
Subject: FW: Mesa Verde Medians Rendering
Attachments: Mesa Verde Median Rendering.docx

ADDITIONAL DOCUMENTS FOR CC-5

From: SETHURAMAN, RAJA
Sent: Monday, November 14, 2016 2:35 PM
To: CITY COUNCIL <CITYCOUNCIL@ci.costa-mesa.ca.us>
Cc: HATCH, THOMAS <THOMAS.HATCH@costamesaca.gov>; SHELTON, KELLY <KELLY.SHELTON@costamesaca.gov>
Subject: Mesa Verde Medians Rendering

Mayor and Council Members:

We received a request for rendering of proposed landscape plan for Mesa Verde Medians and question as to whether it included rock hardscape. The landscape plan does not propose rock blanket. It is comprised of drought tolerant planting with small bands of decomposed granite to separate planting areas, and flowering shrubs at median noses. There are some occasional accent boulders. But they are spread apart. The attached file shows the landscape plan and rendering. Please let me know if you have any questions. Thank you.

Raja Sethuraman
Interim Public Services Director
City of Costa Mesa
714-754-5343

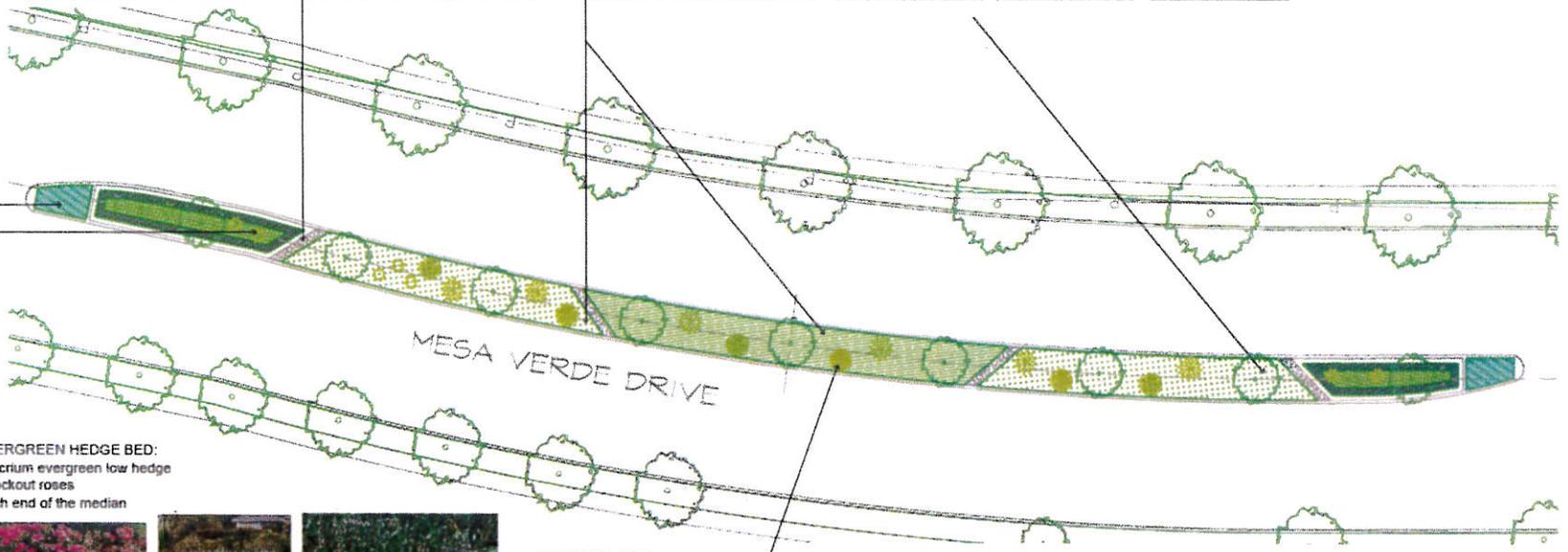
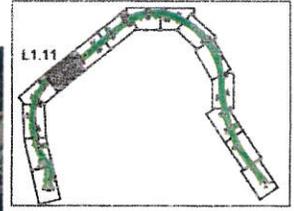
MEDIAN TIPS:
Replace bomanite with Dymondia



BANDING:
24" Bands of Decomposed Granite



PLANTING MASS:
Drought tolerant low grasses, alternating beds



EVERGREEN HEDGE BED:
Teucrium evergreen low hedge
Knockout roses
Each end of the median



ACCENT PLANTS:
Yucca, Pink Cordyline, and Agave
Alternating pattern



ACCENT BOULDERS



Underground Service Alert
Call: TOLL FREE
1-800
422-4133
TWO WORKING DAYS BEFORE YOU DIG

REVISIONS		CONTRACTOR	BENCHMARK	DATE	CITY OF COSTA MESA DEPARTMENT OF PUBLIC SERVICES / ENGINEERING DIVISION	SHEET NO. of X PLAN NUMBER XX-XX
NO.	DATE	DESCRIPTION	APP.	DATE		



CORDYLINE
Cordyline sp.

LOMANDRA
Lomandra sp.

24" DECOMPOSED
GRANITE BANDS

DIANELLA
Dianella sp.

BOULDERS

AGAVE
Agave sp.

ROSE SHRUBS
+ EVERGREEN
HEDGE
*Rosa sp. +
Teucrium sp.*

Mesa Verde Medians

Costa Mesa Medians

Costa Mesa, CA

May 04, 2015

Plant Renderings

**asakura
robinson**

asakura-robinson company, LLC

17000 W. STATE STREET, ANAHEIM, CALIFORNIA 92804

**ADDITIONAL DOCUMENTS
FOR PH-2
(REVIEW OF PA-16-55 FOR
HOLIDAY)**

To: GREEN, BRENDA
Subject: RE: re PA-16-55 AGAINST illegally operating Miguel's Jr owned bar.

ADDITIONAL DOCUMENTS FOR PH-2

From: harv firm [mailto:bob1i@live.com]

Sent: Tuesday, November 15, 2016 8:27 AM

To: FRENCH, JASMINE <JASMINE.FRENCH@costamesaca.gov>

Cc: FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; MENSINGER, STEPHEN <STEPHEN.MENSINGER@costamesaca.gov>; RIGHEIMER, JIM <JIM.RIGHEIMER@costamesaca.gov>; MONAHAN, GARY <GARY.MONAHAN@costamesaca.gov>

Subject: re PA-16-55 AGAINST illegally operating Miguel's Jr owned bar.

please know that we want to express my family's opposition to Miguel's Jr bar.
the bass vibrates our whole neighborhood.. the permit should be revoked.

