



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: OCTOBER 12, 2015

ITEM NUMBER: PH-4

SUBJECT: PLANNING APPLICATION PA-14-36: CONDITIONAL USE PERMIT FOR A CORPORATE OFFICE WITH AN OUTDOOR SKATEBOARD RAMP, OUTDOOR EVENTS, AND SHIPPING CONTAINERS AT 126 ROCHESTER STREET

DATE: OCTOBER 2, 2015

FROM: PLANNING DIVISION / DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: CHELSEA CRAGER, ASSISTANT PLANNER

FOR FURTHER INFORMATION CONTACT: CHELSEA CRAGER (714) 754-5609
chelsea.crager@costamesaca.gov

DESCRIPTION

Conditional Use Permit requested by a corporate office tenant in a 10,530 square foot building (Element Skateboards) for the following:

- Legalize a 31 foot long by 34 foot wide skateboard ramp for the use of employees and clients of Element. The ramp is not proposed for use by the general public.
- Legalize 9 shipping containers located in the parking lot which do not comply with the following outdoor storage requirements in the C2 zone: (a) parking spaces are reduced; (b) the containers are visible from Rochester Street; (c) FAR beyond the maximum permitted (0.40 permitted, 0.42 proposed); (d) and feature a zero side setback (15 foot setback required)
- Specified outdoor corporate events and functions, including utilizing the skateboard ramp.

APPLICANT

Matt Ward and Libby Stockstill are the authorized agents for the property owner, Jeff Wright.

RECOMMENDATION

Approve the project by adoption of Planning Commission resolution, subject to conditions.

BACKGROUND

Project Site/Environs

The project site is two lots, both addressed 126 Rochester Street, with a combined total area of 29,400 square feet in the C2 (General Business) zone with a General Plan land use designation of General Commercial. The building was originally built in 1953 has been used as a hardware store with machinery sales. The property is located east of Newport Boulevard and is surrounded to the north, east, and west by C2 and CL (Commercial Limited) zoned properties with commercial uses. The property to the south of the project site is zoned CL and contains a residential use.

A corporate office is permitted in the C2 zone, however the addition of an outdoor skateboard ramp and specified outdoor events requires approval of a conditional use permit. In addition, the shipping containers used as outdoor storage require discretionary approval due to a deviation from floor area ratio and side setback requirements.

Code Enforcement History

In June 2014, a code enforcement case was opened on the property to address outdoor events and the skateboard ramp. This application was submitted in response to this case. Since then, the applicant has worked with staff to provide revised plans and details as needed to schedule the application for Planning Commission. If the application is denied, the applicant will be required to remove all of the storage containers and the skateboard ramp.

ANALYSIS

Project Description

The proposed project is a corporate office for a skateboard and apparel company (Element) with an outdoor skateboard ramp, events, and shipping containers as outdoor storage. Element is an action sport company that manufactures skateboards, clothing, shoes, and accessories. The company is similar to companies such as Hurley, RVCA, and Volcom that have contributed to Costa Mesa becoming known for its action sports industry. The corporate office functions as a creative space for employees and team riders and provides a campus-like environment with seating areas, a small garden, and onsite skateboard ramp.

The daily operations of the office are not open to the public and do not include a retail component.

According to the submitted business description, events will include functions such as the following:

- Photo shoots (10-12 per year); Shoots of photos to be used in Element catalogs, advertisements, and displays
- Sales meetings (4 per year)/Global meetings (4-6 per year); Meetings to show sales representatives new seasons of clothing and to discuss future seasons' lines

Event	Frequency	Hours	Onsite Parking Required
Photo shoots	10-12 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)
Sales Meetings	4 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)
Global Meetings	4-6 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)

This CUP application includes only those specified events listed above, which are to be parked entirely onsite. Any additional events which require off-site parking are subject to a special event permit and all applicable fees. In the event that the applicant would like to have outdoor events without a special event permit, the conditional use permit must be modified and parking addressed. These events are anticipated to be parked entirely onsite. There shall be no music audible from offsite.

Regular hours of operation for the administrative offices are 8:00 a.m. to 6:00 p.m. five days a week with a staff of 35 employees onsite daily and no daily customer traffic. The skateboard ramp is used by the employees and team riders and shall not be open to the public.

The proposed skateboard ramp is located on the north side of the property and is behind a gate. The gate and ramp shall remain locked and inaccessible when not in use.

Current Property

The property is currently developed with 26 parking spaces and has little landscaping. The existing storage containers do not match the office building. Staff also noticed that the corporate office building itself has chipping paint. To address these issues, recommended conditions of approval include painting the shipping containers to match the office building, repainting the building and maintaining it to prevent any chipping or cracking paints, and providing landscaping in the parking lot at the direction of the Planning Division.

Parking

The property is legal nonconforming with regard to parking (42 spaces required, 39 spaces proposed). Code-required parking for office uses is 4 parking spaces per 1,000 square feet. The property is currently developed with 26 parking spaces, and proposes a site plan with 39 spaces. The project is conditioned that all employee and customer parking shall occur onsite. No parking impacts are expected during the day to day operations of the corporate office, and large events exceeding parking available onsite will require a special event permit that addresses parking and circulation. For special events that require more parking than is available onsite at 126 Rochester Street, the applicant shall submit written agreements with neighboring property owners for offsite overflow parking as a part of the special event permit application.

The application includes nine shipping containers used for storage and a skateboard ramp, taking the place of approximately 7 and 3 potential parking spaces, respectively.

Shipping Containers

Per Section 13-44 of the Zoning Code, Development Standards for Commercial Districts, includes a provision for outdoor storage and specifically notes that a minor conditional use permit is required for use of shipping containers that do not meet certain criteria. [Note: in this case, this request is included as part of the CUP application.] Outdoor storage is permitted when 1) it does not interfere with required parking or vehicular access, 2) it is not located in a required setback area abutting a public right-of-way, 3) it does not decrease the required landscaping, and 4) it is completely screened from view from street or adjacent properties. Shipping containers used for storage are required to comply with setback requirements for structures, floor area ratio standards, and not impede on-site parking. In addition, shipping containers are subject to Uniform Building Code standards and require permanent foundations. Structural plans and calculations prepared by a registered engineer are required.

Each shipping container is 7 feet wide and 28 feet long and 198 square feet in size. The containers are located in a fenced area and occupy approximately 9 parking spaces that could be used for additional parking. The containers are visible from Rochester Street, are located within the required 15 foot side setback, and increase the floor area ratio beyond what is permitted for this site. Because the containers are to be used for storage only, they shall not increase the intensity of use of the corporate office.

Floor Area Ratio

The allowable floor area ratio for the site is 0.40 for office uses (low traffic generating use). The allowable square footage under the low traffic generating uses is 11,760 square feet. The existing building is approximately 10,530 square feet in area, resulting in an FAR of 0.36. Adding the nine shipping containers with a total of 1,785 square feet results in a 0.42 FAR. Code requires a minor conditional use permit for the addition of shipping containers that exceed floor area ratio standards. As previously noted, a condition of approval prohibits the use of the containers for any use other than storage.

Addition of 5 shipping containers results in an FAR of 0.39, which is within the permitted FAR for this site.

Justification for Approval

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project [in part], based on an assessment of facts and findings which are also reflected in the draft resolution as noted below:

Conditional Use Permit Findings:

- The outdoor skateboard ramp shall have limited use and proper noise attenuation to ensure compatibility with surrounding uses.

The skateboard ramp is located on the north side of the property and approximately 150 feet from the closest residential property. Sound impacts to surrounding properties during the day are proposed to be mitigated by the construction of a 7-foot block wall around the perimeter of the subject property. In addition, operational restrictions on the ramp's daily hours of use from 10 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 2 p.m. Saturday and Sunday are imposed to address the quiet enjoyment of the surrounding residential neighborhood. When not in use, the gate to the skateboard ramp shall be locked, and the ramp itself shall be locked and inaccessible.

To further ensure compatibility with the surrounding uses, there shall be no outdoor amplified music. The applicant shall also submit a landscape plan to the Planning Division showing the addition of planter areas to provide screening of the skateboard ramp and/or new landscaping to some extent.

- To increase the parking supply and address compatibility, only 5 of the 9 shipping containers may remain on the property.

The addition of nine shipping containers to be used as outdoor storage increases the floor area ratio of the project site to 0.42, or 0.02 beyond what is permitted. Additionally, the containers are visible from Rochester Street and are located within the required 15-foot setback. The addition of only 5 shipping containers does not exceed allowable FAR for the property.

A limited number of shipping containers may remain on the property to serve the storage needs of Element but increase available parking for the requested outdoor events. This limited number of containers will not increase the density of use at the subject property. Once these containers are no longer needed or utilized by Element, they are conditioned to be removed. Additionally they are conditioned to be painted to match the existing building to mitigate any visual impacts to Rochester Street. The placement of the remaining containers close to the side property line is not considered detrimental to the neighboring property because it is adjacent to the parking lots for a retail tire store/automobile repair use and a restaurant. Because they are conditioned to be used for storage purposes only, the shipping containers would not increase the intensity of the use or increase traffic to the property. The space formerly occupied by the removed containers shall be striped with additional parking.

- Granting the CUP for the specified outdoor events will not negatively impact parking on Rochester Street (42 parking spaces required, 39 parking spaces proposed).

As a part of this application, the applicant requests approval for the following events:

Event	Frequency	Hours	Onsite Parking Required
Photo shoots	10-12 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)
Sales Meetings	4 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)
Global Meetings	4-6 per year	8 a.m. to 6 p.m.	42 (not to exceed parking available onsite)

These events are held primarily during regular business hours, and parking for is to be entirely onsite, as shown in the table above. Additionally, approximately 3 parking spaces will be added to the property with the removal of 4 shipping containers. There is to be no outdoor amplified music, and the use shall be conducted in all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The CUP does not include approval of any special event activities which would require off-site parking, or parking beyond the capacity of the existing site. Larger scale events of this nature would require: (1) an amendment to the CUP based on adequate parking and mitigation of impacts or (2) application for a Special Event Permit to be issued on a case-by-case basis.

GENERAL PLAN CONFORMANCE

As conditioned, the proposed project is in conformance with the 2000 General Plan. The General Commercial land use designation is intended to permit a wide range of commercial uses. As conditioned, the proposed project is compatible with surrounding uses. Specifically, the project complies with Land Use Objective LU-1C in that it contributes to community identity. The City of Costa Mesa has become known as a hotspot of activity in the action sports industry. Approval of the application for Element Skateboards to locate a corporate office in this location continues to cultivate this industry in the City and maintain identity as an action sports capital.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. This exemption applies to the minor alteration of existing public or private structures involving negligible or no expansion of use.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. *Mailed Notice*. A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map)

2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

ALTERNATIVES

The Planning Commission has the following alternatives:

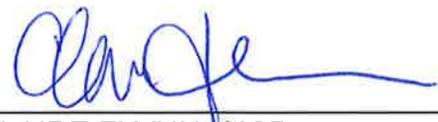
1. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow for additional information or analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months. The storage containers and skateboard ramp would be required to be removed from the property.

CONCLUSION

It is staff's opinion that the proposed use, with the recommended conditions of approval, will be consistent with City's Zoning Code and General Plan. The proposed project, as conditioned, will minimize any adverse impacts to the surrounding properties.



CHELSEA CRAGER
Assistant Planner



CLAIRE FLYNN, AICP
Assistant Director of Development
Services

- Attachments:
1. Location Map and Radius Map
 2. Site Photos
 3. Applicant's Project Description
 4. Draft Resolutions
 5. Public Correspondence
 6. Plans

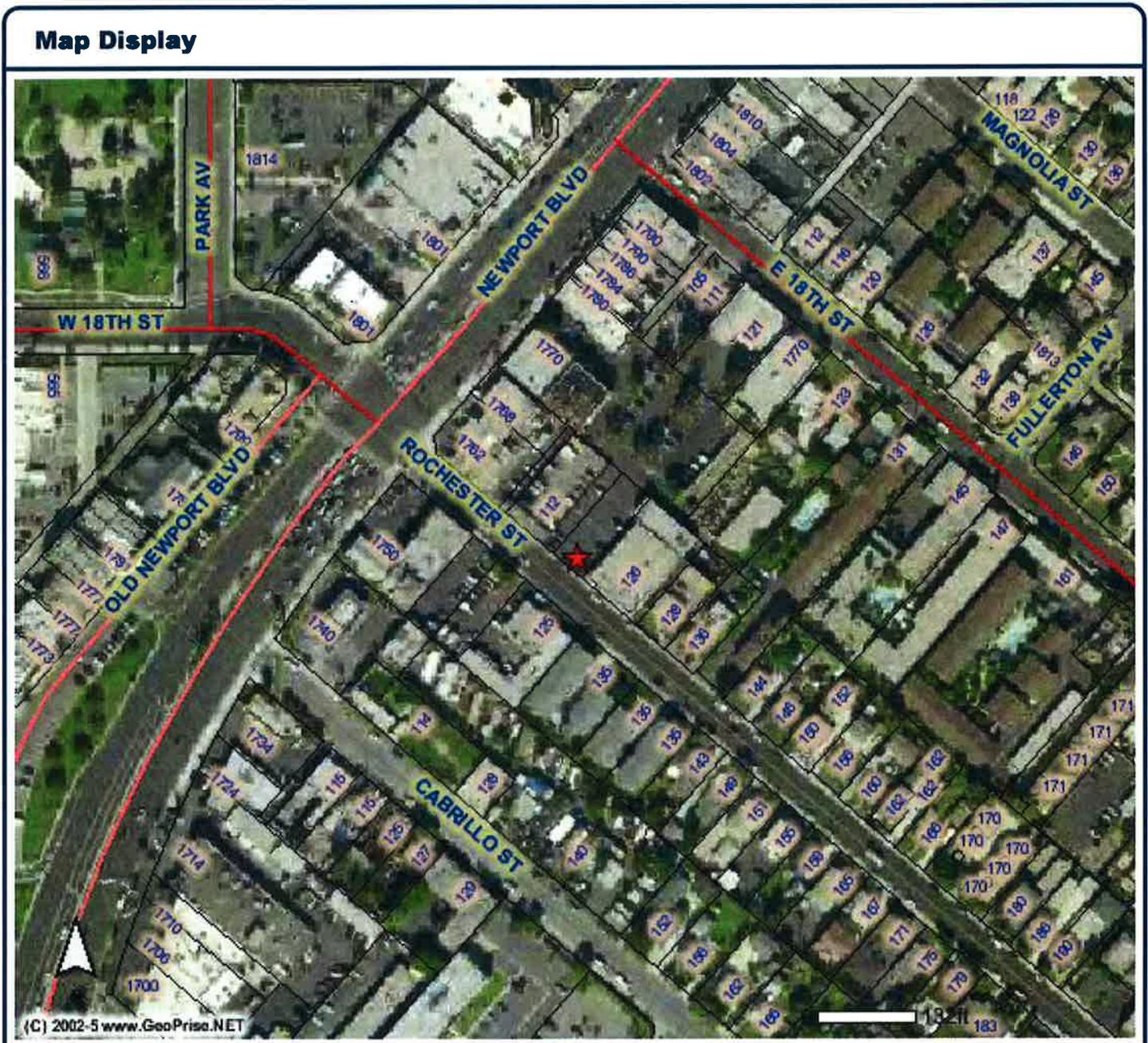
Distribution: Director of Economic & Development Services/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Jeff Wright
126 Rochester Street
Costa Mesa, CA 92627



