

Molinar, Tess

From: Rick Phegley <rick.phegley@smartandfinal.com>
Sent: Wednesday, August 19, 2020 10:59 AM
To: Rocha, Luis; Driver, Jennifer
Cc: Sinclair, David; Molinar, Tess
Subject: CUP #6836 - 3425 East Colorado Boulevard

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AS REVISED FOR POSTING

In consideration of the application for a Conditional Use Permit for off-site alcohol sales (Type 21 ABC license) and instructional tastings (Type 86 ABC license), I am writing in opposition to the approval of the CUP #6836 based on incomplete information reasonably necessary to evaluate the CUP request.

In the evaluation of a Conditional Use Permit for alcohol sales in local jurisdictions, it is generally considered that there are at least two relevant factors. The first is whether the application meets the site criteria in terms of zoning and other local regulations. Planning staff appears to have conducted a thorough review and concluded, notwithstanding the numerical overconcentration of proximate alcohol uses, that the application should be approved. This judgment regarding zoning and overconcentration is appropriately for review by the Hearing Officer.

The second CUP evaluation factor is the applicant itself, who will be operating the business under the CUP. The CUP is not solely for the parcel, it is specific to the use of the parcel and integral with the proposed store operator. The Staff report does not identify the proposed operator, and Staff appears to not know who the store operator person or entity will be, what identity the store will have, or the compliance history of the proposed store operator. This is based on correspondence from Jennifer Driver (Staff Planner, Planning and Community Development) who noted in e-mail correspondence on 8/18/2020 "... At this time, unfortunately the store operator is not known." These are not small details, or details which can be left to a later California Department of Alcoholic Beverage Control application process, as the responsibility of the CUP process is to identify all relevant factors which could then reasonably be the subject of public comment.

In full disclosure, I am a corporate officer of a nearby ABC license holder, Smart & Final Stores LLC at 3299 East Colorado Boulevard. As a company we are familiar with the practical considerations in ABC enforcement which occur in areas of license overconcentration, and particularly in areas where irresponsible ABC license holders operate. I have been an officer of Smart & Final since 1996 and have been the applicant for numerous ABC licenses. I have never previously objected to a competitor's CUP application, as the applicant has always been disclosed. Said plainly, this is not an objection based on proposed business competition.

Additionally, I have also been a Pasadena resident for over 35 years and have been supportive of several projects at the Hearing Officer level.

I request that this CUP #6836 be re-noticed for a future date, with the identity of the proposed store operator and any other relevant details included in an amended Staff Report, and with an appropriate comment period thereafter.

Thank you for your consideration.

Rick Phegley

Executive Vice President
Smart & Final Stores LLC