

**LAND USE COMMITTEE
OF THE ALTADENA TOWN COUNCIL**

MINUTES OF RESCHEDULED REGULAR MEETING

July 11, 2006 7:00 P.M.

Altadena Community Center, 730 E Altadena Dr, Altadena, CA

A regular meeting of the Land Use Committee of the Altadena Town Council was held at the abovementioned date and time in the Community Room of the Altadena Community Center, 730 East Altadena Drive, Altadena CA.

The meeting was called to order at 7:05 P.M. by Chair Lucy Hino.

GENERAL MATTERS

1. Roll Call

The following Members, constituting a quorum, were present:
Dennis Bridwell, Ron Carter, Anthony Cheng, Desia Duncan, Steve Glasser, Steve Haussler, Marietta Kruells, Steve Lamb, Tecumseh Shackelford, Gino Sund, Cynthia Tilleman, and Michele Zack.

The following Committee members were absent: Susan Goldman, C Jake, Michelle Leonard, and Viola Williams.

2. Agenda Approval

Motion to approve the agenda as posted was made by Member Zack, seconded by Member Bridwell, and approved unanimously.

3. Minutes Approval

Approval of the May 2, 2006 & June 6, 2006 Minutes was continued to the next meeting.

4. Organizational Matters

Annual reconstitution of Committee. Announcement was made for all those interested in serving as a Member of the Committee to submit a letter of request to the Chair of the ATC. The new Committee will be seated at the September regular meeting.

5. Public Comment

A. Thomas Sutherland. 706 Ventura St. Inquired whether there is oversight over group homes in Altadena. He reported that there was a group home where one of the residents threatened to kill the resident manager and the police appeared for 1 hour to remedy the situation. The Chair directed Mr. Sutherland to look up the group home listing online and seek the proper enforcement agency for assistance.

- B. Dee Bartholomew. 3167 Olive Ave. Inquired about the development beginning at the northeast corner of Lincoln and Altadena. Member Bridwell will work with Ms. Bartholomew on finding out more information.
- C. Gil Draper. 2595 Fair Oaks. Complaint about loitering on both sides of Fair Oaks near the corner of Harriet but mainly on the west side of the street. Stated he contacted the Sheriff's Department which did not respond about the loitering but instead, questioned him about his place in the community. Member Lamb will investigate this and work with Mr. Draper on addressing this issue.
- D. Elsie Strong. 3037 La Corona Ave. Inquired about what kind of development is planned for the corner of Loma Alta and Fair Oaks given the large sign posted there. The Committee will investigate this.

PUBLIC HEARING: PERMITS, VARIANCES & CHANGES

6. 2211 Fair Oaks (CT4610) – Glasser/Shackelford

Applicant: Benjamin Namkung

R2005-03795 Filed 12/29/2005 Karen Simmons

Off-site Alcoholic Beverage Sales. Request for reconsideration with new conditions.

The Chair gave a summary of this case which was denied by the Committee at its last meeting. The County hearing officer is now seeking feedback since the applicant has agreed to close RJ's in exchange for approval of Ben's Deli & Beverage which includes a new alcohol license.

The Chair announced there was a letter of opposition sent to the Committee by a resident in the area. She also read out loud a letter from Mr. Henningsen of Cox Castle Nicholson, counsel for the applicant. The proposal at this point remains unchanged from what was presented last month. However, by discontinuing alcohol sales at RJs, which is also owned by the applicant, and opening Ben's Deli & Beverage, the number of liquor stores in the community would remain the same.

Mr. Henningsen and Mr. Namkung addressed the Committee regarding several points. They circulated additional letters of support to the Committee. They hope that by shutting down one liquor license and starting a new one, there would be no change in the number of liquor licenses in the community, making Ben's Deli & Beverage acceptable to the Committee and the residents of Altadena.

Member Lamb inquired about the implementation process of starting and stopping liquor licenses. Mr. Henningsen stated there would be a six month transition period when both licenses are in operation. However, the applicant is open to entertain a shorter period.

Member Carter stated that he has been monitoring RJs since the last meeting. He has witnessed up to 15 men at times loitering in front of RJs; he did not see Mr. Namkung on site those times. Member Carter emphasized that conditions do not appear to have improved at RJs as claimed in the Cox Castle letter to the Committee.

Member Kruells asked the Committee whether a compromise can be reached whereby attorneys fees and liquidated damages can be stated in the proposal in the event that RJs liquor license is not forfeited in the time frame to be finalized.