Legend

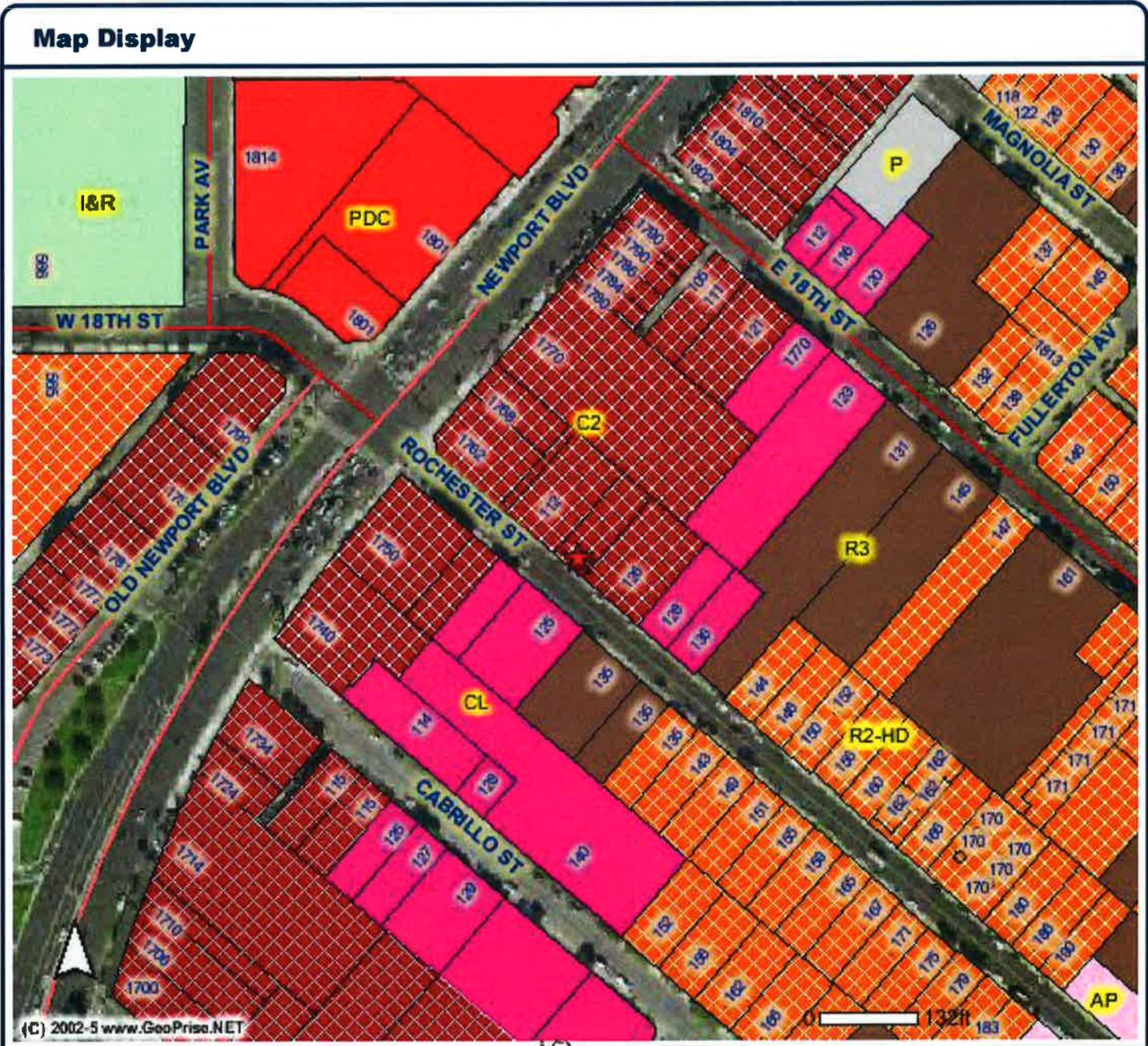
Address Small	Freeway Roads	Freeway Major	Freeway Newport BLVD (cont)	Primary SECONDARY
Address Points	Collector (cont)			Hydrology Channels



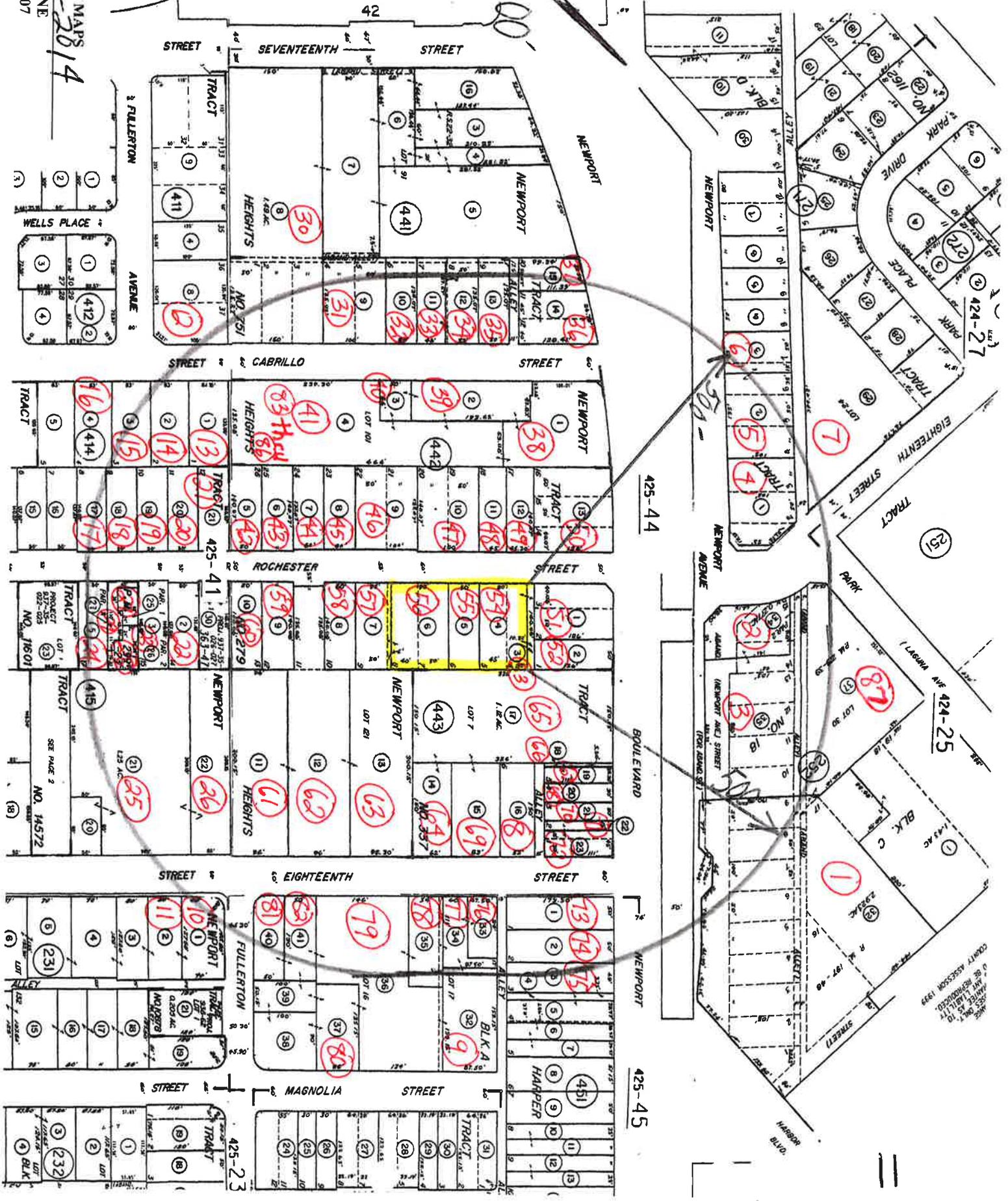


Legend

Address Small		Freeway		Newport BLVD		Street Names
Address Points		Roads		Primary		Street Centerlines
		Collector		SECONDARY		Parcel Lines
		Freeway		Hydrology		
		Major (cont)		Channels		



CONNA'S RADIUS MAPS
DATE: 8-26-2014
84 S GENTRY LANE
ANAHEIM CA 92807
(714) 921-2921



SEVENTEENTH STREET

CABRILLO STREET

ROCHESTER STREET

EIGHTEENTH STREET

MAGNOLIA STREET

425-44

BOULEVARD

425-45

424-25

424-27

200

509

NOT TO BE USED FOR OFFICIAL COUNTY ASSIGNMENT 1999

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The Element Skateboards corporate office is being relocated from Irvine, CA to Costa Mesa, CA. [We are at the tail end of the process of completing this move.

Our office consists of our sales and customer service department, which takes orders over the phone for shipment of product from our Irvine warehouse and deals with customers that may have issues; our creative department, which creates all of our graphics that go on all clothing, skateboards, advertisements for website display, advertisements for magazines, and catalogs; our clothing design department, which creates all of the clothing that we sell (both men's and women's); our operations department, which is in charge of all operations for the company; and our marketing department, which is responsible for getting "the company's message" out to skate shops that we sell to and also to our end consumers.

Along with the office, in the gated area, we have storage containers that house items that are needed for the departments listed above. For example, for our marketing department, we have all give away items that are handed out at our events, which take place all over the United States and abroad, and other marketing tools; for our clothing design department, we have the last three seasons of clothing for the designers to reference while developing the new seasons' lines; and, for our marketing department, we have our archive of all advertisements and skateboards that we have created over the last twenty years. There were two storage containers on the premises when we arrived and, in keeping with our goal of repurposing and recycling found items, we decided to use them and three additional containers for this purpose.

The events that we plan to have here are the following:

Photo shoots (estimated up to 7 additional people arriving in estimated 3 additional cars; 6-8 photo shoots per year) – these shoots are for pictures that will be used for our catalogs, our advertisements and our in-store displays. The people that would be involved with these shoots are our employees, our team riders, hired fit models and people to do hair and make-up for both our men's and Eden lines.

Sales meetings (estimated up to 15 additional people; 2 meetings per year) and Global meetings (estimated up to 10 additional global employees; 4-6 meetings per year) – We plan to have multi-day meetings inside of our corporate office annually to show our outside sales representatives from all over the United States our newest season of clothing. These meetings will take place during normal business hours. The additional people are from outside offices and usually carpool to the meetings with a minimum of three people per car. During this time we would have meals brought in and then likely have an event on one of the nights. We also plan to have our Global meetings inside of our corporate office. This meeting consists of executives from our global offices (mainly Europe and Australia) coming to talk about our plans for our future seasons lines for global consistency.

Skate Ramp – We have a skate ramp that is in our gated area (I believe this is the 112 address that you reference). We plan to use this ramp for our employees and also our team riders. In the future we would also like to be able to open it up to our neighbors in the area to allow people to come and skate and give the kids a safe location to ride their skateboards.

Additionally, the gated area is where we plan to allow our employees to eat lunch on the picnic tables during lunch hours. We also plan to have random BBQ's and similar events for our employees so everyone would gather at the tables, skate and eat as a family - which is the environment that we are trying to create here at Element.

We plan to use the Teepee as a meeting space. We thought it would be fun for employees to have somewhere to go and meet that is out of the office.

In the long run our goal with moving into this area and this building is to help build the community with Element skateboards and the surrounding people. We have had a lot of people from the surrounding area come and tell us how happy they are to have us here. We want to continue this and, again, build more of a community. We look forward to continuing to work together and getting our license processed.

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-36 FOR A CONDITIONAL USE PERMIT FOR CORPORATE OFFICES WITH AN OUTDOOR SKATEBOARD RAMP AND SPECIAL EVENTS AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE CONTAINERS LOCATED AT 126 ROCHESTER STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Matt Ward and Libby Stockstill, as the authorized agents on behalf of the property owner, Jeff Wright, with respect to the real property located at 126 Rochester Street;

WHEREAS, the proposed project involves a conditional use permit for a corporate office with an outdoor skateboard ramp and a minor conditional use permit for outdoor storage containers at 126 Rochester Street.

WHEREAS, the project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), The State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines; and the project was determined to be exempt from further CEQA analysis under Section 15301 for Existing Facilities;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 28, 2015 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-14-36 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-14-36 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall

be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED THIS 12TH DAY OF OCTOBER, 2015.

Robert L. Dickson, Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 28, 2015 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (APPROVAL)

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

Facts in Support of Finding: The proposed is compatible with the commercial and residential uses immediately surrounding the subject property in that the project is required to construct a sound wall around the perimeter of the property to prevent noise from the skateboard ramp from impacting surrounding neighbors. Additionally, the skateboard ramp is to be used only from 10 a.m. to 6 p.m. Monday-Friday and 10 a.m. to 2 p.m. Saturdays and Sundays. The ramp is to be locked and inaccessible whenever it is not in use. All large outdoor events will require approval of a special event permit that addresses parking and circulation and may require written approval from neighboring properties for offsite overflow parking.

The decreased side setback for the shipping containers is not expected to have a negative impact on the neighboring auto repair use. The containers are conditioned to be painted and maintained to match the existing building to prevent visual impacts to Rochester Street, and because the containers are to be used for storage only, they do not increase the intensity of use onsite. To provide additional screening of the skateboard ramp, the applicant is required to add landscaping visible from Rochester Street.

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

Facts in Support of Finding: The office with specified events and skateboard ramp use is conditioned to operate as described in the submitted business description, with the skateboard ramp locked and inaccessible when not in use and all skateboard activity occurring onsite. Large outdoor events will require a special event permit that addresses parking and circulation, and a 7-foot masonry wall is required to be constructed around the property to mitigate noise impacts to neighbors.

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

Facts in Support of Finding: The General Commercial land use designation is intended to permit a wide range of commercial uses. The skateboard ramp on the subject property is buffered from sensitive land uses in that it is surrounded

on three sides by commercially zoned properties, and on the remaining side by the office building. It will also be buffered from surrounding uses by the construction of a masonry wall and additional landscaping visible from the street.

The addition of shipping containers complies with the General Plan and does not increase the intensity of use beyond what is permitted because the containers will be used for storage only, and can be removed when no longer required for storage purposes.

- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties. The project is conditioned to minimize noise impacts to surrounding uses. There are no anticipated traffic or parking impacts to surrounding properties during normal business operation. Large special events that exceed parking available onsite will require a special event permit to address parking and circulation, and may require approval from neighboring properties for offsite overflow parking.
 - b. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. All staff and regular customer parking shall be on the subject property. There shall be no outdoor amplified music, and outdoor lighting is to be directed away from the nearby residential use. All skateboarding activity shall occur onsite and will not interfere with sidewalk or Rochester Street circulation.
 - c. The project, as conditioned, is consistent with the General Plan. The project is consistent with the General Plan land use designation of General Commercial. This designation is intended to permit a wide range of commercial uses to serve local and regional needs and should be insulated from sensitive uses through buffers or onsite mitigation measures. The proposed project is insulated from sensitive land uses, and is abutting commercial uses on three sides. The skateboard ramp is located at the north end of the property and is separated from the residential neighbor by the office building.
 - d. The proposed use is compliant with performance standards as prescribed in the Zoning Code. The proposed corporate office and skateboard ramp will be conditioned to operate as described in the submitted business description and is compliant with Zoning Code.
 - e. The planning application is for a project-specific case and does not establish a precedent for future development. Approval will apply to this project-specific locations. Conditions have been included that are specific to the proposed project.
- C. The project is exempt from the provisions of the California Environmental Quality Act

under Section 15301 (Class 1) for Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond what that existing at the time of the lead agency's determination. Because the tenant improvement at the project site will not include a major alteration or expansion to the existing facility, the project qualifies for this exemption.

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

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in this staff report: a corporate office with an outdoor skateboard ramp, specified outdoor events including photo shoots, sales meetings, and global meetings, and 5 shipping containers. Any significant change in the operational characteristics will require approval of an amendment to the conditional use permit, subject to Planning Commission approval. The Development Services Director shall make a determination that certain changes could be approved at a staff level. The CUP does not include approval of any special event activities which would require off-site parking, or parking beyond the capacity of the existing site. Larger scale events of this nature would require: (1) an amendment to the CUP based on adequate parking and mitigation of impacts or (2) application for a Special Event Permit to be issued on a case-by-case basis.
 2. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
 3. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Economic Development & Development Services Director/Deputy CEO or his designee, any of the findings upon which the approval was based are no longer applicable.
 4. The conditions of approval, code requirements, and special district requirements of PA-14-36 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site upon completion of all site improvements and prior to final approval of any building permits for interior building improvements. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
7. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, appropriate scale of on-site events to ensure adequate parking and removal of shipping containers to create additional parking. Applicant shall provide a report to the City within six months of the CUP approval which specifies the scale and operations of each special event and the resolution of any noise complaints.
8. Parking for patrons and employees of the business shall occur onsite. Employee parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the conditional use permit.
9. All exterior lighting shall be shielded and/or directed away from residential areas.
10. The applicant shall construct a minimum seven-foot tall decorative masonry wall around the perimeter of the project site, unless otherwise approved by the Developer Services Director. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them.
11. Containers on the property shall be used for storage only, and shall be removed when additional storage is no longer necessary.
12. Shipping containers shall be painted to complement the office building and shall be maintained to prevent cracking and/or peeling.
13. The existing office building shall be repainted and paint shall be maintained in order to prevent cracking and/or peeling.
14. All outdoor amplified music shall be prohibited.
15. The skateboard ramp shall be locked and inaccessible when not in use.
16. There shall be a locked gate surrounding the skateboard ramp when not in use.
17. The skateboard ramp shall not be open to the public.
18. The skateboard ramp shall only be utilized 10 a.m. - 6 p.m. Mondays-Fridays and 10 a.m.-2 p.m. on Saturdays, Sundays, and legal holidays.

19. All skateboarding activity shall occur in the enclosed perimeter of the private property.
20. The applicant shall reslurry and restripe parking spaces 1-4 and 27-39 as shown on the submitted site plan.
21. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
22. After six months of operation, applicant may request a modification to the CUP to allow extended hours for the skateboard ramp or additional special events pursuant to a public hearing at the Planning Commission provided that noise impacts, parking, compatibility, and other relevant issues are fully addressed. The appropriate application fee must be remitted for modification of the CUP.
23. The applicant shall submit a landscape plan to the Planning Division showing the addition of planter areas to provide screening of the skateboard ramp and/or new landscaping to some extent, for the review and approval by the Development Services Director. The installation of the new landscaping shall occur within 6 months of the date of approval of this conditional use permit, unless an extension is granted by the Development Services Director for just cause.
24. 5 shipping containers are permitted to remain on the property. The removed shipping containers shall be replaced with striped parking per City standards. Applicant shall remove shipping containers if, upon review and hearing of the matter by the Planning Commission, it is shown that additional parking is required to accommodate the special events.

CODE REQUIREMENTS

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

- | | |
|----------------|---|
| Const.
Hrs. | 1. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. |
| Bldg. | 2. Comply with the requirements of the adopted 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumb |

ing Code, California Green Building Standards and California Energy Code, at the time of plan submittal or permit issuance), and California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

3. Provide plans and structural calculations prepared by a licensed California engineer or architect that shows how the storage units and the skate board structure are braced to the floor surface
 4. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Bus.
Lic.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- AQMD 1. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- CDFA 2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-14-36 FOR A CONDITIONAL USE PERMIT FOR CORPORATE OFFICES WITH AN OUTDOOR SKATEBOARD RAMP AND SPECIAL EVENTS AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE CONTAINERS LOCATED AT 126 ROCHESTER STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Matt Ward and Libby Stockstill, as the authorized agents on behalf of the property owner, Jeff Wright, with respect to the real property located at 126 Rochester Street;

WHEREAS, the proposed project involves a conditional use permit for a corporate office with an outdoor skateboard ramp and a minor conditional use permit for outdoor storage containers at 126 Rochester Street.;

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 28, 2015 with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** Planning Application PA-14-36 with respect to the property described above.

PASSED AND ADOPTED THIS 28TH DAY OF SEPTEMBER, 2015.

Robert L. Dickson, Jr., Chair
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed project does not comply with the performance standards as prescribed in the Zoning Code.
 - 3. The proposed project is not consistent with the General Plan or Zoning Code.

- B. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:
 - 1. The proposed use is not substantially compatible with developments in the same general area and would be materially detrimental to other properties within the area.
 - 2. Granting the 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
 - 3. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

- C. The Costa Mesa Planning Commission has denied Planning Application PA-15-09. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

From: [REDACTED]
Sent: Wednesday, October 29, 2014 3:09 PM
To: CRAGER, CHELSEA; Steve Flanders
Subject: 126 Rochester St., Costa Mesa OLD advertisement of SKATE JAM - LIVE MUSIC AND BEER ON Saturday, Nov. 30th, 2013 7:00 PM-10:00PM
Attachments: PA280056.JPG
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Chelsea,

Please view this website by the current tenants at **126 Rochester Street, Costa Mesa, CA 92627**. See the GBMC / ELEMENT website at <http://thegbmc.com/band/2014/1/13/gbmc-element-end-of-movember-party> .

Notice the advertisement is from *November 2013*, but **it shows clearly what kind of business is at the above referenced address**. Obviously Rochester Street is "**NOT ZONED** for **Live Music, Free Beer, Shredding the Skateboard Ramps**" in the parking lot and adjoining storage area, and disrupting the neighborhood on Saturday night from 7-10:00 PM (or disrupting the neighborhood at anytime on any day or night). Who wants to live in fear of vandalism, graffiti and theft?

You already have received my pictures taken yesterday, and who knows what actually goes on inside the building as they have whited out the windows. Just imagine how many street parking spaces are taken from the residents of Rochester Street.

The follow pertains to Elements Skateboard and how it's affected The Living Room across the street FYI regarding parking.

By the way, Elements Skateboards also took away all of the parking for The Living Room at 125 Rochester Street, and the Living Room said that the only parking they have available is a few spaces in front of their shop and the rest of the spaces have to park on the street in the residential neighborhood. All though the Living Room is a nice, quiet business, it's too bad they are adding to the parking problems on Rochester Street. *I couldn't even find any space this week to put out the trash cans in front of my 2 buildings.*

This information provides you with support **AGAINST** Element Skateboards being located in a mostly residential neighborhood.

Warmest regards,
[REDACTED]
Concerned Property Owner







To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	JUSTIN HETHCOAT
Address	3101 TAFT WY. COSTA MESA, CA 92626
Business Name (if applicable)	
Signature	



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	Tim Carl
Address	136 Rochester Street
Business Name (if applicable)	Tim Carl Group
Signature	



To the city of Costa Mesa,

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Name	Kerri Knight-Teague
Address	154 Albert Place, Costa Mesa, 92627
Business Name (if applicable)	
Signature	



To the city of Costa Mesa,

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Name	Kathryn Wu
Address	117 E Wilson St Unit B Costa Mesa 92627
Business Name (if applicable)	
Signature	Kathryn Wu

Paola



Paola

To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	KRIS BERGERON
Address	165 MERRILL PL. 'A' COSTA MESA CA 92627
Business Name (if applicable)	VANS
Signature	<i>[Handwritten Signature]</i>



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	Ellen Orbe
Address	2107 Orange Ave, Costa Mesa
Business Name (if applicable)	Wahoo's Fish Taco
Signature	Ellen Orbe



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	LEANNE COLLINS
Address	10 BAZUNA CT, NB, CA 92663
Business Name (if applicable)	
Signature	



Doggie Daycare...And More

Come play with us!

Sept. 10, 2015

To the City of Costa Mesa,

We have been close neighbors to Element since March 2014 and support their activities and visible endeavors. For our first sixteen months, our front door was at the back of our building right next door and facing Element's spaces. Not once, since we have opened have we had any issues with any of the staff or activities that Element produces and supports. In addition, our customers, usually with a dog at the end of a leash, have never complained about Element's activities as they come and go.

Element is a good business neighbor. We enjoy the events they produce and the energy they add to the neighborhood. Along with being a good neighbor, they also add to our business by bringing their dogs to our facility.

As we are one of their closest business neighbors, essentially present around the clock, we would know if there were any issues with unbecoming or intrusive activity. This is not the case with Element. Element's activities seem to bring joy to their staff and the community that joins them. It would be a shame not to have Element at our doorstep.

Please contact me if you have any further questions.

Best,

R. Faul

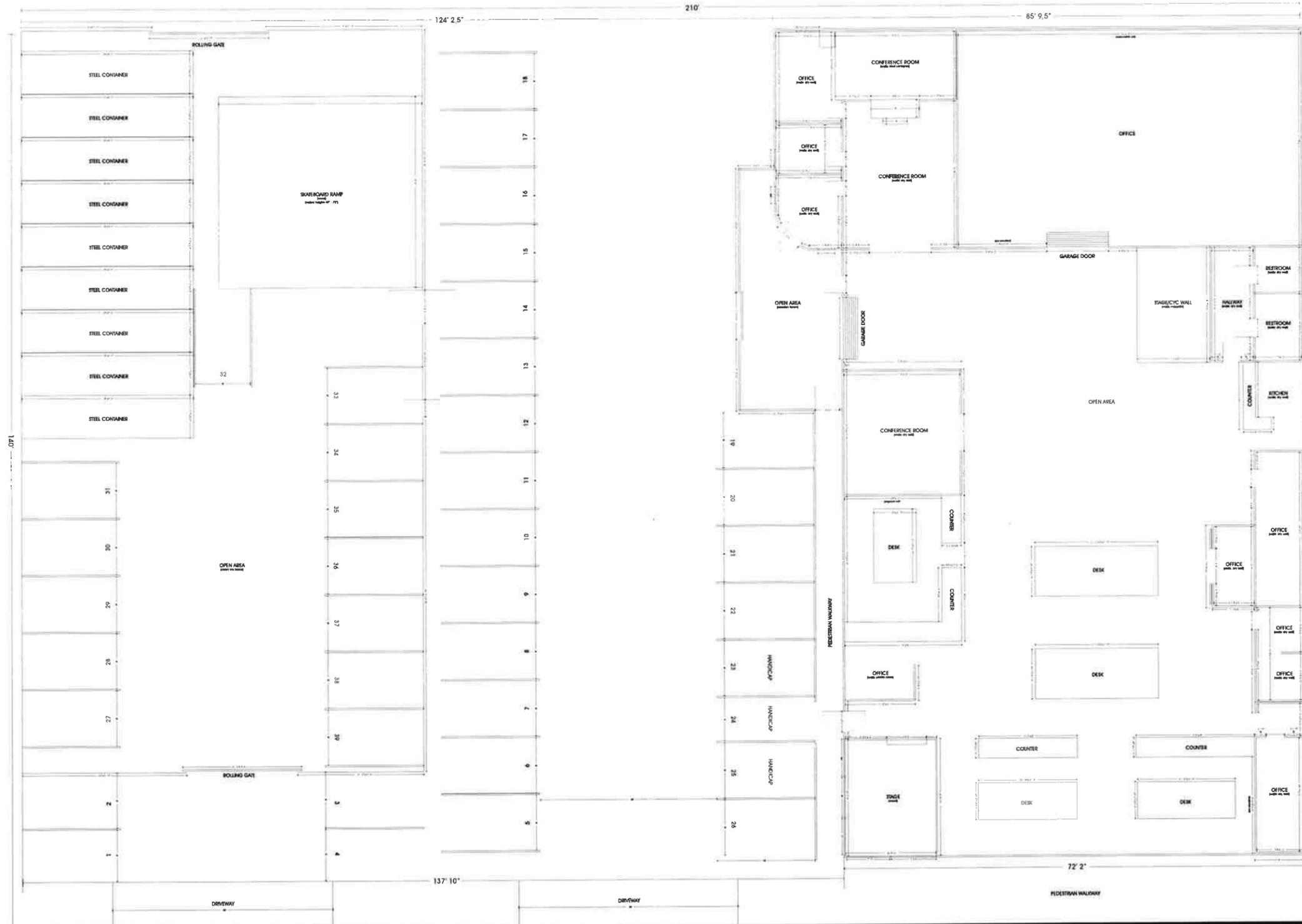
Rosanne Faul
Owner

1770 Newport Blvd. - Costa Mesa - CA - 92627
(949) 275-WOOF/9663
www.ocdogdaycare.com



112-126 ROCHESTER STREET
COSTA MESA CA 92627

ATTACHMENT 6



ROCHESTER STREET

October 9, 2015

To: City of Costa Mesa Planning Commission

OCT 09 2015

Regarding: Decline CUP to Element Skateboards, 126 Rochester Street, Costa Mesa, CA 92627

Dear Planning Commission,

For nearly the past 2 years residence of Rochester Street have dealt with a "bad element" that has been a nuisance in our neighborhood. Element Skateboards has negatively impacted our neighborhood with multiple problems that you'll see with the attached photographs. It simple comes down to the following statement and support:

ELEMENT SKATEBOARDS JUST DOESN'T BELONG IN THIS AREA!

