

>> CHAIR LOUIE: GOOD MORNING. I WOULD LIKE TO WELCOME YOU TO THE JANUARY 30, 2013 REGIONAL PLANNING COMMISSION MEETING AND I WOULD LIKE TO ASK COMMISSIONER VALADEZ TO LEAD US IN THE FLAG SALUTE. (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.

>> CHAIR LOUIE: GOOD MORNING AND FOR THOSE OF YOU WHO ARE JOINING US FOR THE FIRST TIME, AGENDAS ARE AVAILABLE AT THE BACK OF THE ROOM AND IF YOU PLAN TO SPEAK ON ANY MATTER BEFORE THIS COMMISSION, YOU'LL NEED TO COMPLETE A SPEAKER'S CARD AND PRESENT TO OUR STAFF. I'D LIKE TO SEEK A MOTION TO APPROVE THE AGENDA.

>> SO MOVED.

>> SECOND.

>> CHAIR LOUIE: IT'S BEEN MOVED AND SECOND. THE MATTER IS APPROVED. COUNTY COUNSEL? REPORTS?

>> GOOD MORNING, I DON'T HAVE ANY REPORTS FOR YOU THIS MORNING.

>> CHAIR LOUIE: THANK YOU VERY MUCH, DEPUTY DIRECTOR, ANY REPORTS?

>> YES, COMMISSIONERS, YESTERDAY AFTER THE COMMISSION RECEIVED ITS SCROLL FOR THE 90TH ANNIVERSARY FOR THE COMMISSION, THERE ARE SOME ITEMS AT THE BOARD OF SUPERVISORS, THE FIRST WAS HEALTHY DESIGN, THIS WAS THE ORDINANCE THAT WAS BROUGHT BACK FROM COUNTY COUNCIL, IT WAS CONTINUED FOR ONE WEEK. ALSO THE BOARD DIRECTED OUR DEPARTMENT TO BE PART OF A TEAM THAT WILL BE MAKING RECOMMENDATIONS ON [INAUDIBLE] HOTELS, THAT MOTION WAS MADE BUT I BELIEVE THERE'S GOING TO BE THE FINAL MOTION WILL BE MADE AT NEXT WEEK'S MEETING AS WELL. AND FINALLY, THE SEA PROGRAM WAS RECEIVED AND FILED BY THE BOARD OF SUPERVISORS. THERE WERE SEVERAL QUESTIONS THAT MITCH GLASER RESPONDED TO QUITE ADEQUATELY I BELIEVE. THERE WERE TWO ITEMS THAT THE BOARD ASKED US TO DO, ONE IS A GUIDE MANUAL, WHEN WE COME BACK WITH THE ENTIRE PACKAGE WHICH WOULD BE IN APPROXIMATELY ONE YEAR, THE BOARD ASKED US TO INCLUDE A GUIDE MANUAL AND SECONDLY, THEY ASKED THAT WE CONSULT WITH COUNTY COUNSEL ON THE IMPLICATIONS OF THE SEA ORDINANCE PRIOR TO GOING BACK TO THE BOARD, SO THOSE WERE THE THREE ITEMS THAT WERE DISCUSSED.

>> CHAIR LOUIE: THANK YOU VERY MUCH. I NOW WOULD LIKE TO SEEK APPROVAL OF THE MINUTES FROM JANUARY 9, 2013.

>> MOVED.

>> SECOND.

>> CHAIR LOUIE: MOVED AND SECONDED, THAT MATTER'S APPROVED AS WELL. WE NOW MOVE ON TO PUBLIC HEARING AND THE FIRST ITEM IS PROJECT NUMBER R200603500, NONCONFORMING REVIEW. IS THE APPLICANT PRESENT?

>> MS. NAZAR: YES, THE APPLICANT IS HERE.

>> CHAIR LOUIE: IF THEY CAN STEP UP AND TAKE A SEAT TAT FRONT TABLE, AND MS. NAZAR, PLEASE PROCEED.

>> MS. NAZAR: GOOD MORNING, COMMISSIONERS, MY NAME IS MS. NAY CZAR WITH ZONING PERMIT'S EAST SECTION PRESENTING AGENDA ITEM NUMBER 6, PROJECT NUMBER R200603500. THE APPLICANT ARE METAL FABRICATORS IS REQUESTING AUTHORIZATION FOR A NONCONFORMING REVIEW TO CONTINUE THE USE AND OPERATION OF A METAL FABRICATION PLANT IN THE R4 ALAMEDA RESIDENCE ZONE. AS PER TITLE 22, SECTION 20, PART 5, A METAL FABRICATING PLANT IS CONSIDERED AN INDUSTRIAL USE WHICH IS NOT AN ALLOWED USE IN THE RESIDENTIAL ZONE. THE SUBJECT PROPERTY IS LOCATED AT 1708 EAST 61ST STREET

WITHIN THE GAGE-HOLMES ZONED DISTRICT. THE ZONING MAP ON YOUR LEFT DEPICTS THE PROPERTY IS SURROUNDED BY R4 UNLIMITED RESIDENCE ZONE TO THE NORTH, SOUTH AND EAST, AND R3, LIMITED MULTIPLE RESIDENCE TO THE WEST. RECORDS INDICATE THAT ZONING ON THE PROPERTY WAS N3, LIMITED IN 1943, N3 REGULATIONS BASICALLY DID NOT HAVE ANY RESTRICTIONS ON USE OR OCCUPANCY BY A NUMBER OF USES INCLUDING A METAL FABRICATING PLANT WITH ASSOCIATED STORAGE AREAS, ORDINANCE NUMBER 4554 ADOPTED ON OCTOBER 2, 1945 DESIGNATED THE CURRENT R4 ZONING. THERE HAVE BEEN NO OTHER ZONE CHANGES AFTER THE 1945 ZONE DESIGNATION. THE LAND USE MAP ON YOUR RIGHT SHOWS THE SURROUNDING PROPERTIES WITHIN A 500 FOOT RADIUS DEVELOPED TO THE SOUTH AND EAST AS RESIDENTIAL WITH SINGLE FAMILY RESIDENCES, DUPLEXES AND TRIP FLEXES, THERE IS AN APARTMENT BOO BUILDING TO THE NORTH, THE METRO BLUE LINE IS TO THE IMMEDIATE WEST OF THE SUBJECT SITE. THERE ARE COMMERCIAL USES AT THE END OF THE BLOCK ON HOLMES AVENUE, THE EXISTING FABRICATING USE WAS ESTABLISHED UNDER ZONING EXCEPTION CASE 3634 AND EXTENDED THROUGH ZONING EXCEPTION CASE OF 846 IN JUNE OF 1970. AS PER CODE SECTION 2264.050, WHERE A ZONING EXCEPTION CASE OR A ZEC WAS GRANTED BY ACTION OF THE COMMISSION OR BOARD OF SUPERVISORS PRIOR TO NOVEMBER 5, 1971, SUCH USE IS FROM THAT DAY FORWARDED CONSIDERED A NONCONFORMING USE UNDER THE PROVISIONS OF TITLE 22 AND IS SUBJECT TO ALL PROVISIONS GOVERNING NONCONFORMING USES AS WELL AS ALL LIMITATIONS AND CONDITIONS OF

SUCH GRANT. AS A RESULT, NCR 77 ESTABLISHED A 6 THOUSAND 8
SQUARE FOOT BUILDING FOR THE METAL FABRICATION PLANT AND A 495
SQUARE FOOT STORAGE BUILDING ALONG WITH ANOTHER 800,
APPROXIMATELY 800 SQUARE FOOT STORAGE AREA WITH 14 PARKING
SPACES IN 1975. THIS PERMIT EXPIRED IN JANUARY OF 1986. THE
NEGATIVE DECLARATION ADOPTED FOR NCR 77 IN 1975 DID NOT ALLOW
ANY ALTERATION OR EXPANSION TO THE EXISTING BUILDINGS OR USE IN
ORDER TO REGULATE ANY POTENTIAL NEGATIVE IMPACTS. FURTHER, NCR
86234 APPROVED THE CONTINUED USE OF THE METAL FABRICATION FOR AN
ADDITIONAL 20 YEARS IN NOVEMBER OF 1986. NO CHANGE IN USE OR
EXPANSION WAS PROPOSED AT THAT TIME. THE PERMIT PEPPERED IN --
THIS PERMIT PEPPERED IN NOVEMBER OF 2006 AND THE APPLICANT
APPLIED FOR THE NCR 2006-3500 REQUESTING TO CONTINUE THE USE.
STAFF FOUND THAT THERE WERE UNPERMITTED ADDITIONS ON THE
PROPERTY NOT ALLOWED BY REGIONAL PLANNING AND BUILDING AND
SAFETY THAT WERE BUILT BETWEEN 1986 AND 2006. THE APPLICANT IS
CURRENTLY IN VIOLATION OF THE TERMS OF NCR 77 BY BUILDING
UNPERMITTED ADDITIONS THAT CREATE NEGATIVE IMPACTS. THE SITE
PLAN IN THE MIDDLE DEPICTS THE SUBJECT PROPERTY LOCATED ON THREE
LOTS KNOWN AS LOT 1, 2 AND 23 AND TOTALS APPROXIMATELY 18
THOUSAND SQUARE FEET IN AREA. THE SITE PLAN ALSO DEPICTS A 12
THOUSAND 358 SQUARE FOOT LOT WHICH IS LOT 1 AND 2 COMBINED WITH
TWO EXISTING INNER CONNECTED BUILDINGS AS SHOWN WITH 7 THOUSAND
278 SQUARE FEET AND A 5 THOUSAND 608 SQUARE FOOT LOT WHICH IS

LOT 23 CONTAINING A PARKING LOT. THERE ARE SEVERAL COVERED STORAGE AREAS SHOWN AS 598, 550 AND 998 SQUARE FEET TOWARDS THE REAR OF THE PROPERTY TO THE SOUTH. NEXT, PLEASE. HERE WE SEE A FLOOR PLAN OF THE SUBJECT PROPERTY. NEXT, PLEASE. AND THIS PLAN SHOWS THE PRIOR APPROVAL WITHOUT THE ADDITIONS. ON THE FLOOR PLAN, WE WOULD SEE THAT THERE WERE SOME ADDITIONS THAT ARE NOT DEPICTED ON THIS PLAN. NEXT, PLEASE. AND THESE ARE SOME ELEVATIONS, NEXT. HERE IS A VIEW OF THE SOUTH OF THE SUBJECT PROPERTY SHOWING THE STORAGE AREAS. NEXT, PLEASE. AND HERE IS ANOTHER VIEW FROM THE REAR LOOKING TOWARDS THE NORTH SHOWING THE BUILDING. NEXT, PLEASE. AGAIN, ANOTHER VIEW SHOWING THE FACTORY. NEXT, PLEASE. HERE IS THE DRIVEWAY THAT IS NOT NONCONFORMING TO STANDARDS, IT'S ABOUT 10 OR 11 FOOT. NEXT, PLEASE, AND THIS IS THE PARKING AREA AND AS YOU CAN SEE, THERE IS GRAFFITI ON THE WALLS. NEXT, PLEASE. AGAIN, ANOTHER VIEW OF THE PARKING. NEXT, PLEASE. PARKING AREA WITH GRAFFITI, NEXT. MORE GRAFFITI AND NEXT, PLEASE. AND HERE WE CAN SEE THE REORG ADJACENT TO THE PROPERTY AND FENCES SEPARATING THE RAILROAD AND THE PARKING AREA OR THE DRIVEWAY AREA. NEXT, PLEASE. HERE ARE THE FENCES AS YOU CAN SEE, WE ARE MISSING SOME FENCES, APPARENTLY THE KIDS IN THE NEIGHBORHOOD, THEY BREAK THOSE FENCES AND GET IN THE PARKING LOT AND THAT'S WHY WE HAVE THE GRAFFITI THAT WE HAVE ON THE SIDE. HERE IS THE STORAGE AREA. NEXT, AND THIS IS LOOKING TOWARDS THE EAST SIDE WHERE THE RESIDENTIAL PROPERTY IS LOCATED RIGHT

ADJACENT TO THE SUBJECT FACTORY. NEXT. SOME INTERIOR PHOTOS SHOWING THE FACILITY AND THE EQUIPMENT. NEXT. SOME MORE PHOTOS, AND THIS IS THE FRONT VIEW OF THE PROPERTY ON 61ST STREET AND THE ACCESS TO THE FACILITY. AGAIN, ANOTHER VIEW OF THE TRAIN STATION. NEXT, PLEASE. AND THIS IS ALSO -- THIS IS THE PROPERTY THAT IS ACROSS THE STREET. THIS USED TO BE AN INDUSTRIAL USE AND CURRENTLY THERE IS A LARGE APARTMENT BUILDING COMPLEX UNDER CONSTRUCTION. NEXT, PLEASE. AND HERE IS ANOTHER VIEW FROM 61ST STREET ON THE CUL-DE-SAC AND THE TRAIN STATION. AND SOME MORE VIEW OF THE AERIAL VIEWS SHOWING THE FACTORY AND THE LAST PHOTO THAT SHOWS THE AREA WITH THE RESIDENTIAL NEIGHBORHOOD. THE PROJECT SITE IS LOCATED WITHIN THE HIGH DENSITY RESIDENTIAL LAND USE CATEGORY OF THE LOS ANGELES COUNTY GENERAL PLAN. THE HIGH DENSITY RESIDENTIAL LAND USE CATEGORY IS INTENDED FOR MEDIUM AND HIGH RISE APARTMENTS AND CONDOMINIUMS WITH A MAXIMUM DENSITY OF 22 DWELLING UNITS PER ACRE. THE EXISTING METAL FABRICATION PLANT IS AN INDUSTRIAL USE AND THEREFORE INCONSISTENT WITH THE PERMITTED USES OF THE UNDERLYING LAND USE CATEGORY. THE GENERAL PLAN DOES NOT RECOMMEND INDUSTRIAL USE DEVELOPMENT IN RESIDENTIAL AREAS AND RECOMMENDS THAT A DISTINCTION BE MADE BETWEEN THE TWO USES, ARE METAL FABRICATORS IS SPECIALIZED IN PRODUCTION AND INSTALLATION OF METAL PRODUCTS. STAFF VISITED THE SITE TWICE ASK NOTICED EXAMPLES OF CAST [INAUDIBLE] BATHS, DUCT WORK, BRACKETS, FOOD CARTS, RACKS, ETC.. THE COMPANY TAKES METAL

