



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, JAY TREVINO, AND PEGGY SCHNEBLE
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: OCTOBER 24, 2016
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. Project descriptions have been kept brief for this notice. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

PA-90-107 A2 1343 Logan Avenue

Second amendment to conditional use permit PA-90-107 for an existing towing service (Hadley Tow) to allow the following: (1) Relocation of six parking spaces designated for overnight vehicle storage from in front of the main vehicle gate at the front of the property, as originally stated in the conditions of approval, to behind the main vehicle gate; and (2) Modification to the condition of approval as to which gate(s) are required to be locked between the hours of 7:00 pm to 7:00 am: the condition of approval states the vehicle gate at the front of the property; the actual gate is the one for the storage yard.

Approved, subject to conditions of approval.

Comments received: None.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628 - 1200

DEVELOPMENT SERVICES DEPARTMENT

October 24, 2016

Mark Hassan
11819 Hadley Street
Whittier, CA 90601

**RE: SECOND AMENDMENT TO CONDITIONAL USE PERMIT PA-90-107 FOR AN
EXISTING TOWING SERVICE (HADLEY TOW)
1343 LOGAN AVENUE, COSTA MESA**

Dear Mr. Hassan:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings attached and subject to the conditions listed. The decision will become final at 5:00 p.m. on October 31, 2016, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, or at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Applicant's Project Description and Conceptual Plans

cc: Public Services/Engineering
Fire Protection Analyst
Building Safety Division
Transportation Services Division

Ed A. Alikhani
1342 Logan Avenue
Costa Mesa, CA 92626

BACKGROUND

Project Site / Environs

The property is located on the south side of Logan Avenue between College Avenue and McClintock Way. The property is zoned MG (General Industrial District) and has a General Plan land use designation of Light Industry. The lot size is 30,542 square feet and developed with a 12,020 square foot building. For this size lot, the maximum size building allowed by the City's General Plan is 10,620 square feet. The property complies with the industrial development standards and required number of parking spaces but is nonconforming in terms of maximum floor area ratio. The building is set back 20 feet from the front property line and approximately 70 feet from the rear property line. Half of the existing building is used for the towing business and the remainder is used for the auto repair business.

The property is bounded by industrially-zoned property to the east, west and north and a multiple-family, residentially-zoned property to the south. The abutting drainage channel separates the subject property from the adjacent apartment buildings.

Prior Land Use Entitlements

Application	Description
ZE-75-27 (Approved March 10, 1975)	Alteration of an existing building to allow motor freight and storage in an M1 zone.
PA-90-107 (Approved November 28, 1990)	Establishment of an auto body and paint shop within 200 feet of residentially-zoned property.
PA-90-107 A1 (Approved August 11, 2014)	Legalize towing company (Hadley Tow).

Conditional Use Permit PA-90-107 authorized operation of an auto shop business in 1990. The property has been occupied by Euro American Collision Center since January 10, 2000. On June 13, 2013, a City business license was issued for a dispatch office for a towing company to operate in the same facility as the auto repair (Hadley Tow). The approval was based on the understanding that no tow trucks or vehicles would be kept on site. In August 2013, the City received a complaint that the towing company was towing and storing vehicles on site. On January 13, 2014, the applicant submitted the first amendment to PA-90-107 (A1) to legalize the towing company at the subject site, which was approved by the Planning Commission on August 11, 2014 on a 4-0 vote (Commissioner Sesler abstained).

A condition of approval for PA-90-107 A1 required that the wrought iron gate at the front of the property shall be kept locked after 7:00 pm and shall not be open prior to 7:00 am. (Condition No. 3). Another condition of approval required that a minimum of 6

parking spaces at the front of the property shall be designated as after-hours vehicle drop off area in an attempt to mitigate noise impacts (Condition No. 4); the vehicles would be moved to the rear portion of the property during regular business hours.

