

From: Vacation Concierge [<mailto:vconciierge01@gmail.com>]
Sent: Thursday, September 24, 2020 5:03 PM
To: Johnathan Ciampa
Cc: Brenda Wisneski
Subject: Jeff Perry Comments - STR Planning Commission Public Workshop

John and Brenda... my comments:

STR Pilot Program
Notes & Comments from Jeff Perry

September 24, 2020

I am a local vacation rental property manager and have been in business since 2008. We represent 10 vacation rental properties in Dana Point. Half are short and the others are long term (30 nights or longer). They're located in Dana Point, Monarch Beach, and Capistrano Beach. We also represent an additional 10 rentals between San Clemente and Laguna Beach. I am also a 17 year resident of Dana Point, however, my family moved into San Juan Capistrano in 1975 and we've been residents since.

The following are my comments regarding the STR Pilot Program and are not in any particular order. Note, going forward I will refer to all renters as guests - this subconsciously sets the tone and expectation of behavior.

Noise Nuisance

The current minimum night stay is 2 nights (for those with permits). According to page 4 of the Planning Commission Agenda Report it notes that number one complaint or 34% of all calls have been for potential noise. While anecdotal, my best guess would be that by raising the minimum night stay the amount of calls, at least regarding noise nuisances, would decrease exponentially.

It is my suggestion to raise that to at least 3 nights. I have voluntarily raised the minimum night stay to 4 nights for our homes that are not restricted by an association. It's been my experience that guests who are just looking for 2 nights are not willing to pay for the additional 2 nights so this all but eliminates those guests seeking a weekend party place. In addition, my homes don't even come up as options on either VRBO or the Airbnb platforms so this virtually eliminated any potential noise nuisance with our rentals.

In regards to that 34%... is there any data on the number of calls made by the same person? 59 calls over 3 years due for noise nuisance issues for approximately 150 vacation rentals (more if you include those that have been shut down due no permit issuance) doesn't seem like a whole lot of calls but that is the biggest percentage of call complaints. Cross referencing the source of the calls, how many calls the same source made, and from what district I believe could be valuable. This may offer insight and consideration in developing slightly different options on

how to address a noise nuisance mitigation plan going forward (example: condos vs. single family homes)

I agree that a nuisance response plan is needed, however, any punitive damages or fines should lean more heavily with the guest and not the owner and be immediate to the guest. Most owners I know try hard to be the best neighbor they can and address any issues immediately once they're notified of an issue. It's unfortunate that good owners trying their best are the ones that are fined when the offending guest will likely be gone in a few weeks. Not sure what the fine would look like exactly or how to go about that with the guest but I think it should be considered. It would be interesting to see what Newport Beach is doing.

Page 20, item 17.4 – Core Regulations

This section notes that guests shall sign a document of compliance acknowledging Dana Point's 'good neighbor policy.' The booking process with VRBO and Airbnb, which is 90% of all my bookings, would make this requirement impossible.

Guests don't actually 'sign' a rental agreement or contract anymore unless they book direct (that is my policy – I hope other owners are doing the same) and that is a very small percentage of my guests. There is a standard terms and conditions that all potential guests must agree to on both platforms before making a booking AND both platforms allow owners to add their own terms and conditions as long as they don't contradict.

I have been providing my own separate set of terms and conditions for years. I attach it to every response with the following language... *'by accepting this booking it is assumed that you, the guest, have read, understand, and will abide by the terms and conditions.'* By keeping all my correspondence and interactions on VRBO and Airbnb (as compared to a separate email or text) they are obligated to honor my terms and conditions and the conversations I have with my guests. They act as 3rd party arbitrators should the need arise. Fortunately, I've only had to rely on my terms and conditions a few times over the years but because I've been very clear with my guests about the expectations I have during their stay I have prevailed in every case.

The ability to add separate documents is already incorporated into the two platforms. This tool can be an opportunity for the city to convey the 'good neighbor policy' along with any other regulations. Of course those regulations should be written in a consistent way and distributed to each vacation rental owner so all potential guests understand the cities expectations during their stay.

Page 2 of 6 – STR Regulation – Notice Requirements

Regarding number of vehicles permitted - It is VERY common that guests will host their own guests during their stay. It is our experience that the guests of the guests understand that they are not to stay or sleep over at the rental without our explicit permission.

It is my opinion that by offering this information to the surrounding neighbors as part of the permit process as an unintended consequence it will create a 'tattle tale' neighbor and

potential conflictual situation between neighbors and will likely result in unwanted and unwarranted calls into the city. Identifying the address, owner contact information (or local representative) and the city hotline should be sufficient to work out most issues.

If the neighbor has an issue with the occupancy, too many vehicles, or improper use of the permit for which they are permitted it isn't the neighbors duty or responsibility to police the situation... that is for code enforcement or the local sheriff to work out.

Q: Change of permit – If a homeowners needs change their permit type can they change permit type at any time or are they obligated to keep it for the year and then change it on the anniversary similar to a company health insurance plan?

Page 3 of 6 – STR Regulation Type

Number 10 - *'Community Development Director may impose additional standard to STR permit holders as necessary to achieve objective of the Pilot Program'*... that language is vague and honestly off-putting and doesn't inspire any confidence that the city knows what they're doing with this pilot program. I understand the intent but I would rephrase it.

Once this program is established owners need to know they can feel secure in the program and the rules in which they signed up won't change and the rug won't be pulled out from under, so to speak. There's been enough insecurity in 2020 with the covid restrictions, businesses open / closed / then opened again and Gov. Newsom's wonky color chart that no one can quite seem to get their heads around. Let's be better than that and offer a solid pilot program the owners can count on.

Thank you,

Jeff Perry

C: 949.429.9242

TF: 1.800.791.8366

Hours: M-F 9a-5p PST

[Vacation Concierge, Inc.](#)

*Proudly representing vacation rentals in
South Orange County Beach Communities*

From: KATHY WARD

Sent: Thursday, September 24, 2020 7:55 PM

To: GAIL ROSEEN

Subject: Fwd: Short Term Rentals

Can you give me Allison's email so I can forward this to her (public comment)
STR's are on the PC meeting on Monday.

Begin forwarded message:

From: "Dana Point, CA" <webmaster@danapoint.org>
Date: September 24, 2020 at 7:50:34 PM PDT
To: KATHY WARD <kward@DanaPoint.org>
Subject: Short Term Rentals
Reply-To: Wendie Pinto <Wendiepinto@gmail.com>

Message submitted from the <City of Dana Point> website.

Site Visitor Name: Wendie Pinto
Site Visitor Email: Wendiepinto@gmail.com

When will residents get their opinion heard? I live next door to three short term rentals and I would like to share my thoughts. I moved here six years ago and to my surprise, two STRs opened up for business next door. A few years later, another one opened by the same owner. Something about being grandfathered in. Let me tell you, I'm living next door to a revolving hotel with guests coming and going daily, cleaning with crews waiting to get in, in and out, all times of day. I thought I bought into a residential neighborhood, but to my disappointment, I'm living next to a very lucrative busy business. Now I'm told, the business will be taken over by a management company who won't care one bit for our neighborhood as long as they can rent out these two day rentals. I don't know what the City of Dana Point plans to do but please let us who live here, pay our taxes, have school children, volunteer, and who actually love and live in this City, please listen to us. Thank you for your time.

From: Michael Villar <villarfordanapoint@gmail.com>
Date: September 26, 2020 at 3:13:33 PM PDT
To: KATHY WARD <kward@DanaPoint.org>, Lillian Boyd <lboyd@picketfencemedia.com>
Cc: Gary Newkirk <newkirk4dp@gmail.com>, "mike@mikefrostfordanapoint.com" <mike@mikefrostfordanapoint.com>, "Ben.bebee4cc@gmail.com" <Ben.bebee4cc@gmail.com>
Subject: Letter to Planning Commission

Hello Kathy,

Can you please forward this letter to the Planning Commission, City Manager, City Attorney, and City Council Members?

As I found out about the plans to move forward with the public workshop on short term rentals, I felt compelled to voice my concern about the planning commission moving forward on an issue that has such a huge impact on District 4 and 5 without direct representation from our two districts. I decided to reach out to my fellow candidates and I was pleased to find out they shared the same opinion (Ben Bebee did not reply). We are urging the city staff to consider

pausing this workshop and all efforts regarding short term rentals until after the November election.

