

>> HEARING OFFICER MCCARTHY: GOOD MORNING. THIS IS THE HEARING OFFICER PROCEEDING FOR THE DEPARTMENT OF REGIONAL PLANNING FOR TUESDAY SEPTEMBER 3, 2013, AND MY NAME IS PAUL MCCARTHY, I'LL BE HANDLING MOST OF THE ITEMS TODAY. MS. NATOLI TO MY RIGHT WILL BE HANDLING ITEM NUMBER 2 WHICH WE WILL TAKE FIRST, AND THEN FOLLOWING THAT ON THE AGENDA, WE'RE GOING TO JUMP TO ITEM NUMBER 10 BECAUSE WE CAN GET RID OF THOSE TWO ITEMS QUICKLY. THE AGENDA IS AT THE BACK OF THE ROOM IN THE BOX THERE, SO IF YOU WANT TO PULL THE AGENDA, YOU CERTAINLY MAY TO GET A BETTER LOOK AT WHAT WE'RE DOING, YOU CAN FOLLOW IT AND IT IS A LITTLE BIT DIFFICULT OBVIOUSLY IF WE'RE JUMPING AROUND BUT YOU DON'T HAVE A CLANS TO KEEP TRACK IF YOU DON'T HAVE AN AGENDA. ALL OF THE ITEMS THAT ARE HERE BEFORE THE HEARING OFFICER ARE APPEALABLE TO THE REGIONAL PLANNING COMMISSION, SO AT THE CONCLUSION OF THE MEETING, STAFF TO MY LEFT WILL INDICATE AN APPEAL DATE AND THAT MEANS THAT YOU MUST FILE AN APPEAL ON OR BEFORE THAT DATE TO THE REGIONAL PLANNING COMMISSION IF YOU DISAGREE WITH THE DECISION OF THE HEARING OFFICER. AND WITH THAT, WE'LL START WITH A PLEDGE OF ALLEGIANCE, SO IF WE'LL PLEASE STAND AND FACE THE FLAG. (PLEDGE OF ALLEGIANCE).

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

>> HEARING OFFICER MCCARTHY: AND COMING UP ON ITEM 2 IMMEDIATELY, WE'LL HAVE MS. NATOLI HANDLE THAT ITEM FOR US AND STAFF IS MR. MONTGOMERY.

>> HEARING OFFICER NATOLI: THANK YOU, MR. MCCARTHY, ITEM 2 IS A CONTINUED ITEM TO PREVIOUS MEETINGS, MR. MONTGOMERY, PLEASE PROCEED.

>> MR. MONTGOMERY: YES, GOOD MORNING, MADAM HEARING OFFICER, TYLER MONTGOMERY WITH THE LAND DIVISION SECTION, THE APPLICANT REQUESTS A CONDITIONAL USE PERMIT FOR THE DEMOLITION OF AN AUTO BODY AND REPAIR BUSINESS ON A 1.10 ACRE PARCEL, THE PROJECT SITE IS LOCATED AT 14900 VALLEY BOULEVARD IN THE PUENTE ZONED DISTRICT AND WITHIN THE AVOCADO HEIGHTS DISTRICT. JUST PRIOR TO THE PREVIOUSLY SCHEDULED PUBLIC HEARING DATE OF MAY 21, 2013, THE APPLICANT'S REPRESENTATIVE, MR. OSCAR INFORMED STAFF THAT THE APPLICANT HAD CHANGED THE SIZE AND LAYOUT OF THE PROPOSED BUILDING ON THE SITE, THIS REQUIRED A NEW ANALYSIS FROM PUBLIC COUNTY, THEREFORE, THE PUBLIC HEARING WAS CONTINUED TO JULY 16, 2013. AS OF THAT DATE, THE REVISED PROJECT HAD STILL NOT REVISED CLEARANCES FROM THE DEPARTMENTS OF FIRE OR PUBLIC WORKS, ACCORDINGLY, THE HEARING DATE WAS CONTINUED TO SEPTEMBER 3, 2013. DURING PHONE COMMUNICATIONS WITH MR. ANSAFI ON AUGUST 28, TO 13, HE INDICATED THE APPLICANT MAY WISH TO AGAIN REVISE THE LAYOUT,

HOWEVER, HE WAS UNSURE AS TO WHETHER OR NOT THIS WOULD OCCUR, THE REQUIRED CLEARANCES FOR THE PROJECT AS IT IS CURRENTLY PROPOSED HAS STILL NOT BEEN OBTAINED, AS A RESULT, STAFF RECOMMENDS THIS ITEM BE TAKEN OFF CALENDAR UNTIL A FINAL VERSION OF THE PROJECT RECEIVES CLEARANCES FROM THE DEPARTMENTS, ONCE THE PROJECT HAS BEEN CLEARED FOR PUBLIC HEAR, NEW NOTICES WILL BE CREATED FOR PUBLIC HEARING.

>> HEARING OFFICER NATOLI: MS. KIM, HAS ANYBODY SIGNED UP TO SPEAK ON THIS ITEM BECAUSE IT IS A PUBLIC HEARING.

>> IT IS, NO ONE HAS SIGNED UP.

>> HEARING OFFICER NATOLI: THANK YOU, IN ORDER TO PROVIDE THE APPLICANT TIME TO FINALIZE THE PROJECT AND TO PROVIDE THE COUNTY SUFFICIENT TIME TO EVALUATE THE SUBMITTAL, THIS ITEM IS TAKEN OFF CALENDAR TO BE RENOTICED WHEN ALL CLEARANCES HAVE BEEN RECEIVED AND WHEN A NEW HEARING DATE CAN BE SET.THANK YOU.

>> MR. MONTGOMERY: THANK YOU.

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

>> HEARING OFFICER MCCARTHY: THANK YOU.AND WITH THAT, WE'LL PROCEED TO ITEM NUMBER 10 FROM THE ZONING ENFORCEMENT SECTION FROM THE DEPARTMENT OF REGIONAL PLANNING.MR. RICHARDSON HAS BEEN ASSIGNED TO THIS MATTER BUT MS. [INAUDIBLE] IS FILLING IN FOR HER TODAY.

>> MY NAME IS MICHELLE BUSH AND I'M A PLANNER WITH THE EAST SECTION OF THE DEPARTMENT OF REGIONAL PLANNING STANDING IN FOR MR. RICHARDSON, AGENDA ITEM NUMBER 10 IS PROJECT NUMBER R2008-00394-1, NONCONFORMING REVIEW NUMBER 2000800003, THE APPLICANT, ANN ANDREWS IS REQUESTING A NONCONFORMING REVIEW TO AUTHORIZE THE LIVE RI STABLE AND HORSE STABLE, THE PROJECT IS LOCATED AT 12622 RUSH AVENUE IN THE FIVE POINTS ZONED DISTRICT.REGIONAL PLANNING STAFF SENT LET TEASER THE APPLICANT IN 2011, 2012 AND 2013 REQUESTING ADDITIONAL INFORMATION, ON WEDNESDAY AUGUST 28, 2013, THE APPLICANT'S REPRESENTATIVE SUBMITTED ALL OF THE ITEMS REQUESTED IN PREVIOUS LETTERS.STAFF NOW HAS THE INFORMATION NECESSARY TO EVALUATE, PREPARE AN ANALYSIS AND RECOMMENDATION FOR THE ABOVE PROJECT.THEREFORE, STAFF REQUESTS THIS ITEM NOT BE DENIED AND BE REMOVED FROM THE CALENDAR.THANK YOU.

>> HEARING OFFICER MCCARTHY: IS THERE ANYBODY HERE WHO WISHES TO TESTIFY ON THIS ITEM?ITEM NUMBER 10 WITH REGARD TO ANN ANDREWS.VERY WELL.OBVIOUSLY IF THE APPLICANT WISHES TO PROCEED, THEN WE DON'T WANT TO INTERFERE WITH THAT, SO WE WILL NOT DENY THIS ITEM AND CONSIDER IT TO AGAIN WITHDRAWN.

>> MS. BUSH: THANK YOU.

>> HEARING OFFICER MCCARTHY: NOW WE CAN RETURN TO THE AGENDA AND ITEM NUMBER 3 AND STAFF WILL GIVE A PRESENTATION.

>> MS. KULCZYCKI: GOOD AFTERNOON, MR. HEARING OFFICER, MY NAME IS CHRISTINA KULCZYCKI AND I'M WITH THE ZONING PERMIT'S EAST SECTION. TODAY I'M PRESENTING ITEM NUMBER 3 ON THE AGENDA, PROJECT NUMBER 99075, ASSOCIATED WITH NONCONFORMING REVIEW NUMBER 201000008. THIS IS AN APPLICATION FOR THE CONTINUED OPERATION OF A NEIGHBORHOOD CONVENIENCE MARKET AND A MEAT MARKET. THE PROJECT IS LOCATED AT 533 AND 535 SOUTH ROWAN AVENUE IN THE EAST SIDE UNIT NUMBER 1 ZONED DISTRICT. THE SITE IS ZONED LIMITED MULTIPLE RESIDENCE, PROPERTIES TO THE SOUTH AND WEST ARE ALSO ZONED LIMITED MULTIPLE RESIDENCE, PROPERTIES TO THE NORTH ARE ZONED TWO FAMILY RESIDENCE AND LIMITED FAMILY RESIDENCE, PROPERTIES TO THE EAST ARE ZONED INSTITUTIONAL AND TWO FAMILY RESIDENCE. THE SUBJECT PROPERTY IS DEVELOPED WITH A TWO STOREY BUILDING CONTAINING THE NEIGHBORHOOD CONVENIENCE MARKET AND A MEAT MARKET ON THE FIRST FLOOR AND A TWO FAMILY RESIDENCE ON THE SECOND FLOOR. THE NORTH OF THE PROPERTY ARE SINGLE FAMILY RESIDENCES, A TWO FAMILY RESIDENCES AND A FLOOR, THE SOUTH ARE SINGLE FAMILY RESIDENCES AND A STORE. THERE ARE SINGLE FAMILY RESIDENCES AND AN ELEMENTARY SCHOOL TO THE EAST AND A SINGLE FAMILY RESIDENCE TO THE WEST. NONCONFORMING REVIEW NUMBER 99075 APPROVED THE CONTINUED OPERATION OF THE MARKETS BUT EXPIRED IN 2009. NO CHANGES ARE PROPOSED TODAY THE EXISTING SITE AS PART OF THIS REQUEST. THE SHERIFF'S DEPARTMENT SENT A RESPONSE INDICATING THAT THE CALLS FOR SERVICE FOR THE PAST FIVE YEARS APPEAR TO BE MINIMUM. THEREFORE, IT IS STAFF'S OPINION THAT THE PROPOSED USE IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD AS CONDITIONED. PURSUANT TO THE COUNTY CODE, THE SURROUNDING COMMUNITY WAS APPROPRIATELY NOTIFIED OF THE PUBLIC HEARING, STAFF HAS NOT RECEIVED ANY COMMENT AT THIS TIME. STAFF HAS DETERMINED THAT THE BURDEN OF PROOF HAS BEEN MET AND THAT THE PROPOSED USE IS CONSISTENT WITH THE GENERAL PLAN, THE EAST LOS ANGELES COMMUNITY PLAN AND THE PROVISIONS OF THE ZONING CODE. STAFF HAS ALSO DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE CLASS 1 CATEGORICAL EXEMPTION WHICH APPLIES TO EXISTING FACILITIES. STAFF RECOMMENDS THAT THE HEARING OFFICER CLOSE THE PUBLIC HEARING, FIND THE PROJECT CATEGORICALLY EXEMPT AND APPROVE THE NONCONFORMING REVIEW CASE WITH THE ATTACHED FINDINGS AND CONDITIONS. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: THANK YOU. ANYONE WHO IS WISHING TO TESTIFY ON ANY ITEM HERE TODAY, ANY MEMBER OF THE PUBLIC WISHING TO

