

From: [Comment](#)
To: [Brenda Wisneski](#); [Martha Ochoa](#)
Subject: FW: Planning commission 6/10/24 34572 Camino Capistrano
Date: Monday, June 10, 2024 4:25:20 PM
Attachments: [CC letter to planning commission re ADU permit.docx](#)

Shayna Sharke, CMC

City Clerk | City of Dana Point

From: Capo Cares <capocares@gmail.com>
Sent: Monday, June 10, 2024 4:06 PM
To: Comment <Comment@DanaPoint.org>
Subject: Planning commission 6/10/24 34572 Camino Capistrano

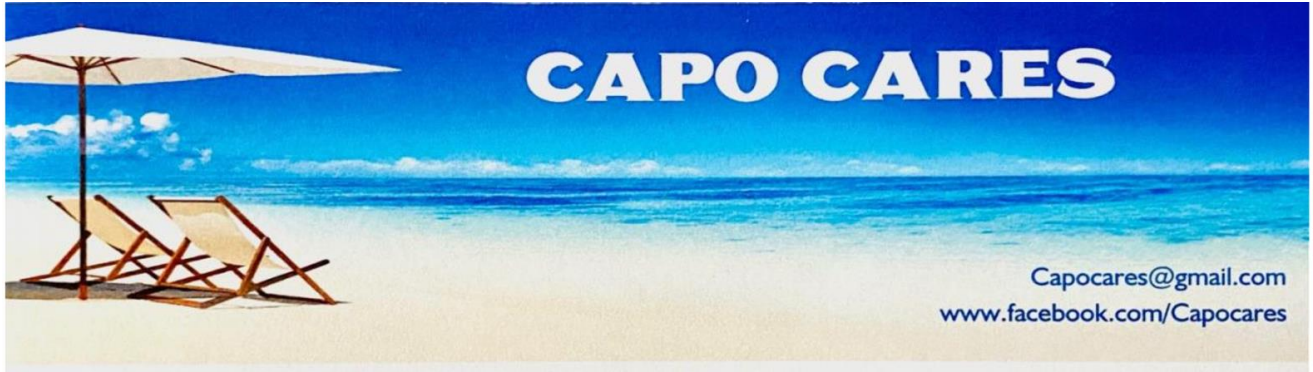
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My apologies for this late email. I was told this item was going to be deferred to 6/24. I'm out of the country and hope you can get this to the Planning Commissioners in time for tonight's hearing.

Thanks Shayna and best regards,

Toni

Sent from my iPhone



June 22, 2024

To: Dana Point Planning Commissioners

From: Toni Nelson, Capo Cares

Re: Site Development Permit SDP23-0033 334572 Camino Capistrano (APN: 691-38-06)

I will unfortunately be out of town for your hearing on the above noted site development permit but would like to pass on a number of neighborhood concerns of which I am aware. Neighbors on Via California and Camino Capistrano reached out to Capo Cares seeking help in asking the City to respond to many code enforcement complaints that had been filed concerning a problematic Short Term Rental permit holder. They expressed concern about speaking out publicly because of perceived intimidation and threats of reprisal. (You may find that you receive more letters than public comments on this matter because of similar concerns.) I asked for a private meeting with neighbors and Jeff Rosaler in his role as head of Code Enforcement at the time. Brenda Wisneski also attended the meeting. I am confident that staff can provide evidence to shed light on some of these claims and I have every confidence that all parties will be treated fairly. My impression was that this was not a case of a personal dispute with a single party, but rather a pattern of behavior that had serious consequences for multiple property owners and renters.

The subject property is currently described as 34572 Camino Capistrano, but this appears to be a new address. Please note that prior to the current year, the property was described as 34570 Camino Capistrano **and** 26122 Via California. I remember discussing the dual address at the time, but do not recall how or why that occurred. This third house number adds to the confusion. I suggest that you ask staff to retrieve a thorough code enforcement history for all three property addresses because there was a very thick file of correspondence and violations.

I'm passing on this information in the hopes that staff will conduct a thorough investigation. Much of my information is not firsthand, but I feel the Planning Commission should be aware that there is a long history of complaints. I am hoping affected neighbors will send letters or comment publicly to provide more details and evidence, but I am confident that much of that can be found in code enforcement files.

In my opinion, the site development permit should be denied for the following reasons:

1. **Parking Issues.** The subject property appears to already consist of 4 existing dwelling units and has a history of presenting parking issues for the neighborhood. This one property allegedly requires parking for up to 4 vehicles for the owners, 5 vehicles for one of their tenants, and other vehicles related to a sublet. Adding to that is the parking for short term rental guests allowed under an existing legal permit, and (allegedly) additional parking for illegal short term rentals. (The neighbors had evidence of advertising of a second permit at the same property, apparently using the second address). Since the short term rental permit requires two on-site parking spots, and the garages facing Via California are apparently used for storage and not cars, the conversion of another potential garage to an ADU seems to not only exacerbate the issue but also push the STR permit out of compliance.
2. **Safety Issues.** The lack of parking has apparently led to safety issues for the neighborhood. Neighbors complained of vehicles blocking the sidewalk, including the ADA access ramp on Via California and a nearby fire hydrant. This is a fairly busy intersection in Capistrano Beach since both Via California and Camino Capistrano are main thoroughfares into the Palisades. In addition, the streets are actively used by pedestrians on a daily basis, including those with strollers or dogs. It is vital that residents can navigate sidewalks safely in the neighborhood.
3. **Possible Zoning issues.** The subject property may already exceed the allowed units on a nonconforming residential property. It appears that 4 dwelling units already exist. The proposed ADU would make a 5th unit in a property surrounded solely by single family homes and duplexes.
4. **Construction and Tenant complaints.** During the code enforcement meeting, there were many complaints of construction without permits or which violated the parameters of permits, including complaints of construction after hours, and workmen sleeping overnight on site. Neighbors expressed complaints about the character and behavior of some of the workmen and even some of the tenants, leading some to fear the impact of yet another construction project and tenancy at this property.
5. **Exterior maintenance and safety issues.** The exterior of the building is a source of neighborhood consternation because it is covered in several shades of faded paint and there is clear evidence of patching and non-aesthetic (and potentially substandard) workmanship. The easement area is unsightly, with a combination of poorly laid artificial turf and, for more than a year, an unfinished section covered with black tarp held down by loose bricks which are a potential walking hazard. The property is not maintained to the standard of most homes in the area. Crowding yet another tenant into this building seems out of synch with the character and quality of the neighborhood. Neighbors are hoping that the revised general plan will establish new codes to ensure that property owners maintain good maintenance and safety standards to help preserve surrounding property values.

My impression at the meeting was that the property owner seems to have created some serious disharmony and consternation in an otherwise very peaceful and cooperative neighborhood. Many of the complaints appear to have gone unabated. The property may be out of compliance with short term rental parking requirements, and perhaps other city codes. Even without these other factors, eliminating potential onsite parking to add yet another dwelling unit will inevitably lead to even more parking and safety issues for residents on Via California and Camino Capistrano. Street parking should be available on a reasonable basis to the entire

neighborhood for visitors and tradespeople. It is very unfair to the neighborhood when one property absorbs much more than its fair share of city resources.

Thank you for considering these comments. I am hopeful you will deny this permit.