, THE MANAGER AND THE BAR STAFF.

>> HEARING OFFICER HACHIYA: OKAY, SO I WOULD ASK STAFF --.

>> MR. GLASER: IT WAS CONDITION NUMBER 25, WE'LL MAKE SURE THAT'S CLARIFIED.

>> HEARING OFFICER HACHIYA: JUST MAKE THE CONDITION CONSISTENT WITH THE FINDING.

>> THANK YOU, I APPRECIATE THAT, AND I ALSO -- I HAVE A COUPLE OF OTHER MINOR THINGS. ONE IS, WELL, AND IT'S NOT SO MINOR, YOU KNOW THAT I NEVER FAIL TO ASK FOR A LONGER TERM OF GRANT. IN THIS PARTICULAR INSTANCE, I BELIEVE IT'S JUSTIFIED FOR TWO REASONS, ONE IS THIS RESTAURANT WAS ASKED TO COOPERATE IN RELOCATING FROM ITS CURRENT LOCATION IN ORDER TO ACCOMMODATE THE EXPANSION OF THE LIBRARY, THE COUNTY LIBRARY BECAUSE THE COUNTY LIBRARY WANTED THE WHOLE BUILDING INSTEAD OF MORE OR LESS HALF OF THE BUILDING AND THAT'S WHY THIS RESTAURANT IS MOVING FROM ONE PLACE INTO ANOTHER STORE FRONT. THEY AREN'T MOVING TO A

LARGER STORE FRONT SPACE, THEY'RE MOVING INTO A SMALLER SPACE BUT THE OCCUPANCY CALCULATION WAS DONE SLIGHTLY DIFFERENTLY BY BUILDING AND SAFETY WHICH ISN'T SO IMPORTANT. THE IMPORTANT THING IS THEY STILL HAVE FOUR AND A HALF YEARS LEFT ON THEIR EXISTING GRANT. THE COST TO RELOCATE BETWEEN THE PREPARATION OF ALL THE CONSTRUCTION DRAWINGS, THE CONDITIONAL USE PERMIT, THE CHANGES TO THEIR ALCOHOL LICENSE, ALL OF THE DEMOLITION IN THE SPACE THEY'RE MOVING INTO AND CONSTRUCTION OF A BRAND NEW RESTAURANT FROM SCRATCH IN THAT LOCATION IS COSTING THEM ALMOST 500 THOUSAND DOLLARS, AND I THINK THAT ALONE JUSTIFIES GIVING THEM A SLIGHTLY LONGER GRANT PERIOD THAN 10 YEARS OR A MUCH LONGER GRANT PERIOD, EVEN IF YOU ADDED THE FOUR AND A HALF YEARS THAT STILL IS AVAILABLE TO THEM ON THEIR EXISTING GRANT AND GAVE THEM 15, IT WOULD BE GREAT, BUT 20 WOULD BE BETTER AND WE WOULD APPRECIATE YOUR CONSIDERATION FOR THAT.

>> HEARING OFFICER HACHIYA: OKAY, ANYTHING ELSE.

>> AND THEN I THINK THAT I HAD ONE MINOR COMMENT ON CONDITION 36, AND THAT -- AND I BELIEVE IT'S 36, IT'S 35, I TAKE THAT BACK. IT SAYS THAT THE GRANT SHALL AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AT THE RESTAURANT CALLED LOSS ROW CAST BAR AND GRILL BECAUSE THIS IS TIED TO THE LAND, IF THE RESTAURANT IS SOLD AT SOME TIME IN THE FUTURE OR IF

THEY MAKE THE DECISION NOT TO HAVE IT BE A MEXICAN RESTAURANT OR TO MAKE IT INTO SOME OTHER KIND OR CHANGE THE NAME, THE CONDITION SHOULD NOT BE LIMITED TO LOS ROCCAS BAR AND GRILL, IT SHOULD BE THE RESTAURANT AT THIS LOCATION, SO I WOULD JUST ASK THAT IT BE REFERENCED DIFFERENTLY AND THAT IT NOT BE SO SPECIFIC.

>> HEARING OFFICER HACHIYA: OKAY.

>> AND I THINK THOSE ARE THE ONLY THINGS THAT I HAD AN ISSUE OVER, THE REST OF IT WAS REALLY WELL DONE. WE APPRECIATED THE FACT THAT THE STAFF AND THE ZONING PERMIT -- THE WHOLE ZONING PERMIT SECTION REALLY HAD TO AGREE FROM THE VERY BEGINNING TO MOVE THIS CASE ALONG IN ORDER TO ACCOMMODATE ALL OF THE AGREEMENTS AMONG ALL OF THE COUNTY AGENCIES THAT HAVE BEEN INVOLVED IN THIS PARTICULAR CASE, AND THAT HAD SOME VESTED INTEREST IN MAKING SURE THAT THINGS HAPPENED ON CERTAIN TIMELINES IN ORDER FOR THEM TO MEET CONTRACTUAL OBLIGATIONS, SO WE APPRECIATE THAT ALSO, THE STAFF AND THE ADMINISTRATION IN THIS DEPARTMENT WAS VERY THOUGHTFUL AND CONCERNED AND HELPED US GET APPROVAL FOR PLOT PLAN AND FLOOR PLAN FOR THE NEW LOCATION SO THAT ALL THAT CONSTRUCTION COULD START BEFORE THE RESTAURANT ACTUALLY HAS TO CLOSE AND VACATE SO IT MEANT THAT THERE WON'T BE AS MUCH AS OF A LAG TIME THAT THEY'RE FORCED OUT OF THEIR

EXISTING LOCATION TO THE TIME THAT THEY COULD OPEN IN THEIR NEW ONE WE APPRECIATE THAT COULD HAPPEN.

>> HEARING OFFICER HACHIYA: EVERY NOW AND THEN, WE'RE CAPABLE OF MOVING FAST.

>> NOT OFTEN ENOUGH FROM MY POINT OF VIEW.

>> HEARING OFFICER HACHIYA: WE TRY.

>> THINGS HAPPEN WHEN EVERYBODY TRIES, SO THANK YOU VERY MUCH. IF YOU HAVE QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM, OTHERWISE, I THINK WE COVERED EVERYTHING WE WERE CONCERNED ABOUT. WE BROUGHT COPIES OF THEIR MENU TO SHOW THEIR HISTORIC COMPLIANCE WITH THE DESIGNATED DRIVER PROGRAM SO THE STAFFER WILL HAVE THOSE TO INCLUDE THIS IN THE CASE FILE IN DEMONSTRATION THAT THEY ARE COMPLIANCE WITH THAT CONDITION AND, OTHERWISE, I THINK WE'RE FINISHED. THANK YOU VERY MUCH.

>> HEARING OFFICER HACHIYA: THANK YOU. IF I WAS TO GRANT A LONGER TIME PERIOD FOR THIS GRANT, WOULD IT BE ACCEPTABLE TO YOU TO HAVE ADDITIONAL INSPECTIONS ACCOMPANY?

>> YES.

>> HEARING OFFICER HACHIYA: OKAY.

>> AND I UNDERSTAND THAT FROM THE STAFF THAT THEY WILL REFUND THE INSPECTION FEES THAT ARE STILL ON THE BOOKS FOR THEIR CURRENT CUP, THEY'LL REFUND THAT?

>> HEARING OFFICER HACHIYA: CORRECT, BUT I THINK YOU HAVE TO MAKE A REQUEST OF STAFF TO DO THAT.

>> NO PROBLEM, WE'LL DO THAT.

>> HEARING OFFICER HACHIYA: MR. GLASER, DO YOU HAVE ANY CONCERNS FROM THE REQUEST BEING MADE BY THE APPLICANT, DO YOU HAVE ANY COMMENTS OR RECOMMENDATIONS?

>> MR. GLASER: AS FAR AS CONDITION 35, THERE IS NOT A QUESTION THERE AND AS FAR AS A LONGER GRANT TERM, I CONCUR, THAT'S FINE.

>> HEARING OFFICER HACHIYA: OKAY. I THINK JUST BECAUSE OF ALL THE CHANGES THAT'S BEING SUGGESTED -- WELL, LET ME GO BACK TO THE TESTIFIERS BECAUSE I KNOW THERE ARE A NUMBER OF TESTIFIERS HERE.

>> I THINK THEY'D BE HAPPY TO ANSWER QUESTIONS THAT YOU WOULD LIKE TO BUT I THINK THEY WOULD LIKE NOT TO TESTIFY, IF WE HAD NOT MADE SOME OF THE CHANGES, THEY WOULD BE CRYING, BUT I THINK YOU'VE TAKEN CARE OF THAT.

>> HEARING OFFICER HACHIYA: I'LL GO AHEAD AND GRANT AN ADDITIONAL FIVE YEAR GRANT TERM AND ADD ADDITIONAL BIENNIAL INSPECTIONS THAT WOULD FIT THE GRANT, SO MY NUMBER CALCULATING IS NOT NECESSARILY GREAT SO I'LL ASK STAFF TO DO THAT.

>> MR. GLASER: I'LL MAKE SURE IT'S APPROPRIATE.

>> HEARING OFFICER HACHIYA: AND MAKE THOSE CHANGES TO CONDITION NUMBER 35. BECAUSE OF ALL THESE CHANGES, I WOULD LIKE TO SEE A COPY OF ALL THE CHANGE, FINDINGS AND CONDITIONS BEFORE I APPROVE IT, SO I WOULD LIKE TO CONTINUE THIS HEARING FOR TWO WEEKS, SO WOULD THAT WORK WITH STAFF?

>> MR. GLASER: THAT'S FINE, I'LL PUT TOGETHER A DRAFT APPROVAL PACKAGE FOR YOU TO APPROVE.

>> ARE YOU HAVING A HEARING ON THE 30TH? THAT'S THE FIFTH TUESDAY. AND IF YOU ROLL TO MAY, I'M NOT AVAILABLE, I'LL BE ON A PANAMA CANAL CRUISE.

>> HEARING OFFICER HACHIYA: I THINK AS LONG AS SOMEBODY THAT REPRESENTS THE APPLICANT IS HERE, I MEAN, THE MAIN THING IS I WANT TO SEE THE CHANGES AND WE MAKE SURE THAT IT'S ALSO ACCEPTABLE TO THE APPLICANT AND THEY'RE AWARE. IT DOESN'T HAVE TO BE YOU, IT COULD BE A REPRESENTATIVE TO THE APPLICANT OR THE APPLICANT HERSELF, BUT I THINK THE HEARING -- WHEN IS THE NEXT HEARING.

>> THE NEXT HEARING IS MAY 7TH.

>> HEARING OFFICER HACHIYA: OKAY, I MEAN, I WOULD LIKE TO SEE WHAT I'M APPROVING.

>> SURE, I UNDERSTAND THAT.

>> HEARING OFFICER HACHIYA: BECAUSE THIS DOES BECOME A LEGAL DOCUMENT.

>> IT COMES BACK TO YOU FOR YOUR SIXTY ALSO.

>> HEARING OFFICER HACHIYA: NO, IT DOESN'T, NOT ANYMORE, THEY'RE TRYING TO EXPEDITE THINGS SO USUALLY THEY DON'T DO THAT.

>> OH, BOY, OKAY, TECHNICALLY, SHE'S SUPPOSED TO BE OUT OF THE SPACE SHE'S IN ON MAY 1.

>> HEARING OFFICER HACHIYA: OKAY. ANY RECOMMENDATIONS, STAFF? THOUGHTS?

>> YOU COULD STILL HAVE THE OPPORTUNITY TO REVIEW IT BEFORE IT GETS MAILED OUT.

>> HEARING OFFICER HACHIYA: OKAY.

>> MR. GLASER: IF I COULD RECOMMEND SOMETHING, MAYBE WE WOULD GO THROUGH WITH THE APPROVAL TODAY, I'LL BRING THE DRAFT APPROVAL PACKAGE TO YOU SOMETIME TO YOU STAMPING THE PLANS FOR FINAL APPROVAL, WHEN WE GET THE CONDITIONS RECORDED, WE COLLECT THE INSPECTION FEES AND STAMP THE PLANS, SO WE'LL HAVE AN OPPORTUNITY TO REVIEW THE DOCUMENT BEFORE FINAL APPROVAL OF THE PROJECT.

