



CITY OF COSTA MESA

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

ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

December 1, 2023

James Thayer
9891 Irvine Center Drive Suite 140
Irvine, CA 92618

**RE: ZONING APPLICATION 22-39
MINOR CONDITIONAL USE PERMIT (MCUP) TO AMEND CONDITIONAL USE
PERMIT (CUP) PA-86-70 TO ALLOW THEATRICAL AND MUSICAL
PERFORMANCES FOR THE ARTS AND LEARNING CONSERVATORY
151 KALMUS DRIVE, SUITES G-2 AND G-3**

To Whom It May Concern:

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 December 8, 2023, 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 City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Jeffrey Rimando, at 714.754.5012, or at Jeffrey.Rimando@costamesca.gov.

Sincerely,

Scott Drapkin
Assistant Director of Development Services / Zoning Administrator

Attachments: Report, Applicant Letter, and Approved Conceptual Plans

cc: Engineering Arts & Learning Conservatory
Fire Marshal 151 Kalmus Drive Suite G-3
Costa Mesa, CA 92626

PLANNING APPLICATION SUMMARY

Location	151 Kalmus Drive, Suites G-2 & G-3	Application Number	ZA-22-39
Request	Minor Conditional Use Permit to amend Conditional Use Permit PA-86-70 to allow theatrical and musical performances for an existing 8,352-square-foot youth performing arts school located at 151 Kalmus Drive, Suites G-2 and G-3.		
CEQA	Exempt per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.		
Final Action	Zoning Administrator		

SUBJECT PROPERTY

Zoning District	Planned Development Industrial (PDI)
General Plan Land Use Designation	Industrial Park
Lot Dimensions	48 FT x 87 FT each parcel
Lot Area	4,176 sq. ft. each parcel
List of Approved Plans / Land Use Entitlements	<ul style="list-style-type: none"> • PA-86-70 – CUP to allow for a dance school • ZA-17-09 – MCUP to amend CUP PA-86-70 to modify existing class schedule
Existing Development	Large multi-building industrial and office business park with a surface parking lot containing 767 parking spaces

SURROUNDING PROPERTY

	Zoning District	General Plan Land Use Designation	Existing Development:
North	MP (Industrial Park)	Industrial Park	Industrial
East	PDI	Industrial Park	Industrial
South	PDI	Industrial Park	Industrial
West	N/A	N/A	State Route 73 Freeway

BACKGROUND

Project Site

The subject project site is located in the Coppertree Business Park at 151 Kalmus Drive, Suites G-2 and G-3 which is zoned Planned Development Industrial (PDI) with a General Plan land use designation of Industrial Park. The Coppertree Business Park was developed in the early 1980s and is approximately 15.8 acres. The business park is surrounded by Industrial Park (MP) zoned properties to the north, other PDI zoned properties to the east, and the Corona del Mar Freeway (State Route 73) to the south. Access to the site consists of three points of ingress/egress along Kalmus Drive and another point of ingress/egress along Redhill Avenue. Parking is provided in a surface parking lot containing 767 spaces shared among the tenants within the business park. The subject property contains a variety of industrial, office, and commercial uses including dance studios, law and real estate offices, beauty salons, and bridal shops.

The youth performing arts school, "Arts & Learning Conservatory," is located within one of the multi-tenant buildings of the existing business park and currently occupies two suites (Suites G-2 and G-3) totaling 8,352 square feet of tenant space.

Entitlement History

In 1986, a CUP (PA-86-70) was approved by the Planning Commission to allow for the establishment of a youth performing arts school located in an existing multi-tenant industrial building. A CUP was required for dance schools located within the PDI zone.

In 2017, a Minor Conditional Use Permit (ZA-17-09) was approved by the Zoning Administrator to amend CUP PA-86-70 to modify the school's class schedule to allow larger class sizes and to expand class hours of operations.

PROJECT DESCRIPTION

The applicant requests approval of an MCUP for a second amendment to their CUP to allow theatrical and musical performances including rehearsal times on Fridays from 5 p.m. to 10 p.m., Saturdays from 12 p.m. to 10 p.m. and Sundays from 11 a.m. to 9 p.m. Proposed tenant improvements would modify Suite G-2 (part of the applicant's existing tenant space) to include new permanent theater seating and stage improvements in which the scheduled performances would be held. No other improvements are proposed to the existing multi-tenant building or exterior of the property.

Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-29(p), any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of minor amendments to Conditional Use Permits (CUPs) which shall be processed as MCUPs. Although the school's CUP was approved by Planning Commission, the proposed request is minor in nature since it is limited to expanding the school's existing operations to allow for weekend

performances. As such, the applicant's request to amend PA-86-70 may be processed pursuant to the MCUP review procedure.

ANALYSIS

The Arts & Learning Conservatory is an existing youth performing arts school that offers after school programs with music, dance, and theatre courses for ages four through 18. The school has been operating at their current location in Costa Mesa since 1986. The school currently operates Monday through Saturday ranging from as early as 3 p.m. to as late as 9 p.m. The current maximum number of students is up to 50 and class sizes varies per class. The school is proposing to expand their operations to have evening performances on Fridays, Saturdays, and Sundays. The proposed performance schedule would vary depending on the day the performance would occur. The performance days would also include rehearsal time for the students prior to the performances being conducted. The school anticipates having at least four performances per year. Refer to Table 1 for the proposed performance schedule.

Table 1 – Proposed Performance Schedule

Day	Time
Friday	5 p.m. to 10 p.m. (performance at 7 p.m. to 9 p.m.)
Saturday	12 p.m. to 10 p.m. (performance at 2 p.m. to 4 p.m. & 7 p.m. to 9 p.m.)
Sunday	11 a.m. to 9 p.m. (performance at 1 p.m. to 3 p.m. & 6 p.m. to 9 p.m.)

The school currently does not offer weekend performances but has occasionally held performances conducted by their students on a small stage. The proposed request would allow the school to expand their operations and have the ability to offer performances in a more auditorium like setting on a larger stage with the necessary theater audio equipment. The improved performance area would be used by the school only and would not be made available to the public for outside events.

As described by the applicant, performances are anticipated to have approximately 150 attendees. Interior modifications are proposed to Suite G-2 to install 90 theater seats with space to provide 107 removable chairs for overflow seating bringing the total capacity to 197. Stage improvements are also proposed including stage lighting, new sound system and a digital wall. No other modifications to the existing tenant space or class schedule are proposed.

Parking

Pursuant to Table 13-89 in the CMMC, the parking requirement for dancing and music academies is 10 spaces per 1,000 square feet of gross floor area; this would result in a requirement of 84 parking spaces for the school's two suites. There are currently 767 parking spaces provided in the business park's surface parking lot that is shared amongst the tenants and their customers.

The proposed request to expand operations with weekend performances that could include up to 197 attendees would require consideration of more parking than the school's existing typical daily operations. However, the CMMC Section 13-89.5 specifies that a reduction in parking may be approved by a minor conditional use permit when it can be demonstrated that less parking is needed.

The proposed performance schedule would be limited to Friday nights and Saturday and Sunday afternoons/nights when the majority of the other businesses in the business park are closed. The existing business park consists of primarily offices with a variety of other light industrial and commercial uses. The office uses in nature generally do not operate during weekends and are closed by 6 p.m. Since the school's proposed expanded hours of operations would be offset from the majority of other businesses on site, staff does not anticipate a parking impact for the proposed project. Staff has also visited the site on several occasions during the proposed revised operation days/ hours and observed more than 50-percent of the parking lot available. Furthermore, based on the current operations of the school many of the students do not drive themselves and are mainly dropped off to the school. As such, the current parking demand for the school is lower than anticipated. Therefore, based on the proposed performance schedule as well as the existing parking demand a reduction in parking can be demonstrated.

However and as conditioned, if parking shortages or other parking-related problems arise, the business operator would be required to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the class sizes and/or operating hours of the performances.

Noise

Although the proposed performances would occur during the evenings, and afternoons on weekends, noise impacts are not anticipated to surrounding businesses due to their offset hours of operation. In addition, the business park is not adjacent to any sensitive uses such as residential. However, the project has been conditioned to ensure that music and performances are consistent with the City's noise ordinance and do not disturb other tenant spaces.

Review Criteria

All planning applications are reviewed pursuant to CMMC Section 13-29 (e) 1-8 to ensure the proposal is compatible with the surrounding area, and in compliance with applicable zoning standards and General Plan policies. Additionally, the Zoning Administrator must make specific findings pursuant to the CMMC for the specific planning applications.

The following are the applicable Review Criteria pursuant to CMMC Section 13-29 (e):

- (1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.***

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 Coppertree Business Park also consists of another existing dance studio within the site ("Avanti"). The proposed performances will serve school-aged children, the majority of which will not drive and will primarily be dropped off. The performances will also occur during Friday and weekend evenings and afternoons when the majority of the other businesses are closed. The project is consistent with the surrounding development pattern and conforms to all applicable development standards.