Undisputed Facts with attached photographs regarding Element Skateboards:

1. **Open "Free Events" with Live Music** that dissipates throughout our "largely residential neighborhood."
2. **"Free Beers" with \$10.00 Donation** and strangers walking the neighborhood, "drinking and peeing."
3. **Skate Jam** where young adults get to **Shred the Ramp**, while "disrupting" the neighborhood.
4. **Overflow Parking fills Rochester Street** with Element Skateboard's employees, customers & "partiers."
5. **Multiple Large Containers** towering way above the fences, and they don't belong in this neighborhood.
6. **Large Silver Trailer** parked in the lot and it appears that **people live** on the property.
7. **Graffiti** painted on Element Skateboard's building and fence. A 7' wall would only be a blank canvas.
8. **Building's windows are "whited out"** so no one really knows what goes on inside. Is this an office?
9. **People come and go at various hours into the night at 126 Rochester**, and it looks very suspicious.
10. **Skateboarders have taken over the neighborhood**, sidewalks and even down the middle of the street.
11. Often times **people are just hanging out smoking** at the corner of their building on the sidewalk.
12. **Increase in trash (broken glass, beer bottles, beer cans, cigarette butts, cups filled with pee)** found on Rochester's streets, gutter, bushes and people's yards. It wasn't like that before Element Skateboards.
13. Element was conducting business without approved permit, due to false statements on business usage.
14. Element was throwing events without permits and ignoring code enforcement. See attached 2013 flier.
15. Element Skateboards promises would only lead to more changes in extended hours and improper usage.
16. **Notice the pattern that has developed** with Element Skateboards "disregarding the city codes" and carrying on without regard for the neighborhood "because they know they are in violation already."
17. The tall Indian TeePee is out of place and shouldn't be allowed on the property. Do they smoke in there?
18. The skateboard ramp's "sides are getting much taller" over the past several months. They keep building.
19. Does Jeff Wright, property owner of 126 Rochester only cares about getting rent no matter who rents there?

Negative impact on residential neighborhood at Eastside Costa Mesa - 100 block of Rochester Street:

1. Families don't feel comfortable walking down their sidewalks anymore. It feels unsafe with strangers.
2. Homes no longer have quiet use and enjoyment. They are disrupted by skateboard noises and events.
3. **Multifamily homes have higher turnover in tenants** who are leaving due to recent negative changes.
4. **Neighbors of Rochester Street are afraid to speak up for fear retaliation** from Element Skateboards.
5. One neighbor installed metal plates on his wall to stop skateboarders from damaging his property.
6. Several **neighbors have installed security cameras** to protect their properties. This is no way to live!
7. The Police Department says "complaints have recently increased" on Rochester Street's 100 block.
8. 126 Rochester should **never be approved for a skateboard park and live music and free beer events.**
9. Volcom or Tewinkle Park, Costa Mesa is an approved area for skateboarding. Rochester Street in Not!
10. Live Music Events should be held in large parks and warehouse buildings that control and contain people.
11. *Free Beer (alcohol) encourages drunkenness, vandalism, violence, littering, loud noise & confrontations.
12. Large Shipping Containers belong only in industrial areas, located far from residential neighborhoods.
13. Would you want to live in an unsafe neighborhood due to a **business renting and abusing our rights?**
14. Are we expected to install steel security doors and bars on our windows for safety due to a bad element?
15. Should our pets have to deal with loud noises & people stumbling onto our property, causing them to bark?
16. ***Don't families have the right to live in a clean and safe neighborhood with quiet use and enjoyment?**
17. I don't know anyone who wants to have their private living space disrupted by occasional music events, etc.
18. Rochester has neighborhood businesses (hair salon, auto shop, real estate/insurance office & violin shop).
19. Does our neighborhood have to fear drunk drivers due to an open bar with free beer and no security?
20. What's next? Strip Clubs, Tattoo Parlors, Smoke Shops, Medical Marijuana, Liquor Stores on Rochester?
21. ***Can the City of Costa Mesa guaranty our residential neighborhood's safety** from these Nuisance Events?
22. **We DON'T approve of Element Skateboard's events with free beer & live music, skateboard ramps, shipping containers, teepee, trailers & excessive parking that negatively impacts the neighborhood.**
23. I wasn't notified of the September meeting on Element Skateboards. How many others weren't notified?
24. **Do the right thing, protect our neighborhood and don't issue Element a conditional use permits!**

Sincerely,

Anonymous neighbor who disapproves of PA-14-36 CUP on Element SB Ramp, Events and Containers, etc.
See attached photographs for support AGAINST these unsafe and offensive code violations.



NEIGHBORHOOD CRIME WATCH



ALL SUSPICIOUS ACTIVITIES
ARE IMMEDIATELY REPORTED
TO THE POLICE DEPT.

TO CELEBRATE THE CLOSE OF MOVEMBER THE REAPER IS COMING
TO CUT OR TRIM YOUR BEARD OR STACHE & SHRED THE RAMP TO THE SOUNDS OF LIVE TUNES

