

Mark Zanides
Kim Tarantino

Via email

TO: Honorable Mayor and City Council
FROM: Appellants Kim Tarantino and Mark Zanides
DATED: June 20, 2022
RE: Reply to Agenda Report of City Staff to Appeal of Planning Commission
Approval for Coastal Development Permit CDP22-0010 to Establish a Short-Term Rental Program

Background

Pursuant to Section 9.61.110 (a) and (b) of the Municipal Code, on May 23, 2022, we timely filed appeal of the action taken on May 9, 2022 by the Planning Commission whereby it adopted a Resolution approving Coastal Development Permit CDP22-0010, thereby effectively amending and expanding the City's Short Term Rental Program.

On June 16, 2022, city staff, including an assistant city attorney, filed a report recommending that the Council deny the appeal and uphold the Planning Commission's approval of the subject CDP.

We submit this reply to respond briefly to certain of the contentions of the staff, and to amplify and clarify our opposition to the STR program.

Preliminarily, we wish to make clear that our opposition to the proposed STR program is just that, opposition to this particular program. Our appeal of this program neither states nor implies that we are opposed to any STR program in Dana Point, nor, as some have suggested, that we would like to see a ban of STRs. We agree that STRs should be part of Dana Point's options for coastal access and they are most appropriate in mixed use or commercial areas where there is an expectation of hotel-like activity and they don't disrupt purely residential neighborhoods. Indeed, we are aware that these are complex issues, and that the staff and Planning Commission have done a great deal of work on them. For the reasons stated in our appeal and in this reply, we believe that the program as written does not adequately protect our residential neighborhoods. We do believe that such a program could be fashioned and are certainly willing to participate in that process.

For now, however, we firmly believe that this program's flaws are so great that they cannot be rectified by amending some language or otherwise tweaking this proposal. For these reasons, this appeal must be granted.

Summary of Argument

- A. This proposal to reverse Dana Point's interpretation of its codes is legally incorrect, unnecessary and unwise.
- B. The STR Plan as written will potentially result in over one thousand new STRs. This result is neither mandated nor requested by the Coastal Commission and would destroy residential neighborhoods in Dana Point.

I. Grounds for Appeal

A. The City Codes Bar STRS Absent a Zoning Code Change and LCP Change: The Planning Commission Has No Legal Authority to Alter the City's Longstanding Interpretation of Its Zoning Code

1. The Planning Commission Cannot Overrule the City Council

We asserted that the Planning Commission has no legal authority to alter the City's longstanding interpretation of its Zoning Code.

The staff contends:

The issue involves an interpretation of the City's Zoning Code. The Code is silent as to whether STRs are permitted as part of residential uses or are prohibited as a use that is not expressly permitted. The City's Municipal Code specifically provides that interpretations are to be made by the Director of Community Development with policy input from the Planning Commission and Council. (DPMC § 9.61.020; see also, § 9.75 [Note].) Nothing prevents a change in interpretation from occurring.
Staff Report (SR) at 4.

Normally, of course, the staff and Planning Commission do interpret the Zoning Code in the first instance. But here, the Council has **already** determined that STRs are barred in residential neighborhoods. Nowhere does the Code authorize the staff and/or the Planning Commission to overrule the City Council. The staff never responds to this argument. In any case, since this matter is now before the Council the issue of who can interpret the Zoning Code is moot in this context.

2. The New Cases Cited by the Staff Do Not Support Its Interpretation

The staff further contends that:

Here, the change in interpretation is warranted by a change in circumstance, and specifically the fact that in the last year, three Court of Appeal opinions have been published which make it a near certainty that the City's prior interpretation would not survive a legal challenge.

We disagree with the city attorney's legal analysis, for the reasons set forth more particularly below.¹ What is clear is that none of the cases cited by the city specifically addressed Dana Point's zoning code, and the staff never addresses the textual analysis we presented in our Appeal. Nor does the staff recognize the significance of our city's interpretation of our own codes. This is extremely significant because a city's interpretation of its own ordinance "is

1. Staff cites *Kracke v. City of Santa Barbara* (2021) 63 for the proposition that "it 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." SR 5. *Kracke* did not so hold. All *Kracke* held was that for purposes of the Coastal Act, any change in the access to the coast was a development which required Coastal Commission approval. It did not address, because it did not need to, whether the access (STRS) previously granted by the City of Santa Barbara was permitted under its zoning codes.

Nor does *Keen v. City of Manhattan Beach* (2022) 77 Cal.App. 5th 142, compel the conclusion that STRs are permitted in residential districts under our codes. This is so for the simple reason that *Keen's* discussion of the term "residential" is not only deeply flawed but inapplicable to Dana Point. As we stated in our appeal, in Dana Point, the city codes require the residential use of neighborhoods zoned residential. "Residence" and "residential" mean dwellings where people reside permanently, i.e., the place where individuals actually live. In Dana Point "residential" is defined to include "single family dwellings." In *Protect our Neighborhoods v. City of Palm Springs* (2022) 73 Cal. App. 5th 667, the Court observed that "admittedly a short-term rental is not used as a 'single family dwelling'; neither the owner nor the renter is living there." *Id.* at 679. (Emphasis supplied) STRs by Dana Point's own definition provide "transient" accommodation, and STRs are not otherwise specifically permitted. The STRs are thus barred in the absence of rezoning and amendment of the LCP. To the extent that provisions of various adopted codes may differ, "the more restrictive provisions shall apply, except as may be superseded by resolution or ordinance." Ch. 9.01.070.

Finally, contrary to the staff's interpretation, *Protect our Neighborhoods v. City of Palm Springs* (2022) 73 Cal. App. 5th 667 did not "in essence [rule] that STRs are a permissible use at residentially zoned properties, unless specifically regulated otherwise." SR at 5. It held only that the interpretation by Palm Springs of its own codes to the effect that STRs in residential neighborhoods are uses "customarily incident to use as a single-family dwelling." was not unreasonable. It has no bearing whatsoever on our interpretation of our own codes.

entitled to great weight unless it is clearly erroneous or unauthorized.” (*Protect our Neighborhoods v. City of Palm Springs* (2022) 73 Cal. App. 5th 667, 1678). Moreover, “the rule of deference to a city’s interpretation of its own ordinance means that two cities could interpret identical language in two different ways, and we have to accept both interpretations, if they were reasonable.” *Id.*

In Dana Point, residential use includes use as a single family dwelling unit:

Dwelling Unit - a self-contained group of interconnected rooms designed, occupied or intended as separate living quarters, with sleeping and sanitary facilities and one cooking facility, provided within a permanent structure or portion thereof, for **residential** occupancy by a **single household**, not including hotels, motels or timeshares. Municipal Code Section 9.01.090 “D”.² (Emphasis supplied.)

As the Court in *Keen* stated, “admittedly a short-term rental is **not** used as a ‘single family dwelling’; neither the owner nor the renter is living there.” *Id.* at 679.

The code also permits “Accessory use”, which is undefined. Here as well, however, it would be perfectly reasonable for the City to conclude that STR is not an “accessory” use, particularly where, as here, any use must not be incompatible with residential use. Ch. 9.09.020.

Since as we have seen, under *Keen* our interpretation of our own codes must be upheld unless unreasonable it is unreasonable. It is entirely reasonable for the city to conclude that STR use is not use as a single-family dwelling in residential areas. In short, the staff is simply incorrect that the cases it cites make it a “near certainty” that a court would rule that residential STRs are not now barred in the City.

3. Even If the Cases Cited Might Permit STRs in Residential Neighborhoods, the Resolution Should Not Adopt That View

Even if the staff were correct that if we were sued a court would hold that our codes do not bar STRs in residential neighborhoods, that is not a good reason the City formally to adopt this position in the Planning Commission’s Resolution. In truth, it is a most unwise idea.

The staff seems to think the city should make this concession because:

If the holdings discussed above are applied in the City, the previously held position that the City’s zoning and LCP include a ban on STRs in the Coastal Zone will likely not survive a legal challenge. Rather, for a ban to be effective, it would have to be included in either a CDP or amendment to the City’s LCP; yet, the CCC has made clear it will not

support a ban.³ Timing becomes important because the longer it takes for either a CDP or LCP amendment addressing regulations to be in place, the more likely it becomes that the City will face arguments that STRs may operate under the existing LCP at any existing residential property in the Coastal Zone, without regulation. SR at 6.

We certainly agree that it would be a bad thing to have a court ruling permitting unfettered STRs in Dana Point. But we have not been sued. The staff has not disclosed any specific threat of such a suit. The specter of a possible suit does not require surrender on this issue. But to concede now would be **far worse**: the City's agreement that our codes permit residential STRs **will almost certainly guarantee the very suits it purports to fear.**⁴

If the city is sued, the City would be in far greater danger of a lawsuit seeking a ruling that STRs were not barred while the City did not yet have an approved STR program in place to limit them. This is so because the language of the Resolution proposed makes this concession. This would be a very bad outcome. But it is one which this Resolution not only would invite, but in our view, virtually guarantee.

More importantly, it is not **necessary** to make this concession and any such language should not appear in any document. The Council should publicly reject this notion and thereby preserve the City's ability to defend itself against any lawsuit claiming the City does not now ban STRs. And even if a lawsuit were filed, any such lawsuit seeking such a ruling would take time to prosecute.

The proper way to proceed is simply by zone text amendment and LCPA amendment, as was done by the city attorney in 2016. An amendment to the LCPA will permit us to structure an STR program which contains principles/metrics/plans for how to handle STRs going forward. Properly constructed, it will not require repeated visits to the CCC for approvals on changes to the program.

In short, in our view the risks and costs of proceeding by CDP are great. What are the benefits? There appear to be very few, if any. In either case, CDP or zone text amendment, the ordinance is subject to appeal to the Coastal Commission. And any change to either is also appealable to the Coastal Commission, where, should substantial issues exist, the CCC may act "de novo" and reassert permitting authority over the CDP.⁵

³ The claim that the CCC will not support a "ban" on STRs is a red herring, and incorrect. The CCC has supported bans. It has also supported reasonable restrictions on STRs in many coastal cities. In any case, we are not seeking a ban.

⁴ It could also bring lawsuits from parties aggrieved by the City's denial of permits on grounds the City now concedes were erroneous.

⁵ The staff asserts that the "City has a Certified Local Coastal Program which allows the City to issue Coastal Development Permits. The CCC's 2016 STR letter (Supporting Document D) and the CCC's April 1, 2022 STR Program comment letter acknowledge *that the proposed STR Program can be approved with a CDP.*" SR 8. This is misleading. Those letters merely state that STR programs must be approved through "an LCP and/or a CDP". Emphasis supplied. Obviously that was a general statement

Finally, we are mindful that the STR process has dragged on since late 2016. There is a need to fashion an appropriate STR regulation. The need is urgent. But this is not an emergency. Surely the latest effort demonstrates good faith on the part of the City and staff, but it is very important to get it right.

B. The Proposed STR Program is Not Required by the Coastal Act and is Inconsistent with the Policy Objectives of the Council and Would Destroy Residential Neighborhoods

We recognize that the Coastal Act requires us to provide coastal access. As we pointed out in the Appeal, we already have more free beach access and more visitor accommodations per 1,000 population at every price point than any other city in California. We are already permitting 131 STRs under the current program. The Coastal Commission has NOT required more and IS NOT in the process of *requiring* more. The CCC staff's request that the city staff expand on its ban on use of ADU's hardly constitutes a requirement to increase the numbers of STRs. In any case, any such requests are coming from CCC staff, not the Commission itself. There is ample proof that the CCC has been very receptive to restrictions that protect residential neighborhoods and housing stock and is particularly interested in protecting minorities. There is also ample evidence that the CCC consistently favors low-cost coastal access. Most of the STRs contemplated by the Planning Commission's regulations will favor market rate STRs.

In our appeal, we raised a number of objections to the current proposal. In the interest of brevity, we will focus on just a few.

1. This Proposal Will Devastate Residential Neighborhoods and Severely Impact Housing Stock

It is and must remain a primary objective of the STR program to preserve the character and nature of our residential neighborhoods.

We contended in our appeal that such a widespread STR program would impact our housing stock. The staff's response is this:

The STR program allows for no more than 185 Non-Primary STRs, representing 1.1 percent of the City's 16,172 housing units, ensuring the housing stock is preserved. The allowance of Home Stay (for single-family residences) and Primary STRs will not impact the housing supply as these units are occupied as the primary residence for the owner. SR 10.

The staff further contends:

signaling that official process must be observed: **nowhere** did the CCC staff purport to opine on whether a CDP would be permissible under Dana Point's zoning codes.

Home Stay and Primary STR types do not impact the housing stock because these units are maintained as the property owner's primary residence. Through Staff's research, Home Stays have low interest in southern California, but the STR type offers a revenue source for struggling homeowners and provides affordable overnight accommodation to low-income families to access the coast. This type of STR creates an affordable option while not impacting the rental housing supply. **If an owner lives on the property of a multi-unit development, only one of the units could be offered as a Home Stay STR, and the owner is required to be present from 10:00pm to 7:00am while the unit is used as an STR to ensure nuisance conditions do not exist.** SR 10. (emphasis supplied).

The city's comment that "home stays have low interest in California" is correct with respect to the traditional meaning of "home stay", where an owner resides in the same housing unit with STR guests. The Planning Commission's redefinition of this term to include an independent dwelling unit within a multi-family building would clearly change this paradigm.

Per the staff report, there are 5,376 multi-family properties in Dana Point which would qualify under the new definition of "home stay". SR 10. While not entirely clear, we assume the City meant 5,376 dwelling units contained within multi-unit buildings. According to the City, there are an estimated 2376 buildings with between one and four units. There are **no caps** on home stays in these buildings as newly defined. Assuming an average of three units per building, that results in a potential additional 883 STRs. This of course would be in addition to the 185 non-home stay (investor) STRs expressly permitted for a total of about 1083 STR units permitted. Since no STRs are permitted in HOA areas (which comprise 42% of our housing units) the program would permit STRs in approximately 11% of the city's remaining housing stock.⁶

Plainly the addition of over a thousand or even several hundred new STRs would alter residential neighborhoods irrevocably and decimate long term rental housing stock. They would also unfairly target the Lantern District and Capistrano Beach which have the preponderance of such units without the protection of HOAs.⁷ These kinds of numbers are simply unacceptable, nor are they required by the CCC.⁸

⁶ There are 16,172 dwelling units in Dana Point. Removing the 42% in HOA results in a total of 9380. A total of 1083 STRs divided by 9380 yields 11.%.

⁷ We also pointed out that our hotel citizens will suffer considerably under this proposed STR plan. The staff's reply was simply that the hotels did not submit comments during the Planning Commission Hearings. SR 11,12. It seems apparent to us that the hotels did not anticipate an STR plan which contemplates offering over one thousand additional beds.

⁸ Moreover, even if the notion that home stay STRs assist some "struggling homeowners", Dana Point residents do not have an obligation sacrificing the nature and quality of their residential neighborhoods to do so. Residents who buy in a residential neighborhood are entitled to an expectation that the zoning of residential will protect them from commercial activity. Residents have property rights:

2. This Proposal discriminates against racial minorities, renters and low income households.

In our Appeal, we stated that:

The Planning Commission appears not to have attempted to determine whether and if so, how much this policy will discriminate against racial minorities (35% of Lantern District (District 4) residents and 29% city wide) and rental households (62% in District 4 and 36% city wide) many of whom cannot afford the average Dana Point rent. In District 4, 34% of the households earn less than \$50,000, and 49% less than \$75,000. A household income of \$100,000 is needed to afford the average Dana Point rent of \$2,500 per month (which is typical rent for only a very small or studio apartment).

