

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Click here to go
to staff report

Th17a

A-5-DPT-22-0038-REV (City of Dana Point)

AUGUST 10, 2023

**UPDATED
CORRESPONDENCE
RECEIVED AFTER
JULY 26, 2023**

Requestors.....	2
Applicant.....	18
Interested Parties	29

**CORRESPONDENCE RECEIVED
FROM REVOCATION
REQUESTORS**

From: [Toni Nelson](#)
To: Amitay.Shahar@Coastal
Subject: Re: reply to revocation request
Date: Friday, August 4, 2023 5:02:23 PM

Hi Shahar. Please file our reply to the revocation request as submitted below. Thank you,

Toni Nelson
Roger Malcolm

On Fri, Aug 4, 2023 at 4:59 PM Toni Nelson <tonidn1@gmail.com> wrote:

|

REPLY of REQUESTORS TO CCC STAFF REPORT OF JULY 23, 2023 RE REQUEST FOR REVOCATION # A-5-DPT-22-0038-REV

A. The City Intentionally Mised the Commission

As the Requestors undeniably established, the CCC staff report proposes that the Commission find that:

“the City **did provide inaccurate, erroneous, or incomplete information** relative to the CDP with regard to the number of HOA communities, the number of residential unit (sic) that each HOA contains, and their geographic distribution within the City’s Coastal Zone (CZ), all of which was information considered at the de novo CDP hearing. “ (Staff Report of July 26, 2023 (SR) at 12.). (Emphasis supplied).

The staff report also recommends that the Commission find:

“that the City **did make inaccurate oral and written remarks** at the de novo CDP hearing that the Capistrano Bay District is an HOA when it is not.” *Id.* (Emphasis supplied.)

Nonetheless, the CCC staff claims there is “no evidence that the City intentionally included inaccurate, erroneous, or incomplete information”... and that the City staff worked in good faith...by supplying updated information on this complex matter. The [staff] finds this is a case of “refinement of information” ...rather than an intentional effort to inaccurately misrepresent (sic) information to the Commission. *Id.* at 12,13.

This argument is flawed and unsupportable, for the following reasons.

1. Enormity of Understatement

First, it ignores the enormity of the understatement of the number of HOAs and their significance with regard to the concentration of STRs. This is not a mere rounding error or “refinement of information.” These are gross and material misstatements.

The SR itself sets forth the understatement in a table on page 11. The City falsely reported 28 HOAs with 3,287 HOA units when the real numbers are 53 HOAs representing 4,216 HOA units. The correct numbers were ONLY reported after requestor Toni Nelson persistently questioned city officials; otherwise the misrepresented numbers would have remained on the record.

An underreport of nearly one thousand units in a small community is not an error which requires ‘refinement’: it is a shockingly large and material misstatement which has not been publicly explained by the city staff, nor, apparently, in any communication to the CCC staff by the city.

It appears there have been extensive informal discussions between the city and CCC staff, but the SR report does not actually describe the “methodology” they [the City staff] typically follow which apparently resulted in the inaccurate numbers. Yet the CCC staff claims, without *any* basis, that the city staff “provided the [CCC]staff with the best and latest available data... and worked in good faith.” The reality is that there simply was no “methodology” and the information provided was not by any stretch of imagination, “the best and the latest available data”.

When questioned, staff merely showed citizens the workings of the GIS system but produced no documents or work papers supporting the numbers provided to the CCC. They gave no indication that the system was ever used to derive actual data, which would not be credible anyways since the GIS system does not show anywhere near the purported 2,400 non-HOA homes in the CZ. In fact, when pressed, staff was unable to provide *any* indication of where the purported but missing non – HOA residential units might be. One can only surmise that no diligent or even reasonable effort was undertaken to produce accurate numbers.

2. No evidence of alleged “refinement, research or analysis”

These conclusions are not only unsupported by any publicly available evidence, but are flatly contradicted by other evidence.¹ It is clear from the

¹ They also highlight the lack of transparency in this administrative process, from the underlying de novo appeal to this revocation proceeding. At the de novo hearing stage, two Commissioners (Harmon and Brownsey) granted 45 minute ex parte meetings with a city lobbyist, but ignored requests by appellant Tarantino for ex parte meetings. Here, we are informed and believe that the CCC Executive Director met with the City Manager of Dana Point on this subject and declined to stop issuance of permits even though it was

chart provided in the Staff Report that the City used 7-year old data from 2016 (which was likely also inaccurate then²) and made no attempt to verify or update it. There was no “refinement of information” or “research and analysis” as is asserted without any evidence in the staff report [SR3]. Further, staff makes the following statement:

“City staff noted that it would be difficult to obtain more recent, accurate information within the Commission’s 49-working-day period available prior to the hearing on the “Substantial Issue” question, since the City did not track which HOAs permit or do not permit STRs per their CC&Rs.” [SR10]

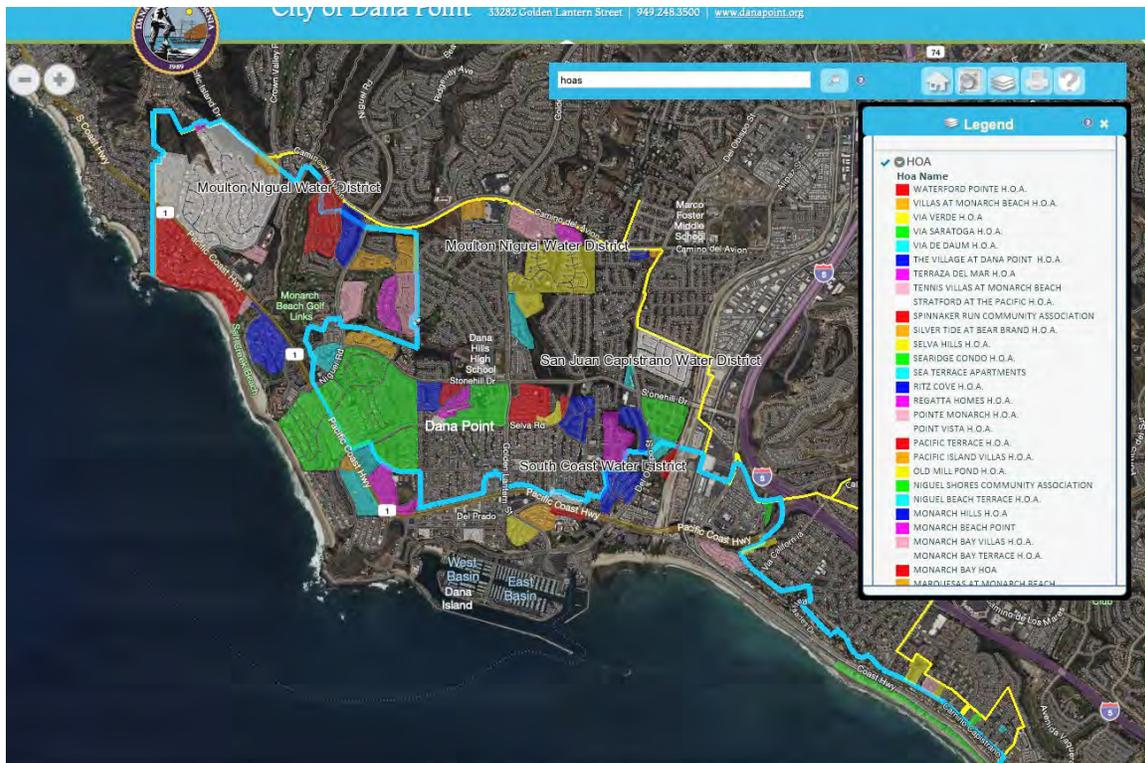
This statement is frankly, preposterous. Even a cursory look at the GIS map readily available on the City’s [website](#) (shown below) almost immediately showed citizens there was something seriously wrong with the City’s data.. There was no way that the tiny area not occupied by HOAs (much of it comprised of commercial areas and the Harbor) could possibly contain almost 2,400 residential units. This didn’t take 49 business days. In fact, we were able to determine better numbers in less than two days, simply using the GIS system and counting the number of homes by hand.

Moreover, if the City truly had no idea of the accurate number of HOAs in its CZ, a simple [google search](#) for “*homeowner associations Dana Point*” yields a [website](#) named [hoa-community.com](#) which in seconds lists 56 HOAs for the City, which could easily have been followed up with phone calls to confirm accuracy and obtain more detail.

apparent that undue concentration existed and would be greatly exacerbated. Requestors asked to meet with the Executive Director and requested ex parte meetings, to no avail. Here, the City did not deign to respond in writing to the Request to Revoke, nor has the CCC staff included any correspondence from the City on this subject, but rather reported that the city explained its methodology – to whom? When? How?. Nowhere is that methodology actually described, much less is there an explanation as to how it could have resulted in the undercount of nearly one thousand HOA units.

² We question the credibility of the information provided in 2016 as well. There is no way that Dana Point’s CZ HOAs ballooned from 28 to 53 in 7 years.

City GIS map showing HOAs (colored areas) within its CZ:



Further, city staff had filed a comprehensive state-required [Housing Element Report](#) in February, 2022, (updated in August 2022) detailing precise counts of residential units, which are also defined by housing type (see page 27). Bear in mind, this report was prepared by an experienced planning staff whose job it is to know the composition of the housing in our very small city. How did they determine housing by type without doing detailed counts throughout the city, including counts in HOA and non-HOA neighborhoods? It is reasonable to assume that working papers exist with precise calculations to support the Housing Element Data. It would have merely been a matter of reviewing the data and sorting it by CZ and non-CZ areas.

The latter part of this statement, “*the City did not track which HOAs permit or do not permit STRs per their CC&Rs*” is contradicted by the CCC Staff Report itself. Clearly, the city *did* track information as to which HOAs banned STRs, and provided that information to the CCC, because that information is reproduced in the chart provided in the Staff Report [SR3], showing such

information (although its accuracy is suspect) was available as early as 2016 with the filing of the City's LCPA.

And as to 49 working days being too short a time period to determine which HOAs have bans, the City could have simply reached out to the HOA boards, with whom they seem to have good relationships. (They managed to contact them at very short notice to hold a workshop to discuss the City-led process to create CDPs to ratify their STR bans.) Surely they could have easily asked them for copies of their CC&Rs. If that was not possible, HOA CC&Rs are public information readily available at the County Recorder's Office or on its [website](#) as required by California law.

How could City staff possibly not have had access to better information? How could any reasonable person, let alone an experienced planning staff, not question the veracity of a purported 2,400 non-HOA units in the Coastal Zone when the map clearly indicated that number was grossly overstated?

The inescapable answer is that the city staff actually knew the information presented was wildly inaccurate, or recklessly included it without even a modest effort to verify it. Reckless representations are a specie of intent: if you don't know what you are saying, and have reason to believe it may be wrong, to persist in saying it is intentional misstatement.

3. Mischaracterization of Beach Road is material and not explainable

The CCC staff finds that the city staff "did not make accurate and written remarks at the de novo CDP hearing that the Capistrano Bay District is an HOA when it is not." SR 12. The CCC staff apparently thinks that the difference between an HOA and a Special District is one of terminology only.

The CCC staff is quite wrong, and was misled in this regard by the City. The City's explanation is found at footnote 16 of the CCC staff report for the de novo hearing:

"16 ... The City considers Beach Road as an HOA for the purposes of STRs, since the District **manages short term rentals** via its bylaws (akin to CC&Rs)."

That statement is a statement of “fact” which is simply false: as a Special District Beach Road **cannot and therefore does not manage short term rentals.** (See Letter from Donal Russell, Beach Road Manager, [SR Exhibit 1, 28-33]. **The nature of the Beach Road Special District is common knowledge among those familiar with the STR controversy and is or clearly should be common knowledge to City staff. As early as 2014, Beach Road representatives have publicly communicated their community’s inability to legally ban or restrict STRs. The City staff, including the City Attorney, many of whom have served the City for more than a decade, could not possibly have been confused about this distinction.**

This is not the result of a methodology or terminology error: it is a falsehood made for the improper purpose of overstating the percentage of STRs in HOAs, ensuring the CCC would not be concerned about inappropriate concentration elsewhere. Surely municipalities have a responsibility to at least have a good faith basis for their representations. There is plainly no such basis evident here.

4. A pattern of false statements

At the de novo hearing, both the Mayor and the City Attorney repeated the false information that “91% of STRs are located in HOAs.”

To take another example, in a city staff [submission](#) (Exhibit 8 page 3) provided to the CCC for consideration at the November 16, 2022 de novo CDP hearing, the city claimed it had conducted over 3,000 “inspections” of STRs in calendar 2021 and another 3,000 to date in 2022 (6,000 inspections of at the time, only 69 STRs). The City has not produced any record of 6,000 inspections, despite a PRA seeking those records. This is further evidence that the City has made false and misleading statements in support of its STR program.

Add to this the many public comments over the years by Council members who asserted that the CCC was forcing them to expand its STR program. This was one of the reasons given for bifurcating the city’s program into CZ and non-CZ areas last year – to limit the CCC’s influence in Dana Point. In fact, the Council actually struck language in its original version of the program that called for an LCPA and CCC approval.

And few locals can forget the embarrassing history of the “Strandsgate” litigation against the CCC by the City claiming the Commission had no jurisdiction over gates blocking coastal access to a private development due to an “urgency ordinance” it passed in response to alleged crime in the area. Per a Voice of OC [article](#), *“in her scathing ruling, [judge] Trapp said the city presented “specious” arguments and concluded the nuisance declaration was a pretext used to avoid complying with Coastal Commission requirements.”*

The point is that there appears to be a pattern of disdain for the CCC which is reflected in the dishonest and cavalier manner with which this Commission has been treated.

5. Social justice issues

There appear to be two classes of citizens in Dana Point with respect to Short Term Rental issues – those who reside in HOAs and are treated to respectful consideration and protection, and those outside of HOAs who are given little to no regard. Throughout the decade-long STR saga, citizens have repeatedly urged the city to provide buffers between STRs to minimize impacts on neighborhoods; to spread STR caps over districts to avoid overconcentration; to consider the wishes of citizens who relied on the city’s protective residential zoning when they bought their homes, only to see that zoning thrown out without changing one word of actual code; and even to allow citizens to express their views at the ballot box. All these pleas, which have been repeated in public hearings, workshops, Planning Commission and City Council meetings have fallen on deaf ears.

Non-HOA residents are simply disregarded in Dana Point. In terms of social justice, what sort of city, rather than filing a simple amendment to a CDP to rectify undisputed and harmful overconcentration of STRs in certain communities, instead, allows it to continue? What sort of city then threatens a “free for all” if the CCC doesn’t deny a revocation to extinguish the fire it started itself by reinterpreting its residential zoning? The city had the power to eliminate any potential “free for all” by amending its CDP -- a reasonable and equitable request that would have reduced significant harm in neighborhoods that should deserve equal consideration.

6. City advocated for HOAs but ignored non-HOA citizen concerns

Finally, the CCC staff contends that the Commission knew that the City would “facilitate” the filing of CDPs by HOAs, and considered that in its de novo hearing [SR 14] and was “transparent in its explanation to requestors.” [SR 13].

This overstates the facts and is itself misleading.

To be sure, the staff report stated that the City would ‘facilitate’ the filing by HOAs of CDPs. What was emphatically NOT made clear is that the City would not only inform the HOAs of **their obligation** to obtain CDPs, but would charge a paltry fee of \$500 to **actually prepare the applications, draft staff reports endorsing the applications, have staff present it to the Planning Commission effectively taking the place of applicants, and then to the City Council as HOA advocates, and be prepared to represent the applicants on appeal.**³

Not only did the city provide all of the administrative and legal support to the HOAs, it reached out to them via community meetings to aid, abet, counsel and induce them to file CDP requests, all for the purpose of ensuring that HOAs would not be subject to STR applications.

