

Meeting #612

CAPISTRANO BAY DISTRICT
AGENDA REPORT
May 26, 2015

Old Business

ITEM 12

Short Term Rentals/Letter to Coastal Commission

On May 13th, the District sent a letter to the California Coastal Commission (CCC) expressing concern regarding the City's application to the CCC for a Zoning Amendment to legalize short term rentals. Since the community of Beach Road is within the 'Coastal Overlay Zone' any zoning or local coastal plan changes must be approved by the CCC.

In a telephone call to the CCC it was explained that the City was asked to submit additional information to make the application complete. That has been done and the CCC has now requested a time extension to schedule a public hearing. The District was told a hearing might not be set until late 2015 or early 2016.

The following is a copy of the District's letter:

May 13, 2015

*California Coastal Commission
So. Coast Area Office
200 Oceangate Suite 1000
Long Beach, CA 90802-4302
Attn.: Fernie Sy, Coastal Program Analyst
Ref # LCP-5-DPT-14-1015-1*

Dear Mr. Sy,

The Board of Directors of the Capistrano Bay Community Services District is submitting this letter to the Coastal Commission to document their concern with action taken by the City of Dana Point in amending its Zoning Code to allow short-term vacation rentals within the Capistrano Bay Community.

The community is situated within the boundaries of the City of Dana Point and is therefore subject to the development standards and regulations of the Dana Point Zoning Code.

*Capistrano Bay was developed and subdivided in the 1920's when city planning was in its early developmental stages. Lots in this community average 35 feet in width fronting an access roadway that is 24 feet wide. All homes are located on the seaward side of the road and property line sideyard setbacks are only 3'-6". This creates homes being a mere seven feet apart on a very narrow roadway.
(continued on next page)*

ITEM 12 cont.

Such close proximity of structures creates a very tight spacing of homes to one another. Add to this an increase in population, whether it be from a busy holiday crowd or due to transient vacation activity and the unintended consequences of such tight spacing and narrow road results in the following issues:

- noise originating from any home does not effectively diminish in decibel level before entering the open windows of the immediate neighboring home*
- smoke from recreational wood-burning beach fires readily drifts into neighbors' open windows and can quickly fill the neighboring home with smoke*
- street parking is practically non-existent as the space between driveway approaches is too short to fit even the smallest of compact vehicles, thus parking is extremely limited*
- the road is an official FIRE LANE and any street parking to be found is restricted by the Orange County Fire Authority to the seaward side only*

Additionally, a second community trash collection day is required during the summer vacation rental season to keep up with the volume of trash created by the weekly vacationers. This additional trash day creates a second full day of excessive and unacceptable noise and traffic congestion.

*Coastal Commission Reference No. LCP-5-DPT-14-0105-1
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For these reasons, the Board of Directors has concerns with the Negative Declaration of environmental impact that was submitted to you by the City. The Capistrano Bay Community is impacted in a very negative way by late night noise, smoke from recreational wood fires, a gross lack of available parking, and the additional trash collection day during the summer months.

Our District notes that all items in the City's application are checked as having 'no impact.' The City did not confirm their findings by interviews or research in our District. We would have disclosed the multiple concerns mentioned in this letter and many new issues. New websites such as Airbnb.com, though popular, have caused many instances of bringing problem renters and guests to short-term rental properties who then require increased Security for safety concerns. This places much strain and unreimbursed costs on District resources and creates a serious impact that the Coastal Commission needs to be made aware of.

Lastly, the District would like to be added to the notification list for communications and notices regarding this matter. Thank you for your time.

Sincerely,

*Donal S. Russell, Manager
Capistrano Bay Community Services District*

*Ambrose S. Masto, President
Board of Directors*