

>> CHAIR LOUIE: GOOD MORNING, WELCOME TO THE REGIONAL PLANNING COMMISSION FOR NOVEMBER 13, 2013. I WOULD ASK COMMISSIONER VALADEZ IF SHE COULD LEAD US IN THE FLAG SALUTE. (PLEDGE OF ALLEGIANCE).

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

>> VICE-CHAIR VALADEZ: MR. CHAIR?

>> CHAIR LOUIE: YES, MA'AM?

>> VICE-CHAIR VALADEZ: I JUST WANT TO LET PEOPLE KNOW THAT I'M NOT BEING VERY STYLISH TODAY WITH MY SUNGLASSES, I HAD AN EYE PROCEDURE AND I HAVE TO WEAR SUNGLASSES BUT I DO THINK IT LOOKS KIND OF NICE.

>> YOU'RE ALWAYS STYLISH.

>> VICE-CHAIR VALADEZ: THANK YOU.

>> CHAIR LOUIE: MAYBE WE'LL DESIGNATE A DAY FOR ALL THE COMMISSIONERS TO BE STYLISH. WELCOME AND IF THIS IS YOUR FIRST

REGIONAL PLANNING COMMISSION MEET, LET ME SHARE WITH YOU THAT THERE ARE AGENDAS AVAILABLE AT THE REAR OF THE ROOM WHICH LAY OUT OUR DANCE CARD FOR THIS MORNING, AND IF YOU PLAN TO SPEAK ON ANY MATTER BEFORE THIS COMMISSION, THERE ARE ALSO SPEAKER CARDS WHICH YOU'LL NEED TO COMPLETE AND PUT FORWARD TO THE STAFF. WITH THAT, I SEEK THE APPROVAL OF TODAY'S AGENDA. MOVED AND SECONDED, WITH NO OBJECTIONS, THE AGENDA IS APPROVED. GOOD MORNING, COUNTY COUNSEL, DO YOU HAVE ANY REPORTS FOR US THIS MORNING?

>> [INAUDIBLE].

>> CHAIR LOUIE: OKAY, THANK YOU, DEPUTY DIRECTOR?

>> I HAVE NO REPORT FOR THE COMMISSION THIS MORNING.

>> CHAIR LOUIE: THANK YOU VERY MUCH, IT BRINGS US DO THE FIRST OF THE PUBLIC HEARINGS, IT'S PROJECT NUMBER R201300520, MS.

ARANDA.

>> MS. ARANDA: GOOD MORNING, MISTER LAYER AND MEMBERS OF THE COMMISSION, MY NAME IS DIANA ARANDA AND I'M WITH THE ZONING EAST SECTION OF DEPARTMENT OF REGIONAL PLANNING, TODAY'S AGENDA ITEM NUMBER 5 IS A REQUEST FOR A AN ADULT BUSINESS PERMIT TO ALLOW THE CONTINUED OPERATION AND MAINTENANCE OF AN ADULT ORIENTATED

BUSINESS WITH LIVE ENTERTAINMENT WITHIN AN EXISTING BUILDING AT 13217 VALLEY BOULEVARD IN THE LIGHT MANUFACTURING BILLBOARD EXCLUSION ZONE. A PUBLIC HEARING FOR THE PROPOSED PROJECT WAS HELD ON MAY 22, 2013 WHICH WAS CONTINUED TO JUNE 12 AND ALSO CONTINUED ON SEPTEMBER 4 OF THIS YEAR. I WILL NOW PROCEED BY GIVING A BRIEF STATUS REPORT OF THE PROJECT. ON OCTOBER 23, 2013, STAFF CONDUCTED A JOINT ANNOUNCED INSPECTION OF THE SUBJECT PROPERTY WITH A CIVILIAN INVESTIGATOR FROM THE MAJOR CRIME'S BUREAU LICENSING UNIT FOR THE SHERIFF'S DEPARTMENT, THE APPLICANT AND THE APPLICANT'S AGENT WERE PRESENT DURING THE INSPECTION. AT THE TIME OF THE INSPECTION, THERE WERE SEVERAL CONCERNS REGARDING NON-COMPLIANCE OF TITLE 7 BUSINESS LICENSE AND TITLE 22 PLANNING AND ZONING -- I'M SORRY, PLANNING AND ZONING LOS ANGELES COUNTY CODE REQUIREMENTS, THE ITEMS THAT WERE OBSERVED TO BE IN NON-COMPLIANCE ARE THE FOLLOWING, THE EMPLOYEE SECURITY GUARD WAS NOT DUALY LICENSED BY THE STATE AS REQUIRED PURSUANT TO THE SECTION OF THE BUSINESS LICENSE CODE AND 22.62.030 OF THE PLANNING AND ZONING CODE, THE APPLICANT INDICATED HE WAS STILL OPERATING AFTER 2 A.M. IN VIOLATION OF THE BUSINESS, PLANNING AND ZONING LOS ANGELES CODE. THE SHERIFF'S DEPARTMENT AND SHERIFF'S DEPARTMENT CONFIRMED THIS OCCURRENCE. CHAIRS WERE PLACED AROUND THE CHANGE IN VIOLATION OF THE CODE 7.92.720B AND THE EXTERIOR ZONE WAS PROPPED OPEN IN VIOLATION OF PLANNING AND ZONING CODE SECTION 22.612 .030. OTHER

CONCERNS OBSERVED DURING THE JOINT INSPECTION WAS A LACK OF LIGHTING INSIDE THE LOCATION, THE WALKWAYS FOR ENTERTAINERS BETWEEN THE STAGE AND DRESSING ROOMS AND ROOMS THAT ARE NOT VIEWABLE AND OPEN TO THE REST OF THE LOCATION CONTINUED TO HAVE COUCHES AND BENCHES INSIDE. DUE TO THE APPLICANT'S ACTIONS OF NON-COMPLIANCE WITH THE LOS ANGELES COUNTY CODE REQUIREMENTS, THE LOS ANGELES COUNTY TREASURER AND TAX COLLECTOR IS NOT APPROVING APPROVAL OF BUSINESS LICENSE OF THIS ADULT BUSINESS. THE TREASURER AND TAX COLLECTOR'S LETTER DATED OCTOBER 30, 2013 RECOMMENDING DENIAL WAS DISTRIBUTED TO THE REGIONAL PLANNING COMMISSION ON NOVEMBER 7, 2013 AND THERE ARE COPIES FOR THE PUBLIC AT THE BACK OF THE HEARING ROOM. CIVILIAN INVESTIGATOR WHO WAS PRESENT AT THE INSPECTION IS IN ATTENDANCE AND AVAILABLE TO ANSWER ANY QUESTIONS THE COMMISSION MAY HAVE REGARDING THE OCTOBER 23RD INSPECTION, AND A REPRESENTATIVE FROM THE TREASURER AND TAX COLLECTOR IS PRESENT TO ANSWER ANY QUESTIONS REGARDING TITLE 7 REQUIREMENTS. ON NOVEMBER 7, 2013, A REPRESENTATIVE FROM THE BUSINESS LICENSE DEPARTMENT DISCLOSED THERE WAS AN APPEAL FILED ON NOVEMBER 7TH REGARDING THE OCTOBER 30TH RECOMMENDATION FOR DENIAL BY THE TREASURER AND TAX COLLECTOR AGENCY. THE BUSINESS LICENSE DEPARTMENT HAS ALSO CONFIRMED THAT A PUBLIC HEARING DATE FOR THE APPEAL HAS BEEN SCHEDULED FOR NOVEMBER 20TH OF THIS YEAR. IN ADDITION, STAFF HAS RECEIVED VARIOUS LETTERS IN OPPOSITION FOR THIS PROPOSED PROJECT BY THE WORKMAN MILL

ASSOCIATION, A PETITION BY THE EVERGREEN BAPTIST CHURCH AND
CORRESPONDENCE FROM SEVERAL COMMUNITY MEMBERS. THE LETTERS IN
OPPOSITION WERE INCLUDED AS ADDITIONAL MATERIALS FORWARDED TO
THE COMMISSION ON NOVEMBER 7, 2013. IN CONCLUSION, STAFF
RECOMMENDS A CONTINUANCE OF PROJECT R2013-00520 TO FEBRUARY 19,
2014 TO ALLOW SUFFICIENT TIME FOR THE COMPLETION OF THE BUSINESS
LICENSE COMMISSION APPEAL PROCESS. THIS CONTINUES MY
PRESENTATION.

