

>> HEARING OFFICER HACHIYA: THIS TUESDAY MORNING DECEMBER 3, 2013 HEARING OFFICER MEETING IS NOW CALLED TO ORDER. WE'RE GOING TO FIRST START WITH THE PLEDGE OF ALLEGIANCE, SO IF YOU'LL JOIN ME BY STANDING. (PLEDGE OF ALLEGIANCE).

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

>> HEARING OFFICER HACHIYA: GOOD MORNING, I AM REGIONAL STAFF MEMBER PATRICIA HACHIYA AND I WILL BE HANDLING ALL 9 ITEMS, I WILL BE FOLLOWING THE ORDER OF AGENDA THIS MORNING. PLEASE NOTE THIS MORNING'S PROCEEDINGS ARE BEING VIDEOTAPED AND STREAMED LIVE. ARCHIVES OF THE BROADCASTING WILL BE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE. IF YOU PLAN TO SPEAK ON TODAY'S AGENDA ITEMS, PLEASE FILL OUT A SPEAKER CARD THAT'S AVAILABLE TO YOU FROM STAFF IN THE BACK OF THE ROOM. WITH REGARDS TO THE ORDER OF TESTIMONY, PLEASE TRY TO REFRAIN FROM REPEATING TESTIMONY GIVEN BY OTHERS. AT THE CONCLUSION OF THE TESTIMONIES EITHER TODAY OR AT A CONTINUED HEARING, THE HEARING WILL BE CLOSED, IN THE EVENT IT BECOMES APPARENT THAT THE CASE INVOLVES ANY PLANNING ISSUES, I MAY REFER THE CASE TO THE REGIONAL PLANNING COMMISSION WITHOUT ANY DECISIONS OR ACTIONS ON MY PART. ANY DECISION MADE BY ME THIS MORNING MAY BE APPEALED TO THE REAL PLANNING COMMISSION. TO EXPEDITE THIS MORNING'S PROCEEDINGS FOR THOSE OF YOU IN THE AUDIENCE WHO INTEND TO TESTIFY THIS MORNING ON ANY OF THE AGENDA ITEMS, COULD YOU PLEASE STAND AND BE SWORN IN BY STAFF AT THIS POINT, SO IF YOU PLAN ON SPEAKING ON ANY OF TODAY'S ITEMS, PLEASE STAND. (SWEARING-IN OF WITNESSES).

>> HEARING OFFICER HACHIYA: THANK YOU, WE'LL GO AHEAD AND START WITH PART 2, PUBLIC HEARING PORTION OF THE AGENDA, AND THE FIRST ITEM UP IS ITEM NUMBER 2, PROJECT NUMBER R2013-01061 IN THE FIRST DISTRICT AND WE'LL GO AHEAD WITH STAFF'S PRESENTATION.

>> MR. MAR: MY NAME IS STEVE MAR, AGENDA ITEM NUMBER 2 IS PROJECT NUMBER R2013-01061, CONDITIONAL USE PERMIT NUMBER 201300059. THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT FOR THE CONTINUED SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXISTING GAS STATION, MINI MART LOCATED AT 250 SOUTH ATLANTIC BOULEVARD IN THE EAST LOS ANGELES WITHIN THE EASTSIDE UNIT NUMBER 4 ZONED DISTRICT AND FIRST SUPERVISORIAL DISTRICT. THE SUBJECT PROPERTY IS ZONED T3 COMMERCIAL, AND ALCOHOLIC SALES IS PERMITTED USE TO THE SALE PURSUANT TO COUNTY CODE ONCE A CUP IS OBTAINED. LAND USES SURROUNDING THE SITE INCLUDE MEDICAL OFFICES, COMMERCIAL RETAIL AND MULTIFAMILY USES TO THE SOUTH, AND A MEDICAL OFFICE AND SINGLE FAMILY RESIDENTIAL USES TO THE EAST AND A METRO PARKING STRUCTURE AND

