

COLGAN, JULIE

Subject: With great pride and confidence I support the new location of Arts & Learning Conservatory in Costa Mesa!

ATTACHMENT 5

From: Ruth DeNault [<mailto:rdenault@denaults.com>]

Sent: Friday, June 03, 2016 2:30 PM

To: BOUWENS-KILLEEN, WILLA <WILLA.BOUWENS-KILLEEN@costamesaca.gov>

Subject: With great pride and confidence I support the Inew oction of Arts & Learning Conservatory in Costa Mesa!

Hello,

Arts & Learning Conservatory has brought outstanding educational programs in theater, music and orchestra to children of Orange County for over 10 years since it was founded by Debora Wondercheck. The instruction and programs are excellent and of great benefit to the development and confidence of the children and families. I am pleased to serve on the Board of Trustees of this fine organization.

Thank you,
Ruth DeNault
San Clemente, Ca.
949-888-5200 x 102

PH-3

June 6, 2016

Costa Mesa Planning Commission

RE: CUP Application PA-16-48 for the Arts and Learning Conservatory

Dear Planning Commissioners:

Berean Community Church ("Berean") is the owner of property located at 3184-A Airway Ave, Costa Mesa, California, the subject property of the CUP application. The church is going on 19 years since the start back in April of 1997, when the church started with only 20 members. Berean has been a Costa Mesa resident since 2010.

We at Berean Community Church wholeheartedly support the approval of the CUP Application for the Arts and Learning Conservatory (the "Conservatory"). The Conservatory will be an excellent new owner of the Subject Property. Even though parking will be sufficient with the current use of Berean and the religious and cultural assembly at unit J, the use proposed by the Conservatory will significantly improve the parking impact at the business park. Therefore, we respectfully request the Planning Commission to approve the Conservatory's CUP Application.

[Signatures of Berean Members are to Follow]

Received
City of Costa Mesa
Development Services Department

JUN 06 2016

Alcan Syn DEAN SYN
 Susie Park
 Eugene Kim
 Philip Kim
 Grace Yellow
 Katherine Lee
 Sharon Ma
 Kevin Mao
 Sherman Pan
 Fuijie Tang
 Joshua Naputi
 Stephen Moes
 Cindy Chung
 Jessica Bachmet
 Tiffany Yu
 Amber Lee
 Elise Chin
 Samantha Gee
 Aaron Chen
 Caren Agundo
 Alex Ognish
 Tanya Lee
 Richard Lee
 Vincent Kim

Eric Fang
 Wei Hsu
 Jason Paik
 Justin Noh
 KEVIN OSAKO
 Jonny Wang
 DALE SHIM
 Joan Chipp
 Kristen Huen
 Amanda Lee
 Justin Chen
 Alysson Rae R. Gomez
 Abigail Young
 JANET YU
 Ronald Yee
 Sarah Kim
 SKYE CHO
 Preston Lee
 Arnold Kim

Diane Hong (Diane Hong)
 Phil Lu (Richard Lee)
 Samantha (Samantha Ho)
 Jenny Cheng (Jenny Chang)
 Tyson Fong (Tyson Fong)
 (David Park)
 ABRAHAM OH
 Lindy Tran
 Byron Cho
 Bryan Tong
 Martin Mao
 James Kim
 Nathan Kim
 Erick Kim
 Linda Dang
 Jane Lee
 Sarah Hu
 Tina Lin
 John Tang
 Jessica Tang
 Mei Ling Peng
 JIUN-RONG PENG
 EMILY SUOYAMA

Joseph Myers
 Jonathan Lie
 HyeWan Kim
 Tim Chang
 Ohheeche
 shylyun
 Tammy You
 Travis You
 Sam Cho
 Eugene Tseng

~~Am Chy~~ Aaron Ching
~~202~~ Mathew Esporas
~~Derrick Chy~~ Derrick Ching
~~200~~ Zachary Gong
~~Wugene Chong~~ Wugene Chong
~~Wenmy Xu~~ Wenmy Xu
~~Emily Fu~~ Emily Fu
~~Derrick Hong~~ Derrick Hong
~~Minn Hong~~ Minn Hong
~~Jin-Soo Lee~~ Jin-Soo Lee
~~Marian Kim~~ Marian Kim
~~Chi Hey Lee~~ Chi Hey Lee
~~Nicklaus Y~~ Nicklaus Y
~~Hubert Chong~~ Hubert Chong
~~Jeremy Kim~~ Jeremy Kim
~~Andrew Chong~~ Andrew Chong
~~Shannon Chu~~ Shannon Chu
~~Matthew Chen~~ Matthew Chen
~~Melissa Yee~~ Melissa Yee
~~ALEX YEE~~ ALEX YEE
~~ESTHER LEE~~ ESTHER LEE
~~ESTHER KIM~~ ESTHER KIM
~~Helen Syn~~ Helen Syn
~~Carrie Chong~~ Carrie Chong