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

>> I BELIEVE SO, BUT I DON'T HAVE ANY SPEAKER CARDS SO FAR.

>> CHAIR LOUIE: OKAY.

>> CHAIR LOUIE: DOES THE APPLICANT WISH TO SPEAK ON THIS
MATTER?

>> [INAUDIBLE]. THE APPLICANT IS PRESENT AND MY NAME IS JAMES
MILLER AND HIS BETTER REPRESENTATIVE IS ROGER DIAMOND AND ROGER
[INAUDIBLE] SO THIS MATTER IS HERE AND WE'RE TAKING YOUR
PRECIOUS TIME, SO I THINK THAT I SHOULD FILL OUT A SPEAKER'S
CARD AND TRY TO FIELD WHATEVER QUESTIONS I CAN.

>> VICE-CHAIR VALADEZ: MAYBE HE CAN JUST BEGIN WITHOUT FILLING
OUT THE CARD AND THEN FILLING OUT THE CARD.

>> CHAIR LOUIE: SUBSEQUENT TO YOUR STATEMENT.

>> I APOLOGIZE, HERE IS A SPEAKER CARD FOR MR. JAJIEH.

>> CHAIR LOUIE: IF YOU COULD REMAIN STANDING, I HAVE TO SWEAR
YOU IN. ANYBODY ELSE WHO PLANS TO SPEAK ON ANY MATTER BEFORE
THIS COMMISSION, COULD YOU ALSO RISE. OKAY.

>> VICE-CHAIR VALADEZ: ARE YOU GOING TO SPEAK?

>> CHAIR LOUIE: ANYBODY ELSE PLAN TO SPEAK ON THIS OR ANY
OTHER MATTER BEFORE THE COMMISSION THIS MORNING, IF YOU DO,
PLEASE STAND AND RAISE YOUR RIGHT HAND. OKAY, DO YOU AND EACH OF
YOU SWEAR OR AFFIRM UNDER PENALTY OR PERJURY THAT THE TESTIMONY
THAT YOU MAY GIVE IN THE MATTERS NOW PENDING BEFORE THIS
COMMISSION SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
THE TRUTH?

>> I DO.

>> CHAIR LOUIE: THANK YOU VERY MUCH. YOU CAN HAVE A SEAT.

>> THANK YOU.

>> JAMES MILLER.

>> CHAWKAT JAJIEH.

>> CHAIR LOUIE: AS THE APPLICANT, YOU'LL HAVE 15 MINUTES TO MAKE YOUR STATEMENT, THERE'S A COLORED TIMER ON YOUR DESK GLOWING GREEN FOR 14 AND A HALF MINUTES, YELLOW FOR THE LAST 30 SECONDS AND THEN RED AT THE CONCLUSION OF YOUR LAST 15 MINUTES, THERE'S NO OBLIGATION TO USE THE ENTIRE TIME BUT PLEASE FEEL FREE TO MAKE YOUR STATEMENTS. YOU CAN BEGIN BY THE STATEMENT OF YOUR NAME. NOW, YOU HAD MENTIONED THAT MR. DIAMOND NEEDS OR SHOULD BE HERE, HE'S NOT. DO YOU WANT TO WAIT FOR HIM TO ARRIVE?

>> YES.

>> CHAIR LOUIE: WHEN DO YOU THINK HE'S GOING TO BE HERE?

>> HE WAS HERE EARLY LAST TIME AND I'M SHOCKED HE'S NOT HERE. HE KNOWS ABOUT IT. HE'S THE ONE WHO FILED -- HE TOLD ME ANYWAY. I

CAN'T TESTIFY PERSONALLY, HE'S THE ONE WHO FILED THE APPEAL ON
11/7 REGARDING THE BUSINESS LICENSE AND APPARENTLY IT WAS DONE -
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>> CHAIR LOUIE: CAN YOU CALL HIM FOR A TIME OF ARRIVAL?

>> WE CERTAINLY CAN. I APOLOGIZE FOR THAT. LET ME ASK BEFORE I
STEP ASIDE THOUGH, DID YOU SUGGEST THAT WE CONTINUE THIS HEARING
UNTIL AFTER THE LICENSE HEARING?

>> MS. ARANDA: YES, AFTER THE APPEAL OF THE PUBLIC HEARING.

>> WHAT DATE.

>> MS. ARANDA: FEBRUARY 14 OF 2014.

>> I DO HAVE PERSONAL KNOWLEDGE REGARDING ONE THING THAT
PROPOSED --

>> I'M SORRY, DIANNE, I THINK IT WAS FEBRUARY 19TH.

>> MS. ARANDA: I'M SORRY, FEBRUARY 19TH.

>> THANK YOU, AND THAT IS WE WENT DOWN BEFORE THE LICENSE COMMISSION THE LAST TIME AND THEY WERE -- THEY GOT UPSET THAT -- LET ME JUST FINISH THIS, PLEASE, MR. LOUIE.

>> CHAIR LOUIE: EXCUSE ME, I NEED YOU TO CHECK WHEN MR. DIAMOND IS GOING TO ARRIVE AND I NEED YOU TO DO THAT POST HASTE, THANK YOU.

>> THEY WANTED THIS DETERMINED BEFORE THEY WENT TO THE LICENSE HEARING LAST TIME.

>> CHAIR LOUIE: PLEASE. LET'S MOVE TO THE PUBLIC TESTIMONY. DO WE HAVE ANY CARDS?

>> I HAVE NO CARDS ON THIS ITEM.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD SUGGEST WE TABLE THIS MATTER FOR A MATTER OF MAYBE 20 MINUTES.

>> VICE-CHAIR VALADEZ: [INAUDIBLE].

>> COMMISSIONER HELSLEY: THAT'S WHAT IT DOES.

>> CHAIR LOUIE: COUNTY COUNSEL?

>> YES, YOU WOULD JUST NEED TO MAKE A MOTION TO CONSIDER THE ITEM NUMBER 6 NEXT.

>> VICE-CHAIR VALADEZ: OKAY, I MOVE THAT WE TABLE THIS MATTER AND MOVE ON TO ITEM NUMBER 6, PLEASE.

>> CHAIR LOUIE: MOVED, SECONDED, NO OBJECTIONS, WE'LL MOVE THAT MATTER FORWARD. THANK YOU.

>> MS. ARANDA: THANK YOU.

>> CHAIR LOUIE: THAT BRINGS US TO PROJECT NUMBER R2000800099, MR. SVITEK.

>> MR. SVITEK: GOOD MORNING, COMMISSION, MY NAME IS ANDREW SVITEK, I'M A PLANNER WITH ZONING PERMIT'S WEST. THE PROJECT IS LOCATED IN THE M2 ZONE IN THE CITY TERRACE ZONED DISTRICT IN THE LOS ANGELES COMMUNITY STANDARDS DISTRICT. THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE A CRV RECYCLING COLLECTION CENTER FOR GLASS BOTTLE, BLAST I CAN BOTTLES AND ALUMINUM CANS. THE PROPERTY IS LOCATED AT THE EDGE OF THE CITY TERRACE INDUSTRIAL AREA DIRECTLY ACROSS INDIANA STREET IS RAMONA GARDENS WHICH IS A MULTIFAMILY RESIDENTIAL AREA AND