RETAIL AND COMMERCIAL USES TO THE WEST. THE SITE PLAN DEPICTS AN EXISTING 2008 SQUARE FOOT GAS STATION MINI MART WITH A 1735 SQUARE FOOT CANOPY OVER FOUR EXISTING GAS PUMP ISLANDS ON A .36 ACRE LOT AT THE NORTHEAST CORNER OF ATLANTIC BOULEVARD AND POMONA BOULEVARD. THERE ARE TEN PARKING SPACES SHOWN ON THE SITE PLAN FOR THE PROPERTY ACCESS TO THE SITE IS VIA DRIVEWAYS OFF OF ATLANTA BOULEVARD AND POMONA BOULEVARD, THE MINI MART POSES 2.7% OF THE TOTAL SHELF SPACE TO BE DEVOTED TO ALCOHOLIC SALES. THIS PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION CLASS ONE EXISTING FACILITIES PURSUANT TO CEQA REPORTING REQUIREMENTS BECAUSE NO EXPANSION OF USE BEYOND THAT CURRENTLY EXISTING ARE PROPOSED. STAFF IS OF THE OPINION THAT THE APPLICANT'S BURDEN OF PROOF HAS BEEN MET, NO PUBLIC COMMENTS HAVE BEEN RECEIVED FROM THE PUBLIC COMMENT AT THIS TIME, STAFF FINDS THAT BEER AND WINE ON THE SUBJECT PROPERTY IS [INAUDIBLE] AND CURRENT ZONING DESIGNATION, THEREFORE, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT NUMBER 201300059 WITH THE ATTACHED FINDINGS AND CONDITIONS. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER HACHIYA: THANK YOU. I HAD A QUESTION WITH REGARDS TO THE SHELVING PLAN FOR THE ALCOHOL DISPLAY. WILL THIS SHELVING PLAN BE STAMPED AS PART OF THE APPROVED EXHIBIT A?

>> MR. MAR: YES, IT WOULD BE.

>> HEARING OFFICER HACHIYA: SO, WHEN I'M LOOKER AT THE SHELVING PLAN RIGHT NOW, IT SAYS THAT WHAT'S PROPOSED IS 480 LINEAR INCHES OF SHELVING DEVOTED TO ALCOHOLIC BEVERAGES, THAT'S WHAT THE SHELVING PLAN SAYS. COULD YOU PLEASE ADD A FINDING JUST STATING THAT.

>> MR. MAR: YES, I CAN DO THAT.

>> HEARING OFFICER HACHIYA: THIS IS JUST IN CASE THE SITE PLAN NEVER GETS SEPARATED FROM THE FINDINGS, WE'LL HAVE THAT IN THE FIND ADVISING WE'LL KNOW IF ANY EXPANSION HAS TAKEN PLACE IN THE FUTURE. AND THEN I THINK THE OTHER QUESTION I WOULD HAVE WOULD BE FOR THE REPRESENTATIVE IF HE OR SHE IS AVAILABLE.

>> YES, WE HAVE ONE PERSON SWORN IN, HELEN QUAN.

>> HEARING OFFICER HACHIYA: OKAY, WOULD YOU PLEASE COME FORWARD, THANK YOU. HI.

>> MY NAME IS HELEN QUAN.

>> HEARING OFFICER HACHIYA: OKAY. YOU CAN HAVE A SEAT. I JUST HAD ONE QUESTION. I THINK RIGHT NOW THE CONDITIONS STATE THAT THIS GRANT IS FOR

THE SALE OF ALCOHOLIC BEVERAGE FROM 6 A.M. TO 12 A.M. AND THAT'S IN THE CONDITIONS, THAT'S WHAT WAS PREVIOUSLY APPROVED UNDER THE PREVIOUS CONDITIONAL USE PERMIT, BUT I KNOW IN THE STAFF REPORT, I BELIEVE THAT THE APPLICANT INDICATED THAT HE OR SHE IS INTERESTED IN SELLING UNTIL JUST 10 P.M., SO I WANTED TO CLARIFY WHAT WAS THE INTENT OF THE APPLICANT?