~~JEREMIAH CHENG~~
~~Cher Diane Kim~~
~~Ashley Hamamoto~~
~~Christine Or~~ christine cha
~~Chris Choi~~
~~Donwon Oh~~
~~Roman Quijano~~
~~To Hong Ng~~ To Hong Ng
~~Mitchell J. Kim, Esq.~~
~~Grace Kim~~
~~Denise Tran~~
~~Grace Lee~~
~~Melanie Thi~~
~~Harry Tong~~
~~Frank Chang~~
~~Linda Tong~~
~~Eve Chang~~
~~Matt Chong~~
~~James Lee~~
~~Hannah Chong~~
~~Jakene Lee~~
~~Ben Tang~~

Jennifer Chai

Jeremy Chong

Josiah Lee

Philip Park

Joan Kim

Hamilton Kenney

Eunice Chan

Jennifer Lee

Christine Be

Joseph Lee

TIMOTHY ZENG

Samuel Lin

Stephanie Chen

Anna Yang

Jessica Fang

Michelle Wong

Johnathan Yang

Chrystal Park

Timothy Park

SEAN TANG

Jennifer Kang

Corbin Essie

John Kim

Raymond Sit

[Handwritten signature]

~~Yuan~~ Gerina Oon
Nicholzy Nichole Chung
Briughay Breigh Dang
Michelle Le
Victoria Lee
Joyce Lau
Shelli Chan
Angeline Xu
Bethany Wong
Jasmine Pang
Claire Chu
Esther Yang
Cardyn Lai
Elisa Yoo
Kristie Le
Jennifer Lew
sara Huete
Michelle Choi Michelle Choi
Lissakang Lissakang
Young Shin
samuel Tse
Michael Chiang
GRACE WOO
Je Woo

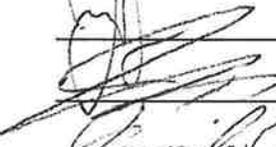
Kris Ke
David Kim
Brian Soh
Patsy
Sam Chan
Christopher Fongre

Isaac Chung
Alex Yi
Paul Hsu
Rachel Chiang
Jeremy Wong
Andy Wong
Gloria Hong
Melissa B. Wong
Fion Ling
Sarah Kim
Essie Liu
Jacqueline Lee
Catherine Liu
Jack Yu
Timothy Huang
Melissa Barlis
MARK BARLIS
Jack Chen
Sincene Chen
Sang Hwang
Lin Hwang
Beatriz Lim
John Yau
Brian H. Lam

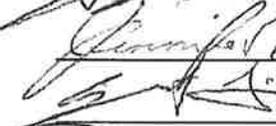
DAVIDS LEE
Luke Kang



Joseph Jun



Tommy Li



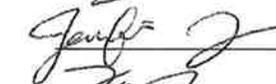
Jennifer Li



Everest Liu



Dayu Mao



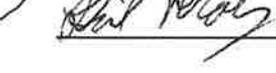
Jennifer Mao



Katarina Liu



Lore Jun



David Mobley

Series of horizontal lines for writing on the right side of the page.



June 8, 2016

Ms. Willa Bouwens-Killeen, AICP
Zoning Administrator
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

REC'D JUN 10 2016

**RE: MINOR CONDITIONAL USE PERMIT-APPLICATION PA-16-48
3184A AIRWAY AVENUE
KOLL IRVINE COMMUNITY ASSOCIATION
COSTA MESA, CALIFORNIA**

Dear Ms. Bouwens-Killeen:

The Koll Irvine Community Association Board of Directors has requested that I contact you regarding the application for Conditional Use Permit #PA-16-48 for 3184A Airway Avenue in the Koll Irvine Community Association in Costa Mesa.

Over the past few years the City has continued to approve Conditional Use Permits over our objections and exacerbated the parking problem here. We respectfully request you discontinue this burdensome action.

3184A Airway Avenue is part of the Koll Irvine Community Association. The Association never received notice of the proposal Conditional Use Permit for property. We only received a copy of the Notice of Public Hearing for June 13, 2016 regarding the proposed use from a concerned building owner near 3184A Airway Avenue. Based upon the recent approval of the Conditional Use Permit for 3184J Airway Avenue, its proximity to 3184A Airway Avenue and prior experience, the Board of Directors and members of the Association are very concerned for existing businesses within the business park related to the anticipated impact upon parking as a result the proposed use. The Koll Board of Directors is not in favor of the proposed use for 3184A Airway Avenue. The Board is also respectfully requesting the Planning Commission to conduct a study of the possible impact on traffic and parking of the neighboring businesses in the Koll Irvine Community Association prior to considering any such use now or in the future.