ALUMINUM STAINLESS STEEL PIECES TO MANUFACTURE PRODUCTS BY SHEERING, BENDING AND FORMING INTO A VARIETY OF PRODUCTS. ON THE NOVEMBER 24TH STAFF VISIT, STAFF WAS ADVISED THAT THE FACTORY IS EXPANDING AND THEY ARE EMPLOYING A MAXIMUM OF 15 EMPLOYEES AT THIS TIME. STAFF ALSO NOTICED ADDITIONAL HEAVY INDUSTRIAL EQUIPMENT ON-SITE WHICH WAS NOT ON THE PREMISES DURING A PREVIOUS VISIT. THERE WAS GRAFFITI IN THE PARKING AREA WHICH APPEARS TO BE ACCESSED FROM THE FENCES SEPARATING THE RAILROAD TRACKS AND THE PARKING AREAS AS DEPICTED IN THE PHOTOS. THE AMORTIZATION IS THE ALLOWANCE FOR A NONCONFORMING USE TO CONTINUE FOR A REASONABLE PERIOD OF TIME WITHOUT ANY EXPANSION THAT WOULD HAVE NEGATIVE ENVIRONMENTAL IMPACTS. IN ADDITION, THE AMORTIZATION PERIOD FOR A TYPE 4 AND 5 BUILDINGS USED AS STORES AND FACTORIES IS 25 YEARS. ANY NONCONFORMING BUILDING OR USE ON THE SUBJECT PROPERTY WAS AMORTIZED BY 1965, 20 YEARS AFTER THE ADOPTION OF THE R4 ZONING OR BASED ON THE USE AND CONSTRUCTION TYPE IN 1984. 25 YEARS AFTER THE INITIAL APPROVAL OF THE METAL FABRICATION BUSINESS. THE NONCONFORMING INDUSTRIAL OPERATION HAS BEEN ALLOWED TO CONTINUE IN THE RESIDENTIAL ZONE FOR A TOTAL OF 53 YEARS THROUGH ZEC APPROVALS AND SUBSEQUENT AMORTIZATION EXTENSIONS THROUGHOUT NCR 77 AND NCR 86234. THEREFORE, THE AMORTIZATION PERIOD HAS EXCEEDED THE TIME IT WAS ALLOWED UNDER TITLE 22. IN ADDITION, THE APPLICANT DOES NOT MEET THE BURDEN OF PROOF REQUIREMENTS BY ILLEGAL ADDITIONS, VIOLATING THE SITE YARD

STANDARDS AND CREATING SAFETY AND NEGATIVE IMPACTS IN THE AREA. THE APPLICANT HAS VIOLATED THE TERMS OF NCR 77 BY BUILDING THE ILLEGAL ADDITIONS. THE AMORTIZATION PERIOD FOR THE USE HAS EXPIRED AND THE EXISTING INDUSTRIAL USE IS NOT COMPATIBLE WITH THE SURROUNDING RESIDENTIAL USES. STAFF RECOMMENDS THAT THE COMMISSION CONCLUDE SECTION 15270 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CEQA AND THEREFORE DETERMINE THAT THIS PROJECT IS STATUTE TOILER EXEMPT FROM CEQA, ACCORDING TO SECTION 15270, CEQA DOES NOT APPLY TO PROJECTS THAT ARE DENIED AND FINALLY STAFF RECOMMENDS THE COMMISSION DENIES NCR 20060008 IN THE SECOND SUPERVISORIAL DISTRICT. THIS CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH. FELLOW COMMISSIONERS, ANY QUESTIONS?

>> COMMISSIONER MODUGNO: MS. NAZAR, THE VACANT PROPERTY ACROSS THE STREET YOU INDICATED THEY WERE GOING TO HAVE AN APARTMENT HOUSE BUILT THERE?

>> MS. NAZAR: I'M SORRY, I HAVE A HARD TIME TO HEAR?

>> COMMISSIONER MODUGNO: THE VACANT PROPERTY ACROSS THE STREET, YOU INDICATED THERE WAS AN APARTMENT HOUSES GOING TO BE BUILT THERE?

>> MS. NAZAR: YES, THAT'S CORRECT.

>> COMMISSIONER MODUGNO: DO YOU KNOW HOW MANY UNITS THAT'S GOING TO HAVE?

>> MS. NAZAR: I DO NOT RECALL. THE REASON I'M ASKING --

>> MS. NAZAR: I'M SORRY, THERE ARE 30 UNITS.

>> COMMISSIONER MODUGNO: THIS AREA IS ZONED R3, THE STREET THAT COMES DOWN DOES NOT APPEAR TO GO UNDERNEATH -- I DON'T KNOW IF IT GOES UNDERNEATH THE METRO LINKED RAILROAD, SO IT REALLY JUST ENDS, THERE'S NOT AN ADEQUATE CUL-DE-SAC THERE OR FIRE TRUCKS OR THINGS TO TURN, AND I WAS JUST QUESTIONING, WITH THE ADDITION OF OTHER 30 UNITS COMING IN AND THE ADDED TRAFFIC, IF THERE WAS A REQUIREMENT OF THE APARTMENT HOUSE TO DO SOMETHING OF PROVIDING FOR A FIRE TURN-AROUND?

>> MS. NAZAR: MY RECOLLECTION OF THE PROJECT ACROSS THE STREET IS THAT THE FIRE DEPARTMENT APPROVED THE PROJECT AND THAT

ACTUALLY HELPED OUR PROJECT TO CLEAR AND THAT THERE IS SUFFICIENT PARKING SPACES FOR THE ADJACENT APARTMENT COMPLEX DEVELOPMENT.

>> COMMISSIONER MODUGNO: WELL, I LOOK AT THIS IN TERMS OF FUTURE ACTIVITY, IF THIS PROJECT IS INDEED DENIED, THEN PERHAPS WHAT ONE MIGHT BELIEVE WOULD OCCUR ACROSS THE STREET ON THIS -- I'M SORRY, ON THE SUBJECT SITE IS NOT SINGLE FAMILY RESIDENCES BUT APARTMENTS THAT WOULD BE COMPARABLE TO ON THE OTHER SIDE WHICH WOULD THEN START TO TRICKLE AWAY AND THAT WHOLE NEIGHBORHOOD MIGHT MOVE TOWARDS MORE DENSITY, AND IS THAT ROAD ADEQUATE TO HANDLE THAT DEGREE OF DENSITY? AND IF FIRE HAS SIGNED OFF ON THAT -- BECAUSE EVEN THOUGH APARTMENT COMPLEXES PROVIDE PARKING ON-SITE, IT'S NEVER BEEN MY EXPERIENCE THAT IS NOT GENERATED STREET PARKING FOR VISITORS AND PEOPLE JUST DON'T WANT TO GO IN AND OUT OF THE UNDERGROUND PARKING SO THERE'S GOING TO BE A PROBLEM WITH PARKING ON THIS STREET IN MY ESTIMATION MOVING FORWARD WHICH MAY FURTHER BE COMPOUNDED WITH THE SUBJECT SITE IN TERMS OF ITS FUTURE DEVELOPMENT. THAT MAY BE BECAUSE THE WAY THAT LAND SITS, PERHAPS THAT WOULD BE THE OPPORTUNITY FOR SOME ADJUSTMENT IF SOMETHING GOES INTO THE SUBJECT SITE OTHER THAN THE CURRENT BUSINESS, THAT THAT WOULD BE AN OPPORTUNITY TO DO SOME PROPER CUL-DE-SAC OF THAT ROAD. I JUST SEE THAT NEIGHBORHOODS LIKE THIS THAT HAVE GOT THE OLD STREET DESIGNS

THAT DON'T HAVE ADEQUATE TURNAROUNDS AND HAVE THAT BEEN
ADDRESSED OR NOT ADDRESSED WITHIN THE APARTMENTS, WHETHER THE
APARTMENT HAD SOME KIND OF TURNING IN IT OR NOT, BUT -- FIRE,
JUST LOOKING AT --

>> NO, I REALIZE WHAT YOU'RE LOOKING AT, BUT THAT PROJECT,
BECAUSE IT WAS ZONED FOR THE CONSTRUCTION OF THE APARTMENT
BUILDING WOULDN'T HAVE COME THROUGH LAND DEVELOPMENT AND
PROBABLY ALSO BECAUSE IT'S A PUBLIC STREET, THEN PUBLIC WORKS
WOULD HAVE BEEN REVIEWING ANY ADDITION FOR AN OFFSET CUL-DE-SAC
OR SOMETHING OF THAT NATURE, BUT FIRE PROBABLY LOOKED AT IT AND
INCLUDED THE TURN-AROUND AREA INTO THE DRIVEWAY. I DON'T KNOW
WHAT THE DESIGN OF THAT APARTMENT BUILDING LOOKS LIKE.

>> COMMISSIONER MODUGNO: BUT HISTORICALLY IN THIS TYPE OF A
NEIGHBORHOOD WHEN IT DOES GO THROUGH CHANGE AND GREATER DENSITY
AND STREET PARKING, ETC., AND YOU'VE GOT INADEQUATE CUL-DE-
SACING TYPES OF THINGS, TO ME, IT IS A DEAD END ROAD, THE
CUMULATIVE EFFECT OF THAT, DOES THAT EVER TRIGGER SOMETHING
DIFFERENT OR JUST CREATE A SITUATION WHERE THE FIRE TRUCK WOULD
COME DOWN, CARS PARKED ON BOTH SIDES, CERTAINLY AN ADEQUATE WAY
TO TURN AROUND AND THE ONLY WAY TO GET OUT WOULD BE TO BE BACK
OUT THE STREET?

>> AND THAT'S CORRECT, AND THEY WOULD HAVE TO BACK UP THE WHOLE DISTANCE.

>> COMMISSIONER MODUGNO: OKAY, ALRIGHT, THANK YOU.

>> MR. CHAIR, ALSO TO RESPOND TO MR. MODUGNO'S COMMENTS, AS PART OF THE BUILDING PERMIT PLAN CHECK PROCESS, I DO KNOW THAT THERE ARE CONDITIONS THAT MAY BE IMPOSED SUCH AS STREET DEDICATION, IF THE STREET DOES NOT MEET THE CURRENT WIDTH AND RIGHT OF WAY AND ALSO SIDEWALK IMPROVEMENTS, ETC., ETC., SO IT'S ON A CASE BY CASE BASIS, NOT FOR THE ENTIRE ROAD OR CERTAINLY NOT FOR THE CUL-DE-SAC BECAUSE THAT PROPERTY ACROSS THE STREET MAY ONLY PROVIDE THE IMPROVEMENTS BASED ON ITS FRONTAGE, BUT I'M NOT SURE, PUBLIC WORK, CAN YOU EXPAND ON THAT?

>> YEAH, AND I HAVE NO INFORMATION ON THOSE CONDITIONS FOR THAT APARTMENT BUILDING. I COULD DO THE RESEARCH AND GET SOME INFORMATION, IF THERE WAS ANY DEDICATIONS REQUIRED.

>> CHAIR LOUIE: ADDITIONAL QUESTIONS?

>> COMMISSIONER HELSLEY: YES, MR. CHAIRMAN, THANK YOU. I WOULD LIKE TO GO BACK TO THE APARTMENT THAT IS BEING PROPOSED AND AS YOU LOOK AT THE ZONING MAP OVER HERE, IT HAS ACTUALLY FOUR LOTS

OR THREE LOTS THAT WOULD BE INVOLVED IN THAT. IS THE APARTMENT BEING BUILT ON ALL OF THESE LOTS? THESE TWO ARE INDUSTRIAL AND THIS ONE IS INDICATED AS VACANT AS WE LOOK AT THE LAND USE OVER HERE, SO, YOU KNOW, THIS BEING LIGHT INDUSTRY, THAT BEING LIGHT INDUSTRY IS NOT TOO BAD, BUT IF THE APARTMENTS ARE TAKING IN ALL THREE OF THESE LOTS, THEN I THINK THAT MAY BE A LITTLE DIFFERENT STORY. DO YOU KNOW WHETHER OR NOT IT'S ALL THREE LOTS?

>> MS. NAZAR: I THINK IN ORDER TO LOOK AT THE DEVELOPMENT ACROSS THE STREET, WE HAVE TO LOOK AT THE HISTORY OF THAT LOT. THERE WAS AN INDUSTRIAL USE AT THAT SITE WHICH WAS SHUT DOWN BECAUSE OF NEGATIVE IMPACTS FOR A NUMBER OF YEARS, AND WHAT HAPPENED IS THAT THAT PROJECT WAS DEMOLISHED AND REPLACED BY APARTMENT BUILDINGS. NOW, I'M NOT VERY FAMILIAR WITH THE PROJECT ACROSS THE STREET, BUT I WILL BE HAPPY TO LOOK INTO IT AND GIVE YOU SOME MORE INFORMATION, BUT I'M CERTAIN THAT THERE WAS AN INDUSTRIAL USE ACROSS THE STREET THAT WAS SHUT DOWN BECAUSE OF THOSE IMPACTS.

>> COMMISSIONER HELSLEY: AS I TAKE AND LOOK AT THIS, IT APPEARS THAT IT'S BASICALLY A VACANT -- I GUESS THAT WOULD BE -- THIS IS ONE LOT AND THEN THERE ARE TWO LOTS HERE, SO IT APPEARS TO BE A VACANT TWO LOT FROM WHAT I CAN SEE ON GOOGLE AND WHAT YOU SHOW HERE AT THE PRESENT TIME.

