

>> CHAIR LOUIE: GOOD MORNING. WELCOME TO THE FEBRUARY 6, 2013 REGIONAL PLANNING COMMISSION. I'D LIKE TO ASK COMMISSIONER PEDERSEN IF HE COULD LEAD US IN THE FLAG SALUTE.

>> COMMISSIONER PEDERSEN: ALL RISE, PLEASE PLACE YOUR RIGHT HAND OVER YOUR HEART. (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: GREETINGS AND SALUTATIONS, HAPPY NEW YEAR. FOR THOSE OF YOU WHO ARE VISITING FOR THE FIRST TIME OR OBSERVING, WE HAVE AGENDAS AT THE BACK TO HAVE ROOM AND IF YOU PLAN TO SPEAK ON THIS MATTER OR ANY OTHER MATTERS, YOU'LL NEED TO COMPLETE A SPEAKER CARD AND BRING IT FORWARD TO THE DEPUTY DIRECTOR AND WE'LL MAKE SURE YOU GET SOME SPEAKER TIME. COULD I HAVE A MOTION OF THE APPROVAL TO HAVE AGENDA? MOVED, SECONDED, NO OBJECTIONS. THE AGENDA IS APPROVED. MS. COUNTY COUNCIL, ANY REPORTS THIS MORNING?

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

>> CHAIR LOUIE: THANK YOU. DEPUTY DIRECTOR?

>> YES, GOOD MORNING, COMMISSIONERS. JUST ONE ANNOUNCEMENT, YESTERDAY AT THE BOARD, THE HEALTHY DESIGN ORDINANCE WAS APPROVED UNANIMOUSLY, THAT MEANS THAT THE ORDINANCE BECOMES EFFECTIVE IN 30 DAYS WHICH WOULD BE MARCH 7, 2013.

>> CHAIR LOUIE: THANK YOU VERY MUCH. LOOKING AT THE MINUTES OF JANUARY 16TH, DO WE HAVE A MOTION FOR APPROVAL? MOVED AND SECONDED. NO OBJECTIONS. THE MINUTES ARE APPROVED FOR JANUARY 16, 2013. WHICH BRINGS US TO THE FIRST AND ONLY PUBLIC HEARING FOR THE DAY, PROJECT NUMBER R201201612, MS. TASHJIAN.

>> MS. TASHJIAN: GOOD MORNING, MR. CHAIR AND MEMBERS OF THE COMMISSION, MY NAME IS MURAL TASHJIAN AND I AM WITH THE ZONING EAST SECTION. THIS ITEM IS AN APPEAL OF THE HEARING OFFICER'S DECISION ON NOVEMBER 6, 2012, AND IT PROVIDED AN ESTABLISHMENT OF A 3900 SQUARE FOOT BILLIARD HALL WITHIN AN EXISTING CENTER WITH AN [INAUDIBLE] OF 62 PERSONS, THIS ITEM WAS LAST HEARD ON THE JANUARY 16TH HEARING WHEN IT WAS OPTED DUE TO A REQUEST FROM THE APPELLANT, THE APPELLANT, DON HIM FILED AN APPEAL, THEIR REASONS FOR THE APPEAL WAS THAT THE PROPOSED BUSINESS WILL HAVE A NEGATIVE IMPACT ON THE COMMUNITY AND THE STUDENTS IN THE AREA, THE APPEAL REQUEST WHICH INCLUDES 31 SIXTY TS IN OPPOSITION OF THE PROJECT FROM PROPERTY OWNERS AND SURROUNDING COMMUNITY AND A

LETTER OF OPPOSITION FROM THE ROWLAND UNIFIED SCHOOL DISTRICT.
THAT CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: ANY QUESTIONS FROM THE COMMISSION?

PROCEDURALLY, THIS WOULD BE THE POINT WHERE THE APPELLANT WOULD
HAVE AN OPPORTUNITY TO SPEAK AND PRESENT. IS THE APPELLANT HERE?
YES? MR. KIM, PLEASE. WOULD YOU STEP UP TO THE SPEAKER'S TABLE,
THIS ONE RIGHT HERE, YES, AND I'M GOING TO NEED TO SWEAR YOU
IN, SO IF YOU COULD REMAIN STANDING, RAISE YOUR RIGHT HAND. DO
YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY
YOU MAY GIVE IN THIS MATTER NOW PENDING BEFORE THIS COMMISSION
SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

>> I DO.

>> CHAIR LOUIE: THANK YOU VERY MUCH, HAVE A SEAT. COUNTY
COUNCIL, HOW MUCH TIME WILL HE HAVE TO PRESENT HIS CASE?

>> THE PROCEDURES ON AN APPEAL THAT THE COMMISSION HAS SET GIVE
THE APPELLANT 15 MINUTES, THE APPLICANT I RECALL THE SAME AMOUNT
OF TIME, 15 MINUTES, AND THEN AN OPPORTUNITY FOR REBUTTAL FOR
BOTH PARTIES, GIVEN THAT THE APPLICANT STILL HAS THE BURDEN OF
PROOF TO PROVE THAT THEIR APPLICATION SHOULD BE APPROVED SO IT

WOULD BE APPELLANT, APPLICANT, PUBLIC, AND THEN APPLICANT,
APPELLANT, IN THAT ORDER.

>> CHAIR LOUIE: THANK YOU, SO YOU'LL HAVE 15 MINUTES. THERE IS
A TIMING BOX RIGHT IN FRONT OF YOU, IT WILL GLOW GREEN THE
MOMENT YOU STATE YOUR NAME. IT WILL REMAIN GREEN FOR 14 AND A
HALF MINUTES, THE YELLOW INTENDING WILL COME IN WHEN YOU HAVE 30
SECONDS AND THE RED LIGHT MEANS PLEASE STOP.

>> OKAY, WELL, I DON'T NEED 15 MINUTES.

>> CHAIR LOUIE: COULD YOU STATE YOUR NAME PLEASE.

>> DON KIM, I'M THE APPELLANT.

>> CHAIR LOUIE: THANK YOU.

>> AND I'M HERE TO REQUEST A POSTPONEMENT OF THIS HEARING
BECAUSE I SUFFER FLU LAST TWO WEEKS AND I DIDN'T HAVE ENOUGH
TIME TO PREPARE FOR THIS HEARING.

>> CHAIR LOUIE: YOU KNOW, THIS PRESENTS SORT OF A CHALLENGE. I
MEAN, WE HAD AN ORIGINAL DATE TO HEAR THE MATTER, YOU HAD TIME
SET ASIDE FOR MAKING YOUR CASE AND APPEALING. WE'VE EXTENDED, YOU

KNOW, A PRIOR TIME. I THINK IT WAS FOR YOUR WEDDING ANNIVERSARY, WAS THAT WHAT WAS THE CAUSE OF THE CONTINUANCE WAS? WHAT WAS THE CAUSE OF THE CONTINUANCE THE LAST TIME?

>> LAST TIME, IT WAS MY ANNIVERSARY IN JANUARY, SO I WAS PLANNING TO GO ON A TRIP.

>> CHAIR LOUIE: I SEE.

>> YEAH.

