

From: [Whelan, Melinda](#)
To: [Garciamay, Ruby](#); [Lee, Amanda](#)
Subject: FW: Scan from Staples
Date: Tuesday, July 30, 2019 4:11:20 PM
Attachments: [Staples Scan.pdf](#)

From: Don Fesler <donfesler@gmail.com>
Sent: Tuesday, July 30, 2019 3:59 PM
To: Whelan, Melinda <MWhelan@newportbeachca.gov>
Cc: bobbief100@me.com
Subject: Fwd: Scan from Staples

Please make this Supplemental Declaration and expedite it to the Hearing Officer.

Thank you.

Sent from my iPhone

Begin forwarded message:

From: Staples Business Center <Ccreg12@staplesbusinesscenter.com>
Date: July 30, 2019 at 3:50:36 PM PDT
To: "donfesler@gmail.com" <donfesler@gmail.com>, "bobbief100@me.com" <bobbief100@me.com>
Subject: Scan from Staples

Scanned Document From Staples Store

SUPPLEMENTAL DECLARATION OF DON FESLER

I, DON FESLER, declare:

1. Paragraphs 1-5 of my original Declaration are incorporated by reference in full.
2. On July 30, 2019, I received and reviewed part, but not all, of the writings my wife, Roberta Fesler, had requested from the City, which were just transmitted to her..
3. Nonetheless, I can further declare the following:

I.

THE MATERIALS I REVIEWED TODAY FURTHER CONFIRM THE APPLICATION SIGNED BY RHONDA MOORE IS A SHAM.

4. In my original declaration, I declared that given the chronology of events, the Moores' Application is a sham and only an attempt to get around the City's Notice of Violation.
5. The materials I reviewed today prove that this is a correct assessment. Specifically:

2/25/19: The City's Notice of Violation was sent the **real owner** of 101 Via Undine, Leora Tilden and her Trust (1).

3/12/19: Rhonda Moore filed the subject Application (2).

6/20/19: Dr. Bera signed his farsical letter.

Curiously, Rhoda Moore's Application wants a 6-foot hedge. Dr. Bera's letter refers to a 6.5 feet hedge.

In any event, this chronology further proves that the Moores' Application is a

sham.

II.

LIKE REX MOORE, RHONDA MOORE'S APPLICATION PROVES SHE IS A LIAR.

6. On page 1, Item 1, of the Application, Rhonda Moore said she and Rex Moore are the owners of 101 Via Undine.

7. On page 1, Item No. 7, Rhonda Moore signed under penalty of perjury that all of the statements contained in the Application "... are in all respects true and correct...."

8. Since the City of Newport Beach's Notice of Violation was sent to the real owner of the property, Rhonda Moore's statement in the Application is a deliberate, knowing lie.

Also, Exhibit 3 proves that the Applicants do not own the subject property (3).

III.

±

THE MOORES HAVE WILLFULLY FAILED TO EVEN ABIDE BY THE LICA'S APPROVAL OF THEIR LANDSCAPE PLANS

9. Exhibit 4 is a copy of LICA's approval of the Moores' illegal landscape plan.

10. The Moores have thumbed their noses at not only the City, but also both LICA and their neighbors.

11. As can be seen, the entire hedge was illegally approved to be 60 inches along its **entire** perimeter, including next to the northeast corner of Mrs. Tilden's house. As can be seen from the photographs attached to my first Declaration, the hedge at that location is well above 60 inches, just like it has

always been (5).

12. Per the plans, as I interpret them, the enclosed area was supposed to have plants inside of it.

In reality, it is nothing less than a gravel pit, as can be seen in Exhibit 6.

Here, it is also of interest that, I surmise, that the Applicant's son is using the enclosure at its current height, as evidenced by the beach towel on the lounge chair (6).

IV.

THERE IS NOT QUESTION THAT THE MOORES KNOW THAT THEIR HEDGE VIOLATES LICA'S ILLEGAL APPROVAL

13. This is not a case of an innocent misunderstanding. It is a case of an egocentric, malicious, "I can do anything I want," circumstance.

