

>> HEARING OFFICER NATOLI: THIS TUESDAY MAY 21, 2013 HEARING OFFICER MEETING IS CALLED TO ORDER.I APPRECIATE YOUR INDULGENCE AS WE WENT THROUGH A FEW TECHNICAL ISSUES BEFORE STARTING TODAY'S MEETING.FIRST WE WILL RISE AND CITE THE PLEDGE OF ALLEGIANCE, IF YOU WILL JOIN ME, PLEASE.(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 NATOLI: THANK YOU, GOOD MORNING, MY NAME IS GINA NATOLI, I'M A REGIONAL PLANNING STAFF MEMBER, I'D LIKE TO GO THROUGH A FEW ADMINISTRATIVE ITEMS, PLEASE TURN OFF OR SILENCE ALL ELECTRONIC COMMUNICATION DEVICES.IF YOU WOULD LIKE TO FOLLOW ALONG WITH TODAY'S PROCEEDINGS, THERE ARE AGENDAS AT THE BACK OF THE ROOM.IT'S ALSO POSSIBLE THAT THERE WERE MATERIALS SUBMITTED FOR TODAY'S ITEMS AFTER THE RELEASE OF THE DOCUMENTS FOR THE HEARING.ANY ADDITIONAL MATERIALS ARE AVAILABLE IN THE BACK OF THE ROOM.THERE ARE ESTABLISHED TIME LIMITS FOR TESTIMONY ON HEARING OFFICER AGENDA ITEMS, AN APPLICANT IS ALLOWED 15 MINUTES AND IF NECESSARY, 10 MINUTES FOR A REBUTTAL, ALL OTHERS ARE ALLOWED 3 MINUTES EACH AND THERE WILL BE NO SEEDING OF TIME ALLOWED.ANYONE WISHING TO TESTIFY TODAY ON ANY OF THE AGENDA ITEMS INCLUDING THE PUBLIC COMMENT PERIOD MUST FILL OUT A SPEAKER CARD WHICH IS

AVAILABLE IN THE BACK OF THE ROOM, PLEASE SEE MS. GONZALEZ, THE GENERAL PROCEDURE FOR TODAY'S AGENDA ITEMS IS AS FOLLOWS, FIRST STAFF WILL MAKE A BRIEF PRESENTATION AND THEN THE APPLICANT OR OWNER AND THE PROPONENTS SPEAK, THEN IN OPPONENTS WILL SPEAK AND IF NECESSARY, I WILL HEAR REBUTTALS FROM THE APPLICANT OR THE OWNER.FINAL DECISIONS MADE BY ME ON PUBLIC HEARING ITEMS OR ON DENIALS, DUTY AND ACTIVITY MAY BE APPEALED TO THE REGIONAL PLANNING COMMISSION.IF YOU INTEND TO TESTIFY TODAY ON ANY AGENDA ITEMS, PLEASE STAND AT THIS TIME TO BE SWORN IN.DO EITHER OF YOU PLAN ON SPEAKING TODAY ON ANY OF THE AGENDA ITEMS?SIR?DO YOU PLAN ON SPEAKING TODAY ON ANY OF THE AGENDA ITEMS?COULD I ASK YOU PLEASE TO STAND AT THIS TIME TO BE SWORN IN.THANK YOU.

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

>> HEARING OFFICER NATOLI: THANK YOU, YOU MAY BE SEATED, SIR.FIRST ITEM ON THE AGENDA IS A TIME EXTENSION, THIS IS PROJECT NUMBER R201001410-5.MS. GUTIERREZ, PLEASE PROCEED.

>> MS. GUTIERREZ: THANK YOU, MADAM HEARING OFFICER.ANITA GUTIERREZ FROM THE REGIONAL PLANNING DEPARTMENT, TODAY ITEM NUMBER

2 IS A TIME EXTENSION FOR A CSD MODIFICATION APPROVED APRIL 25, 2011.THE APPLICANT IS REQUESTING A ONE YEAR ONE-TIME TIME EXTENSION FROM APRIL 25, 2013 TO APRIL 25, 2014.THE APPLICANT FILED JANUARY 3, 2013 PRIOR TO THE EXPIRATION OF THE CSD MODIFICATION AND I BELIEVE AS WE DISCUSSED PREVIOUSLY, THE OAK TREE PERMIT FOR THIS REQUEST WOULD NOT BE ABLE TO BE EXTENDED, IS NOT ELIGIBLE FOR THAT EXTENSION, SO WE WOULD JUST BE LOOKING AT THE CSD MODIFICATION.