TESTIFY ON ANY ITEM TODAY, PLEASE STAND AND RAISE YOUR RIGHT HAND.FOLKS, STAND AND RAISE YOUR RIGHT HAND.MS. KIM, WILL YOU SWEAR THEM IN.

>> YES, DO YOU SWEAR 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?SAY I DO.

>> HEARING OFFICER MCCARTHY: PLEASE BE SEATED.HAS THE APPLICANT BEEN GIVEN A COPY OF STAFF'S CONDITIONS?

>> MS. KULCZYCKI: YES.

>> HEARING OFFICER MCCARTHY: OKAY, WILL YOU PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD, SIR.

>> [INAUDIBLE].

>> HEARING OFFICER MCCARTHY: YOU HAVE TO SPELL THAT, MOVE THE MIC. UP MORE TO YOU.

>> MANRON, AND LAST NAME IS SETARH.

>> HEARING OFFICER MCCARTHY: VERY WELL.

>> THIS IS 9301 WILL SHIRE BOULEVARD, CALIFORNIA, 90212.

>> HEARING OFFICER MCCARTHY: ON THE AGENDA, THE APPLICANT'S NAME IS MARCELO MONROY.

>> MS. KULCZYCKI: YES, COULD YOU EXPLAIN YOUR ROLE IN THIS?

>> MS. KULCZYCKI: MR. MONROY IS THE DESIGNER AND [INAUDIBLE] IS PART OF THE -- HE'S THE LANDLORD I BELIEVE, SO HE'S COME TO SPEAK BECAUSE HE HAS MORE KNOWLEDGE OF THE SITE THAN THE --

>> HEARING OFFICER MCCARTHY: SO, THIS GENTLEMAN IS THE LANDLORD, HE'S THE OWNER OF THE PROPERTY?

>> MS. KULCZYCKI: YES.

>> I ALSO HAVE A PARTNER.

>> MS. KULCZYCKI: CAN YOU INTRODUCE YOURSELF AND MAYBE HELP TO COMMUNICATE TO THE HEARING OFFICER HIS ROLE.

>> HEARING OFFICER MCCARTHY: IF YOU'LL GIVE THE TRANSLATOR, STATE YOUR NAME AND YOUR ROLE.

>> MY NAME IS FARIDEH, LAST NAME WILSON, I'M A REGISTERED COURT INTERPRETER IN THE STATE OF CALIFORNIA, REGISTRATION NUMBER 700401, AND MY OATH IS ON FILE.

>> HEARING OFFICER MCCARTHY: ARE YOU HERE TO ADVISE YOUR CLIENT IN ANY WAY OR SIMPLY TO TRANSLATE.

>> I'M SORRY?

>> HEARING OFFICER MCCARTHY: ARE YOU HERE TO ADVISE YOUR CLIENT OR JUST TO TRANSLATE?

>> JUST TO TRANSLATE.

>> HEARING OFFICER MCCARTHY: VERY WELL.SO, WHAT I WANT TO HAVE YOU ASK THE OWNER IS, HAS HE READ THE CONDITIONS, DOES HE UNDERSTAND THE CONDITIONS, DOES HE AGREE TO THE CONDITIONS.

>> I DON'T KNOW WHAT THE CONDITIONS ARE, I HAVEN'T READ THEM AND I'VE GIVEN ALL OF THEM TO MARCELO.

>> MS. KULCZYCKI: THIS IS THE PACKAGE.

>> NO, I HAVEN'T READ THEM, BUT WE HAVE FILLED THEM OUT.MARCELO HAS FILLED THEM OUT.SOME OF THEM HAVE BEEN DONE BY MARCELO AND SOME OF THEM HAVE BEEN FILLED OUT BY MY PARTNER.

>> HEARING OFFICER MCCARTHY: WELL, THE CONDITIONS ARE PREPARED BY STAFF.THE CONDITIONS ARE PREPARED BY STAFF.WHAT THE OWNER JUST STATED IS THAT HE HELPED TO PREPARE AND HIS PARTNER HELPED TO PREPARE THE APPLICATION.

>> BOTH MARCELO AND MY PARTNER HAVE FILLED THEM OUT AND ALSO THESE ITEMS, MY PARTNER HAS E-MAILED TO HER.

>> HEARING OFFICER MCCARTHY: I THINK THE ANSWER TO THE QUESTION IS NO.

>> MS. KULCZYCKI: THERE ARE OTHER PEOPLE THAT ARE HELPING WITH THE LANGUAGE BARRIER.

>> HEARING OFFICER MCCARTHY: STAFF, HAS ANYTHING CHANGED?HAVE THERE BEEN ANY CONDITIONS CHANGED, ADDED?

>> MS. KULCZYCKI: SINCE THE PREVIOUS CASE?

>> HEARING OFFICER MCCARTHY: YES.

>> MS. KULCZYCKI: THERE HAVE BEEN UPDATES IN THE LANGUAGE BECAUSE OF COUNTY COUNSEL'S REVIEW ON THE GENERAL --

>> THERE HAVE BEEN CERTAIN ITEMS THAT MARCELO HAVE FILLED OUT AND THEY'VE BEEN GIVEN THEM TO ME AND THEN I SUBMITTED THEM TO HER.

>> HEARING OFFICER MCCARTHY: I DON'T BELIEVE HE UNDERSTANDS THAT WITH THE PERMIT COME CONDITIONS.

>> YES.

>> HEARING OFFICER MCCARTHY: AND HE MUST SIGN A STATEMENT TO THE EFFECT THAT HE UNDERSTANDS THE CONDITIONS AND THAT HE WILL COMPLY WITH THE CONDITIONS.

>> YES, SO WHAT ARE THE CONDITIONS? I DON'T KNOW THEM.

>> HEARING OFFICER MCCARTHY: SO, WHAT I'M STATING HERE IS THAT MAYBE WE SHOULD GO ON TO THE NEXT ITEM AND CAN YOU CALL THE OTHER GENTLEMEN, MR. MONROY AND ASK HIM IF HE HAS REVIEWED THE CONDITIONS AND IF HE SEES A PROBLEM WITH THEM.

>> OKAY, MY PARTNER IS MORTISOL.

>> DR. [INAUDIBLE] MORTISOL IS MY PARTNER.

>> HEARING OFFICER MCCARTHY: BUT DOES HE READ AND UNDERSTAND ENGLISH?

>> HE ALSO ISN'T PERFECT AND HE GETS HELP FROM HIS DAUGHTER.

>> MS. KULCZYCKI: CAN WE COME BACK TO THIS ITEM AND MAYBE I CAN --

>> HEARING OFFICER MCCARTHY: I THINK WE'RE GOING TO HAVE TO DO THAT. YOU'RE GOING TO HAVE TO SIT DOWN WITH STAFF, WE'RE GOING TO HAVE YOU COME BACK AT THE VERY LAST ITEM AND STAFF HAS -- WILL TRY TO EXPLAIN THE CONDITIONS AND YOU'LL HAVE TO TRY TO TRANSLATE THEM. YOU WANT TO GO IN THE BACK, CHRISTINA, WHY DON'T YOU TAKE THEM IN THE BACK HERE RATHER THAN OUTSIDE, IT'S TOO WARM OUT THERE, SO JUST GO IN THE BACK. SO, JUST FOLLOW CHRISTINA IN THE BACK. WE'RE GOING TO PROCEED NOW TO MR. CURZI'S ITEM, NUMBER 4.

>> MR. CURZI: GOOD AFTERNOON, MR. HEARING OFFICER, MY NAME IS ANTHONY CURZI WITH THE ZONING PERMIT'S NORTH SECTION, THIS IS A REQUEST FOR A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WIRELESS TELECOMMUNICATION FACILITY ON A ONE ACRE LOT CONTAINING A 2 MILLION GALLON WATER TANK FOR THE PALMDALE WATER DISTRICT.THE PROJECT SITE IS LOCATED AT 36809 EL CAMINO DRIVE IN UNINCORPORATED PALMDALE NEAR THE ANTELOPE VALLEY FREEWAY.THE PROPOSED FACILITY WILL BE DISGUISED AS A PINE TREE, IT WILL CONTAIN 12 PANEL ANTENNAS ASK A 1612 GROUND LEASE AREA WITH TWO GPS ANTENNAS, THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE SUBJECT IS ZONED R-A-1 AND IS LOCATED IN THE NON-URBAN CLASS CATEGORY OF THE VALLEY AREA PLAN, IT INVOLVES THE AK WI DUCT, VACANT LAND AND SOME SINGLE FAMILY RESIDENCES.STAFF HAS RECEIVED ONE LETTER OF OPPOSITION TO THE FACILITY CITING INCOMPATIBILITY WITH THE ABLE TO, STAFF BELIEVES THE APPLICATION HAS MET THE BURDEN OF PROOF AND BELIEVES IT WILL BENEFIT THE COMMUNITY BY IMPROVING CELLULAR SERVICE FOR VISITOR, RESIDENTS AND MOTORISTS IN THE AREA, THE FACILITY TOWER WILL RESEMBLE A PINE TREE AND LOCATED NEAR A WATER TANK, AS SUCH, THE FACILITY IS APPROPRIATE FOR THE AREA AND STAFF RECOMMENDS APPROVAL OF THE CUP.THIS CONCLUDES MY PRESENTATION.I'M AVAILABLE FOR QUESTIONS.