As for being “transparent to requestors”, Council member Federico stated in an email to requestor Toni Nelson: “*the city is not taking any position on whether any HOA should allow or restrict STRs. We’re simply creating a process...*” [SR Exhibit 1 p. 34].

Rather than maintain a neutral position, the city took aggressive and comprehensive steps to ensure that HOAs were protected against STRs. Moreover, the STR program requires any applicant to seek a permission

³ Of course the Commission, over objection of appellants Tarantino and Zanides in the underlying appeal, made appeals of the CDPs virtually impossible by failing to require that the STR program be filed as a proper LCPA (an accommodation that has never been extended to any other city with an LCP). When citizens objected to over saturations, the City showed no such consideration. It required that appellants pay a \$250 fee for each appeal and refused a request to batch the CDPs as they had been batched for HOAs filing their CDPs with the Planning Commission. The was conveniently cost prohibitive. As was stated in the initial appeal of this program, it was a gross error for the Commission to permit an entire STR program to be created via CDP and not zone text amendment to the LCP. This Request to Revoke provides the Commission with an opportunity to rectify, in part, that error.

letter from the HOA before processing a permit, thus creating a de facto ban for all HOAs whether they certify their bans or not. This makes the City's false statements which undercount HOA residences by nearly 1,000, and pretend STRs in HOAs account for 91% of all STRs all the more material. In any case, we know now that such protections are almost moot. To date, almost all the applications are in hand, and as residents knew would happen, the only applications submitted for HOAs are located in Monarch Hills, the only HOA that seems to allow STRs. Sadly, 15% saturation in Monarch Hills means that 52 homes that could be rented long term at moderate rates will be converted to tourist accommodations.

In short, there is overwhelming evidence that the city intentionally, or at a minimum, recklessly misled this Commission regarding the number of HOAs which would have been subject to STR applications, preventing the Commissioners from understanding that they were establishing a cap that would apply to a very small number of homes and create unacceptable saturation rates.

B. The Commission Would Have Decided Differently Had It Known the Facts

The staff claims that had the Commission know the accurate facts, it would not have acted differently, but would have approved the 115 unhosted STRs in the Coastal Zone.

At present, the applications for all but 2 of the additional STR permits allowed under the 115 cap are in process. Half have already been approved. The results of the city's STR program are clear – instead of the 2% saturation the CCC thought it was approving, overall saturation will be 7%+ and two areas are burdened with concentrations of 15% (Monarch Hills HOA which allows 7-day rentals) and Beach Road 24% (non-HOA burdened with 2-day rentals in 1 of 4 homes).

There's no need for conjecture. The chart below shows the actual impact of the City's STR program in the Coastal Zone.⁴

⁴ This chart actually understates the true saturation in each of these areas. First, it doesn't account for the fact that the CDP program allows unlimited Primary STRs which can rent to tourist 60 days per year (up to 30 2-day rentals). This category of STR will be almost

Short Term Rentals in Dana Point as of 7/30/23

	Monarch Hills*	Beach Road	Other	Total	Source
Existing	31	27	7	65	City staff report 5/16/23
Applications	21	20	7	48	SR Exhibit 5
Total	52	47	14	113	
Additional Avail.				2	
				115	
No. of Homes	349	196	1156	1701	
Saturation	15%	24%	1%	7%	

* The city claims there are other HOAs that permit STRs but has not disclosed them.

Data disclosed to date indicates that all HOA STRs are in Monarch Hills.

The Commission staff recognizes, as it must, that “[the]requestors’ argument that **HOA prohibitions of STRs effectively ‘saturate’ STRs in non-HOA areas is correct**” [SR 15],⁵ but claims that “the degree to which HOAs would do so is within the realm of what the Commission considered appropriate in its action on the STR Program, **based on the best and latest available evidence.**” *Id.* (emphasis supplied.)

impossible to enforce, and opens the city to a significant opportunity for abuse. In the CZ, this will mean even more saturation. Secondly, it does not account for the proliferation of illegal STRs in the City. Former appellant Tarantino showed in the de novo [hearing correspondence 2](#) (pp. 10-11) that the actual number of STRs operating at any one time can be more than double the permitted number of permits per an investor website, AirDNA. At a meeting with the Beach Road Board of Directors on August 1, 2023, staff and directors indicated that there were many illegal STRs still operating on Beach Road.

⁵ We know the saturation rate. For this reason, the staff claim that the three year study mandated by the Commission to, among other things, consider proposals to “mitigate against (sic) the geographic clustering of short term rentals in the Lantern District, Doheny Village, and Beach Road [SR 16] will address the saturation issue is beside the point. We know the saturation results now. It was not an unforeseeable consequence of the city’s strategy, but rather it was not only predictable but was the intended result. The city ought not ask this Commission to avert its eyes to what is plainly before it as a result of the city’s own actions. As Commissioner Harmon stated at the de novo hearing, “*a lot of damage can happen in three years.*”

But Commissioners did **not** have the best and latest available evidence. As the staff itself admits “the City **did provide inaccurate, erroneous, or incomplete information** relative to the CDP with regard to the number of HOA communities, the number of residential unit (sic) that each HOA contains, and their geographic distribution within the City’s Coastal Zone, all of which was information considered at the de novo CDP hearing. “ (Staff Report of July 26, 2023 (SR) at 12.).

Not only did Commissioners not have the best and latest available information, as we have demonstrated, it **was** readily available.

So the question before the Commission is this: would you have authorized 115 non hosted STRs in the CZ if you had known the city underreported HOAs by nearly 1,000; misrepresented Beach Road as an HOA; falsely stated that only about one half of HOAs banned STRs; and that it intended aggressively to subsidize and advocate for protective HOA CDPs which could not be contested without undue cost; all with the result that overall saturation will be 7% +, Beach Road will have 24% STRs and Monarch Hills will have 13% STRs?

C. There Will be No “Free for All” if the Commission Revokes this CDP.

The CCC staff claims that “[i]f the CDP is revoked, there is nothing standing in its stead to regulate the permitting and operation of STRs within the Coastal Zone of the City of Dana Point, and all residentially-zoned property could then host an STR, thus creating a ‘free for all’ scenario.”

This argument is meritless, for three reasons.

First, it is based on a misreading of the law by the Dana Point City Attorney. He relies primarily on *Kracke v. Santa Barbara*, (2021) 63 Cal.App.5th 1089, [holding that regulations which affect coastal access constitute a “development” within the Coastal Act, and thus require CCC approval, be it through a CDP, LCP amendment or amendment waiver] for the proposition, that *Kracke* “**could be** interpreted to mean that until STR regulations are approved pursuant to the Coastal Act, any residential property in the Coastal Zone could, by right, operate an STR since residential uses are permitted by the City’s LCP.” CR 95. Emphasis supplied.

Kracke did not so hold. *Kracke* held that for purposes of the Coastal Act, any **change** in the access to the coast was a development which required Coastal Commission approval. 63 Cal.App.5th at 1093. ⁶

The City Attorney first publicly reversed the City’s longstanding interpretation of its zoning codes and claimed they do not bar STRs at a Planning Commission [meeting](#) on May 9, 2022. It is significant that in the years since the *Kracke* decision no other cities have adopted his tortured legal position, and there has been no reported “free for all” nor indeed any sudden increase in unregistered STRs in Dana Point or elsewhere. There was no legal regulation whatsoever of STRs in Dana Point until February of 2023 when the City ratified its CDP.

Even though the Commission approved the CDP on November 16, 2022, the City displayed no sense of urgency to avoid a potential “free for all.” In fact, it waited almost 3 more months, until February 7, 2023 to pass an “urgency” ordinance governing STRs. To our knowledge, in the nearly two year period since the decisions on the cases cited by the City Attorney did anyone contend his or her STR was actually permitted under the zoning code.

Secondly, revocation of this CDP would not revoke the Coastal Act. Even in the absence of city regulations, any would be STR operator in the CZ would still need to get the permission of the Commission, as operating an STR would constitute a “change” to coastal access. Just as the City’s STR program requires a CDP because it constitutes development under the Coastal Act, so too would the conversion of a residential home from residential use to tourist accommodation constitute a change in coastal access, regardless of how the City Attorney reinterprets the zoning code.

Finally, should you revoke the CDP, and even if, for some reason the Commission could not take enforcement action, the City can quickly resubmit its CDP with an amendment to the cap, or add simple protective language to prevent clustering and more fairly spread STRs over the Coastal Zone.

⁶ *Kracke* did not address, because it did not need to, whether the access for STRs previously granted by the City of Santa Barbara was permitted under its own zoning codes.

The City had ample opportunity since the November 16, 2022 de novo hearing to do the right thing, especially since it was soon revealed that the numbers presented at the hearing were misrepresentations. If it was truly panicked at the thought of an STR “free for all”, the City could have easily avoided it by doing the right thing for non-HOA residents and requesting an amendment. The City started this fire by providing false information and is now asking the CCC to put it out for them by pretending the bad data was innocently provided and denying a justified revocation request. Should the Commissioners revoke the CDP, it is highly likely that the City will act swiftly to file an amended CDP (most of the language is ready to go), sadly not to correct the oversaturation in non-HOA neighborhoods which seems to register no concern, but surely to protect the HOA residents – those who do seem to matter. The “free for all” argument is a red herring which should be ignored.

Summary

As the agency responsible for enforcing the Coastal Act, the CCC needs and is entitled to accurate facts to make the most informed decisions possible. Any party, municipalities included, seeking Commission permission, has an obligation to present Commissioners with solid information. We recognize that factual submissions cannot be perfect, but in this case, just as in Strandgate, the facts submitted to you were so inaccurate as to have materially altered this Commission’s decision-making process.

Now, the City is shifting responsibility to the CCC for its own failure to respond appropriately to resident concerns over undue saturation. It was within the City’s power to own up to the misrepresentations and mitigate neighborhood damage by seeking a CDP amendment. Instead, it is asking the CCC to deny a just revocation by creating the pretext of an STR “free for all” it could have stopped at any time. The City would be highly likely to arrest any supposed “free for all” by filing a rapid CDP amendment due to the potential loss of over \$1million in TOT and the wrath of favored HOA residents.

If the Commissioners had known the result – neighborhood-destroying saturation rates that far exceed what is appropriate for a city with prolific tourist accommodations and no housing stock -- would they

have agreed to a cap of 115 STRs with no saturation limitations? We think not.

We respectfully submit that the City of Dana Point ought not be rewarded for its false information. We respectfully request that you grant our request to Revoke CDP # A-5-DPT-22-0038-REV.

**CORRESPONDENCE
RECEIVED FROM PERMIT
APPLICANT
(CITY OF DANA POINT)**

From: [Johnathan Ciampa](#)
To: [Amitay.Shahar@Coastal](#); [SouthCoast@Coastal](#)
Cc: [Wisneski.Brenda@CityofDanaPoint](#)
Subject: City of Dana Point Response to California Coastal Commission Staff Report for Revocation No. A-5-DPT-22-0038-REV
Date: Friday, August 4, 2023 3:43:41 PM
Attachments: [City Comment Ltr.pdf](#)

Shahar and the CCC Long Beach District office,

Please find the City's attached letter in support of the staffs' recommendation to deny the revocation request.

John Ciampa
Senior Planner
33282 Golden Lantern
City of Dana Point
949-248-3591
JCiampa@DanaPoint.org



August 4, 2023

Shahar Amitay
Coastal Program Analyst
California Coastal Commission
301 E. Ocean Blvd, Suite 300 Long Beach, CA 90802

Subject: City of Dana Point Response to California Coastal Commission Staff Report for Revocation No. A-5-DPT-22-0038-REV

Dear Mr. Amitay,

Thank you for your hard work reviewing the City's Short-Term Rental (STR) Program and the Revocation request. The City supports Coastal Commission staff's recommendation to deny the revocation request based on it not meeting the requirements contained in Section 13105(a) or (b) of the Commission's regulations.

As you and the Commission are aware, the establishment of regulations for STRs in the City of Dana Point has been a lengthy and challenging process for our community. The City worked diligently and openly for nearly 16 years to establish the STR Program that was ultimately approved by the Coastal Commission on November 16, 2022. After an extensive community outreach program, the City, in good faith and close coordination with Coastal Commission staff, developed a STR Program that is well balanced and provides a range of affordable overnight accommodations for visitors of all income levels. Per CDP A-5-DPT-22-0038, the STR Program will be monitored and evaluated to ensure the needs of the community and visitors are balanced, and this data is required to be presented to the Coastal Commission to determine if amendments are needed.

As stated in the Coastal Commission staff report, if the revocation were to be granted, then it would result in even further concentration of STRs and exacerbate issues in the Coastal Zone with no rules. Therefore, it is critical that the existing STR Program be maintained.

We know you share in our hope that the City of Dana Point will finally have a manageable STR program, as demonstrated by your hard work in processing the appeal and developing a comprehensive and fair recommended action.

Sincerely,

Michael A. Killebrew
City Manager

cc: Shannon Vaughn, California Coastal Commission
Eric Stevens, California Coastal Commission
City of Dana Point Mayor and Council Members
Kelly Reenders, Assistant City Manager
Patrick Munoz, City Attorney
Brenda Wisneski, Community Development Director
John Ciampa, Senior Planner

From: [Johnathan Ciampa](#)
To: Amitay.Shahar@Coastal
Subject: FW: URGENT LETTER TO BEACH RESIDENTS
Date: Thursday, August 3, 2023 3:19:28 PM
Attachments: [sample Beach Road letter.docx.docx](#)
[Instructions and Talking Points STR revocation request.docx](#)

FYI

John Ciampa
Senior Planner
33282 Golden Lantern
City of Dana Point
949-248-3591
JCiampa@DanaPoint.org

From: Don Russell
<drussell@capobay.org>
Date: August 2, 2023 at 2:37:12 PM PDT
To: Don Russell <drussell@capobay.org>
Subject: FW: URGENT LETTER TO
BEACH RESIDENTS

*Beach Road Property Owners,
At our Board meeting last night, the Directors agreed to
email out the message below to all property owners, in
reference to the effort currently underway to force the CCC to
amend the Coastal Development Permit that the City recently
submitted to the CCC. Please take note that the deadline for
submitting written comments to the CCC in this coming
Friday August 4th – only two days to get letters submitted.
The attachments provide a sample letter and other guidance
for sending communications to the Coastal Commission on
matters scheduled for public hearings.
Regards, Don*

Donal S. Russell, Manager
CAPISTRANO BAY DISTRICT
35000 Beach Road
Capistrano Beach, CA 92624
Cell - 714-206-4331
Wrk - 949-496-6576
drussell@capobay.org

From: Capo Cares <capocares@gmail.com>
Sent: Tuesday, August 1, 2023 10:27 PM

To: Don Russell <drussell@capobay.org>

Cc: FELICIA A LURNER <flushy@aol.com>

Subject: URGENT LETTER TO BEACH RESIDENTS

Thank you for allowing us to make a presentation tonight regarding Short Term Letters and for agreeing to forward this letter to your residents.

Dear Beach Road Residents,

No matter how you feel about short term rentals (STRs), you will be interested to know that life on Beach Road is about to change. There are currently 27 STRS on the Road. The City's new STR Program is underway and so far, 20 new permit applications have been received for your community, which will bring your total count to 47 - a saturation rate of 24%.