>> HEARING OFFICER NATOLI: THANK YOU.HAS ANYONE SIGNED UP TO SPEAK ON THIS ITEM, MS. KIM?

>> NO ONE.

>> HEARING OFFICER NATOLI: THANK YOU.MY DIRECTION TO MS. GUTIERREZ WOULD BE TO MODIFY ON THE LETTER GRAM, MODIFY TO REMOVE ANY REFERENCE TO THE OAK TREE PERMIT AND MY DECISION ON THIS ITEM IS TO APPROVE THE TIME EXTENSION FOR THE CSD MODIFICATION NUMBER 201000005 AND, AGAIN, OAK TREE NUMBER 201000036 IS NULL AND VOID AND IS NOT ELIGIBLE FOR TIME EXTENSION.THANK YOU VERY MUCH.THE FIRST PUBLIC HEARING ITEM, ITEM 3, PROJECT R200600792-5, MS. TASHJIAN, PLEASE PROCEED.

>> MS. TASHJIAN: GOOD MORNING, MADAM HEARING OFFICE, I'M WITH THE ZONING PERMIT'S EAST SECTION, AGENDA ITEM NUMBER 3 IS PROJECT NUMBER R200600792, SEASONAL USE PERMIT NUMBER 200600049 FOR A CHILD CARE FACILITY LOCATED IN THE COMMUNITY OF ALTADENA, THIS WAS HEARD AT THE MARCH 5, 2013 HEARING AT WHICH POINT THIS WAS CONTINUED TO GIVE THE APPLICANT MORE TIME TO ADDRESS THE DEPARTMENT OF PUBLIC WORKS CONDITIONS OF APPROVAL. THE APPLICANT HAS SINCE REDUCED THE CAPACITY OF THE CHILD CARE FACILITY FROM 28 TO 24 CHILDREN AND MADE A FEW MINOR MODIFICATIONS TO THE SITE PLAN AT STAFF'S REQUEST. SINCE THEN, ANOTHER ISSUE HAS COME UP, THE DEPARTMENT OF PUBLIC WORKS NOTIFIED STAFF TWO WEEKS AGO THAT A QUEUING ANALYSIS IS REQUIRED FOR THE PROJECT AND SO STAFF IS RECOMMENDING THAT THE PUBLIC HEARING BE CONTINUED ONCE MORE TO JULY 16, 2013 TO ALLOW ADEQUATE TIME FOR THE APPLICANT TO PROVIDE A QUEUING ANALYSIS FOR PUBLIC REVIEW.

>> HEARING OFFICER NATOLI: AND THERE IS SUFFICIENT SPACE, MS. KIM ON THE 16TH JULY AGENDA.

>> YES, THERE IS, AS OF TODAY, WE HAVE THREE ITEMS.

>> HEARING OFFICER NATOLI: IN ORDER TO PROVIDE PUBLIC WORKS SUFFICIENT TIME TO COMPLETE THEIR REVIEW, PROJECT NUMBER R200600792 IS CONTINUED TO JULY 16TH.

>> MS. TASHJIAN: THANK YOU.

>> HEARING OFFICER NATOLI: ITEM 4, PROJECT R201201954-5, CONDITIONAL USE PERMIT NUMBER 201200102 IS A REQUEST TO CONTINUE AND MODIFY A REQUIRE TELECOMMUNICATIONS FACILITY IN THE EAST SAN GABRIEL DISTRICT. MS. BUSH, PLEASE PROCEED.