>> HEARING OFFICER HACHIYA: OKAY, THAT'S ACCEPTABLE. SO, IF YOU COULD WORK WITH STAFF AND WE'LL LOOK AT EVERYTHING, BUT I'LL GO AHEAD -- I THINK WHATEVER CHANGES WILL BE JUST SEMANTICS, SO I WILL GO AHEAD AND CLOSE THE PUBLIC HEARING FOR THIS CASE AND APPROVE PROJECT NUMBER R2012-02420, CONDITIONAL USE PERMIT

NUMBER 201200141 AND ALSO ADOPT THE CATEGORICAL EXEMPTION AND THE APPEAL PERIOD IS?

>> AND THE LAST DAY TO APPEAL THIS IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU.

>> THANK YOU VERY MUCH.

>> HEARING OFFICER HACHIYA: OKAY, I THINK WE NEED TO TAKE A BREAK RIGHT NOW, IT'S 10:10, IF YOU COULD GIVE US ALL A FIVE MINUTE BREAK, THANK YOU. (MEETING ON A BREAK FOR 5 MINUTES, TO RESUME AT 10:15).

>> HEARING OFFICER HACHIYA: OKAY, THIS APRIL 16, 2013 HEARING IS NOW BEING CALLED BACK TO ORDER. WE ARE NOW ON AGENDA ITEM NUMBER 7, THIS IS PROJECT NUMBER R2012-01956, CONDITIONAL USE PERMIT NUMBER 20120010. I'M READY FOR THE STAFF PRESENTATION.

>> MR. MAR: I'M SORRY, IS IT PROJECT NUMBER 201201956?

>> HEARING OFFICER HACHIYA: CORRECT, IN HACIENDA HEIGHTS.

>> MR. MAR: AND CONDITIONAL USE PERMIT [INAUDIBLE] IT SHOULD BE CUP 201200103.

>> MR. MAR: SORRY, I GOT CONFUSED THERE. MY NAME IS STEVE MAR, I'M A PLANNING FROM THE ZONING PERMIT'S EAST SECTION, SO AGENDA ITEM NUMBER 7 IS PROJECT NUMBER R2012-01956-4, CONDITIONAL USE PERMIT NUMBER 201200103. THE APPLICANT, T-MOBILE WEST CORPORATION IS REQUESTING A CONDITIONAL USE PERMIT FOR THE CONTINUED OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON THE ROOFTOP OF A MULTITENANT COMMERCIAL OFFICE BUILDING, THE PROJECT WILL REPLACE SIX EXISTING PANEL ANTENNAS WITH SIX NEW PANEL ANTENNAS AND REPLACE SIX EXISTING TMA'S WITH THREE NEW TWIN ADVANCED WIRELESS SERVICE TMA'S AND NO CHANGES ARE PROPOSED TO THE EXISTING EQUIPMENT LEASE AREA THAT'S LOCATED ON A LOWER ROOFTOP OF THE SAME BUILDING. THE SUBJECT PROPERTY IS LOCATED AT 3030 SOUTH HACIENDA BOULEVARD IN HACIENDA HEIGHTS WITHIN THE HACIENDA HEIGHTS ZONED DISTRICT AND FOURTH SUPERVISORIAL DISTRICT, THE SUBJECT PROPERTY IS ZONED CPD, COMMERCIAL PLANNED DEVELOPMENT AND WIRELESS TELECOMMUNICATION FACILITY ARE PERMITTED IN THIS ZONE PURSUANT TO COUNTY CODE ONCE A CUP IS OBTAINED. LAND USES SURROUNDING THIS SITE INCLUDE SINGLE FAMILY RESIDENCES TO THE NORTH AND EAST, A CAR WASH, GAS STATION, COMMERCIAL AND SINGLE FAMILY RESIDENCES TO THE SOUTH AND SINGLE FAMILY RESIDENCES AND A SHOPPING CENTER

TO THE WEST. AND THAT'S NOT THE CORRECT SITE PLAN, THAT'S FOR MY NEXT CASE, SORRY. MAYBE MARY COULD PULL UP THE SITE PLAN FROM MY OTHER CASE. THERE WE GO, WE'LL DO A LITTLE SWITCH HERE THIS MORNING. WAS THAT THE SAME ONE? I'M SORRY IF I PUT THE WRONG SITE PLAN ON. THERE WE GO, THAT'S IT. THAT SHOULD BE IT, YEAH, THERE WE GO. OKAY. SO, THE SITE PLAN DEPICTS THE EXISTING WIRELESS FACILITY LOCATED ON THE ROOFTOP OF A COMMERCIAL OFFICE BUILDING, SIX PANEL ANTENNAS ARE MOUNTED UP TO PIPE MOUNTS AND WILL STAND APPROXIMATELY 6 FEET FOUR INCHES ALONG THE ROOFTOP LINE. THIS PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXEMPT CLASS 1 EXISTING FACILITIES PURSUANT TO CEQA REPORTING REQUIREMENTS, IT HAS NO CHANGES OR EXPANSION OF USE ARE PROPOSED AND ONLY MINOR ALTERATIONS WILL BE DONE TO THE EXISTING PANEL ANTENNAS, NO PUBLIC COMMENTS HAVE BEEN RECEIVED AT THIS TIME, STAFF BELIEVES THAT THIS IS CONSISTENT WITH THE GOALS OF THE COUNTYWIDE GENERAL PLAN AND CURRENT ZONING DESIGNATION, THEREFORE STAFF RECOMMENDS APPROVAL WITH THE ATTACHED FINDINGS AND CONDITIONS. THIS CONCLUDES MY PRESENTATION.

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

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

>> HELLO, MY NAME IS ARGUNAY AND I'M JUST FOR ANY QUESTIONS ON BEHALF OF T-MOBILE.

>> HEARING OFFICER HACHIYA: I DON'T HAVE ANY QUESTIONS ON THIS, SO I'LL GO AHEAD AND CLOSE THE PUBLIC HEARING, ADOPT THE ENVIRONMENTAL DOCUMENT FOR THIS PROJECT AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200103 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

>> ASK THE -- AND THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: THANK YOU. OKAY, SO WE'RE NOW ON TO AGENDA ITEM NUMBER 8, PROJECT NUMBER R2012-02566, CONDITIONAL USE PERMIT NUMBER 201200151, AND I THINK IT'S ALSO THE SAME APPLICANT, T-MOBILE.

>> MR. MAR: YES, THAT'S CORRECT. GOOD MORNING, AGAIN, MADAM HEARING OFFICER, MY NAME IS STEVE MAR FOR THE PLANNING ZONING EAST SECTION, IT'S PROJECT NUMBER R2012-02566, CONDITIONAL USE PERMIT NUMBER 201200151, THE APPLICANT T-MOBILE WEST CORPORATION IS REQUESTING A CONDITIONAL USE PERMIT FOR AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON THE SOUTHWEST CORNER, THE

PROJECT WILL REPLACE SIX EXISTING PANEL ANTENNAS WITH SIX NEW PANEL ANTENNAS, AND REPLACE THREE TMA'S ON A 70 FOOT MONO PALM, A NEW HYBRID CABLE WILL BE INSTALLED AND TWO EXISTING GROUND LEVEL EQUIPMENT CABINETS WILL BE REPLACED WITH ONE NEW EQUIPMENT CABINET WITHIN THE EXISTING LEASE AREA, THE SUBJECT PROPERTY IS LOCATED AT 21008 EAST ARROW HIGHWAY, COVINA, THE PROJECT PROPERTY IS ZONED C-3-BA, UNLIMITED COMMERCIAL BILLBOARD EXCLUSION AND WIRELESS TELECOMMUNICATIONS FACILITIES ARE PERMITTED IN THIS ZONE, THEY INCLUDE WAREHOUSES TO THE NORTH, A CAR WASH TO SOUTH, APARTMENTS TO THE EAST AND THE GAS STATION TO THE WEST, IT DEPICTS THE SUBJECT PROPERTY LOCATED ON EAST ARROW HIGHWAY, EXISTING WIRELESS FACILITY LEASE AREA IS LOCATED ON THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY THE SUBJECT PROPERTY CONTAINS A JIFFY LUBE SHOP AND ANOTHER WIRELESS FACILITY TO THE SOUTH, IT CONTAINS 6 PANEL ANTENNAS. TWO EXISTING EQUIPMENT CABINETS WILL BE REMOVED AND REPLACED WITH NEW ONES, THIS HAS BEEN CATEGORICALLY EXEMPT CLASS 1 PURSUANT TO CEQA REPORTING REQUIREMENTS BECAUSE NO CHANGES OR EXPANSION USE BEYOND THAT CURRENTLY EXISTING ARE PROPOSED AND ONLY MINOR ALTERATIONS WITH THE EXISTING ALTERATIONS ARE PROPOSED. STAFF HAS RECEIVED ONE PUBLIC COMMENT EXPRESSING A DESIRE TO SEE MORE LANDSCAPING BEING PROVIDED ON THE SUBJECT SITE, THE SITE CONTAINS CURRENT LANDSCAPING OF TREES AND SHRUBS ALONG THE FRONTAGES, AN ADDITIONAL LANDSCAPING NEAR THE LANDSCAPING LEASE AREA, THE

EXISTING LANDSCAPING IS ADEQUATE FOR THE USES ON THIS PROPERTY  
STAFF FIND THE EXISTING USE LOCATED ON THE SUBJECT PROPERTY IS  
CONSISTENT WITH THE GOALS AND POLICIES IN THE COUNTYWIDE GENERAL  
PLAN, THEREFORE STAFF RECOMMENDS OF APPROVAL OF CONDITIONAL USE  
NUMBER 201200151 WITH THE ATTACHED FINDINGS AND CONDITIONS, AND  
THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER HACHIYA: THANK YOU FOR THE STAFF REPORT. I  
HAVE A QUESTION FOR STAFF. I KNOW THE PREVIOUS CUP AFTER IT WAS  
APPROVED, THERE WAS A CO-LOCATION OF ANOTHER SIX PANEL ANTENNA,  
SO WHAT WE'RE APPROVING TODAY, ARE WE APPROVING BOTH FACILITIES?

>> MR. MAR: WE'RE ONLY APPROVING THE ANTENNA RAISED ON THE TOP  
OF THE TOWER, YEAH.

>> HEARING OFFICER HACHIYA: SO, THE OTHER SIX PANEL ANTENNAS,  
I GUESS THEY JUST STAYED THERE AS LONG AS -- ARE WE CONSIDERED  
TO BE REGULATED THEM OR ARE THEY PART OF THE FACILITY? WHAT  
HAPPENS IF THEY WANT TO CHANGE OUT THE PANEL ANTENNAS, WOULD  
THEY COME IN FOR ANOTHER REVISED EXHIBIT A, OR HOW DOES THAT  
WORK?

>> I THINK NORMALLY THE RENEWAL WOULD INCLUDE ANYTHING THAT'S ON  
THE TOWER AT THIS TIME THAT IT WOULD BE DEPICTED ON THE --.

>> HEARING OFFICER HACHIYA: SO, THAT MEANS WE'RE APPROVING THE  
--.

>> IF THEY'RE SHOWN ON THIS EXHIBIT, I THINK WE WOULD BE  
APPROVING THEM.

>> HEARING OFFICER HACHIYA: SO I THINK I JUST WANT TO MAKE  
SURE THAT -- I DON'T KNOW IF THERE'S A FINDING DESCRIBING THE  
SITE PLAN, BUT IF THERE ISN'T, I JUST WANT TO MAKE SURE WE  
DESCRIBE, YOU KNOW, THAT WE'RE APPROVING ALL OF IT INCLUDING  
AT&T PANEL ANTENNAS.

>> MR. MAR: WE COULD DO THAT.