>> CHAIR LOUIE: OKAY, AND SO WE'RE NOW GATHERED TOGETHER AGAIN TO HEAR YOUR APPEAL AND IT'S PROBLEMATIC, A CHALLENGE. ANY OTHER THOUGHTS ON THIS?

>> COMMISSIONER MODUGNO: I THINK WE'RE SOMEWHAT SYMPATHETIC WITH THE APPLICANT ON NOVEMBER 20TH, SO TO SAY HE HASN'T HAD TIME TO PREPARE FOR AN APPEAL, HE HAD TIME PRIOR TO NOVEMBER 20TH BUT HE'S CLEARLY HAD FROM NOVEMBER 20TH TO FEBRUARY 7TH AND THAT WOULD NOT MEAN A MATTER OF THREE TO FOUR DAYS OF HAVING THE FLU OR WHETHER HE HAD AN AMMONIA OR WHETHER HE WAS IN THE HOSPITAL, HE IS HERE AND HE UNDERSTANDS AND HE HAS HAD SINCE MID NOVEMBER TO PREPARE FOR A HEARING, SO I QUITE FRANKLY SEE NO REASON FOR US TO CONTINUE THIS AGAIN IN MY OPINION.

>> COMMISSIONER PEDERSEN: AM I CORRECT THAT THIS -- IF WE GO AHEAD AND DENY THE APPEAL, THE APPELLANT HAS AN OPPORTUNITY TO APPEAL TO THE BOARD OF SUPERVISORS?

>> YES, THAT'S CORRECT, THERE IS AN ADDITIONAL APPEAL AVAILABLE SHOULD THE APPELLANT DECIDE TO PURSUE THAT.

>> COMMISSIONER PEDERSEN: I DON'T THINK I WOULD BE SUPPORTIVE OF CONTINUING IT AGAIN, I THINK WE SHOULD GO AHEAD AND DENY THE APPEAL.

>> CHAIR LOUIE: MY SUGGESTION, MR. KIM WOULD BE TO PRESENT YOUR ARGUMENTS, YOU DO HAVE AN OPPORTUNITY TO APPEAL ANY DECISION WE MAKE TO THE SUPERVISORS AS WELL, OR SIMPLY IF YOU'RE NOT PREPARED --

>> THE THING IS, FOR WHAT I SAW, I COULDN'T TALK TO THE RESIDENTS WHO SIGNED TO APPEAR AND THE BOTTOM LINE IS THE SCHOOL DISTRICT OF ROWLAND HEIGHTS SENT A LETTER TO THE PLANNING DEPARTMENT THAT THE SCHOOL DISTRICT DOESN'T WANT TO APPROVE THE CUP FOR THIS MATTER BECAUSE IT HAS A NEGATIVE IMPACT TO THE CHILDREN IN THE AREA, [INAUDIBLE] SCHOOLS WITHIN A FOUR MILE RADIUS FOR THIS BUSINESS AND THE SCHOOL CHILDREN WILL BE

NEGATIVELY IMPACTED FOR THIS BUSINESS AND DELAYING THE OPENING TIME FROM 10:00 A.M. TO 2:00 P.M., IT DOESN'T HELP, AND SCHOOL DISTRICT DIDN'T WANT TO APPROVE THE CUP FROM THE BEGINNING AND THE 31 RESIDENTS WHO SIGNED THE PETITION, THEY ALSO DOESN'T WANT TO ALLOW THE CUP FOR THIS BUSINESS BECAUSE THEY ARE WORRIED ABOUT THEIR CHILDREN. AND THAT'S THE MAIN REASON THAT I'M HERE.

>> CHAIR LOUIE: OKAY.

>> COMMISSIONER PEDERSEN: QUESTION, MR. CHAIR.

>> CHAIR LOUIE: YES, SIR.

>> COMMISSIONER PEDERSEN: I DROVE OUT BY THE LOCATION EARLIER THIS WEEK AND IT SITS AT THE END OF A DEAD END STREET AND IT'S A BRAND NEW BUILDING AND THE POOL HALL WOULD BE ON THE SECOND FLOOR AND I DROVE AROUND IN THE AREA AND GRANTED THERE'S SCHOOLS IN THE AREA, BUT I DON'T SEE IT AS BEING LIKE AN ATTRACTIVE NUISANCE BECAUSE YOU HAVE TO WALK TO IT, YOU HAVE TO GO DOWN THIS DEAD END STREET TO GET TO IT AND, AGAIN, ARE YOU A RESIDENT OF ROWLAND HEIGHTS?

>> NO, I HAVE A BUSINESS IN ROWLAND HEIGHTS.

>> COMMISSIONER PEDERSEN: HARD ME?

>> I HAVE A BUSINESS IN ROWLAND HEIGHTS.

>> COMMISSIONER PEDERSEN: WHERE IS THAT LOCATED.

>> IT'S LOCATED ON 19119 COLIMA ROAD. RIGHT NEXT TO THE COLIMA
AND [INAUDIBLE].

>> COMMISSIONER PEDERSEN: WHAT KIND OF BUSINESS IS IT.

>> I'M A REAL ESTATE BROKER.

>> COMMISSIONER PEDERSEN: OKAY, WELL, YOU KNOW, I JUST DON'T
SEE IT AS BEING A PROBLEM FOR SCHOOL CHILDREN. I MEAN, YOU KNOW,
A BILLIARD HALL IS AN ACCEPTABLE GAME TO PLAY. I PLAY BILLIARDS,
I PLAYED BILLIARDS AS A KID AND I DON'T SEE THAT IT'S SOMETHING
THAT WOULD BE AN ATTRACTIVE NUISANCE THAT WOULD CAUSE KIDS TO GO
THERE AND EVEN IF THEY DID, I DON'T SEE IT AS BEING SOMETHING
THAT'S NECESSARILY BAD UNLESS THERE'S EVIDENCE OUT THERE
PROVING THAT IT IS -- HAVE WE HAD ANY CONTACT WITH THE SHERIFF'S
DEPARTMENT AS FAR AS BILLIARD HALLS BEING A PLACE OF, YOU KNOW,
THAT ATTRACTS CRIME OR ATTRACTS BAD PEOPLE?

>> MS. TASHJIAN: NOT TO MY KNOWLEDGE.

>> COMMISSIONER PEDERSEN: SO, I JUST DON'T SEE IT AS BEING PROBLEMATIC FOR THE COMMUNITY.

>> WELL, THE THING IS THAT I'M NOT OBJECTING THE BILLIARD BUSINESS ITSELF, BUT THE THING IS, IT'S THE LOCATION IS RIGHT NEXT TO THE FREEWAY AND RIGHT NEXT TO THE MOTEL AND RIGHT NEXT TO THE DRIVING RANGE AND THE CHILDREN WHO IF THEY WANT TO PLAY BILLIARD, THEY HAVE TO CROSS THE STREET, THIS IS VERY -- A LOT OF TRAFFIC MOVING FAST IN THAT AREA AND ALSO IN THAT SHOPPING CENTER, THERE'S ANOTHER BUSINESS I BELIEVE THAT [INAUDIBLE] HAS BEEN APPROVED, AND THAT SHOPPING CENTER HAS A LOT OF ENTERTAINMENT-RELATED BUSINESSES, THE CHILDREN WILL GO THERE AND I'M NOT OBJECTING TO THE PERIOD, CHILDREN WILL GO THERE AND THEY WILL -- I THINK THE BILLIARD HALL HAS A RULE, UNDER AGE 18 CANNOT ALLOW IN THERE, IS THAT RIGHT?

