

Attachment N

Public Comments

July 18, 2019, Planning Commission Item 3 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 3. VIVANTE SENIOR HOUSING (PA2018-185)

My most important comment on this project is that the General Plan Amendment being proposed by staff is incomplete.

Staff proposes on handwritten page 83 (in Exhibit “C” to the Resolution), to add 90 dwelling units to Anomaly 49 in Table LU2 of the Land Use Element (GP Chapter 3), with a MU-H3 land use designation.

It has neglected to amend the definition of MU-H3 approved by voters in 2016 and currently at the bottom of page 3-14 (see Resolution No. 2006-7, Exhibit A, top of [page 4](#)). In particular, voters limited the MU-H3 parcels to a total capacity of **450** dwelling units.

I do not believe that voter-imposed limit can be ignored.

Anomaly 49 shares the MU-H3 designation with the adjacent Anomaly 48, which contains the 524 unit Villas Fashion Island development, as well as with Anomaly 46, the “Tennis Club at Newport Beach” property, to which 5 dwelling units have been allocated for future development. Together those represent 529 units to which the present recommendation would add 90 for a total of **619** dwelling units proposed to be allowed on MU-H3 parcels.

To maintain internal consistency in the General Plan, the voter-approved limit of 450 units for the MU-H3 land use category (on GP page 3-14) needs to be amended to reflect the new Council-approved limit of 619, and a recommendation to do so needs to be included in the Planning Commission’s recommendation, with an understanding that, per [City Charter Section 423](#), if the Council wants to allow 169 units more than voters last approved, that will be a “major amendment” requiring voter ratification.

Attachment PC 1 - Draft Resolution with Findings and Conditions

I have not read much of this, but:

1. Thought might be given to modifying the non-standard spelling of “Revokation” in the fourth line from the bottom of the title on handwritten page 37.
2. I’m not sure the legal description in Section 1.1 is complete. For example, I suspect it’s “Parcel 2 of [Newport Beach](#) Lot Line Adjustment [No. 95-3](#)” and “Resubdivision No. 501” might possibly need some further qualification to identify what was being re-subdivided (for example, a property in Orange County, California).

Exhibit “A” - Environmental Impact Report

1. It should not be entirely forgotten that the EIR to which an Addendum has been posted is the many thousands of pages long document which, in December 2016, petitioners against the Museum House project were required to present to potential signers in a 10-pound package. It remains certified only because of a last-minute amendment to staff’s

recommendation to repeal *all* prior approvals related to 850 San Clemente Drive (see [minutes of Item 15](#) from February 28, 2017).

2. When the geographic size of the project increases by half, the appropriateness of using an addendum, without a further public review or comment period, seems questionable.
3. Since the Addendum says (Section 3.2.1, page 15) the modified project involves removing all “ornamental” trees on site, and since even the most minor of development proposals approved by the City’s Zoning Administrator require compliance with the Migratory Bird Treaty Act, it seems surprising neither the Mitigation Monitoring and Reporting Program (Exhibit “A”, handwritten page 61) nor the project Conditions of Approval (Exhibit “F”, handwritten page 134) seem to address potential impacts on nesting birds.

Exhibit “E” – Development Agreement

It is difficult to see how the Planning Commission can be expected to make an intelligent recommendation about this when the public benefit is left blank (handwritten pages 102 and 109). It also seems strange there is no definition of the nature of the benefit the unknown number of dollars are supposed to provide.

Attachment PC 10 - Fiscal Impact Model

Table 1 (handwritten page 197) indicates the “existing” museum use paid \$0 property tax.

I am unable to corroborate this using the Orange County Treasurer-Tax [Collector’s online bill search tools](#). In tax year 2017-2018, those records indicate that although Orange County Museum of Art qualified for a “welfare exemption,” it received, and paid, bills of [\\$18,267.52](#) for 850 San Clemente Drive and [\\$1,911.97](#) for 856 San Clemente Drive.