>> HEARING OFFICER HACHIYA: AND ALSO I THINK ON CONDITION  
NUMBER 35, JUST TO MAKE IT MORE -- THE LANGUAGE MORE CLEAR, ON  
THE THIRD SENTENCE, IT SAYS THERE SHALL BE AMPLE BRANCH COVERAGE  
TO SIDE THE ANTENNA FROM VIEW, LET'S CROSS OUT AS EFFECTIVELY AS  
POSSIBLE, I JUST THINK THAT WILL STRENGTHEN THE LANGUAGE THERE  
AND MAKE IT CLEAR. OKAY? SO, I DON'T HAVE ANY OTHER QUESTIONS FOR  
STAFF, AND I'M SORRY, I FORGOT YOUR NAME, IF YOU COULD SPEAK  
YOUR NAME AGAIN.

>> MY NAME IS ARGUNAY.

>> HEARING OFFICER HACHIYA: DO YOU HAVE ANY TESTIMONY YOU WOULD LIKE TO PROVIDE OR DO YOU HAVE ANY CONCERNS WITH MY COMMENTS THAT I JUST MADE?

>> NO, JUST WITH REGARD TO THE CONDITIONAL USE AND IF IT WOULD APPLY TO AT&T, WE'VE GONE THROUGH SEVERAL CASES OF THE CUP RENEWALS WHERE IT'S BEEN A CO-LOCATION AS WELL, AND ALTHOUGH I UNDERSTAND YOUR CONCERN AND WE DON'T HAVE AN OBJECTION IF THAT'S THE FINAL CALL, BUT WE OURSELVES HAVE HAD TO GO THROUGH REA'S WHERE WE'VE BEEN CO-LOCATED ON, SO WE DON'T HAVE AN OBJECTION IF AT&T'S APPROVED, BUT I THINK THAT THEY MAY HAVE SOME CONCERNS, I DON'T KNOW, ONLY BECAUSE WHEN THEY GO THROUGH, FOR INSTANCE, WE HAD 40 REA'S GO THROUGH THE PROCESS WHEN WE WERE JUST SWAPPING OUT THE ANTENNAS ON AN EXISTING WIRELESS FACILITY THAT WE DID NOT OWN THE TOWER, THE ORIGINAL CUP, SO IS THIS SOMETHING THAT CAN BE DONE JUST TO APPROVE US SO THERE'S NO CONFLICT OF WHO OWNS, YOU KNOW, THE AUTHORITY UNDER THE CUP, CAN THEY BE ENTITLED THROUGH THEIR OWN REA AS THEY ARE NOW PROBABLY, ABLE TO MAKE ANY CHANGES FOR INSTANCE?

>> SO, WHO OWNS THE TOWER?

>> IT'S US.

>> OKAY.

>> SO, WHAT HAPPENS IS WHOEVER OWNS THE TOWER HAS A CUP BECAUSE THEY'RE THE FIRST PERSON TO GO -- TO ESTABLISH THIS FACILITY AND THEN WHOEVER ELSE COMES ON, THEY GO THROUGH AN REA IF IT'S APPROPRIATE AND THEN WHAT HAPPENS IS THEY'RE REGULATED THROUGH THEIR OWN REA SO THAT WAY WE DON'T HAVE TO NECESSARILY REGULATE THEM OR IT'S NOT A CONFLICT FOR THE CARRIERS.

>> WE COULD PERHAPS ADD A CONDITION THAT SAYS AT&T HAS TO COME BACK UNDER A REVISED EXHIBIT A UNDER THIS NEW CUP TO SHOW THEIR -- I MEAN, IF THAT'S WHAT MAKES YOU FEEL MORE COMFORTABLE.

>> YEAH, JUST BECAUSE I'M NERVOUS THAT SOMETIMES THERE'S CONFLICT WHEN WE HAVE TO COORDINATE WITH THEM WHEN WE'RE OPERATING UNDER THE SAME ENTITLEMENT BUT WE HAVEN'T BEEN INVOLVED, FOR INSTANCE, WE HAVEN'T BEEN INVOLVED WITH AT&T UP TO THIS POINT SO THAT'S MY ONLY CONCERN, IF THEY DON'T KNOW ABOUT THIS AND NOW THEY'RE JUMPING ON THE WAGON, SO I WOULD ASK IF IT WOULD BE POSSIBLE TO KEEP IT SEPARATE AS IT HAS BEEN FOR ALL THESE YEARS.

>> BUT IT'S STILL UNDER THE SAME ENTITLEMENT, IT'S STILL UNDER THE CUP, YOU'RE ALLOWING THEM TO CO-LOCATE ON YOUR TOWER, SO THEY WOULDN'T HAVE THEIR OWN CUP FOR --

>> NO, IT WOULD BE LIKE AN REA UNDER OUR CUP.

>> HEARING OFFICER HACHIYA: I THINK THAT'S ONLY IF THEY'RE MAKING ANY CHAINING, IF THEY'RE JUST EXISTING, THEY COULD BE WHO'RE UNDER THIS CURRENT PROCESS AND IF THEY WANT TO MAKE ANY CHANGES, THEY WOULD HAVE TO GET A REVISED EXHIBIT A ANYWAYS, THAT'S HOW IT WOULD WORK.

>> OKAY.

>> HEARING OFFICER HACHIYA: SO, ANYMORE COMMENTS FROM ANYBODY, SO THEN I'LL GO AHEAD AND CLOSE THE PUBLIC HEARING AND APPROVE THIS PROJECT, MAKE SURE I HAVE THE RIGHT NUMBER, PROJECT R2012-02566, CONDITIONAL USE PERMIT 201200151, ADOPT THE ENVIRONMENTAL DOCUMENT AND SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: OKAY. THANK YOU. OKAY, MY FINAL HEARING ITEM, THIS IS ITEM NUMBER 9, PROJECT NUMBER R2012-00926,

CONDITIONAL USE PERMIT NUMBER 201200063, AND I'M READY FOR A STAFF REPORT.

>> MS. SIEMERS: GOOD MORNING, HEARING OFFICER, GRETCHEN SIEMERS, NORTH SECTION, THE PROJECT IS A CONDITIONAL USE PERMIT FOR THE SALE OF A FULL LINE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE GROCERY MARKET KNOWN AS ACTON MARKET. CONSTRUCTION OF THE MARKET WAS PREVIOUSLY APPROVED THROUGH A PLOT PLAN AND THE MARKET IS CURRENTLY UNDER CONSTRUCTION AND WILL BE RELOCATED TO THE SITE FROM ITS CURRENT LOCATION AT 3638 SMITH AVENUE, THE BUILDING IS A 9500 SQUARE FEET IN SIZE, THE SITE PLAN CURRENTLY SHOWS A 9.3% SHELF SPACE DEDICATED TO THE DISPLAY OF ALCOHOLIC BEVERAGES. TO COMPLY WITH CODE REQUIREMENTS, THE APPLICANT MUST SUBMIT A REVISED SITE PLAN LIMITING THE ALCOHOLIC SHELF SPACE TO 5%. THIS IS DUE TO THE FACT THAT THERE IS ANOTHER ESTABLISHMENT, THE 49ER BAR AND GRILL SELLING ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A 500 FOOT RADIUS. ACCESS TO MARKET IS VIA CROWN VALLEY ROAD, AN EXISTING SECONDARY HIGHWAY ON THE COUNTY MASTER PLAN OF HIGHWAYS, A 24 FOOT WIDE DRIVEWAY FROM CROWN VALLEY ROAD FOR CIRCULATION WITHIN THE PROPERTY IS PROVIDED. 38 PARKS SPACES ARE PROVIDED INCLUDING 2 ACCESSIBLE SPACES. LANDSCAPING IS PROVIDED PER THE COUNTY'S LOW IMPACT DEVELOPMENT ORDINANCE. THE PROJECT MEETS THE REQUIREMENTS OF THE C-3 ZONING DESIGNATION AND THE

COMMERCIAL LAND USE DESIGNATION IN THE ANTELOPE VALLEY AREA WIDE PLAN, IN ADDITION, STAFF BELIEVES THE PROJECT HAS MET THE REQUIRED BURDENS OF PROOF FOR CONDITIONAL USE PERMIT AND FOR ALCOHOLIC BEVERAGE SALES, STAFF HAS RECEIVED TWO LETTERS REGARDING THE PROJECT, THE FIRST IS A LETTER OF SUPPORT FROM THE ACTON COUNCIL AND THE SECOND IS IN OPPOSITION OF A NEARBY RESIDENT, BASED ON THE FACTUAL INFORMATION PROVIDED AS WELL AS THE ANALYSIS WITH CURRENT DON'T PLANS AND ORDINANCES, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE 201200063 WITH CONDITIONS AND RECOMMENDS THAT STAFF ACCEPTS THAT IT IS EXEMPT FROM CEQA.

>> HEARING OFFICER HACHIYA: I DON'T HAVE ANY QUESTIONS FROM STAFF ON THIS ITEM. ARE THERE SPEAKERS SIGNED UP?

>> YES, WE HAVE THE ARCHITECT, BRUCE MCPHERSON AND ALSO CHARLOTTE RAMOS.

>> I'M BRUCE MCPHERSON, FIRST I WOULD LIKE TO EXPRESS OUR GRATITUDE TO THE STAFF, IT'S BEEN A PLEASURE WORKING WITH THEM, THEY'VE PUT IN A LOT OF TIME, EFFORT AND CONSIDERATION ON THE PROJECT ON OUR BEHALF AND WE'RE GRATEFUL FOR THAT, A COUPLE OF COMMENTS, I WANT TO CLARIFY THAT THIS IS A RELOCATION OF THE EXISTING MARKET. THE EXISTING MARKET EXISTS ON THE OPPOSITE SIDE OF CROWN VALLEY ROAD AND IT WILL BE RELOCATING TO THIS NEW

LOCATION. THE EXISTING STORE IS APPROXIMATELY 6900 SQUARE FEET, THE NEW MARKET WILL BE 9500 SQUARE FEET. THE EXISTING STORE HAS -  
- THERE'S EXISTING MORE SPACE ALLOCATED FOR ALCOHOL SALES IN THE EXISTING STORE THAN WE ARE REQUESTING FOR THE NEW STORE. THE AMOUNT OF SHELF SPACE THAT THEY'RE REQUESTING IN THE NEW STORE IS AT 9.3% AND THE REASON FOR THAT AMOUNT IS IT ALLOWS FOR THE VARIETY THAT THE COMMUNITY EXPECTS FROM THE STORE. THERE'S ONE OTHER SITE THAT SELLS ALCOHOL IN THE IMMEDIATE AREA, THE RESTAURANT CALLED THE 49ER BAR AND GRILL, TO OUR KNOWLEDGE, THERE HAVE BEEN -- AS LONG AS THE CURRENT OWNER HAS OWNED AND OPERATED THIS SITE, THERE HAVE BEEN NO NEGATIVE INCIDENTS RELATED TO ALCOHOL SALES. WE RECEIVED THE SUPPORT OF THE ACTON TOWN COUNCIL AND EVEN THOUGH THE RESTRICTION TO 5% OF THE SHELF SPACE DEVOTED TO ALCOHOL SALES AND THAT'S IN CONDITION NUMBER 19, THAT CREATES A HARDSHIP FOR US DUE TO THE VARIETY THAT THE COMMUNITY EXPECTS FROM THE STORE, WE'RE WILLING TO ACCEPT THAT CONDITION OF APPROVAL. HOWEVER, I DO HAVE TWO REQUESTS, ONE IS ON CONDITION NUMBER 8 WHICH IS THE GRANT TERM, THE TERMINATION OF THE GRANT, WE WOULD LIKE TO REQUEST A LONGER TERM AND THIS IS DUE TO A NUMBER OF REASONS, SOME OF THEM THAT I'VE ADDRESSED ALREADY, ONE IS THAT THE MARKET HAS BEEN IN THIS LOCATION IN THE COMMUNITY FOR APPROXIMATELY 30 YEARS AND THE OWNER IS PLANNING ON OPERATING THIS BUSINESS, THIS MARKET INDEFINITELY INTO THE FUTURE AS IT IS A FIXTURE OF THE COMMUNITY, THERE HAS BEEN NO

INCIDENTS OVER THAT TIME, HE'S CURRENTLY BUILDING THE BUILDING AT GREAT EXPENSE AND THE SIZE OF THE BUILDING IS GOING TO ACCOMMODATE A BETTER RESOURCE FOR THE COMMUNITY IN TERMS OF THE MARKET, AND WE BELIEVE THAT A LONGER TERM WOULD BE IN THE BEST INTEREST OF THE COMMUNITY AND OUR CLIENT, SO WE'D LIKE TO REQUEST A 20 YEAR TERM INSTEAD OF THE 10 YEAR TERM. THEN THE FINAL REQUEST IS THAT DUE TO TIMING OF THE APPLICATION FOR THE CUP RELATIVE TO THE APPLICATION FOR HIS ABC LICENSE AND HIS DBA, WHEN WE SUBMITTED THE APPLICATION FOR THE CBA FOR THE ACTON MARKET, THE DBA IS THE ACTON MARKET COUNTRY STORE AND WE REQUEST HAS THE OFFICIAL DOCUMENTS REFER TO IT AS SUCH, THERE'S TWO LOCATIONS THAT I FOUND THAT WOULD BE APPROPRIATE, ONE IS IN THE PROJECT DESCRIPTION UNDER THE CONDITIONS WHERE IT TALKS ABOUT THE OFF-SITE CONSUMPTION OF A GROCERY MARKET, IN PARENTHESES, ACTON MARKET, IF THAT COULD BE REFERRED TO AS ACTON MARKET COUNTRY STORE, AND THE OTHER IS THE OWNER/APPLICANT IS FIRAS HANNOUN, THOSE ARE OUR REQUESTS.