>> MS. TASHJIAN: ARE YOU ASKING IF THE CONDITIONS --

>> NO, THE BILLIARD HALL BUSINESS HAS AN AGE LIMIT, I BELIEVE?

>> MS. TASHJIAN: I CAN LOOK INTO THAT.

>> AND THE HIGH SCHOOL KIDS, THEY'RE DEFINITELY UNDER 18, THEY WILL GO THERE AND IT'S NEGATIVE IMPACT TO THE WHOLE NEIGHBORHOOD AND I'M NOT SURE WHAT OTHER BUSINESS WILL APPLY FOR LICENSE IN THAT SHOPPING CENTER. I KNOW THERE'S A BILLIARD HALL AND KARAOKE ROOM AND OTHER BUSINESS ENTERTAINMENT RELATED BUSINESS WILL BE CHECKING IN THERE TOO. THAT'S WHAT I'M WORRIED ABOUT.

>> CHAIR LOUIE: OKAY, THANK YOU, THANK YOU VERY MUCH. SO, THE ORIGINAL APPLICANT, ARE THEY PRESENT? OKAY. MR. KIM, THANK YOU VERY MUCH, IF YOU WANT TO TAKE A SEAT, THANK YOU.

>> PETER WANG, COULD YOU PLEASE COME FORWARD.

>> CHAIR LOUIE: MR. WANG, COULD YOU REMAIN STANDING AND I ASK IF THERE'S ANYBODY ELSE WHO PLANS TO TESTIFY ON THIS MATTER, IF THEY COULD ALSO RISE AND BE SWORN IN.

>> I THINK I WILL BE THE ONLY ONE.

>> CHAIR LOUIE: COULD YOU ALSO RISE THEN AND RAISE YOUR RIGHT HAND, PLEASE, DO YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY THAT YOU WILL GIVE IN THE MATTER NOW PENDING BEFORE THIS COMMISSION SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

>> YES, I DO.

>> CHAIR LOUIE: THANK YOU, PLEASE HAVE A SEAT AND AGAIN YOU WILL HAVE 15 MINUTES TO PRESENT THIS MATTER, AGAIN, THE SAME TIMING BOX WILL LIGHT GREEN WHEN YOU STATE YOUR NAME, IF YOU COULD BEGIN BY STATING YOUR NAME, YOU CAN BEGIN.

>> SURE. GOOD MORNING, HONORABLE COMMISSIONERS AND MY NAME'S PETER WANG. I REPRESENT JDBL ASSOCIATES, ALSO ACTING AS ARCHITECT FOR THIS PROJECT AND THIS MATTER HAS BEEN PRESENTED TO THE HEARING OFFICER AND I BELIEVE WE TALKED TO OWNER AND THE BUSINESS OWNER AND WE WOULD NOT APPLY FOR ANY ALCOHOL LICENSE, NONE, NOT EVEN FOR ANYTHING, SO THIS AREA IS ACTUALLY CONSIDERED A SPORTS PLACE, AND THE NEW OWNER, THEY ARE VERY, VERY ENTHUSIASTIC ABOUT THE INTERNATIONAL COMPETING AND THIS PLACE ACTUALLY IS GOING TO BUILD TO BE AN INTERNATIONAL COMPETITION STANDARD, SO YOU WILL MEET -- AND ACTUALLY, THEY WILL TRY TO GET THE CERTIFICATION FOR THE NATIONAL OR INTERNATIONAL ORGANIZATION IN ORDER FOR PEOPLE TO QUALIFY IN ROWLAND HEIGHT AREA AND IN A MATTER TO MOVE THEM TO THE NATIONAL LEVEL, INTERNATIONAL LEVEL COMPETITION, AND AFTER WE RECEIVE THE COMPLAINT AND APPEAL, WE DID A LITTLE INVESTIGATION, ALRIGHT, AND BASED ON MR. DON KIM'S ADDRESS, THAT BUSINESS IS A LAW OFFICE AND WE MAKE A PHONE CALL

AND WE MAKE A VISIT TO THAT ADDRESS AND THAT ADDRESS, THOSE LAWYERS CONFIRMED THEY DON'T HAVE SUCH PERSON CALLED DON KIM. WE ALSO MADE A NOTE OF PETITIONER AND WE FOUND 57% IS NOT ACCURATE WITH THEIR RESIDENTS NAME ON IT, AND ALSO WE HAVE A PRINT OUT FROM RE/MAX REAL ESTATE AGENT AND THEIR WINDOW DATA AND THEIR GOOGLE MAP, FROM THE GOOGLE MAP AND SHOWING THE BUSINESS LOCATION AND THAT WAS EXACTLY SHOWING THE ADDRESS, IF YOU CAN SEE THE LAST PAGES ON THE GOOGLE PAGE SHOWING THE ADDRESS WAS EXACTLY STATING THE SAME PAGES AS MR. KIM'S ADDRESS, AND RIGHT NOW, ACTUALLY, THERE WAS AN APPROVED HALL IN THE CORNER OF COLIMA AND DOLGALIS, EXISTING ONE, IT'S RIGHT THERE, AND I BELIEVE THAT WE HAVE -- OUR BELIEF, WE DON'T REALLY HAVE IT APPROVED YET, BUT I BELIEVE MR. KIM HAS SOME BUSINESS RELATIONSHIP WITH THIS BUSINESS, AND SO THIS APPEAL IS DEFINITELY NOT RELATED TO CITIZEN'S CONCERN, IT'S RELATED WITH BUSINESS COMPETITION, SO OF COURSE BELIEVE ME OR NOT, IN THE VERY BEGINNING WHEN WE START SETTING THIS ONE, WE WERE VERY CONCERNED ABOUT THAT GIVING A VERY BAD IMAGE OF APPROVAL OF THAT PLACE, BUT THE OWNER ASSURES THEY WILL NOT HAVE ANY ALCOHOL SERVICE IN THERE, ALTHOUGH ALCOHOL SERVICE WILL GENERATE INCOME, THAT WAS NOT THEIR INTENT, THEIR INTENT WAS TO BUILD AN INTERNATIONAL COMPETITION PLACE AND FOR THE PROFESSION TO GROW AND SO PEOPLE CAN USE THIS PLACE AS A STEPPINGSTONE TO ENTER IN

THE NATIONAL LEVEL AND INTERNATIONAL LEVEL COMPETITION. THANK YOU.

>> COMMISSIONER PEDERSEN: THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS? MR. HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, THE CONDITIONS I SEE CURRENTLY EXISTING ON THIS, YOU ACCEPT THOSE CONDITIONS WITH THE DRAFT CONDITIONS FOR APPROVAL?

>> EXCUSE ME?

>> COMMISSIONER HELSLEY: DO YOU ACCEPT THE DRAFT CONDITIONS THAT HAVE BEEN PROPOSED FOR THE OPERATION?