>> MS. NAZAR: THAT IS CORRECT, I BELIEVE THERE ARE THREE LOTS THAT ARE DEVELOPED AS APARTMENT BUILDINGS.

>> COMMISSIONER HELSLEY: AND THIS IS A VACANT LOT CURRENTLY, IS IT, IT'S MY UNDERSTANDING AGAIN LOOKING AT GOOGLE, THIS IS THE PARKING AREA THAT YOU TALKED ABOUT? THIS IS THE INDUSTRIAL AREA AND THE STORAGE AREA THAT HAS LITTLE SQUARE RIGHT THERE, THAT'S THE ILLEGALLY ADDED BUILDING, IS THAT MY UNDERSTANDING?

>> MS. NAZAR: I THINK THERE'S ONE VACANT LOT THAT REMAINS VACANT ACCORDING TO THE PHOTOGRAPH THAT I HAVE SEEN, BUT, AGAIN, I DON'T KNOW HOW ACCURATE THAT INFORMATION IS.

>> MR. CHAIR, IF THE COMMISSION IS INTERESTED IN THAT THREE LOT HOUSING PROJECT OR TWO LOT OR FOUR LOT, WE COULD CERTAINLY CONTACT THE FRONT COUNTER AND GET THAT INFORMATION PERHAPS IN THE NEXT 15 MINUTES.

>> COMMISSIONER HELSLEY: YES.

>> OKAY.

>> COMMISSIONER HELSLEY: THANK YOU, THAT WOULD BE HELPFUL.

>> CHAIR LOUIE: QUESTIONS? OKAY, THANK YOU VERY MUCH. THE APPLICANT IS PRESENT?

>> MS. NAZAR: YES.

>> CHAIR LOUIE: WELCOME, YOU'RE GOING TO HAVE 15 MINUTES TO PRESENT YOUR VISION. I NEED TO SWEAR YOU AND ANYBODY ELSE IN WHO PLANS TO TESTIFY ON THIS MATTER, SO IF YOU COULD RISE AND RAISE YOUR RIGHT HAND -- OR HANDS. DO YOU AND EACH OF YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY YOU MAY GIVE IN THE MATTER NOW PENDING BEFORE THIS COMMISSION SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

>> YES.

>> CHAIR LOUIE: THANK YOU VERY MUCH, HAVE A SEAT, YOU HAVE 15 MINUTES, YOU CAN SIT, THERE'S A TIMER ON THE DESK, IT GLOWS GREEN AT 14 AND A HALF MINUTES, YELLOW WHEN YOU HAVE THE LAST 30 SECONDS AND RED, WE WOULD ASK YOU TO WRAP UP YOUR COMMENTS AND YOUR TIME WILL BEGIN WHEN YOU SIMPLY STATE YOUR NAME?

>> AND DOES THE 15 MINUTES INCLUDE THE TESTIMONY OF MY WITNESS AS WELL?

>> CHAIR LOUIE: YES.

>> GOOD MORNING, COMMISSIONER, MY NAME IS HELL LAIN SIMON, I'VE HIRED BY ARE METALS TO REPRESENT THEM AND THIS IS CLAUDIA GONZALEZ, SHE IS THE DAUGHTER OF THE OWNER OF THE PROPERTY AT ISSUE TODAY AND I THANK YOU FOR TAKING THE TIME TO HEAR US. ARE METALS AS MS. NAZAR MENTIONED IS LOCATED AT THE LOCATIONS SHE NOTED. I WOULD LIKE YOU TO NOTICE IN THIS PHOTO THAT THE OWNERS HAVE DONE EVERYTHING POSSIBLE TO MAKE THE BUILDING CONFORM TO THE STANDARDS OF THE AREA. IT LOOKS LIKE A LITTLE HOUSE, IT'S A SMALL BUSINESS, YOU CAN'T DRIVE BY THERE AND SEE THAT THERE'S INDUSTRY THERE. THERE'S NO TRUCK TRAFFIC, EVERYTHING IS MINIMIZED, EVERYTHING IS DONE INSIDE THE BUILDING, THEY DON'T HAVE LARGE DELIVERIES COMING OR LARGE SHIPMENTS GOING OUT. MOST OF THE WORK THAT IS DONE AT THAT BUILDING IS BROUGHT IN AND TAKEN OUT IN SMALL PICKUP TRUCKS, AND I'VE LISTED HERE THAT THERE ARE 15 EMPLOYEES WHOSE FAMILIES DEPEND ON THEM, MS. NAZAR INDICATED THE COMPANY WAS EXPANDING, BUT THIS 15 INCLUDES THE OWNER AND HIS WIFE AND MS. GONZALEZ WHO WORKS THERE PART-TIME AFTER A FULL TIME DAY JOB AND SEVERAL SIBLINGS, THERE ARE REALLY ONLY ABOUT 7 FULL TIME EMPLOYEES WHO WORK THE MACHINES THERE, AND AT LEAST HALF OF THOSE ARE NEIGHBORHOOD RESIDENTS WHO WALK TO WORK, SO THERE IS NO PARKING IMPACT ON THE STREET THERE. THE

METAL FABRICATION BUSINESS WAS STARTED IN APPROXIMATELY 1970 BUT THE CURRENT OWNER DIDN'T BUY THE BUSINESS UNTIL 2000. HE WAS AN EMPLOYEE AT THAT BUSINESS FOR 20 OR 30 YEARS PRIOR TO PURCHASING THE BUSINESS. ANOTHER THING I WOULD LIKE TO POINT OUT, I MEAN, AND THIS IS, YOU KNOW, NOT THE MOST IMPORTANT THING BUT THE BUSHES REMAIN GROOMED, THE OWNERS ARE VERY CONSCIOUS OF THE NEIGHBORHOOD AND THEY ARE GRATEFUL THEY'VE BEEN ALLOWED TO STAY THERE FOR 53 YEARS AND I JUST WANT TO POINT OUT HERE TOO, I UNDERSTAND THAT THE LAW SAYS THAT THERE ARE TIME LIMITS HERE, BUT IT IS SORT OF DIFFICULT TO CONCEPTUALIZE THAT FOR 50 YEARS, THE INDUSTRIAL USE HAS BEEN APPROVED AND ALL OF A SUDDEN THE TIME -- THE TIME IS UP AND THEY ARE A NEGATIVE IMPACT. THIS COMPANY DOESN'T USE ANY MATERIALS THAT ARE POLLUTANTS, THERE ARE NO HAZARDOUS CHEMICALS ON-SITE. THE ONLY MATERIALS THAT THEY USE ARE MACHINE LUBRICANTS, IT TAKES THEM ABOUT A YEAR TO GO THROUGH A 5 A GALLON DRUM OF LUBRICANT, THAT'S THE ONLY MATERIAL THEY USE THERE. THE TERMS OF THEIR EXCEPTION WHERE THEY COOPERATE FROM 9:00 TO 4:30 MONDAY THROUGH FRIDAY WHICH THEY ADHERE TO STRICTLY, THEY DON'T WANT TO HAVE PEOPLE COMPLAINING ABOUT THEM, THEY'RE QUIET, THE NEIGHBOR THAT'S IMMEDIATELY ADJACENT TO THEM HAS NEVER COMPLAINED ABOUT THEM. THEY'VE BEEN THERE -- THE NEIGHBOR HAS BEEN THERE FOR 35, 40 YEARS THE ENTIRE TIME THAT THE COMPANY'S BEEN IN EXISTENCE AND THEY ARE HAPPY TO HAVE THEM THERE. THEY WOULD RATHER HAVE THIS COMPANY, THE NEIGHBORS WOULD

RATHER HAVE THIS COMPANY THERE THAN LOW-INCOME HOUSING WHICH IS THE ONLY HOUSING THAT'S APPROPRIATE IN THAT AREA BECAUSE IT'S NOT A VERY NICE AREA. AS YOU CAN SEE FROM THIS PICTURE AS WAS ALREADY MENTIONED, IT'S RIGHT UNDERNEATH A TRAIN BRIDGE, IT'S NOT VERY DESIRABLE FOR RESIDENTIAL DEVELOPMENT IN MY OPINION AND IF THE OWNER IS FORCED TO SHUT DOWN AND TRY TO SELL THE LAND, HE OWNS THE PROPERTY AS WELL AS THE BUILDINGS, I MEAN, I DON'T EXPECT A HUGE PROFIT, THERE'S NOT EVEN ROOM TO DEVELOP UPWARD BECAUSE OF THE LOCATION OF THE TRAIN BRIDGE AND IN FACT, THE TRAIN TRAFFIC CREATES MORE OF A NEGATIVE IMPACT ON THE NEIGHBORHOOD THAN THE ACTUAL INDUSTRIAL USE THAT MY CLIENT USES IT FOR. WHEN MY CLIENT BOUGHT THE PROPERTY IN 2000, HE WAS NOT MADE AWARE OF ANY ZONING ISSUES AT ALL. HIS DAUGHTER CLAUDIA HAS BEEN IN CHARGE OF ALL KLEIN, SHE'S THE ONE WHO ARRANGED FOR THE REAPPLICATION IN 2006 WHEN THE CURRENT EXCEPTION EXPIRED, BUT HE NEVER KNEW THAT -- THE OWNER NEVER KNEW THAT THERE WERE ANY ADDITIONS MADE THAT WERE NOT PERMITTED WHICH I KNOW IS NOT AN EXCUSE FOR NOT BEING IN COMPLIANCE, BUT HE NEVER KNEW THAT HE HAD TO APPLY FOR PERMITS, HE DIDN'T KNOW THERE WERE ANY ISSUES UNTIL THE APPLICATION IN 2006 WAS DENIED BECAUSE OF NON-PERMITTED ADDITIONS AND IN FACT ONE OF THE PROBLEMS THAT WE'VE HAD, MS. NAZAR MENTIONED THAT -- I'M NOT SURE IF SHE SAID IT ORALLY BUT IN THE WRITTEN MATERIALS WE HAVE THAT WE WERE NOT WILLING TO TRY TO AMEND THE SITUATION. I WENT TO THE DEMO DESK

TWICE TO TRY TO GET A DEMO PERMIT, BUT I COULD NEVER GET AN ITEMIZED LIST OF ALL OF THE ISSUES THAT WEREN'T IN COMPLIANCE. I COULDN'T EVEN GET A COPY OF THE OLD SITE PLAN SO I COULD COMPARE IT TO THE CURRENT PLAN SO THAT I COULD TRY TO MAKE SOME ASSESSMENT OF WHAT NEEDED TO BE REPAIRED. I MEAN, SHE MENTIONED SOMETHING ABOUT THE DRIVEWAY BEING OUT OF COMPLIANCE. THAT'S THE FIRST TIME I'VE HEARD IT WAS HERE. HAVE YOU EVER HEARD THAT?

>> NO.

>> THE DRIVEWAY WASN'T IN COMPLIANCE. WHILE I UNDERSTAND THAT THE OWNERS NON-UNDERSTANDING OF WHAT WAS HAPPENING IS NOT AN EXCUSE, WE'RE NOT SAYING THAT WE ARE IN COMPLIANCE, THERE HAVE BEEN CHANGES MADE THAT WERE NOT PERMITTED BUT WHAT WE HOPE WILL HAPPEN HERE IS THAT THEY WILL BE GIVEN THE OPPORTUNITY TO FIX THOSE RATHER THAN BE SHUT DOWN. AN ITEM I THINK IS OF IMPORTANCE IS THAT THIS IS AN INDUSTRIAL COMPLEX AND SHUTTING IT DOWN WOULD BE VERY EXPENSIVE. IT'S SMALL, IT'S VERY SMALL, BUT IT WOULD TAKE ABOUT TWO OR THREE MONTHS IN COSTS AND I'LL BRING THAT UP IN A MINUTE, IT WOULD COST 50 TO 100 THOUSAND DOLLARS TO TAKE OUT WHAT APPEARS TO BE ABOUT 400 SQUARE FEET OF OFFENDING CONSTRUCTION. THERE'S HEAVY CONSTRUCTION IN THIS BUILDING, YOU CAN'T JUST PUSH IT OVER AGAINST THE WALL, MOVING THESE THINGS AROUND AND CHECKING FOR GAS AND ALL OF THE ENERGY THAT'S

REQUIRED TO MOVE THESE MACHINES IS WHAT'S MOST EXPENSIVE. MS. NAZAR MENTIONED THE GRAFFITI THAT WAS ON THE BUILDING. THE IMPLICATION FROM THE PICTURES WAS THAT THIS WAS THE ONLY PLACE THERE WAS GRAFFITI IN THE ENTIRE NEIGHBORHOOD. THE PLACE IS RIDDLED WITH GRAFFITI ESPECIALLY AROUND THE TRAIN TRACKS AND IT'S NOT LIMITED TO THE COMMERCIAL [INAUDIBLE] AND I DON'T THINK THAT'S THE CASE. AS THE COMMISSIONER NOTED, THE RAILROAD ENDS AT THESE TRACKS, THERE IS AN ALLEY WAY THAT'S A NIGHT MARE, IT'S ALMOST FRIGHTENING, NOT ONLY THE GRAFFITI BUT PEOPLE WHO HANG AROUND IN THERE THAT ARE NOT NECESSARILY NICE PEOPLE AND I'LL GET TOO THE CRIME RATES IN THAT NEIGHBORHOOD IN JUST A MOMENT, BUT HERE'S A PICTURE OF THE HOME THAT'S DIRECTLY ADJACENT TO ARE, AND THE BUILDING, ARE'S BUILDING. APPARENTLY THE SETBACK IS TWO FEET TOO LONG. I CAN'T BELIEVE THAT -- I MEAN, I UNDERSTAND THAT THIS IS A ZONING ISSUE, BUT I CAN'T BELIEVE THAT MOVING THE WALL BACK TWO FEET IS GOING TO REALLY HAVE ANY KIND OF A POSITIVE IMPACT ON ANY KIND OF VIBRATION OR ANY OTHER POTENTIAL IMPACT, BUT THEY'RE WILLING TO DO THAT IF REQUIRED SO THEY CAN STAY WHERE THEY ARE. AND HERE'S THE CRIME STATISTICS. I'M NOT SURE THAT YOU CAN SEE THAT VERY WELL. IN THAT ZIP CODE, IT LOOKS LIKE THE MURDER RISK IN THAT AREA IS TRIPLE THE NATIONAL AVERAGE, AND MORE THAN 1 AND A HALF TIMES THE CALIFORNIA AVERAGE. THESE ARE 2010 STATISTICS, THEY WERE THE MOST CURRENT I COULD GET, BUT THERE'S 8 CRIMES, THEY'RE ALL ABOVE -- WITH THE

