



December 3, 2018 - Attached are all public comments received regarding the "Orange Is The New Green" Zoning Code Update that have been submitted to OC Planning.

Section 1 includes comments related to the Tree Preservation Ordinance.

Section 2 includes comments related to the Short-Term Rentals.

Section 3 includes comments related to miscellaneous/multiple topics.

Section 1 - Public Comments related to Tree Preservation Ordina	nce

From: Gillian Martin

Sent: Saturday, November 17, 2018 9:15 AM

To: Zoning Code Team

Subject: Tree Preservation Ordinance

Follow Up Flag: Follow up Flag Status: Flagged

Dear Commissioners,

The Cavity Conservation Initiative supports adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

We cannot assume that developers, planners and property owners understand or are concerned about the range of values that a tree brings to a project or to the community. We count on you to take seriously what science, the arboriculture industry and urban foresters report about the importance of mature, native trees. The growing impact of climate change makes this more imperative than ever. A new, young tree cannot readily replace what fifty to hundreds of years created. While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area *and the Foothill/Trabuco Specific Plan area* of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments.

Gillian Martin
Tree Care for Birds and other Wildlife Project
Cavity Conservation Initiative
949-412-0588

From: Joel Robinson

Sent: Monday, November 19, 2018 9:11 AM **To:** Zoning Code Team; Chang, Joanna

Subject: Comments for Proposed Zoning Code Update (including Tree Preservation Ordinance)

Importance: High

Comments for Proposed Zoning Code Update (including Tree Preservation Ordinance)

November 19, 2018

I support the adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our generous native trees provide countless services that are worth millions of dollars annually for the benefit of Orange County taxpayers, so it is our fiscal responsibility to secure their preservation as a means for continued economic growth. This is an exciting opportunity to replicate what other successful counties have already accomplished in order to guarantee that our natural heritage generates wealth far into the future.

The ultimate success of the Tree Preservation Ordinance is dependent upon the inclusion of mature native trees throughout the entire county, including all unincorporated areas. If county officials have difficulty including the entire county, the minimum boundaries for success must include the Foothill/Trabuco Specific Plan (FTSP) area and the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in italics):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in italics):

In case of a conflict between the provisions of the Silverado- Modjeska Specific Plan or the Foothill/Trabuco Specific Plan and the Zoning Code, the most stringent provisions shall apply.

Thank you for the consideration of my comments.

Please confirm via email that you have received my comments and included them in the official public record.

Joel Robinson



From: Scott Sink

Sent: Friday, November 23, 2018 9:56 AM

To: Zoning Code Team

Subject: preservation of mature oak trees

Follow Up Flag: Follow up Flag Status: Flagged

Hello. I live in Trabuco Canyon. I moved here because I enjoy the natural beauty and proximity to the Santa Ana Mountains. I was pleased to hear about a recent ordinance to protect oak trees. However, I'm not clear on how it works. I have also heard that the ordinance will only be enforced in Silverado and Modjeska, but not south of there in my area.

There are a couple mature oaks on my property, and my realtor told me that I'm not allowed to cut them down. However, I have seen some of my neighbors cut down oaks on their properties. Is that permitted? Any clarification would be helpful. Thank you.

From: Patricia DeLaunay

Sent: Wednesday, November 28, 2018 8:26 PM

To: Zoning Code Team

Subject: Comment re: Orange is the New Green/Zoning Code update

Follow Up Flag: Follow up Flag Status: Flagged

Hello,

I'm a resident of Trabuco Canyon and would like to submit a comment re: Zoning Code update.

I support the adoption of the Tree Preservation Ordinance as part of the Zoning Code update. I am deeply concerned for the conservation and protection of our native trees.

Please kindly enter my comment of support for The Tree Preservation Ordinance into the records.

Thank you, Patricia

--

Kind regards,

Patricia DeLaunay

From:

Sent: Wednesday, November 28, 2018 8:58 PM

To: **Zoning Code Team**

I Support The Tree Preservation Ordinance being adopted into the Zoning Code **Subject:**

Follow Up Flag: Follow up Flag Status: Flagged

Hello!

I'm a resident of Rancho Santa Margarita and I Support The Tree Preservation Ordinance being adopted into the Zoning Code. Do you also enjoy such things as fresh air and breathing? Please help save our trees.

Kind regards,

Ashley Sullivan

From: Melanie Schlotterbeck

Sent: Thursday, November 29, 2018 8:49 AM

To: Zoning Code Team
Cc: Claire Schlotterbeck

Subject: Comments on Tree Preservation Ordinance

Attachments: Hills For Everyone Comments on Tree Preservation Ordinance 112918.pdf

Greetings,

Hills For Everyone submits the attached comments on the proposed Tree Preservation Ordinance. Please confirm receipt.

Sincerely, Melanie



Founders of Chino Hills State Park

Melanie Schlotterbeck, CMP

Technical Consultant (714) 779-7561 Melanie@Schlotterbeck.net www.HillsForEveryone.org

P.O. Box 9835 · Brea, CA 92822

Follow us: online | Facebook | Twitter | Instagram

Submitted via email to: <u>OCZoningCode@ocpw.ocgov.com</u>

OC Development Services/Planning Attn: Joanna Chang 300 North Flower Street P.O. Box 4018 Santa Ana, CA 92702

RE: Tree Preservation Ordinance

Dear Ms. Chang:

Hills For Everyone is a non-profit organization working to protect the 31 mile long Puente-Chino Hills Wildlife Corridor in perpetuity. We have been engaged in numerous projects before the Orange County Planning Commission and wish to convey our support for the adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update.

Our trees have already endured massive impacts from the prolonged drought, wildfires, and bug infestations. Orange County—and its canyons especially—would be a very different landscape without our native trees. This ordinance has been carefully crafted to protect native trees in the region where they are most abundant. Further, this policy is a step in the right direction considering Orange County is the last county in the Southern California Association of Governments (SCAG) region to consider/adopt this type of policy. It's important that we take prudent measures to protect Orange County's natural resources for the future.

It is surprising to us that the only area covered by this Ordinance is the Silverado-Modjeska Specific Plan. We believe the Foothill/Trabuco Specific Plan (FTSP) area should also be included in the Ordinance language since they are all part of the same foothill ecosystem and county unincorporated lands. We fully support the applicability of the Ordinance to both the Sil-Mod and FTSP regions. To this end, we request the Commission amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments.

Sincerely,

Claire Schlotterbeck

Claire Schlotterbeck Executive Director Hills For Everyone

From: RB

Thursday, November 29, 2018 1:59 PM Sent:

Zoning Code Team To:

Subject: IMPORTANT: Tree Preservation Ordinance feedback

IMPORTANT: Tree Preservation Ordinance feedback

To Whom It May Concern:

It has been brought to our attention that the Tree Preservation Ordinance that is currently under review at the county level does NOT pertain to our own canyon area in Trabuco, nor will it be included in any of the areas covered by our Foothill/Trabuco Specific Plan.

While we support this ordinance, it is extremely vital that ALL rural canyon areas of the Orange County foothills be included. It is disingenuous to apply this type of ordinance to one small area when our county is in this prime position to protect one of its most important natural resources from further devastation.

Many of our longtime Trabuco Canyon residents, as well as the rangers at O'Neill Regional Park located in our canyon, have seen a tremendous die-off of our native trees in the past few years---unlike anything they have witnessed in the past. It is now time to wisely preserve what we have left.

Consider how important your actions today can be for the present and future of Orange County, and what a huge difference YOU can make by listening to its people, as well as the science behind this ordinance. Please, please include the Foothill/Trabuco Specific Plan under its protection.

We are counting on you.