14. In this regard, I have taken periodic photographs of the Moores' illegal hedge.

15. Mr. Moore is a true "thumb noser." In fact, he took photographs of my home when, on one occasion, he saw me taking photographs of his hedge (7).

V.

THE CITY'S FAILURE TO PRODUCE ALL DOCUMENTS WE HAVE REQUESTED ON MULTIPLE OCCASIONS.

16. Rhonda Moore's statement that she is the "person's legal representative" is more than a little suspect. Is she the individual's guardian ad litem? Let's see the proof of that.

17. Is Rhonda Moore the individual's conservator? Where is any documentation that proves that?

18. We still don't know what the condition of the applicants' son might be. Rhonda Moore says he has an "... illness. Legally disabled."

19. Here, my questions/comments are:

A. What is the illness? No one, including Rex Moore, Rhonda Moore or the infamous Dr. Bera has said what the son's illness is or offered an actual diagnosis.

B. Where is the proof that the individual is "legally disabled"?

V.

**A HEDGE, NO MATTER HOW TALL, WILL NOT SHELTER THE
SUBJECT INDIVIDUAL FROM NOISE, THE FEELING OF THE
PRESENCE OF PEOPLE WALKING BY, NEIGHBORS TURNING
THEIR LIGHTS ON AND OFF, NOISE OR ANYTHING ELSE.**

20. As I previously declared, a 6.5-foot hedge will not accomplish a single thing.

21. Only one thing needs to be said the point: **The hedge has, and always will, have holes in it! (8).**

I declare under penalty of perjury that the foregoing is true and correct and that this Supplemental Declaration was executed on July 30, 2019, at Long Beach, CA 90815.


DON FESLER



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 ☒
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

OFFICER ID #

8137





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):

Rhonda & Rex Moore
Name of Applicant

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

(Mailing Address of Applicant) (City/State) (Zip)
101 Via Undine Newport Beach, CA 92663
(Telephone) (Fax number)

101 Via Undine #
(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?

Person's legal representative
Rhonda & Rex Moore

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).

Legally disabled

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

Hedge Height - Newport Beach Municipal Code
20.30.040

Chapter 20.52

PA2019-050
CITY OF NEWPORT BEACH



Community Development Department Planning Permit Application

PA2019-050 for RA2019-001
101 Via Undine
Rhonda and Rex Moore

1. Check Permits Requested:

- | | | |
|--|--|---|
| <input type="checkbox"/> Approval-in-Concept - AIC # | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> Staff Approval |
| <input type="checkbox"/> Coastal Development Permit | <input type="checkbox"/> Limited Term Permit - | <input type="checkbox"/> Tract Map |
| <input type="checkbox"/> Waiver for De Minimis Development | <input type="checkbox"/> Seasonal <input type="checkbox"/> < 90 day <input type="checkbox"/> > 90 days | <input type="checkbox"/> Traffic Study |
| <input type="checkbox"/> Coastal Residential Development | <input type="checkbox"/> Modification Permit | <input type="checkbox"/> Use Permit - <input type="checkbox"/> Minor <input type="checkbox"/> Conditional |
| <input type="checkbox"/> Condominium Conversion | <input type="checkbox"/> Off-Site Parking Agreement | <input type="checkbox"/> Amendment to existing Use Permit |
| <input type="checkbox"/> Comprehensive Sign Program | <input type="checkbox"/> Planned Community Development Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Planned Development Permit | <input type="checkbox"/> Amendment - <input type="checkbox"/> Code <input type="checkbox"/> PC <input type="checkbox"/> GP <input type="checkbox"/> LCP |
| <input type="checkbox"/> Development Plan | <input type="checkbox"/> Site Development Review - <input type="checkbox"/> Major <input type="checkbox"/> Minor | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Parcel Map | |

2. Project Address(es)/Assessor's Parcel No(s)

101 Via Undine, Newport Beach, CA 92663

3. Project Description and Justification (Attach additional sheets if necessary):

20.52.070 "Reasonable Accommodations"

