

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT  
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# Th11c

**Prepared August 8, 2023 for August 10, 2023 Hearing**

**To:** Commissioners and Interested Persons

**From:** Kevin Kahn, Central Coast District Manager  
Mariana Filip, Coastal Planner

**Subject: Additional hearing materials for Th11c  
CDP Number LCP-3-CML-23-0022-1-Part B (Timeshare Provisions)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional ex parte disclosures received in the time since the staff report was distributed.

## EXHIBIT B

### EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Donne Brownsey

- 1) Name, agenda Item # or description of project: August 10, 2023 Item Th11c Carmel LCPA -3-CML-23-0022-1 Part B and Th14a Newport Beach LCP-5-NPB-23-0020-2
- 2) Date and time of receipt of communication: 8/5/23 from 9-9:30A
- 3) Location of communication: by Zoom
- 4) Identity of person(s) initiating communication: Anne Blemker
- 5) Identity of person(s) on whose behalf communication was made: Pacaso Inc
- 6) Identity of persons(s) receiving communication: Brownsey
- 7) Identity of all person(s) present during the communication: Brownsey, Blemker, Susan McCabe, DJ Moore all representing Pacaso LLC

Complete, comprehensive description of communication content (attach any text or graphic material presented):

DJ Moore provided background on the relatively new company Pacaso Inc whose business model is to provide fractional ownership homes (FOHs) with a management company that administers the conditions of the contract for use of the homes and pays the fees for services etc. Pacaso has 88 homes in the state of CA. It is their position that FOHs advance Coastal Act policies for visitor serving uses and that the higher utilizations of the homes is preferable to the STRs. They object to the restrictions of the zoning changes for these homes proposed by both the Carmel and Newport Beach LCPAs as the business model is based on buying SFRs in residential zones. They noted that there are not many SFRs in the commercial and visitor serving zones and if they are, they are most probably non-conforming uses. Moore indicated that they would be open to regulation such as caps like STRs and other regulations regarding parties, parking etc. They also noted that 56% of the homes in Newport Beach are owned by LLCs and Trusts. Finally they would like to request a Commission workshop on these issues before the Commission Acts. These items have been postponed from this month's hearing.

8/5/23  
Date

Donne Brownsey  
Signature of Commissioner

## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: \_\_\_\_\_

1) Name or description of project: \_\_\_\_\_

2) Date and time of receipt of communication: \_\_\_\_\_

3) Location of communication: \_\_\_\_\_

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: \_\_\_\_\_

5) Identity of person(s) on whose behalf communication was made: \_\_\_\_\_

6) Identity of persons(s) receiving communication: \_\_\_\_\_

7) Identity of all person(s) present during the communication: \_\_\_\_\_

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

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\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

**EX PARTE COMMUNICATION DISCLOSURE FORM**

Filed by Commissioner: Dayna Bochco Th 11c +

1) Name or description of project: Fractional Ownership 149

2) Date and time of receipt of communication: 8/3/23

3) Location of communication: Zoom

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Susan McCabe  
D.J. Moore

5) Identity of person(s) on whose behalf communication was made: Pacaso

6) Identity of persons(s) receiving communication: Bochco

7) Identity of all person(s) present during the communication: McCabe, Moore, Bochco

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8/3/23  
Date

[Signature]  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

We discussed Pacaso's desire to have more time, information and analysis of the effect banning fractional ownership would have on housing supply and affordability. Much like the STR situation, not much real analysis of facts has gone into these decisions about FO.

There are only 88 homes in Pacaso's portfolio across the state, and only 1 in Carmel. Carmel has a high percentage of homes that are second homes and empty the majority of the year. Isn't it better to have them occupied more frequently which is what fractional ownership allows.

They would like the commission to have a full workshop on housing, fractional ownership would be a very small part, but it, like our Wind Energy seminar, could shed a lot of light on what the problems are and what the appropriate remedy might be.

They also were concerned that the two staff reports, which they feel are the exact same situation, are using different methods for approving the amendments.