Planning Application PA-90-107 A2

The applicant is proposing to modify Condition No. 3 to as to which gate(s) are required to be locked between the hours of 7:00 pm to 7:00 am: the condition of approval states the vehicle gate at the front of the property, but the applicant would like to modify the condition to require the northernmost gate-located at the end of the building- to be the gate that remains locked between 7:00 pm and 7:00 am. The applicant is also proposing to modify Condition No. 4 to relocate the 6 parking spaces designated for overnight vehicle storage from in front of the main vehicle gate at the front of the property, to behind the main vehicle gate.

ANALYSIS

Justifications for Approval of Modifications

Staff has reviewed the proposed revisions and supports the request based on the following:

- *The revisions will not be detrimental to surrounding properties or uses, nor allow a use, density, or intensity which is not in accordance with the general plan designation for the property.* Approval of the use will not be detrimental to surrounding properties or uses, nor allow a use, density, or intensity which is not in accordance with the general plan designation for the property. The applicant will be required to comply with all applicable conditions of approval and code requirements to ensure the use is not detrimental or create disruptive noise impacts to the adjacent residential use.
- *The applicant will be required to comply with the conditions of approval for PA-90-107 A1 and the City's Property Maintenance Standards.* The applicant is required to plant a 24-inch box Pyrus calleryana "Red Spire" in the parkway along Logan Avenue per Condition of Approval No. 20 for PA-90-107 A1. The applicant will also be required to re-pave the damaged and/or deteriorated paving on the site per CCMC Section 20-6(k) (Property Maintenance Standards) and restripe the parking area per Code Requirement No. 2 for PA-90-107 A1. All other applicable conditions of approval for PA-90-107 A1 remain in effect for the site.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has

been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the amendment of the conditional use permit because:

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

Response: The use, as conditioned, is compatible with the residentially zoned properties to the south because the conditions of approval will minimize potential noise and aesthetic impacts. The use would not be materially detrimental to the residentially zoned properties in terms of aesthetics and noise.

Required Finding: Granting the amendment to 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.

Response: The amendment to the conditional use permit for the use would not be injurious to the residentially zoned properties immediately adjacent to the north. The storage of non-operable vehicles would not be visible to the surrounding properties.

Required Finding: Granting the amendment to 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.

Response: Granting the amendment to 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. The towing use is approximately half of the existing industrial building and would be limited in terms of vehicle storage capacity. Therefore, the proposed towing company use would not be more intense than any other standard industrial use.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures,

and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.

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

CONDITIONS OF APPROVAL (PA-90-107 A2)

- Plng.
1. The below conditions of approval shall supersede and replace the conditions of approval for PA-90-107 A1.
 2. The use shall be limited to the type of operation as described in the staff report and the applicant's letters of description. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. 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 development services director or his designee, any of the findings upon which the approval was based are no longer applicable
 3. The wrought iron gate designated on the approved plan for PA-90-107 A2 for the rear storage yard shall be kept locked after 7:00 p.m. and shall not be open prior to 7:00 a.m.
 4. A maximum of six vehicles may be dropped off in the after-hours parking spaces in the designated after-hours drop off area designated on the approved plan for PA-90-107 A2 and shall be relocated to the vehicle storage area at the rear of the property by 10:00 a.m. No damaged vehicles shall be stored in the drop off area. No vehicles shall be dropped off on Logan Avenue.
 5. Outdoor storage of vehicle parts and accessories shall be prohibited.
 6. All vehicle storage shall be accommodated on-site and no vehicle storage shall be allowed to take place on the adjacent streets.
 7. Noise complaints from neighboring properties shall be addressed immediately by the business operator. Corrective measures may include but are not limited to, revised operational procedures; changes

- in hours of operation; changes in equipment use, placement and operations; and temporary suspension of the towing use.
8. The applicant shall maintain a telephone number for reporting noise complaints 24-hours a day, 7-days a week. That number shall be provided to the Development Services Department and posted prominently at the site.
 9. Every effort shall be made to reduce the triggering of car alarms including but not limited to:
 - a. Vehicles with sensitive alarms need to be identified with conspicuous flyers or flagged in a manner acceptable to the Development Services Department;
 - b. Alarms shall be disabled; and
 - c. Car batteries removed.
 10. 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.
 11. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 12. 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.
 13. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 14. If any section, division, sentence, clause, phrase or portion of this resolution is 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.

