

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

MINUTES OF REGULAR MEETING

June 6, 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 7:06 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, C Jake, Marietta Kruells, Steve Lamb, Tecumseh Shackelford, Cynthia Tilleman, and Michele Zack.

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

Jacquie Fennessy resigned from the Committee.

- 2. Agenda Approval.** Motion to approve the agenda as posted was made by Member Lamb, seconded by Member Shackelford, and approved unanimously.
- 3. Minutes Approval.** Approval of the May 2, 2006 minutes was continued to the next meeting.
- 4. Organizational Matters.**
 - A. New representative for CT4601. The Committee welcomed Eugene “Gino” Sund who was seated on the Committee for CT4601.
 - B. Next meeting on the 11th July. Due to the 4th of July holiday, the next meeting of the Committee will be at 7pm on Tuesday, July 11, 2006.
- 5. Public Comment.**
 - A. Hugh Bonar. 1690 Braeburn Rd. He stated that the house next door at 1678 Braeburn is doing a remodel that is tripling the size of the house. It appears that the owner is building a second unit. He went to public works and found that there were no plans

for a second unit. Member Sund will work with Mr. Bonar to investigate the construction and adherence to approved plans.

PUBLIC HEARING: PERMITS, VARIANCES & CHANGES

6. 2769 Grandeur Ave (CT4603.02) – Kruells/Lamb

Applicant: Bruce Miller

R2005-03359 Filed 10/31/2005 Maria Masis

Legalize existing second story storage unit.

Member Lamb explained that Grandeur is a very narrow street, just about the width of a driveway. The applicant explained that he bought the house with a partially built accessory structure he thought was permitted. There is a zero setback and the second story is out of proportion with the standards. Member Lamb feels that the project asks for too many variances from the Altadena CSD, and even though all of the applicant's neighbors are in support, he feels the project should be denied.

Member Sund also stated that the project would be out of proportion with the neighborhood.

Given the above, and on motion made by Member Lamb, seconded by Member Sund, and unanimously approved, it was

RESOLVED that the Committee recommend that the Altadena Town Council issue a letter to the County Regional Planning Department to recommend DENIAL of CUP R2005-03359 for legalizing an existing second story garage unit at 2769 Grandeur Ave.

7. 2211 Fair Oaks (CT4610) – Glasser/Shackelford

Applicant: Benjamin Namkung

R2005-03795 Filed 12/29/2005 Karen Simmons

Off-site Alcoholic Beverage Sales.

Member Glasser stated that his constituents have made it clear that there not be another liquor store in his census tract. He reminded the Committee that there will soon be a Farm Fresh Market with possible alcohol sales that would meet the community's needs.

Member Shackelford stated he passed out flyers to the neighbors to invite them to the meeting. He stated that the two ATC representatives spoke to him. Councilman Nwoye stated he would be for the project if the CUP restrictions would be adhered to, such as less than 5% alcohol sales, additional security, and limited hours of alcohol sales.

Councilman Thompson is against it. Member Shackelford also distributed copies of the County staff report.

Mr. Jack Henningsen is the land use lawyer representing the applicant. He recognizes that there have been problems with this location before but his client only purchased the store 2 years ago. Sheriff's reports have stated that the condition of the operations has improved during his client's ownership. The applicant does not wish to reopen the store under the original format, but under a new format as Ben's Deli & Beverages.

Member Glasser asked whether the applicant would be interested in opening the store without the sale of alcohol. Mr. Henningsen stated that it could be a possibility but would make it very difficult economically to do so. Ben's Deli will not appear as a liquor store – it will appear as a deli with very little shelf space dedicated to alcohol.

Mr. Henningsen stated that the applicant has over 300 signatures of support from neighbors with only 27 letters of opposition. He stated that the church nearby is also in support of the project.

Chair Hino inquired what are the uses surrounding the location. The applicant explained there are residences behind the site, a school on one side, and a church across the street.

Member Bridwell asked why the name of the business is now "Ben's Beverage & Deli" instead of "Ben's Deli & Beverage". He also pointed out that many of the letters of support are illegible.