Here is the City's reply:

. There is no evidence to indicate that the proposed STR Program would impact rental households or discriminate against racial minorities. SR 10,11.

The staff cites no statistics or other data to support this statement. As set forth above, it is quite clear that the present program will allow over 1,000 STR permits, most of which will be in non-HOA multi-unit buildings. City staff is well aware that those are exactly the types of buildings in which lower income and minority residents live.

Other than true home stays, all STRs should be treated the same. The real question is how many should be permitted, under what conditions, and where. This turns on a number of factors, including, *inter alia*, whether the City will persist in maintaining the category of Primary Home Stay.

3. Primary Short Term Rentals are unenforceable and should be eliminated.

The new proposal creates yet another category called "primary short term rentals, defined as the "owner's primary residence, and it is rented when traveling or living elsewhere." Definitions 2(b)(j). These will be allowed 60 days of rental per year. This category of STR essentially creates a "Wild West" for illegal STRs, which is why few cities include them in their ordinances.. By the very definition of "primary short term rental" the owner will not be present and available to respond to issues which may arise. Moreover, there are no provisions for auditing that primary homestays are indeed primary homes or that they only rent for a total of 60 days per year (which could be 30 weekends). The enforcement nightmare is unnecessary: we do not believe that such STRs popular. Few residents are comfortable with strangers occupying their principal residences

a person who wishes to open the functional equivalent of a hotel in a residential neighborhood does not have the right to do that. Thus to mandate large numbers of STRs to the detriment of residential neighborhoods constitutes a violation of the rights of the non STR owning residents. Moreover, as we have seen, it will come at the cost of housing for lower income residents as it removes housing stock. In short, it is a form of a government tax and interference with peaceful enjoyment of our neighborhoods.

while they are out of town. This category will create an enforcement nightmare but not present good options for legitimate STR use.

4. The proposal allows clustering of STRs and unfairly concentrates them in Lantern District and Capistrano Beach.

We contended in our appeal:

There are no regulations or limitations on density of STRS on a block or street or in an otherwise defined neighborhood. In short, STRS will be allowed cluster and potentially create STR zones, thus inevitably and permanently altering the essential character of heretofore residential neighborhoods.

Seventy five percent of STRs are located in Capo Beach and Lantern District. There are no restrictions to alter this disproportionate burden, which will change the residential character of these two districts while others are far less affected. This discriminates not only against these two districts, but against all non-HOA homeowners.

Here is the staff's reply:

The concentration of STR permits on Beach Road and Lantern District is reflective of the historic demand of those areas. An increase of permits in those areas would not change the residential character because STRs are already in place. Beach Road has historically operated vacation rentals since the area was developed. SR 11.

In other words, notwithstanding that the STRs were illegal, we permitted them anyway, and since Beach Road and the Lantern District are in high demand, STRs concentrated there. So, too bad for residents, including low income or minority tenants in these neighborhoods, as long as investors are happy.

This reply is both disrespectful of the residents of the Lantern District and Capo Beach It is also inaccurate. We recognize that Beach Road is a special case: it is historically so different that perhaps there should be the option for Capistrano Bay District residents to vote on whether to allow STRs and if so, how many. But as to the rest of Capistrano Beach and the Lantern District, it is appropriate to consider limiting concentration: it is not the case that all neighborhoods in Capo and the Lantern District have been compromised. It is not fair or right that the fact they are in desirable neighborhoods should consign them to STR concentration far greater than to other districts.

5. TOT will not be suitably audited and collected.

There are no provisions for auditing TOT to ensure that all taxes are paid. The City states that it has engaged a third-party vendor that will collect and audit all TOT from platforms but there is nothing in the regulations even referring to, much less mandating that arrangement, and very little independent information to suggest that the chosen third-party vendor will be effective. There are no provisions mandating that TOT platforms must produce records requested by the City of otherwise cooperate in enforcement efforts.

6. There is no indication of effort to prevent illegal STRs.

Roughly 69% of current Dana Point listings are 30-day rentals per the city staff report to the Planning Commission vs an industry average of 24%. There has been no staff explanation for this anomaly. The staff contends is has addressed 550 illegal STRs. No data is given to support this claim.

The City states “illegal advertisements are issued a Notice of Violation and given notice to remove their listings. If the listings are not removed in a timely manner, the homeowners receive citations until the listings are removed.” SR 12. Apparently, the City does not take the simple action of informing the platform of the illegal unit and requiring that it be removed. Or better still, the ordinance should require, as many cities have, that only permitted STRs may be advertised on platforms. The fact that the staff is aware that the number of 30-day units advertising in Dana Point is far in excess of industry norms, but chooses to do little to no investigation, is further proof of the weak enforcement residents can expect. Some cities require that new permit applicants who have run illegal STRs in the past make good on back TOT and pay all penalties due before being allowed a new permit. This proposal has no such provisions.

7. There is little indication of comprehensive oversight of STR enforcement.

There is no mechanism for Council to provide comprehensive oversight of STR enforcement which has been basically missing in the past. At a bare minimum City management should be monitoring activity per AirDNA compared to the number of legal permits on an ongoing basis. AirDNA is used by the hotel industry, STR investors and the CCC as a reliable gauge of actual activity in a city. Allowing code enforcement to ignore 30-day rentals of furnished homes that are far in excess of industry standards shows a blatant disregard for enforcement. Past failures to collect fines may have improved but should also be closely monitored. The failure to simply require that platforms solely advertise permitted STRs is inexplicable.

Conclusion

We recognize that the issues presented by STRs are difficult. The Council, Planning Commission, staff and citizens alike have struggled for a long time to identify concerns, interests, values as well as the legal landscape we occupy.

As previously stated, we recognize that the Planning Commission and staff have devoted considerable time, energy, and thought to this proposal. Unfortunately, after thoroughly reviewing the proposal, we are of the firm belief that its flaws compel us to object, and further, compel the view that it cannot be fixed in its present form.

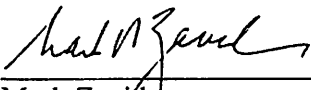
As we have said, we are prepared to engage and participate in discussions with an appropriate subcommittee or other body appointed by the Council. We believe that all parties operating in good faith can arrive at an agreement the City can take to the CCC.

Short of that, if this were to be passed in its current form, we will have no choice but to appeal to the CCC. We do believe it would be far preferable to sort this as a community.

For all of the foregoing reasons, we respectfully submit that the Council should grant our appeal and reverse the decision of the Planning Commission in its entirety.

Respectfully submitted,

s/Kim Tarantino
Kim Tarantino


Mark Zanides

Problem 1: Permit caps not specified for each permit category

<p>Currently active permits issued during the “pilot” program</p>	<p>Proposed category: Primary STR Permit</p>	<p>Proposed category: Non-Primary STR Permit</p>	<p>Proposed category: Homestay/Multi-unit</p>
<p>Number of currently active STR permits: 129</p>	<p>Proposed Cap: <u>None</u> provided</p>	<p>Proposed Cap: <u>185</u> (Likely includes currently active 129 permits.)</p>	<p>Proposed Cap: <u>None</u> provided</p>

Primary STR Permit: the property is the owner’s primary residence; it is rented when owner is traveling or living elsewhere.

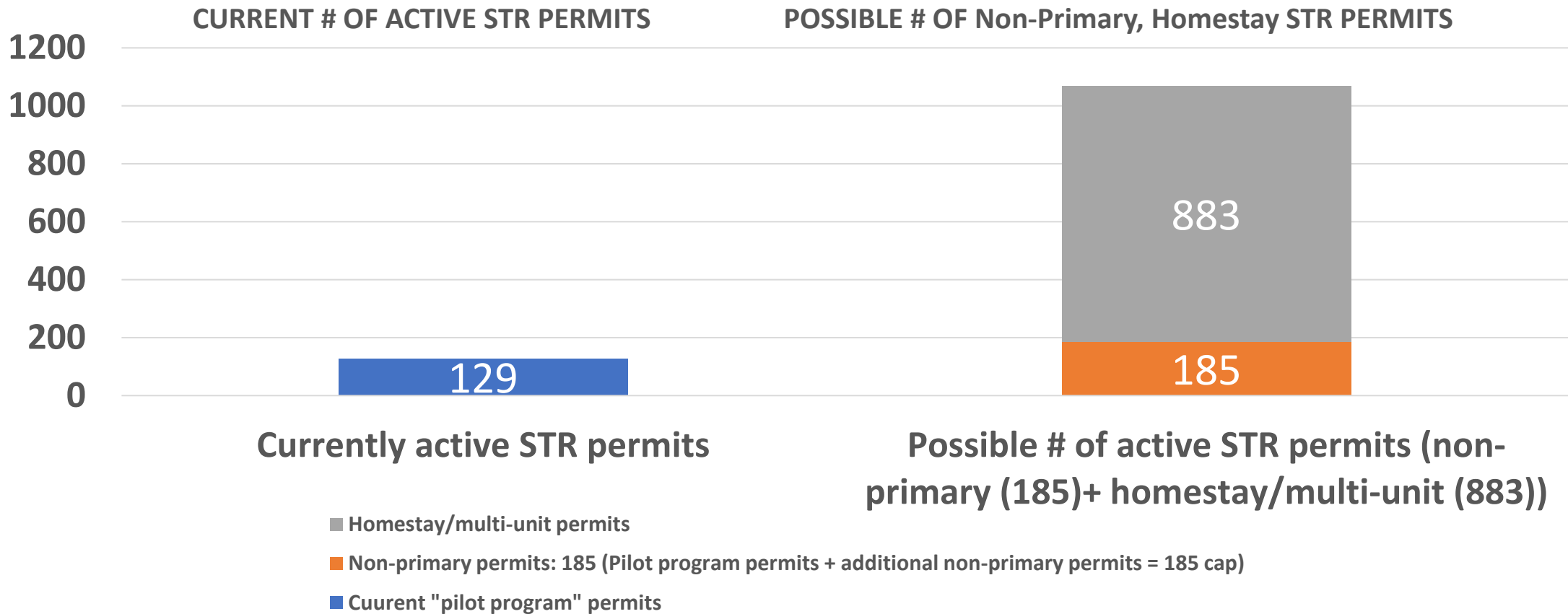
Non-Primary STR Permit: shall mean that the owner rents out homes other than their primary residence to visitors.

Homestay STR Permit: shall mean that the owner rents out a portion of their home while continuing to live in the home while visitors are renting. In the case of a multi-family (duplex, triplex, etc.) property, the owner resides in one of the units while the other unit on the same property is rented to visitors.

The proposed ordinance results in a possible **828 %** increase in active STRs:

Currently active: 129 **Proposed ordinance could allow: 1068 permits***

* This does not include the possible number of permits issued as Primary STR permits.



What about the 3rd permit category: Primary STR permits?

- Each and every homeowner who does not have either a:
 - non-primary STR permit or a
 - homestay permitis entitled to a permit allowing them to rent their primary home for **60 days (30 weekends)** per year.
- Cap? **NONE**
- **Owner will not be present.**

Shayna Sharke

From: tessahendrie@gmail.com
Sent: Monday, June 20, 2022 2:02 PM
To: Comment
Cc: Shayna Sharke; Allison Peterson; Johnathan Ciampa
Subject: Public Comment, June 21, Agenda item #16, Short term rentals!

Dear Dana Point City Council,

Hello and thank you for taking the time! Please vote to continue to allow Short Term Rentals in Dana Point. (Please also include the attached letter in the packet for the meeting!)

We really hope you can see the positive financial and cultural impact that short term rentals provide!

My sister and I are designers and fell in love with Dana Point years ago. Our lifelong dream has always been to buy a piece of property in a gorgeous area and make the house stunning. The vibe of Dana Point, coupled with the amazing sunsets at Strands Beach made it THE place we wanted to make our lifelong dream come true.

Like my sister, I spent my time working to save money to buy our first house in Dana Point. We bought a small, rundown cottage, listed as the "cheapest house in Dana Point" and spent seven months renovating it and turning it into a Caribbean style beach bungalow. It is our baby...though small in size, we furnished it with one-of-a-kind pieces from our grandparents villa in Mexico and found décor and artwork at garage sales & on Craigslist to turn it into a truly unique place:

Since we are young and early on in our careers, we started renting it out to supplement the mortgage. Turning it into a vacation rental allows us to live at the house and enjoy Dana Point, and also rent it out when we travel, to help with mortgage payments.

Turning our house into a vacation rental has truly been a joy for us and for our guests from around the world, and for the local community...let me share a few of the many reasons:

1. The types of people attracted to vacation rentals:
 - Vacation Renters are generally a different clientele than people who prefer to stay in a hotel. They are looking for a unique experience to stay as a "local" in a home. As best written by some of our vacation renters:
 - o *"What a charming home and SO much nicer than a hotel! We thoroughly enjoyed our stay." - The Lubinski Family (Tucson, Arizona)*
 - o *"We had a magical time at the BBH. The BBH is an intimate, personal, real world antidote to the motel/hotel scene... every detail has obviously been handcrafted with care... We felt like locals not tourists." U.J. (Pacific Northwest)*
 - o *"...The neighborhood is quiet except for the occasional car driving by. This is so much nicer than getting a hotel...Plenty of things to do and places to eat..." Scott (Hobe Sound, Florida)*
 - o *"We loved the BBH. Everything about it says R-E-A-L. It was the ultimate anti-motel. A bit of magic in the midst of a regular neighborhood. An amazing relief to the spirit after a day at the Magic Kingdom!" John, Sue, Lucy, Rick (Washington)*

- o ***"There's no better way to experience the ever changing landscapes of America than by throwing yourself right in the thick of it - and as Orange County experiences go, Bitchin' Beach House (in Dana Point) is about as spot on as you're going to get."* Sean Lynch (Sydney, Australia)**
- o ***"Couldn't have asked for a better vacation! It was a fabulous alternative to staying in a hotel and we want to make this a yearly adventure!"* Kaitlin, Ben, Johnny and Mike (Philadelphia, Pennsylvania)**
- o ***"We really enjoyed our vacation. It was nice to come back to a "home" and relax after running around all day. Our seven-year-old daughter loved it! Staying here made our vacation extra special."* The Schreiner Family (Seattle, Washington)**
- o ***"Truly Magical. The Bitchin' Beach House was everything we anticipated and more! ...The Beach House is close to everything but in a nice quiet residential neighborhood. I cannot imagine coming to California to visit and having to stay somewhere else. We took many photos on our mini vacation I noticed a lot of them were of our beach house ;)"*Laurie H. (Port Angeles, Washington).**
- o ***"The house worked out perfectly for our 3-generation double-digit celebration – grandma, mom (me) & daughter. The outdoor bed even fit all 3 of us, curled up at night, each with our own book to read! Love the fun & funky décor. So nice to know I'm not alone loving bright, bold colors on walls."* Alice O. (San Rafael, CA)**

2. Our guests frequent the local restaurants, shops, whale watching tours, bike shops, paddle board/kayak/surfboard/sailboat rental companies, the farmers market, and beaches. We give them a list of our top "things to do in Dana Point" and they love it. Vacation rentals are great for the local Dana Point economy. In our guests' words:

- ***"Really enjoyed our stay! Places we ate and recommend: Breakfast – RJ's – Dana Point, Lunch – Wind and Sea – Dana Point, Dinner – Beachcomber – Crystal Cove, Captain Dave's for whale watching. Thank you again!"* Tina and Jan (Arlington, Texas)**
- ***"We had a great stay over Memorial Day Weekend at this lovely place! The home came equipped with everything we needed which helped us relax and just enjoy our time in Dana Point. We were able to walk down to Cycleogical Bike Shop just 5 min away in the shopping center and rent a couple of bikes to ride down to Doheny Beach. We enjoyed the BBQ and fire pit on the relaxing porch at the house after our day adventure! We loved it!"* Andrea (Los Angeles, CA)**
- ***"Loved BBH! I took my wife and two boys on a summer OC surf adventure and the Bitchin' Beach House created the perfect atmosphere for a casual, fun and relaxed getaway with a Caribbean/beachy feel. The place was clean, comfortable, and well-appointed. Hosts Alyssa and Tessa were very helpful and friendly. They helped us get set up, provided restaurant recommendations in the area and made sure everything was taken care of. Our trip was much more memorable staying at the BBH than at a chain hotel!"* Daniel (San Diego, CA)**
- ***"Super cozy, fun decorated house located in a great area. Quiet relaxing neighborhood with the coolest looking house on the block. Perfect place to stay while visiting Dana point and surrounding areas. I'd recommend this to anyone visiting this beach town!!"* Brooke and Jake (Los Angeles, California)**
- ***"...Decor beautiful I felt as if I was in Hawaii or some tropical exotic locale. After all our friends and family left. I relaxed on the swinging bed. Listened to the rain softly falling on the metal roof. Breathe in the ocean air and fell asleep. Though you're in a residential neighborhood its just a short drive to Dana Harbor. We went whale watching the next morning and had an amazing time. Dana Wharf whale watching. We saw 2 humpback***

many greys and about 20 or more breaches. Which rarely happens. It was a magical experience. Short but perfect for our family Easter..." Sue (Carver, Minnesota)

- *"The house is adorable and in a great location, super close to the harbor. This was my first airbnb experience and I can't wait to rent again." Jillian H. (Brielle, New Jersey)*
- *"We had an amazing time at the Bitchin' Beach House...We loved exploring the neighborhood and walking to the beach. Also very accessible and close to Laguna. I would definitely stay here again!" Craig (Los Angeles, California)*
- *"We really liked the cozy atmosphere of this place. Alyssa was totally great and accommodating. Love Dana Point. And the place is close to all shopping centers." Sue (Ladera Ranch, California)*
- *"Where do we start? What a fantastic little house! Cozy and a fantastic outdoor space. If you crave a bohemian vibe and want to be far enough away from the hustle to chill yet close enough to go out to eat, walk and enjoy one of the gorgeous, countless beaches this is a perfect place to stay." Beth (Toronto, Canada)*
- *"The space is WAY better than we could have imagined. Every little detail has been thought out with these two lovely hosts... What a hidden gem!...Close to the beach and shops, hosts were amazing!" Kenna (San Diego, CA)*
- *"We had a great stay! Thanks for the wonderful recommendations and the Bitchin' accommodations." Ryan & Julia (Chicago, Illinois)*
- *"Thank you so much for sharing your home with us! I could not stop oo-ing and ah-ing at the awesome decor! The home was bright and airy during the day; cozy and romantic at night! It was All California! ...The outdoor living space was my favorite part of the house!!! The owner should be so proud of her home! Location of the house is perfect - Mussel Cove only minutes away - BEST BEACH! Downtown Dana Point & Marina/Beach within walking distance!" H.C.H (Chicago, IL)*
- *"...Thank you for allowing us to have this charming little beach bungalow be our home away from home...Conveniently located near all amenities, including the harbor and fine restaurants was an added bonus for us during our stay here. Our stay here will be one of our cherished memories for years to come. We look forward to coming back soon!" Cheryl & Rich (San Juan Capistrano, CA)*
- *"...WOW! ... As the sun went down, the sky looked like a watercolor painting. The moon came out shortly after and was an astronomer's dream, a huge flashlight in the distance. Great for us too, guiding us down to Hennessey's Bar/Club...Headed down to the farmers market for some snacks. Picked up fresh avocados, tomatoes, artichokes, and some other goodies for snacktime. It is so nice to have fresh fruits and vegetables...do I miss this? Yes! SoCal produce is the best..." Angelina (San Francisco, CA)*
- *"Fantastic retreat from the world...tucked away but close to everything...Your home was amazing and truly enjoyed the stay!" -- Raquel M. (Houston, TX)*
- *"Mellissa and I (Alison) stayed @ The "Bitchin' Beach House" for a fabulous week of soul searching!! We danced, we laughed and enjoyed dinner out on the swing. We enjoyed our yoga class "Yoga for Teens" → teaching teens how to do yoga → in Canada. Had a fabulous time. Thank you so much for an amazing place to stay! Amazing growth! The ocean is amazing → We're telling all our Canadian friends about this place." Mellissa & Alison (Calgary, Alberta, Canada)*
- *"Thank you Tessa for the use of your charming cottage. It was a cozy haven for us while we explored what Dana Point and Laguna has to offer." Celia, Mardya & Marion (Piedmont, California)"*

3. We only rent to families, couples and individuals who will take good care of our home. Since the house is extremely special to us and we want to keep the neighborhood quiet and peaceful, we are very careful about whom we rent to and only rent to people who will be respectful of the house and community. If we ever suspect that someone is interested in hosting a party, we do not rent to them. It would be heartbreaking to have anything happen to our home that we worked for a decade to save up for, design and remodel.

Because of our screening process, we have been lucky to have a diverse group of amazing guests who have become lifelong friends of ours. It has been thrilling to host brides and grooms on their honeymoons, business people, artists and families from around the world (all of whom contribute to the local economy):

- **International Guests - Calgary, Alberta, Canada; Düsseldorf, Germany; Fayence, France; Geneva, Switzerland, Hoveringham, England; London, England; North Rhine-Westphalia, Germany; Paris, France, Rome, Italy; Sidney, Australia**
- **Guests from other cities within the United States - Anchorage, Alaska; Arlington, Texas; Berkeley, California; Beverly Hills, California; Boston, Massachusetts; Fort Lauderdale, Florida; Houston, Texas; Northern California; Oakland, California; Omaha, Nebraska; Pacific Northwest; Philadelphia, Pennsylvania; Piedmont, California; Port Angeles, Washington; Salt Lake City, Utah; San Diego, California; San Rafael, California; Seattle, Washington; Sedona, Arizona; Tucson, Arizona**

It draws families, business people and artists who are looking for a unique Southern California experience living as a "local":

- **Family Vacation - "A beautiful place to spend our family vacation. We have memories to last our lifetimes!" The Nedneys (Scotts Valley, CA)**
- **Business Event - " I attended a charity event in Dana Point and SJC and I chose the Bitchin' Beach House as our base. Such a good call. This place is truly unique and was very cool to spend a couple nights in. It's rootsy style and feel, coupled with its perfect location made our excursion memorable! Highly recommended!" Darren (San Luis Obispo, California)**
- **Home Away from Home - "BITCHIN' Beautiful, Peaceful, Suh-weet!, Relaxin', Chill, Colorful, Peaceful, comfortable, cute, HIP, BOHO, COZY, Pretty, Family, Friendly, Creative, Detailed, Homy, Cool, Original, Happy, Warm, Chic, Amazing, Wonderful, All We Had Hoped, Don't Wanna Leave, Ready to come back, Perfect Get Away, Nest for my Girls & Me...MAGICAL!!Thank you so much for sharing your home with these Nebraska girls <3 ❤️" Susan Nelson-Knox (Omaha, Nebraska)**
- **Artists/Inspiration - "The BBH was amazing. Alyssa was available to attend to our needs and the property was artfully designed and highly inspirational for our creative weekend." Vincent (Simi Valley, California).**
- **International Travelers -**
 - o **"Thanks for a wonderful time in a special place! Never seen before something like that! We enjoyed the evenings outside with all the lights!" Barbara, Bodo & Max (Düsseldorf, Germany)**
 - o **"I never been in such a beautiful place. They have such great taste and attention to detail, it's impressive! ... If you are looking for a house to rest close to the beach, that's the place to be!" Sebastiano (Rome, Italy)**

It makes me so happy that people from around the world are making memories that will last a lifetime in our house and in Dana Point. I love that it is a draw for tourists and supports the local economy in a city that I care so much about.

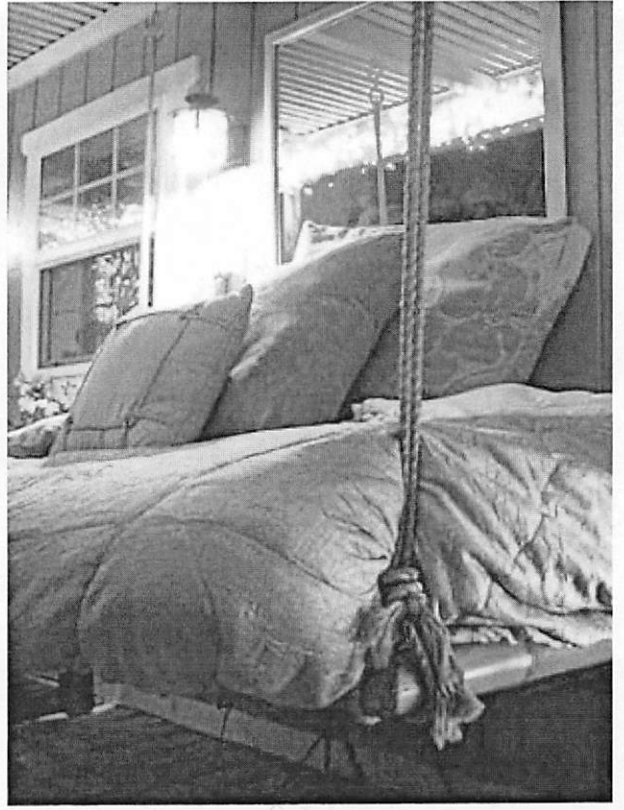
We appreciate the rules that have been set in place for Short Term Rentals and have been (and continue to be) very conscientious to comply with the City rules since the STR program began in 2014. We are happy

to pay the 10% tax to the city and think of that money as going towards the beautification of Dana Point (the improvements to the City are gorgeous!). I read that the short-term rentals accounted for approximately \$700,000 in revenue for the City in 2021, which is fantastic! Let's keep growing that number and bring in even more money for the city...it will be a win for everyone (the City, the homeowners, the travelers and the local businesses).

I appreciate you taking the time and consideration,

Sincerely,

**Tessa Hendrie
33851 Olinda Drive
Dana Point, CA 90265**



Shayna Sharke

From: Argam DerHartunian <argamd@gmail.com>
Sent: Monday, June 20, 2022 2:53 PM
To: Comment
Subject: Public Comment June 21 2022

Dear Planning Commission:

I'm writing to express my full support in the passage of the COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM.

The legal guidance expressed in previous court rulings shows the right property owners have to be able to use their properties for short term rentals. Further, there is a need for a homeowner to be able to maximize the use of their property to bring in income for their livelihood. I fully support the passed short-term rental program.

Thank you,

Argam Derhartunian
26727 Avenida Las Palmas
Dana Point, CA 92624

Agenda Item No. 16
6/21/22

6/2022

Dear Dana Point City Council,

Please vote to continue allowing short-term rentals in Dana Point. Short-term rentals help so many diverse people.

- They allow guests to experience the true spirit of Dana Point, by giving the option of a home experience, not just a hotel experience. Most Vacation Renters are like us, wanting a home experience, a little different from a hotel, giving us more of a feel for the community. We are considerate, happy, law abiding guests to your city who want to enhance our involvement in your beautiful community by staying in a home.
- For families and seniors, staying in a home is generally much more affordable than a hotel. Short-term rentals give safe, beautiful, affordable options that won't exist if you vote to discontinue. Dana Point should not want to lose the diversity of your guests and become only a destination for the wealthy.
- Dana Point regulates short-term rentals. Those that don't follow the rules most likely will continue to rent out their homes, whether it is legal or not. By making it illegal, you are impacting homeowners that care about doing things right, care about following the rules, care about their homes and care about the law.
- Short-term rentals allow homeowners a way to keep up with the increasing costs of ownership, especially seniors who are on a fixed income, first time homebuyers, and our younger generation who want to be able to afford a home.

My daughters own a home in Dana Point and are able to make their mortgage because of the extra income. They love Dana Point and want it to be their home; they do not want to rent their home full time. Without the extra income, they will need to consider selling their home, or moving out and renting it full time. They are not the only ones that will be in this position, if you vote to deny the right to rent their homes short-term. We know this is not the impact you want.

Besides bringing in tax dollars, by having short-term rentals, Dana Point gains so much more. Short-term rentals bring in more customers for restaurants & more shoppers for small businesses. Please don't overlook the many many wonderful sides of short-term rentals. Please vote to continue giving homeowners the right to rent their homes to our vacation guests. Thank you all.

Sincerely,

Stephanie Widener Hendrie
President & Founder
Hendrie Communications, Inc.

Agenda Item No. 14
0/21/22

Shayna Sharke

From: Chris Hendrie <chrishendrie@gmail.com>
Sent: Monday, June 20, 2022 1:46 PM
To: Comment
Cc: Shayna Sharke; Allison Peterson; Johnathan Ciampa
Subject: Public Comment, June 21, Agenda item #16, Short term rentals

Dear Dana Point City Council,

Please vote to continue allowing short-term rentals in Dana Point.

My daughters own a small bungalow in Dana Point. My daughters are able to make their mortgage because of the extra income. They love Dana Point and want it to be their home; they do not want to rent their home full time. Without the extra income, they will need to consider selling their home, or moving out and renting it full time.

They are not the only ones that will be in this position, if you vote to deny the right to rent their homes short-term. We know this is not the impact you want.

Dana Point regulates short-term rentals. Those that don't follow the rules most likely will continue to rent out their homes, whether it is legal or not. By making it illegal, you would impact homeowners that care about doing things right, care about following the rules, care about their homes and care about the law.

Short-term rentals allow homeowners a way to keep up with the increasing costs of ownership, especially seniors who are on a fixed income, first time homebuyers, and our younger generation who want to be able to afford a home.

Sincerely,

Chris Hendrie

Chris Hendrie
chrishendrie@gmail.com
818-903-9753 mobile
818-951-1952 studio

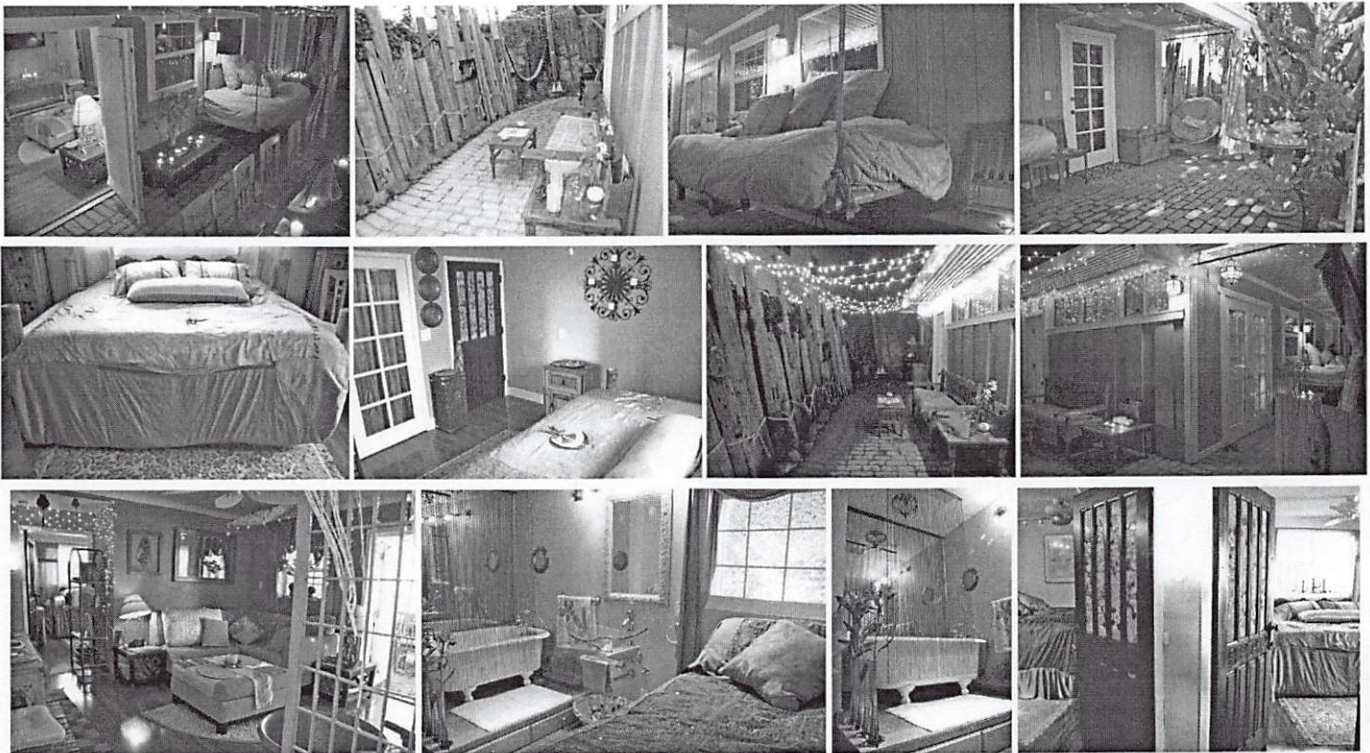
June 20, 2022

Dear Dana Point City Council,

Please vote to continue to allow Short Term Rentals in Dana Point. (Please include the attached letter in the packet for the upcoming meeting on June 21, 2022, Agenda Item #16, Short Term Rentals.)

