

From: runfastalrun@aol.com
Sent: Thursday, September 06, 2018 4:40 PM
To: Zdeba, Benjamin
Subject: Re: Complaint for proposed rezoning for Harbor Pointe senior center
Attachments: Rezoning letter for Baycrest Court Sept. 2018.docx

Dear NB city council members,

Please find attached a letter in regards to opposing the rezoning of a CO-G property to a PI property.

Thank you,
The Wakelings at Baycrest Court Newport Beach

9/5/2018

Dear Newport Beach Planning Commission,

My husband and I are very disheartened and greatly concerned to hear that the city of Newport Beach has put forth a proposal to make a direct zone change from it's current CO-G to PI in regards to the Harbor Pointe senior care facility.

When we purchased our property, this was never an issue that we were concerned about because we had checked out the city planning for the surrounding area and it was only zoned for commercial offices. We moved to Baycrest Court because we liked the idea of living in a small QUIET community.

Now the city wants to change the zoning and build a senior facility which will not only lower our property values but also have a huge impact on traffic in the surrounding area.

As it stands now the traffic on the weekends from the office buildings is minimal.

The builder claims that this proposed building will not have an adverse effect on the traffic. Seriously how could they even make a silly statement like that.

Think about it logically this is a nursing home which will have employee rotations all day (weekends included) and night emergency vehicles (sirens) visitors etc etc.

What happens if Harbor Pointe is sold or goes out of business and the zoning is now changed so it would not be hard for example a drug rehab or private jail to take over the premises.

GREAT destroying our property values even more

We all work very hard to achieve what we have as I am sure you do. Please help us to protect our property values and save our neighborhood by turning this rezoning request down.

We are not against redevelopment of the site for CO-G commercial office zoning.

But we are strongly against and opposed to rezoning this property to PI for building a private institution.

Sincerely,

The Wakelings

From: Carol McDermott <carol@entitlementadvisors.com>
Sent: Friday, September 07, 2018 7:32 PM
To: Zak, Peter; Weigand, Erik; Dunlap, Bill; Kramer, Kory; Koetting, Peter; Kleiman, Lauren; Lowrey, Lee
Cc: Jurjis, Seimone; Campbell, Jim; Ramirez, Gregg; Zdeba, Benjamin
Subject: Harbor Pointe Study Session on September 13 Responses from applicant to letters of opposition (b)
Attachments: 2018-09-06 Responses to Opponents on Harbor Pointe for Planning Commission.docx

Mr. Chairman and Members of the Commission: I am representing the applicant and developer of the proposed Harbor Pointe assisted living and memory care facility on your agenda September 13 for a Study Session. I have received copies of the repetitive letters of opposition and wish to provide our responses based on the findings of the DEIR and the plans on file with the City for this use. I have assembled them by topic on an Issue/Response basis and hope you find this to be informative. We look forward to presenting our revised project to you at the meeting and receiving your comments now that we have lowered the height of the building in response to community concerns expressed at the previous study session. Sincerely, Carol

Carol Mentor McDermott, AICP
Principal

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Responses to Letters from Opponents re: Harbor Pointe Assisted living

Typical Issues are as described by several residents from the Baycrest Condominium and Santa Ana Heights communities and are excerpted below from their letters by issue topic

Safety of all area Residents

Issue 1: *Bristol and Jamboree is one of the most dangerous intersections in the city and county. Memory care patients who are (per the EIR) to be housed on the lower level of the facility can potentially wander. How will you handle the tragedy of these patients wandering out onto Bristol and potentially being killed? How will you handle these same patients potentially wandering into Baycrest and the Terraces, into these busy surrounding streets, yards, decks and pool areas-all potentially leading to unnecessary tragedies?*

Response 1: **Memory care patients are in a completely secured and monitored portion of the building and their recreational amenities are completely enclosed. The operator provides extensive security systems for the Memory Care portion of the building. They train their staff thoroughly to frequently monitor and care for memory impaired residents on a 24/7 basis; the memory care portion of the building is secured and separate from the assisted living residents. Entrance into the memory care area is only by using a confidential key pad code, the fire access doors are locked and if accidentally opened, an alarm sounds to allow staff to intervene immediately if necessary. Additionally, window stops are installed on all the exterior windows. As a result, unintentional exits by unaccompanied residents is extremely rare. Also, the memory impaired residents are physically incapable of entering the gated community of Baycrest.**

Issue 2: *This building would bring in 100's of people to this site including residents, their visitors, employees, emergency response, vendors, etc. coming and going at all times of the day & night.*