>> YES, ACTUALLY, WE MOVE -- THE OWNER OF THE BUSINESS VOLUNTARILY MOVED -- THE BUSINESS STARTING TO THE AFTERNOON, ALMOST CLOSE TO THE END OF THE SCHOOL DAY, SO EVEN THE KIDS TRYING TO SKIP THE SCHOOL, THEY GO TO THE BUSINESS, IT'S NOT OPEN FOR THEM. YES, WE ACCEPTED THE APPROVED CONDITIONS.

>> COMMISSIONER HELSLEY: I HAVE A QUESTION FOR STAFF IN RELATION TO THE TIMING, THE TIME THAT THEY'RE OPEN. OPERATING

HOURS SHALL BE BETWEEN THE HOURS OF 2:00 P.M. AND 2:00 A.M., IS THAT CORRECT?

>> MS. TASHJIAN: THAT'S CORRECT.

>> COMMISSIONER HELSLEY: 2:00 A.M., THEN I WOULD GO BACK TO THE NEXT QUESTION, WOULD YOU BE OPPOSED TO HAVING A CONDITION IN THERE THAT SAYS NO ALCOHOLIC BEVERAGES ARE TO BE SERVED? I THOUGHT I HEARD YOU SAY THAT EARLIER, THAT YOU WERE NOT GOING TO BE APPLYING FOR AN ALCOHOLIC BEVERAGE PERMIT?

>> YES, WE AGREE.

>> COMMISSIONER HELSLEY: SO, IF THAT WERE PUT IN AS A CONDITION, THAT WOULD BE ACCEPTABLE?

>> YES.

>> COMMISSIONER HELSLEY: THANK YOU.

>> BECAUSE ONLY THIS WAY, WE CAN MAKE SURE THIS PLACE IS NOT ENTERTAINMENT, IT IS ACTUALLY PURELY FOR SPORTS.

>> CHAIR LOUIE: THANK YOU. YES, SIR?

>> COMMISSIONER PEDERSEN: NO, I DON'T HAVE ANY QUESTIONS.

>> CHAIR LOUIE: FROM AN OPERATIONAL STANDPOINT, DO YOU HAVE A MINIMUM AGE FOR SOMEONE TO COME IN AND PLAY BILLIARDS?

>> BASICALLY WE BELIEVE THE POOL IS A SPORT AND THAT'S THE REASON WHY WE GIVE UP THE ALCOHOL SERVICES BECAUSE ONLY WAY THAT WE CAN LET THE FATHER TAKE THEIR SON AND TO START TEACHING THEM IN THE NEIGHBORHOOD PLACE IS THERE'S NO ALCOHOL INVOLVED. I MEAN, OF COURSE THEN IT'S NOT GOING TO BE A FAMILY PLACE, WE WOULD LIKE TO BE A SPORTS PLACE AND ALSO A FAMILY PLACE.

>> CHAIR LOUIE: SO, THE ANSWER MR. WANG, IS NO, THERE IS NO MINIMUM AGE FOR SOMEONE TO PARTICIPATE?

>> NO, WE DON'T WISH TO SET A MINIMUM AGE BECAUSE THEN WE WILL LOSE ALL THE FUND.

>> CHAIR LOUIE: AND IS THE APPLICANT'S PREFERENCE TO BE ABLE TO OPEN AT 10:00? I HEARD THE CONDITION THAT YOU WERE WILLING TO OPEN AT 2:00, BUT IS YOUR PREFERENCE TO OPEN AT 10:00?

>> WE DID NOTE TO TAKE THE SCHOOL DISTRICT'S CONCERN ABOUT KIDS SPORTS -- THE KIDS SKIP SCHOOL TO GO TO PLACES, AND OF COURSE THE EARLIER IT IS OPEN, CERTAINLY PROFESSIONAL PEOPLE WHO CAN GO TO THIS FACILITY TO PRACTICE AND -- BUT WE CAN HAVE THE CENTER SECURITY AND TO CHECK IF YOU ALLOWING US TO HAVE AT 10:00 AND THEN WE CAN ADD IN A CONDITION THAT BEFORE 3:00, WE HAVE TO CHECK EVERYBODY'S I.D. FOR THE AGE, I MEAN, THE SAFEGUARD SHOULD BE THERE TO SATISFY THE SCHOOL DISTRICT'S CONCERN.

>> CHAIR LOUIE: I'M NOT FERRIS BUELLER BUT IT SEEMS TO ME THERE IS A WIDE RANGE OF OPTIONS FOR SOMEONE WHO DOES NOT WANT TO GO TO SCHOOL AND A BILLIARDS AS APPEALING AS IT MAY BE TO SOME FOLKS DOES NOT HAVE A UNIVERSAL DRAW. I THINK GOING TO MCDONALDS, GOING SHOPPING AT THE MALL, GOING TO A PET STORE TO PLAY WITH THE ANIMALS SEEM TO ME AT LEAST EQUALLY DESIRABLE TO SKIP SCHOOL, AND I NOTICE THAT THE SCHOOL DISTRICT CITED FIVE SCHOOLS, TWO ELEMENTARY, I DON'T SUSPECT THAT THEY'RE HAVING A BIG PROBLEM WITH FOURTH, FIFTH AND SIXTH GRADERS DISAPPEARING DURING THE DAY NOT ATTENDING SCHOOL. WHO DOES THE TRUANT ENFORCEMENT, DO WE KNOW, IS IT THE SCHOOL DISTRICT? IS IT LEFT TO THE SHERIFF'S DEPARTMENT, HOW DO THEY HANDLE THAT?

>> THAT IS TYPICALLY SOMETHING THAT'S HANDLED THROUGH THE SCHOOL DISTRICT AND WHATEVER ARRANGEMENTS THEY HAVE MADE.

>> CHAIR LOUIE: DO WE KNOW THE HOURS OF OPERATION OF THE OTHER BILLIARD HALL?

>> MS. TASHJIAN: OF THE OTHER BILLIARD HALL? NO.

>> CHAIR LOUIE: MR. WANG, YOU MENTIONED ANOTHER BILLIARD HALL.

>> 12:00 TO 12:00.

>> CHAIR LOUIE: AND HAVE WE HAD -- SO, WE'RE NOT EVEN AWARE OF IT, SO WHETHER OR NOT THEY'VE HAD ANY PROBLEMS EITHER WITH THE SCHOOL DISTRICT OR THE SHERIFF'S DEPARTMENT, WE'RE NOT AWARE? ANY OTHER QUESTIONS? PLEASE.

>> COMMISSIONER HELSLEY: ONE MORE.

>> CHAIR LOUIE: YES, SIR.

>> COMMISSIONER HELSLEY: I NOTICE THAT THE STATEMENT NUMBER 22 ON PAGE 4 OR 5 INDICATES NO SIGNAGE IS APPROVED BY THIS GRANT, A SEPARATE SIGN REVIEW SHALL BE DONE AT ANOTHER PERIOD OF TIME. THE OWNER OF THE PROPERTY HAS SMALL SIGNS THAT THEY CAN PUT UP

ON THE PROPERTY AND I WOULD ASSUME THAT WOULD BE AN ACCEPTABLE SIGN THAT DOESN'T HAVE TO COME BACK FOR REVIEW?

