



# **PLANNING COMMISSION AGENDA REPORT**

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MEETING DATE: AUGUST 11, 2014

ITEM NUMBER: PH-2

**SUBJECT: AMENDMENT TO PLANNING APPLICATION PA-90-107 CONDITIONAL USE PERMIT TO ALLOW A TOW COMPANY (HADLEY TOW) IN CONJUNCTION WITH AN EXISTING AUTO REPAIR USE AT 1343 LOGAN AVENUE**

**DATE: JULY 29, 2014**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692  
antonio.gardea@costamesaca.gov**

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of an amendment to a conditional use permit to legalize the operation a tow company in conjunction with an existing auto repair use. The towing business was originally approved as a dispatch operation only, but was found to be operating as a tow company, including the storage to tow trucks, equipment and the storage of impounded vehicles.

## **APPLICANT**

The applicant is Mark Hassan, representing Ed Khalini, the property owner.

## **RECOMMENDATION**

Deny by adoption of Planning Commission Resolution.

## **BACKGROUND**

This item was considered by the Planning Commission on May 27, 2014 after a two week continuance. Staff recommended denial and the report is attached. However, the Planning Commission continued the item off calendar and the applicant was directed to provide and or do the following:

1. provide additional information regarding the anticipated improvements to the site;
2. conduct outreach to adjacent residents and businesses;
3. prepare a noise study regarding the effect that the proposed wall would have on noise emanating from the site; and
4. provide information regarding the standards or requirements necessary to be a AAA service provider.

The Planning Commission requested that staff consider the supplemental information being requested and proposed, if appropriate, conditions of approval that would make require the use to operate in a manner that would be compatible with the adjacent residential uses. These conditions could include but are not limited to the following:

- The applicant shall construct a minimum eight-foot tall, decorative masonry block wall along the rear (south) property line prior to issuance of a business license for the full towing operations.
- The applicant shall remove the unpermitted structure at the rear of the property.
- Outdoor storage of vehicle parts and accessories shall be prohibited.
- A maximum of 22 vehicles shall be allowed to be stored at the rear portion of the property.
- The applicant shall construct a minimum six-foot tall wall and gate to screen the rear portion of the property from view from Logan Avenue.
- The wrought iron gate at the front of the property shall be kept locked after 10:00 p.m.
- A minimum of six parking spaces at the front of the property shall be designated as after-hours vehicle drop off area.
- Towing and service vehicles shall not be left idling, radios shall be turned off, and doors closed in the rear portion of the property.

Every effort shall be made to minimize triggering of car-alarms, including but not limited to posting notices on cars with sensitive alarms, disabling the alarm or disconnecting the battery.

The plans were revised indicating that vehicle drop off after regular business hours would occur toward the front of the property, near Logan Avenue. The vehicles would be moved to the rear portion of the property during regular business hours. The plans also show that a new security gate would be installed between the impound area at the rear and the parking area for the auto repair business separating the two uses. A new eight foot tall block wall would be constructed along the rear property line.

The applicant contacted the managers at Seapointe Apartments and Pine Brook Village Apartments. The letters indicate that the applicant is available to address any concerns

regarding the operations of the tow business, however no meeting with the adjacent residents was ever conducted.

A noise study was not prepared, nor was information regarding AAA rating standards provided.

**ANALYSIS**

The plans indicate that half of the existing building would be used for the proposed towing company and the remainder would continue to be used for the existing auto repair business. A new security gate would be installed separating the vehicle storage area at the rear and the parking area for the auto repair business. Six parking stalls at the front of the property would be used for vehicle drop off after regular business hours. The vehicles would be moved to the rear portion of the property at the start of the business day. This note was added to the plans in order to address potential noise impacts to the residents of the adjacent apartments. Furthermore, an eight-foot tall sound wall would replace the wood fence at the rear which would also address potential aesthetic impacts.

The proposed towing business is shown as having an area of 5,520 square feet, which requires a minimum of 17 parking spaces. The plans show that the use of tandem parking stalls at the rear of the lot increases the number of spaces to 22. It is anticipated that these spaces would be used as vehicle storage. The applicant's presentation indicated that ten vehicles service the Costa Mesa area: six light duty vehicles and four tow trucks. These vehicles could be kept in the tandem spaces for ease of dispatch and the remaining spaces could be used for vehicle storage.

As the attached staff report indicates, the existing repair use operates in compliance with the zoning code development standards for automobile repair uses; however, two violations of the existing conditions of approval were observed. These violations include, outside storage of vehicle parts and having the rear door to the building open during business hours.

**General Plan Consistency**

The proposed use would be contrary to the General Plan policies to protect existing residential neighborhoods from encroachment of incompatible or potentially disruptive land uses and/or activities. The proposal for the towing company is also contrary to the Zoning Code development standards for auto repair uses. The towing company would be a 24-hour operation and damaged vehicles would be stored on site. Section 13-54, Additional property development standards for the industrial districts, requires that the hours of operation for automobile service uses be restricted to 7:00 a.m. to 7:00 p.m. and do not allow any damaged or inoperable vehicles to be stored on site.

## **On Going Operations**

The tow company continues to operate at the site without obtaining an amendment to the Conditional Use Permit. Since the first Planning Commission hearing on May 27, 2014, staff has worked with the applicant to complete the special studies and community outreach requested by the Commission. However after more than 10 weeks progress appeared to be stalled, so the project has been rescheduled for further Commission consideration.

## **ENVIRONMENTAL DETERMINATION**

If the request is denied, it would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270 (a) for projects which are disapproved.

## **CONCLUSION**

Due to the proximity to residentially zoned properties, and the operating characteristics of the towing business, there is no basis for approval of the amendment to the Conditional Use Permit as requested by the applicant. The towing business is inconsistent with General Plan Policy LU-1F.1, to protect existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Therefore, the recommendation is to deny the request for an amendment of the existing conditional use permit to allow the towing business in conjunction with the existing approved automotive repair. If the use is denied, the applicant cannot submit the same type of application for six months.

## **ALTERNATIVES**

The Commission has the following alternatives:

1. Continue the item to allow more time for analysis or revisions to the project.
2. Request that staff bring back for consideration a Resolution for approval based on the evidence and findings expressed at the public hearing.

  
ANTONIO GARDEA  
Senior Planner

  
JERRY GUARRACINO, AICP  
Interim Assistant Director of Development  
Services

- Attachments:
1. Draft Planning Commission Resolution
  2. May 27, 2014 Planning Commission Staff Report
  3. Site Plan
  4. Applicant Letters

cc:

Director of Economic & Development / Deputy CEO  
Sr. Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Mark Hassan  
Hadley Tow  
11819 Hadley Street  
Whittier, CA 90601

Ed Khalini  
1343 Logan Avenue  
Costa Mesa, CA 92626

**RESOLUTION NO. PC-14-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING AN AMENDMENT TO CONDITIONAL USE PERMIT PA-90-107 TO ALLOW A TOWING COMPANY AT 1343 LOGAN AVENUE**

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

WHEREAS, an application was filed by Mark Hassan, representing Ed Khalini, owner of property located at 1343 Logan Avenue, requesting an amendment to an existing Conditional Use Permit PA-90-107 to allow the legalization of a towing company.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2014 with all persons having the opportunity to speak for and against the proposed project.

WHEREAS, on May 27, 2014, the Planning Commission continued consideration of the amendment to the Conditional Use Permit to a date uncertain.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 11, 2014 with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** PA-90-107 A1 with respect to the property described above.