>> HEARING OFFICER HACHIYA: DID YOU ALSO HAVE SOME TESTIMONY?

>> I WAS JUST HERE FOR QUESTIONS.

>> HEARING OFFICER HACHIYA: I DON'T HAVE ANY QUESTIONS RIGHT NOW. I THINK I DO HAVE -- I WANTED TO DISCUSS WITH STAFF ONE OF

THE REQUESTS FOR THE LONGER TERM. IS THAT COMMON FOR US TO GIVE  
A 20 YEAR FOR ALCOHOL SALES?

>> MS. SIEMERS: IT'S NOT COMMON BUT IT HAS OCCURRED IN  
SITUATIONS SIMILAR TO THIS ONE WHERE THERE IS A FIXTURE IN THE  
COMMUNITY THAT'S EXPECTED TO REMAIN THERE AND HASN'T HAD ANY  
PROBLEMS IN THE PAST.

>> HEARING OFFICER HACHIYA: OKAY. AND THEN YOU DON'T HAVE ANY  
PROBLEMS WITH JUST CHANGING THE NAME, OKAY. I'M WILLING TO GRANT  
A LONGER TERM BUT ONLY TO 15 YEARS AS I SAID IN THE LAST CUP, I  
LIKE TO BE CONSISTENT AT LEAST WITH MYSELF, SO IF WE CAN --  
WE'LL GIVE A LONGER GRANT PERIOD, AND ALSO HAVE THE INCREASE OF  
INSPECTION FEES ACCORDINGLY.

>> THAT'S ACCEPTABLE.

>> HEARING OFFICER HACHIYA: OKAY, GREAT. SO, ARE THERE ANY  
OTHER FOLKS SIGNED UP TO SPEAK ON THIS ITEM?

>> NO, THERE IS NOT.

>> HEARING OFFICER HACHIYA: OKAY. ALRIGHT. THANK YOU, THANK  
YOU, STAFF, I KNOW THIS HAS BEEN A TOUGH CASE, BUT THANK YOU ALL

FOR YOUR COOPERATION. I'LL GO AHEAD AND CLOSE THE PUBLIC HEARING AND APPROVE THIS PROJECT NUMBER R2012-00926, CONDITIONAL USE PERMIT NUMBER 201200063 AND ADOPT THE ENVIRONMENTAL DOCUMENT AND THE APPEAL PERIOD?

>> THE LAST DAY TO APPEAL THIS ACTION IS APRIL 30, 2013.

>> HEARING OFFICER HACHIYA: OKAY, GREAT.

>> THANK YOU.

>> HEARING OFFICER HACHIYA: THANK YOU. OKAY, AND NOW WE'RE NOW DOWN TO THE LAST ITEMS. THIS IS PART III OF THE PUBLIC HEARING. I'M HEARING ITEMS NUMBER 11-17, AND I'LL GO AHEAD AND JUST ASK STAFF TO SPECIFICALLY LIST THE PROJECTS AND WHAT YOU'RE RECOMMENDING AND I'LL TAKE A FINAL ACTION ON ALL OF THEM.

>> MS. HIKICHI: GREAT, THANK YOU, I AM LINDA HIKICHI FROM THE LAND DIVISION SECTION, TODAY STAFF PRESENTS ITEMS 11-16, RECOMMENDED FOR DENIAL DUE TO INACTIVITY. STAFF NOTIFIED THE APPLICANTS OF THESE PROJECTS IN LETTERS DATED MARCH 14, 2013, THAT THE PROJECTS WILL BE SCHEDULED BEFORE A HEARING OFFICER FOR DENIAL DUE TO INACTIVITY ON APRIL 16, 2013, THE LETTER DIRECTED THE APPLICANT TO CONTACT REGIONAL PLANNING STAFF WITHIN 30 DAY

OF THIS LETTER IF HE OR SHE WANTED TO KEEP THE PROJECT ACTIVE.

THE APPLICANTS FOR AGENDA ITEMS 12 AND 13 DID CONTACT STAFF AND SUBMIT A TIME EXTENSION REQUEST AND SHOULD BE TAKEN OFF TODAY'S AGENDA, TO THIS DATE, THE APPLICANTS FOR AGENDA ITEMS 11, 14, 15 AND 16 DID NOT CONTACT STAFF AND STAFF WILL ADDRESS THESE ITEMS.

AGENDA ITEM NUMBER 11, TR068193 INCLUDES PLAN AMOUNT MD 200700003, AND TENTATIVE TRACT MAP NUMBER 068193, IT WAS FILED ON APRIL 25, 2007, THE L.A. COUNTY SUBDIVISION LAST MET ON JUNE 7, 2011, THE LAST TIME EXTENSION EXPIRED ON OCTOBER 19, 2009, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY. AGENDA ITEM NUMBER 14, PROJECT NUMBER PM069153 INCLUDES PARCEL MAP NUMBER 069153, A REQUEST FOR TWO SINGLE FAMILY LOTS, THE SUBDIVISION COMMITTEE LAST MET ON NOVEMBER 5, 2007, THE LAST TIME EXTENSION EXPIRED ON SEPTEMBER 3, 2009, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY.

AGENDA ITEM 15, PROJECT NUMBER PM069331 INCLUDES TENTATIVE PARCEL MAP NUMBER 069331, A REQUEST FOR TWO SINGLE FAMILY LOTS WAS FILED ON DECEMBER 19, 2007, THE SUBDIVISION COMMITTEE LAST MET ON FEBRUARY 14, 2008, THE LAST TIME EXTENSION EXPIRED ON JULY 6, 2009. STAFF RECOMMENDS DENIAL DUE TO INACTIVITY. AGENDA ITEM NUMBER 16, PROJECT NUMBER PM069339 INCLUDES TENTATIVE PARCEL MAP NUMBER 069339, THE LAST TIME EXTENSION EXPIRED ON APRIL 29, 2010, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY.

UNLESS THERE ARE ANY QUESTIONS, THIS CONCLUDES STAFF PRESENTATION. THANK YOU.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU. THERE ARE NO --  
NOBODY SIGNED TO SPEAK ON THESE?

>> THERE WEREN'T, NO.

>> HEARING OFFICER HACHIYA: SO, ON ITEMS NUMBER 11-16 AS  
DESCRIBED BY STAFF, I WILL DENY THOSE DUE TO INACTIVITY.

>> THE APPEAL PERIOD FOR THESE ACTIONS AND ON APRIL 29, 2013.

>> HEARING OFFICER HACHIYA: OKAY, THANK YOU, AND ITEMS 12 AND  
13 ARE OFF CALENDAR, THANK YOU.

>> MS. HIKICHI: THANK YOU.

>> HEARING OFFICER HACHIYA: AND NOW I'M GOING TO HAND THE  
HEARING OVER TO MITCH GLASER, WE'RE GOING TO SWITCH SEATS REAL  
QUICK.

>> HEARING OFFICER GLASER: THANK YOU, MS. HACHIYA, GOOD  
MORNING, EVERYONE, MY NAME IS MITCH GLASER, I'M -- I WILL BE  
SERVING AS HEARING OFFICER ON ITEM NUMBER 10 AS WELL AS NUMBER  
17, ITEM NUMBER 10 IS AN ENFORCEMENT APPEAL, LET ME GO THROUGH

THE PROCEDURE, SINCE IT'S A LITTLE DIFFERENT, I'LL CALL UP THE ITEM, AND THEN FOLLOWING THAT, STAFF WILL GIVE A BRIEF PRESENTATION, I MAY HAVE QUESTIONS FOR STAFF AFTER THE PRESENTATION, IF NOT, WE'LL GO AHEAD AND MOVE FORWARD WITH THE APPELLANT'S TESTIMONY, THEY WILL BE GIVEN UP TO 15 MINUTES TO SPEAK, THEN I MAY HAVE QUESTIONS FROM THE APPELLANT OR STAFF, AND AT THE CONCLUSION OF THAT DISCUSSION, I WILL TAKE AN ACTION, I COULD DENY THE APPEAL AND UPHOLD THE NONE KLEIN FEE, THE SECOND OPTION WOULD BE TO UPHOLD THE APPEAL AND DENY THE NON-COMPLIANCE FEE AND THE THIRD OPTION WOULD BE TO CONTINUE THE MATTER TO ANOTHER DATE. SO, I'LL GO AHEAD AND CALL UP ITEM NUMBER 10, THIS IS AN APPEAL OF FINAL ZONING ENFORCEMENT ORDER RELATED TO ENFORCEMENT CASE NUMBER 13-0002179/EF012223, MR. BELL, PLEASE PROCEED.

>> MR. BELL: GOOD MORNING, MR. HEARING OFFICER, MY NAME IS JONATHAN BELL WITH ZONING ENFORCEMENT WEST, I'M AN INSPECTOR ASSIGNED TO THE COMMUNITY OF FIRESTONE, IT IS AN APPEAL OF THE ZONING ORDER FOR THE CASE RFS NUMBER 13-0002179/EF012223, THE SUBJECT PROPERTY IS LOCATED AT 1677 FIRESTONE BOULEVARD, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBER 6027-009-018 WITHIN THE COMPTON-FLORENCE ZONED DISTRICT, THE SUBJECT PROPERTY IS ZONED C-3, THE APPELLANT IS MAYRA BARBOSA. THE FIRST ZONING VIOLATION IS A RECYCLING COLLECTION CENTER IS OPERATING ON THE PREMISES,