Lillian,

The 3 candidates on this co-authored letter would like to see our concerns published in the DP Times to let our residents know that we are united in our view on this matter. I am not sure if this is appropriate for a "Letter to the Editor" or if it stands as its own story, please find the best way to publish our unified effort. I came up with the idea to attempt a single letter from all 4 candidates because I felt all would oppose efforts to move forward on short term rentals since 73% of them are found in District 4 and 5. Even though we have slightly different views on what we want as the outcome on STRs, I was happy to see we all agreed that the process should be paused until our Districts have a voice in the conversation. I am grateful to both Mike Frost and Gary Newkirk for their input into this letter. Ben Bebbe did not reply to my e-mail attempts or voice message. Hopefully he will respond before you publish. I would guess he feels the same but I do not know that for sure. Please feel free to contact me if you have any questions.

Thanks

Michael Villar

To: Planning Commission Members

CC: City Council members, City Manager, City Attorney and Dana Point Times

RE: Public Workshop on Short Term Rentals

We are writing you in a spirit of cooperation and collegiality as candidates for Dana Point City Council in Districts 4 and 5. As noted in the staff report for the Planning Commission meeting to be held 9/28/20, <https://www.danapoint.org/home/showdocument?id=31498>, a full 73% of existing STRs are located in Lantern District and Capo Beach, two districts which currently have no direct representation on City Council. We are joining together on behalf of our future constituents to ask you to consider delaying the public meetings on STRs at least until after the November elections, when all areas will have an elected representative looking out for residents' interests.

As candidates, we might have our own differing views about what restrictions should be placed on STRs but we are united in our view that District 4 and 5 deserve to be a part of the conversation. Many people feel strongly about changes to residential zoning affecting their neighborhoods and way of life. One of the reasons Dana Point went to districts is to ensure that each of our communities will get a voice on issues that affect their lives. While we do have confidence in our city staff, after this election in November each district will finally have their own council member and each will have an equal voice on council. We ask that you delay the process until the new council members from District 4 and District 5 have been elected and are in position on city council.

Respectfully submitted,

Michael Villar
(Benjamin Bebee did not reply to numerous attempts for a response)
Candidates for Dana Point City Council District 5

Michael Frost
Gary Newkirk
Candidates for Dana Point City Council District 4

From: taryn tennant <ttenant76@gmail.com>
Sent: Friday, September 25, 2020 4:40 AM
To: Johnathan Ciampa
Subject: STRs in Dana Point

I am a 9 year resident of Dana Point. I would like to see a moratorium on all new short term rentals in our city. STRs should be required to register with the city, show proof of safety requirements, be required to carry additional liability insurance and have an emergency contact that resides no more than 20 miles from the property.

There are at least 2 STRs on my block and while most who visit are quiet, we have had multiple times where the homes were rented to those who used the home for loud parties and a few that left debris on the adjacent properties. Businesses do not belong in residential areas.

Please help to keep STRs out of Dana Point.

Thank you
Taryn Tennant

From: Gary Zelasko <gary@lasting.city>
Sent: Friday, September 25, 2020 6:38 PM
To: Johnathan Ciampa
Subject: I am a homeowner in Dana

And I am adamantly against short term rentals. Don't allow Dana Point to become like Newport. Who's getting paid for this? Cut the crap.

Sent from OX Mail

From: Paula Page <paulapage1@gmail.com>
Sent: Saturday, September 26, 2020 12:20 AM
To: Johnathan Ciampa
Subject: Short Term Rentals

Dear Mr. Ciampa,

I am a retired Realtor and totally against short term rentals in residential communities. They are a total nuisance and bring down property values. Hotels, motels and timeshares are your short term rentals.

Dana Point is a unique, classy community and I would like it to stay that way.

It has come to my attention that short term rentals are about to be forced upon us in the form of an ordinance. I sincerely hope that this doesn't come to pass! Would **you** want to live next door to one? How will you feel when property values on your street go down because of the nuisance short term rental?

I am lucky enough to live in an HOA whose CC&R's don't allow short term rentals. And, I will be recommending to all others who aren't in such a community to amend their CC&R's to be more restrictive which will take precedence over an ordinance. <https://realestate.findlaw.com/owning-a-home/cc-r-basics.html>

When showing homes to prospective buyers, Realtors must disclose everything to the buyer. Just as soon as we disclose the presence of a short term rental on the street one of two things happens... either they say, "take me to another community" or, if they are still interested in the property because it is the **perfect house** they say "let's put in a low offer". And, if that offer isn't accepted by the seller... they then want to keep looking.

Please help to keep Dana Point the unique and classy city that it is today. Don't allow short term rentals in residential neighborhoods.

Respectfully submitted for your consideration by

Paula Page
24426 Moonfire Drive
Dana Point, CA 92629

From: Michael Hoffman <mhsenex@gmail.com>
Sent: Saturday, September 26, 2020 7:18 AM
To: Johnathan Ciampa
Subject: No STRs

STRs in my HOA neighborhood have invited undesirable, unfriendly renters who ignore rules, degrade property, bring in dangerous dogs. My own therapy dog was attacked on Sept.19 by dogs owned by Shayne Michael Khalil (an STR) at 49 Saint Michael in DP.

Blessed, not stressed -
Michael Hoffman, Dr.AD
43 Saint Michael, DP

From: Jim Kelly <jameskellyjr@cox.net>

Sent: Saturday, September 26, 2020 12:30 PM

To: Johnathan Ciampa

Subject: Against a New Short Term Rental Pilot Program, Public comments for Public Hearing Mon.9/28/2020 6PM

Dear Planning Commission, and Dana Point City Council, and City Staff:

I am against expanding Short Term Rentals (STR's) beyond the current amount we have in Dana Point.

64% of the STR's are owned by people who do not live in Dana Point.

Only, 22% of the \$122,000 issued in fines have been collected. This clearly implies we do not have the ability to manage and administer the STRs we already have, never mind expanding them.

The council has ignored their own survey that showed the **majority of residents are opposed to investor owned short term rentals (STRs) in residential areas.**

Let us have the Dana Point City Council focus on making Dana Point a better place to live for the residents who already live here.

Jim Kelly, Homeowner #Lantern District #4

From: Jim Kelly <jameskellyjr@cox.net>

Sent: Saturday, September 26, 2020 12:54 PM

To: Johnathan Ciampa

Subject: Public Comment Public Hearing Monday 6P Sept. 28,2020 Short Term Rentals

To: John Ciampa, Senior Planner City of Dana Point, CA

I am opposed, expanding Short term rentals. A survey of 500 residents showed 59% of the people surveyed opposed investor owned STR, however, the Dana Point City Council insisted outside investors be included in a new pilot program.

Why is the City conducting a Short Term Rental (STR) public hearing during a Pandemic when public access is limited? Did the 4,000 signers of the referendum against the last STR ordinance, receive advance notice of the hearing? Three out of the 4 current voting council members who are making the majority of the decisions on the STR's do not live in District's 4 and 5 where the majority of the STR's are located. Three out of the 4 current city council members voted not to put a new STR ordinance on the ballot for voters to approve. Thus, any new ordinance will be approved by council members who do not have the majority of STR's in their district, or resident approval.

The city staff report states “761 code cases have been initiated for violations of the Short Term Rental business regulations, 722 of those were for unpermitted STR. Most owners ceased operation after receiving a Notice of Violation. However, citations/fines were issued to 141 owners **who continued to operate** after receiving a NOV. “

Mrs. Carol Kelly, Lantern district #4, Homeowner

From: Jill fabricant <jolieandmaji@gmail.com>
Sent: Saturday, September 26, 2020 4:44 PM
To: Johnathan Ciampa
Subject: Short term rentals

Good Afternoon

I live in Dana Point and would like to lobby for short term rentals in Dana Point PROVIDED owners of the units live on the premises. This would allow owners to benefit from extra income while also providing continuous onsite management. This allows for any issues to be remedied quickly while providing oversight of the property. In fact, short term rentals with onsite management are a very safe alternative to hotel stays and also provide tourism revenue to the city.

Please do not hesitate to contact me with any questions or for discussion.

Thank you for your consideration and hopeful resolution of this issue which has been pending for so long.

Jill D. Fabricant, Ph.D.
Sent from my iPhone

From: Jeff and Pati Stanford <stanfordjp@verizon.net>
Sent: Saturday, September 26, 2020 10:03 PM
To: Johnathan Ciampa
Subject: Input for Monday 28 Sep STR meeting

Mr. Ciampa,

I own a condominium at 2 Corniche Drive, Unit D, and have rented it out off and on to short-term vacationers for six years now.

I read on the City of Dana Point Facebook page that Monday 28 Sep will be a discussion in Chambers about Short Term Rentals and a Pilot program. I was interested in experiencing the proceedings but noted that COVID 19 will limit in-person participation. I suspect I might not be able to get in.