FURTHER TO THE WEST IS A SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD. ANOTHER PRIMARILY SINGLE FAMILY RESIDENTIAL AREA IS LOCATED APPROXIMATELY 500 FEET TO THE SOUTHEAST OF THE PROPERTY THE PROPERTY IS TO THE NORTH, EAST AND SOUTH, ARE ALL INDUSTRIAL USES BUT THE INDUSTRIAL AREA EXTENDING TO THE NORTH AND NORTHEAST. IMMEDIATELY TO THE NORTH IS A COMMERCIAL LAUNDRY AND TEXTILE BUSINESS AND A TO THE SOUTH IS A FOOD INDUSTRY, THE PROPERTY HAS AN EXISTING 6 THOUSAND SQUARE FOOT WAREHOUSE WHICH HOUSES A NEIGHBORHOOD MARKET IN THE FRONT OF THE WAREHOUSE AND A TOWING AND AUTO REPAIR BUSINESS IN THE REAR OF THE WAREHOUSE. THE PROPERTY ALSO HAS AN EXISTING 20 FOOT HIGH OPEN CANOPY STRUCTURE IN THE NORTHEAST CORNER OF THE PROPERTY THAT WILL HOUSE THE TWO PORTABLE ROLL OFF CONTAINERS FOR THE COLLECTION OF CRV MATERIAL, THE FACILITY IS NOT PERMITTED TO BE LOCATED IN THE FRONT OF THE PROPERTY. THE TOTAL AREA OF THE RECYCLING CENTER WILL BE 1000 SQUARE FEET AND THE SCALE WILL BE ON WHEELS. ONCE THE CONTAINER IS FILLED, IT WILL BE PICKED UP BY A FLAT BED TRUCK AND THIS PICK-UP PROCEDURE TAKES APPROXIMATELY 10-20 MINUTES. A REPLACEMENT EMPTY CONTAINER WILL BE PLACED IN ITS PLACE. IT IS EXPECTED THAT CONTAINERS WILL BE REPLACED EVERY TWO TO THREE WEEKS ONCE THEY'RE FILLED. THE CRV COLLECTION CENTER WILL HAVE A FULL TIME ATTENDANT WHO WILL BE RESPONSIBLE FOR MAINTAINING AND RUNNING THE CENTER AND WILL ENSURE THAT ONLY CRV MATERIALS ARE ACCEPTED AT THE SITE. THE PROPOSED HOURS OF

OPERATION ARE 8-5 MONDAY THROUGH SATURDAY AND 8-4 ON SUNDAY. IT IS EXPECTED THAT THE CRV CENTER WILL HAVE APPROXIMATELY 2-3 CUSTOMERS PER HOUR WITH ANYWHERE FROM 20 TO 40 CUSTOMERS PER DAY, APPROXIMATELY 25% TO 50% OF CUSTOMERS WILL BE WALK-INS AND THE OTHER PERCENTAGE WOULD BE DRIVE-INS. THE SITE PLAN SHOWS A 30 FOOT LONG THREE FOOT WIDE FOR A TOTAL OF 90 SQUARE FOOT OF PROPOSED LANDSCAPING IN THE FRONT OF THE PROPERTY AND THE FRONT OF THE PROPERTY CURRENTLY IS ENCLOSED BY A CHAIN LINK FENCE AND GATE. THE PROPERTY FRONTAGE IS 100 FEET WIDE AND HAS TWO DRIVEWAYS. THE PARKING IS LOCATED PRIMARILY IN THE REAR OF THE PROPERTY FOR 25 PARKING SPACES WHICH ARE BEING SHARED BETWEEN ALL OF THE THREE BUSINESSES. STAFF FINDS THAT THE APPLICANT HAS MET THE BURDEN OF PROOF AND RECOMMENDS APPROVAL OF THE CONDITIONAL USE PERMIT SUBJECT TO THE DRAFT CONDITIONS OF APPROVAL. THIS NOW CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS FROM THE COMMISSION? COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I DIDN'T SEE ANYTHING IN RELATION TO RODENT OR VECTOR CONTROL.

>> MR. SVITEK: WE COULD CERTAINLY ADD A REQUIREMENT, IF THAT WOULD BE A CONCERN, MAYBE A VENDOR WOULD COME ONCE A MONTH TO DO PREVENTIVE SPRAYING OR SET UP TRAPS.

>> COMMISSIONER HELSLEY: A LOT OF TIMES, THESE RECYCLE MATERIALS WILL -- THEY CAN HAVE A LEAK TO THEM SO LIQUID MATERIAL WILL COME OUT OF THEM AND WHEN YOU SEE THEM STACKED UP WHERE THEY HAVE A POOL OF "NUTRIENT MATERIAL" UNDERNEATH THEM, AND I THINK THERE NEEDS TO BE SOME MEANS OF CONTROLLING THAT IN THOSE CONTAINERS AS THEY START TO LEAK OUT THE SIDES AND THIS TYPE OF THING. MAYBE THAT IT'S HOSED DOWN EVERY DAY OR IT'S HOSED DOWN ON A PERIOD OF ANY MINUTE OF SOME KIND, BUT THERE NEEDS TO BE SOMETHING IN RELATION TO THE CONTROL OF FLIES AND RODENTS.

>> CHAIR LOUIE: ANY OTHER QUESTIONS FROM THE COMMISSION? YOU MENTIONED MONTHLY? IS THAT FREQUENTLY ENOUGH? IS THAT THE NORMAL OR TYPICAL?

>> MR. SVITEK: I'M GETTING THAT FROM ANOTHER FACILITY WHICH WAS A PAPER -- IT WAS A PAPER AND CRV OPERATION AND I THINK THEY SET UP TRAPS. IT'S MORE OF A -- AND THEY SPRAY CERTAIN AREAS, SO I THINK THAT LASTS FOR AT LEAST A FEW WEEKS.

>> CHAIR LOUIE: I'M JUST THINKING IN TERMS OF FLIES, ROACHES
IN ADDITION TO THE RODENTS, MY LAYPERSON'S OPINION IS THAT ONCE
EVERY 30 DAYS MAY NOT BE FREQUENTLY ENOUGH, BUT I LEAVE IT TO
YOUR EXPERTISE AND KNOWLEDGE TO GIVE ME SOME GUIDANCE ON THAT.

>> MR. CHAIR, PERHAPS WHAT WE CAN DO IS CONSULT WITH THE HEALTH
DEPARTMENT AND GET SOME DIRECTION FROM THE DEPARTMENT.

>> CHAIR LOUIE: I WOULD APPRECIATE THAT.

>> MR. SVITEK: THERE'S PEST CONTROL CONTRACTS THAT A BUSINESS
CAN ENTER WITH THAT PROVIDE ONGOING MAINTENANCE.

>> CHAIR LOUIE: OKAY. IS THE APPLICANT PRESENT?

>> YES, WE HAVE ONE SPEAKER ON THIS ITEM. CHUN AN. IS CHUN AN
HERE? WOULD YOU PLEASE COME FORWARD?

>> CHAIR LOUIE: GOOD MORNING. HOW ARE YOU?

>> HI. MY NAME IS CHUN YI AN.

>> CHAIR LOUIE: AND YOU ARE THE APPLICANT?

>> YES.

>> CHAIR LOUIE: AND I HAVE SWORN YOU IN? EARLIER TODAY, WE HAD A SWEARING IN, DID YOU PARTICIPATE IN THAT?

>> YES.

>> CHAIR LOUIE: AS THE APPLICANT, YOU HAVE 15 MINUTES TO STATE YOUR CASE, YOU HAVE A TIMER THAT WILL GLOW GREEN FOR 14 AND A HALF MINUTES, AND THEN RED WHEN YOU NEED TO CONCLUDE AND YOU CAN BEGIN MY b BY STATING YOUR NAME ONE MORE TIME.

>> THANK YOU VERY MUCH.

>> CHAIR LOUIE: AND YOU CAN BEGIN BY STATING YOUR NAME.

>> OH, CHUN YI AN.

>> CHAIR LOUIE: OKAY, AND MS. AN, DO YOU HAVE A STATEMENT TO MAKE, WOULD YOU LIKE TO PRESENT YOUR CASE?

>> SORRY.

>> CHAIR LOUIE: I'M HAVING A LITTLE DIFFICULTY COMMUNICATING WITH YOU. DO YOU WISH TO TALK TO US AND TELL US WHY WE SHOULD APPROVE YOUR APPLICATION?

>> YES.

>> CHAIR LOUIE: OKAY, SO YOU CAN BEGIN, TELL US.

>> FOR THAT AREA, I WANT TO MAKE BUSINESS THERE AND RECYCLE MORE CLEAN THE AREA, SO I THINK IT'S GOOD FOR THAT AREA AND WE ALL KEEP IT CLEAN ALL THE TIME AND I REALLY WANT TO DO THAT. THANK YOU.

>> CHAIR LOUIE: OKAY, THANK YOU. DO WE HAVE ANY QUESTIONS FROM THE COMMISSION? OKAY. ARE THERE ANY PUBLIC SPEAKERS ON THIS MATTER?

>> NO, NO ADDITIONAL SPEAKERS.

>> CHAIR LOUIE: OKAY. THANK YOU VERY MUCH. YOU CAN TAKE A SEAT BACK IN THE AUDIENCE.