My sister and I are designers and fell in love with Dana Point. Our lifelong dream has always been to buy a piece of property in a gorgeous area and make the house stunning. The vibe of Dana Point, coupled with the amazing sunsets at Strands Beach made it THE place we wanted to make our lifelong dream come true.

I spent my entire twenties working as political consultant to save money to buy our first house in Dana Point. We bought a small, rundown cottage, listed as the "cheapest house in Dana Point" and spent seven months renovating it and turning it into a Caribbean style beach bungalow. It is our baby...though small in size, we furnished it with one-of-a-kind pieces from our grandparents villa in Mexico and found décor and artwork that at garage sales & on Craigslist to turn it into a truly unique place:



Agenda Item No. 16
6/21/2022

Since we are both young and early on in our careers, we started renting it out to supplement the mortgage. Turning it into a vacation rental allows us to live at the house and enjoy Dana Point, and also rent it out when we travel, to help with mortgage payments.

Turning our house into a vacation rental has truly been a joy for us and for our guests from around the world, and for the local community...let me share a few of the many reasons:

1. The types of people attracted to vacation rentals:

- **Vacation Renters are generally a different clientele than people who prefer to stay in a hotel. They are looking for a unique experience to stay as a "local" in a home. As best written by some of our vacation renters:**
 - *"What a charming home and SO much nicer than a hotel! We thoroughly enjoyed our stay." - The Lubinski Family (Tucson, Arizona)*
 - *"We had a magical time at the BBH. The BBH is an intimate, personal, real world antidote to the motel/hotel scene... every detail has obviously been handcrafted with care... We felt like locals not tourists." U.J. (Pacific Northwest)*
 - *"...The neighborhood is quiet except for the occasional car driving by. This is so much nicer than getting a hotel...Plenty of things to do and places to eat..." Scott (Hobe Sound, Florida)*
 - *"We loved the BBH. Everything about it says R-E-A-L. It was the ultimate anti-motel. A bit of magic in the midst of a regular neighborhood. An amazing relief to the spirit after a day at the Magic Kingdom!" John, Sue, Lucy, Rick (Washington)*
 - *"There's no better way to experience the ever changing landscapes of America than by throwing yourself right in the thick of it - and as Orange County experiences go, Bitchin' Beach House (in Dana Point) is about as spot on as you're going to get." Sean Lynch (Sydney, Australia)*
 - *"Couldn't have asked for a better vacation! It was a fabulous alternative to staying in a hotel and we want to make this a yearly adventure!" Kaitlin, Ben, Johnny and Mike (Philadelphia, Pennsylvania)*
 - *"We really enjoyed our vacation. It was nice to come back to a "home" and relax after running around all day. Our seven-year-old daughter loved it! Staying here made our vacation extra special." The Schreiner Family (Seattle, Washington)*
 - *"Truly Magical. The Bitchin' Beach House was everything we anticipated and more! ...The Beach House is close to everything but in a nice quiet residential neighborhood. I cannot imagine coming to California to visit and having to stay somewhere else. We took many photos on our mini vacation I noticed a lot of them were of our beach house ;)" Laurie H. (Port Angeles, Washington).*
 - *"The house worked out perfectly for our 3-generation double-digit celebration – grandma, mom (me) & daughter. The outdoor bed even fit all 3 of us, curled up at night, each with our own book to read! Love the fun & funky décor. So nice to know I'm not alone loving bright, bold colors on walls." Alice Ostrovsky (San Rafael, CA)*

2. Our guests frequent the local restaurants, shops, whale watching tours, bike shops, paddle board/kayak/surfboard/sailboat rental companies, the farmers market, and beaches. We give them a list of our top “things to do in Dana Point” and they love it. Vacation rentals are great for the local Dana Point economy. In our guests’ words:

- *“Really enjoyed our stay! Places we ate and recommend: Breakfast – RJ’s – Dana Point, Lunch – Wind and Sea – Dana Point, Dinner – Beachcomber – Crystal Cove, Captain Dave’s for whale watching. Thank you again!” Tina and Jan (Arlington, Texas)*
- *“We had a great stay over Memorial Day Weekend at this lovely place! The home came equipped with everything we needed which helped us relax and just enjoy our time in Dana Point. We were able to walk down to Cycleological Bike Shop just 5 min away in the shopping center and rent a couple of bikes to ride down to Doheny Beach. We enjoyed the BBQ and fire pit on the relaxing porch at the house after our day adventure! We loved it!” Andrea (Los Angeles, CA)*
- *“Loved BBH! I took my wife and two boys on a summer OC surf adventure and the Bitchin' Beach House created the perfect atmosphere for a casual, fun and relaxed getaway with a Caribbean/beachy feel. The place was clean, comfortable, and well-appointed. Hosts Alyssa and Tessa were very helpful and friendly. They helped us get set up, provided restaurant recommendations in the area and made sure everything was taken care of. Our trip was much more memorable staying at the BBH than at a chain hotel!” Daniel (San Diego, CA)*
- *“Super cozy, fun decorated house located in a great area. Quiet relaxing neighborhood with the coolest looking house on the block. Perfect place to stay while visiting Dana point and surrounding areas. I'd recommend this to anyone visiting this beach town!!” Brooke and Jake(Los Angeles, California)*
- *“...Decor beautiful I felt as if i was in Hawaii or some tropical exotic locale. After all our friend and family left. I relaxed on the swinging bed. Listened to the rain softly falling on the metal roof. Breathe in the ocean air and fell asleep. Though you’re in a residential neighborhood its just a short drive to Dana Harbor. We went whale watching the next morning and had an amazing time. Dana Wharf whale watching. We saw 2 humpback many greys and about 20 or more breaches. Which rarely happens. It was a magical experience. Short but perfect for our family Easter...” Sue (Carver, Minnesota)”*
- *“The house is adorable and in a great location, super close to the harbor. This was my first airbnb experience and I can't wait to rent again.” Jillian Hostnik (Brielle, New Jersey)*
- *“We had an amazing time at the Bitchin' Beach House...We loved exploring the neighborhood and walking to the beach. Also very accessible and close to Laguna. I would definitely stay here again!” Craig (Los Angeles, California)*
- *“We really liked the cozy atmosphere of this place. Alyssa was totally great and accommodating. Love Dana point. And the place is close to all shopping centers. ” Sue (Ladera Ranch, California)”*
- *“Where do we start? What a fantastic little house! Cozy and a fantastic outdoor space. If you crave a bohemian vibe and want to be far enough away from the hustle to chill yet close enough to go out to eat, walk and enjoy one of the gorgeous, countless beaches this is a perfect place to stay.” Beth (Toronto, Canada)*

- *"The space is WAY better than we could have imagined. Every little detail has been thought out with these two lovely hosts... What a hidden gem!...Close to the beach and shops, hosts were amazing!"*
Kenna (San Diego, CA)
- *"We had a great stay! Thanks for the wonderful recommendations and the Bitchin' accommodations."*
Ryan & Julia (Chicago, Illinois)
- *"Thank you so much for sharing your home with us! I could not stop oo-ing and ah-ing at the awesome decor! The home was bright and airy during the day; cozy and romantic at night! It was All California! ...The outdoor living space was my favorite part of the house!!! The owner should be so proud of her home! Location of the house is perfect - Mussel Cove only minutes away - BEST BEACH! Downtown Dana Point & Marina/Beach within walking distance!"* H.C.H (Chicago, IL)
- *"...Thank you for allowing us to have this charming little beach bungalow be our home away from home...Conveniently located near all amenities, including the harbor and fine restaurants was an added bonus for us during our stay here. Our stay here will be one of our cherished memories for years to come. We look forward to coming back soon!"* Cheryl & Rich (San Juan Capistrano, CA)
- *"...WOW! ... As the sun went down, the sky looked like a watercolor painting. The moon came out shortly after and was an astronomer's dream, a huge flashlight in the distance. Great for us too, guiding us down to Hennessey's Bar/Club...Headed down to the farmers market for some snacks. Picked up fresh avocados, tomatoes, artichokes, and some other goodies for snacktime. It is so nice to have fresh fruits and vegetables...do I miss this? Yes! SoCal produce is the best..."* Angelina (San Francisco, CA)
- *"Fantastic retreat from the world...tucked away but close to everything...Your home was amazing and truly enjoyed the stay!"* -- Raquel M. (Houston, TX)
- *"Mellissa and I (Alison) stayed @ The "Bitchin' Beach House" for a fabulous week of soul searching!! We danced, we laughed and enjoyed dinner out on the swing. We enjoyed our yoga class "Yoga for Teens" → teaching teens how to do yoga → in Canada. Had a fabulous time. Thank you so much for an amazing place to stay! Amazing growth! The ocean is amazing → We're telling all our Canadian friends about this place." Mellissa & Alison (Calgary, Alberta, Canada)*
- *"Thank you Tessa for the use of your charming cottage. It was a cozy haven for us while we explored what Dana Point and Laguna has to offer." Celia, Mardya & Marion (Piedmont, California")*

3. We only rent to families, couples and individuals who will take good care of our home. Since the house is extremely special to us and we want to keep the neighborhood quiet and peaceful, we are very careful about whom we rent to and only rent to people who will be respectful of the house and community. If we ever suspect that someone is interested in hosting a party, we do not rent to them. It would be heartbreaking to have anything happen to our home that we worked for a decade to save up for, design and remodel.

Because of our screening process, we have been lucky to have a diverse group of amazing guests who have become lifelong friends of ours. It has been thrilling to host brides and grooms on their honeymoons, business people, artists and families from around the world (all of whom contribute to the local economy):

- International Guests - Calgary, Alberta, Canada; Düsseldorf, Germany; Fayence, France; Geneva, Switzerland, Hoveringham, England; London, England; North Rhine-Westphalia, Germany; Paris, France, Rome, Italy; Sidney, Australia
- Guests from other cities within the United States - Anchorage, Alaska; Arlington, Texas; Berkeley, California; Beverly Hills, California; Boston, Massachusetts; Fort Lauderdale, Florida; Houston, Texas; Northern California; Oakland, California; Omaha, Nebraska; Pacific Northwest; Philadelphia, Pennsylvania; Piedmont, California; Port Angeles, Washington; Salt Lake City, Utah; San Diego, California; San Rafael, California; Seattle, Washington; Sedona, Arizona; Tucson, Arizona

It draws families, business people and artists who are looking for a unique Southern California experience living as a "local":

- Family Vacation - "A beautiful place to spend our family vacation. We have memories to last our lifetimes!" The Nedneys (Scotts Valley, CA)
- Business Event - " I attended a charity event in Dana Point and SJC and I chose the Bitchin' Beach House as our base. Such a good call. This place is truly unique and was very cool to spend a couple nights in. It's rootsy style and feel, coupled with its perfect location made our excursion memorable! Highly recommended!" Darren (San Luis Obispo, California)
- Home Away from Home - "BITCHIN' Beautiful, Peaceful, Suh-weet!, Relaxin', Chill, Colorful, Peaceful, comfortable, cute, HIP, BOHO, COZY, Pretty, Family, Friendly, Creative, Detailed, Homy, Cool, Original, Happy, Warm, Chic, Amazing, Wonderful, All We Had Hoped, Don't Wanna Leave, Ready to come back, Perfect Get Away, Nest for my Girls & Me...MAGICAL!! Thank you so much for sharing your home with these Nebraska girls <3 ♥" Susan Nelson-Knox (Omaha, Nebraska)
- Artists/Inspiration - "The BBH was amazing. Alyssa was available to attend to our needs and the property was artfully designed and highly inspirational for our creative weekend." Vincent (Simi Valley, California).
- International Travelers -
 - "Thanks for a wonderful time in a special place! Never seen before something like that! We enjoyed the evenings outside with all the lights!" Barbara, Bodo & Max (Düsseldorf, Germany)
 - "I never been in such a beautiful place. They have such great taste and attention to detail, it's impressive! ... If you are looking for a house to rest close to the beach, that's the place to be!" Sebastiano (Rome, Italy)

It makes me so happy that people from around the world are making memories that will last a lifetime in our house and in Dana Point. I love that it is a draw for tourists and supports the local economy in a city that I care so much about.

We appreciate the rules that have been set in place for Short Term Rentals and have been (and continue to be) very conscientious to comply with the City rules since the STR program began in 2014. We are happy to pay the 10% tax to the city and think of that money as going towards the beautification of Dana Point (the improvements to the City are gorgeous!). I read that the short-term rentals accounted for approximately \$700,000 in revenue for the City in 2021, which is fantastic! Let's keep growing that number and bring in even more money for the city...it will be a win for everyone (the City, the homeowners, the travelers and the local businesses).

Please continue to allow short-term rentals. Without them, we may not be able to make the mortgage payments and risk losing our house. I'm sure there are other people in the same boat.

Vacation rentals positively affect thousands and thousands of lives (in our city and throughout the world.)

Thank you,

**Alyssa Hendrie
33851 Olinda Drive
Dana Point, CA 90265
(818) 903-9754**

Shayna Sharke

From: Mike Wolfe <mwolfe@lee-assoc.com>
Sent: Monday, June 20, 2022 11:00 AM
To: Comment
Cc: Mariessa Wolfe (mwdesign2@yahoo.com)
Subject: Public Comment STR Program Hearing 6/21/2022 Agenda #16

Importance: High

Dear City of Dana Point Council:

As a long time permitted Short Term owner we have complied with and have had no issues (34375 Dana Strands Road, unit 2).

For over 5 years this program has been reviewed and vetted. **We support the City of Dana Point's approval** of the Coastal Development Permit CDP22-0010 on May 9, 2022.

Please accept our comments to uphold the City of Dana Point/Coastal Development Permit.

Thank you.

Mike & Mariessa Wolfe
34375 Dana Strands Road, unit 2
Dana Point, CA 92629

Agenda Item No. 10
6/21/2022

Shayna Sharke

From: Julie Kuntz <swedishjulie@hotmail.com>
Sent: Friday, June 17, 2022 10:46 AM
To: Comment; Julie Kuntz
Subject: Dana Point STVR program

Address:
24662 Jeremiah Dr.
Dana Point, CA 92629

Esteemed council members, I'm writing you today **in support of** the proposed Dana Point STVR program.