Member Zack agreed with Member Carter that loitering at RJs has increased recently probably due to school being out. Since RJs is in her census tract, she has also been monitoring conditions there, which are definitely worsening. She also stated that having sought out a land use consultant, a CUP can generally only restrict activities of the subject property, and not another site. Mr. Henningsen stated that the County has the power and authority to impose off-site mitigation measures regarding a separate property in order to continue development or operations at the subject site; one good example is off-site affordable housing projects throughout the County.

Member Carter expanded further on his comments that RJs is a problem in the community. He does not see the logic in rewarding a problem by allowing it transform into a bigger problem of the same type.

Member Glasser made two points. First, Mr. Henningsen has stated that Altadena has problems with gangs, alcohol, and drug use. Also, alcohol sales is not directly related to gangs or drug use. Does this mean there is an inherent problem with loitering in Altadena? Second, Mr. Henningsen stated that there is a definite need for a convenience grocer for milk, food, and other sundry items. If so, then a market should be viable there without the need for alcohol sales.

Member Lamb pointed out that Mr. Namkung has failed to properly manage RJs which has 400sf of liquor sales on a total sales area of 1200sf. Ben's Deli would be 4000 sf. If Mr. Namkung cannot properly manage RJs, Member Lamb doubts that proper management could be had at Ben's Deli compounded with the fact that he will have to manage not one but two locations.

Mr. Namkung stated that he has been spending 80 hours a week at RJs to help improve conditions. He also stated that one of his neighbors has helped him watch conditions there and that loitering has improved. He stated there is no security guard on site.

Member Tilleman asked what was at the subject site before it burned down. Mr. Namkung explained it was a liquor store. Member Tilleman followed up that if it was a

liquor store, how can neighbors be dependent on grocery items there when there were no grocery items to begin with? Does that not refute the claims for such need by Mr. Henningsen and several supporters who appeared before the Committee last month?

Member Bridwell went through the letters circulated at the meeting and stated that most of the letters have either no comment, do not explicitly support liquor sales, or do not support the project at all.

Member Sund asked whether parking will be adequate for a C-3 zone. Mr. Henningsen said that a final parking plan was not completed and is still up for discussion.

Public Comment:

- A. Nicole Bernard. 2067 Santa Rosa. 14 years old. Against the proposal. Believes the community has too many liquor stores as it is.
- B. Ashley de Leon. 374 W Woodbury. 14 years old. Against the proposal.
- C. Robert de Leon. 374 W Woodbury. 12 years old. Against the proposal. Feels that alcohol will bring problems to his neighborhood.
- D. Sandra Espadas. Programs coordinator for Day One. Strongly reiterated opposition against the liquor store as stated at the last meeting. Day One has been serving the community for the past 18 years and is familiar with alcohol-based problems.
- E. Marcus Ruth. 103 W Calaveras. Opposed to the project.
- F. Carl Smith. 240 Wyoming St. In support of the project. Does not believe that Mr. Namkung should be responsible for police action and patrolling of his customers; he is a businessman and should be allowed to conduct business as he sees fit.
- G. Dr. Eric MacCalla. Presented a letter of opposition last time. Still opposed. Presented the Committee today with a signed petition of 90 signatures from around the community. There are many sensitive neighbors such as churches and schools. Urges denying the proposal.
- H. Tim Callahan. 3771 Alzada Rd. Believes the proposal is a smoke screen for converting RJs into a bigger liquor store. Against the project.
- I. Elsie Strong. 3037 La Corona Ave. President of Janes Village neighborhood association. Totally against the proposal.
- J. Gil Draper. 2595 N Fair Oaks. Has a business on Fair Oaks and is surrounded by liquor stores. He feels having another store is too many since even the current number of liquor stores is too many.
- K. Stephen Lipira. 1990 N Raymond. Appeared last time. Read from the ABC code section 25.612 which states that loitering as permitted by an alcoholic sales venue is grounds for a misdemeanor. Moving the liquor store across the street will yield the same, not better, results for the community. Against the proposal.

L. Dee Bartholomew. 3167 Olive Ave. Secretary of the Janes Village. Against the project.

Mr. Henningsen gave some follow up remarks about the public comment heard. He reiterated that one liquor license would be surrendered for the other and asked the Committee to kindly consider the situation that Mr. Namkung is in owning both properties. He reassured the Committee that Mr. Namkung would enter any agreements necessary to ensure the transition plan is implemented as promised.

Member Lamb pointed out that Mr. Namkung does not own the land, only the business and liquor license. As such, there is potential that the liquor license could be transferred to another person who may not need to adhere to the conditions the Committee and County impose on Mr. Namkung now.

Member Kruells pointed out that knowing the RJs site may still have a liquor license in the future even if Mr. Namkung surrenders his current license does not sound good to her. Mr. Henningsen stated that whoever applied for such a license in the future would have to go through this exact process to get a liquor license.