The bar's sound engineers state that the building can't contain the bass.
Harv and juli

Subject:

FW: Planning Application PA-16-55

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL

Sent: Tuesday, November 15, 2016 10:35 AM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: Planning Application PA-16-55

From: Paul Loubet [<mailto:loubet.paul1@gmail.com>]

Sent: Tuesday, November 15, 2016 9:57 AM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Planning Application PA-16-55

Mr. Lee, and City Council members, I am writing in support of the CUP for the Holiday entertainment permit.

I have been a resident in Costa Mesa for 20 years and my wife and I are always looking for venues where we can see live entertainment for members of our generation, and it looks like Holiday would be that venue.

Costa Mesa is a City of the Arts, I think it should expand beyond the South Coast Rep or Segerstrom, a venue that has limited appeal and is out of reach for the average resident of Costa Mesa. The City put west 19th St, in a planned area to revitalize the area, and bring in Holiday would continue the vision of the West 19 Plan.

I think that the staff and planning commission did a very thorough job vetting this application. Bringing the item back up to City Council shows that staff and Council have put in the proper work to ensure that this business is a good neighbor. There appears to have been quite a number of mitigations and conditions for the surrounding neighbors to monitor the noise levels. The application is renewed yearly and with the conditions imposed, if they are bad neighbors, I trust that the City will take measures to ensure they fix issues or they won't get their permit renewed.

Again, My wife and I support this Conditional Use Permit. We are excited to have a place to listen to live music.

Thank you.

Paul Loubet

t

2538 Fairway Dr

Costa Mesa, CA 92627

949-677-9459

Subject:

FW: Night Club

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL

Sent: Tuesday, November 15, 2016 10:56 AM

To: TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>; GREEN, BRENDA <brenda.green@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: Night Club

From: SANDRA BALLARD [<mailto:sandyballard@gmail.com>]

Sent: Tuesday, November 15, 2016 10:51 AM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Night Club

"I approve of the application for Holiday to add live music. I have two daughters in their 20's and we need more places like this for them to go that are not just bars"

Please have somewhere the local kids can hang out!!!!

Subject:

FW: Holiday Nightclub

ADDITIONAL DOCUMENTS FOR PH-2

-----Original Message-----

From: LEE, MEL

Sent: Tuesday, November 15, 2016 11:26 AM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: Holiday Nightclub

-----Original Message-----

From: Lori Ann Haigh [mailto:lahaigh@icloud.com]

Sent: Tuesday, November 15, 2016 11:23 AM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Holiday Nightclub

Hello,

Writing to you with a simple email in support of the Holiday Nightclub.

I am in favor of the Holiday Lounge in Costa Mesa adding live music to their venue. This is a great addition to our community.

We live locally and love our new find for good live entertainment! We have three kids in their 20's as well and I like that this keeps our kids in our community. This is good for Costa Mesa.

Best regards,

Lori Ann Haigh

Subject:

FW: Holiday CUP application

ADDITIONAL DOCUMENTS FOR PH-2

From: Dennis Borowsky [<mailto:dborowsky@merlonegeier.com>]

Sent: Tuesday, November 15, 2016 11:28 AM

To: MONAHAN, GARY <GARY.MONAHAN@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; RIGHEIMER, JIM <JIM.RIGHEIMER@costamesaca.gov>; MENSINGER, STEPHEN <STEPHEN.MENSINGER@costamesaca.gov>

Cc: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Holiday CUP application

Hello Mayor Mensinger and City Council Members,

I am a resident of the Balboa Peninsula in Newport Beach and also the past President of the Balboa Peninsula Point Association. I take great pride in our local communities. I am writing to you on behalf of the "Holiday" CUP application. I am not an investor of Holiday, but know the ownership group and many of the investors very well. I have had a personal relationship and have had extensive business dealings with them over several decades. Mr. Javier Vasquez and Mr. David Obbage are sophisticated individuals with very high standards. They operate their businesses in a very professional manner.

I am in support of their application for live entertainment in this location. This will provide a unique venue for the Costa Mesa community and create an upscale entertainment venue for this neighborhood.

I am unable to attend the City Council meeting tonight, but request that you vote in favor of their application.

Thank you for your support!

Dennis Borowsky
2037 Seville Avenue
Newport Beach, CA 92661

Subject:

FW: Holiday on 19th

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL

Sent: Tuesday, November 15, 2016 11:33 AM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: Holiday on 19th

From: Elsa Embler [<mailto:emblerelsa@gmail.com>]

Sent: Tuesday, November 15, 2016 11:32 AM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Holiday on 19th

Hello, my name is Elsa Embler.

I'm a 22-year-old student and I'm writing to express that I am in favor of adding live music to Holiday nightclub.

I think it would be valuable to have variety of entertainment, not exclusively DJ's at clubs like these.

Respectfully,

Elsa Embler

(831)277-7007

emblerelsa@gmail.com

Subject: FW: Holiday CUP Application

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL
Sent: Tuesday, November 15, 2016 12:49 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>
Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>
Subject: FW: Holiday CUP Application

From: Tyler [mailto:tyler@starknation.com]
Sent: Tuesday, November 15, 2016 12:05 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; MENSINGER, STEPHEN <STEPHEN.MENSINGER@costamesaca.gov>; MONAHAN, GARY <GARY.MONAHAN@costamesaca.gov>
Subject: Holiday CUP Application

Mel, I would like to email to notify you that I am in support of Holiday's CUP application for live entertainment.

With all the opportunities to go out to bars and restaraurants in Orange County, it's nice to have options for something different than the normal DJ for music/entertainment. Holiday has an amazing environment and would be even better if there was live entertainment as well!

Best regards,



You. *Optimized.*

TYLER MOUNCE
STARK | Global Executive Coach
17524 Von Karman Ave | Irvine, CA 92614
Office 949.722.7070 | Cell 509.844.5751
Email Tyler@StarkNation.com | Web www.StarkNation.com | [FACEBOOK](#)

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Subject:

FW: HOLIDAY CUP - Application for live entertainment

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL

Sent: Tuesday, November 15, 2016 12:49 PM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: HOLIDAY CUP - Application for live entertainment

From: Art de la parra [<mailto:adlp@mail.com>]

Sent: Tuesday, November 15, 2016 11:56 AM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: HOLIDAY CUP - Application for live entertainment

Hello Mr. Lee:

I would like to express my support for the application for live entertainment at the Holiday Entertainment Club located 719 W. 19th St. in Costa Mesa.