**PASSED AND ADOPTED this 11<sup>th</sup> day of August, 2014.**

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Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

- A. The information presented does not comply 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair is incompatible with the residentially zoned properties to the south. Establishment of a towing company would be materially detrimental to the residentially zoned properties in terms of aesthetics and noise. Allowing the towing company would introduce a use that is not conducive to the peaceful enjoyment of the residential property immediately to the south developed with two-story, multiple family dwelling units. Even though, the applicant is proposing to construct a block wall with a gate to screen the vehicles from view from Logan Avenue and use the vehicle drop-off area on the front against Logan Avenue, the vehicles may be visible from the apartments over the sound wall along the south property line and the 24-hour operation of the towing business may still be audible and disturbing to the residents of the adjacent property.

**Required Finding:** Granting the conditional use permit or minor 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair use would be injurious to the residentially zoned properties immediately adjacent to the south. Operating a 24-hour towing company in conjunction with an auto repair use is contrary to the additional development standards of the industrial zone for motor vehicle repair uses within 200 feet of residentially zoned properties. Specifically, the storage of non-operable vehicles is prohibited and operation outside of standard business hours would be detrimental to the residential property to the south. In addition, the noise and aesthetic impacts are injurious to the residential property immediately to the south.

**Required Finding:** Granting the conditional use permit or minor 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 conditional use permit amendment 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. The proposed towing company was approved as a dispatch office only (general office use) as an ancillary use to the existing body shop. Allowing storage of vehicles and tow truck dispatching from the site after regular operating hours intensifies the use of the property. The towing operations would require a number of vehicles to be stored on site which effectively reduces the number of parking spaces that may be necessary for the auto repair use and results in conditions contrary to the development standards for auto repair uses.

- B. The Costa Mesa Planning Commission has denied Zoning Application PA-90-107 A1. Pursuant to Public Resources Code Section 21080(b)(5) and therefore according to CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: MAY 27, 2014

ITEM NUMBER:

**SUBJECT: AMENDMENT TO PLANNING APPLICATION PA-90-107 TO ALLOW A TOW COMPANY (HADLEY TOW) IN CONJUNCTION WITH AN EXISTING AUTO REPAIR USE  
1343 LOGAN AVENUE**

**DATE: MAY 16, 2014**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692  
antonio.gardea@costamesaca.gov**

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of an amendment to a conditional use permit to legalize operating a tow company in conjunction with an existing auto repair use.

## **APPLICANT**

The applicant is Mark Hassan, representing Ed Khalini, the property owner.

## **RECOMMENDATION**

Deny by adoption of Planning Commission Resolution.

## **BACKGROUND**

Conditional Use Permit PA-90-107 authorized operation of an auto shop business in 1990. The property has been occupied by "Euro American Autobody Shops Inc." 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 (Attachment 4). The approval was based on the understanding that no tow trucks or vehicles would be kept on site. The notation indicates that dispatch of trucks is only an accessory use to the existing automobile repair use. In August 2013, the City received a complaint that the towing company was towing and storing vehicles on site. An investigation was initiated; staff did not observe any stored vehicles on site. In October 2013, a follow up complaint was filed, which after investigation, confirmed that tow trucks were kept on the premises and also parked on Logan Avenue. On January 13, 2014, the applicant submitted an application to legalize the towing company at the subject site.

This item was originally scheduled for consideration by Planning Commission on May 12, 2014. However, the applicant requested a two-week continuance to submit revised plans. The plans were revised indicating that vehicle drop off after regular business hours would occur toward the front of the property, near Logan Avenue in an attempt to mitigate noise impacts. The vehicles would be moved to the rear portion of the property during regular business hours. The plans also show that a new security gate would be installed between the impound area at the rear and the parking area for the auto repair business separating the two uses. The proposed modifications do not address the aesthetic impacts and potential noise impacts.

### ***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 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. The plans indicate that half of the existing building would be used for the proposed towing company and the remainder would continue to be 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. As shown in the attached vicinity map, the apartment buildings are approximately 200 feet away from the proposed site and the area next to the channel is developed with parking spaces, a drive aisle and carports.

**Prior Land Use Entitlements**

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

The staff report for PA-90-107 notes a concern that noise generated at the site may impact the residential property to the south and included a condition of approval that the rear doors remain closed during all hours of operation. The plans submitted for the auto body repair use show office space in the front half of the building and label the remainder as garage.

**Planning Application PA-90-107 A1**

In the MG zone, tow companies require approval of a Minor Conditional Use Permit. However, the towing company is considered ancillary to the motor vehicle repair use which was previously granted a conditional use permit. The site plan submitted by the applicant shows the rear half of the building would be used for the towing company in order to demonstrate compliance with the minimum number of parking spaces required for the existing building. Because the two business would share the same site, occasionally the towing company would partner with the body shop for customer referrals. Although the applicant's letter indicates that the hours of operation would coincide with the auto body repair use, the intention is to have the businesses operate independent of one another. The letter states that the towing business is a 24-hour operation and that vehicles would be dropped off after regular business hours. Therefore, the application is a request to modify the conditional use permit to accommodate the 24-hour towing company use in addition to the auto repair use.

**ANALYSIS**

Section 13-54 of the Zoning Code imposes additional property development standards on service and repair of motor vehicles and boats use that are within 200 feet of residentially zoned properties. The automobile service and repair operations are subject to the following standards:

- (1) All operations shall be conducted within an enclosed building.
- (2) All areas or structures in which such operations are conducted shall be so located or treated as to prevent annoyance or a detriment to any other existing on-site uses and surrounding properties.
- (3) All activities shall be confined to 7:00 a.m. to 7:00 p.m. when located within 200 feet of residentially zoned property measured from lot line to lot line.
- (4) No damaged or inoperable boats or vehicles shall be stored for purposes other than repair.

The auto body repair use operates in compliance with the above standards. Operations are conducted within the building, there have been no complaints from the surrounding neighbors; and, the hours of operation are from 8:00 a.m. to 5:00 pm. Monday through Friday. In addition, no inoperative vehicles are kept on site.

The recent complaints were strictly related to operation of the towing company. The complaint was found to be valid in October 2013, as inspection by the Code Compliance officer revealed that tow trucks and vehicles were being stored on the premises. Staff has conducted a site visit and found that the business was not being conducted in full compliance with the conditions of approval. The rear door was left open in violation of the condition mandating that it remain closed during business hours, and automobile parts are being stored outside the building.

The proposal for the towing company is contrary to the development standards noted above. The towing company would be a 24-hour operation and damaged vehicles would be stored on site. The plans indicate that the vehicle impound area would be along the rear property line in a row of tandem parking spaces. The impounded vehicles parking will reduce the on-site parking to 24 spaces; 13 spaces short of the minimum required for this size building.

### ***General Plan Consistency***

The operating characteristics of the 24-hour towing business would be detrimental and disruptive to the residential use immediately to the south. The towing business would have aesthetic impacts that would be visible from adjacent residential zone. Also, the use would likely generate night-time noise that exceed the City of Costa Mesa residential exterior noise thresholds of 50dB(A), and could disrupted the peaceful enjoyment of the adjacent residents during night time hours. The amendment to the Conditional Use Permit to allow the establishment of the towing business is inconsistent with the City's General Plan Policy to protect existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.

