Facts in Support of Denial

ATTACHMENT 8

A) The staff report itself is evidence
1) the applicant stood by, and even acted in concert to circumvent California state conditions already imposed upon the audible component of entertainment provided - which is ZERO decibels
2) the applicant withheld material information concerning the State's conditioning of the audible component of entertainment provided- by withholding and not volunteering the document that describes the operating conditions imposed by the State date 9/11/2014, known as the Petition for Conditional License. This document is not only wholly missing from the package, but also missing is any discussion of the ZERO tolerance Rule beyond obey the law boilerplate located on handwritten page 40, in paragraphs numbered 23, and number 5 -.

B) 1) The Findings from the June 2015 still apply. The location's history of noise complaints is located in the June 2015 Findings(denial) for substantively the same request before you tonight, and there has been no material change that can be discerned to justify the requested approval, which is merely a reversal of last years denial of the same request,
2) The locations history further shows a history of operators unable or unwilling to comply with the state 61.4 conditioning of entertainment, however such "breaking the law" behavior by operators is not an entitlement.

C) The current operation of the licensed location breaches the liquor license conditions under Section 61.4 and stated by condition 2 on the face of the license.

D) A willful misrepresentation of material existing state conditioning of the licensed location to city staff has resulted in a prejudicial recommendation to this planning commission in support of illegally supplanting state law; it abrogates the civil rights of the adjacent residents, and has resulted in a waste of public resources in the form of staff and the publics time,

E) That in general the applicants own conduct indicate it has no intentions of, and thus far has not operated, in compliance with the ABC Conditioning of audible components of entertainment provided at this location, that as a matter of law control.

F) The applicant has not demonstrated it is capable of a compliance with the state conditions regarding noise from entertainment and is interfering with quiet enjoyment of the property by nearby residents.

G) The applicant is operating willfully in violation of the state imposed conditions which is per se contrary to public welfare and morals.

PRESENTED AT PLANNING COMMISSION

PRESENTED AT PLANNING COMMISSION

EXHIBIT A

FINDINGS (DENIAL)

A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

Facts in Support of Findings: The applicant's request for live entertainment and the legalization of the storage container cannot be supported based on the following:

- The additional scheduling of live bands at Maison Bar is considered a significant intensification of a nonconforming bar/lounge in close proximity (90 feet) to a residential area. The live entertainment would not be compatible with the multi-family residential neighbors.
- The proposed live bands will result in an increased probability of noise disruptions to the abutting residential neighbors in addition to historic complaints related to the pre-recorded DJ music at the establishment.
- The proposed operation and conditions of approval would not ensure the quiet enjoyment of the neighborhood, i.e., the R2-HD zoned properties along Center Street, due to the operator's past history of not complying with rules and regulations. Previous building code and fire code violations documented at the site, including construction work without the proper building permits, were considered as evidence against the proposal.
- The parking lot is considered legal nonconforming in terms of parking supply. There is deficient on-site parking (112 parking spaces required; 107 parking spaces proposed) to support the legalization of the storage container in the parking lot.

Finding: Granting the minor conditional use permit will 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 Findings: The use is not consistent with residentially-zoned properties in the vicinity. The use is materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood due to noise impacts from patrons, parking impacts on surrounding properties and residential streets, and litter, smoking, loitering, and crime impacts from patrons.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: The property is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project is not consistent with the applicable provisions of the General

PRESENTED AT PLANNING COMMISSION

HOLIDAY

Planning Commission Hearing
September 12, 2016

Operational for 50+ Years

- **July 15, 2016 – Present: Holiday (in operations for close to 9 weeks). Current Capacity 223**
- History: Capacity 425
  - 1963: Colorado Mining Company, Cocktail Lounge with Live Entertainment and Dining.
  - 1970s: Ronstadt's, Rock and Roll Live Entertainment venue owned by Linda Ronstadt.
  - 1980 -2014: Lion's Den, DJ Music, Dance, and Club Bar, Live Entertainment until 2010.

Team Overview

Holiday Management Team

- Mike Kinsella
  General Manager
- Rob Arellano
  Director of Marketing
- Dave Doyle
  Director of Promotions
- Gene Brezeale
  Director of Entertainment

Maison West 19th Street, LLC

- Marty Kish
  Managing Partner

Permit Request

- **Request for approval of Conditional Use Permit to allow Valet Parking and Live Entertainment as an addition to the currently permitted DJ music and dancing.**
  - This request allows the City to implement additional control over all of the current and proposed uses.
  - Currently operates legally with an Entertainment Permit issued by the City. Music Permit has conditions, but does not currently have a Conditional Use Permit.
  - Increases all operational control mechanisms.
  - Several letters of support have been submitted via email and we ask the Commission to please agree to make this part of public record.

Agreement to Conditions

- The Operators and Owners Agree to all proposed conditions as recommended by Staff.

- Clarification to Staff Report on page 3
  - Roland Barrera is **NOT** involved in running Holiday in **ANY** capacity:
    - **NO** decision making, operational or administrative responsibilities.
    - Retained litigation law firm Keker & Van Nest to protect Holiday's interests & to keep it this way.

Neighborhood Outreach

- Community outreach Open House on April 27th.
- Invitation extended to all neighbors for July 15th Opening. Invitations were mailed and hand delivered.
- Two Decibel Readers purchased - one handheld, one mounted.
  - The Handheld Reader has been used to measure the DB reading around the perimeter of the shopping center. The Handheld Reader is also used consistently in the parking lot at the walls and full walks around Center Street.
  - The Mounted Reader has been actively monitoring the interior space.

Neighborhood Outreach

- Invitation sent to 30 surrounding neighbors on September 7th to have a noise study conducted at their homes.
- 20 letters were hand delivered to all 20 individual parcels along Center Street.
- 30 letters were sent by certified mail to each individual parcel. The reason for the discrepancy was that there were 10 non-resident owners.
- One yes response thanking us for the outreach

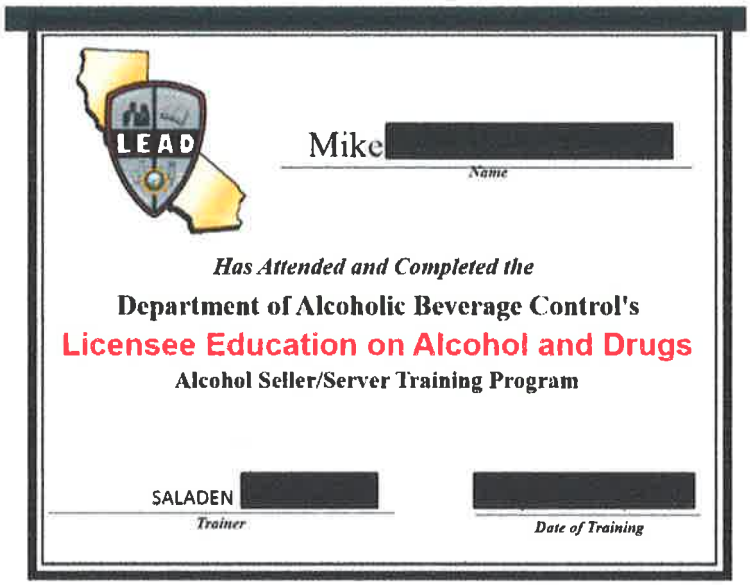
Collaboration with City

- **Code Enforcement** – All construction at Holiday has been completed in compliance with all code and permit requirements.
- **Police** - Active communication with Costa Mesa Police Department.
  - No police complaints related to operations until the date of the public notice on August 31st. From July 15 until September 1st no complaints were received. As of September 1st Holiday had been operating for 5 weeks with no complaints. The complaint received was noise related.
- There have been no parking or security issues since Holiday opened.