Respectfully,

The Trabuco Canyon Women's Club, est. 1936 in Trabuco Canyon, CA Representing 72 family households

Submitted 11/29/2018 by Rena Bates-Smith, TCWC officer (per signed petition)

From:

Sent: Thursday, November 29, 2018 1:51 PM

To: Zoning Code Team **Subject:** Tree Ordinance

I support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in italics):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments.

Lisa Enochs Modjeska Canyon

From:

Sent: Thursday, November 29, 2018 2:20 PM

To: Zoning Code Team

Subject: 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)

We support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

While we are supportive of the ordinance, we urge that ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation Ordinance (7.9.69) to read as follows (added text in *italics*):

This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange."

and amend 7.9.69.2(b) as follows (added text in *italics*):

In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill/Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply.

Thank you for considering these comments

Adam Smith
Trabuco Canyon, CA

From: Francesca Duff

Sent: Thursday, November 29, 2018 3:51 PM

To: Zoning Code Team Subject: Tree ordinance

Gentlemen,

I support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Moreover, Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It's important that we take prudent measures to protect Orange County's natural resources, and this ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

I believe that this ordinance should apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. So please amend the ordinance to include both the silverware-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area.

Thank you.

Francesca Duff

Modjeska Canyon

From: Gloria Sefton

Sent: Thursday, November 29, 2018 5:03 PM

To: **Zoning Code Team**

Cc: Rich Gomez; Ray Chandos; Mike Wellborn

Subject: Tree Preservation Ordinance

Attachments: Tree Ordinance Support Letter 2018-Nov-29 with attachment.pdf

Dear Joanna -

Please see the attached comment letter from the Saddleback Canyons Conservancy and please confirm receipt.

Thank you.

Gloria

Gloria Sefton Attorney at Law Co-founder, Saddleback Canyons Conservancy

Saddleback Canyons Conservancy

P.O. BOX 1022 TRABUCO CANYON, CALIFORNIA 92678



November 29, 2018

VIA EMAILTO OCZoningCode@ocpw.ocgov.com

OC Development Services/Planning Attn: Joanna Chang 300 North Flower Street P.O. Box 4048, Santa Ana, CA 92702

RE: Comments on Updated Zoning Code "Tree Preservation Ordinance"

Dear Joanna,

The Saddleback Canyons Conservancy, based in Trabuco Canyon, is a non-profit citizens' group dedicated to protecting and enhancing the environment and quality of life in the Foothill-Trabuco Specific Plan ("FTSP") and Silverado-Modjeska Specific Plan ("SMSP") areas. Our efforts include environmental advocacy and active involvement in land-use decisions for projects in these unique and biologically rich rural canyon areas.

Consistent with our mission, we are writing to again express our support for adoption of the Tree Preservation Ordinance as part of Orange County's Zoning Code update. Tree preservation fits squarely with the stated intention of the Zoning Code update "to achieve a new standard of sustainability" and closes a critical gap in Orange County's protection of its natural resources. As we've previously stated, Orange County is the last county in the six-county Southern California Association of Governments (SCAG) region to adopt a tree preservation ordinance. It should do so. The workshops have resulted in a tailored ordinance that addresses the input of interested parties.

However, it would be a significant shortcoming and contrary to the original goal of protecting native trees in the canyons if the ordinance did not apply in the entire canyon area, i.e., in the FTSP area as well as the SMSP area. The propriety of extending the tree ordinance to the FTSP area is detailed in a previous letter, which we co-signed with Friends of Harbors, Beaches and Parks and Rural Canyons Conservation Fund (attached).

Accordingly, we request that the first sentence of the Tree Preservation Ordinance (7.9.69) be amended as follows (added text in *italics*):

"This section shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill-Trabuco Specific Plan area of the County of Orange."

and section 7.9.69.2(b) be amended as follows (added text in *italics*):

"In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan *or the Foothill-Trabuco Specific Plan* and the Zoning Code, the most stringent provisions shall apply."

Thank you for your efforts and for considering our comments. Please forward this letter for consideration by the Planning Commission.

Sincerely,

Gloria Deffm

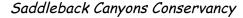
Gloria Sefton Co-founder

Cc: Rich Gomez

Rural Canyons Conservation Fund









Members of the Orange County Planning Commission c/o OC Development Services/Planning Attn: Joanna Chang P.O. Box 4048 Santa Ana, CA 92702

Via Email Attachment to: OCZoningCode@ocpw.ocgov.com

RE: Tree Preservation Ordinance - Section 7-9-69 in "Orange is the New Green" Zoning Code Update

Dear Commissioners:

We have, from its inception, supported the Orange County Tree Preservation Ordinance, and advocated for it to apply within the Foothill Trabuco Specific Plan (FTSP) area where many, if not most, of the trees proposed for protection exist. We were very disappointed, therefore, to read in the planning staff's September 12 report to the Planning Commission that the current draft ordinance would apply only within the Silverado-Modjeska Specific Plan area. We were further disappointed and surprised to hear Deputy County Counsel Nicole Walsh say that the Orange County Zoning Code (Zoning Code), which would contain the Tree Preservation Ordinance, cannot be applied within the FTSP area because the FTSP was enacted by ordinance and thus categorically pre-empts all provisions of the Zoning Code there. The purpose of this letter is to dispute the latter contention.

We assert that the Zoning Code does apply to the FTSP area, by its own explicit terms, and in fact has been applied within the FTSP area.

First, the Zoning Code states that it applies to all unincorporated land within the County, with exceptions only as delineated within the Zoning Code itself.

Property to Which Applicable: The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section. (Zoning Code Section 7-9-20 (a).)

Nowhere within the Zoning Code does it exempt the FTSP area.

Second, the Zoning Code explicitly sets forth how its provisions are to be harmonized with any other provision of law in the event of overlap, duplication or conflict.

Duplicated Regulation: Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. (Zoning Code Section 7-9-20 (b).)

Third, certain provisions of the Zoning Code explicitly apply within the FTSP. For example, the Arroyo Trabuco area within the FTSP is zoned "Floodplain Zone 2" (FP-2) on the Orange County Zoning Code map, as provided for by Section 7-9-113.2:

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. (Zoning Code Section 7-9-113.2.)

Similarly, the Zoning Code provides for wireless communication facilities, explicitly overriding any conflicting County ordinance or regulation:

Sec. 7-9-146.13. - Performance and development standards for wireless communications facilities.

(p) Conflicting Ordinances. In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control. (Zoning Code Section 7-9-146.13 (p).)

We note further that the FTSP explicitly incorporates provisions of the Zoning Code. For example:

This document, in conjunction with the Orange County Zoning Code and other applicable ordinances, represents the Specific Plan for the Foothill/Trabuco area. It has been prepared in accordance with California Government Code (Sections 65250, et seg.). Unless otherwise provided for within this document, all future development in the Specific Plan Area must be found consistent with the Specific Plan Components,

the Land Use District Regulations and the Development and Design Guidelines. (FTSP I.A.)

Building setbacks. Per Zoning Code Section 7-9-128 and 7-9-13, except as follows: (FTSP III.D.8.8 b.)

In conclusion, both the Zoning Code and the FTSP currently govern land use within the FTSP area in a harmonious, complementary, and clearly defined manner. As indicated above, other ordinances (e.g., wireless communication facilities) apply in specific plan areas (including the FTSP area), so we see no valid reason why the provisions of the Tree Preservation Ordinance, within the Zoning Code, should not be extended to the FTSP area. We urge that the scope of the Tree Preservation Ordinance be revised to include the FTSP area in addition to the Silverado-Modjeska area so that tree protections will be consistent within the canyon specific plan areas.