We appreciate your immediate attention to this matter. Should you have any questions, please feel free to contact me at 714-433-7300 Ext 213 or by Email at dhasan@pacificwest.cc

Sincerely,

**Pacific West
Asset Management Corporation**


David Hasan
Property Manager

-35-

Enclosure

Mailing Address ◀▶ P.O. Box 19068 ◀▶ Irvine, California 92623-9068

3191-D Airport Loop ◀▶ Costa Mesa, California 92626-3404 ◀▶ 714.433.7300 F. 714.433.7330



OFFICIAL PUBLIC NOTICE

The Costa Mesa Planning Commission will conduct a public hearing as follows to consider:

HEARING DATE:	June 13, 2016	HEARING TIME & LOCATION:	6:00 P.M. or soon thereafter Council Chambers City Hall 77 Fair Drive Costa Mesa, CA
Application Nos.:	PA-16-48	Applicant:	Matt Christensen
Site Address:	3184 Airway Avenue, Suite A	Zone:	MP
Contact:	Planning Division (714) 754-5245	Environmental Determination:	Exempt – Section 15301 Existing Facilities
Website:	www.costamesaca.gov	Email:	PlanningCommission@costamesaca.gov

Description: Conditional use permit to establish a music/theater arts and learning program for elementary and middle-school age children called The Arts and Learning Conservatory. The proposed Conservatory will be located in an existing 6,000 square foot industrial building formerly utilized by the Berean Community Church. The building will be used for the following uses: administrative offices; after school music and theatre programs from 4:00 pm to 9:00 pm, Monday through Friday; summer day camp from 8:00 am to 3:00 pm, Monday through Friday; and theatrical productions on 6 weekends Friday through Sunday throughout the year. The request also includes consideration of site-specific shared parking requirements due to unique operating characteristics. A parking study prepared by LSA Associates identifies a parking demand of a maximum of 101 parking spaces for the proposed use. If approved, the proposed conditional use permit shall supersede the current conditional use permit for the Borean Church which would be revoked.

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: A copy of the application can be viewed on the City's webpage www.costamesaca.gov under the Development Services Department/Planning Division heading 72 hours prior to the hearing date. Public comments in either oral or written form may be presented during the public hearing. Any written communication, photos or other materials for distribution to the Planning Commission must be received by the Planning staff (2nd floor) prior to **3:00 pm** on the day of the hearing (see date above). Please note that no copies of written communication will be made after **3:00 PM**. If the public wishes to submit written comments to the Planning Commission at the hearing 10-copies will be needed for distribution to the Commissioners, City Attorney and Staff. If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, at or prior to the hearing. For further information, telephone (714) 754-5245, or visit the Planning Division, Second Floor of City Hall, 77 Fair Drive, Costa Mesa, California. The Planning Division is open 8:00 a.m. to 5:00 p.m. Monday through Friday.

OFFICIAL PUBLIC NOTICE

KOLL
IRVINE
CENTER

405 FREEWAY



JOHN WAYNE
AIRPORT

RED HILL AVENUE

AIRPORT LOOP DRIVE

AIRWAY AVENUE

C.U.P. Application
PA-16-48
PAULARINO AVENUE ↓

-37-

C.U.P. ZA-15-38



MEYER PROPERTIES

4320 VON KARMAN • NEWPORT BEACH, CALIFORNIA 92660
(949) 862-0500 • FAX (949) 862-0515

June 10, 2016

Via Email: Planning Commission@costamesaca.gov

Ms. Willa Bouwens-Killeen, AICPA
Zoning Administrator
City of Costa Mesa
77 Fair Dr.
Costa Mesa, CA 92628

Re: Conditional Use Permit Application PA-16-48
The Arts and Learning Conservatory

Dear Ms. Bouwens-Killeen:

When Airway Commerce Center was developed I worked in the Commercial and Industrial Loan Department at Home Savings & Loan. We made a loan on one of the units and I remember that it was nice to see an industrial development with more than 2 parking spaces per 1000 square feet of useable building area. Over the years, the nature of the uses has changed dramatically while the number of parking spaces have not. Many of these changes were not contemplated in the CC&R's nor was the increased square footage of useable space which occurs when the inset doorways are enclosed.

The effect of these changes has been to place an unreasonable and unmanageable burden upon the owners of the business park. As you know from the parking problems that, as we anticipated and advised the City when we recommended against approving the Islamic Education Center, have occurred and the City's intervention was required. While a security guard was hired to regulate the parking problem, our property manager now has to oversee the security guard.

The business park has just under 3.5 parking spaces per 1000 square feet of usable building area. A 6000 square foot tenant should be able run his business with 21 spaces. The Arts and Learning Conservatory indicates they need 101 spaces. This is clearly unacceptable.

The hours during which the Conservatory operates is in direct conflict with the existing businesses. Remember, these buildings are primarily occupied by small business owners who operate their business not only work during normal business hours, but often work outside of normal business hours.

To the best of my knowledge the City has made no effort to study the parking issues at the business park nor to evaluate the cumulative effect of the numerous conditional use permits the it has approved.

Moreover, this is a business park and not an appropriate site for children. It is not designed to handle the drop-off and pick-up of children. Having to dodge delivery trucks would be a significant hazard. Having such a use so close to the noise and pollution coming from the Orange County Airport is particularly deleterious to children. . In addition the use and parking requirements are in violation of our Association CC&R's. Logic and reason dictate that this use is inappropriate for Airway Commerce Center

In closing I have to state that it is disappointing and distressing that the City continues to ignore the needs of current property owners.