>> MS. TASHJIAN: THERE'S A SIGN PROGRAM FOR THAT ENTIRE SHOPPING CENTER, SO ANY SIGNS NEED TO COME IN FOR REVIEW. THIS TENANT IN PARTICULAR WOULD HAVE TO COME IN FOR A SEPARATE SIGN REVIEW. I'M NOT AWARE OF WHAT OTHER SIGNS THE OWNER FOR THE ENTIRE BUILDING HAS APPLIED FOR.

>> COMMISSIONER HELSLEY: OKAY.

>> CHAIR LOUIE: OKAY, PLEASE.

>> [INAUDIBLE].

>> CHAIR LOUIE: AND PROCEDURALLY NOW, WE CAN MOVE ON TO THE PUBLIC.

>> IF THERE'S ANY PUBLIC COMMENT, IF NOT, IT WOULD BE THE REBUTTAL BY THE APPELLANT.

>> CHAIR LOUIE: OKAY, AND IS THERE ANY PUBLIC COMMENT?

>> NO, WE HAVE NO ADDITIONAL CARDS ON THIS ITEM.

>> CHAIR LOUIE: AND LAST CHANCE ON PUBLIC COMMENT, ANYBODY?
THANK YOU. MR. KIM -- MR. WANG, YOU CAN TAKE A SEAT. MR. KIM, IF
YOU WOULD LIKE TO STEP UP AND YOU HAVE YOUR TIME FOR REBUTTAL.
HOW MUCH TIME DOES HE HAVE?

>> 10 MINUTES.

>> CHAIR LOUIE: 10 MINUTES, PLEASE, AND IF YOU COULD AGAIN
STATE YOUR NAME.

>> DON KIM. THE APPLICANT THAT I DON'T HAVE BUSINESS IN THE
ADDRESS IN ROWLAND HEIGHTS, THIS IS MY BUSINESS CARD. THIS
LOCATION IS A LAW OFFICE, I AM ONE MAN BUSINESS, I'M THE BROKER,
I'M THE OWNER. I JUST BORROW THE LAW OFFICES, THE SECTION OF THE
LAW OFFICE, SO MY BUSINESS JUST IF YOU CHECK THE NAME OF THE
CORPORATION, THE ADDRESS IS THERE AND --

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WANT TO INTERPRET,
WE'RE LOOKING AT A LAND USE DECISION ON A BILLIARD HALL, SO
WHETHER YOU HAD AN OFFICE IN SAN DIEGO OR LAS VEGAS IS
IRRELEVANT, I THINK IT WAS IRRELEVANT FROM THE APPLICANT'S
TESTIMONY AS WELL, SO YOU DON'T NEED TO GO ON ANY DEPTH AT THAT.
WE'RE SPECIFICALLY LOOKING AT THE CONDITIONS OF APPROVAL OF THIS

REQUEST AND THE ACTUAL REQUEST ITSELF AND THAT'S ALL WE'RE DISCUSS.

>> I JUST MENTIONED IT SINCE --

>> COMMISSIONER MODUGNO: I KNOW, I SORT OF MEANT TO STOP HIM TOO.

>> AND HE ALSO SAID THESE SIGNATURES ARE NOT THE RESIDENTS OF THE ROWLAND HEIGHTS. I CANVASSED EACH HOUSE, KNOCKED ON THE DOOR, DOOR TO DOOR AND GOT THE SIXTY FROM THE RESIDENTS. HE MAY NOT BE THE OWNER OF THE HOUSE, IT COULD BE THE FAMILY MEMBER WHO SIGNED THIS PETITION, BUT I KNOCKED ON THE DOOR TO DOOR AND GOT THE SIGNATURE FROM THE RESIDENTS IN ROWLAND HEIGHTS. AND AS FAR AS THE BUSINESS HOUR IS CONCERNED, I BELIEVE THERE IS A MINIMUM AGE REQUIREMENT FOR THE BILLIARD BUSINESS, UNDER AGE 18 CANNOT BE PERMITTED IN THE BUSINESS, I BELIEVE. AND THERE ARE TWO HIGH SCHOOLS IN THE AREA WITHIN ONE MILE OF THE RADIUS FOR THE BUSINESS AND I AM CONCERNED FOR THE CHILDREN IN THOSE TWO HIGH SCHOOLS, AND THEY -- THE SCHOOL DISTRICT CLEARLY STATES THEY DON'T WANT THIS BUSINESS TO BE APPROVED AND THE 31 RESIDENTS OF THE IMMEDIATE AREA OF THE BUSINESS WANT TO DENY THE CUP APPROVAL. THAT'S IT.

>> CHAIR LOUIE: OKAY.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I HAVE A QUESTION, IS THE DRIVING RANGE ADJACENT TO THIS PROPERTY?

>> I BELIEVE THAT'S THE NORTH SIDE OF THE PROPERTY.

>> IT'S TO THE SOUTH OF THE PROPERTY IT'S THE GREEN SPACE.

>> COMMISSIONER MODUGNO: DO EITHER YOU MR. KIM OR DOES STAFF KNOW THE HOURS OF OPERATION ARE?

>> I DO NOT KNOW THE HOURS OF OPERATION.

>> COMMISSIONER MODUGNO: WHAT TIME ARE THEY OPEN?

>> I DON'T KNOW WHAT TIME THEY'RE OPEN. I KNOW THEY END AT 11:00.

>> COMMISSIONER MODUGNO: DO I KNOW WHAT TIME THE MALLS OPEN?

>> 10:00, I BELIEVE.

>> COMMISSIONER MODUGNO: OKAY, THANKS.

>> CHAIR LOUIE: THANK YOU. ANY FURTHER QUESTIONS? THANK YOU. AND MR. WANG, WOULD YOU LIKE TO JOIN US UP FRONT? AND YOU HAVE 10 MINUTES FOR REBUTTAL, THE GREEN LIGHT WILL COME ON WHEN YOU STATE YOUR NAME. STATE YOUR NAME ONE MORE TIME.

>> MY NAME IS PETER WANG, REGARDING TO MR. KIM'S STATEMENT, WE HAVE MANY PEOPLE CAN IDENTIFY, HE IS THE -- OR RELATED TO THE OWNER THAT HAS THE BUSINESS AT COLIMA -- THE EXISTING POOL HALL OPERATING THERE. ALSO WE KNOW THE DRIVING RANGE IS OPEN PRETTY EARLY, LIKE ALMOST AS LONG AS THE SUN IS UP, THE PEOPLE CAN GO BY THE BAR AND PRACTICE, SO I THINK THEY ALL THE WAY OPERATE TO 12:00 OR SOMEBODY'S LEAVING THE DRIVING RANGE, SO IT'S SELF-SERVICE TYPE OF THINGS. AND PONY HILL NORMALLY OPENS AROUND 10:00. THERE'S MANY, MANY WAYS FOR KIDS TO DITCH SCHOOL, I MEAN, THEY MAY NOT REALLY COME TO THE POOL HALL, BUT THEY COULD GO TO EVEN RIGHT NOW, THEY CAN GO TO ANYBODY'S HOUSE TO HANG OUT TO PLAY THE VIDEO GAMES, I THINK THEY'RE INTO MORE THAT KIND OF THINGS, BUT STILL, THE BUSINESS OWNER OF THIS PROPOSED NEW BUSINESS, THEY DO TAKE THE SCHOOL DISTRICT'S CONCERNS SERIOUSLY, SO WE HAVE NO PROBLEM TO -- OF COURSE IF WE CAN BE MOVED EARLIER, IT WOULD BE GREAT, BUT WE DON'T REALLY THINK THAT MAKES TOO MUCH DIFFERENCE ON THE BUSINESS SIDE, AND THE WHOLE PURPOSE TRYING TO BUILD IN THIS POOL HALL IS BUILD TO INTERNATIONAL STANDARDS AND CERTIFY BY THE INTERNATIONAL