>> THANK YOU SO MUCH.

>> CHAIR LOUIE: THANK YOU. ANY ADDITIONAL QUESTIONS OF STAFF?

>> VICE-CHAIR VALADEZ: YES. I THINK I JUST THINK I WOULD LIKE TO AT THIS POINT DISCUSS WITH STAFF SOME OF THE DEFICIENCIES THAT I SEE IN THE APPLICATION, SO THAT WE CAN MOVE FORWARD WITH THAT. I REALIZE THAT WE HAVE A LANGUAGE BARRIER AND IT WOULD BE VERY DIFFICULT FOR ME NOT WORKING THROUGH STAFF TO BE ABLE TO DISCUSS IT WITH I THINK MS. YI I BELIEVE WAS HER NAME, MS. AN, BUT IN REVIEWING THE APPLICATION ITSELF, THE BIGGEST ISSUES THAT I HAVE WITH RESPECT TO IT HAS TO DO WITH THE SCHEDULE A AND SOME OF THE INFORMATION ON THE SCHEDULE A. THIS PARTICULAR RECYCLING CENTER IS ACROSS THE STREET FROM A HOUSING DEVELOPMENT, BASICALLY A MULTIFAMILY HOUSING PROJECT THAT SITS ACROSS FROM IT, SO THAT THEY DO HAVE THE ABILITY TO LOOK INTO THE DRIVEWAY AS THEY'RE WALKING ON THE SIDEWALKS, AS THEY'RE IN THEIR FRONT YARDS, ETC., IN THE HOUSING AUTHORITY, SO I'M CONCERNED THAT WE DON'T HAVE A BETTER UNDERSTANDING HERE OF EXACTLY WHAT THE RECYCLING CENTER IS GOING TO LOOK LIKE WHEN IT'S COMPLETED. ARE THEY PLANNING ON IMPROVING IT IN SOME WAY AND IF SO, IN WHAT WAY? ARE WE GOING TO GET SOME GATES TO COVER THE FRONT, SOME TYPE OF SIDING, YOU KNOW, I'M NOT GOING TO DESIGN IT FOR THEM, BUT WE NEED SOME IDEA, SOME BETTER IDEA OF HOW THEY'RE GOING TO BE DEALING WITH THE ISSUES OF THE VISUAL COMING UP THE DRIVEWAY, EVEN THOUGH WE HAVE THREE SIDES THAT ARE

INDUSTRIAL, WE DO HAVE ONE SIDE THAT IS RESIDENTIAL. WE HAVE IN THE PAST HAD CONDITIONS THAT WE'VE USED FOR RECYCLING, THIS IS NOT A SERIOUS RECYCLER, IT'S A SMALL RECYCLER, BUT AS COMMISSIONER HELSLEY HAS STATED, WE DO NEED TO DEAL WITH THE HEALTH DEPARTMENT ISSUES AND THE ISSUES OF THE VECTORS AND SOME OF THOSE CONDITIONS, WE NEED TO ADD TO THIS PARTICULAR CASE, SO I WOULD ASK THAT YOU REVIEW, THOSE SEEM APPROPRIATE FOR A SMALL RECYCLER LIKE THIS BUT WE DO NEED TO ADD THE SAME PROTECTIONS THAT WE WOULD IN ANY OTHER CASE THAT WE HAD THAT WAS SIMILAR TO THIS. IN ADDITION, I THINK THE PLAN IS DEFICIENT IN SHOWING THE TRAFFIC, THE WAY IN WHICH THE TRUCKS ARE GOING TO COME IN THAT ARE THE TRUCKS THAT ARE COMING TO PICK UP THE VARIOUS CONTAINERS, AT THE SAME TIME AS WE SEEM TO HAVE A BODY SHOP AND TOWING YARD AND WE ALSO HAVE INDIVIDUALS WHO ARE COMING TO A STORE WHO ARE WALKING I GUESS ALONG THE DRIVEWAY BECAUSE THERE DOESN'T SEEM TO BE A SIDEWALK OR ANYTHING THAT THEY'RE GOING TO BE USING, SO IF WE COULD GET MORE INFORMATION ON THAT, THAT WOULD BE VERY HELPFUL. WE HAVE LANDSCAPE WHICH IS -- LOOKS TO BE SOME TYPE OF TALL SPECIES. I WOULD LIKE TO SEE A LITTLE MORE INFORMATION ON WHAT THEY'RE PLANNING ON THE LANDSCAPING AND THE GREENING. I WOULD LIKE TO CONSIDER ALSO A STREET TREE BUT I UNDERSTAND THIS IS A -- I NOW UNDERSTAND THIS IS A VERY SMALL RECYCLING CENTER SO I WOULD JUST LIKE TO SEE THE LANDSCAPING THAT THEY ARE PROPOSING IN THE AREA AND WE CAN HAVE A SPECIFIC

PLAN AND ALSO WOULD SHOW THE IRRIGATION SYSTEM. I WOULD LIKE TO SEE THE -- WHETHER THEY HAVE ACCESS TO WATER IN THE BACK FOR THE RINSING, ETC., THAT THEY'RE GOING TO NEED TO BE DOING, SO WE NEED TO PROVIDE MORE INFORMATION, LOOK FOR THE VARIOUS CONDITIONS THAT YOU NEED TO PUT ON, ETC., AND SO WHAT I WOULD LIKE TO DO IS I WOULD LIKE TO REQUEST A CONTINUANCE OF THIS MATTER SO WE CAN FLUSH OUT SOME OF THE ISSUES THAT ARE STILL REMAINING.

>> COMMISSIONER HELSLEY: YES, I KIND OF ACCEPTED THAT AS A MOTION.

>> VICE-CHAIR VALADEZ: OKAY, I MOVE THAT WE HAVE A CONTINUANCE SO THAT WE CAN DEAL WITH THE ISSUE WHICH ARE NOW OPEN WITH RESPECT TO THIS PARTICULAR PROJECT.

>> COMMISSIONER HELSLEY: AND I WOULD SECOND THAT MOTION. I WOULD REQUEST THAT IN THIS INFORMATION GATHERING, THAT WE ALSO INCLUDE SOME OF THE USES THAT ARE IN THE CITY OF LOS ANGELES THAT ARE RIGHT ACROSS THE STREET AND MY PARTICULAR INTEREST IS IN CLOSEST MARKET AS TO WHETHER THERE'S A MARKET IN THE VICINITY OF THAT MULTIFAMILY USE, WE'RE TALKING ABOUT PUTTING A MARKET AT THE FRONT OF THIS WAREHOUSE SPOT HERE, AND WHAT I'M INTERESTED IN IS THERE ANOTHER MARKET ON THE OTHER SIDE OF THE

STREET SOMEWHERE IN THERE THAT IS ALSO A FOOD SUPPLIER? IF THERE IS NOT, I THINK THAT GIVES US A MUCH STRONGER POSITION. IT HAS A FAIRLY STRONG POSITION ANYWAY FOR A MARKET AT THAT LOCATION, BUT I THINK THAT WE'RE LOOKING AT THE RECYCLING SECTION OF IT, AND I'M NOT SURE THAT THAT'S THE TOTAL OPERATION BECAUSE IT APPEARS TO ME THAT THIS IS A CHANGE OF USE FOR THE WAREHOUSE.

>> VICE-CHAIR VALADEZ: BECAUSE IT SAYS IT'S A 99 CENT STORE VERSUS A MARKET, IS THAT WHAT YOU'RE THINKING, RIGHT NOW IT SAYS IT'S A 99 CENT STORE BUT ALL OF THE 99 CENT STORES SEEM TO BE TRANSFORMING INTO MARKETS.

>> COMMISSIONER HELSLEY: THEY'RE STARTING TO CARRY A LOT MORE FOOD.

>> VICE-CHAIR VALADEZ: RIGHT.

>> CHAIR LOUIE: SO, WE HAVE A MOTION AND A SECOND. WE'RE OPEN TO DISCUSSION.

>> VICE-CHAIR VALADEZ: I WOULD LIKE TO KNOW FROM I GUESS STAFF WHAT YOU THINK WOULD BE A REASONABLE CONTINUANCE.

>> YES, MR. CHAIR, IN LOOKING AT THE CALENDAR, DECEMBER IS AN EXTREMELY BUSY AGENDA, BOTH THE 4TH AND THE 11TH, SO THE FIRST AVAILABLE DATE WOULD BE JANUARY 8, 2014.

