

Additional Information

Please find enclosed copies of the "DUI ARRESTS" section of the Daily Pilot.

During a 10 week period there were over 115 people arrested for DUI in the city of Newport Beach.

Out of the 115 people arrested, 43 were permanent Newport Beach residents.

DUI's are obviously a chronic problem in Newport Beach—although not surprising with over 450 different licensed vendors of alcohol in the city.

NCR 00357

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, October 7, 2008 10:17 PM PDT

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

NEWPORT BEACH

Sept. 30

Olga Resnick, 22, Santa Ana

Thursday

Chanda Parrett, 31, Aliso Viejo

Jaqueline Solorza, 22, Huntington Beach

Friday

Buknaro Ramirez-Castillo, 28, Placentia

Robert Madden, 39, Newport Beach

Ryan Hadley, 22, Medford, Ore.

Kimberly Coleman, 38, Irvine

Saturday

Kimberly Fanelli, 36, Westminster

Cory Patrick, 58, Newport Beach

George Chesney, 48, Anaheim

Nashwan Yousuf, 29, Moreno Valley

Patrick Cory, 58, Newport Beach

Sunday

Charles Abrams, 21, Newport Beach

NCR 00358

12/11/2008 9:52 AM

Brandon Ruffin, 28, Newport Beach

COSTA MESA

Sept. 30

Stephen Crane, 59, Costa Mesa

Oct. 1

Juan Mendoza, 22, Hawaiian Gardens

Jason Phillips, 22, Corona

Thursday

William Luther, 35, Costa Mesa

Christopher Landgren, 26, Costa Mesa

Friday

Jacquelyn Williams, 20, Costa Mesa

Timothy Ramirez, 45, Costa Mesa

Saturday

Barry Bun, 21, Fountain Valley

Guillermo Vera, 53, Santa Ana

Juan Murrillo, 29, Costa Mesa

Sunday

Wilfredo Zaldana, 36, Palmdale

Antonio Arreola, 32, Costa Mesa

Monday

Laurence Daluck, 48, Costa Mesa

[CLOSE WINDOW]

NCR 00359

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, October 14, 2008 8:44 PM PDT

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant and are considered innocent until proved guilty.

Newport Beach

Oct. 6

Jason Pieper, 38, Newport Beach

Hugo Hernandez Morales, 39, Costa Mesa

Oct. 7

Landon Homing, 28, Newport Beach

Thursday

Amber Samuelson, 26, Laguna Beach

Friday

Benjamin Delamater, 26, Brea

Benjamin Bagby, 24, Canoga Park

Saturday

Eddie Cardenas, 28, Irvine

Frank Delgado, 33, Wilmington

Sunday

Charles Gray, 27, Dove Canyon

John Priestersbach, 58, Newport Beach

John Scruggs, 25, Newport Beach

NCR 00360

12/11/2008 9:51 AM

Johanna Lopez, 25, Sherman Oaks

Jerry Lavery, 62, Santa Ana

John Petrie, 64, Long Beach

Steven Willinger, 22, Tustin

Costa Mesa

Oct. 6

Laurence Draluck, 48, Costa Mesa

Oct. 7

David Rosenkranz, 44, Santa Ana

Thursday

Martin Arrosegary, 46, Costa Mesa

Michelle Seleno, 30, Huntington Beach

Friday

Gryan Munnally, 38, Newport Beach

Jason Rodriguez, 22, Fountain Valley

Claudio Sampietro, 32, Costa Mesa

Saturday

Robert Costelow, 23, Mission Viejo

Brandon Stewart, 22, Costa Mesa

Maria Trevino, 30, Redondo Beach

Sunday

Gabriel Bastos-Martins, 20, Anaheim

Monday

Amavy Scavolini, 22, Santa Ana

Nicole Colussi, 23, Costa Mesa

NCR 00361

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, October 21, 2008 9:48 PM PDT

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

Newport Beach

Oct. 16

Jasmine Werdel, 18, Santa Ana

Courtney Barrera, 18, Costa Mesa

Mark Clark, 45, Orange

Johnathan Castro, 29, Corona

Thursday

Kathy Forline, 40, Costa Mesa

Friday

Glenn Kaylor, 45, Newport Beach

Saturday

Scott Woodrell, 30, San Juan Capistrano

David Schultz, 47, Rancho Santa Margarita

Kevin Harrell, 37, Lake Forest

Mitul Patel, 29, Sherman Oaks

Joshua Bebek, 20, Westminster

Monday

Eric Hodges, 26, Anaheim Hills

Costa Mesa

NCR 00362

Oct. 14

Javier Jimenez, 36, Costa Mesa

Brian Barcelo, 34, Costa Mesa

Oct. 15

Jonathan Moos, 34, Aliso Viejo

Dana Couch, 50, Fountain Valley

Charles Murphy, 56, Newport Beach

Jaime Estrada, 32, Santa Ana

Thursday

Christopher Pena-Pantoja, 28, La Habra

Steven Veiga, 40, Newport Beach

Friday

Bjarni Bradwell, 38, Costa Mesa

Jason Edmonds, 27, Huntington Beach

Paul McMichael, 61, Newport Beach

Rodolfo Longino, 28, Santa Ana

Jason Luke, 26, Costa Mesa

Saturday

James Matthews, 23, Carlsbad

Alicia Huebner, 26, Newport Beach

Sunday

Ravindu Munasinghe, 34, Tustin

Lori Ryan, 46, Costa Mesa

Elena Guglu, 62, La Verne

Brian Gulino, 25, Costa Mesa

Monday

Michael Young, 46, Orange

NCR 00363

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, October 28, 2008 10:38 PM PDT

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

NEWPORT BEACH

Thursday

Simon Nord, 58, Costa Mesa

Youn Bum Jang, 38, San Diego

Friday

Joel Nasers, 40, Laguna Niguel

Saturday

Sara Brown, 24, Anaheim

Mauricio Espejel, 34, Costa Mesa

Sunday

Richard Nunez, 45, Norwalk

Afreza Soleimani, 32, Irvine

Stuart Fowler, 42, Canada

Monday

Mickey Alexander, 28, Costa Mesa

COSTA MESA

Oct. 22

Neil Johansen, 28, Irvine

Darrell Corell, 68, Costa Mesa

NCR 00364

Thursday

Slavash Negad, 31, Newport Beach

Scott Murphy, 29, Not listed

Friday

Miguel Vazquez-Madariaga, 27, Costa Mesa

Thomas Destaing, 21, Irvine

Dusan Senic, 65, Irvine

Soonaly Barrera, 26, Costa Mesa

Saturday

Prasanna Rana, 22, Costa Mesa

Gerardo Deleon, 19, Pomona

Peter Jackson, 29 Costa Mesa

Jason Lilly, 32, Costa Mesa

Kristi Williams, 25, Costa Mesa

Sunday

Eric Curatola, 19, Riverside

Jonnathan Hernandez, 22, Costa Mesa

Virginia Lee, 60, Corona del Mar

Monday

Stewart Kingsley, 47, Costa Mesa

[CLOSE WINDOW]

NCR 00365

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, November 4, 2008 11:44 PM PST

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

Newport Beach

Oct. 28

Jerry Beaudoin, 49, Seal Beach

Oct. 28

Jose Rodriguez, 28, Newport Beach

Thursday

Roberta Rutter, 38, Elsinore

Friday

Nicole Ruiz, 30, Laguna Hills

Stephen Moore, 53, Huntington Beach

Victor Wills, 57, Newport Beach

Saturday

Jacob Hawkins, 21, Huntington Beach

Neftali Martinez, 27, Orange

Valentino Huggins, 22, Sacramento

Joshua Pimienta, 21, Huntington Beach

Tracy Wallace, 41, Westminster

Monday

NCR 00366

Travis Dubois, 18, Garden Grove

Jenny Turner, 54, Laguna Beach

Costa Mesa

Oct. 28

Brook Schnitker, 47, Fullerton

Oct. 29

David Graf, 29, Tustin

Scott Alexander, 46, Costa Mesa

Jeffery Troxel, 29, Costa Mesa

Robert Kennedy, 52, Garden Grove

Thursday

Alan Katoozi, 60, Tustin

Timothy Hobgood, 34, Costa Mesa

Michael Garcia, 37, Santa Ana

Karl Brust, 49, Costa Mesa

Friday

Patricia Pimentel, 40, Costa Mesa

Gary Kipp, 44, Costa Mesa

Saturday

Joyce Standrod, 51, Anaheim

Alper Ciz, 23, Costa Mesa

Mario Vargas, 37, Santa Ana

Virginia Bishop, 24, Newport Beach

Sunday

Trini Castaneda, 42, Fullerton

NCR 00367

Jaime Cooper, 32, Costa Mesa

[CLOSE WINDOW]

NCR 00368

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, November 11, 2008 9:34 PM PST

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

Newport Beach

Nov. 5

Nicolau Desousa, 33, Santa Ana

Thursday

Brian Lucey, 36, Newport Beach

Oscar Granados, 39, Garden Grove

Joe Lutes, 69, Fountain Valley

James Herrell, 66, Newport Beach

Saturday

Max Morris, 34, Newport Beach

Larry Hicks, 38, Newport Beach

Marti Moormann, 31, Newport Beach

Sunday

Celle Kincaid, 30, Newport Beach

Monday

Candice Hanes, 21, Newport Beach

Costa Mesa

NCR 00369

Nov. 4

Andrew Goldfarb, 47, Santa Ana

Nov. 5

Richard Savole, 59, Costa Mesa

Peter Domenico, 39, Huntington Beach

Angel Knodel, 27, Costa Mesa

Thursday

Miriam Harding, 28, Anaheim Hills

Friday

Justin Marshall, 26, Lawndale

Bud Sheppard, 52, Costa Mesa

Saturday

Geraldine Martinez, 49, Costa Mesa

Sunday

Charles Zamora, 39, Costa Mesa

Monday

Jay Egan, 40, Monarch Beach

[CLOSE WINDOW]

NCR 00370

12/11/2008 9:39 AM

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, November 18, 2008 10:55 PM PST

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant.

As with all suspects, they are considered innocent until proved guilty.

Newport Beach

Nov. 11

Miguel Camecho, 19, Anaheim

Mark Gaffny, 39, Beverly Hills

Jesus Hernandez, 24, Carson

Nov. 12

Stephen Rezendesherick, 23, Mantone

Thursday

Tammi Ha, 26, Garden Grove

Sofia Vallejo, 35, Santa Ana

Jordan Schmidt, 23, Anaheim

Patrick Williams, 45, Newport Beach

Friday

Justin Rowe, 24, Costa Mesa

Sharon Shepard, 46, Newport Beach

Roland Wachter, 43, Fresno

Michael Pulido, 25, Costa Mesa

NCR 00371

Jennifer Hyndman, 45, Newport Beach

Samia Osoffi, 33, Foothill Ranch

Saturday

Jennifer Walker, 32, Costa Mesa

Mary Hancock, 23, Newport Beach

Lee Reese, 37, Costa Mesa

Sunday

Ariuro Basulto, 24, Oceano

Kirsten Deflores, 21, Mission Viejo

Costa Mesa

Nov. 12

Renate Kaye-Marina, 40, Huntington Beach

Thursday

Theodore Cernak, 54, Costa Mesa

Kenneth Terry, 43, Costa Mesa

Friday

Ryan Ly, 21, Santa Ana

Shannon McMullen, 44, Tustin

Saturday

Mark Mercuro, 28, Tustin

Sharon Rutenbur, 42, Rancho Santa Margarita

Glen Jones, 34, Tustin

Anthony Codaleta, 22, Indianapolis

Sunday

Elias Hernandez, 32, Costa Mesa

NCR 00372

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, November 25, 2008 11:21 PM PST

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. As with all suspects, they are considered innocent until proved guilty.

Newport Beach

Nov. 19

Janelle Klein, 38, Costa Mesa

Gregory Haralson, 28, Laguna Niguel

Thursday

Linda Rauffie, 54, Newport Beach

Adam Bondra, 77, Newport Beach

John Sturgess, 58, Newport Beach

Joseph Gagliano, 21, Fullerton

Christopher Catteron, 22, Covina

Friday

Michael Harrison, 39, Corona

Katrina Diaz, 24, Mission Viejo

Saturday

Evan Coffey, 26, Santa Ana

Wija Kanta, 33, Newport Beach

James Black, 35, Newport Beach

Sunday

Glenn Evans, 43, Newport Beach

NCR 00373

William Gauger, 55, Costa Mesa

Liban Ali, 32, Tustin

Monday

Dante Zamora, 27, Van Nuys

Costa Mesa

Nov. 19

Joseph Kapana, 48, Newport Beach

Thursday

Roderick Roberts, 41, Long Beach

John Rodriguez, 25, Rancho Santa Margarita

Donald Contardi, 40, Foothill Ranch

Friday

Chris Canzone, 46, Huntington Beach

Bryan Duncan, 32, Costa Mesa

John Stanley, 24, Ontario

James Gleason, 40, Costa Mesa

David Grant, 53, Costa Mesa

Saturday

Joseph Dowling, 39, Costa Mesa

Jessica Benson, 25, Costa Mesa

Raul Gomez, 49, Costa Mesa

Colleen Barrett, 27, Costa Mesa

Sunday

Cecilio Rodriguez, 36, Westminster

Roberto Paniagua, 36, Costa Mesa

Cody Fallas, 21, Costa Mesa

NCR 00374

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, December 2, 2008 10:47 PM PST

Publicsafety

DUI ARRESTS

Editor's note: These people have been arrested on suspicion of driving under the influence of an intoxicant. They are considered innocent until proved guilty.

