

From: Zdeba, Benjamin
Sent: Monday, December 03, 2018 4:12 PM
To: Lippman, Tiffany
Cc: Ramirez, Brittany
Subject: FW: Support Letter - Kitayama Redevelopment
Attachments: Senior living support letter - John Santry.docx



Importance: High

Hi Tiffany,

Please see below and attached received in reference to the Harbor Pointe Senior Living project (PA2015-210) on the Commission's agenda this Thursday.

Thanks,

Ben Z.

BENJAMIN M. ZDEBA, AICP
Community Development Department
Associate Planner
bzdeba@newportbeachca.gov
949-644-3253

From: John Santry <JSantry@shopoff.com>
Sent: Monday, December 03, 2018 10:56 AM
To: Zak, Peter <pzak@newportbeachca.gov>
Cc: Zdeba, Benjamin <bzdeba@newportbeachca.gov>; matt.holder@alumni.usc.edu
Subject: Support Letter - Kitayama Redevelopment
Importance: High

Mr. Chairman,

Please find the attached letter regarding my support of the redevelopment of the Kitayama restaurant site.

Regards,

John Santry

Executive Vice President – Acquisitions & Development



Shopoff Realty Investments, L.P.
2 Park Plaza, Suite 700, Irvine, CA 92614
M (949) 417-1396 | D (949) 417-1867 | C (949) 636-2232 | F (949) 417-1399

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December 3, 2018

Peter Zak

Chairman, Newport Beach Planning Commission

Dear Mr. Chairman:

As a resident of Newport Beach, I want to express my support for the proposed assisted living and memory care facility at the current Kitayama restaurant site.

Our community requires appropriate housing product for our seniors to age in place, as well as high quality care for these elderly residents.

Long time citizens of Newport Beach desire to remain in their community and we want our parents and our children's grandparents close by their family and friends.

These residents also need to be near their doctors and care providers in order to continue the years of medical support.

I have been briefed on the project and think this is a most appropriate use of the site and a use that is highly beneficial to the community.

Thank you,

John Santry

400 Carlotta

Newport Beach, CA 92660

From: Zdeba, Benjamin
Sent: Monday, December 03, 2018 4:12 PM
To: Lippman, Tiffany
Cc: Ramirez, Brittany
Subject: FW: Harbor Pointe Residential Care Facility - Time Sensitive - Please Review Prior to December 6, 2018 Planning Commission Hearing
Attachments: M754n__20181203_140123.pdf
Importance: High

Hi Tiffany,

Please see below and attached received in reference to the Harbor Pointe Senior Living project (PA2015-210) on the Commission's agenda this Thursday.

Thanks,

Ben Z.

BENJAMIN M. ZDEBA, AICP
Community Development Department
Associate Planner
bzdeba@newportbeachca.gov
949-644-3253

-----Original Message-----

From: David Rosenberg <Rosenberg@SchumannRosenberg.com>
Sent: Monday, December 03, 2018 1:08 PM
To: Zdeba, Benjamin <bzdeba@newportbeachca.gov>
Subject: Harbor Pointe Residential Care Facility - Time Sensitive - Please Review Prior to December 6, 2018 Planning Commission Hearing
Importance: High

Dear Mr. Zdeba:

Please review the attached at your earliest possible opportunity. It concerns the Harbor Pointe Residential Care Facility Proposed Development at 101 Bayview Place in Newport Beach. As this project is the subject of a December 6, 2018 Planning Commission hearing, the attached letter is time-sensitive and should be reviewed on the very short term.