Member C Jake asked why the applicant's report to the County stated there was positive support from the ATC and the president of the Altadena NAACP when these endorsements were not actually given. Mr. Henningsen stated that these statements were inaccurately made at the time the report was made, and although the NAACP was not officially in support, two members of the NAACP were in support, namely Councilman Joe Brown and Councilwoman Dr. Sandra Thomas. Member C Jake also stated that as a member of the Altadena Sheriff's Support Group, the sheriff's department has stated this site is a definite problem area for Altadena. She also inquired about, and the applicant explained, he owns the RJ's liquor store; she asked why not just sell alcohol through that outlet and not the Fair Oaks location. The applicant explained that RJ's is a much smaller location at 400sf and it would be difficult economically to do so. Member C Jake asked whether the applicant had a backup plan in the event a CUP with alcohol sales was denied, and Mr. Namkung stated no.

Member Carter asked how long the applicant was a member of Metropolitan Baptist Church which was stated in the application. Mr. Namkung stated 9 months. Member

Carter asked why the applicant needed to sell beer and wine at this location when RJ's is less than 100 yards away also selling alcohol.

Member Zack asked what percentage of the letters of support are from the Metropolitan Baptist Church in which Mr. Namkung belongs. Member Bridwell asked how he obtained these letters. Mr. Namkung stated that only a few of the letters are from the church, and he obtained them by walking the neighborhood over a 3 day period. Member Zack also inquired why the CUP application stated that there was Town Council approval when there was not. Mr. Henningsen stated it was in error.

Member Lamb inquired about the hours of operation for the store. The staff report states 7am through midnight, and 7am through 1am depending on day of week. The applicant explained those have been modified. Member Lamb also asked what percentage of sales alcohol will comprise, but the applicant responded he did not know.

Member Sund asked Mr. Henningsen since Mr. Namkung stated he would be a good citizen in Altadena and the store would help clean up the neighborhood in exchange for the approval of the CUP; why not fix the neighborhood first and then come back to ask for the CUP. Mr. Henningsen explained that it is a matter of resources, and Mr. Namkung has already purchased these stores under financing with quite a bit of his assets. Mr. Namkung did not expect the fire last year, and really intends to operate a good store for the community.

Member Glasser asked how long Mr. Namkung owned RJ's and whether he was aware of gang activity there. Mr. Namkung stated he purchased RJ's in September 2004 and has worked with the Sheriffs to improve gang activity over the last 2 years. Member Glasser also asked how it is economically viable to have two stores selling alcohol within such a close distance. Mr. Namkung stated it is more for convenience for the neighborhood. Member Glasser asked whether it would be better economically to serve as a market through one outlet and a liquor store through the other. Mr. Henningsen stated Mr. Namkung will have to see how business does to make a determination.

Member Lamb asked although there will only be 5% of shelf space dedicated to alcohol, how much of the warehouse/storage space of the store will house alcoholic inventory. Mr. Henningsen stated that it will depend on the actual business conducted.

Member C Jake stated that upon further review of the letters of support, most appear to be from other parts of Altadena and even Pasadena. Further, it appears many letters of support seem to be by tenants rather than homeowners; tenants are generally more transient and less concerned with the detrimental impact on the community by poorly planned new projects. Many of these letters are not by true neighbors of the project. She

questioned how such a broad range of addresses was reached by Mr. Namkung over only 3 days.

Member Carter also stated it appears that many of the letters of support appear to have been obtained only through explanation of having a store opening in the neighborhood, not a store with alcohol, so that the project was misrepresented to these members of the community.

Public Comment:

