

From: [Whelan, Melinda](#)
To: [Garciamay, Ruby](#); [Lee, Amanda](#)
Subject: FW: 101 Via undine....filed, please forward to Ed Johnson
Date: Tuesday, July 30, 2019 9:22:33 AM
Attachments: [Staples Scan.pdf](#)
[ATT00001.txt](#)

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

From: Manal Bozarth <manal@themcmonigleteam.com>
Sent: Tuesday, July 30, 2019 8:25 AM
To: Whelan, Melinda <MWhelan@newportbeachca.gov>
Subject: 101 Via undine....filed, please forward to Ed Johnson

Melinda,

I received this attached document from my neighbor. Please note, Don Fesler is an attorney and has been very involved in this matter (he was the Moore's neighbor). From my understanding, this document was filed yesterday.

As I suspected, this Dr.'s letter sounded suspect from the moment I heard about it yesterday morning when I spoke with you. And this "disabled" person has an outdoor area for his enjoyment (center courtyard). As pointed out in the attached document, this hedge looks ludicrous ("altering" the look of Lido isle); to have 36" triangle with a 60" hedge (the current height code is 42"). Now you are agreeing to a 78" hedge? As the document points out, this would only cause people to "peek in" to see why the hedge looks like this....causing more triggers for this "disabled" person.

As the document states, if these people are truly concerned for their son, then why would they purchase a home on Lido with close living proximity, and this location?!

I am so upset with all this information, the city is not seeing the manipulation that the Moore's are creating to have it "their way"...including lying (as pointed out in the document below). It is not acceptable to have people "manipulate" the system, please note they still have not complied with the city's violation request. From the information provided, these are the type of people I describe as "entitled" and feeling they are "above the law".

Please read and forward to Ed Johnson and other persons involved in making a decision in this matter.
Confirmation of receipt is requested.

DECLARATION OF DON
FESLER IN OPPOSITION TO
THE MOORE'S APPLICATION
FOR A REASONABLE
ACCOMMODATION

Submitted July 29, 2019

DECLARATION OF DON FESLER

1. I am a lawyer, licensed to practice law in California since 1973. After I retired on January 1, 2017, I placed my license on an inactive status.
2. This declaration is filed in opposition to the Moores' Application for a Reasonable Accommodation for their son and is submitted on behalf of myself and my wife, Roberta Fesler.
3. The matters stated herein are within and based on my personal knowledge, are true and correct, and if called as a witness, I could and would competently testify thereto under oath.
4. The photographs attached hereto and incorporated by reference in full were taken by me and fairly and accurately depict what is visualized.
5. All exhibits attached hereto are referred to by the numbers in the lower right hand corner.

I.

**IF THE HEARING OFFICER MAKES ANY FINDINGS. RESOLUTIONS OR ORDERS
AT THIS TIME, WE WILL HAVE BEEN DENIED DUE PROCESS.**

6. On **multiple** prior occasions, my wife requested copies of **ALL** writings related to this Application. We have been denied access to, as examples, the Application filed by Rhonda Moore and their adult son's complete medical records.

According to the papers submitted by the City of Newport Beach ("City"), the involved application was filed by Rhonda Moore (Attachment No. HO 1 at page 1), and the City has not only Dr. Bera's farsical letter, but all of the Applicants' son's medical records (Attachment No. HO 2 at page 5).

7. The City's refusal to produce all writing as requested will deny us due process of law if any findings, resolutions or orders are made granting the requested Reasonable Accommodation.

For example, according to the City's papers, Rhonda Moore's Application contains at least two falsehoods, namely that (1) the Moores own the subject property, when in fact is owned by Rex Moore's mother's Trust (Attachment No. HO 1 at page 1), and (2) the Moores' hedge is now trimmed to 42 inches (Hearing Officer Staff Report, page 1).

Who knows what else Rhonda Moore said, if anything, that might also be false?

8. The City's failure to allow access to these materials is **very significant**. In the City's Application form (1), Item No. 2 asks what physical or mental impairments the Applicants' son has that "... **substantially limit** one or more of such person's **major** life activities."

Who knows what Rhonda Moore wrote or what documentation, if any, was provided? Furthermore, Dr. Bera's conclusory letter is so redacted that one cannot even determine what his

diagnosis might be.

9. Without access to these materials, we have been denied the ability to fully respond to all the materials that were provided to the City, thus violating our due process rights.