Costa Mesa is a thriving city which is in need of entertainment and which would benefit from the variety of music and cultural diversity Holiday would have on its stage.

I have visited this newly remodeled club and found it clean, well managed and just a great place to get together with friends.

Count me in as a booster of this supplication!

Warm regards,

Art de la parra
adlp@mail.com

Subject:

FW: Holiday

ADDITIONAL DOCUMENTS FOR PH-2

From: LEE, MEL

Sent: Tuesday, November 15, 2016 1:36 PM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>; TRAYLOR, MARIAN <MARIAN.TRAYLOR@costamesaca.gov>

Cc: TREVINO, JAY M. <JAY.TREVINO@costamesaca.gov>

Subject: FW: Holiday

From: Kim Beaudette [<mailto:kbeaudette@ovagene.com>]

Sent: Tuesday, November 15, 2016 1:09 PM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Holiday

Ms. Lee,

"I believe that the addition of live music to Holiday on 19th street adds a great deal to an already beautiful and well run club. This is a good thing for Costa Mesa."

Kim

Subject: FW: Holiday Application
Attachments: Jack Sullivan.vcf
Importance: High

ADDITIONAL DOCUMENTS FOR PH-2

From: Jack Sullivan [<mailto:JSullivan@cresa.com>]
Sent: Tuesday, November 15, 2016 1:45 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>; FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; MONAHAN, GARY <GARY.MONAHAN@costamesaca.gov>
Subject: Holiday Application
Importance: High

I would like to express my support for the application for live entertainment at the Holiday Entertainment Club located 719 W. 19th St. in Costa Mesa.

Costa Mesa is a thriving city which is in need of entertainment and which would benefit from the variety of music and cultural diversity Holiday would have on its stage.

I have visited this newly remodeled club and found it clean, well managed and just a great place to get together with friends.

Count me in as a major supporter of this application!

Best regards,

Jack

Jack Sullivan
Senior Vice President

BRE#: 01932265



Cresa Orange County

610 Newport Center Drive, Suite 500 | Newport Beach, CA 92660
949-706-6600 tel | 949-706-6588 direct | 917-576-3373 cell

jsullivan@cresa.com | www.cresa.com | www.cresa.com/MissionCriticalSolutions

From: Steven A Chan <chan.steven.a@gmail.com>
Sent: Tuesday, November 15, 2016 2:39 PM
To: FRENCH, JASMINE; GREEN, BRENDA; TRAYLOR, MARIAN
Subject: pa-16-55 opposition
Attachments: lionsden2016.pdf

please print for city council hearing item PA-16-55 / distribution and acknowledgement requested

thanks

Centers Against Corruption (CAC)
Center Street Neighborhood
Costa Mesa, CA 92627
Primary S Chan
Nine Pages Total

**IN THE COSTA MESA CITY COUNCIL REVIEW OF PLANNING COMMISSION
APPLICATION PA-16-55 HOLIDAY (FORMERLY LION’S DEN AND MAISON)**

<p>Argument in support of Denial of the Request for Live Entertainment</p> <p>November 15, 2016</p> <p>City of Costa Mesa City Council Public Hearing</p>	<p>Request to Remove Applicant’s Amplified Music Use Permissions</p> <p>Request to City to file violation notice of Applicant’s License Condition #2 with the Department of Alcoholic Beverage Control</p> <p>Request for Nuisance Abatement of Applicant (verbal delivery at hearing)</p>
---	--

Preamble

Applicant, the Pange Family Trust (hereafter “Holiday”) applies for a Conditional Use Permit (hereafter “CUP”) to allow live entertainment in their facility licensed by the California Alcoholic Beverage Control (hereafter “ABC”) within 10 feet of residential zoned property.

Center Street residents against Corruption (hereafter “CAC”) oppose the issuance of the CUP as conditioned and proposed, and request the City of Costa Mesa (the “City”) officially notify ABC that applicant is in violation of the License conditions, abate the nuisance in our neighborhood, and immediately strike the allowance of any amplified entertainment at the facility.

Lastly, CAC objects to the highly prejudicial sugar-coating of this application.

1 **The Sugar Coating of the Application is Highly Prejudicial**

2 Sugar coating is required when facts in support of a finding do not exist, or are tenuous at
3 best. In this case, the facts in support of upholding the Planning Commission decision 9-12-16 do
4 not exist, and significant efforts were made to mitigate the lack of facts to support an approval
5 finding.
6

7 **Material Omissions Disclosed Resulted in Planning Commission Malfeasance**

8 The original staff report for this application dated 9-1-16, did not include the ABC operating
9 restrictions for this facility. This document (see “Correspondence” handwritten pages 133-134)
10 includes minimal conditions of operation and is dated 9-11-14. The condition relevant to the
11 application and the facility is condition No. 2, which reads:
12

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

15 **The Sugar Coating of the Application was Willful**

16 The Planning Commission hearing of 9-12-16 can be reviewed at the City’s video on demand
17 page. Review will reveal the Holiday presentation carefully skirted around the most material
18 ABC condition, #2. Unbeknownst to everyone else in the hearing, the CAC Residents had
19 contacted the Santa Ana ABC and requested the Operating Restrictions page be faxed to Jasmine
20 French in the City clerk’s office with reference to PA-16-55 only. CAC residents and Jasmine
21 French confirmed that receipt. The ABC Operating Restrictions was finally introduced at the
22 hearing during public comment by CAC residents.
23

24 **ABC Wholly Controls the Audible Component of Entertainment at Holiday**

25 The ABC wholly regulates the sale of alcohol and related activity. Some areas are under
26 exclusive ABC jurisdiction, namely “the manufacture, sale, purchase, possession and
27
28

1 transportation of alcoholic beverages.”¹ Other areas of related activity fall under the ABC
2 jurisdiction, when triggered as a matter of law. In this case, the trigger is the distance between the
3 Holiday facility and adjacent residences.
4

5 **Holiday Triggered Rule 61.4, Chapter 1, Title 4 California Code of Regulations**

6 The implication of the City’s staff report is that a 200 foot distance is a trigger for this
7 hearing. In reality the distance between CAC residences and Holiday is as few as 10 feet. The
8 Rule 61.4 criteria for triggering the imposition of protective conditions is a 100 foot measurement
9 from the facility to residences. The Rule 61.4 incorporates this language in determining the
10 distance measurement:
11

12 Distances provided for in this rule shall be measure by airline
13 from the closest edge of any residential structure to the the closest edge
14 of the premises or the closest edge of the parking lot or parking area, as
15 defined herein above, whichever distance is shorter.