Newport Beach

Nov. 28

Mehran Mohammadzadeh, 28, Mission Viejo

Thursday

Carlos Avila, 25, Tustin

Michael King, 21, Newport Beach

Saturday Brian Trunick, 21, Laguna Hills

Ryan Walker, 19, Newport Beach

Sunday

Tabitha Burton, 23, Huntington Beach

Frank Borovilos, 27, Anaheim Hills

Duncan MacGillivray, 29, Sierra Madre

Costa Mesa

Thursday

Jamie Yukes, 28, Las Vegas

Friday

Izzack Ortiz, 26, Lake Forest

NCR 00375

Saturday

***Christopher Mellon, 38, Newport Beach**

Conor Robinson, 27, Costa Mesa

Ryan Nelson, 25, Costa Mesa

Richard Candlish, 28, Costa Mesa

Kell Carpenter, 40, Costa Mesa

Sunday

Eric Steube, 27, Costa Mesa

Monday

Chelsea Najera, 22, Costa Mesa

Ryan Crist, 29, Murrieta

[CLOSE WINDOW]

NCR 00376

Daily Pilot

Newport Beach and Costa Mesa, California

Published Tuesday, December 9, 2008 10:28 PM PST

Publicsafety

DUI ARRESTS

EDITOR'S NOTE: *The following have been arrested on suspicion of driving while under the influence of an intoxicant. They are presumed innocent until proven guilty.*

COSTA MESA

Dec. 2

Luis Diaz, 37, Riverside

Dec. 3

Sarah Ellwood, 25, Costa Mesa

Friday

Michael Valdes, 21, Murrieta

Saturday

Cesar Iglesias, 32, Santa Ana

Sunday

Sergio Crisanto-Pascual, 28, Costa Mesa

NEWPORT BEACH

Dec. 3

Sandra Baker, 46, Trabuco Canyon

Thursday

Sarah Bergez, 30, Costa Mesa

Sarah Dejong, 29, Newport Beach

NCR 00377

Friday

Barbara Melton-Carmichael, 48, Newport Beach

Debra Kaufman, 43, Newport Beach

Saturday

Robin Monfore, 44, Aliso Viejo

Teresa Casey, 42, Long Beach

Richard Karch, 62, Costa Mesa

Norman Mofidi, 28, Newport Coast

Daniel Ortiz, 26, Bell Gardens

Ricardo Islas, 35, Costa Mesa

Donald Uffelen, 47, Redlands

Sunday

Michele Maisonet, 33, Huntington Beach

Monday

John Doldge, 34, Irvine

Charles Abrams, 21, Newport Beach

[CLOSE WINDOW]

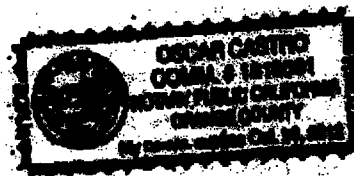
PROPERTY OWNER'S AFFIDAVIT
& LETTER OF AUTHORIZATION

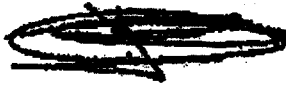
(I) (We) Robert J. Bravo JR deposes and
say that (I am or we are) the owner(s) of the property (see) involved in this
application: (I) (We) further certify, under penalty of perjury, that the statements
contained in this Affidavit and Letter of Authorization, and the information
herewith submitted, are in all respects true and correct to the best of (my) (our)
knowledge and belief.

As the owner(s) of record of real property located at
1216 WEST ROBER BLVD, Use consent(s) and
agree(s) that Newport Coast Realty may file permit
applications as are necessary to gain approvals from the City of Newport Beach
for a Use Permit for Residential Care Facility(ies).

Signature(s) Please Print

Robert J. Bravo JR
R. J. Bravo




Oscar Castro, Notary Public

NCR 00379

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME Charles Hayes
ADDRESS 16882 Coral Gay Ln
CITY Huntington Beach
STATE/ZIP California 92649
Title Order No. _____ Record No. _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

POWER OF ATTORNEY-GENERAL

KNOW ALL MEN BY THESE PRESENTS that Charles Hayes

constituted and appointed, and by these presents do hereby make, constitute and appoint Terina Hayes his true and lawful Attorney for him and in his name, place and stead to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to the undersigned; and have, use, and take all lawful ways and means in the name of the undersigned, or otherwise, for the recovery thereof, by legal process, and to compromise and agree for the same, and grant acquittances or other sufficient discharges for the same, for the undersigned, and in the name of the undersigned to make, seal, and deliver the same; to compromise any and all debts owing by the undersigned, and to convey, transfer, and/or assign any property of any kind or character belonging to the undersigned in satisfaction of any debt owing by us or either of us; to bargain, contract, agree for, purchase, receive, and take, lands, tenements, hereditaments, and accept the seizure and possession of all lands, and all debts, and other assurances in the law thereof; and to lease, let, demise, bargain, sell, release, release, convey, mortgage, convey in trust, and hypothecate lands, tenements, and hereditaments, upon such terms and conditions, and under such covenants as said attorney shall think fit to exchange real or personal property for other real or personal property, and to execute and deliver the necessary instruments of transfer or conveyance to consummate such exchange and deliver subordination agreements subordinating any lien, encumbrance or other right in real or personal property to any other lien, encumbrance, or other right therein; also to bargain and agree for, buy, sell, mortgage, hypothecate, convey in trust or otherwise, and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, including authority to utilize my eligibility for VA Guaranty; also to transfer, assign, and deliver stock and its certificate or certificates evidencing the ownership of the same; and to make, do, and execute all and every kind of business of what nature and kind soever, and also for the undersigned and in the name of Charles Hayes and as the act and deed of the undersigned, to sign, seal, execute, deliver, and acknowledge such deeds, covenants, leases, indentures, agreements, mortgages, deeds of trust, hypothecations, assignments, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debts, releases, and satisfactions of mortgage, judgment and other debts, and such other instruments in writing, of whatever kind or nature, as may be reasonable, advisable, necessary, or proper in the premises.

Giving and granting unto said Attorney Terina Hayes full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as the undersigned might or could do if personally present, the undersigned hereby expressly ratifying and confirming all that said Attorney shall lawfully do or cause to be done by virtue of these presents.

Dated November 14, 2008

STATE OF CALIFORNIA }
COUNTY OF Orange } SS

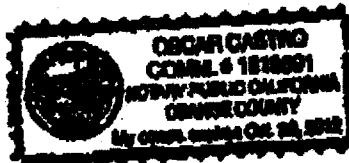
On 11-14-08 before me, Oscar Castro, Notary Public
personally appeared Charles Hayes

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) hereunto subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____

Charles Hayes



(Notary Seal)

PAGE 11

221 ALTA VISTA

7140341122

08/04/2008 11:58

NCR 00380

NCR UP/RA 00524

524

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME Charles Hayes
ADDRESS 16882 Coral Cay Ln
CITY Huntington Beach
STATE/ZIP California 92649
Title Order No. _____ Escrow No. _____

SPACE ABOVE THIS LINE FOR RECORDERS USE

POWER OF ATTORNEY-GENERAL

KNOW ALL MEN BY THESE PRESENTS that Charles Hayes

I have made, constituted and appointed, and by these presents do hereby make, constitute and appoint Robert Joseph Bruno Jr. and in my name, place and

true and lawful Attorney for me, and in my name, place and interest, chattels, annuities, and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to the undersigned; and have, use, and take all lawful ways and means in the name of the undersigned, or otherwise, for the recovery thereof, by legal process, and to compromise and agree for the same, and grant acquittance or other sufficient discharges for the same, for the undersigned, and in the name of the undersigned to make, sell, and deliver the same; to compromise any and all debts owing by the undersigned, and to convey, transfer, and/or assign any property of any kind or character belonging to the undersigned in satisfaction of any debt owing by us or either of us; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and except the estate and possession of all lands, and all deeds, and other assurances in the law transfer, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, convey in trust, and hypothecate lands, tenements, and hereditaments, upon such terms and conditions, and under such covenants as said attorney shall think fit; to exchange real or personal property for other real or personal property, and to execute and deliver the necessary instruments of transfer or conveyance to consummate such exchange and deliver subordination agreements subordinating any lien, encumbrance or other right in real or personal property to any other lien, encumbrance, or other right therein; also to bargain and agree for, buy, sell, mortgage, hypothecate, convey in trust or otherwise, and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, including authority to utilize my ability for VA Guaranty; also to transfer, assign, and deliver stock and the certificate or certificates evidencing the ownership of the same; and to make, do, and execute all and every kind of business of what nature and kind soever; and, also for the undersigned and in the name of Charles Hayes, to sign, seal, execute, deliver, and acknowledge such deeds, covenants, leases, indentures, agreements, mortgages, deeds of trust, hypothecations, assignments, ballances, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases, and satisfactions of mortgage, judgment and other debts, and such other instruments in writing, of whatever kind or nature, as may be reasonable, advisable, necessary, or proper in the premises.

Giving and granting unto said Attorney Robert Joseph Bruno Jr. full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises; as fully to all intents and purposes as the undersigned might or could do if personally present, the undersigned hereby expressly ratifying and confirming all that said Attorney shall lawfully do or cause to be done by virtue of these presents.

Dated November 14, 2008

STATE OF CALIFORNIA } SS
COUNTY OF Orange

On 11-17-08 before me Oscar Castro, Notary Public
personally appeared Charles Hayes

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) have subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Charles Hayes



(Notary Seal)

NCR 00381

Exhibit No. 4
Van Transportation Routes

NCR 00382

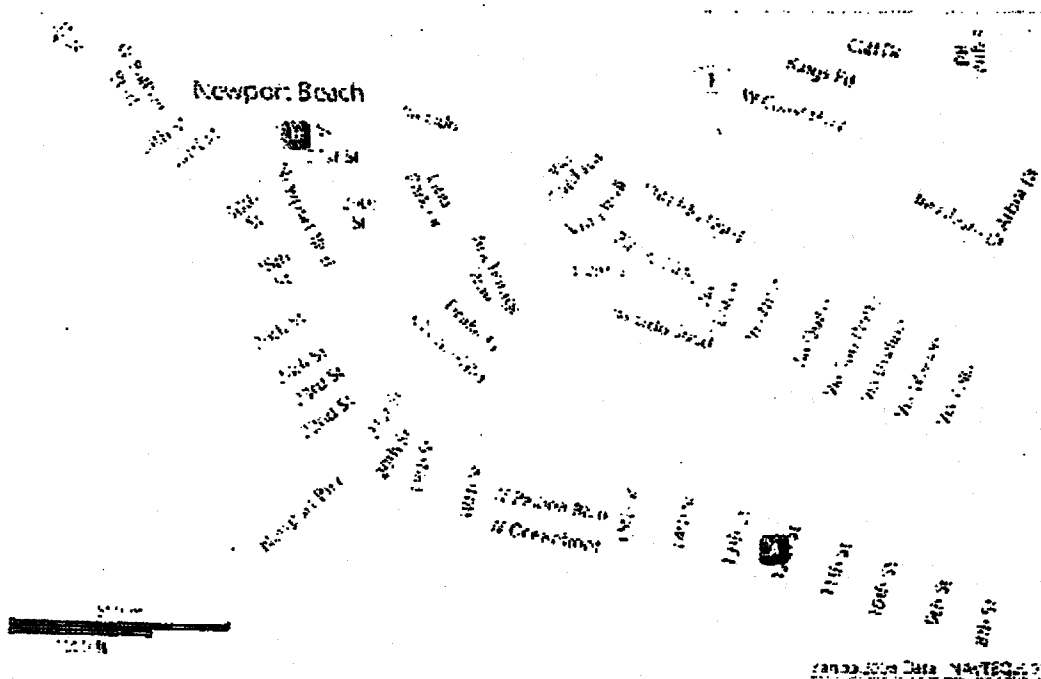
START **2** 1216 W Balboa Blvd, Newport Beach,
CA 92661-1008, United States

FINISH **3** 414 32nd St, Newport Beach, CA
92663-3801, United States

**Total Distance: 1.2 miles, Total Time: 5
mins (approx.)**

Travel info:

Newport Beach Alano Club. Travel
times are Tue. 7:00 p.m. - 8:30
p.m., Sat. 7:30 p.m. - 8:30 p.m.,
and Sun. 7:30 p.m. - 8:30 p.m.
These are weekly meetings.



The Newport Beach Alano Club is located at 414 32nd St. Newport Beach, Ca 92663
Our clients go to the Alano Club for meetings. We drive our clients to these meetings weekly at
the travel times listed above and our staff stays at the meetings with our clients. We follow the
same route back that we travel there shown on the above map.

<http://maps.yahoo.com/print.php?q1=1216+W+Balboa+Blvd%2C+Newport+Beach+Ca+...> 12/11/2008

NCR 00383

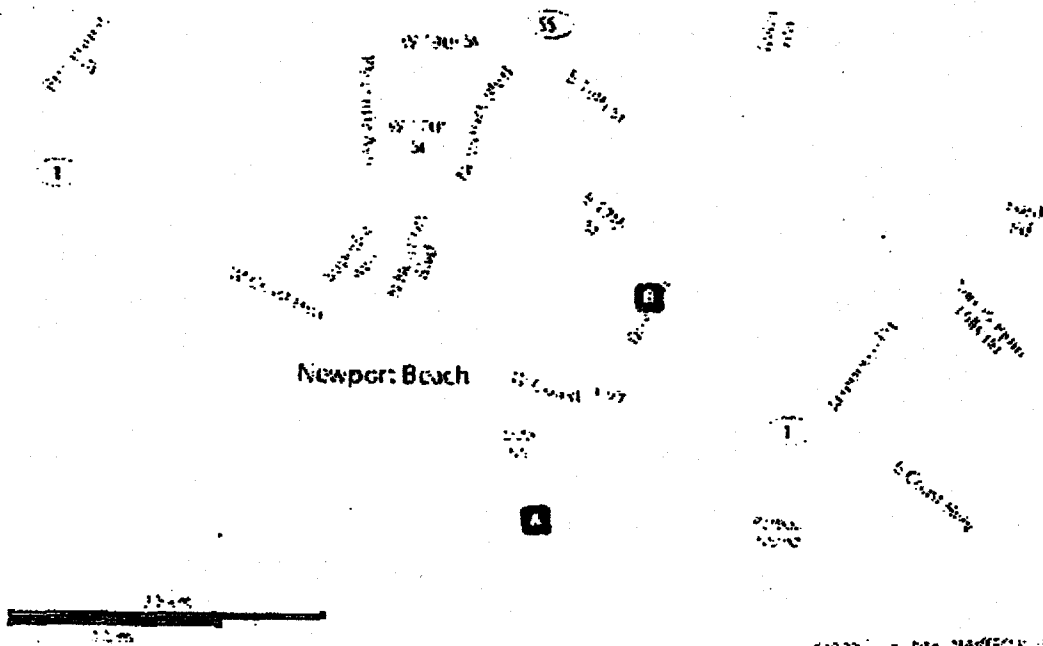
START **A** 1216 W Balboa Blvd, Newport Beach, CA 92661-1008, United States

FINISH **B** 901 Dover Dr, Ste 204, Newport Beach, CA 92660-5516, United States

Total Distance: 4.2 miles, Total Time: 11 mins (approx.)

Travel info:

Dr. Rudolph: Travel time varies on need for appointments. We travel this route 1-4 times a week.



