

ORIGINAL

Decision No. 76160

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GAIL LORD, LORD'S TELEPHONE
SERVICE,

Complainant,

vs.

PACIFIC TELEPHONE & TELEGRAPH
COMPANY,

Defendant.

Case No. 8914
(Filed May 6, 1969)

Gail Lord, in propria persona, for
complainant.
John Michalski, for defendant.

O P I N I O N

Public hearing on the above entitled complaint was held in Los Angeles, July 24, 1969 before Examiner Barnett. Evidence was received and the matter submitted on such date.

Complainant now, and for approximately the past two years, operates a 24-hour telephone answering service at 5343 South Crenshaw Boulevard, Los Angeles, California. Complainant resides at 5656 Valley Glen Way, Los Angeles, California, in an unincorporated area in the County of Los Angeles. Sometime early in January 1969, complainant requested that defendant install a switchboard at her residence so that she could conduct her telephone answering service from her residence and close her South Crenshaw Boulevard office. Defendant refused to install the switchboard at 5656 Valley Glen Way on the ground that the premises at said address is a single family residence in a residential zone. In the opinion of defendant the Los Angeles County zoning regulations prohibit the operation of a telephone answering service in

a residential zone. Defendant offered to install a switchboard at complainant's residence once she received a zoning exception from the Los Angeles County Regional Planning Commission. Defendant asserted that without such zoning exception the installation of a switchboard in complainant's residence would be temporary and speculative in nature within the meaning of Schedule Cal.P.U.C. No. 36-T, 2nd. Revised Sheet 55 of defendant's tariff. Nevertheless, defendant offered to install the switchboard at complainant's residence if she agreed to indemnify defendant against loss of the construction charges should said switchboard be disconnected for violation of the zoning ordinances of the County of Los Angeles. The indemnification required would be either cash or bond in the amount of \$4,113.

The pertinent zoning regulations were introduced into evidence and provide:

"SECTION 202. PROHIBITION.

A person shall not use any premises in any residential zone except as hereinafter specifically permitted in this article and subject to all regulations and conditions enumerated in this article and, except as otherwise provided in Sections 491 and 497, in Article 4 of Chapter 4. (Amd. 5869, eff. 1-4-52; and by Ord. 8574, eff. 4-17-64 operative 7-16-64).

SECTION 207. ZONE R-1 REGULATIONS (SINGLE-FAMILY RESIDENCE).

Property in Zone R-1 may be used for:

- (a) A single family residence together with outbuildings customary to such use, located as provided in Section 469 and on the same lot or parcel of land, including:
- (1) Private garages or car ports.
 - (2) A children's playhouse.
 - (3) Buildings for the housing of animals which lawfully may be maintained on the premises.
 - (4) Lath or greenhouses.
 - (5) Tool houses.
 - (6) Hobby shops not used commercially.

Every residence and every other building shall have

"a height of not over two stories, including the basement but excluding the cellar, and not over thirty-five feet, except that, if hillside or other similar topographical conditions create practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this paragraph, and the director so finds, the director may modify this height limit to the extent necessary to eliminate such practical difficulties of unnecessary hardships.

(b) The following auxiliary uses if they do not alter the character of the premises as a single-family residence:

- (1) The renting of not more than 4 rooms to not more than 6 roomers, or the providing of table board to not more than 6 boarders, or both, in a single-family residence.
- (2) Detached living quarters on the same premises as, and not less than twenty (20) feet from the main building for the use by temporary guests of the occupants of the premises, if such quarters have no kitchen or kitchen facilities and are not rented or otherwise used as separate dwelling.
- (3) Living quarters for servants employed in and by the occupants of a single-family residence, attached to such residence, if no additional kitchen or kitchen facilities or equipment or cooking facilities or equipment be established or maintained in such attached servants' quarters."

An official of the Los Angeles County Regional Planning Commission appeared at the hearing and testified that in his opinion providing a telephone answering service from a residence at 5656 Valley Glen Way, Los Angeles, California, would be in violation of the Los Angeles County zoning regulations; said residence is in an R-1 zone; that if a switchboard to provide telephone answering service was installed at said address his office would have no alternative but to order that it be removed as a violation of the zoning regulations; that the way to avoid such removal was to petition the planning commission for a zoning exception. The witness stated that

the fee to petition for a zoning exception is \$247; it would take three to four months from the time the petition was filed to the date of decision; and the chance of complainant's obtaining a zoning exception was quite slim.

Complainant testified that she required the removal of her telephone answering service from her office on Crenshaw Boulevard to her residence because it would be more convenient for her to operate from her home. Such removal would permit her family to help in the business, and her to take care of her family. She is divorced, the mother of five children, and the sole support of her five children and her mother. Complainant, her five children, and her mother all reside at 5656 Valley Glen Way, Los Angeles. In order to operate her 24-hour telephone answering service, complainant and her eldest daughter are required to sleep in the Crenshaw Boulevard office so that they will be available to answer the switchboard. The eldest daughter attends school and leaves for school from the Crenshaw Boulevard address. Because the Crenshaw Boulevard office is small complainant and her daughter must sleep on the floor. By moving the switchboard to her residence complainant could take care of her children and at the same time be available to operate the switchboard, and her children could help in the operation of the business. Complainant testified that other telephone answering services are being operated from the private residences of the operators.

Complainant, a private citizen (as distinct from a public utility), asks us to order defendant to install a switchboard to be used for a commercial purpose in her home in derogation of zoning regulations which prohibit such use. She is, in effect, asking this Commission either to grant her a zoning exception, which we have no power to do, or to order defendant to install equipment which must be removed on demand by the County. From the evidence on this record, it appears that any adequate remedy to which complainant may be entitled must be afforded by the Los Angeles County Regional Planning Commission. The fact that other telephone answering services may be operating from private residences in violation of the zoning regulations provides no basis for this Commission to grant the relief requested.

Findings of Fact

1. Complainant is not a public utility.
2. Complainant presently operates a telephone answering service at 5343 South Crenshaw Boulevard, Los Angeles, California. She seeks to change the location of her business and move her switchboard to her residence at 5656 Valley Glen Way, Los Angeles, California. Said residence is located in an unincorporated area in the County of Los Angeles in a residential zone.
3. Zoning regulations of the County of Los Angeles prohibit the operation of a telephone answering service in a residential zone.

Based on the foregoing findings of fact we conclude that this Commission has no jurisdiction to grant the relief requested.

O R D E R

IT IS ORDERED that:

The complaint is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of SEPTEMBER, 1969.

William Sproull
President

Auguston
J. P. Debrau

Thomas L. Stinson
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.