### ***Zoning***

The proposed project would introduce a use that is contrary to the applicable development standards for motor vehicle repair uses within 200 feet of residentially zoned properties and would operate in a manner that is not compliant with the original approval. The Zoning Code development standards for automobile repair uses limits the hours of operation and prohibits storage of damaged or inoperative vehicles for purposes other than repair. The 24-hour operation of the towing business may be audible and disturbing to the residents of the adjacent property even though the after-hours vehicle drop-off area is located toward the front of the property against Logan Avenue. The towing company would introduce a use that is not conducive to the peaceful enjoyment of the residential property immediately to the south. Allow a 24-hour towing service and

storage of impounded vehicles is contrary to the additional development standards applicable to the existing repair use.

The subject property is located adjacent to residentially-zoned property containing two-story, multiple family dwelling units. The proposed towing company would impact the residential property in terms of aesthetics and noise. Even though, a block wall with a gate would screen the vehicles from view from Logan Avenue, the impounded vehicles would be visible from the apartments over the six-foot tall wood fence along the south property line.

### **ENVIRONMENTAL DETERMINATION**

If the request is denied, it would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270 (a) for projects which are disapproved.

### **CONCLUSION**

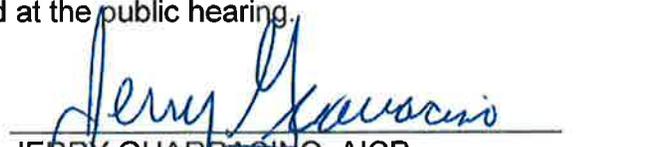
Due to the proximity to residentially zoned properties, and the operating characteristics of the towing business, there is no basis for approval of the amendment to the Conditional Use Permit as requested by the applicant. The towing business is inconsistent with General Plan Policy LU-1F.1, which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Therefore, the recommendation is to deny the request for the amendment of the existing conditional use permit for the automotive repair to allow the towing business. If the use is denied, the applicant cannot submit the same type of application for six months.

### **ALTERNATIVES**

The Commission has the following alternatives:

1. Continue the item to allow more time for analysis or revisions to the project.
2. Request that staff bring back for consideration a Resolution for approval based on the evidence and findings expressed at the public hearing.

  
ANTONIO GARDEA  
Senior Planner

  
JERRY GUARRACINO, AICP  
Interim Assistant Director of Development  
Services

- Attachments:
1. Draft Planning Commission Resolution
  2. Applicant's Description of the Use
  3. Site Plan
  4. Business License Application
  5. Vicinity Map

cc:

Director of Economic & Development / Deputy CEO  
Sr. Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Mark Hassan  
Hadley Tow  
11819 Hadley Street  
Whittier, CA 90601

Ed Khalini  
1343 Logan Avenue  
Costa Mesa, CA 92626

**RESOLUTION NO. PC-14-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING AN AMENDMENT TO CONDITIONAL USE PERMIT PA-90-107 TO ALLOW A TOWING COMPANY AT 1343 LOGAN AVENUE**

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

WHEREAS, an application was filed by Mark Hassan, representing Ed Khalini, owner of property located at 1343 Logan Avenue, requesting an amendment to an existing Conditional Use Permit PA-90-107 to allow the legalization of a towing company.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2014 with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** PA-90-107 A1 with respect to the property described above.

**PASSED AND ADOPTED this 27<sup>th</sup> day of May, 2014.**

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Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

- A. The information presented does not comply 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair is incompatible with the residentially zoned properties to the south. Establishment of a towing company would be materially detrimental to the residentially zoned properties in terms of aesthetics and noise. Allowing the towing company would introduce a use that is not conducive to the peaceful enjoyment of the residential property immediately to the south developed with two-story, multiple family dwelling units. Even though, the applicant is proposing to construct a block wall with a gate to screen the vehicles from view from Logan Avenue and use the vehicle drop-off area on the front against Logan Avenue, the vehicles would be visible from the apartments over the six-foot tall wood fence along the south property line and the 24-hour operation of the towing business may still be audible and disturbing to the residents of the adjacent property.

**Required Finding:** Granting the conditional use permit or minor 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair use would be injurious to the residentially zoned properties immediately adjacent to the south. Operating a 24-hour towing company in conjunction with an auto repair use is contrary to the additional development standards of the industrial zone for motor vehicle repair uses within 200 feet of residentially zoned properties. Specifically, the storage of non-operable vehicles is prohibited and potential operation outside of standard business hours would be detrimental to the residential property to the south. In addition, the noise and aesthetic impacts are injurious to the residential property immediately to the south.

**Required Finding:** Granting the conditional use permit or minor 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 minor 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. The proposed towing company was approved as a dispatch office only (general office use) as an ancillary use to the existing body shop. Allowing storage of vehicles and tow truck dispatching from the site after regular operating hours intensifies the use of the property. The towing operations would require a number of vehicles to be stored on site which effectively reduces the number of parking spaces that may be necessary for the auto repair use and results in conditions contrary to standard development standards for auto repair uses.

- B. The Costa Mesa Planning Commission has denied Zoning Application PA-90-107 A1. Pursuant to Public Resources Code Section 21080(b)(5) and therefore according to CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

# HADLEY TOW

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

April 29, 2014

Re: Amendment to Planning Application PA-90-107 A1 for a Towing Service  
1343 Logan Avenue, Costa Mesa

Dear Antonio Gardea:

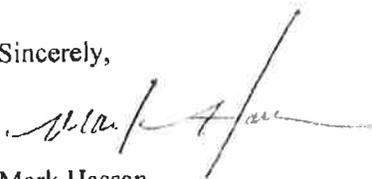
In response to your email dated April 28, 2014 our responses are as follows:

2.
  - a) Auto Repair & Tow Yard: Hours of Operation: 8:00 am -6:00 pm Monday-Friday  
8:00 am-2:00 pm Saturday and closed on Sunday.
  - b) Number and location of vehicles stored on site (including tow trucks): 25-30
  - c) Nature of vehicles stored: impounded vehicles, operative vehicles which shall be  
be tandem parked by the attendant on duty during all hours of operation and inoperative vehicles  
stored on the south side of the lot.
  - d) Does not reduce on-site parking requirement
  - e) Are stored vehicles screened from view of the street and surrounding properties?  
Yes, it is 100% screened by a rod iron fence.

To satisfy the minimum number of parking spaces we will park five additional vehicles inside the rear of building.

Hadley Tow currently does not conduct Private Property Impounds. Towing business is generally a 24 hour operation but 99% of vehicles are released during business hours. The majority of vehicles are towed from point A to point B and rarely back to the facility. Our office in Santa Ana is a 24 hour operation.

Sincerely,



Mark Hassan  
President / Owner



APPLICATION FOR (714) 754-5235 • ww

Business Name HADLEY TOW

Parent Company Name FMG INC.

Business Address 1343 LOGAN AVE. Costa Mesa CA 92626

Mailing Address 11819 hadley st. whittier CA 90601

Business Telephone # (714) 453-0130 Costa Mesa Business Start Date IN COSTA MESA For 10/25 No. of Employees (on average)

Ownership (Check One Only) [ ] Sole Owner [X] Corporation [ ] Partnership [ ] Husband & Wife Co-ownership [ ] LLC [ ] LLP

Seller's Permit No. N/A Contractor's State No. & Class N/A

Federal Employer ID # or, Owner's Social Security # 954810354 Hours of Operation (M-F) 8-5 (S-SU) closed.