4. Applicant/Company Name

Rhonda Moore, Rex Moore
Mailing Address 101 Via Undine Suite/Unit
City Newport Beach State CA Zip 92663
Phone Fax Email

5. Contact/Company Name

Rhonda Moore
Mailing Address 101 Via Undine Suite/Unit
City Newport Beach State CA Zip 92663
Phone Fax Email

6. Owner Name

Rex & Rhonda Moore
Mailing Address 101 Via Undine Suite/Unit
City Newport Beach State CA Zip 92663
Phone Fax Email

7. Property Owner's Affidavit*: (I) (We) Rhonda & Rex Moore
depose and say that (I am) (we are) the owner(s) of the property (ies) involved in this application. (I) (We) further
certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information
herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s): Rhonda Moore Title: Date: 3/12/2019
Signature(s): Title: Date:

*May be signed by the lessee or by an authorized agent if written authorization from the owner of record is filed concurrently with the application. Please note, the owner(s)' signature for Parcel/Tract Map and Lot Line Adjustment Application must be notarized.

2-2

FOR OFFICE USE ONLY

Date Filed: 03-12-19

APN No: 423 251 14

Council District No.: 1

General Plan Designation: RS-D

Zoning District: R-1

Coastal Zone: ☒ Yes ☐ No

☐ 2700-5000 Acct. NO FEE CHARGED

☐ Deposit Acct. No. _____

For Deposit Account:

Fee Pd: _____

Receipt No: _____

Check #: _____

Visa ☐ MC ☐ Amex ☐ # _____

☐ CDM Residents Association and Chamber

Community Association(s): Lido Isle Community Assoc.

Development No: D2019-0305

Project No: PA2019-050

Activity No: RA2019-001

Related Permits: _____

APPLICATION

☐ Approved ☐ Denied ☐ Tabled: _____

ACTION DATE

☐ Planning Commission Meeting

☐ Zoning Administrator Hearing

☐ Community Development Director

Remarks:

APPLICATION WITHDRAWN: Withdrawal Received (Date): _____

APPLICATION CLOSED WITHOUT ACTION: Closeout Date: _____

Remarks:

2-3

Application Number _____

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. please see next page.

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. please see next page.

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. please see next page.

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. N/A

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. N/A

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.) Please see Attached

"Request for Reasonable Accommodation"

4. In order for [REDACTED] to live in our home at 101 Via Undine [REDACTED] must have a reasonable accommodation of a 6 foot hedge to provide privacy and safety from the strada. [REDACTED] needs to be able to go in and out of [REDACTED] room without feeling the presence of the people walking by, neighboring homes with lighting turning on and off, and other [REDACTED]

5. The hedge surrounding the perimeter of our side yard on 101 Via Undine provides [REDACTED] with privacy and safety that will enables [REDACTED] to go outside as [REDACTED] does not leave the home most days. On days when [REDACTED] chooses to stay in [REDACTED] room [REDACTED] can have the sliding doors open and still feel safe from the barrier provided by the hedge. There is a constant flow of foot traffic by [REDACTED] room from the strada all day long due to the main beach and lido clubhouse being located directly across the street.

6. If the hedge is denied, [REDACTED] will not be able to sit outside or perform any [REDACTED] activities as [REDACTED] will feel [REDACTED] has NO privacy. [REDACTED] will not be able to enjoy [REDACTED] bedroom as there will be NO privacy. [REDACTED]

[REDACTED] hence the added importance of the hedge being at least 6 feet tall. [REDACTED]

[REDACTED] we feel it is imperative that [REDACTED] be able to enjoy [REDACTED] bedroom and the area outside by the strada to the fullest of [REDACTED] ability.