 **GENTLEMEN'S BEARD & MUSTACHE COALITION**
MOVEMBER

SKATE JAM - LIVE MUSIC BY GBMC
BEARD & STACHE TRIMS

SAT NOV 30TH
7PM - 10PM

LIVE MUSIC BY GBMC AT 8PM

FREE EVENT
FREE BEERS W/\$10.00 DONATION

126 ROCHESTER
COSTA MESA, CA



126

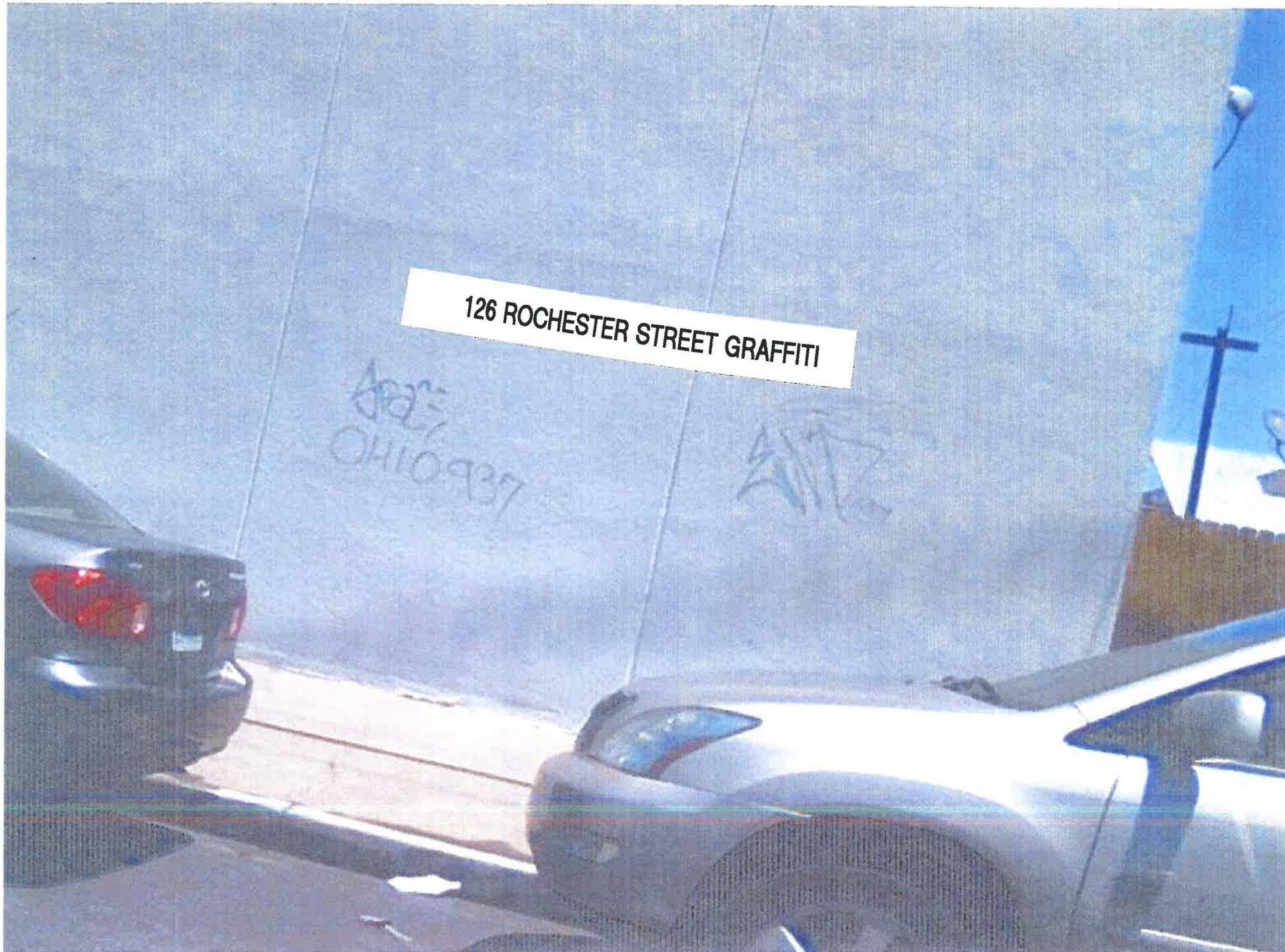
WHITE OUT WINDOWS



126 ROCHESTER STREET GRAFFITI

ATZ
OHIO 937

ATZ



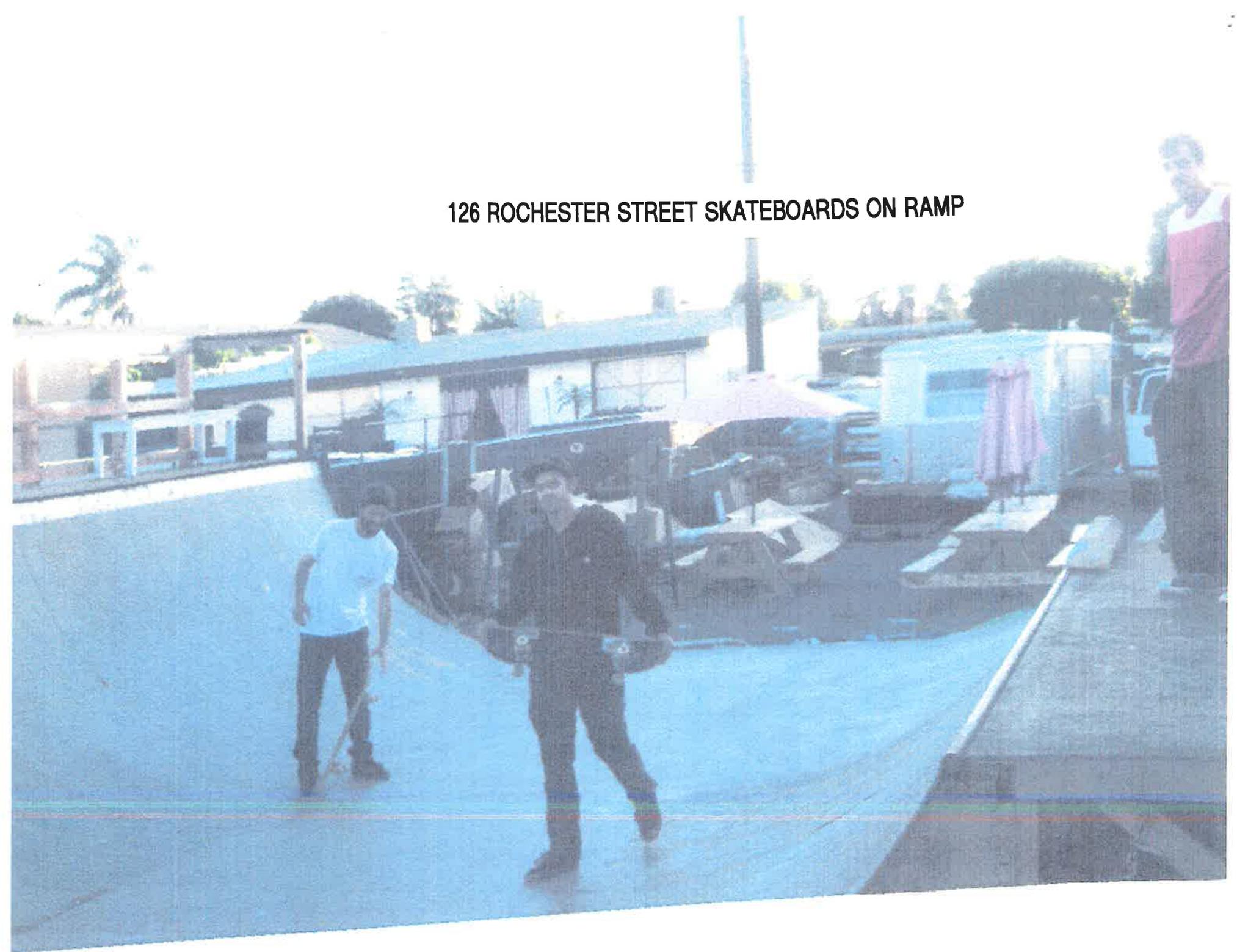


126 ROCHESTER STREET ATTRACTS PEOPLE TO NEIGHBORHOOD



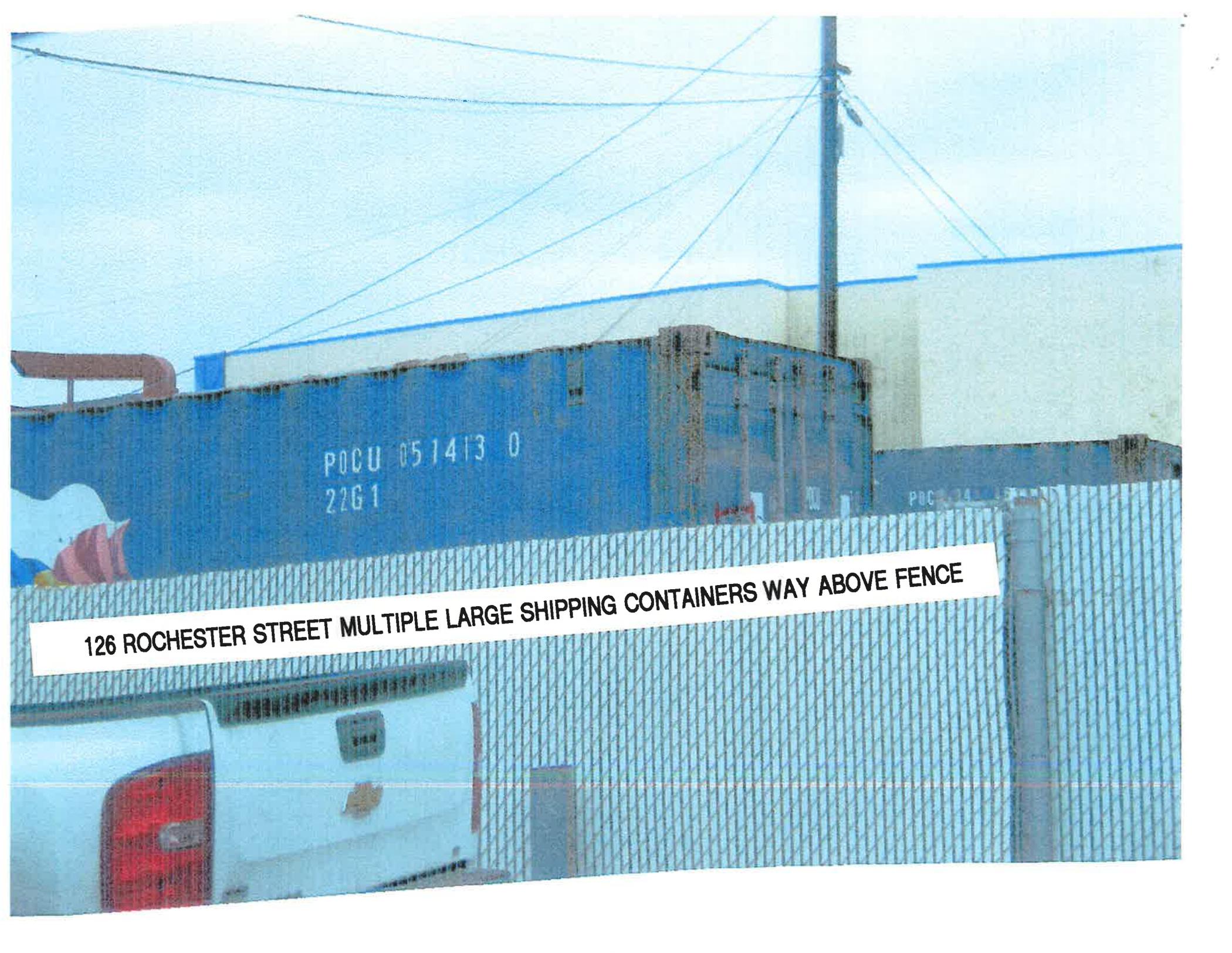
126 ROCHESTER STREET SKATEBOARDS IN PARKING LOT

126 ROCHESTER STREET SKATEBOARDS ON RAMP





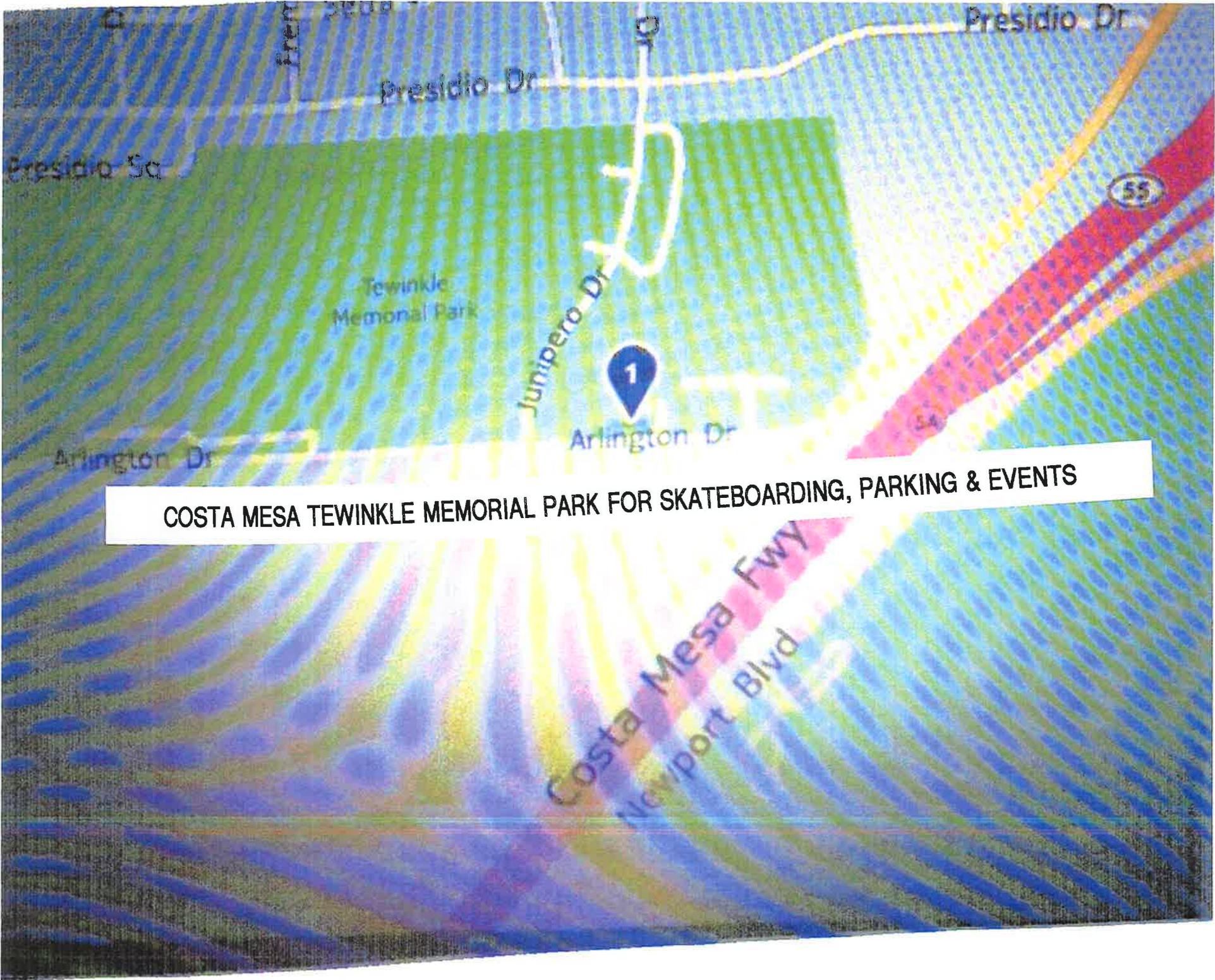
126 ROCHESTER STREET LARGE SILVER TRAILER



126 ROCHESTER STREET MULTIPLE LARGE SHIPPING CONTAINERS WAY ABOVE FENCE

POCU 051413 0
22G 1

POC 24



COSTA MESA TEWINKLE MEMORIAL PARK FOR SKATEBOARDING, PARKING & EVENTS

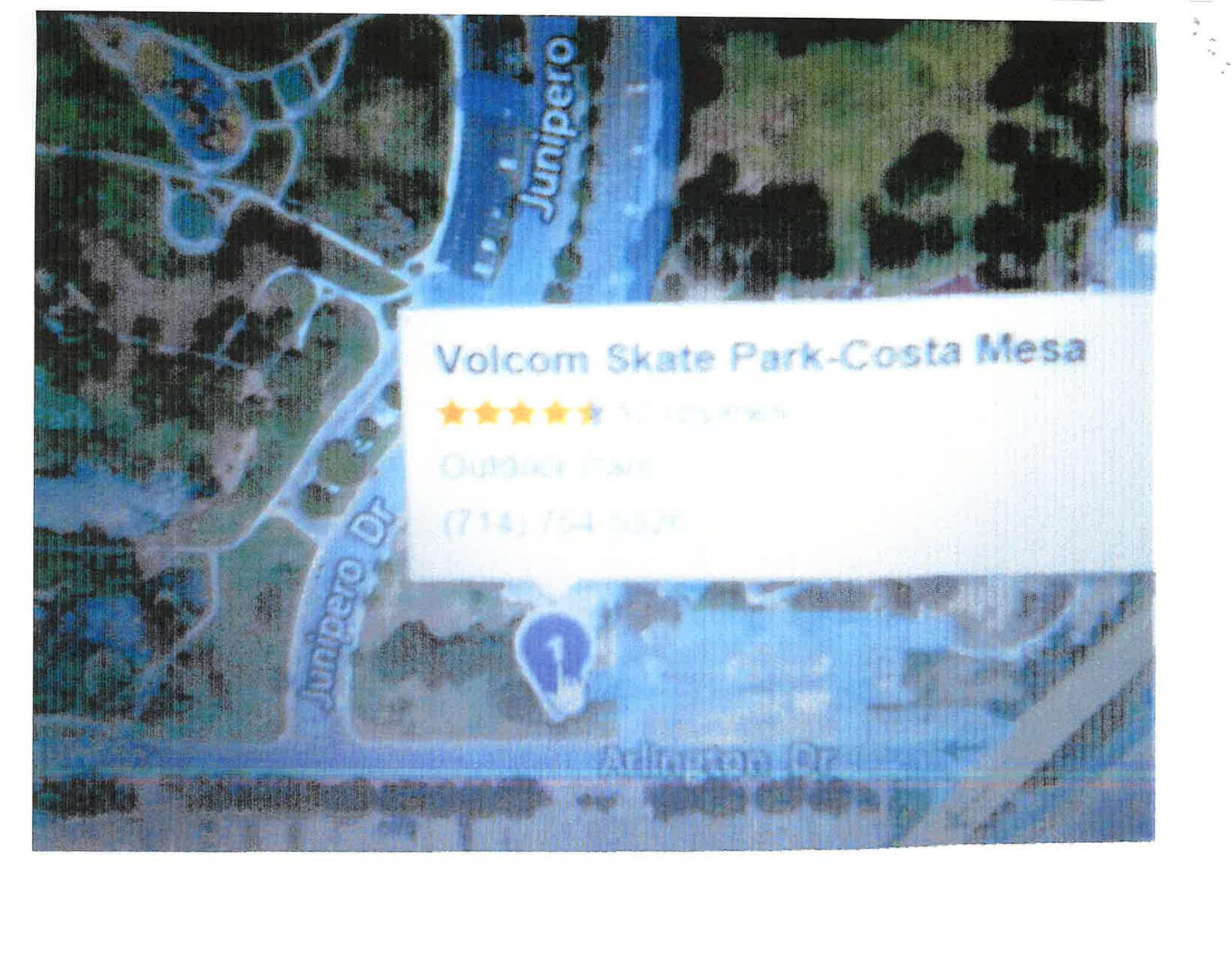
COSTA MESA TEWINKLE MEMORIAL PARK FOR SKATEBOARDING, PARKING & EVENTS

Traffic



Arlington Dr

Arlington Dr



Volcom Skate Park-Costa Mesa

★★★★★ 5.0 (1 review)

Outdoor Park

(714) 754-5525



PLANNING COMMISSION

SUPPLEMENTAL MEMO

MEETING DATE: OCTOBER 12, 2015

ITEM NUMBER

PH-4

SUBJECT: PLANNING APPLICATION PA-14-36: CONDITIONAL USE PERMIT FOR A CORPORATE OFFICE WITH AN OUTDOOR SKATEBOARD RAMP, OUTDOOR EVENTS, AND SHIPPING CONTAINERS AT 126 ROCHESTER STREET

DATE: OCTOBER 12, 2015

FROM: CHELSEA CRAGER, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: CHELSEA CRAGER (714) 754-5609
chelsea.crager@costamesaca.gov**

The purpose of this memo is to provide updated staff recommended conditions of approval based on recent discussions with the applicant and additional public correspondence provided by the applicant.

Sound Attenuation

The staff report reflects that a 7-foot decorative masonry wall shall be built around the perimeter of the property for the purpose of sound attenuation. This condition has been revised to defer sound attenuation measures to the expertise of a certified sound engineer. Therefore Findings for Approval and Condition of Approval No. 10 have been modified accordingly.

The revised condition is as follows:

Revised Condition No. 10: "The applicant shall hire a certified sound engineer to determine which sound attenuation measures should be applied to the property to effectively mitigate noise impacts from the skateboard ramp to the surrounding commercial and residential neighbors. In lieu of a 7-foot block wall, applicant may collaborate with a sound engineer to design an appropriate sound barrier constructed of other building materials (i.e. wood, foam baffling, etc.) that may be as effective as a masonry wall. The final design, location, and type of sound attenuation shall be reviewed and approved by the Development Services Director within 60 days of the approval of the CUP.

Six Shipping Containers Permitted to Remain on the Property

Condition No. 1 and No. 24 require that the applicant remove 4 shipping containers to provide for additional parking spaces and to remain within the floor area ratio (FAR) limit of 0.40. Applicant has indicated that the parking lot can be restriped to meet the Code-required parking (42 spaces) with the elimination of 3 (and not 4) of the containers. Conditions of approval numbers 1 and 24 have been updated accordingly.

The revised conditions are as follows:

Revised Condition No. 1: "The use shall be limited to the type of operation described in this staff report: a corporate office with an outdoor skateboard ramp, specified outdoor events including photo shoots, sales meetings, and global meetings, and 6 shipping containers. Any significant change in the operational characteristics will require approval of an amendment to the conditional use permit, subject to Planning Commission approval. The Development Services Director shall make a determination that certain changes could be approved at a staff level. Outdoor events that are not specifically described in the staff report may occur on the subject property provided that these outdoor events do not exceed the available onsite parking, do not include amplified music, and end by 6:00 p.m. (regular business hours). All other outdoor events that do not meet these requirements, especially those events requiring additional off-site parking, would require an amendment to the CUP to be considered by the Planning Commission or application for a Special Event Permit to be issued on a case-by-case basis."

Revised Condition No. 24: "6 shipping containers are permitted to remain on the property. The removed shipping containers shall be replaced with striped parking per City standards, with 42 parking spaces on the property. Applicant shall remove shipping containers if, upon review and hearing of the matter by the Planning Commission, it is shown that additional parking is required to accommodate the special events."

Special Events to be Parked Onsite

The applicant asked for clarification regarding the permitted outdoor events. Condition No. 1 has been modified to read as follows:

Revised Condition No. 1: The use shall be limited to the type of operation described in this staff report: a corporate office with an outdoor skateboard ramp, specified outdoor events including photo shoots, sales meetings, and global meetings, and 6 shipping containers. Any significant change in the operational characteristics will require approval of an amendment to the conditional use permit, subject to Planning Commission approval. The Development Services Director shall make a determination that certain changes could be approved at a staff level. Outdoor events that are not specifically described in the staff report may occur on the subject property provided that these outdoor events do not exceed the available onsite parking, do not include amplified music, and end by 6:00 p.m. (regular business hours). All other outdoor events that do not meet these requirements, especially those events requiring additional off-site parking, would require an amendment to the CUP to be considered by the Planning Commission or application for a Special Event Permit to be issued on a case-by-case basis.

Letters of Support

On October 12, the applicant provided 98 letters of support from Costa Mesa residents and business owners. Staff has produced a map showing the proximity of these letters to the subject property, which is provided here. Illegible addresses and addresses from outside City limits are not included on the map.