Dr. Rudolph's office is located at 901 Dover Dr. Suite 204, Newport Beach, CA 92660. Our clients visit Dr. Rudolph upon admission for a full physical. Our clients also visit Dr. Rudolph for medication follow-ups. Our clients also visit Dr. Rudolph if they are not feeling well or any other medical issue that is non emergency. Our staff stays at the appointment with our clients and follows the same route shown above both ways. These appointment times vary depending on why they are going. On a average we go to Dr. Rudolph's office 1-4 times a week.

<http://maps.yahoo.com/print.php?q1=1216+W+balboa+Blvd.+Neport+Beach%2C+Ca+9...> 12/11/2008

NCR 00384

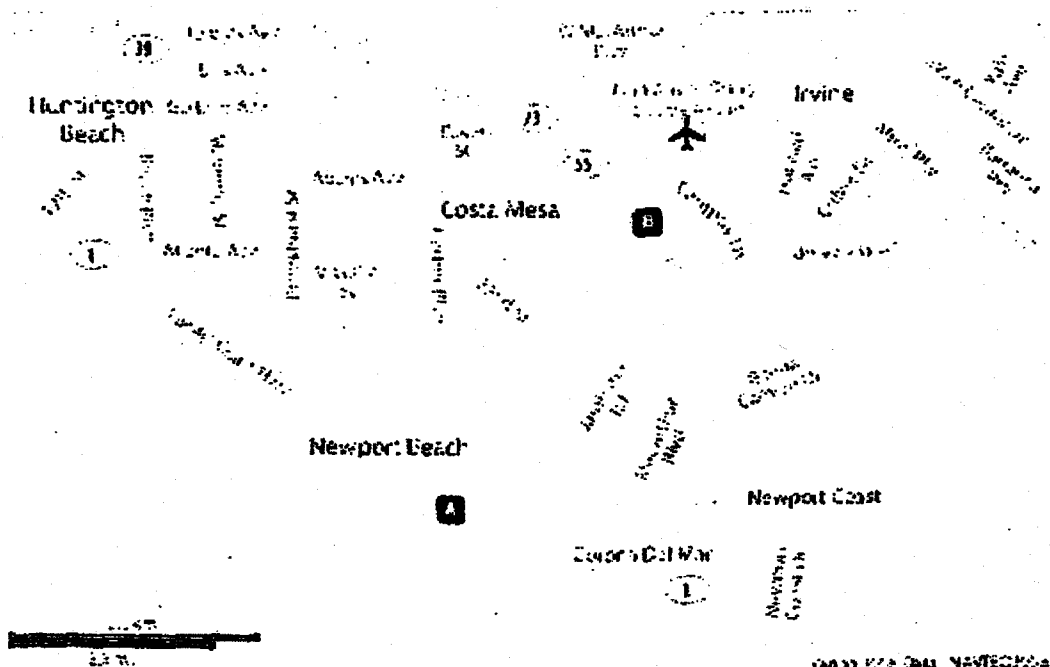
START **A** 1216 W Balboa Blvd, Newport Beach, CA 92661-1008, United States

FINISH **B** 4019 Westerly Pl, Ste 100, Newport Beach, CA 92660-2316, United States

Total Distance: 7.5 miles, Total Time: 18 mins (approx.)

Travel Info:

The Amen Clinic: Travel time varies depending on the time of appointment. We travel this route 0-4 times a month.



The Amen Clinic is located at 4019 Westerly Pl. Suite 100, Newport Beach, CA 92660. Newport Coast Recovery takes out clients to The Amen Clinic only if the Client will be receiving medical treatment there. Not all clients go to the Amen Clinic. On average I would say that we go to the Amen Clinic between 1 and 4 times a month. The appointments are 1-2 hours. Our staff drops them off and picks them following the route shown on the map.

<http://maps.yahoo.com/print.php?q1=1216+W+Balboa+Blvd%2C+Newport+Beach+Ca+...> 12/11/2008

NCR 00385

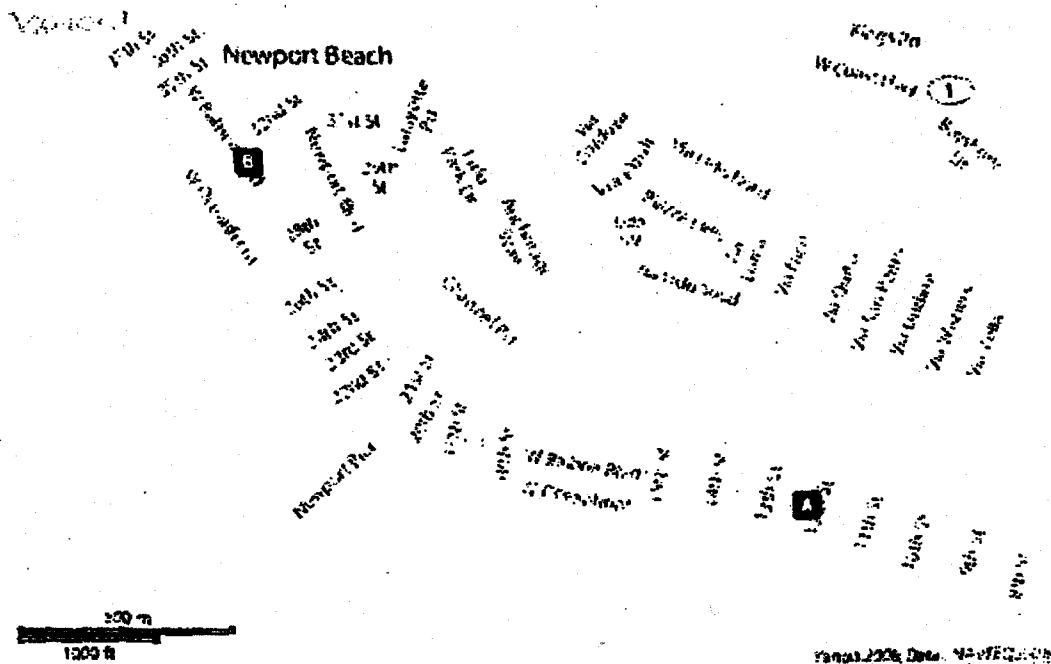
START  1216 W Balboa Blvd, Newport Beach, CA 92661-1008, United States

FINISH  3100 W Balboa Blvd, Newport Beach, CA 92663-3037, United States

Total Distance: 1.1 miles, Total Time: 5 mins (approx.)

Travel info:

Albertsons: Once a week on Sunday between 12:00 p.m. - 2:30 p.m.



Albertsons is located at 3100 W. Balboa Blvd. Newport Beach, Ca 92663

We take our clients to Albertsons once a week to allow them to do their shopping. Our staff stays at the market with them until they are finished and then drive back to the facility. This trip takes place on Sundays at approximately 12:00 p.m. - 2:30 p.m.

<http://maps.yahoo.com/print.php?q1=1216+W.+Balboa+Blvd%2C+Newport+Beach+926...> 12/11/2008

NCR 00386

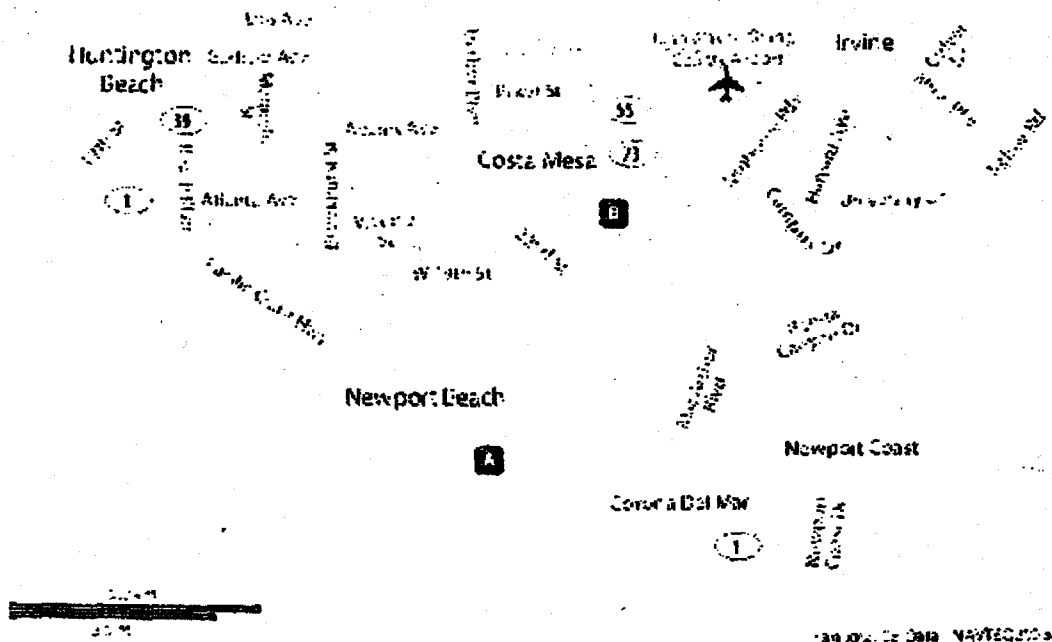
START **A** 1216 W Balboa Blvd, Newport Beach, CA 92661-1008, United States

FINISH **B** 2300 University Dr, Newport Beach, CA 92660-3313, United States

Total Distance: 5.9 miles, Total Time: 15 mins (approx.)

Travel Info:

YMCA: We go to the gym three times a week. Mon, Wens., and Fri.
Travel times are from 2:45 p.m. - 4:15 p.m.



The YMCA is located at 2300 University Dr. Newport Beach, CA 92660

We take our clients to the gym to work out 3 times per week.

We leave our facility at around 2:45 p.m. arriving approximately at 3:00 p.m. We stay at the YMCA for 1 hour and return back to the facility arriving at approximately 4:15 p.m. Our staff stays at the YMCA with our clients.

<http://maps.yahoo.com/print.php?q1=1216+W.+Balboa+Blvd%2C+Newport+Beach+926...> 12/11/2008

NCR 00387

Exhibit No. 5
Location Maps

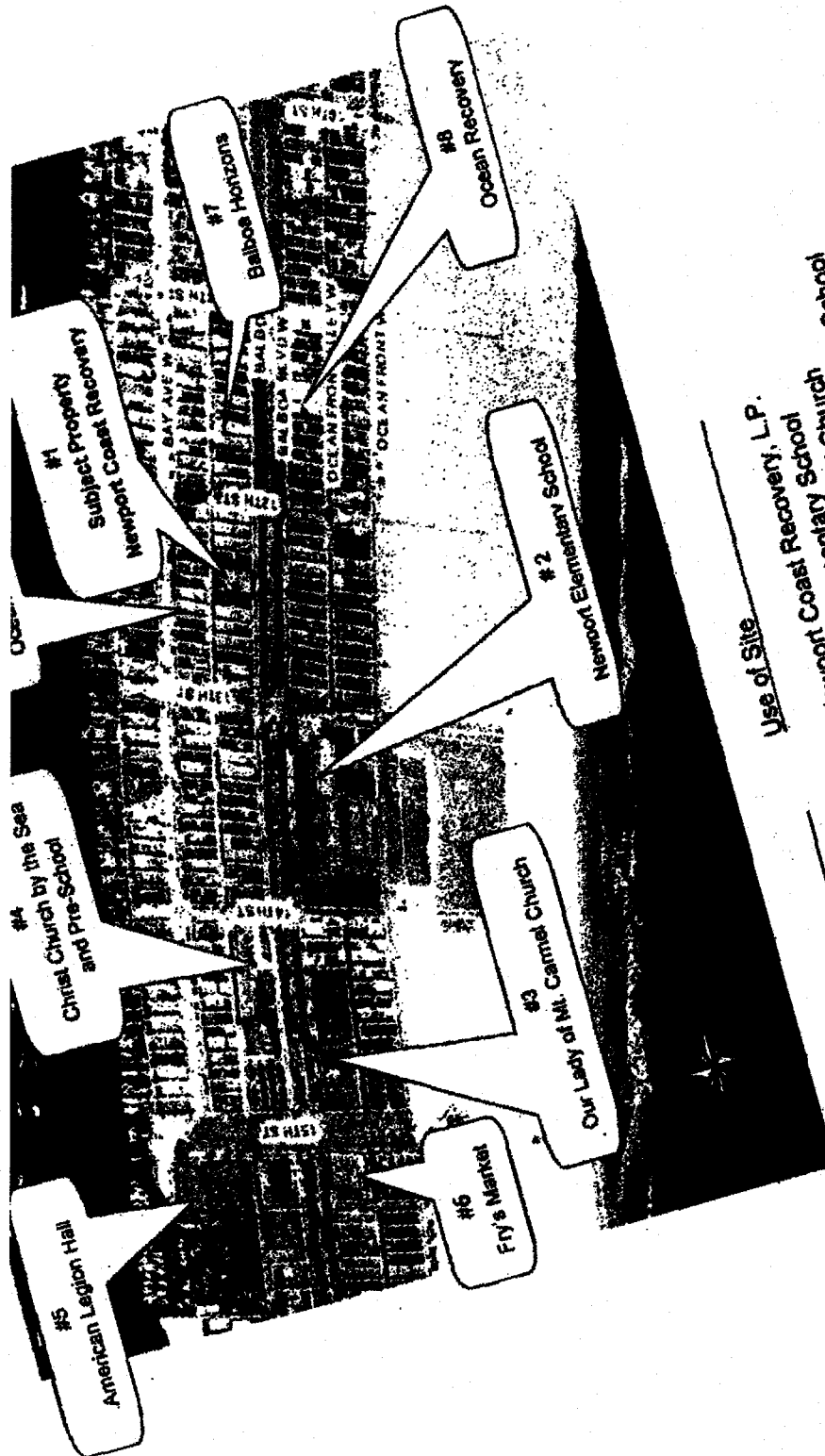
NCR 00388

December 2008



- = # of beds/occupancy**

0-7694-



Use of Site

Newport Coast Recovery, L.P.
 Newport Coast Recovery School
 Newport Elementary School
 Our Lady of Mt. Carmel Church
 Christ Church by the Sea
 Christ Church by the Sea and Pre-School
 American Legion Hall
 Market

Address
 1216 West Balboa Boulevard
 1327 West Balboa Boulevard
 1327 West Balboa Boulevard

Location #

Use of Site
 Newport Coast Recovery, L.P.
 Newport Coast Recovery School
 Newport Elementary School
 Our Lady of Mt. Carmel Church
 Christ Church by the Sea
 Christ Church by the Sea and Pre-School
 American Legion Hall
 Market

**GROUP RESIDENTIAL USE PERMIT HEARING (1/12/09):
CORRESPONDENCE TO HEARING OFFICER**

NCR 00391

Brown, Janet

From: Kiff, Dave
Sent: Monday, January 12, 2009 2:58 PM
To: 'Tom Allen'
Cc: Brown, Janet
Subject: FW: Newport Coast Recovery

—Original Message—

From: suzanne [mailto:suzanne@brats.com]
Sent: Monday, January 12, 2009 2:02 PM
To: Kiff, Dave
Subject: Newport Coast Recovery

Hello Dave,

I think that this facility is too close to Newport Elementary. The school is unique with a very small drop off and no parking lot. This means that most students have to walk in or ride bikes to it. The young students have to pass by this treatment house. The treatment business claims to be the best alternative to jail time. The playground is not fenced and parents have to maintain staff to "police" the playground and kick people off during school hours.

This business does not add to the neighborhood. It does not conform to the neighborhood and is too close to a school.

Brown, Janet

From: Kiff, Dave
Sent: Monday, January 12, 2009 11:54 AM
To: 'Tom Allen'
Cc: Brown, Janet
Subject: FW: Newport Coast Recovery Hearing Information
Attachments: 1216 W Balboa Objection Letter January 12 08.pdf

From: mathenaesq@aol.com [mailto:mathenaesq@aol.com]
Sent: Monday, January 12, 2009 11:35 AM
To: Kiff, Dave
Subject: Re: Newport Coast Recovery Hearing Information

Thank you Please find enclosed my comments on the Newport Coast Recovery of 1216 West Balboa Boulevard Staff Report.

Larry Mathena

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Larry Mathena
1125 West Balboa Boulevard
Newport Beach, California 92661
949-752-5115 Extension 18
mathenaesq@aol.com

January 11, 2009

To: Thomas W. Allen, Hearing Officer
David Kiff, Assistant City Manager

Subject: Newport Coast Recovery, LLC
1216 West Balboa Boulevard
Use Permit UP 2008-033 (PA2008-104)

From: Larry Mathena

This correspondence is written by me, a resident of Newport Beach for over nine years, to object to the issuance of the use permit identified above. I live across the street and one block down from this facility and have been negatively impacted by the proliferation of rehabilitation facilities on the peninsula. If you seek additional information from me, my contact information is included above.

Despite the assurance from the City staff and the Hearing Officer that adequate time would be given to the public to review and respond to the Staff Report- the suggestion was five full days, the City only posted the revised Staff Report late Thursday night. I have to conclude that the City is not concerned about giving its citizens the opportunity to make a full review and response to application submittals.

My specific comments, given the limited time frame to respond are as follows:

Finding number five on page ten of the staff report is in error. Specifically it finds under subsection a. that no secondhand smoke can be detectable outside the property. Similarly on page 11 subsection a. the City Staff is accepting the smoking location proposed by the applicant as complying with the standards of the law despite the fact that compliance with the terms of this paragraph by no means assure that secondhand smoke will not be detected outside of the property. The testimony presented at the prior hearing directly contradicts this finding and no evidence to the contrary is present in the file.

The determination on page 13 for Finding Six- allowing additional parties for revenue generation to park on the streets on a weekend morning during the summer season is

completely denying the reality of parking on the Peninsula in season on a weekend day. In recommending approval the City Staff seems unaware of how bad parking is on weekends in season.

On page seven of the Staff Report, under Finding Seven, the conclusion of the City Staff that the property complies with and is physically suited to accommodate the use proposed, directly contradicts that fire department's position to the opposite that is included in the record. The City is ignoring its obligation to both the neighbors who live near this facility as well as to the clientele of the facility itself to protect them from physical harm. In a context where it is a given that the occupants of a halfway house smoke substantially more than the population as a whole, the failure to decide to enforce fire safety laws shocks the conscience. I observe that the State itself is relying on the City meeting its duty to only allow group homes in a structure that meets minimum fire safety requirements.

The liability that City may face if a tragedy occurs could be extreme. I hope that that City had a long discussion with its risk management department before making what appears to be the strategic decision not to enforce fire safety laws- evidently because the City failed to follow them properly to begin with. The record of the City's disregard of its duty in this context is outrageous. If a harm or death from a fire results, the apparent position of the City that it did not want to appear to be discriminatory in applying safety laws will not be accepted. If this were an application permit for a nursing home or for a pre-school for handicapped children- I sincerely believe that the City would get more concerned about safety of residents including the residents of the facility than it appears to be here.

On page 14 of the Staff Report the City's discussion of density use is fundamentally flawed because it completely ignores the small size of the blocks in this section of the City and in fact overburdens this area with halfway houses.

The submission by the applicant of what it perceives as support for its use permit in fact points out the disproportionate burden allowing the permit to be granted puts on the community in a facility a mere 300 feet from the elementary school. The applicant states that in a ten week period apparently "43 permanent Newport Beach residents were arrested for DUI". Extrapolating, this means that approximately 220 a year would be arrested in a year. This is only 0.3% of Newport Beach's approximately 74,000 population.

On the other hand all 56 people that applicant would have in its facility over the course of one year (at the Staff's reduced residency level) have a serious drug/alcohol problem. The applicant acknowledges in its application package by its own admission that its realistic goal is for 75% of them to remain sober during their stay at the facility. This means that *14 people at this single address* will be unable to maintain their sobriety at this location during their three month stay at the facility. Evidently they will get high next door to the elementary school, despite all the support to remain sober that these clients will receive. Is it really in the best interest of the City to allow a rehab facility to

be three hundred feet from an elementary school where even if the facility is doing well by its own standards it will have 14 clients a year who will fail in maintaining their sobriety while living adjacent to the elementary school?

The owner of the property has not authorized the use permit application.

A review of the City Staff's proposed conditions of approval indicates more problems.

My criticism of the conditions of approval must start with the observation that given the nature of this type of permit application, how in the world can the City Staff in good faith make a recommendation that the use permit be accepted without a complete record-- a record that would have to include the input and evidence received from the citizens of Newport Beach that is only now being provided?

I reaffirm for the reasons described in this submittal that the permit application should be denied. But if the permit were to be accepted-- what happened to the best efforts standard in regards to second hand smoke in the conditions of approval? What happens if second hand smoke is measurable at adjacent properties-- even if the applicant has smoking only occur in the proposed area? What expertise has the City applied to determine that it is a legal impossibility for secondhand smoke to go from the proposed area to disturb adjacent property owners?

It is my understanding that the applicant has volunteered to reduce its clientele below its state licensed maximum. Assuming this is the basis for the City's accepting and issuing the use permit, I do not understand why the City is not making this a *permanent limitation* by requiring recordation of this limitation against the property's title-- that as part of agreeing to issue the permit that in no circumstance will a higher number of clientele be allowed on the property. It is not unusual in the issuance of use permits for governmental entities to require the recordation on land title records the permanent surrender of property rights. As currently written, there is nothing to preclude an application being submitted three months from now for a higher number of residents of the facility as the conditions of approval are currently written.

Finally, I have a number of questions regarding the enforcement of the conditions under which a permit is issued. Specifically:

Under what circumstances will a use permit be revoked?

How many violations will it take?

How shall those violations be documented?

What level of proof will be required?

I assume that the City is going to rely on its residents to gather evidence of violations? Is that correct?

If it is relying on its residents, will the City protect the residents from claims of privacy violations that may arise?

How many opportunities will a permit holder be given before revocation occurs?

Precisely where should violations be reported?

Whatever this answer might be- why isn't the City publicizing it?

What City entity will investigate complaints?

Does the City intend to timely investigate facilities onsite at the time complaints are received?

Should citizens call the police for a concurrent confirmation of violations?

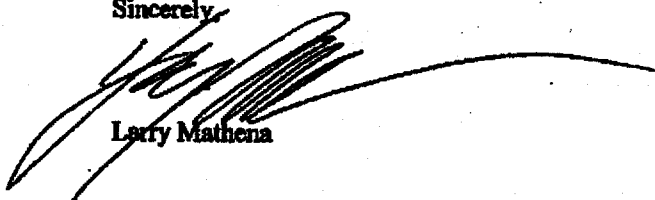
As a resident next door to two facilities- can I safely videotape and or record the activities at these properties that I in good faith believe provide evidence of violation of law and/or specifically a use permit?

If I detect smoke on my property can I legally take pictures and or videotape individuals on a group home property smoking?

In the case of the enclosed courtyard of 1216 West Balboa Boulevard if I were adjacent to the facility and regularly detected second hand smoke- with the only apparent source of the smoke being the facility- how would I document it?

Thank you for your attention to my input.

Sincerely,



Larry Mathena

Brown, Janet

From: Kiff, Dave
Sent: Monday, January 12, 2009 11:55 AM
To: 'Tom Allen'
Cc: Brown, Janet
Subject: FW: Quick question

FYI

>
> —Original Message—
> **From:** Bill Mais [mailto:bmals@maisco.com]
> **Sent:** Monday, January 12, 2009 10:00 AM
> **To:** Finnigan@webmail-outgoing2.us4.outblaze.com; Finnigan, Tara
> **Subject:** Quick question
>
> Hi Tara,
>
> I called and left a message on your office phone. I'm on the sidewalk
> safety steering committee but I have a question on a different topic
> and thought you would know the answer or whom to ask.
>
> Parents from Newport El are circulating a petition concerning the
> rehab houses close to the school. I would hate to see their work to
> get support nullified by not following the correct format so my
> questions are about the format of the petition. Does it need to be in
> a specific format? Are signatures enough or do they need name,
> signature, and phone? Do the pages need some language that links them
> together?
>
> Sorry this is so last minute, but I just heard about this, they are
> going to collect signatures at school pickup, and the recovery home
> hearing is this afternoon at 4.
>
> Thanks in advance,
> Bill Mais
> 949-675-2036

NCR 00398

Brown, Janet

From: Kiff, Dave
Sent: Monday, January 12, 2009 12:14 PM
To: 'Tom Allen'
Cc: Brown, Janet
Subject: FW: rehab use permits between 11th and 13th Street

From: Laurie McKenzie [mailto:mcktalk@mac.com]
Sent: Monday, January 12, 2009 8:59 AM
To: Kiff, Dave
Cc: Henn, Michael; Denys Obeman; p.lopez@roadrunner.com
Subject: rehab use permits between 11th and 13th Street

Dear Dave,

We are not able to attend today's hearing for the conditional use permit for 1216 W. Balboa Blvd. group recovery home. Please forward our comments below to the hearing officer.

Regarding the applications for group recovery homes on the Balboa Peninsula, specifically those in the 1100 and 1200 blocks of West Balboa Blvd.:

1. Re the upcoming hearing for 1216 W. Balboa Blvd.: this operator has a multi-year history of nuisance and operation problems. They have violated City and state licensing requirements (i.e. operated an illegal facility across the street which should have been state licensed; have clients that are on parole/probation)
2. Re the upcoming hearing for 1129 W. Balboa Blvd: this is a facility run by Ocean Recovery. They are a for profit business and their facilities are definitely over-concentrated in this area.

Complaints that apply to these specific rehab facilities include:

*Cigarette smoking and second hand smoke for neighbors and those close by.

*Profanity and loud talking late into the evening and early morning.

*littering

*inadequate parking and use of parking areas as meeting rooms.

*burden to police and emergency services for frequent visits due to fights, drug abuse, etc.

WE URGE THE CITY TO SCRUTINIZE THESE APPLICATIONS AND DENY THEM IF THE SUBSTANCE OF CONCERNS AND COMPLAINTS LEVELED BY CITIZENS ARE WELL FOUNDED. PLEASE DO NOT BEND TO LEGAL OR MONETARY PRESSURES TO CONTINUE THIS OUT OF CONTROL SITUATION. OUR CITY HAS THE OBLIGATION TO BE THE LEADER AND MODEL FOR OTHER CITIES IN THE WAY THEY RESOLVE THESE ISSUES.

As 32 year residents of Newport Beach, specifically the Balboa Peninsula at 11th and 12th Streets, we would like to voice our concerns.

3. The over-concentration of these homes in this residenital area will continue to hurt our home values and it changes the neighborhood feel. Also, Federal courts have ruled over-concentration is bad for neighbors and for disabled addicts

4. These 'recovery homes' are for profit businesses. They add a burden on the city's trash services, traffic, security, parking, as well as added noise and air pollution.

5. These homes are within 1000 feet of Newport Elementary; not a suitable location for rehab homes.

6. A vast number of these group homes are owned and operated by a handful of for profit businesses, (i.e. Ocean Recovery). These businesses need to be regulated by density of their facilities within a given area to avoid over-concentration.

We hope that you put the citizens and local taxpayers interests and needs at the forefront, as you review and regulate these Residential Care Facilities so that their density and proliferation will not negatively affect this wonderful beach community.