16 The Distance between the Holiday and residences is as few as 10 Feet, which is the setback
17 between the closest CAC residences and the Holiday rear parking lot.

18 **9-11-14 Liquor License Contains ABC Operating Restrictions Triggered by 61.4**

19 The Holiday ABC license was executed and file-stamped 9-11-14 and evidences Holidays
20 binding agreement between Holiday and ABC. Holiday agreed with their signature, that Rule
21 61.4 was the reason for the ABC operating restrictions. Holiday further agreed that violation of
22 the conditions “shall be grounds for suspension or revocation of the license(s).”
23

24 **The 9-11-14 ABC Condition #2 Preempts the City’s Noise Ordinance at the Facility**

25 As of 9-11-14, the ABC took whole control of the audio component of entertainment
26 provided at Holiday. They did this by conditioning fugitive sound from Holiday-provided
27
28

¹ Bus. & Professions Code § 23789

1 entertainment to be zero, or silence. The City's Noise Ordinance as relates to this state-licensed
2 facility is preempted by the state-imposed condition. The City has no regulatory capability with
3 respect to fugitive entertainment sound since sound is not measured in the negative. ²
4

5 **The City's CUP Conditioning is Heavily Weighted to Noise Regulation by the City**

6 A negative result of the material and prejudicial omission of the ABC operating restriction
7 resulted in a City staff recommendation to the Planning Commission to approve the request for
8 live entertainment with conditions. The conditions include much City staff man hours and
9 activities in an area the ABC wholly controls. The regulatory goals of the City's proposed
10 conditions directly dilute the ABC conditions. Taxpayer dollars fund both the state and city
11 regulatory efforts, and one can only conclude waste as a result. These are not grounds that
12 support a finding to support live music at Holiday, and are wholly irrelevant.
13

14 **The City's CUP Conditioning Encourages Operation of the Facility in Violation of ABC**
15 **Conditions**

16 The City's CUP proposed conditions undercut the ABC operating restrictions to a less
17 strict standard. Holiday has demonstrated clearly that is seeks to abide by the City's Noise
18 Ordinance and it's less strict standard. This allowance of fugitive entertainment noise is a
19 violation of the ABC conditions, which "shall be grounds for the suspension or revocation of the
20 license(s)." ³ The issuance of a CUP for live entertainment under these circumstances is not
21 reasonable under any interpretation.
22

23 **The City's CUP Conditioning Fosters Invasion of Residences Privacy**

24 The City's proposed conditioning include multiple layers of sound measurement and
25 exhortations from the applicant, their supporters, and Planning Commissioners for CAC residents
26 to acquiesce to sound measurement within their property, and indeed, even within their homes. In
27

28
² The City's Noise Ordinance is measured 25 feet from the source, and allows 40± dB depending upon various variables

³ Refer to Holiday's ABC license

1 light of the ABC prohibition on any fugitive noise from Holiday even into their own parking lot,
2 the omission of the ABC conditions allowed City officials to become complicit in overt demands
3 to give up resident's privacy. This negative impact from the material omission of the ABC
4 conditions reinforces the CAC resident's view of Holiday as a predator, wholly dishonest, and a
5 neighbor which requires more than good fencing.⁴
6

7 **Material Omissions Resulted in Biased and Prejudiced Correspondence**

8 The material omission of the ABC sound prohibition should cast significant discount to all
9 the communication received in support of Holiday's request. Any letter of support in the light of
10 the ABC conditions are properly discounted. The proper channel to make significant changes to
11 controlling laws and regulations is not via a City CUP.
12

13 **Material Omissions Resulted in Improper Notice to the Public**

14 The material omission of the ABC sound prohibition condition can not in any reasonable
15 or objective standard be considered proper notice of the matter. Viewed in the light of the
16 proposed City conditions, it could be called fraud and misrepresentation.
17

18 **Material Omissions Caused Irreparable Harm to the Credibility of City Appointees**

19 The material omission of the ABC sound prohibition, and the sudden surprise introduction
20 of them, resulted in significant discussion during the Planning Commission hearing on
21 9-12-16. The discussion, while incredulous at first, quickly devolved into what
22 Commissioner McCarthy called for: a 'carve out' of the ABC condition he referred to as a
23 'poison pill'. The Planning Commission worked diligently to divorce the ABC condition
24 regarding sound, while during the only other hearing earlier in the session, created the condition
25 stated by the ABC 32 condition, for a UFC gym 300 feet from residences.
26
27

⁴ Holiday's predecessor was Maison. The current operators are indistinguishable in behavior from the purportedly divorced prior 'management', except by their sugar coated veneer. The prior management's neighborhood outreach to CAC residents is highlighted by their attorney screaming at a CAC resident to "move" and "move out".

1
2
3 **The Holiday Facility is Incapable of Containing their Business Model**

4 During the 9-12-16 Planning Commission, Holiday presented respected Acoustical
5 Engineer Mike Holritz from Landrum and Brown. His direct testimony was that the facility could
6 not contain the sound, but could meet the City's Noise Ordinance.

7 **Holiday Willfully Will Not Comply with the ABC Conditions**

8 Mr. Holritz testified during the Planning Commission hearing 9-12-16 that the volume of
9 noise the CAC residences have to withstand is directly under the control of Holiday.

10 **The CAC Residents have Filed a Verified Complaint with ABC**

11 A verified complaint was filed by a Center Street resident. That complaint was filed on or
12 about 9-15-16 with the Santa Ana ABC office, and to the best of our knowledge, that is an open
13 investigation. The complaint is based upon violation of the ABC conditions, and was accepted
14 under Sections 25601 and 24200. While the City's staff report shows no disciplinary action, the
15 issuance of a CUP to Holiday, while under this cloud, is not prudent. CAC residents make weekly
16 and bimonthly complaint reports to the assigned ABC investigator.