Applicant Response Letter

One public comment has been submitted by a neighbor who is in opposition to the project. The letter includes 43 points to be considered by the Planning Commission. The applicant has provided a response letter, attached here.

Distribution: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Attachments: Revised Findings for Approval
Revised Conditions of Approval
Staff-Produced Map of Support Letters
Applicant-Provided Public Correspondence
Applicant's Response to Opposition

EXHIBIT A

FINDINGS (APPROVAL)

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

Facts in Support of Finding: The proposed is compatible with the commercial and residential uses immediately surrounding the subject property in that the project is required to take appropriate sound attenuation measures to prevent noise from the skateboard ramp from impacting surrounding neighbors. Additionally, the skateboard ramp is to be used only from 10 a.m. to 6 p.m. Monday-Friday and 10 a.m. to 2 p.m. Saturdays and Sundays. The ramp is to be locked and inaccessible whenever it is not in use. All large outdoor events will require approval of a special event permit that addresses parking and circulation and may require written approval from neighboring properties for offsite overflow parking.

The decreased side setback for the shipping containers is not expected to have a negative impact on the neighboring auto repair use. The containers are conditioned to be painted and maintained to match the existing building to prevent visual impacts to Rochester Street, and because the containers are to be used for storage only, they do not increase the intensity of use onsite. To provide additional screening of the skateboard ramp, the applicant is required to add landscaping visible from Rochester Street.

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

Facts in Support of Finding: The office with specified events and skateboard ramp use is conditioned to operate as described in the submitted business description, with the skateboard ramp locked and inaccessible when not in use and all skateboard activity occurring onsite. Large outdoor events will require a special event permit that addresses parking and circulation, and appropriate sound attenuation measures are required to mitigate noise impacts to neighbors.

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

Facts in Support of Finding: The General Commercial land use designation is intended to permit a wide range of commercial uses. The skateboard ramp on

the subject property is buffered from sensitive land uses in that it is surrounded on three sides by commercially zoned properties, and on the remaining side by the office building. It will also be buffered from surrounding uses by appropriate sound attenuation measures and additional landscaping visible from the street.

The addition of shipping containers complies with the General Plan and does not increase the intensity of use beyond what is permitted because the containers will be used for storage only, and can be removed when no longer required for storage purposes.

- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties. The project is conditioned to minimize noise impacts to surrounding uses. There are no anticipated traffic or parking impacts to surrounding properties during normal business operation. Large special events that exceed parking available onsite will require a special event permit to address parking and circulation, and may require approval from neighboring properties for offsite overflow parking.
 - b. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. All staff and regular customer parking shall be on the subject property. There shall be no outdoor amplified music, and outdoor lighting is to be directed away from the nearby residential use. All skateboarding activity shall occur onsite and will not interfere with sidewalk or Rochester Street circulation.
 - c. The project, as conditioned, is consistent with the General Plan. The project is consistent with the General Plan land use designation of General Commercial. This designation is intended to permit a wide range of commercial uses to serve local and regional needs and should be insulated from sensitive uses through buffers or onsite mitigation measures. The proposed project is insulated from sensitive land uses, and is abutting commercial uses on three sides. The skateboard ramp is located at the north end of the property and is separated from the residential neighbor by the office building.
 - d. The proposed use is compliant with performance standards as prescribed in the Zoning Code. The proposed corporate office and skateboard ramp will be conditioned to operate as described in the submitted business description and is compliant with Zoning Code.
 - e. The planning application is for a project-specific case and does not establish a precedent for future development. Approval will apply to this project-specific locations. Conditions have been included that are specific to the proposed project.

- C. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1) for Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond what that existing at the time of the lead agency's determination. Because the tenant improvement at the project site will not include a major alteration or expansion to the existing facility, the project qualifies for this exemption.

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

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng. '1. The use shall be limited to the type of operation described in this staff report: a corporate office with an outdoor skateboard ramp, specified outdoor events including photo shoots, sales meetings, and global meetings, and 6 shipping containers. Any significant change in the operational characteristics will require approval of an amendment to the conditional use permit, subject to Planning Commission approval. The Development Services Director shall make a determination that certain changes could be approved at a staff level. Outdoor events that are not specifically described in the staff report may occur on the subject property provided that these outdoor events do not exceed the available onsite parking, do not include amplified music, and end by 6:00 p.m. (regular business hours). All other outdoor events that do not meet these requirements, especially those events requiring additional off-site parking, would require an amendment to the CUP to be considered by the Planning Commission or application for a Special Event Permit to be issued on a case-by-case basis.
2. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
3. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Economic Development & Development Services Director/Deputy CEO or his designee, any of the findings upon which the approval was based are no longer applicable.

4. The conditions of approval, code requirements, and special district requirements of PA-14-36 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site upon completion of all site improvements and prior to final approval of any building permits for interior building improvements. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
7. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, appropriate scale of on-site events to ensure adequate parking and removal of shipping containers to create additional parking. Applicant shall provide a report to the City within six months of the CUP approval which specifies the scale and operations of each special event and the resolution of any noise complaints.
8. Parking for patrons and employees of the business shall occur onsite. Employee parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the conditional use permit.
9. All exterior lighting shall be shielded and/or directed away from residential areas.
10. The applicant shall hire a certified sound engineer to determine which sound attenuation measures should be applied to the property to effectively mitigate noise impacts from the skateboard ramp to the surrounding commercial and residential neighbors. In lieu of a 7-foot block wall, applicant may collaborate with a sound engineer to design an appropriate sound barrier constructed of other building materials (i.e. wood, foam baffling, etc.) that may be as effective as a masonry wall. The final design, location, and type of sound attenuation shall be reviewed and approved by the Development Services Director within 60 days of the approval of the CUP.
11. Containers on the property shall be used for storage only, and shall be removed when additional storage is no longer necessary.
12. Shipping containers shall be painted to complement the office building and shall be maintained to prevent cracking and/or peeling.
13. The existing office building shall be repainted and paint shall be maintained in order to prevent cracking and/or peeling.

14. All outdoor amplified music shall be prohibited.
15. The skateboard ramp shall be locked and inaccessible when not in use.
16. There shall be a locked gate surrounding the skateboard ramp when not in use.
17. The skateboard ramp shall not be open to the public.
18. The skateboard ramp shall only be utilized 10 a.m. - 6 p.m. Mondays-Fridays and 10 a.m.-2 p.m. on Saturdays, Sundays, and legal holidays.
19. All skateboarding activity shall occur in the enclosed perimeter of the private property.
20. The applicant shall reslurry and restripe parking spaces 1-4 and 27-39 as shown on the submitted site plan.
21. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
22. After six months of operation, applicant may request a modification to the CUP to allow extended hours for the skateboard ramp or additional special events pursuant to a public hearing at the Planning Commission provided that noise impacts, parking, compatibility, and other relevant issues are fully addressed. The appropriate application fee must be remitted for modification of the CUP.
23. The applicant shall submit a landscape plan to the Planning Division showing the addition of planter areas to provide screening of the skateboard ramp and/or new landscaping to some extent, for the review and approval by the Development Services Director. The installation of the new landscaping shall occur within 6 months of the date of approval of this conditional use permit, unless an extension is granted by the Development Services Director for just cause.
24. 6 shipping containers are permitted to remain on the property. The removed shipping containers shall be replaced with striped parking per City standards, with 42 parking spaces on the property. Applicant shall remove shipping containers if, upon review and hearing of the matter by the Planning Commission, it is shown that additional parking is required to accommodate the special events.

CODE REQUIREMENTS

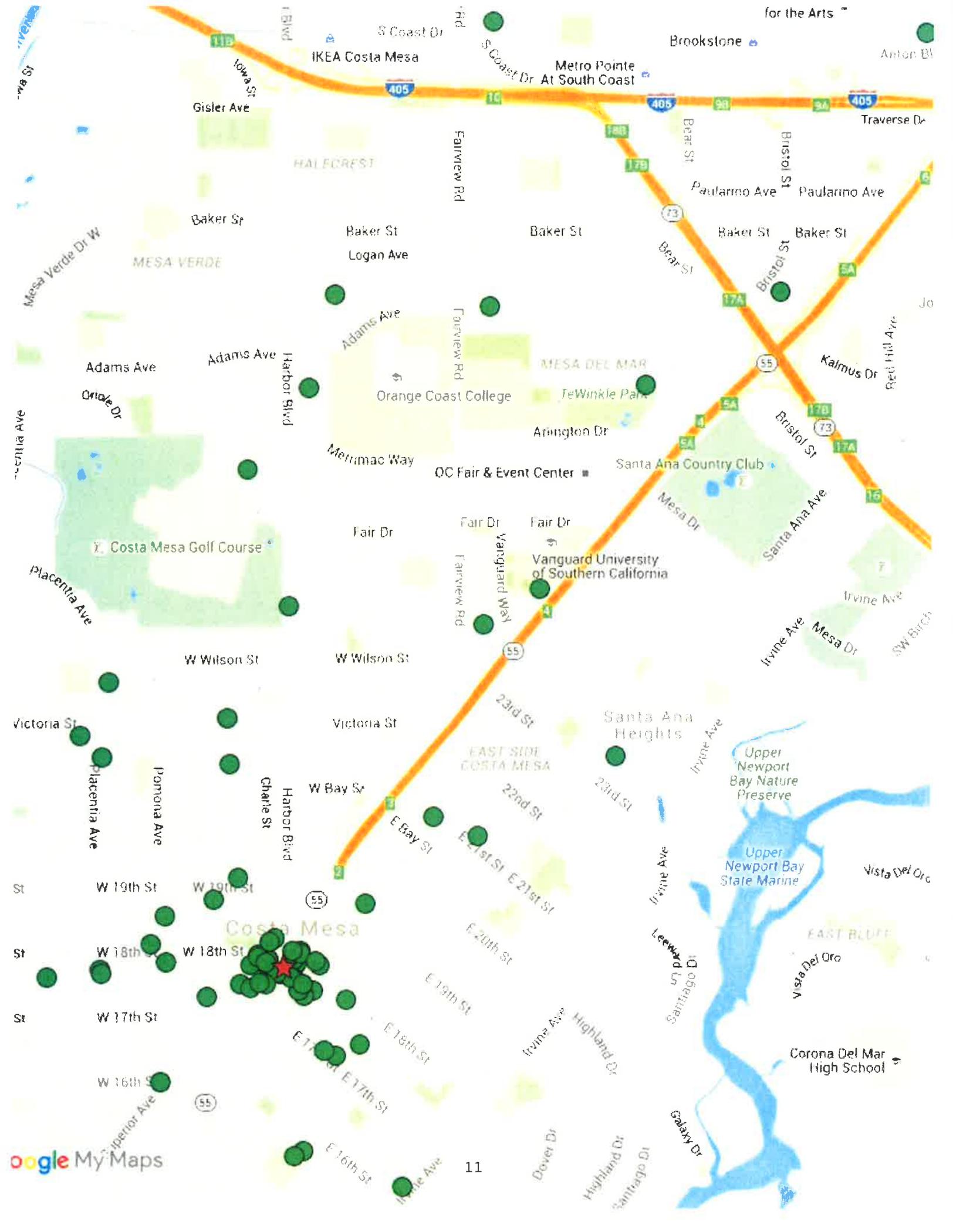
The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.



To the city of Costa Mesa,

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Name	Arcel Taghavan
Address	Santa Catalina Dr Costa Mesa
Business Name (if applicable)	Student
Signature	



- Const. Hrs. 1. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- Bldg. 2. Comply with the requirements of the adopted 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code, at the time of plan submittal or permit issuance), and California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
- 3. Provide plans and structural calculations prepared by a licensed California engineer or architect that shows how the storage units and the skate board structure are braced to the floor surface
- Bus. Lic. 4. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- AQMD 1. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- CDFA 2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.



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Name	Paige Rotne
Address	1433 Superior Ave
Business Name (if applicable)	
Signature	Paige Rotne



To the city of Costa Mesa,

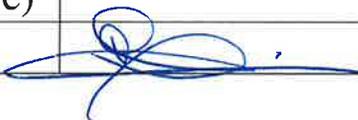
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Name	Susan Wright
Address	1692 Orchard N.B 92660
Business Name (if applicable)	
Signature	Susan Wright



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Name	Claire Long
Address	9526 Santa Catalina Drive 92626 COSTA MESA
Business Name (if applicable)	
Signature	



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Name	<i>Donna Fredriksen</i>
Address	<i>330 Ramona Pl. C.M.</i>
Business Name (if applicable)	
Signature	<i>Donna Fredriksen</i>



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Name	DeeAnna McBride
Address	1625 Irvine Ave Apt B Costa Mesa, CA
Business Name (if applicable)	
Signature	

9262



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Name	Michella Malinowski
Address	11625 IRVINE AVE ARTC, COSTA MESA
Business Name (if applicable)	
Signature	



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Name	Matie West
Address	1625 Irvine Ave # E, Costa Mesa, CA 92627
Business Name (if applicable)	
Signature	



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Name	Jonna Fredriksen
Address	11025 Irvine Ave. Apt B CM 92627
Business Name (if applicable)	
Signature	



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Name	Garrett Winkler
Address	2346 Santa Ana Ave Apt E CM 92627
Business Name (if applicable)	
Signature	



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Name	Sarah Winkler
Address	2344 Santa Ana Ave Apt E CM 92627
Business Name (if applicable)	
Signature	Sarah Winkler



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Name	Ryan Esquivel
Address	1149 El camino Dr costa mesa ca
Business Name (if applicable)	
Signature	



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Name	KELLY SMITH
Address	1765 SANTA ANA AVE #B-103
Business Name (if applicable)	NA
Signature	



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Name	Matthew Pike
Address	915 Presidio Dr
Business Name (if applicable)	The Kenmore Agency
Signature	

9/28





To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

I am currently a Costa Mesa, CA resident that lives within close proximity of the Element Brand headquarters located at 126 Rochester Street, Costa Mesa, CA.

By signing this letter, I hereby confirm that the happenings at Element do not cause any interruption in regards to my everyday life and I support their current property use. Furthermore, the skate ramp that is located within the fenced-in section of their property and the noise that is associated does not create a disturbance. In contrast, the brand and the skate ramp add value to the personality of the neighborhood.

