

Attachment PC 6

Applicant's Response Letter

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June 10, 2026

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Attn: City Clerk- (PA2025-0254- Administrative Record)
Mr. Jamie Murillo – Community Development Director

**Re: Site Development Review (PA2025-0254)
Proposed Residential Community (“Community”)
1501 E. 16th Street**

Mr. Chair and Members of the Planning Commission:

The Environmental Nature Center (“ENC”) sent a letter dated May 6, 2026, to Mr. Seimone Jurjis, City Manager, which was then subsequently transmitted to D.R. Horton (“DRH”) for its review and comment. The following represents DRH’s formal response to this letter.

Please note that ENC sent two (2) letters to the City of Newport Beach: the first dated May 13, 2025 (“First Letter”), and a subsequent letter dated May 6, 2026 (“Second Letter”).

First Letter

For the record, DRH issued the following responses to ENC regarding the requests made by ENC in the First Letter:

Item #1: DRH stated all setbacks “as required” by the City of Newport Beach will be incorporated.

Item #2: DRH agreed to reasonably cooperate with ENC to prepare an appropriate design to address ENC’s visual and noise concerns.

Item #3: DRH agreed to prepare “Line of Sight” analysis demonstrating views from the buildings onto ENC (including preschool) and from ENC (including preschool) to the



buildings. DRH did not agree for this analysis to be tied to either issuance of building or occupancy permits, given this analysis is not a requirement of the City of Newport Beach.

Item #4: DRH agreed to locate HVAC and other utilities to face away from ENC and the preschool.

Item #5: DRH agreed to prepare a photometric study if the City of Newport Beach conditions the Project to complete a photometric study to confirm no direct light impacts ENC's operations (including preschool).

Item #6: DRH agreed to design the site to direct all drainage away from the ENC and preschool.

Item #7: DRH declined ENC's requested contribution of \$2,500,000 to "help mitigate the short/long-term impacts." Rather, DRH committed to reasonably cooperating with ENC to identify the extent of modifications and compromises needed to address actual impacts to the ENC campus, including the preschool.

Over a period of ten (10) months following the initial ENC Board Meeting held on May 29, 2025, DRH attended three (3) additional ENC Board meetings, and hosted numerous site visits and consultant site visits, the most recent of which occurred on April 23, 2026, between Mr. Bo Glover ("Mr. Glover"), DRH's landscape architect, and ENC staff.

Second Letter

The Second Letter is generally a continuation of ENC's prior concerns outlined in the First Letter.

DRH's formal response to ENC's concerns listed in their Second Letter are as follows:

Building Height and Massing:

- (1) DRH agreed to relocate the roof-top decks adjacent to ENC's campus and redesigned the decks to face the opposite side of the roof thus facing east and away from overlooking ENC's campus.
- (2) DRH redesigned the roof-top stairwell enclosure ("dog houses"), reducing the height from forty-five to forty-three feet, substantially below the maximum permitted height of sixty-five feet (65').

- (3) ENC wants all roof-top decks facing ENC removed. However, DRH is not in agreement with this request as it would result in the proposed development failing to comply with the City of Newport Beach private open space requirement.
- (4) DRH shall comply with all City requirements which does not require the use of story poles as part of the City's review.
- (5) DRH prepared exhibits, site-line analysis, and landscape profiles including three-dimensional (3D) illustrations that incorporate ENC's existing and DRH's proposed landscaping. Sensitive locations, including ENC's Gateway Area, were included. These exhibits include silhouettes of the actual residences in relationship to DRH's proposed landscaping. This analysis contemplates new trees at planting to be twenty feet (20') tall, reaching thirty feet (30') over a ten (10) year period. It should be noted that ENC's landscaping has matured over a twenty-five (25) year period, resulting in some trees reaching over sixty- five feet (65') in height.