OWNER'S OR PRINCIPAL'S NAME(S)

Name Mark Hassan

Home Address 15429 ESQUILME DR

City Chino hills CA Zip 91709

Telephone # (562) 8249759 Title owner

Drivers License No. B5422164 DOB 12-27-78

TYPE OF BUSINESS

Please Check One: [ ] Wholesale [ ] Retail [X] Manufacturing [X] Services Standard Industrial Class Code (SIC) 7549111

[ ] Non-Profit [ ] Administrative Only [ ] Warehouse [ ] Other Alcohol Beverage Control Permit No. (If Applicable)

Fully Describe Business Operation: DISPATCH OFFICE - TOWING - Number of Rental Units/Rooms/Spaces (If Applicable)

Secondhand Dealers and/or Pawn Brokers License Required: [ ] Yes [ ] No

STATE MANDATED DISABILITY ACCESS AND EDUCATION REVOLVING FUND - \$1.00

On September 19, 2012 Governor Brown signed into law SB-1186 which adds a state fee of \$1 on any applicant for a local business license or similar instrument or permit, or renewal thereof.

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public.

- The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx.
The Department of Rehabilitation at www.rehab.ca.gov/net.gov.
The California Commission on Disability Access at www.ceda.ca.gov.

TAX DUE (CHOOSE ONE BELOW): 25

STATE MANDATED FEE: \$1.00

TOTAL AMOUNT ENCLOSED: 26.00

Please send your check, made payable to: City of Costa Mesa Treasury Management Division P.O. Box 1200, Costa Mesa, Ca 92628-1200

CHOOSE ONE OF THE APPROPRIATE TAX SCHEDULES BELOW AND ENTER ABOVE

GENERAL BUSINESS (wholesale, retail, professional, etc.) Enter Annual Gross Receipts Amount \$ 25,000 And Circle the corresponding category below

SHOW EXHIBITION, SWAP MEET Tax on the Promoter's Gross Receipts from the Gross Receipts schedule to the left

ADMINISTRATIVE OFFICES/WAREHOUSES (Fees based on annual operating expenses when no receipts generated)

VEHICLE WHEEL, TOW TRUCK, BUS Number of Vehicles: x \$25.00 = Total Tax Due \$

CONTRACTOR (California Licensed) Total Tax Due \$50.00

TAXI CABS Total Tax Due \$ 50.00

TAX EXEMPT ORGANIZATIONS Attach proof of Tax Exempt Status (required for waiver of tax due)

Your Business License will be issued under the provisions of Municipal Code Section 9-1. You are cautioned that this License does not permit operation of a business in violation of other Municipal Code Sections.

Authorized Signature [Signature] Title owner Date 6/10/13

FOR CITY OFFICE USE ONLY

Planning Approval [Signature] Date Approved 6/10/13 CUP Required? No CUP #

Vicinity Map



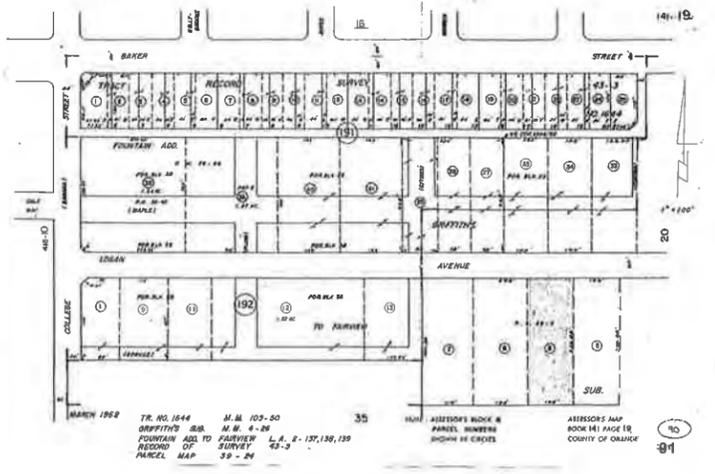
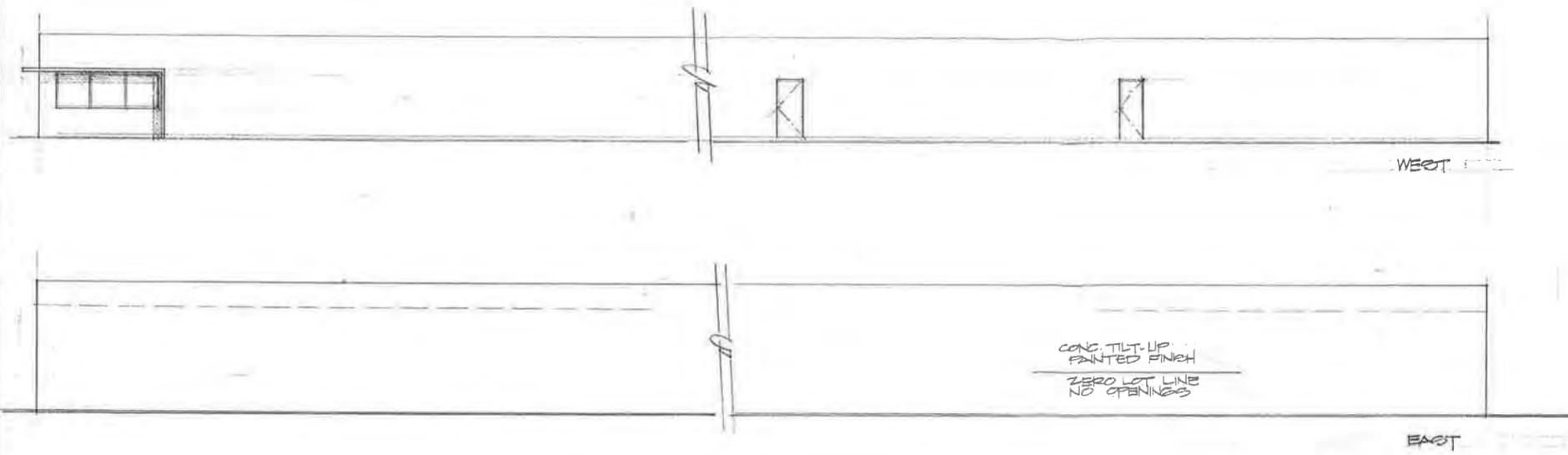
# ATTACHMENT 3