That said, I want to make sure you and the Council are aware that I was present a few years ago when the Council tightened restrictions on short-term rentals, and implemented a registration program to oversee properties that were rented. I was early enough in the program to be

grandfathered in, and continue to hold allowance to rent my property in the short term. I have appreciated the oversight Dana Point has maintained, and believe that I have maintained renters who are vetted and contribute to the upscale atmosphere in the city. They have and continue to pay short-term rental taxes.

I welcome continued STR regulations, and hope the enhanced ones envisioned continue to allow me to rent my property to a respectable clientele, whose presence brings dollars to the community and the Council's budget. I think that openness to vacationers/renters in Dana Point is something that promotes vibrancy and is part of the lifeblood of Dana Point. Having a short-term rental policy that is robust yet controlled through oversight is very positive for the city. I urge the Council and the city to continue to allow it.

I apologize that I was unable to locate and view the Planning Commission's You Tube channel that discussed matters pertaining to this issue, which was suggested on the DP Facebook page. I would be very interested in viewing it prior to Monday's meeting.

Also, if you have any further advice on whether the public will be able to attend the Monday meeting, please let me know.

Jeff Stanford

From: Andrea Fitzpatrick <andrea26@me.com>
Sent: Saturday, September 26, 2020 10:13 PM
To: Johnathan Ciampa
Subject: Short term rentals

As a homeowner on Aurelio Dr. I would like to go on record as bring against short term rentals in Dana Point for shorter than 30 days.

Andrea Fitzpatrick

Sent from my iPad

From: Cindy Fleming <cfleming@flemingalliance.com>
Sent: Sunday, September 27, 2020 10:16 AM
To: Johnathan Ciampa
Subject: Short term rentals

Johnathon –

We are writing this note in regard to the short term rental item on the Planning Commission agenda for tomorrow (9/28).

We have used short term rentals since the 1970's all over the world and generally prefer them to hotels, that is **IF** they are what they were always intended to be – a room or apartment that a home owner-resident rents on the same property that homeowner lives on. This is nearly always a win-win situation with us gaining a 'local' perspective and truly experiencing the culture of the place (why we travel in the first place) and the homeowner gaining some income. The experience is nearly always warm and much more enjoyable than a hotel. We become in effect 'friends of the family' that hosts us.

Absentee owned short term rentals are a completely different experience. They are no more than a hotel with no service. This is a much less friendly experience because neighbors are understandably guarded about the strangers in their neighborhood. These STR's are clearly a business – not a residence.

For most people, their biggest investment is in their home. They have chosen their home because it is in a residential zone that promises a residential neighborhood with very limited home office uses. Zoning tells us what we can do with a property and what we can expect. By purchasing property in a residential neighborhood we agree to use it according to the zoning and the City promises to treat the zone accordingly. Allowing absentee ownership of short term rentals amounts to putting a hotel in the middle of a residential neighborhood. It is in conflict with the zoning and the promises made to all other residents who live in that neighborhood.

Dana Point has a long and consistent record of lack of enforcement of . . . anything. We already know that absentee owned short term rentals that have been rented for large parties (the most egregious of violations) have not been shut down.

Fair is fair and I do not advocate for pulling the permits of absentee owned STR's that already exist but these permits cannot be transferred in any way and adjacent neighbors should approve their renewal. Once the property changes hands or their STR permit expires or is lost, it should only be used for STR if the property owner lives on site.

We are for property rights. Homeowners in residentially zoned neighborhoods have an absolute right to expect that those neighborhoods remain residential. They also have the absolute right to rent a room or apartment in their home or on the same property as their home for whatever term they deem appropriate for similar use.

Please include this in the record and ensure that each of the Planning Commissioners read it.

Thank you,

Rick and Cindy Fleming
24361 Santa Clara Avenue
Dana Point

From: Lynn Nelson <lynnknelson@cox.net>
Sent: Sunday, September 27, 2020 11:57 AM
To: Johnathan Ciampa
Subject: Dana Point STRs

Having read through the documents regarding STRs in Dana Point, I strongly support a public vote regarding any increase in numbers or changes to those ordinances already in place. It is even possible that I would support denying STRs completely.

CKW Nelson
64 Saint Michael
DP

LYNN WELLS NELSON
lynnknelson@cox.net

From: L Laura <llanier96@gmail.com>
Sent: Sunday, September 27, 2020 5:26 PM
To: Johnathan Ciampa
Subject: Short Term Rental Pilot Program

Hi John,

I recently found out you were the contact for the short term rental pilot program, I tried to call last week and received a message you were out until October. I previously made a request to participate in the program but was given the wrong contact person.

I would like ability to obtain a short-term rental permit, I have tried to obtain one in the past but have been unsuccessful. This is the only residence I own and unfortunately, I had to quit my job to care for my Alzheimer's mother. I would like to rent my property part-time to help supplement my income, I will be very respectful of my neighbors, screen renters carefully and be extremely responsive to any and all issues. I would hate to lose my property because I need to take care of my mom and am incurring increased expenses at this time. When I'm no longer capable to care for my mother, I plan to move back to my residence.

I would like to participate in the short-term rental pilot program. I would like additional information on the application process in order to apply. Thank you in advance for your time and consideration, I appreciate it. I look forward to your reply.

My best, Laura

Laura Lanier

54 Corniche, Unit H
Dana Point, CA 92629
(949)244-1097
Llanier96@gmail.com

From: Traci Ross <soonertraci@gmail.com>
Sent: Sunday, September 27, 2020 7:04 PM
To: Johnathan Ciampa
Subject: QUESTION FOR STR WORKSHOP

Hello! Thank you for the chance to offer opinions and to learn at the workshop. While unable to attend due to Covid 19 concerns, please address this two-pronged question at the upcoming meeting, as I will be watching via the YouTube Channel.

Referencing HOA approval:

Why does the Section regarding HOAs not have any delineated guidelines for STRs within the COASTAL ZONE?

According to the Coastal Commission, HOA's cannot prevent STRs within the Coastal Zone. Why then, would any HOA have grounds to prevent STR's within a community within the boundaries of Dana Point's Coastal Zone?

Regards,

Traci Ross

From: Michael Villar <villarfordanapoint@gmail.com>
Sent: Sunday, September 27, 2020 9:24 PM
To: Johnathan Ciampa
Subject: Planning Commission Workshop on STRs

Mr. Ciampa,

I am writing to voice my concern over the workshop that is starting on September 28th on short term rentals. This issue has been lingering in our city for far too long and I appreciate that the city staff and city council would like to see the workshop get us all closer to a final conclusion but I do not understand why there is no plan to utilize the residents of Dana Point as the final approving authority. We have such an intelligent and engaged populace. The residents of Dana Point are passionate about this issue and have the right to way in on the final decision. The reason why this issue has been unresolved for so many years is because our city council is determined to be the final voice on the matter. But the power of local government is that because our residents are so close to the democratic process, city council does not have to

resolve every issue. We can utilize the the close relationship between local government and our local voters and allow them to decide the final outcome. It relieves the pressure on city staff and city council and we all know it is the right thing to do in this situation. I get it, residents are allowed to attend the workshop or write letters but the COVID restrictions severely limit attendance in person and letters do not always capture the passion of the author. But a vote is undeniable and demonstrates a clear and concise voice for every resident. It is time to stop kicking this issue around and give it to our residents so it can be resolved once and for all.

Sincerely,
Michael Villar
Resident, Capo Beach

From: Patricia Happy <phappy@hcpsocal.org>
Sent: Monday, September 28, 2020 5:58 AM
To: Johnathan Ciampa
Subject: STR letter

Dear Council members:

As a long-time resident of Capistrano Beach, I ask that my comments be read into the record regarding short-term rentals. Short-term rentals can have a huge impact on a community and as such, I feel that the community should get a say on whether or not they want to allow them or with what restrictions they should have. It seems blatantly unfair that council members who live in an HOA that is protected from the problems that STRs can cause, are able to make this decision.

I understand that there are strong feelings on both sides of this issue, but also believe that there is plenty of middle ground in which a consensus could be reached. A committee of residents should be formed to hammer out an ordinance that both can live with and then it should be put to a vote by the residents. While I do not oppose principal residence STRs or home stay rentals, I am opposed to investor-owned properties being rented out in this fashion.

Please let us vote on the final ordinance.

Sincerely,

Patricia J.M. Happy
34571 Camino el Molino
Capistrano Beach, CA 92624
949-489-7743

From: Rhonda Handke <rhandke1214@msn.com>
Sent: Monday, September 28, 2020 8:21 AM
To: Johnathan Ciampa

Subject: Short term vacation rentals - NO

I want to express my resolute opinion that the LAST THING this city needs is short term vacation rentals! We will already have streets clogged with people, cars, delivery trucks and moving vans from the new apartments/businesses the City Council approved via the Majestic bait and switch play Adding more activity (and parties no doubt) IN OUR NEIGHBORHOOD is not what the people of Dana Point want. The question for me is 'Will this City Council care?'

