

[INAUDIBLE]. (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 WELCOME, IF THIS IS YOUR FIRST TIME JOINING US, THERE ARE AGENDAS AT THE REAR OF THE ROOM THAT YOU CAN FOLLOW ALONG, AS WELL AS SPEAKER CARDS SO IF YOU PLAN TO SPEAK ON ANY MATTER OR HAVE PUBLIC COMMENT, YOU'LL NEED TO COMPLETE A SPEAKER CARD AND PRESENT IT TO STAFF. AND SEEK APPROVAL OF THE AGENDA.

>> MR. CHAIRMAN?

>> YES, SIR.

>> COMMISSIONER HELSLEY: I WOULD MOVE FOR THE APPROVAL OF THE AGENDA AMENDED THOUGH SO THAT ITEM NUMBER 8 FOLLOWS NUMBER 11.

>> VICE-CHAIR VALADEZ: SECOND.

>> CHAIR LOUIE: MOVED, SECONDED, NO OBJECTIONS.THE AGENDA IS APPROVED.COUNTY COUNSEL, DO YOU HAVE ANY REPORTS FOR US THIS MORNING?

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

>> DEPUTY DIRECTOR?

>> YES, GOOD MORNING, MR. CHAIR, COMMISSIONERS, RECENTLY THE DEPARTMENT OF REGIONAL PLANNING REQUESTED THE BOARD OF SUPERVISOR'S AUTHORIZATION TO EXTEND THE GENERAL PLAN EIR CONTRACT FOR AN ADDITIONAL TWO YEARS.THE BOARD CONDUCTED A BRIEF HEARING YESTERDAY AND I THINK IT WAS A UNANIMOUS DECISION TO APPROVE THAT AUTHORIZATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH, SEEKING APPROVAL OF THE MINUTES FROM MAY 13TH.MOVED, SECONDED, THE MINUTES ARE APPROVED.WE ARE UNDER PUBLIC HEARINGS, FIRST ITEM, PROJECT NUMBER 6, PROJECT NUMBER R201000862, GOOD MORNING, MR. MAR.

>> MR. MAR: MY NAME IS STEVE MAR AND I'M WITH THE ZONING PERMITS EAST SECTION, ITEM NUMBER 6 IS PROJECT NUMBER R201000862, CONDITIONAL USE PERMIT 201000072, ON APRIL 10, 2013, THE REGIONAL PLANNING COMMISSION MADE A MOTION TO CONTINUE THIS ITEM TO TODAY,

JUNE 12, 2013 TO ALLOW US ADDITIONAL TIME FOR STAFF TO FURTHER ANALYZE THE PROJECT ISSUES ASK WORK ON DRAFTING THE REVISED CONDITIONS OF APPROVAL FOR THE PROJECT.ON JUNE 5, 2013, STAFF RECEIVED A MEMO FROM THE APPLICANT FOR PUBLIC SERVICES REQUESTING ITS CONTINUANCE OF A CASE TO A FUTURE DATE TO ALLOW THEM FUTURE TIME TO WORK WITH COUNTY STAFF ON DRAFTING THE CONDITIONS AND TO ADDRESS COMMUNITY CONCERNS REGARD THING PROJECT, THEREFORE STAFF RECOMMENDS THIS ITEM BE TAKEN OFF CALENDAR AND READVERTISED FOR A FUTURE HEARING DATE ONCE A NEW HEARING DATE IS DETERMINED.THIS CONCLUDES MY PRESENTATION.

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

>> MR. MAR: WE DO HAVE A REPRESENTATIVE FROM THE REPUBLIC TODAY.

>> CHAIR LOUIE: DO THEY WISH TO MAKE A STATEMENT?THANK YOU.DO WE HAVE ANY OTHER PUBLIC COMMENT?

>> I DO NOT HAVE ANY CARDS.LINDA, DO WE HAVE CARDS ON THIS ITEM?NO CARDS ON THIS ITEM.

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

>> MR. CHAIR, I WOULD LIKE TO MAKE A MOTION, I MOVE THAT THE REGIONAL PLANNING COMMISSION TAKE PROJECT NUMBER R201000073 IN THE FIRST DISTRICT, CONDITION NUMBER 201000073 OFF CALENDAR AND BE READVERTISED FOR A FUTURE HEARING DATE TO BE DETERMINED.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION?THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: OPPOSED?MOTION IS CARRIED.OKAY.THANK YOU VERY MUCH, MR. MAR.ITEM NUMBER 7, PROJECT NUMBER 201202368, MS. TASHJIAN?

>> MS. TASHJIAN: GOOD MORNING, MR. CHAIR AND MEMBERS OF THE COMMISSION, MY NAME IS MIRAL TASHJIAN AND I'M WITH THE ZONING EAST SECTION.ITEM NUMBER 7 IS A REQUEST BY THE APPLICANT, EAST LA COMMUNITY CORPORATION FOR A CONDITIONAL USE PERMIT AND DISCRETIONARY HOUSING PERMIT TO AUTHORIZE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF 100% AFFORDABLE 25 UNIT AFFORDABLE APARTMENT COMPLEX, IT IS LOW SKATED AT 4125 WHITTIER BOULEVARD, 4131 WHITTIER BOULEVARD AND 837 BONNIE BEACH BOULEVARD IN THE UNINCORPORATED COMMUNITY OF EAST LOS ANGELES, IT CONSIST WIDTHS THREE PARCELS WITH COMBINED AIR -- AREA OF 0.3 ACRES, IT IS ZONED C-3 UNLIMITED COMMERCIAL, PROPERTIES ALONG WHITTIER ARE ZONED R3

AS WELL, PROPERTIES FARTHER TO THE EAST ARE OPENED OS, OPEN SPACE.AS YOU CAN SEE FROM THE AERIAL IMAGE OF THE PROPERTY THE SITE IS DOPED WITH AN ABANDONED 1950 SQUARE FOOT SINGLE STOREY COMMERCIAL BUILDING AND IS MOSTLY VACANT.PROPERTIES ALONG WHITTIER BOULEVARD ARE WITH RETAIL, RESTAURANTS AND VARIOUS CEMETERY RELATED BUSINESSES WITH THE CATHOLIC CEMETERY TO THE EAST, EAST LOS ANGELES DOCTOR'S HOSPITAL IS LOCATED TO THE WEST AND SINGLE AND MULTIFAMILY RESIDENCES ARE FOUND TO THE NORTH AND WEST OF THIS COMMERCIAL CORRIDOR.THE PROPOSED PROJECT NAMED WHITTIER SUPPORTIVE HOUSING CONSISTS OF THE DEMOLITION ON-SITE AND A CONSTRUCTION OF A THREE STOREY 40 FOOT HIGH 3240 SQUARE FOOT GARDEN STYLE APARTMENT BUILDING WITH A SUBTERRANEAN PARKING GARAGE WITH 28 PARKING SPACES.THE BUILDING WOULD CONTAIN 15-ONE BEDROOM UNITS AND 10-TWO BEDROOM UNITS AND ONE BEDROOM WOULD BE OCCUPIED BY AN ON-SITE PARKING MANAGER.IT WOULD INCLUDE A 1 THOUSAND SQUARE FOOT COMMUNITY RECREATION ROOM, A MANAGEMENT OFFICE AND LAUNDRY ROOM.THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE A RESIDENTIAL USE IN A COMMERCIAL ZONE AND A DISCRETIONARY HOUSING PERMIT TO AUTHORIZE 127% DENSITY BONUS, A REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES AND UP TO 25% COMPACT PARKING SPACES IN A WAIVER OF THE GUEST PARKING REQUIREMENT.DEVELOPMENT OF THE PROPERTY IS PROPOSED, IT WILL CONTRIBUTE POSITIVELY TO THE GENERAL WELFARE OF THE COMMUNITY BY PROVIDING AFFORDABLE HOUSING WITHIN CLOSE PROXIMITY TO SHOPPING

AND SERVICES AS WELL AS IMMEDIATE SERVICES TO TRANSIT, IT WOULD PROVIDE LOW-INCOME HOUSING FOR A SPECIAL NEEDS POPULATION OF SINGLE MOTHERS AND FOSTER CHILDREN.THE FACILITY WOULD BE OF A QUALITY DESIGN THAT WOULD ENHANCE THE ESTHETICS OF THE NEIGHBORHOOD.STAFF IS OF THE OPINION THAT THE BURDEN OF PROOF FOR THE REQUESTED PERMITS HAVE BEEN MET AND THAT THE PROJECT AS CONDITIONED IS IN COMPLIANCE WITH THE ZONING CODE AND SUPPORTS THE GOALS AND POLICIES OF THE COUNTYWIDE GENERAL PLAN, HOUSING ELEMENT AND THE EAST LOS ANGELES COMMUNITY PLAN, AN INITIAL STUDY WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONCLUDED THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, THEREFORE STAFF RECOMMENDS THAT A NEGATIVE DECLARATION IS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION, PURSUANT TO THE PROVISIONS OF THE ZONING CODE, THE PUBLIC WAS PROPERLY NOTIFIED AND NO COMMENTS HAVE BEEN RECEIVED.BEFORE I CONCLUDE MY PRESENTATION, I WANT TO POINT OUT A MEMO WAS DISTRIBUTED THIS MORNING, IT INCLUDED THE UPDATED LETTERS FROM THE FIRE DEPARTMENT AND PUBLIC WORKS AND ALSO HAS SOME RECOMMENDED CHANGES FOR THE FINDINGS, CONDITIONS AND THE INITIAL STUDY.THAT CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH, QUESTIONS?COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, THANK YOU, CAN YOU WALK ME THROUGH THE 0 SETBACK POSITION.WE HAVE A 0 SETBACK ON THE EAST SIDE I GUESS IT IS.

>> MS. TASHJIAN: THAT'S CORRECT, EAST AND ALSO THE WEST SIDE.

>> COMMISSIONER HELSLEY: AND THE WEST SIDE.THE IMPACTS OF THAT 0 SETBACK?

>> MS. TASHJIAN: WE HAVEN'T -- THE FIRE DEPARTMENT HAS LOOKED AT THAT AND THEY'VE CLEARED THE PROJECT WITH THE 0 SETBACK.

>> COMMISSIONER HELSLEY: THEY DON'T FEEL THEY NEED TO GET THE HOSE TO DRAG AROUND THE BUILDING.

>> VICE-CHAIR VALADEZ: PERHAPS WE SHOULD ASK THE FIRE DEPARTMENT WITH RESPECT TO THAT.

>> MR. COMMISSIONER, ARE YOU INQUIRING ABOUT THE SIDE THAT IS ADJACENT TO THE ALLEY?IN THAT REGARD, WE'RE USING THE ALLEY AS ACCESS ALSO TO PULL THE HOSE AROUND THAT BUILDING.

>> COMMISSIONER HELSLEY: THE SPACING BETWEEN THE HOUSE, THE ONE STOREY THAT'S GOING TO REMAIN, THERE IS A VERY SMALL BACKYARD THERE, SO YOU WOULD HAVE TO GO INTO THAT YARD TO PULL A HOSE.

>> I CAN'T REALLY --

>> COMMISSIONER HELSLEY: THE ONE STOREY THAT'S REMAINING THERE ON THE BOTTOM RIGHT-HAND CORNER.

>> YES, SIR.

>> COMMISSIONER HELSLEY: THERE'S A SMALL BACKYARD IN IT INSIDE OF A FENCE, I DON'T SEE ANY ENTRY TO THAT POSITION.

>> WELL, THEY WOULD PROBABLY BE DOING FIRE PROTECTION JUST FROM THE EXTERIOR WALLS. IF THEY HAD A REQUIREMENT DURING BUILDING PLAN CHECK FOR A GATE TO BE PROVIDED TO ACCESS THAT, THEN THEY WOULD ASK FOR IT AT THAT TIME.

>> COMMISSIONER HELSLEY: OKAY, THAT WAS PAR OF MY MAJOR CONCERN.

>> OKAY.

>> MS. TASHJIAN: IN THE C-3 ZONE, THERE ARE NO SETBACK REQUIREMENTS.

>> COMMISSIONER HELSLEY: BUT I WOULD RELATE TO THE ASPECT THAT YES, THIS IS IN A C-3 ZONE AND THIS IS UNDERSTOOD, BUT WE ARE NOW PUTTING A RESIDENT'S POSITION INTO THAT C-3 ZONE AND THAT'S A CHANGE YOU MIGHT SAY, AND SO I HAVE A CONCERN AS TO HOW YOU GET THE HOSE AROUND THE FACILITY.

>> MS. TASHJIAN: THE FIRE DEPARTMENT HAS CONDITIONED THE FACILITY TO HAVE WALLS AROUND THE BUILDING AND THEY'VE REQUIRED THE ALLEYS BE A 26 FOOT WIDE FIRE LANE.

>> COMMISSIONER HELSLEY: THANK YOU.

>> CHAIR LOUIE: FURTHER QUESTIONS?NONE?THANK YOU.IS THE APPLICANT PRESENT?PLEASE, IF YOU COULD TAKE A SEAT, PLEASE REMAIN STANDING, ANYBODY WHO PLANS TO SPEAK ON THIS OR ANY OTHER MATTER OR OFFER PUBLIC COMMENT, PLEASE BE SWORN, IF YOU COULD PLEASE STAND.I WANT TO MAKE A STATEMENT AND IF YOU AGREE, I NEED YOU TO SAY I DO AT THE END.OKAY.PLEASE RAISE YOUR RIGHT HANDS.DO EACH OF YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY THAT YOU WILL GIVE NOW BEFORE THE MATTERS PENDING BEFORE THIS COMMISSION WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE

TRUTH.WAS THERE ANYBODY WHO WAS UNCOMFORTABLE WITH THAT AND WAS
ABLE TO AFFIRM?THANK YOU VERY MUCH.GOOD MORNING, YOU WILL HAVE 15
MINUTES TO PRESENT YOUR MATTER.

>> PLENTY OF TIME.

>> CHAIR LOUIE: EXCELLENT, WE HAVE A TIMER ON THE DESK THAT
GLOWS GREEN 14 AND A HALF MINUTES, YELLOW FOR 30 SECONDS AND RED
WHEN WE NEED YOU TO CONCLUDE.THE TIME WILL BEGIN WHEN YOU STATE
YOUR NAME.

>> MY NAME IS ERIC LEDERMAN,MY COMPANY'S NAME IS QES, WE HAVE THE
PLEASURE OF REPRESENTING THE EAST LA COMMUNITY CORPORATION WHO ARE
THE OWNERS AND OPERATORS OF THIS DEVELOPMENT.I WOULD LIKE TO TAKE
ONE MOMENT OUT OF MY 15 MINUTES TO MAKE AN IMPORTANT POINT, WE
HAVE BEEN ON A VERY TIGHT TIMEFRAME WITHOUT STAFF'S HELP, MIRAL
HAS BEEN STELLAR IN KEEPING US GOING IN THIS PROCESS AND I WANT TO
RECOGNIZE HER FOR HER WORK AND BEING A PART OF OUR TEAM.THE
PURPOSE OF THIS PROJECT, I'M GOING TO FOCUS PRETTY MUCH FOR THE
TIME BEING ON WHAT THE PURPOSE OF THIS PROJECT IS.IT IS INTENDED
TO BE SUPPORTIVE HOUSING TO A LARGE DEGREE.THE EMPHASIS ON THIS
PROJECT IS FOR HOMELESS FAMILIES OR FAMILIES THAT ARE AT RISK OF
BEING HOMELESS.THEY ARE TYPICALLY SINGLE MOTHERS WITH CHILDREN
UNDER FIVE YEARS OLD, FAMILIES TRANSITIONING FROM TEMPORARY TO

PERMANENT HOUSING. THE EAST LA COMMUNITY CORPORATION AS THE OWNER/OPERATOR AND THEY ARE AN AFFORDABLE HOUSING BUILDER, THEY PROVIDE TENANT SERVICES THAT WOULD INCLUDE ENGLISH TUTOR, CHILD CARE SERVICES AND THAT SORT OF THING THAT WILL BE BUILT INTO THE SERVICES PROVIDED FOR THE POPULATION OF THIS COMMUNITY. IN PARTNERSHIP, THE MANAGEMENT OF THE BUILDING WILL BE CONDUCTED BY JOHN STEWART COMPANY, ONE OF THE PREMIER PROPERTY MANAGEMENT COMPANIES IN THE COUNTY. THERE WILL BE AN ON-SITE PROPERTY MANAGER, THERE WILL BE APPLICATION SCREENING, QUALIFICATIONS REVIEW, MAKING SURE THAT THE APPLICANTS ARE WITHIN INCOME LIMITS, THAT THEY ARE RECEIVING AIDE FROM A SOCIAL SERVICE ASSISTANCE PROGRAM, THEY'LL DO CRIMINAL BACKGROUND CHECKS, AS IMPORTANTLY, THE THIRD PARTNER HERE IS THE HOUSE OF RUTH, THEY PARTICULARLY ARE THE SERVICE PROVIDER THAT ASSIST WOMEN AND CHILDREN WHO ARE VICTIMIZED BY DOMESTIC VIOLENCE, THEY CURRENTLY SERVE OVER 40 NEW FAMILIES EACH YEAR AND 100 FAMILIES ONGOING EVERY YEAR AND BRINGING THEM STABILITY TO THEIR LIVES THROUGH THEIR COUNSELING SERVICES, AND I BELIEVE THERE ARE SOME REPRESENTATIVES HERE THAT WILL SPEAK ON THAT FURTHER. THE PROJECT IS AFFORDABLE HOUSING PROJECT, EXCEPT FOR THE MANAGER'S UNIT OF COURSER, IT'S 20% FUNDED BY FIRST FIVE L.A., 20% FUNDED BY THE COMMUNITY DEVELOPMENT COMMISSION OF LOS ANGELES COUNTY, 7% LOS ANGELES DEPARTMENT OF MENTAL HEALTH AND 53% WILL COME FROM SUBSIDIES FROM THE CALIFORNIA TAX ALLOCATION CREDIT COMMITTEE AND THAT HAS BEEN THE REASON FOR OUR TIGHT DEADLINE OF

TRYING TO GET TO THIS HEARING TODAY BECAUSE WE HAVE TO HAVE THE TETAC APPLICATION IN NO LATER THAN JULY 3, SO THIS GIVES US AN OPPORTUNITY IF YOU ARE WILLING TO MOVE FORWARD AND HAVE AN EXPIRED APPEAL PERIOD BY THAT DATE AND WE CAN MOVE ON WITH OUR FUNDING APPLICATIONS. THERE'S BEEN ELAC HAS CONDUCTED SOME OUTREACH, THEY'VE BEEN IN CONTACT WITH THE SUPERVISOR'S OFFICE, TALKING WITH SOME OF THE NEIGHBORS, THERE ARE SOME PEOPLE HERE THAT ARE GOING TO SPEAK ABOUT THAT TODAY, AND OTHER THAN THAT, I JUST WANT TO POINT OUT THAT WE DID GO THROUGH AN EXTENSIVE REVIEW WITH PUBLIC WORKS, WITH FIRE, WITH COUNTY HEALTH, WITH HOW WE WERE GOING TO HANDLE ALL OF THE ASPECTS OF ENGINEERING AND MAKING THIS PROJECT NOT ONLY LOOK NICE AS YOU CAN SEE FROM THE DESIGN BUT ALSO FUNCTION VERY WELL, AND SO WE'RE VERY PLEASED WITH THE WAY IT CAME OUT AND I'M GOING TO END IT WITH THAT, THERE ARE SOME PEOPLE BEHIND ME THAT WANT TO SPEAK, I'LL GIVE UP THE REST OF MY TIME FOR THAT AND I'M HAPPY TO ANSWER ANY QUESTIONS YOU HAVE.

>> CHAIR LOUIE: THE OTHER FOLKS WHO YOU WOULD LIKE TO SPEAK, ARE THEY PART OF YOUR APPLICANT GROUP OR ARE THEY HERE AS PUBLIC COMMENT?

>> IT'S A COMBINATION, I BELIEVE THERE'S A REPRESENTATIVE OR TWO HERE FROM THE HOUSE OF RUTH AND I BELIEVE THERE ARE SOME COMMUNITY

MEMBERS HERE AS WELL WHO WORK CLOSELY WITH THE SUPERVISOR'S OFFICE WHO ARE HERE TO SPEAK IN SUPPORT.

>> CHAIR LOUIE: I'M GOING TO TAKE THE PUBLIC COMMENT AFTER YOUR PRESENTATION, IS THERE ANYBODY THAT'S PART OF YOUR APPLICANT GROUP?

>> NO, I DON'T BELIEVE SO.

>> MR. CHAIR, WE HAVE ERNESTO ESPINOSA AS PART OF THE APPLICANT TEAM.

>> CHAIR LOUIE: YOU'RE FREE TO JOIN US AT THE APPLICANT TABLE.ANYONE ELSE?

>> NO, NO ONE ELSE ON THE APPLICANT'S TEAM.

>> CHAIR LOUIE: THANK YOU.GOOD MORNING, DO YOU HAVE A STATEMENT TO MAKE FOR US AS PART OF THE APPLICATION?

>> YES, JUST ON BEHALF OF EAST L.A. COMMUNITY CORPORATION, WE'VE BEEN AROUND FOR 18 YEARS AND OUR MISSION IS TO PROVIDE QUALITY AFFORDABLE HOUSING, THIS BUILDING WOULD BE PROBABLY NUMBER 17 ON THE BUILDINGS THAT WE'VE BUILT IN OUR HISTORY AND FOR US, IT WOULD

BE ONE OF THE -- WE TYPICALLY DO FAMILY HOUSING AND THIS WOULD BE A SUPPORTIVE HOUSING PROJECT WHICH IS WHY WE BROWSING IN THE GROUP THAT'S CALLED THE HOUSE OF RUTH FOR THAT PROJECT.WE'VE SEEN THE NEED FOR THIS TYPE OF HOUSING AND WE WANT TO MAKE SURE WE'RE ADDRESSING THAT NEED SO REALLY THAT'S -- IF YOU HAVE ANY FURTHER QUESTIONS, I'M REALLY HERE TO ANSWER THAT, BUT I REALLY WOULD LIKE TO HAVE THE COMMUNITY MEMBERS SPEAK ON BEHALF OF THE PROJECT AS WELL.

>> CHAIR LOUIE: THANK YOU VERY MUCH, COMMISSIONER, QUESTIONS?COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: THE CLOSEST MAJOR BUS LINE OR METRO LINE IS HOW FAR AWAY?

>> WELL, I BELIEVE WHITTIER BOULEVARD IS A METRO RAPID LINE.

>> COMMISSIONER HELSLEY: THERE'S ONE ON THE CORNER THERE?

>> RIGHT, AND I BELIEVE THERE'S A STOP TWO BLOCKS TO THE WEST AND ANOTHER ONE OR TWO BLOCKS TO THE RIGHT, TO THE EAST.

>> CHAIR LOUIE: NO FURTHER QUESTIONS?THANK YOU VERY MUCH, IF YOU'LL TAKE A SEAT, WE'LL ASK FOR PUBLIC COMMENT AND THEN YOU'LL HAVE AN OPPORTUNITY TO RETURN, SO THANK YOU.

>> MR. CHAIR, WE HAVE LAURA ESTRADA, PETRA RIVERA AND THE LAST SPEAKER IS NORTELDO AGERA.

>> CHAIR LOUIE: YOU CAN TAKE SEATS AT THE FRONT TABLE.EXCUSE ME, WE HAVE TWO MORE SPEAKERS, PLEASE.

>> WE HAVE JENNIFER GRETA AND MARINE SIMMENTAL.

>> CHAIR LOUIE: THANK YOU.SO, IF THE FIRST TWO SPEAKERS CAN TAKE SEATS AT THE FRONT TABLE, THE OTHER THREE, IF YOU CAN TAKE SEATS TOWARDS THE FRONT AND BE PREPARED TO STEP UP.DURING PUBLIC COMMENT, YOU'LL HAVE THREE MINUTES TO SPEAK.AGAIN, THE TIMER WILL GLOW GREEN FOR TWO AND A HALF MINUTES, YELLOW FOR 30 SECONDS AND AT THE END OF YOUR THREE MINUTES, A RED LIGHT WILL COME ON AND I WILL ASK YOU TO CONCLUDE.

>> (SPEAKING SPANISH).

>> I HAVE FOUR CHILDREN, I THINK THAT THIS DEVELOPMENT IS VERY IMPORTANT.

>> CHAIR LOUIE: CAN WE HAVE HER STATE HER NAME PLEASE.

>> I'M SORRY, LAURA ESTRADA, AND AGAIN, SHE HAS FOUR CHILDREN AND THIS DEVELOPMENT FOR HER IS EXTREMELY IMPORTANT AND IT HAS CHANGED HER LIFE.MY NAME IS ESWALDO GARCIA.

>> (SPEAKING SPANISH).

>> I DIDN'T HAVE A PLACE TO STAY AND I HAD TO MOVE AROUND A LOT BUT WHEN THE OPPORTUNITY CAME UP TO GET HOUSING AND I OPENED THE DOOR TO MY HOUSE FOR THE FIRST TIME, I SAW A LIGHT IN MY LIFE.I SAW MY CHILDREN JUMP AROUND AND PLAY.THEY'VE NEVER HAD A SPACE THAT BIG AND I SAW THEIR FACES AND I SAW THE JOY IN THEIR FACE.(SPEAKING THROUGH INTERPRETER).

>> AND NOW ALL MY CHILDREN ARE IN COLLEGE AND SHE WANTS TO THANK YOU FOR THE OPPORTUNITY.SHE THANKS THE HOUSE OF RUTH ESPECIALLY FOR ALL THE HELP AND MY CHILDREN WOULDN'T BE WHERE THEY ARE TODAY IF IT WEREN'T FOR THE EMOTIONAL AND MENTAL SUPPORT THE HOUSE OF RUTH GAVE ME.AND A HOME IS EXTREMELY IMPORTANT TO EVERYONE AND ESPECIALLY AFFORDABLE HOUSING BECAUSE SHE WOULDN'T BE ABLE TO DO IT WITHOUT IT.AND SHE'S EXTREMELY GRATEFUL FOR THE OPPORTUNITY,

SHE THANKS EVERYONE AND SHE'S EXTREMELY PROUD FOR BEING WITH THE HOUSE OF RUTH.

>> THANK YOU.[APPLAUSE].

>> CHAIR LOUIE: THANK YOU VERY MUCH AND CONGRATULATIONS, MOM.NEXT SPEAKER, PLEASE.IF YOU COULD STATE YOUR NAME.

>> (SPEAKING SPANISH.

>> GOOD MORNING, MY NAME IS PETRA.I LIVED IN [INAUDIBLE] HEIGHTS FOR 30 YEARS, I'M A MEMBER OF THE EAST L.A. COMMUNITY CORPORATION FOR 12 YEARS.SHE APPROVES OF THE PROJECT.(SPEAKING THROUGH INTERPRETER).