- A. Luis Bolanos. 1900 N Glen Ave. Has been a member of the community for 17 years and known Mr. and Mrs. Namkung for many years. He stated it has been a hassle to take the bus to Ralph's or Von's early in the morning to buy groceries, or after a long day of work. He is in support of the Namkungs to open a store at this site.
- B. Jill Brenek. 2641 Highview Ave. Homeowner. She and her husband have a 2 year daughter. States there is loitering in front of RJs all day long. She loves Altadena but is now afraid to walk in the neighborhood. There are 18 children on her street alone. Many of the loiterers from RJs walk through her street, and mothers are worried for their children. Doesn't understand why there may be more liquor stores in the area. Against the store. It is time to clean up the community.
- C. Michael Browning. 175 N Euclid, Pasadena. Works for UC Berkeley Institute of Studies for Social Change. Resides at 5235 Kester #112 Sherman Oaks. Reiterates that alcohol is over-concentrated in the community here. States that the business can be successful without alcohol. The research in this area shows that this is true, and it is necessary to eliminate blight.
- D. Nicole Comas. Lives on Garfield. Asked whether it is the intention of the Committee to make this a low income area. With the Farm Fresh coming in, that will be further from the residents in that area. It should be a right of the neighbors to be able to purchase supplies including alcohol in their immediate neighborhood. She stated that gang members congregate in many locations around the community, and asked by not approving Mr. Namkung's project, would this solve the problem. She is in support of the project.
- E. Malcolm Dicks. 223 E Calaveras St. Against the project. There is alcohol across the street, we don't need another liquor store. He is a county fireman and knows these types of problems. We do not need to add fuel to the fire – adding another liquor store will only make the community worse.
- F. Johnny Edwards III. 2355 El Sereno. Homeowner. He also owns a home in Pasadena, and his family owns property in LA. He is in support of Mr. Namkung's project for the fact that businesses should be allowed to open and thrive. This project will be more of a store than a liquor store. Thinks that Mr. Namkung should be given

- a chance. He feels Mr. Namkung has turned around RJs, and should be allowed to perform on his proposed project.
- G. Sara Glasser. 795 Mountain View. She cannot imagine how another liquor store in our community will be beneficial. She is positive that Mr. Namkung must know how much he will make off of liquor sales. As a homeowner, she feels it is a poor idea to allow another alcohol outlet to be established especially when there is another liquor store that Mr. Namkung owns just across the street. Against the project.
- H. Stephen Lipira. 1990 N Raymond, Pasadena. It is his liquor store since he lives just across the city border. He states that just because a store serves alcohol, it does not necessarily mean it will be a nuisance. He feels the sheriffs reports are very weak. He stated that there are reports of nuisances sent to the Pasadena police department not included in what was presented to the County. He stated that in 2003 when Lany's Liquor closed, he was worried that RJs would get worse, and feels that it has. He said even tonight on his way to the meeting, he saw 7 individuals loitering there with the permission of the owner.
- I. Dr. Eric MacCalla. Lives on Chaney Trail. Corresponding Secretary – Westside Residents Association. Has been very active in the community. States that when you search for alcohol around the subject site, you will find 10 liquor stores. He also stated that 6 liquor stores in Altadena have violated underage liquor sales. There are too many liquor stores here; the ABC states that more than 4 per census tract is too many, and there are already 4. Just over the census tract lines, there are 2 more, so it is essentially 6 in his neighborhood. He goes to the Mobil gas station in that area and has noted loitering there. Even when visiting the Sheriffs Department, they have told him it is a gang hangout area. Also the project does not conform to Altadena CSD.
- J. Willie Minor. 70 W Palm. He has known Mr. Namkung for 5 years and also the previous owners. He was recently hired at RJs. He is a former gang member and knows the business. Mr. Namkung should be allowed to run his business. He says while he is at work, he gives back to his community by talking to the boys hanging out there, and they listen. He has been there for several months and things have improved. Mr. Namkung must be given a chance to keep improving the area.
- K. Marcus Ruth. Representative from Day One. Resides at Calaveras and Glen Rose. His family is also a business owner in the community. Does not support another liquor store in the community. There are already 10 liquor stores in the area. The loitering there has not improved. There is a direct correlation with number of liquor stores and alcohol-related incidents. It is a gang hangout and will continue to be so if there is alcohol. There is already too much alcohol too conveniently located.
- L. Carl Smith. 240 Wyoming St, Pasadena. Has been a resident over 20 years in the community. He can denounce any opposition to the project. He feels that including alcohol in the CUP will neither add or detract to the quality of life in the community.

States that we cannot summarily attribute problems of society to alcohol. Implores all of us to stand in consensus to support Mr. Namkung's project.

