

# **Attachment No. HO 4**

Correspondence received after  
April 14, 2009

## **Brown, Janet**

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**From:** Kiff, Dave  
**Sent:** Monday, June 29, 2009 10:00 AM  
**To:** Brown, Janet; 'Tom Allen'  
**Subject:** Newport Coast Recovery - 1216 West Balboa Blvd

For the record.

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**From:** Julie McBride [mailto:juliemcb22@gmail.com]  
**Sent:** Saturday, June 27, 2009 11:31 AM  
**To:** Kiff, Dave  
**Cc:** Oborny, Shirley  
**Subject:** Group Residential Use Permit 1216 West Balboa Blvd

Dear Dave,

As you know, both my father (Rich Francisco) and I (Julie McBride) showed up for the cancelled hearing on June 16<sup>th</sup>. After speaking with you, we learned the hearing had been rescheduled for Monday, July 7<sup>th</sup>. Unfortunately, we will not be able to attend the meeting on the 7<sup>th</sup>, so I wanted to let you know our position and concerns.

We are owners of the triplex at 1200 W. Balboa Blvd, Newport Beach, 92661. In addition to ownership, my husband, our three year old son and I live at this address. We are in favor of the hearing officer's rejection relating to the residential care facility at 1216 West Balboa Blvd. and we hope that the appeal will be denied.

Our concerns revolve around the direct and indirect effect that residents of this facility have on our three year old son. Directly, we do not like the foul language often overheard from residents. This is not the kind of language we want our son to hear and/or learn through open windows or when he is playing outside.

Indirectly, we are concerned about second hand smoke coming through our windows. Our kitchen sits on the alley, and I often smell smoke while fixing and eating meals. It doesn't seem fair that we have to close our windows to insure our son doesn't breathe this smoke.

Additionally, I am concerned that some of the residents are under the age of 21. I have heard that they are young, and their looks and activities (skateboarding, etc.) resemble that of high school students. I can't prove age, but it doesn't seem right.

All in all, I am concerned that the residents of this home are not good influences on my son.

Thanks for your consideration,

Julie McBride  
949-675-0464

## Brown, Janet

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**From:** Kiff, Dave  
**Sent:** Wednesday, July 01, 2009 10:06 AM  
**To:** 'Tom Allen'; Brown, Janet; Wolcott, Cathy  
**Subject:** FW: Newport Coast Recovery

For NCR

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

**From:** Jeffrey Myers [mailto:jeff\_myers@mac.com]  
**Sent:** Wednesday, July 01, 2009 10:05 AM  
**To:** Kiff, Dave  
**Subject:** Newport Coast Recovery

Dave could you please share my letter and video with the hearing officer. Thank you

June 30, 2009

Dear Mr. Kiff,

We all try to get along in our neighborhood. I received notice from the city about another public meeting for Newport Coast Recovery. I find it ironic that the facility is requesting "reasonable accommodations" for breaking the rules that are in place that allow the neighborhood to coexist.

For example, the facility is asking for an exemption from on-site parking. This is ridiculous! I have noticed several cars illegally parked behind Newport Coast Recovery located at 1216 West Balboa. This is a frequent problem because the two double car garages at the facility are not used for parking. One double car garage is used for a recreation area that formerly included a weight room and currently a ping-pong party area. The other double car garage is never opened and I assume used for storage.

On Saturday June 27, 2009, I noticed the below pictured pickup truck being issued a parking ticket. I approached the officer and asked her to make note of the facility address as being Newport Coast Recovery at 1216 West Balboa. She mentioned that they normally place a general location on the ticket, but commented that she had issued many, many tickets to vehicles parked behind this specific location in the past. Could someone at the city interview the parking control department and learn if a specific address is used on citations or not. If not, please have the parking control officers interviewed to get a better understanding of how frequent of a problem this issue is at this address. I truly believe if you can determine the true numbers of this problem you can prove that item #3 on the reasonable accommodations should not be granted based on this historical

problem. One additional note on parking, many of the cars have out of state plates and therefore I assume that most of the cars are from clients or family of people in the facility. I believe the problem is compounded by the high turnover of visitors associated with this type of business.

My second comment applies to all the remaining items listed for reasonable accommodations. And this is the reason for my letter. When this individual learned he had received a ticket, he went crazy yelling and cussing. I could hear this rant from inside my living room which is located several hundred feet away facing West Bay Avenue. I take concern on this type of activity because I have two young children living in my home. Although, the yelling and profanity has lessened over the years, it is still a constant problem that the facility is unable to control.

Therefore, I believe it is not in the best interest of the city or this residential neighborhood to allow this facility reasonable accommodations to be exempt from NBMC 20.10.020. This facility has demonstrated an inability to control its customers and provide the neighbors with a stress free living environment and therefore should not be allowed a reasonable accommodation from operating without a Use Permit.