II.

REX MOORE'S CREDIBILITY, IF ANY, IS HIGHLY SUSPECT.

10. Rex Moore's credibility, if any, is highly suspect since he twice lied to me.

11. When I saw the Moores' hedge plants arrive on October 11, 2017, and then being planted on October 12, 2017, I asked Rex Moore if he had obtained prior approval from the Lido Island Community Association's Architectural Committee. He twice lied to my face, saying he had.

12. In fact, the Moores did not obtain approval for their hedge until November 17, 2017 (2).

13. The same principles as in a jury trial should apply here. CACI (California Book of Approved Jury Instructions) No. 107, "Witnesses" in part states:

"... if you decide that a witness did not tell the truth about something important, you may chose not to believe anything that witness said"

Obviously, whether the Moores had obtained prior approval for their hedge as was required is something important.

14. Apologizing for possibly being too blunt, Rex Moore is a proven liar whose testimony, if any, that may be presented at the subject hearing should be totally disregarded.

III.

THE APPLICANTS' REQUEST FOR REASONABLE ACCOMMODATION IS A SHAM AND ONLY A BLATANT ATTEMPT TO GET AROUND THE CITY'S NOTICE OF VIOLATION THAT ALL OF THE MOORES' HEDGE HAD TO BE TRIMMED TO A MAXIMUM OF 42 INCHES.

15. On February 25, 2019, the Moores were told by a **NOTICE OF VIOLATION** to trim their hedge in the front setback, meaning the entire perimeter, to a maximum of 42 inches (3).

16. Instead of complying with the City, they filed their sham Application in a blatant attempt to to avoid complying with the City's Notice of Violation.

17. In this regard, the facts speak for themselves:

a. As stated above, the Moores planted their hedge on October 11, 2017.

b. From that time forward until their Application was filed, to my knowledge, **they have**

never made a claim that the hedge at 60 inches edge was a problem for their son.
Even Dr. Bera stated that the Applicants' son "enjoys the area." (4)

c. Only **after** the Moores were ordered to trim their hedge, did Rhonda Moore file the subject Application, claiming a medical need for a 78-inch high hedge, a full 2 feet higher than the City's Municipal Code permits.

d. Then, **after**, as best I can surmise because I have not been provided with copies of all previously requested writings related to the Application, a farsical letter was obtained from Dr. Bera and then submitted.

18. Why did the Moores wait to file the subject Application until one and one-half years after their hedge was planted? In my view, it is only in an attempt to avoid complying with the City's Notice of Violation.

19. My burning question is: Why did the Moores move to Lido Isle in the first place?

The houses on Lido Isle are only 6 feet apart and, consequently, reasonable residents do not expect to have the same degree of privacy they have if they did not live on the island.

Responsible parents would not subject their son to such an environment if, as Dr. Bera claims, close proximity to "...passing pedestrians, gardners [sic], construction workers, dogs, noise and lights..." is a threat to his mental health.

IV.

BESIDES THE CHRONOLOGY DISCUSSED ABOVE, AS FAR AS I KNOW, NOTHING HAS CHANGED SINCE THE MOORES PLANTED THEIR 60-INCH HEDGE

20. The Moores' Application and Dr. Bera's absurd letter clearly, in their attempt to get around the City's Notice of Violation, misstate the actual, true facts.

A. The Moores' Hedge Has Never Been Properly Trimmed

21. On July 25, 2019, after I read the City's Staff Report, I visited Lido Isle. We recently moved to Long Beach, but still own the home at 105 Via Undine, which is located right next door to the Moores' residence.

22. In preparation for my site visit, I prepared a 42-inch "measuring stick." (5-1,5-2).

23. I found, as I expected, that the Moores' hedge is like it has **always been**. The hedge in the traffic safety triangle is not trimmed to 42 inches. Exhibits 6-1 through 6-4 show that the hedge is not trimmed to 42 inches, either on the strada side or the sidewalk side of that triangle.

24. Likewise, the hedge is not trimmed to 60 inches along the remaining part. In fact, where the hedge meets their house, it is well over 60 inches, as can be seen in the photographs which show

our 60-inch tall gate and the Moores' untrimmed hedge (7-1 and 7-2).