>> WE CLOSE OUR DOORS AT 10:00 SO WE STOP SELLING AT 10:00, YES.

>> HEARING OFFICER HACHIYA: OKAY. SO, COULD WE GO AHEAD AND MAKE THE CHANGE THEN IN CONDITION 24 THAT THIS GRANT WILL AUTHORIZE SALE ONLY FROM 6 A.M. TO 10 P.M.

>> MR. MAR: WE COULD DO THAT.

>> HEARING OFFICER HACHIYA: AND THEN IN CONDITION 27, ALCOHOL SALES SHALL BE PROHIBITED BETWEEN 6 A.M. TO 10 P.M., AND THEN IN CONDITION 32, I GUESS YOU CAN GO AHEAD AND ELIMINATE THAT SINCE THEY'RE NOT PLANNING TO SELL AFTER 10 P.M., OKAY, THANK YOU. AND DO YOU HAVE ANY OTHER TESTIMONY THAT YOU WOULD LIKE TO PROVIDE WITH REGARDS TO THIS APPLICATION?

>> NOT REALLY.

>> HEARING OFFICER HACHIYA: OKAY, I DON'T HAVE ANY OTHER QUESTIONS. SO, AT THIS POINT, I WILL CLOSE THE PUBLIC HEARING AND APPROVE THIS CONDITIONAL USE PERMIT, CASE NUMBER 201300059 AND ALSO ADOPT THE CATEGORICAL EXEMPTION. SO, THANK YOU FOR COMING DOWN.

>> AND THE LAST DAY TO APPEAL THIS ACTION IS DECEMBER 17, 2013.

>> HEARING OFFICER HACHIYA: THANK YOU. OKAY, SO NOW WE'RE ON TO ITEM NUMBER 3. THIS IS PROJECT NUMBER R2013-01982 IN THE THIRD SUPERVISORIAL DISTRICT, AND I AM READY TO HEAR STAFF'S PRESENTATION.

>> MR. SMITH: GOOD MORNING, MADAM HEARING OFFICE, MY NAME IS PHILLIP SMITH, I HAVE A FEW CORRECTION, I HAVE DELETED THE SECOND TO LAST SENTENCE OF THE PROJECT DESCRIPTION OF THE CONDITIONS WHICH READS THE FACILITIES WAS APPROVED BY THE CUP, ALSO THE SEATAC HEARING DATE WAS OCTOBER 4, NOT NOVEMBER 4, SO THAT DATE HAS BEEN CHANGED AS WELL. AGENDA ITEM 3 IS A CONDITIONAL USE PERMIT NUMBER 201300098, A REQUEST TO CONTINUE OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATION FACILITY LOCATED AT 30815 MULHOLLAND HIGHWAY IN THE LOS ANGELES COUNTY UNINCORPORATED COMMUNITY OF THE SANTA MONICA MOUNTAINS NORTH AREA. THE EXISTING TELECOMMUNICATION FACILITY WAS APPROVED ON OCTOBER 29, 2003 BY CONDITIONAL USE PERMIT NUMBER 03100-3. THE