This flexibility to rent our homes on a **weekly basis** is something that allows us to share our beautiful city with people visiting from all over the world. As someone who vacationed in Dana Point many years ago then decided to make this our home **to raise our four children** would not have happen without accessible living for a family of six which cannot be easily accomplished in a hotel.

Having the opportunity to **weekly rent our home** as our family moves into retirement is imperative for my family to meet it's financial and tax requirements in the forthcoming years. We have managed vacation homes in the Palm Desert area for years with zero complaints by keeping strict guidelines on tenants and renters. Our interest in not in 3 day rentals, but more along the **7 -10 day** area which in our opinion should not be considered a "short term rental".

The **benefit of the STVR TOT tax** that will be generated by the program along with the additional sales tax will be extremely beneficial to Dana Point and it's residents. The average vacationer spend \$305/day on food, shopping and dining out which would be much needed revenue for our local restaurants and breweries. Hotel consumption revenue typically stays at local hotels, as most tenants seldom venture out for other food options.

The **entire City of Dana Point should not be punished** for a few bad owners, owners with complaints should be reprimanded, fined and eventually removed from the program for non-compliance.

thank you,

Julie Kuntz

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Shelley Black <shelleyblack@me.com>
Sent: Friday, June 17, 2022 12:02 AM
To: Comment
Subject: STR

I am all for STR on a limited bases. There are hundreds of homes doing STR rentals without permits and this is just lost revenue for the city of Dana Point. Revenue that goes to the city will only increase the value of Dana Point and the community!

Sincerely, Shelley Black

Shelley Black
Residential Agent Inc.
(949) 233-8049
DRE #01435818

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Jeanette Krueger <msdupre6@gmail.com>
Sent: Thursday, June 16, 2022 4:37 PM
To: Comment
Subject: Short term rentals

Back in 1972 I booked a short term rental in Dana point , with my Mum and Dad for a vacation from the UK, I now live here , why is there a problem in renting a home. for vacations, makes sense for a family , can't all afford the Ritz , this is not a new concept and should be approved

jeanette Krueger

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Kristofer Peterson <krispete1@gmail.com>
Sent: Thursday, June 16, 2022 4:43 PM
To: Shayna Sharke
Subject: Re: STR Program ATT: city clerk

I am in support of being able to do short term rentals in the city of Dana point and capo beach. Given the uncertainty ahead with the economy I would love to be able to have the option to do a short term rental of my home to subsidize the high cost of living because of where we live as well as rising inflation. I own a small business in town and will be severely affected by an economic downturn as will many other small business owners.

Sincerely,

Kris and Beth Peterson
949.296.5944
(26629 Via Sacramento, Capistrano Beach)

Sent from my iPhone

On Jun 16, 2022, at 5:28 PM, Shayna Sharke <SSHARKE@danapoint.org> wrote:

Dear STR Interested Party,

On May 9, 2022, the Planning Commission approved Coastal Development Permit CDP22-0010 to establish the Short-Term Rental Program. The approval was appealed and will be reviewed by the City Council on June 21, 2022, at 6:00 PM in the City Council Chambers at 33282 Golden Lantern, Dana Point, CA 92629.

The Agenda Report may now be accessed [through this link](#).

Public comment may be provided in person, electronically, or by mail. City Staff will be coordinating entry to the Council Chambers during public comment and manage available seating capacity throughout the meeting. Alternatively, comments may be submitted in writing via mail to the address above (Attn: City Clerk) or emailed to comment@danapoint.org. To be considered as part of the meeting and provided to City Council prior to the meeting, comments must be received no later than 4:00PM on June 21, 2022. All comments, whenever received, will be shared with the City Council. Emails should include "Public Comment", the date of the meeting in the subject line, and reference to the Agenda Item number (#16). Mailed and emailed comments will not be read by the City Clerk during the meeting, but will be included in the record.

Shayna Sharke, CMC
City Clerk

33282 Golden Lantern Street
Dana Point, CA 92629
Phone: (949)248-3505
Email: SSharke@danapoint.org
www.danapoint.org

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Staci Sheaks
Sent: Monday, June 13, 2022 3:33 PM
To: Shayna Sharke
Subject: Fwd: STR Appeal

Get [Outlook for iOS](#)

From: Johnathan Ciampa <JCiampa@DanaPoint.org>
Sent: Monday, June 13, 2022 3:17:45 PM
To: Allison Peterson <APeterson@DanaPoint.org>; Staci Sheaks <SSheaks@DanaPoint.org>
Subject: Fwd: STR Appeal

Get [Outlook for iOS](#)

From: Terry Walsh <terencewalsh@gmail.com>
Sent: Sunday, June 12, 2022 8:32:32 AM
To: Johnathan Ciampa <JCiampa@DanaPoint.org>
Cc: Joe Muller <JMULLER@DanaPoint.org>; Jamey Federico <JFederico@DanaPoint.org>; Mike Frost <MFrost@DanaPoint.org>; Michael Villar <MVillar@DanaPoint.org>
Subject: STR Appeal

The following are some comments for the appeal of the STR issue.

I am opposed to Short Term Rentals in any area in Dana Point zoned as residential. Cities like Laguna Beach only permit STRs in commercial or mixed use zones. STRs should not be permitted in R1 zones.

If the government wants to implement a program to legalize them, do it in an area zoned commercial or mixed use, not residential.

Several points are worth stating:

This change will permit the Coastal Commission to have zoning authority outside the Coastal Zone. This is the reason a prior plan failed at the DP Council.

There is a Short Term Rental across the street from my house and it has been a problem many times for me, my wife and the neighbors.

What we are doing now is illegal!. Government has not enforced either the law or rules for years. Why do you want us to think you will now enforce them?

Agenda Item No. 16
6/21/22

Residents and neighbors do not want them. Only people that make the money do (owners, real estate agents and the city via TOT).

The Home Stay option seems to be the best choice of some bad ideas. However, the rules for Home Stays need to include a parking rule that requires both guests and owners to park in the driveway and garage during the time of the rental. Simply having the guests park there and let the owners park on the street runs against the intent.

Neighbors should NOT be expected to police and solve problems. There has four telephone numbers to call:

- 1.
- 2.
3. Owners - If you keep the requirement to call the owner, then it should be the responsibility
4. of the owner to provide the telephone number to all neighbors.
- 5.
- 6.
- 7.
8. Code Enforcement which frequently does not answer the phone and sends you to a voice mail
9. system.
- 10.
- 11.
- 12.
13. The HOT line (which only sends an email -
- 14.
- 15.
- 16.
17. Sheriff.
- 18.

The rules for each unit should be well communicated to the renter. They need to be posted prominently inside the front door and included in all rental agreements.

This plan is seriously flawed and needs to be rejected.

Shayna Sharke

From: Luanne Biggs <biggsluanne@gmail.com>
Sent: Thursday, June 9, 2022 11:35 AM
To: Comment
Subject: Coastal Development Permit CDP22-0010 June 21,2022

City Clerk : I would just like to voice my support for the opening up of short term rentals throughout Dana Point. I feel unfairly restricted in using my own home (I live here!)for short term rental periodically through the year. Using your own data , there are little to no complaints on short term rentals and the city gets their tax money . Please move quickly to open this up! Luanne Biggs

Sent from my iPhone

Agenda Item No. 16
6/21/22

Dear Members of the City Council:

I am a resident of Monarch Beach.

I am writing regarding the Appeal of Planning Commission Approval for CDP22-0010, which is on the agenda for the June 21, 2022, City Council meeting.

Specifically, I would like to address the fact that CDP22-0010 fails to include a cap on the number of STR permits in condominiums.

As a resident of Ritz Pointe Estates (RPE), our community has suffered from the proliferation of both permitted and unpermitted STR's in the Monarch Hills condominiums. I am a member of the RPE Board, and I want to be clear I am not speaking on behalf of the Board, and my comments represent my personal views.

Over the years, the Monarch Hills condominiums have evolved into a "condo hotel."

Specifically, we have found that the lack of respect by short-term renters for the property rights of RPE homeowners includes things such as illegal parking and leaving trash behind after returning from the beach.

In one situation, frustrated homeowners who were fed up with the illegal parking and trash confronted a short-term renter that almost resulted in a physical altercation.

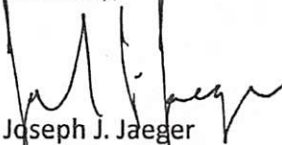
In response, the Board felt it was necessary to hire a private security patrol service to stop the illegal parking and to ensure homeowner safety.

Therefore, the RPE residents incurred a financial cost, as well as the fact that this has adversely affected the character of our neighborhood.

The residents of RPE were so frustrated with the STR situation, that we were able to garner the two-thirds vote necessary to amend our CC&R's to ban STR's in RPE. However, as I indicated, the real problem rests with the proliferation of STR's in the Monarch Hills condominiums.

I would ask that the City Council set a cap on the number of STR permits in condominiums.

Sincerely,


Joseph J. Jaeger
Monarch Beach

Agenda Item No. 16

6/21/22

Shayna Sharke

From: D Choo <danchoomd@gmail.com>
Sent: Friday, June 17, 2022 8:11 PM
To: Comment
Subject: Support for SHORT-TERM RENTAL PROGRAM

HONORABLE MAYOR AND CITY COUNCIL

I am writing in SUPPORT of the COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM.

The city of Dana Point has been studying this issue for at least 5 years and they did a great job to pass a new ordinance that satisfies the Coastal Commission public access requirements. This program was carefully drafted with the interests of the following in mind: (1) preserving the City's affordable rental stock for its residents; (2) providing low cost, affordable coastal accommodations at a variety of prices, locations, and lodging types; (3) protecting the peaceful and quiet enjoyment of the community by its residents; and (4) respecting the private property rights of all property owners (both those who favor and those who oppose STRs). Therefore, this program should be allowed to stand.

Daniel Choo, MD
Associate Professor of Cardiology
University of California, Irvine Medical Center

Agenda Item No. 10
6/21/22

Shayna Sharke

From: Baher Rizkalla <brizkalla75@gmail.com>
Sent: Saturday, June 18, 2022 5:36 AM
To: Comment
Subject: STRs

Hello,

We are against adding any more STRs in Dana Point. We moved here in 2014 because it was a nice quiet place to raise our family. STRs change neighborhoods for the worse everywhere they're allowed to propagate. I will vote against any council person who allows this. Prioritize our neighborhoods, not real estate investors.

Regards,
Baher and Sarah Rizkalla
32701 Seven Seas Dr

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Carole Weling <weling6659@gmail.com>
Sent: Saturday, June 18, 2022 11:15 AM
To: Comment; Capo Cares
Subject: SHORT TERM RENTALS

ATTENTION CITY COUNCIL-- PLEASE PLACE THIS EMAIL INTO THE CITY COUNCIL MEETING ON THE SUBJECT OF SHORT TERM RENTALS-- AS OPPOSITION

Short Term Rentals DO NOT BENEFIT the community homeowners who have elected you to protect our interests. SHORT TERMS RENTALS have become a BUSINESS for outside interests.

PLEASE PROTECT THE INTERESTS OF THOSE THAT VOTED FOR YOU AND HAVE THEIR LIFE SAVINGS AT STAKE.

SHORT TERM RENTALS SHOULD ONLY BE ALLOWED AT RESIDENCES WHERE THE HOMEOWNER IS ON PREMISES.

PLEASE VOTE AGAINST ANY ORDINANCE PROPOSED THAT IMPACTS THE QUALITY OF LIFE of the MAJORITY of residences----- NOT OUTSIDE INTERESTS.

THANK YOU -

James and Carole Weling
Capistrano Beach

Agenda Item No. 10
6/21/22

Shayna Sharke

From: WALTER BADOUIN <wwbworld@gmail.com>
Sent: Saturday, June 18, 2022 12:47 PM
To: Comment
Subject: STR's

The residents of Dana Point need to be able to vote on this , we are the ones who live in residential neighborhoods and have to put up with the noise and disruption. Put this on the ballot let us tax payers decide, not a chosen few who think they know best. Shame on the corruption and lack of respect that is going on. Walt & Rose Badouin

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Mary Ann Schierholt <maschierholt@gmail.com>
Sent: Saturday, June 18, 2022 2:40 PM
To: Comment
Subject: STR

Dana Point's short term rental ordinance has been a disaster for my retirement plan. In 2006 I purchased my Monarch Hills condo for the sole reason that the HOA specifically allowed short term rentals. At that time the City of Dana Point had not put limitations on short term rentals at Monarch Hills. Short term rentals was an integral part of my financial planning when I retired in 2012. My anticipated income has been severely negatively impacted. My situation has been dramatically damaged as a result of the City's actions.

Mary Ann Schierholt
30C Corniche
Dana Point

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Robyn Tandle <rtandle@gmail.com>
Sent: Saturday, June 18, 2022 2:46 PM
To: Comment
Subject: STR Appeal

Do I have to be a resident of Dana Point? I actually live on the border of DP & SJC and am sick and tired of the rental market being taken away from those of us who cannot afford to buy anything- and now the rents are SO astronomical that it's driving long term renters out of the area. This new plan is wrong and should NOT be allowed!!

Thank you,

Robyn Tandle
rtandle@gmail.com

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Lego Pacific <legopacific@gmail.com>
Sent: Saturday, June 18, 2022 3:32 PM
To: Comment
Subject: Short Term Rentals

Please ensure that the City Council receives these comments...

The new regulations on short term rentals should be scrapped.

- These new regulations:
- Don't protect homeowners and residents from having their neighborhoods turned into hotels.
- Place an overwhelming burden on Capistrano Beach and the Lantern District.
- Do nothing to "maintain the character of residential areas".

We already have an effective framework for regulating short term rentals: it's called zoning. People who want to run a business should do so in a commercial zone. People who want to rent out accommodations should do so in a hotel zone.

By their very nature, every short term rental places a far greater burden on the neighborhood than the typical homeowner or long-term rental. STRs, when occupied, tend to have more boisterous customers who don't share the same sense of neighborhood or respect for their neighbors. STRs, when vacant, attract vandalism, squatting, and general neglect. And, because most of the STRs are owned by investors, we can expect no sense of neighborhood from these absentee-owners either.

Short term rentals are already outlawed throughout much of the city, so the overwhelming burden of STRs falls on Capistrano Beach and the Lantern District. Most of the northern part of Dana Point enjoys the ironclad protection of HOAs where it's recognized that STRs are a blight, much like non-functioning cars parked on lawns. If there is such a surge of enthusiasm for more STRs, then why haven't we seen any HOAs rescind their regulations and welcome in a flood of short term stays?

These new regulations do almost nothing to "maintain the character of residential areas"; in fact, these new regs seem to do the exact opposite. The new regs open up the floodgates to potentially 1000+ new short term rentals. Plus, the new regs don't recognize that there might be many more illegal STR on top of those blessed by the city. Dana Point already has some regulations on the books to regulate STRs but they are openly flaunted and, considering the city's abysmal enforcement record, it seems that these new regs are likely to be just as flimsy as the current ones.

So, the city should scrap the proposed new regs and start over. The city should recognize the needs of all residents, not just those shielded by an HOA, and the City Council should look to protect the city as a whole, not just their district.

Best Regards,
Aaron Simmons

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Larry P. Armstrong <armplumb@cox.net>
Sent: Saturday, June 18, 2022 4:03 PM
To: Comment
Subject: STR Appeal

Don't turn our neighborhoods into business districts. My vote is no to STR's.