REVISIONS	BY
ROUND WALL 7-1-2014	WJM

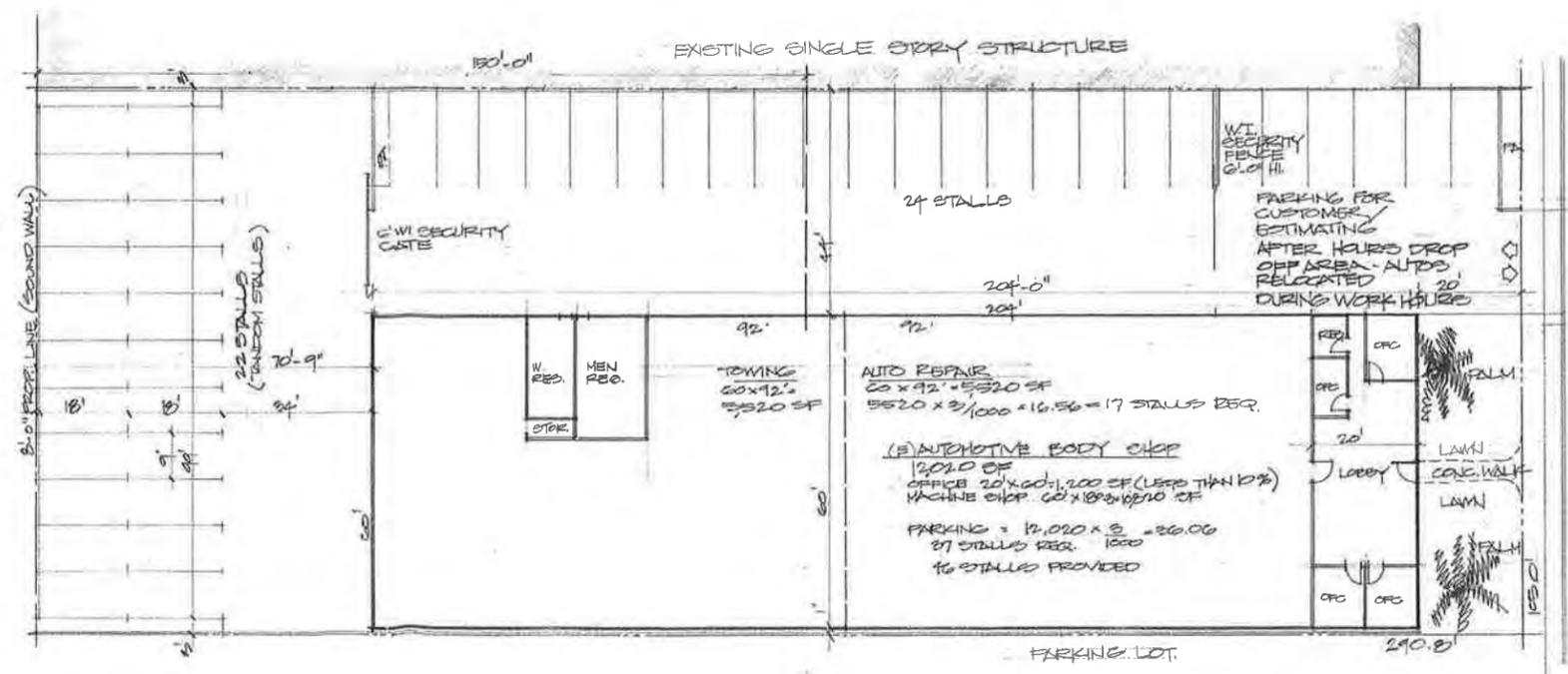
**McVay Architecture, LLC**  
 Bruce Cameron McVay, Architect  
 C-11870  
 6440 East El Robble Street  
 Long Beach, CA 90815  
 562 796 0906 (office)  
 562 310 2759 (cell)  
 bcamcay1@verizon.net

MINOR C.U.P.  
 1545 LOGAN AVE  
 COSTA MESA, CA 92626

Date	
Scale	
Drawn	
Job No	
Sheet	
Of	Sheets



PROPERTY  
 1545 LOGAN AVENUE  
 COSTA MESA, CA 92626  
 PARCEL NO. 141-192-00  
 LOT SIZE 30342 SF (0.70 AC.)



23

SITE PLAN



1/8" = 1'-0"

**HADLEY TOW  
1343 LOGAN AVE.  
COSTA MESA, CA 92626  
(714)541-2355**

**Received**  
City of Costa Mesa  
Development Services Department

AUG 01 2014

Dear Pine Creek Apartments:

Per our last conversation, I will be your point of contact in case you and or your staff have any questions or concerns. In the event regular monthly meetings are held, it will be a great pleasure to attend, in order that I may address any questions that residents or management may have. If not, perhaps your staff can post my informational contact letter in a strategic location, whereby the inquisitive may inquire on particulars, individually or in concert. It's Hadley's request that your approval of our use is adopted. Thank you!

Sincerely,



Anthony Brown  
O.C. Manager  
Hadley Tow  
(714) 541-2355

Mark Hassan  
CEO / President  
Hadley Tow  
(562) 692-3793

Pine Creek Apartment Manager

*Barbara Holland*

*Barbara Holland*

**PineCreek  
Village**

Barbara Holland  
Manager

1300 Adams Avenue  
Costa Mesa, California 92626  
tel 1.714.540.1300  
toll free 1.866.844.2624  
fax 1.714.540.1078  
[www.pinecreekvillage.net](http://www.pinecreekvillage.net)

[bholland@pinecreekvillage.net](mailto:bholland@pinecreekvillage.net)

**HADLEY TOW  
1343 LOGAN AVE.  
COSTA MESA CA, 92626  
(714) 541-2355**

**Received**  
City of Costa Mesa  
Development Services Department

July 2, 2014

DEAR PINE CREEK APARTMENTS:

JUL 07 2014

Per our last conversation, I will be your point of contact in case you and or your staff have any questions or concerns. In the event regular monthly resident meetings are held, it will be a great pleasure to attend, in order that I may address any questions that residents or management may have. If not, perhaps your staff can post my informational contact letter in a strategic location, whereby the inquisitive may inquire on particulars, individually or in concert. It's Hadley's request that your approval of our use is adopted. Thank you!



*Jidan Bailey*

**Anthony Brown**  
O.C. Manager  
Hadley Tow  
Office: (714) 541-2355

**Mark Hassan**  
CEO/President  
Hadley Tow  
Office: (562) 692-3793



# **PLANNING COMMISSION**

## **SUPPLEMENTAL MEMO**

MEETING DATE: AUGUST 11, 2014

ITEM NUMBER PH-2

**SUBJECT: AMENDMENT TO PLANNING APPLICATION PA-90-107 CONDITIONAL USE PERMIT TO ALLOW A TOW COMPANY (HADLEY TOW) IN CONJUNCTION WITH AN EXISTING AUTO REPAIR USE AT 1343 LOGAN AVENUE**

**DATE: AUGUST 8, 2014**

**FROM: ANTONIO GARDEA, SENIOR PLANNER** *AG*

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692  
antonio.gardea@costamesaca.gov**

---

Attached is a Noise Assessment report that was completed after distribution of the staff report. The study concludes that the noise generated by the tow trucks will not exceed the allowable levels on the adjacent residentially zoned property. The study indicates that sound readings were taken four times at five locations. The study indicates that noise readings closest to the apartments are below 50 dB(A), which is in compliance with the City's noise standards and with construction of the wall, the noise levels next to the channel will be reduced to 20 dB(A) which is considered very quiet per the Table N-1 of the City's Noise Element of the General Plan.

The applicant indicates that in addition to construction of the perimeter block wall, the site improvements would include demolition of the canopy behind the building, remodeling of the office, replacement of the roof, and driveway repair.

A draft Resolution for approval is attached should the Planning Commission decide to approve the application based on this information. With the conditions limiting the operations and requiring specific site improvements, the towing business would not be aesthetically detrimental or create disruptive noise impacts to the adjacent residential use.

**Attachments:** 1. Noise Assessment – 1343 Logan Avenue (August 8, 2014)  
2. Draft Resolution

**Distribution:** Director of Economic & Development/Deputy CEO  
Interim Assistant Development Services Director  
Senior Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (6)  
File (2)

Mark Hassan  
Hadley Tow  
11819 Hadley Street  
Whittier, CA 90601

Ed Khalini  
1343 Logan Avenue  
Costa Mesa, CA 92626

# **NOISE ASSESSMENT**

**1343 Logan Ave.  
Costa Mesa, CA**

**Prepared by:**  
Gangyi Zhou  
GMEP Engineers  
2102 Business Center Dr.,  
Irvine, CA 92612

Aug 08, 2014

## **GLOSSARY OF TERMS:**

---

**Sound Pressure Level (SPL):** Ratio of one sound pressure to a reference pressure ( $L_{ref}$ ) of  $20 \mu\text{Pa}$ . Because of the dynamic range of the human ear, the ratio is calculated logarithmically by  $20 \log (L/L_{ref})$ .