Sincerely,
Meyer Properties



James B. Hasty
Senior Vice President

cc: M.H. Leifer, Esq.

June 13, 2016

Lee A. McCullough
1002 Presidio Drive
Costa Mesa, CA 92626

Received
City of Costa Mesa
Development Services Department

JUN 13 2016

Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: PA-16-48
3184_A Airway Avenue - Music and Arts Conservatory

Disclosures:

I am a resident of Costa Mesa for forty years.
I am the owner of 3194-C Airport Loop Drive in the same common interest development
I am an industrial property real estate broker since 1973, with the last 25 years with Colliers International.
These comments are my own and in no way reflect the views of Colliers International or other agents within the firm.

I object to the proposed CUP on both procedural grounds and operation specifics.

Procedural:

1. Lack of proper notice to affected properties as required by state law..
The proposed CUP is for use of the common area of which I am an owner and association member, as are all property owners within the Common Interest Development known Koll/Irvine Center in the recorded Declarations and CC&Rs. Therefore all owner / members should have received notification.
2. Since the proposed use is not permitted under the CC&R's, which run with the land, or approved by association members, the City of Costa should not have any say in the matter
3. The current CUP with the proposed seller of the application situs, the Berean Church, should expire when the party to which it was awarded is no longer the owner of the property. This is a conditional use permit which should not be confused with the permitted uses in the Declarations and CC&R's which do run with the land.

Operation Specifics:

1. As a practicing industrial property broker in Orange County for 40 years I do not support nonconforming uses in these industrial developments. All types of uses gravitate to the industrial communities because, as developed property types go, we are the lowest priced on the food chain – but there is a reason for that. Our uses have a larger FAR because we don't employ, on average, as many people per square foot of property and we don't have as many visitors. Office and retail zoned properties, with their much higher parking ratios and, consequently, higher prices are where these people intensive uses belong to locate
2. The CC&R's regulate acceptable uses within the project, in good part, because the industrial zoning does not provide the parking for such people intensive uses. I believe our overall parking ratio is approximately 2.75 cars per one thousand square feet of building area. It was larger initially but as mandatory ADA adjustments were made the ratio dipped slightly. This 6,000 square foot learning center is entitled to 16.5 parking spaces. My 8,000 square foot unit is entitled to 22 parking spaces, all in common, none reserved. All association members pay for the maintenance and repair of the common area parking. Yet you are considering giving a benefit to one owner, for a use that is not allowed under the CC&R's and not supported by the association members, that is 6 times greater than any other similarly sized units is entitled to?

3. The proposed hours of operation are 4:00 AM to 9:00 PM Monday through Friday and 8:00 AM to 3:00 PM Monday through Friday in the summer. The administrative functions are acceptable, however the hours of the after school programs are in direct competition with the business hours of the traditional uses the project was developed to accommodate. There are industrial processes, deliveries and vehicles underway that are incompatible with middle –school aged children.

Someone might raise the argument that similar uses have been previously approved in the project. So I ask, if you pursue a course of action that later results in overwhelming negative consequences, are you obligated to continue to make that mistake again just to be "fair"?

Sincerely,



Lee A McCullough
Daytime Phone- 949-874-2962

cc. Costa Mesa Planning Commission

SCHEDULE 1 - PERMITTED USES IN KOLL/IRVINE CENTER

BK10949PG 175
BK11082PG 221

1. Uses primarily engaged in research activities, including, but not limited to, research laboratories and facilities, developmental laboratories and facilities, and compatible light manufacturing such as but not limited to the following list of examples:
 - a. Bio-Chemical
 - b. Chemical
 - c. Development Facilities for National Welfare on Land, Sea and Air
 - d. Film and Photography
 - e. Medical and Dental
 - f. Metallurgy
 - g. Pharmaceutical
 - h. X-ray
2. Manufacture, research assembly, testing and repair of components, devices, equipment and systems when incidental to the permitted use and parts and components such as but not limited to the following list of examples:
 - a. Coils, Tubes, Semi-Conductors
 - b. Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems, Guidance Equipment and Systems.
 - c. Data Processing Equipment and Systems
 - d. Glass Edging, Beveling and Silvering
 - e. Graphics, Art Equipment
 - f. Metering Instruments
 - g. Optical Devices, Equipment and Systems
 - h. Phonographs, Audio Units, Radio Equipment and Television Equipment
 - i. Photographic Equipment
 - j. Radar, Infrared and Ultraviolet Equipment and Systems
 - k. Scientific and Mechanical Instruments.
 - l. Testing Equipment
3. Blueprinting, photostating, photo engraving, printing, publishing and bookbinding, provided that no on-site commercial service is associated with said use.
4. Administrative, professional and business offices associated with and accessory to a permitted use.
5. Headquarters offices, (Regional or home offices) of industries and which are limited to a single use and accessory to a permitted use.
6. Cafeteria, cafe, restaurant or auditorium accessory with and incidental to a permitted use.

