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**ATTACHMENT 4  
PLANNING COMMISSION MINUTE  
EXCERPTS**

**MINUTE EXCERPTS FROM THE  
SEPTEMBER 8, 2014 PLANNING COMMISSION MEETING  
REGARDING ORANGE COAST CADILLAC  
(Public Hearing No. 2 – PA-88-134-A2)**

1. **Application No.** PA-88-134 A2  
**Applicant:** Dennis Flynn Architects  
**Site Address:** 2600 Harbor Boulevard  
**Zone:** C1  
**Project Planner:** Mel Lee  
**Environmental Determination:** Exempt – Section 15332 Infill Development Projects

**Description:** This project was continued from the July 14, 2014 Planning Commission agenda to allow time for community outreach and revisions for the project which includes:

1. Second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
2. Administrative adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a zero-foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.
3. Consideration of a Planned Sign Program for the following signage: Remove the existing 40-foot high freestanding sign and replace with two new freestanding signs. The two proposed freestanding signs are separated by approximately 190 feet. The overall square footage of the proposed freestanding and wall signs complies with code. The overall square footage of freestanding and wall signs is 442 sq. ft.

Mel Lee, Senior Planner, briefly summarized the staff report to allow the Applicant time for his presentation.

The Commission discussed the five (5) items which the Applicant had improved since the July meeting – trees, living wall, light fixtures, signage and test drives.

**PUBLIC COMMENTS**

Peter Naghavi, representing the Applicant (Orange Coast Cadillac), and his team consisting of Charles Lamb, Landscaping Architect; Mathew Ghobadi, Lighting Expert and Rob McEachern, Buick/GMC/Cadillac Regional Representative, gave a lengthy presentation depicting the mitigated solutions community outreach the Applicant had made since the July 14, 2014 Planning Commission meeting.

Dan Huber, Costa Mesa resident, did not know how additional parking for a dealership would generate additional revenue when other vibrant and successful dealerships like the Connells and Grays had off-site parking. Mr. Huber did not feel there was a real answer for why the roof deck was needed.

JJ Mullis, Costa Mesa resident, said her property was not on the map that was displayed. Ms. Mullis explained the pictures she had (all the variations of the wall, lush landscaping, trees, construction view from her TV room, etc.). She did not think an 8-foot wall was big enough and said the Commission had a clean slate to rectify all the past errors and make it right for the residents.

Teresa Drain, Costa Mesa resident, handed out copies of a petition containing 50 signatures against the project – 50 signatures times \$500,000 (property value) per signature came to approximately \$25 million so the residents also had an investment in the neighborhood. The proposed structure was not better than the current structure, which was the original plan approved by the residents last year. Ms. Drain read a letter in opposition of the project that covered concerns regarding light spillage, luminous concerns, sound, the living wall and cut-through traffic. Ms. Drain was granted additional time by the Chair but was not able to address CEQA concerns.

Scott Nguyen, Costa Mesa resident, felt the community outreach was lackluster consisting only of a letter and one meeting. The loss/damage to his pets were not addressed at the community meeting nor did anyone reach out to him or his attorney to find a workable solution. Mr. Nguyen expressed concern with employee's smoking, test drives, light poles, waiting 5 years for trees to grow, plans for the wall design and L-shaped footings. The project was being force-fed to the residents and the residents had no say in it. He urged the Commission to reject the amendment until the applicant provided information addressing the community's concerns.

Anna Vrska, Costa Mesa resident, thought it was unconscionable that Ms. Drain was not allowed to address CEQA concerns especially since the developer was granted over an hour for his presentation. Ms. Vrska addressed the CEQA concerns on behalf of Ms. Drain.

Beth Refakes, Costa Mesa resident, was concerned with the trees (waiting 5 years for them to grow and the roots being invasive), signs and the proposed site plan on Page 53 not addressing the noise issues. She felt the amendment needed to be denied until the original project was completed and then revisited.

Jay Humphrey, Costa Mesa resident, raised additional concerns regarding broken curbs and gutters that result from roots and wanted to know the response time for repairing the wall once it became a notable item for the residents. He wanted to make sure that test drives for customers vs. repairs were controlled.