B. The Moores' Son's Bedroom Was Never Located Next To Their Hedge

25. The Moores' son's bedroom was **never** located next to their hedge. Rather, from the time they moved in, in the summer of 2017, until we moved out on February 22, 2019 – a period of **18 months**-his bedroom was always in the northeast corner of the house (8-1 and 8-2), on the opposite side of the house from the hedge – the side abutting the street.

26. I know this because adjacent to that bedroom and along the side of the Moores' house that runs parallel to the side setback between our two houses, there is a shower, with a door that opens into that setback area (9). At one point, I had to contact Rex Moore to request that the shower door be kept closed. My December 17, 2017, email states:

Kindly keep the shower door between our properties closed. As you know, we and our housekeeper must be in that area to, for example, take our trash cans in and out, and I [am] concerned that you might attempt to raise an invasion of privacy issue. Thank you.

27. Acknowledging that their son did use the shower which is part of his bedroom, Mr. Moore blocked off the shower door (9).

28. Just like depicted in Exhibit 9, when the Moores' son used the shower, water always pooled to the depression of the cement walkway next to the shower. This photo, taken on July 25, 2019, showing pooled water suggests that shower was still in use as recently as last week.

C. The Shutters on the Lefthand Side Of The Moores' Street-Side Window Were Never Closed.

29. The view into and out of the left side of the Moores' street-side window was **never blocked**, demonstrating that neither their son nor his parents felt such seclusion was necessary to protect their son's privacy and make him feel safer. The window has shutters, which were always closed before the Moores moved in, but they were **never used** after their son moved into that room.

30. That window is about 8 feet from our front door. It is also no more than approximately 6 feet from where the front of my car was when I parked it.

31. I can declare these facts with absolute certainty:

- a. I walked by the subject window more than 1,000 times after the Moores moved in.
- b. The left-side shutters were **never** closed. Nothing ever covered that window. In fact, in nice weather, the window was usually open.
- c. Day and night, the TV inside the Moores' son's bedroom could be seen and was **always on**.

32. Residents walk past that window, as they go up and down Via Undine (a one-way 17- foot-wide street) to and from the beach. Others go on walks, often with their dogs. Cars and loud construction trucks and construction workers use the street; and, noisy kids ride their bikes and scooters up and down the street. These same things occur on both the sidewalk in front of the Moores' house and along their hedge next to the strada.

V.

FOR AT LEAST TWO REASONS, THERE IS NO NEED FOR THE MOORES TO HAVE A 78- INCH HEDGE.

33. Without limitation, there are at least two reasons why the Moores' hedge does not need to be taller than 42 inches, even though it is not now or ever been properly trimmed.

A. Contrary to Dr. Bera's Claim, The Moores' Son Is Not Housebound. Instead, He Engages In Normal, Everyday Activities.

34. I have personally seen the Moores' son regularly engage in normal, everyday activities where he voluntarily subjects himself to contact with "passing pedestrians, gardeners [sic], construction workers, noise and lights" – so-called "triggers" according to Dr. Bera- such as:

- a. Jogging around the island.
- b. Skateboarding around the island.
- c. Walking the Moores' dog with his father.
- d. Driving the Moores' black Toyota Tacoma truck.
- e. Taking large trash cans out to and back from the curb on Via Undine.
- f. Attending Lido Isle's community Friday night BBQ's, which are usually very crowded and attended by at least 50-75 people. I have seen Rex Moore and his son get in a long line, surrounded by many, many other residents, to get their food.
- g. Working out (alone) on at least a half-dozen occasions in the gym at the Balboa Bay Club. As with most gyms I have been in, it is jammed with various equipment and a lot of other people.

B. As The City's Staff Report States, The Moores Have a Very Nice Interior Patio Which Is Very Private, Making a 78-Inch Hedge Totally Unnecessary

35. The Moores already have an interior, enclosed patio, making an outdoor enclosure with a 78-inch hedge totally unnecessary to provide their son a "more secluded, quiet and safe" outdoor area, as Dr. Bera claims he needs.

36. Exhibit 10 where I circled it shows an overhead view of the patio. Exhibit 11 depicts the

door that leads into the patio.

37. Having been in the Moores home on many occasions before they moved in, to socialize with Dr. and Mrs. Tilden, I can say that, without question, the interior patio is a very nice, secluded area, with even the sound of a water fountain to help block noise from the area outside of the home.