17 **Residents have called CMPD Numerous Times with Noise Complaints from Holiday**

18 CAC residents have made numerous direct requests to Holiday, and requested CMPD
19 numerous times during each weekend period of Thursday thru Saturday evening, request Holiday
20 "turn it down." City officials have telegraphed pressure to CAC residents expressing they 'don't
21 want CMPD responding to noise calls at this facility. This attitude has also been expressed by the
22 CMPD field officers that respond to calls. All efforts directed at Holiday to operate within their
23 ABC license have failed.

24 **Material Omissions is Resulting in Ongoing Harm to the Center Street Neighborhood**

25 The Holiday operation, in it's willful violation of ABC conditions is per se a nuisance. This
26
27
28

1 nuisance takes form in stress on the negatively impacted families and children in the
2 neighborhood. The violation of the Rule 61.4 triggered ABC conditions harm specifically these
3 resident's interests in safety, health, education, the economy, and the political process.
4

5 **Harm to the Center Street Neighborhood in the Form of Diminished Safety**

6 The CAC residents are less safe now, than before Holiday's operations. This is evidenced
7 by the CMPD field reaction to calls, which is diametrically opposite CMPD staff and ABC
8 command recommendations. Despite many efforts with CMPD field officers to issue a citation,
9 residents are continually 'talked out of it'. Meanwhile, calls to CMPD watch commanders yield
10 totally different recommendations as to what to say to responding field officers.
11

12 In addition, residents are more than aware of the diminished public safety staff, are
13 guilt-tripped out of calling CMPD, and it is clear from Commissioner comments that they do not
14 want CMPD being called. An examination of the conditioning efforts further reveals that Code
15 Enforcement should be contacted instead. Residents can only shake their head as it is obvious that
16 code enforcement may have a body here or there on night duty, but calling CMPD does not
17 produce CE personnel.
18

19 **Harm to the Center Street Neighborhood in the Form of Damage to Health**

20 Holiday sugar coats their application with the siren song of 'live entertainment' while they
21 are simultaneously and non-stop assaulting the Center Street neighborhood with unmitigatable
22 bass notes until 2 a.m. This low frequency sound, originating in such close proximity, is
23 penetrating the structures of the CAC residences. There are known health effects from this that
24 CAC residents are now suffering from including but not limited to headache, emotional stress,
25 and disrupted sleep rhythms. The age range of the negatively impacted residents is between 16
26 months and 60 years of age.
27
28

1 **Harm to the Center Street Neighborhood in the Form of Educational Impairment**

2
3 Negatively impacted residents include school age children. It is common knowledge that
4 children need a full night of rest to perform their best in school. Holiday has directly infringed
5 upon that since the Newport Mesa Unified School District 2016-2017 school year began. This
6 educational impairment during the school year is not limited to ‘school nights’ of Monday
7 through Friday, but also directly and negatively impacts school activities on Saturday. These
8 include activities such as band and sports.

9 **Harm to the Center Street Neighborhood in the Form of Economic Hits**

10
11 Center Street residents have no use of their yard during Holiday operating hours. This is an
12 economic hit. Some residents have resorted to white noise devices to attempt to mitigate the bass.
13 This is another cost.

14 But the largest cost in dollar terms is the assault of the Rule 61.4 protections against the
15 impairment of our property. The Rule 61.4 goals are eviscerated if the Holiday nuisances are
16 allowed to continue. Center Street real estate owners should be able to proffer the 61.4 -triggered
17 ABC conditions to reassure any potential buyer that their property is not impaired by a
18 non-compliant, illegal bar. These Rule 61.4 protections against impairment are at work in tens of
19 thousands of ABC licensed facilities that back up against residential neighborhoods throughout
20 the state of California.

21
22 The City’s complicity in furthering this assault on Center Street should not continue, and
23 the Center Street residents have been very patient letting the administrative remedies path play
24 out. It should be noted that blockbusting by use of a negatively-impacting illegal bar, and
25 bringing blight to a neighborhood, impairing property values, is not good local governance.
26

27 Despite the staff reports characterization of the neighborhood as ‘high density’ the majority
28 of property on Center Street is Single Family owner occupied homes. One third of those parcels

1 are duplexed, and the nuisance from Holiday further impairs the neighborhood's economic
2 progress by their nuisance presence which is a negative screen for prospective tenants. Their
3 continued nuisance has already proved to be a major irritant to renters and will exert negative
4 pressure on rents that can be achieved.
5

6
7 **Political Harm to the Center Street Neighborhood**

8 The Holiday operation was a contributor to the Mayor Stephen Mensinger's bid to return to
9 the dais in the 2016 general election. Owners of the bar are politically adept and CAC residents
10 are well aware of their machinations with all the member of the City Council. When it becomes
11 apparent that the Center Street neighborhood's fate is at the whim of political connections and
12 pay-to-play whether in-kind or otherwise, the neighborhood is disenfranchised from the political
13 realm. Despite all our political efforts, we are keenly aware that the welfare of our small
14 neighborhood, the children and families within, could fall victim to political predation.
15

16 **The Violation of the Rule 61.4 Triggered Condition is Class Discrimination**

17 Rule 61.4 establishes a class of residences statewide. This class is host to tens of
18 thousands of ABC licenses and are the first line of defense against neighborhood degradation
19 from the negative impacts of widespread alcohol availability. The preservation of these class
20 rights that protect the Center Street neighborhood should be the focus of the City's conditioning
21 efforts for Holiday. To do otherwise is to single our neighborhood out for separate and unequal
22 treatment and is discriminatory.
23
24
25
26
27
28

Subject:

FW: Holiday

ADDITIONAL DOCUMENTS FOR PH-2

From: Kimberly Vig [<mailto:vig.kimberly@yahoo.com>]

Sent: Tuesday, November 15, 2016 2:50 PM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Holiday

Hi Mel,

I wanted to let you know that I support Holiday having live music in their establishment! I'm 31 years old and my friends and I love going there on the weekends for drinks. The DJs are really good but live music would make the place even better! I hope the city council will approve this application!

Kimberly Vig

Sent from my Verizon, Samsung Galaxy smartphone

Subject: FW: [BULK]

Importance: Low

ADDITIONAL DOCUMENTS FOR PH-2

From: cwurr@aol.com [mailto:cwurr@aol.com]

Sent: Tuesday, November 15, 2016 2:58 PM

To: CITY CLERK <CITYCLERK@ci.costamesa.ca.us>

Subject: [BULK]

Importance: Low

Dear Council Members.