Thank you -
Rhonda Moore
101 Via Undine
[REDACTED]

PA2019-050 for RA2019-001
101 Via Undine
Rhonda and Rex Moore

2-5

"Request for Reasonable Accommodation"

9. We are asking the City of Newport Beach to approve our request for "Reasonable Accommodation" to allow us to maintain our existing hedge above the 42 inch city limit in order to allow [REDACTED] to fully utilize our side yard. [REDACTED] has a legal disability of [REDACTED] illness [REDACTED]

We would like to provide the outdoor side yard of our home on 101 Via Undine, Lido Island for [REDACTED] to be able to enjoy a PRIVATE and SAFE area outside [REDACTED] bedroom. At this time the hedge serves as a protective barrier from the people walking up and down the strada, neighboring homes looking inside and lights coming into [REDACTED] window in the evenings. [REDACTED]

[REDACTED] We believe [REDACTED] has the right to enjoy [REDACTED] outdoor space with the protection and privacy a 6 foot hedge will offer.

As stated by the Americans Disability Act, if you have a physical or mental impairment that substantially limits a major life activity you have a disability. [REDACTED]

[REDACTED] We believe [REDACTED] has the right to enjoy our entire property to the best of [REDACTED] ability.

Thank you for your time and consideration in this private matter.

Rhonda Moore
101 Via Undine
Newport Beach, CA 92663
[REDACTED]

2-4

+ CALIFORNIA TITLE
COMPANY, O40, GLMO
07/30/2019 02:30PM NWJU
ORANGE 2018-19 TAX ROLL

ORANGE, CA

PAGE 1 OF 1

INVESTIGATIVE SEARCH
RESULTS

CUSTOMER SERVICE REQUEST ONLY

PAYMENTS AS OF 07/19/2019

SEARCH PARAMETERS

ENTERED APN: 423-251-14

✓ APN: 423-251-14

TRA: 07-001 - CITY OF NEWPORT BEACH

DOC#: 2016-27931

LEGAL: TRACT 907 LOT 252

SITUS: 101 VIA UNDINE NEWPORT BEACH CA 92663-5514

MAIL: PO BOX 310 MCCALL, ID 83638

ASSESSED OWNER(S)

2018-19 ASSESSED VALUES

G DAY LIVING TR	LAND	92,525
TILDEN LEORA G TR LEORA	IMPROVEMENTS	74,343
	TAXABLE	166,868

2018-19 TAXES

1ST INST

2ND INST

TOTAL TAX

STATUS	PAID	PAID	
PAYMENT DATE	10/23/2018	10/23/2018	
DELINQUENT DATE	12/10/2018	04/10/2019	
INSTALLMENT	1,054.75	1,054.75	2,109.50
PENALTY	105.47	128.47	233.94
BALANCE DUE	.00	.00	.00

ASSESSMENT DETAIL

CODE # TYPE AMOUNT JURISDICTION

A1	ALL PROP AV TAX	1,753.50	BASE TAX
U4	OCSD SEWER USER FEE	335.00	ORANGE CO SANITATION DIST (OLD OCS
C7	MWD WATER STDBY CHG	11.60	MWD-MWDOC WAS CMWD ORIG AREA 12059
BA	MOSQ,FIRE ANT ASSMT	7.48	ORANGE COUNTY VECTOR CONTROL DISTR
B3	VECTOR CONTROL CHG	1.92	ORANGE COUNTY VECTOR CONTROL DISTR
		2,109.50	TOTAL OF SPECIAL ASSESSMENTS

ADDITIONAL PROPERTY INFORMATION

COUNTY USE CODE: SFRSD

STANDARD LAND USE: SFR

END OF SEARCH

3-1

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Recording Requested By And
When Recorded Mail To:

Edward D. Ahrens, P.C.
Ahrens DeAngeli Law Group LLP
P.O. Box 9500
Boise, ID 83707-9500
Phone: (208) 639-7799
Fax: (208) 639-7788

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder
12.00
* \$ R 0 0 0 8 1 0 2 9 6 1 \$ *
2016000027931 2:41 pm 01/21/16
217 422 G02 F13 2
0.00 0.00 0.00 0.00 3.00 0.00 0.00 0.00

Documentary transfer tax:

\$0

No tax is owed because this is a transfer to a trust not
pursuant to a sale.