Setbacks

DRH is required to comply with the City of Newport Beach's setback requirements. The City requires a twenty-foot (20') setback for front and rear property lines, with no setback requirement for side property lines. The proposed site plan includes a side yard setback adjacent to the ENC campus ranging between ten and a half (10.5) and twelve (12) feet. ENC's request for a thirty-foot (30') setback adjacent to ENC and the preschool would preclude the project from complying with the minimum density requirement of twenty (20) dwelling units per acre enforced by the City of Newport Beach.

Landscaping and Ecological Buffer

DRH and ENC have worked closely to promote compatibility between ENC's planting environment and DRH's landscaping plan. Numerous on-site meetings and consultations have occurred between DRH's landscape consultant and ENC's team to continue to finalize a plan. DRH acknowledges ENC's request to include provisions within the HOA documents to ensure long-term landscape maintenance and compatibility.

Visual Privacy and Line of Sight

- (1) Line of sight studies have been completed and shared with ENC's Board: This analysis reflects line of sight from both directions between the new residences, ENC and the preschool.
- (2) DRH agreed to "flip" the roof-top decks adjacent to the ENC campus to eliminate visual and noise impacts facing toward ENC. DRH further agreed to remove five (5)

adjacent second (2nd) floor balconies facing ENC's Gateway Area (an area used for events) to address both visual and noise concerns.

- (3) Despite DRH's modifications as noted above ENC's position is for DRH to remove all decks and balconies adjacent to ENC campus: DRH disagrees given that during the work week, residents are typically away from home. During the evening hours, ENC's campus and preschool are closed, so noise intrusion is not an issue. On weekends when ENC is open during the day, the preschool is closed. The entire area, including ENC and its surroundings, is subject to commercial air traffic, street vehicle noise, Newport Harbor High School athletic activities, major park and sports activities at Bob Henry Park, and several hundred apartments at the "Eight 80" apartment complex. Taking all of this into consideration, ENC is in a highly urbanized area with a wide variety of existing uses in the immediate neighborhood.
- (4) Utilities and lighting concerns raised by ENC: Horton has agreed utility placement, locating of HVAC equipment, and lighting will be designed to consider the prevention of viewshed intrusion onto the ENC campus.
- (5) ENC has requested that all drainage be designed to flow "away" from ENC and preschool. DRH has agreed to comply with all required City of Newport Beach drainage rules and regulations.

Boundary Wall and Height

ENC has expressed concerns relative to the proposed wall heights, types, and color. ENC requested a twenty-foot (20') wall be erected between ENC campus and the new residences. DRH did not agree to this request, as it would block the new residences' entire second (2nd) floor living spaces and windows. Given ENC's existing landscaping and DRH's proposed landscaping and boundary wall, it was demonstrated that at the time of planting the entire first and second floors will be screened. We estimate that within ten (10) years the third (3rd) floor will also be screened, except for portions of the stairwell enclosures. DRH is instead proposing the following, as shared with ENC:

- (1) Along the southern boundary between the Community and ENC's preschool, DRH is proposing an 8-foot wall in lieu of the required 6-foot wall. In addition, DRH is proposing trees to be twenty feet (20') tall at planting and are projected to grow to thirty feet (30') after ten (10) years. Recently, ENC has also planted sixteen (16) oak trees on their property line to further augment ENC's landscaping.
- (2) At this location, DRH is required to provide a twenty-foot (20') setback from the rear property line (southerly boundary), which DRH's site plan reflects. In addition, the

preschool is situated twenty feet (20') from ENC's property line, resulting in an approximate forty-foot (40') building-to-building separation, including an eight-foot (8') wall and substantial boundary landscaping and trees.