>> MS. BUSH: GOOD MORNING, MADAM HEARING OFFICER, I'M STANDING IN TODAY FOR MS. NAZAR, AGENDA ITEM NUMBER 4 IS PROJECT NUMBER R2012-01954-5. CONDITIONAL USE PERMIT NUMBER 201200102. THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONTINUED OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE C-2 NEIGHBORHOOD COMMERCIAL ZONE. THE UNMANNED WIRELESS TELECOMMUNICATION FACILITY CONSISTS OF A 77 FOOT HIGH MONO-PINE WITH RELATED GROUND MOUNTED EQUIPMENT CABINETS ENCLOSED WITHIN A LEASE AREA. THE SITE PLAN DEPICTS THE EXISTING THREE SECTOR PANEL ANTENNAS WITH 4 ANTENNA PER SECTOR. THE APPLICANT PROPOSES TO REPLACE TWO ANTENNAS PER SECTOR AND THREE AMPLIFIERS, THE PROPERTIED IS LOCATED AT 8332 HUNTINGTON DRIVE WITHIN THE EAST SAN GABRIEL ZONED DISTRICT. SURROUNDING PROPERTIES ARE ZONED R-1 SINGLE FAMILY RESIDENCE AND C-3 UNLIMITED COMMERCIAL TO THE NORTH, R-1 SING RESIDENCE SOUTH TO EAST AND WITHIN THE CITY OF SAN MARINO TO THE WEST, THEY INCLUDE COMMERCIAL AND SINGLE FAMILY RESIDENTIAL TO

THE NORTH, SINGLE FAMILY RESIDENTIAL TO THE SOOTHED, PUBLIC AND EDUCATIONAL FACILITIES TO THE EAST AND WEST.THE PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXEMPT, CLASS 1, EXISTING FACILITIES PURSUANT TO CEQA REPORTING REQUIREMENTS BECAUSE NO ALTERATIONS, CHANGES OR EXPANSION OF USE BEYOND THAT CURRENTLY EXISTING ARE PROPOSED.THE COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING BY MAIL, NEWSPAPER, PROPERTY POSTING, LIBRARY AND DRP WEBSITE POSTING, STAFF RECEIVED TWO E-MAILS REGARDING THE SUBJECT PROPERTY ONE FROM A PARENT OF A NEARBY PUBLIC SCHOOL AND ONE FROM A LOCAL RESIDENT.THEY HAD CONCERN OF ELECTROMAGNETIC RADIATION.STAFF FINDS THE EXISTING USE IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH IN THE COUNTYWIDE GENERAL PLAN AND CURRENT ZONING DESIGNATION.IF APPROVED, STAFF RECOMMENDS A 15 YEAR TERM FOR THE REQUESTED CONDITIONAL USE PERMIT WITH 8 BIENNIAL INSPECTIONS FOR THE KLEIN OF CONDITIONS OF APPROVAL.STAFF RECOMMENDS APPROVAL OF PROJECT NUMBER R2012-01954-5 AND CONDITIONAL USE PERMIT NUMBER 201200102 SUBJECT TO THE ATTACHED CONDITIONS.THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER NATOLI: THANK YOU VERY MUCH.I DON'T HAVE ANY QUESTIONS FOR YOU.MS. KIM, IS ANYONE SIGNED UP TO SPEAK ON THIS ITEM.

>> YES, WE HAVE ONE SPEAKER, MS. MALIUM.

>> HEARING OFFICER NATOLI: MS. MALIUM, WE NEED TO HAVE YOU SWORN IN, BUT YOU CAN STEP FORWARD, THAT'S FINE.

>> OKAY, WITH YOU'RE READY, PLEASE RAISE YOUR RIGHT HAND.(SPEAKER BEING SWORN IN).

>> I DO.

>> THANK YOU.

>> HEARING OFFICER NATOLI: PLEASE BE SEATED AND STATE YOUR NAME FOR THE RECORD.

>> MY NAME IS ARGONI MALIUM, I'M HERE FOR ANY QUESTIONS OR COMMENTS THAT I COULD ADDRESS, I'M WITH T-MOBILE WEST CORPORATION.

>> HEARING OFFICER NATOLI: THANK YOU VERY MUCH, I DON'T HAVE ANY QUESTIONS FOR YOU.

>> THANK YOU.

>> HEARING OFFICER NATOLI: PUBLIC HEARING IS OPEN, SORRY ABOUT THAT.I WILL HAVE SOME COMMENTS ON THE FINDINGS AND CONDITIONS,

THEY ARE STRICTLY EDITORIAL CHANGES, NOTHING SUBSTANTIVE.I WILL PROVIDE THOSE TO YOU, MS. BUSH, AFTER THE HEARING TODAY.DO YOU HAVE ANYTHING ELSE TO ADD AT THIS TIME?