>> VICE-CHAIR VALADEZ: AND IS THAT OKAY WITH STAFF, WILL YOU HAVE ENOUGH TIME TO GET THIS INFORMATION?

>> MR. SVITEK: JUST FROM MY PAST EXPERIENCE, IT TAKES LONGER TO WORK WITH THE APPLICANT AND GET REVISED SITE PLANS.

>> VICE-CHAIR VALADEZ: MAYBE ANOTHER -- MAYBE THE END OF JANUARY, OR WHAT WOULD YOU RECOMMEND?

>> MR. SVITEK: MAYBE JUST THREE MONTHS I THINK WOULD BE GOOD.

>> VICE-CHAIR VALADEZ: THREE MONTHS? OKAY.

>> MR. SVITEK: ANOTHER THREE MONTHS.

>> SO, THAT WOULD TAKE US TO FEBRUARY.

>> VICE-CHAIR VALADEZ: THAT WOULD TAKE US TO FEBRUARY.

>> FEBRUARY 5, 2014.

>> VICE-CHAIR VALADEZ: OKAY, I MOVE WE CONTINUE THIS TO
FEBRUARY 5, 2014.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION? MR. SVITEK, COULD
YOU COUNSEL THE APPLICANT TO BRING SOMEONE, AN INTERPRETER OR
SOMEONE FAMILIAR WITH HER CASE THAT SHE FEELS COMFORTABLE IN
PRESENTING HER MATTER? I FEEL THAT MY ABILITY TO COMMUNICATE
WITH HER IS NOT REAL GOOD. I DON'T KNOW THAT THAT'S BENEFICIAL
FOR HER.

>> MR. SVITEK: YES.

>> CHAIR LOUIE: FURTHER DISCUSSION ON THIS MATTER? MOVED,
SECONDED, THOSE IN FAVOR. AYE. OPPOSED? NONE, THE MOTION IS
CARRIED. THE MATTER IS CONTINUED.

>> VICE-CHAIR VALADEZ: THANK YOU.

>> CHAIR LOUIE: THANK YOU. AND THAT HAS US RETURNING TO THE --
MATTER NUMBER 5, R201300520. MR. DIAMOND, WELCOME. MR. MILLER,
APPLICANT. MR. DIAMOND, I DON'T THINK I'VE HAD THE PLEASURE OF
SWEARING YOU IN THIS MORNING. WOULD YOU RAISE YOUR HAND?

>> I'M NOT HERE AS A WITNESS, I'M HERE AS A LAWYER, IT'S IMPROPER FOR A LAWYER TO BE A WITNESS IN THE CASE AGAINST THE STATE BAR RULES, FOR A LAWYER TO BE A WITNESS, THE CASE WHERE HE'S HANDLING THE MATTER AS A LAWYER.

>> CHAIR LOUIE: THANK YOU, COUNTY COUNSEL, HAVE I MADE AN ERROR TRYING TO SWEAR HIM IN?

>> I BELIEVE THE COMMISSIONER HELSLEY WOULD LIKE TO COMMENT BEFORE I DO.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, IF HE'S NOT HERE TO TESTIFY, THEN WE DON'T NEED TO HEAR FROM HIM.

>> CHAIR LOUIE: HE IS GOING TO MAKE THE --

>> COMMISSIONER HELSLEY: HE SAID HE WASN'T HERE TO TESTIFY.

>> THAT'S RIGHT, TESTIFYING MEANS AN EYEWITNESS THAT DESCRIBES AN EVENT FROM BEING PERSONAL. WHEN LAWYERS ARGUE CASES, FOR EXAMPLE, IN THE U.S. SUPREME COURT, THEY'RE NOT SWORN BY THE SUPREME COURT, THEY'RE THERE TO ARGUE THE CASE BASED UPON EVIDENCE THAT'S ALREADY BEEN PRODUCED.

>> CHAIR LOUIE: MR. DIAMOND, I APOLOGIZE FOR MY IGNORANCE.

>> YOU DON'T NEED TO SWEAR THE WITNESS IN -- SIR, WHATEVER YOU ARE, YOU CAN LISTEN TO WHAT HE HAS TO SAY AND YOU CAN TAKE INTO ACCOUNT THE FACT THAT THE WITNESS HAS NOT BEEN SWORN.

>> CHAIR LOUIE: TYPICALLY, WOULD I SWEAR HIM IN?

>> WE CAN'T PREVENT HIM FROM TESTIFYING IF HE WANTS TO TESTIFY WITHOUT BEING SWORN IN.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> TESTIFYING MEANS YOU'RE PROVIDING INFORMATION AS A WITNESS AND YOU'RE UNDER OATH. LAWYERS ARE NOT WITNESSES, LAWYER ARE ADVOCATES, THEY ARGUE LEGAL ISSUE, THEY DON'T TESTIFY.

>> SIR, WE DON'T NEED A LEGAL LESSON FROM YOU, IF YOU WANT TO MAKE A STATEMENT ABOUT YOUR CASE, PROCEED PLEASE.

>> I THINK YOU NEED A LEGAL LESSON BECAUSE THE COMMENTS THAT YOU MAKE EXHIBIT IGNORANCE OF THE LAW.

>> MAYBE YOU'LL GIVE US A LESSON SOME DAY.

>> WHY DO YOU CREATE REVERSIBLE ERROR FROM THE BEGINNING, WHY DO YOU DO THAT. IT COST IT IS TAXPAYER MONEY.

>> SIR, YOU'RE NOT BEING SWORN, PLEASE PROCEED.

>> TIME OUT, YOU SAID THEY CAN CONSIDER MY ARGUMENT IN LIGHT OF THE FACT THAT I'M NOT BEING SWORN AS A WITNESS, THAT DIMINISHES MY ROLE AS A LAWYER WHEN YOU'RE BASICALLY SAYING, YOU DON'T HAVE TO BE SWORN BUT WE'LL CONSIDER THAT WHEN WE'RE LISTENING TO YOUR ARGUMENTS, THAT'S TERRIBLE.

>> THAT'S YOUR ARGUMENT SIR, THANK YOU.

>> IS THERE A COURT REPORTER HERE TAKING THIS DOWN? THERE'S NOTHING?

>> CHAIR LOUIE: NO, THIS IS NOT A COURT OF LAW AND I'M GOING TO ASK YOU TO BEGIN YOUR PRESENTATION ON THIS MATTER BEFORE US.

>> WAIT A SECOND, JUST WAIT A SECOND, NUMBER ONE, IS THERE A COURT REPORTER OR ANYBODY TAKING THIS DOWN. IS IT BEING TAPED? OKAY. SO, LET ME JUST TELL YOU IN ONE MINUTE THE PROBLEM HERE. IF YOUR DECISION IS ADVERSE TO MY CLIENT, WE HAVE AN ADMINISTRATIVE

APPEAL, THEN WE HAVE THE RIGHT TO GO TO COURT UNDER 1094.5 OF THE COURT OF CIVIL PROCEDURE, HOWEVER, AT THAT COURT PROCEEDING, THE JUDGE CAN ONLY CONSIDER EVIDENCE AND ARGUMENTS THAT WERE MADE HERE, SO IF WE WANT TO MAKE AN ARGUMENT IN COURT THAT WE DID NOT MAKE HERE, WE ARE DEEMED TO HAVE WAIVED THE ARGUMENT, SO THE COURT INSISTS THAT ALL OF OUR ARGUMENTS ARE MADE HERE SO THAT WHEN THE JUDGE READS THE TRANSCRIPT OF WHAT HAPPENED, THE JUDGE WILL SAY, MR. DIAMOND, YOU DIDN'T MAKE THAT OBJECTION THERE, SO YOU'VE WAIVED IT, SO THAT'S WHY WE HAVE TO MAKE THE OBJECTION HERE. IT'S THE LEGAL PROCEDURE AND IT'S A SHAME THAT YOU'RE NOT BEING ADVISED PROPERLY BY THE COUNTY COUNSEL. IT'S A DISASTER, THE COUNTY COUNSEL SHOULD TELL YOU THAT THIS IS AN ADMINISTRATIVE HEARING WHICH IS PART OF THE JUDICIAL PROCESS, IT BEGINS THE JUDICIAL PROCESS BECAUSE WHEN WE GO TO COURT, IF WE HAVE TO GO TO COURT, WE DON'T GET A NEW TRIAL, WHAT WE CALL WITNESSES, INSTEAD THE JUDGE IS LIMITED TO THE TRANSCRIPT OF THE PROCEEDING. YOU SHOULD KNOW THAT.