38. Thus, the Moores' son already has access to an outdoor area that is more secluded than a 78-inch tall hedge could ever be and which more effectively blocks any noises that might be problematic for him. Any hedge, including the Moores', can be seen through (particularly when a 5-foot triangular area needs to be trimmed to no more than 36 inches), and, unavoidably, cannot keep noise out.

VI.

CONTRARY TO THE CITY'S STAFF REPORT, A 78-INCH TALL HEDGE WOULD NOT BE A NOMINAL CHANGE, BUT WOULD RESULT IN A FUNDAMENTAL ALTERATION IN THE CHARACTER AND USE OF THE NEIGHBORHOOD.

39. Contrary to the Staff Report, a 78-inch hedge would not be a nominal change on Lido Isle (Staff Report at page 4) and would, indeed alter the character of the neighborhood (Staff Report at page 3). Quite to the contrary, a 78-inch hedge would result in a fundamental alteration in the character and use of the neighborhood. It would also create an eyesore and a blight on the adjacent homes, including the Moores'.

40. The Staff Report does not state the basis for the claim that there are "a number of over-height hedges becoming prevalent in the community." Nor does it state what is meant by "over-height."

If that term refers to a height in excess of the 60 inches stated (in violation of California law) in Lido Isle's Covenants, Conditions and Restrictions, it is completely inaccurate and without any foundation. In fact, the Lido Isle Community Association staff monitor the height of hedges on Lido Isle regularly and report monthly to the Board of Directors how many notices were issued the prior month directing residents to trim their hedges. If instead the term intends to refer to the City's 42-inch limit (which, under state law also applies to all properties on Lido Isle), the statement is erroneous for a different reason. The City's Code Enforcement Officers have stated a willingness to issue Notices of Violation to Lido homes which are reported as and are, in fact, in violation of the 42-inch height limit. In fact, a number of homes on Lido Isle – including the very one at issue in this hearing – have received such Notices of Violation and been required to trim their hedges.

41. To illustrate (See Exhibit 12, my rather poor, not to scale, attempted portrayal of what the requested hedge would look like.), if the hedge at the 5-foot by 5-foot perimeter of the triangular traffic safety area was 3-feet tall, and it bordered by a 78-inch-high hedge, it would create an **eyesore. There is not a hedge anywhere else** on Lido Isle that looks that one would look like.

42. In fact, a hedge in the proposed configuration could not and would not result in an increased

sense of safety and security as claimed, nor accomplish the other things mentioned in Dr. Bera's redacted letter. Instead, like an **attractive nuisance**, it would **invite** people to look inside the hedge at the traffic safety triangle, to try to see what the heck was going on behind what would be the tallest hedge on the island.

VII.

DR. BERA'S LETTER IS A CONCLUSORY FARSE WITHOUT ANY FOUNDATION FOR ITS CONCLUSIONS.

43. The only evidence before the Hearing Officer to support a claimed disability requiring a reasonable accommodation is Dr. Bera's letter. For the most part, that letter is pure poppycock.

44. As examples, it does not contain:

- a. A diagnosis.
- b. A medical history.
- c. A discussion of any medications the Moores' son has taken in the past or is now taking for his medical condition, whatever that might be, and whether any medications are working or not.
- d. Mention of any psychometric tests such as a basic MMPI which has validity scales (20) which reveal whether a patient's symptoms are being over-reported and/or exaggerated (23).
- d. Any indication of when the Moores' son supposedly became his patient.
- e. Any statement whether the existing 60-inch hedge caused or alleviated any of the symptoms mentioned in his unfounded letter.
- F. Any qualified opinion, and the reasons and basis thereof, as to why a 78-inch is so magical that it would do anything whatsoever to address the Moores' son's alleged symptoms, which seem very much contrary to the everyday activities that I have seen him do.

45. Here, it must again be emphasized that we have not been provided with a "clean" copy of Dr. Bera's letter or a complete copy of the medical records, and neither has the Hearing Officer. Without much more than has been submitted, there is not sufficient evidence to establish that the application was filed on behalf of a person with a disability (especially in light of the first-hand, eye-witness testimony I have provided, above, about the Moores' son's regular activities in public), let alone that a 78-inch hedge is not only a necessary, but a more effective "reasonable accommodation" that permits him to enjoy his dwelling.