>> NO.

>> HEARING OFFICER NATOLI: I APPROVE THE CATEGORICAL EXEMPTION FOR THIS PROJECT AND I APPROVE PROJECT R201201954-5, CONDITIONAL USE PERMIT 201200102 SUBJECT TO THE FINDINGS AND CONDITIONS AS MODIFIED.AND WHAT IS THE APPEAL PERIOD FOR THIS?

>> THE APPEAL PERIOD ENDS ON JUNE 4TH AT 5:00 P.M.

>> HEARING OFFICER NATOLI: THANK YOU.THANK YOU, MS. BUSH.YES?CERTAINLY, WE HAVE THE PERMISSION, THE SECOND TEAR ADVISES ME THAT WE HAVE HAD A REQUEST FOR A TRANSLATOR.HAS THAT REQUEST BEEN FORWARDED TO THE APPROPRIATE STAFF MEMBER?

>> [INAUDIBLE].

>> HEARING OFFICER NATOLI: ALRIGHT, APPARENTLY WE HAVE THE TRANSLATOR FOR ITEM 5 AND WILL BE CONTINUING WITH ITEM 5 THEN.ITEM 5 ON THE AGENDA IS PROJECT NUMBER R201101507-1, THIS IS A REQUEST

TO DEMOLISH TWO EXISTING AUTO REPAIR BODY BUSINESSES AND CONSTRUCT ONE AUTO BODY REPAIR FACILITY.MR. MONTGOMERY, PLEASE PROCEED.

>> MR. MONTGOMERY: YES, GOOD MORNING, MADAM HEARING OFFICER, MY NAME IS TYLER MONTGOMERY, THEY REQUEST A PERMIT FOR TWO EXISTING AUTO BODY AND REPAIR BUSINESSES AND A CONSTRUCTION OF A NEW AUTO BODY AND REPAIR BUSINESS ON A 1.1 ACRE PARCEL, THE PROJECT IS LOCATED AT 14900 VALLEY BOULEVARD IN THE PUENTE ZONED DISTRICT AND WITHIN THE AVOCADO HEIGHTS COMMUNITY STANDARDS DISTRICT, REGIONAL STAFF HAD PREPARED AN ANALYSIS FOR THIS PROJECT,

>> ON MAY 9TH, THE APPLICANT'S REPRESENTATIVE INFORMED STAFF THAT THE APPLICANT WOULD LIKE TO CHANGE THE SIZE AND LAYOUT OF THE PROPOSED BUILDINGS ON THE SITE.THIS WILL REQUIRE A NEW ANALYSIS BY REGIONAL PLANNING AS WELL AS NEW CLEARANCES FROM THE LOS ANGELES COUNTY DEPARTMENTS OF FIRE, PUBLIC WORKS AND POSSIBLY PUBLIC HEALTH.DUE TO THE LATE REVISION ON PART OF THE APPLICANT'S, STAFF RECOMMENDS THIS BE CONTINUED TO A DATE CERTAIN, PREFERABLY JULY 2, 2013.THAT WAY, IT WILL ALLOW REGIONAL STAFF TO PROVIDE ANOTHER ANALYSIS.

>> HEARING OFFICER NATOLI: THANK YOU, I SEE WITH A TESTIFIER FOR THIS ITEM, PLEASE PROCEED.

>> MR. MONTGOMERY: THIS IS NOT THE APPLICANT, THIS IS A CONCERNED RESIDENT.

>> HEARING OFFICER NATOLI: ALDER, COULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE.

>> [INAUDIBLE] LUNA.

>> HEARING OFFICER NATOLI: MR. LUNA, WILL YOU PLEASE PROCEED.

>> THE CHURCH ISSUED A LETTER TO BE PRESENTED THIS MORNING BEFORE THE HEARING.AND TO EXPLAIN SOME OF THE CONCERNS THEY HAVE WITH THIS PROJECT.(TESTIFYING THROUGH TRANSLATOR).