- (3) DRH's site plan includes only three (3) units plotted with side elevations facing the preschool (i.e., not front or rear elevations). As such, DRH has further agreed to design the side elevation windows with a raised sill height to avoid viewshed intrusion toward the preschool. The roof-top decks face easterly, not southerly toward the preschool.
- (4) DRH is proposing a ten-foot (10') wall to be constructed on top of a retaining wall measuring between zero (0) and four (4) feet. The total height of the combined wall will therefore range between ten (10) and fourteen (14) feet. This wall will be situated on DRH's westerly property line, between ENC's existing landscaping and DRH's proposed new landscaping, which will be planted with twenty-foot (20') trees projected to mature to thirty feet (30') in height. Landscape profiles have been prepared to illustrate the wall, existing landscaping, and new landscaping.
- (5) Both ENC and Horton's Landscape architect met to review plant species, planting locations and exchanged comments and suggestions. In addition, Horton and ENC have met at ENC to walk and tour the ENC campus to better understand ENC's concerns. The cooperative exchange of information was incorporated into the current designs.

Parking and Traffic Concerns

ENC expressed concerns regarding parking and traffic impacts to 16th Street. ENC also asserts the project should include more guest parking. In response to ENC's concerns, DRH responds as follows:

- (1) Each residential unit includes a full two (2) car garage (side-by-side) that complies with City's standards.
- (2) The project is required to provide a minimum of nine (9) guest spaces. The project complies with City standards.
- (3) The project is adjacent to 16th Street which provides public parking within proximity to the proposed Community driveway access from 16th Street. DRH recognizes public street parking between 16th Street, Irvine Avenue, and Seagull Avenue is

heavily used. However, additional public parking is available within a very reasonable walking distance from the Community.

- (4) ENC is concerned that their private parking lot may be impacted. ENC's parking lot is subject to parking control enforcement by the City as with any private parking lot.
- (5) ENC's parking lot is located across the street from 1,500 apartment units and the adjacent Newport Harbor High School. DRH does not believe that thirty (30) additional residences with ample on-site parking will meaningfully impact ENC's parking lot.
- (6) The existing commercial designation accounts for higher traffic counts, referred to as "Average Daily Trips" (ADTs), rather than residential ADTs. The Community is expected to generate no more than 100 vehicle trips per day, which does not impact the traffic design capacity of the City of Newport Beach. Therefore, no traffic impacts have been identified per the City's formal review and determination. Commercial uses (including medical uses) generate a higher traffic generation than residential.

Construction Mitigation

ENC has expressed concerns related to noise, air quality, and asbestos removal. The City of Newport Beach requires a "Construction Management Plan" that includes a detailed description of all aspects of construction. Prior to demolition, the City requires approval of a certified asbestos removal plan to ensure compliance with all applicable state and federal guidelines.

DRH will provide ENC reasonable notice in advance of all construction activities, utility coordination, and placement of fencing and screens to minimize dust, temporary noise, and visual impacts in accordance with City Requirements. Construction hours and days are governed by City Ordinance.

Environmental Concerns

ENC has expressed environmental concerns such as potential shading, root intrusion, and habitat disruption. Regarding "potential shading," ENC has established mature landscaping over decades, including very tall trees reaching forty-five feet (45') to fifty feet (50') and, in some instances, sixty-five feet (65'). ENC has focused on California native plants that thrive in the coastal region. Any partial shading in the morning hours will not be detrimental to the continued health of the existing landscaping. Moreover, the established growth has already created significant shading, and the proposed buildings will not

meaningfully add to it. Please note that any root intrusion along either the boundaries between the ENC campus or along the preschool can be addressed with root barriers, if required.

Furthermore, the project will remain compliant with all applicable guidelines including AB 130.

Gateway Area Protection

ENC denotes a specific area within their campus as the “Gateway Area.” It is an area used for social events, forums, and other gatherings. DRH has fully acknowledged the inherent sensitivity of this area and has worked closely with ENC to develop an appropriate plan to offset, to the degree possible, visual and noise intrusion.