>> HEARING OFFICER MCCARTHY: DO WE HAVE ANY CORRESPONDENCE FROM THE PUBLIC IN THIS MATTER?

>> MR. CURZI: WE HAD ONE LETTER THAT CAME IN THIS MORNING THAT I MENTIONED EARLIER IN OPPOSITION TO THE TOWER CITING INCOMPATIBILITY WITH THE NEIGHBORHOOD.

>> HEARING OFFICER MCCARTHY: DO YOU HAVE THAT LETTER WITH YOU.

>> MR. CURZI: YES, YOU DIDN'T RECEIVE A COPY?

>> HEARING OFFICER MCCARTHY: YES, BUT COULD YOU READ IT INTO THE RECORD?

>> MR. CURZI: SURE.OKAY.THE LETTER SAYS MR. CURZI, MY HUSBAND AND I ARE WRITING THIS LETTER IN OBJECTION TO THE PROPOSES WIRELESS TELECOMMUNICATION FACILITY INTENDED FOR THE LOCATION NAMED ABOVE.WE ARE DEEPLY CONCERNED THAT A WTF, THAT'S WIRELESS TELECOMMUNICATION FACILITY WILL IMPACT OUR VIEW AS WELL AS NEGATIVELY AFFECT OUR PROPERTY VALUE AND THAT OF OUR SURROUNDING NEIGHBORS.WE ARE REQUESTING DOCUMENTATION FROM AT&T MOBILITY DETAILING ALTERNATIVE SUITABLE LOCATIONS FOR THE CONSTRUCTION OF THIS WTF MONO-PINE AND THE REASONS THESE OTHER LOCATIONS WERE NOT SELECTED AS THE CURRENT EL CAMINO DRIVE LOCATION IS NOT SUITABLE, OUR

NEIGHBORS CONCUR WITH OUR DISAPPROVAL, THERE ARE NO OTHER STRUCTURES THAT ARE SIMILAR IN HEIGHT TO THIS PROPOSED WTF, THE STRUCTURE OF THIS HEIGHT WILL BE DETRIMENTAL TO OUR VIEW AND PROPERTY VALUE, WE WILL ALSO LIKE TO POINT OUT THAT OUR NEIGHBOR'S NATURAL VEGETATION DOES NOT INCLUDE PINE TREES THAT LOOK SIMILAR TO THIS PROPOSED MONO-PINE, THIS STRUCTURE'S GOING TO BE DISTRACTING VIEWED AS PART OF OUR NATURAL LANDSCAPE AND DOES NOT MATCH THE NATIVE VEGETATION IN OUR FOOTHILLS NEIGHBORHOOD.WE ASK THAT THE PLANNING DEPARTMENT RE-EXAMINE THE PROPOSED LOCATION AND CHOOSE A LOCATION THAT IS NOT PROPOSED DARKLY IN A HIGH PROPERTY VALUE NEIGHBORHOOD.THERE ARE MULTIPLE ALTERNATIVE AREAS WHERE THIS WTF CAN BE RELOCATED THAT WILL NOT IMPACT OUR NEIGHBORHOOD VIEWS OR PROPERTY VALUE, THANK YOU FOR YOUR CONSIDERATION, SINCERELY, JESSICA SNELL AND RYAN SNELL.

>> HEARING OFFICER MCCARTHY: VERY WELL, I'M GOING TO ASK, IS THERE A REPRESENTATIVE FROM THE APPLICANT PRESENT?PLEASE STEP FORWARD.DO WE HAVE ANY SIGNATURE CARDS, MS. KIM, REGARDING THIS MATTER?

>> NO, JUST THE APPLICANT'S REPRESENTATIVE.

>> HEARING OFFICER MCCARTHY: VERY WELL.IF -- DO YOU NEED TO SEE A COPY OF THAT LETTER, SIR?MR. CURZI, DOES THE APPLICANT'S REPRESENTATIVE HAVE A COPY?I WOULD LIKE YOU TO COMMENT ON THAT, IN ADDITION, OTHER COMMENTS YOU WISH TO MAKE.

>> I DID RECEIVE A COPY THIS MORNING VIA E-MAIL, I DON'T HAVE A COPY, THANK YOU.

>> HEARING OFFICER MCCARTHY: NOW, GIVE US YOUR NAME.

>> LANCE POMOROY REPRESENTING AT&T MOBILITY, 121ST STREET EAST, JUNIPER HILLS.THE FOLKS THAT WROTE THIS ALERTED ARE REQUESTING DOCUMENTATION DETAILING ALTERNATIVE SUITABLE LOCATIONS THAT DOCUMENTATION WAS PROVIDED TO STAFF IN THE MATTER OF THE PROPAGATION, JUSTIFICATION PLOTS AS WELL AS AN ALTERNATIVE SITE ANALYSIS, A NARRATIVE AND A MAP THAT DEMONSTRATES THE MEANS BY WHICH WE MADE THE DETERMINATION OF THE LOCATION FOR THIS SITE.

>> HEARING OFFICER MCCARTHY: THIS IS WHAT WAS PROVIDED?

>> MR. CURZI: CAN YOU REPEAT THAT?

>> HEARING OFFICER MCCARTHY: THE VISUAL PHOTOGRAPHS THAT I'M LOOKING @ THIS TIME WERE PROVIDED BY AT&T.

>> YES, THOSE ARE THE VISUAL SIMULATIONS.LET ME SCROLL THROUGH THEM SO YOU CAN SEE SOME MORE.

>> HEARING OFFICER MCCARTHY: WHY DON'T YOU DO THEM ONE BY ONE AND HAVE THE APPLICANT DISCUSS EACH ONE.

>> MR. CURZI: OKAY, THERE IS THE FIRST ONE.

>> HEARING OFFICER MCCARTHY: DOES THE APPLICANT WISH TO DISCUSS THAT.

>> THERE WERE ADDITIONAL EXHIBITS THAT WERE PROVIDED THAT DISCUSS THIS DIRECTLY, THE PHOTOSIMULATIONS PROVIDES A VIEW FROM VARIOUS VANTAGE POINTS WHICH IS DEMONSTRATED IN THE UPPER LEFT IMAGE OF THE SHEET, THE LOWER LEFT IS THE EXISTING AND THE LARGER IMAGE IS -- THERE WE GO, YES, GO BACK.NO, ONE MORE.THAT'S THE ONE.THANK YOU VERY MUCH.THIS PARTICULAR IMAGE PROVIDES -- OR DEMONSTRATES OUR ALTERNATIVE SITE ANALYSIS.AS YOU CAN SEE, THE RED SQUARE IN THE CENTER OF THE LEFT-HAND SIDE OF THE IMAGE POINTS TOWARD THE SITE OF THE FACILITY WE'RE PROPOSING.YOU CAN SEE THAT THE SMALL WHITE DOT, THAT IS THE WATER DISTRICT TANK, WE'RE RIGHT NEXT TO THAT.THE GREEN IRREGULAR LINE IS A DEMONSTRATION OF THE COVERAGE OBJECTIVES BY THE RADIO FREQUENCY ENGINEER.THE -- ONE OF THE KEY OBJECTIVES HERE IS NOTED IN THAT GREEN BOX ON THE LOWER LEFT-HAND CORNER, IT'S ACTUALLY TO PROVIDE A SIGNAL THAT GOES INTO EXISTING CUTS THAT WERE MADE FOR THE FREEWAY ON THE NORTH AND SOUTH, AS YOU CAN SEE, OUR FACILITY LOCATION THAT WE'RE PROPOSING IS AT A BEND IN THE 14 FREEWAY AND ALLOWS US TO PROJECT THE SIGNAL TO THE NORTH INTO THE CUTS THAT ARE NORTH OF AVENUE AND SOUTH INTO THE CUTS THAT TAKE YOU THROUGH THE HILLS OF THE SIERRA PELONA MOUNTAINS AND INTO ACTON.THERE ARE OTHERS THAT ARE NOT MENTIONED HERE DIRECTLY, WE CANNOT SITE THIS FACILITY TOO CLOSE TO AN EXISTING FACILITY.WE HAVE AN EXISTING FACILITY AT DESERT LAWN CEMETERY WHICH IS BETWEEN 25TH AND 20TH EAST OFF OF AVENESS, THAT IS TO THE -- PRETTY CLOSE TO EASTBOUND FROM HERE AND THEN TO THE SOUTHWEST, JUST FROM THE RIDGE OF THE SIERRA PELONA IS UP NEAR ACTON WHICH WOULD BE PRETTY CLOSE TO WHERE THAT GREEN TECH BOX IS LOCATED.BY GETTING ANY CLOSER TO THOSE, YOU WOULD BEGIN TO EXHIBIT INTERFERENCE ISSUES AND MAKE THE SIGNAL NOT WORK VERY WELL, SO IN ORDER TO MEET THE OBJECTIVE, WHICH IS THE IRREGULAR GREEN AREA SHOWN AND TO NOT INTERFERE WITH OTHERS, WE FOUND THIS LOCATION WHICH WE FIGURED WAS APPROPRIATE BECAUSE IT'S ALREADY IN EXISTING UTILITY USE IN AND AMONGST A NUMBER OF RESIDENTIAL AND VACANT LAND.OTHER ALTERNATIVES THAT WE LOOKED AT WAS THE FIN AND FEATHER SPORTSMAN'S CLUB WHICH IS NEXT TO LAKE PALMDALE AND THE WATER FACILITY WHICH INCLUDES A TALL WIND GENERATING STRUCTURE.THOSE LOCATIONS WERE MUCH TOO LOW FOR US TO DO ANYTHING BUT BUILD A VERY TALL STRUCTURE, AND IT WOULD ALSO NOT GET US INTO THOSE TWO CUTS OF STATE ROUTE 14.