>> CHAIR LOUIE: MR. DIAMOND, THANK YOU, COUNTY COUNSEL, HE RAISE AN ISSUE THAT I NEED TO BE CONCERNED WITH AT THIS TIME.

>> NO, SIR.

>> CHAIR LOUIE: THANK YOU. MR. DIAMOND, WOULD YOU LIKE TO PRESENT ON THIS MATTER TODAY?

>> WHAT?

>> CHAIR LOUIE: WOULD YOU LIKE TO PRESENT ON BEHALF OF YOUR APPLICANT ON THIS MATTER BEFORE THIS COMMISSION?

>> I WOULD LIKE TO ASK HIM SOME QUESTIONS BECAUSE HE'S THE WITNESS. HE'S THE OPERATOR, HE'S THE WITNESS.

>> CHAIR LOUIE: I ASSUME THAT MEANS YES, YOU WOULD.

>> LET ME ASK YOU A QUESTION, IS THIS AN EVIDENTIARY HEARING WHERE WE CAN PRESENT EVIDENCE?

>> MR. DIAMOND, THE PROCEDURE OF THE REGIONAL PLANNING COMMISSION IS ESTABLISHED. THE APPLICANT HAS 15 MINUTES TO PRESENT THEIR CASE. THE RECOMMENDATION HERE IS FOR A CONTINUANCE OF THIS HEARING. YOU CAN PRESENT ON THE UNDERLYING MATTER OR YOU CAN PROVIDE INFORMATION ON THE CONTINUANCE. IT'S NOT A COURT PROCEEDING WHERE A LAWYER QUESTIONS AND THEN GETS ANSWERS FROM A WITNESS.

>> BUT THE JUDGE IS CONSIDERED TO BE A LEGAL PROCEEDING WHEN THEY REVIEW THE TRANSCRIPT OF WHAT HAPPENS HERE.

>> THEY CONSIDER IT AS AN ADMINISTRATIVE LAYERING THE PROCEDURES ARE THE APPLICANTS PRESENT YOUR CASE, YOU CAN PRESENT YOUR CASE I SUPPOSE ANY WAY YOU WOULD LIKE TO.

>> I WOULD LIKE TO DO IT AS FOLLOWS, MR. JAJIEH, HAVE YOU BEEN SWORN AS A WITNESS?

>> YES.

>> I HAVE A FEW QUESTIONS.

>> CHAIR LOUIE: MR. DIAMOND, WE DO HAVE OUR OWN PROTOCOL AND THAT PROTOCOL REQUIRES YOU MAKE YOUR CASE WITHIN 15 MINUTES AND YOU CAN BEGIN YOUR TESTIMONY HOWEVER YOU WISH TO PRESENT IT BY THE STATEMENT OF YOUR NAME. SO, IF YOU WOULD SIMPLY STATE YOUR NAME, YOU MAY BEGIN AND AS YOU'RE WELL AWARE, WE HAVE A TIMER PROVIDED FOR YOU THAT WILL GLOW GREEN FOR 14 AND A HALF MINUTES, YELLOW FOR 30 SECONDS AND RED WHEN WE WILL ASK YOU TO CONCLUDE, SO IF YOU WILL STATE YOUR NAME, YOU MAY BEGIN.

>> FIRST, WE OBJECT TO THE PROCEDURE YOU JUST OUTLINED. IT MAY BE DIFFICULT AND IMPOSSIBLE TO PRESENT THE CASE WITHIN 15 MINUTES. WE OBJECT TO THE ENTIRE PROCEDURE AS BEING PROCEEDED YULE DEFECTING, VIOLATING OUR PROCESS RIGHT TO A FAIR HEARING TO THE CALIFORNIA AND UNITED STATES CONSTITUTION, HAVING SAID THAT, I WANT TO ASK MY CLIENT A FEW QUESTIONS, HE'S UNDER OATH AND HE'S THE WITNESS. ROGER JON DIAMOND, MR. JAJIEH, HAVE YOU BEEN SWORN AS A WITNESS?

>> YES, SIR.

>> CAN YOU PLEASE TELL ME AND TELL THE COMMISSION YOUR RELATIONSHIP TO THE BUSINESS THAT'S BEING OPERATED IN THIS CASE?

>> WELL, THIS BUSINESS BEEN OPERATING FOR THE PAST PROBABLY 40-SOME YEARS.

>> EXCUSE ME, JUST LISTEN TO THE QUESTION, DID YOU APPLY FOR A CONDITIONAL USE PERMIT AND ALL REGULATORY PERMITS FROM THE COUNTY OF LOS ANGELES?

>> I APPLIED 7 YEARS AGO AND I'M STILL IN THE PROCESS.

>> SO, IT'S TAKEN YOU 7 YEARS AND YOU STILL HAVEN'T GOTTEN A YES OR NO ON YOUR APPLICATION, IS THAT RIGHT?

>> RIGHT.

>> DID YOU APPLY TO THE BUSINESS LICENSE COMMISSION NOR A BUSINESS LICENSE?

>> THAT'S RIGHT.

>> IS IT YOUR UNDERSTANDING THERE'S TWO SEPARATE COMMISSIONS OR DEPARTMENTS IN THE COUNTY THAT PASSES ON APPLICATIONS SUCH AS THE ONE YOU'VE MADE? ONE IS THIS REGIONAL PLANNING COMMISSION AND THE OTHER IS A BUSINESS LICENSE COMMISSION.

>> RIGHT.

>> NOW, EXCUSE ME, DOES YOUR PROPERTY COMPLY IN ALL RESPECTS WITH THE ZONING CODE OF THE COUNTY OF LOS ANGELES WITH RESPECT TO WHERE ADULT BUSINESSES MAY BE LOCATED?

>> RIGHT.

>> THE ANSWER IS YES?

>> YES.

>> OKAY, AND IT HAS BEEN OPERATING THIS WAY FOR 30 YEARS, IS THAT RIGHT?

>> RIGHT.

>> AND WHEN DID YOU TAKE OVER OPERATION OF THE BUSINESS?

>> 2007.

>> AND YOU'VE BEEN OPERATING IT EVER SINCE?

>> YES.

>> IS THAT RIGHT?

>> YES.

>> BUT YOU DON'T HAVE A COUNTY PERMIT TO OPERATE, DO YOU?

>> NO.

>> BUT THE COUNTY IS ALLOWING YOU TO OPERATE BECAUSE IT'S TAKING SO LONG TO GET THE PERMIT, IS THAT RIGHT?

>> RIGHT.

>> OKAY, ARE YOU WILLING TO ABIDE WITH ALL AND ANY CONDITIONS THAT ARE CONSTITUTIONAL AND AUTHORIZED BY THE COUNTY CODE, ARE YOU WILLING TO COMPLY WITH ALL CONDITIONS THAT MIGHT BE IMPOSED UPON YOU EITHER BY THE PLANNING COMMISSION OR BY THE BUSINESS LICENSE COMMISSION? YOU'RE AGREEING TO APPLY BY --

>> YES.

>> IF THE CONDITIONS ARE VALID, YOU'LL OBEY THEM, RIGHT?

>> RIGHT.

>> SO, FOR EXAMPLE, IF A CONDITION SAID YOU CAN ONLY HIRE WHITE DANCERS, NOT BLACK DANCERS OR YOU HAVE TO GIVE THEM A RELIGIOUS TEST TO SEE WHETHER OR NOT THEY BELONG TO THE RIGHT RELIGION, YOU WOULDN'T OBEY THAT CONDITION BECAUSE THAT WOULD BE AN INVALID CONDITION, ISN'T THAT RIGHT?

>> RIGHT.

>> BUT IF THEY IMPOSE VALID CONDITIONS ON THOSE, YOU WOULD OBEY THOSE?

>> RIGHT.

>> SO, YOU'RE READY, WILLING AND ABLE TO VA IF REST TO HAVE CONDITIONAL USE PERMIT, RIGHT?

>> RIGHT.

>> YOU HAVE MANAGERS THERE, IS THAT RIGHT?

>> RIGHT.