7. Manufacturing, to include but not limited to the following list of examples:

A. Manufacturing, and/or assembly of the following or similar products:

- a. Aircraft and Related Components
- b. Automobiles, Trucks, Trailers and Parts
- c. Boats
- d. Clocks and Watches
- e. Coffins
- f. Ceramic Products
- g. Concrete Products
- h. Electrical Appliances
- i. Farm Equipment
- j. Heating and Ventilating Equipment
- k. Linoleum
- l. Machinery and Machines Tools
- m. Musical Instruments
- n. Neon Signs
- o. Novelties
- p. Oil Well Valves and Repairs
- q. Optical Goods
- r. Refrigeration
- s. Screw Machine Products
- t. Sheet Metal Products
- u. Shoes
- v. Silk Screens
- w. Sporting Goods
- x. Springs
- y. Stencils

B. The Manufacture of products made from the following or similar materials:

- a. Aluminum
- b. Bags, except Burlap Bags or Sacks
- c. Batteries
- d. Boxes, Paper
- e. Brass
- f. Cans
- g. Copper
- h. Glass
- i. Grinding Wheels
- j. Iron
- k. Linoleum
- l. Matches
- m. Mattresses
- n. Paper
- o. Steel
- p. Tin
- q. Tools
- r. Wool
- s. Yarn

- C. The manufacturing, compounding, processing or treatment of the following or similar items:
- a. Candles
 - b. Detergents
 - c. Disinfectants
 - d. Dye
 - e. Food Products
 - f. Pharmaceutical Products
 - g. Plastics
 - h. Toiletries
 - i. Vitamin Products
 - j. Waxes & Polishes
- D. Woodworking Shops (provided that, if a planer, router, sticker or moulder is maintained, all doors and windows in the outside walls of the room in which said machinery is located shall be kept closed while said machines is in use) which produce such products as box, furniture and wood products.
8. Industries engaged in the distribution and/or storage or warehousing of products similar to those listed as permitted uses in this section.
9. General contractor and construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, etc.
10. Architects, Designers, Engineers, Contractor and Sub-Contractors, Service Centers, Distribution and Warehouse Facilities.



OFFICIAL PUBLIC NOTICE

The Costa Mesa Planning Commission will conduct a public hearing as follows to consider:

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Application Nos.	PA-16-48	Applicant:	Matt Christensen
Site Address:	3184 Airway Avenue, Suite A	Zone:	MP
Contact:	Planning Division (714) 754-5245	Environmental Determination:	Exempt – Section 15301 Existing Facilities
Website:	www.costamesaca.gov	Email:	PlanningCommission@costamesaca.gov

Description: Conditional use permit to establish a music/theater arts and learning program for elementary and middle-school age children called The Arts and Learning Conservatory. The proposed Conservatory will be located in an existing 6,000 square foot industrial building formerly utilized by the Berean Community Church. The building will be used for the following uses: administrative offices; after school music and theatre programs from 4:00 pm to 9:00 pm, Monday through Friday; summer day camp from 8:00 am to 3:00 pm, Monday through Friday; and theatrical productions on 6 weekends Friday through Sunday throughout the year. The request also includes consideration of site-specific shared parking requirements due to unique operating characteristics. A parking study prepared by LSA Associates identifies a parking demand of a maximum of 101 parking spaces for the proposed use. If approved, the proposed conditional use permit shall supersede the current conditional use permit for the Borean Church which would be revoked.

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: A copy of the application can be viewed on the City's webpage www.costamesaca.gov under the Development Services Department/Planning Division heading 72 hours prior to the hearing date. Public comments in either oral or written form may be presented during the public hearing. Any written communication, photos or other materials for distribution to the Planning Commission must be received by the Planning staff (2nd floor) prior to **3:00 pm** on the day of the hearing (see date above). Please note that no copies of written communication will be made after **3:00 PM**. If the public wishes to submit written comments to the Planning Commission at the hearing 10-copies will be needed for distribution to the Commissioners, City Attorney and Staff. If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, at or prior to the hearing. For further information, telephone (714) 754-5245, or visit the Planning Division, Second Floor of City Hall, 77 Fair Drive, Costa Mesa, California. The Planning Division is open 8:00 a.m. to 5:00 p.m. Monday through Friday.

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OFFICIAL PUBLIC NOTICE

COLGAN, JULIE

From: Michelle M. Pase <MPase@ptwww.com>
Sent: Monday, June 13, 2016 3:51 PM
To: PLANNING COMMISSION; LEE, MEL
Cc: Michael H. Leifer; Michael Kehoe; Erin Balsara Naderi
Subject: Conditional Use Permit PA-16-48 for Arts and Learning Conservatory and Shared Parking Requirements at 3184 Airway Ave., Suite A
Attachments: 20160613145024.pdf

At the request of Mr. Leifer, attached in PDF format is a correspondence of today's date regarding the above referenced matter. Please review.