ORGANIZATION AND TO MAKE THIS PLACE TO BE LOCALLY IN THE SAN GABRIEL VALLEY BECAUSE RIGHT NOW EVERY TIME YOU WANT TO CERTIFY YOUR QUALIFICATION, YOU HAVE TO GO TO THE WEST SIDE, SO IF THIS PLACE COULD BE ONE PLACE COULD BE QUALIFIED AS A PLACE TO BE RECOGNIZED THAT YOUR QUALIFICATIONS TO JOIN JUST LIKE EVERYBODY WANTS TO JOIN THE U.S. OPEN, YOU HAVE TO GO THROUGH A LOT OF LOCAL COMPETITION, YOU NEED TO BE CERTIFIED, THIS ONE, THE WHOLE PLACE HAS TO BE CERTIFIED BY THE INTERNATIONAL ORGANIZATION AND THEN PEOPLE CAN SUBMIT THEIR QUALIFICATION APPLICATION AND THEN THEY GET THE QUALIFICATION TO JOIN THE NEXT STEP COMPETITION. THAT'S ALL THAT IT'S THE PURPOSE ABOUT.

>> CHAIR LOUIE: THANK YOU, THANK YOU.

>> THANK YOU.

>> CHAIR LOUIE: OKAY. SO, LET'S CHAT ABOUT WHETHER THERE'S A PROBLEM IN RIVER CITY.

>> COMMISSIONER PEDERSEN: I WOULD LIKE TO MAKE A MOTION, UNLESS THERE'S ANY FURTHER DISCUSSION?

>> COMMISSIONER HELSLEY: I WOULD LIKE TO ASK A QUESTION OF THE LAST -- IF YOU COULD COME FORWARD AGAIN, PLEASE.

>> PETER WANG.

>> COMMISSIONER HELSLEY: THANK YOU. IN HIGH SCHOOL, WE PLAYED
BILLIARDS QUITE A BIT OR A MODERATE AMOUNT, AND YOU USED THE
WORD POOL HALL. IN MY MIND, THERE IS A GREAT BIG DIFFERENCE
BETWEEN A POOL HALL AND A BILLIARDS AND SO I WOULD LIKE TO HAVE
YOU GIVE US YOUR DEFINITION OF THE DIFFERENCE.

>> I'M NOT GOOD ON THAT. I THINK THE OWNER PROBABLY IS GOOD ON
IT. WHEN I WAS IN HIGH SCHOOL, WE CALL IT SNORKEL. I DO NOT KNOW
-- DISTINGUISH THIS.

>> COMMISSIONER HELSLEY: ALRIGHT, THANK YOU.

>> THANK YOU.

>> CHAIR LOUIE: MR. WANG, WHAT I HEAR YOU SAYING IS THAT
BILLIARDS FROM A CERTAIN SEGMENT OF THE POPULATION IS AN
INTERNATIONAL SPORT AND THAT THERE NEEDS TO BE FACILITIES THAT
NURTURE AND DEVELOP THOSE SKILL SETS FROM VERY YOUNG FOLKS ALL
THE WAY THROUGH, THAT THERE'S COMPETITION AT EACH OF THOSE
LEVELS AND AT THIS TIME, IF YOU WANT TO COMPETE IN AN
INTERNATIONAL LEVEL FACILITY, YOU NEED TO TRAVEL TO THE WEST

SIDE OF LOS ANGELES TO DO THAT AND THAT YOUR APPLICANT IS
WANTING TO OPEN THAT TYPE OF FACILITY IN THE SAN GABRIEL VALLEY,
CORRECT?

>> YES. YOU KNOW, THEY CAN -- KNOW THESE FACILITIES ARE GOING TO
BE CERTIFIED, THEY CAN HOLD A COMPETITION IN THERE. THE
COMPETITION ITSELF ALSO CAN SEE THE QUALIFICATION WRONG TO THE
NEXT STAGE, SO THE PEOPLE DON'T HAVE TO GO TO THE WEST SIDE AND
TO ATTENDING COMPETITION OVER THERE, SO THIS PLACE COULD BE
VERY, VERY LEGIT PLACE FOR SUCH SPORTS TO BE HAPPENING.

>> CHAIR LOUIE: THANK YOU. ANY OTHER QUESTIONS?

>> COMMISSIONER MODUGNO: NO QUESTION, JUST A COMMENT.

>> CHAIR LOUIE: OKAY, THANK YOU FOR THE FINAL TIME. YOU DON'T
NEED TO RESTATE YOUR NAME.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, WITH THE CONDITION THAT
THE APPLICANT'S REPRESENTATIVE HAS SAID THEY WOULD ACCEPT AND
THAT'S NO ALCOHOL ON-SITE, AND I THINK THAT MR. KIM WAS CORRECT,
THERE ARE FACILITIES WITH POOL TABLES IN THEM WHERE CHILDREN
UNDER THE AGE OF 18 ARE NOT PERMITTED TO ATTEND OR ENTER, AND
THAT'S BECAUSE IT'S CONSIDERED AN ADULT BUSINESS WHERE ALCOHOL

IS SERVED, BUT AN 18 YEAR-OLD ADULT CAN GO INTO THAT FACILITY, THEY JUST CAN'T DRINK ALCOHOL, SO AS LONG AS ALCOHOL IS NOT SERVED ON THE SITE, I QUITE FRANKLY SEE THIS NO DIFFERENT THAN A SKATING RINK WHERE A PARENT IS TAKING THEIR CHILDREN TO LEARN HOW TO SKATE, A GOLF COURSE WITH A PARENT IS TAKING A CHILD TO LEARN HOW TO PLAY GOLF OR TO ICE SKATE OR GYMNASTICS OR ANYTHING ELSE. THE GYMNASIUM I BELONG TO HAS 24 HOUR -- IT'S 24 HOURS, BUT THERE'S NOT A WHOLE LOT OF PEOPLE THAT SHOW UP LATE ON FRIDAY OR SATURDAY NIGHTS SO RATHER THAN HAVING TO STAFF IT, THEY DO CLOSE, THEY CAN OPEN IT 24 HOURS A DAY BUT THEY DON'T. TIGER WOODS WOULD NOT BE THE GOLFER LIKE HE IS TODAY IF HIS FATHER HAD NOT TAKEN HIM OUT AS A CHILD AND LEARNED A SPORT. I CAN REMEMBER FONDLY MY DAD AND BROTHER AND I GOING TO PLAY A POOL BEFORE WE BOUGHT A POOL TABLE TO WHICH THEN WE SLOWED DOWN PLAYING POOL, IT WAS MORE EXCITING GOING OUT THAN HAVING ONE AVAILABLE. AS LONG AS THE RESTRICTION AND CONDITION IS ADDED THAT ALCOHOL IS NOT SERVED, I SEE THIS LOCATION AS BEING ONE THAT'S NOT GOING TO DISTURB NEIGHBORS, I QUITE FRANKLY WOULD PREFER PUTTING NO HOURS ON IT WHATSOEVER AND ALLOWING THE OWNER AND THE MARKETPLACE TO DICTATE WHAT THOSE HOURS ARE BECAUSE, AGAIN, THE NUISANCE VALUE OF A SCHOOL CHILD WANDERING IN THERE IS NO GREAT R THAN THE NUISANCE VALUE OF A CHILD SORT OF GOING TO DRIVING RANGE OR CHUCK-E-CHEESE, SO TO PUT SOME RESTRICTION JUST BECAUSE IT'S CLOSED BUILDING WHICH HAPPENS TO HAVE A POOL TABLE, I DON'T