ABC License
Current with No Disciplinary Actions

- ABC license condition to exclude Live Entertainment and/or music is related to rear patio.
  - "There shall be no Live Entertainment, amplified music, or dancing permitted in the rear patio portion of the premises at any time."
- Misunderstanding is because originally a back patio area was considered.
- The back patio was never constructed.
- The applicant does not intend to now or in the future apply for a patio area.
- Palmieri Tyler Lawyer Michael C. Cho is here to answer questions. He represents Holiday with the ABC. A memo was submitted to Staff today.

All Bartenders are required to complete State of California LEAD



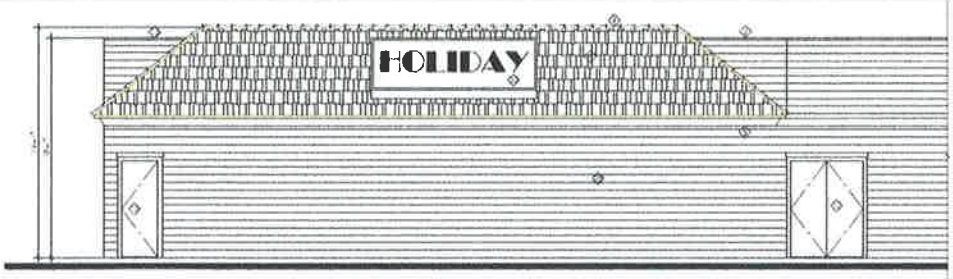
Security Provided by 5 Diamond Protection

- Certification of all guards by the State of California (BSIS)

5 DIAMOND PROTECTION

BSIS BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Front and Side Elevations



NORTH / FRONT ELEVATION

- New roof, paint, signage to Frontage.
- Insulation added to mitigate potential sound spillage / allows for greater protection.

EAST / SIDE ELEVATION

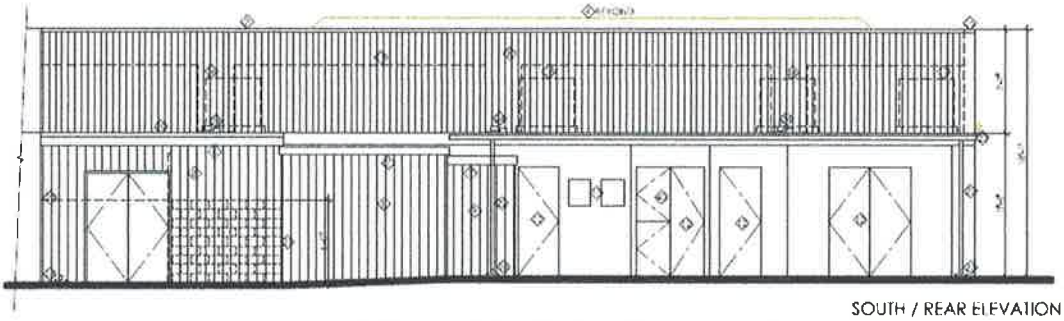
Exterior: Before and After

Lion's Den

Holiday

Rear Elevation

- Parapet added to screen AC vents both from visual and noise pollution.



SOUTH / REAR ELEVATION

- Insulation added to South and East wall.
- Doors and seals replaced / Solid wood core doors.
- Security personnel stationed at rear doors.

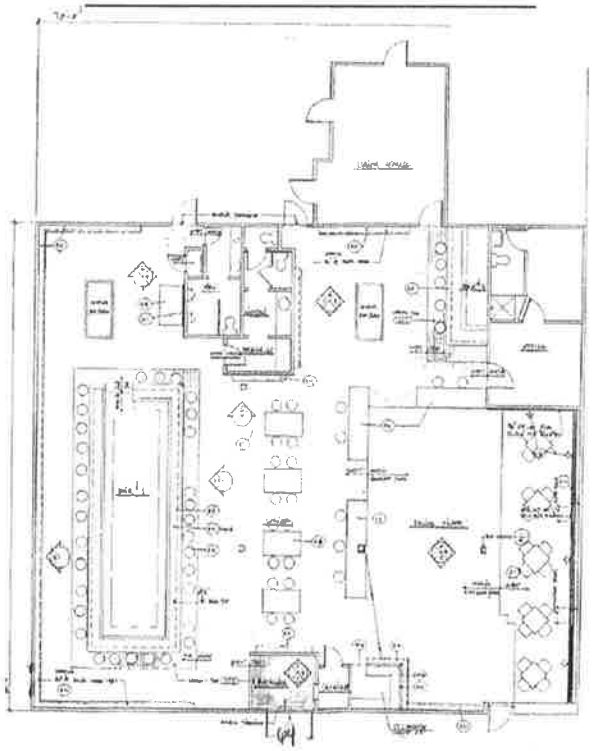
Rear Elevation

- New parapet, new paint, new insulation.
- Waste Bin is Temporary.
- Storage Units are Temporary.

Interior Space

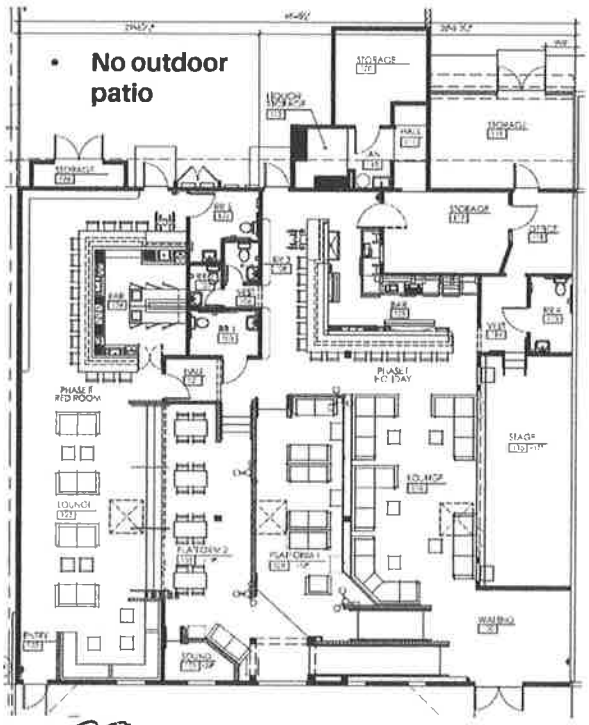
- Applicant has made improvements to bring the entire space to code.
- Acoustical Engineer hired and is here tonight.
- ADA accessibility consultant retained.
- Upgrades to venting and AC to ensure that vents did not leak noise .
- Installation of SoundEAR.

Lion's Den Site Plan



Holiday Site Plan

- **No outdoor patio**



Interior Before and After

Lion's Den

Holiday

Insulation and ADA

- Access Compliance Review Report CASP 300

Sound & Noise Mitigation

Landrum & Brown Acoustical Engineers confirms no difference in sound reading from DJ Music and Live Music.

Completed Improvements:

- Installation of enclosures for exhaust fans.
- Upgrades to doors and seals for sound proofing.
- Upgrades and installation of insulation to Holiday's south wall.
- Installation of parapet walls to the south edge of Holiday.
- Installation of a sound level warning device.

L&B
Aviation Planning at the Leading Edge

L&B provided the Acoustical studies for the Pacific Amphitheater.

Sound Ear / Sound Monitor

- Device that measures sound.
- Keeps green if noise levels meet programed thresholds.
- Amplifiers are controlled through one system which is monitored by management.
- Management can control the entire system from mobile device. Currently this is connected to the Manager's iPhone.
- The proposed condition to work with Code Enforcement provides the City further control on sound thresholds.