Please deny the conditional use permit for live entertainment at 719 W. 19th Street, Holiday venue. This is "not in the right location" as stated and decided in chambers during public hearing May 2015. It impacts the quiet enjoyment of our neighborhood and has caused sleep disturbances which can be very detrimental to our health. We are an already impacted neighborhood, seen by the police calls for service documented in the planning commission agenda reports dated May 28, 2015 and September 1 2016. The calls to that location are 7 times higher in the past year. 31 calls documented for 5-1-2014 thru 5-26-2015 and 215 calls documented from 8-1-2015 thru 8-23-2016. There are at least 7 existing bars and restaurants with live entertainment available within blocks of Holiday. 2 blocks west of Holiday there is Casa and Detroit. 2 blocks south, there is Tiki lounge. 3 blocks east, Social and the Triangle Square restaurants and entertainment, including Sutra (new name now), and Yard House. And across the street from Triangle we have Goat Hill and the Boulevard. Most of these are not located within feet of permanent residential neighbors.

Thank you,

Carole Wurr

Subject:

FW: No on 440 Project.

ADDITIONAL DOCUMENTS FOR PH-2

-----Original Message-----

From: Nafey [mailto:nafeygirl@aol.com]

Sent: Tuesday, November 15, 2016 2:57 PM

To: GREEN, BRENDA <brenda.green@costamesaca.gov>

Subject: No on 440 Project.

To The city of Costa Mesa ,

My name is Nafey Wennerberg I live at 457 Elmhurst Ln.

I oppose the 440 project that the developer is trying to get approved.

As a resident of 19 years I don't want this in our college park community. It will congest our our neighborhood and our streets. The parking will be a mess. We already have people from Mediterranean Village parking on our streets . Now we will have a 28 house development with only 5 extra parking spots for there friends? So there banking on our street to provide parking for them? I don't think so! Has there even been a traffic assessment done? If so, I don't see how this can pass?! We never in all these months received any paperwork regarding this project starting AGAIN? Some how they just happen to mysteriously miss our street or most of the houses on it! Humm a little fishy to me! This can not and should not be passed! I was at your meeting last night the 14th and it seems many were saying the same thing, do not approve this project! So please do your job for us and listen by not allowing this to go through in our small quant community we love so much! See you all on the 21st for the meeting then!

Thanks,

Nafey Wennerberg 457 Elmhurst Lane

TRAYLOR, MARIAN

From: LEE, MEL
Sent: Tuesday, November 15, 2016 3:28 PM
To: GREEN, BRENDA; TRAYLOR, MARIAN
Cc: TREVINO, JAY M.
Subject: FW: Regarding the Holiday Application

From: John Ursini [mailto:jursini@ribcompany.com]
Sent: Tuesday, November 15, 2016 3:27 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Subject: Regarding the Holiday Application

To whom it may concern

I am writing in support of the Holiday application for live entertainment. We need more Westside businesses to be able to succeed in order to bring the Westside up to where it should be. There is a lack of Well-run community focused businesses serving the Westside who attract a higher paying clientele. This business will succeed in attracting that clientele to an area of the city who greatly needs assistance to maximize its full potential. Please help the Westside of Costa Mesa thrive. I am concerned that this part of Costa Mesa will be left out if we do not get support from those of you on the council who want this city to succeed for not only our residents but also our businesses. It's going to take both to make this city Great. Please don't forget about the Businesses! It's not easy on the Westside. Please don't make it harder that it already is.

John Ursini
Proprietor Newport & Naples Rib Company
(949) 631-2110
jursini@ribcompany.com
"We have a lot of competition, but our Ribs don't"



Memorandum

Date: November 15, 2016
To: Marty Kish, Holiday Costa Mesa
From: Mike Holritz, INCE

Subject: Site Visit at Holiday (Project #578001-0500)

This memo presents the findings of our site visit and sound level measurements at the Holiday Lounge in Costa Mesa, California on November 5, 2016. The purpose of the visit was to determine compliance/non-compliance with the City of Costa Mesa Noise Ordinance limits, which are provided in the table below. Since the project will operate at night, the nighttime noise limits will apply. The limits in the table include a 5 dBA adjustment since the source consists primarily of music. For this project, the defining requirement is that the music noise levels from the Holiday facility not exceed an L50 level of 45 dBA at the adjacent residential property line.

Table 1
CITY OF COSTA MESA NOISE ORDINANCE STANDARDS

Time Period	Metric	Noise Level Not to Be Exceeded During Nighttime Hours (11 p.m. to 7 a.m.)
30 Minutes Per Hour	L50	45 dBA
15 Minutes Per Hour	L25	50 dBA
5 Minutes Per Hour	L8.3	55 dBA
1 Minute Per Hour	L1.7	60 dBA
Anytime	Lmax	65 dBA

The City's Noise Ordinance contains a provision for adjusting the noise level limits upward if ambient levels are sufficiently high. The measurements show that the ambient noise levels, predominantly from traffic on 19th Street, are significantly louder than the music levels from the Holiday facility.

Noise measurements were performed at the project site in the early morning hours (midnight until 1 a.m.) on Saturday, November 5, 2016. Measurements were made at the southern property line, at a receptor height of 15 feet above the ground. Simultaneous measurements were performed inside the Holiday night club, behind the DJ mixing board. The measurements were made with Brüel & Kjær 2236 Sound Level Meters, which were calibrated before and after the measurements. This noise measurement system meets the American National Standards Institute "Type 1" specifications, which is the most accurate type of sound level meter available for community noise measurements. The meters have current certification traceable to the National Institute of Standards and Technology (NIST).

Pre-recorded music was being played by a DJ, and the sound levels were measured inside and outside the facility simultaneously. Measurements of the noise levels from the Holiday facility at the property line were made difficult due to traffic on 19th Street. The results of the noise measurements are presented below in Table 2.

Table 2
NOISE MEASUREMENT RESULTS (dBA)

Type, Location	Lmax	Leq	L50	Lmin
Inside Holiday Facility	96.8	89.6	88.8	75.2
South Property Line	56.4*	51.2	50.8	48.0

* Caused by traffic-related noise.