>> BECAUSE THERE ARE A LOT OF PEOPLE WHO NEED IT.OUR COMMUNITY IS OF LOW-INCOME AND WE CAN'T AFFORD THE CURRENT RATES.IF THIS PROJECT IS APPROVED, IT'S FULFILLING THAT NEED AND THAT IT'S SOMETHING THAT IS DEFINITELY NEEDED IN OUR COMMUNITY.SHE WANTS TO FIRST OF ALL SAY IT'S JUST HER AND HER HUSBAND, SHE'S A SENIOR AND SHE HAS SEEN THE NEIGHBORHOOD AND ALSO WANTS TO SAY THAT SHE SUPPORTS THE WORK AND THAT SHE WANTS TO IMPROVE THE COMMUNITY.THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> GOOD MORNING, MY NAME IS MARIA SIMMENTAL AND I'M SUPPORTING THE PERMANENT HOUSING PROGRAM DUE TO FACT THAT I LIVED IN A HOMELESS SHELTER, I LIVED THERE FOR SIX MONTHS WITH MY FIVE YEAR-OLD DAUGHTER, SHE'S NOW 22, SHE'S GOING TO COLLEGE AND WITHOUT THIS PERMANENT HOUSING, I WOULDN'T BE ABLE TO PAY MY RENT. I WORK 40 HOURS A WEEK, I WORK FOR -- I LIVED IN EAST L.A. FOR 8 YEARS AND A HALF AND NOW I'M CURRENTLY RESIDING IN THE SAN FERNANDO VALLEY AS A KITCHEN SUPERVISOR AND EVEN WITH THAT POSITION, I STILL CAN'T AFFORD MY HOUSING. I PAY 99% OF MY HOUSING AND IT'S STILL DIFFICULT FOR ME, SO I APPROVE OF THIS AND IT DOES HELP ME AND I'M TRYING TO BECOME SELF-SUFFICIENT BUT WITH THE INCOME THAT WE GET PAID, UNFORTUNATELY, WE CAN'T, SO THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> I'M JENNIFER GATA, I'M THE EXECUTIVE DIRECTOR OF LOS ANGELES OF RUTH AND HAVE BEEN FOR 20 YEARS AND IN THE 20 YEARS, I HAVE SEEN OUR POPULATION GET YOUNGER AND MORE VULNERABLE, AND I THINK THAT'S OBVIOUS TO ALL OF US AS THE COUNTY SYSTEM DOESN'T WORK AS WELL IN TERMS OF FUNDING, WE ARE SEEING MORE AND MORE CHILDREN WHO'VE BEEN INCHED OUT OF THE FOSTER SYSTEM, WHAT HAPPENS IS THEY HAVE CHILDREN, SO THAT'S VERY IMPORTANT TO HAVE AS PART OF THIS

PROGRAM. THE OTHER THING IS WE GET -- WE ARE -- WE RAISE ALL OF OUR MONEY, ABOUT A THIRD OF OUR MONEY IS CDGB AND HTP, EVERYBODY KNOWS WHAT THAT IS AND THAT IS PRIVATE DONATIONS, FUNDRAISING, OUR BOARD WORKS VERY HARD, THE POINT BEING IS WE HAVE A GOOD REPUTATION OF SUCCESS IN KEEPING THE FAMILIES WE'RE ABLE TO PLACE INTO PERMANENT HOUSING SUCCESSFUL AND THAT'S BECAUSE WE NEVER START SERVING THEM, WE HAD A SECTION 8 AUDIT THAT WAS FUNNY, THEY WERE LOOKING AT THE FILE AND SHE SAY IT REQUIRES WE FOLLOW THE FAMILIES WERE SIX MONTHS, OUR BOARD IS STRONG AND WE CONTINUE TO DO THAT, THE POINT IS THAT AS MUCH AS WE ARE A PUBLIC -- ALL OUR PROFITS ARE PUBLIC BENEFITS CORPORATIONS IN MANY, MANY WAYS, THIS NEXT STEP IS ESSENTIAL TO MAKE THE NEXT STEP BIG, IF THE FAMILIES CAN'T FIND A PLACE TO RENT, IT'S VERY HARD AND WE ALL KNOW HOW LITTLE LOW-INCOME HOUSING THERE IS IN LOS ANGELES AND WE ALSO KNOW THAT WE'RE IN A SCANDALOUS SITUATION IN TERMS OF THE NUMBER OF FAMILIES THAT ARE HOMELESS, ESPECIALLY FAMILIES WITH CHILDREN IN TERMS OF THE NATIONAL, I KNOW YOU ALL KNOW THOSE STATISTICS, I DON'T NEED TO QUOTE THEM TO YOU, I'M IN STRONG SUPPORT OF THIS PROJECT AND I'M HOPING YOU WILL BE TOO.

>> CHAIR LOUIE: THANK YOU VERY MUCH. [APPLAUSE]. GENTLEMEN?

>> (SPEAKING SPANISH).

>> GOOD MORNING, MY NAME'S EDMUND ARHELO, I HAVE OVER 35 YEARS IN EAST L.A., I'VE BEEN A MEMBER OF ELAC OR OVER THREE YEARS.HE'S HERE TO SUPPORT THE DEVELOPMENT, I'M HERE TO SUPPORT THE MOTHERS THAT REQUIRE THIS HOUSING BECAUSE SOME OF THEM WORK OVER 20 HOURS A WEEK HELPING OTHERS.AND SO I KNOW SOMEONE WHO DOES THAT AND IT'S A DIFFICULT JOB.THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH.[APPLAUSE].IN OTHER PUBLIC COMMENT?

>> NO, MR. ORTEGA WAS THE LAST SPEAKER ON THIS ITEM.

>> CHAIR LOUIE: THANK YOU VERY MUCH, THE APPLICANT NOW HAS A 10 MINUTE PERIOD TO RESPOND TO ANY ISSUES THAT HAVE BEEN RAISED, ANY FURTHER CLOSING COMMENTS?

>> COMMISSIONER HELSLEY: WHILE THE APPLICANT'S COMING UP, I WOULD LIKE TO MAKE A STATEMENT ABOUT -- THANK YOU TO THE INTERPRETER FOR WHAT I THINK WAS A VERY WELL DONE JOB OF INTERPRETING.I COULD UNDERSTAND A PORTION OF IT, BUT YOUR INTERPRETATION CAME THROUGH VERY CLEAR.THANK YOU.

>> I JUST WANT TO MAKE OURSELVES AVAILABLE FOR QUESTIONS.

>> CHAIR LOUIE: AGAIN, YOU'LL HAVE 10 MINUTES, IF YOU COULD BEGIN BY STATING YOUR NAME.

>> ERIC LEBERMAN REPRESENTS ELAC AND EVERYTHING WE'VE HAD TO COMMUNICATE TODAY IS PRETTY CLEAR, WE'D ASK FOR YOUR SUPPORT TODAY TO GO FORWARD AND MEET OUR DEADLINE FOR THE SUCCESS OF THIS PROJECT AND WE'RE HAPPY TO ANSWER QUESTIONS IF YOU HAVE ANYMORE.

>> CHAIR LOUIE: THANK YOU VERY MUCH, QUESTIONS FROM THE COMMISSION?

>> COMMISSIONER HELSLEY: I'M VERY DISAPPOINTED WITH THE PROJECT, AND THE REASON I'M DISAPPOINTED IS I WOULD LIKE TO SEE IT FIVE STOREYS INSTEAD OF FOUR.[APPLAUSE].

>> YOU HAD ME WORRIED FOR A SECOND.WE HAD OUR TECHNICAL CHALLENGES WITH THE HEIGHT AND SO FORTH, SO HOPEFULLY YOU UNDERSTAND THAT.

>> CHAIR LOUIE: OKAY, THANK YOU.

>> COMMISSIONER MODUGNO: MR. CHAIR, DO YOU HAVE ANY FINANCE THAT YOU HAD FOR -- DO YOU KNOW IF ANY OF THE FINANCING YOU HAD WAS THROUGH THE CORPORATION OF SUPPORTIVE HOUSING?

>> EAST L.A. CORPORATION TOOK OUT AN ACQUISITION FROM SUPPORTIVE HOUSING.

>> COMMISSIONER MODUGNO: I'M GOING TO HAVE TO RECUSE MYSELF SINCE [INAUDIBLE] IS A MAJOR FUNDER OF THOSE LOANS.

>> VICE-CHAIR VALADEZ: I WANT TO THANK YOU FOR BRINGING THIS PROJECT BEFORE US AND THANK YOU FOR THE PRESENTATION, IT'S AN EXCELLENT PRESENTATION AND YOU PROVIDED US WITH A LOT OF MATERIAL THAT WAS HELPFUL. THANK YOU.

>> CHAIR LOUIE: THANK YOU. THE APPLICANT IS EXCUSED.

>> THANK YOU VERY MUCH.

>> VICE-CHAIR VALADEZ: MR. CHAIR, I BELIEVE I'M READY TO ADDRESS THIS, PLEASE. I THINK WE ARE ALL AWARE OF THE HOUSING SHORTAGE THAT WE HAVE, THE AREAS, NEEDS AND SUPPORTIVE HOUSING IS THE MOST PRECIOUS BECAUSE IT'S NOT ONLY AFFORDABLE HOUSING BUT IT'S ALSO HELPING THOSE WHO ARE MOST IN NEED. I'M VERY HAPPY TO SEE THIS PROJECT, IT'S A NICE DESIGN, IT HAS NICE OPEN SPACE, IT'S THOUGHTFUL IN TERMS OF NOT ONLY ITS SUPPORTIVE SERVICES BUT THE ENVIRONMENT IN WHICH THE FAMILIES ARE GOING TO LIVE. I ONLY HAVE ONE CORRECTION OR REQUEST ON BEHALF OF MYSELF, AND THAT'S THAT

THROUGHOUT OUR PACKAGE AND ALSO THE PACKAGE THAT'S BEEN PROVIDED, WE REFER TO SINGLE WORKING MOTHERS AND FROM PERSONAL EXPERIENCE, HAVING PUT TOGETHER A SINGLE PARENT PROJECT, THERE ARE SINGLE WORKING FATHERS WHO HAVE THE SUPPORT AND REQUIREMENT OF RAISING THEIR CHILDREN, SO I WOULD HOPE THAT IN THE FUTURE WHEN WE REFER TO THE POPULATION THAT'S GOING TO BE HERE AND ALSO THAT -- WITH THE APPLICANT OUTREACH TO SINGLE FATHERS WHO SOMETIMES DON'T RECOGNIZE THAT THEY ARE WELCOME IN THESE TYPES OF ENVIRONMENTS, AND THEY DO CREATE QUITE A STIR WHEN THEY COME INTO THE ENVIRONMENT TOO, I CAN ACKNOWLEDGE THAT. AND WITH THAT, I'D LIKE TO MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION.

>> CHAIR LOUIE: DISCUSSION? MOVED, SECONDED, THOSE IN FAVOR? AYE.

>> VICE-CHAIR VALADEZ: I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE NUMBER 201200138 AND HOUSING PERMIT 201200004 SUBJECT TO THE ATTACHED CONDITIONS.

>> COMMISSIONER HELSLEY: THE HOUSING NEED IS VERY, VERY GREAT, AND I THINK THAT THIS PROJECT AND THE FUNDING THAT IT HAS RECEIVED IS VERY BENEFICIAL TO THE COMMUNITY. I'M IN HOPES THAT AS WE MOVE FORWARD THAT WE WORK TO A MAX THAT WE AS A DEPARTMENT WORK TO A MAXIMUM HEIGHT LEVEL THAT CAN BE DONE WITHIN THE AREAS. THE REPORT

THAT WE GOT FROM THE STAFF PLANNER IS EXCELLENT AND THE MATERIAL THAT HAS BEEN PROVIDED BY THE APPLICANT I THINK IS VERY GOOD. I'VE SEEN IT SITTING ON THIS COMMISSION, I HAVE SEEN A NUMBER OF PLANS AND SOME OF THEM COME IN WITH THE BUILDING LOOKING LIKE A BOX WITH I WOULD SAY MOUSE HOLES ALONG THE SIDE OF THAT BOX IN DESIGN. THIS DOES NOT HAVE THAT AT ALL. THIS IS A REAL NICE IMPROVEMENT TO THE COMMUNITY AND FOR THE PEOPLE THAT LIVE THERE AND SO I COMMEND STAFF AND THE DEVELOPER ON A DESIGN THAT I THINK IS EXCELLENT.

>> CHAIR LOUIE: MOVED, SECONDED, NO FURTHER DISCUSSION, ALL THOSE IN FAVOR? AYE. OPPOSED? CONGRATULATIONS. [APPLAUSE].

>> COMMISSIONER HELSLEY: WE HAVE TWO ABSENTEES.

>> MR. CHAIR, THE LAST DAY TO APPEAL YOUR APPROVAL OF THIS PROJECT IS JUNE 26, 2013.

>> CHAIR LOUIE: THANK YOU, AND COMMISSIONER HELSLEY WANTS TO NOTE THAT ONE ABSTENTION AND ONE ABSENT. THANK YOU VERY MUCH, CONGRATULATIONS. ITEM 8 HAS BEEN MOVED TO THE LAST ITEM ON THE AGENDA, SO WE WILL NOW TAKE ITEM NUMBER 9, PROJECT NUMBER R201202979, MS. KULCZYCKI, WELCOME ABOARD.

>> MS. KULCZYCKI: GOOD MORNING, MR. CHAIR AND MEMBERS OF THE COMMISSION. MY NAME IS CHRISTINA KULCZYCKI AND I'M WITH THE ZONING PERMITS EAST SECTION, TODAY I'M PRESENTING ITEM NUMBER 9 ON THE AGENDA, PROJECT NUMBER R201202979 ASSOCIATED WITH CONDITIONAL USE PERMIT NUMBER 201200167, THIS IS AN APPLICATION FOR THE SALE OF A FULL LINE OF ALCOHOL FOR ON-SITE CONSUMPTION WITHIN AN EXISTING RESTAURANT AND BAR. THE PROJECT IS LOCATED AT 5719 WHITTIER BOULEVARD IN EAST LOS ANGELES AND IS ZONED C-3 UNLIMITED COMMERCIAL. PROPERTIES TO THE NORTH ARE ZONED R3, LIMITED MULTIPLE RESIDENCE, PROPERTIES TO THE EAST AND WEST ARE ZONED C-3, PROPERTIES TO THE SOUTH ARE ZONED R3 AS WELL AS UNLIMITED COMMERCIAL AND COMMERCIAL MANUFACTURING WITHIN THE INCORPORATED CITY OF COMMERCE, THE SUBJECT PROPERTY IS DEVELOPED WITH A TWO STOREY BUILDING CONTAINING A RESTAURANT AND BAR ON THE FIRST FLOOR AND A TWO FAMILY RESIDENCE ON THE SECOND FLOOR. SINGLE FAMILY AND MULTIFAMILY RESIDENCE, A CHURCH AND A PRESCHOOL ARE NORTH OF THE SITE. THERE ARE MULTIFAMILY RESIDENCES AS WELL AS COMMERCIAL AND INDUSTRIAL USES TO THE SOUTH OF THE SUBJECT PROPERTY AND THERE ARE COMMERCIAL USES TO THE WEST. PROPERTIES TO THE EAST INCLUDE OFFICES, COMMERCIAL BUSINESSES, A SINGLE FAMILY RESIDENCE AND A TWO FAMILY RESIDENCE. THE ESTABLISHMENT HAS HELD A LICENSE FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION SINCE 1982. REGIONAL PLANNING DID NOT REQUIRE A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOL UNTIL 1992. THEREFORE, THE APPLICANT HAS THE RIGHT TO

CONTINUE THE SALE OF BEER AND WINE IN HIS ESTABLISHMENT WITHOUT AN APPROVED CONDITIONAL USE PERMIT.THE APPROVAL OF THIS APPLICATION WOULD ALLOW THE APPLICANT TO SURRENDER THE CURRENT LICENSE AND OBTAIN A TYPE 47 LICENSE FOR THE SALE OF A FULL LINE OF ALCOHOL.ACCORDING TO THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, THERE IS NO UNDUE CONCENTRATION OF ALCOHOL SERVING ESTABLISHMENTS WITHIN THE CENSUS TRACT, HOWEVER, SINCE THERE IS ONE OTHER BUSINESS SELLING ALCOHOL WITHIN 500 FEET OF THE SUBJECT PROPERTY THERE IS AN UNDUE CONCENTRATION ACCORDING TO THE COUNTY ZONING CODE.THIS PROPERTY IS LOCATED WITHIN A HIGH CRIME REPORTING DISTRICT, HOWEVER, THE SHERIFF PROVIDED A SUMMARY OF CALLS FOR SERVICE TO THIS PROPERTY WITHIN THE LAST FIVE YEARS AND DID NOT EXPRESS AN OPINION ON THE ISSUANCE OF THE REQUESTED LICENSE.THE ESTABLISHMENT HAS BEEN SERVING ALCOHOL FOR OVER 30 YEARS WITH NO ZONING VIOLATIONS ON RECORD RELATED TO THE SALE OF ALCOHOL.THERE ARE TWO SENSITIVE USES,, A CHURCH AND A PRESCHOOL TO THE NORTH, HOWEVER, THEY ARE LOCATED OVER 500 FEET AWAY.THE SUPERMARKET ACROSS THE STREET SELLS ALCOHOL FOR OFF-SITE CONSUMPTION AND IS THE ONLY OTHER ESTABLISHMENT WITHIN 500 FEET THAT SELLS ALCOHOL.CONDITIONS HAVE BEEN INCORPORATED TO REQUIRE SECURITY SURVEILLANCE CAMERAS AT BOTH ENTRANCES AND A SECURITY GUARD AT THE ALLEY ENTRANCE TO MONITOR ANY DISTURBANCES TO ANY NEARBY RESIDENCES, THEREFORE, IT IS STAFF'S OPINION THAT IT IS COMPATIBLE WITH THE SURROUNDING CONDITIONS.PURSUANT TO THE

PROVISIONS OF THE COUNTY CODE, THE COMMUNITY WAS APPROPRIATELY NOTIFIED, STAFF HAS NOT RECEIVED ANY COMMENTS AT THIS TIME. STAFF HAS DETERMINED THAT THE BURDEN OF PROOF HAS BEEN MET AND THAT THE PROPOSED USE IS CONSISTENT WITH THE EAST LOS ANGELES COMMUNITY PLAN, THE COUNTYWIDE GENERAL PLAN AND THE PROVISIONS OF THE ZONING CODE. STAFF HAS ALSO DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENT QUALITY ACT, STAFF RECOMMENDS THE COMMISSION CLOSE THE PUBLIC HEARING, FIND THE PROJECT CATEGORICALLY EXEMPT AND APPROVE THE CONDITIONAL USE PERMIT WITH THE ATTACHED DRAFT FINDINGS AND CONDITIONS, THIS CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: QUESTIONS FROM THE COMMISSION?

>> VICE-CHAIR VALADEZ: YES, WHAT ARE THE HOURS OF OPERATION FOR THIS ESTABLISHMENT?

>> MS. KULCZYCKI: THERE ARE NO CONDITIONS ADDED THAT RESTRICT THE HOURS OF OPERATION. DO YOU KNOW THE HOURS OF OPERATION OR HAVE THEY GIVEN YOU ANY INFORMATION WITH RESPECT TO THAT?

>> MS. KULCZYCKI: THE APPLICANT INDICATED IT VARIES DEPENDING ON THE NUMBER OF PATRON, SOMETIMES THEY CLOSE EARLY, BUT HE INDICATED

AROUND 2:00, I CAN DEFER THAT QUESTION TO THE APPLICANT, HE CAN PROBABLY GIVE YOU ONE.

>> VICE-CHAIR VALADEZ: THANK YOU.

>> CHAIR LOUIE: THANK YOU, NO FURTHER QUESTIONS. IS THE APPLICANT PRESENT?

>> MS. KULCZYCKI: YES.

>> MR. CHAIR, I HAVE THREE SPEAKERS ON THIS ITEM AND THEY'RE ALL RELATED TO THE APPLICANT, THE APPLICANT IS ADOLFO BAUTISTA CORRO, PLEASE COME FORWARD, WE HAVE MR. GARCIA AND JESUS DURAN.

>> CHAIR LOUIE: GENTLEMEN, IF YOU CAN TAKE TWO SEATS AT THE FRONT TABLE AND THE GENTLEMAN CAN TAKE A SEAT BEHIND THEM, AS THE APPLICANT, YOU'LL HAVE 15 MINUTES IN TOTAL. LET ME FINISH BEFORE YOU START. YOU'LL HAVE 15 MINUTES TO PRESENT YOUR MATTER AND THAT'S 15 MINUTES AMONG THE THREE OF YOU, THE TIMER, 14 AND A HALF MINUTES GREEN, 30 SECONDS, YELLOW, RED, I NEED YOU TO CONCLUDE, SO YOU CAN BEGIN YOUR PRESENTATION, IF YOU'LL HOPE WITH YOUR STATEMENT OF YOUR NAME.

>> I'M ADOLFO BAUTISTA CORRO, I'M THE OWNER, I'M RUNNING MY PLACE FOR 30 YEARS ALREADY.I THINK I'M CLEAN, NO PROBLEM, I TRIED TO GET MY LICK -- LIQUOR LICENSE AT THIS TIME IF POSSIBLE.WHAT CAN I DO, WHAT CAN I SAY, I'M SO HAPPY YOU GIVE ME THAT OPPORTUNITY AND I THINK THAT'S IT.

>> CHAIR LOUIE: OKAY, THANK YOU.PLEASE.

>> GOOD MORNING, MY NAME IS [INAUDIBLE] GARCIA, I REPRESENT ADOLFO BAUTISTA, HE HAD THE OPPORTUNITY TO WIN THE LOTTERY ON THE ABC, SO ABC GAVE HIM THE LICENSE SO WE ARE HERE TO ASK YOU FOR THE OPPORTUNITY TO GET OUR THE FULL LICENSE, MR. ADOLFO BAUTISTA HAS BEEN WORKING FOR OVER 30 YEARS, THE CITY HAS RECOGNIZED THE PLACE AS ONE OF THE BEST PLACES IN THE AREA.WE NEVER HAD ANY PROBLEM, WE NEVER HAD ANY POLICE REPORTS, WE DON'T HAVE ANY SALES TO MINORS, SO WE ARE BEING VERY THOUGHTFUL GIVING THE SERVICE TO THE PUBLIC, THIS IS A RESTAURANT, THE RESTAURANT IS OPEN FROM -- IT DEPENDS THE BUSINESS DAY, BUT DURING THE WEEKDAYS, IT'S AROUND 10:00 TO 10:00, 10 TO 11 AND ON THE WEEKEND DAYS, IT'S AROUND FOR 10:00 TO 2:00 IN THE MORNING AND WE WOULD LIKE TO RECOGNIZE MRS. CHRISTINA, OUR PLANNER, THE HELPFUL HELP SHE GAVE US AND TO BE HERE NOW TRYING TO GET THE FULL LICENSE.

>> CHAIR LOUIE: THANK YOU.

>> THANK YOU.

>> GOOD MORNING, MR. CHAIR, GOOD MORNING, COMMISSIONERS, MY NAME IS JESUS DURAN, THEY CALL ME JESSIE, PRETTY MUCH I'M RELATED TO ADOLFO BAUTISTA AND PRETTY MUCH I WOULD SAY THAT THIS RESTAURANT BAR IS HAVING A GREAT ATMOSPHERE AND IT'S A BONAFIDE PLACE THAT YOU COULD HANG OUT AND HAVE A GOOD TIME, PRETTY MUCH, I JUST MOVED FROM SAN DIEGO, I'VE BEEN HERE FOR ALMOST A YEAR AND I'M NOW WORKING WITH HIM IN ORDER TO IMPROVE AND OPERATE THE ATMOSPHERE OF THE RESTAURANT, AND PRETTY MUCH IT'S A FAMILY BUSINESS, YOU KNOW, WE'RE WORKING TOGETHER AND WE'RE WORKING SO HARD IN ORDER TO IMPROVE FOR THE WHOLE COMMUNITY OR EAST L.A., AND PRETTY MUCH I WOULD THINK HE DESERVES HIS LIQUOR LICENSE, A FULL LINE OF LICENSE. I'VE BEEN SEEING MANY PATRONS HANG OUT, NEW PEOPLE, THEY LOVE THE ATMOSPHERE BECAUSE THEY FEEL SAFE, THERE'S NO PROBLEMS, PRETTY MUCH THEY HAVE A GOOD RELATIONSHIP WITH HIM AT ALL AND PRETTY MUCH NOW WITH ME BECAUSE I'M ON IT AND I'M PRETTY MUCH PUT A LOT OF TIME AND EFFORT IN ORDER FOR THIS BUSINESS TO BE MORE SUCCESSFUL FOR THE WHOLE COMMUNITY IN EAST L.A., SO ACTUALLY, I WILL SHOW YOU SOME FRAME THAT IT'S 30 YEARS OF DEDICATION, IT'S BEEN WORKING FOR YEARS AND YEARS, AND I WAS TELLING HIM THE OTHER DAY, MAN, YOU'VE BEEN WORKING SO HARD FOR 30 YEARS AND HE SAID,

YEAH, YOU KNOW WHAT, I'VE BEEN PUTTING A LOT OF TIME ON IT BUT I'M
ON IT AND I LOVE MY PLACE.THANK YOU, SIR.

>> CHAIR LOUIE: THANK YOU VERY MUCH.ANY QUESTIONS OF THE
APPLICANT?THANK YOU VERY MUCH.

>> YOU'RE WELCOME.

>> VICE-CHAIR VALADEZ: THANK YOU.

>> CHAIR LOUIE: THANK YOU, DO WE HAVE ANY PUBLIC COMMENT?

>> NO ADDITIONAL SPEAKERS ON THIS ITEM.

>> VICE-CHAIR VALADEZ: I HAVE MAYBE A COUPLE OF QUESTIONS MAYBE
TO STAFF AND MAYBE THE APPLICANT SITTING THERE.WITH REGARD TO THE
SECURITY GUARD, ARE WE ASSUMING THAT THE SECURITY GUARD WILL BE
THERE DURING ALL OF THE HOURS THAT THE ALCOHOL IS GOING TO BE
SERVED?

>> MS. KULCZYCKI: NO, THE CONDITION IS JUST FOR 9:00 P.M. TO
CLOSING DURING THE HIGHER HOURS.DO YOU HAVE ADDITIONAL HOURS?I
KNOW YOU WERE IN THE PROCESS, MAYBE YOU CAN COMMENT TO THE
SECURITY GUARD.

>> WELL, PRETTY MUCH I'VE BEEN IN CONTACT WITH CHRISTINA WHICH WAS A GREAT SUPPORTER IN THIS PROJECT AND SHE WAS MENTIONING TO ME PRETTY MUCH TO HAVE THE SECURITY GUARD, YOU KNOW, IN ORDER TO BE SAFE, EVERYBODY INSIDE WHENEVER WE SELL ALCOHOL, AND SHE WAS MENTIONING TO ME THAT IT COULD BE WHEN IT'S REALLY CROWDED, LIKE 9:00 TO CLOSE, PRETTY MUCH ON THE WEEKENDS, IT'S CROWDED, I WOULD SAY FRIDAY, SATURDAY, SUNDAY, AND THE REGULAR TIME, SAY LIKE MONDAY TO THURSDAY, IT'S VERY, VERY SLOW. BUSINESS IS NOT SO GOOD, WE STILL KEEP AN EYE ON IT AND PRETTY MUCH I WAS SAYING THAT WEEKENDS IS -- I MEAN, NOT USE THE BAR, THE WHOLE RESTAURANT BECAUSE WE REALLY SERVE GOOD MEXICAN FOOD HOMEMADE AND YOU GUYS ARE WELCOME WHEN YOU HAVE A CHANCE.

>> VICE-CHAIR VALADEZ: YOU'VE ADDED A SIGNIFICANT CHANGE TO YOUR USE OF ALCOHOL IN YOUR RESTAURANT BY MOVING FROM BEER AND WINE WHICH IS GENERALLY SERVED WITH FOOD TO A FULL LINE OF ALCOHOL WHICH ALLOWS YOU TO BECOME A BAR AFTER HOURS, SO EVEN THOUGH YOU'VE BEEN USING AND SERVING ALCOHOL FROM ALL OF THESE PERIODS OF TIME FOR 30 YEARS, BY ADDING THIS NEW COMPONENT, YOU'VE INCREASED OUR RISK OF INDIVIDUALS DRINKING WITHOUT EATING, COMING IN ONLY FOR PURPOSES OF USING THE FACILITY AS A BAR.

>> OKAY.

>> VICE-CHAIR VALADEZ: AND IT'S NOT ACCEPTABLE OVERALL.WHERE HAVE IN THAT PARTICULAR AREA IN EAST LOS ANGELES, WE HAVE MORE THAN 550 LIQUOR LICENSE IN THAT AREA AND WE HAVE A SIGNIFICANT ISSUE WITH THE SHERIFF WITH RESPECT TO HAVING SO MANY ALCOHOL LICENSES, I'M NOT SAYING THIS RESTAURANT HAS HAD THESE ISSUES IN THE PAST BUT YOU'RE CHANGING A SIGNIFICANT PART OF YOUR RESTAURANT BY ADDING THE HARD LIQUOR AND THE BAR COMPONENT, SO THAT IT'S RAISING THE CONCERN WITH RESPECT TO WHAT HAPPENS IN THE FUTURE WHEN YOU WOULD HAVE THIS ALCOHOL LICENSE AND YOU PUT IT INTO SERVICE.THAT IS WHY WE HAVE THE SECURITY GUARD OR THIS IS WHAT STAFF WAS ATTEMPTING TO DEAL WITH WITH RESPECT TO THE SECURITY GUARD, BUT THERE'S ALSO A CONCERN WITH RESPECT NOW TO THE HOURS THAT YOU'RE GOING TO BE SERVING ALCOHOL, AND, YOU KNOW, AND I CANNOT SUPPORT YOU SERVING ALCOHOL UNTIL 2:00 IN THE MORNING.YOU KNOW, YOU ARE CURRENTLY A FAMILY RESTAURANT, FAMILIES DO NOT COME IN TO EAT WITH THEIR CHILDREN AND THEY'RE NOT THERE, YOU KNOW, DRINKING ALCOHOL AND HAVING DINNER AT MIDNIGHT TO 2:00 IN THE MORNING.