Sincerely,

Ray Chandos

Secretary/Treasurer

Aprix Seffin

Ray Chandos

Rural Canyons Conservation Fund

Gloria Sefton

/s/ Rich Gomez

Co-founders

Saddleback Canyons Conservancy

Michael Wellborn

Wielm Walls

President

Friends of Harbors, Beaches and Parks

Adam Wood <awood@biaoc.com> From: Sent: Friday, November 30, 2018 11:34 AM Chang, Joanna; Maldonado, Ruby To:

BIA/OC Comment Letter - Tree Preservation Ordinance **Subject: Attachments:** BIAOC November Tree Preservation Comment Letter.pdf

Hi Ruby and Joanna,

Attached is the comment letter from BIA/OC regarding the current iteration of the Tree Preservation Ordinance. I'll send a copy to Terry Cox as well.

Thanks and looking forward to the next steps on Orange to Green.

-Adam

Adam S. Wood

Director of Government Affairs Building Industry Association | Orange County Chapter (BIA/OC) 24 Executive Park, Ste 100 Irvine, CA 92614 (949) 553-9500 ext. 860 (949) 777-3860 Direct AWood@biaoc.com

Building Industry Association of Southern California, Inc. ORANGE COUNTY CHAPTER



November 29, 2018

Mr. Colby Cataldi Deputy Director Orange County Public Works 300 N. Flower St. Santa Ana, CA 92703

Re: Tree Preservation Ordinance

Dear Mr. Cataldi:

On behalf of our membership, I write to express our continued opposition to the Tree Preservation Ordinance.

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association of over 1,100 member companies employing over 100,000 people in the home building industry.

Over the course of the last several months, BIA/OC has provided comments on Tree Preservation Ordinance drafts, outlining our concerns in detail. Each version has jeopardized the careful balance Orange County has achieved between property rights and preservation. Despite the many alternatives, in all instances, each variation shares a common flaw that makes support unattainable. Each approach directly burdens individual property rights, devalues land, restricts freedoms and places incalculable costs on development.

The proposed language for this hearing is no different. Under consideration is the largest and most expansive list of trees and shrub ever considered and that stands to hopelessly complicate any site assessment without the aid of expert arborists. This will add costs and slow site reviews in an incalculable fashion.

The proposed language is also burdensome in that it requires a 15-1 replacement requirement for some trees while others fall on a continuum of 5-12 trees per single removal. Whether it is 15, 5, 8 or 12 per single tree, significant complications will arise from these requirements, not to mention cost and project delays. This is further exacerbated by minimum size requirements on any replacement tree that will undoubtedly result in significant disputes before final approvals are granted.

The proposed language also creates a new governmental hurdle in that it will establish a Tree Preservation Permit application. First an expert will need to be hired to identify tree species, then a property owner will have to explain why "removal and/or encroachment into the Tree Protection Zone is necessary."

Further, a property owner must explain to the government why "removal and/or encroachment into the Tree Protection Zone is more desirable than alternative project designs." Finally, the language proposed requires that protected trees, "shall be shielded from damage during construction by a protective fence a minimum of four (4) feet in height" and shall be "installed prior to the commencement of any development on the site and shall remain in place throughout the construction period."

PRESIDENT MIKE GARTLAN KB HOME

VICE PRESIDENT RICK WOOD TRI POINTE HOMES

TREASURER/ SECRETARY SUNTI KUMJIM MBK HOMES

IMMEDIATE PAST PRESIDENT
PHIL BODEM
TRI POINTE HOMES

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ALAN BOUDREAU
BOUDREAU PIPELINE
CORPORATION

ASSOCIATE VICE PRESIDENT MARK HIMMELSTEIN NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE PETER VANEK FOREMOST COMPANIES

MEMBER-AT-LARGE SEAN MATSLER COX CASTLE & NICHOLSON, LLP

EXECUTIVE OFFICER STEVE LA MOTTE

24 Executive Park, Suite 100 Irvine, California 92614 949.553.9500 | biaoc.com Such requirements dramatically undermine property rights and create significant litigation exposure for anyone doing work on their property.

It is also important to keep in mind that these requirements adhere to a region where no inventory of trees exist. The requirements of this section could make all future development economically infeasible. There is no way to determine the cost and scope of impact this language will have on property owners now and into the future. As mentioned in previous comments on this proposal, staff has done an excellent job of outlining the number of parcels impacted, but without an inventory of trees on those parcels, there is no way to calculate scope, real world costs, or any actual impact this Ordinance could have.

While the scope of the Ordinance has been limited to the Silverado-Modjeska Specific Plan, and we appreciate the incentive-based options in Section 7-9-69.4(c)(6), the policy itself remains deeply troubling. In effect, approval of this language is paramount to asking land owners within the Plan to write a "blank-check" that could grind many opportunities to a halt. At a time when we are faced with a housing crisis caused by a critical lack of supply, now is not the time to add further burdens to land with housing opportunity.

Respectfully,

Steven C. LaMotte

Chapter Executive Officer

Susan Sheakley From:

Friday, November 30, 2018 3:14 PM Sent:

Chang, Joanna To: Cc: **Scott Thomas**

Second Draft of the proposed Zoning Code Update (which includes the Tree **Subject:**

Preservation Ordinance)

Attachments: SASAS_11_30_2018_Zoning_Code_update.pdf; ATT00001.txt

Dear Ms. Joanna Change: please accept this comment letter on the Second Draft of the Proposed Zoning Code Update (which includes the Tree Preservation Ordinance) on behalf of Sea and Sage Audubon Society, an Orange County Chapter of the National Audubon Society representing nearly 3500 members in Orange County.



(949) 261-7963

November 30, 2018

Ms. Joanna Chang, Land Use Manager OC Public Works/Development Services, 300 N. Flower St. Santa Ana, CA 92703

Subject: Second Draft of the Proposed Zoning Code Update (which includes the Tree Preservation Ordinance)

Dear Ms. Chang:

I submit these comments on behalf of nearly 3500 members of Sea and Sage Audubon Society, an Orange County Chapter of the National Audubon Society.

We support adoption of the Tree Preservation Ordinance as part of the OC Zoning Code Update. Our native trees have been stressed by drought, fire, and infestation, and need our help for their survival. Orange County is the only county in the six-county Southern California Association of Governments (SCAG) region that does not have a tree ordinance. It is important that we take prudent measures to protect Orange County's natural resources. The Tree Ordinance has been carefully crafted to protect native trees in the region where they are most abundant.

We urge that the ordinance apply in the entire canyon area where tree resources abound. This means that the ordinance should apply in the Foothill/Trabuco Specific Plan (FTSP) area as well as the Silverado-Modjeska Specific Plan area. Please amend the first sentence of the Tree Preservation to read as follows (added text in *italics*):

"This section shall apply to all Protected Trees on parcels that are equal to or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area and the Foothill/Trabuco Specific Plan area of the County of Orange".

And amend 7.9.69.2(b) as follows (added text in *italics*):

"In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan or the Foothill/Trabuco Specific Plan and the Zoning Code, the most stringent provisions shall apply."

Thank you for considering these comments.

Please provide Sea and Sage Audubon with future information about the Zoning Code Update at susansheakley@cox.net.

Respectfully,

Susan Sheakley

Susan Steaklag

Conservation Committee Chair Sea and Sage Audubon Society

www.seaandsageaudubon.org

Section 2 - Public comments related only to the Short-Term Rentals Ordinance

From:

Wednesday, October 31, 2018 3:21 PM Sent:

To: **Zoning Code Team**

Air B&B on Calle Roja in North Tustin (off Browning) **Subject:**

Follow Up Flag: Follow up Flag Status: Flagged

This is a nightmare having thus hotel like thing in our backyard............ drove up there last Sat. night, there were 2 men wobbling down the street so drunk they barely could stand up....... wouldn't want this next door to me We're a family neighborhood......it isn't zoned for hotels so let's get rid of the VRBO, Air B & B in our neighborhood.