Signature of Declarant or
Agent Determining Tax:

Ahrens DeAngeli Law Group LLP

Revenue and Taxation Code:

11930

Grant Deed

Leora G. Tilden, Trustee of the LGT Newport Beach Residence Trust, "Grantor," a trust established under the laws of the State of Idaho by an agreement dated May 5, 2005, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, transfer and convey to Leora G. Tilden (formerly known as Leora G. Day), Trustee of The Leora G. Day Living Trust, U/T/A dated July 15, 1992, as reformed and restated, whose current address is P.O. Box 310, McCall, Idaho 83638, "Grantee," all of Grantor's interest in the following described real property located in Newport Beach, Orange County, California, more particularly described as follows:

Lot 252 of Tract No. 907 as shown on Map recorded in Book 28, pages 25 to 36
inclusive of Miscellaneous Maps, Records of Orange County, California.

Mail tax statements to:

Leora G. Tilden, Trustee of The Leora G. Day Living Trust
P.O. Box 310
McCall, ID 83638

3-2

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2015 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

APN: 423-251-14

IN WITNESS WHEREOF, the Grantor executes this instrument solely in their fiduciary capacity. Any further recourse hereunder is to be only against the aforementioned trust.

DATED this 21st day of December, 2015.

The LGT Newport Beach Residence Trust,
U/T/A dated May 5, 2005

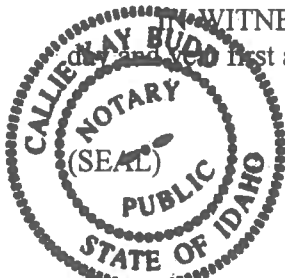
By: Leora G. Tilden
Leora G. Tilden, Trustee

"Grantor"

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

On December 21, 2015, before me, the undersigned, Notary Public, personally appeared Leora G. Tilden, Trustee of The LGT Newport Beach Residence Trust, U/T/A dated May 5, 2005, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for and on behalf of said trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written in this certificate.



Callie Kay Budd
Notary Public for Idaho
Commission expires: July 26, 2018

Grant Deed

Page

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X = 60" MAX Hedge
L.I.C.A. C.C. & R.'S

DECOMPOSED
GRANITE

LIGUSTRUM texanum
(hedge material)

to be maintained
according to architectural
committee regulation height

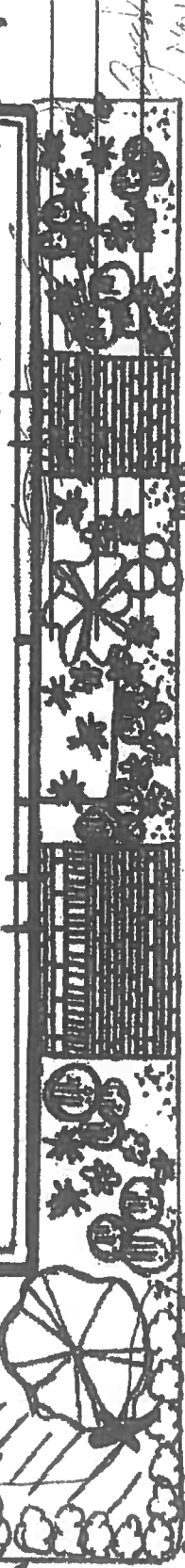
APPROVED

Lido Isle Community Association
ARCHITECTURAL COMMITTEE

Notice to Owner

In accepting approval of this plan the owner acknowledges that it is expressly understood that such approval shall not be deemed to constitute consent or authorization to the erection of any part of the proposed structure in contravention of any law or ordinance of the City of Newport or the Lido Isle Declaration of Protective Restrictions.

APPROVAL SUBJECT TO CORRECTION



Handwritten signature: [Signature]
Handwritten text: [Illegible]

VIA LIDO SOLD

60" per directive to
MAX
L.I.C.A. C.C. & R.'S
MOORE RESIDENCE
101 VIA LINDHNE, NB
OCTOBER 9, 2017

Molly Wood Garden Design