Sincerely,

Terry and Laurie McKenzie
1151 W. Balboa Blvd.
Balboa Peninsula, CA 92661
949-673-2379

**GROUP RESIDENTIAL USE PERMIT HEARING (1/12/09):
MR. KIFF'S POWERPOINT PRESENTATION**

NCR 00401

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NCR UP/RA 00545

545

Use Permit Hearing (continued)
Monday, January 12, 2009

Newport Coast Recovery, LP

Today's Hearing

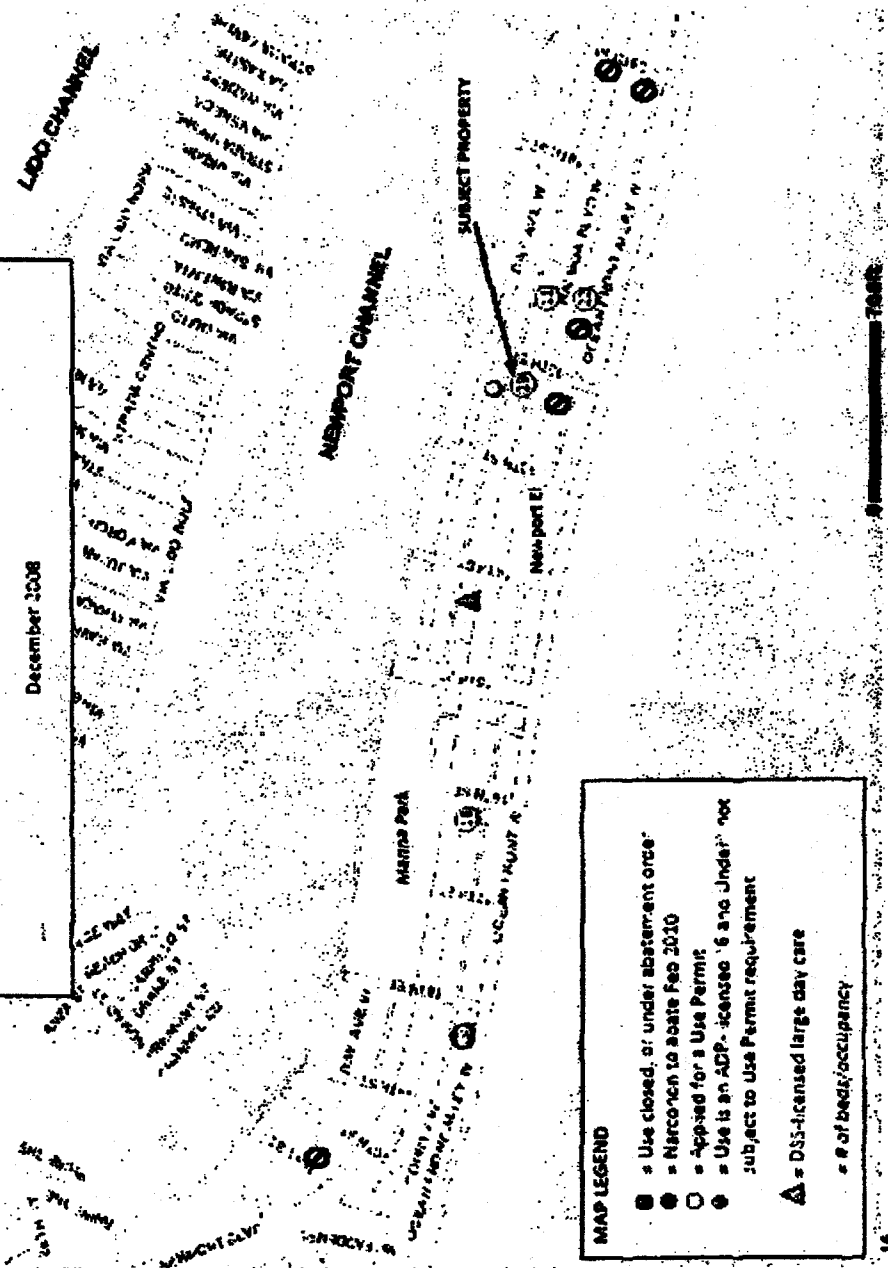
- Staff Presentation
 - Brief Background on Ordinance 2008-05 (Dave Kiff)
 - Presentation of the Newport Coast application (Debby Linn)
- Applicant's comments, if any
- Public Hearing Opened
 - Comments limited to 3 minutes unless Hearing Officer determines otherwise
- Public Hearing Closed
- Applicant can return to rebut or clarify comments made
- Questions from the Hearing Officer to the applicant or to City Staff
- Hearing Officer's determination – alternatives are:
 - Approve with conditions;
 - Deny; or
 - Continue the hearing to a date certain

NCR 00403

Staff Presentation

- This is a Use Permit hearing held under NBMC Chapter 20.91(A) – *Use Permits in Residential Districts*
- Ordinance 2008-05, effective February 22, 2008, calls out this process:
 - Most existing group residential uses had to apply for a Use Permit to stay in operations by May 22, 2008.
 - A Hearing Officer shall make a determination to approve or deny the Use Permit.
 - The Hearing Officer's decision can be appealed to the City Council.
 - The City Council's decision may not be appealed, but "reasonable accommodation" may be requested. RA requests go before a hearing officer at a public hearing, and can be appealed to the City Council.
 - Ordinance 2008-05 exempts one type of home from the Use Permit requirement – ADP-licensed treatment homes:
 - Housing six or fewer persons, and
 - Which do not operate integrally with other facilities ("Integral Facilities").
- US District Court Judge James Selna in May 2008 blocked the City from requiring networked ADP-licensed 6 and Unders from going through the Use Permit process (SLBTS).

BALBOA PENINSULA (Central Peninsula Area) December 2008



MAP LEGEND

● = Use closed, or under abatement order

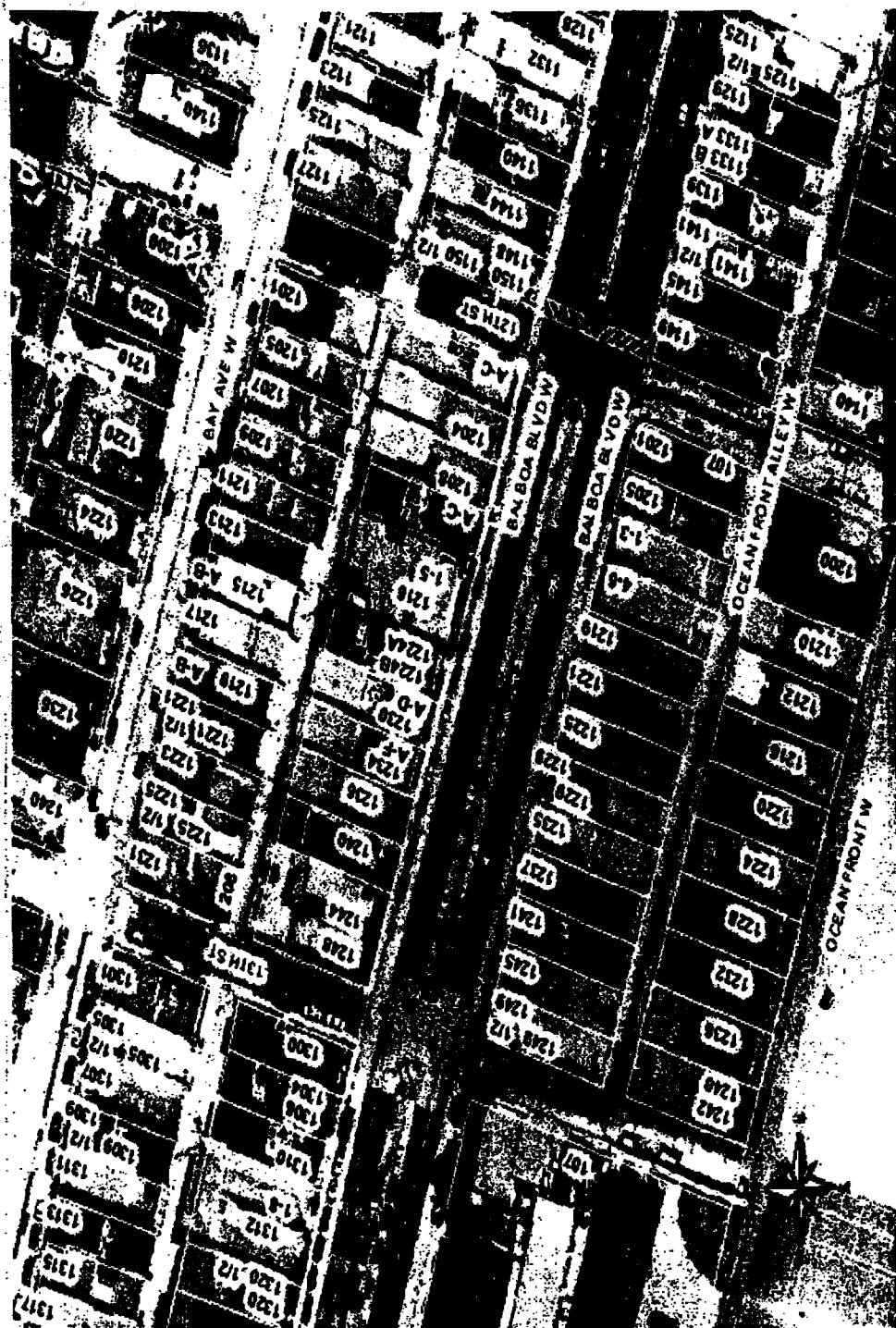
● = Narcotics to abate Feb 2010

○ = Applied for a Use Permit

● = Use is an ADP-scanned '6 and Under' not subject to Use Permit requirement

Δ = DSS-licensed large day care

● = # of beds/occupancy



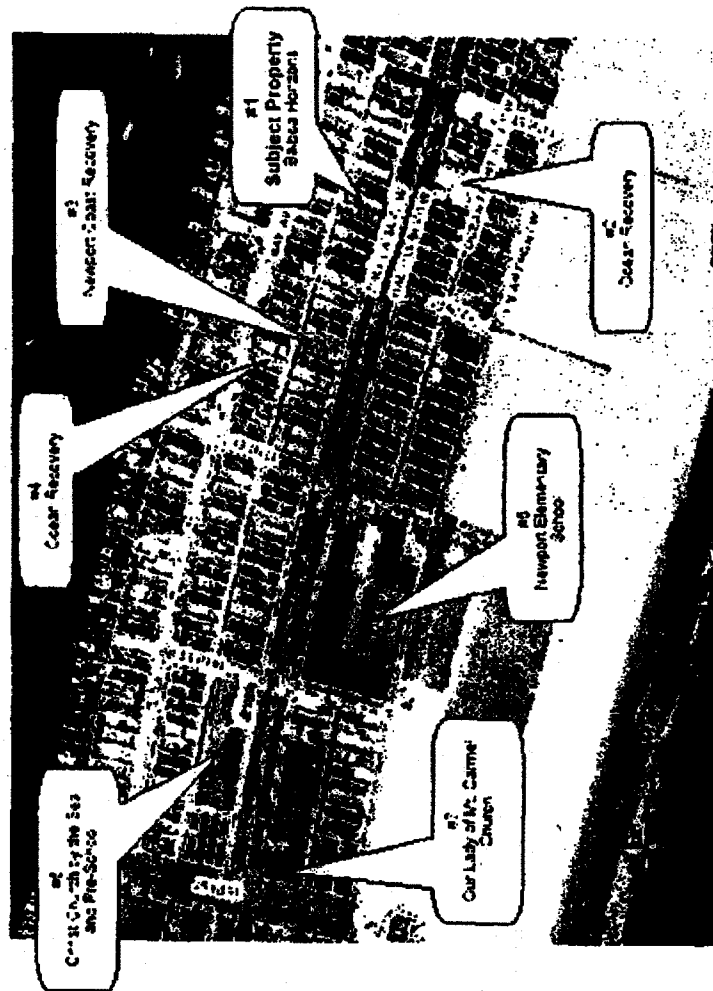
NCR 00406

About Newport Coast Recovery

NCR 00407

Location Map

LOCATION MAP
Uses within 3 Blocks of Subject Property
(Corrected 12/4/08)



Location #	Address	Use of Site
1.	1132 West Balboa Blvd.	Balboa Horizons
2.	1115 West Balboa Blvd.	Ocean Recovery
3.	1216 West Balboa Blvd.	Newport Coast Recovery
4.	1217 West Bay Ave.	Ocean Recovery (ADP-licensed, 6 and Under)
5.	1327 West Balboa Blvd.	Newport Elementary School
6.	1400 West Balboa Blvd.	Christ Church by the Sea and Pre-school
7.	1441 West Balboa Blvd.	Our Lady of Mt. Carmel Church

NCR 00408

Upcoming Hearings

- The Kramer Center (continued)
 - Thursday, January 22, 2009
 - City Council Chambers
 - 4:00 to 6:00 p.m.
- Ocean Recovery (tentative)
 - Thursday, January 29, 2009
 - City Council Chambers
 - 4:00 to 6:00 p.m.
- Others Pending
 - Yellowstone Recovery (Use Permit and RA hearing)
 - Pacific Shores Recovery (possible RA hearing)

**GROUP RESIDENTIAL USE PERMIT HEARING (1/12/09):
TRANSCRIPT**

NCR 00410

CERTIFIED COPY

**PUBLIC HEARING ON
NEWPORT COAST RECOVERY, LP
BEFORE THOMAS W. ALLEN, ESQ., HEARING OFFICER
NEWPORT BEACH, CALIFORNIA
MONDAY, JANUARY 12, 2009**



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NCR 00411

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6
7 Public hearing was taken on behalf of
8 the City of Newport Beach at 3300 Newport Boulevard,
9 Newport Beach, California, beginning at 4:00 p.m., and
10 ending at 5:35 p.m., on Monday, January 12, 2009, before
11 LAURA A. MILLSAP, RPR, Certified Shorthand Reporter No.
12 9266.
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NCR 00412

1 APPEARANCES:

2
3 For The City of Newport Beach:

4 RICHARDS, WATSON, GERSHON

BY: PATRICK K. BOBKO, ESQ.

5 355 S. Grand Avenue, 40th Floor

Los Angeles, CA 90071-3101

6 (213) 626-8484
7

CITY OF NEWPORT BEACH

8 BY: DAVE KIFF, Assistant City Manager

DEBBIE LINN, Associate Planner

9 JANET BROWN, Associate Planner

SHIRLEY OBORNY, Administrative Assistant

10 3300 Newport Boulevard

Newport Beach, CA 92658-8915

11 (949) 644-3002
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NCR 00413

[illegible]

558

NEWPORT COAST RECOVERY - 1/12/2009

4

1 NEWPORT BEACH, CALIFORNIA; MONDAY, JANUARY 12, 2009

2 4:00 P.M. - 5:50 P.M.

3
4 MR. ALLEN: I'm going to open the hearing for
5 the Newport Coast Recovery Facility. I'm going to
6 reconvene. This matter was continued from December 8,
7 2008, until today. Again, I'm Tom W. Allen, the
8 appointed Hearing Officer for this matter. The agenda
9 for today has been posted and is available outside, as
10 well as the reports.

11 The first matter on the agenda is the
12 presentation by staff, and I presume Mr. Kiff will
13 commence?

14 MR. KIFF: Yes, Mr. Allen. Thank you.

15 We'll do -- as we have in the past practice
16 with these hearings, we'll do a brief background on the
17 ordinance again, presentation on the Newport Coast
18 application. Then the Applicant, at the Hearing
19 Officer's invitation, is invited to come up and make
20 comments.

21 The public hearing remains open, so this allows
22 anyone to come up and offer comments again. Comments are
23 limited to three minutes, unless the Hearing Officer
24 determines otherwise. Then we close the public hearing.

25 The applicant can come up and return to rebut

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NCR 00415

1 or clarify comments made. And then there's time for the
2 Hearing Officer's questions to the staff or to the
3 Applicant. And then possibly a determination, approve
4 with conditions, deny or continue to a date certain.

5 Most of the folks in the audience have seen
6 this before, but this is a group residential use permit
7 hearing, held under 20.91(a) of the Code. And basically,
8 it says that any existing operation like this one,
9 Newport Coast Recovery, needs to apply for and receive a
10 use permit no later than February 22nd of 2009. So this
11 is part of that process.