46. As best as I can tell, Dr. Bera does not even know whether a hedge is now in place or what the hedge-enclosed area looks like, including its dimensions. And, he seems to assume that the

sidewalk in front of the Moores' home is mausoleum-like, with no pedestrian traffic, no noise or anything else like the strada has. Nor, does it appear that he was told about the required traffic safety triangle of less than half of his desired 78-inch high hedge, which will entirely defeat the intent to create his proposed secluded area.

As can be seen from the attached photographs, the Moores' hedge is not, and never will/can be, hermetically sealed to eliminate the noise of passing pedestrians, gardeners (**The Moores have one.**), construction workers, dogs (**The Moores have a dog that barks a lot at passing pedestrians – just like Rex Moore told me that he would, when he said that he hoped the dog's barking would not be a problem- walking in front of the hedge and sidewalk in front of their house, particularly when he is outside on the Moores' upstairs patio off of their bedroom, the west wall of which is over the left front, southeast portion of their hedge.**), noise and light.

And, to quote Dr. Bera: "It is imperative my patient have the reasonable accommodation of privacy and a sense of security which a 6.5 foot hedge located **directly in front of my patients [sic] bedroom and bathroom would provide.**" (4) At best, that area is only about 12-15 feet long.

Here, it is curious that Staff's Report **does NOT refer to the limitations of the hedge, namely that it need by 78-inches only in front of the patient's bedroom and bathroom.**

VIII.

THE MOORES' APPLICATION FOR REASONABLE ACCOMMODATION SHOULD BE DENIED.

47. Based on all matters set forth in this declaration, it is respectfully submitted that:

- a. This Declaration formally be made a part of the record of the public hearing.
- b. The Moores' Application be denied in its entirety.
- c. The Moores be required to cut their entire hedge down to 42 inches, with the traffic safety triangle area to be maintained at no more than 36 inches.

I declare under penalty of perjury that all of the facts stated herein are true and correct, and that this Declaration was executed on July 29, 2019, at Long Beach, CA.



DON FESLER

EXHIBIT 1



Request for Reasonable Accommodation Supplemental Information Required

Community Development Department
Planning Division
100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915 (949)644-3204
Telephone | (949)644-3229 Facsimile
www.newportbeachca.gov

To aid staff in determining that the necessary findings can be made in this particular case as set forth in Chapter 20.98 of the Municipal Code, please answer the following questions with regard to your request (Please attach on separate sheets, if necessary):

Name of Applicant

If provider of housing, name of facility, including legal name of corporation

(Mailing Address of Applicant)

(City/State)

(Zip)

(Telephone)

(Fax number)

(E-Mail address)

(Subject Property Address)

Assessor's Parcel Number (APN)

1. Is this application being submitted by a person with a disability, that person's representative, or a developer or provider of housing for individuals with a disability?

2. Does the applicant, or individual(s) on whose behalf the application is being made, have physical or mental impairments that substantially limit one or more of such person's major life activities? If so, please state the impairment(s) and provide documentation of such impairment(s).

3. From which specific Zoning Code provisions, policies or practices are you seeking an exception or modification?

4. Please explain why the specific exception or modification requested is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence. Please provide documentation, if any, to support your explanation. _____

5. Please explain why the requested accommodation will affirmatively enhance the quality of life of the individual with a disability. Please provide documentation, if any, to support your explanation. _____

6. Please explain how the individual with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation. Please provide documentation, if any, to support your explanation. _____

7. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary to make your facility economically viable in light of the relevant market and market participants. Please provide documentation, if any, to support your explanation. _____

8. If the applicant is a developer or provider of housing for individuals with a disability, please explain why the requested accommodation is necessary for your facility to provide individuals with a disability an equal opportunity to live in a residential setting taking into consideration the existing supply of facilities of a similar nature and operation in the community. Please provide documentation, if any, to support your explanation. _____

9. Please add any other information that may be helpful to the applicant to enable the City to determine whether the findings set forth in Chapter 20.98 can be made (Use additional pages if necessary.) _____

EXHIBIT 2



**lido isle
community
association**

101 Via Undine, Suite 101, Newport Beach, CA 92660
Telephone: (949) 841-1111 • Fax: (949) 841-1112

November 21, 2017

Rae & Rhonda Moore
101 Via Undine
Newport Beach, Ca 92660

RE: 101 Via Undine

Dear Rae & Rhonda:

As the Architectural Committee meeting on Monday, November 20th, 2017, the landscape/hedge project for 101 Via Undine was given final approval per Lido Isle regulations.