15. Per CCMC Section 20-6(k) (Property Maintenance Standards), the applicant and/or property owner shall repair or replace all damaged and/or deteriorated on-site paving no later than 60 days from the date of this approval.
- Pkwys 16. The applicant shall plant a 24" box Pyrus calleryana "Red Spire" in the parkway along Logan Avenue no later than 60 days from the date of this approval.

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.

- Plng. 1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining a business license and legally establishes the business. If the applicant is unable to establish the use within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
2. Parking stalls shall be double-striped in accordance with City standards within 60 days from the date of this approval.
3. The applicant shall comply with the exterior noise ordinance standards of Costa Mesa Municipal Code Section 13-280.
- Bus. 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.
- Lic.
- Bldg. 5. Comply with the requirements of the 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) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Areas of alteration and additions shall comply with 2013 California Green Building Standards Code Section 5.303.2.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD 1. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the District.

HADLEY TOW

**11819 E. Hadley St.
Whittier, CA 90601
(562)692-3793 fax (562) 692-1919**

September 14, 2016

City of Costa Mesa
Client Department

77 Fair Drive
Costa Mesa, CA 92626

Re.: Minor Conditional Use Permit - PA-90-107A1
Hadley Tow – 1343 Logan Ave, Costa Mesa, CA 92868

To Whom It May Concern,

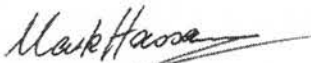
Hadley Tow would like to ask the City of Costa Mesa to allow the relocation of 6 overnight storage parking spaces from the front of the building to behind a security gate adjacent to the handicapped spaces provided by us.

In August 2014, our architect's plan included 6 parking spaces for overnight vehicle storage in front of the main gate. However, since we have 2 handicapped and 2 customer parking spaces in front of the gate, Hadley Tow would like to relocate the 6 overnight storage spaces directly behind the existing gate for security reasons.

We met with the architect and revised our plan. In the last 2 (two) years, Hadley Tow did not receive any noise complaints, and we are not expecting any issues due to the relocation, especially since the 6 spaces are right behind the handicapped parking spaces.