As for item # 2 of the RA, the facility has had several months during the city's hearing process to properly manage and control its clients. They also have had sufficient time to discuss concerns with neighboring residents and place new procedures in place to better accommodate the problems they create for the neighborhood, yet nothing has been done and the facility, that should be on it's best behavior during this period continues to spin out of control. Again, I oppose the RA on item #2 based on the facilities inability to control its client base at the current restricted occupancy levels.

Item #4, the city has no obligation to treat a licensed residential care facility as a legal nonconforming use. The group residential use permit process was created to allow the city some control of problem facilities. This facility has demonstrated an inability to operate within the confines of the use permit structure and therefore should not be permitted based on reasonable accommodations to circumvent the process.

Item #5 California building and fire codes were established to protect life. For this facility to request an exemption to not operate the facility under the current and best fire and safety codes is an example of corporate greed. They place their profits before their responsibility to protect and heal their customers. According to city records, this facility has a history of non-permitted building modifications. I believe that any facility in the business of health care would be proactive in making sure their facility is as safe as possible.

Mr. Kiff, please work with this facility to help them find a location in the city that is more suited for their business and their clients.

Thank you

Jeff Myers

1215 West Bay

Newport Beach, CA 92661

P.S. The attached video is an example of what we experience on an on-going basis.

## Brown, Janet

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**From:** Kiff, Dave  
**Sent:** Wednesday, July 01, 2009 5:05 PM  
**To:** 'Tom Allen'; Brown, Janet  
**Subject:** 1216 West Balboa

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**From:** Marie Zondler [mailto:mzondler@sbcglobal.net]  
**Sent:** Saturday, June 13, 2009 5:55 PM  
**To:** Kiff, Dave  
**Subject:** Recovery House Balboa Blvd.

I will be out of town on July 7Th, but would like to make a comment.

I feel like there are more than the usual number of recovery houses allowed in other neighborhoods, plus they are all so close to the pier and weekend visitors. I am opposed to allowing the continuing number of recovery homes which were allowed before an ordinance was in place.

I did a little research on the success rate of moving on positively for the residents is too high, and this to me presents a problem, as to what is actually going on in these houses. I also noticed some of the staff, were just like baby sitters, I did check one out.

I want to go on notice, I am opposed to continuing granting new permits or renewing all of them, a few yes, but not the number that are in the neighborhood now, it is more than acceptable.

319 Fernando Balboa  
Marie M. Zondler ( Owner)

## Brown, Janet

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**From:** Kiff, Dave  
**Sent:** Wednesday, July 01, 2009 7:25 PM  
**To:** 'Tom Allen'; Brown, Janet  
**Subject:** FW: 1216 W. Balboa Blvd., Newport Coast Recovery

For the record

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**From:** Cindy McNeish [mailto:cindymcneish@gmail.com]  
**Sent:** Wednesday, July 01, 2009 5:49 PM  
**To:** Don Webb; Ed Selich; Daigle, Leslie; Curry, Keith; Kiff, Dave; Gardner, Nancy; Henn, Michael; Rosansky, Steven  
**Cc:** ccnb@obermanassociates.com  
**Subject:** 1216 W. Balboa Blvd., Newport Coast Recovery

Gentlemen:

I would like this letter to be placed in the minutes of the July 7, 2009 CUP Hearing for 1216 W. Balboa Blvd., Newport Coast Recovery.

My husband and I have attended several meetings regarding this facility and others near Newport Elementary School, and other areas of the city. It seems to me that common sense should prevail for this facility. They are less than 300 feet from an elementary school, the operator has been in violation several times, there have been noise, nuisance, loitering, vulgarity, poor neighbors in general, trash and smoking issues, and the operator has been confrontational with neighbors and others in the community. These ALONE should be reasons enough to abate this facility.

Recently we have learned that this facility houses/treats patients under age. The operator is clearly not supervising this facility properly as it continues to draw attention in the neighborhood with its' residents and their behaviors. This kind of operation is not what anyone had in mind when they originally thought of helping people with drug and alcohol addiction. This is the worst case scenario and the hearing officer has turned them down once before. There was good reason for his action in this matter and the City should begin to "act" on such facilities. To date, the City has not demonstrated its' right to deny this use, and is not obligated to tolerate individuals or businesses which continue to defy the rules with illegal practices.

It's time the City steps up to protect the community, its' citizens and schools. It's time the City abate this facility and show its' residents it is actually working for us, the residents and taxpayers.

Sincerely,

Cindy McNeish  
1017 E. Balboa Blvd.  
Newport Beach, CA 92661