THINK THAT AS BEING A NUISANCE, IT'S UP TO THE PEOPLE WHO MANAGE AND RUN ANY OF THESE FACILITIES, IF THEY SEE KIDS THAT THEY THINK SHOULD BE IN SCHOOL, THAT THEY WILL QUESTION THAT AND IF THE KID IS STARTING TO MISBEHAVE, THEY'LL RECOGNIZE THAT BUT IF A PARENT BRINGS IN A CHILD SPECIFICALLY TO LEARN AND PLAY A SPORT, SO I QUITE FRANKLY THINK THAT THE HEARING OFFICER'S DECISION SHOULD BE UPHELD WITH APPROVAL, BUT AGAIN, IF THE APPLICANT HAS INDICATED A WILLINGNESS TO ACCEPT A CONDITION NOT TO HAVE ALCOHOL SERVED ON THE PREMISE, I QUITE FRANKLY WOULD LET THE MARKETPLACE DRIVE THE HOURS VERSUS US.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER PEDERSEN: POINT WELL TAKEN, MY ONLY CONCERN IS THAT WE DO HAVE A LETTER FROM THE SCHOOL DISTRICT WITH THAT CONCERN. I THINK I WOULD BE FOR ON WEEKENDS, ALLOWING THE POOL HALL TO OPEN AT 10:00 A.M. ON WEEKENDS AND KEEPING IT AT 2:00 P.M. FOR DURING THE WEEK.

>> CHAIR LOUIE: MR. HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD CONCUR WITH THE ASPECT OF THE OPERATING HOURS BE DRIVEN BY THE MARKET. I HAVE A CONCERN IN RELATION TO THE CHARACTERISTICS THAT HAVE BEEN

DEFINED FOR THIS OPERATION WITH A LITTLE BIT OF SCARE, I THINK IT CAN BE A MAJOR ASSET IF YOU TAKE AND LOOK AT THE MAP THAT WE HAVE BEFORE US RIGHT NOW SHOWING THE TWO HIGH SCHOOLS. IT REALLY IS QUITE NICELY LOCATED AS A COMPETITIVE POSITION FOR A HIGH SCHOOL, HIGH SCHOOL OPERATIONS, THE WAY I GOT INVOLVED WITH IT WAS WITH MY ALGEBRA TEACHER AND THE -- HE TAUGHT GEOMETRY AND THAT WAS A MAJOR ACTIVITY THAT WE WERE INVOLVED WITH IN COMPETITION. THE ASPECT OF CURRENT COMPETITION, I THINK HAS TO GO TO EITHER ORANGE COUNTY OR THE WEST SIDE, THERE MIGHT BE ONE IN [INAUDIBLE] VALLEY THAT IS QUALIFIED, I'M NOT QUITE SURE BUT I THINK IT PROVIDES AN OPPORTUNITY FOR THE COMMUNITY. I SEE VERY LITTLE CONCERN AS WE RELATE TO A DRIVING RANGE OR WE RELATE TO THE ASPECT OF A PARK BEING OPEN WHERE THEY CAN GO PLAY FRISBEE, GOLF AND THIS TYPE OF THING. I THINK WE'RE PUTTING A LOT MORE RESTRAINTS ON IT THAN WHAT ARE NECESSARY AT ALL.

>> CHAIR LOUIE: THANK YOU, ANY FURTHER DISCUSSIONS?

>> VICE-CHAIR VALADEZ: I THINK THAT WE DO NEED TO CONSIDER THE FACT THAT THE SCHOOL DISTRICT DOES HAVE ITS LETTER IN AND IS CONCERNED ABOUT IT AND I THINK WE COULD HAVE NO RESTRICTIONS ON THE WEEKENDS. I MEAN, THE WEEKEND IS JUST -- THE HOURS ARE WHAT THE HOURS ARE, THAT THEY CAN BE OPEN AND THEY CAN HAVE PERSONS COME IN AND THEN ALLOW DURING THE SCHOOL DAY OR SCHOOL HOLIDAYS

OR SUMMER OR WHEN THE SCHOOL IS CLOSED THAT THEY COULD HAVE UNLIMITED HOURS AND ONLY DURING THE TIMES THAT SCHOOLS ARE OPEN, HAVE THAT, AND IT WOULD ALLOW THEM SOME FLEXIBILITY BUT STILL RECOGNIZE WE HAVE HAD A REQUEST FROM THE SCHOOL DISTRICT AND WE DO HAVE A LOT OF SCHOOLS IN THE AREA.

>> CHAIR LOUIE: OKAY, THANK YOU. ANY FURTHER DISCUSSION? MY SENSE WOULD BE THAT I'M NOT PERSUADED THAT THIS OPERATION PRESENTS AN UNUSUAL DISTRACTION TO SCHOOL CHILDREN. I VIEW IT AS AN OPPORTUNITY TO DEVELOP SKILLS WITHIN THE COMMUNITY, LOCAL AND A LITTLE BIT FURTHER, AND BILLIARDS, I'LL NOTE IN LOOKING AT THE ESPN AND LOOKING AT SOME OF THE COMPETITIONS THAT GO ON, THERE SEEMS TO BE A DISPROPORTIONATE OF ISLAND FOLKS PARTICIPATING, I SUSPECT THEY ARE LEARNING THEIR SKILLS IN FACILITIES SIMILAR TO THIS. I WOULD BE SUPPORTIVE OF MARKET DRIVEN HOURS, SO --

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, JUST TO COMMENT ON THAT BECAUSE I RESPECT THE -- I GUESS I RESPECT THE SPIRIT IN WHICH THE SCHOOL DISTRICT HAS PUT ITS REQUEST FORWARD, I DON'T APPRECIATE THE BACK OF REAL UNDERSTANDING IN TERMS OF THE FACT THAT WE HAVE SCHOOLS A LOT LIKE 40 YEARS WHERE WE HAD TRADITIONAL SCHOOL HOURS. WE HAVE MULTIPLE FACILITIES UNDER NOW THE VAIL OF SCHOOLS, THE CHARTER SCHOOLS, PRIVATE SCHOOLS, SCHOOLING FROM HOME, YEAR ROUND SCHOOLS, CHANGED HOURS, ETC.,