12 And just to point out for you where Newport
13 Coast Recovery is, it's this facility here. It's
14 licensed by the State for a 29-bed man's facility. The
15 other facilities and uses nearby, you can see Newport
16 Elementary School. You can see this. This is Balboa
17 Horizons. This is the one facility in the City that's
18 been approved for a use permit. That's an 11-bed women's
19 facility.

20 There's also Ocean Recovery. Twenty-two beds
21 here applied for the use permit. Their hearing is set
22 for later in the month. There is a pending six and under
23 facility operated by Ocean Recovery about 30 feet away
24 from Newport Coast Recovery. This is Ocean Recovery's
25 second facility up here across from Marina Park near

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NCR 00416

1 16th.

2 This is Narconon's 49-occupancy facility.
3 That's subject to abatement in February of 2010. And
4 then there's some other facilities that did not apply for
5 use permits and are due to be abated at the end of
6 February.

7 Here's a more specific location map. This is
8 1216 West Balboa. Again, Balboa Boulevard, Newport
9 Elementary, and the other facility permitted is down here
10 at 1132.

11 So with that, I'm going to turn that over to
12 Debbie Linn, the planner who worked on this application.

13 MS. LINN: Thank you, Mr. Kiff.

14 This is a continued hearing item from December
15 the 8th, and the hearing was continued due to the fact
16 that the application at the time was incomplete and the
17 required materials for staff to complete their analysis
18 of the proposal were not included in the package that was
19 before the Hearing Officer at that time.

20 At the close of the public hearing, the Hearing
21 Officer continued this public hearing to January the 12th
22 and also directed the Applicant to submit all the
23 required application materials within 21 days of -- prior
24 to this scheduled hearing.

25 The remaining application materials required

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800-647-9099

NCR 00417

1 for staff to complete their analysis did arrive on
2 December the 12th as directed. And from that, we've
3 prepared the enclosed staff report.

4 The application, as submitted on December the
5 12th, was an application for 18 beds of recovery -- the
6 resident beds. The Applicant has a license for 29 beds,
7 but this application has been submitted as an 18-bed
8 application for the use permit purposes.

9 After analyzing the proposal, staff determined
10 that the findings, as stated in the staff report, could
11 be made to recommend -- in order for staff to recommend a
12 conditional approval of the application.

13 Specifically with regard to the number of beds,
14 staff is recommending that the application could be
15 approved more in compliance with the State or with,
16 excuse me, APA requirements for proximity of other uses.

17 And given the fact that there's the six-bed
18 facility that's likely to be licensed for operation
19 within 30 feet, staff recommended that the Hearing
20 Officer consider reducing the Applicant's total allowable
21 number of beds to be licensed at 14.

22 Staff included a number of conditions of
23 approval, which are as recommendations, which are listed
24 in Exhibit 1 of the staff report.

25 And I'll just summarize those briefly, because

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NCR 00418

1 these conditions of approval, if added to the approval
2 for the conditional use permit, really are part and
3 parcel of the finding to be made by the Hearing Officer.
4 So the findings, we felt like, needed to have reference
5 to these conditions. Because as conditions, the project
6 could be determined to be in compliance.

7 For the most part, the significant conditions
8 of approval pertain to parking. There had been some
9 concerns expressed at the public hearing regarding
10 parking. The facility has enough parking to meet the
11 Code requirements for the facility.

12 However, we are aware, based on their
13 operational statements, that they do weekend counseling
14 of family members. And for that reason, we have required
15 them, as a condition of approval, to obtain permits to
16 take care of visitor parking on weekends. And that at
17 any time on- -- that any time on-street parking is
18 required, that that be limited to Sunday hours as
19 specified in the conditions of approval.

20 We added conditions to reinforce some of their
21 operational requirements that are already in place. The
22 quiet hours between 10 to 8 a.m. We've put that as a
23 condition of approval to reinforce -- to have them
24 implement.

25 The curfew hours, we've changed their

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1 application from a curfew of 11 o'clock on weekends and
2 10 o'clock on weekdays to be 10 o'clock p.m. every day.

3 We've specified that the route plans for their
4 vans -- for their one van that takes clients to about
5 four locations during the week off-site to be adhered to.

6 And that the deliveries take place only between
7 8 and 5 normal work hours as well.

8 Trash pick up being limited to those hours.

9 That their State licensing be amended to
10 reflect the 14-bed maximum down from 29, which represents
11 a 50 percent reduction in their licensed beds.

12 That they enforce their policies now in their
13 rules and regulations regarding profanity and lewd
14 behavior, to keep that enforced; that that not be allowed
15 to be expressed at a level that's audible beyond the
16 property so that it might annoy neighboring residents.

17 And smoking to be restricted to the designated
18 area that they described in their application, which
19 happens to be a courtyard area that's completely enclosed
20 by walls but open to the sky. And that smoking outside
21 of the facility be completely prohibited, and that be
22 implemented.

23 We added a condition of approval that would
24 allow the City to review this conditional use permit, if
25 approved, within six months of the final approval of the

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1 conditional use permit in order to determine whether the
2 conditions of approval that had been set forward here and
3 possibly adopted today are being enforced, if there are
4 any further problems that may be reported to the City, so
5 that the City's Hearing Officer may review this in six
6 months and make that determination as to whether the
7 facility is being operated according to the conditions of
8 approval and in a manner that's compatible with the
9 neighborhood.

10 And then the condition also requires that the
11 application be or the conditional use permit be reviewed
12 annually thereafter after the first six months. So we
13 thought that that would help reinforce the City's ability
14 to evaluate this in the event that it's approved.

15 And with that, staff has recommended that the
16 application be a -- that you direct the staff to prepare
17 a Resolution of Approval with the conditions of approval
18 as proposed.

19 That concludes the presentation. If you have
20 any questions, we can answer those now.

21 MR. ALLEN: I don't have any questions at the
22 present time. Any other staff comments before we open
23 public hearing?

24 MR. KIFF: No.

25 MR. ALLEN: All right. Let's proceed with the

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1 public hearing. We'll follow the same format that we
2 have in the past, where people can come forward on an ad
3 hoc basis, and we limit the comments to three minutes, so
4 please be concise and to the point, but take time to make
5 your presentation.

6 MR. KIFF: Mr. Allen, just one point of
7 clarification. You would potentially have an
8 opportunity, your choice, to have Applicant speak first
9 and then the public -- or the Applicant has spoken but --

10 MR. ALLEN: That's right. That's probably
11 appropriate. If the Applicant would like to make a
12 presentation now and in response to the staff comments,
13 let's do that before we move forward with the public
14 hearing.

15 MR. NEWMAN: Good afternoon, Mr. Allen. My
16 name that Mike Newman, N-e-w-m-a-n. I'm a partner in
17 Newport Coast Recovery. Mr. Allen, my comments are going
18 to be brief, and they are going to be pertinent and
19 facts, not rumor or innuendo.

20 First thing I'd like to address is all the
21 concerns about Newport Elementary School. That seems to
22 be the main concern with everyone here, the proximity to
23 the school and the welfare of the kids.

24 We spoke to the principal of Newport
25 Elementary. The principal stated in the five years she's

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1 been the principal there, they have not had one problem
2 with Newport Recovery. Not one problem. She assured us
3 that if she had any problems with my rehab facilities, it
4 will be dealt with immediately.

5 That's supported by the Newport beach Police
6 Department. There have been no reported problems. Not
7 just with Newport Coast Recovery but any rehabs with
8 Newport Elementary School.

9 Furthermore, the principal stated that she
10 knows of no students, no students that have left that
11 school because of any actions related to rehabs. This is
12 fact. This isn't just thrown out there. This can be
13 verified through the school.

14 The school yards. That seems to be a big
15 concern, the blacktop behind the school on the weekends.
16 Our clients have been instructed never to use that
17 schoolyard, basketball court, or adjoining equipment. We
18 take our clients to the gym three days a week.
19 Participation is mandatory. They're encouraged to get
20 all their exercise at the gym, because there's very
21 little down time for them to do anything else based on
22 their treatment schedule.

23 In regards to traffic and vans, as was stated,
24 we only have one van. They are not parked all over the
25 streets. There's not numbers on them. There's one van,

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1 and that's the van that transports our clients.

2 In regards to our trash, we have a private
3 trash service that picks up all our trash. We don't
4 burden the City with any of that extra refuse that we may
5 have on our property. And we have no need to throw our
6 refuse in the neighbor's garage cans. And if that
7 happened at some time, I'm very sorry for that. But it's
8 a not a common practice, and it's not something that we
9 have our clients doing. We have a big garage receptacle
10 right outside our facility.

11 Some people -- what really concerned me is
12 someone came up here and talked about clients threatening
13 neighbors. That came up in the staff report that I read.
14 And again, I've talked to the Newport Beach Police
15 Department. There's not been one incident reported of
16 any Newport Coast Recovery client threatening any
17 neighbor. If there was any report like that, I certainly
18 would have gotten it, and we would have dealt with it.
19 And certainly we would have heard about it through the
20 Newport Beach Police Department. It would have been
21 investigated thoroughly, I promise you.

22 In closing, I'd like to leave you with a few
23 factual documented numbers for the year 2008. And this
24 isn't Costa Mesa. This isn't any adjoining city. This
25 is Newport Beach.

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1 952 arrests for drunk in public in Newport
2 Beach in 2008, 276 drug abuse violations, and 677 DUI's
3 as of December 31st in Newport Beach alone.

4 These aren't just people coming from outside
5 this city, even though we have one of the highest
6 concentration of bars and places to buy alcohol. These
7 are people that live in the city as well.

8 And if you look at our newspapers, the Daily
9 Pilot, every Wednesday, you'll see that many of these
10 people that are arrested are our neighbors. These aren't
11 people that we're shipping in from outside the city for
12 treatment. These are people that are looking within
13 their community for treatment.

14 I have the statistics, if you guys would like
15 them. I also have some letters from neighbors which I'll
16 give to the appropriate person so they can be made part
17 of the meeting. And I look forward to any questions, and
18 I'm happy to address anything else.

19 MR. ALLEN: Thank you.

20 And that mention of letters raises a questions.
21 We've had a number of communications that have come in in
22 the form of e-mails, primarily. I believe that should be
23 made a part of the record of this as well.

24 MR. KIFF: I'll go over just some of those that
25 we received without getting to the substance, in case

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1 those people want to make equivalent testimony.

2 We have a letter from Larry Mathena that I
3 provided earlier today. We have an e-mail correspondence
4 from a Ms. Lori McKinsey. I have an e-mail
5 correspondence from a woman named Suzanne. I forwarded
6 that to you as well.

7 MR. ALLEN: Yes.

8 MR. KIFF: I have here a letter signed
9 by -- looks like 42 folks who are saying they are parents
10 of Newport Elementary School students. I believe someone
11 was going to speak to that.

12 Previously, we've received some correspondence,
13 including some photographs from Jeffrey Myers. I
14 provided those to you as well. And I have some of those
15 photos up here on the screen, too. I have some
16 correspondence from Denys Oberman, in addition to -- and
17 additional correspondence from Jeff Myers that's not just
18 photos.

19 So that's kind of a summary of the
20 correspondence I've received both at the last hearing
21 and -- between that hearing and this hearing.

22 MR. ALLEN: The only thing I haven't seen that
23 you've mentioned is the 42 signatures. And I guess that
24 has just come in; is that correct?

25 MR. KIFF: That's right.

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1 MR. ALLEN: Okay.

2 MR. MYERS: And the video.

3 MR. ALLEN: We'll take a few minutes to look
4 through that in due time.

5 Anything else from staff?

6 MR. KIFF: No, sir.

7 MR. ALLEN: Let's proceed with the public
8 hearing, then. And again, we'll open the public hearing,
9 and each person has three minutes to speak. Please come
10 forward and give us your wisdom.

11 MS. INGHAM: Good afternoon, Mr. Allen, and
12 everyone here. My name is Kristin (phonetic) Ingham.
13 I'm a parent of a student at Newport Elementary.

14 MR. ALLEN: Spell your last name for the
15 record.

16 MS. INGHAM: Sure. I-n-g-h-a-m.

17 MR. ALLEN: Thank you.

18 MS. INGHAM: And I did bring in the 42
19 signatures that you're referencing. Sorry they came in a
20 little bit late. I just sort of became aware of this
21 hearing and tried to organize something at Newport El.

22 Because we're new to Newport El, our son's a
23 kindergartner, I wasn't sure if the school had an opinion
24 one way or the other. So in a little over 24 hours,
25 through e-mail to about eight people and then just my

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1 standing outside in front of the school for five minutes
2 before school and five minutes after school, I was able
3 to collect 42 signatures.

4 There wasn't a single person that walk by or
5 that I talked with that had -- that did not want to sign
6 the letter that I had submitted today. Every parent over
7 at Newport El has concerns about the amount of beds in
8 the vicinity of Newport Elementary.

9 And I've seen the character of the neighborhood
10 and the adjacent playground that our family visits, not
11 just during school hours but on weekends and after
12 school, change. My husband personally had to remove my
13 son from the playground a couple weekends ago due to
14 loitering and profanity, some conversations that just
15 weren't appropriate for a 6-year-old to hear.

16 We feel that our school staff and City staff
17 work really hard to swear children from such habits, such
18 as smoking, profanity. And it's just those are behaviors
19 that we all too often witness in our community.

20 When we are out in the community, such as local
21 coffeehouses and places like that, you know, we've had to
22 maybe change tables because of conversations we hear
23 among patients from rehabs centers that are seated next
24 to us. And when we're out in public as a family, we have
25 the option to do that.

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1 But when our children are at school, they don't
2 always have the option to leave the playground, leave the
3 soccer fields or the blacktop. And that's the concern of
4 my husband and mine and 42 other people at Newport
5 Elementary, at least. And we feel that our playground
6 and our school is unique in our school district. It is
7 more of an open campus, unlike others that are shielded
8 from the public that are behind a fence.

9 And we have seen just too much loitering and
10 unhealthy behaviors, such as smoking, cigarette butts,
11 that, again, just are not appropriate for a nurturing
12 environment, such as a school and a city playground for
13 our children.

14 Thank you for your time.

15 MR. ALLEN: Quick question. You mentioned that
16 your husband had a specific situation where he removed
17 your 6-year-old child because of profanity?

18 MS. INGHAM: Yes.

19 MR. ALLEN: Was there a basis he had to make a
20 determination that the people that were doing this were,
21 in fact, rehab clients or --

22 MS. INGHAM: Yes.

23 Do you want to speak?

24 MR. INGHAM: Sure.

25 MR. ALLEN: Good.

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1 MR. INGHAM: Yeah. It was on a --

2 MR. ALLEN: Please identify yourself for the
3 record.

4 MR. INGHAM: Sure. My name is Jeff. Last name
5 is Ingham, I-n-g-h-a-m.

6 And I believe it was on the day before -- the
7 Saturday before the holidays, and I had taken my son to
8 the park there at the school to play on the playground,
9 which I do typically on Saturdays.