- M. Rita Klopner. Former owner of RJs. States that Mr. Namkung inherited a really bad situation with RJs. She also lives here in Altadena near Holliston and Palm. She feels that there is a way to control loitering. Mr. Namkung was not informed of the problems of the mini-mart he purchased for a large sum of money, and was initially devastated. She was able to control the loitering at the market before. If given the chance, Mr. Namkung will surely do a good job and has already begun demonstrating such ability.
- N. Ronnie Winn. 158 Mountain View. Has lived in Altadena all of his life. This problem has been here for 36 years along with the gangs. He states that this problem will not go away with the denial of this project. States Mr. Namkung has been doing a good job. The community cannot blame a liquor store for these problems. Why does the community all of a sudden want to clean up the community? He does not drink, but utilizes the store for convenience to purchase groceries. This has been a part of the community for a long time; the problem is not alcohol.
- O. Delano Yarbrough. 555 E Washington. Lives in Pasadena, and owns a business in Altadena. Former principal of Elliot Middle School. He does not have any qualms about Mr. Namkung as a person. He is also a member of Metropolitan Baptist Church. He is concerned, though, of the quality of life and proximity with the young people just a fence away based on his experience as a principal for 13 years. There are other liquor stores immediately nearby including Apple Mart, which is only a half block away. There are 6 liquor stores within a mile.
- P. Adam Bell. 2690 Highview. Co-captain of the neighborhood association. He urges the Committee not to support the project. He grew up in South Central Los Angeles and Brooklyn, New York. He purchased a home 6 years ago in Altadena. He stated that the former problems at the old liquor store that closed moved to RJs. Even tonight when driving over, there were 7-8 loiterers in front of the store. He has children and when walking the area, would avoid the site. There are problems there all of the time. There are only 2 sheriffs for that area who take calls for these problems all of the time.

Mr. Henningsen was allowed to respond to some of the public comment. He stated that Mr. Namkung will not sell alcohol to minors. Also, by having alcohol sales at the store, it will help his economic feasibility.

Member Glasser pointed out that the supporters of Mr. Namkung all stated the store would provide a truly convenient outlet for groceries and sundries, without any need for the store to have alcohol to be successful. If that is the case, it proves that the market should be successful without the sale of alcohol.

Given the above, and on motion made by Member Glasser, seconded by Member Lamb, and approved 12-0-1, it was

RESOLVED that the Committee recommend that the Altadena Town Council issue a letter to the County Regional Planning Department to recommend DENIAL of CUP R2005-03795 for off-site alcoholic beverage sales as part of Ben's Deli & Beverage at 2211 Fair Oaks.

8. 2250 Lincoln, Lincoln Crossing (CT4610) – Glasser/Shackelford

Applicant: Mr. Parviz Aria, CEO, Farm Fresh Market

[CUP info needed] Maria Masis

Supermarket alcohol license.

Chair Hino reminded the Committee that this project is within the jurisdiction of the West Altadena Project Area Committee (WAPAC), which has gone through extensive community outreach as part of the community redevelopment plan.

Member Shackelford stated that Mr. Aria has signatures of support from residents behind and in front on Lincoln and Crosby. The WAPAC has approved the project a year ago, and residents in CT4610 are also in support.

Mr. Aria stated that the Farm Fresh at Lincoln crossing will provide produce, meat, dairy, dry goods, sushi, sandwiches, organic food, homeopathic foods, and baked goods (including European pastries and breads) among other offerings. Farm Fresh has 7 stores; this store will make 3 stores in the immediate area.

Member C Jake inquired about the types of alcohol will be sold. Mr. Aria explained that the store will follow the same format as other Farm Fresh stores including beer, hard alcohol, and potentially pints but all behind the counter. Beer will be in minimum six-pack sizes.

Public Comment:

- A. Adam Bell. 2690 Highview. Since the Committee just denied the liquor license application for Mr. Namkung's project, the Committee should consider denying Farm Fresh as well.
- B. Nicole Comas. Lives on Garfield. She is in support of Mr. Bell. If Mr. Namkung's project was not beneficial for the community, how can Farm Fresh be? How can we know that Farm Fresh will not violate any of the restrictions placed on it?
- C. Jack Henningsen. Attorney for Mr. Namkung. He questioned why a higher end store such as Farm Fresh would need alcohol since Mr. Namkung was denied. Is this

community only in support of larger stores and not small business owners? It appears quite ironic that the community would support Farm Fresh.