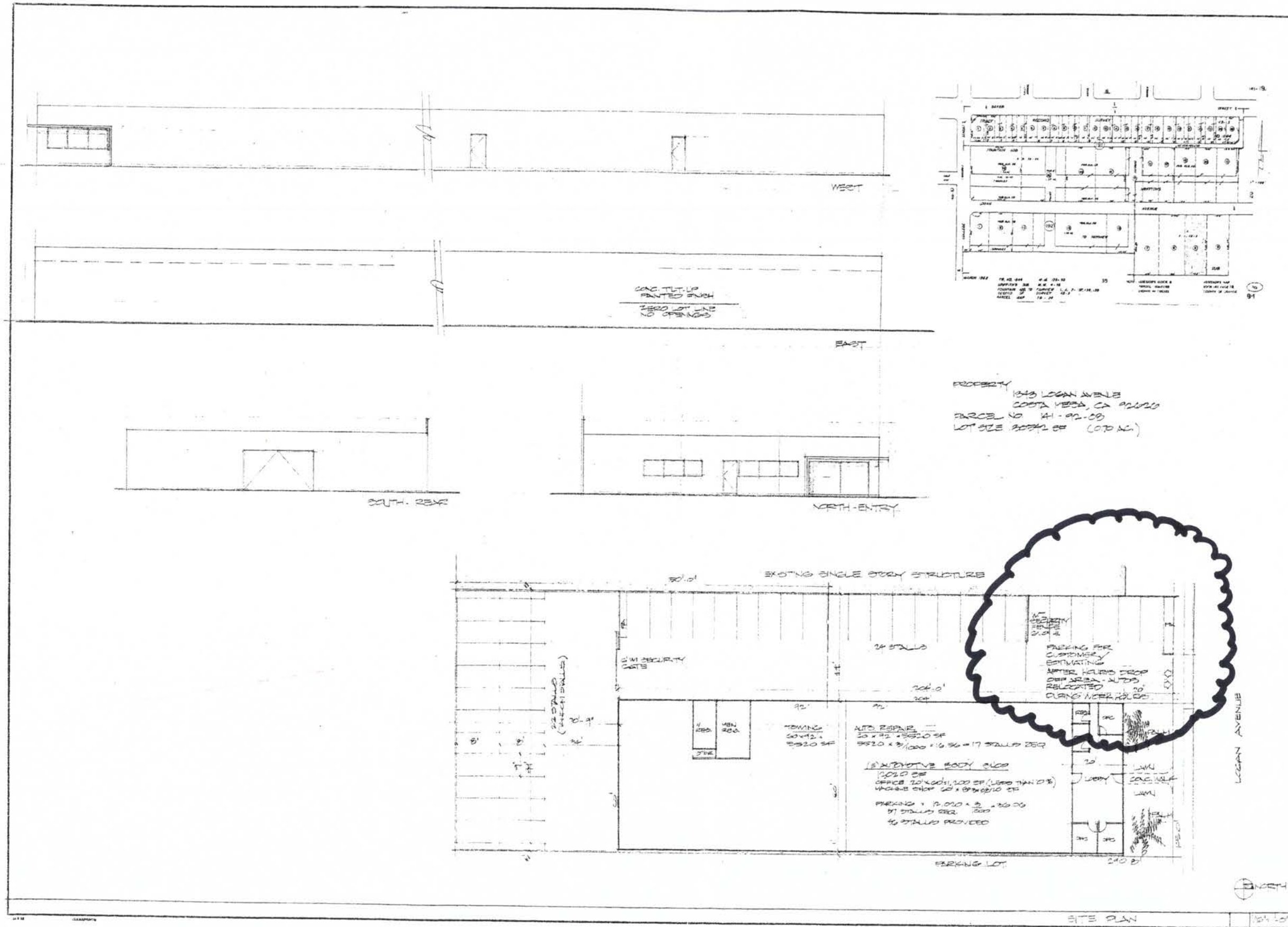
Thank you for your consideration and please feel free to call me directly with any questions at 562.824.9759

Kind Regards,



Mark Hassan
CEO/ Owner
Hadley Tow

ORIGINAL DROP-OFF AREA APPROVED UNDER PA-90-107 A1



PROPERTY
 1043 LOGAN AVENUE
 COSTA MESA, CA 92626
 PARCEL NO. 44-92-00
 LOT SIZE 20742 SF (0.47 AC)