>> AND YOU UNDERSTAND THAT ADULT BUSINESSES HAVE TO HAVE LICENSED MANAGER AT THE PREMISES IF THE MANAGER IS NOT PRESENT?

>> RIGHT.

>> HAVE YOU APPLIED -- EXCUSE ME, WE'RE NOT GETTING THEIR ATTENTION.

>> I BELIEVE THAT'S YOUR OPINION, WHETHER OR NOT YOU HAVE THEIR ATTENTION.

>> I SEE MR. HELSLEY AND MR. VALADEZ SPEAKING TO EACH OTHER, MR. HELSLEY JUST LEFT, SO THE RECORD SHOULD REFLECT HE JUST WALKED OUT.

>> WELL, AND YOUR TIME HAS STOPPED SO WE'LL WAIT FOR THE COMMISSIONER TO RETURN.

>> SO, THIS IS LIKE THE TWO MINUTE WARNING, THE CLOCK HAS STOPPED.

>> THE CLOCK HAS STOPPED, IT'S ON RED. AND JUST SO YOU'RE AWARE, MR. DIAMOND, THERE IS A 15 MINUTE TIME LIMIT AND WE WILL BE STICKING TO THAT AND THE COMMISSION IS ENTITLED TO SET ITS PROCEDURES FOR HOW IT HEARS HEARINGS AND WE WILL STICK TO THAT TODAY, SO I JUST WANT TO CAUTION YOU, YOU WILL HAVE YOUR 15 MINUTES AND THAT'S IT. THANK YOU. YOU KNOW WHAT, IF THE COMMISSION IN ITS DECISION DETERMINES TO GIVE YOU EXTRA TIME, THEY MAY DO THAT.

>> AND I HAVE -- WE'LL SAVE OUR TIME FOR REBUTTAL. SO, HOW MUCH TIME DO WE HAVE LEFT? REMAINING? IS THERE ANYTHING -- MAY I ASK

THE COMMISSIONER, IS THERE ANY PARTICULAR ISSUE THAT YOU WOULD LIKE US TO ADDRESS?

>> CHAIR LOUIE: NO, WE'LL BRING THAT UP AT THE CONCLUSION. THIS IS YOUR 15 MINUTES OR 11 MINUTES AND 39 SECONDS TO PRESENT.

>> WELL, WE SHOULD NOT BE COMPELLED TO GUESS AT WHAT A MATERIAL ISSUE MIGHT BE BECAUSE IF IT'S GOING TO BE SOMETHING OTHER THAN WHAT WE ADDRESS, WE HAVE A PROBLEM AND THAT WE HAVE NOT BEEN GIVEN NOTICE OF ANY PROBLEMS SO RIGHT NOW, IT IS MY UNDERSTANDING --

>> VICE-CHAIR VALADEZ: MR. CHAIR, JUST A CLARIFICATION FOR MR. DIAMOND. MR. DIAMOND, TODAY WE ARE ONLY GOING TO BE CONSIDERING A CONTINUANCE MOTION, WHICH WE HAVE RECEIVED.

>> THAT'S ALL THAT'S BEING CONSIDERED?

>> VICE-CHAIR VALADEZ: THAT'S ALL THAT'S BEING CONSIDERED TODAY?

>> YOU'RE NOT CONSIDERING THE MERITS.

>> VICE-CHAIR VALADEZ: NO, WE ARE NOT CONSIDERING THAT TODAY.

>> MR. JAJIEH, DO YOU WANT THE PLANNING COMMISSION TO POSTPONE THE HEARING ONCE AGAIN OR DO YOU WANT THEM TO DECIDE THE QUESTION OF WHETHER YOU'RE BELTED TO A CONDITIONAL USE PERMIT?

>> I WANT TO HAVE IT DECIDED NOW.

>> YOU'VE BEEN WAITING 7 YEARS?

>> I'VE BEEN WAITING 7 YEARS AND I SUBMITTED EVERYTHING TO THE PLANNING ALREADY.

>> IF THAT'S THE ONLY ISSUE, WHETHER THERE SHOULD BE A CONTINUANCE, I'D LIKE TO DISCOMPLETE THEN. MR. JAJIEH, YOU APPLIED TO THE BUSINESS LICENSE COMMISSION FOR A LICENSE, IS THAT RIGHT?

>> YES, AND I PAID THEIR FEE.

>> YOU'RE SIMPLY WAITING FOR TWO COMMISSIONS OR BODIES TO ACT ON YOUR APPLICATIONS, IS THAT RIGHT?

>> RIGHT.

>> AND WITH RESPECT TO THE SEQUENCE IN WHICH THE APPLICATIONS ARE CONSIDERED, DO YOU HAVE ANY IDEA AS TO WHETHER THE BUSINESS LICENSE COMMISSION SHALL PROCEED FIRST OR WHETHER THE PLANNING COMMISSION SHOULD PROCEED FIRST?

>> I BELIEVE THE REGIONAL PLANNING SHOULD BE FIRST.

>> BECAUSE THEY HAVE TO ESTABLISH WHETHER YOU'RE IN THE RIGHT ZONE, IS THAT RIGHT?

>> RIGHT.

>> AND THE BUSINESS LICENSE COMMISSION, IT IS YOUR UNDERSTANDING DEALS WITH SORT OF THE MICRO MANAGEMENT ISSUES, HOW YOU OPERATE, WHETHER A COUCH IS TO THE LEFT, WHETHER A WINDOW IS TO THE RIGHT, ALL THESE THINGS ARE MANAGEMENT DECISIONS BY THE BUSINESS LICENSE COMMISSION, ISN'T THAT RIGHT?

>> RIGHT.

>> AND SO IT WOULD NOT MAKE SENSE FOR A GOVERNMENT TO HAVE A TWO HEADED MONSTER AND EACH ONE DECIDE THE SAME ISSUES FOR ITSELF, ISN'T THAT RIGHT, IT WOULD NOT MAKE SENSE TO DO THAT, TO HAVE TWO AGENCIES DOING THE SAME THING?

>> YES.

>> AND WOULDN'T THAT WASTE A LOT OF TAX MONEY AND WHO WOULD HAVE CREATED A MONSTER WHERE TWO DIFFERENT AGENCY FROM THE COUNTY WOULD SET UP TO HEAR THE SAME ISSUES OVER AND OVER AGAIN, THAT WOULDN'T BE RIGHT, WOULD IT?

>> NO.

>> AND YOU DON'T AGREE WITH THAT, DO YOU.

>> NO.

>> SO, THIS IS A LAND ISSUE HERE. I THINK ONE OF THE COMMISSIONERS AT THE LAST TIME MENTIONED THAT IN A VERY WISE OBSERVATION, THAT THIS IS LAND USE, IT'S NOT A METHOD OF OPERATING, ISN'T THAT RIGHT?

>> THAT'S RIGHT.

>> SO, YOU OPPOSE THE CONTINUANCE, IS THAT RIGHT?

>> I WOULD RATHER HAVE IT NOW DONE.

>> OKAY, I HAVE NOTHING FURTHER.

>> CHAIR LOUIE: ANY QUESTIONS FROM THE COMMISSION? NO? OKAY. DO WE HAVE ANY PUBLIC SPEAKERS, ANY PUBLIC COMMENT.

>> YES, WE DO, WE HAVE ONE SPEAKER, KYLE SHIMAKAZI.

>> CHAIR LOUIE: GOOD MORNING, MR. SHIMAKAZI.

>> SHIMAKAZI.

>> CHAIR LOUIE: DID I HAVE YOU SWORN IN EARLIER THIS MORNING?

>> I WAS NOT.

>> CHAIR LOUIE: LET ME SWEAR YOU IN I THINK APPROPRIATELY.

(SWEARING-IN OF SPEAKER).

>> YES.

>> CHAIR LOUIE: THANK YOU VERY MUCH. AS A PUBLIC COMMENT, YOU'LL HAVE THREE MINUTES TO MAKE YOUR STATEMENT.

>> VERY GOOD.

>> CHAIR LOUIE: AGAIN, THE TIMER BOX WILL GLOW GREEN FOR TWO AND A HALF MINUTES, YELLOW FOR 30 SECONDS AND RED WHEN YOU'LL NEED TO CONCLUDE AND YOU CAN BEGIN WITH THE STATEMENT OF YOUR NAME.