From the measurement chart (included at the end of this report), it can be noted that the music levels at the southern property line did not increase significantly during several periods when the interior noise levels increased. Several periods can be seen where sound levels increased inside the Holiday facility, with no corresponding increase in the outside levels. In fact, several periods can also be seen where the outside levels were near the minimum measured level for the measurement period at a time when the inside levels were fairly high. This indicates that traffic noise comprised a substantial portion of the overall measured levels.

Examination of the measurement data and the field observation notes indicates that the loudest of the music levels measured at the southern property line were between 48 dBA and 50 dBA. The L50 levels from music at Holiday would be somewhat lower. The ambient levels due to traffic varied between 50 dBA and 56 dBA. Therefore, the music levels from Holiday were lower than the traffic noise levels during the same period.

Voices from inside the Holiday facility occasionally reached about 53 dBA. However, this only occurred for a very short period, and was not loud enough or long enough to exceed the Noise Ordinance limits. This noise can be further mitigated through operational controls.

It should be noted that live music, while somewhat different in character, is not intrinsically louder than pre-recorded music. The sound level of each type of music is ultimately dependent upon the volume setting of the amplification equipment. Live bands may use their own amplifiers and speakers, as well as drums. Therefore, if live music occurs at the facility, measurements should be performed to demonstrate compliance with the Noise Ordinance.

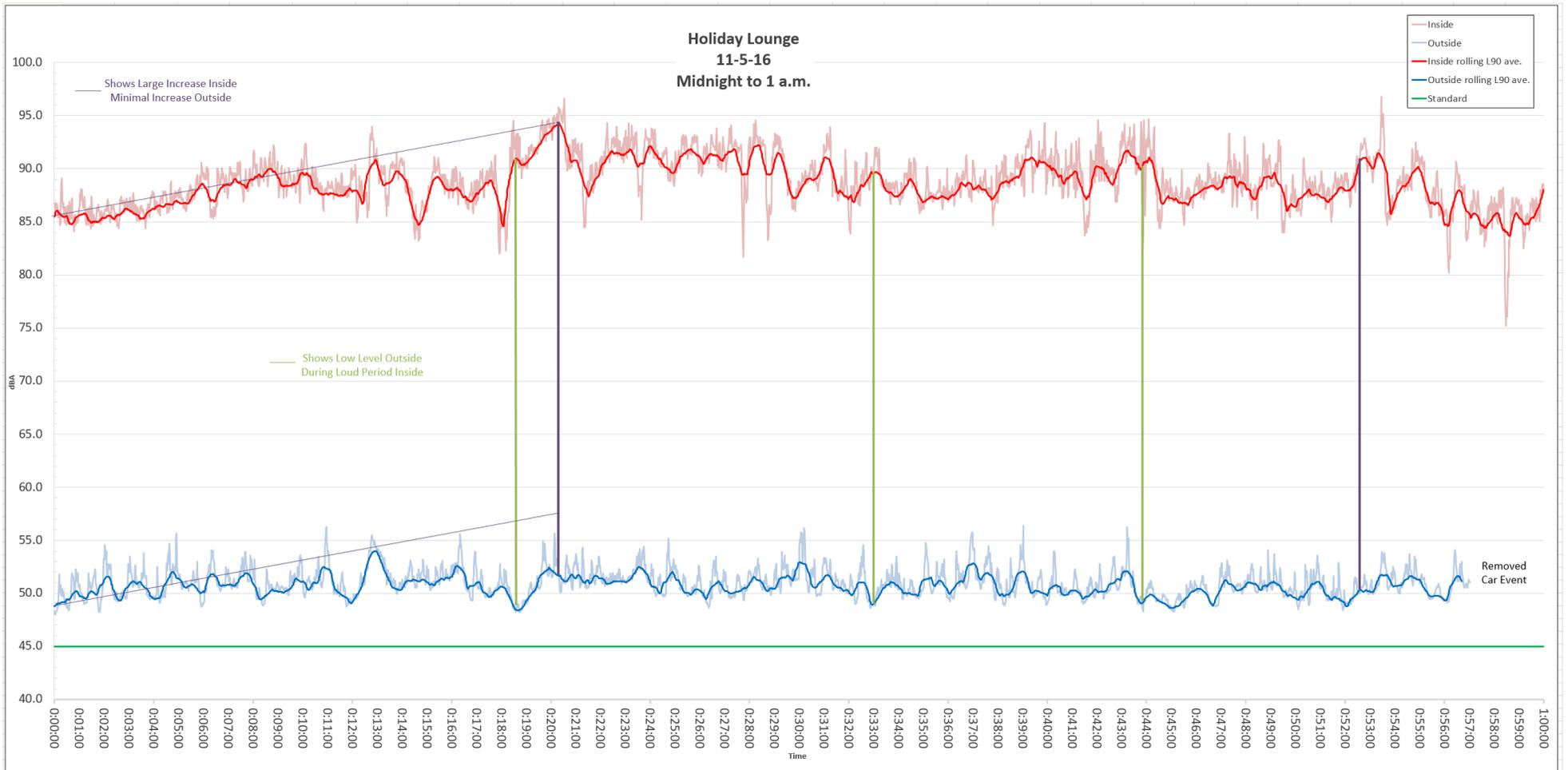
Low frequency sound (bass) is harder to control than higher frequency sound. While it may not be possible to completely eliminate bass sounds, they can be reduced to a level that is in compliance with the City's Noise Ordinance standards.

The sound levels from the Holiday facility during these measurements were lower than the ambient levels, and since the Noise Ordinance limits can be adjusted to match the ambient levels, the music levels would then be in compliance with the adjusted Noise Ordinance limits.

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

Sincerely,
Landrum & Brown

Mike Holritz, INCE
Consultant



To Whom It May Concern,

November 2016

We, the undersigned are either Renters or Homeowners on the 400 Block of Ford Road, Costa Mesa, California. 92627

Your proposal to put a Self Storage Facility at 390 Ford Road is unacceptable to us.

We Request a Deny Vote.

We have endured the Self Storage Facility at 390 Ford Road for Over 10 years.

With calls to the City Of Costa Mesa Police Department and the City Graffiti Hot Line nearly on a weekly basis.

We have endured Crime, Auto Theft, Used Drug Needles, Crack Pipes, Human Feces, Prostitution, Drug Dealing, Trash and passed out persons from the Current Storage Facility.

Please Do Not replace a current problem with this Storage Facility with another Storage Facility, it makes No Sense.

