

Joseph Bairian  
328 Catalina Drive  
Newport Beach, CA 92663

July 23, 2007

SENT VIA Fax and Mail

Newport Beach City Hall  
Building C, Planning Department  
City of Newport Beach  
Attn: Ms. Kay Sims, Planning Technician  
3300 Newport Boulevard  
Newport Beach, CA 92663

Re: Modification Permit No. MD2007-051 (PA2007-116)

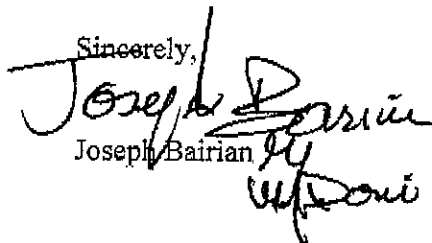
Dear Ms. Sims,

I write concerning a request to invade the city set back requirements apparently made by the residents of 332 Catalina Drive, Newport Beach. As I own the property at 328 Catalina, the proposed project is adjacent to mine.

I only received notice of the request on 16 July, and it has not been possible for me to speak to the parties making the request due to scheduling conflicts. I learned, however, that the request to violate city set back requirements includes a proposal to allow "caissons" to be permanently installed in them.

I am especially sensitive to physical intrusions into space next to my property as the city approved, and an owner built, a massive structure/house behind my property, which on account of the upslope lot and the city's then minimal set back requirements not only invades my privacy, locks light and ventilation, but my with the new propose project, destabilize my property and its foundation.

Thus, as I have not seen any plans or had an opportunity to either personally examine the proposed engineering let alone have an independent expert review their proposal and I am advised that the city will not continue consideration of this matter, I oppose the grant of the right to put any caissons or indeed any structural elements in city "set backs), regardless of whether they are above or below grade.

Sincerely,  
  
Joseph Bairian

William J. Davis  
707 Wilshire Blvd, Suite 3600  
Los Angeles, CA 90017

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Attn: Ms. Kay Sims, Planning Technician  
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Re: Modification Permit No. MD2007-051 (PA2007-116)

Dear Ms. Sims;

I write concerning the above mentioned modification proceeding concerning the residence at 332 Catalina Drive, in Newport Beach. I am the trustee for the Chevigny Trust, the owner of 324 Catalina, one house away from the "modification" site.

I never received any written notice concerning the request and therefore have an incomplete knowledge as to what has been proposed. I am aware, however, that the request involves the placement of foundation and other structures in the set-back areas, which every other property owner must meet. As such, I oppose doing so as there has been inadequate time to evaluate the engineering soundness of such a proposal.

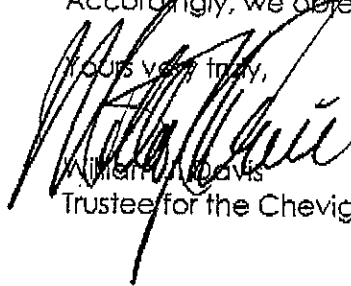
Moreover, as the property at 324 Catalina had major structural problems, the source of which was never determined, my concerns are heightened. The proposed action is very near the Trust's property - no more than approximately fifty feet away. It is therefore not merely a theoretical possibility that not only adjacent but a nearby property, such as the Trust, could be affected not only as to views (the house at 328 Catalina is one story), but as to the hill/soil subsidence.

Also, to the rear of Mr. Joseph Bairian's property, the city allowed the construction of a massive house with virtually no set-back at all. The lack of a set-back has been a disaster. Every time maintenance must be performed to the side of the house (which carries a La Jolla address) the owners typically trespass on the Trust's property. Also, its bulk on account of the upslope lot, given the absence of set-backs, is extremely difficult to mitigate not only visually, but also as to the loss of light and ventilation.

Finally, not even the owners of the La Jolla property are happy about their situation. Previous owners trespassed repeatedly to control their view and acted, since they have no open space of their own, as if the Trust's property was theirs.

This resulted in litigation -- the Trust being forced to obtain a permanent injunction to keep the occupants of the La Jolla property off of the Trust's property. Undeterred, a later owner marketed the La Jolla property as being "close to [a] Nature [preserve]", i.e. the Trust's property. The allowance of intrusion into the set-backs sets yet another dangerous precedent for future development in Newport Heights.

Accordingly, we object to any intrusion into the set-back space, of any kind.

Yours very truly,  
  
William J. Davis  
Trustee for the Chevigny Trust