

From: T Otte [<mailto:toddotte@gmail.com>]
Sent: Monday, January 09, 2017 11:03 AM
To: Westmoreland, Liz; Alford, Patrick
Subject: Fwd: [WARNING: A/V UNSCANNABLE]ADA parking at Autonations

Liz,

Thank you for your email below you will find just brief email outlining my very recent observations on AutoNations. I am always available for more conversations as well as any back up photos needs to support time place and occurrence.

Thank you

Todd

Good Morning All,

I trust each had a wonderful holiday and had a chance to spend time with family and friends.

Last week, I received a call from Liz regarding the temporary parking permit for the AutoNations at the Dunes. Since the withdrawal from the CC meeting late last year I have not really kept too close an eye on the operations of AutoNations. Although since I drive by their current location at least twice a day I have noticed they continue to (everyday) use the ADA stalls for employee and customer service vehicles.

I have attached a couple photos from yesterday afternoon. There has been zero attitude adjustment or behavioral adjustment by the large auto dealership and they continue to "do as they please" in our city. It makes me sad to see this happens and I think it is disrespectful to the community, the people in need and city staff. Although these code violations do not impact me directly I do believe they speak volumes into how the dealership operates under a level of entitlement they feel deserving.

Additionally, it has been noted the dealership had reached some type of arrangement with the retailers across Bayside to park their employee cars. It might be worthy of a discussion, as their staff now runs across Bayside Dr. and do not use the crosswalk at PCH and Bayshore. I am assuming there is not a pedestrian variance that would allow this to occur?

Although these facts are not the reason for my email today, they do display the actions of the dealership (on a day I had an extra hour to actually look at them). My understanding is city staff has made a recommendation to allow 300 spaces to be leased for parking on the Dunes property. As we are all aware AutoNations has been documented servicing vehicles, painting vehicles, double and triple parking vehicles, using unknown chemicals on the property, washing vehicles, test driving vehicles, showing vehicles off the property, using the dunes as employee parking, storing unrelated containers and trailers, destruction of greenbelt areas, limiting public usage and a whole host of other things violating the spirit of the intended future use and unsecured current use on this property.

Images and documentation of these past and current violations are available to anyone.

One of the most offensive uses that has popped up recently is a whole section of the lot dedicated to used car sales with flags and sales stickers clearly separated from the new vehicle "storage". We (the city, residents and the dunes) have allowed this dealership to turn the lot into an extension of their PCH retail business.

Yesterday, I was down at the Dunes as a sales person drove customers onto the lot to show them vehicles. They came in and wandered around the lot opening and looking different models and colors. Then got back into the car and drove back to the dealership. This is not just a storage lot for Autonations, this area is actively being operated as a new and used car lot and should be considered retail.

Again, on Dec 4th 2016, I happened to be at the dunes when the gate was down. As you can see from the photos this did not stop the sales activity. The sales person simply parked the car in the fire lane outside the gate and walked the customers in to look and test drive vehicles within the Dunes parking lot.

As I explained to Liz this morning. The city is allowing this to happen and it is not "if" AutoNation will violate the terms of the temporary parking permit it is "when". It is not fair to expect Code Enforcement to keep up with this organizations operation as it is massive and they are playing a huge shell game with the city.

Bottom line, AutoNation currently violate public safety, fire codes (current property and the Dunes property), ADA compliancy, EPA regulation, city codes and entitlement, not to mention the verbal agreements made by the dealership with the city.

What makes anyone think they will follow the spirit and terms of the proposed parking permit. Past behavior will determine future behavior and this permit will ultimately be a liability to the city. AutoNations will violate the terms, the Dunes will not be able to control them (as they haven't been able too) and the city and code enforcement will have to step in and be put in the middle.

The permit may help eliminate the predicament AutoNation has built for themselves but it will be at the expense of the city staff and residents of Newport Beach.

It is my sincere feeling this is a win/win/lose, (AutoNations)/(the Dunes)/(the City and its residents) and we should be looking for a fair and equitable solution not one at the expense of the resident. Simply put doesn't seem to be the right use of city and county resources.

Please forgive my ignorance but also how does this proposed usage fit within the RMC zoning?

Thank you for your time to read this document and review the photos. Jim I know you and Liz are working closely with the ZA if you pass this on to that individual I would appreciate it.

Todd

Zoning Administrator – January 12, 2017

Item No. 4 Additional Material

101 Bayside Drive Limited Term Permit (PA2016-164)









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