Thank you.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi and Nazani N. Temourian
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
1900 Main Street, Suite 700 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Fax (949) 851-1554
mpase@ptwww.com | ptwww.com

PALMIERI TYLER

ATTORNEYS AT LAW

This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

PALMIERI TYLER

ATTORNEYS AT LAW

ANGELO J. PALMIERI (1926-1996)
ROBERT F. WALDRON (1927-1998)

MICHAEL J. GREENE* RYAN M. EASTER
DENNIS W. GHAN* ELISE M. KERN
DAVID D. PARR* MELISA R. PEREZ
CHARLES H. KANTER* MICHAEL I. KEHOE
PATRICK A. HENNESSEY CHADWICK C. BUNCH
DON FISHER ANISH J. BANKER
GREGORY N. WEILER RYAN M. PRAGER
WARREN A. WILLIAMS ERIN BALSARA NADERI
JOHN R. LISTER ERICA M. SOROSKY
MICHAEL H. LEIFER JERAD BELTZ
RICHARD A. BALUS JOSHUA J. MARX
NORMAN J. RODICH ERIN K. OYAMA
RONALD M. COLE KATHERINE M. SHAW
MICHAEL L. D'ANGELO BRIAN GLICKLIN
STEPHEN A. SCHECK OMAR HASHIM
DONNA L. SNOW NAZANI N. TEMOURIAN

ALAN H. WIENER*, OF COUNSEL
ROBERT C. IHRKE, OF COUNSEL
MICHAEL C. CHO, OF COUNSEL

JAMES E. WILHELM, RETIRED
DENNIS G. TYLER*, RETIRED

*A PROFESSIONAL CORPORATION

P.O. Box 19712
Irvine, CA 92623-9712

June 13, 2016

Michael H. Leifer
Direct Dial (949) 851-7294
Direct Fax (949) 825-5412
mleifer@ptwww.com

Refer To File No. 35458-003
Document I.D. 1823699.1

VIA E-MAIL

City of Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, California 92626

Re: Conditional Use Permit PA-16-48 for Arts and Learning Conservatory and Shared Parking Requirements at 3184 Airway Avenue, Suite A

Dear Planning Commissioners:

This office represents the association for the business park in which the 3184-A Airway Avenue property is located in--Koll-Irvine Community Association ("Association.")

The Association objects to the proposed conditional use permit. We request that this letter be included in the administrative record.

In reviewing the Staff Report, it omits material and fundamental information. It improperly presents in favor of adoption by omission and mischaracterization. In many ways, the Staff Report defies common sense about the nature of the Association's business park development and the nature of the Theater/School applicant. In short, they don't mix.

This Planning Commission is required to apply the Zoning Code even if it receives an inadequate or improper Staff Report.

The Theater/School should not be approved:

- The Theater/School is simply not compatible with the business park, the rights of the Association or the rights of its members.
- The Planning Commission cannot properly grant a conditional use permit for this proposed use. It also may not approve a deviation from the parking requirements.

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PALMIERI TYLER

City of Costa Mesa Planning Commission

June 13, 2016

Page 2

- The application is for a theater within the MP (industrial park) zone. The theater space as proposed is more than half of the square-footage of the 3184-A unit. (Staff Report, p. 3.) Pursuant to Costa Mesa Municipal Code section 13-30, Land Use Matrix items 99 and 100, a theater is neither a permitted nor conditionally permitted use in the MP zone.
- Located next to the Freeway, the Airport and Redhill, the business park was developed for business use; not a Theater/School. The building and land ratio and configuration is business park, not Theater/School.
- The business park is subject to the CC&Rs. Staff's recommended approval is of a use that is not permitted.
- The Planning Commission cannot properly approve the requested "deviation" from parking requirements.
 - The Planning Commission cannot make the requisite findings to approve the request.
 - The parking area in the business park is part of the common area that is owned by the Association. Each member of the Association has a right to use the parking area--no one member's rights are superior or exclusive in relation to another member's.
 - Staff is recommending that the Planning Commission change the CC&Rs that govern the business park and the rights of the Association and its members by **purporting to approve a surcharge on the parking by the applicant**. Improper.
 - The Staff Report and the "analysis" provided is improper, incomplete and inadequate.
 - The "analysis" of parking appears to be focused on the "6 weekends" of performances--a total of 30 performances. It contravenes the rights of other members. The "analysis" defies common sense and the existing conditions about which the City is aware. It ignores the parking situation that will occur on a daily basis for the school and summer camp components.
 - The claim that the drop off and pick up does not need to be analyzed because "their parent's vehicle . . . does not remain on-site during the instructional period" defies commonsense and is not supported.

PALMIERI TYLER

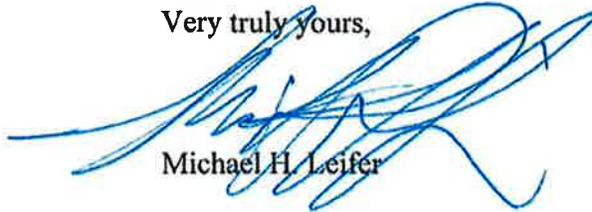
City of Costa Mesa Planning Commission
June 13, 2016
Page 3

- There has been no analysis of the circulation impacts on the parking area caused by having school-age children dropped off and picked up at set times during the day.