>> WELL, LET ME MAKE A COMMENT.PRETTY MUCH, WE ARE WORKING SO HARD TO CHANGE THE WHOLE ATMOSPHERE AT ALL.FIRST OF ALL, FOR THE RESTAURANT, WHICH IS OUR KEY, IT'S NOT JUST ALCOHOL.THE RESTAURANT IS VERY IMPORTANT BECAUSE WE LIKE TO SEE FAMILIES HANG OUT,

CHILDREN, HAVE A GOOD TIME, IT'S GREAT, GOOD SERVICE PRETTY MUCH, BUT THE PEOPLE ARE ASKING, DO YOU HAVE SOME MARGARITAS, DO YOU HAVE SOMETHING LIKE -- YOU KNOW, WE ARE NOT, AND THEY SAY, WELL, IT'S OKAY, WELL, WHATEVER, WE PROVIDE THE SERVICE, BUT IN THE MEANTIME, YOU KNOW, THEY SHOW UP ONE TIME, THEY NEVER COME BACK, YOU KNOW. I'M NOT SAYING IN A FINANCIAL WAY WE'RE GOING TO LOSE BUT I WOULD SAY WE COULD IMPROVE THE SERVICE AND GIVE A QUALITY OF SERVICE, YOU KNOW, FOR THE WHOLE COMMUNITY.

>> VICE-CHAIR VALADEZ: THERE MAY BE A TRADE-OFF, THERE MAY BE SOMETHING THAT WILL BE WEIGHED, YOU WILL NOT BE PERHAPS ALLOWED TO SERVE ALCOHOL ALL THE WAY TO 2:00 IN THE MORNING, YOU WILL BE ABLE TO SERVE A FULL LINE OF ALCOHOL BUT YOU'LL ONLY BE ABLE TO SERVE A FULL LINE OF ALCOHOL WITHIN LIMITED HOURS. WOULD YOU PREFER TO REMAIN WITH YOUR HOURS OF ALCOHOL AS IS, OR DO YOU ACKNOWLEDGE THAT IT'S POTENTIAL THAT THIS COMMISSION COULD REDUCE THE NUMBERS OF HOURS THAT YOU COULD SELL ALCOHOL BECAUSE YOU'RE NOW SERVING A FULL LINE OF ALCOHOL?

>> WELL, HE'S PRETTY MUCH, YOU KNOW, IF YOU GUYS WOULD APPROVE -

>> VICE-CHAIR VALADEZ: THE REDUCED HOURS WITH YOUR ALCOHOL LICENSE AS A FULL LICENSE?

>> HE'S ASKING ME, WHAT HOURS IT WOULD BE?

>> VICE-CHAIR VALADEZ: THE COMMISSION WILL DETERMINE WHAT THEY WILL BE, THEY WOULD BE LESS, I'M ASSUMING, THAN THEY ARE RIGHT NOW.WE WILL DISCUSS THAT.

>> WELL, WE COULD WAIT FOR YOU GUYS DECISION.

>> VICE-CHAIR VALADEZ: OKAY.JUST TO KIND OF PREPARE YOU FOR WHERE WE'RE GOING WITH RESPECT TO YOUR CASE.

>> OKAY.

>> VICE-CHAIR VALADEZ: BUT YOU DO UNDERSTAND THAT IT IS A CHANGE IN THE TYPES OF ALCOHOL THAT YOU'RE GOING TO SERVE, OKAY.

>> SO, ARE YOU SAYING THE MAIN REASON IS BECAUSE --

>> VICE-CHAIR VALADEZ: YOU'RE ALLOWED, YOU'RE GRANDFATHER, YOU'RE GOLDEN, YOU CAN DO WHATEVER YOU WANT, SO YES, YOU HAVE YOUR LICENSE RIGHT NOW WITH BEER AND WINE AND YOU HAVE THE ABILITY TO SERVE IT UNDER THE HOURS THAT YOU HAVE RIGHT NOW, AND I GUESS YOU ALWAYS HAVE THE CHOICE, WE'RE GOING TO GO FORWARD, YOU ALWAYS HAVE THE CHOICE TO NOT GO FORWARD WITH THE CONDITIONAL USE PERMIT IF

YOU FEEL THE HOURS THAT WE'RE GOING TO GIVE TO YOU ARE NOT SUFFICIENT FOR YOU, THAT'S YOUR CHOICE.

>> THEN I NEED TO MAKE THE DECISION RIGHT NOW?

>> VICE-CHAIR VALADEZ: NO, YOU DON'T, YOU DO NOT.

>> OKAY.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, PERHAPS MAYBE WE SHOULD HAVE A LITTLE DISCUSSION, COME UP WITH WHAT WE THINK MIGHT BE THE APPROPRIATE HOURS, TAKE A BRIEF RECESS, AND ALLOW THE APPLICANT AND HIS PARTY TO SORT OF --

>> VICE-CHAIR VALADEZ: TO RESPOND AND DISCUSS WITH US, I THINK THAT WOULD BE A GOOD IDEA.

>> COMMISSIONER MODUGNO: I WOULDN'T WANT HIM TO BE ON THE SPOT AND DO THIS, I CONCUR WITH THE COMMISSIONER BECAUSE BASICALLY YOU HAVE A FAMILY OPERATION, IT'S A RESTAURANT IN EAST LOS ANGELES, AND SO YOUR PATRONS ARE PEOPLE COMING IN FOR DINNER WHICH PRESUMABLY HAS BEEN IN BUSINESS A LONG TIME WHICH MEANS THE FOOD HAS GOT TO BE -- SOME OF THEM WANT MARGARITAS AND SOME OTHER DRINK OTHER THAN THE BEER AND WINE, I THINK WHAT THE CONCERN THE

COMMISSION HAS IS BY A FULL LINE OF ALCOHOL, THAT WE'RE NOT GOING TO CONDITION IT CAN ONLY BE SERVED WITH FOOD, THAT ALL OF A SUDDEN PART OF THE SPACE CAN CONVERT MORE TO A BAR AND THAT THAT AFTER HOURS WHEN PEOPLE WOULD START COMING TO A RESTAURANT NORMALLY TO EAT DINNER, PARTICULARLY THE FAMILY, BUT LET'S SAY PATRONS STOP EATING DINNER AROUND 11:00, 10:00, WHATEVER THAT TIME MAY BE BUT THEN ALL OF A SUDDEN IT OPENS UP AN OPPORTUNITY FOR THIS TO BECOME A FULL FLEDGE BAR.IT ATTRACTS A DIFFERENT SET OF PATRONS AND THOSE PATRONS LEGALLY CAN BE THERE AND THE OPERATION CAN LEGALLY GO UNDER STATE LAW TO 2:00 IN THE MORNING.AND I THINK IT'S THAT ASPECT OF THAT INTRODUCTION OF ACTIVITY INTO THE COMMUNITY THAT WE HAVE NOT SEEN IN THIS LOCATION AND IT CHANGES SORT OF THE INTEGRITY OF THE BUSINESS AND I THINK THAT'S THE ISSUE, AND I THINK WE'RE GOING TO COME UP WITH SOME DISCUSSION AMONGST OURSELVES WHAT'S COMFORTABLE AND THEN HOPEFULLY TAKE A RECESS AND THEN WE CAN HAVE SOME DIALOG BACK AND FORTH, BUT I'M CONCERNED EQUALLY IN TERMS OF THIS MORPHING INTO A FULL FLEDGE BAR, AND NOW THE RESTAURANT PATRON IS ASKING FOR A MARGARITA, THE BAR PATRONS MAY START ASKING FOR ENTERTAINMENT, AND THEN SUDDENLY NOW TO MAINTAIN A LATE HOURS BAR, THEY'RE GOING TO WANT SOME ENTERTAINMENT, SO WHAT IS THAT ENTERTAINMENT, THAT COMES BACK FOR ANOTHER CONDITIONAL USE PERMIT, SO I THINK WE WANT TO SEE HOW WE COOPERATE AND KEEP THIS BUSINESS VIABLE AND ENHANCE IT AND NOT CHANGE IT.

>> PRETTY MUCH, I WAS SAYING TO SERVE BREAKFAST AND THEN LUNCH AND THEN DINNER PRETTY MUCH IS FROM 8:00 IN THE MORNING TO 2:00 IN THE MORNING. PRETTY MUCH, WE ARE -- I AM ACTUALLY AM CARRYING THE WHOLE BUSINESS, I SPEND MORE TIME THERE RATHER THAN HIM BECAUSE MY ENERGY, I BELIEVE, I'M YOUNGER, BUT WE'RE ON IT AND ACTUALLY WE PROVIDE THE SAFETY ISSUES THAT I HAVE AND I'VE BEEN WORKING ON A LOT OF STUFF IN IT IN ORDER TO MAINTAIN THE GOOD ATMOSPHERE AND PROVIDE A GREAT SERVICE TO THE PEOPLE.

>> CHAIR LOUIE: WITH THOSE THOUGHTS IN MIND, I WOULD LIKE TO TAKE A 10 MINUTE RECESS NOW.

>> COMMISSIONER HELSLEY: IN A MOLT, YES, I WOULD CONCUR WITH THAT. I WOULD LIKE TO ASK A COUPLE OF QUESTIONS AND THE FIRST ONE IS HOW LONG AGO -- I HAVE SOME PICTURES IN FRONT OF ME. I HAVE NOT VISITED THE SITE WHICH I DO MANY TIMES BUT I HAVE NOT VISITED THIS SITE. HOW LONG AGO WAS THE PAINTING OF THE BUILDING? HOW LONG AGO DID THAT OCCUR?

>> I'M SORRY, I CAN'T HEAR YOU WELL.

>> COMMISSIONER HELSLEY: HOW LONG AGO WAS IT THAT YOU PAINTED THE BUILDING?

>> YOU MEAN IN THE PICTURE?

>> COMMISSIONER HELSLEY: YES.

>> A YEAR AGO.

>> COMMISSIONER HELSLEY: A YEAR AGO, OKAY.THE ASPECT OF 90% OF YOUR PATRONS, WHO ARE 90% OF YOUR PATRONS, ARE THEY FAMILY, ARE THEY AFTER HOUR WORKERS?

>> WELL, SINCE I'M HERE AND I HAVE SEEN MORE FAMILY ON IT RATHER THAN SINGLE ONES, I HAVE SEEN A LOT OF CHILDREN AND I'VE CHANGED THE ATMOSPHERE IN TERMS OF TABLES, CHAIRS, HAVING A GREAT ATMOSPHERE IN ORDER FOR EVERYBODY TO HAVE A GOOD TIME.

>> COMMISSIONER HELSLEY: DO YOU CURRENTLY HAVE A BAR SET-UP IN THAT RESTAURANT?

>> THE BAR IS TWO SECTIONS, THE BAR IS ON THE SIDE AND PRETTY MUCH THE RESTAURANT IS BIGGER THAT THE BAR.

>> COMMISSIONER HELSLEY: OKAY.THANK YOU.

>> CHAIR LOUIE: WE ARE GOING TO TAKE A RECESS UNTIL -- I'M SORRY, DID YOU HAVE SOMETHING ELSE THAT YOU WANTED TO SAY?WE'RE GOING TO TAKE A 10 MINUTE RECESS UNTIL 10:15, THANK YOU.(MEETING IS IN RECESS UNTIL 10:15).

>> CHAIR LOUIE: GOOD MORNING AGAIN, WE'RE BACK IN SESSION.AND IN THE MIDST OF COMMISSION DISCUSSION WITH STAFF.ANY FURTHER DISCUSSION?QUESTIONS?

>> VICE-CHAIR VALADEZ: YES, IF THE APPLICANT COULD COME AND MAYBE SIT DOWN IN THE FRONT.I'VE WORKED WITH STAFF.WE HAVE SOME STANDARD CONDITIONS THAT WE HAVE USED IN THE PAST AND HAVE AVAILABLE TO US IN SITUATIONS SUCH AS THIS ONE WHERE WE'RE CONDITIONING FOR A SPECIFIC NUMBER OF HOURS FOR ALCOHOL USE, AND SO STAFF IS GOING TO GIVE YOU KIND OF THE STANDARD THAT WE'RE GOING TO APPLY TO YOUR CASE, AND THEN YOU CAN LISTEN TO IT AND RESPOND.THANK YOU.

>> EXCUSE ME, DO WE NEED TO RESPOND TODAY FOR THAT DECISION IF WE ACCEPT THAT?

>> VICE-CHAIR VALADEZ: WE CAN CONTINUE YOUR CASE.YOU NEED TO HEAR IT AND THEN I'LL ASK FOR A CONTINUANCE, OKAY.YOU NEED TO THINK ABOUT IT, WE NEED TO TELL YOU AND IF YOU HAVE QUESTIONS, YOU

CAN ASK THEM AND THEN YOU CAN GO AWAY AND THINK ABOUT IT,
OKAY.THANK YOU.

>> MS. KULCZYCKI: STAFF RECOMMENDS THE FOLLOWING CHANGES IN THE
CONDITIONS, REVISED CONDITION NUMBER 29 WHICH SAYS FOOD SERVICE
SHOULD BE CONTINUOUSLY PROVIDED DURING OPERATING HOURS, TO BE MORE
SPECIFIC, STATING THAT ALCOHOL SALES OR ALCOHOL WILL BE SERVED
CONCURRENTLY WITH FOOD SERVICE, AND REVISE THE CONDITION ON
INSPECTIONS, FOR THE FIRST FIVE YEARS TO HAVE ANNUAL INSPECTIONS
FOR THE FIRST FIVE YEARS AND THEN EVERY OTHER YEAR.AND THEN THE
FINAL WOULD BE TO REVISE THE HOURS FOR THE SALE OF ALCOHOL FOR
MONDAY THROUGH THURSDAY UNTIL 10:00 P.M., AND ON THE WEEKENDS
UNTIL MIDNIGHT.

>> VICE-CHAIR VALADEZ: OKAY.

>> COMMISSIONER HELSLEY: FRIDAY, SATURDAY, SUNDAY.

>> VICE-CHAIR VALADEZ: MONDAY THROUGH THURSDAY, AND FRIDAY,
SATURDAY, SUNDAY UNTIL MIDNIGHT.OKAY, AND A SECURITY GUARD FROM
6:00 TO 2:00 IN THE MORNING.

>> 6:00 TO 2:00 IN THE MORNING.

>> VICE-CHAIR VALADEZ: WELL, 6:00 TO MIDNIGHT, EITHER WAY,
OKAY.BECAUSE YOU'RE ONLY SERVING UNTIL MID NIGHT.

>> MS. KULCZYCKI: WOULD THOSE BE FOR THE WEEKEND HOURS OR
THROUGHOUT?

>> VICE-CHAIR VALADEZ: FOR THE WEEKEND HOURS, AND THEN DURING --
I THINK THERE WAS JUST ANOTHER CONDITION THAT THE SHERIFF WANTED
TO BE NOTIFIED OF ANY EVENTS THAT WERE GOING TO OCCUR IN ADVANCE
AND THAT WOULD BE ADDED IN ADVANCE THAT YOU NOTIFY THE SHERIFF OF
ANY EVENTS, YOU WANT TO HAVE A CINCO DE MAYO EVENT OR A MEXICAN
INDEPENDENCE EVENT OR A JULY 4TH EVENT OR MOTHER'S DAY EVENT, IF
YOU COULD JUST NOTIFY THEM IN ADVANCE.I'M GIVING YOU ALL THE
EVENTS YOU CAN HAVE, YOU CAN HAVE ANY KIND OF AN EVENT.

>> DO I NEED TO MAKE IN WRITING?

>> VICE-CHAIR VALADEZ: YOU CAN SEND THEM AN E-MAIL, WRITE TO
THEM BUT YOU NEED TO KEEP A RECORD THAT YOU IN SOME WAY NOTIFIED
THEM.IF YOU CALL THEM, THERE'S NO WAY FOR YOU TO TRACK IT, SO IT'S
EITHER AN E-MAIL OR A FLYER OR SOMETHING THAT YOU WOULD GIVE TO
THE SHERIFF SO THEY KNOW YOU'RE HAVING AN EVENT, IT'S FOR YOUR
BENEFIT ALSO SO THEY KNOW THERE'S GOING TO BE A LOT OF ACTIVITY IN
YOUR AREA BECAUSE YOU'RE GOING TO HAVE SUCH A SUCCESSFUL EVENT.

>> OKAY, SOUNDS GREAT.

>> VICE-CHAIR VALADEZ: OKAY.I THINK THEY'RE GOING TO HAVE AS MANY EVENTS AS THEY WANT IN THEIR RESTAURANT, BIRTHDAY EVENTS, WHATEVER, OKAY.

>> CHAIR LOUIE: AND CLARIFICATION, THE SECURITY GUARD, IS THAT UNTIL CLOSE?

>> VICE-CHAIR VALADEZ: UNTIL CLOSE.

>> 6:00 TO 2:00 IN THE MORNING.

>> VICE-CHAIR VALADEZ: YES, UNTIL CLOSE.

>> EVERYBODY HAS TO GO OUT NO MATTER WHAT.

>> VICE-CHAIR VALADEZ: AND YOU WILL ONLY BE SERVING ALCOHOL WITH FOOD UNTIL MID NIGHT, SO WHOEVER'S SITTING AROUND OR JUST BEING THERE, THEY NEED SOME HELP TO GET OUT TO THE CARS ALSO AND TO HAVE A SECURITY GUARD.

>> MR. CHAIR AND COMMISSIONERS, JUST A CLARIFICATION AND ALSO FOR THE BENEFIT OF THE APPLICANT, WHAT YOU ARE RESTRICTING THIS MORNING IS THE SALE OF ALCOHOL, 10:00 P.M. WEEKDAYS AND MIDNIGHT ON WEEKENDS, THE RESTAURANT, HOWEVER, MAY STAY OPEN PAST 10:00 P.M. ON WEEKDAYS AND PAST MIDNIGHT ON WEEKENDS BUT NO ALCOHOL MAY BE SERVED.

>> VICE-CHAIR VALADEZ: I'M SORRY TO CONFUSE THE MATTER, THANK YOU FOR CLARIFYING, IT, I THINK THAT MAKES IT CLEARER.

>> COMMISSIONER MODUGNO: I WANT TO ADD ONE MORE QUESTION, THE CONDITION AS RED INDICATED THAT ALCOHOL, THE FOOD WOULD BE AVAILABLE OR IS IT FOOD IS AVAILABLE BUT YOU DON'T NECESSARILY HAVE TO ORDER FOOD WITH ALCOHOL, SO IT'S JUST, THERE IS FOOD OFFERED FOR SALE BECAUSE SOMEBODY COULD STILL WALK IN AT 9:00 AND HAVE A COUPLE OF DRINKS WITHOUT FOOD, OR WAS THERE A CONDITION THAT SOME FOOD WAS TO BE PURCHASED WITH ALCOHOL?

>> VICE-CHAIR VALADEZ: I THINK THE CONDITION STATES THAT YOU HAVE TO HAVE SOME FOOD WITH THE ALCOHOL.

>> COMMISSIONER MODUGNO: THERE'S A DIFFERENCE BETWEEN FOOD BEING AVAILABLE VERSUS FOOD MANDATORY BEING PURCHASED WITH ALCOHOL.

>> VICE-CHAIR VALADEZ: I THINK OUR TYPICAL CONDITION AND I THINK STAFF CAN CONFIRM THAT, OUR TYPICAL CONDITION IS YOU HAVE TO SERVE SOME FOOD WITH THE ALCOHOL.

>> COMMISSIONER MODUGNO: A BASKET OF CHIPS SATISFY THAT?

>> CHIPS AND SALSA?

>> VICE-CHAIR VALADEZ: APPETIZERS.

>> APPETIZERS.

>> COMMISSIONER MODUGNO: RIGHT NOW THE BUSINESS OPERATING UNTIL 2:00 IN THE MORNING AND THEY'RE SERVING BEER AND WINE UP UNTIL THAT HOUR, SO WHAT WE'RE BASICALLY DOING IS RESTRICTING THAT THAT BEER AND WINE NOW ROLLS BACK, OR DO YOU STOP SERVING HARD ALCOHOL

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>> VICE-CHAIR VALADEZ: NO, ALL ALCOHOL STOPS AT MIDNIGHT, I THINK IT'S TOO CONFUSING TO DO THAT. YOU KNOW, IF SOMEBODY COMES IN THERE, THEY ARE LOOKING TO SEE WHETHER THEY'RE SERVING ALCOHOL AFTER MIDNIGHT AND, YOU KNOW, WHAT IT IS, IT NEEDS TO BE CLEAR THAT THEY WERE SUPPOSED TO STOP BY MIDNIGHT WITH ALL ALCOHOL.

>> SO, MIDNIGHT WE STOP THE SALE.

>> VICE-CHAIR VALADEZ: YOU HAVE TO STOP THE SALE OF ALCOHOL AT MIDNIGHT.

>> OKAY.

>> COMMISSIONER MODUGNO: I'M JUST COMING MORE FROM THE APPLICANT'S STANDPOINT. IS THERE AN OPPORTUNITY THAT SOMEBODY AT 11:45 IN THE EVENING REQUESTS 5 DRINKS AND A BASKET OF CHIPS? AND THOSE DRINKS ARE GOING TO SIT THERE AND I'M GOING TO USE THOSE DRINKS AND BRING ME SOME EXTRA ICE, I'M GOING TO SIT THERE AND DRINK MY FIVE DRINKS BETWEEN NOW AND 2:00 IN THE MORNING, HOPEFULLY HAVE A DESIGNATED DRIVER AND I'M SLOWLY MILKING THE CHIPS. I DON'T KNOW IF WE HAVE THE ABILITY OF RESTRICTING THAT.

>> VICE-CHAIR VALADEZ: IT'S VERY DIFFICULT TO RESTRICT A MENU AND THEN ALSO TO SAY, WELL, MULTIPLE DRINKS SHALL NOT BE PROVIDED UNTIL -- YOU KNOW, AT THE HOUR OF --

>> COMMISSIONER MODUGNO: SO, SHUT OFF THE SALE OF ALCOHOL AT MIDNIGHT.

>> VICE-CHAIR VALADEZ: I THINK IT'S AN EASIER, CLEANER THING TO DO. I DO AGREE THAT PEOPLE DO NOT PLAY BY RULES, IT'S DIFFICULT.

>> THE PATRONS SHOW UP 11:50, ALMOST TEN MINUTES BEFORE MID NIGHT AND ASKING FOR A BUCKET OF BEER WITH A FULL MEAL, SO I KNOW IT'S GOING TO STAY 30, 45 MINUTES, YOU KNOW.

>> VICE-CHAIR VALADEZ: THE IDEA IS WE'RE TRYING TO AT LEAST MAKE SOME NEXUS, SOME RELATIONSHIP BETWEEN FOOD AND ALCOHOL WITH YOU.

>> THAT'S RIGHT.

>> VICE-CHAIR VALADEZ: WE COULD EASILY SAY 10:00 AND IT WOULD PROBABLY BE MUCH BETTER.

>> COMMISSIONER MODUGNO: I THINK THE BURDEN FALLS UPON THE OPERATOR RECOGNIZING THAT THERE ARE SOME INHABITANT FORCE LIABILITY ISSUES WHERE AN OPERATOR ALLOWS SOMEBODY TO DRINK TOO MUCH AND THEN REALIZES THEY'RE GOING TO GO OUT IN THE CAR AND DRIVE, SO THERE IS SOME EXPOSURE, SO I THINK THAT'S PART OF THE MONITORING, SO WHOEVER'S MANAGING THE RESTAURANT AT THAT HOUR, THE BARTENDER, THERE HAS TO BE SOME DEGREE OF RESPONSIBILITY ASKING, DID YOUR WIFE JUST LEFT YOU, YOU WANT 15 BOTTLES OF BEER AT 11:50 IN THE EVENING AND YOU'RE BY YOURSELF, HOW ARE YOU GOING TO GET

HOME TYPE OF STUFF, SO I THINK THERE'S THAT DEGREE OF REASONABLENESS THAT COMES WITH RESPONSIBILITY OF RUNNING A GOOD BUSINESS.

>> VICE-CHAIR VALADEZ: WE DO, I'M HOPING, I DID NOT FOCUS ON IT, THE DESIGNATED DRIVER REQUIREMENT ALSO.

>> MS. KULCZYCKI: CONDITION NUMBER 25.

>> VICE-CHAIR VALADEZ: I WANTED TO MAKE SURE IT WAS IN THERE. DO YOU NEED TIME? WOULD YOU LIKE FOR US TO CONTINUE THIS AND YOU CAN COME BACK?

>> WE'RE OKAY. WE CAN CONTINUE WITH IT.

>> VICE-CHAIR VALADEZ: YOU WOULD LIKE IT CONTINUED SO YOU COULD COME BACK AT ANOTHER DATE IN ORDER TO TELL US OR WOULD YOU LIKE US TO MOVE FORWARD?

>> JUST MOVE FORWARD.

>> VICE-CHAIR VALADEZ: YOU WANT TO MOVE FORWARD, OKAY, THEN THANK YOU VERY MUCH.

>> THANK YOU.

>> CHAIR LOUIE: ANY OTHER QUESTIONS OF STAFF OR THE APPLICANT?

>> VICE-CHAIR VALADEZ: I DON'T HAVE ANY.DOES ANYONE ELSE?NO?

>> CHAIR LOUIE: NO?

>> VICE-CHAIR VALADEZ: I MAUVE THE REGIONAL MORNING COMMISSION
CLOSE THE PUBLIC HEARING, DETERMINE THE PROJECT IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE CLASS 1
CATEGORICAL EXEMPTING AND APPROVAL CONDITIONAL USE PERMIT NUMBER
201200167 AS CONDITIONS HAVE BEEN AMENDED.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION?THOSE IN FAVOR?

>> VICE-CHAIR VALADEZ: AYE.

>> THE LAST DAY TO APPEAL IS JUNE 26, 2013.

>> VICE-CHAIR VALADEZ: THANK YOU VERY MUCH, I LOOK FORWARD TO
GOING TO YOUR RESTAURANT.

>> ANY TIME, THANK YOU.HAVE A GOOD DAY.

>> VICE-CHAIR VALADEZ: AS SOON AS YOU HAVE THOSE MARGARITAS,
OKAY.

>> CHAIR LOUIE: OKAY, NEXT ITEM IS ITEM NUMBER 10, PROJECT
NUMBER R201202173, MR. SVITEK.

>> MR. SVITEK: GOOD MORNING, COMMISSIONERS, MY NAME IS ANDREW
SVITEK, I'M WITH THE ZONING PERMITS WEST SECTION, THIS AGENDA ITEM
IS TO REQUEST TO CONSTRUCT A FREEWAY BILLBOARD ADVERTISING LOCATED
AT 10100 SOUTH LA CIENEGA BOULEVARD IN THE LENNOX ZONED DISTRICT,
THE APPLICANT HAS AGREED TO RELOCATE A BILLBOARD THAT IS UNDER
CONSTRUCTION BETWEEN THE IMPERIAL HIGHWAY AND 117TH STREET NEXT TO
THE LYNN WOOD JUSTICE CENTER, AS A RESULT, THE COUNTY HAS ENTERED
INTO A CONDITIONAL SETTLEMENT AGREEMENT WITH THE APPLICANT TO
AUTHORIZE THE RELOCATION OF AN EXISTING BILLBOARD TO AN
ALTERNATIVE SITE. THIS SETTLEMENT AGREEMENT ALSO INCLUDES THE
RELOCATION TO 800 SPRUCE LAKE WHICH IS BEING HEARD AS A SEPARATE
AGENDA ITEM AS IT'S A DIFFERENT SITE. THE SITE THE BILLBOARD WOULD
BE RELOCATED TO IS ZONED M-1-DP, BILLBOARDS ARE PERMITTED IN ALL
INDUSTRIAL ZONES WITH A CUP. THE LOCATION IS IN THE LAX AIRPORT
AREA NEAR THE INTERSECTION OF CENTURY BOULEVARD AND SAPOVITA
BOULEVARD, IT IS DEVELOPED WITH HIGH RISE HOTELS, PARKING
STRUCTURES AND OFFICE BUILDINGS RANGING FROM FOUR STOREYS TO 12

STOREYS, THERE ASSIST A LARGE WAREHOUSE DISTRICT TO THE WEST ADJACENT TO LAX.THE BILLBOARD IS CONSISTENT WITH THE HEIGHT OF OTHER BUILDINGS IN THE AREA INCLUDING THE FOUR STOREY 1200 SELF-STORAGE WAREHOUSE, THE TELECOMMUNICATION TOWERS, THE OVERHEAD UTILITY POLES RUNNING ON BOTH WAYS OF LA CIENEGA AND OTHER BILLBOARDS IN THE SURROUNDING AREA, I WOULD LIKE TO TURN YOUR ATTENTION TO SOME OF THE PHOTOS OF EXISTING CONDITIONS.THIS IS A PICTURE OF THE SOUTH I405, YOU SEE A MULTISTOREY HOTEL ON THE RIGHT, THE BILLBOARD WOULD GO TO THE RIGHT NEAR THOSE DIRECTIONAL SIGNS, THIS IS THE PROJECT SITE, YOU CAN SEE THE BUILDINGS ALONG THE -- THE HIGH RISES ALONG THERE, THE STORAGE WAREHOUSE IS TO THE LEFT AND THIS IS NORTHBOUND I405 AND THE PICTURE YOU SEE, A CRANE THAT'S IN THE POSITION OF THE PROPOSED BILLBOARD.THE PROPOSED BILLBOARD MEETS THE DEVELOPMENT STANDARDS FOR BILLBOARDS AND THE HEIGHT AND BULK OF THE BILLBOARD IS CONSISTENT WITH OTHER FREEWAY ORIENTED BILLBOARDS IN THE AREA.STAFF WOULD LIKE TO MODIFY TWO OF THE DRAFT CONDITIONS AS FOLLOWS, CONDITION NUMBER 4 WHICH RELATES TO INDEMNIFICATION WOULD BE MODIFIED TO START THE PARAGRAPH WITH SUBJECT TO THE EXCLUSIONS CONTAINED IN PARAGRAPH 2.3 OF THE CONDITIONAL SETTLEMENT AGREEMENT, BETWEEN THE COUNTY AND THE PERMITTEE AND CONDITION NUMBER 24 WOULD BE MODIFIED TO ALLOW FOR THE ADVERTISEMENT OF ALCOHOLIC BEVERAGES AS THE CODE DOES NOT PROHIBIT BILLBOARDS FROM ADVERTISING ALCOHOL.STAFF HAS PREPARED AN INITIAL STUDY AND HAS CONCLUDED A NEGATIVE DECLARATION IS

APPROPRIATE AS THE PROJECT WILL HAVE LESS THAN SIGNIFICANT IMPACTS ON THE ENVIRONMENT, STAFF RECOMMENDS APPROVAL OF THIS PROJECT AND THIS CONCLUDE MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS OF THE STAFF?