THE SCHOOL DISTRICTS ARE NOT TRADITIONAL IN THE SENSE THAT THEY WERE WHEN WE ALL WENT TO SCHOOLS, AND SO THAT VARIETY OF ONE SIZE FITS ALL, IF WE WERE TO CONFORM TO A LETTER THAT JUST SAYS WE OBJECT TO IT BECAUSE THE KIDS COULD GO THROUGH DURING SCHOOL HOURS, WHAT ARE THOSE SCHOOL HOURS AND I THINK WE OUGHT TO KNOW WHAT THOSE SCHOOL HOURS ARE SPECIFICALLY FOR THE SCHOOLS THAT BELIEVE IN THAT DISTRICT FEEL THAT ARE GOING TO BE IMPACTED BECAUSE THEN WHAT HAPPENS IN THE SUMMER MONTHS OR THE PERIODS IN TERMS OF WHEN KIDS ARE OUT OF SCHOOL, SO I GUESS I'M STILL MUCH MORE IN FAVOR OF MARKET DRIVEN HOURS UNLESS THE SCHOOL DISTRICT COMES BACK SPECIFICALLY AND STATES SOME THINGS THAT WE WANT TO TRY TO ACCOMMODATE TO THEM BUT THEY DON'T CONTROL ALL THE STUDENTS THAT LIVE IN THAT AREA BECAUSE OF THE MASSIVE VARIETIES IN THE WAY KIDS ARE BEING EDUCATED AND THIS ISN'T NECESSARILY AN ATTRACTIVE NUISANCE OR MAGNET THAT IS GOING TO DRAW KIDS TO BECOME TRUANT AWAY FROM SCHOOLS. IF INDEED THAT IS A SITUATION, I THINK ON A CASE BY CASE BASIS, WE TEND TO MAKE RULES AND REGULATIONS SO BROAD THAT, YOU KNOW, THAT THE PENDULUM SWINGS THAT WE MAKE IT OVERREGULATED AND THE LAST TIME WE LOOKED, IT'S STILL A FREE ENTERPRISE CAPITALISTIC REGULATION WHERE BUSINESS PEOPLE CAN MAKE DECISIONS AND I JUST THINK I'M NOT PREPARED TO REALLY UNDERSTAND THE NUANCES OF THE BEHAVIOR OF ALL THE CHILDREN WHO POTENTIALLY MIGHT GO THERE AND WE'RE LOOKING FROM A LAND USE MATTER, I SEE THIS AS AN IDEAL LOCATION, THIS TYPE OF

BUSINESS AND I JUST MAKE IT MY PLEA THAT I THINK IT SHOULD BE MARKET DRIVEN AND I THINK WE SHOULD TAKE THE HOURS OUT.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> COMMISSIONER PEDERSEN: YES, I SAW THE OFFER TO KEEP THE -- ADJUST THE HOURS TO 2:00 P.M. TO 2:00 A.M. AS A WILLINGNESS OF THE APPLICANT TO WORK WITH THE COMMUNITY AND SO THAT IS WHY, YOU KNOW, I SUGGESTED THAT WE KEEP THAT CONDITION IN, HOWEVER, I'M NOT GOING TO HOLD THIS UP BECAUSE OF THAT, SO I'D LIKE TO MAKE A MOTION IF THERE'S NO FURTHER DISCUSSION.

>> COMMISSIONER HELSLEY: WE'VE HAD THIS LETTER FROM THE SCHOOL DISTRICT REFERRED TO A NUMBER OF TIMES AND I HAVE -- I GREW UP -- I WAS INVOLVED WITH SCHOOL OPERATIONS AND NORMALLY YOU GET A LETTER FROM THE PRINCIPAL OR SUPERINTENDENT OR SOMETHING LIKE THAT, I DON'T KNOW, WAS THERE A FOLLOW-UP ON THAT AS TO WHY IT CAME FROM THE CHIEF FINANCIAL OFFICER?

>> NO.

>> COMMISSIONER HELSLEY: OKAY.

>> COMMISSIONER PEDERSEN: OKAY, I WOULD LIKE TO MAKE A MOTION IF THERE'S NO FURTHER DISCUSSION. I MOVE THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND SUSTAIN THE DECISION OF THE HEARING OFFICER AND DENY THE APPEAL AND I BELIEVE IN THE ORIGINAL CONDITIONS, THE HOURS WERE WHAT, 10:00 A.M. TO 2:00 P.M.?

>> THAT'S CORRECT.

>> COMMISSIONER PEDERSEN: SO, IT SEEMS TO BE THE WILL OF THE COMMISSION TO CHANGE THAT TO HAVE THE HOURS SET BY THE -- MOVE ANY CONDITIONS AS FAR AS HOURS, OKAY. EXCUSE ME, AND PLUS THE CONDITION OF NO ALCOHOL, OKAY. IS THAT CLEAR TO EVERYBODY NOW?

>> COMMISSIONER MODUGNO: I'LL SECOND THAT MOTION.

>> CHAIR LOUIE: MOVED AND SECONDED. ANY DISCUSSION? VOTE?

>> COMMISSIONER HELSLEY: I DON'T THINK WE NEED THE MAKE A PITCH IN SUPPORT, BUT I WOULD SUPPORT IT AS PRESENTED.

>> CHAIR LOUIE: THANK YOU. NO FURTHER DISCUSSION, MOVED AND SECONDED, THOSE IN FAVOR?

>> AYE.

>> AYE.

>> CHAIR LOUIE: OPPOSED?

>> MR. CHAIR, YOUR ACTION THIS MORNING APPROVING THE CONDITIONAL USE PERMIT MAY BE APPEALED TO THE BOARD OF SUPERVISORS, THE LAST DAY TO APPEAL IS FEBRUARY 20, 2013.

>> CHAIR LOUIE: OKAY, THANK YOU VERY MUCH, MR. KIM, YOU'LL MAKE SPECIAL NOTE OF THAT. YOU HAVE ONE MORE APPEAL OPPORTUNITY. THAT ENDS OUR PUBLIC HEARINGS. ARE THERE ANY OTHER PUBLIC COMMENTS AT THIS TIME?

>> NO, NO PUBLIC COMMENTS.

>> CHAIR LOUIE: WERE THERE ANY OTHER CALLS TO REVIEW DECISIONS BY HEARINGS OFFICERS? AND ANY OTHER REPORTS OR REQUESTS FROM THE COMMISSION? YES, SIR?

>> COMMISSIONER HELSLEY: IF WE COULD GET THE FLAG HOISTED.

>> CHAIR LOUIE: IT'S SAGGING. THANK YOU VERY MUCH. I'M SURE WE CAN TAKE CARE OF THAT. AND ANY ADDITIONAL REPORTS FROM COUNTY COUNSEL OR DEPUTY DIRECTOR? WITH THAT, WE WILL ADJOURN TO WEDNESDAY FEBRUARY 13, 2013. THANK YOU VERY MUCH. MR. KIM, FRANKLY, THANK YOU VERY MUCH FOR BRINGING THIS TO OUR ATTENTION. I ENCOURAGE YOU TO CONTINUE TO PARTICIPATE IN THE PUBLIC PROCESS. (MEETING IS ADJOURNED).