>> THE CHURCH HAS BEEN IN THIS PRESENT LOCATION FOR 50 YEARS AND WE'VE BEEN EFFECTIVE -- THE CHURCH HAS BEEN EFFECTIVE IN MANY DIFFERENT AREAS WITHIN THE COMMUNITY.PRESENTLY, WE'RE INVOLVED WITH YOUTH, TROUBLED YOUTH THAT ARE INVOLVED IN DRUGS AND CRIME AND REHABILITATION OF THESE YOUNG MEN WITHIN THE COMMUNITY.WE ALSO DEAL WITH TROUBLED CHILDREN WHO ARE HAVING FAMILY ISSUES AND FAMILY PROBLEMS.WE ALSO PROVIDE SERVICES FOR SHELTERING OF THESE CHILDREN AND TROUBLED YOUTH AS WELL AS ADULTS WITHIN THE CHURCH.AND WE HAVE CONCERNS WITH A LOT OF THE PLANNING AND DEVELOPMENT AND CONSTRUCTION WITH THIS PROJECT AND WE'RE CONCERNED

WITH THE TOXIC ELEMENTS THAT MAY BE INVOLVED.THE CHURCH IS VERY CLOSE TO THE SUBJECT PROPERTY.THERE IS A SUBJECT PROPERTY RESIDENTIAL PROPERTY THAT WAS IN PROXIMITY OF -- WE'RE APPROXIMATELY 20 FEET WITHIN THE SUBJECT CONSTRUCTION ZONE AND THEY ARE CONCERNED WITH THE PROJECT, WITH THE IMPACT UPON THEM.AND THEY ARE CONCERNED WHETHER OR NOT THIS PROJECT WILL TRULY BENEFIT OR IF IT'S OF THE BEST CONCERN TO THE COMMUNITY.AT THIS PRESENT FACILITY, THERE ARE APPROXIMATELY 31 ADULTS THAT LIVE AT THIS FACILITY AND HE HAS A LETTER FROM THESE INDIVIDUALS, THEY'RE ALL SIGNED FROM THESE INDIVIDUALS WITHIN THE COMMUNITY THAT HAS CONCERNS FOR THIS PROJECT.AND WE WOULD LIKE YOU TO TAKE SPECIAL CONSIDERATION AS TO THE IMPACT THAT IT WOULD HAVE WITHIN THESE RESIDENTS WITHIN THE COMMUNITY AND WE THANK YOU FOR YOUR INDULGENCE.THANK YOU VERY MUCH.

>> HEARING OFFICER NATOLI: THANK YOU, MR. LUNA --

>> FOR THE RECORD, I HAVE INTERPRETED FOR THE SUBJECT INDIVIDUAL, MY NAME IS MIKE CATRERAS AND I WORK WERE IF DEPARTMENT OF REGIONAL PLANNING.

>> HEARING OFFICER NATOLI: HOW CLOSE IS THE CHURCH TO THE AUTO BODY SHOP NOW, HOW MANY PARCELS AWAY?

>> APPROXIMATELY IMMEDIATELY CLOSE, WITHIN 20 FEET OF THE CHURCH,
WITHIN PROXIMITY.

>> MR. MONTGOMERY: IF I MAY INTERJECT, MADAM HEARING OFFICER,
THIS CHURCH IS IMMEDIATELY ADJACENT TO THE PROPERTY IT ACTUALLY
SHARES THE ACCESS EASEMENT THAT RUNS ACROSS THE PROPERTY SO IT'S
BEHIND THE PROPERTY FROM VALLEY BOULEVARD.

>> HEARING OFFICER NATOLI: MR. LUNA, HAVE YOU HAD PROBLEMS WITH
THE EXISTING BUILDING, ANY PROBLEMS WITH TOXIC MATERIALS TO DATE?

>> IN THE PAST, WE DID HAVE A BODY SHOP THAT WAS OPERATING CLOSE
BY. WE DID SPEAK MANY TIME -- TIMES TO THE OWNER OF THAT BUSINESS,
TO THE OWNER, MARIO FABULA. ABOUT THE TOXIC FUMES THAT WOULD
EMANATE FROM THAT BUSINESS INTO THE CHURCH AREA AND AROUND THE
COMMUNITY AND THERE WERE NUMEROUS COMPLAINTS OF THIS.