EXCEPTION OF BURGLARY AND LARCENY ARE ALL ABOVE THE NATIONAL AVERAGE OR MORE THAN DOUBLE THE NATIONAL AVERAGE, SOMETIMES TRIPLE. AND I MENTION THAT BECAUSE PART OF THE BURDEN OF PROOF ON MY CLIENT IS TO PROVE THAT IF THEY'RE FORCED TO SHUT DOWN, THAT THEY WON'T BE HARMED TO SUCH AN EXTENT THAT IT WOULD BE CONSIDERED AN UNCONSTITUTIONAL TAKING, BUT I'M THE KIND OF PERSON THAT CHECKS CRIME STATISTICS IF I'M LOOKING TO MOVE OR SOMETHING LIKE THAT, AND I JUST -- I DON'T KNOW WHAT KIND OF A PRICE YOU COULD GET TO TRY TO RESELL THIS LAND TO SOMEONE WHO WANTS TO DEVELOP A RESIDENTIAL AREA, YOU KNOW, A RESIDENTIAL BUILDING IN AN AREA WITH THESE KIND OF CRIME STATISTICS. AS I MENTIONED, THEY COMPLY WITH -- ARE COMPLIES WITH ALL OF THE TERMS OF THE ORIGINAL EXCEPTION WITH THE EXCEPTION OF THE ADDITION THAT WAS MADE BEFORE MY CLIENT PURCHASED THE BUILDING AND PURCHASED THE BUSINESS, THESE YOU'VE ALREADY HEARD MENTIONED, THERE WAS AN EXCEPTION IN 1980 AND 2006, WE APPLIED IN 2006 AND WERE UNABLE TO GET IT. I HAD - TUPITS [PH.] GROUP LTD IS AN EFFICIENCY COMPANY, THEY MAKE ESTIMATES OF WHAT IT WOULD COST IF YOU WANTED TO LOCATE, WHAT KIND OF COST COMPLIANCE MIGHT ENTAIL, AND THESE ARE THE ESTIMATES OF WHAT IT WOULD COST TO DO THE DEMO THAT IS REQUIRED TO BRING THE BUILDING UP TO CODE. HE'S ESTIMATING 3 TO 6 MONTHS AND CLOSE TO 100 THOUSAND DOLLARS, AND I SEE MY TIME IS RUNNING CLOSE TO OUT. I JUST WANT TO MAKE SURE THAT MY WHOLE POINT HERE BEFORE I LET CLAUDIA SPEAK

IS JUST TO SAY THESE ARE REAL PEOPLE HERE, THIS IS -- THEY'RE NOT DOING VERY WELL. I'VE GOT THEIR PROFIT AND LOSS AND THEIR COSTS AND LIABILITIES INCLUDED IN YOUR PAPER WORK, THEY'RE BARELY MAKING A PROFIT, THE IDEA THAT THEY'RE EXPANDING IS SORT OF RIDICULOUS, THEY'RE TRYING TO SURVIVE IN THIS ECONOMY JUST LIKE EVERYBODY ELSE IS, BUT I JUST WANT TO SHOW YOU THE EMPLOYEES AND LET CLAUDIA TALK. THESE ARE THE PEOPLE WHO WORK THERE AND THESE ARE THE PEOPLE WHO HAVE FAMILIES DEPENDING ON THEM AND THESE ARE THE PEOPLE THAT ARE GOING TO BE IN BIG TROUBLE IF THE PROJECT -- IF THE BUILDING IS SHUT DOWN AND I WOULD LIKE TO HAVE CLAUDIA SPEAK FOR JUST A FEW MOMENTS ABOUT THE IMPACT THIS WOULD HAVE ON HER FAMILY AND THE EMPLOYEES OF THE COMPANY?

>> THE IMPACT IT WOULD HAVE ON MY FAMILY, I MEAN, IT'S LIKE A DOMINO EFFECT, I HAVE A SISTER WHO HAS CANCER AT THE MOMENT AND THIS IS WHAT'S PROVIDING MY FATHER TO KEEP ON MOVING FOR HER, SO THE REASON YOU WANT TO SHUT US DOWN JUST FOR TWO FEET, I DON'T THINK THAT'S GOING TO MAKE A DIFFERENCE BUT IF YOU WANT US TO DEMOLISH THAT, WE'LL DO THAT, BUT SHUTTING US DOWN IS NOT GOING TO DO ANYTHING, I MEAN, THAT COMPLEX IS DIRTY, HOW MANY PEOPLE MOVE IN, HOW MANY CARS DOES THAT PEOPLE HAVE, I MEAN, I DON'T THINK THEY HAVE SO MUCH STRUCTURE FOR PARKING, IT'S GOING AN UNDERGROUND PARKING LOT, AS IT IS, PEOPLE ALREADY PARK ON THE

STREET, IT'S OVERCOMPENSATED ALREADY BECAUSE THERE'S SO MANY FAMILIES LIVES IN THOSE HOMES. I THINK THE REAL REASON THEY'RE TRYING TO KICK US OUT OF THAT IS BECAUSE OF THAT, AT FIRST, THEY TRIED TO DENY THE PERMIT BECAUSE THEY WANTED US TO DO A FIRE HYDRANT OUTSIDE OUR BUSINESS, WE WENT TO THE FIRE DEPARTMENT AND THEY TOLD US NEVER MIND, YOU DON'T HAVE TO DO ANYTHING, SO I JUST DON'T UNDERSTAND, WHY IS IT THAT YOU GUYS ARE TRYING NOT TO GIVE US A PERMIT JUST FOR TWO FEET. I MEAN, THAT COMPANY'S BEEN THERE FOR YEARS. MY DAD KNEW THE OWNERS AND HE BOUGHT THAT COMPANY FROM THEM. HE WORKED TO GET THAT. HE GOT HIS DREAM AND NOW YOU GUYS WANT TO SHUT HIM DOWN FOR TWO FEET. I DON'T UNDERSTAND THAT AND TO BE HONEST WITH YOU, THE THING THAT THEY BUILT, MY DAD DIDN'T BUILD IT, IT WAS PROBABLY BETWEEN 1986 AND THE YEAR 2000, MY DAD BOUGHT THE COMPANY IN THE YEAR 2000, SO WHAT'S BUILT IS NOT A BIG DIFFERENCE, IT'S SOMETHING SMALL. IT'S BASICALLY A FEW, MAYBE THREE MACHINES THAT ARE THERE, THAT'S IT, AND WE'VE NEVER HAD ANY COMPLAINTS WITH THE NEIGHBORS, WE KNOW THE NEIGHBORS VERY WELL AND I JUST DON'T UNDERSTAND, I REALLY DON'T UNDERSTAND WHY, YOU KNOW, WE CAN'T GET A PERMIT FOR ANOTHER 15 YEARS.

>> THANK YOU.

>> CHAIR LOUIE: THANK YOU. ANY ADDITIONAL THOUGHTS, COMMENTS?

>> WELL, I APPRECIATE THAT. I DIDN'T GET A CHANCE TO SHOW YOU THE FINANCIAL BUT I JUST WANTED TO MAKE SURE THAT IT WAS UNDERSTOOD THAT WHEN MS. NAZAR WAS AT THE COMPANY, WE WERE TALKING TO HER ABOUT HOW WE'RE TRYING TO BRING IN NEW BUSINESS, WHICH IS NOT BECAUSE WE'RE TRYING TO EXPAND, THEY'RE TRYING TO SURVIVE, AND THIS WOULD BE A BIG BLOW TO THE COMPANY, TO THE OWNERS AND TO THE FAMILIES OF ALL THE EMPLOYEES WHO ARE THERE NOW. I JUST DON'T THINK THAT THE NEIGHBORHOOD WOULD BE ENHANCED BY DEMOLISHING THIS BUILDING AND BUILDING ANOTHER LOW-INCOME APARTMENT BUILDING. I THINK THAT THE PARKING PROBLEM MENTIONED EARLIER IS GOING TO BE SIGNIFICANT. THIS IS A VERY SMALL STREET, IT DEAD ENDS INTO THE RAILROAD TRACKS AND I HOPE THAT YOU'LL CONSIDER ALL THE THINGS THAT WE MENTIONED.

>> CHAIR LOUIE: THANK YOU VERY MUCH. ANY QUESTIONS? PLEASE.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, THANK YOU. YOU TALKED ABOUT THE ASPECT OF NO LARGE DELIVERIES. AS I LOOK AT THE AERIAL PHOTOGRAPH AND I THINK IT'S THE ONE THAT -- WE HAD UP THERE WITH THE -- IT WAS PRESENTED IN THE MATERIAL HERE. IF I LOOK AT THE END OF THAT CUL-DE-SAC, THERE WE ARE, OKAY, IT'S NOT IN THAT AERIAL PHOTOGRAPH. IN THE ONE THAT'S IN OUR PACKET, WE HAVE A

POSITION THAT IS LOCATED AT THE END OF THE DRIVEWAY THERE. OKAY,
THAT ONE RIGHT THERE.

>> YES.

>> COMMISSIONER HELSLEY: YOU CAN SEE A POSITION HERE THAT'S AT
THAT LOCATION LIKE THAT, AND THERE WAS ANOTHER PHOTOGRAPH AND I
THINK IT'S IN YOUR SLIDE SHOW.

>> IN MY SLIDE SHOW?

>> COMMISSIONER HELSLEY: I THINK IT WAS IN THE SLIDE SHOW THAT
YOU SHOWED, THE FRONT OF THE BUILDING.

>> OKAY. HERE?

>> COMMISSIONER HELSLEY: NO, IT'S NOT IN THAT ONE. IN ONE OF
THE SHOTS THAT WE HAD, IT MUST BE IN OUR STAFF PRESENTATION, AT
THE END OF THE CUL-DE-SAC, THERE IS A PALLET POSITION OF -- IT
APPEARS TO BE A METAL MATERIAL THAT IS DELIVERED AND IT APPEARS
TO BE DELIVERED AT THE END OF THE CUL-DE-SAC ON SHOULD WE SAY
THE PUBLIC WALKWAY AREA RATHER THAN THE END OF THE BUILDING
ITSELF. SO, MY QUESTION IS, HOW DO THE TRUCKS BRING IN THE

MATERIALS THAT ARE USED, HOW DO THEY TURN AROUND, WHAT'S THEIR ACCESS ROUTE AND UNLOADING PROCESS?

>> I'LL ASK CLAUDIA TO ANSWER THAT QUESTION.

>> WE HAVE TWO TRUCKS AND ONE OF THEM'S A SLATE BED, WE GO PICK UP THE MATERIAL AND THEN WE BRING IT BACK TO THE COMPANY AND THAT'S WHERE THEY USUALLY PUT IT BEFORE THEY GET THE FORKLIFT AND THEY PUT IT ITSELF.

>> COMMISSIONER HELSLEY: OKAY. SO, YOUR TRUCKS DO THE DELIVERY, NOT LARGE --

>> WE PICK UP THE MATERIAL, BRING IT BACK TO THE COMPANY AND THEY LOAD IT OFF THERE AND PUT IT IN THE STOCK ROOM.

>> COMMISSIONER HELSLEY: AS I LOOK AT THE STRIPING OF THE PARKING LOT AREA, THE PLOT PLAN THAT ONE TYPE OF STRIPING AND IT APPEARS THERE IS A DIFFERENT TYPE OF STRIPING THAT IS ON THE GROUND. THE PLOT PLAN SHOWS THE STRIPING TO BE KIND OF TWO ISLANDS THAT STILL OUT AND PART FROM EITHER SIDE. IT APPEARS TO ME THE STRIPING ON THE LAND IS JUST PERPENDICULAR TO THE FENCE, PERPENDICULAR TO THIS AREA HERE. DOES THAT MEET THE PARKING NEEDS OF THE PROPERTY? OF THE EMPLOYEES?

>> YEAH, THERE'S A LOT OF PARKING SPACES IN THE BACK.

>> HOW MANY ARE THERE?

>> PROBABLY ABOUT 8 OR 9.

>> COMMISSIONER HELSLEY: OKAY. IS THERE A REQUIREMENT AS THE NUMBER OF PARKING PLACES THAT THEY NEED TO PROVIDE?

>> MS. NAZAR: THE PARKING IS NONCONFORMING AND IT'S -- CURRENTLY THEY HAVE MORE THAN 14 PARKING SPACES WITH THE PARKING CONFIGURATION AND ALSO STAFF DOESN'T HAVE ANY ISSUES WITH THE NEW CONFIGURATION BECAUSE OF THE ACCESS AND TURN-AROUND IS A LOT MORE CONVENIENT THAN WHAT WAS APPROVED PREVIOUSLY. I THINK THEY HAVE ABOUT 17 PARKING SPACES.