Agenda Item No. 16
0/21/22

Shayna Sharke

From: Peggy Munoz <peggymunoz7@gmail.com>
Sent: Saturday, June 18, 2022 5:21 PM
To: Comment
Subject: STR

Please see the absurdity of allowing this plan to destroy our already precarious neighborhoods .
Sent from my iPhone

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Marco Guardi <yipyop2@verizon.net>
Sent: Sunday, June 19, 2022 5:11 PM
To: Comment
Cc: Mario Guardi; Andre Guardi
Subject: Agent item #16 - Short term rental expansion

Council members:

I wish to state support for expanding short term rental permits in Dana Point, especially for in residence situations. As a homeowner, flexibility that allows empty nesters to rent out portions of their homes on a part time basis will complement Dana Point's vacation destination appeal.

Respectfully,

Marco Guardi
33851 Granada Dr.

Sent from the all new AOL app for Android

Agenda Item No. 10
6/21/22

Shayna Sharke

From: Joycelyn Choo <joycelyn.a.choo@gmail.com>
Sent: Sunday, June 19, 2022 9:59 PM
To: Comment
Subject: Support for SHORT-TERM RENTAL PROGRAM

HONORABLE MAYOR AND CITY COUNCIL

I am writing in SUPPORT of the COASTAL DEVELOPMENT PERMIT CDP22-0010 TO ESTABLISH A SHORT-TERM RENTAL PROGRAM.

The city of Dana Point has been studying this issue for at least 5 years and they did a great job to pass a new ordinance that satisfies the Coastal Commission public access requirements. This program was carefully drafted with the interests of the following in mind: (1) preserving the City's affordable rental stock for its residents; (2) providing low cost, affordable coastal accommodations at a variety of prices, locations, and lodging types; (3) protecting the peaceful and quiet enjoyment of the community by its residents; and (4) respecting the private property rights of all property owners (both those who favor and those who oppose STRs). Therefore, this program should be allowed to stand.

Joycelyn Choo
Financial Advisor - Edward Jones

Agenda Item No. 16
6/21/22

Shayna Sharke

From: M <mmmurray95628@gmail.com>
Sent: Monday, June 20, 2022 7:34 AM
To: Comment
Subject: Citizens' Short Term Rental Program Appeal

I am pleading with the Dana point city council to appeal the recently approved short term rental program approved recently by the planning commission. This STR program significantly changes the dynamics of residential neighborhoods and converts them to commercial neighborhoods, greatly impacting those property owners who purchased homes to reside in and not rent out.

I strongly encourage the council to limit STRs to hotels, timeshares, or other already established high density vacation complexes and allow residential neighborhoods to remain residential. These complexes are zoned for commercial use and high density housing. STRs increase already challenged parking issues, excessive noise and can introduce health issues from increased garbage and rodent problems from uncontrolled occupancy.

Martha M. Murray
6 logo vista
Dana point, CA. 92629
Mobile: (916) 804-0589

Email: Mmmurray95628@gmail.com

Shayna Sharke

From: kilikaw <kilikaw@cox.net>
Sent: Monday, June 20, 2022 7:47 AM
To: Comment
Subject: STR's

Hi,

I own a duplex in Capo Beach. I do not want to have rights stripped away from me having the option of how I want to rent my property. I live on the property, so managing it would not be an issue. Via California is primarily rentals. It shouldn't effect me since the neighborhood is a revolving door. I don't want any Socialist Commie bastard taking away my rights. We already broke away from King George once. We don't need the current monarchy telling us what we can and can't do. That's why I live here and not where there is a HOA.

Thanks
Chris

Sent from my T-Mobile 4G LTE Device

Agenda Item No. 110
6/21/22

Shayna Sharke

From: Stephanie Harvey <stephanieharvey2012@gmail.com>
Sent: Tuesday, June 21, 2022 11:11 AM
To: Comment
Subject: Public comment 6/21/22- Item #16

Hello-

I will be brief, Thank you for considering opening back up permits for the city's STR program. We live in the Lantern District and currently have a 30 day min rental on our property. We would absolutely be applying for a STR permit, when the city opens them back up again as we fit the stipulation of "STR owner occupied". Our house is a front main house with a 700 sq ft apartment over our detached garage. We have two addresses on our property, we purchased this home from the family who built it, the rental unit over the garage has always been a rental for us and we have had nothing but wonderful tenants.

I am a local realtor in town here, I have placed many clients in short term rentals due to their house selling but new house not ready yet, or moving to town but no home to buy yet, STRs are the perfect solution for many scenarios and life situations people find themselves in. I believe residents have it in their heads that every STR is a party palace, this is simply not true. We have lived in the Lantern District for 12 years and the amount of crazy parties we have heard over the years likely number less then 5. Whereas the amount of long term tenants we live around, being next to an apt building, we have found the long term tenants to be far more disruptive and there is no getting rid of them since they are there long term. STR tenants are there briefly, priced pretty high, simply not seeing the party crowd like residents of DP feel is going on.

STR tenants, in my experience, are families coming to visit our city, homeowners in between homes, adults coming to our town for a few months, etc. Opening up STR permits with the stipulations you have in place, sounds like a great idea and something we welcome. Our town is a tourist destination, Lantern District homes allow the walk to downtown vibe people are wanting for a rental. No one wants to live next to raging parties and honestly, this is a pretty sleepy little beach town, parties are not taking place like people are saying.

Thank you for considering this valuable program. We support permits being opened up again and will fully take advantage of it and abide by the rules.

Stephanie and Bud Harvey
33938 Amber Lantern
Dana Point

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Trent Hofferber <th@trent.occoxmail.com>
Sent: Tuesday, June 21, 2022 11:16 AM
To: Comment
Subject: Coastal permit CDP22-0010 Hearing Date June 21,2022

I am a registered STR owner with one unit at my residence and I am opposed to the approval of CDP22-0010. The STR rental program should be operated by property owners renting out the units in their building with the owner in residence in one unit.

The program should not allow mass building ownership in a corporate sense to rent out STR units. Many Cities have gone to one rental per owner within the city limits. I believe this would be very fair.

Trent Hofferber

Trent Hofferber, Landscape Architect
34167 Pacific Coast Hwy. Dana Point, Ca. 92629
(949) 493-1945 th@trent.occoxmail.com

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Wendie Pinto <wendiepinto@gmail.com>
Sent: Tuesday, June 21, 2022 12:42 PM
To: Comment; Joe Muller; Michael Villar; Jamey Federico
Subject: Public Comment, June 21, 2022,

Agenda #16
Public Comment
June 22, 2022

To Our Dana Point City Council,

As a Capo Beach resident of Dana Point, I'd like you to carefully consider your vote on STR. Having lived next door to 3 of them, I'd like you to understand how they negatively effect our daily lives. It's not just the constant coming and going of strangers, but the never ending continuous cleaning crew, the endless repairs needed by service crews, the parking problems, and not to mention the end of a residential neighborhood. Are we now becoming a short term hotel business? The decision you make on June 21 will be one that effects us all. You were all voted in to represent us. Thank you,

Wendie Pinto

Sent from my iPhone

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Steve Didier <stevedidier1@gmail.com>
Sent: Tuesday, June 21, 2022 12:51 PM
To: Comment
Subject: STR Policy Comments

I am very concerned about several aspects of the new STP policy. My understanding is that the Planning Commission already approved the new STR policy, but they do not have the authority to do so under the authority granted in the municipal code. The Planning Commission does not have the authority to set policy or amend zoning. Only the city council has that authority.

The new STR policy effectively changes the zoning in residential areas to commercial uses, particularly for the multi-family properties that can now have home stay STRs. That will create mini-hotels all over town, particularly in the lantern district. It will be extremely difficult to police who the owners are and what units they live in. And it will displace residents who need more affordable long-term housing options.

I am supportive of the home stay program for SFRs or duplexes only. No STRs for multifamily over two units. I do not support non-resident, unrestricted STRs. Way too many owner/investors STRs will start popping up and turn the lantern and Capo Beach into STR vacationer party zones to the detriment of the dwindling resident population. If allowed, there should be a very restrictive cap on the number of investor owned STRs. And the permits should not carry/transfer with a property when it sells. That effectively creates a commercial property and gives those owners a benefit other property owners are not provided. Those waiting for STR permits should at least have the opportunity to move up a waiting list when someone else sells their property.

Lastly, I'm very concerned about the STR program having so many different options. Instead of controlling or limiting STRs, this program essentially allows owners to have any kind of STR they want. It will be next to impossible for the city to police all types of STRs effectively. It will just be a matter of time before investors snatch up residential properties to become STRs, including hotel groups who continue to expand their private residential holdings for STR uses so they can compete with AirBnB and VRBO. I strongly urge the city council to support community character building and resident first policies in residential neighborhoods. The current STR policies will erode our community character and push residents out to the detriment of the community as a whole.

Steve Didier
Lantern District Owner and Resident

Agenda Item No. 16
6/21/22

RECEIVED

2022 JUN 21 PM 12:37

June 21, 2022

CITY OF DANA POINT
CITY CLERK'S DEPARTMENT

To the members of the Dana Point City Council

We occasionally rent a room in our home on a short-term basis. The room has an attached bath and its own entrance. Guests who arrive with a car park in our driveway, not the street. We do this on a homestay basis, as our house is our primary residence and only home.

Our home is in the Lantern District in a neighborhood with mixed zoning. Multi-unit apartment buildings are intermingled on our street with single family residences.

We have done this since 2015. In all that time there has never been a complaint by a neighbor. We screen our guests carefully and comply with all city requirements.

This rental provides a vital supplement to our retirement income. We also enjoy meeting our guests and talking to them about the restaurants, stores and other attractions Dana Point offers.

We rent our guest suite at substantially less than what the resort hotels charge for a room. This makes a visit to Dana Point affordable for those who otherwise would be priced out of the short-term market.

Though our guest suite has its own fridge, microwave and kitchenette, our guests can thus afford to eat out while they're here, and they typically do over the course of their stay with us.

In summary, based on our experience, we strongly feel that STRs are an economic benefit to Dana Point, and if properly supervised, as they are in the homestay model, have no negative impacts in the neighborhood.

Thank you for your consideration of these comments.

Sincerely,

Marilyn Gardner & Jen Gardner

Agenda Item No. 16
6/21/22

Marilyn and Len Gardner
949-540-4776



June 15, 2022

To: Joseph I. Muller, Mayor, District 1

Richard A. Viczorek, Council Member, District 2

Jamey M. Federico, Council Member, District 3

Mike Frost, Mayor Pro Tem, District 4

Michael Villar, Council Member, District 5

From: Susan Hinman, Dana Point Resident

RE: Appeal of the May 9 Planning Commission Short-Term Action

RECEIVED
2022 JUN 21 AM 11:42
CITY OF DANA POINT
CITY CLERK'S DEPARTMENT

Because of the potential negative long-term impacts of the recent Planning Commission's Short-Term Rental (STR) action, this is a request for the Dana Point City Council to reject the proposed action taken by the Dana Point Planning Commission, and rather to effectively address the following community impacts:

1. Employees of Dana Point businesses, schools and other public entities need access to adequate housing. (Currently many restaurants have posted in their windows notification of limited hours due to lack of available workers. Workers are needed. Many have to drive long distances to work in Dana Point.)
2. The cohesiveness and safety of Dana Point residential communities is threatened by STR occupants in our neighborhoods who have routinely exhibited little regard for adherence to parking, refuse, noise regulations and other issues of concern. How can caring residents successfully live with strangers who are simply hotel business clients and have no interest in our safe neighborhoods?
3. Currently the City of Dana Point has twelve motels and hotels (1861 rooms) with another twenty rooms soon to be added as a pending renovation is completed. In addition there are a minimum five more hotels/motels in the planning stages. Currently there are 131 STRs. The Planning Commission's

Agenda Item No. 16
0/21/22

proposed increase of 54 brings that total to 185 STRs. When mixed with our homes, we will lose our sense of a cohesive residential community.

4. It appears that a select group of investors will be financially benefitting from STRs businesses in the residentially zoned areas of our city. We homeowners may well be fiscally responsible for the necessary complicated, multiple actions needed to regulate offending STRs.

Please deny the Dana Point Planning Commission's STR action and establish a community advisory group to draft recommendations that will benefit our resident's home and community integrity to be a great community in which to live and work.

Dana Point residents and employees deserve to be protected, respected homeowners and have the opportunity to enjoy living, being involved citizens, and working in this beautiful city.

Sincerely,

A handwritten signature in cursive script that reads "Susan Hinman".

Susan Hinman

Shayna Sharke

From: George Ray <george@gtrdevelopment.net>
Sent: Tuesday, June 21, 2022 6:33 AM
To: Comment
Cc: Shayna Sharke; Deanna S
Subject: STR Appeal June 21st City Council Hearing

Dana Point City Council

I support Staff's recommendation to deny the appeal of the recent Planning Commission Approved Coastal Development Permit CDP22-0010. I am a resident of Dana Point since 1999 and have owned property in Capistrano Beach before Dana Point was incorporated. I presently operate a STR at 26791 A Calle Verano. My wife and I are out of town and can't be at the hearing in person. The proposed STR Plan is fair to the residents of Dana Point and to the STR owners. Those that oppose this development permit simply are opposed to STR's and using scare tactics to convince this Council to reject this development permit. The Council is responsible for the welfare of our Community which includes the balance of individual property rights, community interests and most importantly the fiscal condition of our city. The vast majority of our revenue is derived from the Tourist industry, stemming from our beaches, harbor, hotels, STR's and the restaurants that serve our visitors. STR's provides unique housing for a significant segment of our visitors that want to stay in Dana Point. Many families need full kitchens, yards for pets and for their children to play. A total number of 185 STR's out of over 20 thousand residential units in our city does not affect the character of our City. With the development of a number of apartments in the Lantern District, the City is providing more "work force housing". Another scare tactic is the fear that the city will be overwhelmed by 30 day short term rentals by visitors. Some beach rentals would generate enough rent to justify this form of rental. Most properties would not. I don't believe the city could restrict "month to month" rentals and this restriction would be impossible to enforce

George Ray
GTR Property Development LLC
26791 Calle Verano A
Capistrano Beach, CA 92624
949-842-1995

Agenda Item No. 10
6/21/22

June 20, 2022

Ellis H. Kupferman
24362 Timothy Drive
Dana Point, CA 92629

Dana Point City Council
City Hall
33282 Golden Lantern #203
Dana Point, CA 92629

To the esteemed members of the City Council:

I have been a resident of Dana Point for over 30 years, raised a family here and have watched this community grow successfully and thrive. I am writing to you to express great concern over the Council's intent to introduce Air B&B short term rental operations to this city, with what can only be viewed as minimal oversight and an absence of long-term planning. While I appreciate the Council's goal of potential tax revenue enhancement, I am concerned that your efforts to push this program through at a lightening pace at the urging of special interests, will be at the expense of the general community of Dana Point. A significant percentage of the "investors" who stand to profit most from this proposal are non-residents, with no stake in maintaining the quality of life our residents value most.

Other cities such as Laguna Beach, have confronted the issue of short-term rentals in their city and have wisely instituted strict zoning ordinances to protect the residents, after having ensured that they have explored the needs of their community, with appropriate input and reflection by all, on what is in the best interests of their residents. The city of Dana Point appears more focused on addressing the needs of wealthy investors from outside the community, and the speed with which they are doing it is astonishing.

In fact, there would appear to be a dramatic contrast in approach by Dana Point with Laguna Beach and other California cities, as there appears to be a complete disregard for the long-term planning issues and community discussions previously associated with STRs; issues that have been identified by other communities over the years and addressed with appropriate restrictions that would support community property values and safety issues. These issues are related to limitations on the number of people in residence at each rental, parking restrictions, strict use requirements, reasonable noise restrictions; each which can detract from the value of existing property owners and present potential crime problems if not properly addressed.