REVISIONS	BY

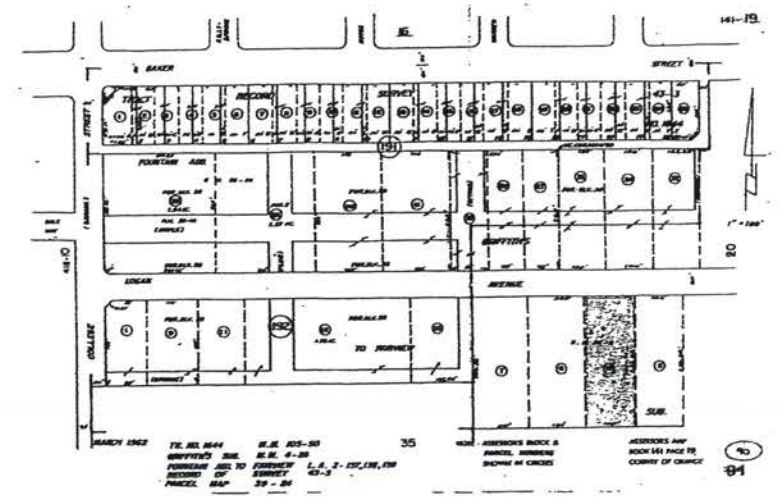
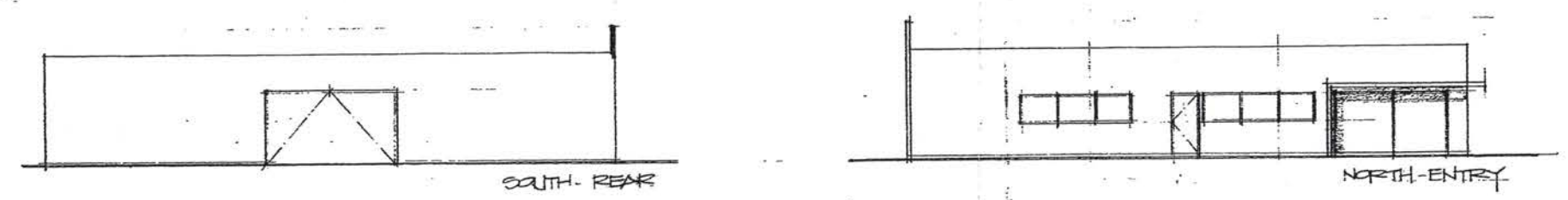
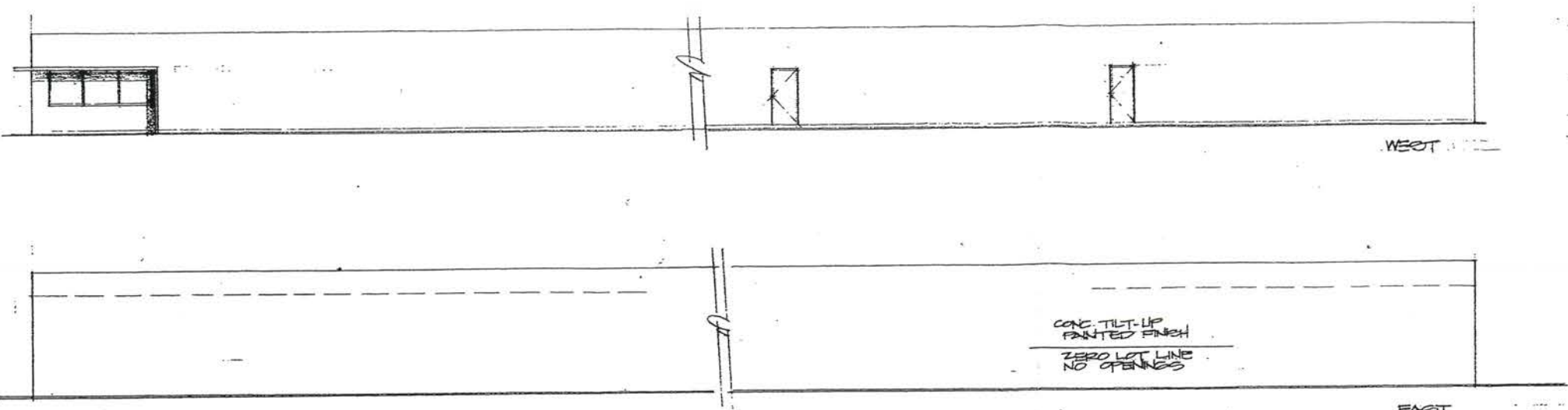
McVay Architecture, LLC
 Bruce C. McVay, Architect
 C-11870
 8440 East El Rollo Street
 Long Beach, CA 90815
 562.798.0903 (office)
 562.310.2759 (cell)
 562.525.0518 (fax)