>> COMMISSIONER HELSLEY: OKAY. PROBABLY A [INAUDIBLE] QUESTION TO ASK BUT ONE THAT CONCERNS ME, WHAT WERE THE SPECIAL PREPARATIONS WERE MADE BEFORE THESE PICTURES WERE TAKEN?

>> THE PICTURES THAT I TOOK? THERE WERE NO SPECIAL PREPARATIONS MADE. I CAME ON A DAY THAT WASN'T ANNOUNCED AND CAME WITH MY CAMERA, THAT'S MY CAR IN THE DRIVEWAY RIGHT THERE UNDER THE

BRIDGE. THERE WAS NO CLEANUP, THERE WAS -- NOBODY KNEW I WAS COMING, ABSOLUTELY NO ONE KNEW. I MEAN, AND THERE WERE NO SPECIAL PREPARATIONS MADE THE DAY MS. NAZAR CAME EITHER.

>> COMMISSIONER HELSLEY: BECAUSE I WOULD COMPLIMENT THE OPERATOR ON A VERY CLEAN FACILITY BECAUSE THAT -- I'VE WORKED IN METAL SHOPS AND I'VE WORKED IN FABRICATION, SHEET METAL FABRICATION AREAS IN THE SUMMERTIME AND YOU DON'T FIND THE CLEANLINESS THAT I SEE IN THIS FACILITY.

>> I AGREE. I MEAN, THE PLACE WHERE MY OFFICE IS AND WHERE CLAUDIA WORKS FULL TIME, THEY'RE ALSO A METAL FABRICATION PLANT BUT WE'RE IN AN INDUSTRIAL AREA, BUT CLAUDIA'S DAD MAKES SPECIAL EFFORTS TO KEEP ESPECIALLY THE OUTSIDE OF THE BUILDING CLEAN AND GROOMED BECAUSE HE WANTS TO MAINTAIN THE RESIDENTIAL NATURE OF THE AREA SO THAT HIS BUILDING DOESN'T OFFEND ANYONE, SO THAT THE BUSINESS DOESN'T OFFEND ANYONE. THEY MAKE EXTRA EFFORTS TO BE CLEAN.

>> YEAH, ANY GRAFFITI THAT'S ON THE COMPANY, THERE'S GRAFFITI IN THE MORNING, MY DAD PAINTS IT THAT SAME DAY.

>> COMMISSIONER HELSLEY: I CAN SEE THAT IT'S PAINTED OVER.

>> THE COMPANY ALWAYS DOES THAT, IT'S GOING TO BE THE SAME AS THE PICTURE.

>> COMMISSIONER HELSLEY: I CAN SEE THE BUILDING ITSELF, THE FAR WALL, THAT'S A DIFFERENT STORY, BUT ON THE BUILDING, I CAN SEE WHERE IT'S BEEN PAINTED OUT AND THAT IS GOOD. I WOULD HAVE CONCERNS IN RELATION TO -- AND IF WE COULD GO BACK TO ONE OF THE AERIAL PHOTOGRAPHS, I WOULD APPRECIATE IT. YES, THAT ONE IS FINE. THIS BUILDING RIGHT HERE, THIS IS A STORAGE WALL OF SUPPLY MATERIALS, THIS BUILDING RIGHT HERE IS -- APPEARS TO BE THE BUILDING THAT IS OUT OF COMPLIANCE IN THAT IT DOES NOT HAVE A SETBACK HERE NOR THE SETBACK AT THIS LOCATION. IS THAT MY -- IS MY UNDERSTANDING CORRECT?

>> MS. NAZAR: THAT IS CORRECT, WE CAN CLEARLY SEE THE ADDITION ON THE AERIAL VIEW AND THAT VIOLATES THE SETBACK STANDARD.

>> COMMISSIONER HELSLEY: THOSE TWO PLACES?

>> MS. NAZAR: RIGHT.

>> IF THAT'S THE OFFENDING BUILDING, THAT'S EASY TO TAKE DOWN BECAUSE THAT'S NOT A PERMANENT STRUCTURE, THAT'S JUST A SHED. THAT COULD COME DOWN TODAY.

>> COMMISSIONER HELSLEY: THAT WAS THE IMPRESSION I HAD WHEN THERE WAS -- OR A PICTURE SHOT SHOOTING FROM HERE SHOWING THIS LONGITUDINAL AREA. I DID NOT SEE THAT FROM THE STREET AREA, SO IF THAT BUILDING WERE ADJUSTED AND THIS IS A QUESTION FOR STAFF, IF THAT BUILDING WERE ADJUSTED TO MEET THE SETBACKS, DOES THAT SOLVE MOST OF THE PROBLEM?

>> MS. NAZAR: WELL, THAT'S ONLY PART OF THE PROBLEM, AND THE EXISTING BUILDING WHICH IS NONCONFORMING ALSO IS ON THE SETBACK AREA, SO THE ADDITION IS NOT A CONTINUATION OF WHAT EXISTS, AND AS I SAID, THIS IS ONLY PART OF THE PROBLEM IN TERMS OF -- YOU KNOW, IN INDUSTRIAL USE IN A RESIDENTIAL AREA AND ALL THE INCOMPATIBILITY ISSUES THAT STAFF MENTIONED.

>> MR. CHAIR, IF I MAY ADD TO THAT EXPLANATION, FOR NONCONFORMING USES, WHICH THIS IS A USE THAT BECAME NONCONFORMING BACK IN THE MID 1960S, THERE'S A PROVISION IN THE ZONING CODE THAT DOES NOT ALLOW FOR EXPANSION OF THOSE USES, SO IT WOULDN'T BE A MATTER OF MARKETING THE ADDITION COMPLY WITH CURRENT SETBACK REQUIREMENTS OR OTHER DEVELOPMENT STANDARDS, THERE IS A PROHIBITION ON ADDITIONS TO NONCONFORMING USES WITH VERY LIMITED EXCEPTIONS IN THE CODE, SO IT WOULD BE A REQUIREMENT TO REMOVE THAT, NOT TO MOVE IT.

>> COMMISSIONER HELSLEY: I GUESS MY CONCERN THEN BECOMES -- WE HAD NONCONFORMING POSITIONS APPROVED -- OR IT WAS BUILT IN 33, IN 45 OR 46, THERE WAS -- IT WAS ACCEPTED. IN 97 -- NO, NO, 70 OR 75, IT WAS APPROVED AGAIN AND THEN IT WAS APPROVED AGAIN NONCONFORMING IN 86. THOSE BUILDINGS THAT ARE THERE NOW WITH THE EXCEPTION OF THE STORAGE SHED WERE APPROVED IN THE 86 APPROVAL?

>> THE 1986 APPROVAL AND THE APPROVAL FROM 1977 WERE EXTENSIONS OF THE AMORTIZATION PERIOD THAT ALLOWED FOR A NONCONFORMING USE TO CONTINUE IN OPERATION. THE WAY OUR CODE TREATS NONCONFORMING USES, WHEN THE USE IS RENDERED NONCONFORMING, THERE'S AN AMORTIZATION PERIOD IN WHICH THE APPLICANT OR THE PROPERTY OWNER IS ALLOWED TO REALIZE THE VALUE FOR THEIR USE FOR SOME PERIOD OF TIME BEFORE THEY HAVE TO BRING IT INTO COMPLIANCE AND WHEN THAT PERIOD EXPIRES, THERE'S A MECHANISM TO APPLY FOR AN TENSION EXTENSION OF THAT PERIOD IF THERE ARE JUSTIFICATIONS FOR THAT PERIOD OF TIME AT THAT TIME SO, THE 87 AND THE 96 GRANTS WERE AN EXTENSION OF THE AMORTIZATION PERIOD.

>> COMMISSIONER HELSLEY: AND IT'S NOT POSSIBLE TO HAVE AN EXTENSION OF THE AMORTIZATION PERIOD AT THIS TIME?

>> THAT WAS WHAT THE APPLICANT APPLIED FOR AND STAFF WAS RECOMMENDING THAT THERE'S NO FURTHER JUSTIFICATION FOR ANOTHER EXTENSION BEYOND THE ONES THAT HAVE BEEN GRANTED, SO THAT'S A POSITION THAT STAFF'S RECOMMENDING SO THAT IS THE QUESTION BEFORE YOU TODAY.

>> CHAIR LOUIE: AND JUST FOR CLARIFICATION, THE REGIONAL AMORTIZATION PERIOD IS HOW LONG?

>> THE AMORTIZATION PERIOD THAT APPLIED TO THIS USE WAS 25 YEARS.

>> CHAIR LOUIE: AND THE EXTENSIONS THAT HAVE BEEN GRANTED AND HAVE EXTENDED THAT OUT TO?

>> THE USE WOULD HAVE PEPPERED IN 1965 OR WAS IT 1965? 71. SO, LATE 60S, EARLY 70S WAS WHEN THE 25 YEAR AMORTIZATION PERIOD EXPIRED SO THE ADDITIONAL EXTENSIONS BROUGHT THE USE FROM THAT POINT UNTIL 2006.

>> CHAIR LOUIE: SO, AN ADDITIONAL 40 YEARS.

>> YES.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER PEDERSEN: JUST A QUESTION ON THE RAIL THAT GOES BY THERE, THAT'S PART OF THE METRO SYSTEM?

>> YES, SIR.

>> COMMISSIONER PEDERSEN: HOW OFTENER DOES A TRAIN COME BY THERE?

>> MY GOD, A LOT. THE RAILROAD AND THEN THERE'S THE METRO STATION.

>> COMMISSIONER PEDERSEN: THERE'S A RAILROAD UNDERNEATH AND THAT'S A REGULAR FREIGHT TYPE RAIL.

>> DURING PEAK TRAVEL HOURS EARLY IN THE MORNING AND WHEN THEY'RE COMING HOME, SO BETWEEN 7:30 AND 9:00 AND BETWEEN 4:30 AND 6:30, TRAINS COME BY APPROXIMATELY EVERY 6 OR 7 MINUTES DURING REGULAR TIME DURING THE DAY, THEY COME BY EVERY 15 OR 20 MINUTES.

>> COMMISSIONER PEDERSEN: AND YOUR PROPERTY IS RIGHT UP AGAINST THE --

>> IT'S ALMOST UNDER IT.

>> COMMISSIONER PEDERSEN: THERE'S NO BUFFER THERE AT ALL?

>> NO, NOT AT ALL. THANK YOU, SIR.

>> COMMISSIONER MODUGNO: I THINK WE HAD AN ANSWER WITH RESPECT TO THE APARTMENT BUILDING, WAS IT GOING TO TAKE ALL THOSE LOTS I THINK WAS THE QUESTION AND WAS THERE ADEQUATE PARKING ON THE SITE.

>> IN LOOKING ON THE LAND USE MAP, THE HOUSING PROJECT ACROSS THE STREET INCLUDES THE TWO LOTS THAT ARE DEPICTED IN LIGHT BLUE AS WELL AS THE VACANT LOT RIGHT NEXT DOOR, HOWEVER, IT DOES NOT INCLUDE THAT LAST LOT ADJOINING THE BLUE LINE RIGHT-OF-WAY, AND THE PROJECT WAS APPROVED FOR 30 UNITS, 29 OF THOSE UNITS ARE RESTRICTED TO VERY LOW-INCOME HOUSEHOLDS. THEY RECEIVED A DENSITY BONUS FOR THE PROJECT, THERE'S ONE CARETAKER OR MANAGER'S UNIT AS WELL, THERE ARE FOUR SEPARATE BUILDINGS AND THE PARKING IS UNDERGROUND, THERE ARE TWO DRIVEWAYS, THE FIRE DEPARTMENT DID LOOK AT THE ACCESS TO THE FOUR BUILDINGS FROM THE STREET AND THEY FOUND THE ACCESS TO BE ADEQUATE. NOW, IN TERMS OF THIS PARTICULAR PARCEL, JUST FOR YOUR INFORMATION, BASED ON THE

ZONING OF THE SUBJECT PROPERTY THE HOUSING PROJECT WOULD YIELD 19 UNITS BASED ON THE LOT SIZE AND THE R4 ZONING OF PROPERTY. CORRECT, BY RIGHT. AND THEN ADDITIONAL BONUSES COULD BE GRANTED FOR AFFORDABLE UNITS. IF YOU'RE INTERESTED IN LOOKING AT THE SITE PLAN, I HAVE IT HERE. PERHAPS WHEN WE TAKE A BREAK.

>> CHAIR LOUIE: THANK YOU. MS. SIMON, HOW LONG HAVE YOU BEEN ENGAGED TO ASSIST THE APPLICANT?

>> WE'VE BEEN WORKING ON THIS FOR APPROXIMATELY A YEAR AND A HALF.

>> CHAIR LOUIE: AND STAFF, MS. NAZAR, IN LOOK AT THE REPORT, IT APPEARS THAT THERE WERE SOME CHALLENGES AND DIFFICULTIES IN TRYING TO RESOLVE THIS MATTER. HAVE YOU WORKED WITH MS. SIMON ON THIS?

>> MS. NAZAR: THAT IS CORRECT, THIS PROJECT WAS ASSIGNED TO ME IN 2008, AND PRIOR TO MS. SIMON, I WAS WORKING WITH A DIFFERENT AGENT AND I ADVISED THEM OF THE IN ADDITIONS AND WE HAD A DISCUSSION. I HAD A SITE VISIT IN 2009 OR I VISITED THE SITE IN 2009 OR 2010 AND WE DISCUSSED THE ISSUES AND THEN THE ISSUE WAS A DEMOLITION PERMIT AND THE INCOMPATIBILITY, ETC., AND THERE WAS A DISCUSSION.

>> CHAIR LOUIE: THE DEMOLITION PERMIT YOU WERE SEEKING WAS FOR NOT ONLY THE SHED BUILDING BUT ALSO THE PRIMARY BUILDING?