>> COMMISSIONER HELSLEY: A QUESTION FOR STAFF IN RELATION TO ELECTRONIC BILLBOARD.

>> MR. SVITEK: YES, THAT'S SPECIFICALLY EXCLUDED, THAT'S ONE OF THE CONDITIONS.

>> COMMISSIONER HELSLEY: THANK YOU.

>> CHAIR LOUIE: FURTHER QUESTIONS?

>> COMMISSIONER MODUGNO: MR. SVITEK, OVER MY SORT OF CAREER IN DEALING WITH CITIES AND THE COUNTY AND BILLBOARDS, THE BILLBOARD INDUSTRY IN CALIFORNIA IS EXTRAORDINARILY STRONG AND I HAVE MORE THAN ONCE BEEN IN A POSITION WHERE PUBLIC OUTCRY AND VARIOUS OTHER SORT OF THINGS, IT'S BILLBOARDS IN OTHER AREAS THAT MAY HAVE BEEN PUT UP DECADES AGO HAVE A LIFE THAT MAY GO BEYOND ANY OF OUR PERCEIVED LIVES AND THAT EVEN ACTS OF GOD THAT BASICALLY CAUSE THEIR DESTRUCTION, THEY SOMEHOW COME BACK WITH A TOOTHPICK OF

REMINANCE AND SAY THEY'RE REALLY REBUILDING SOMETHING THAT EXISTS,
AND I ACKNOWLEDGE THAT THIS IS THROUGH A SETTLEMENT WITH THE
COUNTY, SO OUR ACTIONS MAY BE MORE PERFUNCTORY THAN DISCRETIONARY,
I SEE OUR ATTORNEY SHAKING HER HEAD.I PRESUME THROUGH THAT
SETTLEMENT ACTION THAT WE HAVE NO ABILITY OF ASSIGNING ANY LIFE
EXPECTANCY TO THIS BILLBOARD?AND PERHAPS COUNTY COUNSEL MIGHT BE
THE BETTER RESPONDER OF THAT.

>> MR. SVITEK: CURRENTLY, THERE'S NO TERM LIMIT FOR THIS AND
THIS IS BASED ON A PROVISION OF THE SETTLEMENT AGREEMENT THAT
STATES THAT THE NEW BILLBOARDS SHOULD HAVE THE SAME TYPES OF
RESTRICTIONS AS THE ONES THAT WERE EXISTING AND BECAUSE THE
EXISTING BILLBOARDS DID NOT HAVE A GRANT TERM, WE'VE ACCEPTED THAT
TO MEAN THAT WE WOULD HINDER THEM MORE.

>> COMMISSIONER MODUGNO: SO, WE HAVE NO DISCRETIONARY AUTHORITY
IN TERMS OF LIMITING THE PERPETUAL LIFE EXPECTANCY.

>> IT IS A CONDITIONAL SETTLEMENT AGREEMENT WHICH MEANS IT IS AN
AGREEMENT THAT THE COUNTY REACHED WITH THE BILLBOARD COMPANIES
THAT IS SUBJECT TO THE COMMISSION GRANTING THE NECESSARY PERMITS
AND THE APPLICANT RECEIVING ALL NECESSARY PERMITS TO BUILD THE
BILLBOARDS.IF THE COMMISSION -- THE COMMISSION HAS DISCRETION AS
THEY WOULD ON ANY CUP AND THE SETTLEMENT AGREEMENT IN NO WAY

LIMITS THE COMMISSION'S DISCRETION.WHAT DOES HAPPEN IS DEPENDING UPON THE OUTCOME OF THE COMMISSION'S DECISION, THAT COULD AFFECT HOW THE SETTLEMENT AGREEMENT IS THEN IMPLEMENTED SO THE COMMISSION CAN EXERCISE ITS DISCRETION AS IT SEES FIT, THAT MAY CHANGE THE WAY THE TERMS OF THE SETTLEMENT AGREEMENT PLAY OUT BASED ON HOW THAT AGREEMENT IS DRAFTED.

>> A QUESTION FOR COUNSEL.

>> COMMISSIONER HELSLEY: THE TERMS OR CONDITIONS THAT WE INSTRUCT OR ACCEPT HERE CAN BE APPEALED TO THE BOARD OF SUPERVISORS?

>> YES, THIS CUP JUST LIKE ANY CUP WOULD HAVE THE SAME RIGHT OF APPEAL TO THE BOARD.

>> CHAIR LOUIE: THANK YOU.WHAT WOULD BE THE TYPICAL TERM IF THIS WAS A NEW APPLICATION?

>> MR. SVITEK: I WOULD SAY AT LEAST 20 YEARS -- WE DON'T HAVE TOO MANY BILLBOARD APPLICATIONS BUT I HAVE SEEN 20 YEAR TERMS ON THESE.

>> CHAIR LOUIE: DEPUTY DIRECTOR?

>> SEVERAL YEARS AGO, THE COUNTY ZONING ORDINANCE WAS AMENDED TO REQUIRE A CONDITIONAL USE PERMIT FOR OUTDOOR ADVERTISING SIGNS, STARKLY IN M ZONES, MANUFACTURING ZONES, PRIOR TO THAT, THEY WERE ALLOWED BY RIGHT THROUGH AN ADMINISTRATIVE PERMIT AND AS FAR AS I RECALL, EVEN WITH VERY FEW CUP'S THAT WE'VE HAD SINCE THE ADOPTION OF THE BILLBOARD ORDINANCE, WE DO NOT TYPICALLY PLACE A TIME LIMIT ON BILLBOARDS. NOW, I BELIEVE THAT COUNTY COUNSEL COULD PROBABLY TELL YOU THAT YOU DO HAVE SOME DISCRETION, BUT TYPICALLY, WE HAVE NOT PLACED A LIMIT, A TIME LIMIT ON CUP'S FOR BILLBOARDS.

>> CHAIR LOUIE: THANK YOU. COUNTY COUNSEL, ANY ADDITIONAL -- THANK YOU VERY MUCH. THANK YOU, IS THE APPLICANT PRESENT? I'M SORRY, WERE THERE ANY OTHER QUESTIONS? IS THE APPLICANT PRESENT?

>> YES, WE HAVE THREE SPEAKERS, MARK KUDLER IS WITH THE APPLICANT, PLEASE COME FORWARD AND HAVE A SEAT, AND I DON'T BELIEVE THE OTHER TWO SPEAKERS HAVE BEEN SWORN IN, SCOTT ROSS, IS MR. ROSS HERE?

>> [INAUDIBLE].

>> HAVE YOU BEEN SWORN IN?

>> [INAUDIBLE].

>> AND JIM PERVIS IS THE OTHER SPEAKER.

>> CHAIR LOUIE: MR. ROSS, MR. PERVIS, DO YOU PLAN TO SPEAK AS THE APPLICANT THIS MORNING? IF YOU WANT TO SPEAK UP TO THE FRONT DESK. MR. ROSS, I ASSUME YOU'LL STAND AT THE READY. GENTLEMEN, AS THE APPLICANT, YOU'LL HAVE 15 MINUTES TO SPEAK ON THIS MATTER, THE TIMER, 14 AND A HALF MINUTES GREEN, 30 SECONDS YELLOW, RED, THANK YOU VERY MUCH, AND YOU CAN BEGIN YOUR TIME BY THE STATEMENT OF YOUR NAME.

>> MY NAME IS MARK KUDLER AND I'M WITH BULLETIN DISPLAYED AND LOCATED IN LONG BEACH, I FIRST WANT TO SAY I REALLY APPRECIATE ALL THE TIME THAT THE STAFF HAS PUT IN, IN THIS REPORT, IN THIS SETTLEMENT, I WANT TO THANK THE PLANNING COMMISSION FOR TAKING THE TIME TO HEAR THIS, IT'S A VERY IMPORTANT ISSUE AND WHAT WE'RE TRYING TO DO TO GIVE YOU A LITTLE BACKGROUND IS WE HAD A FREEWAY PERMIT TO BUILD ONE NEXT TO THE LYNN WOOD JUSTICE CENTER AND WE ALSO HAVE AN EXISTING BILLBOARD OFF OF WESTERN AND THE 105 FREEWAY. THE SHERIFFS AND THE COUNTY WANTED US TO NOT BUILD THAT SIGN AND WE ENTERED INTO THE ONE AT THE JUSTICE CENTER AND TO MOVE IT AND IT WAS ACTUALLY, THEY WERE CONCERNED ABOUT THE PAD, THEY WERE CONCERNED ABOUT SOME OTHER THINGS AND WE DIDN'T SEE THE SAME OBJECTIONS THEY DID BUT WHAT WE DID WAS ENTER INTO AN AGREEMENT

WHICH ALL THE COMMUNITY WANTS, ALL THE PARTIES CAN MOVE TOGETHER SO WE VOLUNTEERED TO MOVE IT AT OUR EXPENSE AND WHAT WE'RE TRYING TO DO IS FIND A SIMILAR LOCATION, WE THINK WE FOUND A BETTER ONE SUITED FOR PLANNING PURPOSES BECAUSE NEXT TO IT WAS A HALO PAD AND NEXT TO IT WAS RESIDENTS ON THE OTHER SIDE OF THE STREET, THESE NEW LOW CASES HAVE RESIDENCES 6, 800 FEET AWAY AND IT'S ALL INDUSTRIAL AND IT'S IN AN AREA WHERE THERE'S OTHER SIGNS, AND SOME OF THEM, AND BOTH OF THESE CASES WHEN I PLAN TO SPEAK MOSTLY ON THIS ONE, BUT WITH THE PERMISSION OF THE CARE, MY COMMENTS ON THE NEXT ONE WILL BE VERY LIMITED BECAUSE THEY'RE RELATED, THE SECOND ONE, WE'RE MOVING IN ORDER TO ALLOW FOR A HEALTH CARE CLINIC BECAUSE THE SIGN'S RIGHT IN THE MIDDLE OF THE PROPERTY AND WITHOUT MOVING THE SIGN, THEY CAN'T BUILD THE HEALTH CARE CLINIC, THERE ARE RESIDENTS AROUND AND MOVING THAT SIGN AND MOVING IT DOWN TO THE 110 WHERE THERE'S ALL INDUSTRIAL, THERE'S OIL WELLS, WE'RE TRYING TO PUT IT IN THE RIGHT LOCATION, WE'RE DOING THAT AT OUR EXPENSE, I'LL KEEP MY COMMENTS BRIEFER AND EVEN BRIEFER ON THE NEXT CASE, WE DO SUPPORT THE CONDITIONS THAT STAFF HAD TALKED ABOUT, THE ADDITION TO THE INDEMNITY CLAUSE AND THE OTHER CORRECTION.WE TRIED TO PICK THE RIGHT AREAS.THERE'S OTHER BILLBOARDS THAT ARE IN THESE AREAS, WE WORKED HARD WITH STAFF TO TRY TO COME TO THE RIGHT AREAS.WE -- ADDRESSING THE ISSUE OF THE LIMITATION OF TIME, IT WOULD BE -- WE ARE IN A SETTLEMENT AGREEMENT THAT'S CONTINGENT UPON US BEING ALLOWED TO MOVE.THE

PLANNING COMMISSION COULD DO WHAT THEY PLEASE, BUT THEY CAN'T MODIFY THE SETTLEMENT AGREEMENT, WE EITHER HAVE TO THEN DECIDE WHAT TO DO.FROM OUR PERSPECTIVE, IF WE'RE GOING TO MOVE AT OUR COST AND EVERYTHING AND WE HAVE AN ASSET THAT HAS AN EXTENDED LIFE, IT'S HARD TO CONVINCEN MY COMPANY AND EVERYTHING ELSE TO MOVE TO AN AREA WHERE WE HAVE A LIMITED ASSET IF WE'RE TRYING TO HELP THE COMMUNITY AND MOVE, SO WE'RE TRYING REALLY HARD TO WORK TOGETHER.THE PLANNING DIRECTOR FOR THE CITY WAS TRYING TO BE HERE, THEY SUPPORT IT BECAUSE THERE WAS A DISPUTE BETWEEN THE COUNTY AND LYNN WOOD RELATING TO THE JUSTICE CENTER ON WHERE THE PROPER PLACE WAS SO WE RAISED OUR HAND AND SAID LET'S WORK TOGETHER AND MOVE.WE ALSO HAVE JIM PERVIS HERE WHO REPRESENTS THE HEALTH CARE CLINIC AND WE HAVE A LOT OF SUPPORT IN WHAT WE'RE TRYING TO DO BECAUSE WE'RE TRYING TO IMPROVE FROM THE PLANNING PERSPECTIVE, I'D BE HAPPY TO ANSWER ANY OTHER QUESTIONS THAT YOU HAVE, BUT I THINK THE REPORT DID AN EXCELLENT JOB AND I APPRECIATE ONCE AGAIN THE STAFF AND THE PLANNING COMMISSION'S TIME.

>> CHAIR LOUIE: THANK YOU.COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: A QUESTION ABOUT -- I THINK I SAW ANOTHER BILLBOARD IN THAT ILLUSTRATION NEAR WHERE YOU'RE RELOCATING TO, IS THAT CORRECT?THERE'S ANOTHER BILLBOARD TO THE RIGHT HAND SIDE?

>> THERE ARE ACTUALLY SEVERAL BILLBOARDS IN LA CIENEGA WHICH IS THIS ITEM NUMBER 10, THERE ARE 8 DIFFERENT BOARDS OF THE 500 FEET, BUT THEY'RE MOSTLY STREET BOARDS, THERE'S A COUPLE FREEWAY AND WHAT WE TRY TO DO WITHOUT CREATING A PROLIFERATION IS GO TO AN AREA THAT IS ALREADY IMPACTED, THAT ALREADY HAS IT SO WE DON'T IMPACT A RESIDENTIAL AREA. WE DO HAVE A DIGITAL PROHIBITION SO WE'RE NOT DEALING IN DIGITAL, THESE WILL BE STATIC BACK TO BACK SIGN, IT WON'T EVEN BE [INAUDIBLE] WHERE YOU SEE THE BACK OF IT, THERE ARE OTHER BOARDS, THERE'S ONE ON THE OTHER SIDE OF THE PUBLIC STORAGE OF LA CIENEGA, THERE'S ONE ON THE GAS STATION OF LA CIENEGA AND CENTURY AND 101ST I THINK, THERE'S ANOTHER ONE DOWN JUST PAST THE HOTEL, SO THERE'S SEVERAL.

>> COMMISSIONER HELSLEY: DO YOU KNOW, DO THEY HAVE TIME LIMITS ON THOSE BILLBOARDS?

>> I DON'T THINK THE OLDER ONES, I AGREE WITH THE DIRECTOR, HAS A LIMIT. I BELIEVE ONE OF THEM DOES, BUT OUR ISSUE IS I DON'T KNOW -- OUR COMPANY CANNOT ACCEPT INTO THE SETTLEMENT GIVING UP AN ASSET, TWO ASSETS AND TRYING TO DO ALL THIS. THIS IS A VERY EXPENSIVE PROJECT, IT'S BEEN EXPENSIVE WITH THE LITIGATION, IT'S BEEN EXPENSIVE THROUGH THE SETTLEMENT AND EVERYTHING AND IF WE THEN ARE SAYING NOW WE REALLY DON'T GET AN ASSET AT THE END OF THE DAY AND

WHY SHOULD WE MOVE, SO WE'RE TRYING OUR HARDEST TO BE ABLE TO JUSTIFY ECONOMICALLY THAT IT'S GOING TO TAKE US YEARS TO RECOVER FROM THIS. IT'S NOT JUST THE COST OF BUILDING A WHOLE NEW BOARD WHERE WE WOULDN'T HAVE TO INCUR THAT COST BEFORE, IT'S ALL THE COSTS OF LITIGATION THAT WE HAVE TO RECOVER, EVERYTHING AND WE'RE TRYING OUR HARDEST TO BE GOOD CORPORATE CITIZENS, LISTEN TO THE COMMUNITY, WORK WITH THE STAFF, PICK A RIGHT LOCATION, BUT ECONOMICALLY, RECOVER, BUT IT'S NOT GOING TO RECOVER WITHIN TEN YEARS, I MEAN, 15 YEARS, AND THEN IF YOU LIMIT IT, WE'RE UP AND WE'RE THINKING WHY DID WE DO IT. THAT'S FROM OUR THOUGHT PROCESS.

>> COMMISSIONER HELSLEY: I UNDERSTAND THAT AND I APPRECIATE THAT. AND YOU HAVE INDICATED YOU'RE NOT GOING TO BE PUTTING UP AN ELECTRONIC DIGITAL BOARD?

>> IT'S A PROHIBITION AND IT'S ONE OF THE CONDITIONS IN THE CUP THAT WE DON'T DO THAT.

>> MR. SVITEK: AND ALSO THIS IS SUBJECT TO A CALTRANS ADVERTISING PERMIT.

>> YEAH, WHAT THERE IS, I APPRECIATE THAT. THERE'S A STATE LAW UNDER THE BUSINESS PROFESSION CODE THAT ENCOURAGES COMMUNITIES, CITIES AND COUNTIES, THERE'S A PROFESSIONAL CODE AND IT'S

MENTIONED IN THE STAFF REPORT, INSTEAD OF PAYING MONEY FOR THE PUBLIC TAXES TO BE PAID TO TAKE THESE BILLBOARDS, HOW ABOUT THE BILLBOARD COMPANY ENTER INTO AN AGREEMENT WITH THE COUNTY OR THE CITY AND MOVE IT AT THE COST OF THE BILLBOARD COMPANY AND THEN THE GOVERNMENT DOESN'T HAVE TO COME UP WITH THE MONEY.WE PREFER IT RATHER THAN HAVING THE MONEY, SO WHAT WE'RE DOING IS WE'RE IMPLEMENTING THE SETTLEMENT PURSUANT TO THAT STATE LAW THAT ALLOWS US TO ENTER INTO SUCH A SETTLEMENT.

>> CHAIR LOUIE: WHAT TYPE OF RENTAL RATE DO YOU CHARGE FOR A FREEWAY SIGN?

>> IT VARIES.IT'S LIKE WHAT'S THE PRICE OF A HOME WHETHER IT'S IN CORONA OR BEVERLEY HILLS, IT COULD BE THE SAME HOME AND VARIES, ON AVERAGE, IT COULD BE 5 TO 10 THOUSAND DOLLARS PER FACE.RIGHT NOW, IT'S PROBABLY 2500 TO 5 THOUSAND, BUT THERE'S ALSO A LOT OF EXPENSES, 35% COULD BE THE LANDLORD LEASE, THERE'S OPERATION EXPENSE, SO THERE'S BIG FEES BUT THERE'S ALSO BIG EXPENSES, IT'S LIKE ANY OTHER BUSINESS.

>> CHAIR LOUIE: SPECIFICALLY ON THESE SIGNS FROM THE LOCATION YOU ARE VACATING TO THE LOCATION THAT YOU'RE GOING TO OCCUPY, MAGNITUDE OF TWICE, THREE TIMES, FOUR TIMES THE RENTAL RATE?

>> I WOULD SAY ONE OF THEM IS PRETTY EQUAL, FOR THIS PARTICULAR ITEM, WE'RE MOVING FROM THE JUSTICE CENTER TO THE 405, THAT SIGN NEAR THE JUSTICE CENTER, NOT AT THE JUSTICE CENTER, NEAR THE JUSTICE CENTER WOULD HAVE BEEN THE BEST ONE ON THE 105 AND WE'RE MOVING TO THE 405 WITH THE OTHER SIGNS, I WOULD EQUATE THOSE FROM THE ONE FROM THE SITE THAT WE'RE TRYING TO MOVE BECAUSE IT'S IN THE MIDDLE OF THE PROPERTY WHERE THEY CAN'T BUILD A HEALTH CARE CLINIC IS PROBABLY A LOWER RATED BILLBOARD TO A MEDIUM RATED BILLBOARD SO IT'S A LITTLE BIT OF A STEP UP, NOT ENOUGH ECONOMICALLY TO NOT CHANGE THE CONDITIONS OF A LIFE. WE ARE LIMITED WHEN WE WERE LOOKING WITH THE STAFF OVER WHERE TO SELECT A LOCATION BECAUSE A LOT OF LOCATIONS ARE ALREADY BUILT AND YOU HAVE TO MEET STATE LAW AND CITY LAW, SO GENERALLY, I WOULD SAY THAT THE FIRST ONE, THIS ONE IS EQUAL, THE OTHER ONE IS A LITTLE BIT OF A STEP UP.

>> CHAIR LOUIE: AND GIVE ME A DOLLAR AMOUNT ON A MONTHLY BASIS.

>> I WOULD SAY WHAT I'VE STATED IS, YOU KNOW, SOMEWHERE, THE 405 COULD BE, YOU KNOW, 5 TO 10.

>> CHAIR LOUIE: 5 TO 10 THOUSAND DOLLARS PER MONTH?

>> PER MONTH.THE 110 WHICH IS THE NEXT ONE, SO I WON'T HAVE TO KEEP TALKING ABOUT THIS IS PROBABLY 3 TO 5, SOMEWHERE IN THERE, BUT --

>> CHAIR LOUIE: THOSE ARE THE CURRENT RATES YOU'RE ACHIEVING?

>> I WOULD SAY THAT'S CLOSE TO WHAT WE WOULD BE PROJECTING CLOSE TO RENT.

>> CHAIR LOUIE: WE'RE NOT TALKING ABOUT DOUBLE, WE'RE NOT TALKING ABOUT A MAGNITUDE INCREASE ON RENTAL RATES?

>> THERE'S A THING CALLED THE RATE CARD AND THAT'S A LAUGHING RATE AND WE PUBLISH A CARD THAT'S MUCH HIGHER, WHATEVER YOU GET FROM AN AGENCY OVER THE LONG RUN BECAUSE THE INDUSTRY -- THE RATES I'M GIVING YOU MAY NOT BE THE ACTUAL MONTH BUT IT WILL BE THE AVERAGE OVER THE YEAR WITH VACANCY, ETC..

>> CHAIR LOUIE: ONCE AGAIN FOR CLARITY FOR ME, I'M NOT A SHARP GUY SO YOU'RE GOING TO HAVE TO WALK ME THROUGH THIS, THE BENEFIT YOU'RE GETTING IS NOT IN THE INCREASE RENTAL, ONE IS EQUAL AND THE OTHER ONE IS CLOSE.

>> I WOULD SAY THAT'S TRUE.

>> CHAIR LOUIE: OKAY.THANK YOU.

>> THANK YOU.

>> COMMISSIONER HELSLEY: SIR, I JUST HEARD A FIGURE THAT KIND OF SURPRISES ME, A 30% VACANCY CHARACTERISTIC TO THESE FACES?

>> YES, DO YOU REMEMBER ALL THE LAP BANS, THOSE ARE ALL EMPTY BILLBOARDS, THEY CALL THEM REMINANCE SO IT'S LIKE BUYING REMNANT CARPET, YOU CAN BUY THE SCRAPS FOR CHEAP, CERTAIN COMPANIES WILL BY REMINANCE BECAUSE THOSE ARE HOLES AND YOU CAN SEE HOW EMPTY THE INDUSTRY IS, THEY'RE PAYING LESS THAN WHAT YOU WOULD HAVE TO PAY TO EVEN YOUR LANDLORD FOR THE RENT BUT IT'S FROM OUR PERSPECTIVE, WE CAN LOSE EVERYTHING THAT MONTH OR LOSE LESS, AND SO YOU CAN USUALLY SEE, BUT RIGHT NOW, I WOULD SAY SOME OF THE COMPANIES ARE 40, 50 PERCENT VACANT, IT'S A RECESSION, OUR COMPANY IS LESS THAN THAT, WE ARE IN THE 30% BECAUSE WE HAVE HIGHER CALIBER BILLBOARDS, EASIER TO SELL.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> THANK YOU.

>> CHAIR LOUIE: IS THERE ANYONE ELSE OF THE APPLICANT GROUP THAT WISHES TO MAKE A STATEMENT?

>> THANK YOU, GOOD MORNING, MY NAME IS JIM PERVIS, I REPRESENT SOUTH BAY FAMILY HEALTH CARE, IT IS A NON- PROFIT CORPORATION THAT PROVIDES PREVENTIVE AND DIAGNOSTIC AND OUT PATIENT MEDICAL SERVICES ON A LOCAL NEIGHBORHOOD BASIS, OPERATING APPROXIMATELY 7 OR 8 FACILITIES IN THE SOUTH BAY AREA, AND OUR ATTEMPT TO EXPAND HAS IDENTIFIED A PARTICULAR SITE IN WEST ATHENS COMMUNITY THAT FITS THE BILL FOR WHAT WE DO.THE ONLY PROBLEM IS THERE IS A LARGE BILLBOARD SIGN IN THE MIDDLE OF THE PROPERTY AND SO BULLETIN DISPLAYS THROUGH THEIR SETTLEMENT AGREEMENT HAS ARGUED TO REMOVE THE BILLBOARD SIGN SO WE ARE IN SUPPORT OF PROCEEDING WITH THE CONDITIONAL USE PERMIT AND THE APPROVAL OF TODAY'S APPLICATION TO ALLOW US TO CONTINUE TO PROCEED WITH OUR ESCROW AND HOPEFULLY CLOSE AND DEVELOP THE PROPERTY AS A NEIGHBORHOOD CLINIC.AND THEN ALSO I WILL SHARE WITH YOU THAT WE HAVE MET WITH HENRY PORTER WITH THE SOUTHWEST COMMUNITY ASSOCIATION ON SITE WHILE I DON'T HAVE ANYTHING BACK FROM HENRY IN WRITING AND AS MUCH AS OUR DISCUSSION WAS VERBAL AND PRELIMINARY BECAUSE WE DON'T YET OWN THE PROPERTY HE WAS SUPPORTIVE OF THIS TYPE OF FACILITY IN THIS LOCATION, SO WE WERE GLAD TO HAVE HENRY'S INPUT ON THE PROJECT.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER HELSLEY: A QUESTION.

>> CHAIR LOUIE: PLEASE.

>> COMMISSIONER HELSLEY: KIND OF OFF SUBJECT, ARE YOU GOING TO BE ADVERTISING APPS FOR THE SMART PHONES THAT ARE RELATED TO HEALTH CARE?

>> MY ROLE IS THE DEVELOPMENT MANAGER.

>> COMMISSIONER HELSLEY: OKAY, THANK YOU.

>> CHAIR LOUIE: OKAY, THANK YOU. AND MR. ROSS, DID YOU WISH TO MAKE ANY STATEMENT? PLEASE, STEP FORWARD.

>> MY NAME IS SCOTT ROSS, I REPRESENT THE WINDGATE HOTEL THAT IS AT 10300 LA CIENEGA BOULEVARD. WHEN WE RECEIVED THE SUMMONS FOR THIS BILLBOARD AND THE ADDRESS --

>> CHAIR LOUIE: EXCUSE ME, ARE YOU PART OF THE APPLICANT GROUP?

>> NO.

>> CHAIR LOUIE: NO.WHY DON'T WE HOLD YOUR COMMENTS TO THE PUBLIC COMMENT PORTION.