>> HEARING OFFICER MCCARTHY: ANY ADDITIONAL EXHIBITS YOU WANT TO --

>> MR. CURZI: THERE'S SOME PHOTOGRAPHS OF THE SITE RIGHT NOW, HERE'S THE JUSTIFICATION PLOTS, I DON'T KNOW IF THAT'S HELPFUL.

>> HEARING OFFICER MCCARTHY: YOU WANT TO DISCUSS THE JUSTIFICATION PLOTS, GO BACK TO THE FIRST ONE. YOU TOUCHED ON THAT ALREADY, BUT THAT'S OKAY, JUST GO AHEAD AND DISCUSS THIS EXHIBIT.

>> YES, THIS IS THE COVERAGE, GREEN IS GOOD, AS WE START GETTING BLUE AND YELLOW, THE SIGNAL IS DEGRADED TO A POINT WHERE IT MAY HAVE DIFFICULTY SUSTAINING CONNECTION IN VARIOUS DIFFERENT SITUATIONS, IN CAR, IN BUILDING OR EVEN OUTDOORS. OF COURSE WE'RE IN AN AREA WHERE THE TERRAIN IS IRREGULAR AND THAT MAKES A BIG DIFFERENCE OF THE PROPAGATION OF THE SIGNAL ITSELF. IF YOU MOVE ON TO THE NEXT IMAGE, YOU'LL SEE THAT THE GREEN HAS EXPANDED DRAMATICALLY, AND YOU CAN SEE ON THIS IMAGE, AND IN THE VERY CENTER IS THE PROPOSED FACILITY, TO THE SOUTHWEST, YOU WILL SEE ANOTHER ICON WHICH HAS THREE TRIANGLES, CONE SHAPES, THAT'S THE ONE THAT'S OVER THE SIERRA PELONA RIDGE THERE TOWARDS ACTON AND THEN TO THE EAST OF THE PROPOSED SITE IS THE EXISTING SITE THAT'S THE DESERT LAWN CEMETERY. LET'S GO BACK BRIEFLY TO THE FIRST SHOT. SO, THIS IS THE CURRENT SCENARIO IN TERMS OF COVERAGE IN THE AREA?

>> THAT'S RIGHT.

>> HEARING OFFICER MCCARTHY: AND YOU'RE INDICATING THE GREEN IS GOOD COVERAGE, AND THEN WE GO TO THE SECOND SLIDE AND WE SEE THAT THE AREA FOR GREEN UNDER THE PROPOSAL IS CONSIDERABLY LARGER?

>> YES. ONE ADDITIONAL, THERE WAS AN IMAGE IF YOU GO BACK ONE, I BELIEVE IT WAS, ONE MORE, IT WAS BEFORE THE JUSTIFICATION PLOTS, YES, IN THIS PARTICULAR IMAGE, YOU'LL SEE THREE IMAGES ON THE LEFT HAND SIDE, IT ONCE AGAIN SHOWS THE COVERAGE OBJECTIVE AREA AND THEN ON THE RIGHT, YOU'LL SEE THE VIEWS DIRECTLY NORTH INTO THE CUT ON STATE ROUTE 14 AND THEN STANDING, DID ALMOST 180 TURN TO DO THE AERIAL PHOTOGRAPH, YOU SEAL' THE CUTS THAT TAKE YOU OR THE LOCATION OF THE CUTS ON STATE ROUTE 13 TO THE SOUTHEAST. VERY DIFFICULT TO HIT ANY OTHER WAY.

>> HEARING OFFICER MCCARTHY: VERY WELL, ARE THERE ANY OTHER EXHIBITS THAT YOU'D LIKE TO REVIEW OR DISCUSS? DO YOU HAVE ANY ADDITIONAL THINGS THAT YOU WISH TO DISCUSS, SIR?

>> NO, I THINK THOSE ARE PROBABLY GOOD.

>> HEARING OFFICER MCCARTHY: ANY ADDITIONAL TESTIMONY?

>> THE -- THE EFFORT BY AT&T TO PLACE A FACILITY HERE THAT IS DISGUISED AS A PINE TREE IS IN ORDER TO FULFILL THE GUIDELINES SET BY THE DIRECTOR FOR WIRELESS TELECOMMUNICATION FACILITIES. IT IS ADMITTED THERE ARE NO PINE TREES IN THE AREA THAT'S FILLED WITH JUNIPERS AND JUNIPERS DON'T GET THIS TALL, SO MONO JUNIPER IS NOT AN OPTION, AND SO IN ORDER TO FULFILL THE REQUIREMENTS OF THE GUIDELINES, WE CHOSE A PINE TREE.

>> HEARING OFFICER MCCARTHY: YES, I WAS OUT THERE JUST VERY RECENTLY AND YOU'RE CORRECT, ALL OF THE NATIVE GROWTH IS OF COURSE QUITE LOW. HAVE YOU ON BEHALF OF AT&T REVIEWED THE CONDITIONS OF THE PERMIT?

>> YES, I HAVE.

>> HEARING OFFICER MCCARTHY: AND DO YOU AGREE TO THOSE CONDITIONS?

>> YES, DEFINITELY.

>> HEARING OFFICER MCCARTHY: VERY WELL. DO YOU HAVE ANYTHING ELSE FOR US YOU WISH TO ADD?

>> NO.

>> HEARING OFFICER MCCARTHY: AND DO WE HAVE ANYONE ELSE HERE WHO WISHES TO TESTIFY ON THE MATTER FOR OR AGAINST? STAFF INDICATED THERE WERE NO SIGNATURE CARDS. OKAY. THANK YOU. I WILL -- I'M GOING TO APPROVE THIS APPLICATION. I THINK THAT THE APPLICANT'S REPRESENTATIVE AND THE EXHIBITS WERE VERY HELPFUL IN ESTABLISHING THE CASE THAT THIS FACILITY IS NECESSARY TO FILL IN SOME SIGNIFICANT BLIND SPOTS AND THE TERRAIN IS DIFFICULT TO COVER, HAVING GOOD CELL PHONE COVERAGE ON THE FREEWAY, ALONG THE FREEWAY IS A VERY, VERY SIGNIFICANT PUBLIC SAFETY ISSUE FOR THOSE WHO MIGHT BREAK DOWN, PARTICULARLY ON A DAY LIKE TODAY WHERE IT'S SO HOT OR HAVE A TRAFFIC ACCIDENT, PEOPLE CAN THEN COMMUNICATE, CALL 911 IF IT'S A BLIND SPOT, QUITE LITERALLY, LIVES CAN BE LOST, SO I THINK IN THE INTEREST OF PUBLIC SAFETY, THAT THOSE PUBLIC SAFETY INTERESTS OVERRIDE ANY OTHER CONCERNS THAT WERE ADDRESSED BY THE LETTER THAT WAS RECEIVED AND I HOPE THAT IF THOSE PARTIES ARE WATCHING ON THE WEB THAT THEY WERE ABLE TO SEE THE VISUAL AND THE EXHIBITS AND THAT THEY UNDERSTAND THE REASONING BEHIND THE HEARING OFFICER'S DECISION, AND SO WITH THAT, I WILL APPROVE THIS MATTER AND CLOSE THE PUBLIC HEARING, LET ME JUST READ A STATEMENT. AGAIN, I'M CLOSING THE HEARING, FIND THE PROJECT AS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL AND CEQA GUIDELINES AND I'M APPROVING THE CUP NUMBER 201300039 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS WHICH THE APPLICANT'S

REPRESENTATIVE HAS STATED THAT HE AND AT&T AGREE TO AND THIS MATTER IS CLOSED.AND THE APPEAL PERIOD, STAFF.

>> THE LAST DAY TO APPEAL THIS ACTION IS SEPTEMBER 17TH.

>> HEARING OFFICER MCCARTHY: THE LAST DAY IS SEPTEMBER 17TH, 2013 TO APPEAL THIS ACTION.NUMBER 5.AGAIN, MR. CURZI IS OUR STAFF MEMBER.

>> MR. CURZI: GAD AFTERNOON, MR. HEARING OFFICER, MY NAME IS ANTHONY CURZI WITH THE ZONING PERMIT'S WEST SECTION, THIS IS A REQUEST FOR AN OAK TREE PERMIT TO RETROACTIVELY ENCROACH OF THE PROTECTED ZONE OF FIVE OAK TREES WITH NO REMOVALS, THE PROJECT SITE IS LOCATED AT 25548 SAND CANYON ROAD IN CANYON COUNTY, IT IS ZONED A-2 HEAVY AGRICULTURAL AND A-2-2, HEAVY AGRICULTURAL, EXCUSE ME, THE SURROUNDING ZONING IS W, WATERSHED AND A-2, THE SITE LOCATED WITHIN THE OPEN SPACE, NATIONAL FOREST CATEGORY OF THE ANTELOPE VALLEY AREA PLAN AND IT CONSISTS OF VACANT LAND AND SINGLE FAMILY RESIDENCES TO THE WEST, THE SUBJECT SITE CONTAINS 9 STRUCTURES INCLUDING A MAIN RESIDENCE, VARIOUS ALTERATIONS WILL BE MADE TO FIVE OF THE STRUCTURES TO HAVE THEM COMPLY WITH THE ZONING REQUIREMENTS AS PART OF A SEPARATE PLOT PLAN.THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.STAFF BELIEVES THAT WHILE ALLOWING THE ENCROACHMENT WILL ALLOW FOR THE APPLICANT'S DESIRE TO MAINTAIN STRUCTURES ON THE SITE WHILE MAINTAINS THE HEALTH OF THE OAK TREES.THE SUBJECT SITE CONTAINS STRUCTURES THAT ARE COMPATIBLE WITH THE SURROUNDING AREA IN TERM OF DESIGN, SIZE, BULK AND MASSING AND MEET ALL ZONING REQUIREMENTS WITH THE PENDING RELATED PLOT PLAN, STAFF RECOMMENDS APPROVAL OF OAK TREE PERMIT 201200020, THIS CONCLUDES MY PRESENTATION, I'M AVAILABLE FOR QUESTIONS.

>> HEARING OFFICER MCCARTHY: VERY WELL.HAVE WE -- WE RECEIVED A PRETENDER FROM THE FORESTER?

>> MR. CURZI: YES, WE HAVE.

>> HEARING OFFICER MCCARTHY: CAN YOU JUST GO OVER THAT.