Rose D'Esposito

From: Sheila Harvey

Wednesday, October 31, 2018 8:19 PM Sent:

To: **Zoning Code Team**

Subject: Neighborhood disturbance via short term rental

Follow Up Flag: Follow up Flag Status: Flagged

me	Sheila Harvey
	Oriolia Fiarvoy

Email Address

Address

City Santa Ana

State CA

Zip Code 92705

Phone Number 714-609-1043

Fax Number Field not completed.

Best time to reach you: Any time via mobile

Necessary addresses and inquiry details:

Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, MR and Mrs.Brad Lockhart have been hosting large gatherings advertised on Air B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often numbering over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 per month. We are requesting that County contact the Lockharts regarding this and demand that they cease and desist from offering their property for such large events. They are mainly advertising their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

From: Joe Wang

Wednesday, October 31, 2018 10:27 PM Sent:

Zoning Code Team To:

Subject: Complaint about Air BnB / Short-term rentals on 1951 Calle Roja, Santa Ana

Follow Up Flag: Follow up Flag Status: Flagged

Hello,

My family currently live on We purchased the home in late 2016 and moved in last year and have since enjoyed living here until we begin to notice frequent parties hosted on 1951 Calle Roja (Street directly across from my home). At first we thought, it was just the owner who enjoys hosting friends and family. Later we realized that property was listed on Air BnB and on other "short-term" rental website like Home Away and VRBO.

I personally have emailed the owners of the property (Mr. and Ms. Lockharts) and try to understand their intended purpose to list the property on such website. They told me there will be frequent weddings hosted on their property but they'll make sure the weddings will not affect the neighborhood. This communication was done earlier during this summer and turned out they lied.

I've counted on average they've hosted at least 2 weddings per months during summer and increased in frequency until this month. At least seven or more (I lost count) weddings and large gathering/parties hosted on their property during the weekends. Most events involve more than 50 or so guests. One event reached around 100 or so guests. I've complained to the owners that people had left the party drunk after the event and left beer bottles and cigarette butts on my front lawn.

I have repeatedly communicated with the Lockharts and towards the end they simply ignored me. Other neighbors who're also affected by this unfortunate events have gathered together and have engaged with a law firm to handle the complaints formally with Air BnB and directly with the Lockharts. Thankfully AirB&B came to its senses and delisted their listing but I've heard from other neighbors that their home is still listed on other short-term rental websites and maybe they have engaged in other events planners to allow them to host events on their property for a fee.

It is extremely distressing to learn the owner of 1951 Calle Roja is allowed to conduct business like this in a residential area week in and week out. I wonder if they have the proper permit to turn their residential home into a commercial venue for hosting large parties like weddings and parties. In addition, if an event such as fire or some accident where the adjacent properties can be impacted as well. These are questions I have imposed to the owner and they've yet responded to those concerns properly.

If we exercise some common sense we all can agree there is a reason why certain areas are considered as "residential area" while others are considered as "commercial area". If they rent their property as rentals for people to live in normally I believe most of us will not have a problem with that. However, the owner of 1951 Calle Roja has taken this a bit too far. Hosting weddings, parties, and events involving live music, parking requirements, and alcohol should be done elsewhere.

Some of us living near 1951 Calle Roja have decided to bring this issue to you and ask something to be done about this. I simply ask that this type of usage of property in this area be formally stopped before something stupid happens at one of those future events hosted on that property because of ignorance and greed by the Lockharts.

Joe Wang

From: Noelle Minto

Sent: Thursday, November 01, 2018 11:28 AM

To: Zoning Code Team

Subject: COMPLAINT - 1951 Calle Roja Santa Ana CA

Follow Up Flag: Follow up Flag Status: Flagged

There is a neighbor behind my home in North Tustin (off Browning and La Colina) which is extremely loud and disruptive, leaving trash and loitering parties roaming the residential neighborhood. I believe the owner is operating a party business out of this house which is otherwise vacant during the week. It is ridiculously loud and causing major problems with safety and trash. Please be proactive and investigate them for zoning violations forthwith. Further information can be found with the Sheriff's department as there have been numerous and frequent complaints over the last 6 months. Thank you,

Noelle R. Minto Attorney at Law



www.mintocounselors.com

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From: Lamese Malley Jadallah

Sent: Thursday, November 01, 2018 9:57 AM

To: Zoning Code Team

Subject: Short term rentals complaint

Follow Up Flag: Follow up Flag Status: Flagged

Hello,

My name is Lamese Jadallah, I am a resident of short term rental at 1951 Calle Roja, Santa Ana. Ca. 92705. This property has been a short term rental for about year now. There are at least 10-20 + occupants daily, they have had roughly 15 weddings to date with approximately 100-200+ guests at a time. This seems to be a business the property owners, Brad and Lisa Lockhart's are running. This house is in the back of a cul de sac and is a huge nuisance. 1)The Parking, has taken over our homes. I've been blocked by the cars along both sides of my home. they double park In the cul de sac and there is no way a ambulance or fire department would get through. Especially on weekends! 2)The Noise, at all hours...parties, fights, music, microphones, motorcycles, trucks, cars etc. 3) The Strangers, there is a new group of people every 3-4 days. People walk around our street, just imagine like a hotel. Sometimes even on my property people are standing there. We are constantly looking over our shoulders in fear of who's in this house? What kind of people are they? What if they do something to me and my family. There Is no sense of feeling safe in my own home or street. What can the city do for the residences surrounding this this property?

Thank you, Lamese Jadallah

Sent from my iPhone

From: May Santos

Thursday, November 01, 2018 3:36 PM Sent:

Zoning Code Team; Casillas, Christopher; Leila.Holzen@ocpr.ocgov.com; Rosas, To:

Marysol

Subject: 1951 Calle Roja, Santa Ana

Follow Up Flag: Follow up Flag Status: Flagged

Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, Mr. and Mrs. Brad Lockhart have been hosting large gathering advertised on AIR B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 PER MONTH. We are requesting that the County contact the Lockharts regarding this and demand that they cease and desist from offering their property for such large events. They are mainly advertising their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

Requesting your prompt attention and action to resolve this matter.

Thank you.

May and Ray Santos

From: May Santos

Sent: Thursday, November 01, 2018 3:57 PM

To: Zoning Code Team; Casillas, Christopher; Rosas, Marysol;

Leila.Holzen@ocpw.ocgov.com

Subject: Fw: 1951 Calle Roja, Santa Ana

---- Forwarded Message -----

From: May Santos

To: OCZoningCode@ocpw.ocgov.com; Christopher.Casillas@ocpw.ocgov.com; Leila.Holzen@ocpr.ocgov.com;

Marysol.Rosas@ocpw.ocgov.com

Sent: Friday, November 2, 2018, 6:36:01 AM GMT+8

Subject: 1951 Calle Roja, Santa Ana

Throughout the summer the owners of the property located at 1951 Calle Roja, Santa Ana, Mr. and Mrs. Brad Lockhart have been hosting large gathering advertised on AIR B&B, VRBO and homeaway in our residential community. It has created a severe neighborhood annoyance because of parking, noise and unruly participants, often over 100. We as neighbors have contacted Air B&B and the Lockharts through an attorney but the events continue. The Lockharts are in fact taking reservations for 2019 for their property. We understand that per County Ordinance owners are allowed no more than 4 large gatherings per calendar year. The Lockharts have 3-4 PER MONTH. We are requesting that the County contact the Lockharts regarding this and demand that they cease and desist from offering their property for such large events. They are mainly advertising their property as a wedding and reception venue. In fact, local wedding planners are suggesting this location to their clients. This is operating a business in a residential community, creating a neighborhood disturbance and endangering the safety of the neighbors.