**A-weighted Sound Pressure Level (dBA):** Some frequencies of noise are more noticeable than others. To compensate for this fact, different sound frequencies are weighted more.

**Minimum Sound Level (Lmin):** Minimum SPL or the lowest SPL measured over the time interval using the A-weighted network and slow time weighting.

**Maximum Sound Level (Lmax):** Maximum SPL or the highest SPL measured over the time interval the A-weighted network and slow time weighting.

**Equivalent sound level (Leq):** the true equivalent sound level measured over the run time. Leq is the A-weighted steady sound level that contains the same total acoustical energy as the actual fluctuating sound level.

**Day Night Sound Level (Ldn):** Representing the Day/Night sound level, this measurement is a 24 –hour average sound level where 10 dB is added to all the readings that occur between 10 pm and 7 am. This is primarily used in community noise regulations where there is a 10 dB “Penalty” for night time noise. Typically Ldn’s are measured using A weighting.

**Community Noise Exposure Level (CNEL):** The accumulated exposure to sound measured in a 24-hour sampling interval and artificially boosted during certain hours. For CNEL, samples taken between 7 pm and 10 pm are boosted by 5 dB; samples taken between 10 pm and 7 am are boosted by 10 dB.

**Octave Band:** An octave band is defined as a frequency band whose upper band-edge frequency is twice the lower band frequency.

**Third-Octave Band:** A third-octave band is defined as a frequency band whose upper bandedge frequency is 1.26 times the lower band frequency.

**Response Time (F,S,I):** The response time is a standardized exponential time weighting of the input signal according to fast (F), slow (S) or impulse (I) time response relationships. Time response can be described with a time constant. The time constants for fast, slow and impulse responses are 1.0 seconds, 0.125 seconds and 0.35 milliseconds, respectively.

**EXECUTIVE SUMMARY:**

---

This noise study has been completed to determine the noise level at the property and its impact to the neighbor. The noise measurement were conducted at five(5) locations around the 1343 Logan Ave site on four visits to the area. The conclusions are as follows:

- (1) The tow truck on site is a noise source.
- (2) The noise levels do not exceed 55 dBA, which is the allowed levels of the noise ordinance at any location.
- (3) With the 8 feet CMU wall and the Palularino Channel between the property and the neighbor residential area, the impact to the residential area is within the noise control standard of the city (The noise level is less than 50 dBA for residential).

## 1.0 INTRODUCTION

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### 1.1 Environmental Settings and Existing Conditions:

The site is assigned meter address of: 1343 Logan Ave., Costa Mesa, California. The noise should be less than 55dBA per the Municipal code. The satellite map can be found in figure 1.

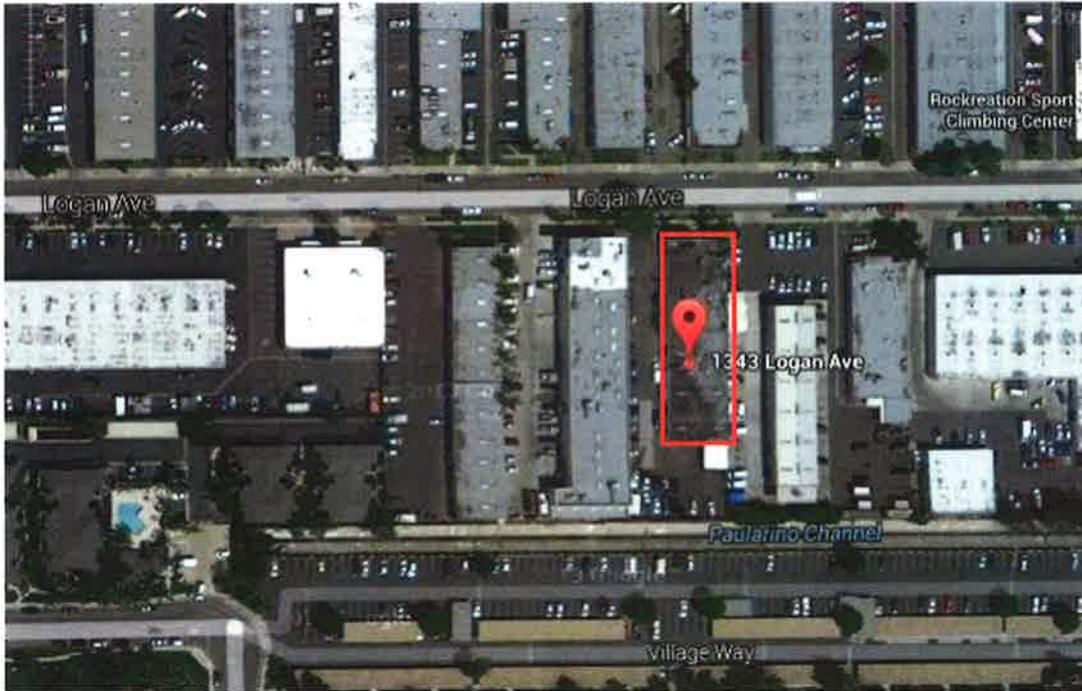


Figure 1.1. Aerial Map of Project Area

## **2.0 METHODOLOGY AND EQUIPMENT**

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### *2.1. Noise Calculations and Factors:*

Noise is defined as unwanted or annoying sound which interferes with or disrupts normal activities. Exposure to high noise levels has been demonstrated to cause hearing loss. The individual human response to environmental noise is based on the sensitivity of that individual, the type of noise that occurs and when the noise occurs.

Sound is measured on a logarithmic scale consisting of sound pressure levels known as a decibel (dB). The sounds heard by humans typically do not consist of a single frequency but of a broadband of frequencies having different sound pressure levels. The method for evaluating all the frequencies of the sound is to apply an A-weighting to reflect how the human ear responds to the different sound levels at different frequencies. The A-weighted sound level adequately describes the instantaneous noise whereas the equivalent sound level depicted as Leq represents a steady sound level containing the same total acoustical energy as the actual fluctuating sound level over a given time interval.

The Community Noise Equivalent Level (CNEL) is the 24 hour A-weighted average for sound, with corrections for evening and nighttime hours. The corrections require an addition of 5 decibels to sound levels in the evening hours between 7 p.m. and 11 p.m. and an addition of 10 decibels to sound levels at nighttime hours between 11 p.m. and 7 a.m. These additions are made to account for the increased sensitivity during the evening and nighttime hours when sound appears louder.

Because mobile/traffic noise levels are calculated on a logarithmic scale, a doubling of the traffic noise or acoustical energy results in a noise level increase of 3 dBA. Therefore the doubling of the traffic volume, without changing the vehicle speeds or mix ratio, results in a noise increase of 3 dBA. Mobile noise levels radiate in an almost oblique fashion from the source and drop off at a rate of 3 dBA for each doubling of distance under hard site conditions and at a rate of 4.5 dBA for soft site conditions. Hard site conditions consist of concrete, asphalt and hard pack dirt while soft site conditions exist in areas having slight grade changes, landscaped areas and vegetation. On the other hand, fixed/point sources radiate outward uniformly as it travels away from the source. Their sound levels attenuate or drop off at a rate of 6 dBA for each doubling of distance.

