

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

MINUTES OF REGULAR MEETING

**May 5, 2009 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 7:08 P.M. by Chairman Brian League.

OPENING BUSINESS

1. Roll Call

The following Members, constituting a quorum, were present: Dennis Bridwell, Gene Campbell, Anthony Cheng, Ruth Edwards, Okorie Ezieme, Sarah Fuller, Mark Goldschmidt, Diane Marcussen, Greg Stanton, Gino Sund, Cynthia Tilleman.

The following Committee members were absent: Phillip Barela, Susan Goldman, Tecumseh Shackelford, Sandra Thomas.

2. Agenda Approval

Agenda was approved by the Altadena Town Council (ATC).

3. Minutes Approval

Motion to approve the April 7, 2009 minutes as amended was made by Member Sund, seconded by Member Goldschmidt, and approved unanimously.

4. Public Comment – none.

PUBLIC HEARING & ACTION ITEMS

5. 2246 N Lake Ave (CT4612) – Cheng/Edwards

Applicant: Milan Garrison of MG Resolutions Inc (on behalf of Charles Co)

R2008-00377 & -00378 filed 03/04/2008 – C3-C2* – ZP2 Philip Estes

CUP #R200800048 & R200800049

ABC CUPs at former Washington Mutual site.

MG Resolutions is the consultant representing the developer, Charles Company. The applicant explained that the design of the project has been approved and that they are

now applying for the CUP for alcohol sales. Standard neighborhood notice has been distributed as per County regulations.

A two story building is proposed with ground floor retail and second floor medical tenant uses. Since the building construction has already been approved, the only outstanding item to be addressed is the sale of alcohol. At the time the rest of the project was approved, tenants had not been secured so the applicant did not seek a liquor license then. Now that brand name, credit tenants are lined up, the alcohol license process with the County has been initiated. The medical user has not yet been identified.

Member Sund confirmed with the applicant that the CUP would be specific for these tenants. The license would be for beer and wine for Fresh & Easy, and full spirits sales for Rite Aid. The applicant explained that Rite Aid is simply moving from its current location at Altadena Dr and Lake Ave so its new liquor license would not increase the number of spirits licensees in the area. Fresh & Easy would be adding an additional beer and wine only alcohol license to the area.

Member Stanton asked whether a new tenant who moved in after Rite Aid vacated the new location could pick up the liquor license. The applicant explained that the County would consider a new tenant such as a small liquor store as a significant change to the CUP and would probably demand that the new tenant go through the entire CUP process again. However, if a substitute grocer or large chain store came in, there may be a possibility the liquor license could be taken over.

Member Tilleman asked what will happen to the current Rite Aid location. The applicant answered that he did not know the plans for that site.

Member Sund asked what would happen to these prospective tenants if the liquor licenses are not granted. The applicant explained that most likely these two prospective tenants would not lease at the site. The liquor licenses are critical to bringing in both tenants.

Member Edwards asked what market share would Fresh & Easy take from Ralphs. The applicant explained that Fresh & Easy has done analysis and determined they can co-exist with Ralph's as the immediate neighbor.

Member Sund stated he has received significant correspondence from the community about the additional liquor license in the area. One particular concern is the location of the site being so close to a school and church. The applicant explained that the usual problems with public drunkenness and unruly behavior that come with smaller liquor stores are not associated with pharmacy based chain stores as well as grocery stores.

Fresh & Easy will only be selling beer and wine in packages – no single beer or 40 oz bottle sales. The same will go for Rite Aid in order to avoid single user alcohol sales.

Tracy Verastegui, the representative for Rite Aid, explained that the shopping center owner of the existing Rite Aid has signed a longer lease with Kragen Auto but that Rite Aid wants to move down to the new Lake Ave site being a better location for sales.

Member Ezieme asked Ms. Verastegui to elaborate on the reasons why Rite-Aid is looking to relocate. Specifically, he inquired whether Rite-Aid is experiencing any decline in revenues or facing landlord issues. Ms. Verastegui stated the current store needs major repair / upgrade / retrofitting with a price tag ranging from \$500,000 to \$3 million, which is a capital commitment Rite-Aid was not willing to make due to lack of a long term lease.