The Committee requests the hedge height to be maintained at no more than 60" per Lido Isle Community Association Directive 6, and all landscaping on the lot must be maintained and kept in accordance with the Association's governing documents.

This approval is conditioned on the fact that if the City should reach the conclusion, now or in the future, that the plantings, or any part of them, violate any applicable City codes, the City may require removal or modification at the lot owner's expense to comply with the City's requirements.

The Board of Directors and the Architectural Committee appreciate your cooperation in the review process.

Sincerely,

Matt Bolina
LICA Assistant Manager

EXHIBIT 3



NOTICE OF VIOLATION
CITY OF NEWPORT BEACH
Community Development Department
Code Enforcement Division

100 Civic Center Drive, Newport Beach, CA 92660
949-644-3215

Number: **119-0464**
Date: **02/25/2019**

Name of Owner or Business : **TILDEN LEORA G G DAY LIVING TR**

PO BOX 310
MCCALL IDAHO,83638

An inspection of premises located at **101 VIA UNDINE NB** in the City of Newport Beach, on **02/25/2019** revealed a violation(s) of the Newport Beach Municipal code.

WARNING ONLY ☒ [X]
PREVIOUSLY ADVISED ☐ []
FINAL WARNING ☐ []

NEWPORT BEACH MUNICIPAL CODE SECTION(S) / DESCRIPTIONS OF VIOLATION(S)

1: MC 20.30.040 FENCES, HEDGES, AND WALL REQUIREMENTS

CORRECTION(S) REQUIRED -

PLEASE TRIM ALL HEDGES IN THE FRONT SETBACK TO A MAXIMUM OF 42".
-THANK YOU-

The City of Newport Beach recognizes that oversights occur and challenges come up. We encourage you to contact the Code Enforcement Division for questions about this notice or to request an extension of time if one is needed. We understand the importance of working together and appreciate your cooperation in this matter.

THIS VIOLATION MUST BE CORRECTED ON OR BEFORE 03/04/2019. If the violation is not corrected by the date specified, an **ADMINISTRATIVE CITATION** may be issued and penalties will begin to accrue (\$100.00, \$200.00, AND \$500.00) each day. Additional enforcement actions such as administrative citations, administrative penalties, prosecution and/or civil injunction may be utilized to correct this violation(s). **A REINSPECTION WILL BE MADE ON OR AFTER THE CORRECTION DATE. IF THE CORRECTION(S) IS NOT COMPLETED AN ADMINISTRATIVE CITATION MAY BE ISSUED AND FEES WILL BEGIN TO ACCRUE.**

PRINT NAME OF OFFICER : **John Murray**

SIGNATURE OF OFFICER

A handwritten signature in black ink, appearing to read "John Murray", written over a horizontal line.

OFFICER ID #

8137

EXHIBIT 4

Dr. Rimal Bera, M.D.
UCI Neuropsychiatric Center

**UCI Newport Heights
Behavioral Medicine**
20350 SW Birch Street
Ste 100
Newport Beach, CA 92660
P) 714-456-5902
F) 949-250-9177

6/20//2019

Re: Reasonable Accommodations/Confidential
101 Via Undine
Newport Beach, CA 92663

Dear Honorable Hearing Officer,

This letter serves to verify my patient has been under my medical care for the diagnosis and treatment of a [REDACTED] illness. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

It is imperative my patient have the reasonable accommodation of privacy and a sense of security which a 6.5 foot hedge located directly in front of my patients bedroom and bathroom. [REDACTED]

[REDACTED] the hedge protects my patients' privacy and alleviates these symptoms triggered by passing pedestrians, gardeners, construction workers, dogs, noise and lights. This particular pathway, located on the other side of the hedge is frequently traveled and provides public access to the beach and clubhouse .

My patient spends the majority of his time at home and enjoys this area located directly outside of the patients' bedroom and bathroom and is accessed by the patient through sliding glass doors opening to the front yard at 101 Via Undine. The reasonable accommodation will allow my patient to continue to enjoy a more secluded, secure, quiet and safe area inside and outside of the bedroom.