Requesting your prompt attention and action to resolve this matter.

Thank you. May and Ray Santos

From: mike robbins

Tuesday, November 27, 2018 7:50 PM Sent:

Zoning Code Team To:

Subject: STRs

Follow Up Flag: Follow up Flag Status: Flagged

STRs are crazy

Hotels in residential areas were not permitted dating back to Roman days.

They ruin the infrastructure of the neighborhood - neighbors not strangers.

My neighbor was sick and the whole neighborhood was there for him. He had some problems falling down and his wife could not pick him up even with the live in helper. So all the neighbors were on call to help if they needed it.

Each house represents a family that includes some children statistically and they go to school. No family, no kids, less teachers needed.

All the STRs that are near my house have had parties in the last few years where the police were called - all the STRs as there are around 10 within 20 houses in every direction. Some neighbors have had altercations with the party goers. No house within my 60 house track has ever had the police called for a party EXCEPT the STRs. Neighbors care, conventioneers and vacationers do not.

I read a review online where the people loved that they could put 11 kids in one room.

Finally the TOT taxes go to the city or county and every hotel suffers when 35 people stay in a house instead.

Thanks

Mike Robbins

From: Charlotte Seidnematollah

Sent: Wednesday, November 28, 2018 9:58 PM

To: Chang, Joanna

Subject: STR

Follow Up Flag: Follow up Flag Status: Flagged

Hi Joanna: This e-mail is regarding the STR Section of Zoning codes most recent suggested changes by the Planning Commission. After reading could you please forward it for me to the STR comments website and also send a copy to the Planning Commission. I would appreciate it. Thank you so very much.

Myself and others attended the September meeting in which zoning changes for the OC Unincorporated areas were discussed and we all spoke regarding the, at the time, latest revision of suggested changes regarding the Short Term Rentals. My group has a vested interest in this subject of STRs because we have personally experienced huge grief by being forced to live next to numerous of these. These experiences have totally destroyed the quality of our lives. We know from personal experience what living next door, behind or in front of an STR does to your life.

Those of us who have experienced living next to an STR do not feel they should be allowed in our residential neighborhoods. We have Sober Living Homes, Halfway Houses, Nursing Care Homes, Section 8 Homes and Short Term Rentals. These new group homes are changing our neighborhoods.

The particular problem about an STR is that once they are allowed to start they spread like wildfire. You will have more and more until there are too many everywhere. This happened in Anaheim where I live and has happened to many other cities. Anaheim allowed them. Then they grew overnight and then the neighbors started complaining. This is and will happen in the unincorporated areas just the same as it is doing everywhere. When they become too many neighbors start to go to the leaders and complain. But sadly it is too late. Now the STRs ban together and sue if a city or county tries to stop them like in Anaheim. Now it is too late. They don't go away. It is happening everywhere. Like a plague.

I live in Anaheim but a huge ten bedroom STR opened up behind my home on Greenwich Lane off Broadway Street near Brookhurst St. in the county Unincorporated Island area three and a half years ago. They installed a new pool and jacuzzi right up against my wall and the neighbor's wall. Every three to five days to a week large groups of strangers ascend on this house and go straight to the pool in the back yard and start screaming and yelling. As soon as one group leaves another comes and the cycle of constant noise never ends. I have been complaining for three years to the county about the nuisance but no one does nothing. My life has been a living Hell since then. A long battle with county officials not caring.

Then I found out about a July 13th meeting for zoning changes were being discussed by OC Planning Dept. The initial recommendation by Planning staff stated: STRs will NOT be allowed in single family residential neighborhoods because it causes an adverse effect on the neighborhood. That was presented to the Planning Commissioners. They however, it seems, like them so they instructed the staff to go back to the drawing table and find a way to allow them. So the next revision from staff suggested a Home Sharing plan for strs but only if the house was the primary residence of owner. But again the Planning Commissioners were not happy. They wanted NO restrictions. July allow them unfettered into the unincorporated areas.

So it was apparent. The Commissioners chose to ignore Staffs original and second recommendations and they also chose to ignore the pleas of homeowners who spoke and pleaded that these STRs not be allowed in the residential neighborhoods. Staffs recommendations were based on factual experiences in other cities and what was happening. Residents comments were based on real life experiences. All ignored. WHY???

Because as stated in the July meeting. One commissioner owns two STRs as he stated. One stated he used them and they beautify the neighborhood. One stated he feels they should be allowed and regular code enforcement can take care of it same as a regular long term rental. He stated he sees no difference. Code enforcement never has done anything about the chronic nuisance one behind me.

What I did not hear.....Not one commissioner had any interest in what the residents felt. Do they want them or not. No one seems to care about that. I can personally assure you the residents don't want them in these neighborhoods to take over. I asked the commissioners at a different meeting in September...."Don't you think you should be asking the residents how they feel?". It seems it is too big of a task to ask how the residents feel.

The people who want these are people who own STRs, the Real Estate world and the investors they sell houses to. And of course the people who use STRs for vacation, etc. There is big money being made in the Realty World when selling houses to investors who then turn the houses into a Short Term Rental. Some of these are on the Planning Commission. So to those of us who are aware we feel there is a great wrong being done.

Myself and others have gone door to door and spoken to a lot of people living in the unincorporated area and we have learned two things: First...people have no clue about what is going on in regards to zoning changes. No clue that the county is changing zoning codes to allow STRs. Second ...approximately 98% of the people we have spoken with do not want an STR next to them in their neighborhoods. People do not buy a house and make it their home, fix it up, live their lives in it, raise families, pay a mortgage for years to then wake up one day with their street now having mini motels everywhere. Now on a daily basis they see a whole lot of strangers coming and going.

Since the STR behind me opened up three and a half years ago two more opened up across from it and two to three more are in the process on the same street. This will happen everywhere if allowed. The residents don't want this. They are concerned their neighborhood is becoming a motel alley of STRs. Only those who are profiting monetarily want them. And the residents are paying the price. Those of us who have voiced our opinions are greatly saddened at the total lack of concern for neighborhoods and it's residents. The county has not cared to stop the nuisance behind me. How are they going to stop a lot of nuisance houses. It would seem so far, the Planning Commissioners want them and other opinions don't matter. You can say all you want the STRs are no different than a long term rental. That is just absolutely NOT TRUE. The difference is in one word. CONSTANT. STRs are a constant SOURCE of nuisance because it is not a long term resident who can be reported once or twice for nuisance and conforms. The STRs have to be reported CONSTANTLY because the residents are constantly changing. And to those who think not most STRs are good and not a nuisance and can be controlled. Even if an STR is not being loud no one wants houses all over their street that is a revolving door for strangers every day. No one wants a bunch of motels on their street. We don't feel safe. And for those who believe STRs raise the value of our property.....Let me ask you if I decide I can't take it anymore living next to this monster and I decide to put my house up for sale what do you think will happen when I have to disclose what is behind me? No one is going to buy my house unless I give it away. So it does not raise MY property value. And if I don't disclose what is behind me I can get my butt sued after selling it when the new owner finds out what is behind them. Such a shame that the residents don't matter. So far comments like mine and others have fallen on deaf ears. And this one will probably be the same. ButI have to try. Our Neighborhoods are at stake.

It is so easy for you to allow STRs in our neighborhoods because you don't live next to them. Maybe there should be a rule you can only open an STR if it is next to where you live. We are the ones who suffer while you tell yourself they can be regulated. They can be controlled you say. By who I ask? Nobody believes us when we tell you they are a nuisance. The county does nothing to enforce it's nuisance laws. The county always complains it has no money or not enough man power to enforce anything. And the STR owners have no clue what goes on at their houses because they do not live next door to see anything. And no one wishes to believe us.