THE SECOND ZONING VIOLATION IS THAT THE C-3 ZONED DEVELOPMENT STANDARDS FOR PARKING, LANDSCAPING AND OUTDOOR STORAGE ARE NOT MAINTAINED ON THE PREMISES. ON JANUARY 16, 2013, STAFF AS PART OF THE FLORENCE-FIRESTONE NUISANCE ABATEMENT TEAM VISITED THE SUBJECT PROPERTY TO CONDUCT A FOLLOW-UP INSPECTION OF AN UNPERMITTED SEPTIC TANK BUSINESS THAT WAS OPERATING ON THE PRELIMINARY SIS. NO ONE WAS ON THE SITE OF THIS INSPECTION, FROM THE PUBLIC RIGHT-OF-WAY, STAFF OBSERVED THAT THE SEPTIC TANK BUSINESS HAD BEEN REMOVED, STAFF FOUND EVIDENCE THAT THAT A RECYCLING COLLECTION CENTER WAS OPERATING ON THE PROPERTY. THERE WERE ADVERTISEMENTS, SIGNAGE INDICATING BUSINESS HOURS WERE POSTED TO THE BUILDING ON-SITE. STAFF ALSO OBSERVED ON THE PREMISES AUTOMOBILE SEATS AND FURNITURE STORED OUTDOORS AND UNDERNEATH A CANOPY AS WELL AS TWO CARS PARKED UNDERNEATH THESE CANOPIES, HE SAID HE WAS AN OPERATOR OF A NEIGHBORING BUSINESS, WHEN THE RECYCLING COLLECTION CENTER WAS STATED WHEN IT WAS OPENED. ON JANUARY 29, 2013, STAFF RESEARCHED TITLE 22, THE PLANNING AND ZONING QUOTED AND FOUND THAT A RECYCLING COLLECTION CENTER IS NOT A PERMITTED USE IN ZONE C-3, STAFF ALSO CONSULTED THE DEPARTMENT OF REGIONAL PLANNING OF ZONING INTERPRETATION AND PROCEDURAL MANUAL WHICH PROVIDES DEVELOPMENT STANDARDS FOR ACCESSORY RECYCLING COLLECTION CENTERS, A RECYCLING COLLECTION CENTER IS ALLOWED IN ZONE C-3 AS AN ACCESSORY USE TO A SUPERMARKET SITED AT LEAST 500 FEET IN ZOO SIZE, THE SUBJECT

PROPERTY DOES NOT HAVE A SUPERMARKET, BASED ON THE OBSERVATIONS OF THE SITE INSPECTION, STAFF CONCLUDES THAT IT DOES NOT COMPLY WITH THE ORDINANCE, A NOTICE OF VIOLATION LISTING THE ZONING VIOLATIONS WAS MAILED ON FEBRUARY 19, 2013 TO THE PROPERTY OWNER, ON MARCH 16TH, STAFF OBSERVED THE STAFF RECYCLING CENTER OPEN FROM THE PUBLIC RIGHT OF WAY, STAFF FOUND THE REAR AND FRONT GATES OPEN AND ACCESSIBLE, VEHICLES WERE PARKED ON THE PREMISES AND PEOPLE WERE SEEN WALKING ABOUT THE PROPERTY BASED ON THESE OBSERVATIONS, STAFF CONCLUDED THAT IT CONTINUED TO OPERATE AT THE SUBJECT PROPERTY. LATER THAT EVENING, STAFF WAS CONTACTED BY MR. LEE, STAFF EXPLAIN HATED THE PROPERTY HAS BEEN CITED BY THE FLORENCE-FIRESTONE NUISANCE ABATEMENT TEAM AND A REINSPECTION THAT MORNING DISCLOSED NO CHANGE. STAFF RECOMMENDED THAT MR. LEE [INAUDIBLE] THE ZONING VIOLATIONS WERE MAILED CERTIFIED ON MARCH 14, 2013 TO THE PROPERTY OWNER, THE COMPLIANCE DATE WAS SET FOR APRIL 8, 2013. ON MARCH 21, 2013, STAFF REQUESTED A LETTER REQUESTING AN APPEAL, IN THE LETTER, MS. BARBOSA WROTE THEY BELIEVES HER RECYCLING BUSINESS IS PERMITTED AT THE PROPERTY AS THEY HAVE BEEN ISSUED A PERMIT BY THE DEPARTMENT OF CONSERVATION, THAT RECYCLING CENTERS SHOULD BE REQUIRED TO OPERATE IN THE C-1 ZONE WITHOUT HAVING A SUPERMARKET, AND REGIONAL PLANNING IS "DISCRIMINATING AGAINST SMALL RECYCLING CENTERS BY HAVING IN PLACE A REQUIREMENT FOR ALLOWING ANY SMALL RECYCLING CENTERS TO FLOURISH AND PROVIDE A

SERVICE THAT CAN HELP [INAUDIBLE]". A LETTER WAS MAILED ON MARCH 27, 2013, ON MARCH 28TH, STAFF CONDUCTED JAY LEE IN THE COORDINATING CENTER AND OBTAINED COPIES OF THE BUSINESS [INAUDIBLE] ACCORDING TO THE DOCUMENTS ON FEBRUARY 25, 2013, MS. BARBOSA APPLIED FOR A SECONDHAND DEALER LICENSE TO BUY AND SELL USED TELEVISIONS AT THIS PROPERTY. STAFF NOTED THE BUSINESS NAME WRITTEN ON THE APPLICATION WAS EL COSTENIO, THE SAME BUSINESS NAME ON THE BANNER, LATER THAT DAY, STAFF CONSULTED GAIL TURNER BROWN AT THE DISTRICT OFFICE, INSPECTOR TURNER BROWN PROVIDED A COPY OF A SIGNED BUILDING AND SAFETY VIOLATION NOTICE POSTED TO THIS PROPERTY ON JANUARY 4, 2012. STAFF OBTAINED AND REVIEWED BUILDING PERMITS, AND ON OCTOBER 31, 2011, A BUILDING PERMIT WAS ISSUED TO REMOVE UNPERMITTED CANOPIES AND STRUCTURES, THIS PERMIT EXPIRED ON OCTOBER 30, 2012 WITHOUT A FINAL SIXTY FROM BUILDING AND SAFETY. ON APRIL 1, 2013, STAFF RESPECTED THE PROPERTY WITH LAW ENFORCEMENT, AND STAFF FOUND THE RECYCLING COLLECTION CENTER OPEN AND OPERATING AT THE TIME OF THE INSPECTION, THE PROPERTY'S FRONT GATE WAS OPEN, THREE CARGO SHIPPING CONTAINERS REMAINED ON THE PROCESS, INSIDE STAFF SAW SEVERAL PLASTIC BAGS AND BOTTLES INSIDE THE SHIPPING CONTAINERS. A MAIL WAS SEEN SORTING BOTTLES AND CANS ON SORT. THE BANNER AND SIGNAGE FOR BUSINESS HOURS AND RECYCLING PRICES REMAINED. STAFF FOUND NEW BUSINESS SIGNAGE ON THE PROEM SIS UNLADING RECYCLING PRICES ON THE FENCE, AND A SIGN AND RECYCLE

HERE BUSINESS FLAGS, STAFF CONTACTED THE BUSINESS OPERATORS AND HAND DELIVERED A COPY OF THE APPEAL HEARING NOTICE TO THEM, INSPECTOR RODRIQUEZ SPOKE TO THEM WITH SPANISH ON MY BEHALF, HE EXPLAINED A STAND ALONE RECYCLING CENTER IS NOT PERMITTED AND ADVISED THEM TO DISCUSS THAT TODAY AT THE APPEAL HEARING. MS. REYAS, SHE WAS CALLING FOR THE ORDER. SHE SAID THE OWNER WAS UNAWARE OF THE APPEAL HEARING, STAFF E-MAILED MS. REYAS A COPY OF THE APPEAL HEARING NOTICE AND RECOMMENDED THAT THE PROPERTY ATTEND THIS HEARING AS IT IS HIS PROPERTY UNDER REVIEW TODAY, MS. REYAS CONFIRMED HIS RECEIPT BY E-MAIL REPLY, MR. HEARING OFFICER, IN SUMMARY, IT CONTINUES TO OPERATE ON THE PREMISES AND THIS IS NOT A PERMITTED USE IN ZONE 3, THE ZONE C-3 DEVELOPMENT STANDARD OF LANDSCAPING AND OUTDOOR STORAGE ARE NOT BEING MET. ACCORDINGLY, STAFF RECOMMENDS THE HEARING OFFICER SUSTAIN THE FINAL ZONING ENFORCEMENT ORDER AND DIRECT THE VIOLATOR TO ABATE EVERYTHING BY MAY 1, 2013, STAFF RECOMMENDS THE NON-IMPOSITION OF THE [INAUDIBLE] FEE, SECTION 22.60.390, SUBSECTION A1 AS A MATTER OF CORRECTION, THE STAFF REPORT INDICATED A NOT CORRECT NON-KLEIN FEE, 704 DOLLARS IS CERTIFIED ON THE FINAL ENFORCEMENT ORDER, FAILURE TO CORRECT THE FINAL [INAUDIBLE] TO THE DISTRICT ATTORNEYS WAS A REQUEST THAT A CRIMINAL COMPLAINT BE FILED IF KLEIN IS NOT ACHIEVED. THIS CONCLUDES STAFF PRESENTATION. THANK YOU.

>> HEARING OFFICER GLASER: THANK YOU, MR. BELL, A VERY THOROUGH PRESENTATION AS WELL AS A STAFF REPORT, BEFORE WE PROCEED WITH THE APPELLANT, I DO HAVE A COUPLE OF QUESTIONS, THE FIRST QUESTION, TO YOUR KNOWLEDGE, ARE THERE ANY OTHER USES OF THE PROPERTY BEYOND A RECYCLING CENTER?

>> MR. BELL: NO, SIR.

>> HEARING OFFICER GLASER: I BELIEVE WE APPROVED AN AUTO PLAN IN 2005 AND THAT WAS NOT ESTABLISHED, SO BASICALLY WHAT WE HAVE ON REGARD IS A VACANT LAND AND THAT'S WHY BUILDING AND SAFETY THAT REQUESTED THAT THE BUILDING BE DEMOLISHED, CORRECT?

>> MR. BELL: YES.

>> HEARING OFFICER GLASER: THE APPELLANT MENTIONS A PERMIT THAT THEY RECEIVED FROM THE STATE OF CALIFORNIA, I DIDN'T SEE A COPY OF THAT IN MY PACKAGE, HAVE YOU SEEN THAT?

>> MR. BELL: I HAVE NOT.

>> HEARING OFFICER GLASER: HAS THE APPELLANT SIGNED IN TO SPEAK TODAY.

>> YES, THERE ARE TWO SPEAKERS ON THIS ITEM, LOUIS AGULAR AND MAYRA BARBOSA BUT THEY HAVE NOT BEEN SWORN IN.

>> HEARING OFFICER GLASER: MS. HACHIYA WILL SWEAR YOU IN BEFORE YOU HAVE A SEAT.

>> PLEASE RAISE YOUR RIGHT HAND, DO EACH OF YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY YOU MAY GIVE BEFORE THE MEETING NOW PENDING BEFORE THIS HEARING OFFICER SHALL BE THE TRUTH AND NOTHING BUT THE TRUTH, HAVE A SEAT.

>> HEARING OFFICER GLASER: AND AS I MENTIONED, YOU HAVE UP TO 15 MINUTES, SO IF BOTH LIKE TO SPEAK, IT'S UP TO YOU HOW YOU WANT TO SEPARATE THE TIME, JUST FOR THE CAPTIONING, IF YOU COULD STATE YOUR NAME WHEN YOU BEGIN WITH YOUR TESTIMONY, SO THANK YOU.

>> CAN I TRANSLATE THE INFORMATION FROM SPANISH SO YOU CAN UNDERSTAND.

>> HEARING OFFICER GLASER: ABSOLUTELY, THANK YOU.

>> MY NAME IS LOUIS AGULAR, I'M THE REPRESENTATIVE FOR MS. BARBOSA, BUSINESS OWNER OF EL COSTENIO RECYCLING CENTER LOCATED AT 1677 FIRESTONE BOULEVARD, LOS ANGELES CALIFORNIA, 9001.

>> (SPEAKING SPANISH).