SUBJECT PROPERTY IS LOCATED IN A RURAL AREA, IT IS MOUNTED ON TO AN EXISTING POWER POLE LOCATED IN THE PUBLIC RIGHT OF WAY. CURRENT ZONING IS A-1-10 LIGHT AGRICULTURE AND THE LAND USE DESIGNATION IS M10 MOUNTAIN LANDS 10, THE SURROUNDING PROPERTIES ARE ZONED A-1-10, THAT'S 10 TO THE NORTH, SOUTH AND WEST AND SOME OPEN SPACE ZONED SOUTH OF THE PROPERTY IT INCLUDES SINGLE FAMILY RESIDENCES TO THE NORTH AND SOUTH AND VACANT PROPERTIES TO THE EAST AND WEST. THIS SITE PLAN DEPICTS TWO ONE INCH DIAMETER 42 INCH TALL ANTENNAS [INAUDIBLE] ON AN EXISTING 35 FOOT UTILITY POLE AND A UTILITY CABINET MOUNTED APPROXIMATELY 8 FEET ABOVE GRADE. THE PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A CLASS 1 EXEMPTION UNDER THE ENVIRONMENTAL REPORTING PROCEDURES AND GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE DETERMINATION WAS MADE BASED ON THE FACT THAT THE CELL PHONE TOWER IS AN EXISTING FACILITY. THE PROPERTY WENT TO SEATAC ON NOVEMBER 4 AND WAS APPROVED AS A CONSENT IE TIM SINCE IT IS AN EXISTING FACILITY. NO CORRESPONDENCE HAS BEEN RECEIVED BY THE PUBLIC. STAFF IS OF THE OPINION THAT THE CONDITIONAL USE PERMIT BURDEN OF PROOF REQUIREMENTS HAS BEEN MET AND IT IS IN COMPLIANCE OF THE GENERAL PLAN, THEREFORE STAFF IS RECOMMENDING THE APPROVAL OF CONDITIONAL USE PERMIT 201300098, PROJECT NUMBER R201301982 SUBJECT TO THE ATTACHED CONDITIONS. THIS CONCLUDES MY PRESENTATION.

>> HEARING OFFICER HACHIYA: THANK YOU. I DON'T HAVE ANY OTHER QUESTIONS FOR STAFF AT THIS POINT. ARE THERE ANY SPEAKERS SIGNED UP ON THIS ITEM?

>> YES, WE HAVE ONE SPEAKER, NORMAN MCLEOD.

>> GOOD MORNING, MADAM HEARING OFFICER. NORM MCLEOD, SPRINT PCS, I HAVE READ THE STAFF REPORT AND CONDITIONS OF APPROVAL, THERE ARE NO QUESTIONS.

>> HEARING OFFICER HACHIYA: OKAY, AND I DON'T HAVE ANY QUESTIONS FOR YOU, IT SEEMS LIKE THIS HAS BEEN HERE WITH NO PROBLEMS, SO AT THIS POINT, I WILL GO AHEAD AND CLOSE THE PUBLIC HEARING FOR THIS ITEM AND APPROVE CONDITIONAL USE PERMIT NUMBER 201300098 AND ALSO ADOPT THE CATEGORICAL EXEMPTION.

>> AND THE LAST DAY TO FILE AN APPEAL IS DECEMBER 17, 2013.

>> HEARING OFFICER HACHIYA: THANK YOU. AND NOW WE'RE ON TO PART 3 DISCUSSION AND POSSIBLE ACTION, THIS IS A ZONING ENFORCEMENT APPEAL AND IT'S MY UNDERSTANDING THAT THIS ZONING ENFORCEMENT APPEAL ORDER FOR REQUEST FOR SERVICE NUMBER 12-0017726 WAS WITHDRAWN AND SO THAT'S THE END OF THIS ITEM FOR NOW, AND THEN WE WILL GO ON TO THE

CASES RECOMMENDED FOR DENIAL DUE TO INACTIVITY. WE'LL GO AHEAD AND START WITH MS. HIKICHI.