Response 2: **None of the residents are capable of driving. Unfortunately, they receive very few visitors, and certainly not at peak hours when residents and office employees are headed to their jobs and/or returning home. The number of employees is expected to range between 10-20 with a maximum of 30 employees for a brief amount of time during shift changes. According to the traffic study attached as a technical appendix to the Environmental Impact Report (EIR), the existing restaurant generates 738 trips per day and the proposed project is expected to generate approximately 312 trips per day or 426 trips less.**

Issue 3: *What will happen in the event of an emergency such as an earthquake, fire, major car accidents, etc.? What is the plan? How will the required evacuation of this institution's residents with memory care patients, the very ill and elderly impact the safety and lives of existing residents and occupants of the office buildings in the event of natural disaster?*

Response 3: The building is being designed to the most up-to-date and stringent earthquake standards, evacuation plans are required by City fire codes and State Department of Health Services permits, there is an emergency exit out onto Bristol, and this senior residential community represents no known danger to surrounding residents or employees. We will be happy to review these restrictions with our neighbors and the Commission and accept conditions of approval to address these concerns.

Issue 4: *Just this year there was a small aircraft that crashed into the homes of people that lived in the terraces. Due to John Wayne Airport flight patterns, what additional risk are you putting these memory care patients into?*

Response 4: As with all previous (including Baycrest) and proposed developments in the area near the airport, this community will require approval by the Airport Land Use Commission which will review and require compliance with all their standards.

Issue 5: *The street boundary to the East (Bristol) of this location is a major one-way street that already has major traffic delays/back-ups at many times throughout the day. The building of this type of facility at this intersection further places all residents at a higher risk for accidents. Our community cannot handle this increase in traffic flow. The increase in traffic to this area also places residents at a higher risk for vandalism, theft, etc.*

Response 5: The EIR and Traffic Study prepared by an independent consultant under contract to the City has found that there is no increase in traffic and in fact a significant decrease from the existing restaurant, having little or no peak hour effects on either Bristol or Bayview Place, unlike if an office building were developed on the same property which increases peak hour traffic. Harbor Pointe will reduce traffic from that of the restaurant by 426 daily trips and will be less than an office building by 370 trips. Without such feared increases, there is little likelihood of an increase in vandalism or theft.

Issue 6: *The site will have controlled substances in medication rooms which will surely put them at risk for theft and all residents at higher risk.*

Response 6: The State also controls the use, security and storage of controlled substances eliminating risk of theft and risk to residents. We are happy to share these restrictions with our neighbors and the Commission.

Noise Concern

Issue 7: *Restaurants and offices are not open all night. An institution like this is open ALL NIGHT with employee shift changes, ambulances, coroners, mortuary vehicles, police activity, etc. disrupting our neighborhoods and our lives. Baycrest and the Terraces will be particularly hard hit being adjacent to this site and people turning around in our entry circles at all hours of the night.*

Response 7: The proposed use is a demonstrably quiet use and the Noise Study in the EIR demonstrates that employees exiting and entering the underground parking structure will generate little noise to the surrounding community because their cars will all be underground when they leave or arrive. The Fire Department has stated that it is their practice not to use sirens when entering a residential community such as Harbor Pointe or Baycrest. Signage will be required for the site to help protect the Baycrest community from the use the Baycrest entry circles and most of the drivers accessing the assisted living community will be either employees familiar with the recommended traffic pattern or public safety personnel familiar with the street patterns. Also, there is an emergency exit out onto Bristol for emergency personnel to utilize.

Issue 8: *The residents that would be housed here are all high risk and mostly elderly which will most definitely ensure emergency vehicles being called at all times of the day and night for assistance. This is not acceptable to people who have lived here for years in a quiet community free of noise. If there is a noise abatement law mandated by John Wayne Airport after 11pm to minimize noise in this area, how can a Senior Living Facility be built directly behind the same communities that will require non-stop traffic in and out and emergency vehicles? A 24/7 facility includes shift changes, sirens, people from out of the area being dropped off, etc. which can dramatically increase traffic and the tranquility of our neighborhoods at night.*

Response 8: Examples of other assisted living and memory care communities in the city have shown that medical emergencies are typically no more frequent than in surrounding communities. Additionally, emergency vehicles do not use their sirens in residential areas, typically used only when moving through intersections against a signal phase. Drop-offs are typically done during normal working hours and a shuttle is available to residents minimizing any additional trips to doctor's appointments or pharmacy visits which are all done during the day. Shift changes are of such minimal numbers, 10-20 regular staff and a maximum of 30 onsite due to staggered shift scheduling overlap, that no significant increase in traffic will be experienced in the neighborhood.