>> AND OFTEN BECAUSE THERE WAS AN EASEMENT ALONG THE PROPERTY THAT
OFTEN THE SUBJECT BUSINESS WOULD UTILIZE THAT EASEMENT FOR THEIR
AUTOMOBILES AND TRUCKS THAT THEY WERE PERFORMING ON AND THAT WOULD
ALSO CAUSE PROBLEMS FOR THE CHURCH AS WELL FOR ACCESS.

>> HEARING OFFICER NATOLI: AND I'M NOT SURE IF YOU KNOW THIS, MR. MONTGOMERY, THAT EASEMENT, IS IT AN ACCESS EASEMENT?WHAT IS THE EASEMENT FOR?

>> YES, IT IS AN ACCESS EASEMENT, IT'S RECORDED ON THE PROPERTY.IT'S CONSIDERED PART OF THE GROSS AREA OF THE PROPERTY NOT PART OF THE NET AREA.

>> HEARING OFFICER NATOLI: ALRIGHT.

>> MR. MONTGOMERY: IT'S ALSO DESIGNATED AS A FIRE DEPARTMENT ACCESS.

>> HEARING OFFICER NATOLI: ALRIGHT, THANK YOU, MR. LUNA, I HAVE ONE MORE QUESTION FOR YOU, YOU MENTIONED THERE WERE 31 ADULTS LIVING AT THE FACILITY, IS THAT 31 ADULTS LIVING AT YOUR FACILITY?

>> YES, 31 ADULTS LIVING ON-SITE AT THE CHURCH FACILITY.

>> HEARING OFFICER NATOLI: AND THEY'RE LIVING THERE FOR WHAT PURPOSE?

>> WE HAVE FIVE APARTMENTS AND THREE DORMITORIES.

>> MR. MONTGOMERY: AND IF I MAY, THE CHURCH HAS A CONDITIONAL USE PERMIT ALLOWING THAT.

>> HEARING OFFICER NATOLI: THAT WAS GOING TO BE ONE OF MY NEXT QUESTIONS, ONE MORE QUESTION FOR YOU, MR. MONTGOMERY, HAVE THERE BEEN ANY ZONING ENFORCEMENT VIOLATIONS ON THE AUTO BODY PROPERTY?

>> MR. MONTGOMERY: THERE HAVE BEEN SEVERAL ZONING ENFORCEMENT CASES ON THE EXISTING PROPERTY. THE PROPERTY WAS RECENTLY SOLD TO MR. AMIN AND HIS PLAN IS TO CLOSE BOTH OF THOSE SHOPS, I THINK ONE OF THEM'S ALREADY CLOSED, HIS PLAN IS TO CLOSE THE OTHER EXISTING ONE, DEMOLISH THEM AND BUILD A NEW AUTO BODY SHOP.

>> HEARING OFFICER NATOLI: OKAY, THANK YOU, THANK YOU, MR. LUNA, I APPRECIATE YOU COMING DOWN AND GIVING ME THIS INFORMATION, THIS IS INFORMATION THAT I WILL TAKE VERY SERIOUS CONSIDERATION OF WHEN THE CASE COMES TO HEARING.

>> THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU.

>> HEARING OFFICER NATOLI: THANK YOU. THEN DO YOU HAVE ANYTHING ELSE TO ADD AT THIS TIME, MR. MONTGOMERY?

>> MR. MONTGOMERY: NO, I DO NOT, WE'LL GIVE YOU A FULL REPORT AND RECOMMENDATION TWO WEEKS PRIOR TO THAT JULY -- WELL, TO WHATEVER HEARING DATE THAT YOU RECOMMEND.

>> HEARING OFFICER NATOLI: WHAT I WOULD LIKE TO DO IS SINCE I'M ALREADY COMING BACK FOR MS. TASHJIAN'S CASE ON THE 16TH OF JULY, I PREFER TO CONTINUE THIS TO THE 16TH OF JULY SO I'M NOT COMING BACK TOO, TOO OFTEN. IS THERE A PROBLEM WITH THE 16TH DATE OR IS THAT ALRIGHT?

>> MR. MONTGOMERY: THAT SHOULD BE ALRIGHT.