>> OKAY, MY NAME IS KYLE SHIMAZAKI, I AM A PASTOR AT SAN GABRIEL CHURCH AND WE'RE LOCATED ON WORKMAN MILL AND I WANTED TO THANK THE COMMISSION FOR THIS OPPORTUNITY TO SHARE. ON BEHALF OF OUR CHURCH FAMILY WHICH IS 1200 PEOPLE, WE HAVE RECEIVED SOME PETITIONS AS WE ARE SENSITIVE TO THE LIVELIHOOD OF THE GIRLS AT THE SAME TIME, WE ARE IN OPPOSITION TO THIS PARTICULAR BUSINESS RECEIVING THEIR BUSINESS LICENSE AND CUP AND THAT IS JUST SOMETHING I WANT TO REFLECT ON BEHALF OF OUR CHURCH, I KNOW THAT THE WORKMAN MILL ASSOCIATION, THE SCHOOL DISTRICT AND SOME OTHERS ARE ALSO IN OPPOSITION, SO THAT WAS JUST A STATEMENT THAT I WOULD LIKE TO SHARE ON BEHALF OF OUR COMMUNITY AND THE FAMILIES OF OUR COMMUNITY. THAT WILL BE ALL, THANK YOU.

>> CHAIR LOUIE: COMMISSION, QUESTIONS?

>> COMMISSIONER HELSLEY: YES, I WOULD LIKE TO -- A QUESTION IN RELATION TO YOUR LOCATION. IS YOUR CHURCH THIS CHURCH?

>> WE ARE LOCATED ON WORKMAN MILL ROAD. SO, THAT WOULD NOT --
THAT'S VALLEY. THAT IS NOT OUR CHURCH.

>> COMMISSIONER HELSLEY: WORKMAN IS RIGHT HERE.

>> YES, WORKMAN ROAD AND JUST SOUTH OF VALLEY.

>> COMMISSIONER HELSLEY: OKAY.

>> THANK YOU.

>> CHAIR LOUIE: QUESTION FOR YOU. AS PART OF THE PACKAGE THAT
WAS SUBMITTED TO US, THERE WAS A PETITION WITH MAYBE 100, 200
SIGNATURES ON THERE, ANY OF THEM ARE PART OF YOUR CONGREGATION?

>> YES, THEY WERE ALL PART OF OUR CONGREGATION, CORRECT.

>> CHAIR LOUIE: OKAY, AND I SEE YOU, YOU WERE AWARE THIS WAS
GOING TO BE A CONTINUANCE MATTER BEFORE THIS COMMISSION?

>> YES.

>> CHAIR LOUIE: YES. THANK YOU. AND MR. DIAMOND, THE APPLICANT, YOU NOW HAVE 10 MINUTES IF YOU WISH TO REBUTTAL WHAT WAS JUST STATED FROM PUBLIC COMMENT.

>> IS THERE ANYBODY HERE FROM --

>> CHAIR LOUIE: AGAIN, YOU'LL NEED TO STATE YOUR NAME SO WE CAN START THE CLOCK.

>> OH, SURE. MY NAME IS ROGER JON DIAMOND. I'D LIKE THE ASK WHETHER ANY STAFF MEMBER IS HERE OR KNOWS THAT YESTERDAY I CALLED TO FIND OUT WHETHER OR NOT THIS MATTER WAS PROCEEDING AND I WAS TOLD THAT IT WAS. ARE YOU THE ONE I SPOKE TO?

>> NO, YOU SPOKE TO SOMEONE ELSE IN MY OFFICE AND HE SAID THAT WE ARE RECOMMENDING A CONTINUANCE, ALTHOUGH IT'S AT THE DISCRETION OF THE PLANNING COMMISSION TO DECIDE WHETHER TO CONTINUE OR IF SOMEONE'S HERE TO SPEAK, THEY CAN OPEN THE PUBLIC HEARING. SO, HE DID TELL YOU WE RECOMMENDED A CONTINUANCE AND IT IS IN THE PAPER WORK THAT'S ON THE DEPARTMENT'S WEBSITE AND IT WAS ALSO SENT TO THE APPLICANT.

>> WHO WAS IT THAT CLAIMS TO HAVE TALKED TO ME?

>> CHAIR LOUIE: COUNTY COUNSEL, PLEASE SHARE WITH ME, IS THIS THE OPPORTUNITY FOR THE APPLICANT TO QUESTION STAFF.

>> THIS ISN'T A COURTROOM, IT'S NOT A CROSS-EXAMINATION AND I'M NOT SURE IF THE POINT IS, IF YOU WANT TO INDICATE THAT YOU DID NOT UNDERSTAND THAT THERE WAS A CONTINUANCE BEING RECOMMENDED, THAT'S FINE, BUT WE'RE NOT GOING TO ALLOW CROSS-EXAMINATION OF STAFF AT THIS POINT.

>> I HAVE NO FURTHER QUESTIONS OF STAFF AND I HAVE NOTHING FURTHER TO ADD UNLESS THE COMMISSION HAS ANY QUESTIONS.

>> CHAIR LOUIE: NO QUESTIONS FROM THE COMMISSION. THANK YOU VERY MUCH.

>> THANK YOU.

>> CHAIR LOUIE: OKAY. THE MATTER IS NOW BEFORE THIS COMMISSION.

>> VICE-CHAIR VALADEZ: YES, MR. CHAIR, I'VE LOOKED AND REVIEWED THE RECOMMENDATION BY STAFF WITH RESPECT TO THIS MATTER AND I CONCUR WITH THEIR RECOMMENDATION, I SUPPORT THEIR RECOMMENDATION AND I'D LIKE TO HEAR FROM THE COMMISSIONER IF THERE ARE ANY OTHER COMMENTS WITH RESPECT TO THAT. SEEING NONE.

>> COMMISSIONER HELSLEY: I WOULD LIKE TO MAKE ONE COMMENT. THE STAFF'S RECOMMENDATION IS TO TAKE INTO -- TO CONTINUE THIS UNTIL FEBRUARY 19TH.

>> MS. ARANDA: YES.

>> COMMISSIONER HELSLEY: THIS RECOMMENDATION IS UPON THE -- WAITING FOR THE BUSINESS LICENSE DECISION, IS THAT CORRECT?

>> MS. ARANDA: YEAH, IN ORDER TO ALLOW THE APPEAL PROCESS TO COMPLETE -- TO BE COMPLETE.

>> COMMISSIONER HELSLEY: I'M OF THE ATTITUDE OR OF THE OPINION THAT WE HAVE BASICALLY NOT HAD A CASE PRESENTED FOR CONTINUANCE BY THE APPLICANT AND THAT THERE SEEMS TO BE A MISUNDERSTANDING FROM THE APPLICANT AS TO PROCESS OR PROCEDURE FOR THIS BODY AND WITH THAT POSITION, I THINK I WOULD MOVE THAT THE REGIONAL PLANNING COMMISSION DENY THIS REQUEST AND THAT WOULD BE MY MOTION.

>> VICE-CHAIR VALADEZ: IS THERE A SECOND I GUESS IS THE QUESTION.

>> CHAIR LOUIE: ANY DISCUSSION? IS THERE A SECOND? NONE.

>> VICE-CHAIR VALADEZ: I MOVE THE REGIONAL PLANNING COMMISSION CONTINUE PROJECT R20130052, ADULT BUSINESS PERMIT NUMBER 201300001 TO FEBRUARY 19, 2014.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION? THOSE IN FAVOR? AYE. OPPOSED? OKAY. SO NOTED. THE MOTION IS CARRIED. THANK YOU VERY MUCH.

>> MS. ARANDA: THANK YOU.

>> VICE-CHAIR VALADEZ: THANK YOU, EVERYONE.

>> CHAIR LOUIE: WITH THAT, WE MOVE ON TO ANY ADDITIONAL PUBLIC COMMENT.

>> WE HAVE NO CARDS UNDER PUBLIC COMMENT.

>> CHAIR LOUIE: THANK YOU VERY MUCH, CALL FOR REVIEW OF DECISIONS BY HEARING OFFICERS, NONE. ANY REPORTS, FROM COMMISSION, COUNSEL, DIRECTOR? AND COMMISSIONERS? NONE, WITH THAT, WE ARE ADJOURNED TO WEDNESDAY NOVEMBER 20TH, THANK YOU. (MEETING IS ADJOURNED).