Approval of this application would purport to substantially affect important rights of the Association and its members including the rights provided in the CC&Rs. There is no evidence to support this use in the MP industrial park zone. There is no evidence to support the deviation from the Municipal Code and the significant surcharge on the parking proposed by this use.

The Association requests that the Planning Commission deny the instant application.

Very truly yours,



Michael H. Leifer

MHL:ebn

cc: Mel Lee, Senior Planner
Client

June 13, 2016

Mel Lee
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Re: CONDITIONAL USE PERMIT PA-16-48 FOR THE ARTS AND LEARNING CONSERVATORY

Dear Ms. Lee:

I am a member and one of the leaders of Berean Community Church. I am also an attorney practicing in the area of real property and frequently deal with land use issues with various cities in California. I am writing today to submit my support for the above-referenced CUP application and to address some of the letters in opposition to the CUP.

I would like to address some concerns brought up in the letter from the association. In the letter, it states that it is "clearly unacceptable" for the proposed use to have 101 parking spaces. I hope it is clear to the commissioners that the 101 spaces are only anticipated during special performance dates, which are held 6 weekends per year. These include Friday evening, Saturday, and Sunday, which should not impact any of the existing uses. Also, the letter states that the Conservatory will have hours that is in direct conflict with the existing businesses. Please note that for the majority of business hours, the space will be used as an administrative office for 8 employees, who will only use 8 of the required 17 parking spaces. It is only from 4:00 pm to 9:00 pm that there will be classes held for 15 students, daily. The cars that do arrive will not be staying, as they will be parking mainly for drop-off purposes. Moreover, the LSA Associates, Inc. parking analysis at top of page 3 states regarding the parking impact during regular business hours as follows: "...Therefore, the proposed project is not anticipated to impact parking at 3184 Airway Avenue during regular business hours."

Additionally, the association claims that the City has made no effort to study the parking issues, nor evaluate the effects of previous discretionary approvals. This statement is contrary to the record. I believe that the planning staff has provided a thorough staff report and has done an excellent job in considering the parking impact from the previous entitlements to Suite A and Suite J. Also, the extensive parking study performed by LSA Associates is substantial evidence supporting a finding of sufficient parking for the proposed use.

Furthermore, I am attaching as **Exhibit A** a letter sent by the association regarding CUP application for 3184 J Airway Avenue. The association letter for this CUP application and **Exhibit A** are almost identical in wording and seems to be a standard cut and paste letter.

I would also like to address the claim that the site is not appropriate for children. Suite A is located immediately adjacent to Airway Avenue, and is the first building you see when you turn into the entrance. Because it is located on the edge of the industrial park, the dropping off of students will not impact the surrounding uses. It will not be necessary for the parents to drive through the entire parking lot to arrive at Suite A. Furthermore, children will not have to travel around any other suites to reach Suite A, as the parents can park directly in front of the proposed location. I believe that this is a prime location that avoids disturbance to the neighboring uses. (See attached photographs)

Mel Lee
June 13, 2016
Page 2

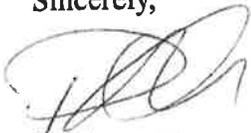
As for the area being a hazard to young children, I ask that the Commission be consistent with the past discretionary approvals. Berean Community Church has more than 50 children attending Sunday school each week, and the newly approved religious education center in Suite J will also have children. There is no basis of these claims of hazard for the children.

Finally, I am also attaching as **Exhibit B** and **Exhibit C** two letters submitted in opposition to CUP application for 3184 J Airway Avenue. In those letters, the neighbors pleaded with the City that only one religious organization should be approved within the business park. If the the planning commission approves the application that is before you today, the concerns of these neighbors will have been addressed.

In conclusion, on March 15, 2016, the City Council of Costa Mesa found that the existing parking supply for the complex (493 spaces) has been determined to be adequate to accommodate two religious assembly. The current application will reduce the parking demand at the complex. It stands to reason that this commission must find that the parking supply for the complex (493) is adequate for the use contemplated by the application before you today.

I hope that you will trust the planning staff's recommendation and approve the conditional use permit. Thank you.

Sincerely,



Philip Y. Kim

Encl:



Via Certified and First Class Mail

November 30, 2015

REC'D DEC 02 →

Ms. Willa Bouwens-Killeen, AICP
Zoning Administrator
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

**RE: MINOR CONDITIONAL USE PERMIT-APPLICATION ZA-15-38
3184J AIRWAY AVENUE
KOLL IRVINE COMMUNITY ASSOCIATION
COSTA MESA, CALIFORNIA**

Dear Ms. Bouwens-Killeen:

The Koll Irvine Community Association Board of Directors has requested that I contact you regarding the application for Minor Conditional Use Permit #ZA-15-38 for 3184J Airway Avenue in the Koll Irvine Community Association in Costa Mesa.

Based upon prior experience, the Board of Directors is very concerned for existing businesses within the business park related to the anticipated impact upon parking with this type of use. The Board is respectfully requesting the Planning Commission to conduct a study of the possible impact on traffic and parking of the neighboring businesses in the Koll Irvine Community Association prior to approving any such use now or in the future.