Holiday adds to the Culture and Revitalization of the Westside

LOCALE

Los Angeles | San Francisco | San Diego | Orange County | Las Vegas | Palm Springs

Westside Costa Mesa Continues to Shine with Addition of Holiday

1920s Inspired Decor, Craft Cocktails, and Late Night Bites

Los Angeles Times

Daily Pilot

Speakeasy-style bar nears opening in Costa Mesa

OCWEEKLY

Holiday, New Costa Mesa Cocktail Lounge, Lets You Channel Your Inner Gatsby

BY OTHYMA BEDOLLEDO

Orange County's newest cocktail lounge, Holiday, is nestled in a sparsely populated shopping center in Costa Mesa. But don't let it's unassuming

PH-2

COLGAN, JULIE

Subject: Holiday Sound Mitigation Letter
Attachments: Holiday Site Inspection Memorandum -090916.pdf

From: David Obbage [mailto:dobbage@segadvisors.com]
Sent: Monday, September 12, 2016 3:21 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: FW: Holiday Sound Mitigation Letter

Mel,

Please see the additional email below that was sent to each Planning Commissioner with the attached Letter from Landrum & Brown.

Thank you,

David

David W. Obbage
SEG ADVISORS
4650 Von Karman Avenue
Newport Beach, California 92660
dobbage@segadvisors.com
Tel (949) 381-7540 | Fax (949) 756-2594
DRE License # 00848042

PLEASE NOTE NEW CONTACT INFORMATION

From: David Obbage [mailto:dobbage@segadvisors.com]
Sent: Friday, September 09, 2016 5:48 PM
To: rdickson.cmpc@gmail.com
Subject: Holiday Sound Mitigation Letter

Commissioner Dickson,

I just received the attached Letter from Landrum & Brown Sound Engineers regarding the sound mitigation measures that have been implemented at Holiday.

Thank you,

David

David W. Obbage
SEG ADVISORS
4650 Von Karman Avenue
Newport Beach, California 92660
dobbage@segadvisors.com
Tel (949) 381-7540 | Fax (949) 756-2594
DRE License # 00848042

PLEASE NOTE NEW CONTACT INFORMATION

PH-2

LANDRUM & BROWN

Received
City of Costa Mesa
Development Services Department

SEP 12 2016

Memorandum

Date: September 9, 2016
To: Marty Kish, Holiday Costa Mesa
From: Mike Holritz, INCE

Subject: Building Modifications at Holiday (Project #578001-0100)

This memo presents the findings of our site visit at the Holiday Lounge in Costa Mesa, California.

A previous report (Project #5608001, July 23, 2015) provided recommendations to improve the building noise reduction. These recommendations were intended to help allow the project to provide the desired music level inside, while meeting the City's Noise Ordinance level limits at the adjacent residential areas. The site was visited on September 9, 2016, and it was determined that these modification recommendations have been satisfactorily addressed. In the following sections, the recommended modifications are summarized, and the resulting actions taken are described.

Boxing in the exhaust fans – In order to reduce sound transmission through the roof, it was recommended that the exhaust fans above the dance floor area be boxed in. Instead, the fans in the dance floor ceiling were removed and these openings were sealed. The ceiling openings were covered with wood, and tar and roofing material were installed above. This is an adequate solution to reduce sound transmission through the roof.

Improving doors and seals – It was recommended that the two entry doors on the south side of the building be replaced with better doors, and that the seals and thresholds be improved. This has been done for one door, and the other door replacement was in progress at the time of the site visit. The new doors are solid-core wood doors. The threshold and seal for the door that has been replaced are satisfactory. These doors will need to remain closed during music operations in order to be effective. It is our understanding that the doors will be closed, and security guards will man the doors during operation. These measures are adequate to meet our recommendations.

19700 FAIRCHILD ROAD, SUITE 230, IRVINE, CA 92612
PHONE: 949•349•0671

Upgrading the south wall – It was recommended that the south wall be improved to the extent possible. The wall has been furred-out, and a layer of heavy wood (approximately 3/4"-thick) has been added to the interior. Fiberglass batt insulation was included in the furred area. Additionally, the exterior wall of the walk-in refrigerator area, which comprises a portion of the south wall, was also improved using insulation and new wood panels. These improvements are adequate to substantially improve the performance of the south wall assembly.

Installation of a parapet wall – It was recommended that a parapet wall be constructed atop the roof along the south edge of the building. This has been done. The wall is constructed of a double row of wood studs with heavy wood panels on each face and insulation in the stud cavities. The wall height is adequate to break line-of-sight to the nearby residences, and extends far enough east and west to prevent excessive flanking noise laterally around the barrier. This wall, in conjunction with the exhaust vent removal, is adequate to significantly reduce noise emanating from the roof assembly at the adjacent residences.

Installation of a sound level warning device or limiter – It was recommended that a sound level warning device be obtained to give a visual warning when a certain noise level is reached within the facility. The facility has obtained and installed a Sound Ear device for this purpose. An interior sound level threshold will be determined that results in compliance with the exterior Noise Ordinance criteria at the adjacent residential area, and the device will be set to alert the audio personnel when this interior level is approached or exceeded. This device is intended to help ensure that the City's Noise Ordinance limits are not exceeded.

Now that the recommended mitigation measures have been implemented, sound level measurements should be performed in order to confirm that the project is in compliance with the City's Noise Ordinance. It is recommended that a series of unannounced noise measurements be performed to demonstrate compliance of the project with the Noise Ordinance. City personnel can be present during these measurements if desired.

It should be noted that live music is not intrinsically louder than recorded music. Sound levels from live music at this project would be expected to be very similar to the levels generated by a DJ or recorded music. The sound level for either type of music is dependent upon the volume settings of the equipment. The Sound Ear device will be used to help ensure that the sound levels do not exceed an acceptable level during live music performance.

If you have any questions, please feel free to contact me.

Sincerely,
Landrum & Brown

M. Holritz

Mike Holritz, INCE
Consultant

PH-2

COLGAN, JULIE

Subject: In support of Holiday and reinstating Live Entertainment Permit

From: esther reyna [mailto:erroyale@yahoo.com]
Sent: Monday, September 12, 2016 3:08 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: In support of Holiday and reinstating Live Entertainment Permit

Dear Mr. Lee,

I wanted to write to voice my support of Holiday and reinstating Live Entertainment Permit. As a Newport Beach resident, I've been eagerly awaiting for a new place to meet with neighbors, friends, enjoy a drink and listen to Live Entertainment. I strongly believe that Holiday will only add to the quality of life and entertainment to our community, as well as add to and compliment our growing business sector.

Thank you for considering my comments. I am happy to support Holiday.

Sincerely,
Esther Reyna

PH-2

COLGAN, JULIE

Subject: Holiday Live music

From: jeffcmarquis@aol.com [mailto:jeffcmarquis@aol.com]
Sent: Monday, September 12, 2016 4:22 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Live music

Hello Mr. Lee,

My name is Jeff Marquis and I am a resident in Costa Mesa. I am in full support of issuing a live music permit to Holiday on 19th street.

I believe live music is a great draw for business and the city. The management team and proprietors of holiday are a very responsible group of people and will only enhance the area in West Costa Mesa.

Thank you!

Jeff Marquis
424 Ogle Circle
Costa mesa, CA 92627

LEE, MEL

From: Patrick Wood <Patrick@woodinvestments.com>
Sent: Monday, September 12, 2016 7:51 PM
To: LEE, MEL
Subject: Holiday

As a Costa Mesa resident for over 12 years and an owner of the Ralphs building at 17th and Tustin, we would be in full support of Holiday obtaining a CUP for live entertainment.

Often retail streets and corridors go through change and this is a welcome change that we think could help the surrounding food and retail.