When the very people who are suggesting and making the rules are heavily invested in the Real Estate world and Investor world and Property Management world and the STR world and have all the power to get what they want set up then something is definitely Not Right!!!!!!

THE RESIDENTS NEED TO MATTER MOST!!!!!!!! DO NOT DO THIS. DO NOT DESTROY THE LIVES OF RESIDENTS. DO NOT TURN RESIDENTIAL NEIGHBORHOODS INTO MOTEL DISTRICTS. DO NOT DESTROY THE RESIDENTIAL NEIGHBORHOODS. . LEARN A LESSON FROM OTHER CITIES WHO HAVE TRIED TO REGULATE THEM.

Charlotte Seidnematollah An STR Victim

Kathryn Daley From:

Thursday, November 29, 2018 10:15 AM Sent:

Zoning Code Team To:

Subject: STRs

Please STOP STRS in Anaheim. We live on a quiet cul-de-sac and we'd like to keep it that way. We have friends who are dealing with an STR next door to them. The extra traffic is unbelievable-there have been large noisy parties, even weddings! And the fact that there are strangers in and out of your neighborhood on a constant basis makes you feel a bit nervous and afraid, especially for the children living nearby. Think about how you would feel to have your neighbors changing on a regular basis!

We live in a residential area, not a business area. STRs are definitely a business!!!

Kathryn and Frank Daley

Sent from my iPhone

From: Barbara Inskeep Sent: Thursday, November 29, 2018 12:25 PM

To: **Zoning Code Team**

STR'S **Subject:**

. I have paid good money to live in a residential neighborhood and do not want I live at outsiders renting out STR houses. That is what hotels are for. It has impacted the enrollment in our schools. It has impacted the townhomes because they are being taken over by STR'S. The party's and traffic it brings to the once quiet neighborhoods. I pay my taxes and we should have a voice as a homeowner NOT wanting STR'S.

Richard & Barbara Inskeep

Sent from my iPhone

From: John Lowe

Sent: Thursday, November 29, 2018 12:26 PM

To: Zoning Code Team

Subject: Sherwood Village STR Problems

My name is John Lowe and I'm the Board president for Sherwood Village HOA at Orangewood and West in Anaheim. We have had this takeover of mini hotels in our residential neighborhood since around 2014. It has been very disruptive to the quality of life for folks who assumed they were buying a house to live in, kids playing and growing up together, others growing old with their neighbors, and our general neighborhood comaraderie. Instead, the STR's have cars parked behind garages blocking access to our residents, noise all hours of the day and night, people returning from Disneyland or the Convention Center late at night with loud daytime voices, someone walking into YOUR residence because they thought they had the right house (yes this happens), screaming children, large groups of party folks in the pool with glass bottles, honking horns to "hurry" the family to the car, kids running up and down stairs annoying the neighbor with the attached wall, trash bins being filled to overflow, etc. I could give you more examples, but I believe you get the point.

I want to bring to your attention our internal problems. As an Association with rules and CC&R's, we handle our violations internally without notification to the City of Anaheim Code Enforcement team, and the city and/or county do not know how bad our problem really is on a weekly basis. We regularly have violations of our rules and CC&R's, most violations are STR's and they are repeat offenders so they are summoned to hearings (which they rarely attend), fined repeatedly, sent cease and desist letters, or they lose common area privileges.

These violations are very annoying to our community and our residents, with lodgers coming and going all hours of the day and night. We can't even have an effective Neighborhood Watch program because of all of the strangers wandering through our community at all hours of the day and night. Imagine if a visitor from another country comes to stay, has illicit contact with a child that doesn't go reported or investigated for days, and said perpetrator is already on a plane to his next country. GONE! Hotels have security systems in place to handle such scenarios, STR's DO NOT.

Hotels also have security to immediately handle unruly, loud, intoxicated visitors and will shut them down immediately. Anaheim residents only have the STR Code Enforcement team to help us. Sometimes they don't have time to help or arrive later then expected which may result in a confrontation with the visitors. These are very real scenarios that can and will happen again.

It may be time consuming but I'm going to research and tally up our internal violations and submit them to the city and county for violations since 2014. There were many violations unreported to the city and hundreds of dollars in fines. These violations continue to happen and the STR operators just pay the fines because they are making very good money running their hotel-like business in residential areas.

Please help us Orange County residents by not allowing these hotels in residential neighborhoods. If these STR operators would buy a large hotel and run a legitimate business, problem solved.

Thanks for your time,

John Lowe Sherwood Village Anaheim



From: Karen Lawson

Sent: Thursday, November 29, 2018 2:30 PM

To: Zoning Code Team

Subject: STR's

It has come to my attention that you are planning to allow STR's. I can't begin to describe how much I despise them. The block I live on is not particularly long, yet there are already 4. Parking is already tight but with the number of people renting these places it makes it almost impossible. They aren't just rented to families taking a vacation. They're rented for weekend parties, people who don't care that they are in a neighborhood where people need to sleep. I've come out to see them vomiting in the street, leave their trash and beer bottles out for those of us that actually live here have to clean up. We're the people who live here and are the voters. Attention should be paid to us and not the STR companies.

Regards, Karen Lawson Anaheim, CA Sent from my iPhone

From: Reatha

Sent: Thursday, November 29, 2018 3:59 PM

To: **Zoning Code Team**

Subject: STRS

I had a str rental next door all we had were problems 20 people on vacation partying all hours. Hanging out front smoking on sidewalk throwing their butts on sidewalk.

They are a hotel with no supervision, which shouldn't be in a residential neighborhood.

Sent from my iPhone

Ruth Moore From:

Sent: Thursday, November 29, 2018 5:32 PM

To: Zoning Code Team; mike robbins; MooreRuth

Subject: Stop STR's

Please stop all STR's. There is just too much noise, drinking, swimming pool noise, city code violations, etc.

And Anaheim has no code enforcement at night or weekends when violations occur!!!! That's like saying, "Don't break into houses, but we don't have any police at night anyway. "

People have been burnt out about calling in. They are exhausted going to the offending STR and asking for quiet. Landlords are too far away to correct the offenders. No one is in control!!

Pls stop these STR's!

Sent from my iPhone

From: Brad Moshenko

Sent: Thursday, November 29, 2018 6:07 PM

To: Zoning Code Team

Subject: Orange is the New Green/Zoning Code update

Hello, I'm a resident of Trabuco Canyon and would like to submit a comment re: Zoning Code update. I support the adoption of the Tree Preservation Ordinance as part of the Zoning Code update. I am deeply concerned for the conservation and protection of our native trees.

More importantly the COMMUNITY that lives here has repeatable shown that we dont wish for anyone to be, cutting trees, expanding the road, building track homes, building sewers, etc.

Please stop disregarding what the residence, WHO LIVE HERE, wish in their own community. Please kindly enter my comment of support for The Tree Preservation Ordinance into the records.

--

- Brad

From:

janet bieler Thursday, November 29, 2018 6:09 PM Sent:

Chang, Joanna To: Subject: Short term rentals

Hi Joanna, are we ever going to see short term rentals STOPPED. airb&b and home alone!!!! Sent from my iPhone

From: Matt Biel

Sent: Thursday, November 29, 2018 11:28 PM

To: Zoning Code Team

Subject: Owner comments re: Short Term Rentals

PLEASE MAKE STR'S A PART OF ORANGE COUNTY!

My wife and I first used VRBO eight years ago to book a home for our family reunion. It was such an incredible, family-changing experience that we now get together with our sibling families every single year all over the country, each time renting a nice house for our extended family of 16. Our experience would not have been able to have happened in any hotel. There is no kitchen and family room to gather, no living room to play board games, no space large enough for everyone to be together.