>> GOOD AFTERNOON, HEARING OFFICER, I'D LIKE TO TAKE THIS OPPORTUNITY TO DISCUSS THIS MATTER WITH THE APPEAL OFFICER, AS WELL MR. BELL, I JUST CAME ON BOARD ON THIS PROJECT NOT TOO LONG AGO AND I DID REVIEW THE STAFF REPORT. I JUST WANTED TO MAKE SURE AND TALK ABOUT SOME TIMELINES HERE. THE BUSINESS OWNER AND EL COSTENIO RECYCLING CENTER GOT THEIR CERTIFICATE RECYCLING CENTER FROM THE STATE OF CALIFORNIA CAL RECYCLE TO OPERATE IN THIS BUSINESS. THEY WERE NOT AWARE THAT OTHER PERMITS WERE REQUIRED BY THE COUNTY OF LOS ANGELES AND THEREFORE ON JANUARY 16 WHEN THE STAFF, MR. BELL AND HIS CO-WORKERS REVIEWED AN UNPERMITTED BUSINESS WHICH WAS THE SEPTIC TANKS, THEY DID NOTICE A SIGN SAYING EL COSTENIO RECYCLING, THEY WERE NOT OPEN ON THAT DATE, THEIR FIRST INITIAL DATE WAS MARCH 5 AND THE REASON THAT SIGN WAS UP, IT WAS PART OF THE REQUIREMENT FROM THE STATE CAL RECYCLING APPLICATION FOR THEM TO HAVE THEIR BUSINESS BANNER UP AND READY AND HAVE IT POSTED TO THE PUBLIC. NOW, ON MARCH 5, WHICH WAS THE FIRST OPENING DATE OF THIS BUSINESS, THEY WERE WITH THE INTENTION OF OPENING THE RECYCLING CENTER TO SERVE AS

A COMMUNITY, A WELL BEING RECYCLING CENTER TO HELP THE COMMUNITY AND TO CONTROL, TO BE A POSITIVE ROLE MODEL TO ACTUALLY HELP THE COMMUNITY BY EXERCISING AND COLLECTING AND PAYING RESIDENTS IN THE COMMUNITY CASH FOR [INAUDIBLE] HOWEVER THEIR GOAL IS TO REDUCE THE CONTAMINATION IN THE ENVIRONMENT AND THEY PROCEEDED TO OPEN THEIR BUSINESS. WHILE THEY WERE WAITING FOR THEIR CERTIFICATE FROM CAL RECYCLE STATE OF CALIFORNIA, MS. BARBOSA APPLIED, ACTUALLY CALLED THE STATE OF CALIFORNIA CAL RECYCLE AND ASKED THEM IF THIS PERMIT WOULD ALLOW THEM TO BUY ELECTRONICS FOR SECONDHAND JUNK DEALER, THE STATE NOTIFIED HER THAT SHE NEEDED TO GO SEEK HER LOCAL COUNTY OR CITY TAX TO OBTAIN THE LANGUAGE. ON FEBRUARY 25, SHE CAME TO THE L.A. COUNTY TREASURY TAX LICENSE, OBTAINED HER LICENSE, AND SHE APPLIED FOR A LICENSE, HE STATED THE LAND WOULD BE ALLOWABLE, HOWEVER, SHE NEEDED TO PAY A FEE OF 354 DOLLARS. HE THEN STATED THAT THE FINDINGS FOR THE LICENSE WOULD BE ISSUED TO HER ADDRESS. IT'S BEEN OVER ABOUT A MONTH OR SO AND THEY HAVEN'T RECEIVED ANYTHING. ON MARCH 6, INSPECTOR BROWN FROM THE NAP DEPARTMENT WHICH IS THE FLORENCE DIVISION, SHE CAME OUT AND INDICATED THAT THE USE OF A RECYCLING CENTER WAS NOT PERMITTED IN THAT AREA. SHE ASKED THEM IF THEY HAD SOME TYPE OF LICENSE OR PERMIT TO OPERATE A RECYCLING CENTER, MS. BARBOSA SHOWED HER HER RECYCLING CENTER LICENSE FROM THE STATE DEPARTMENT OF CALIFORNIA, HIS TURNER SAID YOU'RE OKAY, SHE LEFT THE PREMISES. ON MARCH 1,

INSPECTOR ALDREGUES FROM THE WEST DIVISION WITH TWO OR THREE POLICE OFFICER FROM THE DISTRICT ATTORNEY CAME INTO THE FACILITY VERY DEMANDING. THE PROPERTY -- THE BUSINESS OWNER, MS. BARBOSA AND HER HUSBAND WERE VERY SHAKEN BECAUSE THE WAY THEY PROCEEDED THEIR INSPECTION, THE POLICE OFFICERS CAME IN THERE, THEY SAID YOU BOUGHT SOME MATERIAL LIKE COPPER, THE BUSINESS OWNER ALLOWED THEM TO DO THE INSPECTION TO LIFT THE MATERIAL, THEY FOUND NO INFORMATION, MS. BARBOSA TOLD MR. RODRIQUEZ, WOULD YOU LIKE A COPY OF OUR LICENSE FROM THE STATE OF CALIFORNIA, THEY SAID THAT'S NOT NECESSARY, SO THEN THEY PROCEEDED ON MARCH 27, THEY RECEIVED AN APPEAL FINAL ZONING BECAUSE ON MARCH 23, MS. BARBOSA DRAFTED A RESPONSE LETTER SAYING THEY WOULD LIKE TO APPEAL THE FINAL ENFORCEMENT ZONING ORDER. HERE WE ARE STANDING IN FRONT OF COUNSEL, IN FRONT OF HEARING OFFICER MS. BARBOSA, EL COSTENIO RECYCLING CENTER WOULD LIKE TO APPEAL THIS FINAL ZONING ORDER. FROM THE TIME, THERE'S ONLY BEEN TWO INSPECTIONS WHICH WAS ON MARCH 6TH AND APRIL 1, DURING THOSE INSPECTIONS, MS. RODRIQUEZ DID EMPHASIZE THAT THE BUSINESS CANNOT BE CONDUCTED IN THE ZONE C-3, HOWEVER, SHE DIDN'T INDICATE WHAT WERE THE REQUIREMENTS OR WHAT'S THE REASON, TOOK THE NECESSARY TIME TO EXPLAIN TO MS. BARBOSA WHY HER BUSINESS WAS NOT ALLOWED IN THAT ZONE. NOW, I DID PULL SOME PROPERTY RECORDS AND I DID SEE THAT THERE WAS A USE OF LAND THAT WAS EMPTY, I DIDN'T GET A CHANCE TO TALK TO THE PROPERTY OWNER, SO ALL WE'RE ASKING FOR

THE HEARING OFFICER AND THE INSPECTOR HERE MR. BELL IS TO ALLOW US ENOUGH TIME TO RECUPERATE THE MONEY THAT WAS INVESTED IN THIS BUSINESS TO RELOCATE TO A PROPER LOCATION THAT WOULD BE ADEQUATE AND TO BE ABLE TO OBTAIN PERMITS FROM THE COUNTY OF L.A. WHERE WE'RE RELOCATING TO AN ADDRESS WITHIN THE COUNTY OF L.A. OR WITHIN THE CITY LIMITS, BUSINESS HAS ONLY BEEN OPEN FOR A MONTH AND AS YOU CAN SEE, IT DID TAKE A LOT OF EFFORT AND MONEY TO OPEN THIS BUSINESS AND HERE WE ARE A MONTH LATER, WE HAVE PROBLEMS AND NOW WE'RE GETTING UNDER ATTACK. THAT'S THE INFORMATION I HAVE FOR THE HEARING OFFICER. I'M GOING TO PASS IT OVER TO MS. BARBOSA, SHE HAS SOME INFORMATION SHE WANTS TO SHARE WITH YOU GUYS.

>> PRETTY MUCH WHAT WE'RE ASKING R FOR IS AN TENSION TO RECUPERATE THE MONEY, TO ALLOW US TO OPERATE A BUSINESS AND GAIN A PORTION OF OUR MONEY INVESTED OF THIS BUSINESS TO RELOCATE TO ANOTHER BUILDING. THE BUSINESS OWNER IS MORE THAN WELCOME TO ADDRESS THOSE ISSUES AND TO PUT SOME TYPE OF LANDSCAPING IF THAT'S WHAT WILL SATISFY THE LANDSCAPING DEPARTMENT AND ALL SHE'S ASKING IS AN TENSION OF THIS MATTER TO RECUPERATE THE MONEY THAT WAS INVESTED TO START UP THIS BUSINESS. IF SHE KNEW THAT IT WAS NOT ZONED, SHE OBVIOUSLY WOULD NOT HAVE STARTED IN CONDUCTING THIS BUSINESS. SHE FEELS THAT THE UNPERMITTED BUSINESS FROM THE SEPTIC TANKS, SHE HAS NOTHING TO DO WITH THAT BECAUSE

SHE WAS NOT THE BUSINESS OWNER, AND WHEN SHE ACQUIRED THE PROPERTY THE PROPERTY OWNER SAID THIS WAS ZONED FOR A RECYCLING CENTER, SO SHE WENT UNDER THE ASSUMPTION AND OPENED THE BUSINESS. NOW, I DO HAVE THE ORIGINAL CERTIFICATION RECYCLING CENTER, WHEN WE OFFERED TO GIVE THIS TO THE INSPECTORS, THE FIRST INSPECTION WHICH WAS MARCH 6 WITH MS. BROWN, SHE SEEN IT, SHE SAID SHE DIDN'T NEED A COPY, THE SECOND INSPECTION WITH MS. RODRIQUEZ, SHE SAID IT WAS NOT NECESSARY THERE THEM TO OBTAIN THAT PERMIT, SO WE WANTED TO SHOW YOU GUYS THAT WE ARE CERTIFIED WITH THE STATE OF CALIFORNIA TO OBTAIN AND CONDUCT BUSINESS.

>> HEARING OFFICER GLASER: COULD YOU PLEASE GIVE THAT, WE'LL GO THROUGH ALL THE ISSUES, WE'LL GO AHEAD AND DO THAT AFTER YOU'RE FINISHED. DID YOU HAVE ANY OTHER TESTIMONY?

>> JUST FOR MY OWN PURPOSES, HOW THERE'S DIFFERENT AGENCIES INVOLVED, HOW DOES THE STATE OF CALIFORNIA ISSUE A CERTIFICATE OR LICENSE TO OPERATE A BUSINESS, I'M PRETTY SURE, DOESN'T THE STATE HAVE SOME PRELIMINARY HEARING REQUIREMENTS PRIOR TO THEM ISSUING A LICENSE?

>> HEARING OFFICER GLASER: WELL, I THINK THAT'S THE FIRST QUESTION WE WANT TO ANSWER BUT I WANT TO GO THROUGH THE ISSUES, JUST SO WE CAN BRING EVERYTHING UP AND THEN WE'LL GO THROUGH IT.

>> NOT FOR NOW.

>> HEARING OFFICER GLASER: LET'S START WITH THAT, I'M NOT AN EXPERT ON THE STATE PROCEDURES EITHER, BUT WHAT I'M LOOKING AT HERE IS I DO SEE THIS IS A BEVERAGE CONTAINER CERTIFICATION AND REGISTRATION BRANCH ISSUED THIS, SO THEY ISSUED A CERTIFICATE, AND I SEE THAT MS. BARBOSA IS NAMED THERE, THE BUSINESS IS NAMED THERE AND IT DOES LIST THE ADDRESS. NOW, I'M ASSUMING THIS ISN'T THE FIRST TIME THIS HAS HAPPENED, SO EITHER MR. BELL OR MS. HACHIYA, DO YOU HAVE ANY INSIGHT TO WHAT THE STATE PROCEDURE IS, I WOULD ASSUME THERE WOULD BE A STATEMENT ON HERE REGARDING LOCAL ZONING REQUIREMENTS, SO DO EITHER ONE OF YOU KNOW WHY THE STATE IS ISSUING THIS WHEN IT IS PERMITTED PER OUR CODE?

>> HEARING OFFICER HACHIYA: I THINK THEY EXPECT THE BUSINESS OWNER WOULD SEEK LOCAL PERMITTING AUTHORITY. I KNOW IN THE CITY OF HAWTHORN, I RECENTLY ATTENDED A PUBLIC HEARING ON A SIMILAR TYPE USE AND IT WAS THE PLANNING DEPARTMENT THAT HAD TO APPROVE -- GAVE THE FINAL LAND USE APPROVAL. I THINK THE STATE ONLY LOOKS AT THE ACTUAL OPERATIONAL ASPECTS AND NOT THE LAND USE ASPECTS.