(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.*

The proposed project is limited to interior improvements. No exterior or site improvements are proposed. The existing parking and landscape areas are well designed and maintained and would remain as existing.

(3) *Compliance with any performance standards as prescribed in the Zoning Code.*

The project, as proposed and conditioned, would comply with all applicable development standards and requirements prescribed in the Zoning Code for uses in the PDI zone including parking. The proposed project has been analyzed for compliance with said standards and it has been determined that the project would continue to meet those standards and requirements.

(4) *Consistency with the General Plan and any applicable specific plan.*

The proposed project is in conformance with the City of Costa Mesa General Plan. The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and continuing to provide cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan. The following analysis evaluates proposed project consistency with applicable policies and objectives of the 2015-2035 General Plan:

- **Policy LU-6.7:** *Encourage new and retain existing businesses that provide local shopping and services.*

Consistency: The proposed project involves the expanded operations of an existing youth performing arts school to include yearly performances. The

interior modifications and the addition of performances would continue to retain the existing school and would accommodate the school to provide additional local service to the community.

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

The application review is a project-specific request for an amendment to CUP PA-86-70 to allow theatrical and musical performances for an existing performing arts school. The approval of the project would not be construed to be precedent for future development since any proposed uses would be evaluated for their consistency with the CMMC.

FINDINGS

- A. The proposed project complies with Title 13, Section 13-29(g)(2), Minor Conditional Use Permit "findings," based on the following:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Finding: The proposed project is a request for an MCUP to amend CUP PA-86-70 to allow for theatrical and musical performances for an existing youth performing arts school. The proposed project is compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. The performances would continue to be conducted within the buildings and would not generate noise, excessive traffic or other detrimental effects on the surrounding uses. The expanded operations would not result in the requirement for additional parking spaces beyond what currently exists on site because proposed performance schedule would be limited to Friday nights and Saturday and Sunday afternoons and nights when the majority of the other businesses in the existing business park are closed.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: Granting the minor 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 in that all business activities will be conducted within the building (underroof), and the use will not generate noise, excessive traffic or other detrimental effects on the surroundings.

Finding: Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The proposed project is in conformance with the City of Costa Mesa General Plan in that the property has a General Plan land use designation of "Industrial Park" (IP), which is intended to permit a wide range of range of industrial and institutional uses that serve both the local and regional needs. The proposed project is located in an area that includes a variety of industrial, institutional and commercial uses, including administrative offices, storage uses, and an existing dance studio. The performing arts school, which is commercial in nature, would be compatible with the existing uses located in the surrounding area.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities. The project would only involve minor interior modifications to include new theater seating and no exterior modifications are proposed. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact any historic resources.
- 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 (ZA-22-39)

- P1ng. 1. The use shall be limited to the type of operation described in the staff report. Any change in the operational characteristics shall be subject to Planning Division review and may require an amendment to the minor/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 [Title 13, Section 13-29(o)].
- 2. Any change in the operational characteristics of the use 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.
- 3. Performances shall be limited to the performance schedule provided in this staff report.
- 4. All uses shall be conducted within the tenant space (underroof).

5. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing class sizes or the days and/or hours of the business.
6. Music or other sound from theater and dance performances shall be consistent with the City's Noise Ordinance and not disturb other existing tenant spaces.
7. The conditions of approval of Zoning Application ZA-22-39 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
8. A copy of the conditions of approval for the Minor 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.
9. The applicant is reminded that all conditions of approval of PA-86-70 and ZA-17-09 still apply.
10. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. The inspection is to confirm that the conditions of approval and code requirements have been satisfied.

CODE REQUIREMENTS

The following list of 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. The applicant is also required to comply with any other applicable State and local laws not provided below.

- Plng.
1. Approval of the planning/zoning application is valid for two years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 30 days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180-days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 2. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.

3. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg. 4. Comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards 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. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2022 California Building Code.
5. The conditions of approval and ordinance or code provisions of Zoning Administrator ZA-22-39 including subsequent amendments shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.
6. Plans shall be prepared by a California licensed Architect or Engineer. Plans shall be wet stamped and signed by the licensed Architect or Engineer prior to the issuance of building permits.
- Fire 7. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue. A fire sprinkler and fire alarm system shall be installed if Certificate of Occupancy occupant load exceeds 299.
- Bus. 8. All contractors and subcontractors must have valid business licenses to do
Lic. business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

ARTS & LEARNING CONSERVATORY

March 31, 2023

Zoning Administration
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Attn Zoning Administrator

Re: Applicant Letter and Project Description

The Arts and Learning Conservatory is a 501C3 organization and is a performing arts center serving students grades K-12 with arts instruction (dance, music, theatre, media). We are currently utilizing the space at 151 Kalmus Drive, suites G2 and G3 as approved under CUP PA-86-70, as modified by MCUP application ZA-17-09. This is a request to amend MCUP ZA-17-09.