The applicant thinks the County public hearing for this case should be scheduled in about three months, and that the building could open somewhere July to November 2010. The project is in plan check now and the should be able to start construction later this year,

Member Sund pointed out that with the Rite Aid representative in attendance, it appears that Rite Aid is fully on board for the move. The applicant explained that Fresh & Easy is still in negotiations. In the event that Fresh & Easy does NOT enter into a lease agreement, the CUP for liquor sales for that space will be void. There will be no drive through for the Rite Aid.

Public comment:

A. Carolina Clark. 175 N Euclid Ave. She is from Day One, which monitors CUPs and alcohol licenses. She stated that the distance between off site liquor sales and a sensitive site is 100 feet but is not enough alone to deny a liquor license.

Given the above discussion, and on motion duly made by Member Tilleman, seconded by Member Sund, and approved (11-0-0), it was

RESOLVED the Committee recommend that the Altadena Town Council send a letter to County Regional Planning recommending APPROVAL of Projects R2008-00377 and R2008-00378 for the approval of alcohol sales at 2246 N Lake Ave specifically for full spirits sales for Rite Aid and beer and wine sales for Fresh & Easy.

During discussion, Member Sund stated that many members of the community are looking forward to Fresh & Easy coming into the community. Member Goldschmidt also had the applicant clarify that there will be a 25 foot landscaped setback between the residential uses and the commercial uses to provide a buffer zone.

Member Sund also noted there is widespread support for the project from his census tract. Member Ezieme emphasized that while the residents in Member Sund's census tract are happy, it is at the detriment of Member Ezieme's constituents who would like to see Rite-Aid remain in place, but with a major face lift. Member Ezieme further noted receiving many telephone calls from Altadena residents who have patronized Rite-Aid for many years because of the convenience of location, and some expressed concern the property may remain vacant too long or turned into less than desirable project(s).

The applicant left the meeting after the above motion was passed. Member Sund pointed out that the Committee forgot to have the applicant distribute the actual CUP applications, which is standard Committee procedure and that the prior action needs to be addressed.

Given the above discussion, and on motion duly made by Member Sund, seconded by Member Marcussen, and approved (11-0-0), it was

RESOLVED the Committee RESCIND the last motion recommending that the Altadena Town Council send a letter to County Regional Planning recommending APPROVAL of Project R2008-00377 and R2008-00378 for the approval of alcohol sales at 2246 N Lake Ave specifically for full spirits sales for Rite Aid and beer and wine sales for Fresh & Easy.

And, on motion duly made by Member Sund, seconded by Member Tilleman, and approved (11-0-0), it was

RESOLVED the Committee recommend that the Altadena Town Council send a letter to County Regional Planning recommending APPROVAL of Project R2008-00377 and R2008-00378 for the approval of alcohol sales at 2246 N Lake Ave specifically for full spirits sales for Rite Aid and beer and wine sales for Fresh & Easy on the condition that the applicant provide a copy of the CUP applications at least one week prior to the next Altadena Town Council meeting.

INFORMATION ITEMS

6. Reports & Organizational Matters

A. Announcements

- i. 2489 E Washington Blvd, Pas. This is the take-out restaurant and retail project. The site plan and business license applications have been approved but the parking deviation issue has not been resolved. The project is still open.

- ii. Scripps Home. Member Tilleman stated that she received a marketing package from the owner that they are selling the entire project. Member Sund stated the owner/developer has received extensions from the County for the CUP and will try to do the project in the future. Both Members will investigate further the current status of the project.
- B. Continued discussion on update of Community Standards District

FUTURE POTENTIAL PUBLIC HEARING ITEMS

7. June Calendar

- A. Subdivision West Altadena - Address is 3572 Canyon Ridge Dr, though the property is also known as 3511 Lincoln Avenue.

No further business being brought before the Committee, the meeting was adjourned to the next scheduled regular meeting on Tuesday, June 2, 2009 at 7:00 P.M. in the Community Room of the Altadena Community Center.

Respectfully submitted,
Member Anthony Cheng
Communications & Correspondence Secretary