In the recent years the City Council Of Costa Mesa has helped us combat the crime coming from the 300 block of Ford Road.

You gave us Neighborhood Watch, thank you.

When we call the Costa Mesa Police Dept, we say we are in a Neighborhood Watch Area. They know this block is Neighborhood Watch.

We are Grateful for your continued support of our Family Neighborhood, and for helping to increase our property values.

Please Deny putting up or replacing one bad business with another of the same.

In Gratitude,

The Families On Ford Road.

Please see attached photos

Please see attached signatures of residents, either Renters or Homeowners on Ford Road.

November
2016

Signatures Against
Repealing an unsafe, crime ridden
business with the same.

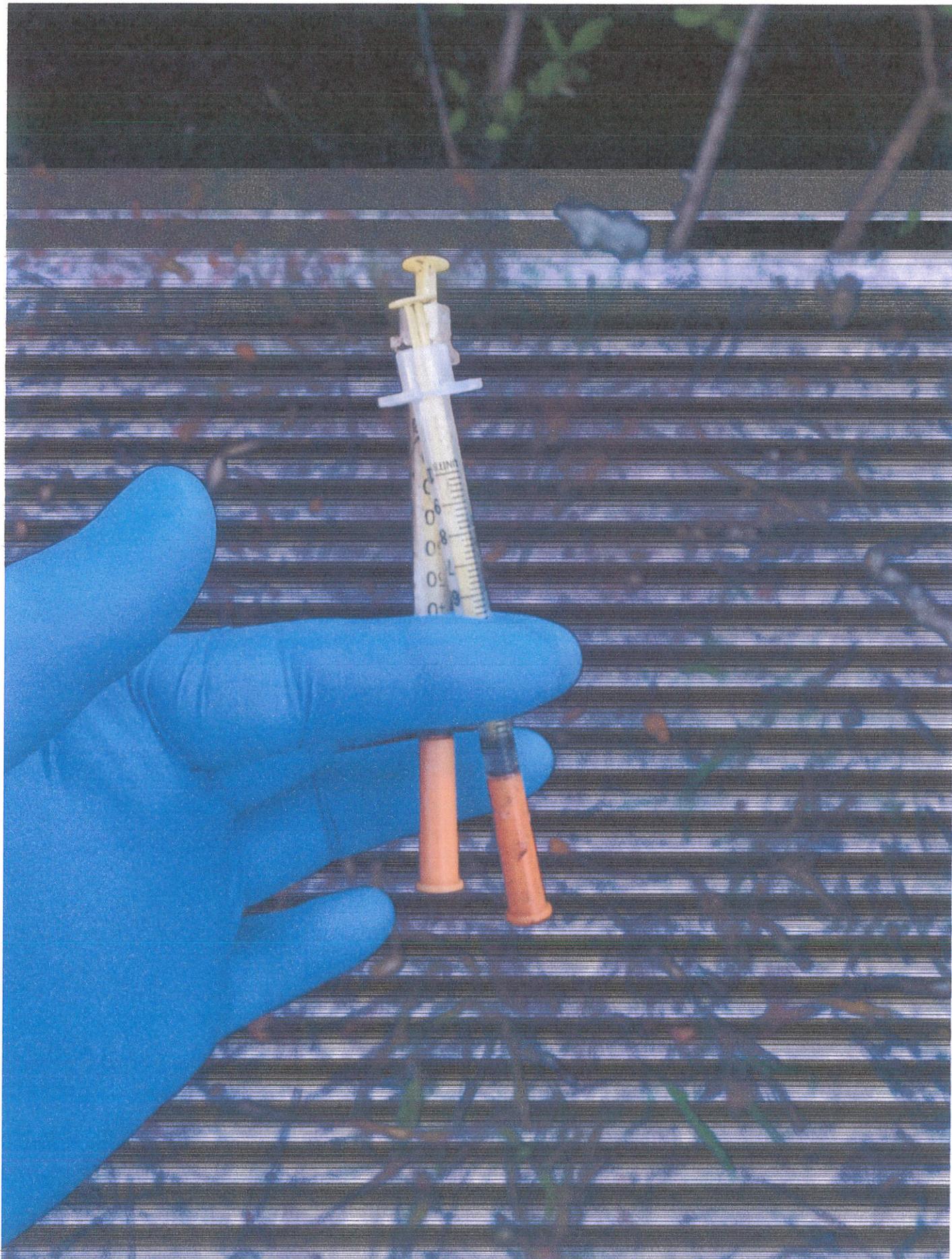
1. Judy Smith Homeowner 413 Ford Road
2. Lorie Susan Suintree
3. ROBERT RICCINI ~~409 Ford Rd #B~~ ^{413 Ford Rd #B} Owner
4. Hannah Whitney 421 Ford Rd #B Renter
5. Karissa Gallego 421 Ford Rd #A Renter
6. Laura Whitney 421 Ford Rd #B. Renter
7. Chanulu Cox 421 Ford Rd. #C Renter
8. Nick Cox 
9. Britney Patterson 424 Ford Rd #B rent
10. ~~Bronna Battolotta~~ 458 Ford Road #A ~~(owner)~~
11. ~~Lyndell Adams~~ 408 Ford Rd CM.
12. Kyle Adams 412 Ford Rd Apt A. Renter 
13. Taka Famugl 412 Ford Rd Apt A Renter 
14. Alma R. Mesa 413 Ford Rd apt A 
(Hernandez mesa) CM-92625
15. Anita Kelyan 413 Ford Rd Apt B, CM, 92627
16. ANDREW PALMER ~~409 Ford Rd. Apt. A~~ CM, 92627
17. Jennifer Simp ~~409 Ford Rd. Apt. A~~ CM, 92627
18.  May Ana Kay 417 Ford Rd. Apt. C cm. 92627
19. Shawna Martens  417 Ford Rd #A CM 92627

20.

~~KENNETH CONNER~~
413 C POND RD
~~COSTA MESA~~ CA 92627

A handwritten signature in blue ink, consisting of a large, stylized initial 'K' followed by a long, horizontal, wavy line extending to the right.

21.



FORD ROAD

Used DRUG NEEDLES

Next to storage facility



Used drug needle
400 Block Ford Road
(next to Storage Facility)



CRACK PIPE

400 BLOCK FORK ROAD
(next door to
Storage facility)



CRACK PIPE

400 Block Ford Road

(next to Storage Facility)