Concerned citizen,

Rhonda Handke
24621 Santa Clara Ave

Sent from my iPhone

From: RYAN HOLLETT <rhallett44@yahoo.com>
Sent: Monday, September 28, 2020 9:30 AM
To: Johnathan Ciampa
Subject: STR

Hello,

I am a resident in Dana Point, Capo Beach. We call this beautiful beach town home and as neighbors we look out for each other. I am hearing talks of possible STR's being allowed and I would like to voice against this. Keep the investors out who want to do STR's and keep the area full of homeowners who care about their property. Please keep this in consideration.

Best regards,
Ryan Hollett
(626) 506-7704

Sent from my iPhone

From: Becky Bryant <becky@hallmark1.com>
Sent: Monday, September 28, 2020 9:43 AM
To: Johnathan Ciampa
Subject: Against STR

To whom it may concern,

I Becky Bryant who resides in Capistrano Beach oppose investor owned Short Term Rentals and think that residents should be able to vote on the final STR ordinance.

*Thank you,
Becky Bryant*

From: Annette Szlachta <annetteszlachta@gmail.com>
Sent: Monday, September 28, 2020 9:52 AM
To: Johnathan Ciampa
Subject: public comment planning commission STR

Mr. Ciampa,

Though I am opposed to short-term rentals of any kind in our bucolic community, I believe that the residents of Dana Point should be given the opportunity to voice their opinions through a vote on the issue, and that the city council and the planning commission will abide by the residents' wishes. Thank you.

Annette Szlachta, full-time resident
Intera Way, Dana Point

From: Mark McGinn <markmcginn@gmail.com>
Sent: Monday, September 28, 2020 10:01 AM
To: Johnathan Ciampa
Subject: Planning Commission Comment

As a resident of Dana Point, I am requesting that my attached letter, in opposition to short term rentals, be read and entered into the record.

Thank you.
Mark

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Mark McGinn
33432 Intera Way
Dana Point, CA 92629
markmcginn@gmail.com

Mark McGinn
33432 Intera Way
Dana Point, CA 92629
markmcginn@gmail.com

September 28, 2020

Mary Opel, Chair
Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92629

Dear Ms. Opel,

As a resident of Dana Point, I am strongly opposed to short term rentals of any kind. I am a full-time resident of Dana Point and I do not have the luxury of renting my home out as an investment property. Short term rentals attract vacationers who do not respect the quiet of neighborhoods and can be a loud nuisance. My neighborhood is not protected by a home owners association and is vulnerable to this type of disturbance.

Although I am opposed, I respect my fellow residents and their desires. I suggest the matter of short term rentals be placed before the voters of Dana Point as a referendum. If the voters approve of this measure, I will abide by this democratic outcome.

Thank you.

Sincerely

Mark McGinn

Mark McGinn

From: Terre Thomas <terre.thomas@cox.net>
Sent: Monday, September 28, 2020 12:11 PM
To: Johnathan Ciampa
Subject: STRs

Listen to your residents and stop STRs from invading our residential neighborhoods!! Your lack of listening to your residents violates your role as an elected official. Since the majority STRs are not owned by Dana Point residents, it's hard to imagine you are listening to their interests!! I have lived with numerous drug rehab homes which you have ignored, increased crime in Capo Beach and parties that sprung up in our Family neighborhoods. Protect our neighborhoods and maintain the reason we have chosen to live in a neighborhood stop your workshops and proposals for more STR.
Terre Thomas

Sent from my iPhone

From: Ellis Kupferman <ekupferman1@gmail.com>
Sent: Monday, September 28, 2020 12:38 PM
To: Johnathan Ciampa
Subject: Today's City Council Meeting Agenda 09/28/2020

Letter Attachment for Johnathan Ciampa, Senior Planner, City of Dana Point

September 28, 2020

Ellis H. Kupferman
Dana Point Resident

Johnathan Ciampa
Senior Planner

Dear Mr. Ciampa:

I have been a resident of Dana Point for over 30 years, raised a family here and have watched this community grow successfully and thrive. I am writing to you to express great concern over what I only learned yesterday, was a meeting scheduled for today to pursue a workshop to facilitate the introduction of Air B&B operations across Dana Point to capitalize on what's been billed as a potential tax revenue enhancement to the city coffers. I don't think this position has been well thought out, nor do I believe this position would receive the support of the general community of Dana Point, were they to know what was being rushed through the administrative process by special interest groups; some of whom have little connection with this community other than financial interests.

I am also disturbed at the way this proposal is being rushed through the council without adequate review, public comment and thoughtful consideration at a time where a pandemic has limited the flow of information and public discussion of what would clearly require critical changes to the city zoning which would necessarily impact the long term health of its hotels, which have paid the lion share of taxes over the years. They too have reason to be concerned.

Most importantly, I have reason to question why a select group of people associated with the advocacy of Air B&B introduction to Dana Point, rather than the Dana Point community, had prior knowledge of what is scheduled for today's agenda. Something as critical as the introduction of the Air B&B concept to local housing in this community, requires open discussion and reasonable operating restrictions to minimize the impact of commercialization and maintain the quality of life in this bedroom community.

I suspect there is going to be a groundswell of opposition to this project and the credibility of the City Council will be in focus for what is perceived to be a less than even handed approach to deciding the utility of this proposal. If Air B&B and other related investment interests are permitted to gain a foothold here and operate without considered restrictions common to other communities in California, this will be an experiment in governance that will end badly.



Ellis H. Kupferman

From: Barbara Wilson <barbarawilsonrealty@gmail.com>
Sent: Monday, September 28, 2020 12:56 PM
To: Johnathan Ciampa
Subject: Short Term Rental Workshop

Please read my letter expressing concerns about this STR workshop

Barbara Wilson - Dana Point Resident

Planning Commissioners:

This meeting is about a pilot program for Short Term Rentals. Actually, we have had a pilot program for the last 7 years. This has resulted in hundreds of complaints from neighbors about noise, parking problems, litter, and safety concerns; not to mention compromised enjoyment of their homes.

The City has not provided adequate code enforcement of the licensed vacation rentals but also over the last 3 years the proliferation of 450 illegal ones. Neighbors of these vacation rentals have nowhere to turn but the police who many times take no action and after 9-5 weekdays City employees cannot be contacted.

Transient Occupancy Tax from STRs has been a rationale for expanding them. In the last 3 years, \$122,000 in unpaid TOT and fines have been levied and 80% of those have NOT been collected. Hotels have been the City's largest source of TOT and to diminish their business would greatly reduce the income to the City. At a time when City coffers are facing a \$5,000,000 shortfall it would be impossible to hire enough staff to respond to complaints and sufficiently identify illegal STRS

The argument that the California Coastal Commission has mandated a Short Term Rental Policy that requires investor owned STRS rather than a hosted option (where a home owner may rent out space in their home as they remain in residence) is false. The hosted option has received a nod from the Commission and is the program that is operating in LA, Santa Monica, Laguna Beach Santa Barbara and many cities throughout our state and the nation.

The need to keep residential areas residential and preserve housing for renters is recognized by the vast majority of Dana Point residents as evidenced by the over 4000 signatures received overturning the last City STR ordinance.

Residents do not want to live next door to a mini hotel! The fact any program collecting TOT makes it a business. At the very least residents should have a vote on any ordinance that makes changes to their residential zoning and not be denied input by scheduling a workshop without adequate notice during a pandemic!

From: Steve Didier <stevedidier1@gmail.com>

Sent: Monday, September 28, 2020 1:30 PM

To: Johnathan Ciampa

Subject: Fwd: STR Planning Commission Workshop Public Comments (Didier) 9-28-20

Please use following version, I corrected a typo. Thanks.

----- Forwarded message -----

From: Steve Didier <stevedidier1@gmail.com>

Date: Mon, Sep 28, 2020 at 1:24 PM

Subject: STR Planning Commission Workshop Public Comments (Didier) 9-28-20

To: <jciampa@danapoint.org>

Dear Planning Commissioners,

My name is Steve Didier and I am a new resident and property owner at 34011 El Contento Drive. I currently work for the City of Carlsbad as a Municipal Projects Manager in Public Works. Prior to my current role with Carlsbad, I served as a Senior Analyst and in 2015-16 I led a team of city staff in the development of Carlsbad's short term vacation rental ordinance and policies. I am very familiar with the issues facing Dana Point and would like to share my observations and personal recommendations in my capacity as a Dana Point property owner and resident. My comments are my own and in no way represent the City of Carlsbad. However, my writing is based on my professional experience with Carlsbad in hopes to help shape an STR program for all residents of Dana Point. I would be happy to speak with any of you directly and can be reached via email at stevedidier1@gmail.com.