>> HEARING OFFICER NATOLI: ALRIGHT, THANK YOU, THEN IN ORDER TO PROVIDE THE COUNTY SUFFICIENT TIME TO REVIEW THE CHANGES AS PROPOSED TO PROJECT R201101507-1, THIS HEARING IS CONTINUED TO 16TH OF JULY, 2013. THANK YOU. WE'RE ON TO AGENDA ITEM NUMBER 6, PROJECT R201202356-5, OAK TREE PERMIT 201200037, MS. MENKE, PLEASE PROCEED.

>> MS. MENKE: GOOD MORNING, HEARING OFFICER, MY NAME IS BRIANNA MENKE, I'M WITH THE DEPARTMENT OF REGIONAL PLANNING, AS YOU STATED, AGENDA ITEM NUMBER 6 IS PROJECT NUMBER R201202356-5, OAK TREE PERMIT NUMBER 201200037. THE APPLICANT IS REQUESTING AN OAK TREE PERMIT TO RETROACTIVELY IMPROVE ENCROACHMENT INTO THE

PROTECTED ZONE OF FIVE OAK TREES IDENTIFIED AS 1, 4, 7 AND 9 ON THE APPLICANT'S SITE PLAN BY THREE EXISTING GARDEN SHEDS AND IMPROVE ENCROACHMENT INTO THE PROTECTED ZONE OF TWO OAK TREES IDENTIFIED AS OAK TREES 7 AND 12 ON THE APPLICANT'S SITE PLAN BY A PROPOSED ATTACHED GARAGE, ALL TREES ARE IDENTIFIED AS CALIFORNIA LIVE OAK IN A REPORT, THE TWO ADDITIONAL EXISTING GARDEN SHEDS FOR A TOTAL OF FIVE SHEDS WILL ALSO NEED TO BE APPROVED AS A PART OF THIS PERMIT, THIS CONCLUDES MY PRESENTATION AND I'M AVAILABLE FOR ANY QUESTIONS.

>> HEARING OFFICER NATOLI: THANK YOU, I DID REVIEW THE MATERIALS, FIRST, IS THERE ANYONE, MS. KIM, SIGNED UP TO SPEAK ON THIS ITEM?

>> NO ONE HAS SIGNED UP.

>> HEARING OFFICER NATOLI: ALRIGHT, THANK YOU. I'M GOING TO NEED SOME ADDITIONAL INFORMATION TO BE ABLE TO EVALUATE THIS APPLICATION, SO WHAT I WOULD LIKE TO DO IS CONTINUE THIS ITEM, FIRST THE INFORMATION THAT I'M LOOKING FOR, I THINK WE NEED TO MAKE SURE WE HAVE AGREEMENT ON THE NUMBER OF ENCROACHMENTS AND WHICH ENCROACHMENT THE OAK TREE PERMIT WILL COVER. THERE ARE 17 TREES ON THE SITE AND I SEE ENCROACHMENTS UNDER ALL OF THEM BUT I'M UNSURE WHETHER THOSE ARE ALL PREVIOUSLY APPROVED OR NOT. SO,

WHAT WE'LL ALSO NEED, I'LL ALSO NEED TO KNOW THE EXISTING PERMITS, IF THERE WAS AN ORIGINAL PLOT PLAN FOR THE SINGLE FAMILY RESIDENTS AND IF THERE WAS AN OAK TREE PERMIT APPROVED PREVIOUSLY FOR ANY OF THE EXISTING ENCROACHMENTS BECAUSE WE'LL NEED TO FIGURE OUT EXACTLY WHAT TO COVER UNDER THIS OAK TREE PERMIT. I'D ALSO LIKE AN EVALUATION PLEASE OF THE REQUEST FOR THE CATEGORICAL EXEMPTION, I'M NOT SURE THAT CATEGORICAL EXEMPTION 1 WOULD COVER ALL OF THE ENCROACHMENTS, PARTICULARLY THE PROPOSED GARAGE, THAT MIGHT BE A CATEGORICAL EXEMPTION 3. AND THE FOURTH THING I WOULD LIKE, THERE ARE ADDITIONAL ENCROACHMENTS, I BELIEVE, I SEE IN THE PHOTOS. I WOULD LIKE ADDITIONAL TIME TO GO OUT AND LOOK AT THE PROPERTY AND ALSO FOR THERE TO BE AN EVALUATION OF WHAT ELSE MAY NEED TO BE ADDED TO THIS OAK TREE PERMIT. NOW, I BELIEVE THE QUESTION WE MAY HAVE, MS. KIM, IS OTHER THAN JUST CONTINUING THIS, IF THERE ARE MODIFICATIONS TO THE OAK TREE PERMIT REQUEST BEYOND A CERTAIN LEVEL, DO WE NEED TO RENOTICE THE HEARING? AT WHAT POINT -- CAN WE CONTINUE IT OR AT WHAT POINT DO WE NEED TO RENOTICE THIS