Best,

Patrick Wood
344 22nd st.
Costa Mesa, Ca. 92627

Patrick Wood
Wood Investments Inc
Patrick@woodinvestments.com
949.497.8580 *work*
949.300.0553 *cell*

PH-2

COLGAN, JULIE

From: cwurr@aol.com
Sent: Monday, September 12, 2016 9:20 AM
To: PLANNING COMMISSION
Subject: Response to notice of Public Hearing for Sep 12, 2016 PA-16-55

To The Honorable Members of the Planning Commission,

I attended the June 8 2015 hearing for the subject at hand, proposed live entertainment at the 719 W. 19 th Street location, which was denied because of the adverse impacts to the abutting residential properties. I am a long time resident of Costa Mesa, and have lived in my home on Center Street for over 35 years.The decision by the Council continues to hold true, and allowing this CUP for live entertainment WILL negatively impact the health and welfare of myself, my family, my neighbors and community. I will be teaching at the hospital tonight and very regretfully am not able to attend tonight's meeting.

Please keep us safe and deny the request.

Sincerely,

Carole Wurr RNCMNN, IBCLC

PH-2

COLGAN, JULIE

Subject: Holiday Live Entertainment application

From: Bill Oughton [mailto:bill@nev.com]
Sent: Monday, September 12, 2016 9:38 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Live Entertainment application

Mr. Lee:
I believe and I do support Holiday being allowed Live entertainment at their location.
This would be a great addition to their use and would be a great addition to the Costa Mesa community.
Good live entertainment is hard to come by these days and I would support that here.
Thank you for your time.

Bill Oughton
Vice President of Real Estate
NeV FITNESS MEDIA SPORTS
NEW VENTURES

PO Box 8665 Newport Beach, CA 92658
P: 949-644-5522
E: bill@nev.com

PH-2

COLGAN, JULIE

Subject: Holiday Live Entertainment CUP

From: David Team [mailto:DTeam@waypointpg.com]
Sent: Monday, September 12, 2016 9:42 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Live Entertainment CUP

Dear Mr. Lee,

I am writing to urge your staff and the Planning Commission to approve the CUP for live entertainment at Holiday. Being able to listen to live music is an important part of an evening's entertainment and I strongly support Holiday's application for such.

Thank you for your consideration.

David Team

David O. Team

WAYPOINT
PROPERTY GROUP

567 San Nicolas Drive, Suite 270
Newport Beach, CA 92660
Phone: (949) 200-6755
Email: DTeam@waypointpg.com

PH-2

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

Subject: Holiday Live Entertainment CUP Hearing

City of Costa Mesa Planning Commission Members:

I am writing in support of the Holiday Live Entertainment CUP Hearing and asking the Planning Commission to approve the request.

Per the Staff Report, the applicant has mitigated any and all environmental, building and safety, code enforcement, security, lighting and parking concerns. In addition as per the staff report, the proposed use is compatible with the multi-family residential along Center Street.

Lastly, the applicant and Holiday will continue to strengthen the economic base of the City, enhance economic stability and continue to facilitate re-development along West 19th Street.

Thank you for your consideration,

Jeff Hopkins

Received
City of Costa Mesa
Development Services Department

SEP 12 2016

PH-2

COLGAN, JULIE

Subject: In support of Holiday and reinstating our Live Entertainment Permit

From: Madison, Scott (hurley) [mailto:Scott.Madison@nike.com]
Sent: Monday, September 12, 2016 8:19 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: In support of Holiday and reinstating our Live Entertainment Permit

Good Morning Mervin,

My name is Scott Madison. I am a home owner in Westside Costa Mesa. I wanted to let you you know that as a resident in westside Costa Mesa there are not very many good options for live music. After I visited Holiday during the soft opening I thought that we could use a place like Holiday to go to see live music in a setting that could be relaxing and enjoyable. The westside needs the kind of revitalization that Holiday would add. I don't like to have to go far to enjoy live entertainment. I know that Holiday will do a good job at bringing us what we are looking for. Please consider Holiday for a live Entertainment permit.
Best Regards,

Scott Madison
901 Victoria
Costa Mesa Ca, 92627

PH-2

COLGAN, JULIE

Subject: Music Permit for Holiday Bar on 19th St.

From: Dylan Radloff [mailto:dylanradloff1@gmail.com]
Sent: Sunday, September 11, 2016 10:00 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Music Permit for Holiday Bar on 19th St.

Hello Melvin

It is a pleasure to meet you via email. My name is Dylan Radloff, I am a longtime home owner in East Costa Mesa. I hope this email finds you well, I would like to address the upcoming city council meeting concerning the live music permit for the Holiday Bar on 19th street.

I am sending you my full endorsement to allow the music permit to go through and bring live music into our area. Costa Mesa has been on the forefront of culture and art within Orange County. The reason I bought my home in Costa Mesa was to be surrounded by the vibrancy of the culinary, art and music scenes and cultural civic engagements. I feel Holiday is a great venue for the community to gather, and it will facilitate an excellent flow of life into our community. Making this an even more desirable area to move fostering even higher property values.

This particular parcel of land has always been a live music venue. I honestly cannot understand why this subject matter is under debate, or why it would be on the city councils meeting agenda. Hopefully you and the council will have the majority of Costa Mesa's residents best interest in mind and allow this music permit to go through.

If you need any other information from me, please contact me at any time. I'm looking forward to hearing positive results and that the Costa Mesa council did the right thing.

Best Regards,

Dylan

Dylan Radloff
949.280.9119
DylanRadloff1@gmail.com

195 Admiral Way
Costa Mesa, Ca 92627

PH-2

COLGAN, JULIE

Subject: Holiday- Live Music Permit

-----Original Message-----
From: Lauren Breen [mailto:lolobreen@gmail.com]
Sent: Sunday, September 11, 2016 9:15 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: cathegoldenstate@gmail.com; Dylan <dylanradloff1@gmail.com>
Subject: Holiday- Live Music Permit

Hello Melvin,

My name is Lauren Breen. I'm writing to give my full support for reinstating the live music permit at Holiday. Holiday offers a great opportunity for people in the Orange County area to be able to enjoy fresh, unique, new bands and artists.
There are really not a lot of choices when it comes to listening to great live music in Orange County. Especially places that offer such a unique, intimate and cool atmosphere as Holiday does.

Sincerely,

Lauren Breen
Supportive Costa Mesa Resident
2855 Pinecreek Drive Apt B223
Costa Mesa, Ca 92626
949-547-1929

Sent from my iPhone

PH-2

COLGAN, JULIE

Subject: Holiday CUP Hearing

From: James Crocenzi [mailto:jcrocenzi@cox.net]
Sent: Sunday, September 11, 2016 8:56 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday CUP Hearing

Dear Mr. Lee,

I am writing you today to express my support for the reinstatement of the live entertainment permit being requested by the owners of the venue called "Holiday".

If you've ever noticed how quickly a concert venue turns on recorded music between bands, or experienced that strange silence when the music stops playing in a restaurant or bar, you understand how important music can be to a business. Like the quality of the food, drinks and atmosphere, music contributes to the success of the bars, restaurants and venues that we all frequent. The principals are business owners who have a very strong track record of success in the hospitality / food and beverage industry, and I support their right to have live music/entertainment as an integral part of the venue's overall experience.

Thank you for your consideration.

Kind regards,

James Crocenzi
42 Marisol
Newport Beach, CA 92657

PH-2

COLGAN, JULIE

Subject: Live entertainment at Holiday

From: John Gebhardt [mailto:jgebhardt2@gmail.com]
Sent: Sunday, September 11, 2016 5:29 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Live entertainment at Holiday

Dear Mr. Lee,

It has come to my attention that that the Holiday venue is applying to obtain a Live Entertainment permit. I am in support of this approval.