I strongly urge you to visit the City of Carlsbad's internet archives to read the staff reports and watch the City Council videos available through their website and STVR page, linked here ([City of Carlsbad STVR Website](#)). Also, a Coast News article covering amendments to Carlsbad STR ordinance in 2018 can be found at the following link. [Carlsbad Amends STVR Program](#). I believe you'll find that the situation in Carlsbad was strikingly similar to what Dana Point is experiencing now. Like Dana Point, Carlsbad has a thriving coastal corridor with resident and visitor serving downtown core areas and nearby established residential communities that expand into master planned communities further from the beach. STRs presented a polarizing issue for the community, particularly for areas outside the Coastal Zone as the vast majority of STRs were inside the Coastal Zone.

Carlsbad council members expressed concern for maintaining residential neighborhoods and community character as their top priority. I believe you'll see there was majority support to ban STRs outright in support of residentially zoned uses, but concern for costly litigation with the California Coastal Commission (CCC) at that time shaped their decision. (The CCC may no longer carry the same weight regarding STRs.) The City Council ultimately approved a program that banned all short term rentals outside of the Coastal Zone, while allowing all STRs inside the

Coastal Zone. The City Council also provided crucial direction to staff to establish strong regulatory and enforcement tools, which have included additional code enforcement staffing to handle an increasing volume of STR issues and complaints, third-party professional monitoring services, and additional management support. As with most controversial issues, not everyone in Carlsbad was happy, but a lack of significant program changes or boundary complaints over four years demonstrates the public has accepted the Council's decision. And Council's modest amendments to the program in 2018 demonstrates they believe they struck a reasonable balance for the community regarding where to allow and how to manage STRs.

My first comment and recommendation to the Planning Commission is regarding the CCC. The CCC's authority is limited to the Coastal Zone. They do not have any jurisdiction outside the Coastal Zone. I have reviewed Dana Point's Coastal Zone map and it appears roughly two-thirds to three quarters of District 4 and District 5 fall outside the Coastal Zone. The Planning Commission and City Council have the opportunity to demonstrate their support for maintaining residential neighborhoods and community character by at least limiting STRs to inside the Coastal Zone where the majority of current STRs likely exist. The CCC should not carry any weight regarding STR decisions outside of the Coastal Zone. I recommend city staff provide a mapping of the current known locations of STRs inside and outside of the Coastal Zone for Planning Commission and City Council consideration.

The CCC has historically overstepped its authority regarding STRs in long established residential zoning areas when their authority is/should be limited to coastal development regulations. The CCC has forced STRs into long established residentially zoned neighborhoods in a misaligned effort toward their goal of providing greater public access to coastal resources. I do not believe the CCC has ever considered the impact of their past actions on residential communities with the proliferation of hotel-owned STRs, which is coming.

The future of STRs continues to be disturbing. As a student at Cornell University's School of Hotel Administration in fall 2019, my daughter was privileged to receive weekly presentations from world class faculty, hospitality industry leaders, and CEOs from around the world. During her experience, she learned that several major hotel brands are expanding their business models into STRs to compete with AirBnB and VRBO. They have already started implementing plans to purchase residential properties in vacation destinations around the world and market them as STRs on platforms like AirBnB and VRBO. Please read this linked article about Marriott Hotels' venture into the STR market with plans for expansion into residential neighborhoods like Dana Point's over the next decade. [Marriott Enters Home Sharing Market](#).

Would the ownership of a residential home by Marriott, or any other hotel brand, change your opinion that STRs are commercial and not residential uses? Would you want Marriott and Hilton cleaning vans and crews rolling into your neighborhood everyday to service their cache of STR properties up and down the street? This is what's coming to Dana Point if unrestricted STRs are allowed in residential neighborhoods. Hotel brands will quietly begin to acquire residential properties and before long entire streets and neighborhoods will become hotel properties. More than any other evidence, the hotel industry's actions to expand into STRs

clearly demonstrate that STRs are commercial/hotel uses and should be banned in residentially zoned areas.

In addition, you'll find that local real estate professionals are currently trying to buy up as many local properties as they can, particularly in Districts 4 and 5, in anticipation of lucrative STR opportunities. I'm sure these people are well aware the hotel industry is right behind them, so they are banking on a good return on their investment to either run their own STRs or sell them to hotel brands ready to pay top dollar to expand in Dana Point. Would the CCC continue pushing for STRs in residential neighborhoods if they understood their efforts are already starting to backfire by pushing residents out, which could turn cities like Dana Point into enclaves controlled by corporate interests? I think the CCC should take a closer look at what they've started. They would be better served to reach their goal of providing greater public access to coastal resources by working with cities to fund and purchase available coastal land and facilities and designate them for permanent, open, public space uses and coastal access points. Have those type of alternative opportunities in Dana Point been discussed with the CCC?

The CCC is effectively denying a voice to residents and property owners not otherwise protected by homeowners associations (HOAs) with codes, covenants and restrictions (CCRs) that prohibit STRs. If the CCC's authority is so powerful that it can require an incorporated California municipality to allow STRs inside the Coastal Zone, wouldn't that authority then also apply to private, gated communities with properties inside the Coastal Zone, thus rendering their CCRs null for those properties? How is any HOA more powerful than an incorporated California municipality or the CCC (i.e. the State of California)? Do these HOAs need to be alerted by the CCC or the City that some of their property owners inside the Coastal Zone may not be able to prohibit short term rentals due to the CCC/State's authority? What are the CCC and City Attorney opinions on this issue? These should be explored.

Some may argue that residents in non-HOA neighborhoods can petition to create an HOA for their residential tract and establish their own CCRs to restrict STRs. That argument is hollow. I'm sure city staff can describe the required process and attest that such an effort would be monumentally more challenging than trying to establish an underground utility assessment district. In non-HOA neighborhoods, the city's council and commissions effectively serve like an HOA board and should consider STR interests as they would in the privately gated, HOA communities in which they may live.

I have reviewed the resident STR survey data that was presented to the City Council at its meeting on July 21, 2020. I found it surprising the survey data includes results from 10% of respondents who currently own STRs. The intent of the survey was to determine public perception of neutral residents regarding STRs. Obviously, the 10% of respondents who already own STRs are going to support all manner of STR uses, which would heavily skew the survey data by more than double the survey's margin of error. For the survey results to be valid, those 10% of respondents who own STRs should be removed from the survey results and the data be

re-evaluated. At a minimum, the survey results should be repackaged and represented with and without the responses from the 10% who already own STRs.

Despite the inclusion of STR owners' responses in the survey results as presented, the data still overwhelmingly support the public's direction to Council that any STR program should come with significant and meaningful restrictions, if not banned altogether. This was clearly demonstrated by city staff's recommendation to proceed with development of a "home stay" model STR program. The staff report and presentation to Council on July 21 did not provide any evidence or analysis of the survey results that would support the City Council's direction to proceed with development of a program that may allow unrestricted STR uses throughout Dana Point. Hopefully the public process initiated will allow the community and decision makers the opportunity to re-evaluate the survey results accurately and develop a program that truly considers the interests of all Dana Point residents. It is unfortunate the city has chosen to consider an issue as controversial as STR program development during the COVID-19 pandemic. I recommend the city table development of any STR program until the COVID-19 pandemic restrictions are lifted to provide the Planning Commission and City Council the opportunity to receive public comment and witness testimony on both sides of the issue in person. Approving any kind of controversial and polarizing policy during a global pandemic could bring the perception that the city moved forward under the cloak of darkness without adequate and meaningful participation from the public.

Like Carlsbad, Dana Point must be prepared to immediately support the necessary administrative and enforcement requirements of any STR program the Council may choose to implement. Prior to 2016, Carlsbad historically responded to STR complaints through the police department, typically noise, trash or trespassing. However the police department did not have any means of, or direction to, segregate STR complaints from any other type of call. So there was no way to determine the true number of historical complaints related to STR operations. As Dana Point contracts for police services with Orange County, I expect any STR program will require a coordinated effort to ensure both entities are responding to and tracking data consistently and accurately to guide future decision making. The available historical data in Carlsbad was similar to that recently presented to City Council for Dana Point. My recommendation is not to consider past complaint history in your decision making, because it is not accurate. The issues and types of complaints are real and are more prolific closer to the beach, bars and restaurants. Use the potential impact of STR uses (trash, noise, overcrowding, administration, enforcement, etc.) and how you expect city staff to efficiently and effectively manage any program to guide your recommendations and direction.