>> MS. NAZAR: THAT'S RIGHT, THE STORAGE AREAS ARE NOT PERMITTED, THE PRIMARY BUILDING IS NOT PERMITTED, I MEAN THE ADDITIONS. THERE WAS ANOTHER ISSUE WITH THE FIRE DEPARTMENT THAT WAS HOLDING THE CASE FOR A LONG TIME BECAUSE WE DIDN'T GET CLEARANCE FOR A VARIETY OF ISSUES IN THE FIRE DEPARTMENT, THEY CAN PROBABLY TELL YOU MORE IN DETAIL ABOUT WHAT WAS THE ISSUE.

>> CHAIR LOUIE: AND MS. SIMON, YOUR DEMOLITION COST, YOUR COST TO CORRECT, THAT'S INCLUSIVE OF THE ENCROACHMENT CAUSED BY THE PRIMARY BUILDING?

>> WELL, MY ORIGINAL UNDERSTANDING WAS THAT MS. NAZAR WANTED ALL THE BUILDINGS THAT WERE NEXT TO THE NEIGHBORING RESIDENTS PULLED BACK TWO FEET AND THAT'S WHAT THE DEMOLITION COSTS WERE INCLUDING. I DIDN'T KNOW ANYTHING ABOUT THE SHED BEING NON-CONFORMING AND IF THERE ARE ANY OTHER COSTS THAT ARE NOT INCLUDED, SHE SAYS THE PARKING IS NONCONFORMING, THE PARKING IS NONCONFORMING, THAT'S ALL NEW TO ME, THAT'S SOMETHING THAT WE WOULD HAVE TO DISCUSS, WHAT I WAS GIVING YOU TO BRING THE BUILDING BACK TO FEET TO COMPLY WITH THE SETBACK LAWS.

>> CHAIR LOUIE: AND LOOKING AT YOUR DEMOLITION COSTS, PRIMARY COSTS THAT ARE INVOLVED ARE RELOCATING MACHINES AS OPPOSED TO DEMOLISHING A PORTION OF THE BUILDING.

>> WELL, THE MACHINES ARE VERY HEAVY AND THERE'S NOT ENOUGH ROOM INSIDE THE BUILDING TO SIMPLY MOVE THEM TO ANOTHER RECOVER THE BUILDING, SO THEY WOULD HAVE TO BE MOVED EITHER OUTSIDE OR RELOCATED TEMPORARILY WHILE THE CONSTRUCTION WORK IS DONE AND THEN BROUGHT BACK AND THE COST OF MOVING THE HEAVY MACHINERY IS TREMENDOUS.

>> CHAIR LOUIE: I HAVE NOT HAD A CHANCE TO REVIEW YOUR MATERIALS IN DETAIL, BUT THE NET OPERATING INCOME PER YEAR IS APPROXIMATELY?

>> IT'S LESS THAN 50 THOUSAND DOLLARS IS THE PROFIT.

>> CHAIR LOUIE: THAT ALSO INCLUDES THE EMPLOYEE COSTS OF WHICH MANY OF THE EMPLOYEES OR FAMILIES?

>> YES, SIR.

>> CHAIR LOUIE: SO, AT LEAST TO BRING THE BILLING INTO COMPLIANCE, THE BUILDINGS INTO COMPLIANCE --

>> THE OWNER WOULD BE WILLING TO BRING THE BUILDING INTO COMPLIANCE, MY INITIAL CONCERN WAS 60% OF THE PROFITS OF THIS COMPANY COME FROM TWO CUSTOMERS, THE REST COMES FROM SMALL JOBS FROM OTHER CUSTOMERS, AND I WAS AFRAID THAT IF THEY HAD TO SHUT DOWN FOR TWO OR THREE MONTHS AS WAS ORIGINALLY PREDICTED, THAT THE RISK OF LOSING THEIR PRIMARY SOURCE OF INCOME WAS PRETTY HIGH, AND I'M NOT 100% SURE THAT -- I AM 100% SURE THEY COULDN'T CONTINUE TO OPERATE AT FULL CAPACITY DURING THE DEMOLITION, BUT THEY COULD CONTINUE TO OPERATE PARTIALLY.

>> CHAIR LOUIE: OKAY. AND MS. SIMON, CLEARLY YOU UNDERSTAND THE MATTER THAT'S BEEN BROUGHT BEFORE THE COMMISSION AND THAT IS THAT NONCONFORMING USE, AMORTIZATION TO ALLOW THE OWNER OF THE PROPERTY TO TRANSITION AND RECOUP THEIR INVESTMENT IN THE PROPERTY THAT THAT PERIOD OF TIME WAS ESTIMATED TO BE 25 YEARS, IT'S BEEN DOUBLED AND IN FACT TRIPLED AS FAR AS THE TIME ALLOWED TO MAKE THAT TRANSITION. UNFORTUNATELY FOR THE CURRENT OWNER, THEY'RE CATCHING ON IN THE LAST 10, 12 YEARS.

>> I UNDERSTAND THAT THERE WAS A MISTAKE MADE THAT WE -- THAT THE EXPANSION WAS MADE ILLEGALLY AND THAT THAT WOULDN'T

NECESSARILY HAVE ANY IMPACT ON YOUR DECISION NOW, THAT EVEN IF THE BUILDING HADN'T BEEN EXPANDED TO THE DEGREE THAT IT IS NOW THAT YOU MIGHT STILL BE CONSIDERING CLOSING IT DOWN BECAUSE THE AMORTIZATION PERIOD HAS EXPIRED, MY HOPE IN COMING HERE IS THAT WE CAN REALIZE IN MY OPINION ONLY, I KNOW THAT IT'S A VIOLATION, BUT IN MY OPINION AND IN CLAUDIA'S OPINION, WE'RE NOT LOOKING AT A NICE AREA, WE'RE NOT IMPINGING ON HOMES IN BEVERLEY HILLS OR SOMETHING LIKE THAT, THIS IS NOT A NICE AREA AND I DON'T THINK THAT -- I BELIEVE AN EXCEPTION IS NOT GOING TO COST ANY KIND OF IMPACT ON THE AREA HERE. I MEAN, I WOULD LIKE TO SEE THIS AREA DEVELOPED INTO A NICE AREA BUT I DON'T SEE IT HAPPENING ANY TIME WITHIN THE NEXT 20 YEARS. THAT'S NOT MY JOB, THAT'S YOUR JOB.

>> CHAIR LOUIE: WE WOULD LIKE TO SEE AN IMPROVEMENT IN THE AREA AS WELL, AND RECOGNIZES THE COUNTY OF LOS ANGELES DESIRES VERY MUCH TO MAINTAIN THE JOBS IT HAS AND TO INCREASE THE BASE THAT WE HAVE, SO ONE OF THE POLICIES FROM A COUNTY WOULD BE TO ENCOURAGE THAT, SO IT'S A CHALLENGING DECISION THAT WE NEED TO MAKE.

>> I'M SORRY, I DIDN'T MEAN TO INTERRUPT YOU, IT'S MY HOPE THAT THE PUBLIC POLICY WOULD OVERWEIGH THE ZONING RULES HERE AND THAT THE FACT AS YOU MENTIONED, THAT THIS PLACE -- THIS BUSINESS CONTRIBUTES TO THE BETTERMENT OF THE NEIGHBORHOOD IN MY OPINION

WHICH IS WHAT THE CHARACTER OF THE LAW IS SUPPOSED TO DO. I MEAN, I JUST DON'T SEE THIS -- EXCUSE ME, I DON'T SEE SHUTTING THIS DOWN AND BUILDING A MULTIUNIT RESIDENCE THERE AS IMPROVING THE CHARACTER OF THE NEIGHBORHOOD. THE NEIGHBORS AS YOU SAW, THERE'S NEVER BEEN A COMPLAINT ABOUT THIS BUSINESS IN THE 50 YEARS IT'S BEEN IN BUSINESS. THERE WAS AMPLE OPPORTUNITY NOW AND NOBODY'S STEPPED FORWARD AND HAD ANYTHING TO SAY NEGATIVELY ABOUT ARE METALS.

>> CHAIR LOUIE: THANK YOU, MS. NAZAR, IF THIS COMMISSION WERE TO AGREE WITH YOUR RECOMMENDATION, WHAT WOULD OCCUR? ARE THEY IMMEDIATELY SHUT DOWN? IS THERE A REASONABLE PERIOD OF TIME GRANTED FOR THEM TO MAKE THE TRANSITION? WHAT OCCURS?

>> MS. NAZAR: IF THE COMMISSION RECOMMENDS DENIAL, THEN DEPENDING ON WHETHER THERE'S A TIME PERIOD THAT THEY WILL BE ALLOWED TO MOVE OR NOT, ONCE THAT TIME PERIOD IS EXHAUSTED, THEY -- THE ZONING ENFORCEMENT, MY UNDERSTANDING IS THAT THE ZONING ENFORCEMENT WILL SEND THEM A LETTER ASKING THEM TO RELOCATE AND IF THAT RELOCATION IS NOT DONE WITHIN THAT TIMEFRAME, THAT THE GRANT IS PERMITTED, THEN A NOTICE OF VIOLATION WOULD GO TO THE OWNER REQUIRING SOME FEES, AND IF, AGAIN, THE RELOCATION IS NOT DONE, THEN IT WOULD GO TO COUNTY COUNSEL AND MY UNDERSTANDING IS THAT THIS IS A CIVIL MATTER, SO IF IT HAS TO GO TO COURT, IT

WILL BE A CIVIL MATTER. AND THAT'S ACCORDING TO ENFORCEMENT AND THE CONVERSATION THAT I HAD WITH THE SUPERVISOR IN ENFORCEMENT.

>> YES, MR. CHAIR, IN TERMS OF THE TIMEFRAME FOR THIS PARTICULAR BUSINESS TO PHASE OUT AND MOVE, THAT'S AT THE DISCRETION OF THE REGIONAL PLANNING COMMISSION. I THINK THAT WE'VE TALKED ABOUT A SIX MONTH PERIOD, PERHAPS A ONE YEAR PERIOD, BUT THAT IS ENTIRELY UP TO THE COMMISSION AND IT'S YOUR DISCRETION TO GRANT THEM SOME TIME TO BE ABLE TO PHASE OUT THE OPERATION.

>> CHAIR LOUIE: WOULD THAT BE CALLED OUT --

>> NO, WE HAVE NOT CALLED THAT OUT, I DON'T BELIEVE, BUT WE CERTAINLY WOULD LIKE TO INCORPORATE A CONDITION THAT WOULD GIVE THEM A REASONABLE TIMEFRAME TO MOVE THE OPERATION.

>> CHAIR LOUIE: COUNTY COUNSEL?

>> I BELIEVE IT WOULD BE WITHIN YOUR DISCRETION AND WE CAN INDICATE IN THE FINDINGS DOCUMENTS THAT THE INTEND WAS TO GIVE THE APPLICANT A TIME PERIOD TO WRAP UP THE BUSINESS PRIOR TO COMMENCING ANY PROCEEDINGS TO REQUIRE THEM TO REMOVE, SHOULD THEY PO NOT DO SO WITHIN THAT TIMEFRAME?

>> CHAIR LOUIE: THANK YOU, MS. NAZAR, GOING BACK TO YOUR ORIGINAL REPORT AND SEEKING THE DEMOLITION PERMIT. IF THEY HAD SECURED THE DEMOLITION PERMIT, WOULD THAT HAVE INFLUENCED YOUR DECISION IN RECOMMENDATION, IF THEY HAD PROCEEDED TO SOUGHT, SECURED AND THEN DEMOLISHED THE ENCROACHMENT ISSUE?

>> MS. NAZAR: IT CERTAINLY REDUCES THE IMPACT, BUT AGAIN, THE ISSUE OF COMPATIBILITY IS THERE AND THE NEIGHBORHOOD IS CHANGING, SO I THINK BY REDUCING, BY DEMOLISHING THE ADDITION THAT IS ARE NOT PERMITTED, CERTAINLY WE COULD DISCUSS THAT THE ENVIRONMENTAL IMPACTS ARE LESS, BUT WE CAN'T DISREGARD THAT FOR SO MANY YEARS, THEY HAD ADDITIONS THAT WERE UNPERMITTED AND THAT THE USE IS INCOMPATIBLE.

>> CHAIR LOUIE: THANK YOU. PLEASE.

>> COMMISSIONER HELSLEY: THE WORD INCOMPATIBLE KIND OF BOTHERS ME. THERE HAVE BEEN NO COMPLAINTS. WE HAVE NO COMMUNITY POSITION THAT HAS SAID THAT THIS IS A BAD NEIGHBOR. THAT I'VE READ ABOUT, AM I WRONG?

>> MS. NAZAR: THAT IS CORRECT, IT IS A RESIDENTIAL NEIGHBORHOOD AND STAFF HAS NOT RECEIVED ANY PUBLIC COMMENTS IN FAVOR OR AGAINST THE PROJECT.

>> COMMISSIONER HELSLEY: THE ORIGINAL BUILDING THOUGH WAS BUILT IN AN M3 IN 31 OR 33 OR 30 OR SOMETHING LIKE THAT, THAT WAS AN M3 ZONE AND THEY PUT AN OUTLYING BUILDING OUT THERE IN THE M3. YES, WE CAME BACK AFTER THAT AND TOOK AND SAID THAT, NO, THIS SHOULD BE THE R3 AND PUT THAT POSITIONING IN UPON THIS AND SINCE THAT TIME, THEY HAVE EXISTED AND BASICALLY EXISTED AS A GOOD NEIGHBORHOOD. SO, I HAVE A PROBLEM OF SAYING THAT, YOU KNOW, IT'S TIME TO MOVE ON. THE TRAIN TRACKS CERTAINLY DON'T PROVIDE WHAT I WOULD CLASSIFY AS A PRIME LOCATION FOR A TWO OR THREE STOREY APARTMENT HOUSE BECAUSE YOU'RE GOING TO HAVE TRAINS GOING ALONG THERE WITH THE BLUE LINE. THAT IS FIVE MINUTES IN THE MORNING, EVERY FIVE MINUTES IN THE MORNING AND EVERY FIVE MINUTES IN THE AFTERNOON AND TEN IN BETWEEN, A TRAIN GOES BY, THEY'RE NOT THE QUIETEST OF THE THINGS, THEY'RE NOT THE NOISIEST EITHER, DOWN UNDERNEATH THAT TRACK ON THE GROUND IS AN INDUSTRIAL TRACK AND I DON'T KNOW WHAT THE TRAIN PATTERN IS ON THAT INDUSTRIAL TRACK, BUT IT'S THERE ALSO. SO, IT SEEMS TO ME THAT THIS ACTS AS KIND OF A BUFFER FOR THE COMMUNITY AS WE GO FORWARD, AND SO THE DISCUSSION I HAVE HEARD, THE MATERIAL I HAVE READ, I WOULD LIKE TO POSTPONE THIS OR CONTINUE IT.