Basically, one in 4 homes on Beach Road will be allowed to have 2-day rentals. You also have the distinction of being **the community with the largest concentration of STRs in the entire city.** Because you do not have an HOA, you have no way to restrict or ban STRs in your neighborhood.

The City was recently granted a CDP (Coastal Development Permit) by the CA Coastal Commission (CCC) and the CCC reluctantly agreed to a 2% saturation rate for the Coastal Zone. Unfortunately, actual saturation rates are much higher (7% overall, 15% in Monarch Hills, an HOA that allows 7-day STRs, and 24% on Beach Road) because of several problems with the data submitted by the City. Dana Point will almost double its TOT (transient occupancy tax) earned on Beach Road (10% of gross STR revenue) but will do little to help with added security and other costs associated with this burden. While enhanced enforcement efforts are promised, efforts have been unimpressive in the past. There are still several illegal STRs operating on the Road in violation of the ordinance. These add to the saturation rate, turning the community into more of a tourist zone than a residential neighborhood.

Residents are seeking a revocation of the CDP on the grounds of bad data, misleading HOA information (Beach Road was treated as an HOA so the City asserted that HOAs were accounting for 91% of HOAs. This is false.) and a number of other factors.

If you are disturbed by the impact of more STRs in your community (gate log jams, parking issues, parties and noise, trash issues, and effects on quality of life and property values) please help by supporting the revocation request in one or both of two ways:

1. **Send a public comment to the CCC by Friday August 4th at 5 PM.** A sample letter is attached. Please feel free to use this and edit as you wish.
2. **Speak at the hearing in person on August 10th -** instructions on how to register are attached. You will be allowed to speak for 2 - 3 minutes at the discretion of the Chair. (instructions attached)

Thank you for helping preserve our Capistrano Beach communities.

Best regards,

Toni Nelson, Founder and President
Capo Cares

Instructions and Talking Points

Citizens' Revocation Request

Dana Point CDP Governing Short Term Rentals

California Coastal Commission

Thursday, August 10, 2023

Link to [agenda](#) Item Th17a

To submit comments: Go to [agenda](#), click on Thursday, then scroll down to item 17a. Click on "submit comment". **Comment must be submitted by Friday August 4th at 5 PM to be distributed to commissioners.** Otherwise, only the staff will see it.

To speak in person: Go to [agenda](#), click on "*submit speaker request here*". Click on "*oppose staff recommendation*" when prompted. **Request to speak must be submitted by 5 PM on Wednesday 8/9.** They will email you a confirmation. On the day of the hearing, click on link to join by zoom and wait for item 17a. (We suspect this will be heard in the afternoon. If you would like to receive a text to let you know when the item is coming up, **text Toni Nelson at 714-654-2345 or email capocares@gmail.com** and she will notify you). You will be prompted to join the meeting when it's your turn. Don't be dismayed if you can't unmute. They'll enable it when it's your turn.

Talking Points:

The Commission should revoke Dana Point's CDP because:

1. **It was granted based on grossly inaccurate information.** At the November 16, 2022 de novo hearing, the CCC was told:
 - a. There were 5, 664 residential units in the CZ, and 28 HOAs representing 3, 287 homes, with 10 HOAs allowing STRs. **Actually, there are 5,737 homes in the CZ and 53 HOAs comprising 4,216 housing units.** They were off by 89% on number of HOAs, and 28% on HOA units.
 - b. There were 69 STR permits issued in the CZ (66 non-primary), and that 91% (actually 45%) of those were located in HOAs. **The City included Beach Road in the numbers even though it is not an HOA.**

- c. The City did not know how many HOAs banned STRs, but intimated that the number was very low when **actually, almost all HOAs ban STRs.**

Note that the City was repeatedly questioned, but offered no explanation for these gross misstatements.

2. **It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.** The City's omissions, plus the inaccurate and misleading information provided by the City led the Commission to approve a CDP that was intended to result in a 2% saturation rate and allow for even distribution across the CZ. The actual results will be far outside those parameters (7 to 24%), burdening less than 1/3 of the Coastal Zone with concentrations that far exceed the Commission's intentions.
3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.** Based on information provided in a May 16, 2023 Council [meeting](#), and new data that appeared in the CCC staff report [Exhibit 5](#), once expected permit applications [likely to be granted] are added to existing STRs, the City's program will result in all STRs being located in less than 1/3 of the CZ's coastal zone (at an overall saturation rate of at least 7%). Two communities will endure concentrations of 15% (Monarch Hills) and 24% (Beach Road). One in 7 homes in Monarch Hills will be STRs. On Beach Road, 1 in 4. This data reflects the likely outcome once 113 of the allowed 115 permits are issued.
4. **Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities. It's hard to believe a Commission that thought they had reluctantly agreed to a 2% concentration would be ok with any community in Dana Point having concentrations of 7, 15, and 24%, *especially when one of its guiding principles is to preserve residential communities.*
5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP to reduce the number of STRs allowed and avoid severe burdens on select neighborhoods in the CZ, but refused.

PLEASE INCLUDE ANY PERSONAL OPINIONS ABOUT THE IMPACT OF STRs IN YOUR NEIGHBORHOODS.

Citizens request that the CCC:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

PLEASE FEEL FREE TO EDIT. PLEASE INCLUDE ANY PERSONAL OPINIONS ABOUT THE IMPACT OF STRs IN YOUR NEIGHBORHOOD.

To: SouthCoast@coastal.ca.gov

From:

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

1. **It was granted based on grossly inaccurate information.**
2. **It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
4. **Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.**
5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

From: [Johnathan Ciampa](#)
To: [Amitay, Shahar@Coastal](mailto:Amitay.Shahar@Coastal)
Subject: FW: STR at Beach Road
Date: Friday, August 4, 2023 4:31:07 PM

John Ciampa
Senior Planner
33282 Golden Lantern
City of Dana Point
949-248-3591
JCiampa@DanaPoint.org

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

From: Comment <Comment@DanaPoint.org>
Sent: Friday, August 4, 2023 4:04 PM
To: Johnathan Ciampa <JCiampa@DanaPoint.org>; Brenda Wisneski <BWisneski@DanaPoint.org>
Cc: Martha Ochoa <mochoa@danapoint.org>
Subject: FW: STR at Beach Road

Hi Brenda / John,

This comment was sent to the comment@danapoint.org email address.

Thanks,

Shayna Sharke, CMC
City Clerk | City of Dana Point

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

From: Ronald Trujillo <rontrujillo88@gmail.com>
Sent: Friday, August 4, 2023 8:39 AM
To: Comment <Comment@DanaPoint.org>
Subject: STR at Beach Road

To whom it may concern:

I am the Owner of 31525 Beach Rd in Dana Point CA. 92629

I am in favor of allowing Short Term Rentals at our address/subdivision.

Thank you,

SPT Ranch Properties, RLLLP
by Ronald Trujillo, General Partner

970-749-6698

**CORRESPONDENCE
RECEIVED FROM
INTERESTED PARTIES**

From: [Rebecca Ayala](#)
To: SouthCoast@Coastal
Cc: [Melanie Luthern Allen](#); [Randy Renick](#); [Arianna Jimenez](#); Amitay.Shahar@Coastal
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Friday, August 4, 2023 4:19:50 PM
Attachments: [2023.08.04 Better Neighbors Comment Letter Revocation No. A-5-DPT-22-0038-REV.pdf](#)
[ATTACHMENT 1 - Better Neighbors Guiding Principles.pdf](#)
[ATTACHMENT 2 - Exhibit 4-BNLA Suggested Changes.pdf](#)
[ATTACHMENT 3 - 11.11.2022+Dana+Point+BNLA+Comment+Letter+to+CCC.pdf](#)

Hello,

Please find a comment letter and 3 attachments on Item Thursday 17a – Revocation No. A-5-DPT-22-0038-Rev (City of Dana Point, Dana Point) attached to this email.

Thank you,

Rebecca “Becca” Ayala
Policy Analyst and Advocate
Better Neighbors LA
(213) 355-7600
rebecca@betterneighborsla.org





@better_LA
betterneighborsla.org

August 4, 2023

VIA E-MAIL

California Coastal Commission
45 Fremont Street #2000
San Francisco, CA 94105
SouthCoast@coastal.ca.gov

RE: Public Comment on August 2023 Thursday Agenda Item 17.a. Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point) – DENY

Dear Honorable Chair Brownsey and Commissioners,

Better Neighbors LA urges the Commission to follow staff’s recommendation and deny Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point) (“Revocation Request”) due to the risk of deregulation of short-term rentals (“STRs”) that may occur within this jurisdiction’s Coastal Zone. We are pleased to see that the Commission is continuing to assess the impact short-term rentals (“STRs”) have on access to housing in the Coastal Zone. While we hope you deny the Revocation Request, we believe the agenda item also offers an opportunity for the Commission to provide the City of Dana Point, and any other jurisdiction considering STR regulation, with some guidelines to safeguard both public coastal access and the preservation of existing housing as they evaluate and regulate STRs.

Specifically, we request that the Commission deny the revocation because it would leave the City of Dana Point with no regulation of STRs in the Coastal Zone. That said, we also request that the Commission take this opportunity to (1) incorporate Better Neighbors LA’s redlines into its Comprehensive Rubric for Study and Evaluation of City of Dana Point’s STR Program (see Attachment 2) and (2) encourage the City of Dana Point (“City”) to amend Coastal Development Permit No. A-5-DPT-22-0038 approved on November 16, 2022 (“CDP”) to include a true 1% cap on Non-Primary Residence STR permits.

(1) Add Better Neighbors LA's Redlines to the Rubric

Special Condition 3 of Coastal Development Permit No. A-5-DPT-22-0038 requires the City to provide specific housing and STR related data to the Commission.¹ While we think the rubric provides a foundation for the City, Better Neighbors believes the Commission should encourage the City to provide additional data in each report deadline as redlined in Attachment 2. We believe the City can achieve providing much of this data by updating their STR Permit Application.² The redlines provided by Better Neighbors LA are based upon our organization's experience enforcing the City of the Los Angeles's STR program, our Guiding Principles (Attachment 1), and our experience in analyzing data sets and conducting research related to STRs in the Coastal Zone.

For the information collected on STR permits, we recommend that the Commission also collect data on the zoning designation and geographic zone for each permit, the average number of rooms and number of guests accommodated in each unit, any minimum nights requirements, and an accounting of nuisance complaints from STRs.

For the data related to housing inventory, we recommend that the Commission also collect data on RHNA allocations, vacancy rates categorized by structure type, current and projected demand for existing housing units, availability and geographic location of housing units for low to moderate income residents within the Coastal Zone; impact of STRs on future housing costs for low to moderate income residents; percentage of housing stock utilized as unhosted short-term rentals, categorized by structure type; the number of Ellis Act evictions each year, and the average monthly rental unit price and change in price year over year.

For the data related to overnight accommodations inventory, the Commission should collect information that will enable it to track the average number of guests accommodated per accommodation type; the number of hotel rooms with kitchenettes; and minimum nights requirements.

An expanded rubric will provide a more comprehensive evaluation of the City's CDP to the Commission with the objective of safeguarding both public coastal access and preservation of existing housing.

(2) Encourage the City of Dana Point to Amend CDP

Better Neighbors recommends that the Commission encourage the City to amend its CDP to include a true 1% cap on Non-Primary Residence STR permits. As we outlined in our comment letter last November (see Attachment 3), a 1 % cap on non-primary residences is a tool the City should pursue to ensure the primary use of housing remains long term residential housing.

The City of Dana Point, like many coastal cities and counties throughout California, is grappling with a housing affordability and accessibility crisis. According to the National Low

¹ City of Dana Point A-5-DPT-22-038, Exhibit 4.

² <https://www.danapoint.org/home/showpublisheddocument/36337/63819934751590000>

Income Housing Coalition, the fair market rent for a one-bedroom in Dana Point is \$2,350.³ In addition, the 6th Cycle Housing Element Implementation and Annual Progress Report Dashboard published by the California Department of Housing and Community Development states that the City of Dana Point must produce 530 units by 2029, 147 of which must be very low income.⁴ We understand the Commission does not have the authority to amend the CDP at the August 10, 2023 hearing, however, we recommend that Commission encourage the City by whatever means you may deem appropriate to amend their CDP. Other jurisdictions will also take note of the Commission's position in developing their own STR regulations.

Conclusion

Better Neighbors asks the Commission to deny the Revocation Request because it will likely result in a deregulation of STRs within the City's Coastal Zone. For this reason, we ask the Commission to encourage the City to voluntarily take additional steps to protect housing and affordable access to the coast for visitors. The Commission's leadership in this area will also send a message to other jurisdictions currently working on STR regulations. Should you have any questions, please contact rebecca@betterneighborsla.org.

Sincerely,

/s/ Randy Renick

³ Data reflective of zip code 92629. <https://nlihc.org/oor/zip?code=92624>

⁴ <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>



To: California Coastal Commissioners and Staff
From: Becca Ayala, Policy Analyst and Advocate, Better Neighbors Los Angeles
Date: May 26, 2023
Re: Guiding Principles for Short-Term Rental Local Coastal Program Amendments (LCPAs)

Background

Better Neighbors Los Angeles is a coalition of hosts, tenants, housing activists, hotel workers, and community members. We conduct analysis and research on the short-term rental industry in the Coastal Zone, including recent California Coastal Commission (“Commission”) decisions on LCPAs regulating short-term rentals (“STRs”).

Better Neighbors strongly urges the Commission to take a proactive approach to changing its current posture, which prevents jurisdictions struggling with housing from implementing restrictions or bans on unhosted vacation rentals. Local jurisdictions are best suited to address their housing shortages with the means at their disposal—one of which should be to allow only hosted short-term rentals. Policies limited to hosted short-term rentals safeguard existing housing stock while also increasing coastal access. By contrast, policies allowing for unhosted rentals necessarily sanction a loss of housing. We have developed a set of four guiding principles that will aid in analyzing STR LCPAs in a manner that is protective of housing and coastal access.

Overnight Accommodations Needs Assessment Principle

Housing should not be converted to hotel rooms when there is a lack of housing and adequate overnight accommodations. To accomplish this, staff reports should include a comprehensive inventory and analysis of current overnight accommodations within the jurisdiction. This inventory analysis should include all “hotels, motels, cabins, camping, RVs and hostels,” as referenced in the *Explore the Coast Overnight: An Assessment of Lower-Cost Coastal Accommodations* report issued by the Coastal Conservancy in 2019.¹ The analysis should also include the number of guests each form of accommodation is able to accommodate. If needed, staff should work with local jurisdiction staff to conduct the inventory.

In addition, staff should include a breakdown of the number of existing overnight accommodations considered lower-cost coastal accommodations as consistently defined by the Commission.² If there exists an adequate supply of overnight accommodations and limited housing stock as determined by the Housing Data and Impacts Principle outlined below, then the

¹ https://scc.ca.gov/webmaster/ftp/pdf/scbbb/2019/1903/20190314Board04E_ETCO-Report.pdf

² According to the staff report for Application No. 6-22-0127 (LHO Mission Bay Hotel, LP, San Diego), this is defined as “75% less than the statewide average daily room rate.”
<https://documents.coastal.ca.gov/reports/2023/3/Th15a/Th15a-3-2023-report.pdf>

Commission should not permit unhosted short-term rentals to meet the visitor serving accommodation mandate of the Coastal Act. According to our analysis of the 6th Cycle Regional Housing Needs Assessments for jurisdictions within the Coastal Zone, there are approximately 1,662,039 housing units needed. The Commission should look towards preserving current housing stock for both long term renters and potential homeowners to alleviate pressure on localities as they attempt to meet their RHNA allocations.