>> MR. ROSS IS THE LAST SPEAKER ON THIS ITEM.

>> CHAIR LOUIE: I'M SORRY, LET ME IDENTIFY YOU AS PUBLIC COMMENT, AND PLEASE, YOU CAN PROCEED.

>> OKAY, ONCE AGAIN, THE WINDGATE HOTEL AT 10300 LA CIENEGA, WHEN WE RECEIVED THE SUMMONS, THE ADDRESS WAS LISTED AS 10100 SOUTH LA CIENEGA BUT THE ARROW WAS POINTING DIRECTLY AT OUR HOTEL, WE'RE TALKING ABOUT LA CIENEGA CENTURY, SAPOVITA IS NOWHERE NEAR THIS LOCATION, THERE ARE CURRENTLY FOUR BILLBOARDS, ONE OF THE BILLBOARDS WE FOUGHT FOR AND WERE DENIED ITS REMOVAL.THE THREE BUILDINGS ON CENTURY ALL [INAUDIBLE] ON THEM OF ADVERTISEMENTS, I THINK THIS COULD CAUSE ISSUES BECAUSE IT'S NOT ON THE FREEWAY, IT'S ON A TRANSITION ROAD.I THINK THAT THE LOCATION, THERE'S TOO MANY BILLBOARDS CURRENTLY IN THAT AREA, SO I JUST HAVE TO STICK BY RULES THAT I DON'T KNOW.IF CALTRANS APPROVES IT AND THERE ARE -- IT'S NOT THE 500 FEET OR WHATEVER, THEN WE'LL AGREE WITH THE OUTCOME BUT AT THIS POINT, WE THINK THERE'S TOO MANY BILLBOARDS IN THE AREA, ONE MORE BILLBOARD IS GOING TO BLOCK THE VIEW OF OUR POTENTIAL OF OUR HOTEL, SEEING IT FROM THE HIGHWAY AND DON'T SEE THE NEED FOR IT AT THIS TIME.

>> CHAIR LOUIE: THANK YOU, ANY QUESTIONS?THANK YOU.SO, WE'VE HAD THE APPLICANT, WE'VE HAD PUBLIC COMMENT, THE APPLICANT NOW HAS TEN MINUTES IF THERE'S ANY REBUTTAL, FINAL STATEMENTS?

>> MARK KUDLER WITH BULLETIN DISPLAYS, I TRULY RESPECT THIS PERSON AND HIS OPINIONS, IT IS ORIENTED TO THE FREEWAY, THIS BILLBOARD, YOU CAN SEE IT IN THE PICTURE, THE 500 FOOT RULE HAS BEEN MET.WE HAVE A PRELIMINARY APPROVAL FROM CALTRANS THAT DENIED OUR APPLICATION ONLY FOR WHAT THEY CALL 5440 SECTION WHICH IS EXEMPTED FROM A SETTLEMENT, SO WHAT WE DID IS WE WENT AND GOT A PRELIMINARY DETERMINATION THAT SAID WHAT IF WE LATER BROWSING YOU THE SETTLEMENT AND WE KNOW IT'S GOING TO BE DENIED UNDER 5440 UNTIL WE GOT THE SETTLEMENT, BUT ARE THERE ANY OTHER CONDITIONS SUCH AS SPACING, AND THEY SAID NO, AND I KNOW STAFF ALSO LOOKS AS THIS ISSUE, THE PROPER SPACING, SO WE DON'T -- WE KNOW FOR A FACT THAT THAT'S NOT TRUE, BUT I RESPECT HIS OPINION.THERE WAS A BILLBOARD ON BOTH SIDES OF HIS HOTEL THAT ARE MUCH CLOSER THAN THIS ONE.THANK YOU.

>> CHAIR LOUIE: THANK YOU.FINAL QUESTIONS OF THE APPLICANT?THANK YOU VERY MUCH.

>> THANK YOU.

>> CHAIR LOUIE: QUESTIONS OF STAFF?

>> VICE-CHAIR VALADEZ: I HAVE NO QUESTIONS OF STAFF, MR. CHAIR,
BUT ARE WE TAKING 10 AND 11 AS ONE?WE'LL DO THEM SEPARATELY?

>> CHAIR LOUIE: NO.

>> VICE-CHAIR VALADEZ: SO, IF I MOVE ON 10, THAT'S ALL WE WOULD
DO RIGHT NOW.

>> CHAIR LOUIE: PLEASES.

>> VICE-CHAIR VALADEZ: I MOVE THE REAL PLANNING COMMISSION CLOSE
THE PUBLIC HEARING AND ADOPT A NEGATIVE DECLARATION.

>> MOVED, SECONDED, DISCUSSION?THOSE IN FAVOR?

>> AYE.

>> VICE-CHAIR VALADEZ: I MOVE THE REGIONAL PLANNING COMMISSION
APPROVE CONDITIONAL USE NUMBER 201200122 SUBJECT TO THE ATTACHED
FINDINGS AND CONDITIONS WITH CORRECTIONS.

>> COMMISSIONER HELSLEY: SECOND.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION?

>> COMMISSIONER HELSLEY: YES, I WOULD LIKE TO ASK STAFF AGAIN TO REITERATE AGAIN ITEM NUMBER 24 IN THE CONDITIONS WHERE IT WAS AS AGREED BY THE PERMITTEE NO ALCOHOL BEVERAGES, YOU MODIFIED THAT, I WOULD LIKE TO REMEMBER --

>> MR. SVITEK: THE MODIFICATION FROM THE DRAFT CONDITIONS WAS TO ALLOW THE ADVERTISING OF ALCOHOLIC BEVERAGES BECAUSE THE FREEWAY ORIENTED BILLBOARDS ARE NOT SUBJECT TO THAT RESTRICTION, ONLY BILLBOARDS WITHIN A CERTAIN DISTANCE OF SCHOOLS AND OTHER SENSITIVE USES.

>> COMMISSIONER HELSLEY: BUT WE ARE STILL LIMITING TOBACCO PRODUCTS AND ADULT PHONE MESSAGES?

>> MR. SVITEK: THAT'S CORRECT.

>> CHAIR LOUIE: SO, MOVED, SECONDED, NO FURTHER DISCUSSION. THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: OPPOSED?

>> COMMISSIONER MODUGNO: MR. CHAIR, I WOULD LIKE TO BE RECORDED AS A NO AND THE REASON IS THAT IN MY 33 YEARS OF PUBLIC SERVICE ON CITY COUNCILS AND PLANNING COMMISSIONS, WE GLORIOUSLY APPROVED AND FORMED THE CITY OF SANTA CLARITA IN 1997 AND ONE OF THE EARLIEST THINGS WE DID WAS PUT AN AMORTIZATION THROUGH A SIGN ORDINANCE ON BILLBOARDS, WE'RE NOW 26 YEARS INTO THAT PROCESS, THESE BILLBOARDS HAVE PASSED THE AMORTIZATION PERIOD, THEY CONTINUE TO EXIST AND I DON'T CARE IF -- I MEAN, THE APPLICANT WAS VERY ILLUSTRIOUS IN MONIES SPENT, IN SOME RECOVERY, WE'RE TALKING WHETHER RECOVERY IS IN YEARS, DECADES, CENTURIES OR MILLENNIA, I WILL NO LONGER APPROVE A BILLBOARD ORDINANCE OR A SIGN ORDINANCE WITHOUT A DEADLINE PERIOD TO IT.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD MAKE ONE MORE COMMENT, I WOULD CONCUR WITH MANY OF THOSE REMARKS BUT I DO UNDERSTAND THE NEED FOR THIS AND MOVING FROM THE LENNOX POSITION. THE AREA THAT MY COMMUNITY HAS VERY STRONGLY FOUGHT TO HAVE BILLBOARDS REMOVED FROM THE 101 CORRIDOR GOING THROUGH CALABASAS AND GRAY HILLS AND WEST LAKE AND THERE ARE VERY FEW

BILLBOARDS THERE LEFT, AND COMMISSIONER MODUGNO HAS LOCATED A BUSINESS IN AGOURA HILLS AND IT DOES HAVE THAT ORDINANCE WHICH I THINK IS APPRECIATED BUT IT'S A GENERALIZED COMMENT, THANK YOU.

>> CHAIR LOUIE: THANK YOU, GENTLEMEN.

>> AND MR. CHAIR, THE APPEAL PERIOD AGAIN ON THIS CONDITIONAL USE PERMIT RUNS THROUGH JUNE 26, 2013.

>> CHAIR LOUIE: THANK YOU. ITEM NUMBER 11, PROJECT NUMBER R201202176, MR. SVITEK?

>> MR. SVITEK: THIS AGENDA ITEM IS A REQUEST TO CONSTRUCT A FREEWAY BILLBOARD ADVERTISEMENT FROM THE GROUND LEVEL OF THE I110 FREEWAY LOCATED AT 800 SPRUCE LAKE IN THE HARBOR CITY ZONED DISTRICT. THE APPLICANT HAS AGREED TO RELOCATE AN EXISTING BILLBOARD FROM WESTERN AVENUE AND 120TH STREET ACROSS THE STREET FROM L.A. DEPARTMENT OF PUBLIC SOCIAL SERVICES. THE RELOCATION OF THE BILLBOARD WILL ALLOW FOR THE DEVELOPMENT OF THE SITE AS A PUBLIC HEALTH CLINIC, AS A RESULT, THE COUNTY HAS ENTERED INTO CONDITIONAL SETTLEMENT AGREEMENT WITH THE APPLICANT TO AUTHORIZE THE RELOCATION OF AN EXISTING BILLBOARD TO AN ALTERNATIVE SITE AND THIS SITE AT 800 SPRUCE LAKE WAS PART OF THE SETTLEMENT AGREEMENT ALONG WITH THE SITE TO RELOCATE TO 10100 LA CIENEGA BOULEVARD. THE

SIDE TO HAVE BILLBOARD WOULD BE RELOCATED TO A ZONE M2, BILLBOARDS ARE PERMITTED IN ALL EXTRA ZONES WITH A CUP. THE LOCATION NEAR THE INTERSECTION OF SAPOVITA BOULEVARD AND [INAUDIBLE] IS SUITABLE FOR A FREEWAY ORIENTED BILLBOARD. THE IMMEDIATE SURROUNDING AREA IS DEVELOPED WITH MANUFACTURING FACILITIES AND WAREHOUSES, THE AREA TO THE NORTH IS A LARGE COMMERCIAL AREA WHICH INCLUDES LARGE, BIG BOX COMMERCIAL STORES INCLUDING TARGET, GAS STATIONS, MOTELS AND FAST FOOD ESTABLISHMENTS, TO THE EAST IS THE 110 FREEWAY AND FURTHER EAST IS THE SANITATION DISTRICT'S FACILITY, THERE'S A RESIDENTIAL AREA TO THE WEST WHICH IS SUFFICIENTLY TO THE WEST ACROSS BERMONT AVENUE WHICH IS BUFFERED BY THE INDUSTRIAL BUILDINGS WHICH OBSCURE THE VISIBILITY OF THE BILLBOARD IN THE RESIDENTIAL AREA. I WOULD NOW LIKE TO BRING YOUR ATTENTION TO SEVERAL OF THE VISUALS FROM THE AREA. THIS IS SOUTHBOUND 110 AND THERE'S A CRANE WHERE IT'S IN THE SPOT WITH THE YELLOW MARKER, THAT'S WHERE THE BILLBOARD WOULD GO. THIS IS THE PROJECT SITE FACING NORTH, YOU SEE THE OVERHEAD UTILITY LINES AND THIS IS NORTHBOUND 110, YOU SEE ON THE VERY LEFT EDGE, THERE'S 110 FOOT WIRELESS TELECOMMUNICATIONS FACILITY AND THERE'S ALSO -- ONE OF THOSE POLE IS THE CRANE HOLDING A MARKER WHERE THE BUILD BOARD WOULD GO. AGAIN, THERE'S ANOTHER VIEW OF SOUTHBOUND, THERE'S THAT WIRELESS TOWER THAT MEASURES 110 FEET AND THE [INAUDIBLE] BILLBOARD. THE BILLBOARD IS CONSISTENT WITH THE HEIGHT AND BULK OF OTHER STRUCTURES IN THE AREA INCLUDING SEVERAL LARGE MANUFACTURING

FACILITIES, 110 TALL WIRELESS TELECOMMUNICATIONS TOWER, OVERHEAD UTILITY POLES AND OTHER BILLBOARDS IN THE SURROUNDING AREA.THE PROPOSED BILLBOARD MEETS THE DEVELOPMENT STANDARDS FOR BILLBOARDS AND THE HEIGHT AND BULK IS CONSISTENT WITH THE OTHER FREEWAY ORIENTED BILLBOARDS IN THE AREA.STAFF WOULD LIKE TO MODIFY TWO OF THE DRAFT CONDITIONS AS FOLLOWS, CONDITION NUMBER 4, WHICH RELATES TO INDEMNIFICATION WOULD BE MODIFIED TO START THE PARAGRAPH WITH SUBJECT TO THE INCLUSIONS CONTAINED IN PARAGRAPH 2.3 BETWEEN THE SETTLEMENT AGREEMENT BETWEEN THE COUNTY AND THE PERMITTEE AND CONDITION NUMBER 24 WHICH WOULD BE MODIFIED TO ALLOW FOR THE ADVERTISEMENT OF ALCOHOL BEVERAGES AS THE CODE DOES NOT PROHIBIT FREEWAY BILLBOARDS FROM ADVERTISING ALCOHOL, STAFF HAS PREPARED AN INITIAL STUDY AND HAS CONCLUDED A NEGATIVE DECLARATION IS APPROPRIATE AS THE PROJECT WILL HAVE LESS THAN SIGNIFICANT IMPACTS ON THE ENVIRONMENT.STAFF RECOMMENDS APPROVAL OF THIS PROJECT AND THIS CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH, QUESTIONS FROM THE COMMISSION?OKAY, NO QUESTIONS FROM THE COMMISSION.IS THE APPLICANT PRESENT?INDEED.

>> MY NAME'S MARK KUDLER, I'M WITH BULLETIN DISPLAY, ONCE AGAIN, I WANT TO THANK THE STAFF AND PLANNING COMMISSION FOR ENTERTAINING THIS, FOR THE STAFF FOR A LARGE AND DETAILED REPORT, I WOULD ALSO

LIKE TO MENTION IN ONE OF THOSE PHOTOS, IT SHOWED A LOFTED OF POWER LINES, ONE OF THE BENEFITS OF NOT ONLY HELPING THE COUNTY IN MOVING THESE SIGNS, WE'RE GOING TO REMOVE ESTHETICALLY A ROW OF THOSE POWER LINES, THERE'S TWO THERE AND TWO FURTHER DOWN, THAT'S ABOUT 60 [INAUDIBLE] THAT WE'RE GOING TO HAVE TO DO IN ORDER TO MITIGATE BUT ALSO IN ORDER TO ALLOW US TO BUILD THE SIGN, THE LANDLORD IS IN SUPPORT OF IT IMMENSELY BECAUSE WE'LL BE SUPPLYING HIM WITH NEW PANELS, ETC., THAT'S ANOTHER BENEFIT OF THIS PROJECT, AND MY COMMENTS ARE THE SAME, YOU SAW FROM THERE, I THINK THIS IS EVEN A BETTER SITE FOR PLANNING PURPOSES BECAUSE YOU HAVE A WATER REPLENISHMENT ON ONE SIDE, YOU HAVE HEAVY, HEAVY INDUSTRIAL, THIS IS A HEAVY INDUSTRIAL AREAS, OIL WELLS, WE'RE WELL OVER PROBABLY TWO AND A HALF TIMES THE REQUIRED DISTANCE FROM RESIDENCES, SO I THINK WE PLANNED THIS SITE VERY WELL.THERE WAS TWO COMMENTS THAT I WOULD LIKE TO ADDRESS JUST TO HELP THE PLANNING COMMISSION FOR NOW AND THE FUTURE, AMORTIZATION IS ALLOWED ON BILLBOARDS AS YOU KNOW, BUT NOT BY STATE LAW IF IT'S FREEWAY ORIENTED BILLBOARD, IT HAS TO INVOLVE COMPENSATION, SO AMORTIZATION IS BY STATE LAW PROHIBITED IN THAT CASE, BUT THAT'S WHY WE WENT TO THE RELOCATION AGREEMENT INSTEAD OF DOING THE TAKING, WE ACTUALLY CAN MOVE THE SIGN, SO WE'RE OPERATING WITHIN THAT SAME REALM UNDER THESE TWO SITUATIONS, AND I THOUGHT I HAD ANOTHER COMMENT.AND WE ARE WORKING WITH DIFFERENT COMMUNITIES, YOU KNOW, LIKE CAL BAS SAS AND OTHERS THAT ARE TRYING TO FIND THE RIGHT AREAS AND I THINK THAT'S WHAT THIS

WHOLE PROJECT IS ABOUT, MOVING THEM AWAY FROM CERTAIN AREAS AND INTO OTHER AREAS AND I GREATLY APPRECIATE AND I'M HAPPY TO ANSWER ANY QUESTIONS.

>> CHAIR LOUIE: THANK YOU, COMMISSIONER?

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I DIDN'T MEAN TO BE DISRESPECTFUL OF THE AMORTIZATION INDUSTRY, I LIKE DRIVING DOWN A ROAD AND SEEING SIGN, THEY KEEP ME ALERT, THEY MOTIVATE MY THOUGHT PROCESS, THEY DON'T OFTEN LEAD ME TO GO AND SPEND MONEY ON ANYTHING, BUT I DO FIND THEM SOMEWHAT ENTERTAINING. WHAT I OBJECT TO THOUGH WAS THE FACT THAT WHEN COMMUNITIES DO TRY TO PUT A STOP, AND I THINK YOU MENTIONED THE POINT IN TERMS OF THEN EXTRACTING PUBLIC DOLLARS BECAUSE OFTENTIMES THESE DO REQUIRE GOVERNMENT HAVING TO ACQUIRE OR REACHING SOME AGREEMENT. I JUST THINK THERE IS SOME TIME PERIOD THAT EVERYTHING HAS GOT A COST BENEFIT ANALYSIS AND WHETHER THAT NUMBER IS OUT 100 YEARS OR THAT NUMBER'S OUT 5 YEARS, I JUST PHILOSOPHICALLY THINK THERE SHOULD BE SOME AT LEAST EXPECTATION OF CONCLUSION AND WE'VE GONE THROUGH IN MY LIFETIME A NUMBER OF EARTHQUAKES IN CALIFORNIA, I'VE SEEN BILLBOARDS COME DOWN, I SEE THEM SORT OF GOING BACK UP AND IT'S THAT ASPECT OF IT THAT TO ME THAT THERE IS ALMOST A LIFE EXPECTANCY TO IT AND THAT SOME OF OUR MOVEMENT IS RESTRICTED BY STATE LAW AND THAT'S FINE AND THERE'S SOME FEDERAL LAW THAT PLAYS IN OTHER THINGS WHERE WE

LOOK AT THINGS LIKE CELLULAR TOWERS. I JUST PERSONALLY FEEL AS IF THERE SHOULD BE SOME NUMBER OUT THERE. I THINK THIS PROJECT IN OF ITSELF IS A FINE PROJECT, I THINK IT'S ADDING VALUE IN TERMS OF MOVING THE INDICATION YOU'VE GIVEN IN TERMS OF TAKING OUT SOME POWER LINES AND MAKING AN IMPROVEMENT TO THE AREA, THERE'S A VISUAL BENEFIT THAT IS DERIVED BUT THERE IS STUFF THAT'S GOING TO TAKE PLACE OVER THE NEXT 20 YEARS, 30 YEARS, 40 OR 50 YEARS THAT THE UNDERLYING PROPERTY MAY GO THROUGH SOME TRANSITION, AND AS THAT TRANSITION OCCURS, DOES THAT BILLBOARD RETAIN SOME SPECIFIC RIGHTS, AND THAT'S THE ASPECT OF IT TO ME AS A PLANNER THAT I FIND THE IMPEDIMENT THAT IS THERE BECAUSE OF SOME RIGHTS THAT SIT THERE THAT AN OWNER AND, AGAIN, YOU HAVE A LANDOWNER, YOU HAVE AN OPERATOR, BUSINESSES, THEY PASS THROUGH, VARIOUS ELEMENTS, THAT DURING ALL OF THAT ACTIVITY, PEOPLE HAVE DERIVED AND MADE INCOME AND AT SOME POINT IN TIME, INDUSTRY MAY JUST SAY, LOOK, NO ONE WANTS TO ADVERTISE OUTDOOR ANYMORE BECAUSE EVERYTHING IS ELECTRONIC, MAYBE THERE'S AVATARS OF ADVERTISING THAT JUST MIRACULOUSLY APPEAR TO YOU, BUT THAT BILLBOARD MAY STAY, AND I WOULD LIKE TO AT SOME POINT IN TIME BE ABLE TO -- AND I THINK FROM A PERSONAL STANDPOINT, I JUST DON'T WANT TO SUPPORT SOMETHING THAT DOESN'T HAVE SOME EXPECTATION TO SOCIETY THAT WE SAY THAT THERE IS SOME KNOWLEDGE, YOUR GREAT, GREAT GRANDCHILDREN CAN EXPECT THAT THIS IS NOT GOING TO BE THERE, SO THAT'S THE ONLY THING I'M THROWING OUT AND I DON'T THINK THAT YOU BASED UPON REPRESENTATION

UPON AN ORGANIZATION TODAY WILL SAY I ACCEPT THE FIVE YEAR LIFE EXPECTANCY, BUT THAT'S JUST WHERE I'M COMING FROM.IT'S JUST A PERSONAL, NOT VENDETTA, IT'S JUST AN OBSERVATION HAVING WORKED THROUGH THIS PROCESS AND FELT SOMEWHAT UNSUCCESSFUL AFTER 33 YEARS OF THIS OF STILL LOOKING AT BILLBOARDS THAT I ATTEMPTED TO PROPERLY AMORTIZE AND LISTEN TO THE INDUSTRY THERE AND SAY LISTEN, IF YOU GIVE ME 20 YEARS AND THEY'RE STILL THERE, AND THAT'S MY FRUSTRATION AFTER HAVING BEEN INVOLVED WITH PLANNING AFTER 33 YEARS.

>> I TOTALLY RESPECT YOUR OPINION, IT'S NOT ABNORMAL, IT'S NORMAL.I ATTEND A LOT OF THESE PLANNING COMMISSIONS IN DIFFERENT CITIES, AND THIS IS MY JOB, THIS IS WHAT I DO, I ENJOY WORKING WITH STAFF.I HAVE NEVER SEEN A PLANNING COMMISSION WITH THE LEVEL OF COMPASSION AND CRITICAL THINKING, SO I RESPECT YOUR COMMENT.I'M ALSO THE PRESIDENT OF THE CEDA ASSOCIATION, SO IF YOU FEEL THERE ARE SOME BOARDS IN THE WRONG AREA, I CAN SEE IF THE COMPANIES CAN ENTER INTO RELOCATIONS, THERE'S BEEN ABOUT A 4 TO 5 ATTRITION RATE FOR BILLBOARDS, SO THEY ARE GETTING REMOVED.THE BIGGEST WAY TO REMOVE THEM IS WHEN THE LANDLORD WANTS TO DEVELOP, A LOT OF THESE HAVE TO GO.WHILE THE STATE OR CITY OR COUNTY CAN'T ALWAYS FORCE IT, WHETHER THE DEVELOPER WANTS TO DEVELOP HIS PROPERTY WE'RE SUBJECT TO THEIR LAND LEASE, SO THAT'S USUALLY HOW THIS BIG ATTRITION RATE WHEN YOU THINK ABOUT IT, THAT'S A LARGE ATTRITION

RATE THAT'S HAPPENING WHEN YOU COMPARE 20 YEARS AGO, HOW MANY SIGNS ARE IN CALIFORNIA, HOW MANY THERE ARE TO TODAY, SO THERE'S THE NORMAL MARKET RATE OF CURING THAT PROBLEM, BUT I'M WILLING TO WORK WITH YOU AND I'M ALSO GOING TO APPROACH REGARDING THE OTHER ISSUE THE HOTEL TO SEE IF I CAN MITIGATE IN SOME WAY AND HELP THEM IN SOME WAY AND EVEN THOUGH THAT HAS ALREADY BEEN APPROVED, YOU KNOW, I WANT TO TALK TO HIM AND SEE IF THERE'S SOMETHING I CAN DO TO HELP HIM WITH ADVERTISING, SO I RESPECT YOUR QUESTION.

>> COMMISSIONER MODUGNO: I DON'T WANT TO PUT MYSELF IN A POSITION SAYING I'M SO BIASED THAT I WON'T LOOK AT CASES THAT DEAL WITH BILLBOARDS BECAUSE AGAIN, AS YOU SAY, THERE'S BEEN ATTRITION, I'M SORRY WE DON'T HAVE THOSE BURNISH THINGS ON THE HIGHWAY, I'M PROACTIVE IN TERMS OF BEING SUPPORTIVE OF THE INDUSTRY FROM THAT STANDPOINT, I WANT SOME EXPECTATION AT THE OTHER END AND RECOGNIZE THESE WERE DIFFERENT CASES BECAUSE OF THE RELOCATION AND IT'S PROBABLY NOT A POSSIBILITY, BUT AS FAR AS FUTURE ONES, YOU KNOW, LET'S SEE WHAT WE CAN DO.

>> I THINK YOU'RE RIGHT.

>> CHAIR LOUIE: THANK YOU, THANK YOU.OKAY.ANY PUBLIC COMMENT?

>> KUDLER WAS THE ONLY SPEAKER ON THIS ITEM.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS OF STAFF?

>> VICE-CHAIR VALADEZ: NONE.

>> COMMISSIONER HELSLEY: THE QUESTION OR THE POSITION I THINK THAT WE NEED TO RECOGNIZE IS THAT AS I SEE THIS, BOTH OF THESE SIGNS ARE MOVING TO A LOWER ECONOMIC COMMUNITY AND THERE ARE SECTIONS OF OUR FREEWAYS THAT ARE JUST LOADED WITH SIGNAGE AND THERE ARE OTHER SECTIONS OF OUR FREEWAY THAT -- FREEWAYS THAT ARE VERY OPEN AND I HAVE A CONCERN AT THAT POINT, ONE OF MY CONCERNS IN THE AGOURA HILLS AREA ARE POLE SIGNS AND THOSE ARE STILL THERE, THERE ARE STILL A NUMBER OF THOSE BUT THAT'S NOT BILLBOARDS.

>> CHAIR LOUIE: THANK YOU.

>> VICE-CHAIR VALADEZ: I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION.

>> THOSE IN FAVOR?

>> AYE.

>> VICE-CHAIR VALADEZ: I MOVE THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT 201200123 SUBJECT TO THE DRAFT AND CONDITIONS.

>> THOSE IN FAVOR?AYE.

>> THANK YOU.

>> AND MR. CHAIR, WITH THE OTHER BILLBOARDS CUP, THERE'S AN APPEAL PERIOD AND THAT RUNS THROUGH JUNE 26, 2013.

>> CHAIR LOUIE: THANK YOU VERY MUCH.I THINK WE'RE GOING TO TAKE A 10 MINUTE RECESS AND WE'LL RECONVENE AT 11:25.THANK YOU.(MEETING IS IN RECESS UNTIL 11:25).

>> SO, WE HAVE RECONVENED THE REGIONAL PLANNING COMMISSION MEETING AND WE ARE ON TO ITEM NUMBER 8, PROJECT NUMBER R201300520.MS. ARANDA.