Brad and Jennifer Doane, Costa Mesa residents, handed out two sets of documents (a petition containing signatures rejecting the amendment and monument entry signs and photographs). Mr. Doane was not happy with how the dealer's representative (former Transportation Manager) reached out to the community. He addressed concerns with rats harboring on the living wall and entering their backyards; tree roots going 25-feet into the wall and into their properties; tree leaves dropping into their backyards (who was going to clean them up?) and the 18-foot high light stanchions. The residents' biggest complaint was their legally protected property value which would be affected by the structure.

Carmen Sanchez, Costa Mesa resident, reported damage to her property in April. Pacific West told her they would take care of the situation but she had not heard back from them. The comment about the dealership being a lackluster was true because no one contacted her about the community outreach. Ms. Sanchez wanted her property fixed and sympathized with residents who had to see the construction on a daily basis.

In closing, Mr. Naghavi was sorry to hear the residents still felt there was no community outreach. He addressed concerns raised by the residents (cut-through traffic, digital signs, loss/damage of pets, noise, construction of the wall, inventory parking spaces, light spillage, etc.) and responded to questions from the Commission.

Ron McEachern, from the Suburban Collection parent company, apologized to the residents for the grief they had gone through and not meeting their outreach expectations. Mr. McEachern provided background information regarding the purchase of the dealership and expressed a desire to be a good neighbor. He offered explanations for the roof deck, off-site parking vs. the deck, right-hand turns only on all test drives, the living wall, lighting issues and lack of communications.

The Commission discussed footings, roof deck setbacks, what could be built by right under PA-88-134-A1, monument entrance signs, adding compliance verbiage to Condition of Approval No. 18, making the Demo Routes attachment part of Condition of Approval No. 16 and adding "lights go off at 10 p.m." to Condition 18E.

**MOTION:** Based on the evidence of the record, the Findings in Exhibit A and subject to the modified Conditions of Approval in Exhibit B, find the project to be exempt from further CEQA review per Section 15532, approve the dealership to construct at 34,000 square foot parking deck; an Administrative Adjustment for the rear setback; introduction of consideration of a Planned Sign Program and that both signs be 23-feet high. Modifications to the Conditions of Approval to be as follows:

**Condition of Approval No. 6** – striking the second sentence and replacing it with *“Test driving, fueling and storage routes shall be in accordance with the exhibit provided by the applicant at the September 8, 2014 meeting.”*

**Condition of Approval No. 18e** to read: *“The parking deck lighting to be turned off between 10 p.m. and dawn.”*

**Add Condition of Approval No. 18f** to read: *“The applicant to conduct an “as built” lighting survey to demonstrate there is no light spillage upon completion of the project.”*

**Condition of Approval No. 15** – change 24-inch box trees to **36-inch**.

Moved by Chair Fitzpatrick, seconded by Commissioner Mathews. (PC Resolution 14-43)

**SUBSTITUTE MOTION:** Same Motion made by the Chair plus deletion of Condition of Approval No. 21 (monument signs). Moved by Vice-Chair Dickson. Motion failed due to lack of a second.

Chair Fitzpatrick knew the residents wanted a different outcome but believed the applicant had proposed a good project and had gone over and above with mitigation solutions.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

The Chair explained the appeal process.

**MINUTE EXCERPTS FROM THE  
JULY 14, 2014 PLANNING COMMISSION MEETING  
REGARDING ORANGE COAST CADILLAC  
(Public Hearing No. 2 – PA-88-134-A2)**

2.     **Application No.:**     PA-88-134 A2  
       **Applicant:**         Dennis Flynn Architects  
       **Site Address:**     2600 Harbor Boulevard  
       **Zone:**                C1  
       **Project Planner:**  Mel Lee  
       **Environmental  
Determination:**         Exempt- per Section 15332 In-fill Development

**Description:**

1. Second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
2. Administrative adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a 0 foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.

Mel Lee, Senior Planner, presented the staff report. Staff was recommending approval of the application but if the Planning Commission denied the second amendment request, the applicant would not be able to submit an application of the same type for six months. The applicant would be allowed to continue construction of the new dealership building without the deck as approved under the first amendment approved by the Zoning Administrator in October 2013. Mr. Lee reported that 5 pieces of correspondence were received by residents along Princeton expressing opposition to the approval of the proposed deck for the development.

Mr. Lee provided an explanation of Page 6 regarding setbacks as well as what could the dealership do regarding the deck in its ability as a matter of right vs. discretionary. Commissioner McCarthy struggled to understand how in 1988 the Planning Commission made findings to support a variance for a 0-foot setback between a commercial space and a residential neighborhood.

