

Published September 29th, 2010

Dollar Tree Going to Town Council

By Sophie Braccini



This photo, taken 9/24/10, shows Tuesday Morning's windows piled high with boxes and merchandise. Moraga planning staff indicated that this store had conditions placed on its permit requiring it to maintain a showroom-quality display; enforcement appears difficult. Photo Wendy Scheck comes first."

Opponents came armed with creative displays to support their opposition. Resident Cavan McCarthy had assembled presentation boards showing CVS and Dollar Tree products side by side. "For example, I bought a package of Doritos at a Dollar Tree at 30 cents per ounce, while at CVS a package costs 21 cents per ounce," she said, "they are not selling anything cheap, it's just more packaging and smaller portions."

Others opponents presented arguments related to Moraga's legal documents. Resident Holly Erickson-King, referring to Lafayette's guidelines, urged, "Let's adopt a retail plan for Moraga before the Dollar Tree defines it for us."

Resident Kathy Macchi argued that the store would go against some of the principles of Moraga's General Plan regarding the retail community, such as civic and community involvement, or quality that should enhance the character of the community.

Arguments such as the above will likely form part of the basis for the opponents' appeal.

The commissioners were impressed by the volume of opposition to the store. "In all of my seven years on the Planning Commission there have only been a couple of occurrences when the public outcry has been this loud," said Commissioner Bruce Whitley.

In the end, the commissioners had to put their emotional responses aside and a majority of them felt that nothing in the Town's code justified denying the application. They decided instead to set conditions of approval, largely around conditions they felt the store needed to alleviate in order to avoid a negative impact on neighboring stores. They agreed to require "showroom quality" fixtures, limited signage size and the height of merchandise displayed in the windows, and made general recommendations on tidiness and recycling. Planning Director Lori Salamack indicated that most of the conditions the Commission decided to apply to the new tenant have already been applied to other retail operations in the Rheem Center, such as Tuesday Morning and Goodwill Industries.

Linda Duncan, Real Estate Manager for Dollar Tree stores in Northern California, said that the conditions were unacceptable. When Commissioner Tom Richards asked what conditions were troubling her; she replied that she had been asked by her corporate lawyer not to discuss the matter.

John Welter, Director of Real Estate for Kimco Realty, who spoke in support of his potential tenant, proposed that the Town's and Dollar Tree's lawyers meet to discuss the conditions. Planning Commissioner Bruce Whitley answered, "Do we want to confer with the Dollar Tree? We do - and this is the place to do it," he stated, "but Dollar Tree was almost absent from these discussions; we never had an operations person here to discuss, for example, shelving. I am shocked that the Dollar Tree thought so little of the town that they did not want to participate in the process."

Moraga's Town Council may have been hoping against hope that it would not have to deal with the Dollar Tree dilemma in an election year, but the dominoes are all lined up and toppling rapidly in that direction.

On September 20th the Planning Commission approved the application of Dollar Tree Inc. to operate a retail store in the Rheem Center. The resolution included a set of conditions about the visual appearance of the store and its operations in order to mitigate potentially adverse impacts on neighboring businesses. The applicant and Kimco Realty, the property owner, found these conditions objectionable. Residents opposed to the store stated after the meeting that they would appeal the decision, but Dollar Tree beat them to the punch by filing an appeal the very next day.

The Town Council will probably take up the matter at its October 13 meeting. Public attendance is anticipated, since the Council will consider the matter de novo, meaning it will be addressing the issue as if hearing about it for the very first time.

About 30 residents came to the Planning Commission meeting prepared for battle, and most of them reiterated their opposition to the project. Familiar arguments were made, such as anxiety on the part of property owners who fear further decreases in their property values. As long time resident George Atashkarian put it, "Decrepit neighborhood and Dollar Store go hand in hand; I do not know what

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