>> MR. CURZI: YES, THE FORESTER AGREES THAT WITH THE ARBORIST REPORT THAT THE TREES SHOULD REMAIN WHERE THEY HAVE AND THAT REMOVING THE STRUCTURES MAY BE HAZARDOUS TO THE HEALTH OF THE TREES.

>> HEARING OFFICER MCCARTHY: AND I PRESUME THAT WAY BECAUSE THEY'RE BRINGING IN HEAVY EQUIPMENT AND THE TRENCHING, ETC.?

>> MR. CURZI: EXACTLY, THAT'S CORRECT.

>> HEARING OFFICER MCCARTHY: I SEE WE HAVE A NAME OF LANCE RODRIGUEZ, DO WE HAVE AN APPLICANT HERE?

>> [INAUDIBLE].

>> HEARING OFFICER MCCARTHY: SIR, YOU HAVE TO COME FORWARD.

>> MR. CURZI: I BELIEVE THAT'S THE APPLICANT'S REPRESENTATIVE.

>> HEARING OFFICER MCCARTHY: WELL, WHATEVER. WERE YOU SWORN IN, SIR.

>> I WAS NOT.

>> HEARING OFFICER MCCARTHY: MS. KIM?

>> (SWEARING-IN OF WITNESS).

>> I DO.

>> HEARING OFFICER MCCARTHY: PLEASE BE SEATED AND GIVE US YOUR NAME FOR THE RECORD.

>> MY NAME IS ANTHONY PALOS.

>> HEARING OFFICER MCCARTHY: VERY WELL. AND YOUR ROLE IN THESE PROCEEDINGS.

>> I'M THE ACT FOR THE OWNER, LANCE RODRIGUEZ AND I DID COMPILE PHOTOGRAPHS AND THE PROPER PAPER WORK FOR THE CONDITIONAL USE PERMIT.

>> HEARING OFFICER MCCARTHY: AND WHAT IS YOUR PRESENTATION? DO YOU HAVE ANY TESTIMONY TO GIVE?

>> I'M NOT PREPARED. DO I NEED TO GIVE TESTIMONY?

>> HEARING OFFICER MCCARTHY: YOU'RE NOT OBLIGATED TO. IF YOU WISH TO MAKE A STATEMENT, THIS IS YOUR OPPORTUNITY TO MAKE A STATEMENT ON BEHALF OF THE APPLICANT?

>> NOT ON BEHALF OF THE APPLICANT, I HAVE NO STATEMENT.

>> HEARING OFFICER MCCARTHY: HAS THE APPLICANT OR YOURSELF, HOPEFULLY BOTH OF YOU READ THE CONDITIONS?

>> YES, WE HAVE.

>> HEARING OFFICER MCCARTHY: AND YOU AND YOUR CLIENT BOTH AGREE TO THOSE CONDITIONS?

>> YES, WE DO.

>> HEARING OFFICER MCCARTHY: AND STAFF, HAVE WE RECEIVED ANY DOCUMENTATION, PHONE CALLS, E-MAILS, LETTERS IN OPPOSITION TO THIS?

>> MR. CURZI: NO, WE HAVE NOT RECEIVED ANY CORRESPONDENCE OR TELEPHONE CALLS.

>> HEARING OFFICER MCCARTHY: AND MS. KIM DO, WE HAVE ANY SIGNATURE CARDS WISHING TO TESTIFY FOR OR AGAINST?

>> NO ONE ELSE.

>> HEARING OFFICER MCCARTHY: VERY WELL, IN VIEW OF THE RECOMMENDATION OF THE COUNTY FORESTER, I THINK WE -- THE HEARING OFFICER WOULD CONCUR THAT REMOVAL OF THE STRUCTURES WOULD BE AT THIS POINT MORE DETRIMENTAL THAN PRODUCTIVE, THE HEARING OFFICER, MYSELF, WILL CLOSE THE PUBLIC HEARING, FIND THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO LOCAL AND COUNTY GUIDELINES AND CEQA GUIDELINES AND APPROVE PERMIT NUMBER 201200020, SUBJECT TO THE FINDINGS AND CONDITIONS F, AND WITH THAT, THIS MATTER IS CLOSED.

>> THANK YOU.

>> MR. CURZI: THANK YOU.

>> THE LAST DAY TO APPEAL THIS ACTION IS TWO WEEKS FROM TODAY ON SEPTEMBER 17TH.

>> HEARING OFFICER MCCARTHY: VERY WELL, SEPTEMBER, AND THE NEXT ITEM IS NUMBER 6, MR. MAR?

>> MR. MAR: GOOD AFTERNOON, MR. HEARING OFFICER, MY NAME IS STEVE MAR AND I'M WITH A PLANNER WITH THE EAST SECTION, PROJECT NUMBER R201300858, OAK TREE PERMIT NUMBER 201300015, THE APPLICANT IS REQUESTING AN OAK TREE PERMIT FOR THE REMOVAL OF ONE OAK TREE TO ENCROACH UPON THE PROTECTED ZONE OF 8 OAK TREES WHICH IS LOCATED AT 3613 LINCOLN AVENUE IN THE UNINCORPORATED COMMUNITY OF ALTADENA AND FIFTH SUPERVISORIAL DISTRICT. THE SUBJECT PROPERTY IS ZONED R-1-10000 SINGLE FAMILY RESIDENCE, AND OAK TREE REMOVALS AND ENCROACHMENTS ARE PERMITTED WITHIN THE UNINCORPORATED COMMUNITY OF LOS ANGELES COUNTY ONCE AN OAK TREE PERMIT IS OBTAINED. LAND USES SURROUNDING THE SITE INCLUDES SINGLE

FAMILY RESIDENCES TO THE SOUTH, EAST AND WEST, THE SITE PLAN DEPICTS THE EXISTING SINGLE FAMILY RESIDENCE WITH PROPOSED ADDITIONS, OAK TREE NUMBER 17 WILL BE REMOVED AND ENCROACHMENTS INTO THE PROTECTED ZONES OF OAK TREES NUMBER 7, 8, 9, 16, 18, 34, 35 AND 36 WILL BE MADE AS NOTED IN THE APPLICANT'S OAK TREE REPORT. THIS PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTING CLASS 4, MINOR ALTERATIONS TO LAND PURSUANT TO CEQA REPORTING REQUIREMENTS BECAUSE THE REMOVAL OF ONE OAK TREE AND THE ENCROACHMENT UPON THE PROTECTED ZONE INVOLVES A NEGLIGIBLE AL RATION TO THE SITE, STAFF IS OF THE OPINION THAT THE APPLICANT'S BURDEN OF PROOF HAS BEEN MET, THE COUNTY FORESTER REVIEWED THE PROJECT AND THE APPLICANT'S OAK TREE REPORT AND RECOMMENDED APPROPRIATE CONDITIONS FOR THE OAK TREE PERMIT, NO PUBLIC COMMENTS HAVE BEEN RECEIVED FROM THE GENERAL PUBLIC AT THIS TIME, STAFF FINDS THE PROPOSED PROJECT IS CONSISTENT WITH THE GOALS AND POLICIES SET FORTH WITH THE ALTADENA PLAN, COUNTY ZONING DESIGNATION AND COUNTY ORDINANCE, THEREFORE STAFF RECOMMENDS APPROVAL OF OAK TREE PERMIT NUMBER 201300015 WITH THE ACTIFED FINDINGS AND CONDITIONS.

>> HEARING OFFICER MCCARTHY: WILL THE APPLICANT OR ITS REPRESENTATIVE COME FORWARD. PLEASE STATE YOUR NAME.

>> MICHAEL CRANE.

>> HEARING OFFICER MCCARTHY: AND YOU ARE IN THIS MATTER?

>> I'M THE ARBORIST OF RECORD FOR THE PROJECT.

>> HEARING OFFICER MCCARTHY: IS THE APPLICANT PRESENT?

>> NO. THE ARCHITECTS ARE HERE AS WELL.

>> HEARING OFFICER MCCARTHY: OKAY. HAVE YOU ON BEHALF OF THE APPLICANT REVIEWED THE CONDITIONS, PARTICULARLY THE CONDITIONS THAT WERE PREPARED BY THE COUNTY FORESTER?

>> YES.

>> HEARING OFFICER MCCARTHY: AND DO YOU HAVE ANY OBJECTION TO THOSE CONDITIONS?

>> NO.

>> HEARING OFFICER MCCARTHY: ANY CONFUSION, ANY QUESTIONS?

>> NONE.

>> HEARING OFFICER MCCARTHY: AND YOU BELIEVE THAT'S THE SITUATION FOR THE APPLICANT AS WELL, THAT HE AGREES AND UNDERSTANDS?

>> YES.

>> HEARING OFFICER MCCARTHY: AND MS. KIM, DO WE HAVE ANY SIGNATURE CARDS HERE TODAY FROM ANYONE WISHING TO TESTIFY FOR OR AGAINST?

>> NO, AS MENTIONED, THE ARCHITECT SIGNED UP BUT HE'S NOT GOING TO SPEAK.

>> HEARING OFFICER MCCARTHY: OKAY, DOES THE ARCHITECT WISH TO SPEAK?OKAY.AND FOR THE RECORD, THE ARCHITECT INDICATED NO, HE'S JUST HERE IN THE EVENT THE HEARING OFFICER HAD QUESTIONS OF THE ARCHITECT.VERY WELL.I DON'T, AGAIN, WE HAVE RECOMMENDATION FROM THE COUNTY FORESTER TO MOVE AHEAD AND APPROVE THIS APPLICATION, AND SO I'M GOING TO CLOSE THE PUBLIC HEARING AND FIND THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE THE OAK TREE PERMIT NUMBER 201300015, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS THAT THE APPLICANT'S REPRESENTATIVE ON BEHALF OF THE APPLICANT HAS AGREED TO.THANK YOU, I CLOSE THIS MATTER.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS ON SEPTEMBER 17, TWO WEEKS FROM TODAY.