As a frequent visitor to the Costa Mesa area I have had the opportunity to visit Holiday and find it to be a unique, friendly and secure establishment. The Live Entertainment component would add further to Costa Mesa having something unique for the area.

I am in support of this approval and hope the Planning Commission sees the opportunity to have a unique and special entertainment venue within the City.

John Gebhardt

PH-2

COLGAN, JULIE

Subject: Holiday

-----Original Message-----
From: Diane.Dekovner@yahoo.com [mailto:diane.dekovner@yahoo.com]
Sent: Sunday, September 11, 2016 2:18 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday

Dear Mr. Lee,

I am writing to share my support for a live entertainment permit for Holiday in Costa Mesa. It is a great establishment and I know live entertainment would be awesome.

Please count me as a supporter!!

Sincerely,

Diane DeKovner
Newport Beach

PH-2

COLGAN, JULIE

Subject: Holiday Live Entertainment Permit

From: Cate Hanley [mailto:chanley@demandware.com]
Sent: Sunday, September 11, 2016 1:13 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Live Entertainment Permit

Melvin:

My name is Cate Hanley and I am a long term resident of Newport Beach.

I am reaching out to you to say that I AM in support of Holiday and reinstating their live entertainment permit. Holiday is one of the few venues in the area where we can enjoy live music in a very lovely atmosphere and I do hope the planning commission will approve their permit for live entertainment.

Respectfully,

Cate Hanley | Sales Executive
Southern California
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PH-2

COLGAN, JULIE

Subject: Holiday - Life Entertainment Permit (support).

From: Guy Johnson [mailto:guyjohnson@johnsoncapital.com]
Sent: Saturday, September 10, 2016 6:41 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday - Life Entertainment Permit (support).

Dear Mr. Lee –

My name is Guy K. Johnson and the purpose of this email is to affirm my absolute support for the approval of Holiday's Live Entertainment Permit.
The venue is great; however to have life entertainment would be wonderful for the City of Costa Mesa and it's visitors and residents.

Thank you.

PH-2

COLGAN, JULIE

Subject: Holiday

From: Erik Hale [mailto:halegroup@gmail.com]
Sent: Saturday, September 10, 2016 2:15 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday

Mr. Lee,
How are you?
I am a business owner in Costa Mesa.
I publish 4 magazines across Southern California.
I am so excited about what is happening in Westside Costa Mesa. We are writing a story in our January issue trumpeting all that is great about this area.
I am writing in support of the live music permit for Holiday.
Please give them your vote.
Thank you.

Erik Hale /// Publisher + Founder

c: 949.400.7621 /// **o:** 949.436.8910

e: erik@localemagazine.com

LOCALE
localemagazine.com

PH-2

COLGAN, JULIE

Subject: Holiday's Live Entertainment Permit

-----Original Message-----
From: hannah diffenderffer [mailto:hannahdiff@live.com]
Sent: Saturday, September 10, 2016 2:41 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday's Live Entertainment Permit

To Whom it May Concern:

My name is Hannah Diffenderffer and I'm in support of Holiday and reinstating their Live Entertainment permit.

Best Regards,
Hannah Diffenderffer

PH-2

COLGAN, JULIE

Subject: Holiday Live Entertainment Permit

From: Donald Bassler [mailto:donbassler@gmail.com]
Sent: Saturday, September 10, 2016 4:34 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Live Entertainment Permit

Dear Mr. Lee:

My name is Donald Bassler and I'm writing to you to express my support for the reinstatement of Holiday's Live Entertainment Permit.

There are far too few places in Costa Mesa where one can enjoy live entertainment and not only is Holiday an excellent location for such, but it will have little if any negative impact acoustically for surrounding residents. Additionally, live music increases the popularity of an establishment, increasing merchant revenue and ultimately tax revenues for the City.

Thank you for your consideration.
--
Donald Bassler

PH-2

COLGAN, JULIE

Subject: Live entertainment at holiday

From: Jeff Kaplan [mailto:jkaplan@thebrookhollowgroup.com]
Sent: Saturday, September 10, 2016 4:46 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: David Obbage <dobbage@segadvisors.com>
Subject: Live entertainment at holiday

My name is Jeff KAPLAN. I live in corona Del mar. My company the Brookhollow group is located in a unit we own in Coppertree a project in Costa Mesa.

I am in favor of holiday having live entertainment and music. It will sure add value to the experience there. It will also give some of our local talent another venue to showcase their music.

Sincerely

Jeff KAPLAN

JEFF KAPLAN • THE BROOKHOLLOW GROUP
151 Kalmus Drive • Suite F-1 · Costa Mesa, CA 92626 • Phone 714-850-3910
jkaplan@thebrookhollowgroup.com • thebrookhollowgroup.com

From: Logan Harriger <loganbww1@gmail.com>
Date: September 10, 2016 at 5:34:17 PM PDT
To: cathegoldenstate@gmail.com
Subject: Sound rating study

Hi Marty,

Our house received mail from you today regarding a sound rating study for your bar Holiday. We are located just behind your business, and the music you play often emanates from your property, permeates through ours, and sometimes even across Center street. Likewise, I am very pleased to read that you are taking measures to reduce the impact of your operations on your neighbors--thank you! However, the liquor license for Holiday stipulates that noise from your establishment should not be audible outside its premises, so it would be sufficient for you to simply conduct your sound rating study around the perimeter of your own property. We appreciate your letter's gesture of goodwill, and sincerely hope you will continue to update you facility--or simply reduce the gain of your amplifiers--in order eliminate your noise pollution and comply with your liquor license (as well as various pieces of state and city legislation), but we are not interested in participating in your sound rating study.

Thank you for striving to be good neighbors!

Best,
Logan

Dear Neighbor,

We, your neighbors at Holiday (719 W 19th St), would like to invite you to participate in a sound rating study. This study involves a house visit from us in which we will use a sound decibel reader to test if the sound levels from our establishment reach within your home.

Holiday has been operating for two months now with amplified music. This study is one of the many efforts Holiday is taking to determine how our noise levels affect our surrounding neighborhood and how to be better neighbors to you. In addition to this study, Holiday has already taken several measures to reduce impacts to our neighborhood, including:

1. Contracting the acoustical engineers who assisted sound mitigation measures for the Pacific Amphitheater, Landrum & Brown;
2. Installing enclosures for exhaust fans;
3. Upgrading doors and seals for sound proofing;
4. Upgrading and installing insulation to Holiday's south wall;
5. Installing parapet walls to the south edge of Holiday;
6. And installing a sound level warning device.

To participate in this study, please call Marty Kish at (949) 400-6914 to make an appointment.