Overnight Accommodations Affordability Principle

Short-term rentals must be affordable to increase access to the coast for persons of low to moderate income. Pub. Res. Code §30213. Staff should analyze the impact short-term rental regulations will have on coastal access for low to moderate income visitors by comparing the average nightly cost of short-term rentals to the average nightly cost of existing lower-cost coastal accommodations. The Commission has taken a similar approach in their interpretation of California Public Resource Code § 30213 when evaluating hotel developments.³ The short-term rental industry, as a part of the overnight accommodation industry, must be treated no different. The Commission has notably used luxury hotel development to win in lieu fees and other infrastructure and public access improvements. No such tangible community benefit comes with the approval of STR LCPAs and the Commission should take pause before ushering in highly priced STRs at the expense of a jurisdiction's housing supply. The Commission has often bemoaned its inability to set room rates to preserve coastal access, and even so, has refused to let local jurisdictions require on-site hosts, which has effectively kept prices down in cities like Santa Monica.

Housing Data and Impacts Principle

The Commissioners must consider the housing data and impacts of each STR LCPA in order to “encourage the protection of existing...affordable housing opportunities for persons of law and moderate income in the coastal zone.” Pub. Res. Code §30604. Short-term rentals displace residents, increase rent prices, and can lead to more people experiencing homelessness.⁴ Staff should conduct a survey of the local housing stock, including vacancy rates, current and projected demand for existing housing units, and availability and location of housing units for low to moderate income residents within the jurisdiction. In addition, staff should determine the impact the LCPA may have on future housing costs for low to moderate income residents. According to the National Low Income Housing Coalition, 43% of households within counties in the California Coastal Zone are renters.⁵ Staff should consider the impact LCPAs that permit unhosted short-term rentals, especially those in multi-family units, may have on long term tenants and rent prices. Reports should also analyze the percent of housing stock unhosted short-term rentals comprise within a local jurisdiction, the growth in the number of short-term rentals over a period of time, and any disproportionate impact of STRs in geographical zones. Staff

³ See page 36 of the staff report for Application No. 6-22-0127 (LHO Mission Bay Hotel, LP, San Diego).

<https://documents.coastal.ca.gov/reports/2023/3/Th15a/Th15a-3-2023-report.pdf>

⁴ http://upgo.lab.mcgill.ca/publication/strs-in-los-angeles-2022/Wachsmuth_LA_2022.pdf

⁵ <https://nlihc.org/oor/state/ca>

should not rely on AirDNA solely for this information as many short-term rentals can be found on other booking platforms not listed on AirDNA.

Quantitative Evidence Principle

STR LCPA recommendations should not be based on anecdotal evidence, individual experiences, or limited observations. Each jurisdiction has a unique short-term rental market that must be individually assessed. Many staff reports have cited to purported benefits of STRs without reference to supporting data. For example, oft-cited is the misconception that STRs have more rooms and so can accommodate large groups at lower cost. However, these conclusory assertions are provided without an analysis that supports the claim.⁶ If the Commission is to make a decision based on such statements, then it must have access to the average number of rooms for rent in each jurisdiction and the number of guests served by each rental. Without this information, the Commission is making decisions based on assumptions. Staff reports should include a quantitative analysis of the total number of existing hosted and unhosted short-term rentals, number of rooms available per short-term rental, and number of guests each short-term rental is able to accommodate.

Conclusion

We request that staff incorporate these guiding principles into future staff reports on short-term rental regulations and proposed staff recommendations. Better Neighbors believes this additional information will provide Commissioners with a broader understanding of the local context needed to make balanced decisions on LCPAs regulating short-term rentals. Should you have any questions or would like to receive any data or other research, please contact rebecca@betterneighborsla.org.

Sincerely,

/s/

Randy Renick

⁶ See e.g., Staff Recommendation W14b, March 8, 2023 at page 21. BNLA found that approximately 50% of all rentals in Half Moon Bay were only 1 or 2 bedrooms. (<https://documents.coastal.ca.gov/reports/2023/3/W14b/W14b-3-2023-report.pdf>).

Exhibit 4 – Rubric for STR 6-Year Study

Comprehensive Rubric (Checklist) for Study and Evaluation of City of Dana Point’s Short-Term Rental (STR) Program

<u>STR Program Aspect</u>	<u>Study</u>	<u>Assess</u>	
STR Permits:	<p>1) Number of STR permits issued on a rolling (chronological) basis¹ for the six (6) year study period categorized by permit type, structure type (Single-Family, Multi-Family, Mixed-Use) and geographic zone.</p> <p>2) Number of STR permits rescinded or voided on a rolling (chronological) basis for the six (6) year study period. The reason for nullification of the STR permits shall be included and tabulated.</p> <p>3) Average nightly rates for each STR listing (during peak season and annually)², including a</p>	<p>1) Assessment of whether the STR permit caps are adequate and/or whether the caps should be changed.</p> <p>2) Assessment of whether the STR permit types are adequate and/or whether the types should be changed.</p>	<p><u>Recommendations for any modifications to the Program, in connection with the assessments or otherwise</u></p>

¹ Rolling (chronological) data can be represented using a run-sequence or time series plot. [Run-Sequence Plot](#), National Institute of Standards and Technology, *U.S. Department of Commerce*.

² Average daily/nightly rates (ADRs) are calculated as revenue per unit rented, often calculated on a monthly basis. The peak season in California runs from June to August. ADRs can be averaged annually (January 1 to December 31) for longer-term trends. For additional explanation, see definitions in the [STAR Report](#) informational guide.

	<p>breakdown by type of STR and neighborhood.</p> <p>4) Average number of rooms per STR listing and number of guests able to accommodate.</p> <p>5) Accounting of nuisance complaints from permitted STRs.</p> <p>6) Any minimum nights requirement for each STR permits.</p>		
Enforcement of Violations:	<p>1) Summarized discussion of the number and types of STR violations for the six (6) year study period.</p>	<p>1) Assessment of whether the STR Program adequately addresses violations/nuisance complaints and/or whether aspects of the City's Program or its enforcement should be changed.</p>	<p><u>Recommendations for any modifications to the Program, in connection with the assessments or otherwise</u></p>
Housing Inventory:	<p>1) Number of single-family residences and multi-family units in the Coastal Zone on a rolling (chronological) basis for the six (6) year study period, including a separate analysis for the number of affordable long-term rental units in the Coastal Zone.</p> <p>2) Other relevant population trends in the Coastal Zone for the six (6) year study period.</p> <p>3) RHNA allocations and projected construction to meet RHNA allocations based on Annual Progress Reports submitted to the California Department of Housing and Community Development.</p>	<p>1) Assessment of whether the STR Program is having adverse impacts on housing stock and affordable long-term rental units in the Coastal Zone and/or whether aspects of the City's Program should be changed to lessen adverse impacts.</p>	

	<p>4) Vacancy rates categorized by structure type.</p> <p>5) Current and projected demand for existing housing units.</p> <p>6) Availability and geographic location of housing units for low to moderate income residents.</p> <p>7) Impact of STRs on future housing costs for low to moderate income residents.</p> <p>8) Percentage of housing stock utilized as unhosted short-term rentals, categorized by structure type.</p> <p>9) Number of Ellis Act evictions each year.</p> <p>10) Average monthly rental unit price and change in price year over year.</p>		<p><u>Recommendations for any modifications to the Program, in connection with the assessments or otherwise</u></p>
<p>Overnight Accommodations Inventory:</p>	<p>1) Tabulated inventory of non-STR coastal overnight accommodations and public visitor-serving amenities (including affordable/lower-cost coastal accommodations vs. market rate facilities, number of rooms provided in accommodations, and listing by category: e.g., hotels, hostels, campsites, etc.).</p> <p>2) Average nightly room rates for non-STR overnight accommodations in Dana Point's</p>	<p>1) Assessment of whether the STR Program is having adverse impacts on visitor use of non-STR overnight accommodations and other visitor-serving recreational facilities and/or whether aspects of the City's Program should be changed to lessen adverse impacts.</p>	

	<p>Coastal Zone (during peak season and annually.)</p> <p>3) Average number of guests accommodated per accommodation type.</p> <p>4) Number of hotel rooms with kitchenettes, laundry, and on-site parking.</p> <p>6) Average number of minimum nights for hotels operating in the jurisdiction.</p>		<p><u>Recommendations for any modifications to the Program, in connection with the assessments or otherwise</u></p>
Parking:	<p>1) Quantitative and qualitative information for any parking issues, complaints, or other impacts to coastal access.</p>	<p>1) Assessment of whether the parking and vehicle occupancy requirements for STRs should be changed.</p>	
Revenues:	<p>1) Details of the City's final fee structure for STR permit applications. Previous iterations of the fee schedule should be included, too. The City shall confirm whether the permit fees correspond to the City's costs of developing, managing, and enforcing the STR Program by providing numerical data in support.</p> <p>2) Annual transient occupancy tax (TOT) revenues paid by STR operators.</p>	<p>1) Assessment of whether the revenue generated by the Program is sufficient for its continuance, whether additional fees are recommended to be implemented, and/or whether the permit fee structure presents public access impacts by overburdening STR hosts and reducing the availability or affordability of STR listings.</p>	

<p>Waitlist:</p>	<p>1) Number of STR permit applications on the waitlist on a rolling (chronological) basis for the six (6) year study period. 2) Average length of waiting period before STR permit applications are promoted from the waitlist. 3) Average duration of STR permits, including renewals.</p>	<p>1) Assessment of whether the STR permit caps are adequate and/or whether the caps should be changed. 2) Assessment of whether the waitlisting and renewal procedures should be changed.</p>	
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@better_LA
betterneighborsla.org

November 11, 2022

VIA E-MAIL

California Coastal Commission
45 Fremont Street #2000
San Francisco, CA 94105
SouthCoast@coastal.ca.gov

Re: Public Comment on November 2022 Agenda Item
Wednesday 13b - Application No. A-5-DPT-22-0038
(City of Dana Point, Dana Point)

Dear Honorable Chair Brownsey and Commissioners,

Better Neighbors LA is heartened that the Commission continues to interrogate the impact of short-term rentals (“STR”) on the coastal housing crisis. That said, we write to urge the Commission to modify the proposed coastal development permit (“CDP”) so that the final ordinance mandates truly low-cost visitor serving accommodations, like home shares, while protecting lower cost multi-family housing.

Before we discuss the modifications, we would like to urge the Commission to continue the hearing until the Commission has a fully fleshed out analysis concerning short term rental (“STR”) affordability, their impact on housing affordability and availability, and their impact on existing low-cost visitor serving overnight accommodations. The Commissioners requested such data at its September meeting concerning the Half Moon Bay Ordinance. This matter, and all STR-related decision-making should be put on hold until such a complete analysis is provided. Dana Point does not currently have a ban on the books, and a delay of a few months will not materially impact coastal access in the locality with such an abundant stock of overnight accommodations.

We have consistently presented the case to the Commission as to why unhosted STRs should be disallowed in the Coastal Zone. They do not create coastal access, they crowd out the very limited supply of housing stock in the Coastal Zone, and they cannibalize existing, legitimate affordable overnight accommodation like motels and bed and breakfast hotels. We maintain this position here, especially given the bounty of overnight accommodations in the City of Dana Point.

1. The Commission should guarantee low-cost accommodations by requiring home sharing and lowering the cap for Non-Primary STRs.

There is no quantitative evidence that unhosted STRs are more affordable. We encourage the Commission to change its approach by analyzing the quantitative evidence that demonstrates a lack of affordability among unhosted STRs, the comparative costs between unhosted STRs and hosted, and the overall impacts of STRs on affordability in the Coastal Zone. Creating a market for Hosted STRs is a clear opportunity for the Coastal Commission to ensure that only low-cost overnight units are created in the Coastal Zone.

The Staff Report demonstrates that there is ample coastal access in the City of Dana Point. The Commission should lower the cap for Non-Primary STRs to reflect the actual need for accommodations in the Coastal Zone. There are currently 61 grandfathered Non-Primary STRs, and that is sufficient. A metric of no more than 1% of housing units in the Coastal Zone is an objective standard that could also be implemented should the housing stock in the Coastal Zone continue to grow. Otherwise, the Coastal Commission does not need to create a market for more housing units to be converted into hotels. The Commission should instead supplement the ample existing overnight accommodations by creating a market for units offering traditional home-shares.

Ideally, the Coastal Commission would strike all language allowing the issuance of Non-Primary STRs, Mixed-Use STRs, and Multi-Family “Homestays” and authorize only Primary Residence STRs and traditional Home Stays.

Alternatively, the Coastal Commission should direct staff to strike out Section 3, “STR Permit Limitations” subsection (a), and replace it with the following:

(a) Coastal Zone Permit Caps. As of the effective date of this program, the cap for Non-Primary Residence STRs shall be the number of existing grandfathered units until such time as 1% of the housing units in the Coastal Zone exceeds the number of grandfathered units. After such time, the cap for Non-Primary Residence STRs shall never exceed 1% of the housing units in the Coastal Zone.

2. The Commission should not create a market for converting lower cost multi-family opportunities into hotels in the Coastal Zone.

The Commission should eliminate STR permit categories that convert multi-family parcels into hotels instead of housing. The City of Dana Point’s Housing Element, the Local Coastal Program and the Section 30604(g) of the Coastal Act require the Commission to protect lower cost multi-family housing. As drafted, the CDP currently allows Multi-Family STRs and Mixed-Use Parcel STRs. The Coastal Commission should direct staff to strike out all portions of Exhibit 3, Coastal Development Permit Short-Term Rental Program, that reference “Multi-Family Home Stay” and “Mixed-Use Parcel Non-Primary STRs.”

First, these permit categories “Multi-Family Home Stay” and “Mixed Use Parcel” are misnomers. Multi-Family Home Stay does not refer to a “home stay or home share.” This

designation allows only apartment building owners to rent whole units adjacent to their own if the apartment building owner lives on-site in a separate unit. Since the property owner is not living in the unit being rented, this arrangement is the same as a non-primary short-term rental and does not need a separate name. “Mixed Use Parcel Non-Primary STR” is also just another name for a non-primary STR. There is no reason for this category to exist since the Commission Staff sensibly removed most of the City’s preferable treatment for this designation.

Second, and more importantly, these categories of permits create a market for the conversion of multi-family housing in Dana Point’s coastal zone. In addition to striking out the permit categories, the Commission should eliminate language in Subsection (c) of Section 3, “STR Permit Limitations,” which communicates a policy preference for STRs to be in mixed-use districts. As we pointed out above, this really translates to encouraging STRs in multi-family housing. Please strike the following language:

~~Two goals of this STR Program are (1) to encourage Home Stay, Multi-Family Home Stay and Primary STRs because there is less potential for nuisance issues California Coastal Commission A-5-DPT-22 in situations where the STR Permit is issued for a parcel which is the Property Owner's Primary Residence and (2) to encourage STRs on Mixed-Use Parcels, rather than parcels zoned for single family Dwellings so as to avoid impacts on surrounding residents at such parcels. Towards this end, the following provisions shall apply...~~

Section 3, “STR Permit Limitations” Subsection (c)(ii), “Encouragement of New Mixed Use Parcel Permits” should also be eliminated. This provision creates an incentive for the conversion of multi-family housing into de facto by reducing the permit fees for those applicants. Finally, the Commission should amend Special Condition 3 to approve the development “on a temporary basis only for a period of two (2) years” and should change Paragraphs A through C accordingly.