It was such an amazing experience for us that my wife, who is a stay-at-home mom raising our three children, decided that she wanted to purchase a home and provide a space like the ones we stayed in, to bring the same kind of joy to other families. The fact that she now earns money from her property investment is a wonderful thing, but the real payoff is in the dozens of notes and heartfelt letters from families just like ours, thanking her for the warm home she provided for their family bonding.

We saw, a couple of years after my wife purchased ours, many other homes start to show up on the websites for short term rentals. We both knew what would come next: Renting out a high-quality short-term rental is hard work. Some people saw it as a way to make "easy money" and were taking shortcuts. This caused problems as some of these owners would rent their homes out for parties, weddings, and fail to manage the home and fail to properly screen the potential tenants.

My wife was extremely happy about the regulations that the City of Anaheim passed. They were right in permitting the homes. Their flaw was in not enforcing the regulations they created.

There are a few neighbors that protest loudly about STRs. Claims of drug use and crime are baseless heresay and without any evidence. Meanwhile, thousands of other residents are happy about them, but they don't come to meetings. Most of us have rented an STR for our own family vacation at some point. Most of us will do so again in the future. 90% of the people that stay in our home are families. The other 10% are youth sports teams. It IS possible to rent out an excellent STR.

Our society moves forward. The same way that text messaging is a part of life today, short-term rentals are a part of the new way of life. Visitors to a city expect STR's as an option. Anaheim had 48 MILLION VISITORS last year, most in the nation per-capita by a wide margin. If STR's are not permitted, good owners like my wife will stop, but the unscrupulous owners will continue to rent their homes...where there is demand, there is supply.

The hotel industry is trying to snuff out STRs. If a family stays at a resort hotel, the resort captures 100% of the money that that family spends for the week on their vacation. If that family stays at an STR, that money is spread out over local businesses in the community. The family eats at Cortina's, shops at the mall, buys groceries at the grocery store.

I am asking you to allow STR's, embrace STR's, regulate STR's, and make sure that Orange County has amazing STR options for visitors owned by amazing owners. Like my wife.

I also have comments specific to the proposed regulations:

- 1. Making the owner notify and advise the renter that the renter is liable for violations and subject to immediate eviction is a GREAT way to help screen potential tenants. My wife already has language like this in her rental agreement and if anyone is planning to have a party, they decide it's a bad place to rent and not worth the risk of eviction.
- 2. My family of 16 rented a 4 bedroom, 2500 sq/ft house and it was plenty big for us. We had NO impact on the neighborhood as our 4 cars were all in the driveway and we were quiet and respectful. We have learned that it's not the size of the group, it's the makeup of the group. Most of our guests are traveling with small children and the little ones sleep in pack-n-plays next to their parents. Your proposal would only allow for 10 people in a 4 bedroom house. I would recommend one of these alternatives: 3 per bedroom with no additional, or, 1 person for every 150 sq/ft of permitted living space, or, 2 adults per bedroom, children are not counted.
- 3. Could you clarify the car restrictions? The way I read it, it sounds like a 5-bedroom house with legal driveway parking for 4 cars would still only be allowed to have two cars total? Is that correct? It sounds like there is a 2-car maximum, regardless of home or driveway size. If this is the case I think this will make it very difficult for tenants. Maybe instead limit it to 1 car on the street but don't limit driveway parking as long as it's legal driveway parking?

Thank you, Matt Biel

From: Scott Breeden

Sent: Thursday, November 29, 2018 8:39 PM

To: Zoning Code Team

Subject: Re: 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)

Attachments: sbcomments.pdf

Attached please find my comments on the second draft of the proposed Zoning Code update. Thank you.

-Scott Breeden

P.O. Box 663 Silverado, CA 92676

November 29, 2018

OC Development Services/Planning Attn: Joanna Chang 300 N. Flower Street P.O. Box 4048 Santa Ana, CA 92702

RE: 2nd Draft of Proposed Zoning Code Update (including Tree Preservation Ordinance)

Dear Joanna,

Here are my comments concerning the Tree Preservation Ordinance:

- (1) Eliminating the previous draft's "in-lieu fee" option for tree replacement is a good idea. By simplifying mitigation measures to either on-site or off-site replacement, the County avoids both (a) the need for a Tree Preservation Fund, and (b) potential disputes regarding the dollar value of individual trees.
- (2) Another improvement is allowing trees purchased for landscaping purposes to be exempt from the ordinance (Section 7-9-69.2(d)(9)). This is distinct from replacement trees, which are still protected.
- (3) The incentives for replacing trees with more than the minimum required are also good (Section 7-9-69.4(c)(6)-(7)).
- (4) Since the Silverado-Modjeska Specific Plan area contains many of the trees defined as protected, it makes sense for the ordinance to apply to that area. But since the environment of the adjacent Foothill-Trabuco Specific Plan area is nearly identical, the same ordinance should apply to both areas. In fact, the proposed county ordinance was based partly on language in the Foothill-Trabuco Specific Plan.

It has been suggested that a county tree ordinance should not apply to the FTSP area since the FTSP already addresses tree preservation in its ordinances. However, the FTSP ordinances were weakened in 2012 at the request of a land developer, allowing destruction of 150 large oaks which were no longer protected. This prompted tree preservation efforts at the county level.

(5) The proposed tree ordinance now explicitly states that in case of a conflict between Specific Plan and Zoning Code language, the most stringent provisions shall apply (Section 7-9-69.2(b)). This should eliminate any problem with applying the ordinance to both the Silverdo-Modjeska and Foothill-Trabuco specific plan areas.

Sincerely,

Scott Breeden

From: Janet Bieler

Sent: Friday, November 30, 2018 7:11 AM **To:** Salazar, Cindy; Chang, Joanna

Cc: Lamese Malley Jadallah

Subject: JANET BIELER - SHORT TERM RENTALS

Good Morning Ladies,

I looked over what you had sent me and I did not see anything regarding short term rentals. Did I miss it. This has become such an issue in my neighborhood that about 2 weeks ago a fight almost broke out because of the drunk'n party goers. 6 Sheriff deputies were called at the same time. This has now become a VERY serious situation and neighbors are in danger. Excessive drinking every weekend, transient people coming and going. Trash on the street, actually one of the party goes thru a full bottle of pickles over my wall. Think thats funny? If my dog had stepped in the broken glass, you can imagine what would have transpired. I can go on and on but I will save you some reading time. Please advise me of when the next meeting is regarding short term rentals and what is the time line to get this passed and implemented.

Thank you. Janet Bieler

From: Dea

Sent: Friday, November 30, 2018 8:29 AM

To: Zoning Code Team

Subject: Short term rental house comment

Thank you for allowing short term rentals to operate in Orange County! Short term rental houses are a wonderful options for families visiting Orange County and are also a benefit to the community - both in economic terms to local businesses and as an option for owners to rent out their own homes in the future.

From:

Sent: Friday, November 30, 2018 10:02 AM

To: Zoning Code Team **Subject:** Short Term Rentals

I have lived in Anaheim since 1985. My neighbors and neighborhood have proved a delightful experience. Across California concerns have been expressed in the past election regarding the availability of residential properties. By allowing neighborhood homes to become STR's this issue which is a politically active issue is hypocritically smiled at and then swept aside. There are 4 STR's within 100 feet of my house.

What was once a quiet neighborhood now thunders with the noise of vacationeers, sometimes 20 per house, pool parties, little girls screaming as they play all day, every day, and in 4 directions. Adults laughing in consort equaling the noise level of a professional football game. I taught Junior High in Anaheim for 40 years, that was tough, but living next to STR's is tougher: at least I could send them to the office when they got drunk and began screaming the F word. Build more Hotels and get these un-chaperoned transients out of our neighborhoods and back in the resort area where they belong. Perhaps you should look up the meaning of the word Zoning.