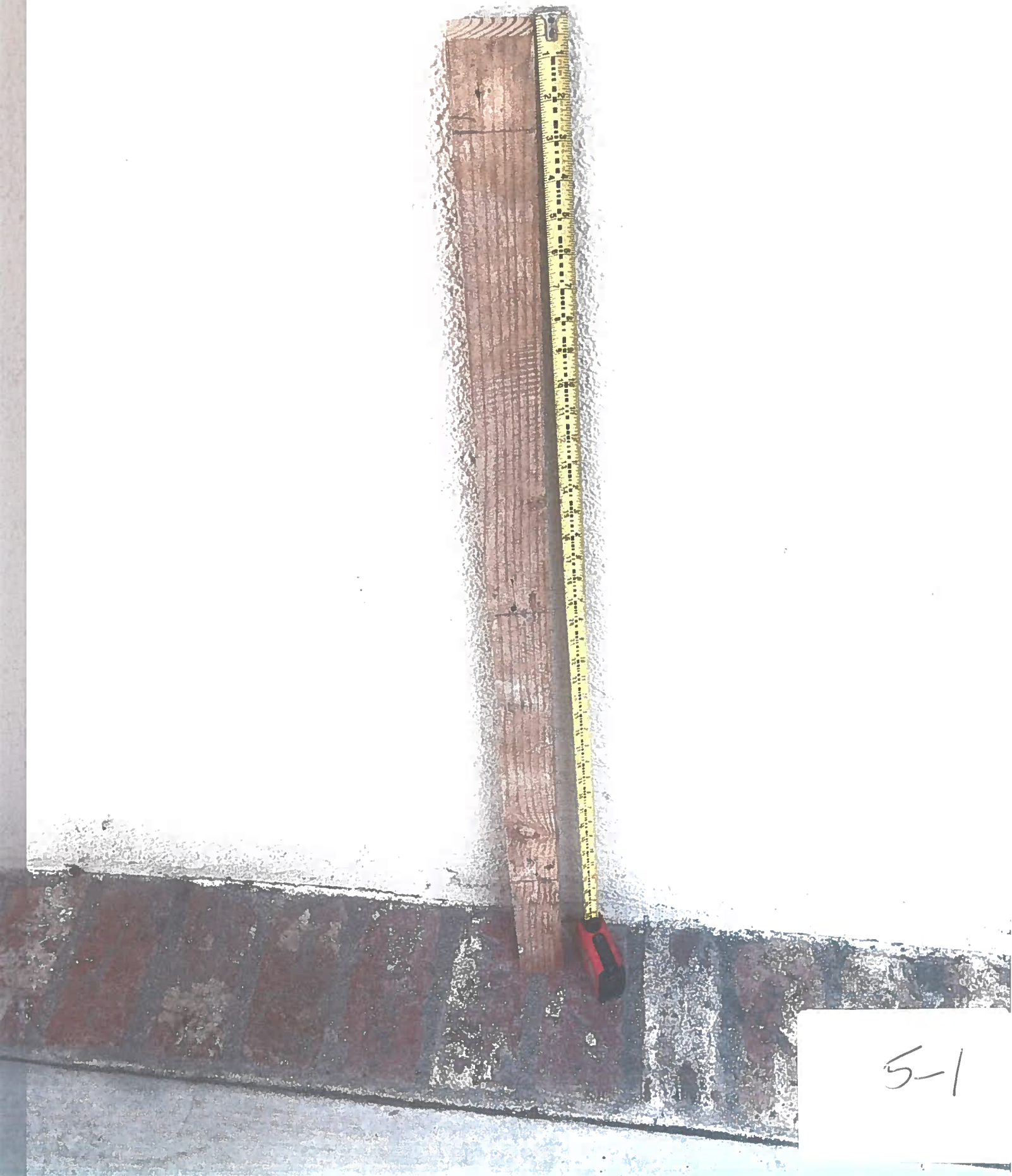
This letter substantiates the patient's disability is protected under the Fair Housing Laws and the requested accommodation is necessary to provide my patient with an equal opportunity to use and enjoy the dwelling, while still protecting his privacy rights.

Thank you,



Dr. Rimal Bera, MD

EXHIBIT 5



5-1



5-2

EXHIBIT 6



6-1





6-3



6-4

EXHIBIT 7





60"
↑ ↓

7-2

EXHIBIT 8



8-1



8-2

EXHIBIT 9



EXHIBIT 10

EXHIBIT A



10

EXHIBIT 11



EXHIBIT 12