>> VICE-CHAIR VALADEZ: CAN WE JUST FOR A BRIEF SECOND, MR. CHAIR, I THINK AT THIS POINT, WE DON'T REALLY NEED TO HAVE THE

APPLICANT HERE BECAUSE I THINK WE SHOULD MOVE INTO IF THERE'S NO OTHER QUESTIONS FOR THE APPLICANT, I THINK WE SHOULD MOVE INTO DISCUSSION BY THE COMMISSION AS OPPOSED TO KEEPING THEM THERE, IF WE'RE READY TO END THAT PORTION, LET'S HAVE A GENERAL DISCUSSION AND MOVE ON. IT LOOKS LIKE YOU'RE MOVING IN THAT DIRECTION.

>> CHAIR LOUIE: JUST A MOMENT, I DO HAVE A QUESTION. WOULD IT BE POSSIBLE FOR YOU TO DEMOLISH AND MOVE FORWARD WITH THE DEMOLISHING OF THE OFFENDING BUILDINGS?

>> WOULD IT BE POSSIBLE, YES, SIR.

>> CHAIR LOUIE: AND THANK YOU VERY MUCH, IF YOU WILL TAKE A SEAT. I WOULD RECOMMEND THAT WE TAKE AN 8 MINUTES RECESS.

>> YOU WANT US TO LEAVE, CORRECT?

>> CHAIR LOUIE: NO, YOU'RE WELCOME TO TAKE A SEAT. I WOULD RECOMMEND YOU REMAIN. WE'RE OUT UNTIL 20 MINUTES AFTER THE HOUR. (MEETING IN RECESS UNTIL 10:20).

>> CHAIR LOUIE: WE'RE AT THE POINT WHERE WE HAVE SOME DISCUSSION REGARDING THIS MATTER FOR THE COMMISSION.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, PERHAPS WE CAN HAVE THE APPLICANT COME UP, I HAVE A COUPLE OF QUESTIONS.

>> CHAIR LOUIE: PLEASE.

>> COMMISSIONER MODUGNO: I'M GOING MAKE COMMENTS FIRST AND THEN END IT WITH A QUESTION. IT WAS PRETTY CLEAR WHEN I READ THESE MATERIALS BEFORE COMING TO THIS MEETING THAT I HAD VERY FEW DOUBTS THAT THIS IS A PROJECT THAT SHOULD BE DENIED, IT'S BEEN HERE OUT OF COMPLIANCE FOR MANY, MANY YEARS, IT'S INCONSISTENT WITH THE ZONING, I THINK THAT'S KEY TO THE WHOLE POINT, IT'S INCONSISTENT WITH THE WHOLE ZONING, THAT THE TREND LINE, WHY I WAS ASKING SOME OF THE QUESTIONS IN TERMS OF CIRCULATION IS I DON'T KNOW EXACTLY WHERE THE BLUE LINE STATION IS, PRESUMING IT'S WITHIN SOME REASONABLE WALKING DISTANCE OF THIS LOCATION, WE'RE TRYING TO ENCOURAGE GREATER DENSITIES AND TRANSIT HOUSING NEAR ADEQUATE TRANSIT, AND SO TO HAVE THIS USE THERE IS REALLY OUT OF COMPLIANCE FOR MANY, MANY REASONS IN TERMS OF WHERE WE ARE TODAY AND WHERE WE WANT TO BE TOMORROW. HOWEVER, I THINK YOU'VE MADE A FAIRLY IMPASSIONED PLEA AND THE FACT THAT THERE HAS NOT BEEN A LOT OF NEIGHBORHOOD RESISTANCE AND MY CONCERN PARTLY IS WITH, WHILE WE'VE BEEN ABLE TO REMOVE INDUSTRIAL USES ACROSS THE STREET, WHICH WERE ALSO OUT OF

COMPLIANCE, THAT AREA'S GOING TO HAVE AFFORDABLE HOUSING BROUGHT INTO THE NEIGHBORHOOD OF NEW HOUSING, PRESUMABLY AN IMPROVEMENT FOR PEOPLE TO BE ABLE TO LIVE THERE, AND YET IT'S GOING TO ADD ADDITIONAL TRAFFIC, IT'S GOING TO ADD SOME ADDITIONAL PIECES. IF THE CURRENT SITE DOES MOVE TOWARD MULTIFAMILY HOUSING ANY TIME SOON, IT MAY FURTHER COMPOUND THAT SITUATION, AND IN ONE RESPECT HOWEVER TO THE EXTENT THAT THEY HAVE TRANSIT, I THINK THAT'S A VALUE, THESE BUILDINGS HAVE SORT OF LIMPED ALONG AND THE BUSINESS HAS SORT OF LIMPED ALONG FOR YEARS AND WHETHER THE CURRENT OWNER WAS MISLED OR DECEIVED AT THE TIME OF PURCHASE, YOU KNOW, THAT'S NEITHER HERE NOR THERE. THE FINANCIAL ASPECTS OF THE BUSINESS IS NOT OUR CONCERN EITHER, WE'RE A LAND USE PLANNING BODY. IF WE WERE TO GO BACK AND STEP TO THE POINT WHEN THIS WAS LAST SORT OF ALLOWED TO CONTINUE AND THERE HAVE BEEN SOME EXPANSION OF USES AND THAT WAS SOME CONSTRUCTION ON-SITE, IF INDEED THIS COMMISSION WERE TO COME BACK AND GRANT SOME ADDITIONAL TIME PERIOD AND IT'S CERTAINLY NOT GOING TO BE 50 YEARS, IF WE WERE TO CONSIDER SOME ADDITIONAL TIME PERIOD JUST TO ACCOMMODATE AGAIN PROTECTING JOBS, WHICH IS NOT OUR PRINCIPLE RESPONSIBILITY BUT I THINK IT'S CLEARLY EMOTIONALLY SHOULD BE ONE OF OUR RESPONSIBILITIES, HAVING ASSESSED VALUE THERE, AND YOUR POINT MENTIONED IN TERMS OF THE CITY OF LOS ANGELES, IT IS AN UNINCORPORATED COUNTY, BUT THERE IS REVENUE IN THE COUNTY THAT DEAL WITH EXISTING BUILDINGS, THEIR JOB, ETC., COULD THIS

BUILDING AND THIS BUSINESS SURVIVE? COULD THE BUSINESS SURVIVE BY GOING THROUGH AND DOING THE NECESSARY DEMOLITION TO PUT IT BACK INTO THE CONDITION THAT IT WAS THE LAST TIME THAT IT WAS SORT OF GRANTED, ONE OF THESE ONGOING EXTENSIONS AND THAT'S THE QUESTION, IT'S LENGTHY.

>> THANK YOU, SIR. I GUESS THAT WOULD ALL DEPEND ON THE AMOUNT OF TIME THAT YOU'RE SPEAKING OF. IF YOU'RE GIVING THEM A YEAR, I DON'T SEE THAT IT WOULD BE COST EFFECTIVE TO DO THE DEMOLITION TO BE IN COMPLIANCE, TO BE SHUT DOWN AFTER A YEAR, BUT IF YOU'RE TALKING ABOUT FIVE YEARS, AND CORRECT ME, IF YOU'RE TALKING ABOUT FIVE YEARS OR MORE, THEN ABSOLUTELY, THEY COULD DO THE WORK AND WOULD BE VERY GRATEFUL.

>> COMMISSIONER MODUGNO: IRONICALLY, FIVE WAS THE NUMBER I HAD IN MIND. IT'S A VERY SHORT PERIOD OF TIME, BUT I THINK IT WOULD PROVIDE SOME ABILITY AND OTHERS MAY HAVE SOME THOUGHTS BEYOND THAT, BUT IN TERMS OF MY THINKING ON THIS WOULD BE TO SET SOMEWHAT -- AND I THINK WE CAN OPEN UP IN TERMS OF WHETHER THAT'S TWO YEARS, THREE YEARS, 5 YEARS, 10 YEARS, WHATEVER THAT NUMBER MAY BE, BUT IN ORDER TO DO THAT, I THINK I FIRST WANT TO MAKE SURE THAT THERE WAS ON THE PART OF THE OWNERSHIP, THAT THE BUILDINGS, THE DEMOLITION COULD TAKE PLACE TO GET THIS BACK INTO THE CONDITION THAT IT WAS AT THE LAST TIME WHICH IT WAS A

NONCONFORMING USE BUT AT LEAST IT WAS NONCONFORMING BASED UPON HISTORIC NON-CONFORM, NOT BECAUSE OF SOME ILLEGAL ACTIVITY THAT WAS DONE, IF THAT WOULD BE THE CASE, MR. CHAIR, I WOULD AT LEAST PUT ON THE TABLE THE POSSIBILITY OF -- CERTAINLY WE'RE NOT IN A POSITION TO APPROVE ANYTHING TODAY, WE HAVE FACTS AND FINDINGS TO DENY THE PROJECT, IT WOULD BE TO CONTINUE THIS ITEM, ALLOW STAFF TO EXPLORE AND WRITE CONDITIONS SPECIFIC AGAIN TOWARDS GETS IT BACK INTO ITS NONCONFORMING STATE, WHAT WOULD BE REQUIRED IN TERMS OF THOSE CONDITIONS AND THEN SOME DISCUSSION AMONGST US IN TERMS OF PROVIDING STAFF WITH WHAT WOULD BE CONSIDERED AS A REASONABLE TIME FRAME.

>> COMMISSIONER PEDERSEN: AND I WOULD LIKE TO HAVE STAFF, THERE SEEMS TO HAVE SOME CONFUSION ABOUT THE LIST OF THINGS THAT HAVE TO BE DONE TO BRING IT, YOU KNOW, BRING IT FROM NONCONFORMING INTO CONFORMING AND I WANT TO MAKE SURE THAT EVERYBODY'S ON THE SAME PAGE WHEN IT COMES TO WHAT HAS TO BE DONE.

>> MS. NAZAR: IN TERMS OF NONCONFORMING, THE SETBACK IS ONE OF THE ISSUES.

>> COMMISSIONER PEDERSEN: BUT YOU SAID SOMETHING ABOUT THERE'S AN ALLEY THAT GOES BY THERE AND THEY SAID THEY WEREN'T AWARE OF THAT.

>> AND WE HAVE A DRIVEWAY.

>> MS. NAZAR: THE DRIVEWAY IS NON-CORN FORMING AS WELL.

>> THE EASIEST WAY TO EXPLAIN THIS IS ANY OF THE CONSTRUCTION THAT WAS DONE ILLEGALLY WITHOUT PERMITS SINCE THE TIME THAT THE BUILDING WAS RENDERED OR THE USE WAS RENDERED NONCONFORMING SO WE'D BE LOOKING BACK A NUMBER OF YEARS TO 1971 OR THEREABOUTS, WHAT WAS IN EXISTENCE LEGALLY AT THAT TIME IS WHAT WOULD BE ALLOWED TO REMAIN, ANY ADDITIONS WERE MADE AFTER THAT TIME WOULD NOT BE ALLOWED TO REMAIN ON THE SITE.

>> COMMISSIONER PEDERSEN: I WANT TO MAKE SURE THEY'RE AWARE OF THAT, WHAT HAS HAPPENED SINCE THAT PERIOD OF TIME TO PLACES OUT.

>> AND I THINK IT WOULD BE SOMETHING THAT STAFF COULD SIT DOWN WITH THE APPLICANT AND GO THROUGH IN DETAIL THE HISTORY OF THE CONSTRUCTION ON THE SITE THAT WAS NOT ALLOWED TO BE DONE AFTER THE BUILDING BECAME NONCONFORMING.

>> THAT WOULD BE VERY HELPFUL.

>> CHAIR LOUIE: I THINK COMMISSIONER MODUGNO ARTFULLY SAID IT THAT WAY, I UNDERSTAND AND STAFF UNDERSTANDS AS WELL. ADDITIONAL DISCUSSION?

>> VICE-CHAIR VALADEZ: I TOTALLY CONCUR WITH OUR NEW PATH THAT WE'RE DOING NOW. I RECALL RECENTLY A CASE THAT WAS SIMILAR IN THE EAST LOS ANGELES AREA WHERE IT MAY BE THAT WE'RE GOING TO HAVE A TRANSITION IN THIS COMMUNITY BUT IT'S NOT THERE YET AND WE DON'T WANT TO BASICALLY IN SOME WAY IN THE FUTURE TO HAVE SUCH A LONG PERIOD OF TIME, BUT A SHORT PERIOD OF TIME ALLOWS US TO REASSESS AND IT MAY BE THAT SHORT PERIOD OF TIME, IT'S STILL NOT READY, IT'S STILL A WEIGHING OF BUSINESS VERSUS RESIDENTIAL, BUT IT GIVES US TIME TO BE ABLE TO DO THAT, SO I WAS THINKING 10 YEARS, SO MAYBE 7 AND A HALF IS A NICE -- BUT, THANK YOU, I REALLY DO, I THINK THIS IS A GREAT SOLUTION.