No more STR's-PLEASE!

Respectfully,

Sid Viles

From: Steve Llebaria

Sent: Friday, November 30, 2018 10:16 AM

To: Zoning Code Team

Subject: Support Short term rentals on my street

I live at in Anaheim Ca

I am completely in favor of short term rentals. The house directly across the street from me is a rental and we have never had one issue with any of their tenants. Anybody paying 1k a night for a rental usually will not be of any harm to our neighborhood.

Steve Llebaria

From:

Sent: Friday, November 30, 2018 10:41 AM

To: Zoning Code Team Subject: NO AGAINST STRs

To whom it may concern:

It came to my attention that the STR program in Anaheim is being reconsidered. I BEG you not to do this! I live behind two STRs as my address is 1574 W. Pacific Pl. I have put up with the noise and congestion for years now and I thought that they were being phased out, so I have not complained—I thought that the issue was resolved, but I guess it is back. Each of the homes behind me have the capacity of 15-18 people. They are constantly in pool yelling and screaming on any given day and it is year round as the pools are heated. This is not typical of a normal neighborhood. It is like having a kid's birthday party in my backyard every weekend and on any given weekday. It is multiplied for us as there are two right behind us. The vacationers come to have fun and have no regard for the residents and how it affects their everyday schedule. There is no one to talk to as the owners of the homes behind us just ignore us. For example, I have asked for an entire year for them to redirect the lights that shine into my house and they have yet done anything about it. I have texted them and reached out to code enforcement, but nothing has been done. I work from home and have had to go to the homes and ask them to be quiet as I cannot work. I have been yelled at, cussed at, and at times afraid for my safety.

Please do not allow STRs!

The feel of my neighborhood has been changed. There are no more trick or treaters and limited houses decorate for Christmas. Approximately one third of the houses in my neighborhood are rentals and it is just too much. We are no longer a neighborhood but a stangerhood. If I would have know that STRs would be allowed in Anaeheim, I never would have bought in Anaheim 15 years ago. Unfortunately it seems as if the Anaheim City Council is more concerned about investors (who do not live in Anaheim and would never allow this in their own neighborhoods) than the residents that live here. Also, isn't this adding to the housing crisis??

So, please no STRs!!!

Sincerely,
Diane Christian

From:

Sent: Friday, November 30, 2018 10:56 AM

To: Zoning Code Team **Subject:** NO STRs in Anaheim

Please do not reverse the decision to have STRs in Anaheim. They are a nuisance to the residents of Anaheim and should not be allowed! They have taken over our neighborhoods and the residents are at their mercy. Please do not allow STRs in Anaheim.

Thank you! Diane

From: Bruce Budovec

Sent: Friday, November 30, 2018 5:58 PM

To: **Zoning Code Team**

STR's **Subject:**

Follow Up Flag: Follow up Flag Status: Flagged

No to STR legalization in Orange County. They create unrest and disgruntled neighbors when there is a motel like atmosphere nearby. Parking invariably becomes an issue and short term "renters" are frequently disrespectful to the peace and quiet of a traditional neighborhood. NO TO STR's.

Sent from my iPad

From: Michael Iwai

Sent: Friday, November 30, 2018 9:59 PM

To: Chang, Joanna

Subject: Short Term Rentals (STR)

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Ms Chang,

Thank you for returning my call and answering my questions.

I would like to share my concerns about STR existing at 9261 Greenwich Lane, Anaheim 92804 and possible future STR in my neighborhood. I have signed a petition to ban STR in my neighborhood. The petition was brought to my attention by the homeowner who lives directly behind the aforementioned STR at 9261 Greenwich.

She has lived 30 years in her home and the last 3 years with the STR behind her house has ruined her life. The loud party noise at night from people who are paying a lot of money to have a good time. Here today, gone tomorrow and hopefully, back to their quiet neighborhood.

My concern is the house next door at 9791 Messersmith Ave had an estate sale this week and will likely be for sale in near future.

My concern is STR with restrictions do not equal a family who goes to work everyday and desires a quiet and safe neighborhood to come home to every night. Bad neighbors are the worst thing to ruin a person's life: my experience before I came to our wonderful neighborhood in 2009.

Please let me know the status/banning of STR in my neighborhood.

Thank you for your time and consideration.

Sincerely, Michael G Iwai

Section 3 - Public	Comments rela	ated to misce	llaneous/multi	ple topics

From: rnelson@fcahome.org

Sent: Thursday, November 29, 2018 5:58 PM

Zoning Code Team To:

Cc: Spitzer, Todd [HOA]; Kevin@p3plgemwbe03-04.prod.phx3.secureserver.net;

kricelaw@yahoo.com

Subject: FCA comments on Orange is the New Green **Attachments:** FCA comments on Orange is the New Green.pdf

Please see attachment Richard Nelson

Foothill Communities Association



Serving the Entire Unincorporated North Tustin Area
Post Office Box 261 • Tustin, California 92781

November 29, 2018 OC Development Services/Planning

Via email: OCZoningCode@ocpw.ocgov.com

Re: Comments on the proposed Zoning Code update

Foothills Communities Association (FCA) has the following comments regarding the second draft of the proposed Zoning Code update, "Orange is the New Green." FCA is pleased that the proposed Tree Preservation Ordinance is no longer applicable to the North Tustin area. We will restate our comments from our June 25 letter that use classification are overly broad and introduce uses that are not compatible with residential districts. Uses not now permitted in base districts in North Tustin would be permitted with a use permit. The North Tustin community is nearly built-out, and any infill development, using the proposed zoning changes, would have a negative impact on the surrounding residential area and possibly the entire North Tustin community. FCA is concerned with the base districts in North Tustin—primarily E4, R1, RHE, and AR. FCA has the following specific concerns:

- 1. Community Assembly Facility: Currently the Zoning Code allows "Churches, temples and other places of worship" and "Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs" with a Use Permit. Proposed uses within this classification include community centers, banquet center, civic auditoriums, union halls, and meeting halls for clubs and other membership organizations. These uses would not be compatible with the surrounding residential areas in North Tustin.
- 2. Cultural Institutions and Facilities: Presently public libraries and museums are allowed with a site development permit. The proposal will add "performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences ... aquariums; art galleries; and zoos." The added uses do not appear compatible with residential use and only require a site development permit.
- 3. Commercial Entertainment and Recreation: None of the proposed uses whether large-scale or small-scale are appropriate in North Tustin residential areas and are not presently allowed. Large-scale. Large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 5,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; etc. This classification may

include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. Small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

4. Commercial Nursery and Garden Center: Currently the AR district allows wholesale nurseries with a site development permit. Permanent facilities for sale of agricultural products grown on the site requires a use permit. The proposed update allows for retail nurseries with only a site development permit: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. FCA does not believe the proposed uses described in this paragraph are compatible with our residential and nearly built-out community.

An alternative would be to exempt existing, largely built-out residential communities from the new zoning changes. If a new development is in a large green field area, there would be less concerns from residents living next door. Making the minimum development size to be 100 acres would exempt North Tustin, which is over 4,000 acres, is largely built-out, and has no such available property sites.

Another alternative would be to not change the zoning code but include the zoning revisions proposed in zoning in the "Orange is the New Green" as a planned development concept to be applied to developments in lowly-populated areas and not in largely-developed communities.

Thank you for your consideration of our comments.

Sincerely,

Richard Nelson, President

RONalson

FOOTHILL COMMUNITIES ASSOCIATION

rnelson@fcahome.org

714-730-7810

CC: Supervisor Todd Spitzer, 3rd District Planning Commissioner Kevin Rice