Issue 9: *How will distress noises from patients living their effect surrounding communities? How will outside garden, grill and lounge areas impact noise levels next to surrounding communities?*

Response 9: There are no outdoor gardens or courtyard spaces adjacent to the surrounding residential communities. All such spaces and amenities are internal and surrounded by the building. Additionally, there is a block wall separating the communities on the south and west with the nearest homes approximately 90 feet away from our building.

Environmental Impact to the Back Bay Ecological Reserve

Issue 10: *The massive Increase in utilization of water that will be required makes no sense when we have been under a drought for years here. How will this impact the Bay? How does another building this size effect the protected species in the Back Bay? Increase in litter, trash to area. How will medical waste be handled?*

Response 10: The EIR reveals that the increase in water demand over a restaurant or a potential office building is insignificant. Also, unlike when Baycrest was built, stringent water quality control and run-off management plans are required such that there will be no water quality impact to the Bay. Since residents are always managed by staff there is little potential for litter. The existing and proposed trees on the site provide the same buffer for protected species as the existing development. Additionally, the site is approximately one-third of a mile from the Back Bay with intervening development and vegetation. Medical waste is controlled by strict State guidelines, and we are happy to share those regulations with our neighbors and the Commission.

Issue 11: *Level of CO2 emissions caused by building as well as increased traffic flow. How does all of this impact the air we are breathing and each and every day?*

Response 11: The EIR Traffic Study shows that there is little or no increase in traffic compared to the existing use therefore no significant increase in CO2 emissions.

Issue 12: *How many parking spaces will be provided for residents, employees, medical practitioners, visitors, etc.? Will they now park up and down Bayview place which in turn adds to more accident risk?*

Response 12: Parking is completely provided in the underground structure with an elevator into the building. The City requires 40 parking spaces and the project provides 53. The excess parking ensures that the parking supply exceeds the demand by 33%. With more than adequate parking, it is unlikely that parking on Bayview Place will occur. The City requires that all staff and visitors park on-site and they can all be instructed not to park on Bayview Place.

Rezoning

Issue 13: *Rezoning to a private institutional design violates the general and master plan. The rezoning from Commercial office to PI will pave the way for any type of institution including mental institutions, drug-rehab centers, etc. to do business at this site.*

Response 13: The Bayview Planned Community Development Plan amendment is designed to add the proposed assisted living use to the list of land uses that requires a Use Permit approval. The proposed amendment to the Bayview Planned Community Development Plan does not include a provision to allow mental institutions or drug-rehab centers, etc., making it infeasible at this location. The City's General Plan allows for updates and the public hearing process provides for analysis of the compatibility of a proposal.

Financial

Issue 14: *A building of this size, bringing in increased traffic flow, noise, pollution, etc. will surely have a negative impact on the property value of all homes & condos in the area that will suffer a great financial loss and quality of life if such a building is approved.*

Response 14: The EIR has evaluated all the factors of traffic, noise, air quality etc. and has found no significant impacts which could affect surrounding uses and therefore land values. Local realtors have denied the impact of this use on home values and the operator has never seen an impact to adjacent property values in other locations; in fact, it is most often seen as an amenity or convenience to grown children who want their aging relatives nearby.

From: Paula Hurwitz <paulakhurwitz@yahoo.com>
Sent: Monday, September 10, 2018 1:32 PM
To: Zdeba, Benjamin
Subject: Harbor Pointe Senior Living

I am a resident at 112 Baycrest Ct. and am in the most visually effected location. My front window faces directly towards the Kityama parking lot. The restaurant is set back to be closer to Bristol St. East. They are good neighbors and do not operate 24 hours. The new proposed footprint of the Senior center will be less than 90 feet away from my kitchen window and the noise, traffic, lighting will be 24 hours with no respite. How can this be good?

This is my retirement investment. I feel threatened by the possibility that I would no longer want to reside here. We all purchased our units knowing that the site was designated as a commercial site under the Master Plan. That is how we chose this lovely area.

I can only speak to what I perceive is a massive change to the area. I am opposed to this project on many levels and will list them below.

- Making a change to the Master Community Plan that has protected our neighborhood will threaten the area in safety, as well as traffic. Changing the site from CO-G to PI would set a precedent in the entire city. It could pave the way for a variety of businesses to take over the site if the project fails or decides to sell to another institutional concern.
- I am troubled that the claims from the builder and the EIR has stated that there would be no increase in traffic.n There will be shift changes, emergency vehicle traffic and increased visitor traffic.
- Traffic safety is a concern as Bristol St going East is a major traffic area and prone to more accidents than others and any major disaster would be hampered in evacuation due to the direction of the streets and intersections.