We appreciate your immediate attention to this matter. Should you have any questions, please feel free to contact me at 714-433-7300 Ext 213 or by Email at dhasan@pacificwest.cc

Sincerely,

**Pacific West
Asset Management Corporation**

David Hasan
Property Manager

Enclosures

Mailing Address ◀▶ P.O. Box 19068 ◀▶ Irvine, California 92623-9068

3191-D Airport Loop ◀▶ Costa Mesa, California 92626-3404 ◀▶ 714.433.7300 F. 714.433.7330

Ex A

SJH Airway LLC
3184 K Airway Avenue
Costa Mesa, CA 92626

February 8, 2016

Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: Proposed Conditional Use request for 3184 J, Airway Avenue, Costa Mesa

To Whom It May Concern:

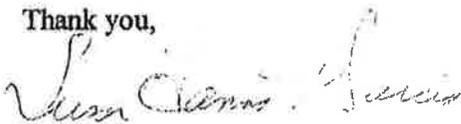
I am the owner of the property immediately adjacent to 3184 J and am very concerned about the impact another religious entity will have on not only my long term tenant, Howard Building Corporation, but also on the fair market value of my property if two religious entities are allowed within the same business campus complex.

You may not be aware that the Berean Community Church owns the property at 3184 A and also leases a portion of 3184 B, both directly across from my parcel. It is my firm belief that one religious group is all that should be allowed at the 3184 location. With two in residence, these groups would be competing for parking spaces leaving it that much more difficult for the remaining businesses to locate convenient parking.

Further, I do not believe that I received proper notification of this pending entitlement request.

Please seriously consider denying this request.

Thank you,



Susan Hanna Garcia
SJH Airway LLC



February 8, 2016

Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: Conditional Use request for 3184 J Airway Avenue, Costa Mesa, CA

To Whom It May Concern:

I am an owner of 3184 L and a tenant of 3184 K. I am writing to inform you that I strongly object to having a second religious organization sharing the several buildings comprising the 3184 campus.

To have two churches competing for limited parking spaces makes no sense. While the Request for Use may indicate that they will have excess parking needs only on Sundays and other special holidays, the City of Costa Mesa has already granted such Conditional Use to our neighbor directly across from our building entrances, the Berean Community Church. To issue a second Conditional Use will no doubt prove to be a burden to my company and our employees. HBC typically has from a half dozen to a dozen employees spending some hours at our office on Saturdays and Sundays. While we can work in cooperation with one organization, it would certainly be much more difficult with a second religious entity adjacent to us.

Additionally, if this second request is granted, who is going to monitor their abiding by the mandates of the permit? I am not confident that the city will monitor this. No, once this Conditional Use is granted, there is no turning back.

Please do not approve this use.

Thank you,

A handwritten signature in black ink, appearing to read "Mike Howard", is written over a horizontal line.

Mike Howard
Howard Building Corporation
CHM, LLC

Exc





June 27, 2016

Lee A. McCullough
1002 Presidio Drive
Costa Mesa, CA 92626

Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: PA-16-48
3184-A Airway Avenue - Music and Arts Conservatory CUP

I was unable to attend referenced the conditional use hearing on June 13th, but I watched the video and know that the letter I submitted was received. There were several comments made or questions posed that I would have responded to.

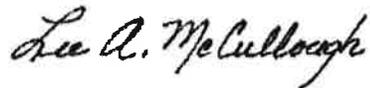
The issue of proper legal notification seemed to be minimized. However, a look at the City of Costa Mesa's conditional use permit application clearly shows that the Owner of the property must sign the application. This is a CUP requirement consistent among all cities, as it should be. If a prospective occupant for one of the units located in the development at the North East corner of Baker Street and Fairview wanted to pursue a CUP you would first require that CJ Segerstrom, as the owner of the property, sign the application – yet this requirement seems to be consistently ignored when it comes to areas under ownership by the association.

This proposed use, along with the church it would replace, is a "Conditional" use and as such, the planning commission and the city council can require any number of reasonable conditions. In my opinion, the first *reasonable* condition should be that the use has been approved by the association or, at the very least, is not in direct conflict with the underlying CC&R's.

Please remember this is private property so my basic question is - do you, as a commission, or the city council, have the right to give the use of private property to someone else just because they want it?

Imagine there is a large family living down the street from you and they own 9 cars which they do have enough room to park on their own property. So, I give them YOUR driveway. Mind you, I don't give it to them all the time, just 6 times a year for 3 days each time along with some short term use after 4:00 pm, but also earlier during the summer. You might object to that, but since most of the time when I drive by your house your driveway is empty, why shouldn't these nice people have access to something they need and you obviously aren't utilizing? Why? Because it should be up to them to find a solution to their parking needs that doesn't involve the taking of your right to use your private property.

Sincerely,



Lee A McCullough
Daytime Phone- 949-874-2962

Received
City of Costa Mesa
Development Services Department

JUN 28 2016