The most effective noise reduction methods consist of controlling the noise at the source, blocking the noise transmission with barriers. Any or all of these methods may be required to reduce noise levels to an acceptable level.

### 3.0 OPERATIONAL ACTIVITIES

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#### 3.1 Guidelines for the Determination of Significance:

The noise levels were evaluated against the Chapter XIII of the municipal code, which establishes the allowed noise limits. The limits are given in Section 13-280 and are summarized in table 1.

TABLE 1  
NOISE ORDINANCE LIMITS FOR RESIDENTIAL PROPERTY (1)

ALLOWED DURATION	ALLOWED LIMIT				SYMBOL
	EXTERIOR		INTERIOR		
	DAY	NIGHT	DAY	NIGHT	
30 minutes in hour	55	50	--	--	L50
15 minutes in hour	60	55	--	--	L25
5 minutes in hour	65	60	55	45	L8
1 minute in hour	70	65	60	50	L2
Anytime in hour	75	70	65	55	Lmax

- (1) a. Day = 7:00 A.M. to 11:00 P.M.  
Night = 11:00 P.M. to 7:00 A.M.
- b. Limits are expressed in A-Weighted decibels (dBA).
- c. If the ambient noise exceeds any of the first four limit categories (L2 to L50), the cumulative period applicable to that category shall be increased to reflect the ambient level. In the event the ambient noise exceeds the fifth noise limit category (Lmax), the maximum allowable noise level under such category shall be increased to reflect the maximum ambient level.
- d. In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music and combination thereof, each of the noise levels shall be reduced by five (5) dBA.

In addition to the objective limits of Table 1, Section 13-283 of the noise ordinance contains a provision for loud, unnecessary noise. This section prohibits noise which disturbs the peace and quiet of any neighborhood regardless of whether the noise exceeds the limits of table 1. There are twelve considerations to be considered, which are as follows:

1. The level of noise.
2. Whether the nature of noise is usual or unusual.
3. Whether the origin of the noise is natural or unnatural.
4. The level and intensity of the background noise, if any.
5. The proximity of the noise to residential sleeping facilities.
6. The nature and zoning of the area within which the noise emanates.
7. The density of the inhabitation of the area within which the noise emanates.
8. The time of day and night the noise occurs.
9. The duration of the noise.
10. Whether the noise is recurrent, intermittent or constant.
11. Whether the noise is produced by a commercial or non-commercial activity.
12. The density of inhabitation of the area affected.

### *3.2 Description of the equipment*

Extech 407730 Digital Sound Level Meter is the equipment used to measure the dBA for this project.

### *3.3 Field measurements*

Measurements were conducted on four occasions at one or more of five different sites. The locations are noted on Appendix-1. At all locations, the traffic and other noises were so persistent that all the measurements had to be conducted for very short periods of time. This data will need to be interpreted in light of the requirements of the Noise Ordinance for the protracted periods listed. Each of the locations will be discussed by the order of their numbering.

1. Location #0 – This location is on the (upper) west side of the building in the driveway. It was measured in August 6 and 7, 2014 with two conditions: tow truck is running at idle; tow truck is not running. Refer to Table 2 for measurement result.
2. Location #1 – This location is on the (lower) west side of the building in the driveway. It was measured in August 6 and 7, 2014 with two conditions: tow truck is running at idle; tow truck is not running. Refer to Table 2 for measurement result.
3. Location #2 – This location is on the south side of the building in the parking lot. It was measured in August 6 and 7, 2014 with two conditions: tow truck is running at idle; tow truck is not running. Refer to Table 2 for measurement result.
4. Location #3 – This location is on the south side of the building in the parking lot that across the Paularino Channel. It was measured in August 6 and 7, 2014 with two conditions: tow truck is running at idle; tow truck is not running. Refer to Table 2 for measurement result.
5. Location #4 – This location is on the southern west side of the building in the parking lot that across the Paularino Channel. It was measured in August 6 and 7, 2014 with

two conditions: tow truck is running at idle; tow truck is not running. Refer to Table 2 for measurement result.

#### **4.0 SUMMARY OF THE MEASUREMENTS**

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A summary of the measurement results of the maximum noise levels is given in Table 2.

TABLE 2

##### SUMMARY OF MEASUREMENT RESULTS BASED ON MAXIMUM NOISE LEVELS

LOCATION	DATE	TIME	SOUND LEVEL WITH TOW TRUCK ON	SOUND LEVEL WITH TOW TRUCK OFF
#0	8/7/14	7:00 A.M.	52 dBA	52 dBA
	8/6/14	10:00 P.M.	50 dBA	50 dBA
	8/6/14	5:00 P.M.	56 dBA	56 dBA
	8/6/14	1:00 P.M.	56 dBA	56 dBA
#1	8/7/14	7:00 A.M.	52 dBA	50 dBA
	8/6/14	10:00 P.M.	52 dBA	50 dBA
	8/6/14	5:00 P.M.	54 dBA	54 dBA
	8/6/14	1:00 P.M.	54 dBA	54 dBA
#2	8/7/14	7:00 A.M.	66 dBA	50 dBA
	8/6/14	10:00 P.M.	66 dBA	50 dBA
	8/6/14	5:00 P.M.	66 dBA	58 dBA
	8/6/14	1:00 P.M.	66 dBA	58 dBA
#3	8/7/14	7:00 A.M.	52 dBA	50 dBA
	8/6/14	10:00 P.M.	52 dBA	50 dBA
	8/6/14	5:00 P.M.	54 dBA	52 dBA
	8/6/14	1:00 P.M.	54 dBA	52 dBA
#4	8/7/14	7:00 A.M.	<50 dBA	<50 dBA
	8/6/14	10:00 P.M.	<50 dBA	<50 dBA
	8/6/14	5:00 P.M.	<50 dBA	<50 dBA
	8/6/14	1:00 P.M.	<50 dBA	<50 dBA

## **5.0 CONCLUSIONS**

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So, the maximum noise level is a note #2 when the tow truck is on. The noise level is about 66 dBA. If the noise propagate to the neighbor residential area across the Palularino Channel. The 8 ft wall will attenuate the sound. The STC rating for a typical wall is 40 dBA (refer to Appendix B). So, the noise at the boundary should less than 20 dBA which is far less than the noise limit of residential area.

**6.0 CERTIFICATIONS**

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The report was prepared by Gangyi Zhou, Ph.D., P.E..



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Gangyi (Gary) Zhou, Ph.D., P.E.