>> MS. TASHJIAN: GAD AFTERNOON, MR. HEARING OFFICER, MY NAME IS MIRAL TASHJIAN AND I'M WITH THE ZONING PERMIT'S EAST SECTION, ITEM 7 IS A REQUEST FROM VERIZON WIRELESS TO AUTHORIZE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF AN UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON THE ROOFTOP OF THE RIO HONDO COMMUNITY COLLEGE THEATRE BUILDING, THE SUBJECT PROPERTY IS LOCATED AT 3600 WORKMAN MILL ROAD IN THE WORKMAN MILL ZONED DISTRICT, THE PROPERTY IS ALSO LOCATED WITHIN THE RIO HONDA COLLEGE SANG LAYER AND WAS REVIEWED BY CTAC, THE PROPERTY IS ZONED HEAVY AGRICULTURAL, SURROUNDING PROPERTIES ARE ZONED LIGHT MANUFACTURING, COMMERCIAL PLANNED DEVELOPMENT, UNLIMITED COMMERCIAL AND HEAVY AGRICULTURAL TO THE NORTH, HEAVY AGRICULTURAL AND OPEN SPACE TO THE EAST AND LIGHT MANUFACTURING AND LIGHT AGRICULTURAL TO THE WEST.THE CITY OF INDUSTRY IS LOCATED TO THE NORTH AND WEST OF THE PROPERTY.SURROUNDING USES INCLUDE LIGHT INDUSTRIAL, COMMERCIAL AND OFFICE USES TO THE NORTH, ROSE HILL CEMETERY TO THE SOUTH AND THE PUENTE LANDFILL TO THE EAST.PURSUANT TO THE COUNTY CODE, THE PUBLIC WAS NOTIFIED OF THE PUBLIC HEARING, NO LETTERS WERE RECEIVED AT THIS TIME.THIS WILL NOT BE DETRIMENTAL TO THE USE, ENJOYMENT AND VALUATION OF PROPERTIES IN THE COMMUNITY, THE PROJECT CONSTRUCTION IS CONSISTENT

WITH THE PROPOSED DESIGN AS PRESENTED IN THE SITE PLAN AND PHOTOSIMULATIONS, STAFF HAS DETERMINED THE BURDEN OF PROOF HAS BEEN MET AND THAT THE PROPOSED USE IS CONSISTENT WITH THE COUNTY WIDE GENERAL PLAN AND THE PROVISIONS OF THE ZONING CODE, STAFF HAS DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE CLASS 1 CATEGORICAL EXEMPTION WHICH APPLIES TO MINOR ALTERATIONS TO EXISTING FACILITY, STAFF RECOMMENDS THE HEARING OFFICER CLOSE THE PUBLIC HEARING AND FIND THE PROJECT CATEGORICALLY EXEMPT IS AND APPROVE THE CONDITIONAL PERMIT, THAT CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: VERY WELL. WILL THE APPLICANT'S REPRESENTATIVE PLEASE COME FORWARD AND GIVE US YOUR NAME.

>> [INAUDIBLE].

>> LET ME SWEAR YOU IN. DO YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY YOU MAY GIVE NOW PENDING BEFORE THIS HEARING OFFICER IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.

>> I DO.

>> THANK YOU.

>> GOOD AFTERNOON, MY NAME IS DAVID BRASMER, I'M WITH THE DELTA GROUPS REPRESENTING VERIZON WIRELESS ON THIS PROJECT.

>> HEARING OFFICER MCCARTHY: OKAY AND HAVE YOU REVIEWED THE CONDITIONS OF THIS MATTER ON BEHALF OF YOUR CLIENT, VERIZON WIRELESS?

>> WE HAVE.

>> HEARING OFFICER MCCARTHY: AND DO YOU AND VERIZON FIND THEM TO BE ACCEPTABLE?

>> WE DO.

>> HEARING OFFICER MCCARTHY: IS THERE ANY CONDITIONS THAT RAISE QUESTIONS IN YOUR MIND?

>> NO.

>> HEARING OFFICER MCCARTHY: VERY WELL, STAFF, HAVE WE RECEIVED ANY OPPOSITION, WRITTEN, PHONE CALLS, E-MAILS?

>> MS. TASHJIAN: NO.

>> HEARING OFFICER MCCARTHY: AND MS. KIM, DO WE HAVE ANY SIGNATURE CARDS?

>> NO OTHER SIGNATURE CARDS.

>> HEARING OFFICER MCCARTHY: SEEING NO ONE HERE WISHING TO EXPRESS OPPOSITION, THE HEARING OFFICER NOTES THAT PLACING THIS ON THE EXISTING STRUCTURE, I BELIEVE IS A GOOD IDEA, COULD I JUST ASK BRIEFLY ABOUT THE GROUND MOUNTED EQUIPMENT, IS THAT -- HOW BIG AN AREA ARE WE TALKING ABOUT HERE AND WHAT KIND OF AN AREA, WHAT'S IT USED FOR NOW, IS IT ALREADY PAVED?

>> MS. TASHJIAN: THERE IS A LANDSCAPE PLANNER THAT THEY'RE GOING TO REPLACE WITH THE GROUND MOUNTED EQUIPMENT AND IT'S GOING TO BE ENCLOSED WITH A SIX FOOT WALL.IT IS APPROXIMATELY 224 SQUARE FEET, SO 14 BY 16 FEET.

>> IF I MAY SPEAK TO THAT, SIR.

>> HEARING OFFICER MCCARTHY: SURE.

>> THE REASON FOR THAT IS THAT THIS IS A THEATRE BUILDING, WE DIDN'T THINK IT WOULD BE APPROPRIATE TO PUT THAT TYPE OF A WEIGHT ON THE CEILING OF THE THEATRE BUILDING AND THIS IS GOING TO BE BLOCKED OFF FROM GENERAL VIEW AND PROTECTED AND WE WILL BE COMPLY WITH WHATEVER GRAFFITI REQUIREMENTS THERE ARE FOR THIS, SO I THINK WILL COME BY THE CONDITIONS OF APPROVAL.THE FACILITY IS LOCATED, IT ISN'T ENTIRELY LOCATED AT RIO HONDO COLLEGE, THE COLLEGE HAS EXPRESSED EXTREME SUPPORT OF THIS BECAUSE FACULTY AND STUDENTS HAVE HAD TROUBLE GETTING COVERAGE AT THAT FACILITY AND THE SURROUNDING AREAS, I KNOW IF YOU ARE FAMILIAR WITH RIO HON DOUGH COLLEGE, AND I THINK TWO SIDES OF IT ARE BLOCKED IN, SO AS A RESULT, PUBLIC SAFETY AND COMMUNICATIONS IN THAT AREA IS A PRIORITY, THAT ALONG WITH COVERAGE, SORT OF SECONDARY COVERAGE ON WORKMAN MILL ROAD.

>> HEARING OFFICER MCCARTHY: VERY GOOD, I THINK PUBLIC SAFETY AGAIN IS VERY IMPORTANT IN THESE SCENARIOS.AND THEREFORE, I'M GOING TO CLOSE THE PUBLIC HEARING AND FIND THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT 201300029 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS WHICH THE APPLICANT'S REPRESENTATIVE HAS AGREED TO ON BEHALF OF VERIZON WIRELESS.

>> THANK YOU VERY MUCH.

>> HEARING OFFICER MCCARTHY: AND I WILL CLOSE THE MATTER.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS SEPTEMBER 17, 14 DAYS FROM TODAY.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND NOW MS. NAZAR HAS ITEM NUMBER 9.

>> MS. NAZAR ALSO HAS ITEM NUMBER 8 AND 9.

>> HEARING OFFICER MCCARTHY: EXCUSE ME, I'M NUMBER 8.

>> MS. NAZAR: GAD AFTERNOON, MR. HEARING OFFICER, GENTEN NAY CZAR, PLANNING PERMIT'S EAST SECTION, AGENDA ITEM NUMBER 8 IS PROJECT NUMBER R2013-02881 WITH ASSOCIATED CONDITIONAL USE PERMIT NUMBER 201200165. VERIZON WIRELESS PROPOSES A NEW REPLACEMENT UTILITY POLE 40 FOOT ABOVE THE GRADE LEVEL WITH ASSOCIATED ANTENNAS WITHIN THE PUBLIC RIGHT OF WAY. THE EQUIPMENT CABINETS WILL BE PLACED UNDER GROUND AND THE ANTENNAS MOUNTED ON THE UTILITY POLE WILL MINIMIZE VISUAL IMPACT. THE PROPOSED WIRELESS FACILITY IS LOCATED ADJACENT TO 410 SOUTH SIERRA MADRE BOULEVARD WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THE SAN PASQUAL ZONED DISTRICT. IT IS ADJACENT TO RESIDENCES AND THERE ARE COMMERCIAL USES, A CHURCH AND SAN MARINO SCHOOL WITHIN A 500 FOOT RADIUS, THE FACILITY IS SURROUNDED BY R4 UNLIMITED RESIDENCE ZONE ON ALL SIDES. STAFF RECEIVED ONE PHONE CALL FROM AN ADJACENT PROPERTY OWNER CONCERNED ABOUT THE CONSTRUCTION NOISE NEAR THE RESIDENTIAL UNITS. STAFF CONSULTED WITH THE DEPARTMENT OF PUBLIC HEALTH AND PUBLIC WORKS AND AS RECOMMENDED BY THOSE DEPARTMENTS INCLUDED CONDITIONS TO MITIGATE NOISE IMPACT DURING CONSTRUCTION. STAFF ALSO CONSULTED WITH THE REGIONAL PLANNING DEPARTMENT'S BIOLOGIST REGARDING ANY POTENTIAL DAMAGE TO EXISTING TREES ON SIERRA MADRE, STAFF REQUESTED A CONDITION TO THE POTENTIAL IMPACT ON THESE TREES DURING CONSTRUCTION. PHOTOSIMULATIONS ON THE CENTER SCREEN SHOWS THE EXISTING UTILITY POLE ON THE BOTTOM PHOTO AND THE PROPOSED WIRELESS ON THE TOP PHOTO. THE NEXT SCREEN SHOWS THE UNDERGROUND OF THE EQUIPMENT SOUTH OF SENECA STREET AND THE NEXT PHOTO SHOWS A CLOSER LOOK AT THE UNDERGROUND OF THE EQUIPMENT SOUTH OF SENECA STREET. THE PROPOSED PROJECT IS CONSISTENT WITH THE DEPARTMENT'S STANDARDS FOR WIRELESS DEVELOPMENT IN TERMS OF HEIGHT, PLACEMENT AND DESIGN BY CAMOUFLAGING AND UNDERGROUND THE EQUIPMENT. THE PROPOSED PROJECT WILL IMPROVE WIRELESS TELECOMMUNICATION FOR THE RESIDENCE AND BUSINESSES IN THE AREA AND IS CONSISTENT WITH THE GENERAL PLAN GUIDELINES. THEREFORE, STAFF RECOMMENDS APPROVAL OF CUP 201200165 IN THE FIFTH SUPERVISORIAL DISTRICT. THIS CONCLUDES MY PRESENTATION UNLESS THE HEARING OFFICER HAS ANY QUESTIONS.