The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Kim DeSt. Aubin
ADDRESS:	1705 Santa Ana Ave
SIGNATURE:	



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77 Fair Drive

Costa Mesa, CA 92628

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NAME:	Max Epstein
ADDRESS:	707 Randolph Ave unit C Costa Mesa
SIGNATURE:	

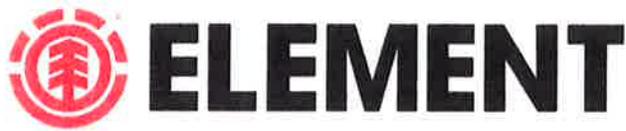
Cararayne



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Name	Aaron Rathbone
Address	694 Center st #C Costa Mesa, CA 92627
Business Name (if applicable)	
Signature	A. Rathbone



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Name	CAROLYNNE BRENNEMAN STALL
Address	694 CENTER ST. UNIT C COSTA MESA 92627
Business Name (if applicable)	
Signature	<i>Carolynne Brennan Stall</i>



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Name	Georgina Gonzalez
Address	790 Hartminton St apt 16
Business Name (if applicable)	
Signature	Georgina G

LARA

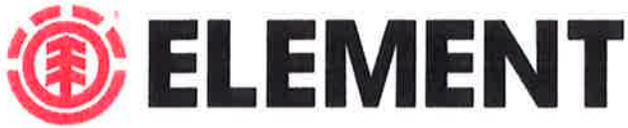


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Name	Leonardo Romero
Address	2157 Maple St. apt C
Business Name (if applicable)	
Signature	

Card



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Name	<i>Kevin Barrera</i>
Address	<i>710 W 18th Street COSTA MESA CA</i>
Business Name (if applicable)	
Signature	<i>[Handwritten Signature]</i>

Wly



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Name	Marshall Sepulveda
Address	227 Pauline Pl
Business Name (if applicable)	
Signature	Marshall

Wily



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Name	COLE TAIT
Address	2300 FAIRVIEW RD
Business Name (if applicable)	N/A
Signature	<i>Cole Tait</i>



Wiley

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Name	Hilary Gomez
Address	1850 Whittier Ave Apt #103
Business Name (if applicable)	
Signature	



City

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Name	Sarah Dullaart
Address	2300 Fairview Road
Business Name (if applicable)	
Signature	

City



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Name	Karla Avonce
Address	583 HAMILTON ST APT #18 COSTA MESA
Business Name (if applicable)	Karla Avonce
Signature	Karla Avonce

JESS W.



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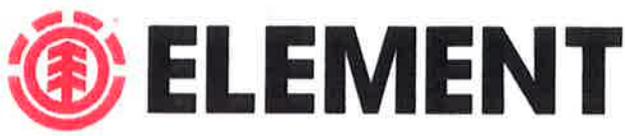
Name	Jose Ramirez
Address	1132 Pomona Ave
Business Name (if applicable)	
Signature	



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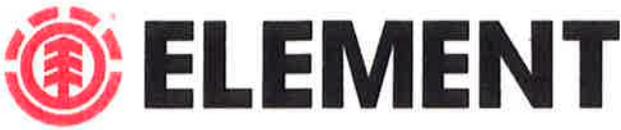
Name	Diane Beach
Address	1799 Newport Blvd #A105
Business Name (if applicable)	Side Street Cafe
Signature	Diane Beach



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Name	VIANNEY VALLEJO
Address	657 W. 18th St. Apt. 10, COSTA MESA, CA
Business Name (if applicable)	
Signature	Vianney Vallejo



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Name	Danielle Thomas Costa Mesa
Address	1885 Anaheim Ave 92627
Business Name (if applicable)	
Signature	Danielle Thomas



To the city of Costa Mesa,

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Name	Jessica Deal
Address	1917 maple Ave. #14 Costa mesa, CA 92627
Business Name (if applicable)	(Resident Neighbor)
Signature	



To the city of Costa Mesa,

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Name	MEGAN MANDELL
Address	3401 DEE DEE DR Costa Mesa CA
Business Name (if applicable)	
Signature	Megan Mandell

Troy



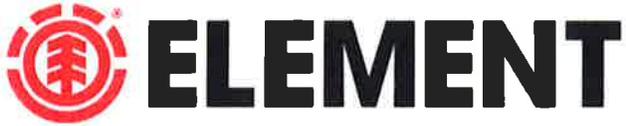
To the city of Costa Mesa,

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Name	Kaitlin Monet
Address	2855 Pinecreek dr. Costa Mesa
Business Name (if applicable)	
Signature	K. Monet

92626

Tray



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	David Torres
Address	1850 Whittier Ave Costa Mesa
Business Name (if applicable)	
Signature	

May



To the city of Costa Mesa,

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Name	Robin Nassouh
Address	151 E. Costa Mesa St.
Business Name (if applicable)	
Signature	

Troy



To the city of Costa Mesa,

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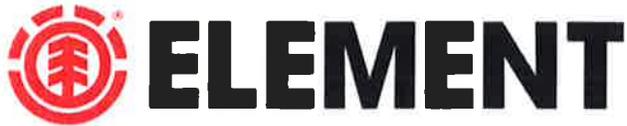
Name	Mayra Maleda
Address	778 Congress St. Apt 202
Business Name (if applicable)	
Signature	Mayra



To the city of Costa Mesa,

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Name	Samantha Nixon
Address	2700 Peterson Pl #28A Costa Mesa CA
Business Name (if applicable)	
Signature	



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Name	JESUS Huaracha
Address	1780 Placentia Ave CM 92627
Business Name (if applicable)	(Resident Neighbor)
Signature	Jesus Huaracha



To the city of Costa Mesa,

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Name	Cristhian Morales
Address	92627 792 Shalimar Dr Apt 2 Costa Mesa, CA
Business Name (if applicable)	(Resident Neighbor)
Signature	



To the city of Costa Mesa,

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Name	John Alaniz
Address	317 Victoria St, Apt. B101
Business Name (if applicable)	(Resident Neighbor)
Signature	



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Name	Bryan Sanchez
Address	1815 Newport Blvd. Costa Mesa
Business Name (if applicable)	Subway
Signature	



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Name	Chris Albanese
Address	426 ENCLAVE CIRCLE, COSTA MESA, CA
Business Name (if applicable)	
Signature	

92626



To the city of Costa Mesa,

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Name	Kersti Whitney
Address	151 E 21st Street Costa Mesa
Business Name (if applicable)	
Signature	<i>Kersti Whitney</i>



To the city of Costa Mesa,

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Name	Ryan Warner
Address	2354 Harbor Blvd Apt #202 Costa Mesa CA
Business Name (if applicable)	
Signature	



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Name	RONNIE WEAVER
Address	150 E. 18 TH COSTA MESA 92627
Business Name (if applicable)	
Signature	



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Name	Kan Le
Address	109 E. St Costa Mesa CA 92627
Business Name (if applicable)	
Signature	Wayne



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Name	Sebastian Gonzalez
Address	1780 W 18th Pl Costa Mesa CA
Business Name (if applicable)	(Resident Neighbor)
Signature	Sebastian Gonzalez



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

I am currently a Costa Mesa, CA resident that lives within close proximity of the Element Brand headquarters located at 126 Rochester Street, Costa Mesa, CA.

By signing this letter, I hereby confirm that the happenings at Element do not cause any interruption in regards to my everyday life and I support their current property use.

Furthermore, the skate ramp that is located within the fenced-in section of their property and the noise that is associated does not create a disturbance. In contrast, the brand and the skate ramp add value to the personality of the neighborhood.

The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Kimari Renderos
ADDRESS:	1745 Newport Blvd, Costa Mesa 92627
SIGNATURE:	Kimari Renderos



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

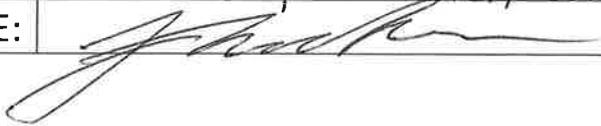
Costa Mesa, CA 92628

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NAME:	J. Frank Renderos
ADDRESS:	1745 Newport + blvd, costa mesa 92627
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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NAME:	Josh Renderos
ADDRESS:	1745 Newport Blvd, Costamesa 92627
SIGNATURE:	Josh Renderos



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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NAME:	Scott Schulte
ADDRESS:	126 E 18 th St. Costa Mesa # 102B
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Dora Bryant
ADDRESS:	166 18th St Costa Mesa
SIGNATURE:	Dora Bryant



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Molly Brown
ADDRESS:	166 E. 13th St. COSTA MESA, CA
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Erica Heying
ADDRESS:	231 E .18th 0 #B0
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Sunny Singh
ADDRESS:	135 Rochester unit A1
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	CAMRON KLASSERT
ADDRESS:	131 E. 15 th Costa Mesa Ca. 92627
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	J'ime Whitlock
ADDRESS:	123 1/2 E. 18th St.
SIGNATURE:	



To the City Planning Commission of Costa Mesa, CA;

77 Fair Drive

Costa Mesa, CA 92628

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The Element Brand headquarters and their skate ramp positively contribute to the culture of our community that is based on youth, family and active lifestyle.

NAME:	Garin Whitlock
ADDRESS:	123 1/2 E. 18th St. Costa Mesa, CA 92627
SIGNATURE:	<i>Garin Whitlock</i>



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Name	<i>Gary Cate</i>	
Address	<i>157 Rochester St CM</i>	
Business Name (if applicable)		
Signature	<i>Gary Cate</i>	



To the city of Costa Mesa,

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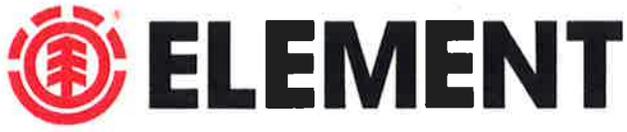
Name	Constance Cate
Address	182 Rochester, CM
Business Name (if applicable)	
Signature	Constance Cate



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Name	Pauline Podwojski
Address	182 Rochester, CM
Business Name (if applicable)	
Signature	Pauline Podwojski



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Name	John Burdick
Address	179 ROCHESTER ST
Business Name (if applicable)	
Signature	



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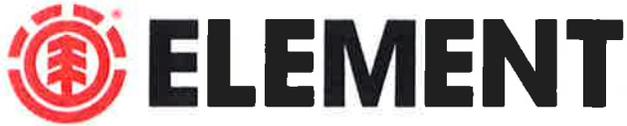
Name	Andre Luis
Address	179 Rochester St
Business Name (if applicable)	
Signature	



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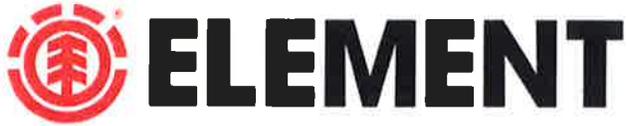
Name	WESLEY BRENEMAN
Address	179 Rochester St
Business Name (if applicable)	
Signature	Wesley Breneman



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Name	Nicole Harrod
Address	150 Rochester St
Business Name (if applicable)	Beach Riot
Signature	



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Name	Matt Mendoza
Address	167 Rochester St
Business Name (if applicable)	
Signature	Matt Mendoza



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Name	Lisa Breneman
Address	179 Rochester St
Business Name (if applicable)	
Signature	Lisa Breneman



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Name	Clorie Kraner
Address	149 Rochester St
Business Name (if applicable)	
Signature	



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Name	William A Lawson
Address	125 B Rochester
Business Name (if applicable)	COSTA MESA BRAKE & ALIGN
Signature	William A Lawson



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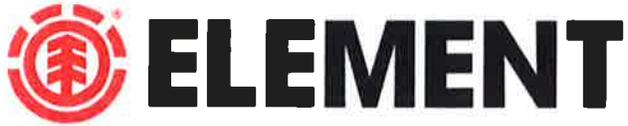
Name	JEFFREY WRIGHT
Address	125 E. 18TH ST. COSTA MESA
Business Name (if applicable)	NONE
Signature	



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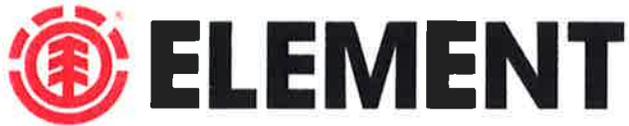
Name	Jane Whitlock
Address	123 1/2 E. 18th St. CM
Business Name (if applicable)	
Signature	



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Name	<i>Elyse Mallonee</i>
Address	<i>123 east 18th St. Costa Mesa</i>
Business Name (if applicable)	
Signature	<i>Elyse Mallonee</i>



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Name	Matt Ward
Address	123 E 18th St Costa Mesa CA 9262
Business Name (if applicable)	
Signature	



To the city of Costa Mesa,

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Name	Alex Walker
Address	166 Rochester St
Business Name (if applicable)	(Neighbor-Resident)
Signature	



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Name	Alex Carranza
Address	166 Rochester St Costa Mesa
Business Name (if applicable)	Doortek (neighbor - Resident)
Signature	



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Name	Evan Rivera
Address	545 W. 18th Street, #C
Business Name (if applicable)	The WATER BREWERY
Signature	



To the city of Costa Mesa,

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Name	Ryan Fischer (owner)
Address	21 e. 18th St.
Business Name (if applicable)	Chalk
Signature	



To the city of Costa Mesa,

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Name	Allison Horack
Address	1835 Newport Blvd. Ste A200; 92627
Business Name (if applicable)	Loga Works Costa Mesa
Signature	



To the city of Costa Mesa,

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Name	Rob Primmer
Address	1760 Monrovia Ave Costa Mesa CA
Business Name (if applicable)	CM Steel (owner)
Signature	

Tommy



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	Jamie McCawen
Address	1781 Newport Blvd.
Business Name (if applicable)	Second Spin
Signature	<i>Jamie McCawen</i>



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	Carlos Perez
Address	270 East 1st St, Costa Mesa
Business Name (if applicable)	Shirley's Bagels
Signature	



To the city of Costa Mesa,

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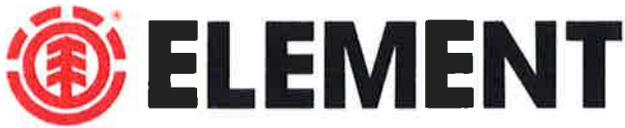
Name	Eloy Garcia
Address	250 E. 17th St. Costa Mesa
Business Name (if applicable)	Jan's Health Bar
Signature	



To the city of Costa Mesa,

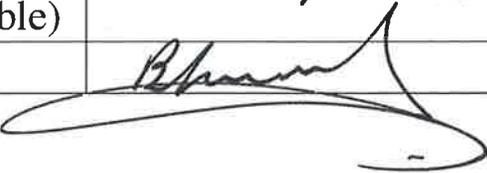
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Name	Ana Frasco
Address	1796 Newport Blvd Costa Mesa
Business Name (if applicable)	Newport Harbor Optometry
Signature	



To the city of Costa Mesa,

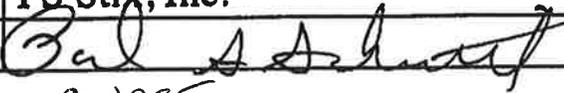
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Name	<i>Newport Harbor Optometry (Bob Kamkar)</i>
Address	<i>1791e Newport Blvd. Costa Mesa</i>
Business Name (if applicable)	
Signature	



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

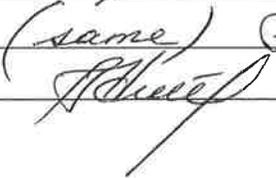
Name	Paul Schmitt
Address	1835 Whittier Ave Unit C8 Costa Mesa CA
Business Name (if applicable)	PS Stix, Inc.
Signature	

