

From: melinda@melindaluthinlaw.com
To: [eComments, PBA](#)
Subject: COMMENTS ON Amendment Application No. 2022-01 and Conditional Use Permit No. 2022-14 - Ali Pezeshkpour, Case Planner
Date: Monday, September 26, 2022 10:15:05 AM
Attachments: [ltr 2022.09.26 MLLaw to Santa Ana Commiss re Garry Ave.pdf](#)

Please provide copies to the planning commissioners and include in comments packet. Thank you.

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September 26, 2022

Santa-Ana Planning Commissioners
Bao Pham (Chair)
Miguel Calderon (Vice-Chair)
Isuri S. Ramos
Mark McLoughlin
Alan Woo
Thomas Morrissey
Eric M. Alderetes.

Re: Amendment Application No. 2022-01 and Conditional Use Permit No. 2022-14 for the Garry Avenue Business Park at 1700, 1720, and 1740 East Garry Avenue

Dear Planning Commissioners:

I represent the Garry Plaza Office Park Association (“GPOPA”), the owners of the real property located at 1800 and 1820 East Garry Avenue (“GPOPA Property”), which is next door to the real property located at 1700, 1720, and 1740 East Garry Avenue, Assessor’s Parcel number 430-171-07 (“Subject Property”). Garry Plaza Office Park Association is the owner of an easement over and across the existing roadways on the Subject Property for purposes of ingress to and egress from the GPOPA Property (“GPOPA Easement”). I provided to you, a copy of the GPOPA Easement with my previous letter dated August 22, 2022.

At the August 22, 2022 Planning Commission meeting, the Planning Commission considered Item Two on the Planning Commission agenda, “Amendment Application No. 2022-01 and Conditional Use Permit No. 2022-14 for the Garry Avenue Business Park at 1700, 1720, and 1740 East Garry Avenue” (“Project Applications”). According to the Planning Commission agenda packet for that meeting, Greenlaw Partners is the applicant for the project identified in agenda Item Two (“Greenlaw Project”).¹

The Greenlaw Project includes a proposed building located over the GPOPA Easement. According to GPOPA, the GPOPA Easement crisscrosses the entire Subject Property and is actively used on a daily basis. As discussed in my previous letter to you, GPOPA is not an

¹ Although it is not clear by the documents included in the Planning Commission agenda packet, it appears that the applicant, Greenlaw Partners is not the owner of record of the Subject Property, and that the fee owner of the Subject Property is Garry Owners, LLC.

applicant of the Greenlaw Project and does not agree to the erection of any building or to any other alteration to the Subject Property that would interfere with GPOPA's property rights in the Subject Property or the GPOPA Easement.

In written comments and at the August 22, 2022 Planning Commission meeting, GPOPA, as an owner of a real property interest in the Subject Property, opposed the Greenlaw Project. GPOPA also opposed the Greenlaw Project as an owner of neighboring real property. After receiving our comments regarding the Greenlaw Project, the Planning Commission understood that the Commission cannot approve the Greenlaw Project until or unless GPOPA reconveys the GPOPA Easement back to the owner of the Subject Property. In light of this, the Planning Commission approved a motion to continue deliberations on the Greenlaw Project until the next Planning Commission meeting in order to provide Greenlaw Partners an opportunity to negotiate with GPOPA.

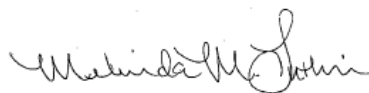
Although Greenlaw Partners and GPOPA have been in negotiations regarding the GPOPA Easement, the parties have not reached any agreement regarding it, and GPOPA remains opposed to the Greenlaw Project.

In addition, it is our understanding that the utility and drainage easements cannot be extinguished as proposed without negatively affecting my client's and possibly other neighboring properties' ability to access utilities and to have proper drainage.

It is our understanding that staff has recommended that the Planning commission not approve any portion of the project until or unless all interest holders of the property resolve all matters regarding the Subject Property. We fully agree with staff's recommendation and, GPOPA kindly requests that the Planning Commission not approve the Greenlaw Project and that staff deem the Project Applications incomplete until or unless the applicant provides the City with proof that it is the record owner of all interest in the Subject Property, including the GPOPA Easement.

Thank you for your time and consideration. If you have any questions, please contact me at 949-673-1161 or at the address indicated at the top of this letter.

Yours truly,



Melinda M. Luthin, Esq. of

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