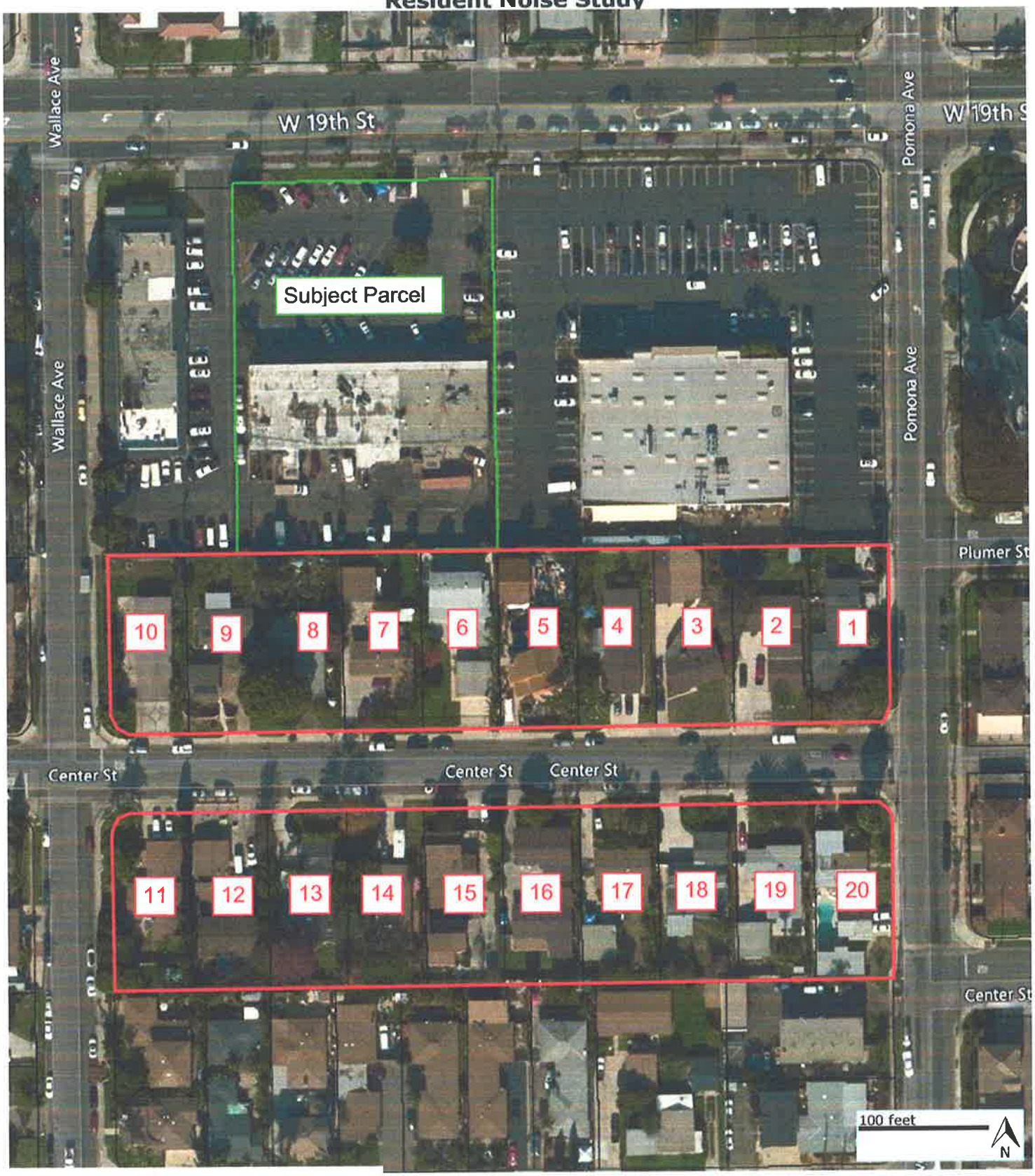
For more information regarding our sound mitigation measures or Holiday, please feel free to contact Marty Kish by phone at (949) 400-6914 or by email at cathegoldenstate@gmail.com.

Sincerely,

Social Management Group

& Pacific Planning Group, Inc.

Holiday
Resident Noise Study



NotificationMaps.com

Radius Maps Owner and Occupant Lists Mailing Services

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Resident Noise Study
Mailing List

Lot	Type	APN	Name	Address	City	State	ZIP
1	OWNER	424-202-04	TERRIQUEZ MARIO	702 CENTER ST	COSTA MESA	CA	92627-3553
2	OWNER	424-202-05	LOPEZ ANTONIO	706 CENTER ST	COSTA MESA	CA	92627-3553
3	OWNER	424-202-06	THEIS DOUGLAS J TR	1201 KEY W	CORONA DEL MAR	CA	92625-1651
3	RESIDENT	424-202-06	RESIDENT	712 CENTER ST	COSTA MESA	CA	92627
4	OWNER	424-202-07	LOPEZ J MARTIN	716 CENTER ST	COSTA MESA	CA	92627-3553
5	OWNER	424-202-08	CHANG LANYI	720 CENTER ST	COSTA MESA	CA	92627-3553
6	OWNER	424-202-09	CHEN SU CHEN	5714 PRIMROSE AVE	TEMPLE CITY	CA	91780-2507
6	RESIDENT	424-202-09	RESIDENT	724 CENTER ST	COSTA MESA	CA	92627
7	OWNER	424-202-10	FARIAS SALVADOR SILVA	344 JOANN ST	COSTA MESA	CA	92626-6336
7	RESIDENT	424-202-10	RESIDENT	728 CENTER ST	COSTA MESA	CA	92627
8	OWNER	424-202-11	OCONNOR JUNE LEE	PO BOX 1942	NEWPORT BEACH	CA	92659-0942
8	RESIDENT	424-202-11	RESIDENT	734 CENTER ST	COSTA MESA	CA	92627
9	OWNER	424-202-12	UPTON RYAN SHEA	738 CENTER ST	COSTA MESA	CA	92627-3553
10	OWNER	424-202-13	GUTIERREZ MARCELINO	744 CENTER ST	COSTA MESA	CA	92627-3553
11	OWNER	424-204-01	BENDEES BRUCE	PO BOX 15433	NEWPORT BEACH	CA	92659-5433
11	RESIDENT	424-204-01	RESIDENT	745 CENTER ST	COSTA MESA	CA	92627
12	OWNER	424-204-02	FOLCH LORENZO	3463 SAN RAFAEL CIR	COSTA MESA	CA	92626-1615
12	RESIDENT	424-204-02	RESIDENT	739 CENTER ST	COSTA MESA	CA	92627
13	OWNER	424-204-03	WEBSTER BRADLEY M	735 CENTER ST	COSTA MESA	CA	92627-3551
14	OWNER	424-204-04	WURR STEVEN H	729 CENTER ST	COSTA MESA	CA	92627-3551
15	OWNER	424-204-05	KHALILI DANIEL	16722 HALE AVE	IRVINE	CA	92606-5007
15	RESIDENT	424-204-05	RESIDENT	725 CENTER ST	COSTA MESA	CA	92627
16	OWNER	424-204-06	MORALES ELENA	11281 SUNFLOWER LN	CORONA	CA	92883-3161
16	RESIDENT	424-204-06	RESIDENT	721 CENTER ST	COSTA MESA	CA	92627
17	OWNER	424-204-07	LEIVA LUIS	717 CENTER ST	COSTA MESA	CA	92627-3551
18	OWNER	424-204-08	GHOUCHANI MOHAMMAD GHARAVI	36 SAN SIMEON	LAGUNA NIGUEL	CA	92677-7950
18	RESIDENT	424-204-08	RESIDENT	713 CENTER ST	COSTA MESA	CA	92627
19	OWNER	424-204-09	CHOY MARK A	707 CENTER ST	COSTA MESA	CA	92627-3551
20	OWNER	424-204-10	SOLTER EDWIN MORRIS	8198 BUCKINGHAM PL	RIVERSIDE	CA	92504-3427
20	RESIDENT	424-204-10	RESIDENT	703 CENTER ST	COSTA MESA	CA	92627

1-8-1

PH-2

COLGAN, JULIE

Subject: Holiday

-----Original Message-----
From: Gary Grane [mailto:gary@lovebags.com]
Sent: Saturday, September 10, 2016 5:05 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday

Hello Mr. Lee

I'm writing to voice my full support of approving a live music permit for Holiday on 19th street. I've been s bidi was owner in Costa Mesa on the west side since 1986. Marty Kish is a great businessman bringing nice venues to Costa Mesa

Thank you!

Gary Crane
Office 711 W 17th Street J-2

Sent from my iPhone

PH-2

COLGAN, JULIE

Subject: Holiday - Live Entertainment Permit

-----Original Message-----
From: Patricia Marquez [mailto:pl.marquez@yahoo.com]
Sent: Saturday, September 10, 2016 5:55 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday - Live Entertainment Permit

Dear Mr. Lee,
I, Patricia Marquez support Holiday in reinstating their Live Entertainment permit in Costa Mesa.