>> AT A POINT THAT IT NEEDS TO BE RENOTICED IS WHEN THE PROJECT DESCRIPTION ON THE PUBLIC NOTICE CHANGES SO IF THERE ARE ANY CHANGES TO THE PROJECT DESCRIPTION IN THE PUBLIC NOTICE THAT WENT OUT THAT IT NEEDS TO BE RENOTICED.

>> HEARING OFFICER NATOLI: WELL, AT THE VERY LEAST, THERE IS A CHANGE BECAUSE OF THE ADDITIONAL SHEDS THAT YOU MENTIONED, SO RIGHT OFF THE BAT, IT LOOKS LIKE THIS NEEDS TO BE RENOTICED, WOULD YOU AGREE?

>> WE'D HAVE TO LOOK AT THE LANGUAGE OF THE NOTICE ITSELF, THE PROJECT DESCRIPTION AND THE LANGUAGE.

>> HEARING OFFICER NATOLI: ALRIGHT, ALRIGHT, SO CAN -- AT THIS POINT TODAY, CAN IT BE CONTINUED TO A DATE CERTAIN?

>> YES, WE CAN CONTINUE IT TO A DATE CERTAIN BUT TAKING INTO CONSIDERATION THAT IT MAY NEED TO BE RENOTICED, I WOULD SUGGEST A DATE THAT'S AT LEAST 45 DAYS OUT FROM TODAY.

>> HEARING OFFICER NATOLI: ALRIGHT, AND 45 DAYS WOULD BE, WELL, IS JULY 16TH 45 DAYS, I'M ALREADY COMING BACK FOR TWO THINGS ON JULY 16TH.

>> SORRY, MS. HEARING OFFICER, THAT DATE IS RIGHT AFTER I GET BACK FROM VACATION, IT'S THE NEXT TUESDAY, SO IF IT COULD BE A LITTLE LATER.

>> HEARING OFFICER NATOLI: YES.WHAT WOULD BE THE --

>> SO, AUGUST 6TH, YES.AUGUST 6TH OR AUGUST 20TH, BUT I BELIEVE YOU ARE THE HEARING OFFICER ON AUGUST 6TH.

>> HEARING OFFICER NATOLI: THEN IT SOUNDS LIKE AUGUST 6TH WORKS PERFECTLY.ALRIGHT, THEN LET'S CONTINUE THIS TO AUGUST 6TH, THAT WILL ALSO MAKE SURE THERE'S PLENTY OF TIME TO RENOTICE IF NECESSARY AND ALSO TO ACCOMMODATE SCHEDULES.

>> MS. MENKE: OKAY, PERFECT.

>> HEARING OFFICER NATOLI: AT THIS POINT, PROJECT R201202356-5 WILL BE CONTINUED TO THE 6TH OF AUGUST, 2013 IN ORDER TO PROVIDE ADDITIONAL REVIEW FOR THE PROJECT.THANK YOU VERY MUCH.

>> MS. MENKE: THANK YOU SO MUCH.

>> HEARING OFFICER NATOLI: THAT CONCLUDES THE PUBLIC HEARING ITEMS, WE'RE ON TO PUBLIC COMMENT.HAS ANYONE SIGNED UP FOR PUBLIC COMMENT, MS. KIM?

>> NO, WE HAVE NO OTHER SPEAKERS.

>> HEARING OFFICER NATOLI: ALRIGHT, THANK YOU VERY MUCH.THEN THE
HEARING OFFICER MEETING IS ADJOURNED TO 9:00 A.M. JUNE 4,
2013.THANK YOU.(MEETING IS ADJOURNED).