>> HEARING OFFICER MCCARTHY: WOULD YOU READ INTO THE RECORD THE CONDITIONS SPECIFICALLY RELATED TO THE NOISE ISSUES DURING CONSTRUCTION.

>> MS. NAZAR: THE NOISE CONSTRUCTION ISSUES?

>> HEARING OFFICER MCCARTHY: YES.

>> MS. NAZAR: THOSE ARE CONDITIONS NUMBER 35 TO NUMBER 37, I BELIEVE. 35-42 ARE THE CONDITIONS THAT LIMIT THE NOISE -- THE CONSTRUCTION NOISE AS ADVISED BY PUBLIC HEALTH.

>> HEARING OFFICER MCCARTHY: MY CONDITIONS STOP AT NUMBER 23. NONE OF THESE CONDITIONS ARE NOT IN ORDER. MS. KIM. ALRIGHT. OKAY, THE APPLICANT IS GOING TO MAINTAIN THREE FEET OF CLEARANCE.

>> MS. NAZAR: THAT'S RIGHT, CONDITION NUMBER 35 IS A CONDITION THAT WAS RECOMMENDED BY THE FIRE DEPARTMENT AND CONDITION NUMBER 36 THROUGH CONDITION NUMBER 42 IS AS RECOMMENDED BY PUBLIC HEALTH AND PUBLIC WORKS TO LIMIT THE CONSTRUCTION ACTIVITY.

>> HEARING OFFICER MCCARTHY: NOW, THE THREE FEET OF CLEARANCE AROUND THE FIRE HYDRANT, THAT'S WITH REGARD TO THE FACILITY ITSELF OBVIOUSLY DURING CONSTRUCTION, A VEHICLE CANNOT BE PARKED WITHIN 10 FEET OF THE HYDRANT, SO YOU'RE TALKING HERE WHEN THE THREE FOOT CLEARANCE, THAT'S IN RELATIONSHIP TO CONSTRUCTION?

>> MS. NAZAR: THIS --

>> HEARING OFFICER MCCARTHY: THE INSTALLATION OF FACILITIES?

>> MS. NAZAR: I'M SORRY, I CAN HARDLY HEAR YOU.

>> HEARING OFFICER MCCARTHY: THE INSTALLATION OF FACILITIES, THAT IS WHAT IS THE REFERENCE IN CONDITION NUMBER 35.

>> MS. NAZAR: CONDITION NUMBER 35, YES, THAT IS CORRECT. IT'S IN REGARDS TO THE CLEARANCE FOR THE INSTALLATION OF THE FACILITIES, AND THAT'S RECOMMENDED BY THE FIRE DEPARTMENT. THEY REQUIRE THAT THERE WOULD BE A THREE FEET CLEARANCE ON ALL SIDES, AND AS I UNDERSTAND, THE APPLICANT COMPLIES WITH THIS CONDITION. THERE IS A FIRE HYDRANT THAT IS RIGHT NEXT TO THE FACILITY.

>> HEARING OFFICER MCCARTHY: OKAY, AND THEN WE SEE THAT WE HAVE ON CONDITION NUMBER 36 REFERENCES CONSTRUCTION HOURS, OPERATION OF

TOOLS AND EQUIPMENT IS ADDRESSED HERE AS WELL, 37 REQUIRES MUFFLERS ON CERTAIN EQUIPMENT, 38, ALL CONSTRUCTION STAGING AREAS WILL BE CONSTRUCTED AWAY FROM HOMES, 39, THE ELECTRIC AIR COMPRESSORS SHOULD BE USED RATHER THAN DIESEL EQUIPMENT, NUMBER 40 IS IMPLEMENTATION OF NOISE ATTENUATION MEASURES WHICH MAY INCLUDE TEMPORARY NOISE BARRIERS OR NOISE BLANKETS AROUND STATIONERY NOISE SOURCES WHICH IS CONSTRUCTION IN THIS MATTER, 41, WE HAVE CONSTRUCTION HOURS AND DATES ALLOWABLE WORK DAYS IN THE -- THE SUPERINTENDENT SHOULD BE POSTED ON SITE, THE NUMBER, AND THAT POSTING SHALL OCCUR TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, 42, THE APPLICANT SHALL ADHERE TO THE COUNTY NOISE ORDINANCE, 43, IF THE PUBLIC AGENCY REQUIRES A FACILITY TO RELOCATE DUE TO STREET IMPROVEMENT PROJECTS AND UNDERGROUND OF UTILITIES, THE COST OF RELOCATION OF WIRELESS FACILITY DUE TO SUCH PROJECT SHOULD BE FULLY BORN BY THE APPLICANT.SO, BASICALLY AS 36-42 THAT RELATE TO NOISE IMPACTS UPON ADJOINING PROPERTIES.DO WE HAVE A REPRESENTATIVE FROM THE APPLICANT HERE, FROM VERIZON?AND HAVE YOU BEEN SWORN IN, SIR?

>> YES, I HAVE, SIR.

>> HEARING OFFICER MCCARTHY: GIVE US YOUR NAME.

>> MY NAME IS PETER HILGER AND I'M HERE ON BEHALF OF VERIZON WIRELESS.

>> HEARING OFFICER MCCARTHY: VERY WELL.YOU HAVE READ ALL OF THE CONDITIONS ON BEHALF OF VERIZON WIRELESS?

>> I HAVE.

>> HEARING OFFICER MCCARTHY: AND YOU AND VERIZON AGREE WITH ALL THOSE CONDITIONS?

>> WITH ONE CAVEAT, ON CONDITION NUMBER 29, IT IS A RIGHT-OF-WAY AND THERE IS NO LEASEHOLDER INFORMATION IN THE NOTIFICATION OR THE PERMIT NUMBER, WE WOULD JUST LIKE TO HAVE IT BE WORDED SO THAT THE CARRIER'S NAME IS LISTED AS PART OF THE CONDITIONS SINCE THERE IS NO LEASEHOLDER FOR THE RIGHT-OF-WAY.

>> HEARING OFFICER MCCARTHY: NUMBER 29 READS THE PROJECT NUMBER, CONDITIONAL USE PERMIT NUMBER AND LEASEHOLDER CONTACT INFORMATION SHOULD BE DISPLAYED ON THE FACILITY OR CAN BE EASILY VIEWED AT OR NEAR EYE LEVEL, IS THAT THE CONDITION?

>> IT IS, SIR.

>> HEARING OFFICER MCCARTHY: STAFF, DO YOU WANT TO RESPOND TO THE APPLICANT'S CONCERN?

>> MS. NAZAR: WHILE THIS CONDITION WILL ALLOW THE RESIDENT -- RESIDENTS TO HAVE THE CONTACT INFORMATION JUST IN CASE THERE IS AN ISSUE WITH THE CONSTRUCTION.

>> THAT'S NOT A PROBLEM, OUR PROBLEM IS THE WORD LEASEHOLDER.

>> MS. NAZAR: I CAN REVISE THE LEASEHOLDER PART.

>> NO, THAT'S FINE, WE AGREE WITH THAT CONDITION, JUST THE WORDING.

>> HEARING OFFICER MCCARTHY: AND YOU PREFER LEASEHOLDER TO BE REPLACED WITH WHAT TERMINOLOGY.

>> THE CARRIER.

>> HEARING OFFICER MCCARTHY: CARRIER, OKAY.

>> HEARING OFFICER MCCARTHY: AND THEN ON 35, I WANT THAT CLARIFIED. I DON'T KNOW IF YOU HEARD THE DISCUSSION, BASICALLY IF THERE'S CONSTRUCTION TAKING PLACE DURING THIS INSTALLATION, THE TRUCK THAT IS ARE GOING TO BE USED DURING THE CONSTRUCTION HAVE TO BE 10 FEET AWAY FROM THE HYDRANT.

>> WE UNDERSTAND THAT.

>> HEARING OFFICER MCCARTHY: AND IT'S WHAT YOU'RE CONSTRUCTING THAT WILL BE THREE FEET AWAY.

>> CORRECT.

>> HEARING OFFICER MCCARTHY: SO, JUST ADD A FEW WORDS HERE, STAFF, TO MAKE IT CLEAR THAT THERE WILL BE A THREE FEET CLEARANCE FOR VERIZON FACILITIES, YOU KNOW, AROUND ALL SIDES OF THE EXISTING HYDRANT.

>> WE UNDERSTAND THAT'S WHAT WAS MEANT, SO WE WERE FINE WITH THAT CONDITION.

>> HEARING OFFICER MCCARTHY: YEAH, BUT SOMETIMES THESE GET PASSED DOWN TO THE LINE AND SOME CONSTRUCTION IS LOOKING FOR IT AND THEY SAY, I CAN PARK IN FRONT OF THE HYDRANT.

>> RIGHT.

>> HEARING OFFICER MCCARTHY: SO, WE DON'T WANT THAT.

>> NO.

>> HEARING OFFICER MCCARTHY: AND IN ADDITION TO THE ONE LETTER WE HAD THAT YOU DISCUSSED ALREADY REGARDING THE CONSTRUCTION IMPACTS, DID YOU RECEIVE ANY OTHER E-MAIL, LETTERS, PHONE CALLS?

>> MS. NAZAR: NO, STAFF HAS NOT RECEIVED ANY OTHER PHONE CALLS.

>> HEARING OFFICER MCCARTHY: AND MS. KIM, WITH REGARD TO THE SIGNATURE CARD, HAS ANYONE SIGNED A CARD WISHING TO TESTIFY FOR OR IN OPPOSITION OF?

>> NO, NO ONE ELSE.

>> HEARING OFFICER MCCARTHY: VERY WELL.WE'RE GOING TO HAVE THOSE TWO ITEMS OF THE CONDITIONS UPDATED HERE AS DISCUSSED A MOMENT AGO.AND THEREFORE I WILL BE APPROVING THIS MATTER AND ADOPTING THE CATEGORICAL EXEMPTION OF THE PROJECT AND CERTIFIES THAT IT IS CONSISTENT WITH THE REQUIREMENTS OF THE COUNTY AND ENVIRONMENTAL QUALITY ACT AND WITH THAT, I WILL CLOSE THE MATTER.