Very Truly Yours,

SCHUMANN|ROSENBERG
ATTORNEYS AT LAW

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SCHUMANN | ROSENBERG
Attorneys at Law

Sender's Email:
Rosenberg@SchumannRosenberg.com

December 3, 2018

VIA FEDERAL EXPRESS & EMAIL

bzdeba@newportbeachca.gov

City of Newport Beach Community Development Department
Attention: Mr. Benjamin Zdeba, AICP
100 Civic Center Drive
Newport Beach, CA 92660

Re: **Harbor Pointe Residential Care Facility Proposed Development –**
PLEASE REVIEW PRIOR TO DECEMBER 6, 2018 HEARING

To Whom It May Concern:

This office represents the Bayview Court HOA ("HOA" herein) with regard to the proposed Harbor Pointe Residential Care Facility for the Elderly (RCFE) currently proposed at the corner of Bristol Street and Bayview Place located at 101 Bayview Place, Newport Beach, California. A Planning Commission hearing is scheduled for December 6, 2018, and it is the understanding of the HOA that the Commission may put this matter to a vote at the conclusion of said hearing.

You are hereby put on notice of the intent of the HOA to pursue all legal action available by law to protect the homeowners' rights and maintain the value of their property, their personal safety, and continue to enjoy the lifestyle that currently exists in the Master Planned Community of Bayview. Should such legal action prove necessary, this office would intend to join with other HOAs, area businesses, and other currently unnamed entities with an interest in protecting the Bayview community in a joint effort to stop this project. Ultimately, however, the HOA would prefer to work with the City in a cooperative manner towards the most logical conclusion – i.e., that the project should not be approved. There are many meaningful arguments against the project. The most salient are as follows:

- The project is highly unpopular among the constituency, poorly conceived, and is inappropriate for the property in question. It confers no benefit on the local community, constitutes a nuisance to local residents, will result in unnecessary parking and traffic issues, violates certain representations and agreements made by the City to the HOA, and is not supported by the City's General Plan. As a result, it would be highly inappropriate

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for the Commission to recommend such an unprecedented amendment to the Master Planned Community of Bayview.

- Further, this project violates the representations the City made to the homeowners through the Bayview Planned Community Development Plan including, and not limited to, zoning designations. Any development agreement between the Harbor Pointe project's developer and the City wrongfully circumvents the legal planning process and violates the representations and assurances the City made to homeowners through the Bayview Planned Community Development Plan that was in place when homeowners purchased their properties.
- Additionally, the Draft EIR dated August 2018, and known as Harbor Pointe Senior Living Project Draft Environmental Impact Report (PA2015-210) SCH No. 2016071062, contains grossly misrepresented facts and inaccurate information as well as violates CEQA guidelines and NBMC requirements. The HOA has brought this to the attention of the Planning Commission in a timely manner and is prepared to further discuss them at the Commission's invitation. This is further support for a reasonable delay of a recommendation so that the issues may be fully understood before putting the matter to a vote.
- A second, independent Draft EIR should be conducted by another firm to address the misrepresented and inaccurate findings before any further public discussions on this project. A Firm should be mutually agreed on by both the City of Newport Beach and the HOA to prepare a new Draft EIR. In the absence of a new Draft EIR, the HOA reserves the right to legally challenge the integrity of the August 2018 Draft EIR known as Harbor Pointe Senior Living Project Draft Environmental Impact Report (PA2015-210) SCH No. 2016071062.

There is little doubt that a vote on December 6, 2018, would be premature given the above issues. Before the Planning Commission would potentially take the extraordinary measure of voting to recommend a precedent setting zoning change, it should be fully informed and advised on the subject. An amendment of this magnitude is a very serious matter. As a further basis for a delay in the vote, the HOA requests that any amendments be tabled until the anticipated new General Plan for the City is in place.

It is imperative that the Commission, City Council, and all affected parties, including the homeowners, be fully briefed and understand the inaccuracy of the August 18 EIR and what we contend are inaccurate responses to homeowner concerns posted on the City's website on November 28, 2018. The failure to do so will lead to expensive and time-consuming litigation which will, no-doubt, expose the considerable efforts by lobbying and consulting entities to

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achieve the vote that they have been seeking on the project. To the extent it can be demonstrated that these efforts have swayed the vote of elected officials to any extent, it will likely be viewed very poorly by the City's constituents.

We remain hopeful that a necessary pause will ensue to allow for all involved to fully understand the issues prior to putting this matter to a vote of the Planning Commission.

Very truly yours,

SCHUMANN | ROSENBERG


DAVID R. ROSENBERG

DRR/cfs