Patricia Marquez

PH-2

COLGAN, JULIE

Subject: Holiday Entertainment Permit

From: Stephanie Salinas [mailto:stephsuesalinas@gmail.com]
Sent: Saturday, September 10, 2016 12:46 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday Entertainment Permit

Hello,

My name is Stephanie Salinas and I am a Cost Mesa resident at 1665 Irvine Ave Apt 1, 92627. I am writing to voice my SUPPORT for Holiday to receive their live entertainment permit. Costa Mesa is in desperate need of some better night life options as well as music venues and Holiday would be a perfect fit for this. Thank you for taking your time to read this.

Kind Regards,

Stephanie Salinas

PH-2

COLGAN, JULIE

Subject: Cathy Kish

From: cathy kish [mailto:cakgrandma@gmail.com]
Sent: Friday, September 09, 2016 6:15 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Cathy Kish

09/09/16

Melvin E. Lee, ACIP
Senior Planner
City of Costa Mesa

My name is Cathy Kish. I am a registered voter and a resident of Costa Mesa. I am a retired citizen and am very much excited about Holiday. Having live entertainment at Holiday, would be a great addition to our city.

Sincerly,
Cathy Kish

PH-2

COLGAN, JULIE

Subject: Holiday live music permit

From: Monet Quick [mailto:monet.quick@gmail.com]
Sent: Friday, September 09, 2016 6:29 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: Ashley Eckenweiler <ashley@theaceagency.com>
Subject: Holiday live music permit

Hello Mel,
As a longtime resident of east side Costa Mesa and past Cultural Arts committee member, I'm writing to express my desire for more live music in this city. I was very excited to hear that the Social Group, an organization I've had the pleasure of working with on numerous occasions, was applying for a permit for Holiday. As an organization, they will bring in the caliber of entertainment that I would be interested in seeing perform regularly.
In short, I'm in favor of them receiving a live music permit and I hope that the city approves them. I will look forward to frequenting Holiday once this happens.
Thank you,
Monet Quick-Smits

PH-2

COLGAN, JULIE

Subject: Live music at Holiday

From: Colin Kwoun [mailto:colin.kwoun@gmail.com]
Sent: Friday, September 09, 2016 11:16 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Live music at Holiday

Hello Mel, my name is Colin and I wanted to reach out and let you know that I am in favor of Holiday having live music. Live music is an art form and that being said I don't believe in not allowing for art and talent to be shared. Its a great platform for exposure and in this day and age any exposure for a band is good exposure. Not only does live music provide an escape for some, but it will also help drive business from the local and surrounding areas. More business is never a bad thing to have. This all being in reference to Holiday PA 16 55. I thank you for taking the time to read my email.

-Colin Kwoun

PH-2

COLGAN, JULIE

Subject: Holiday PA 16 55

From: Lindsay Arellano [mailto:lindsayarellano28@gmail.com]
Sent: Friday, September 09, 2016 7:21 AM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Holiday PA 16 55

Hi,

My name is Lindsay Arellano and I am a resident of Costa Mesa. I am an Account Manager for West Entertainment which is a Content Service Provider for airlines.

I am in favor of live music at Holiday. It makes for a nice evening out with my husband and friends as we love to see live music acts featuring great artists and not just electronic music. I believe this is a great addition to our community.

Thank you,

Lindsay Arellano
949.491.0717

PH-2

COLGAN, JULIE

Subject: Live Music, The Arts, & Costa Mesa... The City Of Arts

From: zac smith [mailto:zac@thecollectivesound.com]
Sent: Thursday, September 08, 2016 2:02 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: Ashley Eckenweiler <ashley@theaceagency.com>
Subject: Live Music, The Arts, & Costa Mesa... The City Of Arts

Hello Mel,

My name is Zac Smith and I am the Founder and Executive director of The Collective Sound a music org for teens based out of Costa Mesa. Our focus is on programs where students write, record and perform original music. You can learn more about our programs on our site at: https://thecollectivesound.com/ .

I am writing to express my support for Holiday's Live Music Permit. I attended the City Council meeting where it was last discussed and it seems peculiar that it was being objected to in a venue that had previously had the permit for so many years. The presented objections based on parking or noise louder than the already permitted "DJ" sets have no real merit. Talking to any small live music venue one would learn that the "parking issue" is not on par with that of a club or DJ venue focused on the typical bar scene. It is no secret that live original music shows are harder to sell than a night dancing. The same decibal controls and sound proofing applied to DJ sets is applicable to Live music. Their are many third party acoustic consultants who could ensure such measures are in place. It would also be safe to argue that Holiday putting on live music and promoting art in the venue would be a massive improvement to the previous Lions Den. Further, live music venues are a scarcity in our area and banned completely just down the road in Newport. With the shear number of musicians and bands who call Costa Mesa home it is oppressive to take away such a great opportunity from our community of local artists.

To add insult to injury Costa Mesa is supposed to support the arts. Here is an excerpt taken directly from the city website: "Costa Mesa's official motto is "City of the Arts," a title befitting of its world-class cultural scene… with a wide array of art galleries and a **cutting-edge music scene**.
… residents access the arts in **many different venues,** and through multiple sources. "

I will end with one last more personal example. Every year when we finish our programs we look for a venue for our students to perform. We invite the community, families and friends to attend the final showcase. We generally partner with other local teen orgs like the Boys and Girls Club or Big Brother Big Sisters to come out and share the event. Go ahead and scan Costa Mesa and show me a live music stage that fits such an event… With Boathouse not interested in interrupting their dinner time we have only ever successfully played the parking lot at The Lab… the parking lot with some cones… that is the message we send to our aspiring creative youth. We have resorted to renting a sound stage in Fountain Valley so we can at least have a few lights and decent sound for the kids and this is sad.

We need Holiday in Costa Mesa and we need it to be a live music venue. They have shown support for our programs here in Costa Mesa in a sea of of people willing to turn their back on youth arts in our community. Not only is it a great opportunity for a performance venue for our programs but provides an opportunity for us to host local scholarship fundraiser shows for local students. We could go on but for now we will end with, please don't contribute to the oppression of arts and arts education in our society. Especially not in a city that has "City of the Arts" as it's motto.

be well

zac smith

Founder/Executive Director
The Collective Sound
http://www.thecollectivesound.com
Mobile/WhatsApp: +1530.693.2058
Skype: zacsmyth
zac@thecollectivesound.com

PH-2

COLGAN, JULIE

Subject: Hello Mr. Lee from Jorge Lopez RE: Holiday Live Entertainment Please

-----Original Message-----
From: Jorge Lopez [mailto:jorgem.lopez@sbcglobal.net]
Sent: Thursday, September 08, 2016 3:05 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Hello Mr. Lee from Jorge Lopez RE: Holiday Live Entertainment Please

Mr. Lee,

My name is Jorge Lopez, I am a loan officer and long time resident of Costa Mesa: 977 Carnation Ave, Costa Mesa, 92626.
I wanted to email you that I am in favor of Holiday having live entertainment and that there are not enough options on the west side for live entertainment.
Please vote in favor of Holiday having the option for live entertainment.

Thank you for your time!

Jorge Lopez, registered voter
977 Carnation Ave
Costa Mesa, CA. 92626
949-244-2191

Sent from my iPhone

PH-2

COLGAN, JULIE

Subject: Live music

-----Original Message-----
From: PJ McKaig [mailto:pjmckaig@yahoo.com]
Sent: Thursday, September 08, 2016 6:31 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Live music

My name is PJ McKaig
I live in Costa Mesa California
I am a sports agent.