>> MS. ARANDA: GOOD MORNING, MR. CHAIR, MEMBERS OF THE COMMISSION, MY NAME IS DIANA ARANDA AND I'M WITH THE ZONING EAST SECTION, TODAY'S AGENDA ITEM, NUMBER 8 IS A REQUEST BY THE APPLICANT, CHAWKAT JAJIEH FOR AN ADULT BUSINESS PERMIT TO AUTHORIZE THE OPERATION OF AN EXISTING ADULT ORIENTED BUSINESS

WITH LIVE BEER TRAINMEN AND THE LIGHT MANUFACTURING BILLBOARD ZONE WITHIN THE COMMUNITY OF AVOCADO HEIGHTS, IT IS A REQUEST TO LEGALIZE THE UNPERMITTED [INAUDIBLE] TO THE BUILDING, MODIFICATIONS TO THE FLOOR PLAN AND TO ADD ADDITIONAL PARKING SPACES. STAFF WILL NOW PROVIDE A BRIEF PROJECT UPDATE AND CURRENT INFORMATION. ON MAY 22, 2013, THERE WAS A PUBLIC HEARING FOR THE PROPOSED PROJECT WHICH WAS CONTINUED TO WEDNESDAY JUNE 12TH, 2013. THIS WAS FOR STAFF TO COORDINATE WITH THE BUSINESS LICENSE DEPARTMENT TO DISCUSS TITLE 7 COMPLIANCE, TO ENSURE THAT THE TAP ILLUSTRATED IN A PHOTOGRAPH IS REMOVED AND THAT THERE IS NO ALCOHOL BEING SERVED ON THE PREMISE. ON MAY 23, 2013, STAFF RECEIVED A COPY OF THE FLOOR PLAN AND CONDITIONS THAT WERE APPROVED AT THE 2011 BUSINESS LICENSE COMMISSION MEETING AND ON MAY 31, 2013, THE INVESTIGATOR SENT STAFF A COPY OF THE SECURITY PLAN APPROVED BY THE SHERIFF'S DEPARTMENT LICENSING DETAIL UNIT, THESE WERE SUBMITTED TO THE CONDITION AS ADDITIONAL MATERIAL ON JUNE 6, 2013. ON JUNE 4, STAFF RECEIVED CORRESPONDENCE FROM SERGEANT JEFFREY WALKER OF THE MAJOR CRIMES BUREAU VICE LICENSING DETAIL UNIT REPORTING INFORMATION OF THE MAY 16, 2013 PROSTITUTION OPERATION, HE REPORTED THAT AT THIS TIME, THE FIVE PROSTITUTION CASES ARE NOT READY TO BE SUBMITTED TO THE DISTRICT ATTORNEY'S OFFICE FOR FILING CONSIDERATION. DETECTIVE MILLER IS PRESENT TO ANSWER ANY QUESTIONS REGARDING THE PROSTITUTION OPERATION. ON JUNE 4, 2013, STAFF CONDUCTED AN UNANNOUNCED SITE INSPECTION WITH

DEPUTIES FROM THE SHERIFF'S DEPARTMENT AND INVESTIGATOR FROM THE BUSINESS LICENSE DEPARTMENT.THE FOLLOWING FINDINGS WERE OBSERVED AT THE SUBJECT PROPERTY.THE TAP LOCATED, THAT WAS LOCATED IN THE PHOTOGRAPHER WAS REMOVED, THERE WERE CHAIRS AND LAP DANCE STALLS LOCATED IN AN AREA THAT IS NOT VISIBLE TO THE PUBLIC, ADULT MERCHANDISE WAS LOCATED IN THE FRONT ENTRANCE AREA AND VISIBLE FROM THE PARKING LOT, LAW ENFORCEMENT WAS DENIED ACCESS TO THE PREMISE AND A LICENSED MANAGER AND SECURITY GUARD WERE NOT PRESENT AT THE BUSINESS, ON JUNE 10, 2013, STAFF RECEIVED A MEMO FROM THE SHERIFF'S DEPARTMENT STATING THAT BASED ON THE VIOLATIONS THAT WERE UNCOVERED AT THE INSPECTION, INVESTIGATOR PEDROSA DENIED THE CURRENT TTC REFERRAL, THIS DENIAL MAY RESULT IN A HEARING WITH THE BUSINESS LICENSE BUREAU SOMETIME IN THE NEAR FUTURE, AT THIS TIME, THE BUSINESS LICENSE HAS NOT GRANTED A LICENSE TO OPERATE, A REPRESENTATIVE OF THE BUSINESS LICENSE DEPARTMENT IS PRESENT TO ANSWER ANY QUESTIONS REGARDING BUSINESS LICENSE REGULATIONS AND PROCESSES.THE MEMO SUBMITTED TO THE COMMISSION PRIOR TO THE REGIONAL PLANNING COMMISSION MEETING AND THERE ARE COPIES AT THE BACK AREA OF THE HEARING ROOM FOR THE PUBLIC.THIS CONCLUDES MY PRESENTATION AND I'M AVAILABLE TO ANSWER ANY QUESTIONS.

>> CHAIR LOUIE: THANK YOU VERY MUCH.NO QUESTIONS.IS THE APPLICANT PRESENT?

>> MS. ARANDA: THE APPLICANT IS PRESENT.

>> YES, MR. CHAIR, WE HAVE ROGER DIAMOND, ATTORNEY FOR THE APPLICANT, AND THE APPLICANT, MR. JAJIEH.

>> CHAIR LOUIE: GENTLEMEN, HAVE YOU BEEN SWORN IN?

>> YES.

>> CHAIR LOUIE: AND YOU'RE ANSWERING FOR HIM?

>> WE ARE BOTH SWORN IN.

>> CHAIR LOUIE: THANK YOU VERY MUCH, YOU'LL HAVE 15 MINUTES TO PRESENT ON THIS MATTER.

>> THANK YOU VERY MUCH.

>> CHAIR LOUIE: GREEN LIGHT, 15 MINUTES.

>> I KNOW YOU'RE A HARDWORKING COMMISSION.

>> CHAIR LOUIE: YOU'LL NEED TO STATE YOUR NAME.

>> YES, ROGER DIAMOND, ATTORNEY FOR THE APPLICANT.

>> CHAIR LOUIE: THANK YOU.

>> MR. JAJIEH PURCHASED THIS PROPERTY IN 2007 AND HAS BEEN TRYING EVER SINCE THEN TO GET ALL OF THE REQUIRED PERMITS AND LICENSES. HE'S APPLIED HERE TO GET A CUP, HE'S ALSO APPLIED TO THE BUSINESS LICENSE COMMISSION, BUT THE BUSINESS LICENSE COMMISSION TAKES THE POSITION THAT UNTIL A CUP IS ISSUED BY THE PLANNING COMMISSION OR BY THE SUPERVISORS ON APPEAL THAT NO ACTUAL BUSINESS LICENSE CAN BE ISSUED, HOWEVER, UNOFFICIALLY, THEY INDICATED TO MR. JAJIEH THAT SINCE THIS PROPERTY'S BEEN USED AS AN ADULT CABARET FOR 30 YEARS AND HE'S ONLY BEEN OPERATING IT SINCE SEPTEMBER OF 2007 THAT HE COULD CONTINUE TO OPERATE IT NATURALLY REQUIRING HIM TO REQUIRE TO PURSUE THIS PERMIT WHY WE'RE HERE FOR TODAY AS WELL AS GOING BACK TO THE BUSINESS LICENSE COMMISSION WHICH HE PAID THOUSANDS OF DOLLARS IN FEES TO GET THE LICENSE. NOW, AS A PLANNING COMMISSION, MOST OF YOUR CASES DEAL WITH DISCRETIONARY MATTERS, THINGS INVOLVING THE SALE OF ALCOHOL, OTHER ISSUES, RESTAURANTS AND SO FORTH, BUT A STRIP CLUB IS DIFFERENT, IT'S UNIQUE AND IT MAKES YOUR JOB MUCH MORE DIFFICULT TO SOME EXTENT ALTHOUGH IT OUGHT TO MAKE IT EASIER. WHAT MAKES IT MORE DIFFICULT IS YOU'RE NOT USED TO DEALING WITH ADULT CABARETS WHICH ARE PROTECTED BY THE FIRST AMENDMENT TO THE U.S. CONSTITUTION,

BECAUSE OF THAT, THE COUNTY IS LIMITED IN ITS ZONING AUTHORITY AS TO WHERE IT CAN BAN AND WHERE IT CAN PERMIT THESE SORTS OF BUSINESSES, THE COUNTY DOES NOT HAVE THE AUTHORITY TO TOTALLY BAN ADULT CABARETS SUCH AS THIS ONE, IT HAS TO MAKE ITS ZONING LAWS REASONABLY AVAILABLE TO ALLOW THESE SORTS OF BUSINESSES TO OPERATE BUT WITHIN LIMITS AND THE COUNTY HAS DONE THAT AND THIS PARTICULAR AREA WHERE THIS CLUB HAS BEEN OPERATING FOR 30 YEARS IS ZONED FOR THIS USE.THERE AREN'T TOO MANY PROPERTIES IN THE COUNTY THAT ARE ZONED CORRECTLY.THIS IS ONE OF THEM AND THEREFORE YOUR AUTHORITY IS RATHER LIMITED, IN FACT, I THINK THE STAFF REPORT INDICATES THAT YOU HAVE A MINISTERIAL DUTY TO ISSUE THE PERMIT AND I KNOW THIS CUTS AGAINST THE GRAIN BECAUSE YOU'RE USED TO EXERCISING A LOT OF DISCRETION TO DECIDE WHO, FOR EXAMPLE, A RESTAURANT OUGHT TO BE ABLE TO SELL ALCOHOL FROM 11:00 P.M. UNTIL 2:00 A.M., THAT'S SOMETHING TOTALLY WITHIN YOUR DISCRETION, YOU DON'T HAVE THAT DISCRETION HERE.MR. JAJIEH WAS HERE ON MAY 22 AND AT THAT TIME, THE STAFF RECOMMENDED APPROVAL AND I BELIEVE THAT MY CLIENT HAS ALL OF THE NECESSARY STAFF APPROVALS FROM THE FIRE DEPARTMENT, FROM THE HEALTH DEPARTMENT, EVERYBODY HAS APPROVED IT WITH ONE EXCEPTION WHICH I'LL GET TO IN A MOMENT, AND THAT APPARENTLY IS THE SHERIFF'S DEPARTMENT AND BECAUSE WHAT THE SHERIFF'S DEPARTMENT DID AND WE OBJECT TO ALL THEY'VE DONE BECAUSE IT'S NOT WITHIN THE SCOPE OF THIS PLAN COMMISSION'S JURISDICTION, IN ANTICIPATION OF THE MAY 22 HEARING, THE SHERIFF WENT OUT AND CONDUCTED A MASSIVE

RAID AT THE LOCATION, THEY TORE OUT MUCH OF HIS EQUIPMENT INCLUDING SURVEILLANCE CAMERAS IN AN OBVIOUS ATTEMPT TO PREVENT MR. JAJIEH FROM SHOWING YOU OR ANYBODY WHAT ACTUALLY HAPPENED ON MAY 22.THEY RIPPED OUT EQUIPMENT FROM THE WALL BUT THEY DIDN'T GET EVERYTHING, WE BROUGHT A DISK HERE TO SHOW YOU EXACTLY WHAT HAPPENED, BUT UNFORTUNATELY, IT'S NOT COMPATIBLE WITH YOUR EQUIPMENT HERE AND WE APOLOGIZE FOR THAT, WE'RE NOT A TECH SAVVY ENOUGH TO MAKE EVERYTHING COMPATIBLE, BUT THE BOTTOM LINE IS AND THE SHERIFF IS HERE AND HE CAN ANSWER FOR HIMSELF, HE RAN AMUCK WITH NO SEARCH WARRANT, NO ARREST WARRANT, NO PERMISSION FROM THIS COMMISSION, MAY 16, THEY RAIDED THE PLACE, SHUT IT DOWN AND PURPORTED TO ARREST FOUR OR FIVE DANCERS IN ALLEGEDLY PARTICIPATING IN PROSTITUTION, THAT WAS COMPLETELY IMPROPER, NONE OF THE WOMEN THAT WERE CITED AND ARRESTED BY THE SHERIFF DEPUTIES HAVE BEEN TO COURT YET TO ENTER A PLEA OF GOT GUILTY WHICH THEY INTEND TO DO, THERE'S BEEN NO ADJUDICATION OF THE ALLEGED CONDUCT THAT THEY ALLEGEDLY ENGAGED IN SO THERE'S NO COURT DECISION ON WHAT HAPPENED.WE INTEND TO GO FORWARD WITH THAT BUT THIS IS NOT THE APPROPRIATE BODY OR FORUM TO DEAL WITH IT, SO WE'RE NOT REALLY SURE WHAT THE STAFF'S POSITION IS.I KNOW THAT ON MAY 22, THE RECOMMENDATION WAS FOR APPROVAL AND REALLY SINCE MAY 22, NOTHING HAS HAPPENED THAT WOULD JUSTIFY RESCISSION OF THAT RECOMMENDATION OF APPROVAL, THE RAID OF MAY 16 WITH ITS DESTRUCTION OF MR. JAJIEH'S BUSINESS AND DESTRUCTION OF ALL OF HIS EQUIPMENT, RIPPING

THINGS OUT OF THE WALL IS ONLY FITTING FOR A GOVERNMENT THAT BELIEVES IN TOTALITARIAN ACTIVITY, THIS IS NOT CONDUCT FITTING A DEMOCRACY, THIS IS NOT CONDUCT FITTING LOS ANGELES COUNTY, THE SHERIFF'S DEPARTMENT IN PARTICULAR SHOULD BE ASHAMED OF THE ACTIONS THEY'VE ENGAGED IN HERE. NOW, MY CLIENT STILL IS ENTITLED TO HAVE THE PERMIT ISSUED, AS SOON AS HE GETS HIS PERMIT FROM THIS COMMISSION, HE WILL THEN RETURN TO THE BUSINESS LICENSE COMMISSION TO COMPLETE THE PROCESS TO GET HIS LICENSE. IT'S INTERESTING, I'M AN OLD MAN ACTUALLY AND I LOOK EVEN OLDER BECAUSE I HAD DISK SURGERY ON MY BACK SO I APOLOGIZE IF I'M A LITTLE GRUFF HERE, I ORIGINALLY STARTED MY CLEAR BEFORE THE PUBLIC WELFARE COMMISSION, THAT'S HOW FAR BACK I GO IN THE COUNTY, LATER THEY CHANGED THEIR NAME TO THE BUSINESS LICENSE COMMISSION BECAUSE PUBLIC WELFARE SMACKED OF SOME KIND OF TALIBAN OPERATION SO THEY WANTED TO MAKE THEMSELVES A LITTLE MORE PALATABLE, BUT IN THAT CASE, THE 1969 CASE WHICH I WON BEFORE THE PUBLIC WELFARE COMMISSION, THE SUPREME COURT STRUCK DOWN THE LICENSING ORDINANCE THAT PURPORTEDLY GAVE LICENSING OFFICIALS UNBRIDLED DISCRETION TO DECIDE WHETHER SOMEBODY GETS A PERMIT OR DENY ADD PERMIT, THEY TALKED ABOUT SUCH THINGS ABOUT WHETHER THE CONDUCT IS CONSISTENT WITH THE PUBLIC WELFARE, SAFETY OF THE COMMITTEE, WHETHER IT'S AGAINST OR CONSISTENT WITH THE PUBLIC MORALS, THAT SORT OF THING AND ALSO IF YOU HAD A PRIOR CONVICTION FOR VARIOUS CRIMES, YOU WERE DISQUALIFIED IN ENGAGING IN FIRST AMENDMENT ACTIVITY, OUR COURTS

DO WHAT THIS COMMISSION SHOULD ALSO DO WHICH IS TO FOLLOW THE RULE OF LAW AND NOT JUST USE YOUR OWN DISCRETION BECAUSE I KNOW A LOT OF YOU PROBABLY DON'T LIKE ADULT CABARETS BUT FORTUNATELY WE LIVE IN A SOCIETY WHERE WE HAVE TO OBEY THE RULES AND THE RULES ARE THAT MY CLIENT IS ENTITLED TO THIS PERMIT SO WE RESPECTFULLY ASK THAT YOU ISSUE IT, I'M NOT SURE HOW MUCH TIME I HAVE, DO I SAVE TIME FOR REBUTTAL, I HAVE 8:05, SO WE'RE COUNTING DOWN.

>> CHAIR LOUIE: YOU WILL HAVE TIME FOR REBUTTAL AS WELL.

>> SO, IN CONCLUSION, IT'S ZONED HEAVY INDUSTRIAL, THIS IS FAR AWAY FROM ANY TYPE OF WHAT WE CALL SENSITIVE USES. IN OTHER WORDS, NO SENSITIVE USE IS IMPACTED BY THIS PARTICULAR BUSINESS. IT'S BEEN THERE FOR 30 YEARS, AND ARGUABLY, IT'S GRANDFATHER IN AND MY CLIENT SHOULDN'T BE HERE BUT WE ALL LOVE TO BE HERE BEFORE THIS COMPRISING AND WE DON'T MIND SPEAKING TO YOU AND WE LOOK FORWARD TO ALL THESE QUESTIONS THAT I'M SURE YOU'RE GOING TO ASK OF US BUT WE DON'T BELIEVE HE EVEN NEEDS A PERMIT BECAUSE WE THINK HE'S GRAND FATHERED IN, BUT WHY SPEND TAX MONEY WHEN HE CAN COME HERE AND GET THE PERMIT WHICH WE RESPECTFULLY REQUEST THAT YOU GRANT. THE SITUATION WITH THE BUSINESS LICENSE COMMISSION IS INTERESTING BECAUSE WHILE THEY UNOFFICIALLY TOLD HIM THAT HE WOULD GET HIS LICENSE AND WHILE THEY UNOFFICIALLY PURPORTED TO IMPOSE CONDITIONS, THEY DIDN'T GIVE HIM THE LICENSE, BUT THEY ALSO SAID

HE COULD CONTINUE TO OPERATE, SO HE'S TORN IN A SORT OF A GRAY AREA BECAUSE HE'S OPERATED WITH A BLESSING OF THE COUNTY, YET NOW APPARENTLY THE COUNTY IS CLAIMING SOME TECHNICAL VIOLATIONS, FOR EXAMPLE, AS I UNDERSTAND IT, WHEN THE INVESTIGATORS WENT TO THE LOCATION ON JUNE 4, THE PERSON WHO WAS THERE WOULD NOT ALLOW THE INSPECTION TO GO FORWARD UNTIL THE MANAGER COULD BE CALLED, AND THEREFORE THEY'RE CLAIMING THAT'S A VIOLATION OF SOME CONDITION. IT'S NOT BECAUSE TECHNICALLY, THERE ARE NO CONDITIONS THAT HAVE BEEN IMPOSED YET, BUT RATHER THAN RELY UPON THAT TECHNICAL ARGUMENT, I WOULD LIKE TO POINT OUT THAT NO REASONABLE PERSON AT THIS LOCATION WOULD HAVE ALLOWED SHERIFFS TO COME IN GIVEN THE HORRIBLE CONDUCT THEY ENGAGED IN JUST A SHORT TIME AGO ON MAY 16TH WHEN THEY LITERALLY RANSACKED THE PLACE, VANDALIZED IT AND DESTROYED IT. THEY DID THAT, IT'S NOT EVEN GOING TO BE DISPUTED, WE HAVE THE DISK TO SHOW IT, ALTHOUGH WE DON'T HAVE THE RIGHT COMPATIBILITY, SO MR. JAJIEH CAN ALSO ADDRESS IF HE WANTS TO SPEAK NOW OR WE CAN SAVE MORE TIME, THE PLACE IS KNOWN AS HOLLYWOOD EAST, IT COMPLIES WITH EVERYTHING, IF YOU WANT TO IMPOSE THE CONDITIONS, I THINK THE STAFF HAD ALREADY RECOMMENDED CONDITIONS OR THE SHERIFF IN PRESENTING THIS MATTER TO THE BUSINESS LICENSE COMMISSION RECOMMENDED CONDITIONS WHICH MR. JAJIEH DID NOT OPPOSE AND HE READILY ACCEPTED SO AS FAR AS HE'S CONCERNED, HE'S COMPLYING WITH THE CONDITIONS EVEN THOUGH TECHNICALLY UNTIL THEY'RE FORMALLY INFORMED BY YOU AND BY THE

BUSINESS LICENSE COMMISSION, THEY'RE PROBABLY NOT OPERATIVE, THERE'S NO REASON THAT I SHOULD HAVE TO TAKE ALL MY TIME SO I THINK IT'S SOMETIMES HELPFUL TO CUT THEIR TIME SHORT, I'M NOT SUGGESTING THAT ANYBODY ELSE DO THIS, BUT THERE'S NO NEED TO FILL UP ALL OF THE TIME SO I WILL STOP MY REMARKS NOW, AND MR. JAJIEH, IF YOU WANT TO SPEAK OR -- HE'LL JUST WAIT FOR QUESTIONS.AND FINALLY AS I SAID, THE STAFF RECOMMENDED APPROVAL ON MAY 22, THAT APPROVAL HAS NOT BEEN RESCINDED SO THE APPROVAL RECOMMENDATION STANDS.THANK YOU VERY MUCH.

>> CHAIR LOUIE: THANK YOU.QUESTIONS FROM THE COMMISSION?

>> VICE-CHAIR VALADEZ: NO, THANK YOU VERY MUCH, MR. DIAMOND.WE ARE AWARE THAT STAFF DID HAVE THAT RECOMMENDATION AND WE HAVE QUESTIONS OR WE HAVE BEEN INVESTIGATING OURSELVES, GETTING INFORMATION OURSELVES FROM THE BUSINESS LICENSING, ETC., AND WE HAVE REPRESENTATIVES HERE WHO ARE GOING TO PROVIDE ADDITIONAL INFORMATION TO US.

>> I DO HAVE ONE POINT OF ORDER OF QUESTION WE ASK SINCE WE STILL HAVE 4 MINUTES AND 46 SECONDS AND THAT IS THAT, TO THE EXTENT THAT THE SHERIFF HAS MADE UNFOUNDED ACCUSATIONS OR TO THE EXTENT THEY HAVE COMMUNICATED WITH STAFF, WOULD IT BE PERMISSIBLE TO CALL THE SHERIFF DEPUTIES IN QUESTION AND CROSS-EXAMINE THEM, I WOULD LIKE

TO DO SO BECAUSE ONE OF THE DEPUTIES THAT ENGAGED IN THE SET CONDUCT, HE IS HERE, IF THIS IS TO BE TRANSFORMED IN A MINI TRIAL WHERE ACCUSATIONS WOULD BE THROWN OUT, WE WANT THE OPPORTUNITY TO CROSS-EXAMINE THE SHERIFF IF HIS RECOMMENDATIONS ARE GOING TO BE SEEN AS TRUE, SO WE WOULD LIKE THE OPPORTUNITY TO CALL THE DEPUTY SHERIFF AS A WITNESS AND QUESTION HIM IF WE'RE GIVEN THAT OPPORTUNITY AND WE STILL HAVE 4 MINUTES AND 12 SECONDS PLUS TWO TIME-OUTS TO ASK THAT QUESTION AND THE TWO MINUTE WARNING.

>> CHAIR LOUIE: MR. DIAMOND, THERE ARE MANY THINGS THAT I AM NOT AND ONE OF THEM IS AN ATTORNEY AND NOT A JUDGE SO MY VISION IS WE'RE GOING TO RESTRICT THIS TO A TRADITIONAL HEARING BEFORE THE REGIONAL PLANNING COMMISSION, SO THE ABILITY TO CALL SOMEONE FORTH AND CROSS-EXAMINE IS NOT -- YOU WILL HAVE A CHANCE TO DO REBUTTAL.

>> BUT WHAT DO WE DO WHEN AN ACCUSATION IS MADE THAT WE DON'T AGREE WITH BUT WE CAN'T CHALLENGE THAT PERSON DIRECTLY, WE'RE STUCK.

>> COMMISSIONER MODUGNO: NO, YOU HAVE THE LAST WORD.

>> BUT WE DON'T HAVE THE ABILITY TO QUESTION THE DEPUTY, THAT'S THE PROBLEM.WE DO RESPECTFULLY REQUEST THAT OPPORTUNITY.

>> CHAIR LOUIE: I UNDERSTAND YOUR CONCERN, UNFORTUNATELY, I DON'T BELIEVE THIS IS THE FORUM TO HAVE THAT KIND OF DISCUSSION.

>> I AGREE IT'S NOT THE FORUM BUT THE COMMISSION SHOULDN'T CONSIDER ANY OF THE ACCUSATIONS BUT WREATHED TO GO BY THE RECOMMENDATION BY STAFF, BY THE CODE AND BY THE MINISTERIAL OBLIGATION TO ISSUE THE PERMIT WITH OR WITHOUT CONDITIONS, SO WE WOULD AGREE THAT THIS IS NOT THE PLACE FOR A TRIAL, BUT IF YOU'RE GOING TO ACCEPT REPRESENTATIONS MADE BY THE SHERIFF, THEN WE WOULD WANT THE OPPORTUNITY TO CONFRONT AND CROSS-EXAMINE THE ACCUSER.

>> CHAIR LOUIE: YOUR KENT ARE NOTE AND HAD APPRECIATED.

>> THANK YOU VERY MUCH.

>> CHAIR LOUIE: DO YOU HAVE ANY FURTHER STATEMENT TO MAKE AS FAR AS THE APPLICANT?OKAY, ANY QUESTIONS?THANK YOU VERY MUCH, WE'LL CALL ON PUBLIC COMMENT, YOU'LL HAVE A TEN MINUTE PERIOD OF TIME TO WHICH TO DO REBUTTAL AFTER THE PUBLIC COMMENT.THANK YOU.YOU CAN VACATE THE TWO CHAIRS.THOSE TWO CHAIRS, THE ONES THAT YOU'RE SITTING IN.

>> YOU SAID TO LEAVE.

>> CHAIR LOUIE: THAT'S CORRECT.

>> MR. CHAIR, WE HAVE --

>> CHAIR LOUIE: DON'T GO TOO FAR AWAY.

>> WE'LL JUST BE DOWN THE STREET.

>> WE HAVE FOUR MORE SPEAKERS ON THIS ITEM, TWO FROM THE SHERIFF'S DEPARTMENT, JOHN BABBITT AND KATHLEEN MILLER, ARE THEY HERE? PLEASE COME FORWARD. AND WE ALSO HAVE TWO REPRESENTATIVES FROM THE TREASURE TAX COLLECTOR, ROSELIN COOPER AND CHRISTINA HERNANDEZ.

>> CHAIR LOUIE: FOLKS, HAVE YOU BEEN SWORN IN?

>> NO.

>> CHAIR LOUIE: AND ARE YOU HERE TO MAKE PUBLIC STATEMENTS OR TO ANSWER QUESTIONS OR BOTH?

>> TO MAKE A STATEMENT AND I GUESS TO ANSWER QUESTIONS AS WELL.

>> CHAIR LOUIE: OKAY, VERY GOOD, THOSE OF YOU WHO HAVE NOT BEEN SWORN IN, LET ME SWEAR YOU IN. RAISE YOUR RIGHT HAND. (SWEARING-IN

OF WITNESSES).THANK YOU VERY MUCH.I'M LOOKING AT THIS AS PUBLIC COMMENT.YOU'LL HAVE THREE MINUTES TO MAKE YOUR STATEMENT AND YOU CAN BEGIN BY STATING YOUR NAME.

>> MY NAME IS JOHN BABBITT, BABBITT, THE BUSINESS IN QUESTION IS IN THE AREA THAT I'M RESPONSIBLE FOR, THE INDUSTRY STATION AND THE SHERIFF'S DEPARTMENT OPPOSES THE RENEWAL OF THE PERMIT OR THE ISSUANCE OF A PERMIT BASED UPON THE OPERATION THAT WAS RUN AT THAT LOCATION BY OUR MAJOR CRIMES BUREAU IN MAY, ACTUALLY, TWO OPERATIONS, AND I WOULD REFER TO DETECTIVE MILLER TO SPEAK ABOUT THAT.MY DEPUTIES, THREE DEPUTIES THAT I SUPERVISE WERE PRESENT ON JUNE 4 WHEN THE LAST INSPECTION OF THE BUSINESS TOOK PLACE.THEY -- SOME THINGS WERE BROUGHT TO MY ATTENTION.MY BIGGEST CONCERN ON THAT IS THE UNIFORMED DEPUTIES WERE DENIED IMMEDIATE ACCESS TO THE LOCATION.THE COUNSELOR FOR THE BUSINESS OWNER SAID THAT THE DEPUTIES WESTBOUND DENIED THE ABILITY TO DO THE INSPECTION, THE DEPUTIES WERE LEFT STANDING AT THE DOOR, THEY WERE DENIED ENTRANCE INTO THE LOCATION PENDING A MANAGER COMING AND APPROVING IT.AS A BUSINESS OPEN TO THE PUBLIC, IT'S MY UNDERSTANDING AND THE UNDERSTANDING OF MY DEPUTIES AND THE INSPECTORS THAT THEY ARE REQUIRED TO OPEN THE DOOR AND ALLOW DEPUTIES IMMEDIATE ACCESS, SO THE DEPUTIES WERE LEFT STANDING AT THE DOOR FOR A PERIOD OF TIME WHILE A MANAGER OR SUPERVISOR OF SOME SORT CAME TO THE DOOR AND APPROVED THEIR ENTERING.AT THAT TIME, I WAS NOT PRESENT AT THIS

OPERATION, I ATTEMPTED TO BE THERE BUT I WAS ATTENDING AT THE FIRE AT SANTA CLARITA. AT THAT TIME, NO LICENSE MANAGER WAS PRESENT AT THE LOCATION, APPARENTLY THAT WOULD BE A VIOLATION OF 7.92050, SECTION P, L.A. COUNTY CODE, THE PERSON PURPORTED TO BE THE MANAGER OR SUPERVISOR, MR. MOHAMMED, J JAJIEH, THE OWNER'S BROTHER DOES NOT HAVE THIS LICENSE, I BELIEVE HE WAS THE PERSON THAT FINALLY CAME AND AUTHORIZED ENTRY FOR THE DEPUTIES AND THE INSPECTION PARTY INTO THE LOCATION. THE DEPUTIES ALSO SAW ADULT MATERIAL DISPLAYED IN THE SIDE ROOM PRIOR TO THE ENTRANCE, SEX TOY TYPE OF MATERIAL, I DID A SITE VISIT OF THE LOCATION IN MAY AND SAW THIS ALSO. THAT WOULD BE A VIOLATION OF 7.92050J, L.A. COUNTY CODE, AND THE VIP ROOMS AT THE LOCATION ARE CLOSED OFF FROM THE REST OF THE BUSINESS WITH CURTAINS, SO IT IS THE OPINION OF THE INVESTIGATOR THAT THAT WOULD BE -- THEREFORE, THEY WOULD BE WALLED IN.