**PUBLIC COMMENTS**

Dennis Flynn with Dennis Flynn Architects, applicant, had read the Conditions of Approval and was in agreement with them. Mr. Flynn thanked staff and Mr. Lee for presenting their project in a professional manner. He reported they wanted to be good neighbors and that staff was on hand to answer any questions.

Mr. Flynn responded to questions from the Commission regarding outreach, if any, to the neighbors, concerns raised by the residents, a Construction Management Plan, compliance regarding noise and peace and quiet conditions and issues with signage (applying for a temporary sign).

Margaret C. Engard, Costa Mesa resident, submitted correspondence opposing the second amendment. She read a letter expressing concern with the roof-top parking because it would have a negative impact on the quality of life by creating unnecessary noise and parking light issues as well as a loss of privacy.

David Huber, Costa Mesa resident, was in favor of growth and development when in the right capacity. Mr. Huber worked in the industrial and safety industry and had \$8-\$10,000 damage to his home as a result of the demolition from the project. He was in pre-litigation and was curious as to what Mr. Flynn's comment about being a good neighbor meant. Concerns with lighting spillage and the deck were also raised.

Allan Engard, Costa Mesa resident, said the second amendment was not transparent, in good faith, a good way to do business or good for Costa Mesa residents. The direction the project had taken was not good for the residents due to issues with lighting, noise and the obtrusiveness of having a second-story so close to residential neighborhoods.

Leslie Sterrett, Costa Mesa resident, submitted a letter of opposition to the Commission. Mr. Sterrett read a letter that delineated his as well as his wife's opposition to the second deck storage structure because it impacted their quality of life and privacy.

Jay Humphrey, Costa Mesa resident, spoke of ongoing issues and solutions that have been occurring since 1988. Mr. Humphrey did not think the roof deck was appropriate because it was an infringement on the privacy of residents. In order to be a good neighbor, the applicant needed to do what they said they were going to do.

Barbara Rattigan, Costa Mesa resident, was concerned with traffic issues increasing because she had a small 5-year-old daughter. She requested footage clarification for setbacks, asked that the deck was going to be used for and addressed concerns with the noise and pollution from the lighting. Ms. Rattigan thought it was gross negligence on part of the dealership when they tore down the walls because her neighbor's dog got out and was run over.

Chau Vuong, Costa Mesa resident, submitted an email to the Commission. Ms. Vuong read the email which gave a chronological overview of the dealership's negligence during the process. On May 10<sup>th</sup> she was contacted by Costa Mesa Animal Shelter and told that her dog had escaped, was run over and killed. Ms. Vuong said she would not support the project because it had affected her home physically, financially and emotionally.

Scott Nguyen, Costa Mesa resident, submitted an email to the Commission. He stated his home had gone from being a dream home to an upside down nightmare. In March and without notice, he came home to find his back wall being demolished; his fish, pond, backyard and his mother's landscape and figurines were all broken. He had video footage of construction workers trespassing into his property without his permission. His

home experienced thousands of dollars in damages due to the dealership's negligence. The entire process had affected him and the community emotionally.

Cindy Brenneman, Costa Mesa resident, owned property in College Park. She said the renderings in the staff report were deceiving and asked why there were no examples of what the project would look like from the College Park side. She also spoke about cut-through and dealership traffic and how the City would enforce it and said the resident at 463 Princeton had no desire to see the sign come back up. She urged the Commission to include more Conditions of Approval that would help mitigate the neighbor's concerns or deny the request.

Diane Liang, Costa Mesa resident, submitted before and after pictures of 458 Princeton Drive when the wall was demolished. Ms. Liang felt there could have been ways to prevent the damages caused by the dealership and spoke of alternative solutions. Her family installed security cameras and lighting because they did not feel safe in their home and were afraid that people on Harbor Blvd. might trespass. Ms. Vuong wanted to know why the dealership was expanding and why they had not communicated with the neighbors. She urged the Commission to deny the project.

Beth Refakes, East Side resident, stated the dealership was not being a good neighbor; they needed to work and meet with the residents to resolve issues and have a good product. The public should be able to see the landscape documents clearly – pages 23 through 25 were unprofessional and illegible. She spoke about the roof-top deck being a total disregard for the residents' quality of life, the entry sign, the possibility of an enclosed storage area to mitigate some of the noise and light spillage.