Sincerely,

/s/ Randy Renick

Randy Renick

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Wednesday, August 2, 2023 9:47:41 AM

From: Susan Barnard <susansbarnard@gmail.com>
Sent: Tuesday, August 1, 2023 6:41 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

I am writing to request that the Coastal Commission consider material additional information regarding short-term rentals at Monarch Hills Condominium Association. This information is extremely relevant for the review or revocation of the CDP A-5-DPT-22-0038.

As you may know, the short-term rental of condos at Monarch Hills is a significant problem, and it appears the Coastal Commission may have inaccurate information about the limitations on short-term rental length in Monarch Hills. Foremost, Monarch Hills is a sub association of Corniche Master Association. While the Monarch Hills CCRs allow rentals of seven or more days, the Corniche Master CCRs only allow rental of thirty or more days. These provisions are clearly in conflict. However, the Monarch Hills CCRs mandate that the Monarch Hills Association and all owners comply with all applicable provisions in the Corniche Master CCRs. Therefore, short-term rentals less than 30 days are not permitted in Monarch Hills.

To that end, Monarch Hills may submit an HOA STR Prohibition Coastal Development Permit Application (“**Application**”). The other sub associations under the Corniche Master, Sur Mer and Ritz Pointe Estates, have already submitted their respective applications and were recommended for approval (i.e., rentals less than 30 days will not be permitted in Sur Mer or Ritz Pointe Estates).

If Monarch Hills’ Application is not approved, the residents in the owner-occupied Monarch Hills condos will be negatively impacted. This is particularly true given that Sur Mer and Ritz Pointe Estates will not be allowing short-term rentals less than 30 days; this will disproportionately place the short-term rental burden on Monarch Hills. Currently, the density of permitted rentals in such tight quarters – not to mention the projected additional permits – is overwhelming and not acceptable to homeowners living in Monarch Hills, many of whom are senior citizens.

Short-term rentals place a substantial burden on the community including but not limited to:

1. wear and tear of communal spaces, for example e-bikes ridden on the grass
2. bioburden on spas and the swimming pool
3. severely impact the sense of community, new residents every weekend
4. strained parking
5. increased traffic, including at the security gates
6. increased utility costs
7. disruption of the quiet enjoyment of residents, late arrivals dragging suitcases up the stairs
8. increased property crime
9. depression of property values

I respectfully request that the foregoing information be considered as part of your evaluation.

Thank you.

Best,

Susan

Susan Barnard
Monarch Hills Condo Owner Resident, 30 Corniche Unit G
951-723-0561

Susan

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Wednesday, August 2, 2023 9:47:51 AM
Attachments: [STR letter.pdf.pdf](#)

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

From: Corrine Van Dyk <corrinehvandyk@yahoo.com>
Sent: Wednesday, August 2, 2023 8:54 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Please submit the following letter regarding STRs in Dana Point to the commissioners.

Thank you,

Corrine Van Dyk

FROM THE DESK OF

Corrine & Ivan Van Dyk

August 1, 2023

California Coastal Commission & the City of Dana Point

Governing Representatives,

We are writing to strenuously voice our objection to permitting more short-term rentals in the Monarch Mills Condominiums where we reside. There are five good reasons to prohibit such permits in this community:

1. The Corniche Master Association's CC&Rs prohibit rentals for less than 30 days. We are part of the Corniche Master Association community and their CC&Rs must be followed by all three sub-communities including the Monarch Hills Condominium Association.
2. Short-term rentals destroy the fabric of a community. Instead of neighbors getting to know each other and care for each others' well-being, we have a number of people coming and going all the time. Short-term renters treat our common property as hotel space, but we residents are left with the trash not properly disposed of, dog poop not picked up and disposed of, and people who don't know the rules of our community and probably don't care. They are here today and gone tomorrow and don't have to live with the results of their actions. While the owners of short-term rentals employ cleaning services to clean the units they rent out, they do not employ people to clean up the messes left behind on our common property. There are three short-term rentals in our building of 8. This does not make for neighborliness.
3. Our common property is more heavily used by the short-term renters. This is most obvious at our commonly owned pool which is mainly used by them. The residents of our community are mostly adults, however the pool area is frequented by many families with children. For the adults residents who would like to swim laps, it is

impossible much of the time because of short-term renters using these facilities. And once again, we see the pool rules not adhered to.

4. Full-time residents and residents of second homes who do not rent their units out are paying the association fees that support businesses amongst us, including higher water bills and more wear and tear on our common property.
5. There is a shortage of housing in California and short-term rentals are exacerbating the problem.

Perhaps instead of breaking down the fabric of our community, you could ask or require the Waldorf and the Ritz to provide family-friendly rooms at more affordable prices instead of burdening the citizens you represent. Hotels are in the hospitality industry, not residential communities.

Sincerely yours,

Corrine & Ivan Van Dyk

22 Corniche Dr. Unit B

Dana Point, CA 92629

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Coastal Permit Revocation Request, Hearing Thursday, August 10, 2023, ITEM NO: Th17a
Date: Wednesday, August 2, 2023 10:50:38 AM

From: KAREN CHAMP <karenchamp2000@yahoo.com>
Sent: Wednesday, August 2, 2023 10:33 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: KAREN CHAMP <karenchamp2000@yahoo.com>
Subject: Coastal Permit Revocation Request, Hearing Thursday, August 10, 2023, ITEM NO: Th17a

RE: Coastal Permit Revocation Request, Hearing Thursday, August 10, 2023, ITEM NO: Th17a

RESPONSE:

Karen Champ, 14 Tennis Villas Dr, Dana Point, CA, 92629, condo owner in the **Tennis Villas of Monarch Beach HOA, Dana Point, CA** community.

My community has an HOA with CC&Rs recorded in 1986 **prohibiting short term rentals (STR) allowing rentals for 30 days or more. Our community has never allowed STRs of less than 30 days. Tennis Villas of Monarch Beach has a pending request for CDP filed with the City of Dana Point scheduled for hearing 8/14/23.**

I HEREBY RESPECTFULLY OBJECT TO THE REVOCATION REQUEST BEFORE THE CALIFORNIA COASTAL COMMISSION FOR THE FOLLOWING REASONS:

1. CALIFORNIA DISCLOSURE: When I purchased my home in 2020 I **did not receive California Disclosure that my home was in the CCC map and therefore I relied on the CC&Rs and their restrictions.** I would not have purchased my home if I thought I would have STRs in our small, dense condo community. This is my retirement home and is my largest asset. Selling and moving would be a financial burden at age 69.

2. STRs in our small/dense condo property would cause the following negative impact to Ownership:

Additional burden on Management, Security, Police, Fire and Parking by virtue of additional turn-over and numbers of occupants. This would **increase the HOA dues for long term Owners.**

3. STRs will contribute to the **Vacation Rental Bubble** in Dana Point, CA. While Investors are pushing up values in Dana Point condo communities as the numbers grow, anticipating STR permits and high returns on their

real estate investment, the demand for STR rentals will diminish and the numbers/values paid by Investors will not be sustained. Investors will sell their non-performing condos resulting in falsely manipulating sales prices. **Investors that purchase in HOA communities without restrictions on STRs are part of the different option for ownership in Dana Point. To allow Investors to change the fabric/ownership of HOA communities that prohibit STR will negatively impact home ownership in Dana Point. Seniors like myself will suffer and available housing for long term occupancy will suffer.**

4. Tennis Villas at Monarch Beach Condos cannot accommodate STRs. Our small, 1000-1,350 sq. condos have small garages (half are single car garages) that do not accommodate many models of cars. Tennis Villas has limited outside parking. Tennis Villas has no outside play areas for children, limited sidewalks and small drives between two story buildings. It is not an ideal short term vacation location.

5. The City of Dana Point has numerous existing hotels/motels and plans several additional hotels/motels in the City that are built and operated to accommodate STRs.

The City of Dana Point has worked diligently and consistently with the CCC to develop a STR Program for the City of Dana Point and its residents and visitors. PLEASE ALLOW DANA POINT'S CDPS AND STR PROGRAM TO CONTINUE AS WRITTEN. SAY NO TO INVESTORS THAT HAVE NO INTEREST IN THE OWNERSHIP/OCCUPANCY LIFESTYLE OF OUR SEASIDE HOME.

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Wednesday, August 2, 2023 5:55:45 PM

From: Felicia Lurner <flushy@aol.com>
Sent: Wednesday, August 2, 2023 5:50 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Felicia Lurner <flushy@aol.com>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation - 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

- 1. It was granted based on grossly inaccurate information.**
- 2. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
- 3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**

4. **Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.**

5. **The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.**

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Felicia Lurner
Beach Road Resident

[Felicia A. Lurner](#)

This email may contain confidential and privileged material for the sole use of the intended recipient/s. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient please advise sender and delete.

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Wednesday, August 2, 2023 5:56:05 PM

From: Ron Andreas <ronandreas4moh@gmail.com>
Sent: Wednesday, August 2, 2023 5:27 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

To: SouthCoast@coastal.ca.gov
From: Ronandreas@yahoo.com

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

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3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
4. **Had the Commission known the true facts, it likely would have either denied the**

CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.

5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

Revoke Dana Point's CDP for its STR program.

Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Ronald C. Andreas
35557 Beach Rd
Dana Point, CA 92624

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Wednesday, August 2, 2023 5:57:11 PM

From: Brandon <missionbayprogram@gmail.com>
Sent: Wednesday, August 2, 2023 4:07 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

To the Coastal Commission,

I am writing as a concerned resident of Beach Rd, urging you to revoke the Coastal Development Permit (CDP) that allows for short-term rentals (STRs) in our neighborhood. The decision to grant this permit was based on clearly erroneous information, and I believe it poses significant issues that need to be addressed.

The houses on Beach Rd are in close proximity to each other, and the presence of STR tenants has shown little regard for preserving a tranquil environment. Consequently, noise levels have escalated, creating disturbances for the residents. The narrow streets amplify the problem, as short-term renters are more likely to speed down the roads, causing safety concerns. Furthermore, they occupy the already limited parking spaces, which adversely affects the availability of parking for residents.

I strongly advocate for the revocation of the CDP, not only due to the concerns I have outlined above but also because the inaccurate information used to justify its approval appears either dishonest or recklessly presented.

I kindly request that the Coastal Commission takes this matter seriously and reevaluates the decision to permit short-term rentals in our community. Our neighborhood's well-being and harmony are at stake, and I believe it is crucial to act promptly to restore the tranquility that the residents deserve.

Thank you for your attention to this matter.

Sincerely,

Brandon Coker 35131 Beach Rd

Sent from [Mail](#) for Windows

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 9:39:04 AM

From: Chris Nassour <chrisjnassour@gmail.com>
Sent: Thursday, August 3, 2023 9:18 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

- 1. It was granted based on grossly inaccurate information.**
- 2. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
- 3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
- 4. Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.**

5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Chris Nassour
35777 Beach Road
(310) 488-1446

To: SouthCoast@coastal.ca.gov

From: Salman and Eliane Rabie, 3527 Beach Rd., Dana Point, Ca

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above-named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short-term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community, and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

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PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Salman and Eliane Rabie

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Thursday, August 3, 2023 9:39:42 AM
Attachments: [STR Letter.docx](#)

From: John Seidensticker <jseidens@bellsouth.net>
Sent: Thursday, August 3, 2023 8:20 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: MARCELLA SEIDENSTICKER <marcella@lagunabeachsales.com>
Subject: Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Please see my comments attach in regard to this agenda item.

To: SouthCoast@coastal.ca.gov

From: John Seidensticker

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing in opposition of the above-named revocation request. My community of Beach Road is a great place, and this allows other affordable access which CDP the CCC granted the City of Dana Point to regulate its short term rental program. The program should have a minimum stay of Seven Days versus the Two day minimum to maintain the community.

Please do not revoke the CDP because:

1. **It supports the guiding principles of the Coastal Act by allowing more access to the coastline.**
2. **The City should have every right to regulate how it is run and not have outside commissions weighing in on how it operates within its city limits.**

PLEASE:

1. Do Not Revoke Dana Point's CDP for its STR program.

Respectfully,
John Seidensticker
35697 Beach Rd.
Dana Point, Ca.

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22- 0038-REV (City of Dana Point)
Date: Thursday, August 3, 2023 9:39:50 AM
Attachments: [Letter to the California Coastal Commission.docx](#)

From: Betty Hill <bettyhill@savedanapoint.com>
Sent: Thursday, August 3, 2023 8:18 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Dear California Coastal Commissioners,

The CCC stated in the approved CDP that its policy, as implemented by the City of Dana Point, would be reviewed in three years. Now, immediately after its adoption, the saturation of STRs in several communities will be devastating. I don't believe the CCC intended or anticipated this result when its stated goal is to "protect residential neighborhoods, create balance and avoid over-saturation".

I do not believe this is the fault of the CCC. The CCC cannot know all the details of Dana Point's neighborhoods, the number of HOA's etc. The City of Dana Point was well aware of the locations and communities in the Coastal Zone. Those details would have been extremely important when formulating the policy and should have been accurately provided.

Furthermore, the Beach Road neighborhood does not offer "affordable" STR accommodations, but are by far among the most expensive along the Coast and in Dana Point in particular. And as the City has implemented the policy, it will, in effect, reduce the number of more affordable STRs that could be permitted under the CAP in other locations in the Coastal Zone. In Monarch Hills, which has lower to moderately priced long-term rentals, more landlords are encouraged to convert to STR use with homes no longer being available to lower income residents and minority workers.

So, who benefits from the current situation? STR operators benefit from the extremely profitable rents received and the City of Dana Point will benefit from the huge amount of TOT thereby provided. Those are not goals of the CCC. It may be a goal of the City Council and why the Council also rejected the 1% saturation limit proposed by the CCC and adopted 2%. The CCC has an opportunity and a fiduciary duty to rectify these unintended consequences of its policy before more harm is done. Three years is much too late.

Respectfully,
Betty Hill
Dana Point Resident

Dear California Coastal Commissioners,

The CCC stated in the approved CDP that its policy, as implemented by the City of Dana Point, would be reviewed in three years. Now, immediately after its adoption, the saturation of STRs in several communities will be devastating. I don't believe the CCC intended or anticipated this result when its stated goal is to "protect residential neighborhoods, create balance and avoid over-saturation".

I do not believe this is the fault of the CCC. The CCC cannot know all the details of Dana Point's neighborhoods, the number of HOA's etc. The City of Dana Point was well aware of the locations and communities in the Coastal Zone. Those details would have been extremely important when formulating the policy and should have been accurately provided.

Furthermore, the Beach Road neighborhood does not offer "affordable" STR accommodations, but are by far among the most expensive along the Coast and in Dana Point in particular. And as the City has implemented the policy, it will, in effect, reduce the number of more affordable STRs that could be permitted under the CAP in other locations in the Coastal Zone. In Monarch Hills, which has lower to moderately priced long-term rentals, more landlords are encouraged to convert to STR use with homes no longer being available to lower income residents and minority workers.

So, who benefits from the current situation? STR operators benefit from the extremely profitable rents received and the City of Dana Point will benefit from the huge amount of TOT thereby provided. Those are not goals of the CCC. It may be a goal of the City Council and why the Council also rejected the 1% saturation limit proposed by the CCC and adopted 2%.

The CCC has an opportunity and a fiduciary duty to rectify these unintended consequences of its policy before more harm is done. Three years is much too late.