>> HEARING OFFICER GLASER: THANK YOU, MS. HACHIYA AND THAT IS WHAT I SUSPECTED, SO MS. BARBOSA, THE WAY THAT IT WORKS IS YOU

DO NEED A PERMIT FROM THE STATE BUT AS MS. HACHIYA INDICATED, THEY'RE MORE INTERESTED THAT YOU'RE COMPLYING WITH THE STATE LAWS, SO THE STATE HAS SOME JURISDICTION OVER RECYCLING BUT IN TERMS OF LAND USE, OKAY, IN TERMS OF ZONING AND IN TERM OF WHERE A BUSINESS CAN BE LOCATED, THAT'S A LOCAL GOVERNMENT ISSUE, SO AS MS. HACHIYA INDICATED, IF YOU'RE IN THE CITY OF HAWTHORN, YOU HAVE TO LOOK AT THE CITY OF HAWTHORN RULES TO FIGURE OUT WHICH LOCATION IS OKAY, IF IT YOU'RE IN THE UNINCORPORATED COMMUNITY, THAT'S THE CITY OF LOS ANGELES, I THINK IT'S UNFORTUNATE THAT THE STATE IS GIVING PERT FOR LOCATIONS THAT ARE NOT PERMITTED UNDER THE COUNTY CODE, BUT THEY'RE LOOKING AT DIFFERENT THINGS, SO THEY'RE NOT LOOKING AT LAND USE. IT IS REALLY THE LOCAL GOVERNMENT AND IN THIS CASE IT'S THE COUNTY THAT HAS THE AUTHORITY TO DECIDE WHERE THE BUSINESS IS LOCATED. SO, HOPEFULLY THAT CLARIFIES IT NOW. I WANT TO INDICATE, I THINK FROM MS. BARBOSA'S PERSPECTIVE, I DON'T KNOW IF THIS IS THE FIRST TIME YOU'RE SETTING UP A BUSINESS, I THINK IT'S REASONABLE FOR PEOPLE TO BE CONFUSED BETWEEN STATE LAW AND LOCAL LAW, I DON'T ASSUME THAT MS. BARBOSA DID IT INTENTIONALLY, SO I DO WANT TO STATE THAT, BUT AGAIN THE ISSUE BEFORE US IS AT THE COUNTY LEVEL IS WHETHER THIS LOCATION IS ALLOWED, SO BASED ON WHAT MR. BELL IS STATING, THIS IS A COMMERCIAL ZONE, A C-3 ZONE, AND WE DO NOT ALLOW RECYCLING CENTERS IN COMMERCIAL ZONES. WE ONLY ALLOW THEM IN INDUSTRIAL ZONES, WHICH WOULD BE M-1 OR M2, AND I THINK IF

MEMORY SERVES ME CORRECTLY, I THINK IT IS JUST M2 AND EVEN THEN WITH A CONDITIONAL USE PERMIT, IS THAT CORRECT, MR. BELL?

>> MR. BELL: I WOULD HAVE TO DOUBLE CHECK THAT, SIR.

>> HEARING OFFICER HACHIYA: THAT'S CORRECT.

>>

>> HEARING OFFICER GLASER: THANK YOU, IN TERMS OF OUR COUNTY CODE, NOT THE STATE REGULATIONS BUT THE COUNTY REGULAR LACES, THE COUNTY SAYS YOU CAN ONLY HAVE A RECYCLING CENTER IN A HEAVY INDUSTRIAL ZONE WHICH IS M2 AND EVEN THEN YOU NEED SOMETHING CALLED A CONDITIONAL USE PERMIT, AND HOPEFULLY YOU HAVE A SENSE OF WHAT THAT IS, YOU COME HERE, WE LOOK AT IT AND WE PUT CONDITIONS ON IT SO FOR A STAND ALONE RECYCLING CENTER, THIS IS NOT THE RIGHT ZONE, BECAUSE IT IS A COMMERCIAL ZONE, THE ONLY THING MR. BELL INDICATED, AT FIRESTONE AND COOPER, IF YOU HAVE A SUPERMARKET LIKE THE R RANCH MARKET, YOU CAN HAVE A RECYCLING BIN OUT FRONT BUT EVEN THEN, THERE ARE SOME RULES, SO LET ME POSE THE QUESTION THEN TO MS. BARBOSA AND YOU CAN CHECK WITH MR. AGULAR, DO YOU UNDERSTAND THAT UNDER THE COUNTY RULES THAT THIS LOCATION IS NOT ZONED FOR A RECYCLING CENTER, YOU NEED TO FIND A SITE, IF YOU STAY IN THE COUNTY, YOU NEED TO FIND A SITE THAT'S

HEAVY INDUSTRIAL AND YOU NEED A CONDITIONAL USE PERMIT. I WANT TO KNOW IF YOU HAVE ANY QUESTIONS ABOUT THAT.

>> LET ME TRANSLATE THAT FOR HER.

>> HEARING OFFICER GLASER: YES, GO AHEAD. I DON'T NEED IT, YOU CAN GIVE IT BACK TO HIM.

>> SHE SAYS SHE CLEARLY UNDERSTANDS AFTER I EXPLAINED TO HER, NOW SHE WAS CONFUSED THE WHOLE TIME WHAT WAS NOT ALLOWED, SHE WAS UNDER THE IMPRESSION LIKE I SAID WITH THE PROPERTY OWNER, HE STATED IT WAS ALLOWED. SHE'S WILLING TO, YOU KNOW, COMPLY WITH THE COUNTY, THE LAST THING SHE WANTS IS TO HAVE ANY ADDITIONAL FEES OR NON-COMPLIANCE FEES TO PAY, HOWEVER, YOU KNOW, SHE'S ONLY BEEN THERE FOR A MONTH AND SHE'S JUST ASKING FOR SOME TYPE OF AN EXTENSION TO JUST HOWEVER RECUPERATE SOME MONEY TO RELOCATE AT A LOCATION BECAUSE PRIOR TO HER OPENING, YOU KNOW, SHE RENTED THE BUSINESS, THE PROPERTY THREE MONTHS PRIOR TO THAT, SO THERE IS SOME FEES OF MONEY THAT SHE PAID AND CURRENTLY PAYING, SO FOR HER JUST TO CLOSE HER DOORS AFTER TWO WEEKS OF BUSINESS AND NOT BEING ABLE TO FILL AT LEAST ONE BIN TO MAKE A MARGIN, YOU KNOW, ALL SHE'S ASKING THE COUNTY IS IF SHE CAN GET AN EXTENSION TO BE ABLE TO RELOCATE AND WITHIN THAT TIMEFRAME, IF THERE'S ANYTHING THAT COUNTY WANTS SUCH AS LANDSCAPING, SHE'S

WILLING TO DO THAT BUT ALL SHE'S ASKING IS FOR AN EXTENSION TO RELOCATE AND TO AT LEAST GET SOME OF HER MONEY BACK OF HER INVESTMENT.

>> HEARING OFFICER GLASER: AND AGAIN GETTING BACK TO THIS ISSUE, I KNOW IT'S MENTIONED ON THE NOTICE OF DEVELOPMENT STANDARDS AND LANDSCAPING AND PARKING AND I APPRECIATE MS. AGULAR IS WILLING TO MAKE CHANGES BUT THAT IS NOT THE ISSUE BECAUSE THE BUSINESS IS NOT ALLOWED, IT'S NOT A MATTER OF ADDING LANDSCAPING, IT'S NOT ALLOWED, IT SOUNDS LIKE MS. AGULAR UNDERSTANDS THAT NOW AND I DON'T THINK ANYBODY IS QUESTIONING THAT SHE WANTED TOO SET UP A BUSINESS, WANTS TO HELP THE COMMUNITY, WE'RE TRYING NOT TO BE PUNITIVE OR TO PUNISH HER FOR IT. I THINK IT'S OKAY IF SHE THINKS SHE NEEDS A LITTLE MORE TIME, BUT I NEED TO KNOW FROM HER HOW MUCH TIME SHE THINKS SHE NEEDS, AND AGAIN, THE TIME IS NOT TO MAKE CHANGES, IT'S TO FIND ANOTHER LOCATION WHERE THIS IS ALLOWED, SO UNDERSTANDING THAT SHE HAS TO LEAVE, HOW MUCH TIME DOES SHE FEEL SHE NEEDS TO FIND ANOTHER SITE, LEAVE, CLOSE THIS BUSINESS AT THIS PROPERTY ALL TOGETHER, THAT'S WHAT I WOULD LIKE TO KNOW.

>> SHE'S ASKING THE TIME ALLOWED WOULD BE A PERIOD OF 24 MONTHS IN ORDER TO RECUPERATE THE MONEY THAT SHE HAS INVESTED AND IN THIS TIMEFRAME BE ABLE TO FIND AT LOCATION, HAVE THE MONEY FOR

FIRST MONTH, LAST MONTH AND SHE'S STATING NOW THAT SHE KNOWS, YOU KNOW, THE POTENTIAL ISSUE, SHE NEEDS ENOUGH TIME TO FIND A LOCATION THAT WILL BE FOR A STAND ALONE RECYCLING WHERE THERE'S AN M2 OR M3 TO NOT ONLY COME UP WITH THE MONEY THAT SHE INVESTED BUT ALSO AGAIN ENOUGH MONEY TO PAY FOR A CUP AND FOR THE PROPERTY THAT SHE WILL BE RELOCATING TO.

>> HEARING OFFICER GLASER: UNFORTUNATELY, I DON'T THINK 24 MONTHS IS GOING TO WORK, THAT'S TWO YEARS. IS THERE ANY LESS TIME, IS THERE A MINIMUM TIME LESS THAN TWO YEARS THAT SHE'S WILLING TO -- I'LL PUT IT OUT THERE, WE'RE NOT GOING TO DO TWO YEARS SO I NEED SOMETHING MORE REASONABLE.

>> HEARING OFFICER HACHIYA: MR. HEARING OFFICER, MAY I MAKE A COMMENT?

>> HEARING OFFICER GLASER: I WOULD LIKE TO HEAR FROM HER FIRST, THANK YOU.

>> OKAY, SHE'S STATING IF TWO MONTHS COULD NOT BE ALLOWED, IF A YEAR, 12 MONTHS, IF THAT WOULD BE OKAY WITH THE HEARING OFFICER AND THE PLANNING DEPARTMENT TO GIVE HER FOR HER TO RELOCATE.

>> HEARING OFFICER GLASER: OKAY, MS. HACHIYA, GO AHEAD.

>> HEARING OFFICER HACHIYA:        THANK YOU. WE HAVE HAD A NEGATIVE EXPERIENCE WITH RECYCLING COLLECTION CENTERS. THE DEPARTMENT HAS IN THE PAST TRIED TO WORK WITH RECYCLING COLLECTION OWNERS AND EVEN WHEN WE PROVIDED AN EXTENSION OF TIME IN THE END, THE COUNTY HAD TO TAKE LEGAL ACTION IN ORDER FOR THEM TO MOVE. I BELIEVE THAT EVEN A YEAR WOULD BE CONSIDERABLY LONG, AND WHO KNOWS, IF SHE CHOOSES TO FIGHT IT, THEN IT COULD DRAG ON LONGER AND COULD TAKE UP EVEN MORE RESOURCES THAN THE COUNTY WOULD WANT TO EXPEND ON THIS MATTER, SO I WOULD ASK THAT THE HEARING OFFICER REALLY CONSIDER PROVIDING A SUBSTANTIALLY LESS AMOUNT OF TIME. I MEAN, I THINK THE MAIN THING IS THAT THEY NEED TO STOP OPERATIONS AND THEN WE COULD PROVIDE THEM TIME TO MOVE THE ACTUAL EQUIPMENT AND TAKE DOWN THE CANOPIES, ETC..