Regarding staffing needs, Dana Point will need more code enforcement staff with dedicated management oversight and third-party STR compliance tracking to adequately manage any STR program. Carlsbad tried to implement their new program with existing staff. They quickly realized they needed more staff to support both resident, STR permittee, and other departments' (finance/attorney/city manager) needs. They added .5 FTE in code enforcement to handle complaints and field monitoring of properties operating without an STR permit. Existing code enforcement management absorbed their level of the workload. Carlsbad also

contracted with Host Compliance, whose software searches vacation rental websites to find STR ads listed in a community, which can then be researched further by staff for compliance with city regulations. Carlsbad code enforcement also worked with their finance department to plan for increased business licensing and collection and enforcement of transient occupancy tax (TOT) revenues. The projected revenue from adequate TOT administration and enforcement should more than cover the staffing and professional services needs to manage any STR program. I recommend city staff evaluate the staffing and resource requirements and have those in place if/when any STR program is implemented.

Short term rentals also put more strain on Dana Point's affordable housing rental and purchase stock, particularly residents with fixed incomes and seniors. When a residential property is converted to a commercial STR use, the potential value of, and rental revenue stream from, that property will increase, but neighboring property values will decrease due to the STR next door/nearby. Unrestricted STR programs have and will encourage property owners, resident and non-resident, to convert their properties to commercial STR use, thus pushing out long term residents and decreasing opportunities for more affordable rental and purchase housing close to the beach. This is one of the specific impacts STRs can have on residential neighborhoods that the CCC has not adequately considered. The impact is counter to their stated goals.

I can appreciate that development of any STR ordinance is hard. The process in Carlsbad took 18 months and two years of operations to dial in. You all have a difficult task that should not be relaxed by taking an expedited and easy path, like just allowing unrestricted STRs everywhere, without first listening to Dana Point residents. If that communication with residents does not come via a public vote, hopefully a public participation process outside of a pandemic that considers a wide variety of STR program options will help the community come to some level of compromise. While I would prefer the city to ban STRs in all residential zones, I realize that may not be feasible due to the CCC, or even desired by the current majority on the City Council. I believe there are enough opportunities in commercially zoned areas and coastal access points to serve the public who live in or visit Dana Point. But here is a summary list of my recommendations and suggestions for options the Planning Commission and City Council may want to consider to bridge the divide in the community. I appreciate you taking the time to read my letter and considering my ideas. I wish you all the best in your decision making.

STR Policy and Program Recommendations and Opportunities

1. Wait until after the COVID-19 pandemic restrictions are lifted before passing any new ordinance to provide greater opportunity for public participation and discussion on such a controversial topic.
2. Consider taking this issue to a vote of all Dana Point residents, particularly outside the Coastal Zone, and consult a subcommittee of city residents representing all sides of the STR issue to develop the language for any proposed STR measure.

3. Should any type of STR program be established, start any program small, particularly a pilot program, by limiting STRs to inside the Coastal Zone where the vast majority of STRs already exist. This would allow city staff to establish a program and develop administrative and enforcement tools without adversely impacting the majority of Dana Point residents in established residential neighborhoods outside of the Coastal Zone.
4. Consult with the CCC to determine if their current position would require all residentially zoned properties inside the Coastal Zone to allow STRs, including HOA represented neighborhoods with properties in the Coastal Zone.
5. If you choose to implement an STR program with or without a vote of Dana Point residents, do it well or don't do it at all. Have the necessary administration and enforcement in place for the program to work and be fair for all residents. Otherwise ban STRs outright if you cannot commit to properly fund and manage an STR program.
6. Limit the maximum number of STR units the City will allow at any given time and limit the number of STRs in any given area. For example, no more than 100 permitted STR units and no more than one STR unit within 1,000 feet of the next closest STR unit.
7. Should you approve a program that limits STRs to inside the Coastal Zone, you may also consider allowing condominium or townhome complexes outside of the coastal zone to obtain STR permits if those residents can demonstrate a majority of residents approve of and/or have historically (for decades) used their properties as STRs. This occurred in Carlsbad and the Council approved STRs in two privately owned condo complexes on the Omni/La Costa Resort property that had been vacation rentals since the 1970s, technically outside the Coastal Zone.

From: lynn smith <smittycapobeach@hotmail.com>

Sent: Monday, September 28, 2020 2:02 PM

To: Johnathan Ciampa

Subject: STR'S - NEW PILOT PROGRAM- NO VOTER INPUT FROM COMMUNITY= COUNCIL MEMBERS NOT REPRESENTING THE COMMUNITY

The city of Dana Point has continued to allow STRS to "pop" in all neighborhoods, especially Capistrano Beach.

450 citations with very little of the fines/penalties collected. Why is that?? no wonder the STRS continue to pop up. the investors know that they do not have to worry about the fines. So, it appears that the council favors the investors over the community. The investor continues to prosper.

The 4000 signatures of residents who signed a petition to stop the flood of out-of-town investors from ruining our community seems to have been completely ignored by Muller, Viczorek, Federico.

Why are the three of you forcing a pilot program on us to allow more??? Will the three of you benefit in some way from this ??

Who do you represent?

Did you take an oath to represent the will of the community or do operate with respect to your own personal wishes or whims??

Which is it??

you are not allowing the residents to vote on this STR issue. seems like a blatant power grab from our community members- to deny our voice.

unsupervised mini hotels in our beach community -NO THANK YOU. THE MONSTER BUILDINGS IN TOWN ARE BAD ENOUGH WITHOUT MORE ASSAULTS ON OUR COMMUNITY.

LYNN SMITH
CAPISTRANO BEACH
RESIDENT SINCE 1971

From: John Faulkner <jmfaulkner@cox.net>
Sent: Monday, September 28, 2020 2:58 PM
To: Johnathan Ciampa
Subject: Short Term Rentals

Ms. Mary Opel
Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92629

Dear Ms. Opel,

My wife Margie and I have lived in Dana Point since November 1981, raising two daughters, and being active parts of the community over the decades. During this time we have seen much change and growth in the city, with some of it negatively affecting the reasons we love living here.

This brings-up the topic of short term rentals. We are not in favor of there being any short term rentals in Dana Point, which includes all the individual neighborhoods in the city.

The downside of short term rentals, to the full-time residents, far outweighs whatever benefits the city may gain by allowing them. Whether it be a disrespect for sound ordinances, parking,

trash, and crime, there is no upside for them being permitted. The reduction of property values, for homes neighboring a short term rental, is also a major concern.

We request that short term rentals be placed on the ballot for the citizens of Dana Point to decide if they are wanted. If short term rentals are approved by a vote, the citizens should then be part of the process setting guidelines for how they operate.

The voice of the people should be heard on this vital matter, not just the few members of a commission or the city council.

Thank you.

Best Regards,

John and Margie Faulkner
24312 Cortes Drive
Dana Point
949-683-6233 mobile/text
jmfaulkner@cox.net

From: mark zanides <mzanides@gmail.com>

Sent: Monday, September 28, 2020 3:45 PM

To: Johnathan Ciampa

Subject: STR workshop Sept 28,2020

Please see attached letter.

Mark Zanides
Dana Point, Ca.
mzanides@gmail.com

September 28, 2020

The Planning Commission
Dana Point, California

RE: September 28, 2020 Workshop on STRs

Gentlemen:

I am advised that the “Dana Point City Council recently directed City staff and the Planning Commission to develop a Short-Term Rental (STR) Pilot Program and enhanced STR regulations. The Planning Commission is holding its first workshop to obtain public input and evaluate existing and potential best management practices and regulations for the development of an STR Pilot Program.”

My comments are as follows.

Preliminarily

1. This meeting is being held without sufficient notice. I have received notice less than one week before this “Workshop”.
2. There is no urgency to hold this event during a pandemic. Our hotel TOT revenues are down. Demand for STRs is down. It is inadvisable to attempt to solicit significant public input at such a time.
3. Only one lame duck Council member represents either of these districts. It is, therefore, impossible for the staff and Planning Commission to take advantage of that Council Member’s knowledge

of and experience with his/her district and the views of the residents thereof.

Substantively

1. It is clear that this “workshop” is a mechanism whereby the three member majority in the City Council can try to obtain some political cover for their widely unpopular desire to implement a city wide STR ordinance. It bears reminding that the Council in 2016 refused to put the 2016 STR ordinances to a vote of the citizens after nearly 4000 citizens signed a petition rejecting them. Of late it has also refused to put the STR issue to a vote of the people.
2. At the outset, the staff and the Planning Commission should request and get a fully researched legal opinion as to whether it is even legal for City Council to adopt a “Pilot Program” for STRs without a zone text amendment and approval by the Coastal Commission. Since the City Attorney has already admitted that due to personal enmity from the Coastal Commission he has recommended that the City hire outside counsel to deal with Commission, this opinion should come from independent outside counsel, i.e. not the City Attorney or his firm.
3. The Lantern District and Capo Beach neighborhoods contain over 70% of the existing STRs in town. It is ridiculous that three Council members representing districts without significant STRS can lumber the other districts with STRS.
4. In addition, the staff and Planning Commission should take note of the 4000 anti STR signatures submitted in support of the repeal of the City Council’s 2016 STR ordinances, as well as the majority of citizens recently polled who oppose STRS. For the foregoing reasons the staff and Planning Commission should recommend that no ordinance [and required zoning change] permitting STRs should be adopted without a city wide vote. Alternatively, a vote on any proposed STRs should be held by district.