Respectfully,

Betty Hill

Dana Point Resident

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 9:39:56 AM

From: Barb Hotmail Wilson <BarbWilsonRealty@hotmail.com>
Sent: Thursday, August 3, 2023 8:05 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

California Coastal Commissioners

Your vote to approve the Dana Point CDP on Short Term rentals was based on inaccurate and insufficient information provided by the City staff.

To begin with, your goals in minimizing the negative effects of STRs in residential neighborhoods has been completely ignored in Dana Point's CDP. In your instructions to cities when formulating a short-term rental policy, one of your chief requirements is to not overburden any neighborhoods with an inordinate number of STRs.

The statistics provided to you by our City lacked a specific count for the number of homeowner associations that allow STRs, versus the vast number that ban them. This prevented you from making a reasonable determination as to just how many STRs should be approved. Had all the facts, including the number of properties that ban STRs, (most homeowner association properties and apartment complexes) had been excluded in the total count, you can clearly see that clustering of STRs in the remaining eligible neighborhoods is inevitable. The City by their own admission used a computer program to quantify the properties in the coastal zone which did not take this information into account. At the hearing you were led to believe that concentration within the City would generally be under 2%. This was based on including properties where STRs are banned therefore misrepresenting the true effect of STR concentrations.

Upon requests by residents to quantify the number of properties that are exempt from obtaining STRs licenses, we could get no answers from the City staff. Now with only a portion of licenses issued or under consideration, it is clear there is no concern from the City about situating large numbers of STRs in over saturated neighborhoods. This will only get worse when all licenses are issued.

The most distressing case is exemplified by Monarch Hills. This is a condominium complex which is one of the most affordable rental areas in the City. Monarch Hills is at a 15% saturation rate. Why, with existing 31 licensed STRs and many more illegal ones operating without being closed down by code enforcement, would an additional 21 be considered? Residents are already plagued with noise, parking, overcrowding at the swimming pool,

barking dogs and more.

Another example are the homes on Beach Road at a 24% saturation point. This neighborhood has turned into party-central, with large parties, noise, parking issues, and difficulty for full time residents even entering the gate to their neighborhood.

As the number of licenses expands, tenants in multi-family units are at risk. Resident owners can remove a long term tenant and turn the unit into a STR. This is particularly likely in the Lantern District where most tenants reside.

Page 2 Item 17A

Barbara Wilson

Residents are worried realizing this is only the beginning of STR expansion. The CDP gives the Community Development Director the ability to expand the number of STRs with no real metrics other than how they view tourist demand.

Granted the Coastal Commission has a duty to provide accommodation for tourists, but, with today's housing shortages, there needs to be a balance. Dana Point again has received a D rating in providing affordable housing by the Orange County Housing Authority. Forty percent of Dana Point residents are tenants. To take away opportunities for them to live in our City is unfair and costly to everyone who depends on the services and richness they provide us.

I request that you revoke Dana Point's CDP. until such time it is amended to read, STR licenses may not exceed 1% of the eligible properties for STRs This proposal seemed agreeable to the commission per the discussion at the November de Novo hearing, particularly when considering the many tourist accommodations within the City and the depleted housing stock. It was only when Mayor Muller remarked he was not authorized to approve such a decrease in the number of STRs This led the commission to approve the 2% number. Strangely enough he felt he could approve on his own the requirement that Coastal Commission reviews could take place every 3 years.

It is also important the commission require additional language to provide sufficient boundaries between STRs to prevent clustering.

We appreciate your consideration and feel you have an obligation to consider all the facts before allowing Dana Point's Short-Term Rental Program to go forward.

Sincerely,

Barbara Wilson

Sent from [Mail](#) for Windows

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 9:40:18 AM

From: Ross Misher <ross@brandcentralgroup.com>
Sent: Wednesday, August 2, 2023 10:16 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Dear CCC,

As a district manager for capo beach and property owner, this is a HUGE burden on our community to have DOUBLE the amount of STR's on our 1 lane road on Beach Road.

We will have 25% of our homes become STR's which will RUIN the residential nature of our neighborhood. These renters throw trash on the beach and bring 20-30 people in 1 home for loud parties and events.

Please take action NOW before it is too late.

Beach Road Citizens request that the CCC:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Here are more facts:

1. **It was granted based on grossly inaccurate information.** At the November 16, 2022 de novo hearing, the CCC was told:
 - a. There were 5, 664 residential units in the CZ, and 28 HOAs representing 3, 287 homes, with 10 HOAs allowing STRs. **Actually, there are 5,737 homes in the CZ and 53 HOAs comprising 4,216 housing units.** They were off by 89% on number of HOAs, and 28% on HOA units.

- b. There were 69 STR permits issued in the CZ (66 non-primary), and that 91% (actually 45%) of those were located in HOAs. **The City included Beach Road in the numbers even though it is not an HOA.**
- c. The City did not know how many HOAs banned STRs, but intimated that the number was very low when **actually, almost all HOAs ban STRs.**

Note that the City was repeatedly questioned, but offered no explanation for these gross misstatements.

- 2. **It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.** The City's omissions, plus the inaccurate and misleading information provided by the City led the Commission to approve a CDP that was intended to result in a 2% saturation rate and allow for even distribution across the CZ. The actual results will be far outside those parameters (7 to 24%), burdening less than 1/3 of the Coastal Zone with concentrations that far exceed the Commission's intentions.
- 3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.** Based on information provided in a May 16, 2023 Council [meeting](#), and new data that appeared in the CCC staff report [Exhibit 5](#), once expected permit applications [likely to be granted] are added to existing STRs, the City's program will result in all STRs being located in less than 1/3 of the CZ's coastal zone (at an overall saturation rate of at least 7%). Two communities will endure concentrations of 15% (Monarch Hills) and 24% (Beach Road). One in 7 homes in Monarch Hills will be STRs. On Beach Road, 1 in 4. This data reflects the likely outcome once 113 of the allowed 115 permits are issued.
- 4. **Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities. It's hard to believe a Commission that thought they had reluctantly agreed to a 2% concentration would be ok with any community in Dana Point having concentrations of 7, 15, and 24%, *especially when one of its guiding principles is to preserve residential communities.*
- 5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP to reduce the number of STRs allowed and avoid severe burdens on select neighborhoods in the CZ, but refused.

Ross Misher

Home owner on beach road and district manager of capo beach

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Thursday, August 3, 2023 9:40:24 AM

From: Steve Mehr <steve@stevemehr.com>
Sent: Wednesday, August 2, 2023 9:45 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

1. **It was granted based on grossly inaccurate information.**
2. **It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
4. **Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
5. **The City had every opportunity to correct the overconcentration** in the CZ by

correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Steve Mehr
Homeowner
35461 Beach Road
Dana Point, Ca

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 10:46:29 AM
Attachments: [Beach Road Letter.pages](#)

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

From: Gunnar Heuberger <gunnar1106@hmtrs.com>
Sent: Thursday, August 3, 2023 9:51 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Please distribute my letter to the commissioners. Thank you very much, Gunnar Heuberger

PLEASE FEEL FREE TO EDIT. PLEASE INCLUDE ANY PERSONAL OPINIONS ABOUT THE IMPACT OF STRs IN YOUR NEIGHBORHOOD.

To: SouthCoast@coastal.ca.gov

From: gunnar1106@hmtrs.com

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

To Whom it may concern,

My name is Gunnar Heuberger. My wife Sherri and I purchased our house 35475 Beach Rd last summer. We looked at the entire coastline of California and after months of consideration decided that Dana Point and specifically Beach Road would be the best spot for us to have a home right on the beach. We sold our second house in Aspen to make this happen. With the community and neighborhood is what attracted us to this location. We did not want to be on a busy beach location. Many beach fronts are over run with rentals and people. This is not what we signed up for. The taxes are outrageous at 133K a year as with the homeowners insurance but we felt it was worth it to live in a tranquil place with neighbors we know and can live together in a spectacular place. I am asking that you review the points in this letter with sincerity as if it was your house and you are having houses next door to you turn into weekend warrior rentals. The number of such houses are out of proportion on Beach road and needs to be revised back to a correct amount. Please review the correct numbers and reject the misinformation that was given concerning the number used to get the increases in short term rentals. SO WITH THAT I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

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- 3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**

4. **Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Gunnar and Sherri Heuberger

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Thursday, August 3, 2023 11:00:53 AM
Attachments: [Scan_2023_08_03_12_46_41_323.pdf](#)

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

From: Cindy Scolan <CScolan@Oakbrooksurgical.com>
Sent: Thursday, August 3, 2023 10:51 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Please see the attached from:

Kianoosh Jafari, M.D.
35185 Beach Road

To: SouthCoast@coastal.ca.gov

From: Kiannoosh Jafari owner 35185 Beach Road, Dana Point, Ca.

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

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PLEASE:

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Respectfully,

Kiannoosh Jafari, MD
35185 Beach Rd, Dana Point, Ca


From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Concerned for Beach Rd.
Date: Thursday, August 3, 2023 12:07:28 PM
Attachments: [Beach Rd..pdf](#)

From: Robin Hoffman Haack <robin@clar8ty.com>
Sent: Thursday, August 3, 2023 11:27 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Concerned for Beach Rd.

Please see attached letter.



To: SouthCoast@coastal.ca.gov

From: Mike and Robin Haack

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. The CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving! My community of Beach Road will be impacted greatly, I was born on this road in the 60's and have seen our road change over the years. This is not acceptable on this road or in my opinion any other neighborhood at this rate of saturation.

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

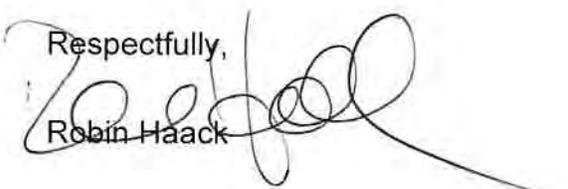
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Respectfully,

Robin Haack



From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 12:28:24 PM

From: Joanie Waian <jowaian@icloud.com>
Sent: Thursday, August 3, 2023 12:26 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Hello

I live in the community of Monarch Hills in Dana Point.

We have been inundated with short term rentals. Within my building area, we have 5 STRs. We have an estimated 50 STRs in our community of 325 condos equaling 15.38%. Some from prior and 21 current pending approval. Some licensed from the city and others waiting for approval.

This is unacceptable to us and puts a strain on our community.

Most of us are retired and had looked forward to a quiet lifestyle in this beautiful area. Please help us prevent this clustering of STRs in our community

Homeowners:

Carmel Monsour-34F

Joanie Waian-34E

Jackie Grant-34C

Pat/Ian Lennon-32C

John Beebee-30K

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: FW: 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Thursday, August 3, 2023 2:38:57 PM
Attachments: [L_Torres Beach Road STR 080323.pdf](#)

From: Lori Torres <loritorresnp2019@gmail.com>
Sent: Thursday, August 3, 2023 2:38 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Please see attached letter apposing the increase in short term rentals for Beach Road.

Please confirm receipt of letter.

Thank you!

Lori Torres
949-232-8687

To: SouthCoast@coastal.ca.gov

From: Lori Torres

35537 Beach Road

Dana Point, CA 92624

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I live at this address full time and do not want more short term rentals, we already have too many!

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

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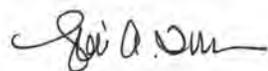
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Thank you for your review and acknowledgement.

A handwritten signature in black ink, appearing to read "Lori Torres". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lori Torres
949 232-8687

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hernandez.Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Wednesday 17a - Application No. 5-21-0873 (City of Santa Monica, Santa Monica)
Date: Thursday, August 3, 2023 4:18:20 PM

From: Jan Jahnke <capojanet35671@gmail.com>
Sent: Thursday, August 3, 2023 4:01 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Wednesday 17a - Application No. 5-21-0873 (City of Santa Monica, Santa Monica)

To: SouthCoast@coastal.ca.gov

From: Steve Jahnke, Andrea Blasiar, Melanie Hindes, Trustees

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

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PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in

certain areas of the CZ.

Respectfully,

Steve Jahnke, Trustee

Andrea J. Blasiar, Trustee

Melanie J. Hindes, Trustee

35671 Beach Road

Sent from [Mail](#) for Windows

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hernandez_Jose@Coastal
Subject: Fwd: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Thursday, August 3, 2023 5:16:57 PM

From: stacy bernstein <mrs.bernstein@icloud.com>
Sent: Thursday, August 3, 2023 4:52:45 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: Frank Trimboli <franktrimboli@gmail.com>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

To: SouthCoast@coastal.ca.gov
From: Frank and Cathy Trimboli

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

- 1. It was granted based on grossly inaccurate information.**
- 2. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
- 3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
- 4. Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would**

have eliminated the undue concentration of STRs in certain communities.

5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,
Frank and Cathy Trimboli

35101 Beach Road
Dana Point, Ca

Sent from my iPhone

Sent from my iPhone

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: PUBLIC COMMENT ON AUGUST 23, 2023 AGENDA ITEMTHURSDAY 17a
Date: Friday, August 4, 2023 8:15:04 AM

From: William Fleming <trgbplayer67@gmail.com>
Sent: Thursday, August 3, 2023 5:43 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: PUBLIC COMMENT ON AUGUST 23, 2023 AGENDA ITEMTHURSDAY 17a

From: Bill Fleming
RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

As a current resident on Beach Road in a family home built in 1960, and family occupied continually to the present, I am writing to support the above named revocation request. We have been lucky to have our immediate neighbors as owners and a long term (six + years) renter. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs resulting in a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist rentals for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many homeowners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

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- 4. Had the Commission known the true facts, it likely would have either**

denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.

5. **The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,
Bill Fleming
35181 Beach Road
Dana Point nee Capistrano Beach 92624
TRGBPLAYER67@GMAIL.COM
949-874-8871

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Friday, August 4, 2023 8:15:20 AM

From: Denise Fleming <denisesfleming@gmail.com>
Sent: Thursday, August 3, 2023 5:53 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Dear Coastal Commission,

I am a longtime resident on Beach Road and am writing to support the above named revocation request. My family have been residents on Beach Road for over sixty years and have seen the population of residents and short term rentals increase exponentially. I am very concerned that the community of Beach Road will be devastated by the CDP granted to the City of Dana Point. Prior to the CDP being granted there were 27 STRs on the road and in the short time since granting the CDP, 20 more STRs have been submitted which will bring our STR saturation to 24%, well above the CCC 2% saturation rate. One in every 4 homes would be a STR, making our community the largest concentration of STRs in all of Dana Point.

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

- 1. It was granted based on grossly inaccurate information submitted erroneously by the City.**
- 2. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
- 3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
- 4. Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
- 5. The City had every opportunity to correct the overconcentration** in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,
Denise Fleming

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hillard.Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Friday, August 4, 2023 8:16:02 AM

From: Jacqueline Calkin Bagatelos <cjbags@surewest.net>
Sent: Thursday, August 3, 2023 6:23 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate which doesn't include those operating without a permit, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

I live next door to a short term rental. In the last three months we have had two instances where overflow guests have blocked our parking and three instances of late night noise disturbances, including an instance of a renter setting up a DJ table and blaring loud music past 11:00 pm. Finally, we have had to put up with renters trespassing through our backyard deck to get to the beach. We complain to the individuals and rental owners and the behavior improves only to occur again with the next renters. Our next step will be to call law enforcement, something we have been loathe to do as obviously they have MUCH more important matters to respond to. When we purchased our home, it was with the understanding that there was less than 10 percent STR permits allowed on the road. Increasing that to nearly 1/4 homes will completely change the feel, culture and livability of our neighborhood. Please help us by voting for the revocation.