I have one question for the council that begs a response. Why does the City Council insist on doing an end run around the concept of community hearings on such an important issue, by using the planning commission in place of community hearings, thereby avoiding community input? It borders on the appearance of impropriety, when you eliminate public hearings that are used to assess community concerns, obtain input, and craft a legislative response to address those concerns.

Agenda Item No. 16
6/21/22

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

Ellis H. Kupferman

Shayna Sharke

From: src <srchriste@yahoo.com>
Sent: Monday, June 20, 2022 5:04 PM
To: Comment
Subject: Short-term rentals

Dear City Council Members:

I am writing today, as a member of our community and a vacation rental owner in Dana Point. It is my understanding that the program promoting STRs only expanded from 131 to 185; this is not a big change. The current permit holders are in good standing based on the rules previously passed. We do not compete with the hotels; we offer families a different kind of vacation experience—one which (with a house and all of its amenities) is more conducive to a family situation. It is unfortunate that some individuals and local residents who oppose short-term rentals, are driven by fear and misinformation, rather than facts. They are basing their concerns and biases on the few unpermitted, unaccountable properties and also the numerous sober living facilities scattered throughout Dana Point. It is important to understand that moving into an ever growing global economy, vacation rentals have expanded and enhanced the travel landscape by offering alternative accommodations and providing economic benefits to communities around the world—effectively creating a vibrant marketplace. By instituting a policy (such as the Coastal Commission model for Transient Occupancy Tax)—everyone benefits. Dana Point receives additional tax revenue, and both travelers and residents benefit from the fantastic economic opportunities that short-term rentals provide—the community benefits as a whole.

With sensible regulations in place that apply to all short-term rentals equally, the perceived threat to the peaceful enjoyment of our community is not an issue. In fact, of greater concern to residents opposed to short-term rentals, should be that of renters on long-term leases (of 6 months or more) who are there to stay and create ongoing disturbances and problems. These renters are not always properly screened; with a primary focus on getting the unit(s) rented as quickly as possible. It is my understanding that vacation rental owners and/or managers often book their visitors months in advance (not in a frantic state of desperation) and not only carefully screen and vet their renters, but also typically require a hefty deposit in order to ensure good and respectable behavior. In addition, they also have a strict “rules and regulations” policy in place as these rental units are generally higher-end properties. Many of the owners also enjoy occupying their properties when they are not rented and therefore have an even greater stake in keeping the properties in tip-top condition. In my opinion, these properties enhance the community.

Wouldn't it be nice for travelers seeking alternative accommodations to the traditional hotel model to see Dana Point as a viable vacation destination? Wouldn't it be nice to allow our beautiful community of Dana Point to thrive? Numerous studies have shown that those travelers who choose short-term rentals stay longer and spend more money during their travels versus hotel stays. We, as a community, should embrace this opportunity rather than suppress it.

Thank you,

Susanne Christensen

24661 Cordova Drive, Dana Point, CA

Agenda Item No. 10
6/21/22

Shayna Sharke

From: dwlevin1@gmail.com
Sent: Monday, June 20, 2022 6:08 PM
To: Comment
Subject: STR Appeal

Hello:
I can hardly believe that the Planning Commission approved more short term rentals and easier rules for non-residents to rent out units short term, especially in Capistrano Beach where I recently bought a home.

People on vacation just party all the time and don't pay attention to noise rules or refuse disposal or the neighborhood. This new program is something that residents should have gotten tp put input on. Please reconsider and grant the appeal.

If you lived here you would not want more STR anywhere near your home! Allow the appeal and do the right thing...ask the residents!

Thank you,
Debra Winston-Levin
34855 Doheny Place
Capistrano Beach

Agenda Item No. 16
4/21/22

Shayna Sharke

From: Shilpa Colaco <thecolacos@me.com>
Sent: Monday, June 20, 2022 7:09 PM
To: Comment
Subject: Public Comment, June 21st agenda item #16 Short Term Rentals

Public Comment, June 21st agenda item #16 Short Term Rentals

Dear Dana Point City Council,

I'm sorry I could attend tonight's meeting in person, I was called out of town last minute. My name is Jason Colaco, I am an active member of the Dana Point community, having lived here for 17-years. I have been involved with the structuring of policy around short-term rentals since 2007. While I a strong proponent of Property Rights, I also understand that residents have a right to the quiet enjoyment of their homes. Ultimately I couldn't be more impressed with the frame work of City Planners have put in place. It forces STR owners to be selective with whom they rent to, with steep fines and a potential loss of permits for those who break the rules. Putting limits on the quantity of rentals, helps to ensure we don't have an explosion of STR in our community. For those of us who have operated our rentals properly, we will continue to enjoy the right to rent short term. The process the City Planners have followed was through, engaged our entire community and was fact based using hard data.

I couldn't be happier with the shape our beautiful city is taking under your leadership. It's great to finally have a City Council that works together. Kudos to you all.

Jason Colaco

Dana Point Resident

Agenda Item No. 16
6/21/22

Shayna Sharke

From: winklesystems7@gmail.com
Sent: Monday, June 20, 2022 7:40 PM
To: Comment
Subject: STR Appeal

Hello:

I can hardly believe that the Planning Commission approved more short term rentals and easier rules for non-residents to rent out units short term, especially in Capistrano Beach where I recently bought a home.

People on vacation just party all the time and don't pay attention to noise rules or refuse disposal or the neighborhood. This new program is something that residents should have gotten tp put input on. Please reconsider and grant the appeal.

If you lived here you would not want more STR anywhere near your home! Allow the appeal and do the right thing...ask the residents!

Let's keep Dana Point beautiful.

Thank you,

Edward Mulleady
34505 Via Verde
Capo Beach

Agenda Item No. 16
6/21/22

Shayna Sharke

From: R. Luo <rl_mpc@yahoo.com>
Sent: Monday, June 20, 2022 9:16 PM
To: Comment
Subject: Public Comment re. City Council Meeting 6/21/2022 Item #16 An Appeal of Planning Commission Approval for Coastal Development Permit CDP22-0010

Honorable Mayor and City Council:

Your capable city staff has done an excellent job thoroughly analyzing and responding to each of the 27 issues raised in the appeal letter. As well documented in the staff report, the Coastal Development Permit CDP22-0010 has been adequately analyzed and complies with all provisions of the applicable requirements in the Dana Point Zoning Code, the City Council STR policy direction, and the California Coastal Commission's (CCC) public access requirements. The enhanced STR business regulations adopted by the Planning Commission on May 9, 2022 went through extensive public process and best balances the interests of city residents, the City, and visitors to our beautiful city. Therefore, we respectfully urge you to approve your staff recommendation to adopt the resolution denying the appeal and approving Coastal Development Permit 22-0010 to permit the STR Program, allowing for regulations and provisions for the management of STRs in the City.

Thank you for your consideration!

Sincerely,

Sunny Sun
Rongsheng Luo

Monarch Beach Community Residents

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Nancy Warner <kauppwarner2000@yahoo.com>
Sent: Tuesday, June 21, 2022 7:20 AM
To: Comment
Subject: Public Comment, June 21 Agenda Item Short Term Rentals

I am hoping the City looks at all of the pros and cons on STR's and proceed with the initial plan that passed.

Please consider the following:
There have been very few STR's that cause any nuisance to neighbors.
The City has an aggressive plan to eliminate bad STR's.
Local businesses will be negatively impacted with fewer visitors.

And the most important to keep STR's is that they allow families to enjoy our beautiful area at a reasonable price that cannot be offered via hotels and resorts. Let's share our beautiful area and not exclude families who are in a tight budget in these difficult times.

Respectfully,

Nancy Warner

Nancy Warner
Corcoran GLOBAL LIVING
Residential Sales
Vacation Rentals
BRE License #01063840
Cell: 951-205-7637

Agenda Item No. 14
6/21/22

Shayna Sharke

From: Rick Rutkowski <rickrutkowski007@gmail.com>
Sent: Tuesday, June 21, 2022 7:25 AM
To: Comment
Subject: Fwd: Public Comment, June 21, Agenda item #16, Short Term Rentals

Sent from my iPhone

Begin forwarded message:

From: Rick Rutkowski <rickrutkowski007@gmail.com>
Date: June 20, 2022 at 9:10:17 PM MDT
To: comments@danapoint.org
Subject: Public Comment, June 21, Agenda item #16, Short Term Rentals

To the Dana Point City Council

I am in support of the new STR regulations as per the Planning Commission Ordinance of May 9, 2022.

Non California owners in Dana Point are not all investors (as stated by the opposition many are second home owners..

I own a 2 bedroom/ 2 bath condo on the headlands in Dana Point that my family uses part time and VRBO rent the remainder of the time in order to offset the expenses of the unit.

I have been a permitted STR since early 2014, paying my fees and transient occupancy taxes the benefit all of Dana Point. There has never been a complaint to the City regarding my tenants. We have a rental agreement that demands good neighborly behavior with the penalty of eviction if abused.

We have a " Tenants Folder" on the table for guests to read. In it they find our condo rules as well as the Cities STR rules. Our rules are very strict and my manager lives a block away in case he is needed at the unit.

I feel the 185 cap on out of state owners is a fair number. The opposition calls me an investor...no..I am a second home owner who rents out his private property when he is not using it. I question the oppositions statement that there may be 1200 STRs in Dana Point. The math just doesn't add up.

Do they really think that homeowners who go on a short vacation will want to lock away their valuables before a tenant shows up to rent. Most likely under these circumstances the homeowner will be gone on vacation longer than 30 days therefore not bound by any STR rules.

The California Coastal Act, in part, was created to give more people access to our beautiful coastline. The City of Dana Point has done a wonderful

job with the STR program to facilitate this mission. Quite a lot of revenue comes from STRs. The City has not been burdened with complaints from STR rentals. That's a fact.

Agenda Item No. 16

6/21/22

I support the crack down on illegal STRs and support the permitting process.

A question to the anti STR folks...are you against a homeowner renting his home for 31 days? If not why?

The opposition speaks of ruined neighborhoods, loud obnoxious renters. doom and gloom for all. Remember this, if you have a neighbor you don't care for... for any reason... be thankful they will be gone in a week.

I had to deal with the neighbor for hell foe 10 years...Watch what you wish for.

Thank you for your consideration

Sincerely

Dr Richard Rutkowski

I

Shayna Sharke

From: James Spangler <jnspangler@gmail.com>
Sent: Tuesday, June 21, 2022 7:36 AM
To: Comment
Cc: James Spangler
Subject: Agenda Item #16, Short Term Rentals

Dear counsel persons.

We are coming up on the wonderful and blessed day of independence of our country, JULY 4th, a celebration in which countless persons sacrificed and have given life and limb for this freedom and you all sit before the citizens of Dana Point with the acute responsibility to act for our community in upholding our freedoms. As a homeowner it is a simple freedom to be able to utilize our homes, our property as we worked so hard for. Weather you agree with short term rentals or weather you agree with regular rentals or not it is the personal homeowner who should decide how to manage and utilize the possession what they have worked for, this is their individual right and freedom. This dose not mean that they have the right to disturb or inconvenience any neighbor as they would be infringing on their neighbors right. It does however mean that the community should continue to work together in keeping the rights of all.

Having a short therm rental has brought joy and happiness to countless families who have come to visit, families have had the opportunity to laugh, celebrate, play and create many memories with their families.

Our home is not a place for wild parties, our home is a place to gather and celebrate family. Our home is not a place to create kayos, it is a home to create memories. Our home is not a place to cause trouble, Our home is a place to share community and joy.

Please let me take this opportunity to appeal to your sense of community and the freedom of our county in voting to keep Vacation Rentals as healthy and productive part of Dana Point.

Respectfully,
James N. Spangler

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Melissa Spangler <spangler.melissa@gmail.com>
Sent: Tuesday, June 21, 2022 7:55 AM
To: Comment
Cc: Melissa Spangler
Subject: Shot Term Rental

City of Dana Point Council Persons,

The reason for my email is to appeal to your sense of community regarding the Short Term Rentals. They have been a part of Dana Point, Capistrano Beach since long ago. Beach Road has had Short Term, most were summer rentals since its inception, back in the 30's maybe earlier. Families would leave LA and come to the beach for the summer. They would bask in the glistening sun and folic in our sea. This access to families needs to be preserved. I agree there should be regulations but it would be wrong to deny families the ability to come and stay in a home to relax and enjoy the beauty of where we are blessed to live.

Our family is just that, a family. We are not a corporation, we are not big business, we are simple and have chosen to open our home to guests. We have hosted persons form all over the world. Many families have returned time and time again because they feel at home. We have even had some families relocate to our area because they fell in love with our area. It is not just our area they love but the community. We have been in Capo Beach since 1974 and choose to stay here. This is a chill community, where we stop work to go surfing when the waves are up. This is where we stop to watch the sun set and meander on the sand looking for sea shells. This is is the Dana Point that I want to continue to share with those who are not as fortunate as us.

Please so not destroy our ability to share our home with vacationing families. Please keep Dana Point a friendly continue to and keep Vacation Rentals.

Thank you
Melissa

--
Melissa A. Spangler
General Contractor ~ 968319
Allied Member ASID

Agenda Item No. 16
06/21/22

Shayna Sharke

From: Sharon Sileci <shps123456@yahoo.com>
Sent: Tuesday, June 21, 2022 8:32 AM
To: Comment
Subject: Meeting tonight

We live on Blue Lantern next door is an air B and Bthe last year has been quiet because now at least one of the owners stay in the house when it is rented out.....years ago it was difficult because a few times we complained to the owners about the parking and noise.....I can't imagine they increasing more in Dana Point....I am upset reading this in the paper.....We Don't Need More Increasing LESS IS BEST.....

Sent from my iPad Sharon Sileci and Paul Sileci

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Debbie Derloshon <derloshon@yahoo.com>
Sent: Tuesday, June 21, 2022 3:48 PM
To: Comment; Jderloshon@outlook.com; Michelle Paterson
Subject: Attention clerk For Tonights meeting Comments

Subject Short-Term/Vacation Rentals in the California Coastal Zone.
Reference Supporting Document D dated 06/21/2022

Page 2 "Second the Commission has not..." However, in Situations where a community already provides ample supply of vacation rental and where further proliferation of vacation rentals already an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate."

I think requiring installed low water appliances and low water landscapes prior to any permits.

FACT: "1,714 market rate rooms plus 177 lower cost rooms, with another 650+ rooms coming online. We have 120 campground spaces, 24 cottages, with another 52 hostel rooms coming. This represents almost 2,700 (Including 373 lower cost) visitor accommodations once planned developments are completed. There are also another 359 campground spaces and 357 lower cost hotel rooms located in close proximity to Dana Point. "Taken from the 16 STR program appeal.

The influx of this massively intruding STR program will negatively affect our corporate citizens who pay the TOT taxes to the city counts as part of our budget revenue. Unlike STR's which are at best unregulated and tax revenue uncollected.

Agenda Item No. 16
6/21/22

“The impact of potentially thousands of STRs will negatively impact our hotel workers who will risk not only losing their homes to STR investor but may lose their jobs as well”.

“Though many residents suggested that the STR regulations mandate collection of STR TOT by the marketing platforms, this is not included in the STR plan. Given the City’s woeful record on collection of STR TOTs, it is necessary”.

According to the NAR (National Association of Realtors) “Stable neighborhoods are most desirable for property values and attracting stable communities”.

Transient occupancy is directed by the zoning code. Not all residential zones and only allow new STRs in mix-use zones.

HOA’s which have CC&R’s which direct the use of real property are different than zoning codes.