Brad Doane, Costa Mesa resident; introduced his wife Jennifer who was a Senior Project Manager for Casco Construction and had 17 years of contracting experience. The Doanes submitted correspondence to the Commission opposing the project. Mr. Doane stated the second amendment to PA-88-134 would have a very negative affect on their quality of life and property value. Using the dealerships' drawings, Mr. Doane pointed out inaccuracies which he felt was a poor drawing by an architectural firm or a poor attempt to mislead the Commission and the residents. He presented the same illustration that his wife had reversed-engineered and brought back to proper scale that included their site line. Mr. Doane presented pictures of steel uprights that were conducive to light pollution. He hoped the Commission would weigh the long-term benefits to the City to any possible negatives to the City and its citizens.

Teresa Drain, Costa Mesa resident, asked the Commission to look at who owned the properties that gave the variance to the 0-foot lot line. Ms. Drain has been a College Park home owner since 1998 and has seen the problems with the original parking structures at the property lines of her neighbors. Ms. Drain read a letter containing issues that had transpired throughout the years as well as inaccuracies in the Conditions of Approval.

Janice Mullis, Costa Mesa resident, submitted correspondence to the Commission in opposition of the project. Ms. Mullis thanked all the Princeton Drive residents for their enthusiasm. She had faith in the Commission and the new residents on Princeton Drive that everyone would do the right for the residents on Princeton. They did not want the dealership to go away only to be a good neighbor.

Elizabeth Rutledge, Costa Mesa resident, asked the Commission to consider the lighting situation and asked the dealership to be considerate of their neighbors.

Allan Croall, representing the builder, read an email he sent to Attorney Devon Lucas on 4/24/14 in response to a Cease and Desist letter they received on 4/23/14 prohibiting them from touching Mr. Nguyen's property fence. Mr. Croall was not to contact Mr. Nguyen in any shape or form and has been waiting to resolve the fence issue since 5/7/14 (when he received the last email from Mr. Lucas). Mr. Croall gave an overview of events that had transpired and said they gave all of the neighbors 48-hours written notification (some received a week's notice); Mr. Nguyen was the exception because he was difficult to reach. Mr. Croall said they would do everything to work with the neighbors.

Mr. Flynn addressed the concerns raised by the neighbors regarding setbacks and the second amendment. He answered questions from the Commission regarding lighting (ballard vs. overhead), landscape screening for roof deck and requiring a wall.

Mr. Lee advised that if it was the Commission's desire to incorporate some type of a parapet wall along the second-story deck it would impact the corresponding setback (setback would increase depending on the height of the parapet wall).

The Commission was not prepared to make a decision based on the myriad of concerns.

**MOTION: Deny PA-88-134 A2 . Moved by Commissioner McCarthy. Motion failed to due lack of a second.**

**SUBSTITUTE MOTION: Continue PA-88-134 A2 off calendar and staff to work with the applicant to facilitate a community outreach that involves the option for meetings with the surrounding neighborhood facilitated by City staff at a convenient location and time; noticing provisions to the satisfaction of the Development Services Director; and the project be brought back with renderings of the proposed project as built from Princeton, Harbor and Merrimac and further depiction of the lighting impacts (perhaps a lighting study) and a screening of the second-deck on the deck itself (parapet or another type of screening) as well as a study or understanding of lighting for the deck. Moved by Vice-Chair Dickson, seconded by Chair Fitzpatrick.**

Commissioner McCarthy would not be supporting the motion because he felt it was the applicant's responsibility to do the work the Commission was asking staff to do prior to bringing the project before the Planning Commission.

Commissioner Sesler said Commissioner McCarthy raised valid point. Given the anger amongst the residents, he considered this an opportunity for the dealership to make it right. He wanted to see more dialogue between the neighborhood and the dealership.

Chair Fitzpatrick asked for the inclusion of Code Enforcement and Police Department complaints. Interim Assistant Director Jerry Guarracino pointed out this was not the same operator who operated the previous dealership that had been demolished; therefore, past complaints about operational issues may not have any bearing on what would happen. Chair Fitzpatrick wanted the current operators to understand the impacts that the historical property has had on the neighborhood.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, Mathews, Sesler

Noes: McCarthy

Absent: None

Abstained: None