10 I typically come on Saturdays and Sundays. And
11 what they tend to have is the group sessions held at the
12 park. So there are about 100 people. I actually have
13 photos of 100 people outside. And they generally go off,
14 away from the blacktop, to smoke. And they also smoke on
15 both sides of the blacktop, in and amongst it. Now, I
16 can't tell you which recovery group it was, per se, but
17 it's generally -- it's 100 people that circle all around
18 the school campus.

19 And the specific profanity was -- and it was in
20 conversations in -- in and amongst -- I guess it was on
21 14th Street, right adjacent to the playground, someone
22 yelled the F--- word four times in a row. And it's just
23 like, do I really have to deal with this while they're on
24 their smoke break? And, you know -- so anyway, that's
25 the gist of it.

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1 MR. ALLEN: Okay. Thanks, the red light is
2 blinking, but you shouldn't -- take your time. You can
3 continue for additional time if you need.

4 MR. INGHAM: That's all I had to say, yeah.

5 MR. ALLEN: Okay. Thank you.

6 MR. INGHAM: And the reason why we knew it was
7 recovery is based upon the conversations that were had
8 amongst the groups in or around the playground.

9 MS. INGHAM: The content of the conversations,
10 sometimes you can hear what sounds like might be a -- I
11 don't know enough about the process, but what might be
12 called like a counselor, or somebody maybe who has been
13 in the facility for awhile maybe talking to somebody who
14 is newer, or that's sort of the gist of what I could get
15 from a conversation that would make me think that.

16 Because, of course, at Newport Beach, we get a
17 lot of people coming to visit. Who knows where they are
18 from. But those types or parts of the conversation are
19 what would make me think that they were patients from a
20 rehab facility in our area, you know.

21 And again, we -- we're just concerned about the
22 amount, the number, of beds in the close vicinity of
23 Newport Elementary, and the way that the character of the
24 neighborhood has changed for our school, for our children
25 working to and from school, and for their health, for the

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1 secondhand smoke.

2 We have several children who are medically, at
3 school, impaired, and -- as well as educationally
4 impaired, and it's not a good sight for them.

5 Again thank, you for your time.

6 MR. INGHAM: One thing to add, I do have
7 electronic photos, if you'd like to see them, but I don't
8 have printed copies.

9 MR. ALLEN: Thank you.

10 Anyone else wish to speak?

11 MR. LISKIN: My name is Matt Liskin (phonetic).
12 I live on the Peninsula. And I have a couple specific
13 questions that I hope you can ask the Applicant.

14 This is about our lifestyle and community. And
15 the first question is, he quoted the crimes statistics in
16 Newport. I'd like to know, A, or to point out, the issue
17 here is overconcentration. I think a better statistic
18 would be, what percent of those crimes occurred on the
19 Peninsula? Because that's why we are all here.

20 Number two, he mentioned that these are people
21 in Newport and from Newport, or something to that effect.
22 I'd like to know, how many of those arrests were people
23 from Newport Beach?

24 The third question I have is, if he's serving a
25 need of Newport, he has census, I'd like to know, what

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1 percent of his census annually is from people from
2 Newport Beach? I think that's all information which is
3 easily obtainable.

4 Finally, last time we were here, it was pointed
5 out that the gentleman spent \$200,000 fixing the facility
6 up. I have to say, if you look at his revenue line of
7 his business, that would be fairly immaterial. And I
8 think that's somewhat disingenuous.

9 And finally, as you can sense it in my voice,
10 it was said earlier that these are non-violent criminals.
11 Violence is something which we all associate with being
12 struck. But I think a greater violence, actually why
13 these people are here, is emotional violence.

14 And the emotional toll that these people put on
15 their families is the result, in many instances, that
16 they are here. And, unfortunately, that emotional toll
17 is being put in this community on an overconcentrated
18 basis. And I don't really think that's particularly
19 fair.

20 It should be dealt with in a non-concentrated
21 way. And I think if we get to the bottom of the numbers
22 I just asked, I think that we can see that numbers, you
23 know, can tell a couple of different stories. And I
24 think we should look at the forest, not these trees.

25 Thank you very much.

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1 MS. BACICH: My name is Pam Bacich, and I live
2 on the Peninsula. We own property directly behind this
3 particular rehab facility. I did send a letter before
4 the last hearing, because I wasn't able to be there. And
5 I didn't hear it referenced.

6 MR. KIFF: I'm sorry. We did receive that.

7 MS. BACICH: One of my main points in that was
8 that --

9 MR. ALLEN: Are you the duplex owner?

10 MS. BACICH: We are.

11 MR. ALLEN: Excuse me. Thank you.

12 MS. BACICH: The duplex directly behind it.

13 And one of the owners' comments was that there
14 had not been any police reports. Yes, we never filed any
15 police reports in our complaints, and we had many of
16 them. We went directly to the manager of the facility
17 and tried to deal with them that way.

18 We did have an incident about two years ago
19 where we had a car keyed after our tenant had a
20 confrontation with some of the people at the rehab
21 facility. And they left subsequently because they were
22 so frustrated in having, as he said, pissing matches with
23 20-years-old on a regular basis.

24 We had recurring trash incidents. One
25 Saturday, while we worked in the garage over there when

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1 we were turning tenants, we counted, I believe, 16 -- I
2 have it written down somewhere at home -- 16 vehicles
3 coming and going in a couple-hour period from the back
4 alley. So there were many vehicles coming and going from
5 that facility.

6 So although there may not have been police
7 reports, that doesn't mean that there weren't ongoing
8 problems and ongoing conversations that we were having
9 with them.

10 MR. ALLEN: Anyone else?

11 MS. MORRIS: Hi. My name is Jill Morris. Do
12 you want me to spell it? M-o-r-r-i-s.

13 And I, too, am a mother of a child at Newport
14 El, second grade. And she's been there from Kindergarten
15 on to 2nd grade. And within those two years we've been
16 there, not only during the weeks of school has she come
17 home and said, "Mommy, what does 'shit' mean? What's
18 does 'the F--- word' mean?"

19 And I'm like, "Where did you hear that?"

20 And she said, "Oh, a group of men are walking
21 by while we're playing soccer, and we're hearing these
22 words from these older men."

23 To a 6-year-old, you know, they don't really
24 know what the age is. So I did not get the age of the
25 men. But she has come home in those two years that she's

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1 been there. And I'm obviously having to assume that, you
2 know, they might have or may not have, just because,
3 again, Newport is a touristy place. But it was also
4 during the wintertime, where we don't really have a lot
5 of tourists. And she just actually told me this again in
6 November.

7 I, too, have been to the park on Saturdays and
8 Sundays with my daughter and my 4-year-old. And my
9 husband also has had to say to some men during the same
10 type of -- I see that meeting that they have, you know,
11 on the weekends.

12 And we also have, along with the Inghams as
13 well -- and we also had to say, "Hey, hey, please don't
14 use that type of language in front of our children." And
15 they just kind of -- either get kind of angry or just
16 softly say some words back. And we also have to leave.

17 We spend a lot of money to live in this lovely
18 area that we live in. And we just feel that it's really
19 unfortunate that we have to remove our children from open
20 space playgrounds when we should be able to enjoy them
21 and just have a wonderful life, which we're trying to
22 have.

23 But again, I understand that people need help
24 and rehab, and that's wonderful. But like Matt says, you
25 know, it's so condensed, there's so many beds between

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1 13th Street -- I believe 11th Street and 13th Street,
2 there's so many, you know. Maybe we could limit them
3 down to a smaller number. And it's also a concern that
4 they are across the street from our school. It's just
5 very congested and trafficky.

6 And I do -- I understand that the gentleman
7 back here said that he has one van. I live on Lido Isle,
8 and I see probably ten vans a day when I'm driving
9 around. So I do know that -- I was actually behind one
10 on the way here. So I do know that there are quite a
11 few. And I'm sure they are from all the different types
12 of rehab places, but it does cause a lot of traffic in
13 the area as well.

14 So that's all I have to say. Thank you.

15 MR. MYERS: Hello. My name is Jeff Myers,
16 M-y-e-r-s. I'd like to take a moment to introduce you to
17 my two children. This is Jordan. She's 7 years old.
18 And this is Ryan. He's 9 years old. They are absolutely
19 fantastic kids.

20 We live in a duplex across the alley from the
21 facility. And we lived there for 10-plus years, and I
22 think the facility has been there for about 10 years,
23 so --

24 MR. ALLEN: Excuse me. Do you live there now?

25 MR. MYERS: Yes.

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1 MR. ALLEN: Thank you.

2 MR. MYERS: And it's a duplex. I have the back
3 unit rented. I've lost renters in the past over the
4 noise coming from the facility. I seem to have a good
5 renter now, though, that seems to be okay with it.

6 My car also has been keyed in the past. I
7 don't know who did it, but things happen.

8 What I'd like to talk about a little bit is the
9 photographs and the DVD that I produced and submitted
10 into evidence last time we were here December 8th.

11 Specifically on this DVD -- I don't know, Dave.
12 Can you play that?

13 MR. KIFF: Let me make sure I have the right
14 understanding of the DVD. The one that I have is a
15 replication of photographs. It's not a movie.

16 MR. MYERS: No. There's a video that I took
17 that has evidence on it that I've also uploaded and given
18 you a link to, so --

19 MR. KIFF: Okay. I don't have access to it.

20 MR. MYERS: Okay.

21 MR. KIFF: If there's a way we can figure out
22 how to do it with you, I could put it on the screen.

23 MR. MYERS: I didn't bring it.

24 MR. KIFF: I apologize, Jeff. I was confused.
25 I had your CD. And again, it was just a series of

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1 photographs, kind of faded.

2 MR. MYERS: It's a DVD video.

3 MR. KIFF: Okay.

4 MR. MYERS: And then I printed out the
5 photographs and submitted the photographs into evidence.
6 I also, with the photographs --

7 MR. ALLEN: What does the DVD depict just
8 quickly? Because this sounds like a problem to try to
9 get this into evidence and get it considered and let the
10 Applicant have an opportunity to respond to it.

11 MR. MYERS: I don't understand why it's a
12 problem if I submitted it on the 8th, but --

13 MR. ALLEN: I understand.

14 MR. MYERS: -- technology.

15 I think it's very important for you to see the
16 DVD before you make a ruling. I'd be more than happy to
17 provide you as many copies you want, or a link to you, or
18 whatever.

19 MR. ALLEN: My point is that the Applicant
20 needs to see it, too. Just me seeing it isn't sufficient
21 due process to everybody that's involved.

22 MR. MYERS: Maybe I can put it on U-Tube and
23 have the whole city watch it.

24 What it depicts is an individual in the back of
25 the facility talking on a cell phone, walking the alley

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1 smoking. And the music is just glaring out of the
2 facility.

3 And what I was doing is, it was a weekday or
4 weekend. I was sitting in my living room, which faces
5 West Bay. So our lot is, what, 30 by 90. So, 90-plus
6 feet away, my house is shaking from this music. The
7 music was full of profanity. I don't even know if it's
8 rap. It was just hideous music and profanity and
9 everything.

10 So what I decided to do is go to my garage and
11 videotape what was going on. This gentleman's walking in
12 the alley, smoking, talking on a cell phone. Now, you
13 know, I feel badly for these guys, because they don't
14 really have any place private to make these conversations
15 with their family, or whoever it is. And they are always
16 out there doing it.

17 The problem is, you know, I have these two
18 young children, and we play in the alley and in front of
19 the house. So right now, with the kids being 7 and 9,
20 I'm able to, you know, always be there with them and not
21 let them out of my sight and say, "Hey, let's play in the
22 front." If there's, you know, people in the alley or
23 whatever --

24 MR. ALLEN: So the time's gone.

25 When did you take this DVD?

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1 MR. MYERS: Probably seven or eight months
2 ago.

3 MR. ALLEN: Okay. And you've described it
4 quite well, it sounds like, to me.

5 MR. MYERS: You need to see it. It is
6 incredible.

7 MR. ALLEN: I understand, but you have
8 described it, so at least we know that much.

9 MR. MYERS: You're doing an injustice to your
10 ruling without seeing it. At any rate --

11 MR. ALLEN: Okay. So your time is up.

12 MR. MYERS: My time is up?

13 I've got a lot to say. I've live next to them
14 for ten years. There's another facility going in next
15 door to me. I'm being completely surrounded by
16 recovering addicts, which is fantastic for the people who
17 are recovering, but what's happening to my kids?

18 I can't have them playing in front of the
19 house. I can't have them playing in back of the house.
20 Now, this is ridiculous. Something needs to be done.
21 And I believe this is why the City created this
22 ordinance.

23 And your job is hopefully to listen to this and
24 make just out of it. But something needs to be done.
25 Please watch this DVD before you rule.

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1 Thank you.

2 MR. ALLEN: Thank you.

3 MR. MYERS: I'd like to talk longer.

4 MR. BACICH: My name is Mike Bacich,
5 B-a-c-i-c-h. I'd be happy to give my three minutes to
6 Jeff, who's organized and has some things to actually say
7 other than repeat others, if that's possible.

8 MR. ALLEN: All right. This time, go ahead.

9 MR. MYERS: Thank you.

10 So during this video with this music blarring,
11 this gentleman says, "Hey, stop videoing me." And so I
12 say, "You're on public property, and I can video you all
13 I want." So he went on private property, and I stopped
14 videoing.

15 So then he comes back in on me and says, "Hey,
16 what are you doing?" And I stopped videoing him, but I
17 kept the tape rolling. And basically, you know, he
18 didn't turn down the music or anything. And I
19 complimented him, actually, on being better than they
20 used to be.

21 But the fact of the matter is, this is my home
22 with my children. I shouldn't have to go knock on the
23 door over there every time someone's speeding down the
24 alley with loud music in their car, every time, you know,
25 they have a ping pong game and they're swearing, every

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1 time the music is blarring, every time somebody's
2 smoking. I mean, I shouldn't be subjected to do this
3 every five minutes.

4 And yeah, I'm not one of these individuals that
5 call the police and complain. You know, I went to Mike's
6 door in my underwear in the morning and pounded on his
7 door. And I told him, "Every time you guys wake me up,
8 I'm going to come find you and wake you up or wake them
9 up." And he was kind enough to resolve the problem. But
10 I shouldn't have to do that still after ten years every
11 day.