- After being urged as citizens of the city to conserve our water and even being restricted. How does it help when an 8,000 sq foot building is replaced by an 85,000 sq foot building with 120 or so units with showers, toilets and sinks. The increase in water usage could effect our abilities during a future drought. A change in zoning for one individual business will set a bad precedent as unfair to the neighbors surrounding the site.
- I urge you to not to let this project be allowed and ruin what we believe to be the best place in Newport Beach to live.

Please say no to this!

Paula K. Hurwitz

Michael and Kristina Kiper
31 Baycrest Court
Newport Beach, CA 92660
Islandmd1@aol.com
(949) 350-2884

September 9, 2018

Dear Mr. Zdeba,

We are writing to express our deep opposition to the proposed rezoning next door to our community to allow the Harbor Pointe Senior Care Facility development. We purchased our condo expressly for the tranquility of the neighborhood. The rezoning of the Kitayama site threatens the safety and peacefulness of our neighborhood.

We should not be forced to watch our property values plummet as these "private institutions" profit. The space should remain and be used as it always has, as a "Commercial Office" site. For the same reason that the airport is not allowed to operate all night, nor should we be subjected to a facility that will operate all night as we try to rest. We are sure that you as a homeowner would not want a zoning change where you live either.

Thank you for your attention to this matter.

Sincerely,

Michael & Kristina Kiper

From: Teresa Watanabe <teresa.watanabe@broadcom.com>
Sent: Monday, September 10, 2018 1:25 PM
To: Zdeba, Benjamin
Subject: Concerns about proposed harbor Pointe senior care facility

Dear Ben and other Newport Beach commissioners,

As a resident at Baycrest Court, near the proposed Harbor Pointe senior care facility, I am strongly and unwaveringly opposed to rezoning this site from its current CO-G (Commercial Office) purpose of use to a PI (Private Institution). The proposed care facility (or any future private institution) is in close proximity to our neighborhood. In some cases, it's almost adjacent to some residential properties.

Our quiet and safe neighborhood was never intended to include a Private Institution and I call on you to protect our property values and safety by denying this rezoning. It has never been part of the Master Community Plan for Bayview and therefore this type of rezoning would set a precedent that is neither safe or appropriate for our beautiful and serene neighborhoods or for that matter, any other similar neighborhoods in the city of Newport Beach.

I am greatly concerned and troubled by the validity of the claims from the builder and the Environmental Impact Report that traffic will not increase as a result of a 24 X 7 business that includes employee shift changes, emergency vehicles, and increased holiday visitor traffic.

A zoning change of this precedent setting magnitude in the city of Newport Beach (a direct zone change from CO-G to PI) paves the way for a variety of businesses to take over the site in the future that would tank property values and our neighborhood's safety should the proposed senior facility not be built, sold, or goes out of business.

Protect our property values and our neighborhoods by turning this rezoning request down. I am not against redevelopment of the site for a use it was intended, I am against this precedent setting rezoning to a Private Institution.

Sincerely,
Teresa & Ross Watanabe at Baycrest Ct.

From: Jeanette Bianchini <hisjoyandpeace@yahoo.com>
Sent: Monday, September 10, 2018 4:08 PM
To: Zdeba, Benjamin
Subject: Fw: Ben Zdeba - City of Newport Beach RE: The Proposed Harbor
Pointe Senior Care Facility
Attachments: 20180910080548613.pdf

Dear Ben,

We are strongly against rezoning! Please read our attached letters.

Thank you for the opportunity to voice our serious concerns.

If my people, who are called by my name, will humble themselves and pray, I will hear them from heaven and heal their land. 2 Chron. 7:14

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Dear Don Zdeba,

As a resident at BAYCREST CT near the proposed Harbor Pointe senior care facility, I am strongly and unwaveringly opposed to rezoning this site from its current CO-G (Commercial Office) purpose of use to a PI (Private Institution).

Our quiet and safe neighborhood was never intended to include a Private Institution and I call on you to protect our property values and safety by denying this rezoning. It has never been part of the Master Community Plan for Bayview and therefore this type of rezoning would set a precedent that is neither safe or appropriate for our beautiful and serene neighborhoods or for that matter, any other similar neighborhoods in the city of Newport Beach.

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A zoning change of this precedent setting magnitude in the city of Newport Beach (a direct zone change from CO-G to PI) paves the way for a variety of businesses to take over the site in the future that would tank property values and our neighborhood's safety should the proposed senior facility not be built, sold, or goes out of business.

Protect our property values and our neighborhoods by turning this rezoning request down. I am not against redevelopment of the site for a use it was intended, I am against this precedent setting rezoning to a Private Institution.

Sincerely,



76 BAYCREST CT -
NEWPORT BEACH, CA -
92660