Those bills have increased considerably since the reassessment triggered by the change of ownership on May 9, 2018. As a result of the reassessment, to cover the existing use for the year ended June 30, 2019 (still including a welfare exemption), the new owner has received and paid supplemental tax bills of [\\$103,714.04](#) for 850 San Clemente Drive and [\\$41,238.32](#) for 856 San Clemente Drive.

Also, these parcels are in Tax Reporting Area 07-041, for which I understand the City receives 0.17157826480 of the basic 1% levy, which is more precisely known than the “about 20 percent” assumed by the authors of the report (per handwritten page 196).

The apparent failure of the Fiscal Analysis to correctly incorporate such readily available information might lead one to question the reliability of its conclusions – in particular the claimed cost to the City of continuing a cultural use in the existing buildings.

From: JP Anderson <4jpandy@gmail.com>
Sent: July 16, 2019 1:36 PM
To: Nova, Makana
Subject: Museum property.

Thanks for extensive review .

I don't object to project as long as tree parking is provided for employees and guests on site.

I am disappointed in City giving up cultural center for private for profit development.

JP Anderson

Sent from my iPad

From: Jerry Schmitt <JerrySchmitt@cox.net>
Sent: May 19, 2019 9:43 PM
To: Nova, Makana
Cc: Zdeba, Benjamin
Subject: Vivante Senior Housing Project

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Makana,

I approve of this project. There is truly a demand for this type of housing in Newport Beach and demographics point to a continuing demand in the years to come. It fits in well with the apartment & condos surrounding it.

When the last project proposed for this site raised a lot of controversy people said "If we don't build it, something else will be built here". Looks like it was worth the wait.

I don't know anything about the developer, but I do know some people that stay at their current Vivante Senior Housing and they only have good things to say about the facility, staff, and the care they get.

What is the next step for this project? Keep me informed.

Thanks!

Jerry Schmitt
1974 Port Locksleigh Pl
Newport Beach, CA 92660

From: Abdol Bahrami <abdol.bahrami@orco.com>
Sent: April 04, 2019 1:01 PM
To: Nova, Makana
Subject: VIVANTE SENIOR HOUSING PROJECT

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Makana,

I hope you are doing well.

I was hoping you would be able to tell me who the Architect on Record is for this project?

Best,

Abdol Bahrami - CMT

Architectural Sales Representative – Orange County

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11100 Beach Blvd - PO Box E
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(714) 527-2239 office
(714) 932-7125 cell
(714) 897-1904 fax

From: Adreana Souleles <absouleles@gmail.com>
Sent: February 05, 2019 4:46 PM
To: Nova, Makana
Subject: Vivanti Project

Follow Up Flag: Follow up
Flag Status: Flagged

I live near Fashion Island and am interested in the new project for seniors, Vivanti. Understand it is in the approval process but any information that is available at this time I would appreciate having. Thank you. Adreana Souleles, 10 Rue Fontainbleau, Newport Beach, Ca 92660

From: Coralee Newman <cora@govsol.com>
Sent: January 10, 2019 2:00 PM
To: Nova, Makana
Cc: Ramirez, Gregg
Subject: Vivante Senior Living Applications

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

(Gregg- forget my previous email. I found basic data on city website.)

Makana: I see a General Plan Amendment is being requested for this site and that it is being deemed "99 units".

I would like to see the application and any other pertinent information on this.

As you know, I worked on this site for years – (before Museum House) and was told by the city - senior living could not be deemed residential- so I am very curious as to what is going on.

Appreciate being forwarded links to data if they are available. Has and EIR gone out on this?

Thanks so much. Coralee



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From: Paul King <peakay@gmail.com>
Sent: December 21, 2018 1:04 PM
To: Nova, Makana
Subject: RE: Vivante Senior Housing Project

Is this an approved project or a proposed project? Just curious as a local NB resident.

Thank you, Paul