12 So is that the DVD? Can we watch that? It's
13 short. Can you play that, David?

14 MR. KIFF: No, Jeff. It seems like I just
15 still have the one DVD you gave me that has the photos on
16 it.

17 MR. MYERS: There's no photos on the DVD that I
18 have. It's just video.

19 MR. KIFF: Okay. Someone gave me a DVD, I
20 thought it was you, that has photos from behind Newport
21 Coast Recovery. I'm sorry, that's the only DVD I have.
22 So it's not to say -- you know, the hearing is until 6
23 o'clock arguably.

24 But Counsel just advised me we need to be
25 cautious about showing pictures in public of people who

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1 are in recovery and, therefore, are a protected class.
2 So I think that Counsel would have to review that before
3 to see that at least that person's face was blocked out.

4 MR. MYERS: The individual is on public
5 property. I think it's a free shot.

6 MR. KIFF: I'm not the attorney, Jeff.

7 MR. MYERS: I am not the attorney either.

8 At any rate, you guys need to do something,
9 because I just can't subject my children to this. And
10 with both sides of the house being surrounded like that,
11 I'll be the first one to take my two kids out of Newport
12 El and move. But I shouldn't have to move. I can't
13 afford to move. I can't afford to lose any more tenants.
14 So please do something.

15 MR. ALLEN: Next?

16 MS. OBERMAN: Good afternoon, Mr. Allen and
17 staff. Denys Oberman.

18 I am a resident of the central Peninsula, and I
19 live approximately 80 to 100 feet from the subject
20 facility. I also live directly in the path of where the
21 residents of the facility regularly and for the
22 past -- well, beyond five years have walked to and from
23 the beach, up and down the boardwalk, et cetera. I
24 happen to live on the boardwalk.

25 I wanted to make a couple of quick points

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1 relative to the findings. First of all, the documents of
2 complaints and the evidence of violations that have been
3 submitted by the residents during the 2003 through recent
4 period, somehow it has not made it into public record.

5 Prior to the initial December hearing, I did
6 feel concern about this, and I did voice my concern
7 orally and in writing by e-mail to Dave Kiff, and he said
8 he would look into it. It would appear that those
9 documents still have not been retrieved.

10 And I am -- those documents were created not
11 only by me personally but by a number of other residents.
12 But Jeff Myers was one, with a number of others. So we
13 would like to know where those documents are that were
14 primarily sent to the City Attorney.

15 MR. ALLEN: Can you identify them just a little
16 more. Is it a public records request you made, or is
17 this --

18 THE COURT: Some of the documents have to do
19 with the Public Records Act, but the documents I'm
20 referencing primarily are documents that are produced
21 directly by people.

22 They are complaints that were submitted
23 relative to physical code violations, TI, Tenant
24 Improvements, and work on gas lines, et cetera, being
25 done without permit and documentation thereof. It's

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1 documentation of noise. It's documentation of complaints
2 about repeatedly loitering and swearing.

3 Complaints that were submitted to various City
4 departments, Code Enforcement. Most of them to John
5 Capler (phonetic), but also to some others. Documents
6 forwarded in to the City Attorney's office, which were
7 handled by several of his staff members in that
8 department. Complaints made to the police department.

9 MR. ALLEN: Possibly there's a response from
10 Mr. Kiff?

11 MR. KIFF: Hopefully you'll hold Ms. Oberman's
12 time?

13 MR. ALLEN: Yes.

14 MR. KIFF: I do, Denys, have about a seven-page
15 document from Jeff Myers that he submitted that addresses
16 profanity, fire danger, parking, code violations. I have
17 some material from you that also discusses items like
18 that.

19 So I think I have everything that's on the
20 record. We tried to appropriately characterize that
21 within the staff report, knowing that some of it is
22 speculation, certainly not all of it. But we do -- we
23 did consider it in the record with this case.

24 MS. OBERMAN: Okay. We don't see any evidence
25 that it's been considered. And I would be more than

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1 happy, at a convenient time for you, to review the
2 documents you have to let you know whether that does
3 represent a complete record.

4 Okay. Going on to the question of Public
5 Records Act, in fact, one of the findings and
6 representations made by the operator on their revised
7 application is that the operator has been in compliance
8 with the relevant State, Federal and local laws.

9 The operator has not been in compliance with
10 the local laws, and we believe also the State laws on
11 several different occasions. One is -- I'll just mention
12 several incidents.

13 At the last hearing, I submitted an example of
14 a business license that was, in fact, obtained. But
15 there was a misrepresentation of what the business use
16 was. Said it was a personal service business rather than
17 a residential care and treatment facility. And the
18 requirement was very clearly stated in local ordinance.

19 Secondly, there were requirements, before the
20 local ordinances were modified in 2004, which required
21 this facility of this scale, a residential care facility,
22 to obtain a CUP. And that CUP was never defined. And we
23 did, in fact, find that evidence through a formal Public
24 Records Act request.

25 Next, the documents for this Federal exemption

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1 permit that the City had required for facilities of this
2 scale in nature and that was passed into local ordinance
3 in 2004, that permit was never applied for or received as
4 well.

5 So we would say that this operator has been
6 operating for some period of time avoiding, you know,
7 getting the required permits and licenses.

8 Secondly, with the findings relative to
9 parking --

10 MR. ALLEN: Would you please wrap it up.
11 You've had an extra minute and a half.

12 MS. OBERMAN: Thank you. I'll take it.

13 MR. ALLEN: No, I've given you an extra minute
14 and a half. So go, please.

15 MS. OBERMAN: Okay. All right.

16 Parking. The operator contends -- I've got two
17 more point. I'll make them quickly.

18 Relative to the parking, the operator puts in
19 his completed application that, in addition to the people
20 that are going to visit and to the residents and to the
21 faculty, that he is -- that he has AA meetings, which he
22 cites to be of 20 people on the premises. There's no way
23 Jose that there's parking available for that many people
24 in that area.

25 And then lastly, this particular operator has

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1 demonstrated that -- and even appears on a mission that
2 he is unable to control the behavior or actions of his
3 clients. And that's a major concern for an area that is
4 an area that is dominated by families not only that live
5 there but families whose basic life function is going to
6 and from school and playing with their kids involves
7 being in that area. And we're more than happy to submit
8 additional documentation. We'll continue to do so.

9 Thank you.

10 MR. MATHENA: Hello. Larry Mathena,
11 M-a-t-h-e-n-a. And I did submit written comments. Just
12 make a few observations hopefully briefly.

13 I want to make the observation -- and I have
14 not heard any refutation of Denys' points -- that if
15 there were a number of local filing requirements that
16 needed to be made that were not made in the past, then,
17 arguably, the current facility is, to some degree,
18 illegal.

19 And if it is illegal, then they are not an old
20 facility. They are a new one. And arguably, a new one
21 should simply be denied, period. So if the assertions
22 made are proper, then they are a new facility of excess
23 size. It should be denied.

24 Second point I'd like to make -- because I
25 finally did sit down and read the APA document that is

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1 the basis, evidently, for relying on how these facilities
2 can be. Per that definition, this facility, and frankly
3 everyone else we've seen, is not a group home. It's a
4 halfway house.

5 The definition of group home within what you're
6 relying upon specifically talks about, quote, unquote,
7 long term rentals, i.e., years, not months.

8 And, in fact, that document is very explicit in
9 saying that a heavier burden should apply to halfway
10 houses, and that the density should not be so extreme.
11 And, in fact, it lays out the point that, because of the
12 transient nature of halfway houses, that an appropriate
13 standard should be something much more restrictive.

14 So I have a real problem with saying, oh, we're
15 complying with general philosophy, you know, stated law
16 about only one or two per block, when it doesn't apply to
17 anybody who's come here yet, period, including these
18 folks.

19 Second point -- and I feel compelled to make
20 this point. And I appreciate, actually, the candor of
21 this Applicant who goes out of his way to say, "We know
22 our people will fail." And, in fact, if we accept this
23 number at 14 people, that means 56 people a year will go
24 through their facility.

25 If that many people -- and assuming they are

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1 all there 90 days, and it may actually be more, 36
2 percent of their people fail and actually, according to
3 their documentation, you know, will not remain sober
4 during their stay there.

5 That means during the course of a single year,
6 they will have 14 people in one facility that can't
7 control themselves relative to alcohol on a single block
8 300 feet from an elementary school. I'm sorry. I mean,
9 which sort of gets to my point. You know this now. This
10 is part of the public record. I have a real problem just
11 in term of your risk issues.

12 Two more very brief points. I see the red
13 light flashing. Number one, police reports. I have a
14 facility on either side of me. My wife has been
15 threatened. My daughter has now. I have. And frankly,
16 when we get to that facility, I'm going to come in with a
17 trash can that's about this far away from a gas tank that
18 is scared with cigarette butt burns in it. And I've had
19 the fire department tell me not to bother them.

20 Last point is, if we're going to go through
21 this process, I promise you, I will gather the evidence
22 that it will take to either make people run right or get
23 run out of business.

24 But this gentleman's observations get real
25 interesting. You have two different things that are

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1 going to happen. One is you're going to raise all sorts
2 of privacy issues, horrendous ones.

3 And secondly, what you're telling us -- and I'd
4 love to have the police come in -- is to need to call the
5 police every time anything happens, because that's all
6 you folks seem to think matters.

7 And otherwise, we're continually subject to
8 harassment, intimidation and the like. And
9 it's -- you're setting yourself up that you're going to
10 need triple the size of the police force because you will
11 get those calls because you've invited them.

12 MR. ALLEN: Who would like to follow that?
13 Anyone else? Is anyone waiting to be last? Someone
14 raising their hand?

15 MR. LISKIN: I'd just like to make sure that
16 the questions I asked are going to be answered.

17 MR. ALLEN: The Applicant will be offered the
18 opportunity to respond to this after the public hearing
19 is concluded. Thanks.

20 MS. MC NEISH: Cindy McNeish. I live on the
21 Peninsula. I just have a very --

22 THE COURT: Spell the last name?

23 MS. MC NEISH: M-c, N-e-i-s-h.

24 I have a neighbor and good friend whose two
25 children go to Newport Elementary. And she was picking

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1 up one of the kids one day. And out of the residence
2 we're talking about, there was a young man who ran out to
3 get in the car that was right in front of her. And there
4 was another man in that car.

5 And he came out, got in the car. But he was in
6 the car for 20 seconds, probably, she said. And then he
7 took -- ran right back into this facility. And she said,
8 "Oh, my gosh. I think I just witnessed a drug deal."
9 She had nothing to write on, no way to get the license
10 plate number. This car just took off. So now, she
11 doesn't let the kids ride their bikes to school. So
12 she's worried about it.

13 And one comment I wanted to make to the
14 operator is I think the principal has only been there
15 maybe two years. Just a thought.

16 MR. ALLEN: Anyone else?

17 Okay. We're going to close the public hearing
18 now. And it's probably appropriate to have the Applicant
19 have the opportunity to respond to whatever he'd like to
20 respond to here. And the one gentleman raised some
21 questions. If there's an opportunity for you to respond
22 to them, this is the time.

23 MR. NEWMAN: Sure. Thank you.

24 Mr. Allen, I'm going to answer a few different
25 questions that come up, specifically to Mr. Oberman.

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1 This lady has continually harassed me and my family for
2 the past two years. She's gone out of her way to spread
3 rumors and innuendos about me personally to the owners of
4 my building, as well as the tenants of the buildings that
5 I work at.

6 A family member that was the center of her
7 rumors called her to ask her to stop spreading rumors
8 about her. Her pattern of behavior was finally
9 documented by the Newport Beach Police Department, as
10 well as Orange County Superior Court.

11 On June 3, 2007, Ms. Oberman was stopped for
12 failing to stop at a stop sign. No big deal. The
13 problem began when Ms. Oberman provided the Newport Beach
14 police officer false information. For some reason,
15 Ms. Oberman decided to provide the Newport Beach
16 policeman with the address of Newport Coast Recovery,
17 1216 West Balboa Boulevard. She stated she lives on the
18 bay front. I don't understand why that was. I can only
19 imagine what her intentions were.

20 MR. ALLEN: Now, are you -- is this directly
21 relevant to this proceeding? Because we don't want to be
22 here to impugn character.

23 MR. NEWMAN: It's not impugning character, sir.
24 She's putting my address down of my facility, my drug and
25 alcohol facility, in order to create a statistic there.

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1 It's not a mistake. She did put down my address on that
2 citation, and she was cited for providing false
3 information to a police officer, because it was some
4 flippant move on her part.

5 She gave a false address, and there was a
6 reason for it. She was charged a misdemeanor for
7 providing this false information, and she was released on
8 her own recognizance. She pleaded no contest and paid a
9 fine.

10 This is -- the reason this is pertinent is it
11 just shows a pattern that she perpetuates. She goes
12 around and spreads rumors and innuendos, yelling fire in
13 at theater. And I'm tired of it. This lady has sat
14 across from me in meetings where I've told her, "I
15 promise I'll work with you."

16 And she says, "Great." We were in attorney's
17 offices. She acts like she's a friendly person.

18 MR. ALLEN: Let's go ahead and stick with the
19 conditions.

20 MR. NEWMAN: Okay. So now we're going to
21 go -- I want to go to the -- and I'll mention the actual
22 people that talked. Kristin, whose children -- Ingham,
23 whose children have had a hard time on the playground,
24 and her husband and her had to talk.

25 We don't have our clients on that place

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1 anywhere on the weekends. They do not go to that NA
2 meeting on the beach. They don't go there. We had a
3 couple of clients go there over the years, but they are
4 no longer allowed to attend that meeting.

5 Ms. Oberman and a few of these other people
6 know that I personally walk that boardwalk Saturdays and
7 Sundays to ensure that my clients aren't out there. I
8 know what's going on out there. There's a big problem
9 out there with that unregulated -- I don't know. I
10 shouldn't say unregulated -- meeting that's going on out
11 there.

12 I walk up and down that boardwalk, and there's
13 certainly a lot of people smoking and loitering, and the
14 City should do something about that. But it's not fair
15 that I carry the burden of every rehab on my shoulder.
16 We were there before all these other rehabs. We were
17 there before Mr. Liskin. We were there before a lot of
18 these people that are complaining.

19 We've done our best to work with everyone. And
20 it's not fair that we're being basically looked at as the
21 center of all these problems. We have a facility at 1601
22 West Balboa Boulevard, one behind us, and one over on
23 11th Street owned by the same operator. We were there
24 before all three of those facilities opened.

25 Yet, the City is telling me I have to lower my

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