>> CHAIR LOUIE: LIEUTENANT, I'M GOING TO HAVE TO ASK YOU TO CONCLUDE.

>> OH, I'M SORRY. ONE FURTHER THING THEN, THE COUNSELOR FOR THE BUSINESS THAT WOULD BE WITHOUT CHALLENGE, WHAT HE ALLEGEDLY HAS ON THE DVD OF THE DESTRUCTION AND VANDALISM THAT THE DEPUTY HAS COMMITTED, I HAVE NOT HAD AN OPPORTUNITY TO VIEW THAT. I SPOKE TO DEPUTIES THAT WERE THERE AND THAT CERTAINLY WILL NOT BE WITHOUT

CHALLENGE, SO THE SHERIFF'S DEPARTMENT IS OPPOSED TO IT AND I'LL DEFER TO DETECTIVE MILLER TO SPEAK ABOUT THE ACTUAL OPERATIONS.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER MODUGNO: MR. CHAIR, I HAVE A QUESTION.THERE HAS BEEN ADULT BUSINESS ON THIS SITE FOR MULTIPLE YEARS, AND OUR NORMAL PROCESS AND I JUST WANT SOME CLARIFICATION FROM STAFF, IS THE PERMIT THAT WE ARE BEING ASKED TO APPROVE A PERMIT THAT RUNS WITH THE LAND OR PERMITS FOR THE SPECIFIC APPLICANT?

>> THE ADULT BUSINESS PERMIT WOULD APPROVE THE USE FOR THE LAND.

>> COMMISSIONER MODUGNO: OKAY, SO I WANT TO GO BACK IN TERMS OF -- THE RESPONSE THAT YOU MADE BECAUSE THIS HAS BEEN UNDER CONTINUOUS OPERATION OR INTERMITTENT OPERATION FOR MULTIPLE YEARS, THE ZONING IS CORRECT FOR THIS TYPE OF BUSINESS.WAS YOUR OBJECTION THEN TO ANY ADULT BUSINESS ON THIS PREMISE OR WAS IT SPECIFICALLY TOWARDS THIS APPLICANT?THERE'S A DUAL THING, WE'RE HERE -- WE'RE BEING ASKED TO APPROVE A PERMIT THAT RUNS WITH THE LAND.THE OWNER OF THE LAND IS ASKING FOR THAT PERMIT, HE INCIDENTALY HAPPENS TO BE THE OPERATOR, BUT THE PERMISSION THAT -- OUR SCOPE IS QUITE LIMITED.OUR SCOPE IS ONE THAT IS LIMITED TO THE LAND ITSELF, NOT NECESSARILY TO THE OPERATOR OR THE OPERATION, AND SO WHEN YOU PUT

ON RECORD THAT YOU'RE OPPOSED TO THIS OR THE SHERIFF'S OPPOSED TO IT, IS THAT OPPOSITION TO ANY ACTIVITY OF AN ADULT ORIENTATION ON THIS SITE OR IS IT SPECIFICALLY BECAUSE OF THE OPERATION THAT YOU OR YOUR DEPUTIES HAVE OBSERVED?

>> THE SHERIFF'S DEPARTMENT DOESN'T OPPOSE ADULT BUSINESSES LEGALLY OPERATED BUSINESSES Z THE SHERIFF DEPARTMENT OPPOSES THIS BUSINESS BECAUSE OF THE PROSTITUTION ACTIVITY THAT HAS TAKEN PLACE ON THAT SITE

>> COMMISSIONER MODUGNO: SO IT'S A MISUSE OF THE PREMISE BUT THE PREMISE ITSELF CAN BE PERMITTED TO USE THIS AS ADULT BUSINESSES.

>> [INAUDIBLE].

>> CHAIR LOUIE: THANK YOU VERY MUCH, IF YOU COULD STATE YOUR NAME.

>> KATHLEEN MILLER, I WORK FOR THE SHERIFF'S DEPARTMENT, MAJOR CRIMES VICE UNIT.WE CONDUCTED AN UNDERCOVER OPERATION ON THE 16TH AND ARRESTED FIVE INDIVIDUALS FOR PROSTITUTION RELATED CHARGES.I'M NOT SURE WHAT YOU GUYS NEED TO KNOW.

>> VICE-CHAIR VALADEZ: I THINK THAT WE HAD A FAIRLY GRAPHIC DESCRIPTION READ INTO THE RECORD LAST TIME THAT WE MET SO WE DON'T NEED TO HEAR I THINK A DETAIL BUT WHAT YOU'RE SAYING IS THAT YOU CONDUCTED A RAID AS IT'S CALLED ON -- WAS IT AN INVESTIGATION?

>> IT WAS AN UNDERCOVER OPERATION AND IT WAS AN INVESTIGATION FROM THE UNDERCOVER OPERATION.

>> VICE-CHAIR VALADEZ: AND YOU ARRESTED THESE INDIVIDUALS, AND AS FAR AS YOU KNOW, THAT'S AS FAR AS THAT HAS GONE, THEY'VE BEEN ARRESTED AND MAYBE RELEASED AND WE'RE STILL PENDING ANY DETERMINATION WITH RESPECT TO ANY DETERMINATION IN A COURT, ETC., SO IT'S AN OPEN ISSUE?

>> CORRECT.

>> VICE-CHAIR VALADEZ: IT IS ON OPEN ISSUE?

>> THAT'S CORRECT.

>> VICE-CHAIR VALADEZ: I DON'T THINK WE HAVE TOO MUCH DETAIL WITH RESPECT TO THAT, I THINK THERE WAS A REPORT THAT WAS READ INTO THE RECORD.

>> IT WASN'T A RAID, IT WAS AN UNDERCOVER OPERATION.HE DID MENTION THAT WE CLOSED DOWN THE BUSINESS THAT NIGHT, WE DID NOT.I SPECIFICALLY TOLD -- IT WAS THE OWNER'S BROTHER THAT THEY WERE FREE TO WORK, WE NEVER CLOSE DOWN THE LOCATION.I DON'T HAVE THE AUTHORITY TO DO THAT IN THE FIRST PLACE, I EVEN TOLD THEM I DIDN'T HAVE THAT AUTHORITY SO I DID NOT SHUT DOWN THE BUSINESS WHEN WE LEFT, I TOLD THEM THEY WERE FREE TO WORK AND CONTINUE WORKING, AND AS FAR AS THE DESTRUCTION OF THE -- I'M NOT SURE WHAT THEY WERE TALKING ABOUT, WE TURNED OFF THE VIDEO EQUIPMENT, THAT'S ALL WE DID, UNPLUG IT SO IT DIDN'T WORK.

>> VICE-CHAIR VALADEZ: AND WHEN YOU LEFT, WAS IT STILL OPERATING?

>> THEY, THEY WERE.

>> VICE-CHAIR VALADEZ: SO, WHEN YOU LEFT, THEY WERE STILL IN OPERATION?

>> YES, AS FAR AS I KNOW, THEY CONTINUED WORKING.

>> VICE-CHAIR VALADEZ: I THINK THAT'S VERY HELPFUL, THANK YOU.THANK YOU FOR COMING IN TODAY, AND THANK YOU FOR YOUR LETTER.

>> THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH, NO OTHER PUBLIC COMMENT?DEPUTY DIRECTOR?I'M SORRY, PLEASE.

>> GOOD MORNING, COMMISSIONER, CHRISTINA HERNANDEZ FOR THE TREASURE TAX COLLECTOR BUSINESS LICENSE UNIT, AND THE TREASURE TAX COLLECTOR BUSINESS LICENSE UNIT IS RESPONSIBLE FOR ADMINISTRATING THE PROCESS OF THE BUSINESS LICENSE.THERE ARE ACTIVITIES THAT ARE HANDLED WITH OUR OWN INSPECTORS IN THE DEPARTMENT AND THEN THE CRITICAL ACTIVITIES SUCH AS THOSE THAT CAN HIDE CRIME BEHIND THE SCENE ARE HANDLED BY THE SHERIFF'S DEPARTMENT, AND ADULT ENTERTAINMENT HAPPENS TO BE ONE THAT THE SHERIFF DEPARTMENT HANDLES THE WHOLE GATHERING OF THE PAPER WORK.I DID HAVE AN OPPORTUNITY TO MEET WITH CHAWKAT AND EXPLAINED THE PROCESS TO HIM.HE DID ARGUE WITH -- HE PLACED A CONCERN, I SHOULDN'T SAY ARGUE, HE PLACED A CONCERN THAT HE BELIEVED HE WAS GRANDFATHER IN, I TOLD HIM THOSE ISSUES HAVE TO BE SETTLED WITH ZONING AND REGIONAL PLANNING.WE HAVE NOTHING TO DO WITH THE PERMITABLE USE OF THE LAND, AND HOWEVER, REGIONAL PLANNING PLAYS A CRITICAL ROLE ON OUR APPROVAL OF LICENSES.I WAS AT THE HEARING WHEN MR. ROGER DIAMOND APPEARED AND AT THAT TIME, ANTHONY RICHARDSON WAS HANDLING THE CONDITIONAL USE PERMIT AND IT SEEMED LIKE THEY WERE WORKING TOGETHER, SO OUR COMMISSION DOESN'T REALLY SAY GO AHEAD AND

CONTINUE WORKING, IF IT APPEARS THAT THE APPLICANT IS MAKING AN EFFORT SO COMPLY WITH ALL THE COUNTY AGENCIES, THEN OF COURSE WE'RE NOT GOING TO TELL HIM TO CLOSE THE BUILDING AND CEASE OPERATING, LIKE THE OTHER COMMISSIONERS SAID, THEY'VE BEEN OPERATING FOR MULTIPLE YEARS.I WAS ASKED TO COME HERE.I AM NOT THE -- OUR DEPARTMENT IS NOT THE ONE HANDLING THIS PARTICULAR CASE, ARSELI PEDROSA CAN ANSWER ANY DETAILED QUESTIONS, BUT THAT'S MORE FOR BUSINESS LICENSING, UNFORTUNATELY SHE HAD A DEATH IN THE FAMILY AND WAS UNABLE TO ATTEND TODAY.SHE DID POINT OUT SOME OF THE SECTION, TITLE SECTIONS THAT ARE A CONCERN TO HER, BUT I DON'T BELIEVE THIS IS THE PROPER COMMISSION TO ADDRESS THOSE CONCERNS TO.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER MODUGNO: SO, FOR CLARIFICATION, AS I SAID EARLIER, OUR ROLE IS LAND USE, AND SO OURS RUNS WITH THE LAND, NOT WITH AN OPERATOR.YOUR USE IS NOT LAND USE, YOURS IS SPECIFICALLY PROVIDING A PERMIT TO AN OPERATION.

>> THAT IS CORRECT.

>> COMMISSIONER MODUGNO: GREAT, THANK YOU.

>> CHAIR LOUIE: QUESTIONS?COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, THANK YOU.THE LICENSE THAT YOU GIVE TO THE BUSINESS, DOES IT INCLUDE AN APPROVED FLOOR PLAN?

>> WE DON'T HAVE A LICENSE, THEY DON'T HAVE A LICENSE, THEY'RE PENDING YOUR DEPARTMENT AND THEY'RE PENDING THE SHERIFF'S DEPARTMENT.IF YOUR DEPARTMENT GIVES AN APPROVAL WITH CONDITIONS, OUR BUSINESS LICENSE COMMISSION ONLY COMPLEMENTS AND INCLUDES THE FACT THAT THEY MUST MEET THE CONDITIONAL USE PERMIT AS APPROVED HERE, WHENEVER IT IS APPROVED, WHETHER IT IS TODAY OR ANOTHER DATE, AND AGAIN, HE HAS NOT RECEIVED THE BUSINESS LICENSE TO OPERATE AND THE MANAGER HAS NOT RECEIVED THE BUSINESS LICENSE TO OPERATE, BUT THAT IS DONE AFTER YOUR APPROVAL AND THE SHERIFF'S DEPARTMENT APPROVAL.HE'LL GO TO OUR BUSINESS LICENSE COMMISSION HEARING WHERE ANY OTHER ISSUES OR PUBLIC HEARING IS ALSO ALLOWED.

>> COMMISSIONER HELSLEY: AND WHO AUTHORIZES THE FLOOR PLAN?

>> THE FLOOR PLAN FOR THE BUSINESS ITSELF, TITLE 7, HAS CERTAIN REQUIREMENTS AND THE SHERIFF'S DEPARTMENT WOULD BE THE ONE CONDUCTING THAT INSPECTION, THAT WOULD REQUIRE THE BUSINESS

OPERATING TO COMPLY WITH THOSE TITLE 7 REQUIREMENTS, AND THAT'S ARSELI PEDROSA IN THIS CASE.

>> CHAIR LOUIE: THANK YOU VERY MUCH.THANK YOU.THAT ENDS THE PUBLIC COMMENT.

>> THERE'S ONE MR. SPEAKER FROM TREASURE TAX COLLECTOR, ROSELIN COOPER, DID SHE WANT TO SPEAK?NO?

>> SHE'S ACTUALLY MY MANAGER IN CASE I WASN'T ABLE TO BE HERE.

>> CHAIR LOUIE: ALRIGHT, WELL, THANK YOU VERY MUCH, AND MR. DIAMOND, PLEASE COME FORWARD.

>> ONE OF THE REASONS THE FRAMERS OF THE U.S. CONSTITUTION PUT IN THE RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES IS BECAUSE IT'S ONE OF THE BEST WAYS TO GET AT THE TRUTH.

>> CHAIR LOUIE: MR. DIAMOND, YOU'RE GOING TO HAVE 10 MINUTES TO PRESENT ANY REBUTTAL, ANSWER QUESTIONS, CLOSING STATEMENTS AND YOU CAN BEGIN THAT TIME BY STATING YOUR NAME AGAIN.

>> ROGER DIAMOND, ATTORNEY FOR THE APPLICANT.

>> CHAIR LOUIE: THANK YOU.

>> THE LAST THING I HEARD THE WITNESS SAY FROM THE TAX COLLECTOR AND LICENSE COMMISSION WAS THAT I WAS AT SOME SORT OF A HEARING, I THINK THAT'S WHAT SHE SAID. IF I MISUNDERSTOOD HER, THEN THE REST OF WHAT I'M ABOUT TO SAY IS IRRELEVANT, IF I DID UNDERSTAND HER DIRECTLY THAT I WAS AT THIS HEARING, I WOULD LIKE TO POINT OUT THAT WE HAVE A TRANSCRIPT OF THE FIRST OF TWO SESSIONS OF THE HEARING BEFORE THE BUSINESS LICENSE COMMISSION, APRIL 20, 2011 AND IT CLEARLY SHOWS THAT MR. JAJIEH WAS REPRESENTED BY ATTORNEY JIM MILLER, NOT BY ME, AND BY THE WAY, MR. MILLER IS PRESENT, HE'S THE HANDSOME GENTLEMAN, STAND UP FOR A SECOND AND TAKE A BOW, AND YOU CAN SEE THERE'S NO RESEMBLANCE BETWEEN ME AND MR. MILLER, HE'S THE HANDSOME ONE AND I'M THE GUY WITH THE BACK SURGERY, SO I DON'T KNOW HOW THE REPRESENTATIVE OF THE BUSINESS LICENSE COMMISSION COULD SAY THAT I WAS AT THE HEARING. THERE WAS A SECOND HEARING THAT ALSO I DID NOT ATTEND. THIS IS THE FIRST HEARING AT ALL THAT I'M ATTENDING ON BEHALF OF MR. JAJIEH UNLESS I'M TOTALLY LOSING MY MIND AND I WAS THERE AND I WAS NOT THERE. WAS THAT RIGHT, MR. JAJIEH? HE ALSO ADDS I WAS NOT THERE. WAS MR. MILLER YOUR ATTORNEY AT THE HEARING?

>> YES.

>> DID YOU HEAR THE REPRESENTATIVE OF THE BUSINESS LICENSE THAT I WAS THERE?

>> YES.

>> AND SHE SAID IT UNDER OATH, RIGHT?

>> YES.

>> AND SHE SAID THERE WAS NO DAMAGE TO YOUR BUSINESS ON MAY 16, 2013 WHICH THE SHERIFF CONDUCTED THE RAID?

>> THAT'S NOT TRUE.

>> WHAT HAPPENED ON YOUR LOCATION ON MAY 16TH WHEN THE SHERIFF CONDUCTED THE RAID?

>> ON MAY 16, THEY BLOCKED ALL THE PARKING LOT WHICH I HAVE A PRETTY BIG PARKING LOT WITH THE LITTLE BUILDING, THAT BUILDING WAS BUILT IN 1932, THE BUSINESS IS AS AN ADULT GENTLEMAN CLUB SINCE 1958, WE HAVE SOME TYPE OF LICENSE SINCE THEN, EVERYTHING WAS APPROVED, BUT ON MAY 16 WHEN THE POLICE BLOCKED ALL THE PARKING LOT, THEY CANNOT TREAT EVERYBODY LIKE HOSTAGE, EVERYBODY AROUND THE STAGE, EVERYBODY HAS TO BE BOUND, NOBODY CAN MOVE, NOBODY CAN

USE THE RESTROOM, NOBODY CAN DO ANYTHING, THEY START WALKING AROUND, JUMPING AROUND WITH THE GUN IN THEIR HAND AND THEN I GUESS THEY NOTICED THE CAMERAS IN THERE, SO ONE OF THE -- I BELIEVE IT WAS TWO OFFICERS ACCORDING TO ME, THE WAY HOW I LOOK AT THE CAMERA SYSTEM, THEY SAID WHERE'S THE RECORDING, WHERE'S THE RECORDING, NOBODY KNOWS WHERE'S THE RECORDING, I PUT THAT SYSTEM AND I'M ONLY THE ONE I KNOW ABOUT THAT SYSTEM AND I KNOW EVERYTHING ELSE SO THEY START RIPPING CABLES FROM THE WALL, A PHONE, START RIPPING PHONES, I HAVE A BOX FOR THE PHONE SYSTEM, THEY RIP THE BOX, SO THIS IS WHERE I HAVE -- THE POLICE WERE RIPPING EVERYTHING ELSE, THEY WENT TO THE BAR TO TAKE MONEY OUT OF THE BAR, THEY SAY I'LL TAKE 200, I WASN'T IN THE LOCATION, I WAS OVERSEAS, I PUT MY MOTHER IN THE HOSPITAL AND PURCHASED A TICKET TO PURCHASE A TICKET ALL THE WAY OVERSEAS TO DOWN HERE TO SEE WHAT WAS THE PROBLEM BECAUSE I WAS RECORDING A CERTAIN DAY AND I HAVE TO COME THE RIGHT NEXT DAY SO I HAVE EVIDENCE OF THIS. I DON'T SEE ANYBODY PROSTITUTE INSIDE. I FEEL LIKE THE POLICE OR THE UNDERCOVER BEFORE THE POLICE COME IN WAS SITTING THERE WITH SOME UNDERCOVER COPS WHEN THEY HOLD THEM UP AND JUST ASK LIKE THE HUSBAND AND WIFE, BUT I DON'T SEE ANY OF MY DANCERS, MY DANCERS WAS -- PROBABLY IN THIS UNDERCOVER, I HAVE THESE PICTURES ON MY PHONE, AND I BELIEVE THEY WERE IN VIOLATION, I DON'T BELIEVE MY LOCATION HAS THE VIOLATION.

>> YOU'VE BEEN OPERATING SINCE 2007?

>> I'VE BEEN OPERATING SINCE 2007.

>> SO, ALL OF A SUDDEN BEFORE THE HEARING OF THE CUP, ONLY THEN DID THE SHERIFF DEPUTY SHOW UP AND DO THIS, IS THAT CORRECT?

>> YES.

>> COMMISSIONER MODUGNO: STOP THE CLOCK, I WOULD JUST LIKE TO -- THE COUNTY DEALS WITH PEOPLE, PLACES AND THINGS, WE DEAL WITH PLACES, THIS IS ALL VERY INTERESTING, BUT YOU'VE GOT TEN MINUTES IN MATERIAL OF -- I THINK THE ONLY THING THAT WAS PERTINENT THAT WAS SAID WAS SOME CAMERAS MAY OR MAY NOT HAVE BEEN DESTROYED, ONE OF THE CONDITIONS WE PUT IS PLACEMENT OF CAMERAS, THE PLACES AND THINGS, PLACES IS OUR RESPONSIBILITY, THE PEOPLE AND THINGS ARE OTHER AGENCY'S RESPONSIBILITIES, SO I KNOW YOU'VE GOT TEN MINUTES, YOU CAN TALK AND SAY WHATEVER YOU WANT TO SAY AND THIS IS ALL VERY INTERESTING BUT IN TERMS OF WHAT WE'RE ASKED TO DO IS LOOK AT VERY SPECIFICS IN TERMS OF THE BUILDING, AND I THINK IF WE WANT TO FOCUS ON THAT, I REALLY WOULD HOPE THAT YOU WOULD AT LEAST MAKE ENOUGH EFFORT TO PUT SOME TIME IN TERMS OF WHAT IS WE NEED TO CONSIDER IN TERMS OF THAT BUILDING, THERE ARE CERTAIN CONDITIONS WHICH STAFF HAS INDICATED, DO YOU AGREE WITH THOSE CONDITIONS IN TERMS OF THE PLACE, COMMISSIONER HELSLEY RAISED AN ISSUE IN TERMS

OF FLOOR PLANS AND PART OF THAT IS SOMETHING WE'RE GOING TO LOOK AT IN TERMS OF PIECES BUT YOU CAN CONTINUE GOING ON AND USE YOUR FULL TEN MINUTES BUT OUR FOCUS IS NOT TO LOOK AT ACTIONS OF THE SHERIFF'S DEPARTMENT, NOT ACTIONS OF BUSINESS LICENSE, IT'S SPECIFICALLY LOOKING AT THE PLACE AND THE PLACE IS A BUILDING, YES, PEOPLE COME INTO THAT BUILDING, AND WE MAY HAVE SOME CONCERNS AS FAR AS PUBLIC SAFETY WHICH IS AN ISSUE, BUT I DIDN'T MEAN TO TAKE YOU OFF GUARD, BUT IT WAS JUST -- THIS WAS GETTING BEYOND THE SCOPE OF WHAT WE NEED TO HEAR?

>> WE AGREE WHOLEHEARTEDLY WITH YOUR COMMENT, WE AGREE THIS IS STRICTLY A LAND USE ISSUE AND THE PERMIT AND I THINK YOU WISELY ASK A CRITICAL QUESTION WHICH IS WHETHER THIS PERMIT WE'RE SEEKING RUNS WITH THE LAND OR WHETHER IT'S SOMETHING YOU NEED FROM MR. JAJIEH OR AN OPERATOR AND WE AGREE WITH YOU, THE ONLY REASON WHY I WAS TAKING THE TIME AND THE TROUBLE TO PRESENT THE EVIDENCE WAS IN ANT PACING THAT THE SHERIFF WOULD MAKE THESE STATEMENTS AND WE WERE WORRIED THAT THE COMMISSION OR AT LEAST SOME OF YOU PEOPLE COULD BE INFLUENCED FROM THIS AND THAT'S WHY I TRIED TO MEET IT, THE ISSUE IS LAND USE FOR THE COMMISSION AND THE MAIN THING I THINK YOU HAVE TO KNOW IS THIS IS AN INDUSTRIAL AREA, IT'S NOTED FOR AN ADULT USE AND IT'S BEEN THERE FOR 30 YEARS, AND WE AGREE WITH THE STAFF RECOMMENDATION OF MAY 22 WHICH IS WHEN IT WAS LAST HERE AND WE AGREE WITH THE CONDITIONS THAT WERE SUBJECTING BY

STAFF, SO REALLY THIS SHOULD BE A TWO MINUTE HEARING, SO WE AGREE WITH YOU, I WON'T SPEND ANYMORE TIME ON WHAT I AGREE IS A RELEVANT MATTER.YES.

>> CHAIR LOUIE: ANYTHING FURTHER, MR. DIAMOND?

>> NO, SIR.

>> CHAIR LOUIE: ANY QUESTIONS FROM THE COMMISSION?OKAY, THANK YOU VERY MUCH, AND YOU CAN AGAIN VACATE THE SEATS.

>> AND IN CONCLUSION, THE OTHER DETAILS WILL BE IRONED OUT WITH THE BUSINESS LICENSE COMMISSION ONCE WE GET LAND USE APPROVAL.THE COMMISSION WILL NOT ALLOW US TO GET A LICENSE UNTIL WE COME HERE FIRST.AND I DON'T WISH TO USE THE WORD MONSTER, BUT IN A WAY, THE COUNTY HAS A TWO HEADED MONSTER HERE, THE PLANNING DEPARTMENT AND THE BUSINESS LICENSE, IN A PERFECT WORLD, WE'D DEAL WITH ONE AGENCY AND EVEN ONE PERSON, I UNDERSTAND THIS IS THE SYSTEM AND WE'RE FOLLOWING THE RULES.

>> CHAIR LOUIE: THANK YOU VERY MUCH.AND MR. DIAMOND, YOU CAN NOW VACATE THAT SEAT.

>> YES, SIR.

>> CHAIR LOUIE: THANK YOU.

>> ALRIGHT.

>> CHAIR LOUIE: DISCUSSION, QUESTIONS OF STAFF?PLEASE.

>> VICE-CHAIR VALADEZ: IF THINGS WERE JUST AS EASY AS THEY SOMETIMES LOOK, IT WOULD BE WONDERFUL, BUT THEY'RE NOT, THERE ARE NUANCES TO WHAT WE'RE DEALING WITH HERE AND THERE ARE NUANCES WHICH I HAD PREVIOUSLY ASKED COUNTY COUNSEL ASSISTANCE WITH THAT HAD TO DO WITH OUR APPROVAL, ALL BE IT A LAND USE APPROVAL OF A USE WHICH MAY NOT BE ENGAGING IN LEGAL ACTIVITIES AND WHICH HAS BEEN BROUGHT TO OUR ATTENTION AS POTENTIALLY HAVING ISSUES IN TERMS OF THEIR ABILITY TO GET LICENSED, AND AS A RESULT OF I THINK A LITTLE BIT OF A CROSSING OF OUR OBJECTIVES, WE HAVE NOT HAD THE TIME NOR DID WE MEET WITH COUNTY COUNSEL AS WE HAD INDICATED WE WERE GOING TO BE DOING TO BE ABLE TO DISCUSS THE ISSUES HAVING TO DO WITH THE ACTIVITIES THAT HAVE OCCURRED AND I THINK YOU'LL RECALL WE HAD A BRIEF DISCUSSION HAVING TO DO WITH REPRESENTATIONS THAT THINGS ARE BEING -- THAT THE OPERATION IS COMPLYING WITH ALL LAWS AND RULES AND REGULATIONS, ETC., THAT THERE WAS SOME OPEN ISSUES WITH RESPECT TO THAT, AND AS A RESULT OF THAT AND NOT ANYTHING OTHER THAN THAT, I'M NOT IN A POSITION TO MAKE A MOTION

EITHER TO APPROVE OR TO DENY THIS PARTICULAR MATTER BECAUSE WE NEED TO MEET -- I NEED TO MEET AND STAFF NEEDS TO MEET WITH COUNTY COUNSEL TO DISCUSS THOSE ISSUES THAT WE HAD AND I'M REQUESTING, I'M APOLOGIZING ALSO THAT IT'S GOING TO HAVE TO BE A LONGER CONTINUANCE THAN NORMAL, BUT THAT IS BECAUSE I'M GOING OUT OF TOWN FOR A WELL DESERVED AND NEEDED VACATION, AND I WILL NOT BE ABLE TO MEET WITH STAFF UNTIL THE SECOND WEEK IN JULY BECAUSE WE'LL TRY TO DO IT EARLIER, SO I'M ASKING THAT WE GET A CONTINUANCE TO JULY 31 WHICH WOULD GIVE US PLENTY OF TIME TO BE ABLE TO DO EVERYTHING THAT WE NEED AND I'D ASK THE COMMISSION FOR THEIR PATIENCE AND TO ALLOW ME TO HAVE THAT TIME AND OUR STAFF TO HAVE THAT TIME TO MEET WITH COUNTY COUNSEL.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WOULD SUPPORT THAT BUT I BASICALLY THINK AGAIN, OUR ROLE IS SO FINITE HERE.