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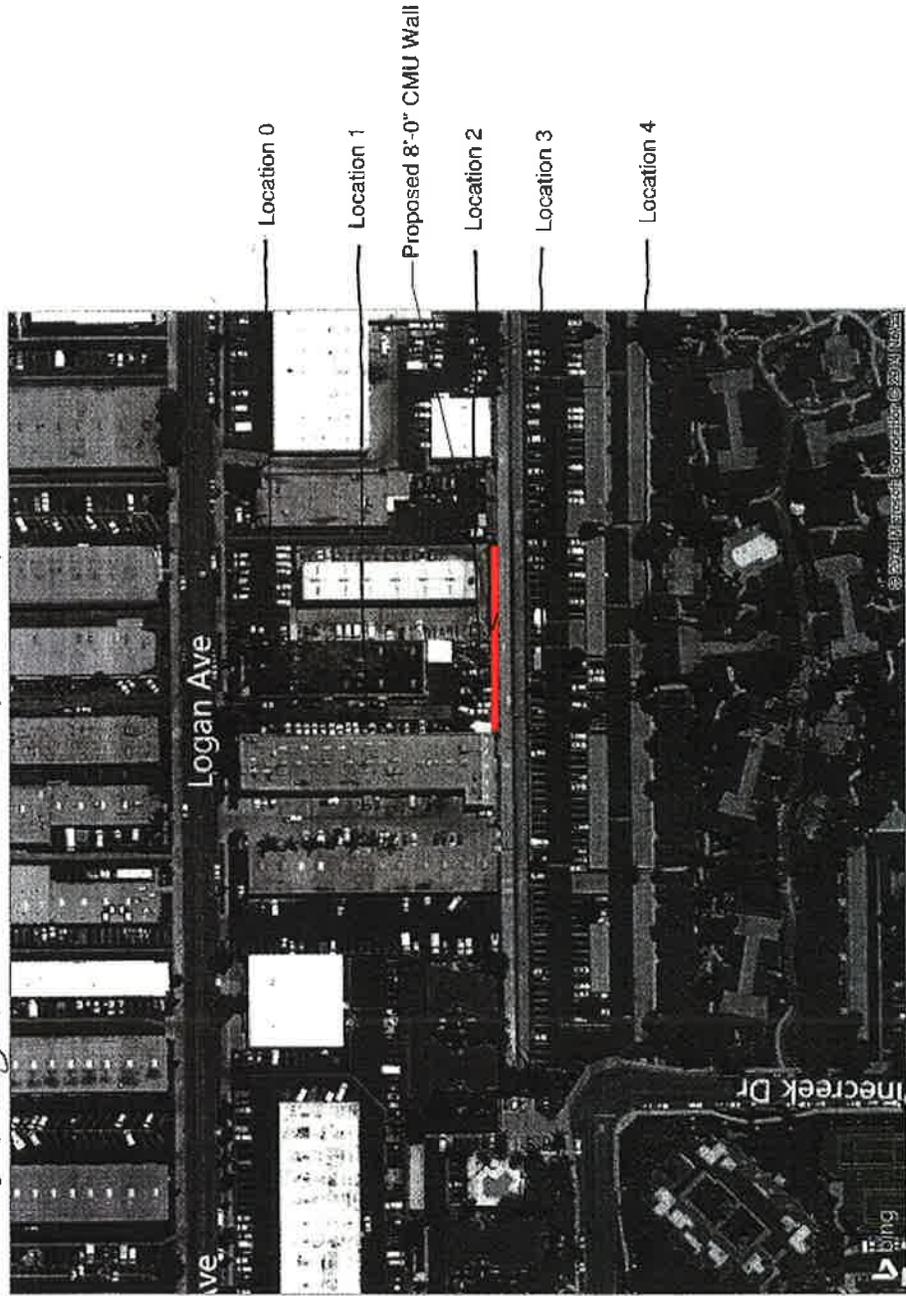
Aug 08, 2014

Date

# **Appendix A**

## **Location of Measurement**

8/6/2014 1343 Logan Ave. COSTA MESA, CA Print - Maps



# **Appendix B**

## **STC Ratings for Masonry Walls**

# STCratings.com

## STC RATINGS FOR MASONRY WALLS

STC ratings for masonry/CMU walls is based on weight of the block and whether the cells are filled or not and what material it is filled with.

### Estimated STC Ratings for CMU Walls

Wall Thickness, in.	Hollow Units		Grout Filled		Sand Filled	
	Weight	STC	Weight	STC	Weight	STC
4	20	44	38	47	32	46
6	32	46	63	51	50	49
8	42	48	86	55	68	52
10	53	50	109	60	86	55

The STC rating of a CMU wall can be estimated based on its weight using the following formula:

$$STC = 0.18W + 40$$

where W = pounds per square foot (psf)

This information is provided as a tool to help estimate. The estimate could easily be off by as much as +/- 4 dB. There are numerous other issues that need to be addressed to get a more accurate calculation. Therefore, hiring a professional acoustical consultant would be essential. \_\_\_\_\_ to find an acoustical consultant in your area.



Copyright © 2004 Acoustics.com

## ATTACHMENT 2

### RESOLUTION NO. PC-14-

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT PA-90-107 TO ALLOW A TOWING COMPANY AT 1343 LOGAN AVENUE

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

WHEREAS, an application was filed by Mark Hassan, representing Ed Khalini, owner of property located at 1343 Logan Avenue, requesting an amendment to an existing Conditional Use Permit PA-90-107 to allow the legalization of a towing company.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2014 with all persons having the opportunity to speak for and against the proposed project.

WHEREAS, on May 27, 2014, the Planning Commission continued consideration of the amendment to the Conditional Use Permit to a date uncertain.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 11, 2014 with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **APPROVES** PA-90-107 A1 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 PA-90-107 A1 and upon applicant's compliance with each and all of the conditions contained in Exhibit B as well as with 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.

**PASSED AND ADOPTED this 11<sup>th</sup> day of August, 2014**

---

Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair is compatible with the residentially zoned properties to the south because the applicant intends to construct an eight-foot tall sound wall along the rear property line that will minimize potential noise and aesthetic impacts. Establishment of a towing company would not be materially detrimental to the residentially zoned properties in terms of aesthetics and noise. The applicant is also proposing to construct a block wall with a gate to screen the vehicles from view from Logan Avenue and use the vehicle drop-off area at the front near Logan Avenue, to screen views and minimize the audible sounds of the towing operations.

**Required Finding:** Granting the conditional use permit or minor 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 proposed legalization of the towing company as an ancillary use to the existing vehicle repair use would not be injurious to the residentially zoned properties immediately adjacent to the south. The storage of non-operable vehicles would not be visible to the surrounding properties.

**Required Finding:** Granting the conditional use permit or minor 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 proposed towing company would use 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 would be exempt from the provisions of the California Environmental

Quality Act under Section 15301 for Existing Facilities. The proposed towing company would use approximately half of an existing building and the rear portion of the property as a surface parking lot.

- C. 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 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 at the front of the property shall be kept locked after 7:00 p.m. and shall not be open prior to 7:00 a.m.
  4. A minimum of six parking spaces at the front of the property shall be designated as after-hours vehicle drop off area and no vehicles shall be dropped off on Logan Avenue.
  5. Vehicles dropped off in the after-hours parking spaces 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.
  6. The applicant shall remove the unpermitted structure at the rear of the property within 15-days of approval of the CUP.
  7. The applicant shall construct a minimum eight-foot tall, decorative masonry block wall along the rear (south) property line.
  8. The applicant shall construct a minimum six-foot tall wall and gate to screen the rear portion of the property from view from Logan Avenue within 30-days of approval of the CUP.

9. Outdoor storage of vehicle parts and accessories shall be prohibited.
10. All vehicle storage shall be accommodated on site and no vehicle storage shall be allowed to take place on the adjacent streets.
11. Noise complaints from neighboring properties will be addressed immediately. 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.
12. The applicant shall be responsible to reimburse the City for staff time and expenses incurred to enforce these conditions of approval.
13. 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.
14. Every effort shall be made to reduce the triggering of car alarms including but 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. Batteries removed.
15. 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.
16. 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.
17. 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.

18. 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.
- Pkwys 19. The applicant shall plant a 24" box *Pyrus calleryana* "Red Spire" in the parkway along Logan Avenue.

## **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.

- PIng.      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.
3.      The applicant shall comply with the exterior noise ordinance standards of Costa Mesa Municipal Code Section 13-280.
- 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.
- 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.