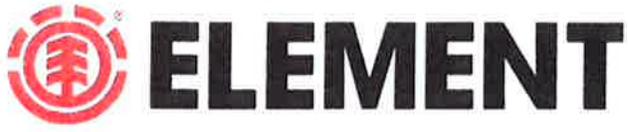
owner



To the city of Costa Mesa,

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Name	HARRY
Address	1762 Newport Blvd. Costa Mesa, Ca 92627
Business Name (if applicable)	(same) Global performance
Signature	



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	Chris Heblitzell
Address	1435 Newport Blvd E 16E
Business Name (if applicable)	"Vans" Costa Mesa 92627
Signature	



To the city of Costa Mesa,

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Name	Sunglass Plus
Address	1799 Newport Blvd
Business Name (if applicable)	Sunglass Plus
Signature	



To the city of Costa Mesa,

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Name	Brandon Byus
Address	55 Fair Dr
Business Name (if applicable)	The Cyclist
Signature	



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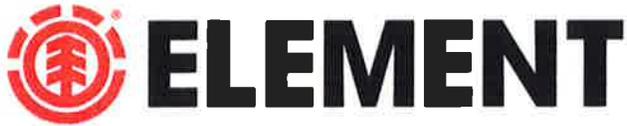
Name	Jackie Carlton
Address	1815 Newport Blvd. Costa mesa 92627
Business Name (if applicable)	Belle Haven salon
Signature	Jackie Carlton



To the city of Costa Mesa,

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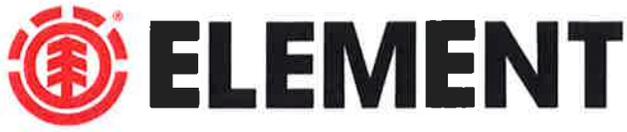
Name	Chelsea Cagle
Address	1815 Newport Blvd. Costa Mesa
Business Name (if applicable)	the Loop
Signature	Chelsea Cagle



To the city of Costa Mesa,

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Name	Tim Cagle
Address	1815 Newport BLVD Costa Mesa
Business Name (if applicable)	The LOOP salon
Signature	



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Name	Don Fredrikson
Address	330 Ramona Pl. C.M.
Business Name (if applicable)	Fredrikson Custom Woodworking
Signature	



To the city of Costa Mesa,

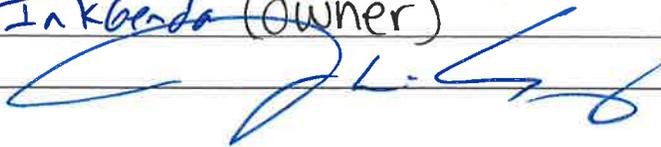
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Name	Kathryn Marienthal
Address	327 Ramona Pl Costa Mesa CA 92627
Business Name (if applicable)	Katie Marienthal LLC
Signature	



To the city of Costa Mesa,

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Name	Jim Gray
Address	629 Terminal Way #23
Business Name (if applicable)	Inkenda (owner)
Signature	



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Name	Thomas Lukosik
Address	629 Terminal Way #29 Costa Mesa
Business Name (if applicable)	Inkenda
Signature	



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Name	RYAN ENDO
Address	629 TERMINAL WY #29 C.M., CA.
Business Name (if applicable)	INKGENDA
Signature	



To the city of Costa Mesa,

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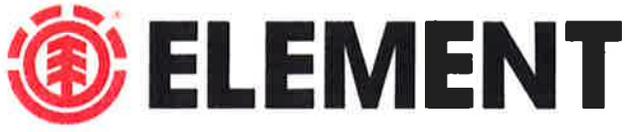
Name	John Bryan
Address	629 Terminal Way #24 Costa Mesa
Business Name (if applicable)	Integrida
Signature	



To the city of Costa Mesa,

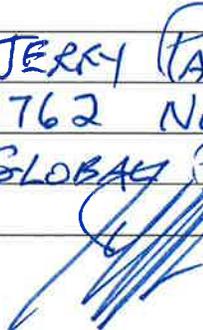
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Name	R. STERANKO
Address	1734 Newport Blvd. Costa Mesa, CA 92627
Business Name (if applicable)	Oh those Donuts and Deli
Signature	



To the city of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka “The Branch,” provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and “The Branch” fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Name	JERRY PACANJIAN
Address	1762 NEWPORT BLVD C.M.
Business Name (if applicable)	GLOBAL PERFORMANCE
Signature	



To the city of Costa Mesa,

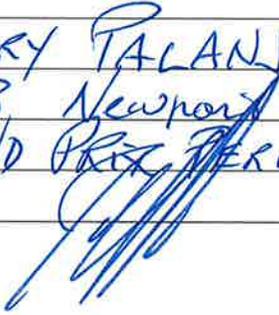
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Name	Steve Whelan
Address	115 Cabrillo ST Costa Mesa
Business Name (if applicable)	Grand Prix Motors
Signature	



To the city of Costa Mesa,

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Name	JERRY TALANJIAN
Address	1718 Newport Blvd C.M.
Business Name (if applicable)	GRAND PRIX PERFORMANCE
Signature	



Doggie Daycare...And More

Come play with us!

Sept. 10, 2015

To the City of Costa Mesa,

We have been close neighbors to Element since March 2014 and support their activities and visible endeavors. For our first sixteen months, our front door was at the back of our building right next door and facing Element's spaces. Not once, since we have opened have we had any issues with any of the staff or activities that Element produces and supports. In addition, our customers, usually with a dog at the end of a leash, have never complained about Element's activities as they come and go.

As we are one of their business neighbors, essentially present around the clock, we would know if there were any issues with unbecoming or unsightly activity. This is not the case with Element. Element's activities seem to bring joy to their staff and the community that joins them. It would be a shame not to have Element at our doorstep.

Please contact me if you have any further questions.

Best,

R. Faul

Rosanne Faul
Owners

Dear Costa Mesa City Counsel,

My name is Matt Meddock and I'm the owner of two restaurants in the area and a lifetime resident to the area. This letter is in support of the happenings that take place at Element Skateboards.

I first got to know them and the employees involved when we started to do catering for them about a year ago. Since then I have really gotten to know their employees and their operation. I have been told that there is question about their skateboard ramp and some of the special events that take place.

I would encourage you to support any and all events that take place at Element. Orange County is capital of the action sports industry and Element Skateboards has been a major player in that space for the last 20 years. Because of them and others like them our city is a desirable place to live, eat, hangout, and support.

On many occasions I have now been invited to use their skate ramp and I have been able to take some of my employees there. My employees for the most part are all high school students trying to find themselves. Element Skateboards has given them a safe place to hang out, and place where they can better discover who they are. Living in the world that we live in today it's important that our children have places like this.

Like I mentioned before, Element Skateboards has been a major player in the action sport industry for many many years. Their special events bring extremely influential people from around the world to our city. Their events are not just simply events, they are putting Costa Mesa on a worldwide map through social media and PR that follows each event.

I urge you to support Element Skateboards with what they are trying to accomplish. I have been so blessed as a business owner that the city has supported my business and Element deserves the same support.

Thanks you and Much Respect,

Matt Meddock

Sessions West Coast Deli

714 457 9747 | matt@sessionssandwiches.com

Subject: Support Element Brand Costa Mesa

Date: Wednesday, September 23, 2015 at 12:11:44 PM Pacific Daylight Time

From: Dale Himmelreich

To: Jessica Deal

I am writing to support Element. The company and their headquarters, aka "The Branch"... Im the owner of Green Room Recycling a local paper recycling program that Element in Costa Mesa is involved in. The people and employees are making an effort every week to simply recycle all their waste paper with us, so it doesn't end up in your landfill! This company is environmentally friendly and doing something good. And I know for a fact that they help out the youth in the city by providing a fun and safe place to skateboard on their skate ramp that is totally secure at all times, helping to keep the kids off the street and out of trouble! The way they conduct themselves at Element is very professional and helpful to anyone that comes in the door, a great asset to the city of Costa Mesa. We are very lucky and proud to call them our customer that supports being a 100% green business involved in action sports...



Dear City of Costa Mesa,

I am writing to support Element. The company and their headquarters, aka "The Branch," provide added value to the Costa Mesa community with both their charitable outreach initiatives, as well as providing revenue gains for numerous local businesses. In addition to supporting our growing local creative, artistic and youth culture and enhancing the action sports community that resides here in Costa Mesa, their 50+ employees bring enthusiasm and positive energy to our community. Having this business and "The Branch" fully operational within Costa Mesa is beneficial for our community environment, businesses and property values.

Nonprofit Groups Anders Catering Supported in 2014 - 2015 - Orange County Roosters Foundation, Laura's House, Working Wardrobes, Komen Race for the Cure, Pacific Crest Youths Organization of Diamond Bar, Boys & Girls Club of Newport Harbor, KSBR Saddleback College, Mercy Health Lacks Cancer Center, Boys & Girls Club of Malibu, Orange County United Way Campaign, Waggin' Trails Rescue Foundation, Race to Heal Hunger Gala, Community Action Partnership of Orange County, Environmental Nature Center, UCI MIND.

Sincerely,
Larry Anders
Anders Catering
949-295-3646

October 12, 2015

To: City of Costa Mesa Planning Commission

Regarding: Element's Response to Complaint Dated 10.29.14 and Public Comment Submitted 10.9.15

Dear Planning Commission,

We, Element, have reviewed the Complaint Dated 10.29.14 (the "Complaint") and Public Comment Submitted 10.9.15 (the "Comment") included in the Planning Commission Agenda Report with respect to Element and our Global Headquarters at 126 Rochester Street ("The Branch"), and feel the need to respond on the public record to the substantive points raised as well as the mischaracterizations of our business, operations and intentions and the non-factual statements contained therein.

Events and Licensing/Permitting:

- The event mentioned in both the Complaint and the Comment was held in 2013. New management for the Billabong Group, as well as Element specifically, started in late 2013 and early 2014. The City of Costa Mesa notified Element in late Spring/early Summer 2014 we were not in compliance with licensing/permitting and, since that time, no events of this nature have been held at The Branch. Additionally, since receiving notification of the issue, we have been working with the City to develop a plan for The Branch that celebrates, supports and promotes the Element brand, the action sports industry, the City of Costa Mesa and the community while being thoughtful and considerate of our neighbors, both commercial and residential.
- We feel the conditions developed by the City Development Services Department allow us to achieve this goal and we fully intend to comply with these conditions, including that special events will go through a separate, case by case approval process.

Parking:

- By limiting our shipping containers to 6, we will have 42 parking spaces and will be in compliance with Code with respect to parking.
- We agree to limit all employee and event parking to the spaces available onsite.
- The Complaint mentions the parking issues faced by a nearby business, the Living Room. We understand that the Living Room used to have a verbal understanding with our landlord to use our property's parking spaces before the building was used by a business. However, that was rightfully and legally superseded by our lease, which clearly grants us the right to use our parking spaces. This should not be held against us.
- We allow our parking lot to be used freely by the public on the weekends, giving unregulated access to the neighboring businesses and residents who regularly use it during this time.

Noise:

- The conditions developed by the City Development Services Department, which we are in agreement with, address all of these points, including the conditions of no amplified music and noise attenuation.
- We have received over 100 letters of support from local neighbors, business and residential, including many that attest to an inability to hear noise from our skate ramp on their property.
- Additionally, we note that we run a global business from The Branch and cannot hear the noise from the skate ramp from within our building, which stands between the outside area and the skateboard ramp and the residential properties on Rochester Street.

Ramp:

- As per the proposed conditions, the skateboard ramp located on the property will not be open to the public.

Shipping Containers:

- The Branch's aesthetic (and Element's commitment to the environment) is all about repurposing existing materials, so when we entered into our lease and found one shipping container already on the property, we found inspiration for our storage concept. We are agreeing to reduce the number of shipping containers used on the property as well as to paint them to be more complementary to the building and property, which we plan to beautify once we have our permit in place.

Whited Out Windows:

- Our windows are no longer whited out, they are tinted. We have installed mirrored tint because (i) aesthetically, we like the way it looks; (ii) it keeps out direct sunlight which helps regulate the temperature inside the building and cuts down on our energy usage (we are an environmentally conscious company)

and (iii) the inside of the building is a creative space used to further things like our clothing and skateboard designs and brand campaigns, which we would not want accessible by the general public (trade secrets).

Other Issues Raised Not Supported By Fact/Not Rightfully Attributed to Element:

- While we acknowledge, as noted above, that there was a licensing/permitting issue, it is not true that we made any false statements. We were not aware of the issue and, as soon as it was brought to our attention, we worked with the City to address and resolve it.
- Element is a brand founded on positive skateboarding culture and doing well by doing good. We are family friendly and environmentally conscious. We strive to be a good neighbor and, as we have proven, are responsive to complaints and collaborative with the City. To say that neighbors fear retaliation from us is inconsistent with these objective facts. Indeed, we received over 100 letters of support from nearby neighbors and local residents and businesses.
- Element's activities do not increase the problems of vandalism, graffiti and theft faced by Costa Mesa (particularly around Newport Boulevard, just a short distance away from The Branch and the residential section of Rochester Street). In fact, having the building at 126 Rochester occupied and operational, as opposed to sitting vacant, reduces the tendency for each in the immediate area. They are also issues we face ourselves and work diligently to combat.
- There is no longer a silver trailer or a teepee outside and there has not been for some time.
- We don't know what the Complainant is referring to with people coming and going at all hours of the night on our property. We operate during ordinary business hours and anyone on our property late at night is trespassing and a concern to us as well.
- Skateboarders "taking over the neighborhood" cannot rightfully be attributed to Element. Skateboarding is a popular activity, particularly in Costa Mesa, the capital of action sports. Additionally, as youth have become more environmentally conscious, they have taken to greener forms of transportation such as biking and skating.
- The many mentions in the Comment and Complaint of safety, property damage and fear are unfortunate, but cannot validly be linked to Element. Rochester Street intersects with Newport Boulevard and is in an urban area. Element is subject to all of the same issues, likely on a larger scale since our business sits closer to Newport Boulevard and the bars and restaurants nearby.
- Other issues raised that are not rightfully attributed to Element include:
 - Trash on Rochester Street
 - People smoking cigarettes in public spaces
 - Homelessness/vagrancy
 - Pets barking
 - Drunk or rowdy people leaving bars or restaurants
 - Drunk driving
 - Non-residents walking down the street
 - Turnover of tenants of rental properties (side note: rents have generally gone up across Costa Mesa since Element's Global Headquarters relocated to The Branch)
 - Changes in generalized police complaints

We thank the City of Costa Mesa, the Development Services Department and the Planning Commission for their time and efforts throughout this process.

Sincerely,
The Element Team