5. In connection with its review of the likely effect of STRs, the Planning Commission should audit STR compliance by the staff and be prepared to address: a) the [in] adequacy of the current fines for non compliance by STR permit holders, b) why the staff has only collected approximately 20% of the STR fines it has levied and c) what principled basis there is for believing that the staff is willing and able to enforce any STR regulations adopted.
6. It is customary that the real estate interests promoting STRs will deluge the staff with pro STR submissions. Special interests always are able to identify their financial interests. Unless it wishes to toady completely to these interests, the staff and Planning Commission should reach out to each of the persons who supported the referendum petition in 2016 and solicit the reason for their opposition to STRs.
7. Likewise, the staff and Planning Commission should reach out to Dana Point residents who live within one block of each current STR and solicit their views on STRs.
8. The staff and Planning Commission should systematically reach out to our existing hoteliers and request their views on the likely effect of expansion of even a “pilot” program of STRs, including, specifically, what the financial impact on our hotels has been and will be if an STR program is widely implemented.

To the extent the staff and Planning Commission believe that some of these suggestions are not within their remit, I suggest that you are not correct. As I suggested above, both the staff and the Planning Commission have a duty to solicit widely and report to the Council the views not only of the moneyed real estate interests but also the views of our residents. I look forward to you doing just that.

Sincerely,


Mark Zamides

From: m hodson <hodson_mike@yahoo.com>
Sent: Monday, September 28, 2020 3:49 PM
To: Johnathan Ciampa
Subject: Oppose STRs in Dana Point

Dear Council Members,

We voted for you to represent us. STRs are very unpopular in our community as they have a negative impact on our community. This will cause an erosion of the neighborhoods that many of us worked so hard to build.

Please do not vote to pass anything that is so unpopular with the constituents who voted for you and that you represent.

Best Regards,

Mike Hodson

From: Capo Cares [<mailto:capocares@gmail.com>]
Sent: Monday, September 28, 2020 3:54 PM
To: Johnathan Ciampa
Subject: public comment 9/28/20

Please see attached for Planning Commission meeting tonight.
Public Comment: Planning Commission STR workshop 9/28/20

Toni Nelson, Capistrano Beach

Like most residents, our home is our most valuable asset. My husband and I purchased our home in Capistrano Beach expecting that the City would respect and retain our residential zoning and that we would continue to have long term neighbors. It never crossed our minds that instead, we could end up with a steady stream of tourists next door, patronizing a commercial mini-hotel.

This so called "public" workshop is a sham. I'm not at all convinced that any opinions other than that of the Council majority members will matter. If the City truly wanted public participation they should have sent a notice to ALL residents since all of our zoning will be affected and we are all "STR interested parties". No effort was made to contact the 4,000+ citizens who signed the referendum overturning the last STR ordinance. Surely they were **very** interested. Most Dana Point residents will likely remain in the dark until STRs start showing up in their neighborhoods and the City will have cover for having run so-called "public workshops" during a pandemic.

It is appalling that you are holding these workshops during a time when people who are passionate about this issue cannot participate without risking their health. Their only choice is to have their comments read dispassionately into the record, conveying nothing of their strong feelings.

Most property owners whose quality of life and property values will be seriously affected will have no idea STRs are coming until it's too late. Was that the intention in sneaking this in during the pandemic and before Districts 4 and 5 have even elected their representatives?

Three Councilmen who we can neither vote for nor recall are intent on changing residential zoning in Dana Point. Why not simply interview them and design the ordinance they seem to want? They ignored their own resident survey and then mandated that residents will not be allowed to vote on the resulting ordinance, so why the charade of pretending our opinions matter?

Unlike much of Dana Point which is safely ensconced in HOAs, the people in the minority districts of Capo Beach and Lantern District are sitting ducks. When a majority enforces its will against a minority that has no recourse against them, we have lost democracy and have instead created something more akin to tyranny. This is another example of the majority's shameful disregard for the people they are sworn to represent.

From: Tiffany Hodson [<mailto:tiffany.hodson@yahoo.com>]
Sent: Monday, September 28, 2020 4:12 PM
To: Johnathan Ciampa
Subject: Oppose STRs in Dana Point

Dear Council Members,

I have been a resident of Dana Point for 16 years. I enjoy our quiet community and I appreciate that my neighbors are respectful of my home. I strongly oppose STRs and the commotion created by the commercial use of them. Having large groups of adults on properties very near to resident's homes, not just occasionally, but subject to that usage most weekends, is not what is intended for single family dwellings. It does not have to be a drunken party to cause disruption. Please consider the integrity of our neighborhoods and do not approve STRs in Dana Point.

Regards,
Tiffany Hodson

From: Toni Nelson [<mailto:tonidn1@gmail.com>]
Sent: Monday, September 28, 2020 4:23 PM
To: Johnathan Ciampa
Subject: planning commission public comment STRs

Hi Johnathan - Please see attached. Best, Toni

Public Comment: Planning Commission STR workshop 9/28/20

Toni Nelson, Capistrano Beach

Like most residents, our home is our most valuable asset. My husband and I purchased our home in Capistrano Beach expecting that the City would respect and retain our residential zoning and that we would continue to have long term neighbors. It never crossed our minds that instead, we could end up with a steady stream of tourists next door, patronizing a commercial mini-hotel.

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From: Alan Bell [<mailto:alanbellesq@gmail.com>]

Sent: Monday, September 28, 2020 4:35 PM

To: Johnathan Ciampa
Cc: Toni Nelson
Subject: Letter to Planning Commission - STRs.docx

I'm out of town. This is important, please read this at the planning commission tonight

September 28,2020

To: Planning Commission

From: Alan Bell, Capistrano Beach

RE: Short Term Rental Public Workshop during a Pandemic

I am writing to you because I cannot risk my health by attending this meeting in person. Please don't take that as an indication that I'm not furious that the City is trying this again. You are holding public workshops for the purpose of changing my residential zoning without my permission. You are holding these workshops during a pandemic. You failed to send a notice to every person affected by this zoning change. That speaks volumes. Does the City hope to minimize opposition and sneak this through without us noticing?

Two of the City Council members obviously didn't hear us when 4,000 residents signed a referendum overturning the City's last attempt to shove STRs down our throats. And more recently, the three-man majority didn't read their own survey. Residents were ok with home stay STRs but were clearly opposed to those owned by investors. Instead, our Council majority blithely insisted that the pilot program must include investor-owned STRs. Never mind that 72% of current short term rentals are owned by investors and that 64% of owners don't even live in Dana Point! Let's be sure to please those investors. Never mind actual residents. They don't matter.

You've already had a pilot program for 7 years now. You already know most residents don't like STRs next door and you already know that despite regulations that sound tough on paper, the City cannot enforce them adequately. It does not shut down illegal STRs effectively and does not even collect its own penalties.

Here's the bottom line. We bought residential homes. We don't want commercial hotels next door. We don't care how well you regulate them because even a well run hotel is still a hotel. And when the hotel next door has no front desk to complain to when the partying starts at 2 AM, it's not a neighbor. It's a nuisance. **We want residential uses next door. Short term rentals are businesses. They belong in mixed use or commercial areas, not in our neighborhoods.**

So stop it already. We didn't want them 4 years ago and we don't want them now. Do we have to circulate recall petitions along with the next referendum before they hear us?

From: Judy Reising [<mailto:jhreising1@gmail.com>]

Sent: Monday, September 28, 2020 5:02 PM

To: Johnathan Ciampa

Cc: Judy Reising

Subject: STRs

Dear Planning Commission,

41 years ago, my husband and I purchased our home in the Residential Duplex 14 DU/AC area of Capo Beach. We wanted a place to set down roots in a diverse neighborhood where we could have face-to-face social interactions with those who live close by. The opportunity to make these neighborhood friends is very important to me and my family.

Those social relationships have grown in spite of the fact that we have many long-term rentals in our area because we are a mixture of duplexes and single-family residences. Of the 18 dwelling units closest to us, I have met and often greet 15 of my neighbors. When new residents move in, I go out of my way to greet them and introduce myself. We support each other, share backyard garden produce, and provide a network of care. How can I do that with short-term renters?