>> COMMISSIONER HELSLEY: I DON'T WANT TO TIE A DATE IN HERE BECAUSE I THINK MAYBE WE SHOULD BE LOOKING AT 1986 OR SOMETHING OF THAT NATURE OR LATER WHERE THE CHANGES OCCURRED, BUT I THINK THAT'S FOR STAFF TO EVALUATE AND COME BACK WITH A LISTING OF WHAT NEEDS TO BE DONE. I, AGAIN, GO BACK TO THE POSITION THAT IF WE HAD A LOT OF COMMUNITY CONCERN ABOUT THIS, THE NEIGHBOR

PARTICULARLY WHERE THERE'S ONLY A THREE FOOT SPACING RATHER THAN THE FIVE FOOT SPACING, I FIND THAT NOT A MAJOR PROBLEM EVEN THOUGH IT'S BUILT AT THE WRONG PLACE BUT IF IT WAS BUILT AT THE WRONG TIME IN THAT SEQUENCE, THEN I THINK MAYBE IT HAS TO BE RE-EVALUATED. THE STORAGE SHED AT THE BACK, I HAVE SOME CONCERNS ABOUT IT, BUT IT HAS BEEN THE PHILOSOPHY OF THIS COMMISSION AND I THINK I CAN SPEAK FOR THE COMMISSION THAT WHERE WE HAVE PUBLIC TRANSPORTATION LINES AND WHERE WE HAVE TRANSPORTATION POTENTIAL, WE ARE HIGHLY INTERESTED IN INCREASING THE DENSITY AT THOSE LOCATIONS AND THIS DOES COME INTO THAT SEQUENCE, SO THERE NEEDS TO BE AN UNDERSTANDING THAT, YES, WE MAY SEE ANOTHER TEN YEARS, WE MAY SEE ANOTHER 12 YEARS, WE MAY SEE 8 YEARS OR SOMETHING LIKE THAT AS A CONTINUED LIFE THERE. SHOULD THAT DEMOLITION BE DONE KNOWING THAT IN 8 YEAR, IT'S FINALIZED, IT'S THROUGH? I THINK THERE HAS TO BE SOME ECONOMIC UNDERSTANDING OF HOW THIS LAND USE IS GOING TO BE PROJECTED TO THE FUTURE, BUT I'M IN HOPES THAT IT MOVES TOWARDS TRANSPORTATION ORIENTED AREAS.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WOULD SUGGEST THAT, I WOULD LIKE STAFF, WE HAVE PROFESSIONAL TRAINED PLANNERS, LET THEM PLAN AND PUT ON THE PLANNING HAT IN TERMS OF THIS TRANSITION NEIGHBORHOOD AND WHEN THIS LAND WILL PASS AND IN THEIR ESTIMATION HAVE ITS HIGHEST AND BEST USE AS MULTIFAMILY HOUSING, AND THAT'S TO START LOT BY LOT, BUT LITERALLY THE AREA,

ONE OF THE OTHER THOUGHTS THAT'S SORT OF PROBED INTO MY MIND IS THE CIRCULATION IN THE NEIGHBORHOOD IS NOT THE GREATEST. THIS PROPERTY HAS THE ABILITY OF CONNECTING 61ST AND 62ND STREETS AND MAYBE THAT WILL BE LONG-TERM THE HIGHEST AND BEST USE OF THIS LAND AND PUBLIC WORKS MAY LIKE TO CHIME INTO THAT, SAY WE WOULD LIKE TO GET A HOLD OF THIS LAND BUT WE DON'T HAVE THE MONEY TO DO IT AND WE WOULD LIKE TO GET IT 15 YEARS FROM NOW, 20 YEARS FROM NOW AND IT MAY THEN SORT OF MATCH UP IN TERMS OF HOW DO WE BETTER THIS AREA IN TERMS OF CIRCULATION, LAND USE ACTIVITY AND THIS CURRENT USE IS NOT CAUSING DETRIMENT TO THE AREA. IT'S JUST QUIETLY DOING ITS BUSINESS AND KEEPING 15 FAMILIES HAPPILY EMPLOYED, SO I WOULD LIKE TO TURN IT BACK TO STAFF AND LET STAFF PUT THAT THINKING HAT ON IN TERMS OF THAT PLANNING AND COMING BACK TO US WITH A SUGGESTION IN TERMS OF HOW LONG THEY THINK THAT THIS USE SHOULD REASONABLY CONTINUE AND WHAT IT WOULD TAKE TO GET THIS -- THE BUILDINGS BACK INTO THEIR EXISTING NON-COMPLIANCE STATE WHEN THEY WERE DEEMED A NON-COMPLIANT USE.

>> MS. NAZAR: YES, IN TERMS OF DRAFTING A SHORT-TERM PERMIT, I THINK DETERMINING THE TIME PERIOD IS SOMETHING THAT STAFF HAS TO WORK WITH THE OWNER AND THE APPLICANT, HOWEVER, THERE ARE TWO OUTSTANDING ISSUES THAT WE'VE BEEN STRUGGLING FOR A NUMBER OF YEARS, AND NUMBER 1 IS THE DEMOLITION PERMIT. WE DID ASK PREVIOUSLY TO GET THE DEMOLITION PERMIT AND DEMOLISH THE

BUILDING BUT IT DID NOT HAPPEN, SO IF WE HAVE TO GRANT A SHORT-TERM PERMIT, STAFF WOULD LIKE TO SEE A TIMEFRAME AS TO WHEN THIS DEMOLITION WILL HAPPEN, AND THEN THE SECOND IS, CURRENTLY, THE APPLICATION THAT YOU HAVE BEFORE YOU DOES NOT INCLUDE PUBLIC WORKS CLEARANCE, SO IN ORDER FOR US TO CONTINUE FOR A SHORT-TERM PERIOD, WE NEED TO GET THAT CLEARANCE FROM PUBLIC WORKS WHICH MAY INITIATE OTHER CONDITIONS AS WELL. AND AS I SAID, IN TERM OF HOW LONG THIS WILL BE GRANTED, IT'S SOMETHING THAT WE HAVE TO WORK WITH THE OWNER AND THE APPLICANT TO SEE HOW THAT TRANSITION WILL TAKE INTO EFFECT.

>> COMMISSIONER MODUGNO: HOW LONG WOULD STAFF FEEL WOULD BE NECESSARY FOR A CONTINUANCE?

>> MS. NAZAR: IN TERMS OF CONTINUANCE, MAYBE TWO MONTHS.

>> YES, WE HAVE APRIL 3RD, WHICH WOULD BE APPROPRIATE FOR THE CONTINUANCE.

>> COMMISSIONER MODUGNO: I WOULD MOVE TO A CONTINUANCE FOR THIS MATTER TO APRIL 3 AND DIRECT STAFF TO WORK WITH THE APPLICANT ON RETURNING WITH CONDITIONS TO ALLOW FOR ONGOING USE OF THIS PROJECT, THIS APPLICANT, AND WHAT CONDITIONS WOULD BE

NECESSARY TO PERMIT THAT WITH THE RECOMMENDATION IN TERMS OF TIMEFRAME.

>> CHAIR LOUIE: DISCUSSION?

>> VICE-CHAIR VALADEZ: I WANT TO HAVE A SECOND TO CLARIFY, THE MOTION IS PERFECT, JUST STAFF'S INTERPRETATION MAY BE -- I JUST WANT TO MAKE SURE WE'RE NOT ADDING A TRANSITION PERIOD, WE'RE ADDING AN EXTENSION PERIOD, AND THAT'S VERY DIFFERENT THAN A TRANSITION PERIOD BECAUSE A TRANSITION PERIOD, THEY EXPECT PEOPLE TO SELL THEIR LAND AND GETTING READY TO LEAVE AND THIS IS AN EXTENSION, JUST TO CLARIFY THAT, THANK YOU.

>> MS. NAZAR: THANK YOU.

>> CHAIR LOUIE: AND MAYBE WE NEED TO CLARIFY FOR ME BECAUSE -- AND SETTING A TIME PERIOD, AN EXTENSION OF FIVE OR 2, 3, 4, 5 YEARS, I LOOK AT THAT AS BEING NOTICE TO THE OWNER AND IN THIS CASE OPERATOR OF THE PROPERTY THAT, HEY, THERE IS NO ASSURANCE THAT YOU'RE GOING GET AN ADDITIONAL EXTENSION AND THAT THIS MAY BE YOUR -- YOU'VE TAKEN IT AS FAR AS YOU CAN AND YOU'RE GOING TO NEED TO SERIOUSLY LOOK AT THE DISPOSITION OF THE PROPERTY SO I UNDERSTAND WHAT YOU'RE SAYING AND I APPRECIATE IT, BUT I WANTED

TO MAKE SURE THAT THERE'S CLARITY THAT IF THERE'S AN EXTENSION GRANTED, THAT THAT MAY BE YOUR BEST AND FINAL EXTENSION.

>> THANK YOU, SIR. WE UNDERSTAND.

>> CHAIR LOUIE: COMMISSIONER?

>> COMMISSIONER HELSLEY: THE ASPECT OF DEMOLITION PERMIT, IF THIS IS GOING TO BE EXTENDED, MAYBE FIVE YEARS, MAYBE 7 YEARS OR SOMETHING OF THAT TERM FOR OPERATION, SO THEY CAN MAYBE FIND A NEW LOCATION TO RELOCATE TO, I CAN'T SEE ANY ADVANTAGE THEN OF GOING IN AND DEMOLISHING THE WALLS AND MOVING THEM BACK TWO FEET OR THREE FEET OR WHATEVER IS NECESSARY AT THAT POINT, AND SO I WOULD LIKE TO HAVE STAFF CONSIDER HOW THESE TWO FIT TOGETHER. I THINK IT'S CRITICAL THAT THEY FIT TOGETHER, TO PUT 100 THOUSAND DOLLARS INTO A BUILDING THAT I'M ONLY GOING TO BE ABLE TO USE 5 YEARS OR 7 YEARS BECAUSE OF THE ZONING REQUIREMENT DOESN'T MAKE SENSE, AND IF THE NEIGHBOR COMPLAINING BECAUSE OF THE NOISE AND FUMES, THAT'S NOT THE SITUATION, WE DON'T HAVE THAT IN THE LAND USE.

>> CHAIR LOUIE: MY UNDERSTANDING IS THE MOTION TAKES THE PROPERTY BACK TO THE TIME WHEN IT WAS EXTENDED WHICH MEANS THE EXISTING PRIMARY BUILDING, MY UNDERSTANDING, IS THAT THAT

BUILDING WOULD NOT NEED TO BE DEMOLISHED, WE ARE SPEAKING SPECIFICALLY ABOUT THE SHEDS THAT WERE INAPPROPRIATELY OR ILLEGALLY ADDED.

>> MS. NAZAR: THAT IS CORRECT, YES.

>> CHAIR LOUIE: THANK YOU. ANY FURTHER DISCUSSION? MOVED, SECONDED, ALL THOSE IN FAVOR? AYE. OPPOSED? THE MOTION IS PASSED. THANK YOU VERY MUCH.

>> THANK YOU, ALL.

>> MS. NAZAR: THANK YOU.

>> CHAIR LOUIE: DEPUTY DIRECTOR, DO WE HAVE ANY PUBLIC COMMENT?

>> NO.

>> CHAIR LOUIE: THANK YOU. POSSIBLE CALL FOR REVIEW OF DECISIONS BY HEARING OFFICERS? NONE? ANY REPORTS FROM COMMISSIONERS, COUNSEL OR DIRECTOR, DEPUTY DIRECTOR?

>> COMMISSIONER HELSLEY: YES, A REPORT WE HAD A VERY INTERESTING MEETING YESTERDAY AND SHORT AND TO THE POINT AND I THINK OUR DIRECTOR GUIDED US WELL IN GETTING UP AND OUT OF THE SUPERVISOR'S HAIR RATHER RAPIDLY, AND A LITTLE PIECE THAT GOES WITH THAT THAT'S KIND OF FUNNY IS THAT I KNEW I SHOULD LEAVE MY POCKET KNIFE AT HOME TO GET TO THE BOARD OF SUPERVISOR, I GET TO THE BOARD OF SUPERVISORS AND I HAVE MY POCKET KNIFE IN MY POCKET STILL AND I THINK, WHAT AM I GOING TO DO, I DIDN'T WANT THEM TO CONFISCATE MY POCKET KNIFE, I HAD IT FOR 30 YEARS, IT'S A HIGH QUALITY KNIFE, SO I GO DOWN TO THE RECEPTIONIST AND I GIVE HER THE -- ASK HER IF SHE WOULD HOLD IT FOR ME, SHE SAID WE DON'T DO THAT SORT OF THING, SIR, AND THE PERSON RIGHT BEHIND HER, SAID, YES, WE'LL DO THAT FOR YOU, AND I SAID, WHY THE CHANGE, AND SHE SAID I SEE YOUR REGIONAL PLANNING BADGE BECAUSE I HAD IT ON MY BELT, AND WE'LL HOLD IT FOR YOU, AND I SHOWED THEM BY BADGE, THEY SKIRT ME AROUND THE WALK-THROUGH POSITION SO I DIDN'T NEED TO WOULD WERE -- WORRY ABOUT IT ANYWAY, BUT THAT LITTLE EXPERIENCE REMINDS ME THAT WE'VE BEEN DOING THIS FOR 10 OR 12 YEARS WITH PAT JOINING US ON THE COMMISSION STAFF, SO WE'VE CELEBRATED ALMOST 12 BIRTHDAYS FOR PAT MODUGNO, AND I WOULD LIKE TO GIVE YOU THIS. HAPPY BIRTHDAY.

>> CHAIR LOUIE: WITH THAT, WE WILL ADJOURN TO FEBRUARY 6, 2013, WEDNESDAY, THANK YOU VERY MUCH.