The proposed level of saturation is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

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- 5. The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.**

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Jacqueline Calkin Bagatelos
Homeowner on Beach Road

Sent from my iPad

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Friday, August 4, 2023 8:39:56 AM

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

From: Amy Rogers <amymichelerogers@icloud.com>
Sent: Friday, August 4, 2023 8:00 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; ICE Chris Rogers <c2rogers@icloud.com>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Hello CCC,

I am disappointed to see this item on the agenda after years of discussion, compromise and stringent planning. I am in support of the existing limited approvals on beach road that have been done and believe we should be aggressive about shutting down unpermitted operating vacation rentals and any rentals that cause disruption. The majority are families seeking a peaceful beach experience.

In support,

Amy Rogers
Beach Road Resident
949-244-9020 cell
Sent from my iPhone

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Revoke Dana Point CDP for its STR program
Date: Friday, August 4, 2023 8:40:10 AM

From: Chris Bagatelos <cbagatelos@bagatelos.com>
Sent: Friday, August 4, 2023 8:13 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Revoke Dana Point CDP for its STR program

I am writing in support of revoking the CDP for its STR program. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short-term rental program. We already had a 13% saturation rate which doesn't include those operating without a permit, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

I live next door to a short-term rental. In the last three months we have had several instances where overflow guests have blocked our parking and numerous instances of late-night noise disturbances, including an instance of a renter setting up a DJ table and blaring loud music past 11:00 pm. We complain to the individuals and rental owners and the behavior improves only to occur again with the next renters. Our next step will be to call law enforcement, something we have been reluctant to do as obviously they have MUCH more important matters to respond to. When we purchased our home, it was with the understanding that there was less than 10 percent STR permits allowed on the road. Increasing that to nearly 1/4 homes will completely change the feel, culture, and livability of our neighborhood. Please help us by voting for the revocation.

The proposed level of saturation is unacceptable to our community, and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service, and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many homeowners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

It was granted based on grossly inaccurate information.

It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.

It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.

Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.

The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

Respectfully,

Christopher Bagatelos

Homeowner on Beach Road

Chris Bagatelos

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Wednesday 17a - Application No. 5-21-0873 (City of Santa Monica, Santa Monica)
Date: Friday, August 4, 2023 8:40:25 AM

From: Nathan Holiday <nateholiday@gmail.com>
Sent: Friday, August 4, 2023 8:15 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Wednesday 17a - Application No. 5-21-0873 (City of Santa Monica, Santa Monica)

Commissioners,

I am writing as I Do Not support the above named revocation requisition. Furthermore, the Board and District for Beach Road on Capo Beach has supported an unbiased communication in an effort to provide support for this item.

This program just launched. I have seen no evidence of any of the claims around log jams at the gate, parking issues or complaints. One example of this is that homeowners have a private lane to go through at the gate so wouldn't have issues with the gate anyways.

This program provides many from the surrounding areas more access to the beach. We are now able to donate homes to charitable organizations to provide time for families to meet and heal on the ocean. For example: I have been able to provide single mothers working multiple jobs the opportunity to bring their children to the beach for a weekend to bond as a family in a way that they wouldn't have been available to them prior. I have been able to provide families in distress a place to come and heal as a family. And, it has provided a family with a special needs child access to the beach, ocean and wildlife in a controlled and safe environment that allowed the family to spend time together where it simply would not be possible on a mainstream public beach.

Kindest Regards,

Nate Holiday
A Homeowner on Beach Road

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:09 AM
To: Amitay, Shahar@Coastal
Cc: Hernandez, Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

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

From: Theresa Grivich <terrieg1949@gmail.com>
Sent: Friday, August 4, 2023 8:36 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Please see our attached letter to the California Coastal Commission concerning STR's in the Monarch Hills Community at the meeting on August 10, 2023.

Thank you for your consideration.

Patrick and Theresa Grivich
30 Corniche Drive Unit H
Dana Point, CA. 92629

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)
Date: Friday, August 4, 2023 9:21:53 AM

From: Jessica Kalb <jessica@kalbind.com>
Sent: Friday, August 4, 2023 9:21 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: Justin Kalb <justink@kalbind.com>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Good morning,

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

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4. **Had the Commission known the true facts, it likely would have either denied the CDP** as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
5. **The City had every opportunity to correct the overconcentration** in the CZ by

correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Justin and Jessica Kalb
35251 Beach Road

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Dana Point STR Program
Date: Friday, August 4, 2023 9:50:43 AM
Attachments: [Letter to Coastal.pdf](#)

From: Richard Beauchamp <dick_beauchamp1@me.com>
Sent: Friday, August 4, 2023 9:36 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Dana Point STR Program

Richard Beauchamp
dick_beauchamp1@me.com
970 846-8259

PLEASE FEEL FREE TO EDIT. PLEASE INCLUDE ANY PERSONAL OPINIONS ABOUT THE IMPACT OF STRs IN YOUR NEIGHBORHOOD.

To: SouthCoast@coastal.ca.gov

From:

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

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5. **The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.**

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,



RICHARD BEAUCHAMP
35797 BEACH RD
CARISTRANO BEACH, CA. 92624

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023 ITEM NO. Th17a - Coastal Permit Revocation Request
Date: Friday, August 4, 2023 11:40:26 AM

From: treesah@aol.com <treesah@aol.com>
Sent: Friday, August 4, 2023 11:36 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023 ITEM NO. Th17a - Coastal Permit Revocation Request

TO:

**CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023
ITEM NO. Th17a - Coastal Permit Revocation Request**

From: Teresa and Robert Masucci, Owners
41 Tennis Villas Dr., Monarch Beach
Dana Point, CA 92629

Re: CDP set for 8/14/2023 before the City of Dana Point Planning Commission
Dana Point, CA.

Respectfully (I/We) object to the revocation request regarding our neighboring HOAs that have already received a CDP (Coastal Development Permit) for STR (Short Term Rental) from the City of Dana Point.

HOA's that have CC&Rs prohibiting STRs (less than 30 days) should be honored by the City of Dana Point and the CCC for the following reasons:

1. Owners have relied on these restrictions when making a purchase decision, one of the most important and expensive decisions one can make. Owners may have not received Disclosures that we are subject to reversal of our CC&R restrictions by the CCC when we purchase our homes.
2. The City of Dana Point has been working on an STR program for the benefit of residents, owners, tenants and visitors since 2013. The City has worked with the CCC for the current program started in the Spring of 2023.
3. The City of Dana Point has numerous STR opportunities of various types, including motels/hotels as well as new hotels/motels planned as part of Dana Point's expansive renovation. Many STR permits exist in areas in the City that do not violate CC&Rs.

4. Adding STR permits and voiding our CC&R restrictions would change the make-up of our small condo communities and impact parking, facilities, management, cost and property values. While we do have investors purchasing our condos, they are required to honor the existing 30 day or more restriction.

Please reject the Revocation Request. Thank you for your consideration.

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:09 AM
To: Amitay, Shahar@Coastal
Cc: Hernandez, Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

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

From: Tessa Fleming <tflemingsemail@gmail.com>
Sent: Friday, August 4, 2023 12:18 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Dear Coastal Commission,

I am a longtime resident of Beach Road and am writing to support the above named revocation request.

My family has lived on Beach Road since 1959; in this time, we have seen the population of short-term rentals (STR) increase exponentially, with visible and irreversible damage. I am gravely concerned that the community of Beach Road and the beach itself will be devastated by the CDP granted to the City of Dana Point.

Prior to the CDP, there were 27 STRs on the road. In the short time since the CDP was granted, 20 more STRS have been submitted which will bring our STR saturation to 24%, well above the CCC 2% saturation rate. One in 4 homes would be an STR, making our community the largest concentration of STRs in all of Dana Point. These numbers account for only the registered and permitted STRs; there are many owners who operate illegally and without permits. Additionally, these numbers fail to account for the increased occupancy of each STR.

This is unacceptable to our community and violates the CCC's own policies to protect and balance residential neighborhoods and avoid over saturation to protect California's coast. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, short-term renters for 47 homes and the maintenance crews which clean after every party departs (again, this data does not include the illegal and unpermitted STRs).

Additionally, many recent property buyers buy with the express intent on modifying a single residential lot into a duplex/triplex/quadplex STR to maximize profit; online listings for these properties boast 3-4 bedrooms in each unit and photos online feature walls of bunkbeds. STR owners' goal is profit and they are a commercial enterprise, essentially turning Beach Road into commercial zone filled with mini-hotels. The City will almost double its TOT but there will be no relief for the many homeowners who would just like to peacefully enjoy their homes and protect the community and the beach. This is unfair and unacceptable.

STR owners and renters feel entitled to treat the beach, marine life, and the community as a temporary, disposable playthings, with no regard to marine life, the people who live here, or preservation of California's beautiful beaches; their attitude is "well, I'm paying a lot, so I'm going to do what I want." Here is a summary of behavior I have seen recently:

- * STR renters launch illegal fireworks (and not just on the 4th of July) and have unsafe fires using lighter fluid. This pollutes the beach, harasses and endangers marine and human life, and creates a serious fire risk.
- * I witnessed an STR renter harass a pelican with a drone, chasing and nearly colliding with it several times.
- * STR owners don't allow smoking in their mini hotels, so many STR renters smoke on the beach, leaving the beach littered with cigarette butts further harming the beach and marine life.

STR owners don't care so long as they're making money and will disregard rules, regulations, and the considerations of both the environment and others to ensure maximum profit. STR owners and renters have no interest in the preservation of the beach and community and are actively harming both as evident in their actions.

Please revoke the CDP because:

1. It was granted based on grossly inaccurate information submitted either in negligence or in bad-faith by the City; the City refuses to correct it
2. STR properties are modified by the owner (most without City permits) to increase occupancy to maximize their profits. These unpermitted property modifications result in dramatic increase in occupancy, which is deliberately uncounted and unacknowledged by the City's data.
3. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities. Short-term rentals are commercial and should be zoned as such.
4. Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
5. The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused. The City has a conflict of interest because increased STR increases their tax revenue; the City of Dana Point submitted data either in negligence or in bad-faith knowing it would guarantee a fiscal benefit for them

PLEASE:

1. Revoke Dana Point's CDP for its STR program.

2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Tessa Fleming

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: A-5-DPT-22-0038-REV public comments
Date: Friday, August 4, 2023 12:42:16 PM
Attachments: [Public comments Re: Application No A-5-DPT-22-0038-REV.docx](#)

From: Michael Mahger <2010rentit@gmail.com>
Sent: Friday, August 4, 2023 12:40 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: A-5-DPT-22-0038-REV public comments

[August 2023 Revocation No. A-5-DPT-22-0038-REV \(City of Dana Point, Dana Point\)](#)
[Revocation No. A-5-DPT-22-0038-REV \(City of Dana Point, Dana Point\)](#)

please enter my attached comments into the record for the above hearing.

Thank you
Michael Mahgerefteh homeowner
35695 Beach road, Dana Point CA 92624

Public comments Re; Application No.: A-5-DPT-22-0038-REV

To: SouthCoast@coastal.ca.gov

From: Michael Mahgerefteh

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Michael Mahgerefteh (homeowner)

35695 beach road Dana Point CA 92624 (310)213-1770

I am writing to oppose the above-named revocation request.

I oppose revoking the commissions November 16th 2022 approval of CDP no A-5-DPT-22-0038.

I am in favor of homeowners being allowed to rent their homes on short term rental bases.

It does not make sense for some homeowners being able to do this and some not being able to do this.

Sometimes a homeowner needs the money and this is a good way of getting it.

Maybe a better fairer way to go about short-term rental permits would be to allow every home owner to rent their homes for a certain number of days per year (maybe 60 days a year).

That's much fairer then allowing some homeowners to rent their homes every single day of the year and other zero days a year.

Thank you

Michael Mahgerefteh

35695 beach road Dana Point CA 92624 (310)213-1770

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Friday, August 4, 2023 2:36:22 PM
Importance: High

From: Nicholas Colonna <nick@nvcolonna.com>
Sent: Friday, August 4, 2023 2:13 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: Nicholas Colonna <nick@nvcolonna.com>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Importance: High

August 4, 2023

To The California Coastal Commission:

We are concerned residents and owners of our home on Beach Road. **We plead and urge the California Coastal Commission TO REVOKE THE COASTAL DEVELOPMENT PERMIT THAT ALLOWS FOR SHORT TERM RENTAL ARRANGEMENTS IN OUR NEIGHBORHOOD.** The decision to grant this permit was based upon **FALSE & ERRONOEUS INFORMATION!** The short term permit poses significant threats and issues to our property rights and must be immediately addressed. Many situational issues were not taken under consideration in the granting of the permit. A summary of these issues are as follows:

1. The homes along Beach Road are in very close proximity to each other. The homes are practically zero lot line properties with some having as little as 3 feet of separation from each other. Where STR properties exist, the environment has materially changed to the extreme detriment of those adjacent residents. There is no tranquility or respite from the non-stop noise, loud music, shouting and in many instances unsuitable drunken behavior. Personally we have been forced to call our security gate personnel to when physical altercations have occurred. Our gate security is not in existence nor are they equipped to enforce control of unruly people. In various instances the Sheriff has been called in. When a rental tenant is there for merely 48 hours or so, they have a general disregard for others quiet enjoyment. They are generally utilizing the property to drink alcohol and have a party. **I HAVE PERSONALLY WITNESSED ILLEGAL NARCOTICS BEING DELIVERED TO STR'S!!**
2. Beach Road contains a single extremely narrow two-way street. STR renters are perpetual speeders and increase the risk of a serious vehicle collision or a pedestrian/cyclist being run down. Since there is so much alcohol and drug use by STR renters, it is not unusual to have a very dangerous person behind the wheel of a motor vehicle. This can be anytime of the day or night. STR renters will also constantly park illegally. There have been occasions where STR

renters have parked on my driveway!! On one occasion it got to the point where it required a tow truck to haul away a vehicle off my driveway. This is obviously a great strain on residents and causes the risk of STR renters getting violent as well.

3. The owners who are allowing STR rentals are basically slum lords. Their properties are the least well-kept homes are full of code violations and have numerous sub-standard safety issues. These owners are not part of our neighborhood. They own to collect income and they do not put capital back into their properties. The STR adjacent to our property churns tenants so frequently that it is merely an hour or two between one renter leaving and another renter arriving with a cleaning person sandwiched in quickly to prepare for the next turn. It causes an undue amount of **COMMERCIAL HOSPITALITY ACTIVITY** in a purely residential location.
4. The quantitative and demographic data utilized to issue the STR permit is RECKLESS, DISHONEST AND FRAUDULENT IN ITS NATURE AND CONTENT. The data was manipulated to create the approval for the permit. This was perpetrated by a few individuals who are desirous of excess gross profits by obtaining the STR permit. **THESE PEOPLE ARE NOT REPRESENTATIVE OF THE RESIDENTS OF BEACH ROAD!!!**

We respectfully request that the California Commission takes this matter with the utmost seriousness. The STR permit decision must be re-evaluated utilizing proper data and input from residents who

have the ample ability to prove that STR's do not have a place on Beach Rd. The well-being of our community is at serious risk of being torn apart. It is of great urgency to act promptly and allow Beach

Road to return to the community its residents deserve. Time is running out.

Thank you for your service and your attention on this matter.

Best Regards,

Nicholas & Rose Colonna

Nick Colonna
nick@nvcolonna.com
310-210-6625

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-
Date: Friday, August 4, 2023 3:13:30 PM

From: Kristin Stark <kristinkstark@gmail.com>
Sent: Friday, August 4, 2023 2:58 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-

I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.)