- a) This area lacks tall trees and a portion of the proposed project is visible. Accordingly, the installation of a ten-foot (10’) wall will immediately screen the first (1st) floor residences.
- b) At planting, DRH’s landscape design will include trees approximately twenty feet (20’) in height that will screen the majority of the second floor. The selected species are fast-growing and projected to reach thirty feet (30’) in height screening the majority of the third (3rd) floor while portions of some deck stairwell enclosures do remain visible.
- c) DRH’s landscaping and walls are in addition to ENC’s existing landscaping; the combined elements will screen the wall from ENC’s interior side.
- d) In addition, DRH agreed to remove five (5) recessed balconies that would otherwise face ENC, and to relocate all roof-top decks to the easterly side, addressing ENC’s visual and noise concerns.

Construction Timeline and Operational Planning

In addition to the “*Construction Mitigation*” discussion noted above, ENC has requested a “clearer understanding” of the construction timeline and major phases so ENC can plan their activities appropriately. Once construction plans are approved and construction permits have been issued by the City, DRH is committed to updating ENC on the timing of key development and construction events.

Requested Monetary Donation

In the First Letter, which pre-dates the first ENC Board Meeting of May 29, 2025, ENC requested a monetary donation of \$2,500,000. At that meeting, DRH declined, choosing instead to prioritize better understanding ENC's visual and noise concerns and to allow for designs and concepts that more directly addressed those concerns. At the time, DRH did not recognize a nexus between the purpose of the requested donation and the site plan and building modifications that could be explored.

Following ten (10) months of coordination between ENC and DRH, during which DRH developed and proposed several substantive modifications to the site plan, building design, and—importantly—landscape designs focused on ENC's "noise and visual" concerns, which in turn serve to "mitigate the short-term impact on their educational and conservation programs," we remain confident that a residential community can co-exist with ENC's programs, education, and environmental objectives, all within a long-established urbanized area.

Good Faith Coordination and Efforts

From the very inception of the DRH and ENC coordination, we consistently worked closely with Mr. Glover, the ENC Board, and DRH's professional team to understand ENC's years of environmental successes and deeply appreciate the long-standing community support.

Please note that all of DRH's efforts to date have centered on: 1) reaching meaningful compromises, 2) architectural modifications, 3) changes to the site plan, 4) preparation of critical landscape designs and concepts, 5) preparation of technical exhibits including line-of-sight analysis, 6) landscape boundary buffer designs, and 7) preparing landscape profiles of existing ENC landscaping and DRH's proposed landscaping, along with view perspectives from strategic and sensitive locations shared by ENC.

Conclusion

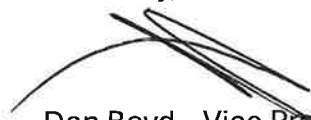
DRH is excited to respond to the City's need for new housing opportunities and is especially pleased to provide well-designed, thoughtful housing within walking distance to schools, churches, major public parks, shopping, retail services, and restaurants—and just minutes from the bay and beach, Balboa Island, and Fashion Island.

While ENC may wish for the status quo and has expressed concerns about DRH's proposal—or any development proposal, DRH has strived to present the least impactful proposal that meets the City's requirements and provides a quality living environment for future residents. If any of these discussions were received in a “threatening” manner, that was clearly not the intent; DRH desires to repurpose this unsightly and long-abandoned property into a new for-sale residential community.

Mr. Glover incorrectly asserts that DRH threatened legal action. The written communications in question were provided by the current property owner (not DRH) to preserve and protect his transaction with DRH.

DRH appreciates the opportunity to collaborate with the ENC; we are sensitive to and receptive to understanding their concerns. As a result, we have substantially modified the proposed project to mitigate the concerns. DRH's primary goal is to create a well-integrated and beautifully designed community, which successfully addresses market demand and homebuyer expectations all while providing new households in the neighborhood who will likely patronize local business and organizations including ENC and the preschool.

Sincerely,



Dan Boyd – Vice President of Entitlements
D.R. Horton, Inc.

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