>> MS. HIKICHI: I AM LINDA HIKICHI, I WILL PRESENT ITEMS 5-8, PROJECTS RECOMMENDED FOR DENIAL DUE TO INACTIVITY, THERE IS NO VISUAL PRESENTATION ASSOCIATED WITH THESE AGENDA ITEMS. THE APPLICANT FOR AGENDA ITEM NUMBER 8 HAS CONTACTED STAFF AND REQUESTED A TIME EXTENSION AND SHOULD BE TAKEN OFF TODAY'S AGENDA. STAFF NOTIFIED THE APPLICANTS OF PROJECTS FOR AGENDA ITEMS 5-7 IN LIFTED DATED THAT THE PROJECT WILL BE SCHEDULED BEFORE A HEARING OFFICER FOR DENIAL DUE TO INACTIVITY ON DECEMBER 3, 2013. THE LETTER DIRECTED THE APPLICANT TO CONTACT REGIONAL PLANNING STAFF WITHIN 30 DAYS OF THE OCTOBER 21, 2013 LETTER IF HE OR SHE WANTED TO KEEP THE PROJECT ACTIVE. TO THIS DATE, APPLICANTS FOR AGENDA ITEMS 5, 6 AND 7 HAVE NOT CONTACTED STAFF. AGENDA ITEM NUMBER 5, PROJECT NUMBER TR30114 INCLUDES TENTATIVE TRACT MAP NUMBER 30114, CONDITIONAL USE PERMIT NUMBER 200800197 AND OAK TREE NUMBER 200800052, A REQUEST FOR A MODIFICATION TO A RECORDED MAP TO CREATE 206 FAMILY LOTS WAS FILED IN 2008, THE LAST TIME EXTENSION EXPIRED, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY. AGENDA ITEM NUMBER 6, PROJECT NUMBER TR062370 INCLUDES TENTATIVE TRACT NUMBER 062370 WHICH IS A REQUEST TO CREATE 14 SINGLE FAMILY LOTS, THE SUBDIVISION LAST MET AT THE FEBRUARY 17, 2010 PUBLIC HEARING OF THE REGIONAL PLANNING COMMISSION, THE ITEM WAS TAKEN OFF CALENDAR TO ALLOW THE APPLICANT TIME TO SUBMIT A REVISED TENTATIVE MAP TO L.A. COUNTY SUBDIVISION COMMITTEE. NO ACTIVITY HAS OCCURRED ON THE PROJECT SINCE THAT TIME, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY. AGENDA ITEM NUMBER 7, PROJECT NUMBER TR062702 INCLUDES TENTATIVE TRACT MAP NUMBERS 062702 AND CONDITIONAL USE PERMIT NUMBER 200600017, A REQUEST TO CREATE FIVE SINGLE FAMILY LOTS AND A CONDITIONAL USE PERMIT WAS FILED ON JANUARY 23, 2006, THE SUBDIVISION COMMITTEE LAST MET ON MARCH 20, 2007T LAST TIME EXTENSION EXPIRED IN 2007, STAFF RECOMMENDS DENIAL DUE TO INACTIVITY. UNLESS THERE'S ANY QUESTIONS, THIS CONCLUDES STAFF'S PRESENTATION. THANK YOU.

>> HEARING OFFICER HACHIYA: THANK YOU, I DON'T HAVE ANY QUESTIONS ON THESE ITEMS AND I WILL CONCUR WITH STAFF'S RECOMMENDATIONS FOR DENIAL DUE TO INACTIVITY, ITEMS 5-7 AND TO TAKE OFF AGENDA ITEM NUMBER 8, PROJECT NUMBER PM069865 AND IS THERE AN APPEAL FOR THESE?

>> YES, THE LAST DAY TO APPEAL THESE ACTIONS IS 12-16-2013.

>> HEARING OFFICER HACHIYA: ALRIGHT, THANK YOU, AND NOW WE'RE ON TO PART 4, PUBLIC COMMENT, AND SEEING NO ONE IN THE AUDIENCE, IN CONFORMANCE WITH SECTION 54954.3 OF THE GOVERNMENT CODE, IS THERE ANYONE IN THE AUDIENCE WOULD WISHES TO COMMENT ON ANY ITEMS NOT ON TODAY'S AGENDA BUT WHICH IS WITHIN MY PURVIEW, SEEING NO ONE, THIS

DECEMBER 3, 2013 MEETING OF THE HEARING OFFICER IS NOW ADJOURNED.
(MEETING IS ADJOURNED).