In 2007 our zoning code did not allow STRs in residential neighborhoods. City council created a new level of bureaucracy to change the character of the city. I do not like a business which pays TOT to the city to be included in residential neighborhoods.

I urge the City Council and the directors to look to Laguna Beach. They allow about 79 residential properties to be used as STR and Have required all new STR’s to be located in a mixed-use zone code. They are our closest neighbor with similar property values. Maybe look at parking and water usage in current STRs in Dana Point we are in a drought requiring low water use appliances landscapes etc should also be included in submission any update to the CCC.

Our council would benefit from a detailed plan which outlines health and safety standard for the STR and for the residents who have acted in

purchasing their properties knowing NO Businesses would be located adjacent to their full time residence.

An STR, like any other business constitutes a nuisance. The city of Dana Point does not have a well-developed plan to provide what they outline in the “new STR rules”.

Placing a cap on the actual number of days an STR could be used as a business might be an idea if there is a reasonable cap on the numbers of STR’s. Why 185 STR permits??

Better yet start at the beginning and limit the number of STR’s to under 79 like Laguna Beach and require all new permits for an STR to be located in the correct zone- mixed use. Not all residential zones!! The zone is there for this very purpose and placing STRs in this area will have a minimal impact on neighborhoods which are zoned residential will be exactly what they where zoned for- quiet enjoyment away from the hectic traffic and other behaviors which are not appealing if you live next door to a business.

I urge the City Council to halt any and all STRs in residential zoned areas. Place all STR’s permitted and not on list to stop all rentals for the next 6 months.

City of Dana Point could create STRs only in a mixed-use zone area. Honor neighborhoods who deserve to be heard. Full time residents who use their homes as their primary residence.

Investors-who purchased for creating a mini hotel/motel would be on notice to rethink the use of a zoned residential property and be urged to rent for at least 30 days or more.

City should provide a detailed with budgeting for supporting staff to secure that the property is at best the same standard a hotel is required to provide.

We are barely out of a pandemic and internet platforms do not check on permits required by the city or health and safety regulations with regard to all neighbors with concern.

Police and fire services should be required to charge the property owner for inspections every 6 months.

Parking needs to be addressed and enforced.

Water usage needs to be addressed and enforced.

When the city council can give me what is the actual cost to citizens, we might be able to find a common ground.

For now, NOT IN SUPPORT of CURRENT Proposal.

Kindest regards,

Deborah Derloshon

Dana Point full time resident.

Berkshire Hathaway Home
Services

Dre 01483320#01317331/

30812 S Coast Highway

Laguna Beach, CA 92651

DRE# 01483320/01442952

C: 949-813-4355

C: 949-510-5455

email:DebbieD@bhhsca.com

JDerloshon@Outlook.com

Shayna Sharke

From: mike berry <mberry72@hotmail.com>
Sent: Tuesday, June 21, 2022 3:16 PM
To: Comment
Subject: Public comment, June 21st 2002 meeting agenda #16

To Whom it May Concern,

We are Dana Point property owners who would like the ability to rent our property in the short term rental program. We also own a property in Hawaii that we do short term rentals with. We have generated a significant amount of taxes for the state with our property. We have never had an issue with short term rentals bothering our neighbors. Our property also generates significant tourism dollars for local businesses. Our cleaners, property manager and handymen are just some of the local businesses that have increased revenue due to our property. STR's gives us the freedom to block out the time we would like to use our property while generating income from that property. When comparing monthly rentals to short term we feel that short term rentals are safer as any potential "problem" renters are gone within days or weeks rather than months. This reduces the duration of any potential renter problems with neighbors. Fines and rules for nuisance renters can be added to the program to handle any potential problems that might arise giving property owners the ability to manage tenants effectively. Our property is also better maintained because our property manager checks and cleans the unit more frequently. With the new harbor going in there will be more opportunities to provide much needed STR's to visitors. Please consider the enormous benefit to the local economy and the advantage over other beach cities these properties provide as Dana Point transitions into a world class destination.

Sincerely,

Michael Berry

Sent from the iPhone of Michael Berry

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Lezlie Campion <lezielcampion@gmail.com>
Sent: Tuesday, June 21, 2022 3:01 PM
To: Comment
Subject: Public Comment June 21, 2022 #16

Hello,

I live in a residential home in Dana Point and I would love to rent out one of my rooms (STR) for extra money.

Times are hard, property taxes are expensive.

I would like to see the Home Stay Short-Term Rental program in Dana Point.

I feel like I should be able to be able to rent a room in my own home to help make ends meet.

Thank you,

Lezlie Campion
25747 Taxco DR.
Dana Point, CA 92629

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Holly Hadden <haddenhollyr@gmail.com>
Sent: Tuesday, June 21, 2022 2:50 PM
To: Comment
Subject: STRs--concerned citizen

To Whom It May Concern:

I write to express my deep concern with the short term rentals in Dana Point, based on the extremely negative impact they have had on our family's overall quality of life.

We have lived very happily in our Lantern Village home for 20 years, having moved from Chicago where we had resided for nearly two decades. My husband and I chose this home and neighborhood very carefully, and after an extensive search in OC, with an eye to small town living as we were about to start our family. We appreciated the modest homes, the walking distance to many amenities, and of course the proximity to the beach. We also very much valued the laid back and down-to-earth community. We also rather liked that the homes are non-uniform and unique and that there wasn't a homeowners association, which might have constrained how the area evolved to be both quaint and quirky. After many winters in Chicago, we were very motivated to live in a place where we would be able to leave our windows open for weeks and months. We settled here quickly, raised our two children, now teenagers, here and have become devoted to our community.

We welcome tourists to our town, totally understanding why they would want to visit here. We happily offer directions, restaurant or surf shop recommendations and chat with travelers on the beach and in the surf lineup. We don't even have an issue--as many of our neighbors do--with the sober living homes in our neighborhood. We know that they bring a lot of value to a lot of people and the workers and guests there are consistently reasonable. We don't have any issue with the expanded housing being developed, which many of our neighbors fear will bring too much congestion and squash the feel of the town, "making Dana Point to Laguna Beach".

However, for the last several years we have discussed moving out of Dana Point regularly, and this is entirely based on the negative impact of the short term rentals in our neighborhood. These VRBO and Airbnb rentals, which now flank our home are a horrible nightmare. People in the houses do not respect that they are in a quiet residential area. They are rude, noisy, frequently absurdly intoxicated, and extremely loud and disruptive for long hours in the evenings, well into the morning. I have lived in many places all over the world and have never been subjected to this sort of disruption of sleep on a regular basis. We live in a canyon where noise is amplified and echos, making the parties late nights even worse to deal with. We've tried to ask people politely to be quiet and also called the police. Neither works. We often have to close all of our windows and turn on loud white noises, like fans, for everyone in the family just to try to get some sleep. While we used to encourage frequent visits from family and friends and offer up our guest room, we now have to warn them that they likely won't be able to get a quiet night's sleep, particularly if they are coming on a weekend and especially if it's a holiday. Our kids cannot have friends sleep over knowing they are likely to have to deal with long, late night yelling. It's ridiculous. These STRs significantly degrade the quality of our life. Our neighbors feel the same way. Every time a neighborhood house is sold, or a new home is being built we talk about how we all hope and pray that it will not become another STR. The pandemic provided a glimpse into the past, and a beautiful, peaceful period. While we used to encourage people to consider homes in this area, we now discourage them, only because of these rentals, and know several neighbors who have chosen to move in order to regain a quiet, calm and peaceful nights.

I would be happy to answer any questions and welcome the opportunity to devote any amount of time and effort to limiting, or (best case scenario) ridding our neighborhood of these rentals.

Kind regards,
Holly Hadden

949/637-5217
(34112 Zarzito Dr.)

Shayna Sharke

From: Maura Mikulec <maura@mikulec.com>
Sent: Tuesday, June 21, 2022 1:33 PM
To: Comment
Cc: Michael Villar
Subject: Public comment, Item 16, 6/21/22

Good evening council and staff. I just want to quickly comment that I am in favor of leaving the STR policy as it is (denying the appeal). I was raised in Capo Beach and have been a homeowner here for almost 25 years. I appreciate that the city recognizes my rights as a homeowner to use my property as I see fit while also putting in several safeguards to protect neighbors from any potential ill-effects of the presence of STRs. I want to add that this policy is VERY MUCH in the spirit of old time Capo Beach, a very live and let live community (versus the likes of a community with a bunch of CC&Rs). THIS is what we ought to preserve above all else, and I believe the policy as it is seems to do that.

Sincerely,
Maura Mikulec

Agenda Item No. 16
6/21/22

Shayna Sharke

From: linda thomas <linda.thomas1@cox.net>
Sent: Tuesday, June 21, 2022 1:08 PM
To: Comment
Cc: Linda Thomas
Subject: STR Appeal from a 40 year resident...

Dear Dana Point Council and Planning Commission,

Please please please do NOT give up our residential neighborhoods to “non-residential, commercial activities” such as short-term rentals in the manner which our planning commission has pushed forward!

I am all for progress and development which grows our city. Most of what has been put in place is just beautiful. However, allowing greed and the desire to commercialize local, long-time residential neighborhoods isn't beautiful...it's terrible! It's scary! It's NOT right!

I appeal to you all to review and create regulations which balance the rights and responsibilities of all residents and homeowners. The current situation does not firmly protect against nuisances, nor “maintain the character of residents and residential neighborhoods”!

Dana Point already has over 1,900 visitor accommodations through our beautiful local hotel industry (with more to come), more than most local beach communities.

These current regulations will harm our residential neighborhoods in several ways, to include:

- 1) decimate local housing stock (which is already occurring as families with children who have grown up here cannot purchase properties because investors swoop in buying up properties in our residential neighborhoods with the plan that they commercialize the property to make money ... I implore our leaders to push back on these investor and commercial activities being approved in our local residential neighborhoods and stand up to protect the sanctity of maintaining truly residential neighborhoods.
- 2) Where there is the potential for financial gain...as exists in our stunningly desirous city of Dana Point....we will always be under relentless attack from those wanting to make money to propose and push plans to commercialize our geography. We all need to scrutinize these proposals and push forth those which keep our neighborhoods in tact, in existence and safe. Putting rental regulations in place which inspire and breed significant increases in investor-owned STR's truly jeopardize the safety and quality of life in our current residential neighborhoods.
- 2) If these regulations go through, an unfair burden is placed on non-HOA property owners.
- 3) And, seriously, you all can't truly monitor potential illegal activity if these proposed regulations go in...already we see huge discrepancies in number of STR permits versus properties advertised for STRs.

I implore you to stand up to the massive pressure you must be under as those who want to diminish local residential neighborhoods persist.

Thank you for fighting the good fight to sustain something precious to our American way...that of the truly residential neighborhood!

Sincerely,

Linda J. Thomas Jones

Agenda Item No. 16
6/21/22

Shayna Sharke

From: Juliana Brutoco <julianabrutoco@gmail.com>
Sent: Tuesday, June 21, 2022 1:20 PM
To: Comment
Subject: CDP22-0010 Comment

To whom it may concern:

I write regarding the short term rental program as a duplex owner in the Lantern District. My family purchased this property primarily for family use; however when my family is not occupying it, I would like to offer it as a short term rental for the following reasons:

- 1) It is proven that occupied properties have a lower incident of burglary and theft;
- 2) An occupied property brings tourism to our jewel of a city;
- 3) Short term rentals provide jobs in our community e.g., landscaping, housekeeping, maintenance, etc for small business owners;
- 4) Being in The Lantern District, specifically, will provide increased revenue for our local small businesses based upon the walkability of the neighborhood;
- 5) The renovations and continual upkeep of our property increase surrounding property values, while also increasing property taxes that directly benefit the city.

Thank you so much for your time and consideration on this matter.

Very Respectfully,

Juliana Brutoco Bianchi and Family

Agenda Item No. 16
6/21/22

June 21 2022

To: Dana Point City Council

I am writing to ask that you uphold the appeal of the Planning Commission policy on Short Term Rentals.

Many concerned citizens have found flaws or objections to the proposed policy. Their well reasoned arguments deserve to be respected. As a parent of two millennials and aware of the home ownership challenges that confront them, I want to see Dana Point municipal policies that make housing easier for younger people. Short Term Rentals have a place in Dana Point but elements of this new Planning Commission policy will make it easier and profitable for corporate and other real estate investors to take ownership of Dana Point housing and finance it with STR income. The hardworking people who work in our visitor serving businesses will find it harder to live locally.

These negative outcomes are unacceptable to me. I and other residents want to see a policy that does not incentivize commercial investment in residential properties or further raise the cost of local housing.

Please uphold the appeal and send our STR policy back to the Commission with instructions to make a policy that works for everyone.

Steve & Sharon Stewart

33501 Periwinkle Dr.

Dana Point, Ca. 92629

Agenda Item No. 110
6/21/22

Shayna Sharke

From: Cheri beifuss johnson <five_ft_tu@cox.net>
Sent: Tuesday, June 21, 2022 4:58 PM
To: Comment
Subject: STR Appeal/ Planning Commission

I am AGAINST the proposed new regulations that unfairly burden and target Capistrano Beach and the Lantern district of Dana Point. Just because these areas do not have many HOA's that prohibit the STR's, is not a reason to harm our neighborhoods, and in favor of investors over residential homeowners.

One argument I understand is to provide visitors to enjoy the coastline of Dana point. That is what hotels are for, not residential neighborhoods.

Cheryl Beifuss Johnson
Capistrano Beach resident

Agenda Item No. 16
6/21/22

June 16, 2022

RECEIVED
2022 JUN 21 PM 5:08
CITY OF DANA POINT
CITY CLERK'S DEPARTMENT

Ms. Shayna Sharke, CMC
City Clerk
City of Dana Point
333282 Golden Lantern Street
Dana Point, Ca 92629

RE: Public Comments-Short Term Rental Permits
34171 Dana Strand Road Apartment 1

Dear Ms. Sharke,

We are the owners of the above referenced property. Please accept this as our comments regarding the Short-Term Rental Permits, in that they should remain as approved by the Planning Commission, for the Coastal Development Permit CDP22-0010 on May 9th, 2022.

Best Regards,

Boyd & Carol Plowman

Boyd and Carol Plowman
24772 Anchor Lantern
Dana Point, CA 92629
E-mail: boydplowman@gmail.com
Phone: 949-429-1552

Agenda Item No. 10

6/21/22

Received 5:50pm
6/21 [Signature]

Good evening Council Members,

It appears that the City Council wanted the Planning Commissioners, who have no accountability to the voters in Dana Point, to deal with this controversial STR issue. But no matter the outcome tonight, the appeal is a game changer. From now on the members of this City Council will have taken full responsibility for this STR policy and its provisions.

I have read the STR policies of numerous coastal cities, including those approved by the California Coastal Commission. Compared to the provisions and research done for those policies, the Dana Point policy under consideration tonight is deficient in both its research and regulations. Evidence shows that cities across the country are trying to combat the harmful effects that the profusion of STRs is causing in their communities. The Council can and should do better for the neighborhoods and residents of Dana Point.

I have always supported giving residents an opportunity to vote for or against any proposed STR policy. The City Council was unwilling to do that in 2016 and it doesn't appear to be willing to allow that now. It is sad to think that the reason could be their belief that residents would probably not approve this policy if given that opportunity. I can remember in the City Council election in 2018, being able to vote on an STR policy was a popular position with the voters. In fact, many voters thought that they would undoubtedly have that chance. Surprise to them!

So, it is unclear what will happen after tonight's hearing regarding an STR policy. I would hope that the City Council would approve the appeal to allow time to take into consideration the long-term effects this policy would have in several residential districts, on available housing overall and on the lives of our minority and low-income residents.

Betty Hill

Capistrano Beach Resident