>> THANK YOU, MR. MCCARTHY.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS SEPTEMBER 17TH, 14 DAYS FROM TODAY.

>> THANK YOU, MA'AM.

>> HEARING OFFICER MCCARTHY: AND THAT CONCLUDES NUMBER 8, AND I BELIEVE MS. NAZAR HAS ITEM NUMBER 9 AS WELL.

>> MS. NAZAR: GOOD AFTERNOON, ONCE AGAIN, MR. HEARING OFFICER, GENTEEN NAZAR, REGIONAL PLANNING STAFF MEMBER, AGENDA ITEM NUMBER 9, PROJECT NUMBER R200604010 AND ASSOCIATED CONDITIONAL USE PERMIT NUMBER 200700092 IS A REQUEST TO CONSTRUCT A MOTEL WITH 56 ROOMS, THIS ITEM IS SCHEDULED FOR DENIAL DUE TO INACTIVITY.THIS APPLICATION WAS FILED ON MARCH 27, 2007, AFTER THE PROJECT WAS REVIEWED AND AN INITIAL STUDY WAS PREPARED, THE APPLICANT WAS INFORMED THAT ADDITIONAL MATERIALS WERE NEEDED BY THE DEPARTMENT OF PUBLIC WORKS, FIRE AND PUBLIC HEALTH.SUBSEQUENT FOLLOW-UPS INDICATE THAT THE APPLICANT FAILED TO PROVIDE THE REQUIRED MATERIALS.ON JULY 1, 2013, STAFF SENT A LETTER TO THE APPLICANT ADVISING IF NO ACTIVITY OCCURS WITHIN 30 DAYS, THIS CASE WILL BE SCHEDULED FOR A DENIAL DUE TO INACTIVITY.STAFF SENT A FINAL LETTER ON AUGUST 22, 2013 ADVISING THE CASE IS SCHEDULED FOR

DENIAL ON SEPTEMBER 3RD. TO DATE, THE APPLICANT HAS NOT CONTACTED STAFF, THEREFORE, STAFF RECOMMENDS THAT THE HEARING OFFICER DENY CONDITIONAL USE PERMIT NUMBER 200700092 DUE TO INACTIVITY IN THE SECOND SUPERVISORIAL DISTRICT. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER MCCARTHY: AND SO WE HAVE RECEIVED NOTHING RIGHT UP UNTIL THE VERY LAST MOMENT TODAY, IS THAT CORRECT, STAFF?

>> MS. NAZAR: THAT IS CORRECT.

>> HEARING OFFICER MCCARTHY: BY NOTHING, I MEAN NO COMMUNICATION FROM THIS APPLICANT, POWER THIS, LLC?

>> MS. NAZAR: NO COMMUNICATION WAS RECEIVED FROM THE APPLICANT OR THE OWNER.

>> HEARING OFFICER MCCARTHY: AND MS. KIM, DO WE HAVE ANYONE WHO HAS SIGNED, A SIGNATURE CARD WITH A REQUEST TO TESTIFY IN OPPOSITION OR IN FAVOR?

>> NO OTHER SPEAKERS.

>> HEARING OFFICER MCCARTHY: VERY WELL, THEN I WILL GRANT THE STAFF'S REQUEST FOR DENIAL OF THE CONDITIONAL USE PERMIT 200700092 DUE TO A LACK OF ACTIVITY, A LACK OF FOLLOWING THROUGH ON STAFF REQUEST. THANK YOU, STAFF.

>> MS. NAZAR: THANK YOU.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS SEPTEMBER 17, 14 DAYS FROM TODAY.

>> HEARING OFFICER MCCARTHY: AND NOW WE WILL RETURN TO ITEM NUMBER 3, WHICH IS NONCONFORMING REVIEW CASE NUMBER 201000008, WE MOVED ON TO OTHER ITEMS TO MAKE CERTAIN THAT THE APPLICANT HAD READ AND UNDERSTANDS THE CONDITIONS PREPARED BY THE STAFF.

>> MS. KULCZYCKI: GOOD AFTERNOON, MY NAME IS CHRISTINA KULCZYCKI, WE'VE HAD THE OPPORTUNITY TO GO THROUGH THE CONDITIONS, WE'VE ALSO BEEN ABLE TO GET A HOLD OF THE OTHER CO-OWNER OF THE PROPERTY. WE WEREN'T ABLE TO GET A HOLD OF MR. MONROY HOWEVER, BUT SEEING AS BOTH OWNERS HAVE BEEN ABLE TO READ THROUGH THE CONDITIONS, HE'S THE OWNER AND THE LANDLORD, HE CAN SPEAK TO UNDERSTANDING THE CONDITIONS.

>> HEARING OFFICER MCCARTHY: AND YOU HAD HIS CHOSEN TRANSLATOR PRESENT AT THE TIME YOU WERE REVIEWING THE CONDITIONS WITH HIM?

>> MS. KULCZYCKI: YES.IF YOU WOULD LIKE TO GO AHEAD AND REINTRODUCE YOURSELF.

>> HEARING OFFICER MCCARTHY: JUST GIVE US YOUR NAME.

>> MY NAME IS -- LAST NAME IS SETAREH.

>> AND [INAUDIBLE] WILSON, THE INTERPRETER.

>> HEARING OFFICER MCCARTHY: VERY WELL, AND I'M GOING TO ASK VERY DIRECTLY, HAS HE READ AND DOES HE UNDERSTAND THE CONDITIONS PREPARED BY THE STAFF?

>> YES, YES.

>> HEARING OFFICER MCCARTHY: AND DOES HE AGREE TO THE CONDITIONS PREPARED BY THE STAFF?

>> YES, YES.

>> HEARING OFFICER MCCARTHY: OKAY.AND AGAIN, STAFF, HAVE WE HAD ANY CORRESPONDENCE FROM THE PUBLIC, ANY TELEPHONE, E-MAIL, WRITTEN CORRESPONDENCE FROM THE PUBLIC INDICATING AN OPPOSITION TO THE CONTINUED OPERATION OF THESE MARKETS?

>> MS. KULCZYCKI: NO, NO.

>> HEARING OFFICER MCCARTHY: AND MS. KILL, DO WE HAVE ANYONE WHO SIGNED A CARD HERE WISHING TO TESTIFY IN FAVOR OR IN OPPOSITION.

>> MR. RIVERA HAD FILLED THE SPEAKER CARD, HAD FILLED OUT A SPEAKER CARD BUT I DON'T SEE ANYONE PRESENT IN THE HEARING ROOM.

>> HEARING OFFICER MCCARTHY: IS MR. RIVERA REPRESENTING OR INVOLVED WITH THE APPLICANT IN ANY WAY?

>> ARE YOU TALKING ABOUT MARCELO?

>> MS. KULCZYCKI: NO, THERE FRANCISCO RIVERA, HE INDICATED HE IS IN FAVOR OF THE PROJECT.

>> HEARING OFFICER MCCARTHY: OH, VERY WELL.HEARING NO ONE IN OPPOSITION AND HOPING THAT THE APPLICANT DOES UNDERSTAND THE CONDITIONS THAT HE HAS TO COMPLY WITH, THEN I THINK WE CAN PROCEED.I

JUST WANT TO BE CLEAR, THE APPLICANT IS CLEAR ON HIS RESPONSIBILITIES WITH REGARD TO GRAFFITI ABATEMENT.

>> YES, HE IS.

>> HEARING OFFICER MCCARTHY: OKAY.ALRIGHT, AND SO YOU KNOW THAT YOU HAVE TO CLEAN UP THAT GRAFFITI VERY, VERY QUICKLY?

>> OKAY, YES.

>> HEARING OFFICER MCCARTHY: DO YOU HAVE ANY PAY PHONES OUT IN FRONT OF THE FACILITY?

>> IT'S ON THE STREET, YES.

>> HEARING OFFICER MCCARTHY: IS THERE A CONDITION ADDRESSING THE PAY PHONE?

>> MS. KULCZYCKI: YES.

>> HEARING OFFICER MCCARTHY: WHAT IS THAT CONDITION?

>> MS. KULCZYCKI: IT IS NUMBER 26, PUBLIC TELEPHONES LOCATED ON THE BUILDING EXTERIOR SHALL BE RESTRICTED TO OUTGOING CALLS ONLY IN THE PREVIOUS CONDITIONS.

>> HEARING OFFICER MCCARTHY: AND THE PHONE IS RESTRICTED TO OUTGOING PHONE CALLS ONLY?

>> YES, IT'S ONLY OUTGOING CALLS.

>> HEARING OFFICER MCCARTHY: VERY WELL, I'LL FIND THAT THE PROJECT IS EXEMPT UNDER THE CLASS 1 PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THEREFORE YOUR APPLICATION COMPLIES WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL ACT AND VIEW OF THE FACT THAT WE HAVE CERTAINLY NO EVIDENCE OF OPPOSITION HERE, ANY REASON TO QUESTION THE WISDOM OF THIS CONTINUED USE, WE WILL APPROVE THIS CONTINUED USE, AND NONCONFORMING REVIEW CASE NUMBER 201000008 IS APPROVED SUBJECT TO THE CONDITIONS THAT HAVE BEEN AGREED -- PREPARED BY STAFF AND READ BY THE APPLICANT, THE PROPERTY OWNER.OKAY, THANK YOU FOR COMING.

>> THANK YOU VERY MUCH.

>> HEARING OFFICER MCCARTHY: YOU'RE WELCOME.

>> THE LAST DAY TO APPEAL THIS ACTION IS SEPTEMBER 17, TWO WEEKS FROM TODAY.

>> THANK YOU SO MUCH.

>> HEARING OFFICER MCCARTHY: AND PURSUANT TO SECTION 54954.3 OF THE GOVERNMENT CODE RELATED TO PUBLIC COMMENT, WE SEE NO ONE IN THE AUDIENCE AT THIS TIME WHO WISHES TO COMMENT, SO I WILL ADJOURN THE PUBLIC HEARING UNTIL 9:00 A.M. TUESDAY SEPTEMBER 17, 2013 IN ROOM 150 AT 320 WEST TEMPLE STREET, LOS ANGELES, 90012.