>> VICE-CHAIR VALADEZ: I AGREE WITH YOU, COMMISSIONER, HOWEVER, I'D LIKE TO HAVE ALL OF THE ISSUES OFF OF THE TABLE AND BE ABLE TO APPROVE THIS KNOWING THAT ALL OF THOSE ISSUES THAT WE HAVE HAVE BEEN HANDLED, AND I THINK COUNSEL NEEDS TO DEAL WITH IT.

>> COMMISSIONER MODUGNO: THE TESTIMONY THAT WE GOT FROM SHERIFFS WAS BASICALLY TOWARDS THE OPERATION AND I THINK WHAT WE REALLY NEED TO GET IS THAT TESTIMONY TO GET THEIR INPUT IN TERMER OF

PROXIMITY TO PEOPLE AND I THINK THAT'S WHAT WE DID AND WE LOOK AT IN ADULT BUSINESSES.

>> VICE-CHAIR VALADEZ: I AGREE, WE'VE HAD THEM BEFORE, AS A MATTER OF FACT, IF MR. DIAMOND WILL REMEMBER, I HAVE BEEN THE PERSON WHO HAS IN ALL HIS CASES, I'M THE PERSON WHO HAS MOVED FOR APPROVAL BEING THE BOLD ONE WHO'S WILLING TO DO SUCH A THING, REGARDLESS OF WHOSE DISTRICT IT WAS IN, I WAS THE ONE WHO MOVED FOR APPROVAL OF IT, SO I HAVE NO ISSUES WITH ADULT BUSINESSES, ALL OF THE ADULT BUSINESSES THAT WE HAVE LOOKED AT UP UNTIL THIS POINT WERE OUTSTANDING CITIZENS, DIDN'T HAVE ANY ISSUES AND HAD COME THROUGH FROM BUSINESS LICENSING WITH JUST THIS AS THE ONLY THING THAT'S OPEN AT BUSINESS LICENSING, EVERYTHING WAS VERY CLEAN, VERY NEAT AND I WANT THAT CLEAN AND NEAT AGAIN WITH THIS ONE AND SO I WANT THE BLESSING OF COUNTY COUNSEL WITH RESPECT TO THAT, AND NOT BECAUSE I'M ATTEMPTING NOT TO APPROVE IT BUT I WANT TO MAKE SURE THAT WE HAVE MET WITH COUNTY COUNSEL AND WE'VE GONE OVER THOSE ISSUES AND IF IN FACT WE WERE -- IF IN FACT THE OPERATOR WAS IN ANY WAY BEING AFFECTED BY THIS CONTINUANCE, I WOULD NOT ASK FOR IT, BUT THEY ARE OPERATING AND THERE'S NOTHING THAT WILL HAPPEN IN ANY MANNER TO THEM IN TERMS OF -- SOMETIMES WE LOOK AT THIS AND SAY, MY GOSH, WE'RE DOING THIS CONTINUANCE AND THESE POOR PEOPLE, THEY HAVEN'T BEEN ABLE TO OPEN A RESTAURANT WHERE WE ACTUALLY CONTINUE THEM, BUT THIS IS A CONTINUANCE FOR PURPOSES OF JUST

CLARIFYING THOSE ISSUES THAT WERE RAISED AND THAT I FEEL LIKE WE ARE NOT COMPLETELY ANSWERED BY COUNTY COUNSEL AND THAT I WOULD LIKE TO HAVE ANSWERED BEFORE WE WOULD GO FORWARD WITH THE ACTION.

>> COMMISSIONER MODUGNO: THAT WAS A MOTION FOR A CONTINUANCE, I WILL SECOND IT.

>> VICE-CHAIR VALADEZ: THANK YOU, I APPRECIATE IT.

>> COMMISSIONER HELSLEY: I WOULD LIKE TO DISCUSS IT.

>> CHAIR LOUIE: OKAY, SO THAT IS A MOTION TO CONTINUE WITH A SECOND AND WE HAVE DISCUSSION.

>> COMMISSIONER HELSLEY: I HEARD A MOTION AND I HEARD A SECOND, THAT'S WHY I REQUESTED DISCUSSION, AND THIS GOES TO STAFF AND PROBABLY TO COUNCIL, AND TO THE BUSINESS LICENSE PEOPLE AND THE SHERIFFS. AS I'VE TAKEN AND LOOKED AT THE MAY 23 FAX COVER SHEET, IT HAS A PLAN ILLUSTRATED ON THERE THAT SHOWS A FLOOR PLAN AND I'M SURE THAT MR. DIAMOND REMEMBERS THAT WE HAVE TAKEN AND LOOKED AT FOUR PLANS ON PREVIOUS CASES OF A SIMILAR NATURE AND HAVE BEEN FAIRLY SPECIFIC ABOUT A NUMBER OF ITEMS ON THOSE FLOOR PLANS BECAUSE THAT'S THE WAY THE BUSINESS LICENSE CALLS OUT THE ARRANGEMENT OF THAT FLOOR PLAN. AS I LOOK AT THIS FLOOR PLAN, THE

DANCE STAGE AS I RECALL, THERE NEEDS TO BE SIX FEET FROM THE POLE TO THE EDGE OF THE DANCE STAGE. THE DANCE STAGE IS ONLY 10 FEET WIDE SO THEREFORE THERE HAS TO BE A DISTANCE OF ONLY 5 FEET, AND SO SOMEBODY NEEDS TO CORRECT THAT. THAT'S NOT NECESSARILY US, BUT IT NEEDS TO BE CORRECTED. I UNDERSTAND THAT THE CHAIRS THAT ARE AROUND THAT DANCE FLOOR HAVE BEEN REMOVED BUT THEY STILL SHOW UP ON THE FLOOR PLAN, SO THEY NEED TO BE REMOVED FROM THE FLOOR PLAN. AS I'VE TAKEN AND LOOK AT THE DRESSING ROOM, THERE'S NO DOOR ON THE DRESSING ROOM, THERE'S NO PLACE WHERE THE DANCERS CAN PUT THEIR INDIVIDUAL MATERIALS AND WE WENT THROUGH THIS ON A PREVIOUS CASE WITH MR. DIAMOND, THAT THEY WOULD PROVIDE LOCKERS OR SOMETHING OF THAT NATURE FOR THE SECURITY OF PERSONAL ITEMS. I THINK THAT THERE IS A LIMITATION ON THE ENTRANCE TO THE DRESSING ROOM. THERE'S AN OUTSIDE DOOR COMING INTO THIS DRESSING ROOM AND THERE'S -- I DON'T KNOW THAT THAT MEETS THE BUSINESS LICENSE REQUIREMENTS, SO I HAVE CONCERNS AT THAT POINT. IN THE MEN'S BATHROOM AND THE WOMEN'S BATHROOM, THERE IS NO PARTITION TO BLOCK THE URINALS ON THE MEN'S SIDE OR TO BLOCK THE TOILETS ON THE WOMEN'S SIDE, A VANITY SCREENING OR WHATEVER YOU WANT TO CALL IT, A BAFFLE OF SOME KIND THAT I THINK IS ONLY A COURTESY THAT SHOULD BE PLACED THERE. THE BOTTOM FRONT SECTION THERE IS A LAP DANCE AREA THAT OPENS TO THE OUTSIDE, AND I DON'T THINK THAT THAT IS A CORRECT POSITION.

>> MS. ARANDA: THE CURRENT FLOOR PLAN, I BELIEVE WE HAD THEM REMOVE THAT, THE COUCHES AND THE LAP DANCE AREA, THAT'S ADJACENT TO THE FIRE EXIT. IS THAT THE AREA THAT YOU'RE REFERRING TO? THAT'S A 2011 FLOOR PLAN FROM BUSINESS LICENSE, BUT WE FLEXED TO WORK WITH THEM.

>> COMMISSIONER HELSLEY: I HAVE NO OTHER CURRENT FLOOR PLAN, THAT'S WHAT I'M WORKING OFF OF.

>> MS. ARANDA: YOU'RE LOOKING AT THE BUSINESS LICENSE FLOOR PLAN?

>> COMMISSIONER HELSLEY: WELL, THIS IS THE -- THE SHERIFF'S ONE.

>> MS. ARANDA: WE HAVE A FLOOR PLAN THAT'S PART OF THE PACKAGE.

>> COMMISSIONER HELSLEY: THERE WERE OTHER SIMILARITIES OTHER THAN THE CHAIRS HAD BEEN REMOVED ON THIS ONE BUT THIS ONE SHOWS UP AGAIN IN MY PACKET.

>> MS. ARANDA: OKAY.

>> COMMISSIONER HELSLEY: AS I RECALL, THE BUSINESS LICENSE TITLE, IT TALKS ABOUT A PROTECTED PATHWAY FOR THE DANCERS, AND I

SEE NO PROTECTION ON HERE FOR THEIR PATHWAY TO GET TO THE STAGE
AND I THINK THAT NEEDS TO BE TAKEN CARE OF.

>> MS. ARANDA: I'M SORRY, IF I CAN INTERJECT, I DID DISCUSS SOME
OF THESE ISSUES WITH ARSELI WHO CONDUCTED THE SITE VISIT WITH ME
ON JUNE 4TH AND SHE MENTIONED BECAUSE IT'S AN EXISTING CLUB, THEY
DON'T WANT TO PUT MUCH BURDEN ON THE BUSINESS OWNER SO THEY HAVE
THEM COMPLY AS MUCH AS POSSIBLE, IT'S A LEGAL BUILDING AND IT'S
EXISTING, IF IT WAS STARTING FROM SCRATCH, WE CAN MAKE SURE THAT
WE MEET ALL TITLE 7 REQUIREMENTS, THAT'S WHAT --

>> COMMISSIONER HELSLEY: MY FEELING IS THAT THIS IS A NEW
CONDITIONAL USE PERMIT, AND IT NEEDS TO MEET CURRENT
STANDARDS.CONDITIONAL USE PERMITS GIVE US AN OPPORTUNITY TO BRING
MATERIAL UP TO THE CURRENT STANDARDS AND I THINK THIS IS SOMETHING
THAT NEEDS TO BE DONE AND I WOULD SAY THAT'S ONE OF THE ONES TO
PROTECT THE DANCERS, THAT'S NOT A SITUATION WHERE THEY'RE GOING TO
BE WAY LATE ON THE WAY TO THE STAGE, TO ME, THAT'S UNACCEPTABLE.I
THINK THAT IS THE SECTION ON THE FLOOR PLAN.I FIND THAT THERE IS A
DISCREPANCY ON HOURS THAT ARE INDICATED ON HERE.ONE LOCATION
INDICATES THAT THEY ARE OPERATING -- IT SHOULD BE RESTRICTED FROM
6 A.M. TO 2 A.M., AND THEN THERE'S ANOTHER LOCATION WHERE IT TALKS
OF HOURS PER DAY OF 7 A.M. TO 4 P.M., AND THESE ARE BASICALLY ON
THE SHERIFF'S POSITION THAT I FIND THIS CONCERN.THE VIP ROOMS, YOU

INDICATED WERE -- THE SCREENING OR THE CURTAINING OF THOSE OFF YOU SAID HAS BEEN CORRECTED.

>> MS. ARANDA: THAT'S ON OUR CURRENT FLOOR PLAN, I HAD THEM REMOVE ALL THAT.

>> COMMISSIONER HELSLEY: AND AS I RECALL, THE BAR STALLS --

>> MS. ARANDA: THE TAP IS NO LONGER THERE.

>> COMMISSIONER HELSLEY: I THINK THOSE WERE THE MAIN CONCERNS I HAVE AND I DO NOT FIND THAT THE FLOOR PLAN MEETS THE BUSINESS LICENSE REQUIREMENTS AND I THINK FOR US TO BE ABLE TO APPROVE IT, WE NEED TO SEE A FLOOR PLAN THAT DOES MEET THE BUSINESS LICENSE AND SHERIFF'S REQUIREMENTS.

>> CHAIR LOUIE: ANY FURTHER DISCUSSION? IT'S BEEN MOVED, SECONDED. THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: OPPOSED?

>> VICE-CHAIR VALADEZ: YES.

>> AND AGAIN, MR. CHAIR, THE DATE THAT THIS ITEM WILL BE CONTINUED TO IS JULY 31.

>> VICE-CHAIR VALADEZ: YES, PLEASE.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> MS. ARANDA: THANK YOU.

>> VICE-CHAIR VALADEZ: THANK YOU FOR YOUR ACCOMMODATION.

>> COMMISSIONER HELSLEY: A COMMENT IN RELATION TO THAT, THERE WILL BE THREE COMMISSIONERS THAT WILL BE REQUIRED THEN TO VOTE.OKAY.

>> VICE-CHAIR VALADEZ: YES, AUGUST WORKS FOR ME.DOES IT WORK FOR YOU?CAN YOU TAKE A LOOK AND SEE IF THERE'S AN AUGUST DATE?

>> AUGUST 7TH, ALL COMMISSIONERS WILL BE HERE EXCEPT FOR COMMISSIONER HELSLEY.AUGUST 14TH, TWO COMMISSIONERS WILL BE ABSENT.AUGUST 21, ALL COMMISSIONERS -- I'M SORRY, ALL COMMISSIONERS EXCEPT FOR COMMISSIONER LOUIE WILL BE HERE ON THE 21 OF AUGUST.

>> VICE-CHAIR VALADEZ: THE 28TH?IT'S MANDATORY TRAINING.

>> THAT TAKES US TO SEPTEMBER.

>> VICE-CHAIR VALADEZ: SEPTEMBER?

>> IT WOULD BE THE FIRST MEETING, SEPTEMBER 4TH OR THE 11TH.

>> VICE-CHAIR VALADEZ: IT'S RIGHT AFTER LABOR DAY, OKAY, THAT'S FINE, SEPTEMBER 4TH.

>> CHAIR LOUIE: THANK YOU VERY MUCH, THAT ENDS OUR PUBLIC HEARING PORTION, WE ARE NOW ON TO PUBLIC COMMENT.IS THERE ANY PUBLIC COMMENT, DEPUTY DIRECTOR?

>> NO, I DON'T BELIEVE SO, WE HAVE NO CARDS UNDER PUBLIC COMMENT.WE DO?I DON'T HAVE THE CARDS.YES, PLEASE COME FORWARD.PLEASE HAVE A SEAT AND PLEASE BEGIN WITH YOUR NAME.

>> MY NAME IS DAN GOLDBERG.

>> CHAIR LOUIE: MR. GOLD BADGERING, YOU'LL HAVE THREE MINUTES.

>> IT'S LESS THAN THREE MINUTES.ON APRIL 3 OF THIS YEAR, THIS COMMISSION VOTED TO DENY A CONDITIONAL USE PERMIT TO THE MESSINA TO HAVE A VINEYARD IN OUR SMALL COMMUNITY IN AGOURA, THE MESSINAS DID NOT APPEAL THIS DECISION.TODAY, TEN WEEKS AFTER YOUR DENIAL, THE VINEYARD IS FLOURISHING, WORKERS ARE IN THE FIELDS PRUNING AND MAINTAINING THE VINES, THE COUNTY ENFORCEMENT DEPARTMENT HAS REFUSED TO ISSUE THE NOTICE OF VIOLATION THAT THEY ISSUED IN DECEMBER, 2011 WHICH WAS PUT ON HOLD PENDING THE CUP DECISION, ASK NOW THAT THE CUP HAS BEEN DENIED, THE ENFORCEMENT DEPARTMENT SEEMED TO HAVE DECIDED TO IGNORE THE FINDINGS OF THE COMMISSION AND INSTEAD ENTERED INTO THEIR OWN BACK ROOM NEGOTIATIONS WITH THE MESSINAS AND THE ATTORNEY AND I'M TOLD TRAVIS SEAWARDS TO ALLOW THE MESSINAS TO ALLOW THEM TO OPERATE WITH THIS IN A PRIVATE GARDEN, THEY ACKNOWLEDGED TO THIS BODY THEY REQUIRED A CUP FOR THIS GARDEN, AS A NOTICE OF VIOLATION, IT STATES THAT MAINTAINING ROAD CROPS WITHOUT A CUP IS NOT PERMITTED USE IN A ZONE R-1 AND IS IN VIOLATION OF THE LOS ANGELES COUNTY ZONING ORDINANCE AND NOW THE ZONING ENFORCEMENT DEPARTMENT IS ENTERING INTO A DE FACTO MINI CUP HEARING BUT BEHIND CLOSED DOORS OUT OF PUBLIC SCRUTINY AND PROBABLY NOT BINDING.TO THE RESIDENTS AND MYSELF, THIS SEEMS ARBITRARY AND CAPRICIOUS AND AN ABUSE OF DISCRETION ON THE PART OF THE ZONING DEPARTMENT.A HUGE CONCERN OF OUR COMMUNITY IS THAT WE HAVE NO MEANS WHATSOEVER TO DETERMINE WHETHER THE MESSINAS ARE PUTTING CHEMICALS IN A GROUP IRRIGATION WHICH IS HOOKED UP TO OUR

DRINKING WATER SYSTEM.YOU MADE A RULING FOR WHICH WE THANK YOU TO PROTECT THE HEALTH AND WELFARE OF OUR COMMUNITY, WE ASK YOU TO ENFORCE THIS RULING AND NOT ALLOW IT TO BE CIRCUMVENTED BY THE SAME TACTICS THAT CREATED THIS SITUATION IN THE FIRST PLACE.THANK YOU VERY MUCH.

>> CHAIR LOUIE: THANK YOU.

>> MY NAME IS ELONA HERTZBERG, REGARDING YOUR DENIAL OF THE CUP ON APRIL 3 OF THIS YEAR OF THE MESSINAS' VINEYARD, THE FACTS SEEMED VERY CLEAR, THE COUNTY ISSUED A NOTICE OF VIOLATION BASED ON THE EXISTENCE AND USE OF THE VINEYARD BY THE MESSINAS AND IT SEEMS THAT IF THE COUNTY DEMANDED THE MESSINAS GET A CUP AND THEN DENIED THE ISSUANCE, THE COUNTY MUST BE CONSISTENT TO DEMAND THE REMOVAL.IT APPEARS HOWEVER THAT THE COUNTY HAS NOW IN SOME FASHION ACCEPTED THE MESSINAS' VERBAL CLAIMS THAT THEY WILL NOT IN FUTURE CONDUCT COMMERCIAL OPERATIONS BY NOT SELLING THE GRAPES OR MAKING WINE, HOWEVER, THESE ARE ONLY VERBAL PROMISES IF EVEN THAT.HOW IS THE COUNTY EVER GOING TO MONITOR THE FUTURE USE OF THE VINEYARD OR THE MESSINAS' FUTURE USE OF CHEMICALS.WITHOUT A CUP, THERE IS NO ENFORCEMENT MECHANISM IN PLACE, MORE OVER, THE COUNTY CANNOT NOW ENTER INTO AN AGREEMENT WITH THE MESSINAS ABOUT WHAT THEY WILL OR WILL NOT DO BECAUSE THAT IS THE SAME AS ISSUING A CUP THAT WAS ALREADY REJECTED.THUS, THERE IS NO WAY TO ASSURE COMPLIANCE WITH

ZONING ORDINANCE EXCEPT THROUGH THE REMOVAL OF THE VINEYARD.THE
BOTTOM LINE IS THAT THE COUNTY CANNOT OR SHOULD NOT RELY ON THE
MESSINAS' VERBAL ASSERTIONS.THEY LIED ON THEIR APPLICATION FOR THE
CUP AND THEY CANNOT NOW BE TRUSTED TO CONDUCT THEMSELVES TO ONLY
TREAT OR MAINTAIN THE VINEYARD AS ORNAMENTAL LANDSCAPING.THEY ARE
THE FAMILY WHO HOOKED UP THEIR CHEMIGATION SYSTEM TO OUR DRINKING
WATER, PUMPING CARCINOGENIC CHEMICALS WITH A BACK FLOW DEVICE THAT
WAS NEVER INSPECTED DURING ITS USE, I ASK THAT YOU DO EVERYTHING
IN YOUR POWER TO PLEASE HAVE THE COUNTY ENFORCEMENT DEPARTMENT
COMPLY WITH YOUR RULING AND HAVE THE VINEYARD REMOVED.THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH, THANK YOU FOR COMING DOWN
AND SPENDING THE DAY WITH US.I DON'T KNOW THAT THIS IS AN
AGENDIZED ITEM, AND I DON'T KNOW THAT THERE'S ANY ACTION THAT WE
CAN OR SHOULD TAKE AT THIS POINT.I UNDERSTAND AS A COURTESY, OUR
MEMBER FROM THE PLANNING ENFORCEMENT IS HERE, HE'LL BE ABLE TO
CHAT WITH YOU ON THIS MATTER AFTER YOU'VE GIVEN UP YOUR SEAT, SO
THANK YOU VERY MUCH FOR COMING DOWN.

>> THANK YOU FOR YOUR TIME.

>> THANK YOU.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN?

>> CHAIR LOUIE: YES, SIR.

>> COMMISSIONER HELSLEY: I TOO WOULD LIKE TO THANK YOU FOR COMING DOWN AND YOU BROUGHT UP AN ISSUE THAT I THINK IS PROBABLY NOT GOING TO CLARIFY ITSELF UNTIL WE GET A DECISION MADE AS TO WHAT CONSTITUTES A HOME VINEYARD COMPARED TO A COMMERCIAL VINEYARD, AND I'M IN HOPES AND I WOULD LIKE TO REQUEST THAT THE CHAIR DIRECT STAFF TO COME BACK WITH A DEFINITION THAT WE CAN TAKE AND RELATE TO AS WHAT'S A HOME VINEYARD AND WHAT IS A COMMERCIAL VINEYARD. PART OF THAT MAY BE RELATED TO THE NUMBER OF GALLONS THAT ARE PRODUCED, IT MIGHT BE ONE OF THOSE AND I THINK THERE NEEDS TO BE ALSO WITHIN THAT REPORT A POSITION THAT MIGHT REFLECT UPON WHETHER OR NOT THERE ARE COMMERCIAL APPLICATIONS OF PESTICIDES OR WHETHER IT IS A DUSTING THAT IS DONE BY THE PROPERTY OWNER PERSONALLY AS TO WHETHER OR NOT IT'S A COMMERCIAL VINEYARD. THE GROWING OF GRAPES WITHIN A SPECIFIC SIZE I THINK IS A RIGHT THAT EVERYBODY HAS. I PERSONALLY HAPPEN TO HAVE A ROW OF EATING GRAPES, BUT THAT'S NOT A COMMERCIAL VINEYARD, AT LEAST I DON'T THINK SO, AND SO THIS IS WHERE WE NEED TO KIND OF PROJECT WITH COUNTY COUNSEL AND STAFF AS TO WHAT IS AND CONSTITUTES COMMERCIAL.

>> IF I COULD JUST COMMENT ON THAT.

>> COMMISSIONER HELSLEY: ONE MINUTE MORE, AND THAT IS IF WE
COULD GET A REPORT BACK FROM ZONING TO US, I WOULD ALSO APPRECIATE
THAT BEING THE DIRECTION OF THE CHAIR.

>> MR. CHAIRMAN, WE WILL REPORT BACK ON THE STATUS OF OUR
ENFORCEMENT ACTION. WE FULLY RESPECT THE COMMISSION'S ACTION ON
THAT AND WILL ENFORCE ON A SEPARATE MATTER, WE ARE WORKING CLOSELY
WITH ALL THE DIVISIONS AND THE DEPARTMENT AND WITH COUNTY COUNSEL
ON DEFINITIONS, THERE'S CERTAINLY SOME LACK OF CLARITY ON THE CODE
AND WE WILL GET BACK TO YOU ON THAT, AS THIS ITEM HAS NOT BEEN
AGENDIZED, WE HAVE TO BE CAREFUL ON HOW FAR WE GO BUT I WILL WORK
ON THOSE TWO REPORTS.

>> COMMISSIONER HELSLEY: THANK YOU.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, MY ONLY COMMENT ON THAT,
IF WE'RE LOOKING AT A HOME VINEYARD OR COMMERCIAL VINEYARD, IT'S
AWFULLY NARROW BECAUSE WE HAVE THIS WHOLE ASPECT OF HOME
BUSINESSES, HOME ORCHARDS, WHETHER SOMEBODY PLANTS A THOUSAND ROSE
BUSHES AND PICKS AND SELLS THE ROSES, LILACS, YOU KNOW, WHETHER
IT'S A HOME GARDEN, THERE'S THIS WHOLE ELEMENT, SO I DON'T KNOW IF
COMMISSIONER HELSLEY, IF YOU HAVE IT TO THIS ONE NARROW SCOPE,
STAFF HAS GOT TO TAKE THIS MUCH MORE ENCOMPASSING.

>> AS THE DIRECTOR NOTED, BECAUSE THIS IS NOT AN AGENDIZED ITEM, I WOULD SUGGEST IF THE COMMISSION COULD HOLD THE DISCUSSION UNTIL STAFF IS ABLE TO COME BACK WITH AN AGENDIZED DISCUSSION, YOU SHOULD HOLD OFF ON THIS.

>> CAN I MAKE ONE COMMENT?

>> CHAIR LOUIE: PLEASE.

>> MY ONLY COMMENT IS YOUR DENIAL WAS NOT BASED ON IT JUST BEING A COMMERCIAL VINEYARD BUT THERE WERE OTHER ASPECTS OF IT FITTING INTO THE COMMUNITY, IT WAS NOT JUST A ONE ISSUE TOPIC. THANK YOU VERY MUCH.

>> COMMISSIONER HELSLEY: WE APPRECIATE YOU COMING DOWN, THANK YOU VERY MUCH.

>> CHAIR LOUIE: AND DIRECTOR BRUCKNER, THANK YOU FOR YOUR COMMENTS AND WE LOOK FORWARD TO THAT INFORMATION. ALL THAT BEING SAID, MAKING NOTE OF THE TIME, NOW ON TO THE CONTINUATION OF REPORTS, ANY POSSIBLE CALL FOR REVIEW OF DECISIONS BY HEARING OFFICERS, FROM MY FELLOW COMMISSIONERS? NON-? ANY ADDITIONAL REPORTS FROM COMMISSION, COUNSEL, DIRECTOR REPORTS?

>> I'LL BE QUICK, THANK YOU, MR. CHAIRMAN, AT YESTERDAY'S BOARD MEETING, AS MR. ALEXANIAN SAID, THE BOARD TO TAKE AN ACTION AND ASK THAT THE ANTELOPE BUILDING PLAN HAVE A SEPARATE EIR SEPARATED, WE'RE IN THE PROCESS OF EVALUATE, WE ARE GOING TO UNDERTAKE THAT EFFORT, WE'RE IN THE PROCESS OF EVALUATING HOW TO UNDERTAKE IT AND WE WILL GET BACK TO YOU, IT MAY CAUSE DELAYS IN BOTH EFFORTS, WE'VE GOT TO EVALUATE WHAT THE PROCESS WOULD BE AND IT MAY INVOLVE RENOTICING BOTH -- WELL, WE NOTICING THE GENERAL PLAN EIR, REISSUING THE PRELIMINARY DOCUMENTS THERE AND THEN CERTAINLY STARTING THE ENVIRONMENTAL DOCUMENT FOR THE ANTELOPE VALLEY AS DIRECTED AND BRINGING APPROPRIATE CONTRACTS BACK TO THE BOARD SO IF YOU SEE THOSE ITEMS, THEY'RE IN REACTION TO THAT AND WE FULLY INTEND TO TAKE THAT OUT EXPEDITIOUSLY, BUT I WANTED TO MAKE THIS COMMISSION AWARE OF THAT.

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

>> COMMISSIONER HELSLEY: YES, I THINK THAT -- OR I LOOK FORWARD TO YOUR CONTINUATION ON THAT AND I WOULD LIKE TO MAKE COMMENT ALSO ON -- AS YOU OPEN UP THE COUNTY WEBSITE NOW, OR REGIONAL PLANNING, YOU WILL SEE A LITTLE PIECE THAT SAYS 90 YEARS WHICH IS A VERY NICE LITTLE ADDITION TO THAT WEBSITE.

>> HOPEFULLY THE GENERAL PLAN IS COMPLETED WITHIN THE NEXT --

>> VICE-CHAIR VALADEZ: 90 YEARS, YES.

>> CHAIR LOUIE: WITH THAT BEING SAID, WE ARE ADJOURNED UNTIL
WEDNESDAY JUNE 19TH, THANK YOU VERY MUCH. (MEETING IS ADJOURNED).