

EXTRACT FROM THE

Attachment 2

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – AUGUST 4, 2008

8. PUBLIC HEARINGS/ORDINANCES

A. **Second Reading of Ordinance No. 08-03 - Zoning Ordinance Amendment ZOA08-01**

At its regular meeting of July 21, 2008, the City Council held a Public Hearing, and conducted first reading for Ordinance No. 08-03 for the property located at 4141 Katella Avenue and 10909 Portal Drive. **The public hearing portion of the meeting remains open.**

Council Member Grose recused himself from the proceedings, as his office was within the radius of the project, and left the dais.

Mayor Parker opened the Public Hearing.

Jody Shloss, Vice Chair of the Planning Commission, submitted the following letter from Art DeBolt (Chair of the Planning Commission but not speaking on behalf of the Commission):

“Mayor Parker and members of the City Council:

At the July 21 council meeting, during the discussion of the zone change for the old 24 Hour Fitness property, Councilmember Edgar commented that, the planning commission had failed to consider the compatibility of uses proposed by the applicant. Those uses proposed are the Melting Pot Restaurant and the Davita Dialysis Center. Councilmember Edgar said he based his concern upon his review of the planning commission minutes.

I would like to assure Councilmember Edgar, the City council and citizens of Los Alamitos that your Planning Commission diligently reviews each matter before it and the attendant staff reports and applicant supplied information before rendering a decision. This is done not only for the benefit of the applicant wishing to do business in our city, but also and more importantly, for the citizens of Los Alamitos who expect us to maintain and preserve the desirability of living in the City of Los Alamitos.

In this particular application, while "compatibility of uses" was not specifically noted in the Planning commission minutes, it was mentioned in the course of the planning commission discussion. The compatibility of uses did not rise to a level of concern for any of the planning commissioners for the following reasons:

- 1. Both uses are allowed by right in the CO zone. Only Davita requires a CUP in the CG zone.*
- 2. The applicants are each amenable to the other.*
- 3. The applicants made it clear that this was a "package deal" i.e. Neither one can take the entire building without the other.*
- 4. The restaurant would have the prominent exposure to the front facing Katella, while Davita would occupy rear.*
- 5. Signage by Davita would be limited to a sign that says "DAVITA". With no reference to Dialysis.*

At the July 28 meeting the Planning commission amended the minutes of the June 9 meeting to include the reference to the compatibility and the applicant requirement that these uses must be approved together. I requested this amendment in order to clarify the record should there be any future question regarding compatibility of uses in this application.

The Planning commission took a proactive position in recommending a CG Zone for this approximately 2.5 ac parcel on Katella Ave. It was our intent to follow through on the Mayor's stated desire to bring more retail business to the city. The opportunity presented itself in this particular zone change application and the Planning Commission seized that opportunity in their recommendation to the City Council.

I would like to thank the Mayor and City council for their support and the very capable staff in the planning department. This item the CUP, was "fast tracked" to completion in less than 45 days. This action by the staff demonstrated a business friendly, can do attitude.

That attitude emanates from the top down and needs to be reinforced and repeated by the leadership of this City.

Thank you,

*Art DeBolt
Chairman Planning Commission"*

Ms. Shloss went on to state Council Members could request the tapes from the Planning Commission meeting in question.

There being no one else present wishing to speak, Mayor Parker closed the Public Hearing.

Council Member Edgar thanked Ms. Shloss for the comments, adding compatibility of uses was an obvious reaction to a restaurant being located next to a dialysis facility, and stemmed from concern with food service being so close to bio-hazardous waste. He expressed disappointment the Planning Commission had not taken a closer look at compatibility. He stated he could not support fast-tracking the dialysis facility because if the restaurant were to close, the dialysis use could take over the space.

Mayor Parker asked City Attorney Derleth if it would be possible for the dialysis use to take over the space should the restaurant leave. City Attorney Derleth stated the Conditional Use Permit (CUP) would require modification for such an expansion, and would need Planning Commission approval.

Mayor Parker pointed out Council Member Edgar's statement had not been accurate, given the City Attorney's response and Ms. Shloss' comments regarding the Planning Commission's consideration of compatibility of uses.

Mayor Pro Tem Mejia stated she would like to apologize to Planning Commissioner Shloss, adding she was ashamed of the way the Commissioner had been treated by a City Council Member. She also apologized to the Melting Pot for similar treatment, adding her view differed from Council Member Edgar's, as she had heard nothing but excitement from residents at the prospect of the opening of the Melting Pot. She did not think compatibility of uses would be an issue.

Council Member Driscoll welcomed the Melting Pot, adding she supported this project.

Motion/Second: Mejia/Driscoll

Carried 4-0 (Grose abstained): The City Council:

1. Conducted a public hearing; and,
2. Waived reading in full and authorized reading by title only of Ordinance No. 08-03; and,
3. Mayor Parker read the title of Ordinance No. 08-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING ZONING ORDINANCE AMENDMENT ZOA08-01 CHANGING THE ZONING DESIGNATION FROM P-M (PLANNED LIGHT INDUSTRIAL) TO C-G (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 4141 KATELLA AVENUE AND 10909 PORTAL DRIVE, IDENTIFIED AS ASSESSOR'S PARCEL NO. 241-241-18. (APPLICANT: URBAN CONCEPTS)"; and,

4. Adopted Ordinance No. 08-03 by a roll call vote.

Roll Call Vote

Council Member Driscoll	Aye
Council Member Edgar	Aye
Council Member Grose	Abstain
Mayor Pro Tem Mejia	Aye
Mayor Parker	Aye