TYPICAL WEEKLY SCHEDULES:

Weekly Schedule (Sept-Dec; Jan-May)	<i>*classes are approx 75% drop-off</i>		
Monday	3-4pm: Fairytale Theatre 1; 10-15 students	4-5pm: Actors Workshop; 10-15 students	6pm-9pm: Mainstage Theatre; 35-50 students
Tuesday	3-4pm: Music Makers; 10-15 students	4:30-6:30pm: Jr Theatre; 25-30 students	6:30pm-7:30pm: Improvisation; 6-10 students
Wednesday	4-5pm: Musical Theatre Revue; 10-15 students	5-6pm: Voice; 8-10 students	6pm-9pm: Mainstage Theatre; 35-50 students
Thursday	3-4pm: Beginning Dance ; 10-15 students	4:30-6:30pm: Jr Theatre; 25-30 students	6:30pm-7:30pm: Teen Acting; 6-10 students
Friday	3-4pm: Beginning Guitar ; 8-10 students	4-5pm: Honor Band; 10-18 students	5-6pm-Script writing; 5-8 students
Saturday	9am-10am: Tap Dance	10-2pm: Mainstage Theatre	
Sunday (no classes)			

not be materially detrimental to other properties in the same area. These performances will be scheduled in the work day evenings and weekend daytime, when the business park is mostly closed, Business hours for tenants in this business park are typically from 8 am to 6 pm Monday thru Friday. Therefore, parking will not pose a problem as the parking lot is mostly vacated by 6:00 PM and the performances will start at 7:00 PM and end at 9:00 PM. Therefore, it is compatible and not detrimental with uses permitted in the same general area.

The square foot of Dance Studio #1 is 768 Sq. Ft. The square footage of Dance Studio 2 is 2,943 Sq. Ft.

Changes proposed for Dance Studio #2: add a new sound system, add a 32'X11' digital wall, add 88 theatre seats on telescoping risers, provide 107 removable chairs for overflow seating bringing the total capacity to 195, add stage lighting, add stage improvements.

There are no changes proposed to the exterior of the building.

Sincerely,



Debora Wondercheck, President, CEO
Arts and Learning Conservatory
151 Kalmus Drive Suite G
Costa Mesa CA 92626
714 728 7100 Ext: 103

714.728.7100 • 151 Kalmus Dr., Suite G-3, Costa Mesa, CA 92626 •

EIN 73-1724164

Confidence and Creativity for Life!

Volumes/TA Net Vol/TA PDF Server/22003 Arts Learning Conservatory/22003 CAD/22003 TI Arts Learning Conservatory.pln

(N) CA SR-73 TO (N) CA SR-55
TRANSITION RAMP

ADA Parking Area
max. 2% slope in any
direction

ADA Signage

Suite G-1
Conc. Tilt-up
Building
Type III-B Const.
B Occupancy
Non-Sprinklered

Suite G-2
Conc. Tilt-up Building
Type III-B Const.
B Occupancy
Non-Sprinklered

Suite G-3
Conc. Tilt-up Building
Type III-B Const.
B & E Occupancy
Non-Sprinklered

Project Area

— — — — —
ADA Pathway
Max. 2% Cross slope &
Max. 5% Running slope



TIMELESS
ARCHITECTURE
+ LLC

9391 IRVINE CENTER DRIVE SUITE 140
IRVINE CALIFORNIA 92618
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STAMPS



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PROJECT

Arts & Learning Conservatory
Site Address:
151 Kalmus Drive, Costa Mesa
CA 92626
Contact: Debora Wondercheck,
President
debora@artsandlearning.org

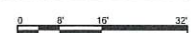
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Site Plan

A010

1 Site Plan
SCALE: 1/16" = 1'-0"



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1 Floor Plan
SCALE: 3/16" = 1'-0"



TIMELESS ARCHITECTURE
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PROJECT

Arts & Learning Conservatory
Site Address:
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Contact: Debora Wondercheck,
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debora@artsandlearning.org

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Coordinated Floor Plan

A113