So, my first question is: Will we in Capo Beach live in a neighborhood of "Home, Sweet, Home" or "Home, Sweet, Hotel"? Are we still a neighborhood of residents or are we going to allow businesses to take up our residential properties?

Second: Are we going to preserve the existing character and quality of our residential neighborhoods? How can we do that if people are buying up "residential" property to turn it into a "business"? The data I have shows that currently 74% of the STRs are owned by investors, 64% of them from out of town.

Third, why are homeowners in HOAs shielded from STRs but long-term residents in other areas (such as mine) have their peace, safety, and general welfare threatened? Why are businesses allowed in my neighborhood but not in theirs. I do not want to live next door to a STR. Would you?

If you must allow STRs, then allow only those that are hosted-stay STRs where the property owner is living/present at the property and they rent out rooms or other units. (On a previous survey, 72% of the respondents answered "yes" to this question and I agree.) Having the owner on site will also help solve the problems of possible noise, parking (a daily problem where I live), litter, crime, disturbance of neighbors, etc.

Our neighborhood is currently zoned residential and it should stay that way until zoning is changed by a vote of the residents. Three members of the City Council should not make that change without our input.

Respectfully submitted on 9/28/20,

Judith Reising
Dana Point Resident

From: Richard de Sam Lazaro (ELCA) [<mailto:rilazaro@expediagroup.com>]
Sent: Monday, September 28, 2020 5:05 PM
To: Johnathan Ciampa
Subject: Comments re: Short Term Rentals

Good afternoon,

Please find attached comments for the record as part of the Planning Commission's discussion on short-term rentals (STR). Expedia Group, a family of travel brands including vacation rental leader Vrbo, is grateful for the opportunity to provide input as this process moves forward.

Thanks,
Richard

Richard de Sam Lazaro
Senior Manager, Government and Community
T +1 206 660 8227



September 28, 2020

By Electronic Mail

Chairwoman Opel and Members Dana Point Planning Commission,

On behalf of Expedia Group, a family of travel brands including vacation rental leader Vrbo, thank you for the opportunity to take part in Dana Point's conversation around short-term rentals (STRs). STRs provide affordable and safe accommodations for traveling families and a critical piece of Dana Point's economy and community.

Expedia Group is proud to support balanced, sustainable regulations that meet community needs. Clear expectations around occupancy, parking, noise, refuse, and other standards as part of a simple and accessible STR licensing program are a great way to address community concerns while protecting property rights and this important part of Dana Point's lodging sector.

As this conversation moves forward, we encourage you to consider ways in which platforms like Vrbo can be partners in driving a high rate of compliance with the city's STR program. For instance, requiring platforms to request city-issued license numbers as part of the on-boarding process for property listings. Without a license number, a listing for a Dana Point property could not be on the platform. This would also result in certificate numbers being clearly displayed in a consistent place on each listing which makes it easier for regulatory staff to locate license numbers and monitor compliance more efficiently. In addition, we would welcome the opportunity to discuss regulatory options that would require platforms to remove listings flagged as non-compliant by Dana Point staff.

As more and more travelers look to vacation rentals as a safe lodging option that minimizes shared space and allows guests to clean, cook, and control occupancy in their accommodations, transient occupancy tax (TOT) revenue from STRs is a valuable asset to the city budget, as well. A voluntary collection agreement with Vrbo can help ensure full collection of TOT generated by STR, and we would be grateful to connect with finance staff to open that conversation.

Thank you again for your consideration of this issue and your work to craft a balanced, fair STR program with a high rate of compliance. Please feel free to contact me at rilazaro@expediagroup.com or 206-660-8227 with any questions or to discuss further.

Sincerely,

Richard de Sam Lazaro
Senior Manager, Government and Community
Expedia Group

From: JOHN MARSHALL <sj4ucla@cox.net>
Sent: Monday, September 28, 2020 5:23:57 PM
To: Johnathan Ciampa
Subject: short term rentals

We have lived in our home for 31 years in Capo Beach. The house next door was advertised on AirB&B as a short term rental. Our neighborhood put up with 10 to 40 people every 2 or 3 days all summer & holidays. There was no supervision. They had loud parties, parking problems, trash strewn, people, cars, ubers, coming & going at all hours of the night. They had all the windows open and would play beer pong on the dining room table. It was so loud and obnoxious and smoky. The owner of the house said she had rules but they were never enforced and she told us it was not her responsibility to enforce them. If we didn't like it to call the police. We have CC&Rs that do not allow short term rentals but no association to enforce these rules. We do not want to live next door to a mini hotel with no supervision whatsoever. This is a cul de sac with no parking and she advertised as having ample parking. There were cars, people, beach chairs, bicycles, towels, etc. all over everywhere.

Please listen to the residents who are fed up with STRS ruining our neighborhoods.

Sincerely, John & Sharon Marshall

From: Steve Didier <stevedidier1@gmail.com>
Sent: Monday, September 28, 2020 5:28:59 PM
To: Johnathan Ciampa
Subject: Didier: Summary for reading at Planning Commission 9-28-20

Mr. Ciampa,

Below is a summary of my earlier letter. I understand you will only have three minutes to read my letter, so please use this summary and include both for the commissioners. Thank you.

Steve Didier

Steve Didier: Resident

Dear Planning Commissioners,

My name is Steve Didier and I am a new resident and property owner in Dana Point. I currently work for the City of Carlsbad and in 2015-16 I led a team of city staff in the development of Carlsbad's short term vacation rental ordinance and policies.

I strongly urge you to visit the City of Carlsbad's internet archives to read the staff reports and watch the City Council videos. Carlsbad's situation was strikingly similar to what Dana Point is experiencing now. Carlsbad council members expressed concern for maintaining residential neighborhoods and community character as their top priority. There was majority support to ban STRs outright in support of residentially zoned uses, but California Coastal Commission concerns at the time shaped their decision. The City Council ultimately approved a program allowing STRs only in the Coastal Zone with strong regulatory and enforcement tools.

The CCC does not have any jurisdiction outside the Coastal Zone. Roughly two-thirds to three quarters of District 4 and District 5 fall outside the Coastal Zone. While my preference is for STRs to be banned altogether in residential zones, the Planning Commission and City Council have the opportunity to demonstrate their support for maintaining residential neighborhoods and community character by at least limiting STRs to inside the Coastal Zone. And the CCC has already committed its support for the residents' preference for a Home Stay program. The survey was clear, listen to your residents.

The future of STRs continues to be disturbing. Several major hotel brands are expanding their business models into STRs. Would the ownership of a residential home by Marriott, or any other hotel brand, change your opinion that STRs are commercial and not residential uses? Here is a summary list of my recommendations and suggestions for options the Planning Commission and City Council may want to consider.

STR Policy and Program Recommendations and Opportunities

1. Wait until after the COVID-19 pandemic restrictions are lifted before passing any new ordinance.
2. If you can't agree to ban STRs outright, consider taking this issue to a vote of all Dana Point residents.
3. Should any type of STR program be established, start any program small, particularly a pilot program, by limiting STRs to inside the Coastal Zone. This would allow city staff to establish a home stay program and develop administrative and enforcement tools without adversely impacting the majority of Dana Point residents in established residential neighborhoods.
4. Consult with the CCC to determine if their current position would require all residentially zoned properties inside the Coastal Zone to allow STRs, including HOA represented neighborhoods with properties in the Coastal Zone.
5. If you choose to implement an STR program do it well or don't do it at all. Have the necessary administration and enforcement in place for the program to work and be fair for all residents. Otherwise ban STRs outright.

6. Limit the maximum number of STR units the City will allow at any given time and limit the number of STRs in any given area.

7. Should you approve a program that limits STRs to inside the Coastal Zone, you may also consider allowing condominium or townhome complexes outside of the coastal zone to obtain STR permits if those residents can demonstrate a majority of residents approve of and/or have historically (for decades) used their properties as STRs.

From: Larry P. Armstrong <armplumb@cox.net>

Sent: Monday, September 28, 2020 5:39:25 PM

To: Johnathan Ciampa

Subject: Fwd: No on Short Term Rentals

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

Subject: No on Short Term Rentals

From: "Larry P. Armstrong" <armplumb@cox.net>

Sent: Monday, September 28, 2020, 3:54 PM

To: jclampa@danapoint.org

CC:

As a fifty year resident of Dana Point, thirty five years in Capistrano Beach. I've seen our lifestyle change from a sleepy residential beach town to a busy high density city (try parking in the lantern district or Capistrano Beach). The idea that allowing business investment come in and start mini hotels in our neighborhoods is an assault on what's left of our family based communities.

Larry P. Armstrong
26332 Via California
Capistrano Beach