I am in favor of the business (Holiday) having live music

Thx
Sent from my iPhone

PH-2

COLGAN, JULIE

Subject: Holiday

From: Mike Kinsella <mk@socialmgmtgrp.com>
Date: September 7, 2016 at 7:48:31 AM PDT
To: "cathegoldenstate@gmail.com" <cathegoldenstate@gmail.com>
Subject: Fwd: Holiday

Sent from my iPhone

Begin forwarded message:

> **From:** cc389 Costa Mesa <cc389@smartandfinal.com>
> **Date:** September 7, 2016 at 7:47:21 AM PDT
> **To:** "'mk@socialmgmtgrp.com'" <mk@socialmgmtgrp.com>
> **Subject: Holiday**
>
> To Whom it May Concern,
> My name is Micha Salinas the Store Manager of Smart & Final 389 in the city of Costa Mesa, our store is located on 707 W. 19th Street. Our newest neighbors to the south of our store is Holiday located at 721 W. 19th St., managed by General Manager Mike Kinsella. They have been good neighbors, the music has not been heard, and we have not had one customer complaint or any negative feedback of any kind. Please feel free to contact me if you have any questions or concerns.
>
> Thank you,
> Micha Salinas
> Store Manager
> 949.548.8473

PH-2

COLGAN, JULIE

From: Bradley Webster (BWE.US) <BWE@columbusglobal.com>
Sent: Tuesday, September 06, 2016 5:13 PM
To: PLANNING COMMISSION
Subject: Response to Sept 12, 2016 Hearing

In reference to:
PA-16-55
719 W. 19th Street
Conditional Use Permit to allow Live Music

I have been a 28 year resident at 735 Center Street, Costa Mesa (located on the street behind the proposed permit for live entertainment) and am unable to attend the public hearing. So I wanted to respond in writing.

We have seen several positive changes over the years in our neighborhood (sidewalks, streetlight, fire hydrants, etc.)... but there is plenty plenty more that needs to be done here on in the 600/700/800 block around 19th street/Placentia avenue/18th street. The problem as a resident behind the proposed permit for music is the added element that it brings as well as the noise. We are already stretched with two sober living houses on Center Street alone (Parking is a huge issue) and there are plenty of homeless than roam here... to then have a live entertainment that goes way into the night can bring added issues that we just don't need right now. Many residents surrounding the venue work hours that require early morning rising, including me. If there is too much noise, then this can disrupt sleep, which can cause issues. When the Lion's Den was in full swing, the noise of the venue traveled down the side of our house like a tunnel and you could hear the bass "thump, thump, thump" well into the night. This caused many sleepless/restless nights. It has been a blessing to not have any venue in there for several years now. I would assume that The City of Costa Mesa could do better related to what could be done with the 700 block of 19th street, then adding something that would bring additional issue that The City and its resources (police/fire) would have to be called to.

Best regards

Bradley Michael Webster
Senior Sales Executive, West Region

Phone: +1-949-648-7006 Mobile: +1-714-244-7999
E-mail: bwe@columbusglobal.com

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Department of Alcoholic Beverage Control
Santa Ana District Office
605 W. Santa Ana Blvd., Bldg 28, Ste. 369
Santa Ana, CA 92701
Phone: 714-558-4101
Fax: 714-953-4486

State of California

PH-2

FAX TRANSMISSION

Total Number of Pages 3 (Including this cover sheet)

Original: ☐ To follow by regular mail ☐ Will not follow

To: Jasmine F.

Firm/Office: City of Costa Mesa

Fax: 714-754-4942 Date: 9-9-16 Time:

cc('s):

From: Irma Phone: 714-558-4101

Subject: PA-55 Mayson West 19th Street LLC

Comments: - conditions attached.

NOTICE

This communication is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not 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 telephone, and return the original message to us at the above address.

Flex your POWER

"Be Energy Efficient"

ABC-75 (7/09)

BEFORE THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

MAISON WEST 19TH STREET, LLC
LIONS DEN
719-21-23 W 19TH ST
COSTA MESA, CA 92627

} FILE 48-547675
}
} REG.
}
}
}
}
} **PETITION FOR CONDITIONAL LICENSE**

For Issuance of an On-Sale General Public Premises – License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1 There shall be no live entertainment, amplified music, or dancing permitted in the rear patio portion of the premises at any time.

2 Any entertainment provided shall not be audible beyond the area under the control of the licensee.

Initials

ABC-172 (5/94)

RECEIVED
SEP 11 2014
Dept. of Alcoholic Beverage Control
Santa Ana Office

48-547675
Page 2

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 9th DAY OF September, 2014.

Applicant/Petitioner

Applicant/Petitioner

Subject: Maison West 19th Street LLC dba "Holiday" (clarification of ABC conditions and website)

Good morning,
Based on our call this morning I wanted to send this so you better understand ABC conditions and ABC website.

ABC Petition for Conditional License (ABC conditions):
The Petition for Conditional license contains the operational conditions that the ABC has imposed on the licensee.

Condition No. 1 prohibits live entertainment on the **rear patio only**. This entertainment prohibition does not apply to any other areas of the licensee. As such you are permitted to provide live entertainment in other areas such as inside subject to Condition No. 2.

Condition No. 2 provides that any entertainment, live or otherwise like DJ, shall not be audible "beyond" the area of your control. In this case that would be the boundary of your property you control.

The Petition for Conditional license was signed by Roland Barrera because he was the LLC Manager at the time. Even though he is no longer the LLC Manager, ABC does not have the Conditions re-executed due to a LLC Manager change. Note that while the LLC Manager has changed, the licensee is still subject to the imposed conditions.

Like LLC Manager changes, the ABC does not issue new conditions for DBA changes (see below).

ABC License Certificate:
The ABC license certificate has a notation for "Conditions". If you had no conditions it would be blank under the word Condition. In you case since you do have conditions, the ABC's internal coding for conditions is the number "7". The "7" does not relate to the number of actual conditions (eg. seven (7) conditions). In your case you only have two (2) ABC conditions. The "7" only signifies the license is subject to one (1) or more conditions.

ABC Website:

The DBA will change if you request a DBA change from the ABC (see below).

Roland Barrera's name will continue to be listed even though he is a minority member. If later he is no longer a member, you need to provide the ABC an update showing the change and then the ABC will update the ABC website and remove his name.

DBA Changes:

The listed DBA was the name you originally used. In order to update the ABC with the current DBA, I can prepare a letter to the ABC notifying them of the current DBA as "Holiday". Let me know if you want me to prepare and submit the DBA change.

I hope that helps clarify how the ABC conditions, website, coding and DBA work. Let me know if you have any questions.
Best regards,
Michael

Michael C. Cho | Of Counsel
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
1900 Main Street, Suite 700 | Irvine, CA 92614
Direct Dial (949) 851-7268 | Fax (949) 825-5425
mcho@ptwww.com | Biography | vCard | ptwww.com

PALMIERI TYLER
ATTORNEYS AT LAW

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STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

ON-SALE GENERAL PUBLIC PREMISES

VALID FROM

Nov 01, 2015

MAISON WEST 19TH STREET, LLC
1900 MAIN ST
7TH FL
C/O MICHAEL CHO, PALMIERI TYLER
IRVINE, CA 92614

EXPIRES

Oct 31, 2016

TYPE NUMBER DUP

48 547675

AREA CODE

3004 11

PER From
48-196209

BUSINESS ADDRESS (IF DIFFERENT)

DBA: LIONS DEN
719-21-23 W 19TH ST
COSTA MESA, CA 92627

CONDITIONS

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OWNERS: MAISON WEST 19TH STREET, LLC

IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit http://www.abc.ca.gov/datport/LQSMenu.html.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at http://www.abc.ca.gov/distmap.html.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

License Serial# 1159304

...can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane