



City of Costa Mesa Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR *MA*
DATE: JUNE 4, 2015
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on June 11, 2015. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-14-40 **512 AND 540 WEST 19TH STREET**

Amendment to Conditional Use Permit PA-02-50 to provide valet parking for an existing restaurant (Social Costa Mesa). The plan includes 9 on-site valet spaces at 512 West 19th Street and 12 off-site valet spaces at 540 West 19th Street (21 spaces total). Hours of valet parking are Wednesday through Saturday 5:00 p.m. to 12:00 a.m.

Approved, subject to conditions of approval.

Comments received: Seven against.

ZA-15-12 **1718 PLACENTIA AVENUE**

A minor conditional use permit to modify ZA-99-40 for co-location of 12 panel antennas and RRUs with modules, 2 fiber demarcation boxes, and a microwave antenna on an existing 60-foot monopole. Two new equipment cabinets and a stand-by generator will be placed within the existing wrought iron fence/block wall enclosure.

Approved, subject to conditions of approval.

Comments received: None.



P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200 • (714) 754-5245

City of Costa Mesa

TELEPHONE RECORD

Date: March 24, 2015

Name: Ted Horwith

Address: 1901 Harbor Boulevard

Call Received by: Chelsea Crager, Assistant Planner

COMMENTS: ZA-14-40

Valet parking at this location blocks traffic through the alley and access into 1901 Harbor parking lot
Cars are queuing onto West 19th Street



P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200 • (714) 754-5245

City of Costa Mesa

TELEPHONE RECORD

Date: May 11, 2015

Name: Dorothy Bayliss

Address: 534 West 19th Street

Call Received by: Chelsea Crager, Assistant Planner

COMMENTS: ZA-14-40

Concerns about parking on other properties, including 534 West 19th Street
Too much activity in the back of the building

CRAGER, CHELSEA

From: Joanne Johnston <jjohnston310@yahoo.com>
Sent: Friday, February 20, 2015 3:51 PM
To: CRAGER, CHELSEA
Subject: Valet parking 512 W.19th Street

Dear Chelsea,

Thank you for taking the time to meet with me on Tuesday. I appreciate the clarification of exactly what constitutes the 20 on-site parking places referred to in the Amendment.

As I told you, it was my understanding from Social Costa Mesa that the valet parking was to be implemented in an effort to improve parking issues between the other center businesses and Social Costa Mesa and at no time was I told that this would involve 20 on-site spaces. I understood that the valet parking spaces were to be off-site.

I think the Amendment as described tends to create more parking problems for the center than it solves.

Yours truly,

Dale Johnston
Games Plus
518 W. 19th Street
Costa Mesa, CA 92627
714-321-6095

COLGAN, JULIE

From: John Grant <john.grant@earthlink.net>
Sent: Wednesday, February 18, 2015 8:54 PM
To: PLANNING COMMISSION
Subject: Application # ZA-14-40, Hearing Date February 19, 2015

Dear Members of the Planning Commission,

I am the owner of the mobile home park known as Oceanbreeze Mobile Estates located at 525 Fairfax Drive. We are just off the northwest corner of Harbor and 19th. We are located right across the alley from Social Costa Mesa located at 512 W. 19th Street.

I am writing you to urge you to DENY the amendment to conditional use permit PA-02-50 to allow valet parking at Social Costa Mesa.

The existing parking at 1925 Harbor is already inadequate and vehicles crossing back and forth would be terrible. We put up with cars parking in the alley, cars blocking access to the alley, cars blocking access to our pedestrian door to the mobile home park, and a continual hazard as cars drive at too high of speeds in an alleyway around all these illegally parked vehicles.

The very inadequate parking and hazardous conditions will be even worse if the amendment is not denied.

John Grant, Member
Oceanbreeze Mobile Estates LLC
858-586-9400, john.grant@earthlink.net



VIA IN PERSON

May 15th, 2015

Attn: Planning Division
City Hall
77 Fair Drive
Costa Mesa, CA 92626

**Re: Opposition to Application No. ZA-14-40
Site Address: 512 W. 19th Street**

Dear Planning Commission,

As an initial matter take notice that our office represents the property owner, Antonio Casalini ("Mr. Casalini") regarding the above matter. As such, all correspondence and communication should be directed to our office at the address above. This letter concerns Mr. Casalini's opposition to the application referenced above, by the applicant Andrew Lee, with the project description as follows:

Amendment to Conditional Use Permit PA-02-50 to allow valet parking at an exiting restaurant (Social Costa Mesa). The plan includes 9-on-site valet spaces at 512 W. 19th Street and 12 off-site valet spaces at 540 W. 19th Street (21 spaces total). Hours of valet parking are Wednesday through Saturday 5:00 pm to 12:00 am ("Application").

Mr. Casalini is the owner of the following commercial buildings adjacent to 512 W. 19th Street and directly affected by the Application:

- o 522 West 19th St., Costa Mesa, CA 92627;
- o 524 West 19th St., Costa Mesa, CA 92627;
- o 526 West 19th St., Costa Mesa, CA 92627; and
- o 528 West 19th St., Costa Mesa, CA 92627.

Find attached Mr. Casalini's opposition to the Application.

Thank you in advance for your attention and anticipated professional courtesy and cooperation.

Best Regards,
LAW OFFICES OF TUNG T. PHAM

David M. Do, Esq.
Attorney

Received
City of Costa Mesa
Development Services Department

Enclosure(s):

1. Opposition to Application No. ZA-14-40

CC: Mr. Antonio Casalini

MAY 20 2015

1 Application No.: ZA-14-40 ("Application")
Hearing Date: On or about 05/21/2015

3 **Property Owner:**

4 Mr. Antonio Casalini (Mr. Casalini) is the owner of the following commercial buildings located
5 adjacent to 512 West 19th Street that will be directly affected by the Application:

- 6 ○ 522 West 19th St., Costa Mesa, CA 92627;
- 7 ○ 524 West 19th St., Costa Mesa, CA 92627;
- 8 ○ 526 West 19th St., Costa Mesa, CA 92627; and
- 9 ○ 528 West 19th St., Costa Mesa, CA 92627.

10 *(Note: Each commercial building owns the parking stalls located in front of their*
11 *respective unit (see attachment A)).*

12 **I.**

13 **FACTS AND ALLEGATIONS**

- 14 - Social Costa Mesa is a food and drink establishment with approximately 3200 square
15 feet of operable space. Thus, per code, Social Costa Mesa ("SCM") is required to have
16 **at least 30 parking spaces.**
- 17 - 512 W. 19th Street—APN/Parcel ID 422-103-14—**only has 7 front parking spaces**
18 **total** and potentially only 4 rear spaces for a maximum total of **11 parking spaces.** (See
19 Attachment A.)
- 20 - A prior condition of approval for the previous application PA-05-17 states in item 1:
21 "Customers shall be encouraged to park in front of the building, with employees directed
22 to park behind the building."
23
- 24 - Upon information and belief, it is alleged that SCM has 8 employees at any given time.
- 25 - Upon information and belief, it is alleged that there is no approval on file for SCM to
26 have less than the required amount of spaces pursuant to *CM Muni. Code Sec. 13-89 et*
27 *seq.*

- 1 - Mr. Casalini owns the parking spaces in-front of and in-the-rear of his properties. Mr.
2 Casalini has made no agreements with SCM to use any of his parking spaces.
3 - Upon information and belief, it is alleged that currently no known agreements exist
4 between any other adjacent commercial property owners and SCM for the lease of
5 parking spaces for the requested times of the valet service.

6 **II.**

7 **ARGUMENTS**

8 **A. Social Costa Mesa’s Application should be denied for 20 on-site valet spaces**
9 **because it only has a maximum of 11 on-site parking spaces.**

10 As an initial matter, the proposed project does not comply with *Costa Mesa Municipal*
11 *Code Section (“CM Muni. Code.”) 13-89*. Pursuant to *CM Muni Code Sec. 13-89*, SCM is
12 required to have a minimum of 30 parking spaces—establishments where food or beverages
13 are served are required to have at least 10 spaces per 1,000 square feet of gross leasable area
14 unless permitted to have less than the required amount of parking pursuant to *CM Muni. Code.*
15 *Sec. 13-89-5*. To date, SCM has only 11 known on-site parking spaces shared between SCM
16 employees and customers.

17 Realistically, SCM would only have the 7 known on-site parking spots for customers in
18 the front as the rear parking is for employees. This application would force the planning
19 commission to believe that all workers will be able to park the vehicles in the back of the
20 property. In reality, the SCM workers and SCM patrons, will and have parked in the adjacent
21 parking spots without permission belonging to this opposing owner.

22 Based upon the above facts and allegations, the site that SCM is located on does not
23 have any more than the 7 parking spaces on-site. Moreover there are no known easements or
24 covenants with adjacent lots for parking spaces that would allow SCM to count as on-site
25 parking spaces. Thus factually, SCM cannot possibly provide 9 on-site valet spaces.

26 Moreover, there is no possible way for Social Costa Mesa to obtain 9 on-site spaces for
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1 valet without infringing upon the legal rights of the adjacent commercial property owners and
2 their business tenants. At most all they can have is 7 on-site spaces for valet—assuming
3 arguendo that from the hours of 5:00pm to 12:00am customers will be forced to do valet. SCM
4 cannot count the parking spaces belonging to adjacent owners as on-site parking spaces just
5 because those parking spaces are adjacent to SCM’s business. Review of property information
6 clearly shows that each commercial parcel owns the parking spaces in front of and in the rear of
7 each respective building.

8 Thus, this application should be denied because it is impossible to approve 9 on-site
9 valet spaces in a location where realistically only 7 on-site spaces exist.

10
11 **B. SCM’s Application should be denied because approval will result in the infringement**
12 **upon adjacent property owners’ rights and will be detrimental to the health, safety**
13 **and general welfare of the public or other properties or improvements within the**
14 **immediate vicinity.**

15
16 The problems associated with the parking spaces have been continuous since SCM began
17 operating. (See attachment B – Protest Against Alcoholic Beverage License Application) On at
18 least four separate occasions Mr. Casalini made written notice to SCM regarding the parking
19 space issues. All four attempts have been ignored. Despite Mr. Casalini’s protests, SCM has
20 allowed its patrons to trespass upon the property and infringe upon Mr. Casalini’s property
21 rights causing waste and loss of spaces for patrons of the businesses located at such
22 properties.

23 On several occasions after SCM began operations, Mr. Casalini has arrived to his
24 properties in the morning to find human waste—most notably vomit and urine—as well as,
25 broken and un-broken empty bottles and glasses strewn about his properties’ parking spaces.
26 Mr. Casalini and his tenants do not profit from SCM’s business practices but are the ones who
27 are ultimately forced deal with and clean-up the associated mess.

1 In addition, SCM's overflow has caused financial disruption to Mr. Casalini's business
2 and business tenants due to the competition and loss of parking spaces for patrons. There have
3 been numerous times when Mr. Casalini was forced to find off-site parking to come to his own
4 properties. The Application is requesting on-site valet spaces from 5 pm to 12 am. If Social
5 Costa Mesa does not have the space, then it likely that they are intending that their patrons spill
6 into Mr. Casalini's properties. This is something that is already happening. (See Attachment B)
7 Thus, such practices will cause continual financial disruption to the businesses located at Mr.
8 Casalini's properties since the businesses located there are still operating at those times.

9
10 **III.**

11 **CONCLUSION**

12 Therefore, this Application should be **denied** because of the following:

13 1. This Application cannot comply with *CM Muni. Code Sec. 13-89 et seq.* because it does
14 not have more than 7 on-site parking spaces nor does any exception exist. Thus, approval is a
15 factual impossibility.

16 2. This Application does not comply with *CM Muni. Code Sec. 13-29(g)(2)* because the
17 proposed use is not compatible with developments in the same general area. Granting the
18 conditional use permit will be detrimental to the health, safety and general welfare of the public
19 or other properties or improvements within the immediate vicinity. Granting the conditional use
20 permit will allow a use, density or intensity, which is not in accordance with the General Plan
21 designation for the property.

22 3. The proposed amendment does not comply with *CM Muni. Code Sec. 13-29 (e)*
23 because:

- 24 a. The proposed use is not compatible and harmonious with uses both on site and
25 those on surrounding properties.
26 b. The project is not consistent with the General Plan.
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1 Dated: May 15th, 2015

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Respectfully Submitted By:
LAW OFFICES OF TUNG PHAM
Attorneys for Antonio Casalini



David M. Do, Esq.

ATTACHMENT A

Map View



Street View



512 W 19th Street, Costa Mesa, CA

Property Details

Primary Property Type	Commercial
Property Sub-type	Other
Building Size	4,800 SF
Year Built	1955
Building Code	End Row
No. Stories	1
Lot Size	0.28 Acres
APN/Parcel ID	422-103-14
APN/Parcel ID	422-103-14
Census Tract	0637025002
Building Size	4,800 SF
Lot Size	0.28 Acres
Lot Number	5

Maps

ATTACHMENT B

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:
SOCIAL COSTA MESA, LLC and Daniel Anthony Biello

(Name(s) of Applicant(s))

For premises at:

512 W 19th St., Costa Mesa, CA 92627

(Exact address of proposed premises)

on the grounds that:

Please see attached.

Check here if additional sheets attached

I, **Antonio Casalini**, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE	TELEPHONE NUMBER (Optional & non-public)
SIGNED AT (City and State)	DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

Attachment to ABC-510

1
2 1. I am the property owner of the business plaza at 522, 524, 526, and 528 W. 19th St. Costa
3 Mesa, CA 92627 (“Adjacent Lot”). I have several commercial tenants that utilize my parking lot.
4 My property is directly adjacent to the premise at 512 W. 19th St., Costa Mesa, CA 92627
5 (“Premise”) that is seeking the aforementioned license.

6 2. The premises and its parking facilities have insufficient parking on-site. Because of this
7 insufficiency, patrons to the premise park their vehicles in the Adjacent Lot that is reserved for
8 patrons of my tenant’s businesses. Operation of the requested license, particularly if this request
9 includes a later closing time than is presently allowed at the premises or at other licensed
10 premises nearby will cause residents and business owners to be affected by increased crime, late
11 night noise and disturbances, and unruly competition for parking.
12

13 3. Granting the license to the premises would make the disturbances and obstructions to the
14 use of my property a permanent public nuisance pursuant to Penal Code Section 370.

15 a. Because the parking lot that belongs to the premise is insufficient, then the
16 premise’s patrons are unlawfully parking in the Adjacent Lot—using up the spots reserved for my
17 tenants’ businesses; bringing refuse from the premise and leaving it strewn about my property;
18 and causing destruction with bodily fluids to my tenants’ surrounding businesses.
19

20 b. I, personally, have had to park my vehicle in another parking lot quite some
21 distance away to get to my own property. On at least four separate occasions, I have given
22 Applicant written notice of my discontent and request for Applicant to cease his behavior. Each
23 time I have been ignored. Applicant’s refusal to cooperate with me does not give me confidence
24 that the licensing of the premise will solve the obstruction Applicant is causing to my use of my
25 property—it may actually make things worse. Thus, operation of the requested license has caused
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1 and will cause an ongoing and increasing obstruction to the use of my property.

2 c. This spill-over is not just limited to a parking issue. Because patrons park in my
3 property and leave the premise intoxicated, then I constantly find trash and bodily fluids strewn
4 about. Several mornings I have come to my property and have found the following in my parking
5 lot and in front of my tenant's doors and offices:

- 6 i. Urination;
- 7 ii. Vomit; and
- 8 iii. Empty alcohol bottles and containers.

9 Such disorderly conduct impedes the lawful conduct of business and of my patrons
10 that do not want to deal with inebriated individuals and/or their aftermath.

11 4. Further, operation of the premises under the requested license will tend to create or
12 continue law enforcement problems and also will add to the existing law enforcement problems
13 and to the existing concentration of assaultive violence, robbery, and forcible rape. See Costa
14 Mesa Police Department Crime Statistics at <http://www.costamesaca.gov/index.aspx?page=382>.
15 From review of the statistics, crime is increasing in the area.

17 5. Licensing of the premises will add to, re-establish, or maintain, public nuisance in the
18 area; specifically, it will be injurious to the health of, offensive to the senses of, and an
19 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or
20 property by an entire neighborhood, including but not limited to:

- 21 a. those residences within hearing distance of the noise from the premises, its parking
22 facilities, and its delivery and refuse collection vehicles;
- 23 b. those residents who will be exposed to cooking and refuse bin odors;
- 24 c. those residents living next to, sometimes with their bedrooms directly adjacent to,
25 drunken acts of public urination or defecation and late-night loud and boisterous behavior can
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1 reliably be predicted; and

2 d. licensing of the premise will also adversely affect a considerable number of other
3 business persons, who, may be interested in looking for a business lease location in this business
4 plaza or other surrounding business plazas because they do not wish to have to deal with the
5 aftermath of the patrons from the premise.

6 6. The applicant cannot establish, per Rule 61.4, that licensing the premises will not interfere
7 with the quiet enjoyment of local residences. Issuance to these premises of a conditional license,
8 where the public is to be protected by the application of those conditions (and existing State laws)
9 because "issuance of an unrestricted license would be contrary to the public welfare and morals,"
10 is a sham and fraud upon the public, as in recent history the Department has not enforced, in the
11 census tract of this license, the most important of the conditions imposed nor has it enforced State
12 laws regarding underage purchases or drinking, and due to State budget restrictions, is even less
13 likely to do so in the future.

14 a. What applicant has established is that the type of disruptions and obstructions that
15 licensing the premises will cause to both local residences and business residents.

16 b. There are residences directly behind the premises and the residents there would be
17 subjected to increased noise, loitering, and littering to the extent that my neighboring tenants have
18 already been exhibiting.

19 c. The residences will also be in competition with the parking needs of the
20 Applicant's patrons because the patrons will spill into residential areas during the late hours that
21 the Applicant is operating.

22 7. Based on the Department's past actions, and that this is an application for a TYPE 47
23 license, Protestant expects that the Conditional License the Department will offer to Applicant
24

1 will contain all of the following conditions, many of which are commonly found on restaurant
2 licenses in urban areas, and which are necessary to ensure that the premises remain a restaurant
3 and not a night-club or bar.

4 a. Petitioner shall not operate a sports bar at the premises.

5 b. The premises shall be maintained as a bona fide restaurant and shall provide a
6 menu containing an assortment of foods normally offered in restaurants; that full menu of foods
7 shall be available, at regular prices, during all hours that alcohol is sold, served, or consumed.
8

9 c. The sale of alcoholic beverages for consumption off the premises is strictly
10 prohibited.

11 d. The quarterly gross sales of alcoholic beverages shall not exceed 49% of the gross
12 sales of food (excluding alcoholic beverages) during the same period.

13 e. No reduced price alcoholic beverage promotions shall be allowed, examples being,
14 but not limited to, "happy hours", "all you can drink" for a set amount, "two drinks for the price
15 of one", and alcoholic beverages included as part of the price of a meal.
16

17 f. Alcoholic beverages shall be sold only by single drink containing no more than 12
18 fl. Oz. of beer, or 6 fl. Oz. of wine, or 1 fl. Oz. of distilled spirits. There shall be no sale of
19 alcoholic beverages in multi-drink, multi-person or oversized portions or containers, examples
20 being, but not limited to, by the "bucket", pitcher or "yard", or wine sold by the bottle or carafe.

21 g. All employees of the premises shall undergo the ABC L.E.A.D. training program
22 as a condition of employment.

23 h. Petitioner shall not require an admission charge or a cover charge, nor shall there
24 be a requirement to purchase a minimum number of drinks.
25

26 i. There shall be no dancing or live entertainment.
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1 j. The exterior of the premises shall be maintained free of graffiti at all times.

2 k. On the patio, the petitioner shall only serve alcoholic beverages to patrons who are
3 seated at a dining table.

4 l. The boundaries of the patio shall be clearly defined and designated by physical
5 barriers to separate the patio from the public sidewalk and adjacent private property, which is not
6 under the exclusive control of licensee. These barriers and boundaries, as approved and
7 designated on ABC 257, shall not be changed without prior approval of the Department.
8

9 m. On the patio, sales, service, and consumption of alcoholic beverages and any
10 entertainment provided, shall cease at 10:00 P.M. on Friday and Saturday, and at 9:00 P.M.
11 Sunday through Thursday.

12 n. The licensee or an employee of licensee shall be present in the patio at all times
13 that alcoholic beverages are being served or consumed.

14 8. Applicant premises are located in a jurisdiction where there has been little enforcement,
15 whether by local police or the ABC, of the ban on underage drinking. During the same period,
16 crime has occurred, which could have been prevented had the ban been enforced. Applicant
17 premises will and pursuant to Type 47 license are allowed to admit persons under 21.
18

VIA IN PERSONFebruary 17th, 2015

Attn: Planning Division
City Hall
77 Fair Drive
Costa Mesa, CA 92626

**Re: Opposition to Application No. ZA-14-40
Site Address: 512 W. 19th Street**

Dear Planning Commission,

As an initial matter take notice that our office represents the property owner, Mr. Antonio Casalini ("Mr. Casalini") regarding the above matter. As such, all correspondence and communication should be directed to our office at the address above. This letter concerns Mr. Casalini's opposition to the application referenced above, by the applicant Andrew Lee, with the project description as follows:

Amendment to Conditional Use Permit PA-02-50 to allow valet parking at an existing restaurant (Social Costa Mesa) both on-site (20 spaces at 512 West 19th Street) and off-site (14 spaces at 1925 Harbor Boulevard) for a total of 34 valet parking spaces. Hours of valet parking are proposed to be 5 pm to 12 midnight Wednesday through Saturday ("Application").

Mr. Casalini is the owner of the following commercial buildings adjacent to 512 W. 19th Street and directly affected by the Application:

- o 522 West 19th St., Costa Mesa, CA 92627;
- o 524 West 19th St., Costa Mesa, CA 92627;
- o 526 West 19th St., Costa Mesa, CA 92627; and
- o 528 West 19th St., Costa Mesa, CA 92627.

Find attached Mr. Casalini's opposition to the Application.

Thank you in advance for your attention and anticipated professional courtesy and cooperation.

Best Regards,
LAW OFFICES OF TUNG T. PHAM



David M. Do, Esq.
Attorney

Enclosure(s):

1. Opposition to Application No. ZA-14-40

CC: Mr. Antonio Casalini

Received
City of Costa Mesa
Development Services Department
FEB 17 2015

1 Application No.: ZA-14-40 ("Application")
Hearing Date: On or about 2/18/2015

3 **Property Owner:**

4 Mr. Antonio Casalini (Mr. Casalini) is the owner of the following commercial buildings located
5 adjacent to 512 West 19th Street that will be directly affected by the Application:

- 6 ○ 522 West 19th St., Costa Mesa, CA 92627;
- 7 ○ 524 West 19th St., Costa Mesa, CA 92627;
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- 9 ○ 528 West 19th St., Costa Mesa, CA 92627.

10 *(Note: Each commercial building owns the parking stalls located in front of their*
11 *respective unit (see attachment A)).*

12 **I.**

13 **FACTS AND ALLEGATIONS**

- 14 - Social Costa Mesa is a food and drink establishment with approximately 3200 square
15 feet of operable space. Thus, per code, Social Costa Mesa ("SCM") is required to have
16 **at least 30 parking spaces.**
- 17 - 512 W. 19th Street—APN/Parcel ID 422-103-14—only has 7 front parking spaces total
18 and potentially only 4 rear spaces for a maximum total of **11 parking spaces.** (See
19 Attachment A.)
- 20 - A prior condition of approval for the previous application PA-05-17 states in item 1:
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22 to park behind the building."
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- 24 - Upon information and belief, it is alleged that SCM has 8 employees at any given time.
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- 1 - Mr. Casalini owns the parking spaces in-front of and in-the-rear of his properties. Mr.
2 Casalini has made no agreements with SCM to use any of his parking spaces.
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4 between any other adjacent commercial property owners and SCM for the lease of
5 parking spaces for the requested times of the valet service.

6 II.

7 ARGUMENTS

8 **A. Social Costa Mesa's Application should be denied for 20 on-site valet spaces**
9 **because it only has a maximum of 11 on-site parking spaces.**

10 As an initial matter, the proposed project does not comply with *Costa Mesa Municipal*
11 *Code Section ("CM Muni. Code.") 13-89*. Pursuant to *CM Muni Code Sec. 13-89*, SCM is
12 required to have a minimum of 30 parking spaces—establishments where food or beverages
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14 unless permitted to have less than the required amount of parking pursuant to *CM Muni. Code*.
15 *Sec. 13-89-5*. To date, SCM has only 11 known on-site parking spaces shared between SCM
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18 Based upon the above facts and allegations, the site that SCM is located on does not
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20 covenants with adjacent lots for parking spaces that would allow SCM to count as on-site
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22 Moreover, there is no possible way for Social Costa Mesa to obtain 20 on-site spaces for
23 valet without infringing upon the legal rights of the adjacent commercial property owners and
24 their business tenants. SCM cannot count the parking spaces belonging to adjacent owners as
25 on-site parking spaces just because those parking spaces are adjacent to SCM's business.
26 Review of property information clearly shows that each commercial parcel owns the parking
27 spaces in front of and in the rear of each respective building.
28

1 Thus, this application should be denied because it is impossible to approve 20 on-site
2 valet spaces in a location where only 11 on-site spaces exist.

3
4 **B. SCM's Application should be denied because approval will result in the infringement**
5 **upon adjacent property owners' rights and will be detrimental to the health, safety**
6 **and general welfare of the public or other properties or improvements within the**
7 **immediate vicinity.**

8 The problems associated with the parking spaces have been continuous since SCM began
9 operating. (See attachment B – Protest Against Alcoholic Beverage License Application) On at
10 least four separate occasions Mr. Casalini made written notice to SCM regarding the parking
11 space issues. All four attempts have been ignored. Despite Mr. Casalini's protests, SCM has
12 allowed its patrons to trespass upon the property and infringe upon Mr. Casalini's property
13 rights causing waste and loss of spaces for patrons of the businesses located at such
14 properties.

15
16 On several occasions after SCM began operations, Mr. Casalini has arrived to his
17 properties in the morning to find human waste—most notably vomit and urine—as well as,
18 broken and un-broken empty bottles and glasses strewn about his properties' parking spaces.
19 Mr. Casalini and his tenants do not profit from SCM's business practices but are the ones who
20 are ultimately forced deal with and clean-up the associated mess.

21 In addition, SCM's overflow has caused financial disruption to Mr. Casalini's business
22 and business tenants due to the competition and loss of parking spaces for patrons. There have
23 been numerous times when Mr. Casalini was forced to find off-site parking to come to his own
24 properties. The Application is requesting on-site valet spaces from 5 pm to 12 am. If Social
25 Costa Mesa does not have the space, then it likely that they are intending that their patrons spill
26 into Mr. Casalini's properties. This is something that is already happening. (See Attachment B)
27 Thus, such practices will cause continual financial disruption to the businesses located at Mr.
28

1 Casalini's properties since the businesses located there are still operating at those times.

2 III.

3 CONCLUSION

4 Therefore, this Application should be denied because of the following:

5 1. This Application cannot comply with *CM Muni. Code Sec. 13-89 et seq.* because it does
6 not have more than 12 on-site parking spaces nor does any exception exist. Thus, approval is a
7 factual impossibility.

8 2. This Application does not comply with *CM Muni. Code Sec. 13-29(g)(2)* because the
9 proposed use is not compatible with developments in the same general area. Granting the
10 conditional use permit will be detrimental to the health, safety and general welfare of the public
11 or other properties or improvements within the immediate vicinity. Granting the conditional use
12 permit will allow a use, density or intensity, which is not in accordance with the General Plan
13 designation for the property.

14 3. The proposed amendment does not comply with *CM Muni. Code Sec. 13-29 (e)*
15 because:

16 a. The proposed use is not compatible and harmonious with uses both on site and
17 those on surrounding properties.

18 b. The project is not consistent with the General Plan.

19
20
21 Dated: February 17th, 2015

22 Respectfully Submitted By:
23 LAW OFFICES OF TUNG PHAM
24 Attorneys for Antonio Casalini

25 

26 David M. Do, Esq.

ATTACHMENT A

Map View



Street View



512 W 19th Street, Costa Mesa, CA

Property Details

Primary Property Type	Commercial
Property Sub-type	Other
Building Size	4,800 SF
Year Built	1955
Building Code	End Row
No. Stories	1
Lot Size	0.28 Acres
APN/Parcel ID	422-103-14
APN/Parcel ID	422-103-14
Census Tract	0637025002
Building Size	4,800 SF
Lot Size	0.28 Acres
Lot Number	5

Maps

ATTACHMENT B

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 *et seq.*)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

SOCIAL COSTA MESA, LLC and Daniel Anthony Biello

(Name(s) of Applicant(s))

For premises at:

512 W 19th St., Costa Mesa, CA 92627

(Exact address of proposed premises)

on the grounds that:

Please see attached.

Check here if additional sheets attached

I, **Antonio Casalini**, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

TELEPHONE NUMBER (Optional & non-public)

SIGNED AT (City and State)

DATE SIGNED

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

Attachment to ABC-510

1
2 1. I am the property owner of the business plaza at 522, 524, 526, and 528 W. 19th St. Costa
3 Mesa, CA 92627 (“Adjacent Lot”). I have several commercial tenants that utilize my parking lot.
4 My property is directly adjacent to the premise at 512 W. 19th St., Costa Mesa, CA 92627
5 (“Premise”) that is seeking the aforementioned license.

6 2. The premises and its parking facilities have insufficient parking on-site. Because of this
7 insufficiency, patrons to the premise park their vehicles in the Adjacent Lot that is reserved for
8 patrons of my tenant’s businesses. Operation of the requested license, particularly if this request
9 includes a later closing time than is presently allowed at the premises or at other licensed
10 premises nearby will cause residents and business owners to be affected by increased crime, late
11 night noise and disturbances, and unruly competition for parking.

12
13 3. Granting the license to the premises would make the disturbances and obstructions to the
14 use of my property a permanent public nuisance pursuant to Penal Code Section 370.

15 a. Because the parking lot that belongs to the premise is insufficient, then the
16 premise’s patrons are unlawfully parking in the Adjacent Lot—using up the spots reserved for my
17 tenants’ businesses; bringing refuse from the premise and leaving it strewn about my property;
18 and causing destruction with bodily fluids to my tenants’ surrounding businesses.

19 b. I, personally, have had to park my vehicle in another parking lot quite some
20 distance away to get to my own property. On at least four separate occasions, I have given
21 Applicant written notice of my discontent and request for Applicant to cease his behavior. Each
22 time I have been ignored. Applicant’s refusal to cooperate with me does not give me confidence
23 that the licensing of the premise will solve the obstruction Applicant is causing to my use of my
24 property—it may actually make things worse. Thus, operation of the requested license has caused
25
26
27
28

1 and will cause an ongoing and increasing obstruction to the use of my property.

2 c. This spill-over is not just limited to a parking issue. Because patrons park in my
3 property and leave the premise intoxicated, then I constantly find trash and bodily fluids strewn
4 about. Several mornings I have come to my property and have found the following in my parking
5 lot and in front of my tenant's doors and offices:

- 6 i. Urination;
- 7 ii. Vomit; and
- 8 iii. Empty alcohol bottles and containers.

9 Such disorderly conduct impedes the lawful conduct of business and of my patrons
10 that do not want to deal with inebriated individuals and/or their aftermath.

11 4. Further, operation of the premises under the requested license will tend to create or
12 continue law enforcement problems and also will add to the existing law enforcement problems
13 and to the existing concentration of assaultive violence, robbery, and forcible rape. See Costa
14 Mesa Police Department Crime Statistics at <http://www.costamesaca.gov/index.aspx?page=382>.
15 From review of the statistics, crime is increasing in the area.

17 5. Licensing of the premises will add to, re-establish, or maintain, public nuisance in the
18 area; specifically, it will be injurious to the health of, offensive to the senses of, and an
19 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or
20 property by an entire neighborhood, including but not limited to:

- 21 a. those residences within hearing distance of the noise from the premises, its parking
22 facilities, and its delivery and refuse collection vehicles;
- 24 b. those residents who will be exposed to cooking and refuse bin odors;
- 25 c. those residents living next to, sometimes with their bedrooms directly adjacent to,
26 drunken acts of public urination or defecation and late-night loud and boisterous behavior can

1 reliably be predicted; and

2 d. licensing of the premise will also adversely affect a considerable number of other
3 business persons, who, may be interested in looking for a business lease location in this business
4 plaza or other surrounding business plazas because they do not wish to have to deal with the
5 aftermath of the patrons from the premise.

6 6. The applicant cannot establish, per Rule 61.4, that licensing the premises will not interfere
7 with the quiet enjoyment of local residences. Issuance to these premises of a conditional license,
8 where the public is to be protected by the application of those conditions (and existing State laws)
9 because “issuance of an unrestricted license would be contrary to the public welfare and morals,”
10 is a sham and fraud upon the public, as in recent history the Department has not enforced, in the
11 census tract of this license, the most important of the conditions imposed nor has it enforced State
12 laws regarding underage purchases or drinking, and due to State budget restrictions, is even less
13 likely to do so in the future.

14 a. What applicant has established is that the type of disruptions and obstructions that
15 licensing the premises will cause to both local residences and business residents.

16 b. There are residences directly behind the premises and the residents there would be
17 subjected to increased noise, loitering, and littering to the extent that my neighboring tenants have
18 already been exhibiting.

19 c. The residences will also be in competition with the parking needs of the
20 Applicant’s patrons because the patrons will spill into residential areas during the late hours that
21 the Applicant is operating.

22 7. Based on the Department’s past actions, and that this is an application for a TYPE 47
23 license, Protestant expects that the Conditional License the Department will offer to Applicant
24

1 will contain all of the following conditions, many of which are commonly found on restaurant
2 licenses in urban areas, and which are necessary to ensure that the premises remain a restaurant
3 and not a night-club or bar.

4 a. Petitioner shall not operate a sports bar at the premises.

5 b. The premises shall be maintained as a bona fide restaurant and shall provide a
6 menu containing an assortment of foods normally offered in restaurants; that full menu of foods
7 shall be available, at regular prices, during all hours that alcohol is sold, served, or consumed.
8

9 c. The sale of alcoholic beverages for consumption off the premises is strictly
10 prohibited.

11 d. The quarterly gross sales of alcoholic beverages shall not exceed 49% of the gross
12 sales of food (excluding alcoholic beverages) during the same period.

13 e. No reduced price alcoholic beverage promotions shall be allowed, examples being,
14 but not limited to, "happy hours", "all you can drink" for a set amount, "two drinks for the price
15 of one", and alcoholic beverages included as part of the price of a meal.
16

17 f. Alcoholic beverages shall be sold only by single drink containing no more than 12
18 fl. Oz. of beer, or 6 fl. Oz. of wine, or 1 fl. Oz. of distilled spirits. There shall be no sale of
19 alcoholic beverages in multi-drink, multi-person or oversized portions or containers, examples
20 being, but not limited to, by the "bucket", pitcher or "yard", or wine sold by the bottle or carafe.

21 g. All employees of the premises shall undergo the ABC L.E.A.D. training program
22 as a condition of employment.

23 h. Petitioner shall not require an admission charge or a cover charge, nor shall there
24 be a requirement to purchase a minimum number of drinks.
25

26 i. There shall be no dancing or live entertainment.
27
28

1 j. The exterior of the premises shall be maintained free of graffiti at all times.

2 k. On the patio, the petitioner shall only serve alcoholic beverages to patrons who are
3 seated at a dining table.

4 l. The boundaries of the patio shall be clearly defined and designated by physical
5 barriers to separate the patio from the public sidewalk and adjacent private property, which is not
6 under the exclusive control of licensee. These barriers and boundaries, as approved and
7 designated on ABC 257, shall not be changed without prior approval of the Department.
8

9 m. On the patio, sales, service, and consumption of alcoholic beverages and any
10 entertainment provided, shall cease at 10:00 P.M. on Friday and Saturday, and at 9:00 P.M.
11 Sunday through Thursday.

12 n. The licensee or an employee of licensee shall be present in the patio at all times
13 that alcoholic beverages are being served or consumed.

14 8. Applicant premises are located in a jurisdiction where there has been little enforcement,
15 whether by local police or the ABC, of the ban on underage drinking. During the same period,
16 crime has occurred, which could have been prevented had the ban been enforced. Applicant
17 premises will and pursuant to Type 47 license are allowed to admit persons under 21.
18

Request for Denial

NOTICE OF A ZONING ADMINISTRATOR DECISION DATE

The Costa Mesa Zoning Administrator will make a decision regarding the following application:

HEARING DATE:	February 19, 2015	City Hall Address:	City Hall <i>(No meeting required.)</i>
Application No.	ZA-14-40	Applicant:	77 Fair Drive Costa Mesa, CA
Site Address:	512 W. 19 th Street & 1925 Harbor Blvd.	Zone:	Andrew Lee C2
Contact:	Planning Division (714) 754-5245	Environmental Determination:	Exempt- Section 15301 Existing Facilities
Website:	www.costamesaca.gov	Email:	PlanningCommission@costamesaca.gov

Description: Amendment to Conditional Use Permit PA-02-50 to allow valet parking at an existing restaurant (Social Costa Mesa) both on-site (20 spaces at 512 West 19th Street) and off-site (14 spaces at 1925 Harbor Boulevard) for a total of 34 valet parking spaces. Hours of valet parking are proposed to be 5 pm to 12 midnight Wednesday through Saturday.

Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Public Comments: There will be **no public hearing** on this request. Oral or written comments must be received by the Planning Division prior to the decision date (see above). The decision letter (and any related conceptual plans, as applicable) can be downloaded from the City's website following the decision date at: <http://www.costamesaca.gov/index.aspx?page=940> If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, prior to the decision date.

To the City of Costa mesa planning division.

My name is Sherry Hafez and I am a franchisee for Baskin Robbins on 1927 harbor Blvd., Costa Mesa ca, 92627. The City of Costa Mesa has put out a Notice that I just received regarding a Conditional Use Permit (CUP) on the adjoining property to my business at 1925 Harbor Blvd., Costa Mesa. The CUP requested by the property owner of 1925 Harbor Blvd., Costa Mesa would allow valet parking on that property for the benefit of a distant property at 512 W. 19th Street. The valet parking would conflict with the hours of operation of both existing business at 1925 Harbor Blvd. Presently, 1925 only has 9 parking spaces to start with. The CUP is asking for 14 spaces. The valet parking as proposed will have a obvious adverse effect on our parking. Our parking at Harbor Center is in high demand because the business in Harbor Center are successful and our customer traffic flows are high. We do not have enough parking spaces to accommodate other properties.

I am requesting from the City of Costa Mesa denial of the proposed CUP. The property at 1925 Harbor Blvd., Costa Mesa does not even have enough parking to satisfy its own tenant requirements let alone a distant property that would be parking cars in tandem. The City of Costa Mesa Zoning Administrator is scheduled to make a decision regarding the CUP on February 19, 2015. Therefore, I am responding to this proposed action since this will affect my business negatively.

I am not exaggerating the negative consequences of the proposed CUP. If approved, it will affect the parking at Harbor Center. Customers will not be able to come in to my store and I will

Loose sales. My store has been in this location for more than 40 years and it is a anchor in our community. This proposed valet parking situation will lead to loss of sales and loss of income

Please consider my denial to the projected permit.

Sherry Hafez

(949)637-9668

CRAGER, CHELSEA

From: Curt Herberts II <herberts.pcr@gmail.com>
Sent: Thursday, March 19, 2015 2:29 PM
To: CRAGER, CHELSEA
Cc: BOUWENS-KILLEEN, WILLA
Subject: Re: 512 W. 19th Street & 1925 Harbor Blvd., Costa Mesa

Hi Chelsea,

Thank you for discussing the status of the "Social" application for the CUP as it relates to parking at their establishment location of 512 W. 19th Street, Costa Mesa. As I mentioned, most of my original concerns that are listed in my February 9, 2015 letter addressed to Willa Bouwens-Killeen still have not been address by the owners of the Social establishment in their new proposal as listed below:

1. Social's Valet service continues to illegally section of and use property that they do not have authorization to use for the parking of cars.
2. Social's Valet service continues to stage the Valet stands and signs in such a way that when cars arrive or depart those cars block the ingress and egress from the public alley that runs between their location and the commercial properties that line Harbor Blvd. starting at 1901 through 1925.
3. I received a phone call from Andrew Dorsey who identified himself as the owner of Social. During the course of our conversation Andrew made it quite clear that he was fully aware that illegally parked cars cannot be legally towed until they have been parked for at least 1 hour.

As a result of the above actions on the part of Social, the business that surround Social have been and continue to be severely impacted. As the property owner, of two properties at 1907-1909 and 1927 Harbor Blvd., Costa Mesa, I am receiving complaint from my seven tenants that our parking spaces are being commandeered from patrons of adjoining properties which in turn do not have parking on their properties due to the lack of parking at the Social location.

I would ask that in the event that the City of Costa Mesa Planning Dept. is considering approving the CUP that Social has applied for that the following items listed above be address in a very forthright manner. I believe that it would also be appropriate stipulate that as a condition of the CUP approval that Social would not be permitted to set up Valet parking on any other properties that they do not have permission to park on other than the properties that are designated in the condition of the CUP. Unless there are "teeth" in the conditions of the CUP, the problems that I have listed are only going to become exacerbated. All the other business that are in the neighborhood will see their businesses negatively impacted even though they will be conducting their business pursuant to the law and the City of Costa Mesa codes.

Thank you for your assistance on this matter. Would you please be so kind as to notify me when the application from Social has been amended and a new decision date has been established.

Please confirm your receipt of this email.

Regards,
Curt

Curt A. Herberts, II
Principal - Broker
CA DRE # 00521135
Pacific Coast Realty Group
234 E. 17th Street, Suite 118
Costa Mesa, CA 92627
Dir. (949) 631-6004
Fax (949) 631-0580
Cell (949) 500-2462

On Friday, February 27, 2015 2:37 PM, Curt Herberts II <herberts.pcr@gmail.com> wrote:

Hi Chelsea,

As we discussed, I am forwarding you the email that I sent Willa this morning regarding your planning action Application # ZA-14-40. Thank you for your assistance.

Regards,
Curt

Curt A. Herberts, II
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On Friday, February 27, 2015 10:44 AM, Curt Herberts II <herberts.pcr@gmail.com> wrote:

Good Morning Willa,

I'm contacting you to inquire about the present status of Application N. ZA-14-40 as it relates to the Conditional Use Permit PA-02-50. I understand that the decision has been postponed, however, I would like to know if a new date for a decision has been established. In the event that the application is being considered for approval, I would like to know what conditions if any are being considered taking into account the impact that the Social business is having on the adjoining property owners.

Just as an FYI, I received a call from a young man who identified himself as Andrew, the owner of the business Social. During the course of our conversation he was attempting to aggressively bully me into supporting his proposed valet parking plan. He was not offering any solutions to the issues that other property owners or I have to his proposal. However, he was very clear when he stated that illegally parked cars could not be towed until after 1 hour, which speaks volumes about how he intends on conducting his business.

As I indicated in my Feb. 9, 2015 letter, I am extremely concerned that the impact of Social's success and their lack of parking is going to have an equally negative domino effect for all the other surrounding business that do not have the resources to police their parking.

Thank You for you assistance. I look forward to your reply.
Curt

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CRAGER, CHELSEA

From: Curt Herberts II <herberts.pcr@gmail.com>
Sent: Friday, February 27, 2015 2:37 PM
To: CRAGER, CHELSEA
Subject: Fw: 512 W. 19th Street & 1925 Harbor Blvd., Costa Mesa

Hi Chelsea,

As we discussed, I am forwarding you the email that I sent Willa this morning regarding your planning action Application # ZA-14-40. Thank you for your assistance.

Regards,
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Just as an FYI, I received a call from a young man who identified himself as Andrew, the owner of the business Social. During the course of our conversation he was attempting to aggressively bully me into supporting his proposed valet parking plan. He was not offering any solutions to the issues that other property owners or I have to his proposal. However, he was very clear when he stated that illegally parked cars could not be towed until after 1 hour, which speaks volumes about how he intends on conducting his business.

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Thank You for you assistance. I look forward to your reply.
Curt

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Fax (949) 631-0580
Cell (949) 500-2462

COLGAN, JULIE

From: Curt Herberts II <herberts.pcrpg@sbcglobal.net>
Sent: Monday, February 09, 2015 10:53 AM
To: PLANNING COMMISSION
Cc: Louise Stuart; Louise Stuart
Subject: Re: Application No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 W. 19th St., Costa Mesa
Attachments: 1921 Harbor Blvd., C.M. Planning Comm 2-9-2015.pdf

Zoning Administrator & Planning Commission
To Whom This May Concern,

Please find attached letter in response to the proposed application, your reference No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 @. 19th Street, Costa Mesa.

Since I wrote the attached letter of last week, it does not address the issues that I viewed and experienced this past Friday evening at the above referenced properties. In an attempt to inspect my properties this past Friday evening about 9:00pm to view for myself the impact that the "Social" business at 512 W. 19th Street was having I viewed and experienced the following: The driveway/alley between 1901 Harbor Blvd. which is the NW corner of 19th Street and Harbor Blvd. and 512 W. 19th Street had cars lined up on 19th Street trying to enter the parking lot of Social. A makeshift valet staging area was placed in the center of the driveway/alley. Numerous cars were blocking the driveway/alley as customers were in a waiting line attempting to pickup their cars, while others were attempting to leave their cars. The driveway/alley was impassable. The private property parking lots in the driveway/alley of every property on Harbor Blvd. from 1901, 1913 and 1925 including my properties at 1907-09 and 1927 were overrun with parked cars. The cars were parked in tandem with two or three valets running back a forth trying to keep up with the demand, however they were overrun with the sheer number of cars and customers of Social. At the time that I viewed the properties, there was absolutely no way that a firetruck or emergency vehicle could have made its way through the driveway/alley. Since all those cars were customers of Social, you can only imagine what the volume of individuals were inside the building and question whether the occupancy loads were being adhered to.

I will send an additional letter reflecting the above concerns and observations within the next few days.

Please acknowledge your receipt of this email and the attached letters.

Regards,
Curt

Curt A. Herberts, II
Principal - Broker
CA DRE # 00521135
Pacific Coast Realty Group
234 E. 17th Street, Suite 118
Costa Mesa, CA 92627
Dir. (949) 631-6004
Fax (949) 631-0580
Cell (949) 500-2462

THE HERBERTS TRUST
Curt A. Herberts, II, Trustee
234 E. 17th Street, Suite 118
Costa Mesa, California 92627
Phone 949.631.6004 – Fax 949.631.0580

February 9, 2015

Willa Bouwens-Killeen, AICP,
Zoning Administrator
City of Costa Mesa
P O Box 1200
Costa Mesa CA 92628-1200
VIA Email to: PlanningCommission@costamesaca.gov

Re: Application No. ZA-14-40
Hearing Date: February 19, 2015

Dear Administrator Bouwens-Killeen and Members of the Planning Commission:

In connection with the above-referenced Application for Amendment to Conditional Use Permit PA-02-50 concerning parking at property known as 1925 Harbor Blvd (1921 Harbor Blvd per Orange County Assessor's Office), please be advised that the "Official Public Notice" was wrongfully posted on our neighboring property at 1927 Harbor Blvd, and no Notice has been posted on the subject property. Therefore, interested parties have not been noticed of your pending hearing.

By way of introduction, we own properties known as 1907-1909 Harbor Blvd and 1927 Harbor Blvd, both of which stand to be negatively impacted by approval of the Application referenced above. For the record, in spite of the lack of proper notice, we are opposed to the City's granting of the Application and to implementation of its underlying reciprocal parking agreement for the following reasons:

1. **Decreasing the available parking by allowing parking for customers of 512 W 19th Street, in addition to customers of 1925 Harbor Blvd, will exacerbate the problem of those customers taking parking designated for tenants and customers of our properties at 1907-1909 and 1927 Harbor Blvd.** See my letter of April 30, 2013, (copy attached for your reference), in connection with Application No. ZA-13-09 concerning the subject property, 1925 Harbor Blvd. The issues discussed in that letter remain pertinent to the current Application. Many of the negative implications to our property, which were of concern at that time, have materialized. This has resulted in additional costs to us for parking enforcement and has negatively impacted our tenants and their customers.
2. **Existing parking at 1925 Harbor Blvd is inadequate under City of Costa Mesa planning regulations and increasing the number of vehicles parked on the premises places an unreasonable burden on surrounding owners/businesses.** The properties listed on the Application, known as 512 19th Street and 1925 Harbor Blvd, are non-contiguous properties, separated by an alley accessing multiple other properties, all of which would be impacted by approval of the subject Application. To the best of my knowledge, the existing parking for the current tenants of 1925 Harbor Blvd is sub-standard and not in accordance with the City's parking requirements. According to the Orange County Assessor's Office, the

property consists of an improvement of 7,360 sq. ft. We note that the property currently has only 9 designated parking spaces, including 1 handicapped parking space, all of which are shared by the two tenants of the subject property. We are informed by the tenants that each has a non-exclusive right to the use of the entire parking area. According to the City of Costa Mesa requirements for property zoned C-2, *i.e.*, the zoning applicable to the subject property, at 4 spaces per 1000 sq. ft., the property should have a minimum of 29 spaces. We understand that the previous CUP was granted, resulting in the property's current Legal Non-conforming status, apparently allowing the current inadequate parking. It seems clear that in order to squeeze the 14 spaces requested in the application out of the already inadequate 9 spaces, the applicant anticipates tandem parking the entire area behind the subject property. This would not only result in a shortage of parking for tenants and/or customers of the subject property, but increased traffic in the alley and any other access, including our properties at 1907-1909 and 1927 Harbor Blvd. In addition, patrons of the applicant's property at 512 W 19th Street not wishing to use the valet service would likely park on other nearby privately owned properties, requiring owners of those properties to implement towing and/or other costly remedies to avoid harm to their property and tenants by trespassers.

3. **Requested hours of operation of proposed valet parking are in conflict with and overlap business hours of existing tenants of 1925, 1907-1909 and 1927 Harbor Blvd.** According to the Official Public Notice, the hours of proposed valet parking usage of 1921-1925 Harbor Blvd would be "5 pm to 12 midnight Wednesday through Saturday." Based upon conversations with the business owners/tenants of 1925 Harbor Blvd., the design firm is open until 8 pm Monday through Friday, and the workout/training center is open until 7:30-8 pm Monday through Friday. In addition, businesses at 1907-1909 and 1927 Harbor Blvd are also open after 5 pm. Specifically, Sake Bomb Masa Sushi is open until 10 pm, Baskin-Robbins is open until 10 pm, and Domino's Pizza is open until midnight. All of these businesses depend upon adequate parking for their clientele. Clearly, if the parking lot of the subject property is coned or otherwise marked off for valet parking, the tenants and customers of the subject property will have no available parking during the hours of conflict, and many customers would either choose not to do business with those tenants due to lack of available parking, or park on the premises of neighboring properties. Again this would negatively impact businesses in the surrounding area, including the 2 businesses at 1907-1909 Harbor Blvd and the 5 businesses at 1927 Harbor Blvd property.
4. **Remedies available to affected neighbors are expensive, unrealistic, and ineffective.** The negatively impacted owners of properties receiving the overflow from businesses with insufficient parking are usually told just to have the trespasser's vehicle towed. In fact, this remedy is easily advised, but extremely difficult to implement. In spite of spending thousands of dollars on legally mandated warning and code violation signage, the owner of the burdened property cannot request towing of an illegally parked vehicle until it has been parked for at least 1 hour. Enforcement thus requires personnel to guard and/or watch and note the time for each parked vehicle, then arrange for towing. In addition to the logistics and expense of enforcement, upset patrons whose vehicles have been towed at significant expense then complain to business/property owners and demand recompense or threaten to avoid future business dealings with the affected business. In short, the lack of available parking on one property has the ability to create a domino effect on many local businesses.

City of Costa Mesa
Zoning Administrator
Planning Commission
February 9, 2015
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For the reasons stated above, we respectfully request you deny the application of Social Costa Mesa (the business at 512 W 19th Street) for off-site additional parking at 1925 Harbor Blvd. If you have questions or comments, please feel free to contact me at (949) 631-6004.

Very truly yours,



Curt A. Herberts, II
Trustee

cc: Chelsea Crager, Assistant Planner
City of Costa Mesa

Tate Worswick, Owner
CrossFit Upgrade
1925 Harbor Blvd
Costa Mesa CA 92627

Zach Cole & Ryan Mahoney
Zach Cole: The Collection
1925 Harbor Blvd
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Costa Mesa CA 92627

Hi-Tek Auto Service
1927 Harbor Blvd E
Costa Mesa CA 92627

Curt A. Herberts, II
234 E. 17th, Suite 118
Costa Mesa, CA 92627

April 30, 2013

Zoning Administrator
City of Costa Mesa
P.O. box 1200
Costa Mesa, CA 92628-1200

Re: Your application No. ZA-13-09
Site Address: 1925 Harbor Blvd., Costa Mesa

To Whom This May Concern,

I am responding to the multiple public notices that I received regarding the above referenced planning action. As the owner of adjoining properties at 1907-1909 and 1927-1937 Harbor Blvd., Costa Mesa, I am very familiar with the subject property at 1925 Harbor Blvd. My concern with the proposed use stems from the rampant parking problems that were experienced when the subject property was last occupied by a furniture store and later a golf cart businesses. Even with both of those business having relatively low demand parking requirements their employees and customers would habitually park in the most convenient parking lot, which was at my property at 1927 Harbor Blvd.

It seems readily apparent that the subject property has a limited area for parking to begin with, which is exacerbated by the lack of visibility from the street or way finding signs. At present, parking space delineation is virtually non-existent. Finally, for many years the parking area was entirely fenced and gated precluding customer parking.

One other issue that has been prevalent in the neighborhood is the transient and or drug activity. The Costa Mesa Police Department will readily confirm this. The driveways and alleys to the rear of the subject property are in poor condition and either have minimal or non-existing security/customer lighting. In its present state, customers will avoid parking on the subject property parking lot due to the security risk.

Due to these issues, I would request that the City of Costa Mesa take these factors into account in the determination of a CUP. Therefore, in the event that a CUP is contemplated, I would request the following:

1. The issuance of a CUP be limited to a specific duration, (ex. 1 year) or subject to a periodic review, (6mo or annual) during the term of the proposed tenants occupancy to ensure that the owner and tenant are adhering to the conditions of the CUP.
2. Requirement for the subject property parking area to be re-surfaced, striped and signed with way finding signs for customers to readily find and park without any fences or obstructions to ingress or egress.
3. Requirement for lighting to be installed on the building and or parking area to ensure employee and customer safety.

Please do not misunderstand my desires, as the subject property has been vacant for many years, I would like to see the owner be successful in leasing the property to a business that will have a positive influence on the neighborhood. That being said, due to issues that are listed above, I would respectfully request that conditions that ensure enforceability be implemented to ensure that parking and safety concerns are adhered to.

Due to the significant impact that the proposed CUP has on the adjacent properties, I would appreciate the opportunity to review plans or proposals that may be available during the CUP process.

Thank you in advance for your consideration.

Sincerely,



Curt A. Herberts, II
Off: (949) 631-6004

THE HERBERTS TRUST
Curt A. Herberts, II, Trustee
234 E. 17th Street, Suite 118
Costa Mesa, California 92627
Phone 949.631.6004 – Fax 949.631.0580

February 9, 2015

Willa Bouwens-Killeen, AICP,
Zoning Administrator
City of Costa Mesa
P O Box 1200
Costa Mesa CA 92628-1200
VIA Email to: PlanningCommission@costamesaca.gov

Re: Application No. ZA-14-40
Hearing Date: February 19, 2015

Dear Administrator Bouwens-Killeen and Members of the Planning Commission:

In connection with the above-referenced Application for Amendment to Conditional Use Permit PA-02-50 concerning parking at property known as 1925 Harbor Blvd (1921 Harbor Blvd per Orange County Assessor's Office), please be advised that the "Official Public Notice" was wrongfully posted on our neighboring property at 1927 Harbor Blvd, and no Notice has been posted on the subject property. Therefore, interested parties have not been noticed of your pending hearing.

By way of introduction, we own properties known as 1907-1909 Harbor Blvd and 1927 Harbor Blvd, both of which stand to be negatively impacted by approval of the Application referenced above. For the record, in spite of the lack of proper notice, we are opposed to the City's granting of the Application and to implementation of its underlying reciprocal parking agreement for the following reasons:

1. **Decreasing the available parking by allowing parking for customers of 512 W 19th Street, in addition to customers of 1925 Harbor Blvd, will exacerbate the problem of those customers taking parking designated for tenants and customers of our properties at 1907-1909 and 1927 Harbor Blvd.** See my letter of April 30, 2013, (copy attached for your reference), in connection with Application No. ZA-13-09 concerning the subject property, 1925 Harbor Blvd. The issues discussed in that letter remain pertinent to the current Application. Many of the negative implications to our property, which were of concern at that time, have materialized. This has resulted in additional costs to us for parking enforcement and has negatively impacted our tenants and their customers.
2. **Existing parking at 1925 Harbor Blvd is inadequate under City of Costa Mesa planning regulations and increasing the number of vehicles parked on the premises places an unreasonable burden on surrounding owners/businesses.** The properties listed on the Application, known as 512 19th Street and 1925 Harbor Blvd, are non-contiguous properties, separated by an alley accessing multiple other properties, all of which would be impacted by approval of the subject Application. To the best of my knowledge, the existing parking for the current tenants of 1925 Harbor Blvd is sub-standard and not in accordance with the City's parking requirements. According to the Orange County Assessor's Office, the

property consists of an improvement of 7,360 sq. ft. We note that the property currently has only 9 designated parking spaces, including 1 handicapped parking space, all of which are shared by the two tenants of the subject property. We are informed by the tenants that each has a non-exclusive right to the use of the entire parking area. According to the City of Costa Mesa requirements for property zoned C-2, *i.e.*, the zoning applicable to the subject property, at 4 spaces per 1000 sq. ft., the property should have a minimum of 29 spaces. We understand that the previous CUP was granted, resulting in the property's current Legal Non-conforming status, apparently allowing the current inadequate parking. It seems clear that in order to squeeze the 14 spaces requested in the application out of the already inadequate 9 spaces, the applicant anticipates tandem parking the entire area behind the subject property. This would not only result in a shortage of parking for tenants and/or customers of the subject property, but increased traffic in the alley and any other access, including our properties at 1907-1909 and 1927 Harbor Blvd. In addition, patrons of the applicant's property at 512 W 19th Street not wishing to use the valet service would likely park on other nearby privately owned properties, requiring owners of those properties to implement towing and/or other costly remedies to avoid harm to their property and tenants by trespassers.

- 3. Requested hours of operation of proposed valet parking are in conflict with and overlap business hours of existing tenants of 1925, 1907-1909 and 1927 Harbor Blvd.** According to the Official Public Notice, the hours of proposed valet parking usage of 1921-1925 Harbor Blvd would be "5 pm to 12 midnight Wednesday through Saturday." Based upon conversations with the business owners/tenants of 1925 Harbor Blvd., the design firm is open until 8 pm Monday through Friday, and the workout/training center is open until 7:30-8 pm Monday through Friday. In addition, businesses at 1907-1909 and 1927 Harbor Blvd are also open after 5 pm. Specifically, Sake Bomb Masa Sushi is open until 10 pm, Baskin-Robbins is open until 10 pm, and Domino's Pizza is open until midnight. All of these businesses depend upon adequate parking for their clientele. Clearly, if the parking lot of the subject property is coned or otherwise marked off for valet parking, the tenants and customers of the subject property will have no available parking during the hours of conflict, and many customers would either choose not to do business with those tenants due to lack of available parking, or park on the premises of neighboring properties. Again this would negatively impact businesses in the surrounding area, including the 2 businesses at 1907-1909 Harbor Blvd and the 5 businesses at 1927 Harbor Blvd property.
- 4. Remedies available to affected neighbors are expensive, unrealistic, and ineffective.** The negatively impacted owners of properties receiving the overflow from businesses with insufficient parking are usually told just to have the trespasser's vehicle towed. In fact, this remedy is easily advised, but extremely difficult to implement. In spite of spending thousands of dollars on legally mandated warning and code violation signage, the owner of the burdened property cannot request towing of an illegally parked vehicle until it has been parked for at least 1 hour. Enforcement thus requires personnel to guard and/or watch and note the time for each parked vehicle, then arrange for towing. In addition to the logistics and expense of enforcement, upset patrons whose vehicles have been towed at significant expense then complain to business/property owners and demand recompense or threaten to avoid future business dealings with the affected business. In short, the lack of available parking on one property has the ability to create a domino effect on many local businesses.

City of Costa Mesa
Zoning Administrator
Planning Commission
February 9, 2015
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For the reasons stated above, we respectfully request you deny the application of Social Costa Mesa (the business at 512 W 19th Street) for off-site additional parking at 1925 Harbor Blvd. If you have questions or comments, please feel free to contact me at (949) 631-6004.

Very truly yours,



Curt A. Herbets, II
Trustee

cc: Chelsea Crager, Assistant Planner
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CrossFit Upgrade
1925 Harbor Blvd
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Baskin Robbins
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Hi-Tek Auto Service
1927 Harbor Blvd E
Costa Mesa CA 92627

Curt A. Herberts, II
234 E. 17th, Suite 118
Costa Mesa, CA 92627

April 30, 2013

Zoning Administrator
City of Costa Mesa
P.O. box 1200
Costa Mesa, CA 92628-1200

Re: Your application No. ZA-13-09
Site Address: 1925 Harbor Blvd., Costa Mesa

To Whom This May Concern,

I am responding to the multiple public notices that I received regarding the above referenced planning action. As the owner of adjoining properties at 1907-1909 and 1927-1937 Harbor Blvd., Costa Mesa, I am very familiar with the subject property at 1925 Harbor Blvd. My concern with the proposed use stems from the rampant parking problems that were experienced when the subject property was last occupied by a furniture store and later a golf cart businesses. Even with both of those business having relatively low demand parking requirements their employees and customers would habitually park in the most convenient parking lot, which was at my property at 1927 Harbor Blvd.

It seems readily apparent that the subject property has a limited area for parking to begin with, which is exacerbated by the lack of visibility from the street or way finding signs. At present, parking space delineation is virtually non-existent. Finally, for many years the parking area was entirely fenced and gated precluding customer parking.

One other issue that has been prevalent in the neighborhood is the transient and or drug activity. The Costa Mesa Police Department will readily confirm this. The driveways and alleys to the rear of the subject property are in poor condition and either have minimal or non-existing security/customer lighting. In its present state, customers will avoid parking on the subject property parking lot due to the security risk.

Due to these issues, I would request that the City of Costa Mesa take these factors into account in the determination of a CUP. Therefore, in the event that a CUP is contemplated, I would request the following:

1. The issuance of a CUP be limited to a specific duration, (ex. 1 year) or subject to a periodic review, (6mo or annual) during the term of the proposed tenants occupancy to ensure that the owner and tenant are adhering to the conditions of the CUP.
2. Requirement for the subject property parking area to be re-surfaced, striped and signed with way finding signs for customers to readily find and park without any fences or obstructions to ingress or egress.
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Please do not misunderstand my desires, as the subject property has been vacant for many years, I would like to see the owner be successful in leasing the property to a business that will have a positive influence on the neighborhood. That being said, due to issues that are listed above, I would respectfully request that conditions that ensure enforceability be implemented to ensure that parking and safety concerns are adhered to.

Due to the significant impact that the proposed CUP has on the adjacent properties, I would appreciate the opportunity to review plans or proposals that may be available during the CUP process.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Curt A. Herberts, II". The signature is written in black ink and is positioned above the typed name.

Curt A. Herberts, II
Off: (949) 631-6004

CRAGER, CHELSEA

From: LEE, MEL
Sent: Monday, February 09, 2015 10:55 AM
To: CRAGER, CHELSEA
Subject: FW: Application No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 W. 19th St., Costa Mesa
Attachments: 1921 Harbor Blvd., C.M. Planning Comm 2-9-2015.pdf

From: FLYNN, CLAIRE
Sent: Monday, February 09, 2015 10:54 AM
To: BOUWENS-KILLEEN, WILLA; LEE, MEL
Subject: FW: Application No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 W. 19th St., Costa Mesa

From: Curt Herberts II [<mailto:herberts.pcr@gmail.com>]
Sent: Monday, February 09, 2015 10:53 AM
To: PLANNING COMMISSION
Cc: Louise Stuart; Louise Stuart
Subject: Re: Application No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 W. 19th St., Costa Mesa

Zoning Administrator & Planning Commission
To Whom This May Concern,

Please find attached letter in response to the proposed application, your reference No. ZA-14-1200 regarding 1925 Harbor Blvd. & 512 @. 19th Street, Costa Mesa.

Since I wrote the attached letter of last week, it does not address the issues that I viewed and experienced this past Friday evening at the above referenced properties. In an attempt to inspect my properties this past Friday evening about 9:00pm to view for myself the impact that the "Social" business at 512 W. 19th Street was having I viewed and experienced the following: The driveway/alley between 1901 Harbor Blvd. which is the NW corner of 19th Street and Harbor Blvd. and 512 W. 19th Street had cars lined up on 19th Street trying to enter the parking lot of Social. A makeshift valet staging area was placed in the center of the driveway/alley. Numerous cars were blocking the driveway/alley as customers were in a waiting line attempting to pickup their cars, while others were attempting to leave their cars. The driveway/alley was impassable. The private property parking lots in the driveway/alley of every property on Harbor Blvd. from 1901, 1913 and 1925 including my properties at 1907-09 and 1927 were overrun with parked cars. The cars were parked in tandem with two or three valets running back a forth trying to keep up with the demand, however they were overrun with the sheer number of cars and customers of Social. At the time that I viewed the properties, there was absolutely no way that a firetruck or emergency vehicle could have made its way through the driveway/alley. Since all those cars were customers of Social, you can only imagine what the volume of individuals were inside the building and question whether the occupancy loads were being adhered to.

I will send an additional letter reflecting the above concerns and observations within the next few days.

Please acknowledge your receipt of this email and the attached letters.

Regards,
Curt

Curt A. Herberts, II
Principal - Broker
CA DRE # 00521135
Pacific Coast Realty Group
234 E. 17th Street, Suite 118
Costa Mesa, CA 92627
Dir. (949) 631-6004
Fax (949) 631-0580
Cell (949) 500-2462

THE HERBERTS TRUST
Curt A. Herberts, II, Trustee
234 E. 17th Street, Suite 118
Costa Mesa, California 92627
Phone 949.631.6004 – Fax 949.631.0580

February 9, 2015

Willa Bouwens-Killeen, AICP,
Zoning Administrator
City of Costa Mesa
P O Box 1200
Costa Mesa CA 92628-1200
VIA Email to: PlanningCommission@costamesaca.gov

Re: Application No. ZA-14-40
Hearing Date: February 19, 2015

Dear Administrator Bouwens-Killeen and Members of the Planning Commission:

In connection with the above-referenced Application for Amendment to Conditional Use Permit PA-02-50 concerning parking at property known as 1925 Harbor Blvd (1921 Harbor Blvd per Orange County Assessor's Office), please be advised that the "Official Public Notice" was wrongfully posted on our neighboring property at 1927 Harbor Blvd, and no Notice has been posted on the subject property. Therefore, interested parties have not been noticed of your pending hearing.

By way of introduction, we own properties known as 1907-1909 Harbor Blvd and 1927 Harbor Blvd, both of which stand to be negatively impacted by approval of the Application referenced above. For the record, in spite of the lack of proper notice, we are opposed to the City's granting of the Application and to Implementation of its underlying reciprocal parking agreement for the following reasons:

1. **Decreasing the available parking by allowing parking for customers of 512 W 19th Street, in addition to customers of 1925 Harbor Blvd, will exacerbate the problem of those customers taking parking designated for tenants and customers of our properties at 1907-1909 and 1927 Harbor Blvd.** See my letter of April 30, 2013, (copy attached for your reference), in connection with Application No. ZA-13-09 concerning the subject property, 1925 Harbor Blvd. The issues discussed in that letter remain pertinent to the current Application. Many of the negative implications to our property, which were of concern at that time, have materialized. This has resulted in additional costs to us for parking enforcement and has negatively impacted our tenants and their customers.
2. **Existing parking at 1925 Harbor Blvd is inadequate under City of Costa Mesa planning regulations and increasing the number of vehicles parked on the premises places an unreasonable burden on surrounding owners/businesses.** The properties listed on the Application, known as 512 19th Street and 1925 Harbor Blvd, are non-contiguous properties, separated by an alley accessing multiple other properties, all of which would be impacted by approval of the subject Application. To the best of my knowledge, the existing parking for the current tenants of 1925 Harbor Blvd is sub-standard and not in accordance with the City's parking requirements. According to the Orange County Assessor's Office, the

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- 3. Requested hours of operation of proposed valet parking are in conflict with and overlap business hours of existing tenants of 1925, 1907-1909 and 1927 Harbor Blvd.** According to the Official Public Notice, the hours of proposed valet parking usage of 1921-1925 Harbor Blvd would be "5 pm to 12 midnight Wednesday through Saturday." Based upon conversations with the business owners/tenants of 1925 Harbor Blvd., the design firm is open until 8 pm Monday through Friday, and the workout/training center is open until 7:30-8 pm Monday through Friday. In addition, businesses at 1907-1909 and 1927 Harbor Blvd are also open after 5 pm. Specifically, Sake Bomb Masa Sushi is open until 10 pm, Baskin-Robbins is open until 10 pm, and Domino's Pizza is open until midnight. All of these businesses depend upon adequate parking for their clientele. Clearly, if the parking lot of the subject property is coned or otherwise marked off for valet parking, the tenants and customers of the subject property will have no available parking during the hours of conflict, and many customers would either choose not to do business with those tenants due to lack of available parking, or park on the premises of neighboring properties. Again this would negatively impact businesses in the surrounding area, including the 2 businesses at 1907-1909 Harbor Blvd and the 5 businesses at 1927 Harbor Blvd property.
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City of Costa Mesa
Zoning Administrator
Planning Commission
February 9, 2015
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Very truly yours,



Curt A. Herberts, II
Trustee

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Curt A. Herberts, II
234 E. 17th, Suite 118
Costa Mesa, CA 92627

April 30, 2013

Zoning Administrator
City of Costa Mesa
P.O. box 1200
Costa Mesa, CA 92628-1200

Re: Your application No. ZA-13-09
Site Address: 1925 Harbor Blvd., Costa Mesa

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Due to the significant impact that the proposed CUP has on the adjacent properties, I would appreciate the opportunity to review plans or proposals that may be available during the CUP process.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Curt A. Herberts, II".

Curt A. Herberts, II
Off: (949) 631-6004



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

June 4, 2015

Andrew Dorsey
162 Tulip Lane, Unit C
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-14-40
AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW ONSITE AND
OFFSITE VALET PARKING
512 AND 540 WEST 19TH STREET, COSTA MESA**

Dear Mr. Dorsey:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on June 11, 2015, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Chelsea Crager, at (714) 754-5609, or at chelsea.crager@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description and Analysis
 Findings
 Conditions of Approval and Code Requirements
 Project Description
 Approved Conceptual Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

Andrew Lee
53 Balboa Coves
Newport Beach, CA 92663

PROJECT DESCRIPTION

The subject property is located on West 19th Street west Harbor Boulevard. The property is a part of a commercial center where tenant spaces are individually owned and parking is not shared. The property is zoned C2 (General Business) with a General Plan land use designation of Commercial Center. Properties to the east and west are also zoned C2 and contain commercial uses. The property to the south across West 19th Street is zoned PDC (Planned Development Commercial), and the property to the north, across a public alley, is zoned R2-HD (Multi-Family Residential, High Density) and contains residential uses. The property is accessed by a public alley to the east and north.

The subject property contains a restaurant use and 15 onsite parking spaces, as shown on the submitted site plan. The parking at the property is legal nonconforming.

Previous Entitlements

On November 25, 2002, Planning Commission approved Conditional Use Permit PA-02-50 for extended operating hours of an existing restaurant and to allow live entertainment (background music), while withdrawing the conditional use permit for shared parking and the minor conditional use permits for shared access and to deviate from the shared parking requirements in the C2 zone (Applicant had requested to expand the restaurant but could not obtain permission from other owners in the center to formally share parking and access).

On June 13, 2005, Planning Commission approved Conditional Use Permit PA-05-17 to extend the days of live entertainment, including karaoke, to seven days a week with music to cease at midnight. Additionally, the live entertainment was expanded to allow karaoke.

On July 19, 2007, the Zoning Administrator approved Minor Conditional Use Permit ZA-07-33 for a deviation from parking requirements for an outdoor patio area. According to this approval, the enclosed outdoor patio area is to be used for restaurant patrons who wish to smoke outdoors, but is not to be used for additional dining area.

Proposed Amendment

The applicant proposes amending the existing conditional use permit to allow onsite and offsite valet parking Wednesday through Saturday 5:00 p.m. to 12:00 a.m. The intent of this amendment is to alleviate parking problems during these hours by allowing the stacking of valet parked cars, gaining additional parking.

ANALYSIS

Parking and Circulation

Onsite valet parking will occur in the spaces immediately in front of the tenant space and behind the tenant space, as shown on the attached site plan. Offsite valet parking will occur in the rear parking lot of 540 West 19th Street (Tick Tocker Thrift Store) only, and will not occur during business hours of the tenant at 540 West 19th Street. Transportation Services Division staff have reviewed and approved this plan.

To encourage customers to take advantage of available valet parking, the service is to remain free at all times.

Valet stands are conditioned to be on the subject property only, with no loading or unloading of passengers either offsite, in the alley, or on the street. Additionally, they are to be placed in areas that do not interfere with required parking for other properties or drive aisles.

Noise

The subject property abuts residential properties to the north, closest to the rear of the restaurant. To prevent noise impacts of restaurant patrons picking up valet-parked cars to these neighbors, all valet pickup is to occur at the front of the restaurant.

Impacts to Neighbors

To prevent impacts of this use on neighboring properties, the applicant has agreed to clean up any litter from restaurant patrons on adjacent properties.

General Plan Consistency

The Commercial Center General Plan land use designation is intended for large areas with a concentration of diverse or intense commercial uses serving local and regional needs. Valet parking is supportive of those types of uses, including the currently operating restaurant at 512 West 19th Street, and will allow a use and intensity that is consistent with the General Plan. Valet parking, as conditioned, should not generate noise impacts to the residential neighbors and will help alleviate parking impacts, therefore, ensuring the project is compatible with surrounding uses.

The proposed project, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the valet parking should not adversely impact the surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
 1. The proposed use is compatible and harmonious with developments in the same

general area and would not be materially detrimental to other properties within the area. The loading and unloading of customers will occur onsite only. Offsite parking is prohibited during business hours of the tenant at 540 West 19th Street. Valet drop off is to occur at the rear of the tenant space to prevent queuing of cars onto West 19th Street. Additionally, any littering on adjacent properties caused by restaurant patrons will be the responsibility of the restaurant owner.

2. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. Valet stands are conditioned to be placed entirely on private property and not to interfere with drive aisles nor required parking for neighboring properties.

3. Granting the conditional use permit will not allow a use, density or intensity that is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed use is supportive of the restaurant use, consistent with the Commercial Center General Plan land use designation.

B. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:

1. There will be a compatible and harmonious relationship between the proposed building and the site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. Valet parking is conditioned not to interfere with parking for other properties, drive aisles, public alleys, or public streets. Additionally, loading and unloading of passengers is permitted onsite only, and offsite valet parking may not occur during the operating hours of the tenant at 540 West 19th Street.

2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries, and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered. Transportation Services Division staff have reviewed and approved the attached site plan. The minor conditional use permit includes conditions that the loading and unloading of passengers may only occur onsite only and may not interfere with parking for other properties, drive aisles, public alleys, or public streets.

3. The project complies with performance standards described elsewhere in the Zoning Code, and is conditioned to operate as described in this staff report.

4. The project as conditioned is consistent with the General Plan in that the project is supportive of the restaurant use permitted under the Commercial Center General Plan land use designation of the property and does not adversely affect surrounding uses.

5. This zoning application is for a project-specific case and is not to be construed to

be setting a precedent for future development.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be limited to the type of operation described in the staff report and the applicant's description, subject to the following conditions:
- The two valet stations shall be located on private property in areas that do not interfere with parking for other properties, drive aisles, public alleys, or public streets.
 - Valet parking shall occur in the areas shown in the attached site plan only. All valet parking shall be onsite at 512 West 19th Street and offsite at 540 West 19th Street. No valet parking may occur on any other property or in any public alley or public street.
 - Valet parking shall occur during the following hours only: Wednesday-Saturday 5:00 p.m. to 12:00 a.m.
 - Drop-off of customer cars is to be at the rear of the restaurant to prevent queuing of cars onto West 19th Street.
 - Pick-up of customer cars is to be at the front of the restaurant to prevent noise impacts of leaving restaurant customers to the residential neighbors to the north.
 - There shall be no charge for valet at any time.
 - Offsite valet parking shall occur at 540 West 19th Street only, and shall be prohibited during the operating hours of the tenant.
 - Parking spaces not reserved for valet parking shall remain open and unobstructed for customer self-parking.
- Any change in the operational characteristics including, but not limited to, the hours of operation, number and location of valet stations, or vehicle/walkway routes, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval.
2. As required by Minor Conditional Use Permit ZA-07-33, no food or beverages shall be served in the patio area.

3. As required by Minor Conditional Use Permit ZA-07-33, if parking shortage or other parking-related problems arise, the applicant shall institute whatever optional measures are necessary to minimize or eliminate the problem, including, but not limited to, removal of all tables and chairs from the patio area.
4. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.
5. Any littering on adjacent properties caused by restaurant patrons shall be cleaned by the restaurant operator.
6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
7. All conditions of approval/Code requirements of PA-02-50, PA-05-17, and ZA-07-33 shall apply.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Bldg.
1. Comply with the requirements of the 2013 California Building Code. (or the applicable adopted, California Building code and and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
 2. Comply with 2013 California Building code section 11B-209.4 for a valet parking to provide at least one accessible passenger loading zone at vehicle drop-off and vehicle pick-up areas.



Request for Valet Parking Permit
Restaurant Valet Plan

Valet Map Date: October 21st, 2014
Revised Date: October 28th, 2014
Client: SOCIAL Costa Mesa
Location: 512 W 19th St Costa Mesa Ca
Attention: City Of Costs Mesa / Public Works / Traffic

For the purpose of requesting and obtaining an appropriate valet parking permit the following has been comprised to assure operations, positive impact, and safety:

The valet parking map and narrative below illustrates how traffic direction, placement, as well as the logistics plan for parking assures ample parking, parking management, security for the subject business understood as *SOCIAL Costa Mesa*, and all those neighboring within the 500sq' radius. Further improvements has been made by implementing and sustaining safety measures as prior pass-through traffic had been consuming along with public driving speeds well beyond the allowed speed within a business complex. Revitalizing the surrounding conditions has begun by sustaining clean curbs, parking lots, and fairways, reducing public nuisance, the unfortunate but heavily prominent homeless presence, and other issues that have negatively impacted the local business owners.

Prepared By: SVS Parking / Superior Valet Services LLC

Name: Jason Liddell Signature: _____ Date: 10/28/2014

Letter of Urgency for Temporary Lenience

Business: SOCIAL Costa Mesa
Address: 512 W 19th St Costa Mesa Ca, 92627
Date: October 28th 2014
Purpose: Express urgency for:

- The need for valet in order to operate business & appropriate parking per code
- Positive impact SOCIAL and associated valet have had on surroundings
- Request for temporary lenience

Good afternoon Rene, Lee and Planning Department staff,

My name is Andrew Dorsey, part owner and principal of a new restaurant titled SOCIAL Costa Mesa that has been positively impacting not only the dinning culture within Costa Mesa, but specifically improving upon the immediate surroundings of our location. The corner development on 19th and Harbor Blvd has long been a compromised *seed* for the neighborhood, police, and City in whole; but over the past several weeks we have positively impacted this setting, greatly improving the influence, and would like to continue to do so by means of our business, and the current topic of *valet parking*.

Please accept our apology as we did not think the ancillary service needed City approval given we viewed it only as a facilitation factor to assure business and patron support. We ask for your grace while we complete the process of receiving approval for valet parking. The process has begun, and we are in the midst of revising our valet parking plans and analysis for you.

Our concern in "ceasing all valet operations" this week is that this will negatively impact our neighbors, parking control/management, stifle our ability to receive business, as well as cause us to lose the oversight and security for both our neighbors, and patrons. The shock to our patrons if they arrive under limited parking circumstances will be detrimental to our business, and most likely difficult to recover from. First impressions with new businesses last for the first 6 months until patrons find comfort in their approval of the business/service.

Requested temporary solution: The owners of our valet provider will meet with you personally to answer questions and assure you of the onsite operations, while the formalities are complete through document submittal, review, and approval. We ask this of you only because of the pertinent nature of having valet parking present during our peak hours of operation.

The positive feedback above we have received from neighboring businesses, police, as well as observation as to a revitalization that has occurred due to the class of clientele that we attract, and security that the valet has ensured. These outcomes thus far have also been greatly amplified by the valet parking services. From onsite traffic facilitation, to lot security, to protecting our neighbors parking, to assisting in the enforcement of the "no parking along the alley" requirement we received from the City last week (this was not the valet, but rather other self-parkers), the valet stands as a "make or break" point for our business, as well as our relations with our neighbors.

We again apologize and ask for your grace while we show proof of proceeding in providing your requested documentation (this process has begun). Our peak hours of operations that valet is pivotal are Wednesday through Saturday from 5:00pm to 12:00am.

Our valet provider: SVS Parking (Superior Valet Services) / Jason Liddell 714.943.2084 / Steve Moon 714.655.7403
Existing Business License in Costa Mesa: Yes / Account #: 45967

Appreciatively,
Andrew Dorsey / 760.695.2487

See Map on page 4

- Signage and valet attendants will direct SOCIAL guests into the "valet" lanes and out of the common line of traffic.
- Arriving guests will be directed, received, and greeted were indicated
- Traffic flow is planned to allow unobstructed business and neighboring tenant travel.
- Guest or public traffic Valet traffic
- Vehicles are parking in spaces:
 - 1 through 9
 - 15 through 23
 - 24 through 43
- Spaces 10 through 14 and 44 through 50 indicated as prospective back-up parking pending future business increase.
- Valet attendants will remain present to assure all guests are clearly directed to drop-off and pick-up area
- Valet attendants will monitor all parking locations for security, safety and operations purposes.
- All vehicles will be backed in to further assure ambiance, facilitation and presentation.
- Parking is arranged in the attached front & rear lots, along with allowable side neighboring spaces.
- Spaces used for valet parking as numbered on map.
- No valet parking will be allowed or used along the rear alley fence indicated by _____
- SVS Parking assumes responsibility for cleanliness of valet station, isles, alleys, and lot areas in use.
- Valet operations will be conducted on the following peak days and hours of operations:
 - Wednesdays 5:00pm until 12:00am or until valet is no longer needed based upon traffic influx
 - Thursdays 5:00pm until 12:00am or until valet is no longer needed based upon traffic influx
 - Fridays 5:00pm until 12:00am or until valet is no longer needed based upon traffic influx
 - Saturdays 5:00pm until 12:00am or until valet is no longer needed based upon traffic influx

Traffic Analysis

(number of vehicles received with the hour)

Hours	5:00pm	6:00p m	7:00p m	8:00p m	9:00p m	10:00p m	11:00p m	12:am	1:00am	Total cars
Wed - cars	1	2	4	3	5	6	2	0	0	23
Thurs - cars	3	4	5	9	2	8	10	2	0	43
Fri - cars	3	6	6	10	8	10	10	2	0	55
Sat - Cars	2	8	8	5	5	12	12	5	0	57

Consumption Analysis

(number of vehicles onsite within the hour)

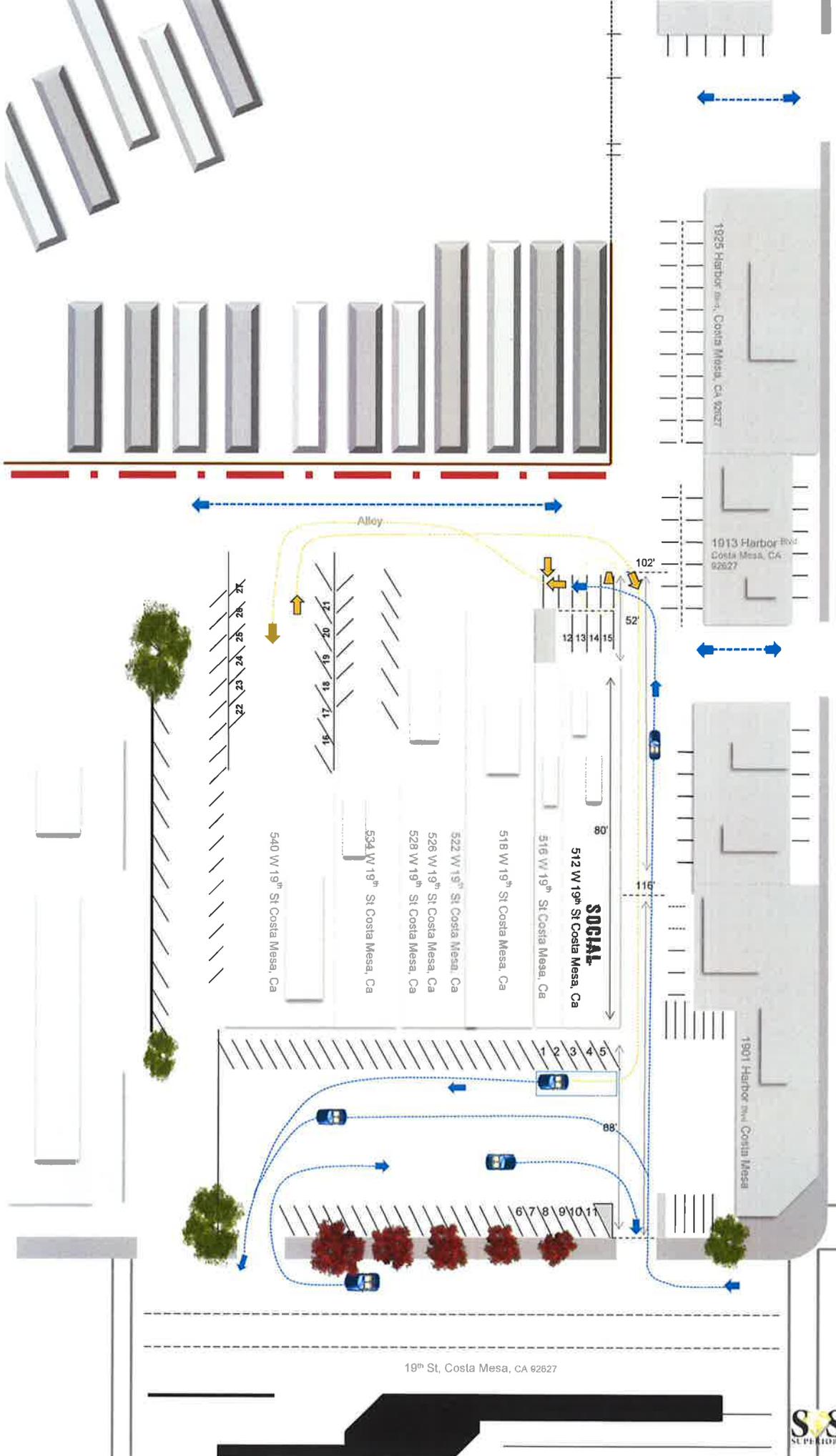
Hours	5:00pm	6:00p m	7:00p m	8:00p m	9:00p m	10:00p m	11:00p m	12:am	1:00am	Average cars
Wed - cars	1	3	7	10	7	13	10	6	0	6.3
Thurs - cars	3	7	12	18	20	19	12	8	0	11
Fri - cars	3	9	15	22	21	25	17	8	0	13.3
Sat - Cars	2	10	18	21	18	35	20	5	0	14.3

Name: Jason Liddell Signature: _____ Date: 10/30/2014



Thank you for using SVS Parking

Harbor Blvd, Costa Mesa, CA 92627



19th St, Costa Mesa, CA 92627



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

June 4, 2015

Rachael Davidson
Jacobs Engineering Group
3161 Michelson Drive #500
Irvine, CA 92612

**RE: ZONING APPLICATION ZA-15-12 (ZA-99-40 A1)
MINOR CONDITIONAL USE PERMIT TO INSTALL TELECOMMUNICATION
ANTENNAS TO AN EXISTING MONOPOLE
1718 PLACENTIA AVENUE, COSTA MESA**

Dear Ms. Davidson:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on June 12, 2015, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Antonio Gardea, at (714) 754-5692, or at antonio.gardea@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
 Findings
 Conditions of Approval, Code Requirements, and Special District
 Requirements
 Approved Conceptual Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

BACKGROUND

Site Location

The 0.46 acre property is zoned General Industrial District (MG) with a General Plan land use designation of Light Industry. The property is surrounded by MG zoned properties to the north, east, and south as well as to the west across Placentia Avenue. The property is developed with a two-story, 16,458-square foot industrial building (Hanks Electrical Supplies & Motors).

Previous Entitlement

On October 7, 1999, the Zoning Administrator approved a minor conditional use permit, ZA-99-40, for the installation of a 60-foot tall monopole. The applicant originally proposed to install a faux-mono palm structure. However, staff recommended installing a standard monopole instead. Since no residences or parks are located in the immediate vicinity and the site is surrounded by industrial uses, the facility was not required to be screened or disguised in any manner.

PROJECT DESCRIPTION

Proposed Use

The applicant proposes to modify the existing monopole by installing twelve new panel antennas with remote radio units mounted behind each antenna, a microwave antenna, and two fiber demarcation boxes mounted on the antenna arms. The new antennas and related equipment will be co-located below the existing antennas at a maximum height of 49 feet. The monopole height will remain the same. Two new equipment cabinets and a standby generator will be installed within a slightly larger lease area. Since the height of the proposed antennas exceeds the maximum allowable height of 30 feet per the Zoning Code; a Minor Conditional Use Permit is required for this requested installation.

Analysis

The proposed antennas will be mounted on the existing monopole which is located at the southeast corner of the property. The property is fenced off at the front which provides a visual screen from Placentia Avenue. In addition, the front landscaped setback area includes shrubs and several mature trees that aesthetically enhance the property. Because other overhead utilities are present in the vicinity, the existing monopole is not deemed visually obtrusive.

The new equipment cabinets and generator will be placed behind the existing wrought iron fence which is visually screened from public view by the existing landscaping and fence. The equipment lease area at the corner of the site is adjacent to a trash enclosure and abuts a diagonal parking space. The lease area will be slightly enlarged, taking up

one parking space, to accommodate both the new cabinets and generator. A minimum of 49 parking spaces are required this 16,458 square foot industrial building and a total of 50 on-site parking spaces are provided. Consequently, the use would still comply with the minimum number of parking spaces required despite the loss of one parking space.

Conditions have been included to ensure antenna frequencies do not interfere with the frequency used for Public Safety communications. Additionally, the environmental radio frequency radiation generated by the antennas will comply with the ANSI/IEEE standards.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
1. The proposed use is compatible with developments in the same general area; specifically the new antennas will be mounted on the existing monopole. The proposed new equipment cabinets and standby generator are located in the expanded lease area at the southeast corner of the property. The equipment lease area is currently enclosed by a wrought iron fence next to the existing trash enclosure. The lease area is not directly visible from Placentia Avenue and the front landscaped area minimizes the view of the telecommunications facilities from the surroundings.
 2. Granting the Minor Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity since the antenna frequencies will comply with ANSI/IEEE standards. Conditions have also been added to certify that the antennas do not interfere with frequencies used by the City for public safety purposes. The antenna frequencies comply with all Federal standards for radio frequency emissions in accordance with the Telecommunications Act of 1996 and subsequent amendments, as well as any other applicable requirements imposed by the State and Federal agencies.
 3. Granting the Minor Conditional Use Permit will not allow a use, density or intensity that is not in accordance with the General Plan designation for the property. The new telecommunications antennas will be co-located on the monopole at a lower height than the existing antennas. The proposed cabinets and standby generator will be housed within the expanded lease area. Since no residences are located in the immediate vicinity and the site is surrounded by industrial uses, the new antennas and related equipment are not deemed visually obtrusive.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.

- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval and Code requirements of Zoning Application ZA-15-14 (ZA-99-40 A1) shall be blueprinted on the face of the site plan of the plan check submittal package.
2. All equipment cabinets shall be screened from view. Screening shall be of a material and color compatible with the existing material and color of building. Such screening material shall be approved by Planning staff prior to installation.
3. Any future modifications to the equipment or antennas shall be done only with the prior approval of Planning staff and may require filing and approval of a minor conditional use permit.
4. The applicant shall provide a 24-hour phone number to which interference problems may be reported.
5. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments to ensure continuity on all interference issues. The name, telephone number, fax number, and email address of that person shall be provided to the City's designated representative.
6. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final building inspection(s). This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
7. The applicant shall ensure that lessee or other user(s) shall comply with the terms and conditions of this permit and shall be responsible for the failure of any lessee or other users under the control of applicant to comply.
8. The wireless telecommunications facility (monopole) and all associated equipment shall be completely removed upon discontinuance of use. The applicant shall notify the Planning Division when this occurs and obtain the necessary demolition permits to remove the wireless facility and associated equipment.
- Police 9. The applicant recognizes that the frequencies used by the cellular facility located at the subject property are extremely close to the frequencies used by the City of Costa Mesa for Public Safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public Safety Communications Officials, International, Inc. (APCO), and as endorsed by the federal Communication Commission (FCC). Prior to the issuance of any permits to install the facility, applicant shall meet in good faith to coordinate the use of frequencies and equipment with the Communications Division of the Orange County Sheriff-Coroner Department to minimize, to the greatest extent possible, any interference with the Public Safety 800

MHz Countywide Coordinated Communications System (CCCS). Similar consideration shall be given to any other existing or proposed wireless communications facility that may be located on the subject property.

10. At all times, the applicant shall not prevent the City of Costa Mesa from having adequate spectrum capacity on the City's 800 MHz radio frequency.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | |
|--------------|--|
| PIng. | <ol style="list-style-type: none">1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension <u>prior</u> to the expiration of the planning application.2. All construction-related activity shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 9 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.3. Antennas shall comply with the Antenna Development Standards in Section 13-142 of the Costa Mesa Zoning Code. |
| Bldg. | <ol style="list-style-type: none">4. Comply with the requirements of the 2013 California Building Code, 2013 California Electrical Code, 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, and California Energy Code at the time of plan submittal or permit issuance), and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. |
| Bus.
Lic. | <ol style="list-style-type: none">5. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained. |



PROPOSED TOWER
 1718 PLACENTIA AVE.
 COSTA MESA, CALIFORNIA 92627

NO.	DATE	DESCRIPTION	BY
1	07/24/18	ISSUED FOR PERMITS	JAN
2	08/01/18	ISSUED FOR PERMITS	JAN
3	08/01/18	ISSUED FOR PERMITS	JAN
4	08/01/18	ISSUED FOR PERMITS	JAN
5	08/01/18	ISSUED FOR PERMITS	JAN
6	08/01/18	ISSUED FOR PERMITS	JAN
7	08/01/18	ISSUED FOR PERMITS	JAN
8	08/01/18	ISSUED FOR PERMITS	JAN
9	08/01/18	ISSUED FOR PERMITS	JAN
10	08/01/18	ISSUED FOR PERMITS	JAN

BABCOCK
 1718 PLACENTIA AVE.
 COSTA MESA, CA 92627

TOWER NUMBER SITE ID: 823316

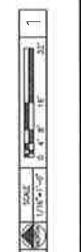
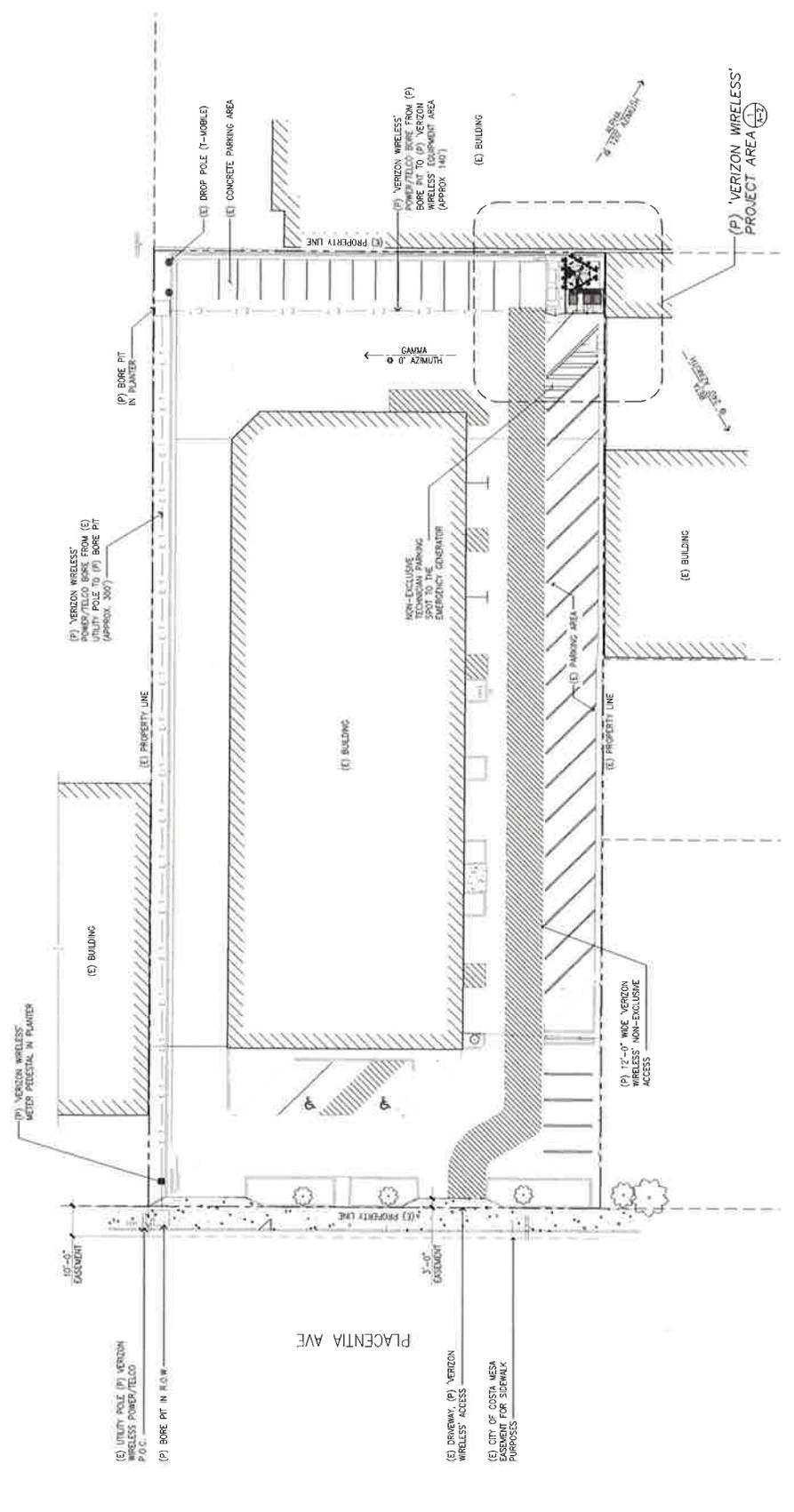
PREPARED BY: J. RODRIGUEZ
 APPROVED BY: L. ANDRUEZA
 PROJECT NO: TBD
 DATE: 01/09/18

SHEET NAME: SITE PLAN

SHEET NUMBER: A-1

NOTE:
 1. (P) VERIZON WIRELESS POWER/TELECOM BORE FROM (E) PLANTER TO (P) VERIZON WIRELESS EQUIPMENT AREA

EXISTING # OF PARKING SPACES: 50
 VERIZON WIRELESS TO UTILIZE (1)
 EXISTING PARKING SPACE



SITE PLAN

NOTICE: This drawing and the design shown are the property of Jacobs Engineering Group, Inc. The reproduction, copying, or use of this drawing without written consent is prohibited and any infringement will be subject to legal action.

ENGINEER SEAL

ISSUED FOR	JAN 13 2013
ISSUED FOR	JAN 13 2013
NO.	DATE
NO.	DATE
NO.	DATE

NOT VALID WITHOUT SIGNATURE AND DATE
 VERIZON SITE ID:

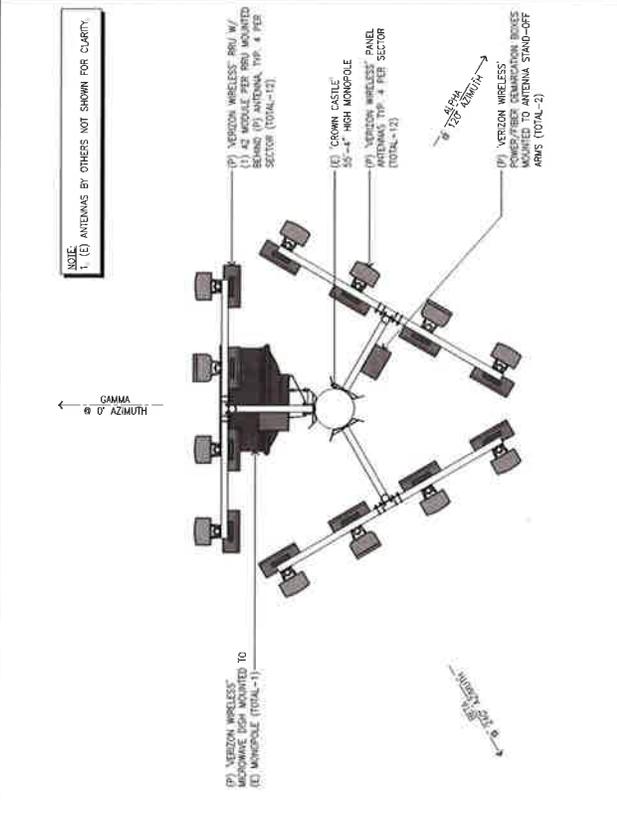
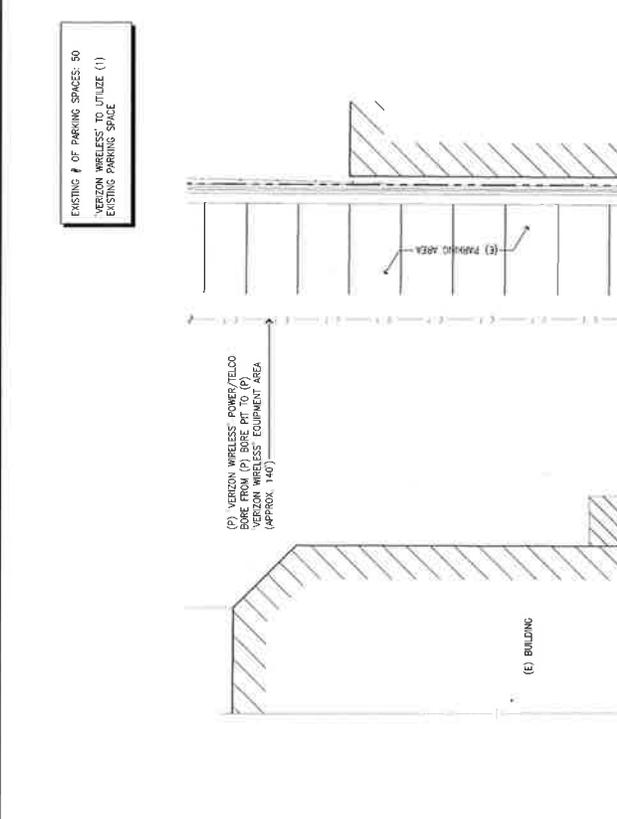
BABCOCK
 1718 PLACENTIA AVE.
 COSTA MESA, CA 92627

TOWER OWNER SITE ID:
 8293316

PREPARED BY: J. HODGKINS
 DESIGNED BY: L. HODGKINS
 PRODUCT NO.: TBD
 DATE: 01/09/15

ENLARGED SITE PLAN
 AND ANTENNA PLAN

SHEET NUMBER
 A-2



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JACOBS
 Jacobs Engineering Group, Inc.
 3111 MICHELSON DRIVE SUITE 100
 IRVINE, CALIFORNIA 92618
 TEL: 949.222.1000
 FAX: 949.222.1991

NO	DATE	REVISION	BY
1	4/16/16	ISSUED FOR PERMITS	JAR
2	5/10/16	REVISED FOR PERMITS	JAR
3	5/10/16	REVISED FOR PERMITS	JAR
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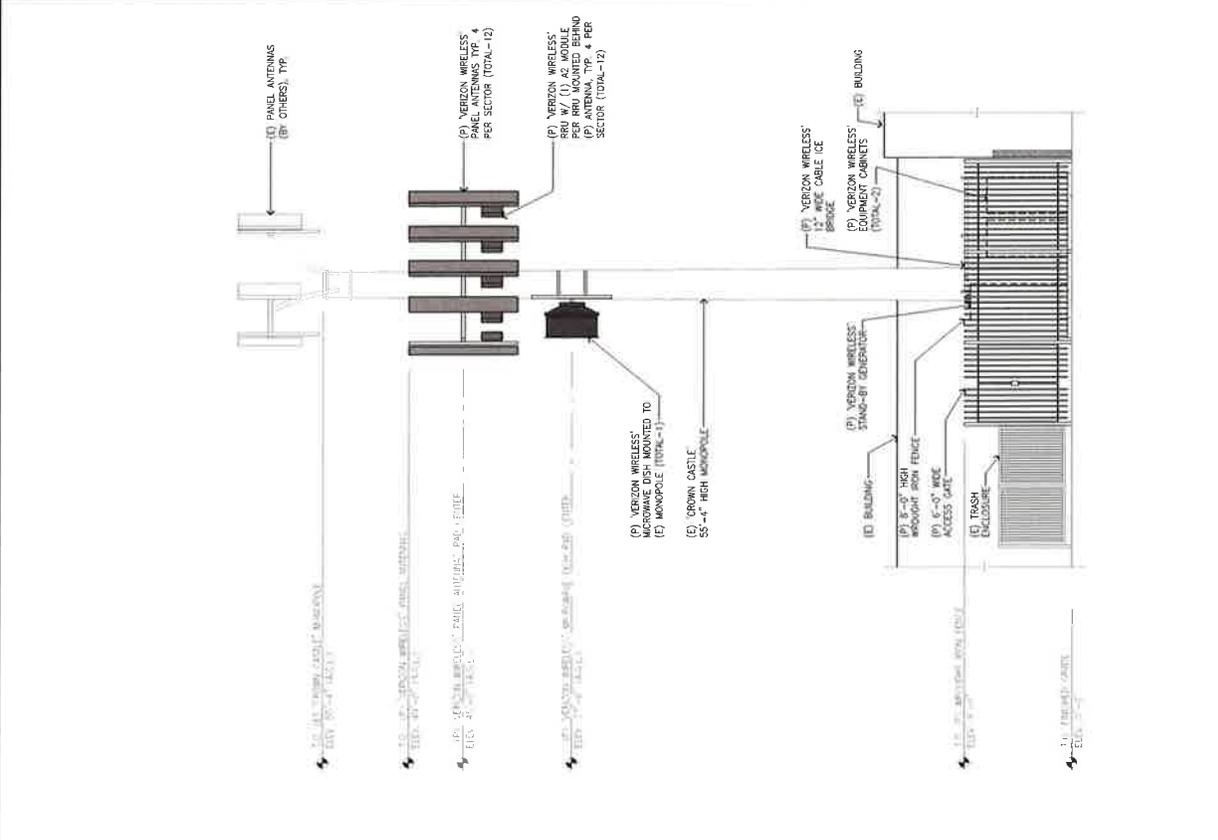
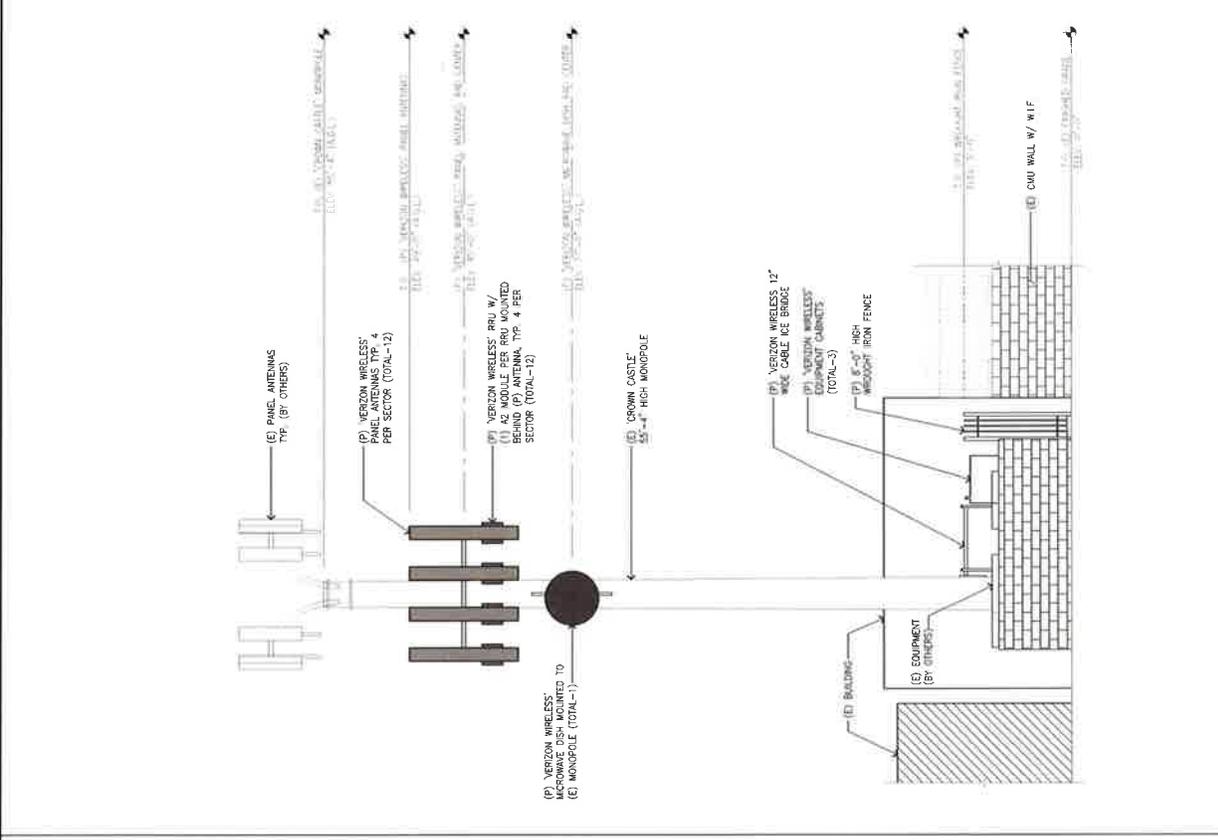
BABCOCK
 1718 PLACENTIA AVE.
 COSTA MESA, CA 92627

TOWER OWNER SITE ID:
 823316

PREPARED BY:
 APPROVED BY:
 PROJECT NO:
 DATE:
 SHEET NAME:

ELEVATIONS

SHEET NUMBER:
 A-4



SCALE: 1/4" = 1'-0"
 WEST ELEVATION
 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

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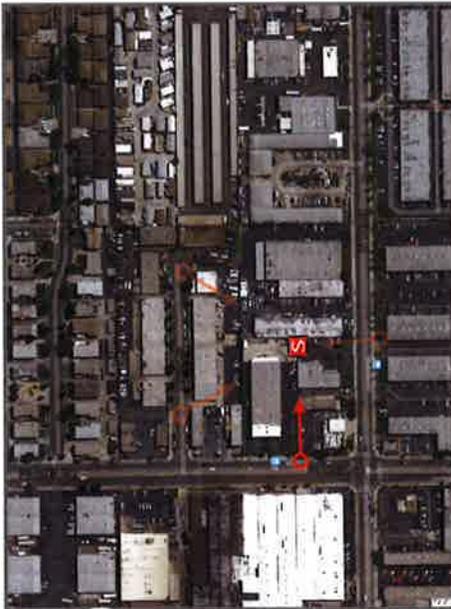


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1718 PLACENTIA AVENUE COSTA MESA CA 92627



VIEW 1



LOCATION



PROPOSED

LOOKING EAST FROM PLACENTIA AVENUE



EXISTING

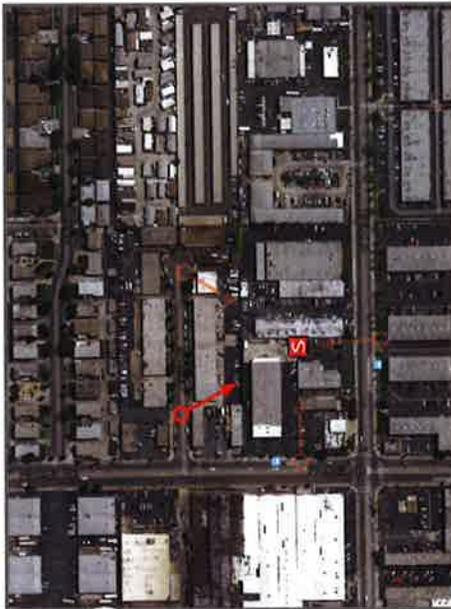
ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

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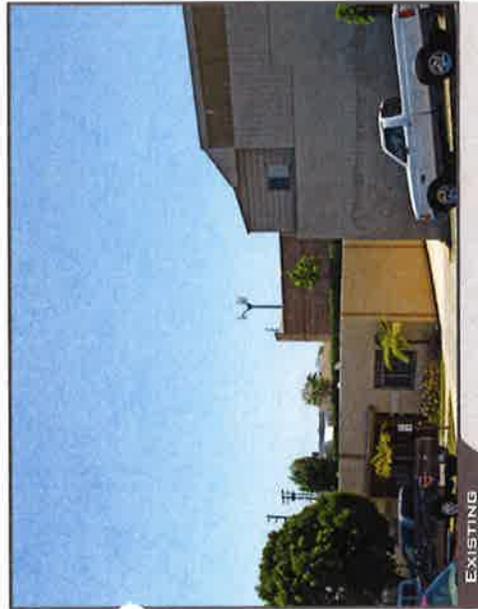
1718 PLACENTIA AVENUE COSTA MESA CA 92627



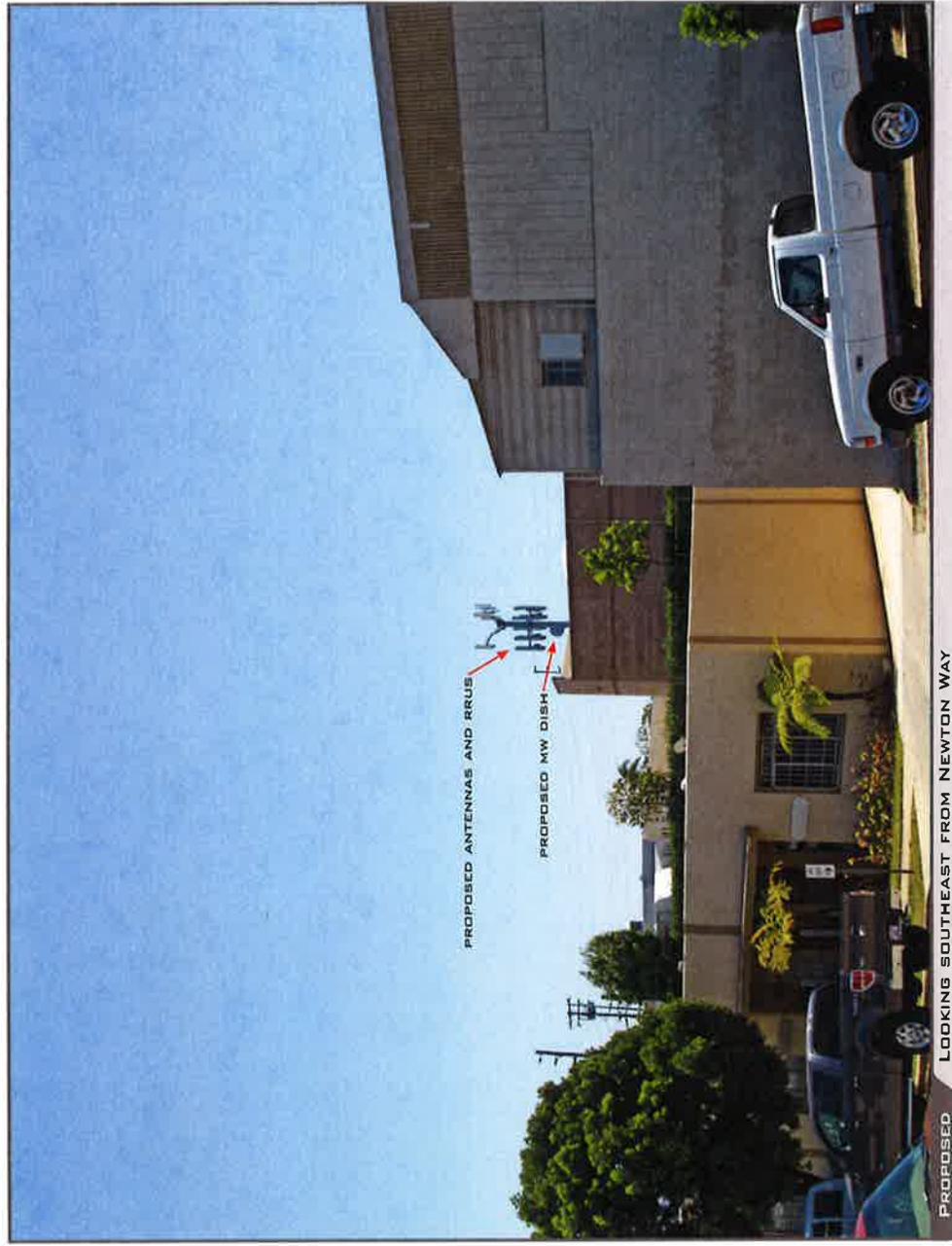
VIEW 2



LOCATION



EXISTING



PROPOSED
LOOKING SOUTHEAST FROM NEWTON WAY

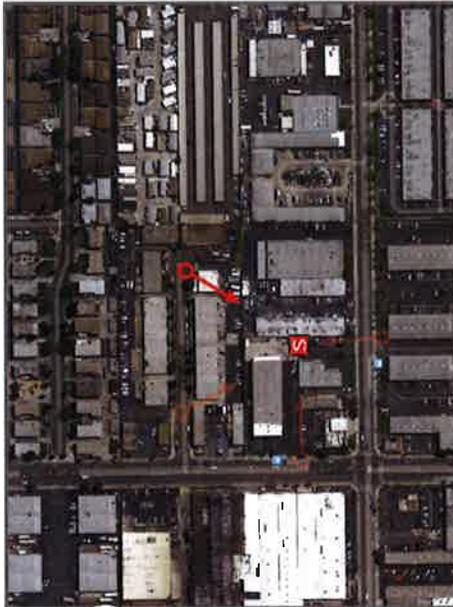


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1718 PLACENTIA AVENUE COSTA MESA CA 92627



VIEW 3



LOCATION

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EXISTING



PROPOSED

LOOKING SOUTHWEST FROM NEWTON WAY

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



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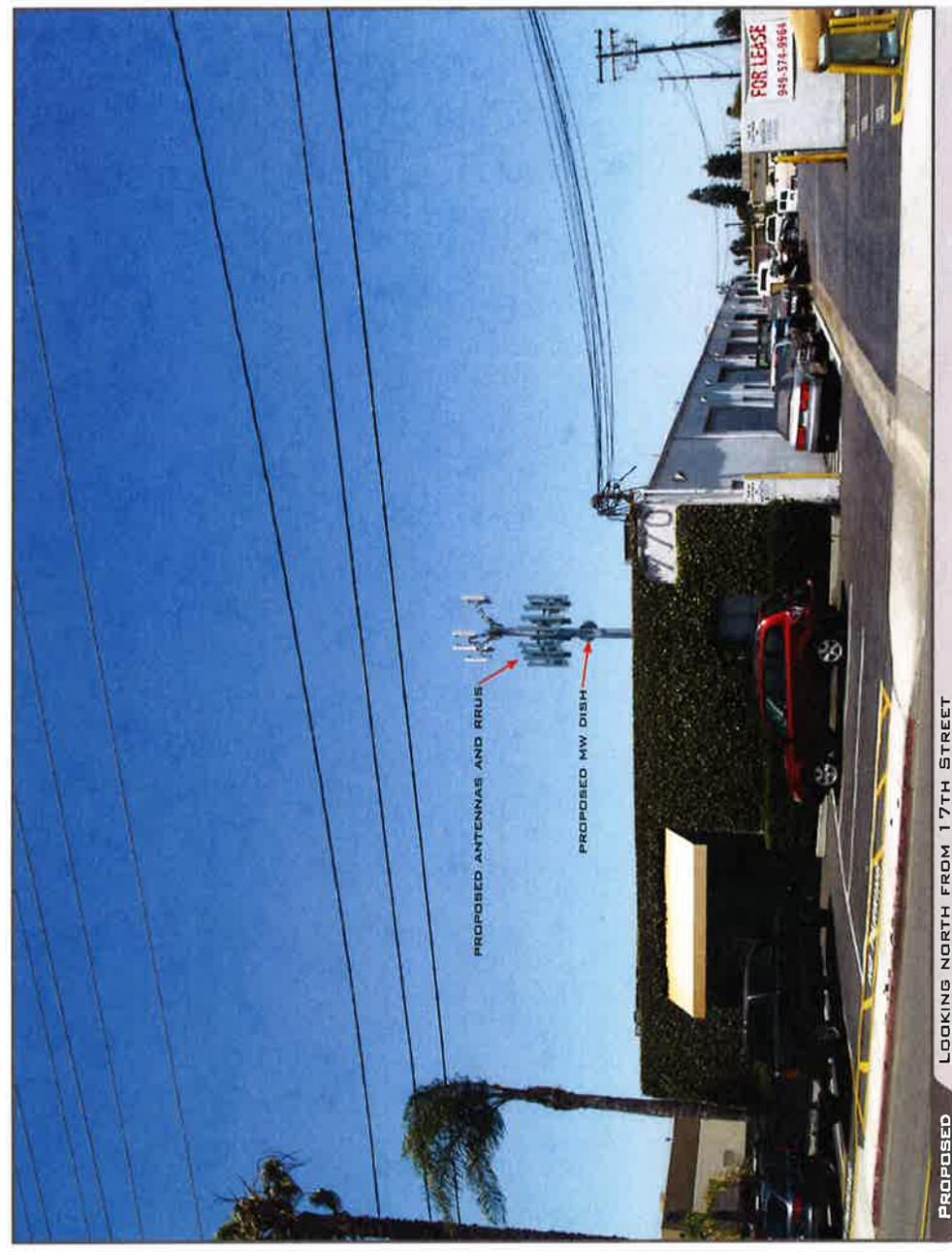
1718 PLACENTIA AVENUE COSTA MESA CA 92627



VIEW 4



LOCATION



LOOKING NORTH FROM 17TH STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.