MINOR C.U.P.
 1043 LOGAN AVE
 COSTA MESA, CA 92626

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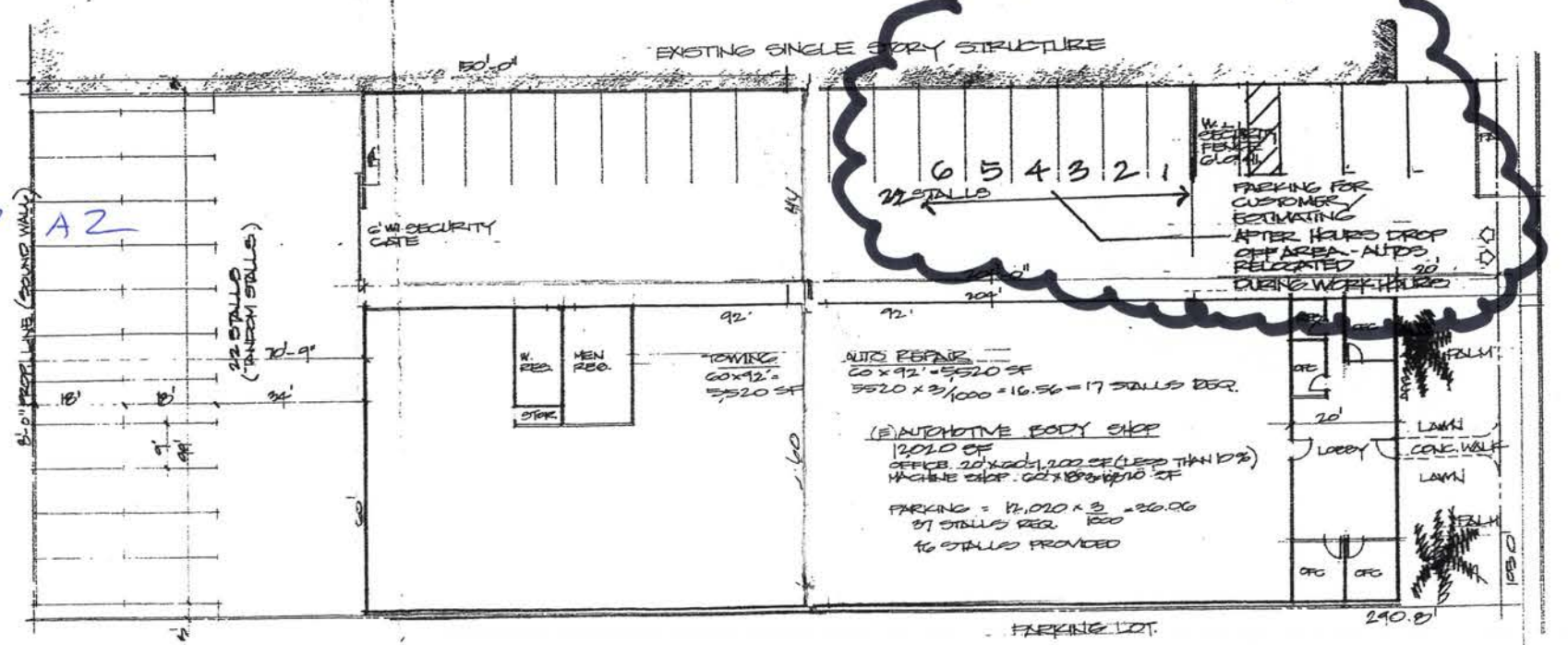
SITE PLAN

REVISED DROP OFF AREA PROPOSED UNDER PA-90-107 A2



PROPERTY
 1345 LOGAN AVENUE
 COSTA MESA, CA 92620
 PARCEL NO. 141-142-00
 LOT SIZE 20842 SF (0.47 AC.)

MINOR CONDITIONAL USE PERMIT/
 ADMINISTRATIVE ADJUSTMENT NO. PA-90-107 A2
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY *[Signature]* DATE 10/24/16



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SITE PLAN



REVISIONS
2016 WALL
7-1-2016

MeVay Architecture, LLC
 Bruce Cameron MeVay, Architect
 C-11870
 8440 East El Roble Street
 Loma Beach, CA 90815
 562.799.0908 (ph/fax)
 562.310.2759 (cell)
 bcameron@mevay.com

MINOR C.U.P.
 1345 LOGAN AVE

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