>> HEARING OFFICER GLASER:        I UNDERSTAND, THANK YOU, HACHIYA, I AGREE WITH YOU. I THINK WHAT WE'RE HEARING, I THINK WE HAVE IT ON THE RECORD THAT THE APPELLANT IS ACKNOWLEDGING THAT THIS LOCATION IS NOT APPROPRIATE AND SHE IS INDICATING THAT SHE'S WILLING TO VACATE THE SITE SO HOPEFULLY NOW THAT WE HAVE THAT ON THE RECORD IN THE WORST CASE SCENARIO THAT COMES UP LATER, HOPEFULLY WE ACKNOWLEDGE THAT'S THE CASE REGARDLESS OF WHETHER IT'S A WEEK OR TWO YEARS BUT AS I INDICATED, I AGREE WITH YOU, I THINK IT'S NOT WARRANTED, IT'S NOT JUSTIFIED. MR. BELL, LET ME

GO BACK TO YOU, YOUR RECOMMENDATION TODAY IS TO GIVE THEM UNTIL  
MAY 1, SO WE'RE GIVING THEM APPROXIMATELY 2 WEEKS APPROXIMATELY,  
GIVE OR TAKE?

>> MR. BELL: THAT IS CORRECT.

>> HEARING OFFICER GLASER: I'M GOING TO GO AHEAD AND DO THIS,  
WHAT I WANT TO DO IS I WANT TO ACKNOWLEDGE THAT THE APPELLANT IS  
INDICATING THAT THEY'RE AWARE OF THE VIOLATION, THEY DON'T  
DISPUTE THE VIOLATION AND THEY'RE WILLING TO COMPLY, SO I THINK  
WE HAVE THAT ON THE RECORD. WHAT I WOULD LIKE TO DO IS ADD  
ANOTHER 30 DAYS TO YOUR RECOMMENDATION, MR. BELL, SO I WOULD  
LIKE TO GO WITH JUNE 1 -- I'LL GO AHEAD AND PUT A DATE CERTAIN  
ON IT IN TERMS OF A BUSINESS DAY SO THAT THERE'S NO EXPECTATION.  
JUNE 3RD IS A MONDAY, LET'S DO JUNE 3. SO, I'M GOING --  
UNDERSTANDING THAT THE APPELLANT IS SAYING THERE WAS SOME  
CONFUSION BUT NOW THAT IT'S BEEN CLEARED UP TODAY, SHE  
UNDERSTANDS SHE NEEDS TO RELOCATE, SO I THINK UNDER THAT  
UNDERSTANDING, I'M WILLING TO GIVE AN ADDITIONAL 30 DAYS AND I  
WOULD LIKE TO GO A STEP FURTHER, AND HOPEFULLY THIS COULD BE AN  
INCENTIVE TO SPEAK TO MS. HACHIYA'S RECOMMENDATION, I'M GOING TO  
GIVE YOU UNTIL JUNE 3 TO VACATE, WHAT MS. HACHIYA IS INDICATING  
IS THAT ON JUNE 3, THE BUSINESS IS GONE, OKAY, THE CANOPIES  
MAYBE AGAIN, THAT'S MORE OF A BUILDING AND SAFETY ISSUE, WE

CAN'T SPEAK WITH THEM, WE'RE NOT NECESSARILY HAVE TO BE  
[INAUDIBLE] BUT THE BUSINESS HAS TO BE GONE, THE BUSINESS CANNOT  
BE OPERATING, THERE CAN'T BE ANY BINS OR ANY CANS, SO  
UNDERSTANDING THAT THAT'S WHAT WE'RE ASKING FOR, I'M GOING TO  
STIPULATE THAT IF YOU VACATE BY JUNE 3, NOT ONLY IS THE MATTER  
RESOLVED BUT WE WILL NOT IMPOSE THE NON-COMPLIANCE FEE, HOWEVER,  
IF YOU DO NOT COMPLY WITH THE ORDER BY JUNE 3, YOU WILL BE  
ASSESSED A NON-COMPLIANCE FEE AND THIS MATTER WILL BE REFERRED  
TO THE ATTORNEY GENERAL'S OFFICE FOR CRIMINAL PROSECUTION AS MS.  
HACHIYA IS INDICATING, WE DON'T WANT TO DO THAT, I DON'T THINK  
YOU WANT TO BE SUBJECT TO THAT, SO HOPEFULLY BY GIVING A LITTLE  
MORE TIME AND HOLDING OFF ON THE FEE, HOPEFULLY THAT  
DEMONSTRATES THAT WE ARE TRYING TO BE REASONABLE AND GIVE YOU A  
LITTLE MORE TIME BUT I FULLY AGREE WITH MS. HACHIYA, 12 MONTHS  
IS NOT JUSTIFIED IN THIS INSTANCE, JUST THE QUESTION, MR.  
AGULAR, DO YOU UNDERSTAND AND DOES MS. BARBOSA UNDERSTAND WHAT  
I'M PLANNING TO STIPULATE TODAY?

>> YEAH, I UNDERSTAND. I WANTED TO COMMENT ON MS. HACHIYA, I  
UNDERSTAND THAT YOU GUYS, MS. HACHIYA STATED, YOU HAD ON RECORD  
PREVIOUSLY PROBLEMS WITH TIME ALLOWED WITH RECYCLING CENTERS,  
HOWEVER, I FEEL, YOU KNOW, FROM NOT ONLY A REPRESENTATIVE'S  
POINT OF VIEW, ALSO A BUSINESS OWNER'S POINT OF VIEW, I'M NOT  
DEBATING OR SHE'S NOT DEBATING WHETHER IT'S NOT ALLOWED IN C-3,

HOWEVER, I THINK THAT JUNE 3 WHICH IS, YOU KNOW, MAYBE ABOUT FIVE WEEKS IS STILL NOT ENOUGH TIME. THE WHOLE PURPOSE OF BEING OPERATING IS TO BE ABLE TO BUY MATERIAL TO MAKE THE FUNDING, YOU'RE GIVING US UNTIL JUNE 3 AND THE PAST EXPERIENCE THAT THE COUNTY HAS EXPERIENCED WITH RECYCLING CENTERS KIND OF PUT A MARK ON HER AS A RECYCLING CENTER, HOWEVER, YOU KNOW, WE'RE NOT DEBATING THE FACT THAT WE'RE IN VIOLATION OR WE'RE NOT AWARE THAT THESE WERE THE ISSUES. I THINK IF THE APPROPRIATE STAFF, WHETHER MR. BELL, PRIOR TO HIM GOING OUT THERE, OR THE INSPECTOR MRS. RODRIQUEZ COULD HAVE TAKEN THE TIME TO EXPLAIN THE PROBLEMS PRIOR TO COMING HERE, SHE WOULD HAVE HAD A BETTER UNDERSTANDING, MAYBE THEY WOULD HAVE ACTED FASTER RATHER THAN COMING TO THIS HEARING, BACK TO YOUR COMMENT, IT WOULD BE THAT THEY HAD A PREVIOUS ISSUE WITH RECYCLING ISSUES AND WHETHER THEY WANT TO FIGHT IT, THEY'RE TRYING TO RECUPERATE A LITTLE MONEY THAT THEY INVESTED AND TRY TO RELOCATE AND NOT HAVING ANY PROBLEMS, SO JUNE 3 WOULD NOT BE ENOUGH TIME, WHAT ABOUT IF WE WERE TO GET AT LEAST A SIX MONTH PERIOD?

>> HEARING OFFICER GLASER: I'M GOING TO GIVE YOU TWO OPTIONS TODAY, I'M GOING TO GO WITH STAFF'S RECOMMENDATION OF MAY 1 OR JUNE 3, WHICH OF THOSE TWO WOULD YOU LIKE?

>> SHE'S GOING TAKE JUNE 3, SHE HAS NO OTHER OPTION AND FIND A WAY TO RELOCATE.

>> HEARING OFFICER GLASER: AND THAT'S ALL WE'RE ASKING, SO I APPRECIATE YOU ACKNOWLEDGING THAT THERE'S A VIOLATION AND NOW THAT WE'VE HAD THIS DISCUSSION HERE, HOPEFULLY IT'S CLEAR THAT WHAT YOU NEED TO DO WHEN YOU NEED TO DO IT, SO HOPEFULLY THIS HAS BEEN HELPFUL IN THAT WAY, SO WITH ALL THAT BEING SAID, I'M GOING TO TAKE THE ACTION. I'M GOING TO SUSTAIN THE FINAL ZONING ENFORCEMENT ORDER AND I AM GOING TO DIRECT THE VIOLATOR TO ABATE ALL ZONING VIOLATIONS ON THE PREMISES BY JUNE 3, 2013. I WILL STIPULATE THAT A NON-COMPLIANCE FEE OF \$704 AS STIPULATED BY TITLE 22 OF THE LOS ANGELES COUNTY CODE, SECTION 2260390A1 BE IMPOSED IF COMPLIANCE IS NOT OBTAINED BY JUNE 3, 2013. SO, FAILURE TO CORRECT THE ZONING VIOLATIONS BY JUNE 3, 2013 WILL NOT ONLY RESULT IN THE IMPOSITION OF THE NON-COMPLIANCE FEE, BUT IT WILL CAUSE THE MATTER TO BE REFERRED TO THE DISTRICT ATTORNEY'S OFFICE WITH THE REQUEST THAT A CRIMINAL COMPLAINT BE FILED IF COMPLIANCE IS NOT ACHIEVED. SO, THAT IS THE ORDER, IT IS JUNE 3, IF YOU COMPLY BY JUNE 3, WE'RE DONE, IF YOU DO NOT COMPLY BY JUNE 3, WE'RE GOING TO IMPOSE THE FEE, THERE'S NOT GOING TO BE ANOTHER APPEAL, YOU'RE NOT GOING TO BE TALKING TO ME OR ANOTHER HEARING OFFICER, IT'S GOING TO BE REFERRED TO THE DISTRICT ATTORNEY AND THERE WILL BE A DISCUSSION AT THAT LEVEL.

SO, THAT IS GOING TO BE MY ORDER TODAY. THANK YOU BOTH FOR COMING, THANK YOU FOR PROVIDING YOUR TESTIMONY BUT ALSO LISTENING TO WHAT WE HAVE TO SAY AND BEING ABLE TO COMPLY WITH THE ORDER, SO THAT CLOSES IT FOR ME. MR. BELL, ANY QUESTIONS ABOUT WHAT WE'RE STIPULATING.

>> MR. BELL: JUST THAT WE'LL INFORM THE DISTRICT ATTORNEY'S OFFICE OF THE NON-COMPLIANCE.

>> WHAT ABOUT THE FEE THAT SHE PAID WITH THE PLANNING DEPARTMENT TO OBTAIN FOR A SECONDHAND -- OBVIOUSLY WHEN SHE WENT TO APPLY, THEY INDICATED THAT THERE COULD HAVE BEEN A POSSIBILITY OF OBTAINING A LICENSE AND THEY TOOK HER MONEY AND EVER SINCE, SHE HASN'T GOTTEN IT FROM PLANNING.

>> HEARING OFFICER GLASER: I'M SORRY, I DON'T KNOW IF THAT FEE CAN BE REFUNDED AND WHAT I WOULD SUGGEST TO YOU AND MAYBE MR. BELL, YOU COULD GIVE HIM A HAND WITH THIS, GO TO THE COUNTER UP ON THE THIRD FLOOR BECAUSE THEY TOOK IN THE APPLICATION AND YOU CAN POSE THE QUESTION TO THEM, SO IF IT CAN BE DONE, I'M SURE THEY'LL TELL YOU HOW YOU CAN DO THAT, IF THAT APPLICATION WON'T BE DENIED ALREADY, IT WILL BE DENIED NOW BECAUSE WE CAN'T APPROVE A BUSINESS THAT'S IN THE WRONG ZONE, SO MR. BELL SHOULD TAKE YOU UP THERE AND POINT YOU TO THE RIGHT DIRECTION.

>> THANK YOU.

>> HEARING OFFICER GLASER:        THANK YOU, SO THAT WILL INCLUDE THE  
ENFORCEMENT ITEM, THE ONLY ITEM I HAVE LEFT IS GOING TO BE THE  
PUBLIC COMMENT, WHICH IS ITEM 17, SO ANY PUBLIC COMMENT PURSUANT  
TO SECTION 54954.3 OF THE GOVERNMENT CODE, IF NOT, WE ARE  
ADJOURNED TO 9:00 A.M. ON TUESDAY MAY 7TH, THANK YOU.