We have young children. Our experience is that the short-term rentals speed on the road and present safety issues for our children (as well as other children and pedestrians on the Road). We have also had problems with noise and parties.

The City will almost double its TOT but there will be no relief for the many homeowners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

1. It was granted based on grossly inaccurate information.
2. It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.
3. It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.
4. Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.
5. The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.

PLEASE:

1. Revoke Dana Point's CDP for its STR program.
2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Respectfully,

Kristin Stark

35485 Beach Road

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Dana Point CDP Governing Short Term Rentals
Date: Friday, August 4, 2023 3:24:08 PM

From: Rich Heine <outlook_AABD3CE57A80A3FB@outlook.com>
Sent: Friday, August 4, 2023 3:23 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Dana Point CDP Governing Short Term Rentals

I am opposed to additional “short term rentals” in Dana Point and Capistrano Beach as the city has established a number for approval with erroneous information on HOA’s.

We do not need the existing few rentals available to be turned into STR’s when we do not even now have enough rentals for our hospitality and restaurant workers.

Thank you.

Rich Heine
34645 Camino Capistrano
Capo Beach, CA

Sent from [Mail](#) for Windows

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:09 AM
To: Amitay, Shahar@Coastal
Cc: Hernandez, Jose@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

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

From: comment_regalia.0w@icloud.com <comment_regalia.0w@icloud.com>
Sent: Friday, August 4, 2023 3:41 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Dear Commissioners,

Please consider that while staff works hard to give you well-intentioned advice, they are human and don't always get it right. This is one of those rare cases where I urge you to vote contrary to staff's advice and revoke the permit referenced above.

While there are saturation and traffic concerns, the real issue is that city staff has been, at a minimum, negligent in the information it has provided you. Negligence is a result of apathy. If the city has been apathetic toward the accuracy of its information, that is the equivalent of intentionally providing wrong information. If the city intended to provide you accurate information, they would not have taken this apathetic approach. As illustrated in your staff report, over the course of more than 7 years and nine documents, the city couldn't get the data straight and provided four contradicting sets of information. While your staff gave them the benefit of the doubt stating that it may have been the result of "additional research," there is no reason this data, with minimal effort, should not have been correct the first time. This is data that can be gathered in an afternoon, particularly in a city office. It is not data that takes seven-plus years to sort out. Their numbers jump all over the place. In all likelihood, their latest numbers bear no resemblance to reality. A flippant attitude toward accuracy is the same as being intentionally inaccurate.

Commission staff states that the approved permit, and the conditions that go along with it, would have been no different if the city had provided accurate information. However, Commission staff has no basis for this conclusion as they are not the decision-making body, and can't know what this body would have done. Staff erred here by presenting this pure speculation as though it were fact. Further, based on the city's history, there is a very high likelihood that the information is still inaccurate and it should be audited for verification in order for the Commission to know they have something accurate to rely on before approving or conditioning any permit.

Of note, we know the city is still providing inaccurate information as Exhibit 5 to the Staff Report (which data presumably came from the city) contains at least five blatant errors stating that certain properties are in HOAs when they are not (while other homes in that same community as listed as not in an HOA).

Because the city staff's disregard for accuracy is equivalent to being intentionally inaccurate, and because no one knows what the real data is without an audit of some sort, and because the Commission therefore couldn't and can't rely on the data to make an informed decision, it would be prudent for the Commission to revoke the permit.

Thank you for your thinking through these issues and voting appropriately.

Sincerely,

A Dana Point Homeowner

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:10 AM
To: Amitay, Shahar@Coastal
Cc: Hernandez, Jose@Coastal
Subject: FW: Beach Road - Short Term Rentals
Attachments: Beach Road - Short Term Rentals. doc.docx

From: jrassoli@diamodent.com <jrassoli@diamodent.com>
Sent: Friday, August 4, 2023 4:20 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Beach Road - Short Term Rentals

Good Morning,

Please see attached.

Kind Regards,
Kazem Rassoli

Date: August 4, 2023

To: SouthCoast@coastal.ca.gov

From: Kazem Rassoli

RE: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point)

Subject: SHORT TERM RENTALS

I bought my property as a residential property. I do NOT have any other houses and live there every single day. But now realizing it is somewhat mixed zone which I am NOT happy at all. As you know, when people rent a place for a short time, they are on vacation, they are loud, drinking and partying, go to bed very late because no need to get up early. BUT people like me, live there and need to rest because we got to go to work. I leave my home at 6:00am everyday to be at work before 7am. I am writing to support the above named revocation request. My community of Beach Road will be devastated by the CDP the CCC granted the City of Dana Point to regulate its short term rental program. We already had a 13% saturation rate, but this CDP has allowed new permit applications to come in which will add 20 more STRs and leaving us with a 24% saturation – 12 times the saturation rate Commissioners thought they were approving!

This is unacceptable to our community and it violates the CCC's own policies to protect residential neighborhoods, create balance and avoid over saturation. Our neighborhood is served by a single gate that must handle all traffic for 196 homes, including deliveries, service and emergency vehicles, and now, tourist renters for 47 homes (and this doesn't count the illegal rentals on our Road.) The City will almost double its TOT but there will be no relief for the many home owners who would just like to peacefully enjoy their homes. This is unfair and unacceptable.

Please revoke the CDP because:

1. **It was granted based on grossly inaccurate information.**
2. **It violates guiding principles of the Coastal Act by destroying rather than preserving the residential nature of neighborhoods.**
3. **It results in undue concentrations in certain areas, completely altering the residential nature of some Coastal Zone communities.**
4. **Had the Commission known the true facts, it likely would have either denied the CDP as requested or conditioned its grant on terms which would have eliminated the undue concentration of STRs in certain communities.**
5. **The City had every opportunity to correct the overconcentration in the CZ by correcting the data, and filing a simple amendment to its CDP, but refused.**

PLEASE:

1. Revoke Dana Point's CDP for its STR program.

2. Request that the City fast-track an amended CDP to the CCC (this could be accomplished with very minor changes to the existing CDP) or, better still, fast track a proper Local Coastal Plan Amendment to the CCC, for an STR program that does not unfairly concentrate STRs in certain areas of the CZ.

Kazem Rassoli

Best Regards,
35577 Beach Road
Dana Point, CA 92624
714-222-7636

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Comment
Date: Friday, August 4, 2023 5:01:45 PM

From: whoseits@me.com <whoseits@me.com>
Sent: Friday, August 4, 2023 5:00 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Comment

Dear Commissioners,

Please consider that while staff works hard to give you well-intentioned advice, they are human and don't always get it right. This is one of those rare cases where I urge you to vote contrary to staff's advice and revoke the permit referenced above.

While there are saturation and traffic concerns, the real issue is that city staff has been, at a minimum, negligent in the information it has provided you. Negligence is a result of apathy. If the city has been apathetic toward the accuracy of its information, that is the equivalent of intentionally providing wrong information. If the city intended to provide you accurate information, they would not have taken this apathetic approach. As illustrated in your staff report, over the course of more than 7 years and nine documents, the city couldn't get the data straight and provided four contradicting sets of information. While your staff gave them the benefit of the doubt stating that it may have been the result of "additional research," there is no reason this data, with minimal effort, should not have been correct the first time. This is data that can be gathered in an afternoon, particularly in a city office. It is not data that takes seven-plus years to sort out. Their numbers jump all over the place. In all likelihood, their latest numbers bear no resemblance to reality. A flippant attitude toward accuracy is the same as being intentionally inaccurate.

Commission staff states that the approved permit, and the conditions that go along with it, would have been no different if the city had provided accurate information. However, Commission staff has no basis for this conclusion as they are not the decision-making body, and can't know what this body would have done. Staff erred here by presenting this pure speculation as though it were fact. Further, based on the city's history, there is a very high likelihood that the information is *still inaccurate* and it should be audited for verification in order for the Commission to know they have something accurate to rely on before approving or conditioning any permit.

Of note, we know the city is still providing inaccurate information as Exhibit 5 to the Staff Report (which data presumably came from the city) contains at least five blatant errors stating that certain properties are in HOAs when they are not (while other homes in that same community as listed as not in an HOA).

Because the city staff's disregard for accuracy is equivalent to being intentionally inaccurate, and

because no one knows what the real data is without an audit of some sort, and because the Commission therefore couldn't and can't rely on the data to make an informed decision, it would be prudent for the Commission to revoke the permit.

Thank you for your thinking through these issues and voting appropriately.

Sincerely,

A Dana Point Resident

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)
Date: Friday, August 4, 2023 5:01:24 PM

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

From: phil DD <philhb13@aol.com>
Sent: Friday, August 4, 2023 4:59 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

Please keep STRs in operation

Sent from my iPhone

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hillard_Simone@Coastal
Subject: FW: DP STR public comment
Date: Friday, August 4, 2023 5:01:13 PM

From: Julie Dohrman <julied.fnp@gmail.com>
Sent: Friday, August 4, 2023 4:58 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: DP STR public comment

DP's STR program has proposed mindful rules and restrictions that helps to make sure that any STR remains an asset to the community. Most neighbors main complaints are too many people, too many cars, and noise etc. Again, DP has those in their regulations.

Often, STR owners buy a home that has fallen into disrepair or is outdated and update it as we have and helps beautify the city.

STRs have always been a part of Dana Point. Families have offered their homes to guests for generations but with Airbnb, VRBO, and other online booking services have increased the growth of this type of home sharing over the last number of years.

STRs are licensed, pay income and TOT taxes, and help the city, county and state by supporting local cleaners, electricians, plumbers, landscapers, property managers, repair personnel, and others.

Who are we? We are your neighbors. We own and care for homes that welcome guests to Dana Point in a neighborhood setting. We invest in and care for our homes. Our business benefits local plumbers, cleaners, roofers, landscapers, carpenters, and all contractors in general.

STRs add variety to our lodging offerings in Dana Point. Every visitor to DP is different. Some want large resorts and others want to rent a home. Overly onerous STR regulations will limit consumer choice in DP and will be detrimental to tourism and access to our beaches in the area. If homes are not available, visitors will look elsewhere. Some examples of visitors who may prefer renting homes:

Families who don't want to be broken up into many rooms

Guests who desire privacy

Families who like to cook together.

Individuals or families who desire a specific location like our beautiful California beaches where hotel accommodations are not available.

STRs are good for tourism and the local economy and give access to our beaches for others to enjoy. Our guests support the local economy through visits to restaurants, entertainment venues, golf courses, kayak companies, boutique shops, etc.

How much do we contribute? Our homes pay considerable lodging taxes in addition to property tax. We contribute to the tax base more than an average home due to 10% lodging taxes, which help to pay for services for the whole community. They may decide to visit elsewhere instead.

STRs are a sustainable “green” way to travel. A 2018 analysis using the Cleantech model finds that when guests stay on Airbnb, significantly less energy and water are used, fewer greenhouse gases are emitted, and waste is reduced. Additionally, travelers want this! One study showed 88% of Airbnb hosts incorporate green practices into hosting and 66% of Airbnb guests say the environmental benefits of home sharing were important in their accommodation choice.

(<https://press.airbnb.com/how-the-airbnb-community-supports-environmentally-friendly-travel-worldwide/>)

STR owners believe in being good neighbors. We conduct ourselves in a manner that is respectful of and not disruptive to neighbors, sharing owner’s contact information with neighbors so they can get quick resolution to any concerns. It covers garbage disposal, pets, parking and being sensitive to our awesome natural ecosystem.

Are there a small percentage of problem STR owners? Yes, but we can’t let the few bad apples paint the picture of the vast majority of responsible and caring STR owners. Just like you, we think those hosts should be held accountable. We believe our towns should strengthen and enforce existing noise, parking, and trash restrictions.

Let’s work together as neighbors. It’s in all of our best interest to have a balanced, respectful and thoughtful approach to how we regulate and NOT regulate STRs.

Phil and Julie Dohrman

--

Julie Dohrman, MSN, FNP, Cardiology

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:38 AM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

From: Kim Tarantino <kim.a.tarantino@gmail.com>
Sent: Friday, August 4, 2023 6:16 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2023 Agenda Item Thursday 17a - Revocation No. A-5-DPT-22-0038-REV (City of Dana Point, Dana Point)

To the Honorable Commissioners,

My name is Kim Tarantino and I'm a resident of Capistrano Beach/Dana Point. In my opinion, non-HOA residents are simply disregarded in Dana Point. My opinion has been informed by the countless hours I've spent working with my fellow residents who have spent even more time attempting to assist the city develop and implement a short-term rental program respecting the concerns and needs of all Dana Point residents. But it appears that our current and past City staff and council members see the city's residents as members of two camps: those residing in homeowner association-protected neighborhoods and deserving of special protections, and those living outside the walls of a homeowner association (HOA). Earlier the City claimed that 91% of the active STRs were in HOAs; a detailed refutation of that statistic is presented in the Reply of Requestors document submitted Aug 4, 2023. Perhaps the City felt emboldened when that statistic was accepted as accurate. The City quickly reached out to the many HOAs in the Coastal Zone, offering very special treatment (at a substantially discounted rate) to HOA Boards eager to apply to the Commission for permission to enact STR bans in their HOAs. Yet when non-HOA residents began questioning the increased saturation percentage caused by reducing the denominator of the saturation equation there was no recognition or effort to correct the shrinking denominator. I think any outside observer would see the City's behavior as I do: unequal treatment of City residents.

As an appellant participating in earlier hearings relating to this issue, I was impressed and grateful for your fairness and attentiveness to formulating a reasonable STR-saturation rate. I feel confident that if the City had provided accurate information to you, our non-HOA neighborhoods would not be burdened with STR-saturation rates as high as 24%.

Please revoke this CDP.

Thank you for your time and attention,

Kim Tarantino

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Monday, August 7, 2023 9:39 AM
To: Amitay, Shahar@Coastal
Subject: FW: CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023 ITEM NO. Th17a

From: April Berger <aprilberger@gmail.com>
Sent: Saturday, August 5, 2023 10:33 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023 ITEM NO. Th17a

CALIFORNIA COASTAL COMMISSION HEARING THURSDAY, AUGUST 10, 2023 ITEM NO. Th17a - Coastal Permit Revocation Request

Matt and April Berger, 46 Tennis Villas Drive, Owner Tennis Villas of Monarch Beach HOA, CDP set for 8/14/2023 before the City of Dana Point Planning Commission, Dana Point, California

Respectfully, we object to the revocation request regarding our neighboring HOAs that have already received a CDP (Coastal Development Permit) for STR (Short Term Rental) from the City of Dana Point.

HOA's that have CC&Rs prohibiting STRs (less than 30 days) should be honored by the City of Dana Point and the CCC for the following reasons:

1. Owners have relied on these restrictions when making a purchase decision, one of the most important and expensive decisions one can make. Owners may have not received Disclosures that we are subject to reversal of our CC&R restrictions by the CCC when we purchase our homes.
2. The City of Dana Point has been working on an STR program for the benefit of residents, owners, tenants and visitors since 2013 The City has worked with the CCC for the current program started in the Spring of 2023.
3. The City of Dana Point has numerous STR opportunities of various types, including motels/hotels as well as new hotels/motels planned as part of Dana Point's extensive renovation. Many STR permits exist in areas in the City that do not violate CC&Rs.
4. Adding STR permits and voiding our CC&R restrictions would change the make-up of our small condo communities and impact parking, facilities, management, cost and property values. While we do have investors purchasing our condos, they are required to honor the existing 30 day or more restriction.

Please reject the Revocation Request. Thank you for your consideration.

Matt and April Berger
46 Tennis Villas Drive
Dana Point, CA 92629
949.395.1843