Member Duncan clarified that there would be no increase in the total number of liquor licenses for this area.

Given the above, and upon motion duly made by Member Glasser, seconded by Member Shackelford, and approved 9-1-2, it was

RESOLVED that the Committee recommend the Altadena Town Council to proceed as decided last meeting which is to issue a letter to the County Regional Planning Department to recommend DENIAL of CUP R2005-03795 for off-site alcoholic beverage sales at 2211 Fair Oaks Ave.

During discussion, Member Cheng commented that it appears that the community does not really want the same number of liquor stores in Altadena, but that there should be fewer as a whole. If that is the case, we should deny all liquor licenses of this nature and let attrition take its toll to reduce the total further.

Member Carter commented further that he feels the way RJs is run should lead to its economic demise. This community needs change now and it is our duty as a Committee to take steps necessary towards bettering Altadena including denial of all applications that can potentially lead to increased gang or other detrimental activity.

Member Kruells pointed out that the Committee is purely as an advisory group for the ATC, which in turns advises the County. There is potential for the County to still approve this proposal, and this is our opportunity as a Committee to ensure there is a regulated liquor store in our community rather than one that is unregulated such as RJs.

7. 2130 Windsor Ave (CT4610) – Glasser/Shackelford

Applicant: Caltrans, State of Calif, Judy Ma, Royal St Communications

R2006-00035 Filed 01/04/2006 Velma Ingram

Co-location of wireless telecommunications facility along road right of way.

County Public Hearing Date is on 08/01/06.

Member Shackelford gave a status report on this item. This project was not supposed to come before the Committee. T-Mobile already has a facility at this site. This new carrier Metro PCS will co-locate antennae at this site with no change visually at the site or from any neighboring viewpoint. There are no residents in the surrounding area.

Given the above, and on motion made by Member Shackelford, seconded by Member Haussler, and approved 7-0-5, it was

RESOLVED that the Committee recommend that the Altadena Town Council issue a letter to the County Regional Planning Department to recommend APPROVAL of CUP R2006-00035 for co-locating a wireless facility at 2130 Windsor Ave.

8. 2515 Fair Oaks Ave (CT4603.02) – Kruells/Lamb

Applicant: Roesch Properties LP; rep Peter Shubin, Sequoia Development

R2005-03775 Filed 12/28/2005 Velma Ingram

Mono-palm facility at Apple Market. County Public Hearing on 07/25/2006.

Mr. Shubin gave a brief summary of the project. He is with Sequoia Development which represents T-Mobile. He distributed site plans and photo-simulations.

The applicant tried to locate at the Mountain View Cemetery but there are already two carriers there and co-locating would push the T-Mobile antennae too low for effective coverage. They also tried Ben Franklin Elementary School and other schools but were unsuccessful in filling the coverage gap in the area.

Property on the southwest corner is in development review. To the east is Mountain View Cemetery. To the north is commercial. To the west across the alley is SFR.

Member Cheng commented that only a few residents are affected on the immediate west side but they have not been contacted for feedback besides the required County public

hearing noticing requirements. Therefore, it is probably best for the Committee not to make a recommendation at this time without such input.

Member Lamb commented further that the alley is poorly maintained and those residents already face the back side of the market; it is unclear if the view will be diminished.

No action was taken.

9. 2320 Lake Ave (CT4612) – Cheng/Duncan

Applicant: Manny Jayasinghi

R2005-02234 Filed 08/02/2005 Karen Simmons

Pre-school, day care and kindergarten 45 kids. County Public Hearing on 07/25/2006.

Member Cheng informed the Committee that the applicant did not contact the ATC or the Committee. Since the proposal is merely to continue an existing license for the school with no changes, the County will most likely approve the proposal with no feedback from the Committee.

No action was taken.

REPORTS

10. 3500 Glenrose Ave (CT4603.01) – Bridwell/Williams

Applicant: Michael Anderson, Alana Steele

R2005-00089-5 Filed 06/02/2005 Kanika Kith

Legalize an existing carport that is encroaching into the front yard and side yard setback requirements and authorize construction of a 2-story second dwelling unit within a single-family residential property. UPDATE: County approved project with conditions.

Member Bridwell commented that it is unfair for us as a Committee for the County to approve a project when the Committee vehemently opposed it. Better communication needs to be established to let the County know what and how much discussion and research occurred leading up to the Committee's decisions.

No further business being brought before the Committee, the meeting was adjourned to the scheduled regular meeting on Tuesday, August 1, 2006, at 7:00 P.M. at the Community Room of the Altadena Community Center.

Respectfully submitted,
Member Anthony Cheng
Communications & Recording Secretary