Mr. Aria explained he has been in the community 40 years. His stores have employed thousands of local employees. This store would employ 120 employees. He owns other businesses in Pasadena and Altadena. He himself is a graduate of Pasadena City College. Having alcohol at Farm Fresh would only be part of the complete offering as a full service supermarket.

Member Carter pointed out that there is no supermarket in the state that does not sell alcohol. In order to have a full service supermarket, we must allow them to operate as they normally do.

Given the above, and on motion made by Member Lamb, seconded by Member Zack, and approved 12-0-1, 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 [INSERT] for alcoholic beverage sales as part of Farm Fresh Market at 2250 Lincoln.

During discussion, Member Lamb pointed out that the difference between the Farm Fresh and Ben's Deli is the management and assurance of loitering control. Member C Jake stated concentration of liquor stores is the major obstacle in the Ben's Deli case.

9. 1456 E Mendocino St (CT4612) – Cheng

Applicant: Margaret Lin, Sequoia Development on behalf of T-Mobile

R2005-03692 Filed 12/12/2005 Karen Simmons

Wireless mono-palm facility at Altadena Golf Course.

Member Cheng gave a summary of the project and the neighbor response. Of the neighbors surveyed only 1 neighbor was in huge opposition due to radiation emissions; 2 other neighbors were supportive provided no detrimental effect on TV and radio reception; and 2 others could not be reached. Only 5 houses are in direct sight of the proposed structure. The mono-palm would blend in with an existing copse of palm trees at the north end of the Altadena Golf Course where the putting green is located

Ms. Lin explained that the mono-palm was selected to fit with the neighboring trees. She addressed the concerns of the neighbors and stated that based on FCC regulations the RF emissions would not affect TV/radio reception.

Member C Jake asked since this is County land why this came before the Committee. Member Sund stated he spoke with the golf course tenant and he was in support of the project.

Member Zack asked whether the mono-palm could have a thinner trunk, and Ms. Lin explained that technology is changing but currently it could not be thinner.

Public Comment:

A. Henrietta Manes. 1523 E Mendocino. Her concern is not with the appearance and reception of the tower but the safety of the radiation emitted by the tower. She has a 4-year boy that sleeps directly across from this tower. She knows that there are many things we do not yet know about radiation, and in 20 years, she does not want to look back and see this was a mistake for her son. She stated there is a body of research that allude to negative effects of cell sites. She stated that unless there is factual research that proves there will be no negative effects, then she must be against the project.

Member Lamb stated that the Committee is barred by State law from considering radioactivity or other electromagnetic emissions as grounds for denying telecommunications facilities.

Ms. Lin explained that health concerns have been raised before. She explained that the federal government has set regulations to ensure the health of the community.

Member Zack asked whether the location of the tower could be moved further in from the street. Ms. Lin explained the tower will be 60' from the south side of the street. So including the 50' width of the street, the tower would be 110' from the north side of the street.

Given the above, and on motion made by Member Lamb, seconded by Member Haussler, and approved 6-3-4, 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 R2005-03692 for the erection of a mono-palm telecommunications facility at the Altadena Golf Course, 1456 E Mendocino St.

REPORTS

10. 2055 Lake Ave (CT4611) – Tilleman/Zack

Applicant: Dr. Sahi, Altadena Animal Hospital

R2006-00147 Filed 01/17/2006 Maria Masis – County hearing late summer

Expansion requiring oak tree permit, zone change, parking reduction, and other variances.

Ms. Carolyn Ingram Seitz explained that the project is still in the environmental review process which should take about 90 days. The applicant will appear before the Committee in approximately 4 months.

No further business being brought before the Committee, the meeting was adjourned to the re-scheduled regular meeting on Tuesday, July 11, 2006, at 7:00 P.M. at the Community Room of the Altadena Community Center.

Respectfully submitted,
Member Anthony Cheng
Communications & Recording Secretary